

**Narrative in Political Argument:
The Next Chapter in Deliberative Democracy**

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PREFACE

This research was made possible by generous support from the Social Sciences and Humanities Research Council of Canada, from the *Fonds québécois de la recherche sur la société et la culture*, and from the University of Ottawa.

The original idea for this thesis came to me during a graduate course on “The Idea of Democracy,” given in 2005 by Hilliard Aronovitch. In the months that followed, Professor Aronovitch agreed to serve as supervisor for my doctoral thesis. His advice and assistance in the drafting and realization of this research project were invaluable, and he has been in every way an exemplary supervisor. I have learned immensely from working with him, and his influence on my thinking about politics has been great. I am grateful for his help and encouragement.

I would like to thank my doctoral examiners for their careful and helpful critical reflection on my work. My internal examiners – Denis Dumas, Daniel Kofman, and Andrew Sneddon – raised fruitful questions and important objections at the project stage of the process. At the thesis defence, together with Professor Daniel Weinstock of the Université de Montréal, they offered significant critical challenges on central issues dealt with in my dissertation. I will no doubt be reflecting on these matters for many years to come, and so I owe to all of my examiners a great debt of gratitude.

I have learned much from many teachers and fellow students at the University of Ottawa. Discussions with two fellow doctoral students in particular, Iain McKenna and Frédéric Bruneault, have had an impact on the final shape of the arguments in this thesis. I would also like to thank Jocelyne Lacasse, who has done truly remarkable administrative work for the department, and who has been very kind to me over the years.

My success at the doctoral level is due in part to the education I received at Memorial University of Newfoundland, where I completed my Bachelor of Arts and Master of Arts programmes between 1996 and 2003. It was James Bradley who originally recommended that I see about working with Hilliard Aronovitch. This was excellent advice. David Thompson read and offered valuable comments on my project proposal in 2006. And, of course, whenever I reflect on philosophical questions, I have in the back of my mind the ideas and preoccupations of my mentor and great friend John Scott, from whom I have learned so much, and from whom I still have much to learn.

I have been blessed with a wonderful family. My parents, Bernard and Diane, have been a constant source of love and support for me. They know, I hope, that I would never have completed my doctorate without their help. I have received great support and inspiration from my sister, Jenna, my brother, Aaron, and my sister (and fellow graduate student at the University of Ottawa), Michelle. I am also grateful to my mother-in-law, Diane, for her encouragement during my studies.

An important and unexpected contribution to my doctoral studies was made by my daughter, Dahlia, whose arrival in 2009 brought not only great joy, but also some much needed perspective, without which I might not have been able to complete this programme.

No person has been more important for the completion of this thesis than my wife, Geneviève, on whom I have so often depended for support and encouragement during my studies. She and I began our PhD programmes in 2004, and we have literally worked alongside each other almost every day for the last seven years. One hears all the time that writing a thesis is a lonely process, and there is perhaps a sense in which this is true for everyone. But I will always look back on these years of study as something Geneviève and I did together. I doubt I could have done it any other way.

ABSTRACT

The theory of deliberative democracy is an answer to a familiar democratic problem. Democracy means ‘the rule of the people,’ but the people are routinely divided about what to do, not only for reasons of interest, but also on grounds of moral principle. Where groups find a law morally objectionable, they are not easily viewed as the *authors* of that law, in the manner apparently required by the democratic ideal of self-governance. Deliberative democrats have argued that democracy requires citizens to seek consensus, using a familiar style of principle-based moral argument. However, critics like Iris Young object that deliberative democracy’s favoured model of reasoning is inadequate for resolving deep value conflicts. She and others have suggested that the aim of improving understanding across political differences could be achieved if our conception of legitimate democratic discourse were broadened to include a significant role for narrative. The question is whether such a revision would amount to abandoning the deliberative democratic goal of seeking *reasonable* resolutions of value conflict.

This thesis argues that a narrative approach to deliberative democracy can realize its commitment to reasoned justification, while preserving the significance of differing perspectives and promoting mutual understanding. Chapters One and Two review and criticize the ideas of major deliberative theorists concerning the nature of agents, social circumstances, and moral reasoning. Chapters Three and Four deal with deliberative democracy’s radical critics, whose insights about a narrative-contextualist approach to reasoning are shown to be promising, despite these theorists’ excessive hostility to liberal-constitutionalist traditions. In Chapters Five and Six, a tradition-based, contextualist approach to moral reasoning is introduced and defended. Chapters Seven and Eight examine the nature, structure, and cognitive content of narrative; compare and contrast narrative with scientific theory; and address objections to the use of narrative in moral argument. Narrative is shown there to fulfil distinct purposes of communication, interpretation, and justification. Chapters Nine and Ten conclude the argument of the thesis, that deliberative democracy can be fruitfully reoriented along narrative-contextualist lines, by illustrating the role of narrative in public debate over issues such as cultural accommodation and historical justice.

INTRODUCTION

1. Culture and Conflict

In July 1992, following reports that cod stocks off the eastern coast of Canada were critically low, the Canadian Federal Government announced a moratorium, indefinitely suspending the commercial fishery of Atlantic Cod. The decision, which came finally after a gradual decline in stocks going back several decades, had very great economic and social consequences throughout Atlantic Canada, putting tens of thousands of people out of work, including over 30,000 in Newfoundland and Labrador alone. These consequences were to some extent softened by a federal government relief package, but the impact of losing a culture-defining industry was deep. The sense of vertigo generated led to a renaissance in literature and the arts, dominated by works looking backward to pre-Confederation Newfoundland, as well as a surge in nationalist sentiment and increasingly serious discussion of separation from Canada (Bannister 2003, 139-143).

The latter was due in good part to a common perception that the loss of the fishery was the result of Canadian mismanagement of the resource. One popular theory, especially important for establishing the roles of hero and villain in the (re-)emerging nationalist narrative, was that the decline in the stocks was the result of a Canadian betrayal of Newfoundland. 'Foreigners' (in particular the Spanish and Portuguese) had been able to pillage the resource because Canada had failed to police the ocean adequately, because the 'mainlanders' of Canada were, like the British had been when Newfoundland was under their control, distant and largely indifferent to the plight of Newfoundlanders. A second idea was that, in addition to being indifferent, the government of Canada was deeply ignorant of the actual state of the cod stocks. This was no excuse, however, since the ignorance was thought to be related to a basic lack of respect for the knowledge of the comparatively uneducated

working fishers. The government preferred to ignore the alarming firsthand reports of fishers and to rely instead upon ‘authoritative science,’ i.e. the work of arrogant, elite outsiders, who did not succeed in producing results reflective of the reality until it was too late.¹

These ideas dominated public and private debate in Newfoundland as I was reaching adulthood. I was struck then by the crudeness of the portraits drawn of the adversary in the conflict. It was obvious that Newfoundlanders were interpreting events in terms of a familiar characterization of ‘mainlanders,’; one that seemed intuitively plausible given the caricature of Newfoundlanders spread by widely told ‘Newfie jokes’ and the failure to take fishers and their reports seriously. Disposed at the time to view political and moral failures as a failure of reason or the understanding rather than the will, I regarded the problem as a failure of communication, possibly due to effects of narrative framing.

In Newfoundland, we were preoccupied throughout the 1990s with the effects of the 1992 moratorium, the most significant turning point in the province’s history since entry into Confederation in 1949. An event of far greater significance from the Canadian perspective occurred in 1995, with the almost-successful referendum on Quebec sovereignty. In Newfoundland, the interpretation of an economic crisis took on a cultural dimension, but in Quebec the cultural question was central, and there were more obvious communication problems, given the language divide. Here again, it seemed fair to ask how much of the apparently intractable conflict was related to the narrative framing of events and adversaries.

I have come to see the assumption that political conflicts are ultimately problems of knowledge – an assumption underlying the Socratic thesis that bad action is the result of ignorance – as a (potentially dangerous) falsehood. But I resist the equally false assumption that politics is *only* about power, and remain persuaded that improved understanding of our predicament, our adversaries, and ourselves, can help to head off potentially explosive

conflicts, and that we can work through and soften conflicts that cannot be avoided, and at least act justly when the ‘soft power’ of communication will not suffice.

2. Deliberative Democracy and Public Reason

But how should we talk to each other? What sort of discourse can help us to bridge those deep cultural divides? The hypothesis suggested by the cases of Newfoundland and Quebec is that we might address the negative effects of insidious, tacit narratives, or ways of framing narratives, by inviting participants to narrate explicitly. In so doing, they might illuminate their own motivations and interpretations of controversial events, and so help us to discover a course of action that will look like an advance, rather than a retreat, from the perspective of engaged participants.

On the other hand, this ‘narrative’ approach to the debate may seem a spectator’s or observer’s approach, an interesting sort of analysis that might reveal motivation and perhaps usefully predict certain outcomes, but perhaps be of only limited value for political reasoning and moral debate. For such debate, what may seem needed is a familiar form of moral reasoning, drawing upon general principles as a way of resolving disputes over complex particular cases. From this point of view, the narrative dimension of debate seems like contaminating rhetoric; if effective, undesirably so.

This emphasis on principled moral reasoning as a corrective to the undesirably interested, rhetorical character of much political discourse is the central feature of the theory of ‘deliberative democracy.’ Deliberative democracy emerged in the 1990s as an alternative to democratic theories that understand politics strictly in terms of battles between parties with fixed, incommensurable interests. Deliberative democrats seek to increase public participation and raise the level of rational discourse in politics, with the aim of resolving or

reducing disagreement. Reflection on public reasoning in politics grew out of Rawls' ([1971] 1999) and Habermas' (1984) arguments in favour of rational consensus as the foundation for the legitimate exercise of power by democratic governments. Major deliberative theorists like Joshua Cohen argue that democracy requires of citizens that they collaborate rationally in political decision-making processes. According to the "intuitive ideal of democratic association," the outcomes of a decision-making procedure are "democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals" (1997, 73). When citizens deliberate, their private interests, and the comprehensive worldviews that sustain them, must be set aside, since the aim of deliberation is to produce reasons that others can find compelling. Ideally, deliberation would lead to agreement about a common good. But even if the end result is not agreement, the process is to be one in which citizens must, in some public forum, justify their views.

In their influential *Democracy and Disagreement* (1996), Amy Gutmann and Dennis Thompson revise the deliberative project to make it more amenable to scenarios of actual discourse. Whereas for Cohen, participants are expected to provide universally justifiable reasons in favour of their position, Gutmann and Thompson strike a middle ground between Cohen's pure impartiality and the mere bargaining of non-deliberative alternatives. On Gutmann and Thompson's approach, a citizen must offer reasons that his or her opponent can find compelling. This means that exclusive appeal to one's own interests is ruled out, but that appeal to one's opponent's beliefs and interests is legitimate. The aim is to achieve something like an "incompletely theorized agreement" (Sunstein 1999), according to which citizens agree about, e.g., a course of action, even though their differing justifications for choosing it may be wholly incommensurable.

To ensure the rational character of discussion, deliberative democrats restrict their conception of rationality to exclude rhetorical forms of discourse such as narrative. However, the norms of the adversarial model of rational argument that is at work here have been criticized on a variety of grounds. For example, there is a danger of discrimination if certain cultural groups or social classes do not possess the skills needed for success, as defined by ordinary rational standards; and the adversarial, conflictual character of reason-giving debate may risk hardening existing hostility where softening is badly needed.

Appealing to the limitations of the conception of rationality predominant in deliberative theory, some deliberative theorists have argued that the prominent deliberative project should be abandoned in favour of a narrative-based alternative (Young 1996, 132; Dryzek 2000, 66-68). But no sustained treatment of narrative in deliberative politics has so far been offered.

It is the aim of this thesis to fill this important gap in the deliberative literature. I shall argue here that narrative deserves a more prominent role in the democratic public discourse of pluralistic, multicultural societies. Reconceived to fit a narrative approach, deliberative democracy can realize its commitment to reasoned justification, while preserving the significance of differing perspectives and promoting peaceful conflict resolution. In this thesis, I contrast such a narrative approach with the approach of prominent deliberative theorists I seek to defend the rational legitimacy of narrative in moral-political debate, and demonstrate the importance of narrative for political debate over difficult and urgent political issues of culture and historical justice.

3. Overview of the Argument

In Chapter One, I briefly review the key ideas from John Rawls and Jürgen Habermas which inspired and shaped the idea and development of deliberative democratic theory. I take the key ideas to be Rawls' ideal of a fully consistent 'moral geometry' ([1971] 1999a, 105) consisting of coherent foundational principles together with the judgements they justify, and Habermas' notion of an 'ideal speech situation' (1990, 86), viewed as a normative model which we should seek to approximate in ordinary discourse about political affairs. Both thinkers display a tendency toward abstraction and a fondness for thin, universal principles which, I argue, limits the value of their ideas for precisely those instances of intercultural disagreement that make deliberative democracy seem so important.

In Chapter Two, I discuss the ideas of Joshua Cohen and of Amy Gutmann and Dennis Thompson, influential theorists whose more practically oriented applications of Rawls and Habermas have received considerable attention. Because their work is closer to actual practice, the unfortunate implications of the original orientation given to deliberative democracy by Rawls and Habermas are easier to see. Nevertheless, these theorists, particularly Gutmann and Thompson, take valuable steps toward a more contextualist, tradition-oriented, and overtly 'political' approach to public discourse. They do not go far enough in this regard, but valuable lessons can be learned from the limitations of their theories.

One such lesson emerges in considering the criticism faced by Gutmann and Thompson that, despite their pretence of neutrality, impartiality, and inclusiveness (welcoming 'partial perspectives' into the discussion), the style of argument and the rules or principles of debate they endorse strongly favour liberal outcomes (Fish 1999). Deliberative democrats can regard this as embarrassing, and continue to seek a properly neutral, pre-

political, universally acceptable procedure, on the grounds that only such a procedure could generate universally acceptable outcomes. However, despite its apparent appeal, this path is probably a dead-end, and taking it has the undesirable effect of giving opponents a reason to see liberals as hypocritical, devious, or both. A better alternative is to abandon the pretence to neutrality and impartiality, and explicitly acknowledge the irreducibly liberal character of their political project, of which a commitment to inclusiveness is an important and enduring feature.

It may appear that this alternative, which does not challenge us to justify our politically interested point of view, amounts to giving up on moral reasoning in politics. In fact, it does not amount to this, but *seeing* why it does not will require some work. In particular, it requires us to question the assumptions about moral reasoning that generate worries about the corrupting power of interest, and to recognize the important role played by history and narrative in our moral thinking and debate.

Radical critics of the prominent deliberative approach have begun this important work, and we shall encounter some of them in Chapters Three and Four. Raising familiar postmodern concerns, Iris Young (1990), John Dryzek, and James Tully (1995) criticize the ahistorical approach to morality and rationality characteristic of the Enlightenment. The democratic ideal requires us to be more sensitive to the subtle ways in which minority perspectives are inhibited from participating in the debates that shape our polity. If we aim to address cultural disagreement, we should be as interested in finding a shared horizon of understanding as in resolving particular controversies. Further, if we claim the moral right to conduct debate within the broad framework of existing law and moral understanding, we must face some serious challenges to the basic legitimacy of our constitutional order.

While the radical criticism of liberal deliberativists has some bite, and their narrative/historical approach to rationality, agency, and community is promising, I shall argue that their proposed solutions to the problems of democratic inclusiveness and justice turn out to lead us perilously close to relativism in morality and anarchy in politics. But rather than see these failures as an indictment of the narrative approach, we can see them to some degree as the result of a failure to follow through properly on an account of their own implications about socio-historically contextualized reasoning, interpretation, and narrative.

The conclusion, then, of the first four chapters of this thesis is that a liberal approach to deliberative democracy, if it is to survive criticism from radical deliberativists, must reorient its conception of rationality and morality in historical-contextualist terms, and grant narrative a more prominent place in its model of deliberative discourse. The task for the remainder of the thesis, then, is to develop and defend a politically rooted, tradition-based, contextualist approach to moral-political discourse, suited to the reality of cultural conflict and historical injustice with which liberal states are struggling to cope.

In Chapter Five, I begin this task by presenting what I take to be the central claims of moral contextualism, a view I associate with thinkers like Bernard Williams (1985) and Alasdair MacIntyre (1984). Drawing on Williams, I show that contextualism is different from those forms of relativism that are rightly regarded as untenable. While contextualism will fail to meet the standards for moral objectivity set by foundationalists, I give reasons for doubting whether anything could meet those standards. I show that the contextualist approach, in avoiding the reductive tendency of foundationalism, actually offers us better resources for finding our way to correct moral judgements.

Nevertheless, because there are different moral resources in different traditions, there will be disagreement. Even if we resist, as we should, characterizing such traditions as totally

separate from each other, we must explain how rational argument across them is possible. Moreover, a given moral or political tradition will be characterized by internal differentiation. There may be climactic moments after which traditions diverge or join up with others. A contextualist view tells us not to approach competing traditions from an outsider's neutral point of view; we must decide instead how to go on from our contingent historical position, with its particular set of debts, responsibilities, values, and so on. But what is involved in making such a decision? Are there more and less reasonable ways to proceed?

In discussing what in Chapter Six I call the 'logic of conversion', I argue that while such decisions can be irrational, capricious and arbitrary, they need not be so. One difficulty in developing this argument is a tendency, consistent with the 'moral geometry' view, to treat our intuitions about extreme moral dilemmas (e.g. the famous trolley problem) as a kind of Archimedean point for moving us from one moral belief or theory to the next. This approach is rooted in the crucial and legitimate ethical imperative to aim in our decisions to do *the right thing* rather than, say, something we happen to feel like doing. But it is possible to endorse this deliberative imperative while denying that the whole of ethics can be derived from it, and while dropping the assumption that there is a uniquely right thing for just anyone to do, capable of description within the language of some universally acceptable moral theory. Ethical reflection need not restrict itself to the search for properties shared by all right actions. It can involve, as well, the pursuit of a meaningful interpretation of individual and communal ways of life, such as might guide us not only in Trolley problems but in reflecting fruitfully on far more common, ethically vital questions like, 'does this marriage have a future?' or 'has our (political) party lost its way'?

