

from the British Prime Minister Sebastiano Maffettone (Bruxelles conference Spring 2011)

“From Liberal Multiculturalism to Multicultural Liberalism”

Section 1: The Nature of the Problem

The last European authoritative expression of retreat from multiculturalism came David Cameron. In his speech at Munich Conference (Feb. 2011) Mr Cameron formulated a wholehearted rejection of “the doctrine of state multiculturalism”. In his words:

“...I believe it is time to turn the page on the failed policies of the past. So ... *instead of encouraging people to live apart, we need a clear sense of shared national identity that is open to everyone.*”

Cameron’s criticism is framed as a defence of a neutral and liberal-democratic national identity against the “separatist” attacks moved by multiculturalism. In this period, Mr Cameron has been in good company. His own political position on multiculturalism –since then- has been substantially endorsed by the German Chancellor Merkel and the French President Sarkozy. Moreover it has been preceded by a substantial amount of similar criticism recently formulated by many Western governments including the ones of Holland and Australia, countries that were before among the supporters of multicultural policies. In the last years, the public crisis of multiculturalism has been confirmed by numerous media attacks and government Reports. Moreover, both political, bureaucratic and media harsh criticisms of multiculturalism seem to correspond to widespread popular sentiments and to the electoral behaviour of voters.

Of course, reasons behind political and media strategies can be also motivated by tactical needs. For instance, one can imagine that Cameron and other politicians

are making an attempt to distance themselves from the past to be more in tune with the expectations of a fluid electorate which is supposed to be anti-multicultural. If we stay within a tactical interpretation, the backlash of multiculturalism in the West would merely depend on the political cycle -caused by a simultaneous increase in unemployment and immigration- having no particular theoretical implications. This purely tactical view can however be hardly defended if we consider the intellectual and emotional width of the phenomenon and the huge number of criticisms to multicultural liberalism that have been contemporaneously presented from a theoretical point of view (see Section 3 forward)¹.

This recent anti-multiculturalism contrasts with the traditional sympathies with whom multiculturalism was received until about ten years ago. Many citizens of the West became friends of multiculturalism with the hippy generation and the pro-third-world attitude of 1968, by looking the photo reportages of Sebastiao Salgado, by traveling in India and South America, by dreaming Africa and California, by going through the train stations and airports of cosmopolitan cities. In the West, multiculturalism as cultural strategy and platform for policies has about 40 years of history, inaugurated by Trudeau in Canada following US trends, then adopted by Australia, and in the eighties by UK, Holland, Germany and so on. In its general meaning, multiculturalism can be taken a positive response to the claims of the age of “identity politics”, in which minorities demand forms of recognition, such as language rights, cultural or religious autonomy, regional self-government, or increased political representation. For obvious reasons, the peak of this identity politics has coincided with the fall of communism in 1989, and with the progressive sunset of class politics. It is plausible to argue –in the light of the recent evidence- that European governments, their public opinion and more generally the most traditional liberal-democratic countries are moving against multiculturalism in the

¹ A consequent problem concerns the way in which we are supposed to put in touch the empirical side of the backlash of multiculturalism and the theoretical discussion.(see Jopke 239, see also Levy 2000). Multiculturalism is together a description of attitudes and policies and a normative project. I will not discuss however this specific problem here, being content to say that critical political theory follows here critical political practices.

last ten years. There is a widespread shift of sentiments involved in this supposed backlash of multiculturalism².

The atmosphere of sympathy of once is not the same in the last period, and coherently it is more difficult to enforce public policies inspired by multiculturalism. Still, it is unclear what properly means to be multicultural. There are many ways to be multicultural and correspondingly to deny this very possibility. In the paper, I will argue that to be multicultural in a sensible and right way one must first be liberal. More generally, in my opinion liberal-democracy is a precondition for sound multiculturalism.

It is quite natural to ask what is the substance matter of this supposed crisis of the practice and the theory of multiculturalism. Both practice and theory of multiculturalism traditionally concern three basic issues:

- (i) Ethnic, linguistic and religious minorities within a state like Quebec in Canada and South Tyrol in Italy;
- (ii) Indigenous people like Australian aborigines and American Indians;
- (iii) Migrants like people from North Africa in continental Europe and latinos in US.

Now, the first and important point in this light consists in noting that in the last years there have been no particular problems in connection with sub-state minorities and indigenous people. Words like retreat, backlash and crisis apply to multiculturalism only if we have in mind the third option, that is the case of migrants. For sub-state minorities and indigenous people there has been nothing similar.

Assuming that this conclusion is reasonable, and that we have main difficulties with multiculturalism when migrants are at stake, we can make another step. We can note that the timing of the supposed crisis of multiculturalism in the West

² honestly admitted by theoreticians, see K., "The Rise..." 32,33).

corresponds to the after September 2001 widespread Islamophobia. There seems to be a connection between the crisis of multiculturalism and the “complicate” relationship between Westerners and Arabs and more generally with Muslims after 2001. Which means that we could concentrate the investigation focussing on the Muslim minorities in the Western world in particular Europe, like are for example Arabs in France and in Southern Europe, Turkish in Germany, other Asian Muslims in North Europe and UK. In so doing, of course one does not capture the whole meaning of the problem concerning multiculturalism today, and for example does not consider the role of latinos in US, of Samis in Northern Europe and of Chinese in East Asia, but surely can grasp a substantial part of the popular shift from more to less multiculturalism in theory and practice.

On this basis, I will mainly discuss the multicultural attitude of liberalism and its supposed crisis in the light of the problem as specified by the presence of Muslim minorities in Europe. The discussion will be kept within the limits of a political philosophical point of view. In Section 2, I will present an articulated conceptual framework concerning the treatment of Muslim minorities (actually I concentrate upon Arab minorities). I claim that from a normative point of view there is a convergent interest –if we assume a Muslim and a Western observer- to respect minimal liberal-democracy when multicultural problems are at stake. Muslims and Western observers can share this horizon.

Sharing this horizon is the consequence of a sort of “overlapping consensus” between the two observers here at stake³. If however a limited overlapping consensus is the form in which we can imagine an Arab and a Western observer could agree on some basic principles of liberal-democracy, the content of their agreement must be defined in other terms. In the final part of Section 2 and in Section 3, I advance the hypothesis that this content can be understood in terms of “public reason”. To be more precise, I imagine two different conceptions of public reason, the first being

³ On this interpretation of the notion of overlapping consensus, see Rawls 1993 (1996) and Maffettone 2010

weaker and the second stronger. This distinction is based on the nature of the consensus on liberal-democracy in the universes to which I am referring, the Arab and the Western. In both cases, public reason aims to reunite –only in limited areas when fundamental public issues are treated- citizens divided by different comprehensive doctrines. My interpretation says that this unifying role of public reason can be twofold, depending on how much of liberal-democratic rules of the game the citizens are supposed to hold in common. The older and firm is the tradition and the respect of liberal-democracy, the stronger can be the consensual basis for public reason.

