

TOLERATION, COLLECTIVE IDENTITY AND QUESTS FOR SOCIAL JUSTICE

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Modern liberal democracies are a composition of multi-ethnic and multi-cultural groups vying for recognition and political participation. The challenge faced by liberalism today remains the question of difference. How to articulate, respond to and incorporate difference within the liberal polity. The liberal concept of toleration is thought to be a solution to the conflict generated by difference; arising out of social circumstances involving disapproval, toleration ensures that disapproval by those in a position to act upon it, refrain from interference. But is the practice of toleration, with its emphasis on individual action and conduct an appropriate response to difference acted out within the social struggle that is liberal politics? An emerging group of social movements, bringing their voices to the public sphere of liberal politics, are refusing to leave their cultural, ethnic, linguistic and gendered differences outside the realm of political negotiation. These movements encompass current struggles for equality and social justice, and as such, theirs are demands requiring more than the practice of toleration. Beginning with the argument for religious toleration articulated by John Locke, followed by the argument for liberty of John Stuart Mill, I trace the origins of a current model of toleration in contemporary liberal democracies. Toleration and its focus on individualism in keeping with the liberal tradition, is justified by the liberal principles of impartiality and pluralism. This individualist conception promotes and encourages a specific, liberal subjectivity, placing the justifications of state neutrality and pluralism in question. Analyzing the concept of a 'social movement', the composition and goals which make it a movement as such, lead to the question of justice and what that encompasses. Does toleration as a response to group difference lead to a just and equitable society? The emergence of new political subjects requires a new articulation of the principles and practices upholding a liberal democratic polity. Toleration as the liberal reaction to difference is an inadequate response to demands for recognition, participation and equality.

Toleration. Toleration as valuable. Toleration as noble. Toleration as necessity; as functional. A principle utilized to great degree by rational freewheeling individuals. All characterizations of the liberal principle of toleration; a value in present liberal political institutions and social life, a means used to combat the conflict attributed to societal difference.

Difference. Difference as unusual, exotic, strange, psychotic. The fear and confusion generated by the 'other', as well as the comfort and normalcy which 'otherness' helps define. Difference as a complex feature of the modern society, conquered, or converted. Whatever its use or function, difference is persistent, it is a stubborn component of human existence, and subject to continual contest and debate.

Justice. Justice as forthright, certainly desirable. The ends of politicalization. The goal of social structures. To lead to justice is to lead to truth; justice is indescribably right, a resounding tribute to the higher inclinations of the human, this at its most noble. And in daily practical terms, justice is desirable, for in social/political structures justice, if applied, leads to equality, recognition, freedom and participation.

Here I attempt to examine the relationship between toleration and difference, and in turn, their complex relationship to the formation of justice in contemporary liberal societies. Specifically, toleration and its application as a response to the emergence of quests for collective recognition. Such quests form a group of movements within the social and political spheres of modern societies which have as their goal, the institutional and social recognition,

(acceptance and acknowledgement) of group difference.

Toleration is important as a valued principle essential to liberal theory; certainly one of its core values, as it helps to 'manage' or regulate a liberal pluralist society. In the modern society, we see a definitive interpretation of toleration, its import, function, and definition in current social systems. This contemporary model stems primarily from the work around religious toleration best articulated by John Locke, and the theory of liberty following by John Stuart Mill. Notably, the work of John Horton, Susan Mendus and Peter Nicholson, among others, as well as the rise of the "multicultural" movement in the late twentieth century, provide us with a widely accepted definition of toleration and its relationship to the existent conditions of a modern or liberal society.

Modernity has become associated with what is commonly known as the geographic West. Generally speaking, the historical period following the 16th century encompasses the rise of modernity and is characterized by several conditions, among them, the establishment of the Enlightenment and the rise of Western or European culture, culminating in Western hegemony in the following century. Included in the social and cultural characteristics of the modern condition are:

- the formation of a market-based society.
- the legal formation of systems of contract and concepts of private property.
- the formation of the modern social subject; namely, the moral and political conception of rational and self-interested subjects or individuals.
- a replacement of religious doctrine with that of principles of Nature and Reason, with relation to justificatory arguments not only in epistemology, science, and metaphysics, but also in the moral, legal and political spheres of social life.

In essence, at the heart of what may be termed the modern project, lies a concern with

order.<sup>1</sup> This is seen in the preoccupation with and subsequent necessity of the domination of Nature by Reason expressed in the classification of Nature through rational thought systems. The masters of Nature, by way of design, manipulation, management and engineering determine the organization of institutional structures and systems. We see the culmination of modernity in the fixing of the social, mainly in terms of the formation of bureaucratic structures; in the fixing of the political in terms of laws, and the economic in terms of the market.

The importance of rationality, precision, and control. For modernity, this is articulated as a commitment to progress. This progress is moral, material, and physical; it is the development of civilization, the realization of political improvement. And interestingly enough, in terms of defined progress, these characteristics of development encompass general standards which the West took to be its own values personified. Values that are universalized to articulate progress.

Modernity's self-conception is best encompassed in the articulation of an abstract and atomistic social subject. This subject is general, universal, removed from particularities of social and political relations as well as from historical contingencies. With modernity we see the articulation of this abstract, universal subject commanded by Reason. The subject is possessed of the quality of impartiality, allowing for the mediation of differences, tensions, or conflicts between particular social subjects in the domains of morality, politics, the market, and legality.

Liberalism is the defining doctrine of the self and social relations for modernity. The focus here is upon the social and political tradition of a specific Western tradition of theory. Generally speaking, by a liberal society, I am referring to a Lockean representative system of government currently advocated in pluralist democracies. It is a system which promotes a

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<sup>1</sup> See Zygmunt Bauman, *Modernity and Ambivalence*. (Ithaca: Cornell University Press, 1991).

consensual ideal of political participation and obligation; a system which promotes the values of equality, justice, liberty and of course, toleration among others.<sup>2</sup> In a liberal pluralist democracy, the state is the focus of supreme power, with the individual participating in as well as submitting to the legislative process. The focus of this governmental system is the relationship between the individual and the state.

The term “liberalism” opens itself up to myriad interpretations of theoretical arguments in an equally diverse area of disciplines. Philosophical foundations of liberalism vary, from the articulation of conceptual sources, (Hobbes), its Enlightenment development through Rousseau and Kant, the utilitarian formations of Bentham and James Mill, to that of its more welfarist conception by John Stuart Mill, to the twentieth century libertarianism of Von Hayek or Nozick, culminating in the current contractarianism of Rawls.

Liberalism as normative political philosophy is an encompassing group of arguments setting the parameters of political action and institutions. Obviously, critics as well as defenders of the liberal tradition are interested in specific subjects of inquiry relevant to that tradition - as here, toleration. Such targeted subjects may be arguments of specific liberal theorists, the practical applications of theories transferred to institutions, or even the universal world view applied to Western culture in general. Notwithstanding the deep philosophical differences between these various articulations of liberalism, there exists a core set of central ideas which in varying degrees serve to hold these characteristics under the liberal banner.

First and perhaps foremost, liberalism is committed to individualism. The moral, legal, and political claims of the individual take precedence over that of the collective. The foundations of liberalism lie in the articulation of universal principles which are applicable to all human beings (who, by definition, should be rational agents). The purpose of this articulation of universal principles is to transcend difference. To move beyond the

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<sup>2</sup> Robert Paul Wolff. *A Critique of Pure Toleraance*. (Boston, Beacon Press, 1965).



particularities of historical, social and cultural experience. Thus, liberalism is concerned with broad identities which unite persons on moral grounds, avoiding political, cultural, geographical, or temporal divisions. This broad human identity, this understanding of the essential components of human nature, is understood to lie in a common rational core intrinsic to every human, the capacity to be moved by reason.

Another characteristic of liberalism is the insistence that social arrangements may be ameliorated by rational reform. Progress, articulated as moral, political and economic advancement is brought about by carefully planned institutional improvement, (e.g. the establishment of bureaucracy). Progress is partly measured through the success of bureaucratic structures.

In addition, liberalism expresses a commitment to equality. This is premised upon an egalitarian core which for liberals consists in the recognition of a common moral position, regardless of individual differences. According to the liberal viewpoint, particularities of experience between individuals have no effect on their overall moral value, and this is extended to the interpretation that particularities of experience should not effect the political or legal status of individuals.

One of the more important principles advocated in liberalism is the concept of toleration. Toleration has historically been viewed as one of liberalism's principal values, born of necessity out of the religious wars preceding modern Europe. Religious toleration, as defined by John Locke<sup>3</sup> is the foundation for the current advocacy of a modern practice of toleration. Toleration is thought to be a natural bridge between the political structure of liberalism and the demands of a society characterized by pluralism.

Diversity and difference characterize all liberal societies. Diversity takes the form of culture, religion, ethnicity or language; in addition to differences expressed through

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<sup>3</sup> John Locke. *Treatise of Civil Government and a Letter concerning toleration*. Charles L. Sherman, ed. (New York: D. Appleton-Century Co., 1937).

individual experiences. Such expression of diversity and difference is thought to be easily accommodated in liberal theory. Differences are tolerated, and diversity is even celebrated.<sup>4</sup> Traditionally, liberalism is the home of pluralism, the political theory possessing the mechanisms which enable diversity to flourish and differences to exist, while at the same time managing to maintain a definitive social order. Toleration is the liberal value which maintains the balance between pluralism and all the divergent conceptions of the good which pluralism encompasses; all this within the consensual framework which characterizes liberal politics. Unfortunately, however, liberal theory and practice do not always meet on the same ground. Frequently, group expressions of difference are denied or ignored, and the liberal doctrine of toleration may be inadequate to encompass the complexities of group expression. It is inevitable that conflict will arise when divergent expressions of liberal citizenship meet.

And like liberalism, toleration itself is characterized by a number of components, the most notable being, “. . . a deliberate choice not to interfere with actions (conduct) of which one does not approve.”<sup>5</sup> But toleration is not limited to expressions of individual conduct per say; there is a more subtle and fundamental problem of expressions of difference so that:

1. The circumstances of toleration, or in other words, what generates problems of toleration, are important differences of individuals or groups which are disliked or disapproved of by individuals or groups who have the power to interfere with those differences.
2. The nature of toleration is consequently defined as the suspension of the power of interference toward disliked or disapproved differences.
3. The justification of toleration as a value can be found in various arguments, among which the most prominent are the sceptical one and the moral one for respect of other people's conscience or autonomy.

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<sup>4</sup> John Stuart Mill, throughout his theory of liberalism encourages diversity. One of the major purposes of liberalism is to allow diversity to flourish according to Mill. See *On Liberty*. Stefan Collini ed. (Cambridge: Cambridge University Press, 1989).

<sup>5</sup> The current and commonly accepted definition of toleration, with its emphasis on the concept a 'moral ideal,' has led to its application as an individual virtue. The liberal model, including the circumstances of toleration and its limits may be found in: John Horton and Susan Mendus, eds. *Aspects of Toleration*. (London: Methuen, 1985). Also see Susan Mendus, ed. *Justifying Toleration*. (Cambridge: Cambridge University press, 1988), and Susan Mendus, *Toleration and the Limits of Liberalism*. (London: MacMillan, 1989).

4. The limits of toleration are set by Mill's harm principle, which justifies the interference whenever a third party can be harmed by the differences in question.<sup>6</sup>

Several problems arise with this model of toleration; for instance, why should non-interference with conduct of which one disapproves be deemed a virtue; in addition, at what point does intolerance become a necessary practice?<sup>7</sup>

But another problem is perhaps created by the liberal emphasis upon individual actors and their role in the practice of toleration. For liberalism, the importance of toleration lies in its placement as an individual virtue used as a tool to deflate social conflict. Individuals practice toleration, due to a plurality of identities, all maintaining a different conception of the good. The number of diverse identities prevents an overall achievement of unity in the public sphere, forcing a policy of state neutrality in order to maintain a public perception of cohesion and order. And as a consequence, diverse interests and individual expressions of difference are limited to the private. It is in the context of the private sphere of social relations that liberal individuals practice toleration.

An interesting paradox: The liberal political condition is ideologically committed to the principles of liberty, equality, and individual freedom. Increasing insistence upon the moral irrelevance of difference serves to ignore and thus heighten the differences in question. Refusal to allow room for such differences necessitates their exclusion and necessitates the use of liberal mediation to justify these exclusions. Allowing these exclusions to be rationalized, enabled, and sustained. "The more ideologically hegemonic liberal values seem and the more open to difference liberal modernity declares itself, the more dismissive of

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<sup>6</sup> This summary of toleration taken from Anna Elisabetta Galeotti, "Citizenship and Equality: The Place for Toleration," *Political Theory*. (Vol 21 No 4, 1993), p. 587.

<sup>7</sup> See Karl Popper, *The Open Society and its Enemies*. (London: Routledge & Kegan paul, 1966). In order to maintain toleration as social practice, liberalism must not extend toleration to those who are themselves intolerant. This is referred to as the "paradox" of toleration.

difference it becomes and the more closed it seeks to make the circle of acceptability.”<sup>8</sup> As such, modern liberalism seems prepared to respond to the conflict generated by difference in one of two ways. The first is to completely deny difference, and to deny the subsequent creation of ‘otherness’ that such absence of recognition creates. The second is to concede the ‘others’ difference, and be moved to the practice of toleration.

Chapter One traces some of the history of the principle of toleration by focusing on such key thinkers John Locke and John Stuart Mill, and considers the role of toleration in contemporary liberal theory. Specifically, the principle of toleration analyzed in terms of its best known conceptualizations and justifications - pluralism and neutrality. Both pluralist and neutralist justifications of toleration rely upon universal assumptions of human nature which determine when and where the principle of toleration is applicable.

Chapter Two examines the important and nebulous concept of identity. Specifically, the liberal assumption of a particular identity, re-interpreted as a universal, standard identity is considered. I argue that this standard liberal identity is in essence a social construct; a construct upon which the principle of toleration asserts itself, and one which, contrary to the claims of liberalism, is inequalitarian in its applicability and serves to create both concrete and intangible barriers to inclusion and participation in modern social and political life.

Chapter Three examines how a modern society can be made more just, a task which requires a reconsideration of the circumstances of injustice as well as a reassessment of the limited role of the principle of toleration in counteracting injustice. My aim is to propose alternative conceptions of a just society in which mere toleration is replaced by the full recognition and acceptance of difference within a model of genuinely social discourse.

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<sup>8</sup> David Theo Goldberg. *Racist Culture: Philosophy and the Politics of Meaning*. (Cambridge, MA: Blackwell, 1993), 9.

## *The Liberal Model of Toleration*

Viewed as good or right, proper or as a necessity, toleration has to some extent been applicable to the existence of the earliest recognized societies. Philosophy and political theory have struggled with the dilemma of difference in social relations, and have developed a number of principles to address in some aspect or another the concept of difference. Toleration is one such response, embedded in the principles and ideals which help to define the political theory of liberalism.

The arguments developed in John Locke's, *A Letter Concerning Toleration*, are often viewed as a starting point for the current liberal model of toleration. Locke's *Letter* is concerned with religious toleration specifically. Belief in God, and the importance of the Christian tradition and its applicability to daily life are established assumptions characterizing the *Letter*. Interpretation of the historical context in which it is written is necessary - toleration of religion among members of the Christian religious sects of seventeenth century Europe. This does not preclude analysis of the relevance of the *Letter* to the current understanding of toleration. Important themes run throughout Locke's thought; themes developed further by philosophers and theorists following him: the impartial role of the state, the importance of rationality, and individual freedom in the private pursuit of the good.

### *John Locke and the Case for Rationality*

I esteem it above all things necessary to distinguish exactly the

business of the civil government from that of religion and to settle the just bounds that lie between the one and the other. If this be not done, there can be no end but to the controversies that will always be rising between those that have, or at least pretend to have, on the side, a concernment for the interest of men's souls, and the other side, a care of the commonwealth.<sup>9</sup>

Locke is concerned with establishing the boundaries of the state. The state as arbitrator, adjudicator and ruler of territory has specific mechanisms at its disposal through which to maintain control, and it is defined by these means. Locke distinguishes between the state and the ecclesiastical authority and the necessary interests of each of these institutions. The commonwealth is defined as a society of men pursuing their own 'civil interests.' Civil interests are matters concerned with material survival, "civil interests I call life, liberty, health, and indolence of body; the possession of outward things, such as money, land, houses, furniture and the like."<sup>10</sup> The state is concerned with the (equal) protection of these interests; in the case of Locke's theory, the impartial aspect of authoritative institutions is established: "It is the duty of the civil magistrate by the impartial execution of equal laws, to secure unto all people in general, and to every one of his subjects in particular, the just possession of these things belonging to this life."<sup>11</sup> State power is limited to the protection and preservation of the material or outward necessities of its citizenry. Governmental authority does not extend to matters of religion. The power of the state is defined by the means at its disposal, and state power consists in outward force and means of coercion. Its ability to 'compel with the sword,' and decree through the use of 'force and blood,' 'fire and axes,' etc. Physical coercion is the tool of the magistrate, the method by which it conducts and enforces the pursuit of material interests.