These questions require us to ask about the nature of entities (marriages, political parties) that change over time. In seeking to assess what sort of future they might have, we make use of narrative cognition or understanding, our capacity to follow a developing story. In Chapter Seven, I begin my discussion of narrative by summarizing the expectations that theorists have expressed for narrative in politics. I then survey the empirical literature on narrative cognition, as a way of situating our discussion within the appropriate empirical constraints. Some of this research should temper exaggerated hopes for the democratic value of narrative – findings that give support to common sense worries about the capacity of narratives to mislead – but nothing we see there gives us cause for extreme pessimism either. As with standard rational argument, so with narrative: both forms are pervasive; there are wide divergences in the ability to use them; and both intentional deception and honest error are frequent. I conclude that practical fears about the danger of distortion in narrative should be noted but not seen as sufficient to justify blanket opposition to this form of democratic discourse.

But at the theoretical or ideal level, does narrative qualify as sufficiently rational to take a central role in moral-political argument? In the remainder of Chapter Seven, I begin my case for the rationality of narrative and for its appropriateness in moral argument by exploring similarities between narrative and science. As scientific method requires the formulation of hypotheses and the derivation and testing of the observational consequences of such hypotheses, so does a narrative offer a hypothetical interpretation of story events, which predicts and retrodicts other story events and actions. There are, then, important similarities. Furthermore, what differences there are between these two modes turn out to make narrative, unlike science, appropriate for moral argument. Whereas the function of prediction in science is to help us to grasp the world as it is, narrative understanding uses

prediction in the construction of *meaningful interpretations* that help us to see what we *should* do, rather than what we *will* do. Prediction is in the service of justification.²

In Chapter Eight, I unpack these claims in more detail, beginning with some added clarification about narrative form, before going on to explain more carefully what is involved in following and constructing narratives. I draw on some examples from film to clarify these points, before addressing some final theoretical challenges to the narrative enterprise in moral philosophy.

In Chapter Nine, I illustrate the value of narrative for illuminating political controversy and justifying political decisions and policies. I discuss three examples at some length: revolutionary violence in Ireland, the U.S. government response to the 2008 economic crisis, and the reasonable accommodation of minorities in Quebec.

In Chapter Ten, I draw on my discussion of narrative in addressing questions of historical justice and reconciliation, and relate this back to the vision, mentioned above, of deliberative democracy as a development of the narrative of liberalism.

This thesis has considerable scope. Consistent with the spirit of its conclusions, it aims to put deliberative democracy in its proper historical perspective, enabling us to see both why in its best known form it cannot succeed, but also why it deserves to be re-launched along a path more likely to realize the spirit of democratic inclusiveness and reason in politics. Starting from a relatively marginal suggestion that some use might be made of narrative in democracy, I call here for a much more dramatic revision of deliberativism along narrative lines.

The scope of the thesis is limited, however, to questions relating to the mode or form of communication in democracy. I touch on, but do not take up in a sustained way, issues relating to institutional design or the particular forums in which narratives might be

exchanged. I acknowledge the force of the complaint against much deliberative theory that it leaves too much unsaid about the shape of deliberative institutions. Given the appropriate concerns among philosophers about the rational credentials of rhetorical discourse, including narrative, it seemed to me premature to speculate about institutional implementation. We must first try to see whether the narrative view can be given a persuasive defence. To this task I now turn.

CHAPTER ONE:

THE FOUNDATIONS OF DELIBERATIVE DEMOCRACY

1. Disagreement and Democratic Legitimacy

Disagreement is basic to democracy. We have democratic procedures precisely because broadly acknowledged goods are scarce, and decisions have to be made that favour some people over others. In a given case, there will be conflict over who should get what, and depending on the importance of the good in question (e.g. the presidency of the United States), this conflict can be especially sharp. The aim in designing democratic procedures is to ensure that they are fair, so that even though in a given case one might be terribly unhappy with an outcome, this alone does not give a reason to oppose the existence of those procedures. Where there is widespread agreement over the basic principles and values governing human affairs, one can hope to resolve surface disagreements over policy and law in a way that would seem defensible to everyone. If, for instance, we all agree that freedom of speech is an essential right to be limited *only* where there is demonstrable harm, then we might resolve disagreements over a given case simply by discovering empirical evidence of harm. Debate over what should count as harm will remain, but even getting that far may be a sign of progress. If disputants share a broadly similar way of life or worldview, then further progress might be expected.

But there are significant differences of worldview, leading to seemingly intractable conflicts, as in the debate over abortion which seems destined to endure. The questions raised by such cases are tied closely to the sense we make of our lives. The idea of resolving issues of such importance via political bargaining and compromise, even if it were possible, seems morally dubious. Turning to the courts for neutral adjudication will seem equally

unsatisfactory if the principles guiding their judgements are themselves contested, as so often they are. Disagreement in such cases goes to the roots of the political order, and if it becomes significant enough it may provoke a 'legitimation crisis' (Habermas 1975), wherein the norms and values to which a state would normally appeal in justifying controversial action have no moral force for the individuals to whom the justification is offered. In the absence of consensus about the morality behind political action, the state risks acting undemocratically, by imposing its will or particular morality upon recalcitrant groups who cannot plausibly be viewed as authorizing the law by which they are governed.

This is the problem that Rawls and Habermas set out to resolve, Rawls through the use of his famous hypothetical social contract, and Habermas with the use of a normative discourse model he calls the 'ideal speech situation.' In this chapter, I introduce their views, stressing those features that become important in the work of other deliberative democratic theorists. In this chapter, I shall question the value of the imaginary discourse scenarios that Rawls and Habermas propose, criticize their views about what justification requires, and explain how their emphasis on the need for explicit consensus on universally valid moral principle ultimately inhibits the resolution of enduring democratic disagreement.

2. Rawlsian Moral Geometry and the Problem of Justification

In *A Theory of Justice* ([1971] 1999a), John Rawls presents his theory of justice as an alternative to the utilitarian theory of justice that he rightly took to be dominant in Anglo-American philosophy since Bentham and Mill. The need for such a theory of justice derives, in Rawls' view, from the democratic problem of justifying the exercise of state power against individuals. Utilitarianism aims to increase total welfare, and (in its original forms at least) it conceives of respect for persons as conditional upon such respect actually increasing the

aggregate good. Rawls argues that utilitarianism's adequacy as a theory of justice is compromised by its failure to "take seriously the distinction between persons" (24). His own theory of justice, which he refers to as 'justice as fairness,' is meant to provide a "convincing account of basic rights and liberties, and of their priority" over considerations of general welfare (xii).

Rawls' classic work has had such prominence in political philosophy for the last four decades that the peculiar character of the project can easily be ignored. Political life is rich with the demands for justification, of course, but the idea that a single, relatively simple theory could (in principle) answer all such demands in a convincing way is striking. Let us consider some of its more notable features.

In the first place, Rawls envisions a theory of justice as a tight system of higher order principles that *necessitate* lower order judgements about controversial moral and political cases. He argues that "[w]e should strive for a kind of moral geometry with all the rigor which this name connotes" (105).¹ The contrast with Aristotle's reminder not to expect mathematical rigour in ethics could hardly be stronger. How do we acquire construct this moral geometry, and why in Rawls' view do we need it?

Rawls' position is described as coherentist and thus anti-foundationalist. In our moral geometry, there will be no self-evident or necessarily true propositions. We can hold our principles stable and use them to criticize judgements; or we can hold our judgements stable and revise our principles to fit them. The process of revising our moral geometry is governed by an ideal of 'reflective equilibrium,' that point at which "principles [...] match our considered judgements duly pruned and adjusted" (18). The pursuit of reflective equilibrium is intended to improve our moral position by pressuring us to eliminate inconsistencies and so to identify which commitments are most important to us once tensions are located.

The general objective of the theory of justice is to offer a moral geometry that any person reasoning *impartially* would have to accept. To decide whether the set of principles under consideration meets this condition of impartiality, we ask ourselves if, lacking knowledge about our particular characteristics (e.g. race, sex, material condition, religion, view of the good life) we could consent to live in a society governed by those principles. Drawing on the social contract tradition, Rawls thus imagines a pre-social ‘original position’ scenario in which each individual, deliberating under a ‘veil of ignorance,’ evaluates the acceptability of a political arrangement governed by the principles under consideration. As distinct from a utilitarian approach, reasoning in the original position asks us to evaluate “the human situation not only from all social but also from all temporal points of view” (514).

There is a natural fit between the model of a contract and the objective of concentrating moral understanding into a few principles from which particular judgements might be deduced. In an ideal contract, the contracting parties freely and consciously accept the terms. It is therefore important that the terms be explicit and their significance understood. But moral life, unanalyzed and unsystematized, contains an indeterminate number of principles and rules, guiding values and exemplars, related to each other in complicated and at times incoherent ways. A person could not freely consent to live in such a moral world, since the lack of order in it makes it unpredictable how controversial questions will be decided. We have, therefore, a good reason to systematize if we find the contractual model attractive. Moral geometry and contract fit together.

It is, however, doubtful whether the contractual model can resolve the sorts of disputes over value that characterize modern politics, if the resolution sought is meant to be convincing to liberal and non-liberal alike. We only get out of the ‘original position’ whatever we have already put into it (Barry 1989, 257). For example, the original position

requires us to reason in abstraction from our vision of the good life; but the philosophy that treats the individual as separable from its ideal of the good life is a *liberal* philosophy; and so the (hypothetical) agreements reached via the original position will be, *ex hypothesi*, agreements between liberals.² The controversial foundations of the view cannot be made uncontroversial by pretending that they are in place prior to political argument. Critics of liberalism are only further provoked by the liberal pretence to be above political argumentation (MacIntyre 1984, 246-52).³ While it is possible to imagine more broadly acceptable initial conditions than those Rawls proposes, an irreducible liberal individualism is basic to the contract model, and this bars any prospect of achieving any consensus across some significant political divisions. Once we recognize that there is no way to start from scratch and secure agreement about principles that will resolve future dispute, the urgency of discovering a compact set of moral principles may disappear. Is this cause for concern?

No doubt *critical reflection* is needed for assessing at least some of our moral intuitions and judgements. But that can be granted without agreeing that we need or want to reduce our principles and ‘travel lightly’ (Norman 1998). We have at our disposal a long tradition of ethically rich stories, myths, and metaphors on which we rely to help us recognise relevant features of morally complex scenarios (Childress and Siegler 2005). The idea that work is needed to sift through all of this, keeping some ideas and dropping others, is reasonable enough. But it is a much more ambitious and problematic project to seek a Rawlsian geometry. In pursuing the Rawlsian ideal, we might succeed in clearing away obsolete or confused moral concepts, but we might also sacrifice precision, wisdom, and good judgement.

In stipulating that we must reason behind a ‘veil of ignorance’ concerning our particular characteristics, Rawls does not mean to deprive us of moral understanding but to

help us put ourselves in the shoes of others, a respectable ambition of morality since the golden rule. There are, however, at least two serious and well-known difficulties with Rawls' veil of ignorance. The first is that its strong emphasis on impartiality seems to ignore the moral demands of particular relationships. The second relates to weaknesses in the hypothetical procedure as a means to ensure impartiality: despite our best effort to bracket out our 'comprehensive views,' hunches about 'human nature' creep in (e.g., lay psychological views about human motivation); "stylized" facts play a somewhat dubious role in constraining our options (e.g., the "fact of reasonable pluralism") (Dryzek 2000); and the poverty of our imagination may impede our capacity to see how the world looks to others, particularly to people who are unlike us in important ways.⁴

Deliberative democrats have sought to address these problems by replacing Rawls' 'hypothetical consensus' with actual discourse that seeks to secure a genuine consensus. For example, the chances of ignoring relevant features of another's condition, or reasoning from unacceptable bias, are reduced when there are others present to check our results.⁵ Can Rawls' framework be saved simply by requiring actual deliberative discourse, or do its problems run deeper than these failures of impartiality, imagination, and inclusiveness?

The problems run deeper. Rawls' account of the process of justification is hampered by his inadequate model of what it means to understand a point of view, and this is significant, since the major deliberative theorists Gutmann and Thompson seem to employ a similar model. Rawls correctly claims that "justification is argument addressed to those who disagree with us, or to ourselves when we are of two minds" (509). But he goes on to cast the problem of disagreement in the following questionable terms:

[Justification] presumes a clash of views between persons or within one person, and seeks to convince others, or ourselves, of the reasonableness of

the principles upon which our claims and judgments are founded. Being designed to reconcile by reason, justification proceeds from what all parties to the discussion hold in common. (509)

In Rawls' account of a 'view' we see the traces of the geometrical model discussed above. Undeniably, some parts of a person's 'view' are rightly described in terms of principles and judgements that follow logically from them; and perhaps a significant portion of a philosopher's 'view' has reached the level of explicit belief. But as a description of the non-philosopher's 'view,' the image of a geometrical structure of principles and judgements founded on them seems *prima facie* implausible. A little introspection suggests that our outlook on the world involves, in addition to any clear principles and particular judgements of which we might be conscious, a welter of experiences, feelings, memories, fantasies, vague objectives, etc., not consciously known to us and not all convertible into the form of the proposition.

So, if intended as a straight description of what a 'view' is, then Rawls' account would seem inadequate. But perhaps the Rawlsian geometric view is meant as a *normative ideal* – as an account of the way in which people *should* see the world, or must if they are to reach agreement with each other. In any case, he seems to require that for the purpose of *justification*, individuals should conceive of each other's views in this way:

Ideally, to justify a conception of justice to someone is to give him proof of its principles from premises that we both accept, these principles having in turn consequences that match our considered judgments. Thus mere proof is not justification. A proof simply displays logical relations between propositions. But proofs become justifications once the starting points are mutually recognized, or the conclusions so comprehensive and compelling as to persuade us of the soundness of the conception expressed by their premises. (508)

The general point that Rawls is making here, a rhetorical point, is quite right: justification is a social problem, and it must begin from the ‘commonplaces’ shared by agents (Aristotle, 1397a-1402a). But if what we seek is justification between citizens *as they are*, then we should not presume that reasoning on the geometrical model is the only way to achieve this.

I will offer an alternative, contextualist approach to justification in Chapters Five and Six below. But it will be useful to conclude this section on Rawls by anticipating those arguments. Firstly, as we have seen, although we will often need justification for actions and principles, it is not clear that we need a single moral system containing the answers to all problems. We might have materials available to us that cannot be wrapped up in a few tidy principles. Secondly, we might not need to justify everything we feel or do, say, or hold true. Justification is itself an *action*, often of political significance, and while it is sometimes required, it is not absolutely or always required. There might be practices or views that require justification, but not necessarily all the time and not to just anyone. Contextual factors govern our justificatory discourse: particular features of our relationship to those who ask us for justification might rule them out as persons *deserving* an account.

These insights are missing from, and probably incompatible with, the basic spirit of Rawls’ approach, and so, as we shall see, are largely missing from those deliberative democrats we shall discuss in Chapter Two. First, however, we must introduce the other major ideas that serve as the background to deliberative theory.

3. Habermas and the Ideal Speech Model

Habermas’ works address a great variety of philosophical problems in a systematic way, and there is a risk of misrepresentation involved in isolating a few strands of his theory for criticism. I shall take that risk here nonetheless. In line with the approach of the Frankfurt

School, Habermas seeks an alternative to Rawlsian ‘normative theory,’ while avoiding the positivism he associates with Niklas Luhmann. The transcendental role played by universal reasoning and the ‘ideal speech situation’ (ISS) model for political discourse is meant to guard against this reduction (1990, 86). In this section, I shall question the value of the ISS, and argue that Habermas’ appropriate search for a middle way ‘between facts and norms’ is hindered by his narrowly Kantian conception of morality.

To begin, it will be helpful to summarize Habermas’ broad conception of deliberative democracy. Habermas is sympathetic to the Romantic, Rousseauian notion that a legitimate state should express the people’s will: this is the idea of democracy. The pure Rousseauian conception, however, leaves no space for describing the people’s will as undemocratic. If we wish to oppose a particular demand, say for the persecution of a minority, then one thing that we might say is that it is democratic but immoral. If, however, a state’s decisions are ultimately vindicated by democratic will, then it would seem appropriate for a government to enforce that will even if what it asks for is immoral.

Alternatively, we could refuse to admit that just anything that a majority demands is properly viewed as democratic. By what criterion might we distinguish genuinely democratic from undemocratic demands? One option is to require those demands to be consistent with a substantial community morality. But it is partly the absence of such a shared *ethos* that generates a need for democratic procedures. Another option is to draw some substantial, constraining morality out of the idea of democratic procedures themselves. This has some intuitive plausibility: it would seem odd to say that a people could vote to be rid of their right to vote. Depending on one’s interpretation of the democratic ideal, it might be possible to try to derive from it some limitations on the majority’s right to oppress minorities.

Habermas' orientation (in accord with that of the Frankfurt school generally) disposes him to resist any uncritical acceptance of a community's *ethos*, and so he adopts a proceduralist perspective, emphasizing the authority of the democratic process and extracting some normative content from our commitment to that process. Taking this stance, however, means that there must be some institution that decides whether a particular purportedly democratic demand can legitimately be met by the state. The deliberative bodies of modern liberal democracies, e.g., a state legislature or a Supreme Court, seem to be charged with this duty. Habermas, like other liberal-constitutionalists, thus endorses a prominent role for these institutions in a democracy.

This signals an evolution in Habermas' view away from in the views of the Marx-inspired Frankfurt School. Traces of those earlier preoccupations remain in his ongoing worries about the tendency for state institutions to take on a life of their own, becoming unresponsive to the people's demands. He worries that public institutions (and also private corporate enterprises) will use their power to forcefully *silence* the people, or to control public opinion. To avoid that, a properly functioning democracy needs a civil society deliberating and debating moral and political issues and, thereby, generating publicly justified moral beliefs. If these democratically filtered, publicly justified beliefs get transformed into legislation, then the state has shown itself responsive to democratic demand, and we have a legitimate democracy.

For all the complexity of Habermas' theory, the leading idea seems, then, to be the straightforward one that power must be responsive to reason: the people must engage each other in discourse that seeks the best reasons; and the courts, when called upon, must make decisions motivated by reason and not by political interest. But why, if our aim is to make

power responsive to *reason*, is it so essential that those reasons originate in diffuse public discourse? Why not simply offer a Rawlsian-style normative theory of justice?