This is why there are differences when one takes in consideration the distinction between Western and Arab countries. In liberal-democratic Western polities it is usually possible to get a stronger background consensus on public reason, and consequently to advance more intense liberal-democratic claims than in the Arab polities. This is so because in the West pluralism is constitutionally defended in a more robust way.

This background framework –with the form of an overlapping consensus on a different amount of public reasons to share- is intended to show the way in which the qualification “multicultural” requires a preliminary liberal platform to be properly understood and applied. In particular, I identify three levels of liberal-democracy: level 1 concerns minimal liberal-democracy; level 2 Western like liberal-democracy; level 3 pluralism. Arabs and Westerners are supposed to share an interest, in conditions of overlapping consensus, for keeping alive level 1, whereas Westerners defend level 2 when discussing home features in which background public reason can be stronger. Level 3, namely pluralism, depends on levels 1 and 2.

The supposed crisis of multiculturalism seems to depend on the fact that multiculturalism itself can weaken the defence of these levels of liberal-democracy. To put it bluntly, many Arabs think that they cannot even speak of minorities and multiculturalism until when they would have got level 1. Even a relatively weak

convergence on public reason seems problematic for them living in situations in which often liberal-democratic citizenship is denied⁴. Public reason exists to defend pluralism, and pluralism is somehow incompatible with a collectivist view of Muslim *umma*. Westerners instead are afraid that by conceding too much to the claims of minorities and to multiculturalism –in particular if these minorities are inspired by Muslim comprehensive doctrines- they can jeopardize their level 2 of liberal-democracy. Their strong consensus on basic public reason can be jeopardized. According to this opinion, Muslim political culture, being sometimes substantially pre-modern, does not permit the flourishing of a robust public reason⁵. Previous equilibrium points, like liberal multiculturalism, do not seem, to the eyes of many Westerners, adequate to protect from these widely perceived risks.

In Section 3, the idea of a “multicultural liberalism” is analysed and defended contrasting it with “liberal multiculturalism”-. In the first part of the Section, I give a comparative quasi-semantic definition of the terms “liberalism” and “multiculturalism” highlighting the differences between the two notions. This taxonomy permits to make sense of the best attempt to reconcile the terms which is probably the one provided by Will Kymlicka that I label here “liberal multiculturalism” (LM)⁶. Then I try to examine in the light of some well known criticisms to LM the main responses by the advocates of LM. In the concluding remarks, I note that some perplexities for what concerns LM are still present and I propose an alternative view, labelled here multicultural-liberalism or ML, where the emphasis evidently is on the necessary priority of liberal-democracy to get sound multiculturalism. This conclusion seems coherent with what is said in Section 2. In other words, the supposed crisis of multiculturalism has a lot to do with the difficult relationships between Arabs and Westerners in particular in Europe. Their reciprocal concerns however –if properly investigated- do not focus on cultural difference in

⁴ For “public reason” see books quoted in Note 3

⁵ Of course, this Western view is reinforced by Islamic radicals like the Egyptian Al Qutb (2000) and the Pakistani Mawdudi

⁶ See Kymlicka 1989, 1995 and

itself but rather on a kind of liberal-democratic deficit that both Arabs and Westerners perceive behind their respective institutional structures. This deficit can be analysed in terms of a weakening of the background consensus on public reason when multiculturalism is not opportunely qualified –a public reason which is stronger in the West than in the Muslim world- in both kinds of societies.

Perhaps, it is even superfluous to close this section by arguing that my claim in this paper does not pretend to be neutral, both culturally and politically speaking, from a global point of view. The whole argument, on the contrary, is framed in terms of Western philosophical liberalism.. Before maintaining that this point of view-the one in which the West presents the scheme the others are supposed to accept- is neither fair nor empirically plausible, one should to think about two main characteristics of my proposal. First, I divide the world in two parts, the liberal-democratic Europe and the less liberal-democratic Arab world. The division of course can be extended to the political structure of the whole planet even if, in these terms, it is not treated here. Within this limit I claim that to have minimal liberal-democracy is of general interest in both parts. The distinction comes afterwards, when in the more liberal-democratic Europe a stronger level of public reason is defended. So, if non liberal democratic groups and individuals offend minimal liberal-democracy they are responsible of breaking the world order both in Europe and in the Arab world. Breaking a stronger view of liberal-democracy and public reason, is instead relevant only if we take in consideration Europe (and the Western world). Second, my starting point coincides with a crisis of multiculturalism concerning in particular Europe. If this retreat is not dependent on merely empirical matters, like growing unemployment, than ideological factors have some relevance. Within the range of these ideological factors, I think that in Europe the fear of an attack to public reason by minorities someway connected with the Islam is a popular and significant aspect of the widespread anti-multiculturalism. If this is true, like I believe, then the attempt to put some liberal conditions to weaken this fear is particularly important to block the

growing wave of anti-multiculturalism. Which means that, in the long run to put liberal conditions on minorities is in their interest.

Section 2 Arab Minorities and Liberal-democracy

The problem of Arab minorities can be investigated from different points of view. It is matter of further concern to understand whether and why these points of view – reflecting different situations- can be coherently treated. Before going into this, however, we must clearly state what are these different points of view, given the binary vie I have assumed. Not surprisingly, they are:

- i. The perspective of a Western observer concerning an Arab minority within a liberal-democratic Western country;
- ii. The perspective of an Arab observer concerning an Arab minority within a liberal-democratic Western country;
- iii. The perspective of a Western observer concerning an Arab minority within an Arab country;
- iv. The perspective of an Arab observer concerning an Arab minority within an Arab country;
- v. The perspective of a Western observer concerning a non-Arab minority in an Arab country;
- vi. The perspective of an Arab observer concerning a non-Arab minority in an Arab country;

For simplifying, I avoided to take in consideration possibilities beyond the Arab-Western couple of observers, taking Arabs as test-case instead that a more general Muslim option and excluding for example even important perspectives like Asian Muslims'. I also –and for the same reasons- assumed that all Arab observers are Muslim (or at least serious influenced by a generic Islamic doctrine) and that all Western observers are not Muslim. Moreover, even more unrealistically, there is no

distinction between Sunni and Shi and the Arab Muslim doctrine here considered is a vague and generic Islamic form of background culture. Finally, there is the qualifying determination “liberal-democratic” before “Western country” in the here above list. It must not be taken as saying that all Western countries are liberal-democratic and all the Arab countries are not so, but rather as a simplification strategy to keep the number of variables minimal.