Now then, religious faith is understanding. Understanding is genuine belief, and

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<sup>9</sup> John Locke, *A Letter Concerning Toleration*. From John Horton and Susan Mendus, eds. *John Locke: A Letter Concerning Toleration in Focus*. (London: Routledge, 1991), 17.

<sup>10</sup> Locke 17.

<sup>11</sup> Locke 17.

genuine belief is a conviction of truth. (This is quite a rough analysis of the nature of belief, but will serve to demonstrate some of the logic behind the Lockean argument). The primary concern of religion, - faith and clergy - is salvation. The nature of salvation (for Locke) is such that it may not be gained through falsehood. Understanding 'developed' through coercion is compliance, it is subservience, it is compromise and conformity, and it is also false. "For no man can if he would, conform his faith to the dictates of another. All life and power of true religion consists in the inward and full persuasion of the mind; and faith is not faith without believing."<sup>12</sup> The state may through the use of force, establish various articles of faith, but this does not ensure religious understanding and the goal of such understanding, or salvation. Salvation is achieved only through a profession of belief which is sincere, and a true measure of belief as such is not subject to coercion. Coercion acts upon the will; but will does not control *genuine* belief. Truth may not be established through force of will.

The powers open to the state, its functions and the means at its disposal,<sup>13</sup> are powerless when dealing with matters of religious belief. In matters involving salvation, false professions of belief are equivalent to lack of faith. They do not aid the soul in the development of understanding, they deny truth; they serve no purpose. The only means available to the state to reside over religious belief are at the very least inefficient, and at their most extreme ineffectual. The use of coercion to enforce religious belief is, quite simply, irrational. Locke, as Waldron notes, turns to toleration as an alternative which is rational and functional:

Thus, from a rational point of view, the state, defined in the way Locke wants to define it, cannot have among its functions that of promoting genuine religion. And since, on Locke's definition, toleration is

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<sup>12</sup> Locke 18.

<sup>13</sup> Jeremy Waldron asserts that Locke defines the means at the disposal of the state as equivalent to the functions of the state, a misconception on Locke's part. See "Locke: Toleration and the Rationality of Persecution," in Susan Mendus, ed. *Justifying Toleration*. (Cambridge: Cambridge University Press, 1988), 61-86.

nothing but the absence of force deployed for religious ends, it follows that the state is required to be tolerant.<sup>14</sup>

Locke also distinguishes between the functions and nature of the church and advocates a realm of individual freedom in the private pursuit of religion. The church as Locke defines it, is a 'free and voluntary society,' individuals are free to join and remove themselves from association with a church. No man by nature is bound unto any particular church or sect, but every one joins himself voluntarily to that society in which he believes he has found that profession and worship which is truly acceptable to God."<sup>15</sup> This freedom in the pursuit of individual affairs takes place in a realm distinct from the areas of civil concern:

In private domestic affairs, in the management of estates, in the conservation of bodily health, every man may consider what suits his own conveniency, and follow what course he likes best.<sup>16</sup>

The salvation of souls is a concern wholly outside the business of the magistrate, the enactment and enforcement of law is a governmental concern, religion is the concern of the individual. "The care therefore of every man's soul belongs unto himself, and is to be left unto himself."<sup>17</sup>

Individual freedom is not without its restrictions in Locke's mind, nor is toleration in matters of religion without its limits. The state in Locke's theory is the keeper of order, an impartial 'umpire' which preserves peace in the face of individual pursuits of civil interest. It is an embodiment of an overall public good, a general will which submits to state authority. Impartial authority which maintains order.

Much criticism of Locke has stemmed from his refusal to extend toleration in matters of religion to atheists or catholics. But in the historical context out of which the *Letter* was

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<sup>14</sup> Waldron 66.

<sup>15</sup> Locke 20.

<sup>16</sup> Locke 27.

<sup>17</sup> Locke 28.



written, atheism and Catholicism are representations of anarchy. Both constitute threats to state authority; catholics through allegiance to another authority - the Pope, and atheists who by their disbelief demonstrate allegiance to no authority whatsoever. Religious toleration is extended as long as state authority is in no way jeopardized. There is an important point which should be outlined here: a greater good exists in social structures - public order - and individual interests and toleration of those interests - in Locke's case, religion - may not interfere with the maintenance of that order. For Locke, the role of the state is one of impartial overseer, the originator and enforcer of law. These are strict and required state duties. The pursuit of religious belief, the concern for salvation, is a private concern of individuals voluntarily joined in the formation of churches. Because salvation is not the state's concern, and because salvation may not be achieved through the use of force - the means at the state's disposal - toleration is advocated as a rational alternative to ineffectual persecution. Toleration is a solution to the dilemma created by the public pursuit of religion. A dilemma created by different conceptions of the proper constitution of religion.

Locke's articulation of religious belief as an assertion of factual belief, or truth, the articulation of an ultimate and compelling truth as opposed to a preference, demonstrate that for Locke and for any religious believer, such overarching faith cannot be coerced. Certainly, the recognition and definition of the ultimate and compelling nature of beliefs may also be applied to moral belief generally. A profoundly held moral belief may also be viewed as all pervasive, a recognition of a specific truth that ultimately influences and dictates the choices which compose a specific way of life.

Locke's is a limited view of toleration; toleration in religious matters, and further, toleration among Christian religious matters of the seventeenth century in particular. But even so, problems of difference in religious practice were a serious social concern. The magisterial response of persecution in the face of difference is interpreted by Locke to be inefficient, consequently irrational and undesirable. And in the spirit of this interpretation,

certain themes of the *Letter* have a relevance to current social problems and have been taken from Locke's work and developed further by later philosophers in the area of toleration: the impartial role of the state, the desirability of rationality, and delineation between public and private pursuits of human interest. Locke was not the first to develop these themes - later translated into state neutrality and the public/private distinction, as well as the necessity of impartial and universal concepts of social cohesion - nor was he interested in advocating difference specifically.

Locke's emphasis on the irrationality of persecution, or the reasons to pursue a policy of toleration, distinguish toleration as a concept separate from other concepts which are general characteristics of liberalism. Thus, unlike Mill, and unlike the current interpretation of the liberal model of toleration, Locke is not engaged in a general argument for liberty. Locke is clear enough in that his is an argument for toleration, (specifically religious toleration).

Certainly the problem of religious toleration, arose in the context of group difference. While Locke was concerned with expounding upon the above mentioned points, his argument was framed as a response to the persecution of religious groups during his era. Locke did recognize the existence of difference - in religious matters at any rate - a difference which generated problems in the establishment of a coherent social structure, a concern still relevant in late modern social structures and a specific concern of John Stuart Mill, to whom we will now turn.

### *John Stuart Mill and the Case for Diversity*

John Stuart Mill has a very different agenda from that of Locke. In *On Liberty*, where Mill asserts:

The object of this essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, . . . That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral is not a sufficient warrant. . . . Over himself, over his own mind and body, the individual is sovereign.<sup>18</sup>

Obviously, this is an argument advocating liberty for individuals in general. Mill presents an argument for individual liberty stating that individuals should be free from coercion or restraint by society to pursue their own life choices. Also, Mill cites the necessary instance when restriction of freedom or liberty *may be* warranted. The freedom of the individual is supremely important, and may be restricted only in instances where ‘harm’ may befall others.<sup>19</sup>

Mill defends the individual against encroachment of interferences by society and the state. The individual may engage in thought or action, free from interference as long as such thought and action do not, in turn, encroach upon other individuals. In his defense of the individual, Mill distinguishes between two dimensions of action, the public and the private:

There is a sphere of action in which society, as distinguished from the individual, has, if any, only an indirect interest: comprehending all that portion of a person's life and conduct which affects only himself or, if it also affects others, only with their free, voluntary, and undeceived consent and participation. . . . This then, is the appropriate region of of human liberty.<sup>20</sup>

Mill's definition of self-regarding and other regarding actions has proven to be quite

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13. <sup>18</sup> John Stuart Mill. *On Liberty*. Stefan Collini ed. (Cambridge: Cambridge University Press, 1989),

<sup>19</sup> See Peter Digeser. *Our Politics, Our Selves? Liberalism, Identity, and Harm*. (Princeton, N.J.: Princeton University Press, 1995).

<sup>20</sup> Mill 15-16.

controversial. What is relevant to the purposes of the discussion here is the delineation of individual action into two distinct spheres - a theme similarly found in Locke's *Letter*. According, to Mill, society may interfere with individual thought or action only in situations where harm may befall others. This is the common understanding of the harm principle. However, closer inspection reveals that even in the area of other-regarding action, society may interfere with individual action or thought only for the purposes of advancing an overall good. Within the private sphere, individuals are free from interference. Within the public sphere, interference is a possibility, conditional upon the ends of such interference.<sup>21</sup> Mill's utilitarianism is clear here, for prohibition of conduct, and then only in the public sphere, is dependant upon utilitarian justification.

At the heart of Mill's argument for liberty lies his concern for social forces which impose the will of the majority upon the few. This is often cited and criticized as an ungrounded commitment to diversity for diversity's sake. But Mill's concern is different; he regards diversity as an important aspect of humanity and a necessary condition for human progress. Mill has a specific view of human nature, one in which difference is a major component. Difference manifests itself in human personality and the means through which that personality finds fulfilment. The imposition of singularity - the placing of restrictions - only serves to stunt or retard natural human growth, (here, Mill's frequent references to the 'Chinese ideal' of 'making all people alike' are best illustrated). Furthermore, restriction in the form of social pressure or legal intervention have the same consequences; in either case, individuality or natural human expression is stunted. This point may be taken further with respect to the concept of toleration. Because diversity is a necessary component of human nature, we must not suppress diversity, even when it takes the form of behaviour which we

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<sup>21</sup> See Susan Mendus, *Toleration and the Limits of Liberalism*. (Atlantic Highlands, N.J.: Humanities Press International, 1989), chap 2, and Robert Paul Wolff, "Beyond Tolerance," in Robert Paul Wolff, Barrington Moore Jr., and Herbert Marcuse, *A Critique of Pure Tolerance*. (Boston: Beacon Hill, 1965).

may find objectionable, for suppression of such diversity only serves to curtail individual human nature.

There is a second reason for Mill's commitment to diversity, illustrated best when Mill makes reference to the importance of implementing and following one's own life plan. "The human faculties of perception, judgement, discriminative feeling, mental activity, and even moral preference are exercised only in making a choice. He who does anything because it is the custom makes no choice."<sup>22</sup> And again, "There is no reason at all that human existence should be constructed on some one or some small number of patterns. If a person possesses any tolerable amount of common sense and experience, his own mode of laying out his existence is best, not because it is best in itself, but because it is his own mode."<sup>23</sup> Here, Mill introduces his commitment to autonomous choice.

Autonomy involves self-direction, self-development. Persons should follow their own way of life even if it is not the best way of life, because to do so is part of the privilege of responsibility of adulthood, and recognition of persons as self-acting rational agents. ". . . One reason for advocating the widest possible liberty and for encouraging diversity", writes Susan Mendus, "is that these are necessary conditions for the development of that autonomy which is the characteristic feature of the adult and which alone makes life valuable for those who have arrived at the maturity of their faculties."<sup>24</sup>

Current definitions of autonomy insist upon the self-acting, rational character of the individual; ". . . the autonomous agent is self-governing and self-directed, in control of his (or her) own will and not subject to irresistible phobias, addictions, or passions."<sup>25</sup>

Autonomy usually involves three components: First, the autonomous person is free to act, meaning he or she is not compelled legally or through threat of force. Secondly, the

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<sup>22</sup> Mill 59.

<sup>23</sup> Mill 67.

<sup>24</sup> Mendus *Toleration and the Limits of Liberalism*, 52.

<sup>25</sup> Mendus *Toleration and the Limits of Liberalism*, 53.

autonomous person is rational; he is not compelled by desires or urges which undermine his ability to be an agent of free choice. And finally, the autonomous person defines the limit or law to which he subscribes; he does not conform, in other words, to the will of others.

Mill's objection to the tyranny of social opinion stems from his commitment to autonomy which can exist only in conditions of diversity. Autonomy necessitates a plural and diverse society. "Mill believes that fully autonomous agents will display a high degree of diversity, . . . but it is also true that the development of autonomy requires diversity, for if being autonomous is being author of one's own life, then we can become authors of our own lives only on the assumption that we have an adequate range of acceptable alternatives from which to choose."<sup>26</sup>

Diversity, autonomy and separate spheres of conduct are important themes in Mill's theory, all supporting his larger argument for individual liberty. These themes have been translated into pluralism, the primacy of the individual, self-acting, rational agent, and state neutrality in the public realm of social relations. There is a large difference between the arguments of Locke - a call for specifically religious toleration - and Mill - a general argument for individual liberty. Mill addresses in large degree the immorality of intolerance rather than its irrationality, (although rationality is still an important part of the individual disposition, for it allows free choice). Out of arguments for diversity and the inviolability of individual action arise two arguments which support the current liberal doctrine of toleration. State neutrality, and its link to the public/private spheres, and the concept of traditional pluralism. Mill provides reasons for the importance of toleration overall, helping to construct the current model for liberal toleration.

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<sup>26</sup> Mendus *Toleration and the Limits of Liberalism*, 54.

## *Toleration: A Contemporary Liberal Model*

Toleration then, is understood classically as, "... the readiness to respect the inviolability of the private sphere of the individual's existence."<sup>27</sup> Privately, toleration leads to the encouragement of individuality, and the diversity which accompanies individuality. Publicly, individual action or thought is accountable to the greater good, but this does not translate into wholesale inhibition of individuality. Individuals meet in and compose society. Public action or pursuit of the good is also free from interference, except in situations where the universal good is adversely affected. In either case, the (desired) result is the existence and appreciation of minimally limited diversity, aided by the practice of toleration. "So the philosophy of tolerance, as expounded by liberalism, leads naturally to an active encouragement of cultural, religious, social, and political variety in an urban setting,"<sup>28</sup> or so a liberal interpretation of toleration would have us believe. The mere existence of competing ideas of the good - pluralism - necessitates toleration and non-interference within the private sphere.

Differing arguments for toleration have combined into a general liberal model. The arguments of both Locke and Mill which draw upon the distance of state power with respect to the individual, the importance of rationality as a valuable component in human behaviour, and the recognition of the differences that compose individuality, have all combined at a basic level to develop commonalities of thought which serve to define the doctrine of liberal toleration. Despite differences in the theories of Locke and Mill, much of their particular argument has served to create the modern understanding of toleration in current liberal societies, and the emphasis upon universality, rationality, and individuality which permeate much discussion surrounding toleration.

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<sup>27</sup> Wolff 25.

<sup>28</sup> Wolff 27.

Certainly among liberal theorists, toleration is viewed as a central concept embedded in modern theories of liberalism. Toleration is recognized as a major component of free and stable societies, a means to accommodate individual difference. Furthermore, toleration is viewed as a positive and desirable principle. Its very practice implying a progressive and civilized society. "Tolerance is a liberal virtue: it is among the most honourable of the respectable habits of liberal citizens."<sup>29</sup> The definition, justifications and limits of toleration remain indeterminate; however, recurrent themes do serve to construct toleration at its most general and applicable levels.

First, modern society is composed of diverse elements. Difference is an ineradicable feature of late modern social systems, and such difference inescapably leads to conflict. "Virtually every society contains ethnic, religious, or other minorities, and these frequently exist in uneasy tension or with varying degrees of open conflict or oppression of the minority."<sup>30</sup> The presence of distinct identities within the human experience and the conflict which ensues during interaction lies at the heart of discussions of toleration; and so it becomes necessary to mediate between conflict in order to preserve some sense of social cohesion.

What is the modern conception of toleration? Generally speaking, toleration arises in negative contexts. It is associated with (moral) disapproval, perhaps even dislike. The basis of the concept of toleration is, "a deliberate choice not to interfere with conduct which is disapproved."<sup>31</sup> Subsequently, it is a necessary condition of toleration that it is associated with behaviour somehow deemed offensive or objectionable. Furthermore, an active power component comes into play, for the object of toleration - the misconduct or wrongful

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<sup>29</sup> Steven Kautz, "Liberalism and the Idea of Toleration," *The American Journal of Political Science*. (Vol 37, 1993), 610.

<sup>30</sup> John Horton, "Philosophy and the Practice of Toleration," in John Horton and Peter Nicholson eds. *Toleration: Philosophy and Practice*. (Aldershot (England): Avebury, 1992), 1.

<sup>31</sup> Horton, "Philosophy and the Practice of Toleration," 2.



behaviour - could be prohibited or prevented. Individuals practicing toleration refrain from interfering with or preventing the conduct in question even though it is within their power to do so.