The answer to this question, and the nub of Habermas' dispute with Rawls, concerns the purported *impotency* of conclusions derived from normative theory developed "in vacuo" – or, in other words, in abstraction from empirical reality as grasped by "political economy and social theory" (1996, 57). The objection is not that there is no reference to empirical research in Rawls' work. Even if that were so (and it is not), it is certainly not true of many Rawlsian philosophers, and Habermas means to contest their whole orientation. He objects to the decision to develop moral theory first in abstraction, before moving on to a separate, second stage of applying that theory to concrete political problems. Other philosophers have drawn attention to the strangeness of the very idea of 'applied ethics,' and some have tried to map out an alternative based not on reasoning from concept to instance or principle to judgement but from case to case (Aronovitch 1996; Jonsen and Toulmin 1988). The disconnect between public debate and the higher order abstract theories and principles of philosophy can leave ordinary citizens perplexed and unresponsive to philosophical argument. It is this gulf of rational motivation that Habermas finds, and criticizes, in the Rawlsian approach to moral theory – the "impotence of the ought" (1996, 57).

To close this motivational gap, Habermas claims, Rawls is forced in his later work "to seek out the motivational thrust of an accommodating political culture, which he finds at the privileged site of a continuous constitutional tradition that stretches back over two hundred years" (1996, 63). The accommodating culture in question, of course, is the American constitutional tradition. But this attempt to tie the normative theory to social reality suffers from two weaknesses. First, it will succeed only in a "few responsive contexts," since not every society has the advantage of a political culture with the strong

democratic traditions of the United States of America. Second, if in the end what motivates citizens is their commitment to the values of their constitution, it is unclear why there has to be a detour through normative theory at all.

Habermas' alternative to the abstract moral systematizing of Rawlsian philosophers is the diffuse debate and discussion of civil society. If citizens are themselves the source of the reasons by which they are ruled, then there is no difficulty about convincing them to accept law as binding. This resolves the difficulty about the motivational gap. But how can we be sure that the reasons that those citizens discover are *good* ones? On what grounds is it rational to believe that the reasons that have survived our debates are really good reasons?

Habermas tries to solve this problem by outlining a procedure which, if properly conducted, would lead (in the long run) toward the truth. The key insight here comes, by way of Karl-Otto Apel, from C. S. Peirce. Peirce was reflecting not on democratic discourse, but on the nature of scientific method. He observed that scientists who participate in scientific inquiry were tacitly committed to a belief that whatever proposition they were considering could be true or false; and equally that the use of the scientific method, which tests hypotheses, would eventually deliver up the truth (Peirce [1904] 1992, 120). 'Eventually' is a long time, here: the 'final opinion' of the inquiring community – the opinion that would express the truth – is arrived at only in the infinitely distant future. We may feel along the way that our views are gradually approaching the truth – perhaps stimulated by our sense of the fruitfulness of our hypotheses, or the increasing control we exert over nature. But many have believed deeply what later came to be soundly rejected by others, usually with an equally strong feeling of certainty. In cosmological terms, the history of scientific inquiry so far undertaken is vanishingly small; the number of experimental trials is statistically negligible; and so we should not be overconfident about the adequacy of our understanding

of the world in which we find ourselves. In their short lifetimes, no scientists can hope to know the truth; those who practice science are aware that their cherished beliefs and theories may be smashed at any moment. And yet they remain devoted to the pursuit of scientific knowledge, confident that the *method* or *process* itself will yield truth if only we submit to it. Only by pursuing such a method is it even rational to make claims about the physical world at all.

Along similar lines, Habermas suggests that participation in a critical, discursive procedure is a condition for entertaining moral beliefs and making moral claims. Just as scientists make claims knowing that other investigators can correct them, so too for us in moral life. The process of criticism and correction tends, in the long run, to eliminate false claims; later moments in a properly functioning critical procedure ‘contain’ or ‘comprehend’ the history of the debate. A correctly functioning process of critical inquiry sifts arguments and reasons, shaping a leading view which earns our (tentative) confidence precisely because it is the product of critical engagement with objections and alternatives. By contrast, if we have been led to our current position not by reasons, but by the expression of political power or interest, we are not entitled to such confidence.

Habermas’ ISS model is meant to identify the conditions that must be met for a given discourse to enjoy our confidence. If, for example, a discussion about health care does not include enough representatives from deeply affected groups, our belief in the legitimacy of that discussion is undermined (Nelson and Drought 2005, 86). By contrast, if we know that a given discussion about health care involved genuine contributions from a wide range of classes, from doctors, nurses, patients, economists, etc., we can conclude that the outcome of the discourse is more legitimate. It may not turn out to be correct, since practical constraints inhibit us from following the argument through to its end. If time is limited, and someone

fails to articulate his or her point, then an opportunity to improve the overall understanding of a problem has been lost for reasons external to the logic of argumentation. On the basis of these insights, we can project an ideal of discourse conditions in which there would be maximal inclusivity or participants, unlimited opportunities to speak, freedom to speak as long as one likes, etc. In such circumstances, the only force would be the ‘force of argument,’ and so reason would carry the day.

What purpose is served by stipulating these ideal conditions? Habermas is obviously aware that they are not realizable in practice. To dismiss the concept as valueless on those grounds would be to have missed the point. The ideal speech situation is meant to serve as a regulative ideal for actual political discourse. The closer to that ideal we can come in our actual practice, the better reason we have to believe the claims that are being considered, whether these claims have their source in our hunches or in firmly established constitutional documents.

Are there reasons to doubt the value of the ideal speech model – indeed, of the discursive, procedural model itself? It is far from clear how much insight we can get from the ideal speech situation about what good political discourse actually looks like. Critics like Ronald Beiner have argued that the ISS is so far removed from ordinary experience that it has no relevance for actual political engagement (Beiner 1983, 171n51). If the point is to aim for discourse that approximates ideal discourse, then there are reasons to go even further than this, and say that the ISS model *hurts* discourse to the extent that we take adopt it as a model.

To see how this might be so, it may be helpful to begin by pointing out an important difficulty involved in borrowing the model of open-ended scientific inquiry for political discourse. Science aims at truth, and that the best science comes from the unhindered pursuit of truth. This is not to say that the particular truths pursued by science should or even could

have no connection to any values. Neither is it to suggest that individual scientists operate independently of institutional or social pressures. But despite these pressures, we expect from scientists a very high measure of transparency and honesty with respect to the results of their work. Politics without any connection to truth is inevitably a nightmare, but the pursuit of truth is not the overriding value in political discourse that it is in science. The stakes in politics are sometimes extremely high, and the political agent bears particular responsibilities that will justify a refusal to share knowledge, a lack of transparency, and perhaps some measure of dissimulation and deception. A broken promise or a lie in politics is *rightly* not always fatal,⁶ whereas overt deception in science offers grounds for excommunication. The ‘scientist’ and the ‘political agent’ are different roles defined by different priorities, opportunities, and pitfalls; and so the fit of the scientific model to the political is unclear. There will often be morally sound reasons for saying less rather than more in politics, even if saying more would tend to promote dialogue and be likelier to lead in the long run to truth.

Or consider again the issue of excluding voices from debates over health care. We can say of a specific debate, or of a whole series of debates, that it lacks (some degree of) legitimacy because it fails to include the poor. Should we say, then, on the basis of ideals of maximal inclusion and opportunity, that excluding parties from discourse compromises the legitimacy of that discourse? Recognising that a given, *relevant* party was left out of the debate does not, in fact, give us any grounds for asserting that the ideal debate would include *everyone* (maximal inclusivity). Indeed, sometimes the problem with a debate is not that it *excludes a relevant party* but that it *includes an irrelevant party*.

Further, even relevant participants can hijack a debate, go on too long, introduce irrelevant matters, etc. We can acknowledge that a certain point of view is sometimes given too little attention, or that an important argument was cut short due to a lack of time. But it

would be equally absurd to infer from the occasional fact that *something relevant was left out* that ideal discourse would include *everything* that anyone might want to say. If the point of the ISS is to offer a standard, rooted in immanently emerging norms, by which ordinary discourse should be evaluated, then longer debate should be superior to shorter debate, more inclusive debate should always be better than debate that excludes someone. Since such implications are plainly false, the value of the ISS is unclear.

Habermas' views, as I said at the outset, are complex. The model of the ideal speech situation is intended to do substantial work elsewhere in his system, and there is some risk of distortion in treating it so cursorily here. I am concerned here, however, only with the use made of the ISS as a model for deliberative democratic discourse, and the account I have given and criticized here is adequate to that use, as will be clear as we turn our attention to the work of Gutmann and Thompson and Joshua Cohen.

CHAPTER TWO:

THE DEVELOPMENT OF LIBERAL-CONSTITUTIONALIST DELIBERATIVE DEMOCRACY

1. Tensions in Deliberative Theory

In this chapter, we turn to the work of Joshua Cohen, Amy Gutmann and Dennis Thompson. These influential deliberative democrats draw on the work of Habermas and Rawls in developing a version of deliberative democracy in which citizens actively engage with each other in institutionalized deliberative settings or forums. Cohen, Gutmann and Thompson advance the deliberative project in several ways. Cohen's suggestions about the role of socio-historical context in shaping our idea of democracy are promising, as is his tradition-oriented interpretation of reasonable disagreement. Gutmann and Thompson offer a deliberative democracy more suitable to the real conditions of political discourse by permitting citizens to argue from their 'partial perspectives,' rather than requiring citizens to speak the impartial language of universal reason; and in later work they fruitfully broaden their conception of deliberation to encompass public discourse in the media and elsewhere.

Nevertheless, these thinkers display the Kantian tendency toward abstraction, and repeat the mistakes of Rawls and Habermas. Cohen, for example, displays a Rawlsian conception of justification inadequate to the real problem of political persuasion, and his use of the ISS as a model for real discourse is vulnerable to the criticism we saw in Chapter One. Gutmann and Thompson are hindered by the Rawlsian search for a moral stance above the political fray from which perfectly neutral ground rules might be established in order to contain and resolve disagreement. Further, their Rawlsian conception of agents as 'belief

sets' and their emphasis on rational argument subtly undermine their search for a democratically inclusive discursive forum. Or so, in any case, I shall argue here.

2. Cohen and the Deliberative Forum

Joshua Cohen fits somewhat less obviously into the category of 'liberal-constitutionalism' than the other theorists of Chapters One and Two. As we shall see, he does endorse a recognizably liberal profile of rights, and he does intend his deliberative forum to be an institution within a liberal-constitutionalist state. But in two important respects his views differ from the views of the other liberals introduced here. First, from his early work, *On Democracy*, written with Joel Rogers, he has emphasized political participation and been a harsh critic of "capitalist democracy" which "subordinates" the interests of workers to capitalists (1983, 146). That work, with overtones of the Communist Manifesto, calls for a dramatic re-engineering project to institute "public control of investment, workplace democracy, and certain aspects of what we will interpret as requirements of equal opportunity," in addition to more familiar demands for "civil liberties, distributional measures of equality, full employment, and a humane foreign policy" (147). It is no surprise that the deliberative democracy he develops emphasizes political participation. This fits, as well, with his republican rather than liberal emphasis on the search for the common good. Citizens are expected to reflect on the common good when they debate in the forum, and to this end Cohen stipulates that reasoning should be strongly impartial or universal, and thus distinct from the interested reasoning of ordinary politics. The emphasis on universal reasons gives, of course, a liberal character to Cohen's ideal of the common good. There will be no communitarian emphasis on a shared *ethos*: the common good in conditions of 'reasonable pluralism' turns out to be the usual liberal protection of individual liberties, but with a more

spirited and active democratic discussion, whose effect should be to achieve some of those radical aims first laid out in *On Democracy*.

To this end, Cohen develops the concept of the ‘ideal speech situation’ into a fuller description of the conditions for deliberation in novel, broadly democratic, deliberative forums. The leading idea here is the same as before: reason must prevail, and so non-deliberative means of control or persuasion, such as bribery, threat, trickery, etc., are ruled illegitimate. In describing his ideal discourse setting, Cohen explains that the opportunity to contribute to discourse must not be related to power or resources and emphasizes that “Each [human being] can propose issues for the agenda, propose solutions to the issues on the agenda, offer reasons in support of or in criticism of proposed solutions. And each has an equal voice in the decision” (1998, 194).

The guiding ideal of equality and the desire to restrict the influence of power over reason are laudable, but here, as before, the value of the ISS model seems questionable. Discourse rights should not be unevenly distributed according to power or money, but that does not entail that they should not be unevenly distributed, and we saw reasons for supposing that sometimes they should. In another respect, Cohen’s use of the ISS makes him even more vulnerable to criticism than Habermas. For whereas Habermas can restrict the ISS to its use as an analytical tool for assessing particular discourse, Cohen’s commitment to creating effective deliberative institutions with some measure of political authority makes the problem of blocking the influence of outside interests all the more urgent. He is therefore eager to persuade us that actual deliberation will not deteriorate into ordinary, interested politics.¹ He grants that the deliberative environment might not compel the honest participation of citizens, but contends that those who enter the forum with selfish aims are likely to be changed by the process. Since a citizen will have to reflect on what is important

to his fellows in order to generate impartial public reasons, his selfish preferences might be expected to give way to more altruistic ones (1997, 76-7).

Jon Elster has referred to this psychological phenomenon, in a much quoted turn of phrase, as the civilizing force of hypocrisy (1998, 111). But we may wonder how forceful it really is. Hypocrisy, although always politically risky, is a common political phenomenon, precisely because the payoffs of an about-face, as well as the costs of consistency, can be great. If political outcomes are tied to public deliberation, then participants will be unlikely to abstract from their interests and engage in impartial reasoning. Citizens, in a modern society, need special reasons to participate in political discourse. They must feel that their interests are at stake there, and that the issues are urgent enough to make the prospect of leaving the decisions to others unattractive. But if citizens have such a pressing interest in the deliberative outcome, should we expect them to reason impartially, in the manner suggested by Cohen and Habermas, or even to know how?

If the stakes are very high, and citizens correctly gauge their own argumentative talents, then it would often be reasonable to have some more able speaker state one's case. One of the very *raison d'être* of political organization and association is to create a favourable imbalance of power so that one's own interests, often including *basic* interests, can be protected and advanced. Such political organization, which we must expect in deliberative forums as elsewhere, reintroduces the problems that led to calls for directly democratic participation in the first place, namely, democratic inclusiveness (are some better represented than others?), and the usual agency problems of representative government.²

These political pressures do not make moral argumentation irrelevant in politics. But they should make us question the purpose of formulating a model of idealized discourse, against which interested action (including interested reasoning) seems morally corrupt.

Politics is largely about advancing interests, and the moral questions it raises largely concern the protection of vulnerable individual interest against collective interest. We should therefore be on guard against the Kantian temptation to overestimate the value of impartiality for politics, to which Cohen and Habermas seem to succumb.

The difficulties discussed in this section were related to the prospects for implementing deliberative democracy of the kind Cohen favours. But it might be asked why there is a need for *deliberative* democracy at all? There is an obvious enough argument for *democracy* as such: modern society is characterized by deep value disagreements across cultures, and democracy offers a way of reaching solutions without violence. It is not only unclear that this idea of democracy *implies* that cultures deliberate with each other; it seems possible that democracy might do better if people *avoid* challenging each other on the issues that divide them.

I shall now offer an analysis of Cohen's argument for deliberative democracy, guided by two aims: first, to illustrate the rhetorical weakness of Cohen's Rawlsian style of justification for advancing a political vision such as deliberative democracy; and, second, to highlight a far more promising alternative which points the way to the contextualist approach I will develop in Chapter Five.

Cohen, like Habermas, elevates the idea of democracy to a privileged place in his theory. The idea of democracy offers a way forward when citizens come into sharp, substantial conflict. If democratic procedure is neutral before competing evaluative views, then it might be hoped that competitors will embrace that procedure as a way out of seemingly intractable conflict. So there is good reason not to build too much 'substance' into the procedure.

On the other hand, the idea of democracy is itself at least a minimally normative concept, embodying a notion of fairness or equality. One reason, the best reason, for endorsing democracy is that it is morally preferable to alternative ways of resolving conflict (e.g. by force). Because our support for democracy is based on this minimum normative standard, it is possible to enforce limits on what the people may demand through democratic procedure. A proceduralist can hold that any actual democratic vote for the *removal* of voting rights from some citizens is illegitimate, since it conflicts with the thin normative ideal of democracy itself. To protect the sound functioning of democratic procedures, it is thus necessary to enforce some basic political liberties (or “liberties of the ancients”), such as the right to vote, to assemble, etc. A minimal substantive constraint on possible democratic *outcomes* is ensured even on a procedural view.

The important civil liberties (or “liberties of the moderns”), including freedom of religion and conscience, are not so intimately connected with the idea of democratic procedure. A democratic vote to curb freedom of religion could not, therefore, be rejected on a purely procedural view. To defend the civil liberties against democratic will is to place substantive constraints on the democratic will. The question then becomes: where does this substantive content come from, if not from the idea of democratic procedure itself? Cohen writes:

[The] fact of reasonable pluralism gives shape to the conception of citizens as free and equal that constitutes part of the conception of democracy I want to defend here. To say that citizens are free is to say, inter alia, that no comprehensive moral or religious view provides a defining condition of membership or the foundation of the authorization to exercise political power. To say that they are equal is to say that each is recognized as having the capacities required for participating in discussion aimed at authorizing the exercise of power. (2003, 18)

The concept of democracy is understood, by Cohen, to include commitments to liberty and equality; and these concepts must be filled out by reference to a kind of ‘fact’ about the society in which this vision of democracy is being worked out. In other words, there is an appeal to context to guide the interpretation of democracy. Let us look in some detail at the special interpretations of these two concepts, freedom and equality, that Cohen offers.

The interpretation of freedom in the light of the context of reasonable pluralism seems plausible.³ Citizens enjoy some freedom if they are guaranteed the opportunity to organise politically and vote. But in addition to being citizens, they are also human beings that live under the binding constraints of religion and moral conscience. The thrust of Cohen’s view is that there should be protections in place to minimize the occasions on which an individual has to choose between participating in her political society and satisfying the demands of her conscience.