Under these assumptions, it is fair to split the camp in two parts: what happens in the liberal-democratic West, say Europe (which is the core of my argument); what happens in the Arab world (that I am not discussing here if not occasionally). Minorities are here always discussed under this binary framework. Now, it is clear that this move is controversial, because how can we suppose that –even if we concede that the people can be indifferent toward the ethnic or religious specifications of a minority (whether for example it is Arab or not)- there is no difference between the Arab and the Western observer? Indeed, to accept this we must make a tremendous tour de force. In other words, this similarity of perspective can be taken seriously if and only if we make strong assumptions on the normative side of the approach.

Form the normative point of view, we can suppose that liberal-democracy offers a privileged position that we are universally invited to accept. Of course, one knows that there is not only one liberal-democracy but several and that many people would endorse forms of liberal-democracy different from the traditional Western one. Still, normatively, we can pivot our pluralistic approach around a fixed point which consists in a priori approving one ideal form of liberal-democracy. In other words, it seems that generic liberal-democracy is a pre-condition for pluralism and consequently for multiculturalism. This form of liberal-democracy will be thin and weak. I have in mind under the universal acceptance of liberal-democracy only the

general agreement on the fact that we prefer a society in which some basic human rights are respected and some consultation procedures are observed ⁷.

If we assume the normative priority of liberal-democracy in this minimal form, then we get a vantage point of view in our conception of pluralism. To put it in Rawlsian, we can accept that there are limits to admissible pluralism and that these limits are oriented by the prior legitimation that the common liberal-democratic horizon offers ⁸. In my interpretation, this legitimation presupposition offers the possibility of the coexistence within it of different justifications. These justifications will refer only to “reasonable comprehensive doctrines”, the required reasonableness being given from the fact that all the justification bearers accept the common normative standpoint of liberal-democracy (albeit in a partial and limited way). Continuing with the Rawlsian terminology, in these conditions a fusion of horizons based on an “overlapping consensus” becomes now plausible. Different people, with different beliefs anchored in alternative worldviews, nevertheless can converge on limited political pre-conditions concerning liberal-democracy.

An overlapping consensus, however, presupposes a basic structure like the liberal-democratic nation-state. How can we expand overlapping consensus outside this domain, moreover going from the institutional original meaning of the expression to the new cultural sense of which we are discussing here and now? After all, what is at stake is the possible and plausible convergence of two different perspectives: the Westerner and the Arab. And there is no doubt that the original overlapping consensus concerns a largely less vague post-constitutional agreement upon the reasons for which in liberal-democracy we can accept the force of the state even when we disagree with the reasons motivating it. We need a further step toward the possible and plausible convergence of the Western and Arab perspectives on minorities, before we proceed to investigate how this convergent standpoint can

⁷ a society that is “decent” in the Rawlsian sense, see Rawls 1999

⁸ See Maffettone 2010

constitute a basis for examining the twofold case of minorities in the West and in the Arab world.

This further step can be offered from that Kantian device Rawls calls “conjecture”⁹. In Rawls’ theory of public reason, “conjecture” appears as one of the forms in which comprehensive doctrines can be used without violating the limits of public reason (other forms being “declaration” and “witnessing”). In case of conjecture, “...we argue from what we believe, or conjecture, are other people’s basic doctrines, religious or secular, and try to show them that, despite what they might think, they can still endorse a reasonable political conception that can provide a basis for public reason”¹⁰. By conjecturing we put ourselves in the others shoes, trying to show how their views fit the requirements of public reason being compatible with a political conception of liberalism. This move is here needed because the Western and the Arab observer are empirically nourished by different background cultures. The normative approach, so conceived, provides a reason for stating that all the participants to this ideal dialogue share a common interest for liberal-democracy. This political common basis trumps several distinctions originated in the background culture permitting a limited overlapping consensus. For the same reason, we can imagine that the Arab and Western observer can converge and constraint their differences coming from their alternative background cultures when fundamental political items are at stake.

The further step consists in assuming that minimal liberal-democracy is part of the shared political culture. In so doing, I imagine a division of labour. Both the observers, the Arab and the Western, share the minimal liberal-democratic political part, whereas they are divided by their respective general comprehensive doctrines. On such a basis, it is possible to conceive of some basic rights that both observers, the Arab and the Western, would like to be respected everywhere when they think of multiculturalism. This means that these rights are conceived of as a priori constraints

⁹ March 2009

¹⁰ See Rawls’ “The Idea of Public Reason Rvisited” in Rawls 1999, pp 155-6

with respect to the policies that Western and Arab polities are authorized to implement. The implication for the discussion upon minorities is that both observers, the Arab and the Western, should welcome treatments of minorities that respect basic rights and favour consultation procedures.

Analogy tends to stop here. For, under our assumptions Western states are more robustly liberal-democratic. This implies that in the Western environment there could be a stronger claim to protect liberal rights and democratic procedures than in the Arab environment. I maintain that it is normal to argue separately about these two issues, keeping the shared minimal liberal-democratic perspective of the observers. The way in which we can separate these two environments does not concern the form of the overlapping consensus, but rather the content on which this consensus insists. This content can be defined in terms of public reason.

Rawls' public reason does not concern a determinate object, but rather the limits of the public debate when fundamental questions are at stake within a liberal-democratic society. From this point of view, public reason is the reason of the citizens, being public in three ways: (i) as reason of the citizens, it is also the reason of the public; (ii) its subject is the good of the public when constitutional essentials and matters of fundamental justice are concerned; (iii) its nature and content are public in so far they are provided by the political conception (PL 213). Public reason concerns the constraints upon the way we address each other in liberal-democracy. The first constraint imposed by public reason is an institutional one. There are many political topics which are not included in this domain. Public reason does not apply *prima facie* to the cultural debates that, albeit politically significant, take place outside these institutional constraints, such as those that take place in churches, families, universities and other associations. All these non-public debates are part of the "background culture". The criteria of public reason do apply, on other hand, when we have political deliberations in "public forums" and, more controversially,

when citizens discuss about voting and more generally about constitutional essentials and matters of public justice (PL 215)ⁱ.

There are also two different ways in which public reason can be understood. In both ways, the role of public reason is analogous. Public reason is always functional to keep citizens united over fundamental issues of justice in conditions of substantial pluralism. So conceived, public reason is always a virtue of liberal-democratic citizenship that emerges when diversity is at stake. The two ways in which it can be understood depart from this common function. In the first, more robust interpretation, public reason depends on a strong point of view from which controversial issues concerning basic justice must be evaluated. In the second, less robust interpretation, public reason depends on the mere convergence of different points of view. From a historical and interpretive perspective, one can maintain that countries of antique and firm tradition of liberal-democracy tend to adopt the first more robust interpretation of public reason, whereas other countries the second less robust interpretation.