Individual actors in societies display toleration if an individual (within society) expresses behaviour or modes of thinking which society or another actor deems (morally) or harmfully wrong. Furthermore, the actor or actors displaying toleration are in a position of power in which such offensive or wrongful behaviour could be suppressed or prevented but chooses not to exert that power.<sup>32</sup>

In his definition of toleration, Peter Nicholson defines six key concepts as necessarily associated with toleration:

1. Deviance: What is tolerated deviates from what the tolerator thinks, or does, or believes should be done.
2. Importance: The subject of the deviation is not trivial.
3. Disapproval: The tolerator disapproves morally of the deviation.
4. Power: The tolerator has the power to try to suppress or prevent (or at least oppose or hinder) what is tolerated.
5. Non-Rejection: None the less, the tolerator does not exercise his power, thereby allowing the deviation to continue.
6. Goodness: Toleration is right and the tolerator is good.<sup>33</sup>

Susan Mendus sums up the concept toleration as, “circumstances of diversity coupled with dislike, disapproval, or disgust. And it is further a necessary condition of toleration that the tolerator should have the power to interfere with, influence, or remove the offending practice, but refrain from using that power.”<sup>34</sup>

While these definitions may not be canonical, they serve to highlight themes

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<sup>32</sup> Christopher Megone, “Truth, the Autonomous Individual and Toleration,” in John Horton and Peter Nicholson eds. *Toleration: Philosophy and Practice*. (Aldershot (England): Avebury, 1992), 126.

<sup>33</sup> Peter Nicholson, “Toleration as a Moral Ideal,” in John Horton and Susan Mendus, eds. *Justifying Toleration*. (London: Methuen, 1985), 160.

<sup>34</sup> Mendus, *Toleration and the Limits of Liberalism*, 9.

associated with toleration. Toleration arises in circumstances of difference paired with conflict. Toleration contains a power dynamic; the subject of toleration is not interfered with in spite of abilities on behalf of the tolerator to the contrary. These are the most obvious aspects of the definition. Toleration is also recognized as good, as a virtue in individual citizens; it is thought to be a valuable component of individual interaction in a liberal society. Nevertheless, questions do arise: Why should conduct deemed offensive or inappropriate continue unimpeded? Why is it deemed valuable to refrain from interfering with offensive conduct? These questions are addressed in the following justifications of toleration, traditional liberal pluralism and the liberal concept of authoratative impartiality.

### *Liberal Pluralism*

Diversity as inevitable. Diversity as conflictual. Diversity as natural. Liberalism identifies diversity as a staple of the social system. The liberal social structure consists of an assortment of individuals, each actively pursuing a distinct and competitive life ideal. With such myriad claims abounding, conflict is also construed as inevitable; hence toleration is regarded as necessary to stay the potentiality for explosion. Points of view are regarded as objective or subjective, embodying either variety or disagreement.<sup>35</sup> Certainly, toleration is not regarded as merely useful to prevent individual warfare; toleration is a response to the variety and potential controversy surrounding differing interpretations of what is valuable in life.

The liberal society is one in which space is established for a diversity of beliefs and life choices. Many of these beliefs and choices are engaged in a competitive battle for

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<sup>35</sup> See Charles Larmore, *Patterns of Moral Complexity*. (London: Cambridge University Press, 1987).

realization. Qualifications of individuality, rationality, and autonomy which characterize the nature of individuals in a plural society ensure that self-interest is of primary importance. And the pursuit of self-interest requires some sort of negotiation to settle differing and rival claims and ensure a general spirit of civility. "This strategy recognizes the indifferent equality of a plurality of dominant selves, and - out of a prudent fear - negotiates rival claims by contract, by appeal to the maximization of happiness, or more recently by procedural rules."<sup>36</sup>

Traditional theories of pluralism recognize the existence of many different conceptions of the good. But amongst reasonable, rational individuals, these differing conceptions are also recognized to have value. Toleration comes into play because reasonable, rational individuals can disagree about what in fact, constitutes a good life. A relatively neat diagram of problem and solution emerges:

*Pluralism*, or the idea that there are many viable conceptions of the good life that neither represent different versions of some single, homogeneous good nor fall into any discernible hierarchy; and *toleration*, or the idea that because reasonable persons disagree about the value of various conceptions of the good life, we must learn to live with those who do not share our ideals.<sup>37</sup>

Of interest in the liberal conception of pluralism is the subtle transformation of the existence of relevant differences (diverse conceptions of the good), into competing claims. Pluralism is understood as relations of competing self-interest. Liberal pluralism seems to be a result of choice,<sup>38</sup> the consequence of pursuit of individual claims or demand. And as a

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<sup>36</sup> Kenneth L. Schmitz, "Is Liberalism Good Enough?" in R.B. Douglas, G.R. Mara, and H.S. Richardson, eds. *Liberalism and the Good*. (London: Routledge, 1990), 93.

<sup>37</sup> Larmore, *Patterns of Moral Complexity*, 23.

<sup>38</sup> A vision of a pluralistic utopia is proposed by Robert Nozick, one in which virtually limitless diversity ensures a wide range of life choices, (much in the spirit of Mill). This is a society in which individuals may voluntarily enter into, as well as exit, diverse communities, thereby fully exercising their capacity for choice. "Utopia is a framework for utopias, a place where people are at liberty to join together voluntarily to pursue and attempt to realize their own vision of the good life in the ideal community but where no one can impose his own utopian vision on others." See *Anarchy, State, and Utopia*. (New York: Basic Books, 1974), 312.

result, negotiation between competing claims, or justice, is distributed accordingly. The institutional framework of the liberal society - one of neutrality - ensures that each individual life choice gains expression, free from interference from its multiple opponents. The existence of diverse conceptions of the good leads then to another proposed justification for toleration, that of liberal neutrality or impartiality, and the two spheres of social relations closely associated with state neutrality, the public and the private.

### *State Neutrality and the Public/Private Distinction*

A response to the variety of conceptions of the good, liberal neutrality or impartiality is understood as fair, as invoking justice. Relations between justice, the good, and toleration are regulated by the principle of state neutrality. Liberal neutrality requires that the state remain impartial with respect to diverse, competitive conceptions of the good. Impartiality requires that institutional structures of authority do not promote or prohibit a specific ideal of the good. Impartiality is therefore fair or just in the sense that individual claims are treated equally, i.e. the same principles apply to all ensuring independence and fairness. "Principles of justice are supposedly independent of conceptions of the good, providing mere boundary constraints within which such conceptions may be pursued."<sup>39</sup>

Liberal impartiality and the principle of toleration meet in the relationship between the public and private dimensions of social life which regulate the workings of the neutrality principle. The understanding of the existence of individual diversity coincides with the characteristics of human reasonableness in the face of difference. Claims made in the pursuit

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<sup>39</sup> Deborah Fitzmaurice, "Liberal Neutrality, Traditional Minorities and Education," in John Horton ed. *Liberalism, Multiculturalism, and Toleration*. (London: Routledge, 1993), 50.

of the good are recognized as brought forward by reasonable and rational individuals, but representative of a variety of claims nonetheless. Diversity signals to us that agreement upon a single, universal good is not possible, and therefore justice or the area of legitimate decision-making and intervention is limited to a specifically defined sphere of social life, the public. Within the public sphere, rational individuals submit to authority in the sense that impartial moral rules apply to all. According to Larmore, “. . . neutrality as a political ideal governs the *public* relations between persons and other institutions.”<sup>40</sup> Individual perspectives, or conceptions of the good, cede their primacy to the interests of justice - the primacy of the right over the good.

Active pursuit of the good takes place in the private sphere of social life, through which diversity and self-interest are rightly expressed. The private sphere is the area in which the capacity for individual choice is articulated, pursuit of individual conceptions of the good takes place; certainly not unlimited self-interest, always with the proviso of respect for individual boundaries. “The state should not seek to promote any particular conception of the good life because of its presumed *intrinsic* superiority - that is, because it is supposedly a truer conception. A liberal state may naturally restrict certain ideals for *extrinsic* reasons because, for example, they threaten the lives of others.”<sup>41</sup> Neutrality is viewed as a political or procedural tool governing the liberal state. Politics is viewed as impartial with respect to decision-making procedure, so that the state decision justified without appeal to a specific conception of the good, is the state which has behaved according to neutral principles.

Liberal neutrality is a component of the public (sphere) articulation of the idea that, “government should refrain from favouring any one group over another.”<sup>42</sup> In the private sphere individuals are free to live out aspirations, goals; life in their own distinct way.

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<sup>40</sup> Larmore, *Patterns of Moral Complexity*, 45, (Italics his).

<sup>41</sup> Larmore, *Patterns of Moral Complexity*, 43, (Italics his).

<sup>42</sup> Mendus, *Toleration and the Limits of Liberalism*, 79.

According to one interpretation, neutrality is justified through the 'norms of rational dialogue and mutual respect,' two norms that are central elements in a Western tradition of thought.<sup>43</sup> This defense of neutrality is based upon two assumptions of social life and individual character. First, there is the norm of rational dialogue, which allows that in attempts to mediate between or solve social problems, dialogue is constructed along neutral or impartial grounds. So understood, neutral ground refers to common ground, an area of social relations in which thoughts or beliefs are shared to a certain extent. Thus dialogue proceeds along this neutral ground, thereby attempting to resolve conflict, or dialogue bypasses areas of conflict completely, appealing to the existing impartiality from which dialogue began.<sup>44</sup> This is the method of neutral conflict resolution:

When you and I learn that we disagree about one or another dimension of the moral truth, we should not search for some common value that will trump this disagreement; nor should we seek to transcend it by talking about how some unearthly creature might resolve it. We should simply say nothing at all about this disagreement and put the moral ideas that divide us off the conversational agenda of the liberal state.<sup>45</sup>

The second justification of neutrality is the rationale of respect for persons. Reliance on the Kantian rule specifies that respect for persons requires that individuals should never be treated as means, or as instruments of will. Treating persons as means involves tactics of coercion. Individuals must be treated as ends, or as persons in their own right. This involves recognition of the distinctive capacity of individuals; that is, the recognition and respect of individuals as reasonable and rational persons. Thus, neutrality resolves conflict through socially accepted norms of rational dialogue and mutual respect, norms also thought to apply in the practice of toleration.

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<sup>43</sup> Larmore, *Patterns of Moral Complexity*, Chapter 3.

<sup>44</sup> See Larmore, *Patterns of Moral Complexity*, chapter 3, and also see Charles Larmore, "Political Liberalism," *Political Theory*. (Vol 18, 1990), 339-360.

<sup>45</sup> Bruce Ackerman, "Why Dialogue?" *Journal of Philosophy*. (Vol 16, 1989), 16.

Obviously, neutrality is a contested concept. Above, and in accordance with the views of Larmore and the philosophy of Locke, neutrality is stated to apply to criteria or procedure. But another interpretation states that institutions must be neutral with respect to outcome. In this interpretation, neutrality results in non-discriminatory legislation, so that the outcome of institutional activity may not favour one mode of life over another.

Whatever the interpretation of neutrality, its application is commonly regarded as central to liberal societies, and it is a major component justifying the desirability of toleration. Both Locke and Mill, different though their arguments for advocating toleration may be, seem to agree on the fact that a conception of the good expresses no value if it depends upon coercion. Locke's insistence that 'the care of each man's soul belongs to himself,' and Mill's claim that 'a way of life is best, . . . because it is chosen,' are different statements that support individual degrees of autonomy. What is stressed here is the importance of choice, and underlying the proposed importance of choice is a subtle assumption of human nature - a general or universal assumption from which liberalism usually claims to be divorced. For, "While the need for neutrality is created by the fact of diversity, . . . the application of neutrality is possible only on the assumption that diversity is underpinned by unity."<sup>46</sup>

Guiding the application of the neutrality principle are a number of preconceptions about the character of individuals living within a liberal democratic polity. In order for neutrality or impartiality to operate effectively, rational individuals pursue a variety of life choices within the private sphere while understanding the need to keep these pursuits distinct from universally acceptable actions which serve the greater social good, (within the public sphere). The rational individual understands the public necessity of impartiality, i.e. the removal of potential conflictual issues from the public discourse, which amounts to the establishment of an agreed upon social make-up with respect to individual social subjects as

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<sup>46</sup> Mendus, *Toleration and the Limits of Liberalism*, 87.

well as institutions. Impartial reasoning operates effectively under these conditions. The establishment of the universal norms of rationality and individualism ensure the operation of institutional impartiality.

An important aspect of the neutrality principle is all too often overlooked. Neutrality or impartiality with respect to bureaucratic structures become enormously problematic when applied to real-life situations of social conflict. For rational and reasoned choice, autonomy and individualism all rely upon specific recommendations of appropriate human behaviour. Impartiality promotes in effect promote an ideal social subject which is specific to a certain theory of political thought. Neutrality weighs heavily upon the experiences and participation of individuals, unless their identity is composed of tenets important to liberalism. Neutrality is dependent upon a unified social system composed of 'liberal' subjects. The political philosophy of liberalism does recognize the importance and place of individual and even of group identity in the formation of political structures. But in the establishment of impartial discourse, liberalism must rely upon certain particularities of human experience to sustain its 'neutral' political order. This puts the application of toleration and its justification as an 'impartial' mediator into question. In the next chapter I will examine the concept of identity, attempting to define and understand its importance in the formation of social/political structures. I shall also attempt to define the 'liberal' identity - a concept rarely articulated as such - and its relationship to the formation of liberal public institutions. Specifically, I will examine the relationship between the liberal identity and the meaning such an identity places upon a liberal conception of toleration.



## *Identity , Collectivity and Unity*

Identity as self-realization. Identity as self-understanding. Identity as self-definition. Guidelines which help to define the parameters of being. Identity in a constant state of flux. Its double dimension defining itself as well as its opposite. Identity as conflictual, complacent, dialogic. An intrinsic aspect of the human experience.

My identity is what I am: how I am recognized rather than what I choose, want or consent to. It is the dense self from which choosing, wanting, and consenting proceed. Without that identity, these acts could not occur; with it, they are recognized to be mine. Our identity, in a similar way, is what we are and the basis from which we proceed.<sup>47</sup>

In this chapter I propose to examine the complex concept of identity. Specifically, the formation of identity and the subsequent relationship such formations have on the development and maintenance of social and political institutional structures. My aim here is to demonstrate that contrary to commonly accepted theorizing within Kantian liberalism, issues of social conflict and decision-making revolve primarily around collective subject formations. Group consciousness, the recognition of the attachment of social subjects within some type of collective, is the basis of political development and participation.

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<sup>47</sup> William Connolly. *Identity/Difference: Democratic Negotiations of Political Paradox*. (Ithaca, N.Y.: Cornell University Press, 1991), 64.

## *Identity*

Identity has been described as defining 'who I am.' As Charles Taylor suggests, ". . . it is the background against which our tastes and desires and opinions and aspirations make sense."<sup>48</sup> Identity places our experience. It determines our attitudes, judgements, desires, dislikes; our waking state of being. Such density of subject is constantly open to definition and redefinition; and in order to understand, communicate with, or control the complexities of identity, mythological or idealist identities are often constructed. Through such constructs social and political institutions are formed. Social interaction is analyzed, and social identities are placed. 'Desirable' traits exist, defined by their 'undesirable' counterparts. The construct becomes the universal, the standard of characteristics regarded as acceptable, proper, correct.

According to William Connolly, discourse within modern institutional structures assures us that certain attributes are proper or correct, maintained by reference to those attributes or characteristics which are incorrect, alien, 'other' or different. In the context of modern social discourse, difference is usually associated with that which is somehow negative. Recognized identities are established in relation to those ideals promoted by the political order. Hence only a "true" identity is recognized, that is, an identity shaped by and supportive of those in positions of power.

An identity is established in relation to a series of differences that have become socially recognized. These differences are essential to its being. If they did not coexist as differences, it would not exist in its distinctness and solidity. Entrenched in this indispensable relation is a second set of tendencies, themselves in need of exploration, to congeal established identities into fixed forms, thought or lived as if their structure expressed the true order of things.<sup>49</sup>

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<sup>48</sup> Charles Taylor. *Multiculturalism and the Politics of Recognition*. (Princeton: Princeton University Press, 1992), 33-34.

<sup>49</sup> Connolly 64.

It is in this way that 'normalcy' is created. Subjects are classified: 'what I am,' and 'what I want,' are placed into understandable and constrained parameters. Conflict ensues, dual realms of experience and expression exist. There is the identity which is universal, and that which is singular or particular. There is the identity which is rational, opposed to that which is unsound. There is the identity which is normal versus that which is 'other.' "Identity requires difference in order to be, and it converts difference into otherness in order to secure its own self-certainty."<sup>50</sup> Such categorization of social subjects aids in the maintenance and control of social/political structures.