There is, however, an ambiguity. Is Cohen’s claim meant as a claim about democracy, generally – or is this conception of democracy appropriate only for a state grounded in a liberal tradition of protection for freedom of religion, etc.? If he means the former, then we seem to be entitled to criticize states like China for being undemocratic, since their tradition (in the 20th Century, in any case) is hostile to religion, and freedom of religion there falls well short of our standards in North America. If this is what Cohen means, then we must ask whether it is justifiable to tie the Chinese interpretation of freedom of religion so tightly to the question of its democratic credentials. In China, there are political rights to vote and stand for election, and these are comparatively widely recognized, basic features of democracy. By contrast, the significance of freedom of religion remains hotly debated even within the European tradition in which it has developed, as the example of France shows. If Cohen is developing the ‘idea of democracy’ in abstraction from any

particular tradition, it might be asked where he gets the content of a rich and controversial concept of democracy that seems to exclude France as well as China.⁴ It seems likely here that the source of insight is the American political tradition, but it is notable that he does not explicitly or unambiguously present the argument in that way.

The source of Cohen's interpretation of democratic equality is, by comparison, clearer: the content shaping Cohen's conception is derived not from any current state's practice, but from Cohen's own theoretical democratic ideal. Recall that Cohen claims: "To say that [citizens] are equal is to say that each is recognized as having the capacities required for participating in discussion aimed at authorizing the exercise of power." This, it seems to me, is an extremely idiosyncratic and *prima facie* implausible interpretation of what the term 'equality' means for us. The best case I can make out for the definition would be that we have some normative expectation in democratic states that citizens think and talk about politics, and exercise their democratic rights under the guidance of their judgement.⁵ And this idea does not ground an interpretation of equality in terms of capacities for discussion. What informs Cohen's interpretation of equality is not a common history of democratic practice in the face of reasonable pluralism, but his own controversial and partial interpretation of democracy in terms of *deliberation*. To establish his view that democracy must be deliberative, he tries, unpersuasively, to build deliberation into the concept of equality itself.

It is surprising that Cohen should try to smuggle the concept of deliberation in through the ideal of equality. Why not simply advance the idea of a deliberative institution as an attractive possibility for a certain, advanced democracy? It would obviously be rhetorically powerful if such an ideal could be shown to be implied by the more fundamental ideal of equality. And it is clear that Cohen had been casting about for a deeper concept to

which he might hitch his deliberative train. For instance, in *On Democracy*, Cohen and Rogers link deliberative capacities not to *equality* but to the concept of *autonomy*. They write:

There are many [...] claims that can be made by free and equal participants in the exercise of sovereignty, but of particular importance is the claim to *autonomy*. Autonomy consists in the exercise of self-governing capacities, such as the capacities of understanding, imagining, reasoning, valuing, and desiring. Free persons have and are recognized as having such capacities, and in a political order centrally dedicated to securing the conditions of free deliberation for its members, those members can legitimately expect of that order that it not only permit but also encourage the exercise of such capacities, that is, that it permit and encourage autonomy. But since the basis of the claim to autonomy is the claim to the status of an equal member of a free association, to claim autonomy for oneself is to recognize the perfectly reciprocal and equally legitimate claims to autonomy by others. *Thus the claim to individual autonomy is really a claim about how the social order should be constructed* [my emphasis]. It effectively consists in the acknowledgement of and accession to a social structure of *mutually* [Cohen and Rogers' emphasis] recognized autonomy.⁶ (1983, 151)

In this passage, Cohen and Rogers are trying to take us from a commitment to a free and equal, democratic society to a particular, 'deliberative' view of that society, this time interpreted in terms of 'mutually recognized autonomy.' Two things become clear when we contrast this passage with the passage discussed above from "Procedure and Substance."

Firstly, although we can recognize a shift in conceptual framework from the passage above to the later work "Procedure and Substance," it is not clear what difference this shifting makes. In "Procedure and Substance," Cohen argues that conceiving of citizens as equal *means* (in conditions of pluralism) conceiving of them as possessing deliberative capacities. In the passage above, however, equality simply ensures that any claim a citizen makes to help in developing *his own* capacities must be equally available to fellow citizens: there is no particular conceptual link between equality and the exercise of deliberative powers as such. But regardless of these different strategies for securing the importance of

deliberative capacities, Cohen's vision of democracy, as a deliberative democracy, has remained essentially the same. The fact that the substance of the view has not changed should call into question what difference this conceptual shifting really makes.

Secondly, we can recognize a similar attempt to leverage content provided by the broader political context in his interpretation of controversial concepts. In "Procedure and Substance," the fact of reasonable pluralism provides content for the interpretation of liberty and equality. Here, Cohen and Rogers interpret the demand for *autonomy* made in a free democratic society as a demand for *equal autonomy for all*. Is this inference reasonable?

Notice first that Cohen and Rogers are speaking in very general terms about 'a' claim made in 'a' democratic society. We do not know *who* is making the claim for autonomy, in what circumstances, with what particular intention or understanding of the term. Their view is that anyone who made such a claim in a democratic context would be committed to an interpretation of that claim consistent with the norms of that society. This seems false, but even if it were true, interpretations of equality vary considerably. It would seem coherent for someone to defend, on egalitarian grounds, equal access to health care, and yet to demand that the autonomy of some individuals (say, artists, bureaucrats) should have priority, in hopes of a payoff in quality of life for everyone. But on Cohen and Rogers' view, such claims would be self-contradictory.

This argumentative strategy notably does not help resolve moral-political disagreement: it redefines terms in such a way that it is not even possible to state what the disagreement is about. Consider, for instance, how Cohen and Rogers' egalitarian/deliberative democratic vision of society might be received by, say, Michael Oakeshott, who has claimed that: "The major part of mankind has nothing to say; the lives of most men do not revolve around a necessity to speak" (1962, 43). *This* sort of contrast of

views is what we must address when we talk about resolving disagreement; and a moment's reflection shows that nothing in Cohen and Rogers' paragraph would give Oakeshott a reason to rethink his view. For all its appearance of rationality and logical rigour, their argument has no rhetorical force against those, like Oakeshott, most likely to challenge their political vision. Worse still, overly adventurous interpretations of autonomy or democracy might be *obstacles* to desirable political reform. To interpret a quite modest claim to autonomy as a call for a dramatic revision of the social order is to increase, needlessly and quite dramatically, the stakes of debates over piece-meal changes to, say, education policy.

A third instance of this questionable conceptual shifting will conclude our discussion of Cohen's mode of argument. He opens a key essay by explaining his agreement with Rawls over some important features of democratic politics, while rejecting Rawls' attempt to ground those features in a concept of fairness. Rawls and Cohen agree that democratic practice "involves *public deliberation focused on the common good*, requires some form of *manifest equality* among citizens, and *shapes the identity and interests* of citizens in ways that contribute to the formation of a public conception of the common good" (Cohen 1997, 69). The derivation of these features from a concept of fairness fails, Cohen thinks, because there is no conceptual relationship between a fair system of cooperation and the imperative to discuss the common good. But those features *can* be derived from the "intuitive ideal of democratic association" (1997, 73) On Cohen's democratic ideal, the outcomes of a decision-making procedure are "democratically legitimate if and only if they could be the object of a free and reasoned agreement among equals." There must be *discussion of the common good*, since the aim of deliberation is to provide reasons that others can find compelling.

Notice that the basic interpretation of democratic practice is more or less shared, and the conclusions to be reached are known in advance. The only outstanding matter is whether they could better be grounded in the ideal of fairness or the ideal of democracy. The assumption is that there should be some such ground – that our commitment to those features of democratic practice must be tied to a master concept. The search for a higher concept is guided by the belief that the assumptions are themselves correct. It is not very clear how discovering the ‘intuitively’ attractive concept of democracy is supposed to provide further support for those assumptions. Does the simplicity of that concept give us any special reason to believe those assumptions that are presented as developments of it?⁷

We can recognize here the image of argument familiar from Rawls’ moral geometry. The concept is meant to ground the assumptions: it is supposed to be logically prior, in the sense that the assumptions are supposed to be derivable from the intuitive idea of democracy. Rhetorically, however, it is the *assumptions* that stand as grounds for the abstract concept, since Cohen’s confidence in those assumptions is more secure. Once this point is grasped, one can ask whether those assumptions really obtain any more argumentative *weight* by virtue of their supposed linkage to the concept of democracy.

If there were a univocal concept of democracy, a universal intuition of democracy, then the discovery of such connections might be felt to add security to our assumptions. But there is no such universal intuition. As we have already noted, there are various experiments in democracy: some more stable, some more dynamic; some freer, some more secure; etc.⁸ The term ‘democracy’ calls to mind some familiar models, images, principles; there is a ‘thin’ sense of the term (or perhaps a family of thin senses that resemble each other), so that we recognize some instances and descriptions as referring to ‘democracy’ (somewhat, perhaps, as we recognise human beings without knowing how to define them). Cohen and

Rogers, in a slogan fit for a manifesto, claimed that the democratic order does not yet exist – that true democracy has not yet been realized (146). The search to establish and unpack a master idea, a Platonic form, whether of democracy or fairness, is a peculiar goal. What *practical* purpose would be served by finding such an ideal?⁹

One response to this challenge is to say that these sorts of Platonic ideals are all that we have. But is there no way to criticise a state as more or less democratic without reference to an overarching model of democracy? One possibility is to look to historical progressions. For example, originally voting was done publicly; now voting is largely done privately (by secret ballot). The sheer fact that the second event is later than the other in temporal succession does not, on its own, give us any reason for believing that what is latest is best: that would require a Whiggish interpretation of history. But the two terms in the series open ballot / secret ballot are not related only by succession; there is an ‘internal’ relationship between the two. For the latter development grew out of the former as a solution to a certain kind of problem (namely, the problem of public intimidation that rendered the authenticity of the vote impossible to judge).

This approach to argument, with its emphasis on historical development, is strikingly different from Cohen’s Rawlsian approach, and it points the way to the narrative-contextualist view I shall develop in later chapters. But despite the universalist tendencies in Cohen’s work, there are signs in it as well of a contextual, tradition-based or historical approach to political philosophy, reminiscent of Alasdair MacIntyre’s view of philosophical debates as conflicts within and across traditions (MacIntyre 1984; Cohen 1998, 188-9). This is evident, for instance, in Cohen’s justification for conducting political philosophy in the light of a ‘fact of reasonable pluralism.’¹⁰ In stressing the enduring, rational character of

competing ethical traditions, Cohen rightly calls for us to make room in politics for a plurality of competing, reasonable evaluative orientations.

Unfortunately, Cohen takes this to imply that we should avoid the temptation to change each other's minds about such 'thick' content, and stick instead to advancing 'public reasons' that might be acceptable to just anyone. It is on this point that Gutmann and Thompson take their distance from Cohen, although, I shall later suggest, they do not get quite far enough.

3. Gutmann and Thompson

In their much discussed 1996 work, *Democracy and Disagreement*, Amy Gutmann and Dennis Thompson try to make deliberative democracy more sensitive to the interested nature of politics. As we have seen, Rawls, Habermas, and Cohen see democratic discourse as an exercise in the exchange of impartial, public reasons. Gutmann and Thompson offer a middle way between the extremes of impartial reasoning, on the one hand, and a politics of pure power and interest (e.g. bargaining, voting), on the other. It is not necessary to require arguments that could be acceptable to *just anyone*, as the ideal speech model seemed to require. If the aim is to try to get citizens to move beyond moral disagreement and "continue to reason together to reach mutually acceptable decisions" (1996, 1), we should not hamper that project by declaring their partial perspectives out of bounds before discussion even begins.

3.1 Partiality in Political Reasoning

Imagine, for instance, a discussion in which participant *A* rejects government funding for research into *in vitro* fertilization (IVF), whereas participant *B* accepts it. *A*'s reasons for rejecting that funding might be based on a general opposition to artificial technology (a view,

say, about living in accordance with nature); or a feminist stance against the treatment of women as incubators; or a libertarian-style philosophy against government support in general. *A* might not be able to convince *B* on any of these points to reject IVF; but, knowing that *B* is a Catholic, *A* might appeal to *Donum vitae*, in which the Roman Catholic stance against *IVF* is outlined (Congregation for the Doctrine of the Faith [1987] 2005). *A* might thereby be able to drum up opposition to IVF, despite disagreement about the reason for rejecting it. This sort of reasoning would be ruled out on Joshua Cohen's approach to deliberation, since it appeals not to public reason but to the comprehensive perspective of a fellow citizen; but it seems to be fair game for Gutmann and Thompson. Discourse will probably go nowhere if citizens try to press their own views on others. *A* will not press his feminist views on his opponent; that would show a lack of respect for the other's view, and it would be pointless anyway. But both parties can appeal to the other's commitments in trying to create pressures *internal* to the other's comprehensive view – pressures which might bring about a change in a desirable direction.

Agreements reached in this way are, of course, a sort of compromise. And compromise, so common in political alliances, has an air of bargaining about it: an agreement is made to take a political stance which, if successful, delivers different 'goods' to the different parties, since the *meaning* of the problem is different for them. The Catholic gets policy that fits with a certain view of marital intimacy; the feminist gets policy that reflects the freedom of women from being defined by reference to the reproductive function. Such alliances involve a risk of reputation, since one's desire to secure certain outcomes sometimes requires working with an enemy. Far from seeing here something politically objectionable, however, one might call such compromises *definitively* or *essentially* political.

Gutmann and Thompson are aware that there is no certainty of reaching agreement. They are not unrealistically optimistic about the likelihood of persuading others or providing finally satisfactory accounts. They frankly (and somewhat surprisingly) acknowledge that deliberation must sometimes give way to “bargaining, negotiation, force, and even violence” (1996, 4); they affirm the need for voting (2004, 18); and they acknowledge that moral disagreement is a permanent feature of democratic politics (1996, 9). Sometimes, in their view, moral disagreements are unlikely to be solved through discourse, either because the value perspectives are fundamentally at odds, or because someone’s point of view is deeply immoral.¹¹ Nevertheless, they claim that citizens sometimes owe each other explanations and justifications for their political actions and public positions (1996, 4). Unless someone’s view is profoundly objectionable, shared ground about an issue (e.g. access to affordable health care, abortion, educational curricula) might be discovered through dialogue. If not, then the very practice of engaging in a discussion can help to educate citizens about their fellows’ views, and hopefully promote a measure of moral respect (2004, 11).

The emphasis on this issue of ‘social capital’ (e.g. the respect built by good-spirited engagement in debate) is an interesting feature of Gutmann and Thompson’s view. In the absence of a widely shared comprehensive moral perspective, they echo Cohen’s suggestion that an ethos of political engagement itself could replace substantive agreement about political issues. Unfortunately, it seems naive of Gutmann and Thompson to suppose that political discourse will promote moral respect across differences (as it would be naive to suppose that it would necessarily promote contempt or hatred).¹² But it is a promising step to direct our attention to the broader (i.e. extra-argumentative) effects of debate and other actual political events on our political understanding.

3.2 Deliberation in Context: Substance or Procedure?

A further attractive feature of Gutmann and Thompson's theory is that it avoids a mistake made by Cohen, Habermas, and the early Rawls. Rather than presenting their theory as the development of an abstract intuition, or as an ideal enjoying universal validity, they explicitly locate their argument "in the context of American society," and go on to say that "As political theorists, we begin from where we are, with ideas and concepts in our traditions, broadly understood to include all the cultural resources available for our creative use. As citizens we also begin with those same cultural resources" (1996, 5-6). Because they frankly affirm that their theory is embedded in the American tradition, they do not feel any need to derive substantive constraints from, e.g., the concept of democracy. They define their 'constitution' of deliberative democracy by reference to a set of conditions (reciprocity, accountability, and publicity) and substantive principles (liberty, equal opportunity, and fair opportunity) that bear some relationship to already recognized American political values.¹³ In other words, they seem to conceive of deliberative democracy as a new stage in the development of American liberal-democracy, growing organically out of a tradition of already existing political practice. Because it requires no appeal to implications following from a controversial abstract intuition, this seems a more promising approach to the defence of deliberative democracy.

It is not an approach without difficulties. The American tradition is regarded as deeply flawed by some (e.g. Chomsky); and, even if that tradition is good, other states may have no such valuable tradition to rely upon, as Habermas and others have observed. A separate problem concerns the implications of Gutmann and Thompson's decision to take substantive liberal commitments for granted before deliberation: since those substantive problems are precisely the controversial ones for political philosophy, the deliberative forum

will not be a neutral arena for political battle between liberals and non-liberals. Unless we are going to talk about matters of disagreement that are not very urgent or controversial, it might appear that the game is fixed against non-liberal views.¹⁴ There is something odd about promoting inclusive debate across differences, inviting disparate groups to engage with each other, and nevertheless giving argumentative priority to accepted liberal norms. There is a risk of appearing hypocritical: pretending to want to communicate across differences, while rigging the game so that liberals enjoy an advantage. If so, the deliberative proposal might harden division rather than soften it.

There are two ways out of the problem. One is to insist that things are not as bad as the objection suggests. Liberals are, after all, typically (even stereotypically) open-minded.¹⁵ If opponents have something to say, liberals are often happy to give it a fair hearing. Further, the precise extension of liberal concepts, or the interpretation of liberal norms, could plausibly be shaped by our engagement in deliberation.¹⁶ Perhaps Gutmann and Thompson's critics are exaggerating the extent to which the fix is really in.

In truth, however, it would not matter how good an argument a deliberative participant gave for a substantively non-liberal, e.g. religiously oriented communitarian, view: Gutmann and Thompson, like most liberals, are not prepared to give up key liberal commitments, despite their Rawlsian comments about the "provisional status of all principles" (2004, 24). Critics are justified in rejecting the liberal pretension to neutrality.