An immediate consequence of this reasoning, consists in saying that often Western countries adopt the stronger, conception of public reason whereas Arab countries aim to reach the weaker, conception of public reason. To grasp the difference and the similarity between these two environments, we can think of a metaphor like the following. Imagine a wall in a museum. Upon the wall there is only one framework that can frame one picture at time. Within the metaphor, we have three levels: level 1 is the wall, level 2 is the framework, level 3 the picture. Now, level 1 represents the general conceptual space of minimal liberal-democracy. In it, just some basic rights and vague consultation procedures are significant and valid. At level 2, instead, rights and democracy get a further implementation, oriented to the tradition of Western liberal-democracy. Level 3, finally, gives conceptual space to the fact of cultural pluralism: on the same museum wall, within the same framework many pictures are supposed to change. The three levels, all together taken, represent the conceptual space of pluralism in liberal-democracy at different stages. We assume that both the Arab and the Western observer share level 1, or in other words that they

share a political culture in which –from a normative point of view- basic rights and minimal democracy are embedded. Both can get at this level what we called the convergence view weaker form of public reason. The analogy, however, ends with level 2, where a Western liberal-democratic institutional background provides a unifying framework that does not exist in the standard contemporary Arab world. This unifying framework coincides with the adoption of a stronger, form of public reason¹¹. As far as the level 3 is concerned, we can instead imagine that the single pictures represent several cultural minorities.

Out of metaphor, this means that –when we have in mind the treatment of minorities- we can conjecture similar attitudes of both observers, the Arab and the Western, for what concerns the general respect of basic rights and minimal democracy (at level 1 before). This level coincides with the acceptance of a weak view of public reason based on the mere convergence of different perspectives. When we however discuss the problem in the environment of Western liberal-democracy we can advance stronger liberal democratic claims in agreement with a more robust view of public reason. (level 2). Less robust liberal-democratic claims instead can be advanced if we discuss minorities in the Arab environment.

It is natural to ask what are the consequences of this dual system. Note that the one I have imagined is an inclusive duality. Western societies are supposed to share – albeit in a differentiated way- level 1 and level 2 of protection, whereas Arab (Muslim) societies are supposed either to share level 1 or not even it. In this second case they are “before” justice, and the minority cultures problems are not seen at all. Assuming however that they (the Arab societies) share level 1 of protection, in what does consist the main difference of protection with Western societies? Basically, the difference I see is that they share a more restricted normative plateau. This normative plateau may be seen as similar to the content of basic human rights. In Western societies instead we pretend much more. If acceptable, this distinction would be of

¹¹ for the meaning of this distinction I refer to Macedo (unpublished paper and personal communication) .

paramount importance. For, the minimalist human rights-like normative plateau –that is the concern of the Arab societies as here imagined- is matter of international concern. The violation of its main rules is not an internal affair of the states, but rather it is something the international community will take in serious consideration and will provide for in ways to be decided case by case. On the contrary, the more pretentious Western platform of rights is –in standard cases- defended by the states as representatives of their citizens. The crisis of multiculturalism in the West depends – in my interpretation- on the fear Western population nourish that migrants (in particular if Muslims) will violate their ambitious system of rights. This system is connected with a robust view of public reason. Now, the way in which I see the conflict between respect for pluralism and fear for the related risks in the West is roughly game-theoretical. We can imagine a *tit for tat* situation, in which Western societies are ready to accept pluralism for migrants but only if migrants themselves are inclined to accept prior basic liberal rules of conduct. As a consequence, states will propose to the representatives of migrants an offer including some liberty rights under the conditions that they will respect some prior conditions of adequacy with respect to the rules of the game as seen by a Western liberal-democratic society. This strategy exemplifies the main difference between LM and ML: as we shall see LM is ready to give rights before hoping for adaptation to them by the migrant (minority) population later: ML instead implies that the state bargains in name of its citizens: migrants will not get some rights if not through a prior commitment to respect of public reason.

Section 3: Toward Multicultural Liberalism

3.1. From LM to ML

In this Section, I argue that the traditional reconciliation between the claims of liberalism and the claims of multiculturalism does not work. This traditional

reconciliation is here identified with liberal multiculturalism or LM. On the one side, it seems that LM is not able in particular to cancel Western fears of ceding too much of their countries level 2 of liberal-democracy –and coherently of their strong notion of public reason- if confronted with significant Muslim minorities. On the other side, also in Arab countries liberal-democratic citizenship coherent with level 1 above presented –and necessary to hold a weak view of public reason- seems to many a necessary premise for accepting multiculturalism. On this basis, I propose multicultural liberalism or ML as an approach that better fits these needs. To reframe the thesis within the dictionary of public reason, one could argue that the challenge of multiculturalism –we are discussing in this conference- can be re-proposed in the West –and in Europe as a sub-case within the West- as a challenge to a more robust, form of public reason. Western countries are afraid of the multicultural challenge because they fear that the differences it introduces in society can be too violent to permit to keep alive the strong conception of public reason they normally adopt in their liberal-democratic citizenization. LM does not give a sufficient response to this perceived danger, whereas ML can.

The argument in favour of ML is not difficult to understand if we have in mind the case of the Muslim migrants in the West and in Europe in particular. I interpreted public reason in the light of a Rawlsian view of political liberalism. This view requires not only that the state cannot be used to impose whatsoever version of the good life connected with a comprehensive doctrine but also that people, as individuals or groups does not matter here, cannot force others to act in agreement with a conception of the good. This requirement of course concerns in particular qualified minorities in which cultural membership has consequences that normally imply an obligatory respect of a comprehensive doctrine. No surprise that many liberals identify these minorities with Muslim minorities. Standard liberals have no problems in understanding what is that these cultural minorities cannot do within a liberal-democratic Western environment: they must for example guarantee free exit and liberty of religion to their members, they have to educate children to pluralism,

they cannot punish in a cruel and unusual way their members or cannot do harmful things (like genital mutilation), they cannot publicly discriminate across genders and so on (see March 97 and ff.).

Of course, if these requirements are easy to accept for standard liberals, often they are not so for members of Muslim minorities¹². They can even feel offended by the imposition of a liberal outlook obliging them to respect rules of the game they do not share. Standard liberals themselves can understand what is at stake here: public reason is after all is for permitting to people more independence and autonomy not less. And this general predicament is supposed to be valid also for Muslim citizens and residents in Western states. Still, standard liberals fear that permitting too much autonomy and independence to members of cultural minorities –in particular if Muslim- can undermine the public reason oriented bases of their liberal-democratic regime. At this point, we can imagine a kind of bargaining situation: liberal citizens of the Western states want to be assured that the liberties that are quintessential to their political regimes will not be used by cultural minorities –in particular if Muslim- to implement illiberal strategies and forms of behaviour. In particular, within the framework I presented, liberal majorities in the West when confronted with Muslim minorities are afraid of risking the strong conception of public reason which is at the centre of their liberal-democratic system. It is here that ML and LM differ. For ML requires a more stringent acceptance of the basic liberal-framework before including the minoritarian differences within the community. The more stringent acceptance I have in mind coincides with the acceptance by the cultural minorities of a strong conception of public reason.