### *Universality and Conceptions of Identity*

Experience and expression are specific activities. Identity assures us that individual expression is unique to a certain extent, while at the same time having the ability to be translated and thereby related to other existing entities. Through the establishment of fixed and acceptable identities, particularity of experience is compared, and an attempt is made at order and unification. Difference is taken to define those particularities of experience which defy the 'totalizing comprehension' of social and political systems constructed under the banner of acceptable identities which turn the particular into the norm or universal. Those identities which maintain their state of otherness resist unity, forcing this universal social construction of identity, to deny or repress difference.<sup>51</sup>

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<sup>50</sup> Connolly 64.

<sup>51</sup> Iris Young, William Connolly, Steven K. White, and Chantal Mouffe, and David Theo Goldberg all share this understanding of how the concept of the 'other' and the denial of difference are perpetuated in current identified liberal societies. Specifically see Chantal Mouffe, *The Return of the Political*. (London: Verso, 1993).

Denial of difference also denies the relatedness of differing entities. The rational, calm subject is normally related to his or her irrational, emotional opposite, defining and identifying a positive aspect with respect to its negative counterpart. The creation of total opposites allows the construct of the fixed identity to compare aspects and reject any recognition of the relatedness of entities. Recognition of relatedness would serve to destabilize the parameters of established identities, remove any levels of detachment, and to a certain extent, prove false any constructed universalizing principles. A construct of acceptable identities seeks to generate fixed and stable categories.

To do this, thought must be mastered, brought under control of a unifying concept; a concept which embraces one specific subjectivity. The thinking subject and the object thought, become one and the same. The thought of rationality becomes rationality in essence or fact, or an immediate existing component of the desired subject, not a circumstantial characteristic of a particular expression of experience. Thought is used to control or conceal outside forces, and by this I refer to forces outside the accepted parameters of the construct, i.e. universality. Uncertainty, particularity, and 'otherness' are all eliminated. The thinking subject embodies universality, sameness, predictability. "Such a subject is conceived as a pure transcendental origin: it has no foundation outside itself, it is self-generating and autonomous."<sup>52</sup> And so the self-generating rational subject is created, by the mastery of controlled thought processes extolling the unity, logic and desirability of these thoughts themselves, (as long as these thoughts take place in the form fashioned above). All subjects of the constructed social system are reduced to this unity of thought, and found acceptable or lacking by comparison. Thus, construction of the social system, "... seeks to reduce plurality of particular subjects, their bodily, perspectival experience, to a unity, by measuring them against the unvarying standard of universal reason."<sup>53</sup>

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<sup>52</sup> Young 99.

<sup>53</sup> Young 99.

The relatedness of entities, the particularities which involve similarity are negated. "By seeking to reduce the differently similar to the same", writes Iris Young, "... the merely different [are turned] into the absolutely other."<sup>54</sup> This construction of universality among entities inevitably involves exclusion of some subjects whose particularity of experience is not easily repressed or denied. So, the establishment of acceptable identities, "... generates dichotomy instead of unity, because the move to bring particulars under a universal category creates a distinction between inside and outside."<sup>55</sup>

In constructed social systems, unity may only be achieved at the expense of particularity, which is expelled. Relatedness of difference is erased, creating complete opposition, and the formal establishment of that which is 'other.' Thought becomes a unifying construct, not a realm through which particular expression and opinion is formed. Cohesion is maintained through the creation of stable categorizations, conceptualized for their affinity to control or conformity as described. A clear dichotomy erupts:

Since each particular entity or situation has both similarities and differences with other particular entities or situations, and they are neither completely identical nor absolutely other, the urge to bring them into unity under a category or principle necessarily entails expelling some of the properties of the entities or situations. Because the totalizing movement always leaves a remainder, the project of reducing particulars to a unity must fail. Not satisfied then to admit defeat in the face of difference, the logic of identity shoves difference into dichotomous hierarchical oppositions: essence/accident, good/bad, normal/deviant.<sup>56</sup>

In order to create a public sense of unity, dual constructs of positive and negative subject characteristics are used to justify dominant codes signifying acceptable social conduct within the institutional order. The creation of absolute social opposites helps to stabilize the public sphere of social relations by clearly delineating between acceptable versus unacceptable

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<sup>54</sup> Young 99.

<sup>55</sup> Young 99.

<sup>56</sup> Young 99.

forms or expressions of identity.

### *The Liberal Identity*

Universalizing constructions of identity are basic to liberal theory.<sup>57</sup> The self-acting rational agent, the independent chooser, or the autonomous individual is of special importance in liberal social systems, second only to the state. The individual has a long history in liberal theory. From the Aristotelian individual chooser to the subjects of Rawls' original position, the 'self-mover' is viewed as paramount to traditional liberal theory:

The liberal identity translates into a self-directed individual. External factors play their role in the formation of this identity, but particularities of experience do not 'interfere' with directed courses of action among individuals, especially within the public or political sphere. Individualism constitutes an identity characterized by self-choice and autonomy; freedom is also intricately related to individualism, for freedom contributes to the ease or ability of individual pursuits. The free, individual, self-mover, logically choosing his or her own course of action embodies full and productive individualism.<sup>58</sup>

Individualism, as central to a theory of social thought, is of course, intricately related

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<sup>57</sup> Chantal Mouffe states that it is necessary for the liberal political order to relegate pluralism and dissent to the private sphere in order to secure a consensus in the public. Thus the establishment of basic, universal values and individual characteristics that are the foundations of the public persona, and which help to determine acceptable parameters of public discourse. See "Politics and the Limits of Liberalism," in *The Return of the Political*.

<sup>58</sup> "The agent's identity is not simply a product of his environment - family, education, country: rather each individual can forge his own beliefs, choose courses of action and be responsible for the development of relationships to others." According to Christopher Megone, liberalism interprets identity as very much removed from historical contingencies. History and situation may form a part of identity, but the rational liberal individual may free himself from such constraints. This is important as the foundation for the insistence on the importance of the individual found in liberalism. See Christopher Megone, "Truth the Autonomous Individual and Toleration," in John Horton and Peter Nicholson, eds. *Toleration: Philosophy and Practice*. (Aldershot (England): Avebury, 1992), 126.

to the society from which it is formed and in turn aids in the formation of that society.

Christopher Megone describes individualist theories in terms of the value of the creators and the created: "... the value of a social condition, or a social institution, is to be accounted for or explained in terms of its value to the individuals constituting or creating that state or society."<sup>59</sup> This corresponds with constructions of identity which in turn construct social systems. These, in turn reinforce and affirm the common, or dominant (constructed), identities as valuable. "The individual is supported by the ideal of the Kantian autonomous self, ... it is in some sense a pre-institutional self, since the institutions to which it subscribes are in principle its own product and derive their legitimacy in some way from its consent."<sup>60</sup> In the case of liberal individualism, the justification of public institutions is involved in the construction of the institutions or conditions themselves.<sup>61</sup>

These constructions of liberal identity stem in large part from the Kantian tradition of individualism with its emphasis on the importance of individual reason and of rationality. Subjects exercise their all important capacity for choice, and they do so unimpeded by outside forces or particularist emotions; decisions must be seen as 'independently valid,' generated by the subjects own free will:

We cannot possibly conceive of a reason as being consciously directed from outside in regard to its judgements; for in that case the subject would attribute the determination of his power of judgement, not to his reason, but to an impulsion. Reason must look upon itself as the author of its own principles independently of alien influences.<sup>62</sup>

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<sup>59</sup> Megone 128.

<sup>60</sup> Kenneth L. Schimtz, "Is Liberalism Good Enough?" in R.B. Douglas, G.R. Mar, and H.S. Richardson, eds. *Liberalism and the Good*. (London: Rutledge, 1990), 95.

<sup>61</sup> "Individualism values social conditions/institutions principally in so far as they enable the individual to act on choices in time with his rational will, but also to the extent that such conditions or institutions embody or derive from such rationally willed choices." Essentially, we see that liberal institutions are valuable because they stem from rationally willed choices and also because they enable rationally willed choices to be realized. See Christopher Megone, "Truth, the Autonomous Individual and Toleration," 128.

<sup>62</sup> Immanuel Kant. "Groundwork of the Metaphysics of Morals," in H. Paton ed. *The Moral Law*. (London: Hutchinson, 1948), 116.

This conception of identity stresses the implementation of logically exercised choice, certainly unimpeded. This choice is exercised by an identity not subject to individual whims or desires; the actor is controlled, for *deliberate* choice is an important factor. “. . . the emphasis is on the sense in which the agent himself rules or contributes to his own development as against other agents or external circumstances controlling that development.”<sup>63</sup>

Such Kantian interpretations of individualism are thought to be in opposition to Hegelian views of the same, because in the latter case, the emphasis is placed upon institutions and external impediments to the exercise of free choice. Constructed institutions and/or societies enable individual freedom as well as result from the expression of individuality. The result is that:

Each (rational) individual is conceived as committed to pursuing his own self-interest, or satisfying his own desires, . . . and social conditions or institutions are valuable principally in so far as they are valuable to individuals so conceived, either by enabling them to act in such a way or through resulting from such self-interested acts.<sup>64</sup>

This view would tend to correspond loosely with that espoused by Mill, for in Mill's conception of individualism, identities related as actors in society exhibit and act upon a multiplicity of interests, to a large extent free from social or institutional interference. As a result, individual actors and society as a whole move towards moral, political and social development. In both these constructions of liberal individualism, the emphasis is upon the autonomous, rational agent. “The authentic self is autonomous, unified, free, and self-made, standing apart from history and affiliations, choosing its life plan entirely for itself.”<sup>65</sup> The

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<sup>63</sup> Megone 130.

<sup>64</sup> Megone 128.

<sup>65</sup> Young 45.



unifying principles of autonomy and rationality serve as the basis for the individual as self-acting, egoist chooser.

A universalizing principle of individualist rationality fosters the ideal of impartiality, as distance and dispassion. And rational, impartial individuals construct their like in social institutions. The full exercise of the relationship between freedom and individualism may only be practised in conditions conducive to the construct of identity outlined above. Choice is thought to thrive in such conditions, choice requiring freedom and example. Deliberate choice, embodying rational choice, the unifying construct of individualism, may only take place in conditions which 'foster' a wide range of lifestyles or subsequent rational choices. In short, individuality requires a variety of choices from which to exercise its own capacity for decision-making, allowing that a wide range of lifestyles or choices must be tolerated. Correspondingly, "... a theory of political individualism which values those social institutions which contribute to the realization of individuals' essential human potential will value toleration in society."<sup>66</sup> And "By the same token an individual who values the autonomous individual so conceived will have good reason to be tolerant."<sup>67</sup>

### *Liberalism and Collectivity*

Individuals are not self-sufficient. Everything we know suggests that in a state of nature, or in an original position, they would be joined not only in families but also in other collectivities of various kinds. . . . they would be joined in groups identified by race, language, or religion, by social custom and conventions, or more broadly by culture. . . . the development of their personalities and talents, their philosophies of life, and perhaps their very existence would depend on the community of which they are a part.<sup>68</sup>

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<sup>66</sup> Megone 136.

<sup>67</sup> Megone 136.

<sup>68</sup> Vernon Van Dyke. "Collective Entities and Moral Rights: Problems in Liberal Democratic Thought," *Journal of Politics*. (Vol 44, 1982), 39.

Ordinary liberal discourse relies on specific delineations of individuals, their activities and characteristics. As a result, delineation of individuals into separate social groups does take place; we are familiar with delineations along the lines of gender, race, religion, ethnicity, etc. However, such social groups are not just simply a collection of individuals. The differences among these individuals compose a fundamental part of identity. Differences of this sort form a specific collectivity; members of such a collectivity share experiences in their way of life due to the particularities their differences impose upon them.<sup>69</sup> This is one specific view of the collective or group experience. There are many others, however, social theory and liberal political theory specifically, lacks a clear concept of the collective or social group.

Social groups or collective identities are a result of social interaction. Groups exist in relation to other groups. In sum, “. . . A social group is a collective of persons differentiated from at least one other group of cultural forms, practices, or ways of life.”<sup>70</sup> Because members share a certain way of life, they associate in a distinct way with other members of the same group. Members of a collectivity have a special affinity for one another. Shared life experiences create a shared sense of being, there is a rapport that is perhaps absent in the interactions and relations that take place with members of other social groups. Furthermore, social processes also serve to categorize individuals into specific groups. Classifications of gender, or age, etc., typically serve to form divisions in societies. Specifically, distinct social roles and classifications of labour are often attributed to women as opposed to men; while elder members of society are again accorded a specific role in society with the advancement of age.

So we see that, “. . . Group identification arises, . . . in the encounter and interaction

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<sup>69</sup> See Epstein, “Gay Politics, Ethnic Identity: The Limits of Social Constructionism,” *Socialist Review* (Vol 17, 1987). Members of groups, and in particular members of groups labeled as ‘other’ find that their social categorization imposes specific experiences upon them, experiences that are not shared by those outside the group.

<sup>70</sup> Young 43.

between social collectivities that experience some differences in their way of life and forms of association, even if they also regard themselves as belonging to the same society.”<sup>71</sup>

Because of the lack of a specific concept of collectivity, there is a tendency in the liberal tradition, to reduce the collective into a manageable mode of associations or aggregates. As Vernon Van Dyke suggests, “. . . liberals and their historic doctrine neglect collective entities. They assert the rights of individuals against the state , . . . they tend to think of a nation or people not as a collective entity but as an aggregation of individuals.”<sup>72</sup> It is important to distinguish between the collective identity or social group, and the common classification of collectivity translated into associations or aggregations, both of which translate into methodologically individualist concepts.

An aggregate may be defined as a classification of persons according to some specific attribute. We may describe weight, height, income, hair colour, etc., as aggregates which help to compose an individual. Race, sex, age, etc., have commonly been interpreted as recognizable attributes of individuals, rather than essential characteristics, thereby allowing institutions to ignore the social relevance and contributions of persons of colour, women, and the elderly, to name a few.<sup>73</sup> Such social groups are composed of more than a set of shared attributes. A strong sense of identity permeates the consciousness of Native Americans, African-Americans or women. These groups share a “. . . Common history that social status produces, and self-identification that define the group as a group.”<sup>74</sup>

In contrast, associations may be defined as formally organized institutions. Associations may include unions, corporations, political parties, or clubs. Such groups are

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<sup>71</sup> Vernon Van Dyke. “Collective Entities and Moral Rights,” 21.

<sup>72</sup> Van Dyke, “Collective Entities and Moral Rights,” 22.

<sup>73</sup> In an opposing point of view, George Sher accepts the classification of social groups as composed of individuals with a number of shared attributes. He resists calls to give ‘special’ or increased attention to such groups on the basis of shared attributes, believing that this would result in favouritism or unfair treatment. See “Groups and the Constitution,” in Gertrude Ezorsky, ed. *Moral Rights in the Workplace*. (Albany: State University of New York Press, 1987).

<sup>74</sup> Young 44.

defined by specific practices and rules which are part of the formations of the association. Associations are primarily voluntary in nature, individuals usually 'enter into' an association. Individuals conceive of , and form associations, meaning that the person exists, (identity is shaped) prior to the formation of a relationship between the individual and the association.<sup>75</sup>

A common pattern exists in that both the aggregate and associational models of group behaviour stress the primacy of the individual, in accord with the overall pattern of the liberal tradition. In the first example, groups may be formed due to the existence of certain attributes. Physical, social, financial, etc., characteristics provide the basis for group specificity. The latter model stresses the individual as prior to any group reference, for the individual creates the association, enters into, and leaves the association. "The aggregate model conceives the individual as prior to the collective, because it reduces the social group to a mere set of attributes attached to individuals. The association model also implicitly conceives the individual as ontologically prior to the collective as making up, or constituting, groups."<sup>76</sup>

Neither of these models are adequate to encompass the complexities of group experience. An individual may join specific associations, an individual may be described according to a specific set of attributes. However, an individual is himself formed by a group consciousness. Group affinities shape identity, help in the formation of self-expression and self-definition. In other words, ". . . Identity is constituted relationally, through involvement with - and incorporation of - significant others, and integration into communities."<sup>77</sup> Particularities of affinity, history, and experience are all constituted by membership in a social group. Certainly, individuality does exist in the form of taste or style, and is also important as a component of identity; such characteristics may exist independent of the collectivity. In

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<sup>75</sup> See Young, chapter 2.

<sup>76</sup> Young 44.

<sup>77</sup> Steven Epstein. "Gay Politics, Ethnic Identity," 29.

addition, individuals may reject group identity. Individuals may freely enter into as well as exit social groups. But, the social group as an entity remains an important factor in the constitution of the individual. For many, identity is claimed through affinity with a group, and as such, a place must be made for the expression of particularistic components of a collective consciousness.