The second option would be for liberals to cease pretending to be neutral. Gutmann and Thompson pass up this option, since they are clearly uncomfortable with offering their deliberative democracy as a substantively rich evaluative view alongside others. They prefer a conception of deliberation as a process, rather than as a substantive liberal position, and they characterize their theory as 'second-order':

First-order theories seek to resolve moral disagreement by demonstrating that alternative theories and principles should be rejected. The aim of each is to be the lone theory capable of resolving moral disagreement. The most familiar theories of justice – utilitarianism, libertarianism, liberal egalitarianism, communitarianism – are first-order theories in this sense. Each theory claims to resolve moral conflict, but does so in ways that require rejecting the principles of its rivals. In contrast, deliberative democracy is best understood as a second-order theory. Second-order theories are *about* other theories in the sense that they provide ways of dealing with the claims of conflicting first-order theories [...]. Deliberative democracy's leading rivals among second-order theories are what are known as aggregative conceptions of democracy. (2004, 13)

Thus, although they claim unapologetically in some places to be working within the context of a tradition, they persist in presenting deliberative democracy as a non-partisan theory, neutral before alternative visions of the political life. But deliberative democracy, as a participatory style of politics for a certain kind of citizen, definitely discriminates across evaluative orientations toward the good life (recall Oakeshott's non-deliberative social vision). It is thus misleading for Gutmann and Thompson to present deliberative democracy as a second-order theory, concerned strictly with methods for resolving disputes with regard to which the theory is supposedly neutral.

3.3 Style of Deliberative Argument

Why do Gutmann and Thompson go wrong here? Taking a suggestion from the sort of historical view associated with Oakeshott, we might suggest that the problem is an undue emphasis on principles: despite their more practical orientation, there remain unhelpful traces of Rawlsian influence in a view that has promising contextualist elements. When Gutmann and Thompson set out to discuss “systematically” the “substance of deliberation,” they identify “the theoretical principles that should guide moral argument and their implications for actual moral disagreements about public policy” (1996, 1). The substance of deliberation – if we mean its actual content – certainly involves a wide range of phenomena other than its

conditions and principles: emotions, memories, hunches, stories, questions, etc. Since these are real, but not formal, features of discourse, one might have thought that they would deserve attention as aspects of the substance of discourse. But these features slide into the background when the approach to deliberation is systematically Rawlsian, as their endorsement of reflective equilibrium, among other things, shows theirs is (1996, 5). It is certainly the case that we apply this sort of reasoning, to some extent, in ordinary as well as in professional discourse. Their extra, contentious assumption is that disagreement would go away if the method were applied more systematically, more “consistently and comprehensively” (1996, 2).

As with Rawls, there is a question as to whether Gutmann and Thompson’s preferred style of deliberative public reasoning is impractical, because excessively systematic, abstract, or theoretical. Gutmann and Thompson are anxious to distinguish their ideal of reasoning from academic discussion (1996, 3; 2004, 5), on the grounds that only the latter is likely to be insensitive to “the pressures of power, the problems of equality, the demands of diversity, the exigencies of persuasion” (1996, 3).¹⁷ Their model, by contrast, emphasizes partiality and compromise. But is it sufficiently sensitive to these political phenomena?

Although they differ from Rawls in rejecting a purely impartial public discourse, Gutmann and Thompson follow him in conceiving their partial ‘perspectives’ in terms of belief sets – principles and the judgements that they are meant to ground. This rather thin view of the substance of deliberation involves substantive presumptions favouring citizens with certain characteristics and talents. Except for some people – academics, lawyers, perhaps journalists, and some others – most of us engage with the world without too much explicit consideration or discussion of our ‘belief sets.’ Philosophers are perhaps so practiced

in “making it explicit,” critically considering their views, that they sometimes forget how uncomfortable and peculiar a habit this is for those who are not practiced in it.

Gutmann and Thompson’s Rawlsian orientation prevents them from noticing that their model implicitly privileges participants who have this particular habit, as it hides from them as well certain other important features. A discursive setting in which we are expected to present our views is understandably uncomfortable for many, and a wide range of implicit, developed virtues and skills needed for success in such a forum. For example, we can reasonably expect that anyone who excels in adversarial public discourse will:

- (a) Not be too emotionally vulnerable to withstand an attack;
- (b) Be able to follow complex arguments;
- (c) Understand how to revise a view in light of an attack;
- (d) Believe that she can justify her views;
- (e) Be comfortable speaking in front of others;
- (f) Not be intimidated by the official structure of the forum;
- (g) Be ready to risk her interests by defending herself;
- (h) Understand her own beliefs well enough to defend them well;
- (i) Speak the language of the forum well;
- (j) Have the time to participate, but also to reflect and prepare for action; etc.

This list describes some of the capacities, developed skills, and emotional qualities typical of a good deliberative participant. A moment’s reflection reveals that someone who fits this bill will probably do well in an academic context, which explains why critics charge Gutmann and Thompson with modelling their deliberation on academic debate. If the public discourse situation selects for this individual, we can reasonably entertain doubts about the inclusive

character of the discourse. When we look at some of the groups who should be expected to meet or not to meet these conditions, we can see immediately that the problem of inclusion is serious: a significant proportion of the immigrant population will not meet criterion *i*; the working poor will be less likely to meet criterion *j*; well-educated people enjoy a major advantage with regard to *b*, *c*, and *h*. Persons with serious or terminal illness would perhaps be less likely to meet criterion *a*. And so on.

One can thus begin to wonder whether the deliberative forum promotes fair resolution to disagreement or conflict, or rather favours a narrow portion of the population over others. The image of the ideal participant that emerges here is that of a native citizen, intelligent, eloquent, well-educated, psychologically well-adjusted, confident, combative, politically interested, reflective, well-to-do, relatively unburdened by family obligations, etc. It certainly seems doubtful that individuals fitting *this* description desperately need, or deserve, a further platform for advancing their political will. They already dominate the courts, legislatures, universities, and boardrooms of the world.

In their later work, Gutmann and Thompson are plainly anxious to broaden deliberative democracy. For instance, they begin *Why Deliberative Democracy?* (2004) with a discussion of media coverage in the United States following the September 2001 attacks; and they also consider deliberative discourse in the Truth and Reconciliation Commission, as we shall see in Chapter Ten. This movement away from the micro and toward the macro level of cultural discourse is probably wise for deliberative democracy. The vision of a society of individuals who gather in town halls or in pubs to discuss politics seems to clash with our understanding of ourselves as belonging to an increasingly specialised and complex society. By the time we arrive at the forum, politics has already worked its magic – shaping our way of conceiving of ourselves and our political problems. Sensitivity to these hidden

flows of power is the special virtue of the radical theorists we will meet in Chapters Three and Four.

CHAPTER THREE:

THE RADICAL REVISION OF DELIBERATIVE DEMOCRACY

1. Introduction

In my discussion of the major deliberative theorists, I have advanced four main criticisms of their approach. They approach political argumentation with an apparent uneasiness about its political nature. They inadequately characterise political agents as belief sets or “structures of propositions.” They propose a basically Socratic model of reasoning, aimed at coherence of principle and belief, which is suited to this inadequate conception of the political agent, but less useful for real practice. And many of them propose institutional innovation for liberal democracy that is ill suited for a political world characterized by complex power relations.

The radical deliberativists we meet in this chapter and the next reject the presumption in favour of the major liberal-constitutionalist institutions and envision a much larger role for deliberation. So, for instance, James Tully calls for a radical, democratic reinterpretation of constitutionalism in the post-colonial era. His view is that prevailing legal and political institutions in many liberal democracies, including Canada, are illegitimate because they rest upon the domination of cultural groups whose voices have been ignored. John Dryzek, by contrast, sees an inevitable tension between democracy and constitutionalism, and argues that the deliberative project must be pursued outside the official channels of state power and authority. And the feminist philosopher Iris Young demands certain constitutional changes in the interest of including diverse voices, but resembles Dryzek in her preoccupation with the latent or hidden field of power relations that govern overt political action.

Although their proposed cures differ, all three theorists are united in their diagnosis of the injustice of liberal democracies. It is the liberals' naive confidence in their own intuitions, their feeling of impartial and principled reasoning, and their ignorance of the connections between their own ideas and their socio-historical context, that leave them unable to recognize the fundamental injustice of the many of the institutions and policies they endorse.

This view flows from a critique, advanced by various prominent thinkers over the last half century, of the Enlightenment habit of abstracting thought from its social conditions (Oakeshott 1962; MacIntyre 1984; Williams 1985; Gadamer 1984). An important implication of the view that philosophical argument is socially conditioned is that the quality or value of a given argument depends as much upon the choice of considerations or reasons (premises) as it does upon the logical validity of a given inference. The interest in narrative and history that we observe in all of these authors, including Tully, Young, and Dryzek, is related to the problem of evaluating these choices. It is true that morally important reasons are often ignored because there are fundamental pressures on states to achieve certain ends which conflict with our moral projects. But sometimes we leave out relevant matters because our way of conceiving our dramatic context is unduly limited. The hope is that in telling our story we can gain some perspective on our current evaluative project.

In this chapter, then, I shall try to clarify the role that these theorists believe narrative should play in political discourse. But I shall also be interested in defending certain features of liberalism from the radical critique. The result, to be developed in the remainder of the thesis, will be a more inclusive liberal deliberative democracy, equipped with the argumentative resources to handle the hard problems of culture and historical justice.

2. Iris Marion Young

In her 1990 work, *Justice and the Politics of Difference*, Iris Young criticizes Rawlsian welfare liberalism and the idiom of 'distributive justice' for assimilating matters of justice to matters of distribution,¹ and making it hard to resolve certain urgent social questions, e.g. those relating to the publication of racially insensitive materials, gender and sexual-orientation issues in family life. These problems are deeply connected to questions of respect, dignity, and recognition, and are not obviously resolvable through wealth redistribution alone.² Moreover, the theoretical preoccupation with wealth and its distribution is itself part of a worldview that encourages a vision of the human being as a client-consumer (1990, 71-2). Such a limited vision is compatible with personally demeaning and socially pernicious kinds of labour (e.g. the sale of highly addictive narcotics, the production of at least some kinds of pornography). According to Young, the criticism of this vision should be central to political theory. She thus follows Claus Offe in seeing politics as an agonistic process of weighing and comparing competing visions of a just social life (74). Such an expansive view of politics is concerned with "all aspects of institutional organization, public action, social practices and habits, and cultural meanings insofar as they are potentially subject to collective evaluation and decisionmaking" (9).

For Young, then, deliberation must be allowed to range over the whole of political life; and it must be designed to encourage critical reflection about the meaning of life. It will not suffice to open the doors and have citizens debate alternative approaches to particular policy issues in health care or education in terms of widely accepted values. The political community must be engaged in a critical process of self-interpretation and self-reflection, must be on the alert for signs that a certain belief or desire is the product of social processes that unfairly privilege some while disadvantaging others.

2.1 Young on Oppression and Domination

The language of distribution, further, encourages political philosophers to ignore, or to characterise inadequately, the phenomena of power. Power cannot really be ‘distributed’ in the way that goods like clothes or foods can be (1990, 3, 20). It is not a countable quantity or individuated property possessed by individuals, but a matter of variable, dynamic potentials for action that appear and disappear according to the complex relationship between a concrete agent and a changing socio-historical context.³

Young analyzes this elusive dimension of politics by distinguishing five ‘faces’ of oppression (or domination): exploitation, marginalization, powerlessness, violence, and cultural imperialism (9). *Exploitation* is an economic relationship in which a labourer is inadequately compensated for the value he produces.⁴ *Marginalization* occurs when groups, like youths or the senior citizens, are wrongly judged unfit for work (53). *Powerlessness* concerns control over one’s conditions, as when workers are left out of management-level discussions about whether to relocate a plant. *Violence*, as understood in the context of oppression, is defined by its symbolic meaning as well as by its use of force, as when individuals are targeted for physical abuse and assault because of their association with a group (21). And *cultural imperialism* is experienced when dominant meanings render one’s perspective invisible, e.g. strongly European interpretations of Canadian identity, or when groups are stereotyped (e.g. promiscuous gays) (58).

While some of these phenomena are recognized by “welfare liberals” as central political questions, others (e.g. concerns about identity and culture) might be seen by some as a distraction from more essential matters. While it is true that economic power does not on its own ensure moral respect from fellow citizens, it might nevertheless be best to keep economic injustice in plain view and to regard these other issues as secondary. Yet it is fair

to wonder whether the problems can be so easily disentangled. Cultural ideals may help preserve social relations of domination. For example, Young is critical of bourgeois ideals of professionalism, respectability (57-8, 136), beauty (128-9), self-mastery (138); health, unity, 'togetherness' (in the sense in which a person must 'keep it together' under pressure) (153).⁵ She criticizes the culture of experts (10) and the detached impartiality of the bureaucracy, which in her view compounds rather than resolves problems of domination (54). Because bureaucrats make decisions about such questions as whether or not to award employment insurance, the vulnerable individuals who seek this compensation depend upon the judgement of a bureaucrat and thus are subject to a possible second instance of domination: to the extent that hard cases are not resolved by clearly articulated rules, bureaucrats enjoy discretion, and (consequently) the opportunity to make decisions based on irrelevant considerations.⁶

Young's distrust of authority fits naturally with her participatory approach to democracy.⁷ Yet her suspicion of Enlightenment rationality does not lead her to conceive of politics strictly in terms of power – as though there were no role for rationality here. In her rejection of the pluralistic democracy of pressure groups, she laments that "one does not win by persuading a public that one's claim is just" (72-3). If rationality has no role to play in politics, then the underlying assumptions behind settled interests do not get the critical attention they deserve.

Although critical of Habermas' excessive preoccupation with universal reasons and what she regards as his ideal of a homogeneous public, Young endorses both his critical stance toward capitalism and his assertion of the importance of actual dialogue (7, 92-3). Nothing can, in her view, replace the actual participation of diverse individuals in the deliberative setting. She explicitly rejects the notion that any single person can, through

dialogue or otherwise, come to an impartial understanding of the myriad perspectives in a given polity (104-5). The only way to ensure that justice is done is to create opportunities for the views of distinct identity groups to be represented in public discourse (95).

When individuals from these groups do speak, they should be permitted, where possible, to communicate using the form of discourse they prefer. For important meaning might be lost in translation if individuals are asked to present their concerns and claims using concepts (e.g. autonomy) that have no purchase in most people's day-to-day lives. Further, some vulnerable groups not only do not possess knowledge of key philosophical concepts, but lack the free time, and sometimes the skills, necessary for obtaining perspective on significant social issues. In the case of immigrants and refugees, there may be additional problems of language and cultural comprehension that increase the difficulty of coherently presenting one's view on controversial issues. Unless there are especially strong reasons for requiring that discussion take the form of debate over moral principles, it seems fairer not to hamstring debate but to let people speak about issues in the manner they find most natural.

What we must notice here is that Young is especially concerned to bring the particularity of diverse perspectives into view, to give these cultural values some causal force in the polity, determining the direction that policy takes. This is, at first glance in any case, a more faithfully *democratic* approach to politics than tying political decisions to the moral arguments made by philosophers or lawyers in the scientific journals (Walzer 2003). If the aim is to ensure that these diverse voices are really included in the development of the polity, then, according to Young, special measures may be needed to ensure "full participation" (1990, 11).

The first notable measure Young advocates in her pursuit of a more inclusive politics is a larger role for narrative in political discourse. According to Young, narrative has the

power to reveal “a total social knowledge from the point of view of that social position” (1996, 132).⁸ This increasingly common appeal to narrative, as an alternative to abstract principle, seems promising if the aim is to achieve some understanding of where our fellows are coming from, why they cling to values that strike us as secondary, what symbolic significance certain public decisions might have for them, etc.

The trouble with narrative and other informal talk is that it will often lack the clarity and rational rigour that would seem appropriate for any discussion aimed at (a) grounding political decision-making, or (b) motivating reasonable changes of belief among ordinary citizens about divisive political issues. Stories, jokes, etc., are often intentionally designed to disguise the speaker’s motives, and it is typical of these forms of communication to intermingle reasons with particular ‘concrete’ details. Liberal-constitutional deliberativists probably do not expect citizens to avoid telling stories, at least by way of example, to illustrate a point or to clarify a principle. But the aim then is plainly to extract the argumentative content from informal modes of communication, so that speakers can fix their thoughts more clearly on the more contentious issues, recognize points of agreement, and put pressure on those advancing incoherent or poorly supported arguments. Envisioning a larger role for narrative might put standards of rationality and publicity at risk.

This is an understandable worry, and Young does not address it adequately. I will not take up the problem here, as it is the task of the second half of this thesis is to show that the worry can be addressed. Let us pass, therefore, instead to the second controversial measure Young advocates: recognition of group rights.

2.2 Group Rights, Agonistic Politics, Depoliticization and the Law

Liberal resistance to the idea of group rights is, for Young, based on an inadequate characterization of groups, related to the liberal conception of individuals as basic and groups as constituted out of these basic atoms. Liberals characterize group membership in one of two methodologically individualist ways: the aggregate model, which classifies according to a verifiable property shared by the individuals in question (e.g. race, sex, age), and the association model, which emphasizes voluntary participation (1990, 43).

Young believes that identity and group membership should be understood on the Heideggerian model of 'thrownness' (1990, 46), where an individual finds herself in an already constituted scheme of meaning, and must discover (and innovatively create) herself from that particular position. This position involves a set of relationships that one inherits, including 'affinities' with others.⁹ She gives the example of Vichy Jews, who did not originally see themselves as Jews or associate as Jews until marked out as such by others. The shared identity comes not from the outsider's classification, as on the aggregate model, but from the common experiences that result from that classification. Along similar lines, it is sometimes argued that there was no Palestinian people prior to the creation of the state of Israel, but that the common experience of resistance against Israel resulted in the formation of a Palestinian people. There seems, then, to be a way of sharing a condition or identity which is somewhere between pure ascription of identity according to arbitrarily chosen characteristics and voluntary participation in an association.

If the obstacles to effective political organization, in a pluralistic setting dominated by capital, are too great, or if we wish to recognize the reality of these political groups, without giving them special rights (e.g. to self-determination), the notion of increasing their

participation in deliberative forums emerges as an interesting intermediate alternative. To give groups a more prominent voice in public discourse, without guaranteeing other political rewards like financial support or increased representation in decision-making bodies, might be an acceptable compromise. Of course, promoting diverse public discourse would come with a risk of political division and conflict, even if it might increase understanding of unfairness and domination. It is probably worth resisting the temptation to accept or reject this risk absolutely; in volatile conditions it would often be best to avoid conflict altogether, just as it might be best when conditions are especially tranquil to risk stirring up bad blood. In cases that fall somewhere in between, the risk might sometimes be worth it.