3.2. Liberalism versus Multiculturalism

¹² for difficulties see March 2009

Before directly addressing the distinction between LM and ML in terms of public reason, I think a detour is needed. In this detour I try to analyse the meaning and the limits of what I call the “reconciliation strategy” adopted by LM. The reconciliation I have in mind is a reconciliation between liberalism and multiculturalism. Both LM and ML of course depends on what we mean by “liberalism” and “multiculturalism” and how these two concepts can be related. Even if it is almost impossible to properly define liberalism because there are many liberalisms, I will assume –for the sake of the argument- that liberalism is characterized by the following elements:

(i) Individualism. Liberal political theory starts with an assumption of normative individualism. According to normative individualism, main function of the liberal theory consists in protecting individual interests and rights assuming that there are fundamental individual interests and rights that cannot be trumped for reasons of general well-being. Deliberative democratic procedures are usually conceived of as instrumental to this goal. ;

(ii) Pluralism. In a liberal society, citizens believe in a situation characterized by moral and political pluralism. This basic pluralism is a fact we observe but also a value we praise, and there are “burdens of judgment” that make impossible to convert this basic pluralism in an universal consensus. This irreducible pluralism concerns topics in which moral and political values are at stake. The possible destructive effect of pluralism is balanced by citizens’ overlapping consensus on matters of prior political relevance.

(iii) Basic structure. To what entity our theory refers to? One can imagine several concentric circles: self and family, ethnic or religious group, nation-state, humanity. Some scholars say that there could be a scalar greatness according to which our loyalty goes from the nearer to farther. Standard liberalism usually presupposes the nation-state as basic structure. This depends on its implicit institutionalism. Liberal

political theory still moves in the horizon of the Leviathan even if many auspicate a more cosmopolitan turn.

(iv) (Equal) Liberty. Equal liberty is considered a fundamental asset for a liberal society. According to many liberal theorists, liberty presupposes individual autonomy as capacity of formulating and revising conceptions of the good life.

(v) Neutrality. Within liberal political theory the state, and more generally public institutions, must be neutral and fair in matters concerning religious and secular comprehensive theories. This requisite can be put in terms of public reason, whose limits must be observed by public institutions especially when coercion is at stake.

What we mean instead by multiculturalism? In what sense to be multicultural challenges liberalism? In what sense the conjunction between multiculturalism and liberalism is an oxymoron? Let us see how including multiculturalism can change the above definition of liberalism.

(i) (Partial) Communitarianism instead of individualism: groups are the focus of the multicultural theory and they normatively count instead of individuals. In this sense, multicultural normative theory protects group (minorities) rights and interests.

(ii) Pluralism. In multiculturalism, cultural pluralism takes over moral and political pluralism. In this sense, a multicultural doctrine is naturally differentialist because is difference itself to count instead than difference of ideals of justice and conceptions of the good. Moral and political pluralism hold the most important values are incommensurable¹³ and that anyway uniformity is impossible and not even desirable in the practical domain. Moral-political pluralism is however different from cultural pluralism: e.g. a large quantity of Nazi fans would implement diversity within the cultural spectrum of Belgian population. Nevertheless, do we miss them? Cultural pluralism in itself cannot be identified with a political ideal. If we can praise a society

¹³ This is Berlin's metrical gap

able to keep alive a large amount of moral and political diversity of opinions, we cannot praise a society simply because it keeps alive many different cultural traditions. Cultural diversity cannot not easily be taken as an intrinsic good like biological diversity instead is. This means that –for a liberal- normative protection of moral and political pluralism trumps the normative protection of cultural pluralism. From this a natural questions descends: how is it possible to justify cross cultural moral-political criticism if we defend cultural pluralism?

(iii) Basic structure. For multicultural scholars, the basic structure cannot coincide with the state in the liberal tradition. The emphasis here is not on the nation state (whose borders sometimes are considered arbitrary) but rather on smaller-intermediate-hyphenated groups.¹⁴ There are different ways to reconcile a two (many)-fold institutional interpretations of basic structure. If universal nationalism can seem intrinsically inconsistent¹⁵, then some form of federalism can appear as the normal solution. Reconciliation strategies focus on the strong connection between institutions (e.g. the state) and their ethnic presupposition (e.g. the nation). They can for example maintain that liberal-democratic institutions are traditionally “vernacular” rather than universal.

(iv) (Equal) Liberty. Multicultural liberty usually is not liberty from cultural membership. It is rather liberty of cultural membership. Consequently, one is invited to distinguish between liberty out and in a minority or a group. Groupal sentiments are often hostile toward outsiders. The reconciliation arrives through the idea of internal restrictions. There must be limits to the power of minorities, for example favouring the exit from them, to have a view compatible with a LM. The dialectics between internal (minorities’) point of view and versus the external (society’s) point of view is relevant here.¹⁶

¹⁴ see Levy 2000 on the non-reconciliability of nationalisms)

¹⁵ idem

¹⁶ see Goodin 2006

- (v) (v) Neutrality is obviously challenged by multicultural doctrines: you are supposed to normatively defend group (minorities) rights in a non-neutral way otherwise they could. It is possible to be tolerant toward all religions (or for what matters comprehensive doctrines) but it is not possible to affirm their values simultaneously¹⁷. In this case, it is possible to be neutral only if there is a liberal basic structure behind.

3.3. *Reconciliation strategy.*

If there is a sort of natural mismatch between “liberalism” and “multiculturalism”, then attempts to reconcile them are also ways to overcome the distinctions between the two concepts we have shown. Reconciliation strategies, in this light, try to make multiculturalism compatible with liberalism. The most well known liberal view of multiculturalism has probably been proposed by Will Kymlicka¹⁸. Liberal multiculturalism claims that states should not only endorse traditional civil, social and political rights but also recognize identities and aspirations of ethno-cultural groups¹⁹. This reconciliation strategy is based on the idea of recognition. In the paper, I will mainly allude to Kymlicka’s²⁰ view when I speak of “liberal multiculturalism” or LM.

In general terms, to reconcile liberalism and multiculturalism LM aims to provide a connection between individual autonomy and collective rights. The central idea within this project of reconciliation consists in the “context of choice” view²¹. According to this view, freedom of choice –which is the standard liberal starting point- cannot be context independent. Freedom of choice and consequently the possibility to form and revise conceptions of the good life is on the contrary shaped

¹⁷ See Levy 2003 p. 31

¹⁸ See Kymlicka 2007, but see also at least Taylor 1992

¹⁹ See Kymlicka 2007 p. 61

²⁰ and Taylor’s idea of a recognition deficit, see Taylor 1992

²¹ the expression is Goodin’s

by the cultural milieu in which we are necessarily embedded. In this view, in sum, one cannot reach full autonomy without going through an original cultural context.