### *Impartiality and Unity*

I have examined the liberal emphasis upon the individual as primary component of liberal social and political discourse. The existence of the ideal of such a primary component leads us to examine the moral reasoning behind the formation of liberal individualism. The ideal of individualism translates into the ideal of the impartial, rational, and often transcendental subject. The ideal individual as the subject of social interaction is detached, dispassionate, universal. In addition, this subject also serves to deny difference because the individualist bias emphasis breaks up social systems into acceptable categories of expression. Social and political realms of participation are delineated into private and public forums respectively. Feminist critiques of the liberal public/private dichotomy have centred around the ideal of distancing particularity of experience from public discourse, in the interest of maintaining an impartial or neutral and distant front.<sup>78</sup> “Feminist critiques of traditional moral theory retain a distinction between public impersonal roles in which the ideal of impartiality and formal reason applies, on the one hand, and private, personal relations which

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<sup>78</sup> See Carol Pateman. *The Disorder of Women: Democracy, Feminism and Political Theory*. (Stanford: Stanford University Press, 1989), chapter 5 specifically. And Anne Phillips. *Democracy and Difference*. (Cambridge: Polity Press, 1993).

have a different social structure.”<sup>79</sup> These critiques observe that such a distinction is not so easily achieved, and in addition, serves to silence many salient forms of expression among different collectivities, eliminating participation in the public realm and resulting in forms of discrimination, exclusion, or oppression.<sup>80</sup>

Additionally, the construct of liberal neutrality or impartiality masks a more subtle and pervasive enactment of relations of domination and oppression in the late modern society. Critiques of liberal neutrality also observe the ways in which impartial moral reasoning serves to portray the particularities of dominant social groups as universal, detached, and thereby invisible, again serving to exclude expression and participation of groups defined as ‘other’.<sup>81</sup> “. . . The ideal of impartiality”, writes Iris Young, “serves ideological functions. It masks the ways in which the particular perspectives of dominant groups claim universality.”<sup>82</sup>

Detachment, dispassion, and universality may be described as the three key components of traditional (Kantian liberal) moral reasoning, and also the three key ways in which difference is denied in the late modern society. Here I will focus upon the idea of liberal neutrality as impossibility and impartiality as false. By moral reasoning, I am referring to theories which aid in the development of justice and rights. These are important principles reached through the imposition of impartiality. Neutrality, or the impartial perspective is the ideal of moral reason and liberal principles. The moral agent attains objectivity through impartiality. A detached, although universal point of view is the standard; it is the point of

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<sup>79</sup> Young 97.

<sup>80</sup> Iris Young establishes five forms of oppression. These are exploitation, marginalization, powerlessness, cultural imperialism and violence. For Young, oppression takes any of these forms, singly or in combination; thus oppression is not just traditionally understood as ‘tyranny by a ruling group.’ It may take on a more subtle nature, as her defined forms of oppression suggest. See *Justice and the Politics of Difference*, chapter 2.

<sup>81</sup> See Connolly, chapters 3 and 6, Young, chapters 3-5, and Stephen K. White, *Political Theory and Postmodernism*. (Cambridge: Cambridge University Press, 1991).

<sup>82</sup> Young 97.

view of all rational agents.<sup>83</sup>

Objectivity requires negation of all particularities in circumstances of moral reflection. So it follows that the rational agent is removed from particular characteristics of a given situation. Individual and/or social history, all relevant experiences are all effectively neutralized in the impartial reasoning process. Here is detachment as desirable. Following in the spirit of Kantian individualism, the impartial agent is non-emotivist in character. The agent reasons free from the hindering capacities of emotion or feeling. Personal interest is further distanced from a situation, and dispassion is regarded as desirable. Furthermore, the point of view of the moral rational agent is all-inclusive. Rational moral reasoning requires distance from association, affinity, individual or group perspective - several components of identity - allowing universal impartiality to be perceived as desirable.<sup>84</sup>

A neatly revolving circle erupts. In Chapter One I defined toleration as arising in a “circumstance of diversity, coupled with disapproval or dislike,” and in which the power to prevent offensive behaviour, actions, or thought, potentially exists, but is not exercised. Toleration then, is a response to difference; it is a response to behaviour, action, or thought deemed inappropriate, and is exercised by rational agents in the interest of preserving a unified polity. Earlier, the justification of neutrality and its relationship to the delineations of the public/private spheres was taken to be a liberal understanding of the necessity of such principled tactics of toleration. Neutrality, or impartiality, like toleration also arises in contexts of difference. Universality, rationality, detachment and dispassion are alternatives to

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<sup>83</sup> See Stephen Darwall, *Impartial Reason*. (Ithaca, N.Y.: Cornell University Press, 1993).

<sup>84</sup> “... The ideal of impartial moral reason corresponds to the Enlightenment ideal of the public realm of politics as attaining the universality of a general will that leaves difference, particularity, and the body behind in the private realms of family and civil society.” Young, *Justice and the Politics of Difference*, 97. A similar argument regarding the influence of Enlightenment thinking on current political practice may be found in Dorinda Outram’s *The Enlightenment*, (Cambridge: Cambridge University Press, 1995). Outram notes important strands in Enlightenment thought: an emphasis on a universal human nature, a universal human history, and a single universal form of rationality. Outram notes that during this period difference, in the form of gender, race and religion were challenges to this universal ideal, and that the universal ideal and the challenges of difference to that ideal have not evaporated with time.

the social reality of difference. Social/political conflict arises in circumstances where one identity is deemed to be in conflict with another. Pluralism allows the existence of identity to be translated into instances of contest. The social system sees multiple identities not as engaged in exchange or interaction, but as instead engaged in competition for the primacy of conflictual claims. And as a result, acceptable identities exclude the offensive, strange, irrational, passionate, non-universalistic identities in the subsequent competition for recognition and participation in the public sphere of social life.

Acknowledgement of diversity, of pluralism, also concedes a certain acceptance of the fact that agents acting in society lack the ability to agree upon a common good. In the public sphere, institutional principles (justice) claim a commitment to universality, responsible for treating competing claims impartially, thereby treating all individuals the same. This can be done, for all particularities are left behind once the divide between public and private spheres of conduct is crossed. "The liberal neutralist recognizes the political volatility of competing claims to identity. Roughly, the neutralist would like to exclude such conflicts from public arenas."<sup>85</sup> Where rationality and universality reign, identity is forgotten, uniformity is achieved, and justice prevails. This conception of justice will be challenged later. What is being questioned here is the existence of 'impartiality,' the limits it places upon public interaction and the repercussions institutional 'impartiality' has for a concept of toleration.

Rather than engaging and recognizing difference, liberalism proposes to 'tolerate' sickness, irrationality, homosexuality, etc. These forms of 'otherness' are acknowledged as expressions of individuality and as aggregate or associational ties. But such forms of existence are not recognized as fundamental formations of identity. Impartiality upholds this approach of distance in the face of difference.

The paradox of liberal impartiality lies in its commonly perceived response to

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<sup>85</sup> Connolly 160.



pluralism. In theory, impartiality does not promote or prohibit varying and competing conceptions of the good. But in its demand for the universal, detached, and dispassionate subject, impartiality does, in fact, adopt a group of particular perspectives as valuable. According to many critiques of institutional impartiality, such impartiality seeks to reduce plurality to unity.<sup>86</sup> Liberal impartiality thus promotes a monological subjectivity, a vision of a single subject surrounded by and attempting to escape a myopic point of view. According to Iris Young,

Impartial reason judges from a point of view outside of the particular perspectives of persons involved in interaction, able to realize these perspectives into a whole, or a general will. . . . Because it already takes all perspectives into account, the impartial subject need acknowledge no subjects other than itself to whose interests, opinions, and desires it should attend.<sup>87</sup>

The imposition of the universal subject as devoid of particularity attempts to reduce public social perspective to an all-inclusive totality. Reduction of difference to unity requires rejection of aspects which are not in accord with the typecast of the universal subject. Difference becomes opposition, identities either fit into or outside the universal, or the norm, and are valued accordingly.

A series of oppositions serves to create the subject. Particularities of history, of individual and collective situation are discarded in favour of the universal. Particularities of situation are subsequently perceived as lacking, inferior, and as hindering judgement. In addition, reason is locked in perpetual combat with its opposite, feeling.<sup>88</sup> Again, feeling and emotion are rejected as components of the universal subject due to their particularity. Feelings of desire, concern, and responsibility all hinder the reasoning process. Feeling is

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<sup>86</sup> See Chantal Mouffe, *The Return of the Political*, Iris Young, *Justice and the Politics of Difference*, and William Connolly, *Identity/Difference: Democratic Negotiations of Political Paradox*.

<sup>87</sup> Young 101.

<sup>88</sup> See Young, chapter 4; Connolly, chapter 6.

regarded as irrational and irrelevant to reasoned judgement. Accordingly, the impartial subject embodies a dispassionate and universal stance, which is represented as a generous and general will, and is opposed to the selfishness of particular interest.

This last opposition helps create the basis for the late modern liberal social system. Intimate feelings, desires, are private, incommunicable, and in opposition to the universal public will. Authority means impartiality, structuring discourse in the public sphere, while toleration attends to particularities of communication in the private.

Underneath such stark delineations lies an important assumption central to liberalism as well as to other theories of moral reasoning. Impartiality is equated with universal abstraction, particularity is equated with selfishness.<sup>89</sup> Dichotomy upon dichotomy develops, with the egoist versus the universalist as major among them. This either/or scenario suggests that an agent reasons solely from self-interest, driven to consider only individual and selfish goals, or that an agent adopts a general and universal point of view, removed from particular interest or desire. Within the public sphere, the universal point of view serves to move the agent beyond egoism.<sup>90</sup>

The ideal of impartiality stems from assumptions concerning the monological nature of subjects. Agents are thought to be surrounded by one distinct and self-interested point of view. On the other hand, there are critiques of impartial reason which insist that moral reasoning is actually dialogic.<sup>91</sup> In other words, moral reasoning is arrived at through discussion and interaction with different subjects. All subjects are grounded in a different point of view; they are seeking recognition and acknowledgment; and there is no need to

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<sup>89</sup> See Darwall, chapter 1; Young, chapter 4.

<sup>90</sup> Connolly, Chapter 4.

<sup>91</sup> See Young, Anne Philips. *Democracy and Difference*. (Cambridge: Polity Press, 1993). Also see Charles Taylor, *Multiculturalism and the Politics of Recognition*. and Jurgen Habermas, *The theory of Communicative Action, Vol. 2. Lifeworld and System: A Critique of Functionalist Reason*. (Boston: Beacon Press, 1987). All assert that moral reasoning is understood as dialogic, or as resulting from the interaction of a variety of subjects. This interaction takes place in circumstances free from domination in that interests and desires are not suppressed nor are they thought to be fulfilled in a combative, competitive environment.

resist encroaching egoism.<sup>92</sup>

Impartiality as the ideal in liberal political discourse is based upon the advocacy of the ideal subject. This subject is universal, rational, removed from particularity, claiming detachment and dispassion. Particularity creates difference, which creates conflict, necessitating the elimination, conversion, conquest, or toleration of difference in order to achieve unity. Unfortunately, what is all too often overlooked is that identity, which determines the point of view of subjects, is arrived at through particularities of history, situation, feeling and emotion. Subjects do not reason within a vacuum, in which all particularities are eliminated. A point of view is a conclusion, arrived at through discussion and contemplation of topics which have meaning to the participants. Concepts of meaning, or of importance, are developed and re-developed through the establishment of identity which aids in the determination of a particular consciousness. A point of view as a conclusion, a conclusion as arrived at through the forces which shape identity, may not be achieved in a context devoid of situation or commitment. "It is impossible to adopt an unsituated moral point of view, and if a point of view is situated, then it cannot be universal, it cannot stand apart from and understand all points of view."<sup>93</sup> The virtues of impartiality and universality define the liberal public sphere of social relations. And because universality is the norm, particularity must be excluded from the public. Current normative reason and resulting political expression achieve unity and coherence by the expulsion of difference.

The political ideology of liberalism is greatly serviced by the ideal of impartiality. "Ideology", writes Robert Paul Wolff, "is, . . . the refusal to recognize unpleasant facts which might require a less flattering evaluation of a policy or institution or which might undermine one's claim to a right of domination."<sup>94</sup> Liberal principles of justice and the doctrine of

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<sup>92</sup> See Habermas; in his *Theory of Communicative Action*, he promotes the plurality of human subjects, as opposed to a construction of identity understood and defined by binary opposites.

<sup>93</sup> Young 104.

<sup>94</sup> Robert Paul Wolff, "Beyond Tolerance," 39.

toleration are reinforced by a liberal ideal of impartiality, and both contribute to the maintenance of the subsequent realities of discrimination and exclusion. Put differently, “. . . an idea functions ideologically when belief in it helps reproduce relations of domination or oppression by justifying them or by obscuring possible more emancipatory social relations.”<sup>95</sup> According to Iris Young, liberal commitment to an ideal of impartiality serves three ideological functions. First, the ideal of impartiality supports the liberal model of the neutral state, and subsequent distributive paradigms of justice which in part stem from the principle of state neutrality. Secondly, impartiality legitimates hierarchical decision-making processes and bureaucratic structures which characterize much of the political process. And finally, impartiality reinforces oppression and injustice by characterizing the particular point of view of dominant groups in society as universal.<sup>96</sup> It is this last function of the ideal of impartiality upon which we will concentrate here.

### *The Particular as Universal*

Insistence on the ideal of impartiality in the face of its impossibility functions to mask the inevitable partiality of perspective from which moral deliberation actually takes place. The situated assumptions and commitments that derive from particular histories, experiences, and affiliations rush to fill the vacuum created by counterfactual abstraction; but now they are asserted as ‘objective’ assumptions about human nature and moral psychology. The ideal of impartiality generates a propensity to universalize the particular.<sup>97</sup>

Difference among social groups is part and parcel of social systems. Identities are formed through particular experiences, allowing that the possibilities for formation of identity are virtually limitless. Group differences, particularly in cases where one group is accorded a

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<sup>95</sup> Young 112.

<sup>96</sup> Young, chapter 4.

<sup>97</sup> Young 115.

position of privilege, result in varying forms of exclusion or discrimination. Such inequalitarian social relations are reinforced by the formation of the impartial, detached identity, which is, one important example of practices that serve to universalize the particular.

The privileged powerful social group constructs particularities of experience into universal standards of normalcy. Differing social groups are subject to evaluation against this standard of normalcy, and because their particularities of experience do not mesh with the established particularities of the dominant group, differing identities are then redefined as deviant, or somehow inferior. Experiences of groups which do not mesh with the dominant norm are ignored or silenced. This is a form of oppression.<sup>98</sup> This oppression need not, although it may, take the form of violence or physical harm and coercion;<sup>99</sup> but through the imposition of one form of particularity of experience as a socially neutral standard - one which embodies the general will - entire perspectives of expression are invalidated or are found lacking. Groups existing outside the parameters of established universal identity and which attempt to find expression and participation in all spheres of social life, are regarded as selfish and as in opposition to the general interest or 'good' of society at large. "It is not necessary for the privileged to be selfishly pursuing their own interests at the expense of others to make this situation unjust. Their partial manner of constructing the needs and interests of others, or of unintentionally ignoring them, suffices."<sup>100</sup>

The construct of impartiality portrays the particular experiences and perspectives of privileged groups representation as an impartial, general, social norm, embodying the general will. Such an imposition of particularity of expression results in the oppression of less

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<sup>98</sup> See Young, Connolly, Philips, White; also see Chantal Mouffe, "Feminism, Citizenship and Radical Democratic Politics," in Mary Lyndon Shanley and Carole Pateman eds. *Feminist Interpretations and Political Theory*. (Cambridge: Polity Press, 1991). Also see Ernest Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy*. (London: Verso, 1985). All see this subtle pattern of hindering participation in social and political life as a form of cultural imperialism, a legitimate and pervasive means of oppression.

<sup>99</sup> See Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy*.

<sup>100</sup> Young 116.

privileged groups. Access to positions of power, and participation in the public life are hindered. Political decision-making structures are established according to the universal 'norm' with members of social groups which embody this norm enacting legislation and confirming universalist principles which succeed in promoting this universalist stance and thereby perpetuating systems and conditions of oppression. Positions of power and privilege continually revolve around members of dominant groups - such is a part of their privilege.<sup>101</sup> Through assumptions and perspectives claimed as universal, members of dominant groups in positions of power ignore, silence, convert, eliminate, conquer or regard as other, inconsequential, or deviant, the perspectives of social groups which do not enjoy privilege.