An important worry about formally recognizing groups, even simply for the purpose of getting voices heard in deliberative settings, is that in so doing one entrenches a difference within a society. Some resistance to the idea of a multicultural society comes from the belief that there must be a considerable harmony of values if a state is to survive over time. The very reason why disagreement appears as a problem for the deliberativists we discussed in earlier chapters is that the legitimacy of a state is supposed to depend upon achieving some consensus on matters of public right. If deliberation is conceived of as a way to improve understanding, in hopes of promoting equality of opportunity, then it might be possible to justify giving a voice to underprivileged groups. But the aim would presumably be, then, to erase the significance of that group. Gays share the project of achieving equality in North American society (and elsewhere) which gives some moral significance to their identification with each other. Once equality is achieved, however, the political significance of homosexuality would seem to recede or perhaps to disappear entirely. In those circumstances, continuing to feel an especially close affinity for gays, and to care less for heterosexuals, would suddenly become a morally questionable sentiment. We would want to

know why it is morally acceptable to think of individuals under the heading ‘gay’ or ‘straight,’ instead of simply as individuals. It would not obviously be appropriate to continue indefinitely to recognize these or other groups as politically distinct, enjoying special rights of representation, excused from certain public duties, given priority in employment competitions, etc. In other words, it would seem that the justification for recognizing groups should be based on a moral obligation to correct an injustice; and that, once the injustice is corrected, there is no further justification for group recognition.

Young describes this as the ‘assimilationist’ ideal of politics, which hopes for group differences to fade away gradually as individuals from oppressed groups come to have the same power and opportunities as others (11). She associates it, in particular, with the “depoliticizing” tendency of welfare liberalism (10). The assimilationist ideal “presumes that there is a humanity in general, an unsituated, group-neutral capacity for self-making that left to itself would make individuality flower, thus guaranteeing that each individual will be different” (165). We should, instead, come to terms with the agonistic character of politics as an enduring contest between irreducibly different and intrinsically valuable groups. Rather than aiming to erase these differences, we should, in her view, acknowledge that they are enduring features of our collective political reality; and that they correspond to basic differences in evaluative orientation, which give a certain vitality to the polity and are, in any case, here to stay. We should not think of politics as opposed to conflict, but as drawing its power to address and rectify moral wrongs from these basic evaluative conflicts. Our aim should be to politicize, not to depoliticize (152).

Is the fear of ‘assimilation’ a red herring? To the extent that this view presumes an unchanging, dominant order, it is on unstable ground. Challenges raised by oppressed groups do not always bring the desired outcome, but they have a way of altering the constitutional

order that must respond to them. The Supreme Court of Canada has, for instance, sought to clarify the multicultural character of the Canadian federation, the relationship between provinces, and the Canadian concept of sovereignty as a result of challenges by aboriginals.¹⁰ At the less formal level of social understanding, the case of gay marriage, and more recently of polygamy, has encouraged reflection about the nature of the marital institution. These changes to the prevailing order, made possible to some extent by the law, are examples of disadvantaged groups taking hold of the public agenda and shaping the country in which they find themselves into a more hospitable and responsive home. To describe these developments as 'assimiliations' of groups and their demands into the constitution ignores the transformation the state may undergo in responding to the challenge, and belittles the victories of these groups.

The radical deliberativist admits that liberals are open to diversity, but regrets that they generally prefer to reduce conflict, relegate contentious issues of value to the private sphere, and thus to depoliticize the public sphere. From the radical perspective, this is a serious weakness. Even when there is to be discussion in the public sphere, the liberal will insist that it be carefully managed, conducted within a framework of liberal norms. The liberal mind, according to the radical, is not best seen as patient, hopeful, tolerant and forward-looking but instead as timid, self-satisfied, overcautious, forgetful, and afraid of challenge, conflict, and change. By contrast, the radical deliberativist is courageous, energetically rooting out instances of oppression and injustice; loyal to the weak and vulnerable; hopeful; dissatisfied and sometimes outraged; always, in a sense, at war; exhilarated by battle; etc. In a world characterized by oppression, it is indulgent and cowardly to try to protect one's intimate, private life from the fray of battle, to prefer an unjust peace to an unpredictable fight for justice.

The will to contest is of course essential to politics: the politicization of family and work was a necessary move in the liberation of women; the politicization of racial issues was and is necessary for racial equality in the United States, etc. But it is equally important to recognize that contests sometimes end, that it is sometimes desirable for issues to cease to be publicly contestable. It would be tragic indeed if women forever needed to justify their entitlement to compete equally with men for jobs, whether in courts, public forums, or civil society. Once there has been a contest, and the historically oppressed side wins, the disappearance of tension over the issue is a sign of progress. Once the battle has been won, assuming it has been *fairly* won, it would seem reasonable for the victor to refuse to debate the issue as though we were equally open to doing things otherwise. Of course, this is itself a political stance in response to a challenge. But it is not wrong to hope for the day when such challenges are made no more.

Political contest can thus transform the field of argumentation, elevating certain positions to the status of assumed truths, and reducing others to the status of assumed falsehoods. But for this transformation to have any lasting effect there must be a mechanism of public memory – there must be some way to guarantee historical progress in our collective argument. Is such a mechanism compatible with the radical, participatory democratic position of Young? Or does it require a more deferential attitude toward the inherited tradition of law than Young's views allow?

I shall argue that it does, and I take up this question in Chapter Four. First, however, we shall meet a deliberativist who is even less open to the notion of developing deliberation in the context of a constitutional tradition. For John Dryzek, the promise of deliberative democracy depends upon keeping discourse out of authoritative channels.

3. John Dryzek

In a series of books dating from 1990, John Dryzek has developed his version of a ‘discursive’ alternative to the mainstream “liberal-constitutionalist” deliberative democracy. Like Young, Dryzek sees the modern liberal state as an instrument of oppression or domination. He is consequently hostile to those liberal moral and political theorists who endorse the bulk of existing institutions and see *further liberalization* (e.g. liberating markets, redefining state boundaries in accordance with nationality) as the solution to the problems liberalism engenders (e.g. exploitation of underdeveloped countries, intrastate ethnic conflict).

As we saw, Young resisted the usual liberal emphasis on the primacy of individuals, and advocates group rights. Dryzek, conversely, resists the language of rights while emphasizing the autonomy of the free individual. His discursive democracy is self-consciously subversive of prominent political traditions and institutions. In his view, “a defensible theory of deliberative democracy must be critical in its orientation to established power structures, including those that operate beneath the constitutional surface of the liberal state, and so insurgent in relation to established institutions” (2000, 2). Dryzek thinks the ideal of agency is compromised by problems of bureaucratic incompetency and inefficiency. But he also sees a more basic tension between democracy and constitutionalism (whether at the state level or in some form of cosmopolitan republicanism): the bureaucratic and juridical control of populations is improved as individuals behave more *predictably*, whereas freedom involves an element of creative spontaneity, and so unpredictability.¹¹ Dryzek therefore envisions ‘discursive democracy’ as a practice relatively independent of any particular political circumstances or body of law.

Dryzek's basic criterion for discursive democracy is that it promote reasonable reflection about one's preferences or desires, and the *telos* of this reflection is the achievement of what he calls 'social learning.' Our aim is to see how our political predicament is conditioned, whether by language or by other factors, and so to understand our actions as both enabled and constrained by our conception of our situation. This ideal of reflexivity, deeper than an ideal of agency that depends simply upon acting on reasons, obviously means that value systems and faiths cannot be treated as fundamental political givens. The task of reflexive learning is not, however, likely to be achieved in the context of ordinary rational debate, where we focus on specific claims and look for reasons for them. Instead, it calls for reflection on how positions are already structured by the language in which they are formulated.

I shall begin with an overview of Dryzek's critical perspective on the liberal state, which has its roots in Habermas and Foucault. I turn then to the central concept of 'discourse' and its role in structuring political understanding and political conflict. Finally, I assess Dryzek's claims about the tension between constitutionalism and democracy. I argue that the appeal of his vision of democratic freedom is limited by its sceptical, anti-traditional stance.

3.1 The Liberal State

Recall that for Habermas, there is a relationship of interdependence, and not tension, between democratic institutions and the dispersed communication of the public sphere. According to Dryzek, Habermas is overly optimistic about the possibility of reconciling the modern state with the evaluation of political issues by free, reflective citizens. To achieve this reconciliation, Habermas is forced to soften his attitude toward institutions that are often,

in Dryzek's view, necessarily compromised by their reliance on access to capital. Habermas' radical social critique of capitalism seems to recede in importance over the course of his career, replaced by what is, in Dryzek's view, a familiar, "old-fashioned" (2000, 25) view about power, according to which power flows (or should flow) in a simple path from the coffee house to the election booth and on to the legislature. After much philosophical effort, it seems that Habermas' political theory fits comfortably within a recognizably capitalist, liberal-democratic society: it seems to endorse the state system, and to conceive of citizens as deploying their democratic powers within it.

Although Habermas and the Frankfurt School were an important influence for Dryzek, his work also bears the marks of postmodernism, characterized by its own deep critique of Enlightenment ideals of clarity, systematicity, regularity, self-evidence, etc. Postmodernist philosophers typically refuse to offer clear political programmes, and restrict themselves to relatively abstract criticism of contemporary political events, categories, and institutions.¹² Dryzek's discursive democracy falls in this tradition, given its focus on the analysis of rhetoric or political argumentation, the 'discourses' in which political arguments are formulated and deployed.

He does, however, outline his preferred 'corporatist' model of the state: the three powers of business, government, and labour are conceived, in the manner of political realism, as largely autonomous, independent entities acting in self-interested ways. Joint decisions are made largely as a result of negotiation between these elite groups. Dryzek thus abandons the notion of elected government, visible in Habermas' model, as the ultimate effective body of power. Legislation should not be thought of as the realization of the people's will, but as the contingent resolution of irreducibly opposed interests.

Dryzek's view of democracy is interesting, then, in that it involves a rich notion of reflexive subjectivity,¹³ but rejects the Hegelian republican view that freedom for this reflexive self consists in identifying itself with the institutions of the state. The notion of the state as a moral entity is only compatible with the democratic ideal, in Dryzek's view, if the latter is interpreted in largely symbolic terms. But authentic democracy must be "substantive rather than symbolic, and engaged in by competent citizens" (2000, 1). In short, the state must be drained of its moral significance, not seen as the concrete representation of our ethical nature, but as an autonomously functioning Other, constantly tempting us to give up our moral freedom and accept its values as our own. In practical terms, this means that citizens should be somewhat antagonistic toward the predominant organizations of power, including their own government. Indulging in the symbolic fantasy that government represents 'the people' is not compatible with Dryzek's idea of democratic freedom.

3.2 Status of Rhetoric and Discourse in Political Theory

Dryzek's discursive democracy thus mainly concerns individual political agents, their self-understanding and their freedom. But if language strongly influences our understanding of our aims and condition, then it is not possible to dismiss the rhetorical dimension of politics as mere talk. Instead, rhetorical battles over the right way of framing an issue, the appropriateness of a given metaphor, the adequacy of a certain characterization, become politically crucial. Democracy must be discursive, since, "The communicative power that the public sphere can exert over the state is diffuse and pervasive, felt in the way terms are defined and issues are framed, not in the direct leverage of one actor over another" (2000, 101).

Dryzek is concerned with the substantial rather than the formal dimension of rhetoric: he is interested in complexes of meaning, explicit and implicit, and not (directly at least) in the structures of argumentation. His discursive democracy is not focused on resolving disagreements between individuals, evaluating the universal validity of a given moral principle, or ensuring through formal procedures that deliberation constrains government actions. Dryzek follows Foucault's suggestions and focuses deliberation around the concept of a discourse, examples of which include those of *globalization, sustainable development, neo-conservatism, realism in international relations, counter-terror, human rights, market liberalism, discourses of identity*, etc. (2006, 2).¹⁴ Notably linking discourses to storytelling, Dryzek writes:

Any discourse will be grounded in assumptions, judgements, conventions, dispositions, and capabilities. These shared terms of reference enable those who subscribe to a particular discourse to perceive and compile bits of sensory information into coherent stories or accounts that can be communicated in intersubjectively meaningful ways. Thus a discourse will generally revolve around a central storyline, containing opinions about facts and values. (2000, 18)

So, for instance, someone using the language of 'sustainable development' tends to think of environmental problems as a novel challenge for human entrepreneurial activity, but not one requiring that the general aim of technological progress or the practice of capitalism be abandoned;¹⁵ and this fits a view of nature as a standing reserve of resources belonging to human beings. Someone who held a deeply deferential attitude toward nature would, by contrast, probably be disgusted by the characterization of ecological disasters and their significance as problems of 'sustainable development.'¹⁶

Dryzek invokes the notion of a storyline as the sort of unity toward which the fragmentary character of discourses naturally tends. In this account of 'sustainable development,' we identify basic assumptions that hang together around an imagined

character type (“*Someone who held that...*”). To this character – imagined defender of sustainable development – we ascribe certain aims and a particular set of values and plans, linked to historical events. In order to fill out our understanding of that character, we introduce a characteristic enemy – the deep ecologist – who confronts the unique historical situation with a different set of aims. It is legitimate to contrast the two characters, not only because instances of each could be found, but because each understands his own project in conflict with the other and must defend his project in the space of ideas against the other’s alternative. If we were to try to understand the distinct aims of these characters, we would certainly profit from understanding something about their own personal history, and especially from seeing how they view the current episode or historical moment in its broader context.¹⁷ By contrast with the Rawlsian view of an abstract moral geometry, such an approach conceives disputes as historically conditioned conflicts between agents, and so points us back toward socio-historical context.

In his later work on global politics, Dryzek ties his discursive democracy more directly to the problem of political conflict:

Discourses are sets of concepts, categories and ideas that provide ways to understand and act in the world, whether or not those who subscribe to them are aware of their existence. Their role is not universally appreciated, especially by those wedded to more traditional interpretations of international politics that see conflict as being generated by differences across material entities such as states, alliances, corporations, social movements or terrorist networks. (2006, vi)

He contrasts his position with a view common to both political realists and Marxists. For the latter two groups of theorists, the material or economic dimension determines conflict, and the ideas simply dress up opposed material interests in some sort of rationalization, whereas Dryzek’s emphasis on the power of discourses to structure our understanding seems Idealist in nature. The discursive stance does not, of course, commit Dryzek to the Hegelian Idealist

view that a given society is, or is in process of achieving, a concrete realization of a systematic set of philosophical concepts. The point of taking the relatively small unit of the ‘discourse’ as the basic field of action-governing ideas is partly to avoid the trap of a Hegelian view of a world Idea gradually realizing itself in history. While discourses do belong to an order of ideas which shapes reality, they are better conceived as loosely connected fragments rather than as parts of a conceptual whole.

Dryzek’s view is that moral and political problems are aggravated when cast in the high-minded terms of moral principle or value systems.¹⁸ Instead of casting conflicts between cultures as the inevitable outcome of incommensurable evaluative frameworks, Dryzek advocates a “‘bottom-up’ alternative that treats any clash as subject to amelioration by the engagement of discourses” (2006, 42) and that focuses on needs instead of “general principles and markers of identity” (43). Taking the controversial issue of female genital cutting, for example, Dryzek says:

One inter-civilizational approach to this issue involves condemnation of female genital cutting as either a violation of human rights or as an extreme manifestation of the patriarchy. Approaches of this sort are likely to raise the stakes and help make the practice a marker of identity, so generating resistance to its abolition. A more productive approach to engagement would start from an understanding of the particular situation of the women involved, and the way they perceive their own needs. (2006, 42)

The aim of taking stock of needs is to see whether there are practical solutions to these problems that can be addressed without directly considering the symbolic value of the practice, or especially of registering general statements about the merits of a given community’s value system (as from a rights-based or a feminist stance, for example).

Exactly how discourse analysis is supposed to work in these cases is not made particularly clear in Dryzek’s discussion. At first glance, in fact, the preference for prudential, piece-meal solutions to practical problems seems very much at odds with the sort

of deeply critical, reflexive consideration of the discourse in which one understands oneself and one's situation. Dryzek could perhaps argue that there is a critical role for discourse analysis – to help root out when a person's needs are being distorted by the language in which she feels inclined to describe her situation. But presumably some language must be invoked for explaining what is needed. In the case of female genital cutting, Dryzek notes that the desire expressed by girls to be circumcised is related to their desire to marry (and the social convention that only circumcised women are legitimate mates). He suggests that the issue can be dealt with by trying to secure a simple, public agreement from men not to discriminate according to that criterion – and that this can be achieved without digging into the symbolic meaning of the practice, or without characterizing it controversially as an instance of patriarchal domination.

Whatever the chances of success with such a strategy, it still remains hard to see how such a program relates to Dryzek's interest in discourses. The agents in Dryzek's example are not depicted as engaging in social learning, considering the presuppositions of their evaluative orientations, but instead making a kind of bargain. Sometimes bargains are good, although it is a matter of political judgement whether to prefer a bargain to an opportunity to make a more ambitious political stand (e.g. against a wider range of oppressive patriarchal practices). From the perspective of agonistic writers like Chantal Mouffe, against whom Dryzek argues (2006, 49), and Iris Young, Dryzek's apparent preference for depoliticization might put him, of all places, in the *liberal* camp.

This characterization of Dryzek seems to fit with his various other features of his view. His suggestion that we can avoid disputes of value and simply discuss needs recalls the liberal pretension to neutrality between evaluative viewpoints. In separating practical, secular politics from religious practice and interpretations, and in assuming the equality of

individuals, regardless of gender, he is likely to be challenged by the defenders of the *status quo* in the African community in question. Despite his subversive rhetoric, the very practical politics that Dryzek prefers belong to a distinctly liberal, and thus not especially radical, view.