In the following, I will split the concept of “context of choice” in two parts. The first part concerns the idea of context with the related thesis according to which there is no autonomy without proper cultural context. The second part concerns the idea of choice and the connected notion of responsibility. The distinction is here –as we shall see- the one between choice and circumstance, where we can attribute responsibility only to choices. Within the context of choice view, there is no real choice without a life inspired by an appropriate cultural environment.

The corollary of the context of choice view is that often minority groups are deprived of this “authentic” choice or risk to be so. Traditionally these groups were silenced when pretending to exit this marginalised status. LM reasonably argues that this discriminatory situation is not acceptable any more and that traditional liberal “benign neglect” is not enough to protect endangered cultural minorities. This is why we need a normative theory which protects minorities from cultural expropriation. Protecting directly the cultural environment of groups and assuming the context of choice view, LM claims to indirectly protect also autonomy in the traditional liberal sense. To universalize: if we are all embedded in groups and if only on this contextualization depend true autonomous choices, then there is no way to guarantee autonomy but by protecting group rights.

However, as we have noted, often multiculturalism seems to endanger the very possibility to take seriously liberalism. Does the reconciliation strategy of LM avoid this risk? From this point of view LM has been critically discussed at length and in profoundness. In particular, LM has been challenged by (at least) four different alternative approaches.: (i) “reactionary liberalism” (RL) –championed by authors such as Barry and Sartori²²- according to which liberalism and multiculturalism promote inconsistent values; (ii) the multiculturalism of fear (MF), proposed by

²² See Barry 2001 and Sartori 2000

Jacob T. Levy, which criticizes CML in name of a kind of negative consequentialism (first: avoid dangers!)²³; (iii) anti-essentialist liberal-democracy (AEL) –championed by authors like Phillips, Frazer, Appiah and Benhabib ²⁴ - according to which multiculturalism epitomizes some prerogatives of liberal-democracy that could be better protected in alternative ways; (iv) post-colonial thought (PCT) –championed by authors like Said and Guha- according to which liberalism is intrinsically unable to captures basic features of multiculturalism because it uses a logic of power and oppression to evaluate the situation (eg: the logic of the colonialists, see Willett). Post-colonial critics maintain that is this logics that must be changed.

To these objections, Kymlicka provides a response from the reconciliation strategy standpoint²⁵. In this response, K. distinguishes different stages of LM and of multiculturalism²⁶. The first stage is characterised by a communitarian turn. In this period –that K. dates before 1989- the debate over multiculturalism overlaps with the debate between liberals and communitarians. Traditional liberals were against multiculturalism seeing it as contrary to the claim of autonomy. This position is reflected in RL arguments against LM. On the contrary, communitarians were in favour cultivating the idea that multiculturalism was able to protect communities from the danger implied by extreme liberal individualism. The second stage is characterized by the separation of the arguments for communitarianism from the arguments for multiculturalism. After all many minorities –differently from the Amish- did not want cultivate completely different (and sometimes pre-modern) styles of life. They want rather merge in the national society being treated with concern and respect. For K. -but this is more controversial than he thinks- migrants are supposed to desire reasonable integration. The output of this second stage is supposed to consist in a reconciliation between multiculturalism and liberalism. The

²³ See Levy quoted

²⁴ See Frazer 2003, Phillips 2009, Appiah 2005, Benhabib 2002

²⁵ Multiculturalism of critics is a “caricature”, (see “The Rise...” 33 and ff.)

²⁶ Kymlicka 2002 p 336

reconciliation happens following the context of choice view, and more generally assuming that individual autonomy requires cultural autonomy²⁷. This claim can be integrated by an argument that distinguishes choices and circumstances by maintaining that is arbitrary from a moral point of view to be discriminated for reasons that do not depend on choices. The corollary is that to be member of a cultural minority is fruit of circumstances. There are however cases in which to defend cultural pluralism is not for more autonomy but rather for less. In these cases to affirm minority rights would undermine individual autonomy. The most obvious of these cases –in the light of our whole thesis- is the case of women in a Muslim minority. In the light of this possibility LM advocates must find a way to distinguish good from bad minority rights, good being the ones that enhance individual autonomy bad the ones that instead undermine it. K.himself finds out good rights that protect a group from the larger societies and its *external* pressures, from ad rights that jeopardize *internal* dissent in name of the group. The conclusion is that LM is for minority rights that (i) treat all groups in an equalitarian way; (ii) protect the freedom of the individuals within the group.

In order to get this outcome, K maintains among other things that:

- (i) For a sound LM not all cultural particularities must be celebrated
- (ii) for LM minority rights are part of a larger human rights revolution and more generally of an enlargement of democratic citizenization
- (iii) Within LM a defence of minority rights in name of multiculturalism to be liberal should avoid essentialism and any static view of cultures and groups. On the contrary ML is supposed to be transformative of identities.
- (iv) LM recognises basic liberal-democratic rights (e.g.: forced marriage or clitoridectomy are not admitted)
- (v) there are necessary pre-conditions for ML: among which securitization and respect for human rights,

²⁷ See Raz 1994 D Miller 1995 Mnaual 147

These two stages of multiculturalism are supplemented by a third, more nuanced, stage in which traditional liberal “benign neglect” toward cultural membership is substituted by a strategy in which cultural membership is considered matter of self-respect. This distinction is seen in the light of nation building public policies nation states normally promote. According to K. and LM, these state policies normally discriminate –via the use of language, cv in education and so on- cultural minorities in favour of national majorities. Of course, cultural minorities of migrants are different in this from indigenous people and sub-national groups. Traditionally, they have accepted that to be integrated they must be partially assimilated. In case this option was still true, then there will be not so much to do: assimilation would be good both for local majorities and for migrants. As K. himself admits, however, it is not the case that migrants are disposed to accept assimilationist practices as in the past. This seems particularly true for Muslim minorities. Now, it seems that part of the force of LM argument rests idea that migrants would like integration. In case this is not so, like it frequently happens in our days, probably the terms of the multicultural relationship must be re-negotiated. A minority reluctant to integrate –especially if this minority does not cultivate a strong view of public reason- is for the local majority of population cause of that fear that I assumed was a main cause of the backlash of multiculturalism.

3.4. Philosophical Background

If we make an attempt to see how the reconciliation strategy satisfies the claims of its critics from this point of view we can derive a list of “pros” and “cons”, the pros being connected with points (prima facie) successfully discussed by the reconciliation strategy and the cons with points less successfully discussed by it. This balanced exercise concerns both the theory and the practice of multiculturalism.

In the realm of theory, LM strategy or reconciliation provides a fertile platform for discussing some elements of potential conflict between liberalism and multiculturalism, like the ones I listed above. It is not altogether clear how much LM defensive view is compatible with original LM. It surely goes toward what I label ML in this paper, arguing for multicultural liberalism ML in alternative to LM²⁸.