And so one might ask how a concept of toleration fits into such a discussion of relations of domination and oppression in the late modern society. Liberal toleration is a principle, a tool used to 'deal with' the existing situation of pluralism prevalent in liberal society. Toleration justified in turn by the principle of state neutrality arises in conditions of diversity, coupled with disapproval or dislike. Toleration is good, for those in the position to tolerate, (the position of privilege), do so, rather than exert their power to prevent offensive, deviant behaviour. Subsequently, toleration is a response to difference adopted by rational, logical, dispassionate individuals in a society in which all members are engaged in competition for the realization of individual conceptions of the good. The existence of such competing claims allows individuals to realize that no grounds for a general understanding of a common good exists, with the result that institutional authority must adopt a stance of impartiality, neither prohibiting nor promoting a particular perspective and instituting an impartial standard of justice which 'dispenses' rights and equality accordingly. The same neutral, universal standards apply to all individuals. Due to recognition of pluralism and different pursuits of lifestyle that subsequently apply, neutrality promotes division of social

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<sup>101</sup> See Young, Chapter 4.

life into two distinct spheres. In the public sphere, universal standards of discourse apply to all rational individual agents. In the private sphere, where individualist pursuit of lifestyle is sure to run into conflict, toleration prevails. Behaviour and expression, or other components of identity defined as offensive, deviant, wrong, different, or 'other' are tolerated. The universality of the self-regarding, rational, self-choosing individual is the standard which permeates both levels of society. Particularities of experience are not accepted as natural and necessary components of identity, differences of expression are not engaged; they are compared to the universal norm, found lacking, different, or inferior, and tolerated.

In such a scenario toleration does not further the ends of justice, engage difference, or result in a respect for persons. Instead, comparison and categorization temper the nature of social relations. Particularity of certain experiences is privatized, and those on the receiving end of toleration - the deviants, who lack the power or position to promote or prohibit specific forms of behaviour - are well aware that the components of their identity have been evaluated and somehow found to be generally lacking.<sup>102</sup> In such instances, particularity of experience and expression and subsequent participation in social life is completely removed from the public space and obtrusively hindered in the private. "Those who are merely tolerated know what it is like to be receipt of good intentions, to be condescended to and patronized. Equally, those who tolerate may allow only on condition of good behaviour or with provision that the tolerated remain compliant."<sup>103</sup> At all times, members of oppressed groups are denied social recognition and healthy expression of identity. They are redefined as individuals involved in the formation of associations, aggregates of individuals possessing

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<sup>102</sup> "When the Christian is treated as an enemy of the State, his course is very much harder, but it is simpler. I am concerned with the dangers of the tolerated minority; and in the modern world, it may turn out that the most intolerable thing for Christians is to be tolerated." From Christopher Ricks, *T.S. Eliot and Prejudice*. (London: Faber, 1988). Any number of identities may be substituted for the Christian identity, but the point Eliot seems to be making here is the (sometimes) unconscious condescension of the tolerator, and the awareness of invalidation of identity that comes with being tolerated. p. 53.

<sup>103</sup> From Peter Johnson. "As Long as He Needs Me: ? Toleration and Moral Character," in John Horton and Peter Nicholson, eds. *Toleration: Philosophy and Practice*. (Aldershot (England): Avebury, 1992), 148.

traits which contain no social salience, or as social deviants resisting normalcy.

Particularities of experience are not recognized as such, especially in the expression of group identity, and certainly not in the imposition of the dominant which is also the universal subjectivity to which all must publicly subscribe. Publicly, neutrality through the imposition of universality is engaged in an active denial of the heterogeneity of the human experience. Privately, toleration of individual 'quirks' again denies difference through comparison to a universal standard. Individual differences if not eliminated or converted, are instead tolerated. So we see that, "... Toleration", writes Annabella Galeotti, "pertains to questions that are defined as without relevant public consequences, which is why the political can afford to be neutral about them."<sup>104</sup>

In any case, what contributes to social and political relations of exclusion is that *individual* difference is 'handled' in liberalism by a number of responses. It is eliminated, converted, conquered or tolerated. Difference is not *recognized*, and collective difference is subverted into individualistic models of association or aggregation which again deny the existence, importance and relevance of particular experience. Toleration does not validate individual difference. On the contrary, it compares individual difference to a universal standard, finds it lacking, and therefore allows such oddities or abnormalities to exist; but they exist in a social sphere removed from the legislative or authoritative sphere of social relations, thus maintaining the impartial, universal standard and reinforcing inegalitarian social relations. According to David Theo Goldberg, this is an example of how discriminatory exclusions within modern social systems become constitutive of worldviews equated with the 'natural'.<sup>105</sup> Such exclusions become features of the rational order and the foundations of modern bureaucratic institutions. In other words, such exclusions become normalized. They

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<sup>104</sup> Annabella Galeotti, "Citizenship and Equality: The Place for Toleration." *Political Theory*. (Vol 21, 1993), 589.

<sup>105</sup> David Theo Goldberg, *Racist Culture*, chapter 1.



mold, shape and ground common or shared social values and meanings; they become the norm of social and political relations. As a result, discriminatory exclusions - racism, sexism, ageism, homophobia, etc. - are sustained, promoted and extended. Toleration allows the extension of discriminatory exclusions in the name of and is legitimized by, supposedly neutral or impartial discourses.

In Chapter One, I outlined the existence of diversity in current liberal societies, and a liberal model of toleration which has developed as a response to the conflict created by such diversity. The liberal model of toleration, which was developed as a response to the conflictual pluralism commonly associated with liberalism, has its justification in part in the principle of state neutrality. State neutrality offers a delineation of the social system into two distinct spheres, the public and the private. The public sphere is defined as open, accessible to everyone, and political. As a result, the public offers impartiality as fairness, an equitable way to conduct public life by treating all members of society the same. The private sphere is that personal, unspoken and separate realm. Within the private sphere individual pursuit of the good is free, competitive and diverse, requiring toleration. Individuality and difference are accommodated through the practice of toleration.

In Chapter Two, I have outlined the importance of identity, and have discussed the prevalence of the liberal identity as transcendental rational subject. I have questioned the lack of a concept of collective identity, and have stressed the importance of particularity of experience and group consciousness as a component of identity. Impartiality as the norm and standard of social relations is rejected as an impossibility, and in fact is a major cause of current inequalitarian social relations. Both liberal impartiality and the doctrine of toleration serve to reinforce social and political relations characterized by the existence of discrimination and subtle as well as blatant exclusions.

In Chapter Three, I will examine collective quests for recognition, and the rise of social movements which are seeking recognition of collective identities. And finally, I will

examine alternative conceptions of justice, conceptions which reject the distributive paradigm and attempt to incorporate the quests for collective identity in an effort to resist current social and political relations of domination and oppression.

## *Quests for Social Justice*

As a response to social conditions of exclusion and discrimination, calls for recognition of collective identity are the focus of a diverse component of “new social movements” in late modern societies. As stated earlier, modern liberal philosophy seems to lack a viable conception of collective social entities, resulting in the exclusion and non-participation of entire groups from political processes. This is the result of the denial of particularity through the imposition of impartiality and universality. “. . . Oppression,” as Iris Young writes, “. . . refers to systemic constraints on groups that are not necessarily the result of the intentions of a tyrant. Oppression in this sense is structural, rather than the result of a few people’s choices or policies”<sup>106</sup> The women’s movement, movements among Native Americans, African-Americans, Latinos, homosexuals and the disabled are some representations of a collective consciousness calling for a restructuring of universalist, individualist, distributive paradigms of justice. “These new conflicts arise in domains of cultural reproduction, social integration, and socialization, . . .”<sup>107</sup> These movements reject a re-channelling of their complaints through a system of parties or associations; they resist classification of their complaints into discussions of conflict over distribution of resources.

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<sup>106</sup> Young 41.

<sup>107</sup> Jurgen Habermas. *A Theory of Communicative Action Vol 2, Lifeworld and System: A Critique of Functionalist Reason*. (Boston: Beacon Press, 1987), 392.

## *Social Movements*

A social movement may be defined as, "... recurrent patterns of collective activities which are partially institutionalized, value oriented and antisystemic in their form and symbolism."<sup>108</sup> This definition serves to separate the identification of social movements in general from other social formations such as social clubs, mass parties and organizations, etc. Furthermore, this definition serves to distinguish social movements from other processes with which they may be commonly or deliberately confused, such as rebellions or revolutions. The very existence of a social movement points to a form of social unrest and it is difficult to separate response from problem. The phenomena of the social movement is a complex matter, thus the difficulty in definition. The symptoms surrounding the formation of social movements are much contested, and in addition, the implications of the existence of movements themselves are open to much scrutiny.

While it is certainly difficult to classify forms of protest, it would seem that these movements are generally viewed in progressive terms and tend to share an emancipatory inclination, as opposed to calls for withdrawal or overt resistance to the social structure. These are calls for fulfilment of institutional promises and guarantees of inclusion and participation. These are calls for recognition of identity as particular, different, but nevertheless viable and worthy of consideration and engagement. These movements reject comparison and classification as inferior, sick, or abnormal; they contest the structural contradictions of the late modern society. These movements are representative of new forms of social conflict, a conflict which:

... takes place principally on symbolic ground, by means of  
the challenging and upsetting of the dominant codes upon which  
social relations are founded in high density informational

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<sup>108</sup> Jan Pakulski. *Social Movements: The Politics of Moral Protest*. (Melbourne: Longman Cheshire, 1991), xiv.

systems. The mere existence of a symbolic challenge is in itself a method of unmasking the dominant codes, a different way of perceiving and naming the world.<sup>109</sup>

Such movements for social change assert that social and therefore political conflict is generated through authoritarian and institutional relations - relations of power and control.<sup>110</sup> They insist that struggles within the social sphere are political struggles. The realm of politics is not an area which involves processes of rational negotiation among individuals. The field of politics involves groups and collective identities vying for recognition, power and control. In other words:

The issue is not primarily one of compensations that the welfare state can provide, but defending and restoring endangered ways of life. In short, the new conflicts are not ignited by distribution problems but by questions having to do with the grammar of forms of life.<sup>111</sup>

Specifically, these movements in turn reject their own institutional and social rejection. For such movements, rejection of universality and affirmation of particularity are necessary to achieve social justice. Imposition of the universalist consciousness results in exclusion, oppression marginalization and self-loathing.<sup>112</sup> These movements embody symptoms of and attempts to develop solutions to the inherent contradictions of the late modern society. The contradictions are those of individualist emphasis, of impartiality, and of particularity represented as universality. "... The new movements", as Paskulski notes, "also have an emancipatory and democratizing potential. They aid reflexivity and reconstitute the sphere of 'civil society' by expanding the traditional areas of political participation and

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<sup>109</sup> A. Melucci, "Social Movements and the Democratization of Everyday Life," in J. Keane, ed. *Civil Society and the State*. (London: Verso, 1988), 248.

<sup>110</sup> See Pakulski, chapter 1; also see Russell J. Dalton and Manfred Kuechler, eds. *Challenging the Political Order: New Social Movements and Western Democracies*. (New York: Oxford University Press, 1991), chapter 1.

<sup>111</sup> Habermas, *The Theory of Communicative Action*, 392.

<sup>112</sup> Habermas, *The Theory of Communicative Action*.

generating a new, more open, model of politics.”<sup>113</sup>

Social movements are themselves not a recent phenomena. Rebellion and revolution and group efforts to influence or change politics have been part of political process. An example is the existence and prevalence of interest groups in democratic liberal politics. Such movements are primarily concerned with political rights, distribution, citizenship and capturing and controlling state power. Social movements, on the other hand, are representative of conflicts underlying traditional bids for state power. Theirs is an activism which questions both the overall framework and the forces which construct social and political institutions and norms.

Rejection of uniformity is very much a part of movements and quests for social justice. “Politics cannot and should not be standardized; there can be no one set of answers to all anticipated and unforeseen problems.”<sup>114</sup> These movements for social change assert the political significance of groups divided by gender, ethnicity, religion, disability, and language. One point of reference among such movements is the need to acknowledge and embrace particularities of experience which form identity, and to do so within the public realm. Such social movements are concerned with the organization of politics around the consideration of group difference and identity. Members of collectivities seek a sense of belonging and inclusion in public life without sacrificing all particularities of experience which compose identity. Being enjoined to ‘carry on’ individually in private spaces - the liberal doctrine of toleration - is an inadequate response to quests for recognition and participation. This independent organization of groups is emancipatory in that it is occupied with creating conditions that invoke challenge and attempt to precipitate change. The formation of these new alliances is necessary for the realization of justice, and is indicative of mass participation in the social and political process.

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<sup>113</sup> Pakulski, 26.

<sup>114</sup> Anne Philips. *Democracy and Difference*, 144.

## *Difference in Politics and Praxis*

Traditionally, political conceptions of liberalism have sought a realization of unity, a realization of a common social goal. In such a society, differences of sex, religion, race, or ethnicity are not reflective of the rights and opportunities accorded to individuals. Individual achievement is the determining factor of rewards and life choices. Subjects of policy and institutional justice are individuals first, not members of differing groups. So then, the ideal of liberalism - traditionally - is the elimination of group difference. Treating everyone according to the same principles or standards invokes equality, which is fairness, which is justice in action.

Social movements have emerged as an opposition to this ideal, replacing the desirability of the transcendence of group difference with movements which instead stress group specificity and cultural pride, and assert that justice may involve different treatment for groups experiencing systemic forms of oppression. Social movements, "have seen self-organization and the assertion of a positive group cultural identity as a better strategy for achieving power and participation in dominant institutions."<sup>115</sup> A new vision of equality and justice promotes a society which recognizes collectivities and does not attempt to eliminate group difference.<sup>116</sup> Mutual respect, affirmation, and recognition all serve to affirm the reality of social groups, and acknowledge that *group* difference is part and parcel of social life.

The liberal ideal which focuses upon the elimination of difference in public life ignores the privilege enjoyed by dominant groups, and the unjust social relations which result from this privilege. Part of dominant privilege, as Young notes, entails the ability to set

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<sup>115</sup> Young 159.

<sup>116</sup> Laclau and Mouffe refer to such group consciousness as a radical democratic pluralism; a pluralism which rejects competitive characterizations of individuals, and asserts the importance of groups in the political process. See *Hegemony and Socialist Strategy*. (London: Verso, 1985), pp. 166-171.

social norms and standards. Groups entering into public life must conform to standards set without the benefit of input of their experiences. Groups defined as different must then enter the process of social relations at a disadvantage, for they are forced to continually 'measure up' to norms and standards which deny their experiences or deny difference. Furthermore, dominant groups do not recognize their privilege as such. A social ideal which attempts to eliminate difference perpetuates the unjust social relations discussed in Chapter Two. In addition, participation in social life as dependent upon comparison or measurement to 'impartial' standards results in internalized loss of self-worth and self-definition by members of differing groups. Particularity of experience is continually measured against and found unequal to - unequal meaning 'not the same as' - the established norm. Members of different social groups continually find that they do not 'fit in' : "to participate means to accept and adopt an identity one is not, and to try to participate means to be reminded by oneself and others of the identity one is ."117

Here, then, is the argument of many of the new emancipatory social movements: a politics which attempts to eliminate difference does not result in equality. Difference among social groups is an element of social relations; it is an integral part which cannot be denied. Claims of equality achieved through sameness of treatment only serve to highlight the reality that 'some persons are more equal than others.' "The achievement of formal or official equality does not eliminate social differences, and rhetorical commitment to the sameness of persons makes it impossible even to name how those differences presently structure privilege and oppression."118 In essence, a politics which refuses to recognize the social salience of difference among groups, which attempts to treat everyone the 'same', but in doing so, upholds a norm or standard which is, in fact, a consolidation of particularities of experience of dominant social groups, is a politics which perpetuates injustice.

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117 Young 165.

118 Young 164.



Emancipatory social movements advocate a politics of difference, or a politics of recognition. This perspective asserts the political and social relevance of groups as opposed to individualist theories of liberalism, and views group difference as positive, and encourages understanding of group difference as a component of social relations. Under this activism, difference is not negative; it is not the absence of a shared relationship.<sup>119</sup> Difference means variation, heterogeneity, specificity; difference also entails some relationship of similarity, and similarity as such is not equivalent to sameness.<sup>120</sup> "This politics asserts that oppressed groups have distinct cultures, experiences, and perspectives on social life with humanly positive meaning, some of which may even be superior to the culture and perspectives of mainstream society."<sup>121</sup> Inclusion and participation in social and political life should not entail denial of difference and conformity to dominant particularities identified as 'normal', and abandonment of group affiliation or culture. A politics of recognition or difference rejects the myth of the homogeneous society and social pressures of conformity.

So, it might be said, did John Stuart Mill, who envisioned a society in which individuals choose their lifestyles, and in which a great deal freedom exists. This may be true, and in a sense, diversity is a recognized part of contemporary social life. However, the collective organization of emancipatory social movements and their formulation of a politics of recognition does not support attempts at social unity which also seek to eliminate group difference, specifically at the public or political level. Individual diversity and even group difference within the private or social levels denies the public significance of group identity,

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<sup>119</sup> According to Connolly, recognizing and acknowledging difference in others allows us to acknowledge the differences which constitute ourselves, and vice versa. This allows for a reciprocal relationship of respect to exist. He states, . . . There is more in my life than any official definition of identity can express. I am not exhausted by my identity. I am not entirely captured by it, even though it is stamped upon me - and even though it enables me. This fugitive difference between my identity and that in me which slips through its conceptual net is to be prized; it forms a pool from which creativity can flow and attentiveness to the claims of other identities might be drawn." *Identity/Difference*, 120.