In other ways, as well, Dryzek's purportedly radical rhetorical turn away from liberal-constitutionalist deliberative democracy seems somewhat incomplete. He advocates storytelling, but his fears about the dangers associated with giving a prominent place to narrative in political discourse would be shared by prominent liberal-constitutionalists, who would also endorse his conception of narratives as a way of giving some concrete expression to abstract principles:

Once we move beyond ritualistic openings, communication is required to be, first, capable of inducing reflection, second, non-coercive, and, third, capable of linking the particular experience of an individual or group with some more general point or principle [reference removed]. The last of these three criteria is crucial when it comes to identity politics gone bad. A harrowing story of (say) rape and murder in a Bosnian village can be told in terms of guilt of one ethnic group and violated innocence of another – fuel for revenge. But this story can also be told in terms of violation of basic principles of humanity which apply to all ethnicities, making reconciliation at least conceivable (though not easy).¹⁹ (2006, 52)

Dryzek's instincts here are right. In inviting someone to tell a story about their political predicament, we might simply get back a morally repugnant narrative containing gross generalizations about the inherent evil of a certain nation or ethnicity.²⁰ If we conceive of moral debate in the way that the liberal-constitutionalist deliberativists do, someone who told a story of this kind in order to justify a certain proposed decision would be exposed to attack by his Socratic opponent, who would question the facts, the validity of the inferences, etc. By contrast, in an informal storytelling setting, a story like that might sit unchallenged, or only partially challenged by a competing narrative. Narratives, Dryzek seems to suggest, function

best as attempts to illustrate a certain point, or to help fix ideas about particular debate over principle. But this is precisely the way they function in much standard academic moral philosophy, and presumably how they would function in the deliberative model proposed by Gutmann and Thompson and others.

Dryzek envisions, then, a relatively limited role for narrative as illustrative of principles. But what are these ‘principles of humanity’? Are they universally acknowledged, or should they be? It begins to look as though there is a universal moral reality behind the various illusory discourses or potentially misleading stories, and that Dryzek is relying on convictions about this moral reality when he purports to address in a strictly practical way the conflicts and tensions over values. It looks as though the challenge to standard deliberative democracy is not the complaint that its normative core is contentious, but that to realize the key values, it is necessary to take a slightly circuitous route through narrative or some other more natural mode of communication:

Political equality, human integrity, reciprocity, publicity, and accountability are undeniably important values, but the best way for people to learn these values is through the practice of deliberation, rather than being told (even if it is by Ivy League Professors) that they must abide by these principles before they enter the forum (2000, 47).

What, then, is left of the radical challenge to liberal-constitutionalist deliberative democracy?

The key difference between discursive democracy and Gutmann and Thompson’s deliberative democracy concerns the *status of the liberal state* more than the status of liberal norms or even the style of communication appropriate to deliberation. The apparent difference in communication style is more a matter of emphasis than anything else. In other words, Dryzek does not really develop this discursive idea into a full narrative-contextualist view. So even if we wanted to shift deliberative democracy away from the state, Dryzek’s version of deliberative democracy would be inadequate.

3.3 *Democracy and Constitutionalism*

What then should we make of Dryzek's claims about the liberal state and constitutionalism more generally? Dryzek outlines his vision of discursive democracy in global politics in contrast with two alternatives: neo-conservatism and cosmopolitanism (2006, vii). For neoconservatives, the balance of powers between states could lead to peace without mediating international organizations like the United Nations if countries are made "liberal, capitalist, and democratic" (2). Cosmopolitans, by contrast, tend to push in the direction of a world republic, with all of the legal and administrative complexity that this would entail. By contrast, Dryzek describes his discursive democracy in this way:

The kind of democracy I have been arguing for throughout this book is transnational and discursive, highlighting dispersed and competent control over the engagement of discourses in transnational public spheres, which in turn constructs or influences international outcomes in a variety of ways. Transnational democracy of this sort is not electoral democracy, and it is not institutionalized in formal organizations. Instead, it is to be sought in communicatively competent decentralized control over the content and relative weight of globally consequential discourses, which in turn resonate with theories of deliberative democracy stressing communicative action in the political sphere. (154)

Earlier, I suggested that the discursive dimension of democracy should enjoy more prominence in political philosophy. The main reason for this view is that political theory must be concerned with the justification of the exercise of power; and discursive democracy tracks the workings of power on the rhetorical field, revealing a person's expectations about what will count as satisfactory justification. It would not be reasonable to defend a neoconservative, cosmopolitan, or any other political position without wondering whether one's views are subtly shaped by the 'discourse' in which people normally set forth those views. Although Dryzek does not explicitly say so, there is no *prima facie* reason why a discourse could not be superior to others. All that the discursive view entails is that political

theorists and actors alike should reflect critically about their political views, particularly those that seem most self-evident or uncontroversial, since these are the most likely to be undefended, underlying presuppositions of the entire view.

Once this point is clarified, it seems possible to question Dryzek's presentation of his discursive democracy as an alternative to neo-conservatism and cosmopolitanism. What view of the sovereignty of individual nation-states, or the legitimacy of international law, is entailed by his view? Perhaps any position on these matters would be compatible with the abstract notion of transnational, dispersed control of discourses. So there is some reason to doubt that discursive democracy is an *alternative*. But does Dryzek himself see his discursive democracy as closer to one or the other of neo-conservatism and cosmopolitanism?

There is an anarchist,²¹ libertarian tendency in Dryzek's theory, emphasizing the individual agent in his quest to be free himself from hegemonic discourses. In larger states, the individual forfeits control not only to increasingly incompetent bureaucracies, but to the courts, in a process leading to what James Bohman calls "juridification" (2006, 157): the legal system comes to enjoy "the ultimate authority to pass judgment on the actions of other decision-makers (such as voters, administrators, and presidents)" (156-7). Dryzek thus sees a deep tension between constitutionalism and democracy. The preoccupation with restricting the exercise of "arbitrary authority" (156) leads to the excessive regulation of behaviour, and thus threatens the self-determining powers of citizens.

Does this mean that Dryzek must endorse the neoconservative view, opposed to international law, promoting democracy and free markets at the individual nation-state level? Is there no option of a middle way? Liberal multilateralism would seem to offer a middle way. Dryzek seems uninterested in this view, although he acknowledges that his criticisms of liberal multilateralism "apply mainly to the degree multilateralism is accompanied by the

introduction of administrative bodies and constitutions” (2006, 128-9). Multilateral organization understandably requires administrative bodies to achieve coordination of policies. But it is certainly possible to reject the neoconservative optimism about the power of open markets and universal democracy to guarantee peace, while conditionally endorsing the sovereignty of states.²²

In its opposition to tradition and authority,²³ Dryzek’s discursive democracy is, despite his overt attacks on objectivism and universal reason (1990, 7), curiously continuous with the spirit of the Enlightenment. He envisions a ‘functionalist’ state, with a basic balance of powers between labour, capital, and government, and joins this to an equally ahistorical, rule-based understanding of a constitution, which he defines as “a set of basic rules that specify the distribution of authority for making collective decisions, and the rights that individuals and other actors have against decision-makers (and against each other)” (2006, 136). In characterizing the state and its constitution in this way, Dryzek ignores their moral dimension. Notice, for example, how Dryzek responds to calls for group representation in law:

Irrespective of what interest groups seek, there are certain imperatives that all states simply must meet. Unfortunately for advocates of state-sponsored group representation such as Cohen and Rogers and Young, promoting the organization of disadvantaged groups is not one of [the imperatives that all states simply must meet], and I can imagine no scenario under which it becomes one. (2000, 93)

It can be granted that such a policy would never be a systematic imperative that is a necessary condition for a state’s survival. But it obviously does not follow that states can only enact legislation that directly serves the end of their own self-preservation. In Canada, to take one example, there are policies of employment equity, language rights, free education for aboriginals, and various other measures enacted into law and protected by law, which

have a beneficial effect on disadvantaged groups. Progressive policies face economic and political pressures everywhere, of course, and this must not be forgotten or played down. But Dryzek pays too little attention to the shaping effect of ideas of morality and justice, particularly as these are worked out in law, on the state.²⁴

In a similar way, Dryzek's desire to make democracy more 'authentic' and less symbolic, although a useful corrective to certain fanciful modern accounts, is unreasonable if pressed too far. We should be suspicious of expressions like 'the will of the people,' just as we should promote fair participation in political processes. But we should not allow a commitment to an ideal of 'authentic democracy' to set us on a course for a radically direct, participatory democracy. A decision-making process is obviously more democratic in his sense if everyone actually gets to speak up. But if we say this, then we must recognise that we do not want every instance of deliberation to be democratic.

Participation in associations and political communities, if it is to reach its mature level, requires some respect for the organizing power of symbols and ideas: it is an essential, and respectable, part of human nature to seek out larger projects of human association that give meaning to our lives. Some theorists are uncomfortable with this symbolic side of human experience, perhaps because our natural openness to meaningful encounters with others and collective self-determination can be exploited for evil as well as for good. There is indeed great risk in emphasizing this symbolic side of political life. Whether the risk can be worth taking is a question to which we shall return in later chapters.

CHAPTER FOUR:

DELIBERATIVE CONSTITUTIONALISM

1. Introduction

The purpose of the present chapter is to bring into focus a developing theme of the first three chapters, namely, the relationship between the seemingly ‘participatory’ idea of deliberative democracy and the framework of the liberal-constitutional state. In the last chapter, we saw that Young and Dryzek are both sharply critical of existing liberal-democracy and the constitutionalist state, which they see as blocking or inhibiting justice and freedom. They propose to address these problems by increasing democratic participation. Young calls for inclusive, just, and accommodating state institutions. Dryzek, who sees the state as an enemy of freedom, argues that democracy must go on outside ordinary state channels, beyond the constraints of bureaucracy and law.

Whether law is to be viewed as a conservative or liberal force in democratic politics is, however, a complex and controversial question. One prominent interpretation of what constitutions are is that of American Supreme Court Justice Antonin Scalia. On this interpretation, according to which a constitution sets in place essentially fixed principles, there is a clear tension with the sort of progressive, inclusive democratic politics envisioned by the radical deliberativists (Scalia 1997). But other views on the nature of constitutions have been advanced by progressive judges like Supreme Court Justice Stephen Breyer (2005). On the latter’s approach, a constitution changes over time to meet current political needs; and it becomes the responsibility of Supreme Court Justices to interpret the written Constitution in creative (although not wholly unconstrained) ways, so as to meet these needs.

Such a view of constitutions is importantly distinct from Dryzek's ahistorical conception of constitutions as a "set of basic rules" (Dryzek 2006, 136).

Of the two approaches, Breyer's is obviously likelier to favour the sorts of policies that Young, for instance, calls for. But it is not hard to see why radical deliberativists would hesitate simply to endorse a progressive approach to constitutionalism. For starters, Breyer's progressive approach is not meant to replace but to supplement the traditional, originalist approach. Second, however progressive as a vision of law, it remains elitist by comparison with participatory politics, insofar as the organs of change are Supreme Court Justices acting in relative isolation from the pressures of a democratic public.

From an especially radical perspective, there is a much deeper difficulty still. Breyer's approach, like Scalia's, begins from the assumption that the written Constitution of the United States is a legitimate and authoritative document. But this assumption may be challenged. For Canadian political philosopher James Tully, the constitutions of Canada and the United States are morally problematic, since they are the product of colonial violence rather than legitimate agreement among consenting parties.

Uneasiness about the colonial origins of these states should not, in Tully's view, be brushed aside on the grounds that there is no going back to pre-Columbian times, no way to 'do over' the encounter between aboriginals and Europeans. He argues that the unjust origins of Canada and the United States can be explained as the result of indefensible ideas about democracy and law prevalent in the modern period. In order not to repeat the injustice of the past, we have to abandon the conceptual framework of modern political theory in which that constitutional approach makes sense. The alternative will be a participatory constitutionalism, conceived as a 'post-imperial dialogue' across cultures.

It would not be possible to take up in any detail here the complicated questions of constitutional law and interpretation. I will restrict myself to a brief introduction to the subject, before turning my focus to Tully's view. The appeal of Tully's theory derives from its success in freeing narrative from a minimal, illustrative role in ordinary moral argumentation, and in putting narrative to work in the interpretation of fundamental questions of moral responsibility within the context of a historically developing political community. While I deem Tully's recommendations for culturally-mediated constitutional dialogue wrongheaded, and his attacks on the Enlightenment understanding of politics and law excessively harsh, his view has the great merit of helping us to make sense of those urgent questions of cultural recognition and historical justice to which I turn in later chapters.

2. Constitutions and Constitutionalism

A constitution is generally thought of as the fundamental or basic law of a state. In *Politics: An Introduction to the Modern Democratic State*, Larry Johnston defines 'constitution' as the "framework of basic law that defines relationships between rulers, institutions, and citizens" (Johnston 2001, 198); a system that "arranges the institutions and their relationships" (187); or as "a *body of fundamental or basic rules* (indeed the German constitution is called the Basic Law) *outlining the structures of power and authority and the relations between these, and between these and the people* (211).¹ In states possessing a written constitution, a distinction is sometimes made between the "formal constitution" (the written document) and the 'material constitution' (the actual structure of powers and relationships), where the former is "really a map or diagram purporting to outline the fundamental nature of the state as it exists and operates" (211).

Certain states, like the United Kingdom, have no written constitution *per se* (although certain significant documents like the *Magna Carta* enjoy something like the status of fundamental law). It is sometimes said that such states have no constitution at all. For an essential function of an effective constitution is to limit the actions of governing powers, and effective limitation cannot be achieved in the absence of a clearly recognized, authoritative document detailing the conditions of legitimate government. This was the leading idea behind Thomas Paine's argument that England had no constitution (McIlwain 1947, 2). The English parliament had displayed its unlimited character, for example, by extending its term to seven years with the passing of the 1716 Septennial Act: as Paine said, parliament could as easily have extended its term for life. Such power leaves the people vulnerable to arbitrary decisions by rulers; and a country that does not constrain such a power has no constitution.

Paine's ideas were, of course, influential in the design of the American constitution, which was shaped by this aim of protection from potentially tyrannical government. The distrust of government is an enduring and much-discussed feature of American political culture, and the written constitution serves as a 'safeguard,' enabling the people to trust the government. Johnston claims that, "In several respects it is the *Constitution*² that is sovereign in the American system of government" (205).³ If the function of a constitution is to protect the people against the abuse of power, then there are obvious reasons to prefer a written constitution to the vaguer notion of a 'material' constitution, since "a written constitution almost inevitably entails the notion of limited government" (212).

A written constitution can thus at times be a significant hurdle for progressives who would use government to achieve desirable social ends, even if in its original context the document was progressive. The American Constitution provides for a democratic process by which amendments can be added, but the obstacles to amending the Constitution are

formidable, and so the *status quo* has great historical inertia. There is, as a result, a temptation to use the judicial levers of constitutional *interpretation* to achieve progressive ends which it would be hard and costly to secure through politics.

This is possible because there is room for reasonable debate over the original meaning of a founding document (e.g. ambiguous terms, inadequate historical evidence of framer intent), and also because it may be debatable what the constitution ‘says’ about certain currently controversial questions which, though not explicitly anticipated by the document, nevertheless seem within the reach of its general values or principles. Faced with such gaps, judges may be tempted to read meanings into the constitution that were never intended. Such readings inevitably appear as political and controversial, as for instance in the American Supreme Court’s discovery, in its famous *Roe v. Wade* ruling,⁴ where the court located a privacy right in (among other places) the Due Process clause of the Fourteenth Amendment (O’Brien 2005, 1242). Such interpretations are sometimes described as instances of ‘judicial activism,’ a (mostly) pejorative term referring to the undemocratic and so tyrannical exercise of judicial power to achieve political objectives unlikely to be supported by the people in an open democratic process.

Originalism is the view that the original Constitution should be seen as an agreement assumed to be binding unless altered via the democratic process that the document authorizes. Although originalism is not without its own difficulties,⁵ it has *prima facie* appeal. Interpretations of the Constitution which its original authors would certainly have rejected seem *prima facie* illegitimate.⁶ But we can see how such interpretations might be regarded as legitimate by recalling the distinction between the formal (written) and material constitution. The originalist sees the written document as authoritative. But it is possible to see the written document as drawing its authority from the material constitution, or to regard

the written and material constitution as coequal in authority. Fidelity to the original meaning of the document would not then be constitutionally decisive.

It has therefore become common for progressives to argue that the American constitution is a 'living,' material constitution adapting itself to present circumstances somehow defined (e.g. current needs, demands, values, moral understanding, etc.). This move has been helped along by certain twentieth century philosophical and literary trends, leading away from the idea that the best interpretation of a text is the interpretation that would be endorsed by its author. In hermeneutics and for many literary theorists, authors can never fully command the meaning of their work: at best authors shape works according to what they have succeeded in understanding. Their understanding is always inadequate, and if later interpreters can bring the emerging meaning to life in a more adequate way by creatively reinterpreting certain features, they should do so.⁷ So too, *mutatis mutandis*, for written constitutions.

There are reasons for suspicion about this line of argument in the American context. For example, the originalist can accept the 'hermeneutic' picture of our growing understanding of justice, but insist that the proper way of bringing it into actuality is to 'revise' or 'edit' (i.e. amend) the text, i.e., amend it as the document itself provides for, rather than straining credulity by pretending that the text means what it obviously does not. If the objection is raised to the revision process that the democratic public will not be able to grasp why an amendment is needed in order to realize the emerging ideal, a forceful response is that such an objection (like the constitutional approach from which it comes) is elitist and undemocratic, inconsistent with the American political culture not only of the late 18th Century, but of the 21st century too.

In Canada, of course, we have had a founding document since 1867, more recently updated in the Constitution Act of 1982, with its Charter of Rights and Freedoms. The existence of the Charter of Rights has distanced Canada to some degree from the British tradition and brought it closer to the American system, since the Charter of Rights acts as a significant constraint against governmental action and has elevated the role of the courts in our democracy. But the legacy of the British tradition, with the flexibility and capacity for adapting government to changing needs (qualities celebrated by Bagehot in his classic work of 1872), remains very much alive in Canadian jurisprudence. This is due largely to an influential 1930 ruling in the much discussed ‘Persons’ case, in which several Canadian women sought recognition as persons eligible for the Canadian senate.⁸ The relevant clause of the British North America Act of 1867, Canada’s founding document, referred to the appointment of qualified ‘persons’ to the Senate, whereby the authors certainly meant, but did not write, ‘male persons.’ On the grounds that there had been no intent to include women, the Canadian Supreme Court ruled against Edwards and the other women. That decision was overturned, however, by the Judicial Committee of the Privy Council, at that time the highest court ruling on Canadian matters. In its decision the Judicial Committee argued essentially that it was legitimate to exploit the ambiguity of the term ‘persons’ in order to adjust the law to suit needs in the Canadian context. This interpretation was declared to be consistent with a general view of the law in British colonies as a kind of “living tree” that had been planted, and which would need to develop itself in accordance with the characteristics of its novel environment, “evolving”⁹ to meet new challenges, etc. The ‘living tree’ metaphor has become a principle for Canadian constitutional interpretation, enabling ‘generous interpretation’ of the Canadian constitution more compatible with an activist state

pursuing social justice, but leading to concerns that creative interpretations in the present effectively undermine the binding power of past law.