The essential doubt concerning LM however focuses on the context of choice view itself. Within its framework, the reconciliation strategy is –from its beginning- foundationally based on inserting (independent) communitarian arguments within a liberal-democratic platform. From the contemporary political theory point of view, this often implies to adopt a background liberal perfectionist vision²⁹. This move has significant consequences in terms of the strategy of public reason we are discussing. In substance, the more you move toward a liberal perfectionist vision, the less you are inclined to accept a strong view of public reason. As matter of fact, liberal-perfectionist visions –here read in terms of insertions of communitarianism within liberal-democracy- nourish a thick conception of the good. As a consequence, they emphasize respect for diversities and conceive of public reason as a thin umbrella permitting a decent compromise. In other words, liberal-perfectionists tend to be in agreement with a weak view of public reason, rejecting a strong conception. LM can be seen as based on such a strategy.

If we reflect upon this conclusion, we can argue that these limits of LM are connected with two perplexities we stressed in our balanced evaluation of the reconciliator's response to the critics. Cultural pluralism is different from moral-political pluralism. The second concerns primarily individuals, whereas the first concerns primarily groups. In the second case, we are confronted with conceptions of the good whereas in the first with comprehensive doctrines. The second is

²⁸ ML is different from anti-multiculturalism of Barry and Sartori

²⁹ See Raz 1994, Galston 1995

eminently private whereas the first is typically public. These differences make cultural pluralism much more problematic in terms of public reason. The same can be said for neutrality which is strictly connected –through the duty of civility- to public reason.

Authors in favour of LM are natural critics of serious restraints imposed by public reason. Given the wide diversities present in contemporary societies they think that support for justice should come from a set of plural sources rather than from a common shared view of liberal-democracy. No surprise that such view does not satisfy the assurance problem raised by liberal-democratic majorities in the West. It is here that the ML strategy differs from LM's. If who is in favour of LM has a propensity to defend a quasi aggregative view of public reason, who is in favour of ML has instead a propensity to defend a stronger view of public reason. Authors in favour of ML are for a strong common centre which for them also permits more peripheral freedoms. In other words, if you want plural jurisdictions or valid religious marriages –inspired by minority traditions- for ML you have to accept a strong core of liberal-democratic precepts. Communitarian bonds –in this view- are acceptable if and only if you assume pre-given and safe liberal-democratic restraints.

How these problems can be philosophically re-united and given sense? I think that a plausible way consists in contrasting the essentialism of LM with the anti-essentialism of ML. The accuse of essentialism is not new for LM. As we have seen it is at the core of those strategies that I named AEL. The point is that what I mean by essentialism of LM is different and more complex from the way it is normally seen by AEL critics of LM. We can read the standard view of AEL advocates as a claim for a “multiculturalism without culture” to use an expression by one of them, Anne Phillips. Phillips conceive of this essentialism of LM as a de-ontologization of the very notion of culture as assumed by LM. This de-ontologization happens through a cultural deconstruction of culture via

contemporary anthropology and liberal feminism³⁰. Both contemporary anthropology and liberal feminism deconstruct the unitary view of culture –usually taken up by LM- in name of a more complex view of personal identity and basic individual rights. One could say that this reading attack LM both from a descriptive and a normative point of view. From the descriptive point of view, it maintains that –contrary to LM- cultures are not unitary blocks and that individuals contemporaneously participate in different cultures. From the normative point of view, it maintains that –contrary to LM- a critical defence of cultures does not necessarily go toward a promotion of individual autonomy.

My own philosophical criticism of some essentialism implicit in LM differs from the AEL standard attack to LM. In fact it reads this supposed essentialism in terms of two building blocks not always perceived by LM critics: liberal perfectionism à la Raz and luck egalitarianism à la Cohen. Raz view of liberalism multiculturalism as requiring a “...political society to recognize the equal standard of all the stable and viable cultural communities existing in (that) society”³¹ is strictly connected with his view of a comprehensive liberalism based on autonomy. Within this comprehensive view of autonomy, freedom, interpreted in terms of individual well being, presupposes the availability of a social option of cultural nature from which one is supposed choose his-her personal way of existing and behaving. In this way liberal multiculturalism –for Raz- goes far beyond toleration and neutrality (fairness) in believing that individual freedom depends on full membership in a culture. The pre-requisite of this view is the avoidance of what Raz calls “epistemic abstinence”. The claim against epistemic abstinence attacks “strong autonomy” liberalism à la Rawls for being divisionist, where the division is here the one between ethics and political theory. Contrary to this divisionist option, comprehensive liberalism sees political theory more embedded in a vision of the good culminating in autonomy. This thick vision of the good overcomes the

³⁰ Phillips 49-52 and 25-27

³¹ Raz 174

traditional thin and political vision of liberalism, and this is why it requires the complement of multiculturalism. It is only within the regional ontologies represented in compact communities that we find such a thick vision of a good life.

Now, it is difficult to make this vision coherent with a liberalism based on public reason. The thick conception of autonomy à la Raz, and more generally comprehensive liberalism, does not permit that strategy of avoidance and respect which is so necessary to have a strong view of public reason. In conclusion, if LM is framed in terms of comprehensive liberalism, then it cannot properly defend the strong vision of public reason we put at the centre of Western conception of liberal-democracy. ML on the contrary starts with political liberalism which is connected with a strong view of public reason. Given that the defence of multiculturalism presupposes a bargaining strategy in which Western majorities must be assured about their view concerning a strong public reason, then LM can not work here whereas ML can.

The second starting point of the philosophy of LM is luck egalitarianism. Luck egalitarianism and multiculturalism can be associated through the idea that being member of a minority is consequence of a circumstance and not of a choice, where choice implies responsibility. So, if one shares a thick (comprehensive) conception of liberalism and thinks that there is a basic right to live within the proper cultural environment, then luck egalitarianism sees the non recognition of minority rights like a patent case of injustice. To be a minority member is arbitrary from a moral point of view and consequently should not have practical consequences. Arbitrariness from the moral point of view relates to what we are fated with by society and nature, how we are born and, ultimately, who we are. No one deserves in a strict sense to be born in a given family or to be member of a specific group. The origin of luck egalitarianism is Rawls. On the subject, Rawls famously states in TJ:

“It seems to be one of the fixed points of our considered judgments that no one deserves his place in the distribution of native endowments, any more than one deserves one’s initial starting place in society. The assertion that a man deserves the superior character that enables him to make the effort to cultivate his abilities is equally problematic, for his character depends in large part upon family and social circumstances for which he can claim no credit. The notion of desert seems not to apply to these cases.” (TJ 104)

Rawls however confines himself to supporting his thesis in relation to the distribution of primary goods through the basic structure. In so doing, the arbitrariness of native and social endowment is not itself under attack, but only its arbitrariness insofar it relates to the “basic structure”. As Rawls affirms:

“The natural distribution is neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts.” (TJ 102)

In other words, the fact of being born into a good family or a majority group is irrelevant from the point of view of the theory of justice. However, if this contingent fact affects the “basic structure” and becomes the main basis for distributing primary goods, then it gives rise to a problem of justification and, therefore, of justice.