<sup>120</sup> See Connolly, Laclau and Mouffe, *Hegemony and Socialist Strategy*. Also see Young.

<sup>121</sup> Young 166.

and reinforces exclusionary social relations by refusing to acknowledge that a particularity of perspective - that of a dominate group -determines the institutional structures and regulates both social and political processes. A politics of difference rejects conditions of conformity as criteria for participation in the social system, for, "if the only alternative to the oppressive exclusion of some groups defined as Other by dominant ideologies is the assertion that they are the same as everybody else, they will continue to be excluded because they are not the same."<sup>122</sup>

### *Liberalism and Distributive Justice*

Justice understood as a process of allocation, dispenses goods to its citizenry. These goods may be - and often are - construed as material, i.e. wealth, resources, jobs, etc. And these goods may also involve social principles, such as rights, self-respect, or power. This constitutes a "morally proper distribution of social benefits and burdens among society's members, . . . "<sup>123</sup> It is a traditional understanding of allocation as the function of political institutions, of assignment as conducive to fairness, of distribution as justice.

John Rawls defines justice as, "providing in the first instance a standard whereby the distributive aspects of the basic structure of society are to be assessed. " William Galston refers to justice as, "rightful possession," while Bruce Ackerman compares justice to the distribution of a scarce resource, manna, which is " . . . Capable of transformation into any physical object a person may desire, . . ." or capable of transformation into any social

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<sup>122</sup> Young 168.

<sup>123</sup> John Rawls, "The Priority of the Right and the Idea of the Good," *Philosophy and Public Affairs*. (Vol 17, 1988), 253.

good.<sup>124</sup>

Following the distributive paradigm, justice is regarded as a function of constructed institutions. A distributive paradigm of justice is undeniably focused upon the just allocation of resources, income, etc. or material items. However, distribution as a function of justice can also refer to nonmaterial goods such as culture, rights, self-respect, etc. A distributive paradigm of justice, when applied to non-material goods, misrepresents their meaning.

Social values are commonly articulated through a distributive framework, as we can see in the work of Galston, who outlines several categories of allocatable goods to which individuals and groups may make claims of entitlement: they are economic goods which include income, property, and productive tasks; political goods which include citizenship and political leadership; and goods defined as opportunities for development which include recognition, honour, status, culture, or prestige. Furthermore, two types of valid claims may be made for these goods: they are claims based upon need - i.e. persons lack the means necessary for a fulfilled existence; and claims based on desert - i.e. persons possess some quality that places them in a preferred position relative to some good.<sup>125</sup> Similarly, Rawls also applies a distributive paradigm to social values in his formulation of primary goods: "All social values - liberty and opportunity, income and wealth, and the basis of self-respect - are to be distributed equally unless an unequal distribution of any, or all of these values is to everyone's advantage."<sup>126</sup> So then, any social value may be treated as a 'thing' or as an aggregate of 'things' that individual actors in society possess in some small, large, or equivalent amounts, thus warranting comparison.

There are, however, social values which are not material things, and cannot be

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<sup>124</sup> See John Rawls, *A Theory of Justice*, (Cambridge, MA: Harvard University Press, 1971), William Galston, *Justice and the Human Good*, (London: The University of Chicago Press, 1980), and Bruce Ackerman, *Social Justice in the Liberal State*, (New Haven: Yale University Press, 1980).

<sup>125</sup> William Galston. *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State*. (Cambridge: Cambridge University Press, 1991), Chapter 1.

<sup>126</sup> Rawls, *A Theory of Justice*, 254.

reduced to measurable quantities. Social values are often the result of specific aspects of social life. Rights, for example, are not possessions, they are not things, they are a result of relationships among and between persons and among and between institutions and persons. "It is never possible for individual rights to be defined in isolation but only in the context of social relations which define determinate subject positions."<sup>127</sup> Rights are a product of relationships. They determine liberties and boundaries of social and individual conduct, they arise in a context of need and desire, and cannot exist separately from the subjects from which they result, for they also create these subjects. "Rights are relationships, not things: they are institutionally defined rules specifying what people can do in relation to one another."<sup>128</sup> How then, does one distribute a relationship?

Another example of a social good frequently referred to in distributive theories of justice is that of self-respect. How does one assign or allocate self-respect as a social good? Self-respect is usually regarded as an important or primary good, one that all individuals must have in a just society. Self-respect is not measurable, it is not a possession. Self-respect is not a resource that someone has in the sense of ownership, it is an individual attitude extended toward a life choice or situation. Self-respect is an aspect of self-definition. It is a component of identity. It is also a result of how others define or regard an individual or group. Self-respect is at least as much a function of culture as it is of goods, and in a situation or function of culture, self-respect also involves relationships between persons, not assignment by institutions.

Groups - which aid in the formation individual relationships between persons, demarcate social processes, and create institutions - are essential components of society. Individuals and groups do not exist distinct from society. They form and in turn are formed by society. Society as such does not distribute goods to persons distinct from its own

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<sup>127</sup> Connolly, 213.

<sup>128</sup> Young, 25.

structure, subjects do not exist outside society. Many, although not all, goods are a part or result of identities, relationships between identities, and social process - processes of communication, etc. A distributive paradigm of justice is often unable and unwilling to look beyond its atomistic and competitive construction of social relations. Distribution is important, but it is not the sole determinate of justice. There are some important components of human existence and social relations which are not conducive to measurement and allotment.

### *Rethinking Injustice*

Why should we not think of those experiences that we call unjust directly, as independent phenomena in their own right? Common sense and history surely tell us that these are primary experiences and have an immediate claim on our attention. Indeed, most of us in all likelihood have said, "this is unfair or unjust," a lot more often than this is just." Is there nothing much to be said about the sense of injustice that we know so well when we feel it? Why then do most philosophers refuse to think about injustice as deeply or as subtly as about justice?<sup>129</sup>

Perhaps a better way to the realization of a just society, a society which does not necessarily embrace distribution as the sole ends of justice, is first to define what justice is not. Judith Shklar raises the question of injustice as a means to define what is wrong with social situations or institutions. It is commonly asserted in the liberal tradition, and in many other forms of philosophical or theoretical thought, that injustice is derivative of justice. So much emphasis has been placed upon the realization of justice, that injustice is a loosely defined wrong, viewed in many instances as a distributive error.

Rawls defines injustice as an absence of a distributive justice: "Injustice, then, is

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<sup>129</sup> Judith Shklar, *The Faces of Injustice*, (New Haven: Yale University Press, 1990), 40.

simply inequalities that are not to the benefit of all.”<sup>130</sup> Galston, states that both justice and injustice are ultimately relative only to individuals, thus allowing injustice to be roughly interpreted as a the denial of valid individual claims. Similarly, for Ackerman, injustice, though not so easily defined, involves the illegitimate exercise of power. On the other hand, Iris Young defines injustice as social conditions of domination and oppression, with institutions and other officially sanctioned avenues of social order or process contributing in their formulation and function to constraints on the self-development and self-determination of some members of society respectively.<sup>131</sup>

A conception of justice might first attempt to define or in some way articulate the social conditions or circumstances which hopes to correct. New social movements have often focused upon problems or conditions which they are attempting to challenge and change. A focus on injustice has the practical effect of highlighting its overall prominence in social affairs, a first step towards implementing change. This is a strategy often accorded to critical traditions of thought, which demonstrate that areas of social life typically thought to be ordered by universal and rational norms, are in actuality permeated by inconsistencies and injustice.<sup>132</sup>

Oppression may be defined, in this sense, as systemic. It is embedded in institutional processes which prevent some members of society from full expression of feeling, or hinders the ability of some members of society to communicate their perspectives on social and political life in a forum or context where others may listen and respond. Oppression prevents learning and inhibits the realization of full capacity for choice in commonly recognized social setting. Such systemic forms of oppression embedded as they

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<sup>130</sup> Rawls, *A Theory of Justice*, 254.

<sup>131</sup> See Young, Chapter 1.

<sup>132</sup> As William Connolly notes, “. . . seldom if ever, does a policy of repression or marginalization simply represent itself as such. It typically presents itself as a response to an evil posing an independent threat to goodness or as a regrettable structural necessity built into the order of things. The difficulty resides in the fact that these two paradigmatic excuses are not always simply lies.” *Identity/Difference*, 159.

are in institutional processes and social relations often involve issues other than distribution.

Accordingly, I understand the presence of domination to exist when specific groups or persons are able to determine the conditions and consequences of action for other persons or groups without the benefit, and indeed, regulation of reciprocity. And like oppression, conditions of domination are also often perpetuated by institutional conditions. Furthermore, this is often not intentional, for in theory, liberal principles of justice and institutional structures which encourage individuality are thought to be supportive of situations or procedures which are democratic in character.

When speaking of injustice, it may be agreed that much of the injustice previously argued to exist is general and even systemic in nature. This flows from the assumption of individuality, rationality, and universality prevalent in the metanarratives of contemporary liberal culture. By shifting the focus away from distributive paradigms of justice and instead alighting upon the realities of domination, exclusion and oppression in society, institutional inconsistencies and other structural processes which perpetuate inequalitarian conditions are highlighted.

Social justice, in my understanding, refers to institutional conditions that are able to invoke a sense of fairness or equality. Such institutions do not invoke impartiality or neutrality as underlying principles, nor (as we shall see later), do they merely encourage the practice of toleration. Furthermore, these institutions do not appeal to any overarching or universal conception of the good for individuals or groups. Earlier, I rejected any standard or universal assumptions surrounding a desirable human nature, for in embracing a standard of human nature, it is likely that some forms of expression or cultural characteristics will be excluded or dismissed in the social process. But at the same time, any conception of just institutional structures must, in some sense, rely on a norm of desirable or standard human behaviour. "Normative social theory, . . . can rarely avoid making implicit or explicit

assumptions about human beings in the formulation of its vision of just institutions.”<sup>133</sup>

Some would say, however, that the normative theorizing of a distributive paradigm relies upon an (incorrect) image of human nature. They would not deny that all theories of justice, radical or otherwise, in some way rely upon a conception of desired goals, or at the most extreme, a conception of the ideal society, and therefore, an image of the type of human beings desiring and living in such a society.

Principles of a just society, principles of toleration or of neutrality, further serve to reiterate the “universalizing rationalization processes” in the late modern social structure, and in liberal societies in particular. I have rejected the individualist conception of the late modern society, and its accompanying distributive paradigm of justice. I reject the assumption of individualism manifested as consumerist, competitive, combative, and possessive, an image supported by traditional conceptions of pluralism and supported by traditional conceptions of impartiality. However, rejection of any such universalizing principles or desired goals and goods creates a rather practical dilemma. Normative solutions all too often invoke an advanced theory of justice which offers in turn, universally valid principles. So then, we find ourselves conceptually trapped in a revolving door: rejection of, and subsequent advocacy of assumptions concerning human nature. What sorts of strategies may be invoked to address the implementation of social justice? In the next section, I consider a new pluralist justice, which includes as a component both the fostering of otherness and a genuinely social sense of justice.

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<sup>133</sup> Steven K. White. *Political Theory and Postmodernism*. (Cambridge: Cambridge University Press, 1991), 138-139.



## *Pluralist Justice*

In their construction of a radical democracy, Ernest Laclau and Chantal Mouffe deem it essential to identify “the discursive conditions for the emergence of a collective action, directed towards struggling against inequalities and challenging relations of subordination.”<sup>134</sup> They are concerned with relations of oppression, specifically how relations of oppression arise out of relations of domination. Importantly, ‘hierarchical and inegalitarian type’ societies are characterized by universalistic goals which appeal to the common or public good. Such holistic goals are characterized by “ . . . a linear tendency towards a homogeneous society in which every antagonistic potential would be dissolved, and each collective identity fixed in a system of differences.”<sup>135</sup> So then, a plural and radical democracy is a response to and rejection of institutional structures of the late modern society, a response to institutional contradictions which, in the act of attempting to establish a framework in which a wide variety of social needs and demands are supposedly satisfied, instead help to expose the ways in which social difference is actually denied expression. “It is in this terrain that there have arisen those new forms of political identity which, in recent debates, have frequently been grouped under the name of ‘new social movements’.”<sup>136</sup>

For Laclau and Mouffe, the project of new social movements is a radical and plural democracy. Such a democracy has multiple political spaces, blurring - although not completely eliminating - traditional public/private divides. Not only are political spaces multiplied, but political actors are multiplied as well. Individuals and institutions, or individual and state relations are not the sole focus of political activity. Collective

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<sup>134</sup> Ernesto Laclau and Chantal Mouffe. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. (London: Verso, 1985), 166.

<sup>135</sup> Laclau and Mouffe, 167.

<sup>136</sup> Laclau and Mouffe, 167.

perspectives are introduced into the political arena, forcing new issues onto the agenda, and allowing the eventual dispersal of power. Without benefit of working principles such as neutrality, which in fact inhibit the political process, mass participation is encouraged and realized, a sign of democracy in action. What is challenged is the fundamental assumption of a distinct political space from which conflict is absent. Rejection of a unified public is paramount, primarily because it is not a reflection of the reality of social relations. However, a growth in political spaces and collective perspectives is not an invitation to chaos. It is here that justice emerges.

Laclau and Mouffe advocate a concept of justice as social equality. In a radical and plural democracy, equal articulation of collective perspectives is an indication of democratic and just politics in action. "It is only on the condition that struggles against power become truly democratic, and the demanding of rights is not carried out on the basis of an individualistic problematic, but in the context of respect for the rights to equality of other subordinated groups."<sup>137</sup> For this 'democratic equivalence' to occur, the ideal of 'possessive individualism' is transformed into the collective consciousness of political activism. In the words of Laclau and Mouffe, what is needed is "... the construction of a new 'common sense' which changes the identity of the different groups, in such a way that the demands of each group are articulated equivalentially with those of others."<sup>138</sup> This occurs through the focus on challenge and change to the existing conditions of oppression, domination and subordination, which are the reality for many collective groups in society. Rather than emphasis placed upon goals of justice achieved through the distribution and activation of rights, freedoms, and principles implying self-respect, new social movements - or the project of a radical democracy - focus upon injustice, and attempt to correct it. Additionally, focus upon conditions of oppression, forces a change in identity, in that perspectives themselves

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<sup>137</sup> Laclau and Mouffe, 173.

<sup>138</sup> Laclau and Mouffe, 174.

become more democratic or, in the words of Iris Young, the view of 'what I want' becomes the view of 'what I am entitled to' considered in accord with other existing situations of oppression, "... equivalence is always hegemonic in so far as it does not simply establish an 'alliance' between given interests, but modifies the very identity of the forces engaging in that alliance."<sup>139</sup>

But is such total equivalence possible? It would seem naive to conclude that collective consciousness and a focus upon shared or existing oppression alone mitigates mass participation. Laclau and Mouffe temper this apparently utopian, and radical view by stating that social equality is not enough; it must also be joined by liberty. For a radical democracy to be plural, liberty is required in order to expand political spaces.

The political is not strictly articulated through parties and/or the state. Relations of oppression and domination cross all aspects of social relations. The political and the social, the public and the private, all become conflicting spheres, themselves interrupted by conflict. Attempts to divide social relations into dual spheres helps to maintain practices and attitudes which foster inequality, marginalization, oppression and conflict. Freedom to move through social spheres enhances the opportunities for social subjects, increases participation in political aspects of public life, and encourages group expression.

A reaction against liberal subordination and attempts to minimize the importance of plurality and heterogeneity in social life provides the focus of much of the activism surrounding emancipatory social movements. In the spirit of a new group-consciousness, the advocacy of group difference is deemed paramount to a concept of justice by inviting pluralism.

This new pluralist justice views pluralism as a result of social relations and interaction based on a pluralism of selves firmly rooted in social life as opposed to a pluralism of

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<sup>139</sup> Laclau and Mouffe, 175.

independent individual actors. Also, this new pluralist justice places an emphasis on engaging difference. Stephen K. White describes this as a type of 'listening' or a way of distancing the idea of justice from traditional liberal fixations of the creation of universal and 'determinate' principles. Justice must be more responsive to the realities of a heterogeneous society<sup>140</sup>. It cannot continue to stipulate the importance of a number of primary goods, and attempt to parcel them out among a society of independent individual actors. Difference and social groups are the reality of social life, and a new pluralist justice, according to this interpretation, takes these issues into account.