The need to justify a distribution of primary goods (as derived from Rawls), showing that it is not morally arbitrary, should not be mistaken for the viewpoint of the “luck egalitarians”. According to the latter, the main moral task of a vision of justice is to compensate individuals for social and natural disadvantages that do not depend on their choices and for which they may not be blamed. The case of the handicapped represents an emblematic test of the thesis of the luck egalitarians.³² But, if one starts with the “context of choice view” and the reconciliation strategy then

³² See W. Kymlicka 2002, p. 70, which attributes to Rawls the original idea on which luck egalitarianism depends, that is, the distinction between choices and circumstances, and the fault of not having pursued it.

Rawls can be criticized –from the same luck egalitarian point of view- for having failed to consider this moral requirement to redress certain fundamental injustices connected with cultural membership. According to this accusation, Rawls would in effect be inconsistent, because such unlucky fates like to be member of cultural minority are indeed those that are typically more arbitrary from a moral point of view.

In general terms, the argument of the luck egalitarians within LM may be built around the following consistent parts:

- (i) our life depends upon a mix of voluntary choices and random circumstances that every individual needs to confront;
- (ii) inequalities may be broken down into inequalities that depend upon voluntary choices and inequalities that depend upon random circumstances;
- (iii) there is a principle of responsibility that lays down that each may be blamed for the outcome of his voluntary choices, but not for the outcome of random circumstances. For example, there is a difference between my losing all I own in a game of poker and my losing all I own in an earthquake;
- (iv) whoever is concerned about cultural liberal equality should take into account (i), (ii), and (iii) to conclude that inequalities due to random circumstances –like to be born member of a cultural minority- are particularly unjust and that their victims should be protected in a special manner.

There are notorious general objections to luck egalitarianism. First, the idea of neutralizing fate is impracticable. The very possibility of clearly distinguishing between choices and circumstances is questionable. Second, inequality depending on cultural membership are already part of the public morality of a liberal-democratic society. Such society does not tolerate all inequalities, including cultural ones, that result from discrimination, just on account of the fact that they do not depend upon

individual choices of the disadvantages. Thirdly, we know that individual preferences may often be “adaptive” and, therefore, they are only partly authentic and evidence of responsible intentions. Fourthly, according to Rawls, the principles of justice apply to the “basic structure” and the way it provides primary goods to the citizens. All the movements of goods and resources, for Rawls, presuppose a regime of standard cooperation among individuals capable of contributing. It is just within this pre-formed ambit that redistribution applies.³³ As a consequence, a direct application of the second principle for example to foreigners is not plausible – if we go by the Rawlsian logic – owing exactly to the same reason why we cannot begin from special cases, such as those of the handicapped. In other words, the nature of the theory is not directly allocative, as it is first of all associative. From this point of view, equality is not so much a compensation for bad luck as a condition to keep a liberal-democratic society firmly and fairly together.³⁴ Therefore, it is only the normality of a fruitful cooperation in terms of reciprocity that justifies the application of the second principle. What needs to be redistributed is not manna from heaven, as the distribuendum depends upon the story of how it has been produced, starting from the producers’ relations. Finally, there seems to be an inconsistency between two claims contemporaneously made by luck egalitarian when discussing multiculturalism. For, on one hand they celebrate the natural niche in which our identities have been basically shaped, a cultural environment that cannot be excluded in a decent society. But, on the other hand they should recognize in this niche a constraint and not an option, exactly that kind of circumstance that make authentic choices difficult if not impossible.

These objections show that luck egalitarianism has a claim which is much stronger than the usual claim of Rawlsian liberalism. Such claim is inconsistent with the Rawlsian priority of the right, being the priority of the right the methodological

³³ From this point of view, the composition of the basic structure governs the legitimate expectations of the individuals. However, given the continuous structure (in a mathematical sense) of Rawls’ argument, a basic structure can become instantaneously unjust and engender problems for the persons in their capacity of planning the future based on legitimate expectations. A similar thesis is advocated by A. Buchanan in “Distributive Justice”.

³⁴ As S. Scheffler happens to say, *op. cit.*, p. 21.

device through which Rawlsian liberals separate the good from the right and consequently ethics from politics. Luck egalitarianism –not differently from liberal perfectionism- bypasses the priority of right. In such a way it does not respect the limits imposed by the priority of right and supports –like thick liberalism- a comprehensive view. A comprehensive view is a political position in which ethics comes in the realm of politics without respecting liberal limits like the priority of right. In this way, a comprehensive view contrasts with the basic principles of public reason.

3.5. Conclusion

Until here, I discussed the situation of cultural minorities –in particular Muslim- within a Western like state. LM has been presented as a better strategy –if confronted with LM- to assure Western majorities worried about the way in which minorities can jeopardize their strong view of public reason. The same kind of argument can be however exported to cover different situations. In fact, ML seems to be sensible not only where Western majorities fear a weakening of their strong conception of public reason but also where there is not a basic liberal-democratic tradition. If you, for example, take a Confucian universe, it does not make sense to enforce more communitarianism before assuming you have got enough liberal-democracy³⁵. Note that a similar strategy would not work even in the optics of LM. For to give more power to communal authorities would not imply to go in direction of more individual autonomy as the context of choice view claims to do.

The same argument can be used for minorities within the Arab world. Many Muslim thinkers feel difficulties in even speaking of minority rights because they think that liberal-democratic citizenship is a premise for cultural pluralism. There is – according to them- clear evidence that minority rights must be preceded by individual

³⁵ On multiculturalism in a Confucian universe see Baogang He 2004

liberal rights. Consequently, also in this case ML can work better if confronted with LM.

What all this does means in practice? Basically to adopt ML means that there are many liberal-democratic pre-requisites for making multiculturalism acceptable. LM has offered across the years a reasonable platform of rights minorities should have been entitled to within the protective umbrella of a liberal-democratic state. These rights include non-discrimination, administrative autonomy, protection of the language of the minority, liberty of religion, alternative education, permission to adopt different dressing styles and more generally the adoption of a (partial) legal pluralism. ML just says that all these rights are intrinsically acceptable provided that we a priori respect some basic liberal-democratic principles. These principles include securitization, relative secularization, respect for individual autonomy, pluralism in education, and constitutional loyalty. Respect of these principles can be taken as an instrumental good. The main aim this respect wants to realize consists in providing a platform that permits to reinforce and make stable public reason when significant cultural minorities are present.

ⁱ Here, there is perhaps a (minor) difference between PL text and IPRR text, because the later text lists – among people usually constrained by public reason – judges, government officers, politicians and their campaign managers, but not citizens during the election times (like in PL). Citizens electoral discussions take in consideration public reason – also in IPRR – but just within the weaker domain of the “ideal” of public reason.

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