This result may come about through the idea of fostering difference and diversity rather than merely invoking toleration as a response. As a response to the realities of diversity and difference in society, toleration emerged as a practical and rational response to such difference (Locke), and as a way to promote moral as well as intellectual progress (Mill). In any case, toleration is seen as a tool for social relations, either one which society 'must bear grudgingly,' or which aids the flourishing of individual diversity and social progress in private spaces.

The activism of new social movements is a challenge to policy which has as a goal the elimination of difference in public spaces. The tradition of liberal toleration, specifically that advocated by Mill, is one in which diversity is encouraged and celebrated as an indication of the value of individuality. Theoretically, a society which celebrates diversity is a society exhibiting natural social progression. But as I have attempted to demonstrate, tolerating individual diversity in private spaces denies the expression of essential components of identity because identity is often formed through group interaction and public expression.

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<sup>140</sup> See Steven K. White, *Political Theory and PostModernism*, (Cambridge: Cambridge University Press, 1991), 118-129. White advocates a notion of justice articulated by Michael Walzer in *Spheres of Justice: A Defense of Pluralism and Justice*, (New York: Basic Books, 1983). In *Spheres of Justice*, Walzer advocates a general notion of justice that is more responsive to 'otherness'. Namely, Walzer draws attention to the complexities of culture, and the number of different meanings social goods have across and even within cultures. This as a general critique of Rawls's notion of 'primary goods' articulated in *A Theory of Justice*.

Furthermore, liberal toleration of diversity denies the existence of difference at all social levels, in an attempt to eliminate difference from public life in the interest of a totalizing unity. Toleration tends to keep difference at a 'manageable' level by attributing it to discrepancies in individual behaviour. Toleration does not engage difference, and it is questionable whether such a practice of toleration views difference on a group level as valuable, for as new social movements assert, their perspective is ignored invalidated, and rendered inconsequential to the daily routines which structure our institutions and public life.

An effort to foster difference as opposed to tolerating difference encourages the expression of difference in all areas of social life. Difference is accepted, not viewed as negative or conflictual, and by the fact of its existence is accorded a voice on public platforms. In the act of 'fostering otherness' the presence of difference does not become alarming or problematic:

...it is not in the first instance something to be accounted for, normalized, or grudgingly tolerated, but rather something to be celebrated. Attention to and delight in the presence of difference is a primary way we become at home in homelessness, a way we sensitize ourselves to the sublime of everyday life. To care for difference becomes an affirmation of our finitude.<sup>141</sup>

Fostering difference is a way of becoming cognizant of social relations. Human beings exhibit difference, and this difference is reactional, shifting, and at the same time constant. The formation of a social system does not eliminate identity even if it attempts to eliminate difference. Varying particularities of experience will continue to exist, either as relational aspects of sub-group to sub-group, or as sub-group within sub-group. We cannot eliminate difference, we cannot order it away, and by tolerating difference, we refuse to recognize difference as a component of our humanity. By normalizing, eliminating, or tolerating difference, we contest rather than recognize difference. But in this contest,

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<sup>141</sup> White, 129.

difference remains, under the surface, without benefit of expression or release. Fostering otherness encourages us to recognize and accept difference within ourselves, and in others, and allows us to recognize and therefore challenge institutional and systemic injustice. "If one shifts from endorsing only tolerance to endorsing tolerance and fostering, then one shifts the burden of proof in regard to important institutions and media. They must now justify their present structure in the face of criteria more demanding than traditional liberal ones."<sup>142</sup>

### *Social Justice*

One vision of social justice then, advocates the inclusion of groups into the decision-making or political process. Rather than viewing public spaces as the active domain of institutional policies and /or decisions which affect individual claims, and rather than viewing justice solely as the fair allocation of material and social goods, this conception of social justice supports the implementation of specifically group-conscious policies and group representation in political spaces, with the affect of promoting justice through a democratic public committed to the elimination of domination and oppression.

Specifically, social justice is an attempt to recognize the particular needs, perspectives, and experiences of oppressed groups. Group-conscious policies affirm the public space as constitutive of social difference and social equality. Equality in this conception is not assigned or allotted; it is not distributed or measured. Equality here is concerned with the full inclusion and participation of individuals and groups in social relations and institutional processes. Equality secures opportunities for the realization of choice, but not at the expense of identity. Individual and group development, individual and

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<sup>142</sup> White, 132.

group expression, are secured through equality in institutions, in public life as well as in private spaces. Equality, writes Iris Young, "... refers primarily to the full participation and inclusion of everyone in a society's major institutions, and the socially supported substantive opportunity for all to develop and exercise their capacities and realize their choices."<sup>143</sup>

Elimination of domination and oppression through the realization of social justice involves on a practical level, the implementation of group conscious policies. Policies concerned with the specific needs of oppressed groups assert difference as a component of social relations and reject the individualist, universally formulated model for the political process which relies upon a foundation of particularist, reinterpreted as universal, norms or standards. Policies which take into account the particularities of situation of disadvantaged groups may then attempt to offset such disadvantages. Officially neutral or impartial policies are not adequate in situations of group difference, for neutrality often enacts unacknowledged particularist norms. Group conscious policies are an intrinsic aspect of social justice, for they are indicative of overall social equality. "Groups cannot be socially equal unless their specific experience, culture, and social contributions are publicly affirmed and recognized."<sup>144</sup>

A recurrent theme then, in a concept of social justice, is the recognition, on a group level, of difference. In such a context, difference is not negative, nor does it rely on a fictitious general will. Social justice requires an active engagement of difference, the recognition of groups and the attempt to activate group inclusion and participation in all areas of social life, especially the public spheres. Social justice refutes the complacency and primacy of a distributive paradigm, asserting that questions of justice often surround social values, including values of self-respect and the importance of culture. Distributive justice misrepresents the conflicts involved in a question of justice, and it takes attention away from

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<sup>143</sup> Young, 173.

<sup>144</sup> Young, 174.

the domination and oppression perpetuated through political institutions and social processes.



## *Conclusion*

We live in a social system characterized by difference. Difference, as the state or quality of being unlike,<sup>145</sup> determines the structure of modern social systems. And in the modern social system, which has become synonymous with the principles of liberalism, difference has come to signify inevitable conflict. Toleration is advocated as a means to mediate between the inevitable conflicts inherent in a modern pluralist society. But what of the underlying assumptions of current social systems and the individuals and groups who form these systems? The principle of toleration relies upon these assumptions to determine its necessity and practice. And so we must ask ourselves, does the practice of toleration help to maintain a systemic level of equality, respect, public participation or justice? As an important principle in the political theory of liberalism, toleration determines the limits and behaviours which guide liberal social and political life. The rise of modernity and the undisputed diversity characteristic of contemporary social and political life highlight the importance of effective and inclusive forms of social discourse. Currently, toleration is thought to be an acceptable bridge between liberal theory and praxis.

One justification of the liberal doctrine of toleration is the existence of pluralism. Pluralism can be interpreted as the existence of varying conceptions of the good. Obviously, liberalism recognizes the differences inherent in members of society; however, by articulating these differences as varying conceptions of the good, major differences are reformulated so as to accord within an individualistic framework. Differences are reduced to individual

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<sup>145</sup> This definition taken from the *Collins English Dictionary, Third Updated Edition*, 439.

claims, allowing major dissimilarities to be interpreted as matters of choice. The implication here is that ascriptive differences are not viewed as relevant to problems creating the need for toleration. In addition, reduction of difference to claims of individuality allows such claims to be translated into terms resembling autonomous choices. As a result, existing problems, problems that exist due to differences of group identity, such as ethnicity or culture, are siphoned through the juridical structure, based on a distributive conception of justice, and are not given the political importance they deserve. Although group identity does entail the recognition of a specific conception of the good, this is not the major difference, for ethnic, religious, or sexual identity is not necessarily achieved through conscious choice. Thus, when problems of toleration arise in a social context, they do not involve matters of choice as the concept of pluralism suggests. Individualistic behaviour does not create problems of toleration; problems arise when a need for recognition of group identities and collective rights is non-existent.

Conflict on a social level takes the form of differing groups, each competing for a variety of collective rights, and expressing multiple levels of diversity. Conflicts involving groups vying for recognition and independence create social problems which necessitate political solutions. Problems with the liberal model of toleration result from its traditional focus on individual practices whose relevance to the political order lies in the principle of institutional impartiality regulated by the public/private distinction and the universalist applications of identity.

State neutrality determines which issues are accorded a place on the political agenda.<sup>146</sup> Quite generally, the neutrality principle consists of the state remaining neutral

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<sup>146</sup> See Amy Gutmann and Dennis Thompson, "Moral Conflict and Political Consensus," in R.B. Douglas, G.R. Mara, and h.S. Richardson, eds. *Liberalism and the Good*. (London: Routledge, 1990). Gutmann and Thompson define two "higher order principles," which characterize liberal politics. The principles of preclusion and the principles of accommodation. The former determine which issues find a place on the public agenda - neutrality; while the latter determine proper conduct for disagreement on issues that should (but do not ) reach the political agenda - toleration. p. 125-126.

regarding specific social spheres; i.e. cultural preferences, religion or overall conceptions of the good. There are, again, several critiques of the neutrality principle, among them a major question of adequately defining the principle itself. However, it is also important to question whether a state can, in fact, ever be considered neutral, and to ask what repercussions such supposed impartiality can have on the concept of identity.

State neutrality is justified by reference to individual recognition of the existence of differences while at the same time advocating individual sovereignty over one's preferences. This is usually articulated as prohibition from other's interferences (negative), or as an expression of personal autonomy (positive). Recognizing the difficulty of agreement between multiple individual conceptions of the good (pluralism), while at the same time advocating a theory of political obligation based upon social consensus, liberal theory proposes a compromise by limiting the political aspect of social conduct to a narrow defined sphere.<sup>147</sup> This sphere is the legitimate area for political decision-making. It is the sphere through which political power is imposed upon individual citizens. In other words, "... the political is distinct from the associational, which is voluntary in ways that the political is not; it is also distinct from the personal and the familial which are affectional domains, again in ways the political is not."<sup>148</sup> Liberalism separates the political from other social spheres recognized as private, and deemed (politically) neutral. The private sphere is recognized as acceptable for the fulfilment of individual choices; and the private is also the proper sphere for the practice of liberal toleration.

The liberal emphasis on the individual places subjects to be tolerated within the private sphere as opposed to public, for the public is the arena of consensual political obligation. The private takes on an individualistic nature, one not necessarily relevant to the opposing

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<sup>147</sup> John Rawls thoroughly outlines the scope of the political sphere; see "The Domain of the Political and the Overlapping Consensus," in *New York University Law Review*. (Vol 64 No 2, 1989), p. 233-255.

<sup>148</sup> Rawls, "The Domain of the Political," p. 242.

sphere, where a standard set of laws applies to every member of society. Individuals, conceived as the proper subjects of both political discourse and the practice of toleration, serve to present a distorted view of social relations that effects the constitution of social institutions. Even where groups of individuals are acknowledged to exist, they are redefined as associations or aggregations based on voluntary membership. So, while the existence of social groups is acknowledged, group affiliations are expressed in the private sphere, and even then they are interpreted according to an individualistic framework.

Choice, or rather the specific feelings, desires, and perspectives which motivate choice, stem from particularities of history which in turn formulate identity. Identity is a form of self-definition. It is the sum of particular histories, situations or relationships which determine self expression, opinion, choice and feeling. Identity as self-definition helps to determine life choice and value; in liberal terms, identity may be said to aid in the conception and 'pursuit' of the good. The self acting rational agent, the autonomous individual, is often defined as a central concept in liberal theory, and as such, may be said to compose a universal liberal identity.

This highlights another problem relevant to liberalism and the doctrine of toleration: the lack of recognition for difference on a group level. Liberalism maintains as its goal the incorporation of all members of society in the public sphere, but at what expense? Disavowing difference in the public sphere is assumed to allow people to contribute equally to society on a political and universal level. But impartial principles developed to respond to plural societies are not as universal as they seem. Neutrality involves denying particularity, and particularity of experience is a major component of identity. Liberal principles of neutrality and combative interpretations of pluralism involve denying difference and its relevance and for social groups. Attempts to eliminate difference within the public sphere and to tolerate difference within the private ignore the salience of particularity and lead to the oppression of specific social groups by groups in a dominant position.

However, some type of definitive social structure is necessary if groups of individuals are to live in close proximity with one another. In addition, commonly accepted forms of behaviour, common languages, traditions and social practices form a common set of laws necessary to maintain a social structure. With that having been said, it is important to acknowledge that difference is part and parcel of all social life. Difference is a necessity. It not only confronts, but also defines the commonalities that constitute existing social structures. Difference cannot be eliminated or ignored, especially when difference becomes associated with forms of group expression.

In a liberal society of diverse components, the public/private distinction provides the guide for establishing a common agenda. On the public front, blanket parameters of behaviour are defined, commonalities are enforced and encouraged. A common set of rules exists, allowing access to every citizen, in the belief that all will participate in the political process regardless of difference.

On the opposite end of the spectrum, expression of difference is also accorded due weight. The private sphere is allocated for claims of individual diversity. Here, it is recognized that conflict is inevitable, for individual expression may take on multiple forms, many in direct opposition to one another. In such instances the concept of toleration is applied. Individuals may engage in behaviour specific to the realization of individual claims, knowing that interference is unwarranted except in instances where other individuals may be adversely affected. But individual desires, do not form the basis for social conflict. Toleration on an individual basis may address some level of conflict, but it cannot be applied to areas of ethnicity, culture, or other ascriptive differences which constitute identity. Here, difference is not necessarily a conscious choice, nor does it find expression solely on an individual level. In such cases, groups are unable to transfer social participation to the public sphere, for the prescribed set of commonalities prohibits recognition of characteristics which form identity and facilitate political expression. In the public sphere, a conception of social

justice is required.

A new conception of justice applied on a political level would necessitate the public recognition of differences. This does not mean that differences would be ignored or negated. Nor does it require the simultaneous existence of multiple political structures. It does entail creating a forum in which differences can be included, and in which political solutions are applied when necessary.

It is important to note here that group expression of difference and the quest for recognition on the public level do not constitute demands for political separateness or secession. Such concerns are, in fact, a call for the very opposite. The quest for the politicization of group identities is a quest for participation within an existing polity, and the expression of a desire to participate in society on all levels. And, therefore, the next question is, can the liberal model of toleration adequately respond to such requests?

Iris Young states that ,”justice is the primary subject of political philosophy.”<sup>149</sup> It is not unusual to examine the relationship between justice and universalistic principles of liberalism, for justice is indeed the aim of theoretical discussion as well as practical legislation. And so the question arises, does the liberal model of toleration lead to a just resolution of the social conflict associated with group difference? Certainly one component of justice relates to how members of society interact. Are persons treated fairly? Is equality as social and institutional practice implemented? Are all members of society able to participate in social and political life? These are a few of the questions justice requires us to answer, questions to which the principle of toleration does provide a partial answer. Toleration as practiced in negative social contexts leads to positive social and political relations, and such relations are a part of social justice.

A new conceptualization of justice is needed, one which resists a reductionist vision

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<sup>149</sup> Iris Young. *Justice and the Politics of Difference*. (Princeton, N.J.: Princeton University Press, 1990), p. 3.

of justice as distributive, and also resists the conversion of public life into a falsely universalist configuration of rational, reasonable individuals. The reality of social life is one of specificity and difference as opposed to universalist stances of sameness and uniformity. Focus upon justice as distribution ignores the reality of injustice based on institutional domination and oppression as well as the institutional impediments to the realization of self-determination and self-development.<sup>150</sup> Such charges form the basis of 'new social movements' and their quests for "social justice . . . [attentive] to group differences in order to undermine oppression."<sup>151</sup> The new social movements in Western liberal societies have organized to form a novel politics of emancipation, one which resists the institutional injustice perpetuated by the liberal principle of toleration with its emphasis on pluralism and neutrality. Attempts to ignore, eliminate or tolerate difference are not an adequate response to quests for inclusion, recognition and participation.

Difference, which is an intractable feature of social systems, ensures that conflict and disagreement will remain qualities associated with social and political life. And while liberalism as a philosophical system of political thought claims to accept and accomodate difference, liberal disourse assures the perception of difference as problematic, and develops two strategies to 'manage' difference. The first strategy is to deny difference completely, to ignore the particularities of history and experience which shape and define the human condition. The other strategy is to concede the existence of difference, and to advocate the practice of toleration. Neither response is adequate. In order to respond to the changing demands of an increasingly diverse political order, the liberal practice of toleration must be abandoned or at the very minimum, radically reformed.

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<sup>150</sup> Chantal Mouffe and Ernesto Laclau as well as Iris Young share this definition of social relations of domination and oppression. See *Justice and the Politics of Difference*, and *Hegemony and Socialist Strategy*.

<sup>151</sup> Young. *Justice and the Politics of Difference*. p. 3.

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