In its emphasis on gradual, immanently developing, organic continuity over time, the living tree metaphor captures and expresses an ideal consistent with the democratic self-organization and self-determination of the people. It therefore has a certain appeal as an interpretation of constitutions compatible with an inclusive approach to deliberative democracy. But, as we shall see in our discussion of Tully, this approach to constitutionalism, if carried far enough, has potentially revolutionary consequences.

3. Tully's Deliberative Constitutionalism

In *Strange Multiplicity* (1995), James Tully addresses issues about constitutions and the initial colonization of North America. The colonized territory in British and French North America was conceived as existing in a “pre-constitutional situation,” a state of nature, lacking any clearly agreed upon concepts of labour or private property, much less any developed law governing the relations between them (71-3). As such, the continent was regarded as unowned, and the various customs and practices, many of them recognizably political, were treated as morally non-binding. Treaties were, of course, made between aboriginals and Europeans; and these treaties remain part of American and Canadian law. But it would be wrong to treat these treaties as a sign that Europeans in general understood themselves to be dealing with equals, rather than seeking to exploit the expertise of various aboriginal peoples *en route* to defeating European competitors in a quest to rule the continent.

Tully argues, however, that it is not simply this or that doctrine of early modern political theory, but its whole conceptual apparatus, that made possible the dramatic

injustice. He argues that “the concepts of the people, popular sovereignty, citizenship, unity, equality, recognition and democracy all tend to presuppose the uniformity of the nation state with a centralized and unitary system of legal and political institutions” (9). Within this framework of ideas, it is not surprising that the dispersed aboriginal peoples of North America would appear to the European not to belong to the community of genuine nations with which they were already familiar.

A serious logical difficulty with the modern ideal of contract or agreement is that prior to the acceptance of the Constitution, there is, strictly speaking, no way to determine which people enjoy the authority to enter into a constitution, nor is there any clear means of deciding what will count as an appropriate procedure. In the case of the American Constitution, for instance, Article VII specifies that ratification from nine states will bring the Constitution into effect. But before there is a Constitution, how can the people speak together in a single voice (“We the People”), and choose decision procedures for accepting certain rules as decisive? One option is to affirm that these origins are a sign of pure violence, or irrational will, in the sense that the origins cannot have a justification. This would imply that the creation and ratification of the Constitution could just as well have been undertaken by a single powerful ruler or in any other way, since law does not begin until the Constitution exists: in the absence of a written constitution, there is a total vacuum of normativity.¹⁰ But this would make no sense of American history, including the broadly ‘deliberative’ project of securing public opinion through the publication of the *Federalist* papers. The legitimacy of the written Constitution itself has to be explained in connection with an account of the history of the American colonies in relation to Great Britain. It seems, for instance, plausible that the original source of the authority of the Constitution was the broad, practically constrained process of political negotiation and argument, which prepared

the way for the acceptance of a new, fundamental law. What this suggests is that the legitimacy of the American Constitution itself depends upon our sense that there is no vacuum of normativity prior to the act of self-constitution. Beneath or behind the overt, written law, which creates a sharp break with the past, there is an underlying continuity of constraining, moral-political reality, which was mediated by political leaders through a process of public argument (e.g. *The Federalist Papers*).

The model of constitutionalism that Tully favors stresses this continuity across transitions. It does not sharply oppose conscious agreement or contract to tacitly accepted custom; and it does not require a people to ‘found’ itself in order to be a people. Custom is conceived as expressing a sort of agreement, since “the ‘long use and habit’ of a custom reflects and manifests the deliberate judgement of reason, and so the consent, of a free people” (61).¹¹

So we can see how it makes sense to speak, as Tully does, of the aboriginals in North America before the arrival of Europeans as already constituted (61). But, despite increasing attention to aboriginal questions in recent years, particularly in the courts, there are few signs that ordinary Canadians understand the legitimacy of their state to depend upon some sort of reckoning with Canada’s colonial origins. Further, even in the Canadian courts, with their progressive ‘living tree’ approach to constitutionalism, it can be wondered whether a full reckoning with these problematic origins has yet been achieved. After all, it was the Judicial Committee of the Privy Council, speaking authoritatively for Great Britain, which created the living tree principle in Canadian law; and the metaphor itself only works if we accept that it was within the rights of the British in North America and elsewhere in their colonies to ‘plant’ a living tree of law that would then flourish on its own. Approaching Canadian law from the perspective of aboriginal Canadians, Tully’s attack on European traditions and

institutions suggests that there is an enduring problem of justice in Canada (and elsewhere) that cannot be resolved, regardless of how good Canadian government is or how ‘generous’ Canadian courts are inclined to be.

4. Cultural Diversity and Intercultural Dialogue

To rectify this historical wrong, Tully argues that constitutionalism itself must be reinterpreted as a deliberative process of cultural self-determination. The deliberative requirement follows, in Tully’s view, from the deeper requirement, consistent with ancient constitutionalism, to recognize culture as in some sense morally binding:

A contemporary constitution can recognise cultural diversity if it is conceived as a form of accommodation of cultural diversity. It should be seen as an activity, an intercultural dialogue in which the culturally diverse sovereign citizens of contemporary societies negotiate agreements on their ways of association over time in accord with the conventions of mutual recognition, consent and continuity. (184)

Tully stresses that he means ‘dialogue’ in its ordinary sense, rather than, say, the sense in which a Supreme Court ruling on assisted suicide becomes a topic for dialogue across the country. Taking as his model an early deliberative meeting between leaders of various aboriginal groups and Europeans, he means that actual deliberative events, organized on cultural lines, should be held with the purpose of adjusting Canadian law to fit cultural reality. In this respect, he claims:

A constitution is more like an endless series of contracts and agreements, reached by periodical intercultural dialogues, rather than an original contract in the distant past, or ideal speech-situation today, or a mythic unity of the community in liberal and nationalist constitutionalism. (26)

Notably, Tully does not envision this sort of dialogue as nested in broader Canadian law. Canadian law has already made changes in order to accommodate aboriginal claims, for example by permitting oral narratives to be offered as evidence in land claims cases, on the

grounds that refusing such evidence would make it impossible for aboriginals to meet the burden of proof (Clancy 2000, 110-11). Tully's demand is more radical:

[I]f there is to be a post-imperial dialogue on the just conditions of culturally diverse societies, the dialogue must be one in which the participants are recognised and speak in their own language and customary ways. They do not wish either to be silenced or recognised and constrained to speak within institutions and traditions of interpretation of the imperial constitutions that have been imposed over them. (24)

These comments about language and customary ways obviously recall Young's preoccupation with the subtler ways in which minorities are oppressed or excluded.

It might be doubted whether dialogue is really possible there if there is no *lingua franca* for discussion. But this question is of relatively minor significance by comparison with the radical rejection of imperial "institutions and traditions of interpretation." If we are to take this seriously, then presumably the results of intercultural deliberation cannot be presented before, say, Canadian parliament or the Supreme Court to determine whether or not the demands are going to be met. For that would amount to allowing imperial institutions to limit the self-determination of cultures.

In giving culture this fundamental role, Tully is going beyond liberal-culturists like Kymlicka who defend cultural rights within an ordinary liberal framework of individual self-realization, treating culture as a basic good without which individuals cannot flourish (Kymlicka 2001). Even this moderate approach to accommodating culture has been harshly criticized for undermining the conditions of justice (Barry, 2002). For Tully, the attempt to make room in liberalism for culture is doomed to fail, since the meaning of cultural demands is distorted by terms like "nationalism, self-determination, the rights of individuals, minorities and majorities, liberalism versus communitarianism, localism versus globalism, the politics of identity." Tully thus reinterprets the revolutionary, democratic, nationalist

movements of modern politics as movements demanding *cultural* autonomy, recognition, and self-governance. Culture is treated as the underlying, enduring social reality that has repeatedly been mistaken for something else, but which is now finally taking its rightful place at the centre of politics.

This tale is more than a little hard to swallow. It is striking that Tully could exercise so much suspicion about so broad a range of liberal political concepts, but adopt so innocently the terms ‘culture’ and ‘recognition,’ not only seeing them as *good for now* or *appropriate in these circumstances*, but treating them as finally and adequately capturing the essential and timeless structure of politics. There is a curious incongruity between this essentialist view and the postmodernist, deconstructionist spirit of the rest of the book. On a more thoroughly historical approach, of the kind Hegel advocated, we would expect to find the modern preoccupation with culture as itself an outgrowth of liberalism, incomprehensible if abstracted from that tradition in the manner Tully suggests. But this is a criticism of Tully’s method, rather than his conclusion that we should restructure constitutions to give cultures a fundamental role. What should we make of that conclusion?

We should reject it, for two reasons. First, even if we believe that culture is an important matter for politics, and that some protections for culture are necessary, the elusiveness of the concept of culture makes it unsuitable for the constitutional role Tully envisions. ‘Culture’ refers, vaguely, to the customary practices and cherished ends of ordinary people. Can we hope to individuate such cultures in a way adequate for Tully’s purposes? He estimates that there are there are 15,000 cultures in the world (8). But who decides what counts as a culture? How anthropologists and sociologists divide human beings into cultures today is decided, presumably, by the fruitfulness of certain categorizations for understanding social reality. But as soon as a culture becomes the unit of political

organization, the classification of groups into cultures will be governed not by theoretical fecundity but by political interest. Even if we succeed in identifying plausibly distinct cultures, it is easy to overemphasize the distinctness, and to ignore the respects in which cultures cross-fertilize and borrow from each other. We might express the point in this way: whatever the aboriginal cultures currently are, they are that way in part because of the presence of Europeans in North America.¹²

Tully would acknowledge this point about intercultural cross-fertilization, but it is not clear that he grasps its significance. For the point about the historical interactions of cultures raises the question, *what has that interaction been like?* In other words, what have the various groups now being treated abstractly as roughly equal cultures, equally entitled to participate in a founding dialogue, actually been doing over the years? Tully is obviously preoccupied with the fact that certain groups have been excluded from politics, and starting fresh with a new, foundational dialogue might seem appropriate for correcting that injustice. But this is a crude solution to numerous difficult questions of right. Does justice require that each 'culture' have an equal standing with regard to the political goods to be discussed? Should every culture have a say in what happens to every other culture, or would contingent factors like geographical proximity be relevant in distributing rights to participate in certain decisions? It is notable that Tully treats the 'rainbow coalition' of other groups as having claims of justice analogous to the claims of aboriginals and of Quebec in Canada (176). Justice would seem to require concern for the rightfulness of claims by particular peoples in particular circumstances; but if we wipe away the map of political boundaries, it is hard to see how this would ensure that members of certain cultures get what they are entitled to. For example, some groups may enjoy advantages as a result of an immense investment of costly political labour. An equal voice at the table for each culture might sound fair; but we would

be creating this deliberative forum at the end of a history during which members of some groups and individuals might have worked hard and intelligently, while others did not.¹³

Of course, *some* measures are needed to correct the unfairness in political opportunity that is due to pure chance.¹⁴ There are less adventurous ways to correct these imbalances: one can invest heavily in education, offer special incentives to members of distinct cultural groups, fund fledgling political parties, etc. Such positive measures, whatever their difficulties, are at least calibrated to respond to empirically verifiable differences of opportunity, and they are (in principle) revocable, if allowing them to continue would amount to doing a new wrong. Tully's proposal is comparatively much riskier, since it fractures state sovereignty along the ephemeral lines of cultural difference, and thus undermines the concentration of power needed to enforce the claims of justice.

5. Historical Justice and Narrative

Although his solution to the problem is inadequate, Tully is trying to respond to a genuine problem of historical justice – a problem that does not come into proper focus in the originalist-pragmatist constitutional debate we discussed earlier. If inquiry into the legitimacy of the U.S. Constitution (or, in the Canadian context, the *Charter of rights and freedoms*) is to be sincere, it seems as though we should not rule out *a priori* challenges to the justice of these documents or the order they found.

We may be disinclined to take this problem seriously, since we are not prepared to accept that an inquiry might lead us to regard those documents as unbinding. But there does seem to be a genuine issue of justice here. On the one hand, we recognize that politics is a domain in which the will often comes before reason. Some major political theorists, like Hobbes, have held that reasonable living must be supported by the threat of violence; and,

whatever hesitations we have about his theory, the underlying view that order is itself a crucial good, which may *compete* with justice, is surely correct. On the other hand, as Bernard Williams has argued, the principle that “might is not, in itself, right” may be the “first necessary truth, one of few, about the nature of right” (Williams 2005, 23). It *is* a serious accusation to say that a relationship was brought into being through or under threat of violence. To question the justice of the origins of the United States and Canada is not to say something irrelevant.

Tully is right, then, to stress the historical continuity of moral questions across political transitions, whether revolutionary or otherwise. Ironically, it is the victory of the democratic spirit itself that has helped to undermine the appeal of the contrary constitutionalist view: our respect for individuals and their freedom to determine themselves, and our emphasis on inclusion and culture, has rendered counterintuitive, or even absurd, the idea that pre-Columbian aboriginal self-government was in no sense legitimate government, that those people were pre-political or ‘unconstituted.’ The question of justice inevitably acquires a historical dimension. It will no longer suffice to speak of a constitution as just if it accords with the abstract principles of ‘natural law’; but neither does justice begin with the creation of an explicit system of positive law. Instead, we will have to ask questions about the moral and/or rational acceptability of historical *developments* within and across societies. Sometimes, this line of inquiry will help us to determine whether a prospective course of action can be made to ‘fit’ with the developing story of the nation; at other times, it will be applied retrospectively, to show us which actions need to be undone, or to help us make up for wrongs which are irreversible.

Inevitably, we will have recourse to narrative logic in this process, as some prominent legal theorists have already argued (Dworkin 1988). Tully suggests that we should see the

constitution itself in narrative terms, as a complex set of interlocking storylines (or, if we prefer, cultural traditions), rather than as the transparent presentation of a system of legal rules consciously adopted by a self-identical ‘people.’¹⁵ This approach to constitutionalism need not, notably, endorse the sort of freedom Breyer endorses for judges to legislate with respect to ‘purpose and consequence.’ It can adopt the steadily backward-looking stance of the originalist, while rejecting the assumption that a single historical period or founding document should be elevated to the sort of status it has for originalists. Such events and documents are, of course, of great significance in political history, and Tully’s suggestion that we could simply free ourselves from them and begin again with a post-imperial dialogue implausibly treats these events as non-binding because imperfectly just. But he is right to regard these events as turning points in a developing narrative, rather than as the absolute origins of a static order.

Is there any role left for widespread public deliberation here, or is the interpretation of the nation’s constitution and its historical obligations and options a matter for constitutional scholars? Other theorists, like Bruce Ackerman, who envision a role for narrative in constitutional interpretation have also declared themselves deliberative democrats and sought instruments for increasing democratic participation by ordinary Americans. Perhaps there is some value in deliberative meetings of citizens or deliberative polls of the sort Ackerman and Fishkin suggest (2004), just as there may be in democratic meetings of representatives from diverse cultures, of the kind Tully envisions. There are, of course, good reasons not to hinge great political consequences on this sort of discussion. But a constitution can be adapted to these diverse perspectives in other ways, if we treat those accounts of our shared political history as an instrument for unfolding the meaning of our

agreements and values, and for honestly assessing our responsibilities to victims of historical injustice.

Whether such an approach to constitutionalism is in the end defensible is, of course, a question of great complexity, and there is no space to pursue it here. I have not tried to defend this view against alternatives, but instead to suggest how a narrative approach to deliberative democracy might fit into a broadly liberal-democratic constitutionalism. This sketch, however, will only seem promising if we take a certain, contextualist view of moral-political reasoning, and regard narrative as a rational form of cognition and communication. These are the questions to which I turn in the second half of this thesis.

CHAPTER FIVE:

CONTEXTUALISM IN MORAL PHILOSOPHY

1. Introduction

Whether we believe that deliberation offers the modest value of reducing actual conflict, or the more ambitious role of legitimating the principles of a democratic society, the prominent deliberative theories discussed in Chapters One and Two have serious weaknesses. They give too little attention to the moral background to political action and discussion, to the history of understandings and disagreements in which current questions emerge, to the rootedness of moral discourse in social practice, and to the various ‘encumbrances’ that communitarians have taught us to regard as essential to moral agency. The contribution of the radical theorists we discussed in Chapters Three and Four was to bring these important weaknesses into focus, and to point the way to an alternative deliberative democracy emphasizing rhetoric and narrative. Although I have criticized some of their conclusions, I agree with their proposal to rethink deliberative democracy with closer attention to socio-historical context and with an emphasis on narrative discourse.

On several occasions, I have hinted at a connection between this interest in narrative and an approach to morality I have called ‘contextualism.’ The task of the next two chapters is to lay the groundwork for the promised discussion of narrative in political argument, by clarifying this contextualist approach, and defending it from some of the more severe charges likely to be raised against it from a moral perspective emphasizing universal or abstract principles and theoretical foundations. The more severe charges concern the danger that ‘contextualism’ is just another word for an incoherent or otherwise deeply mistaken moral

relativism. Drawing on work from Bernard Williams, I argue that contextualism can avoid a vulgar relativism and secure rational argument.

In fact, I shall argue that it does better in this respect than the foundationalist alternative. The flight toward abstract principles or theoretical foundations is mistaken for several reasons. There is, first of all, a problem with a widely held assumption that a practice can never be taken as authoritative unless we have discovered a deeper justifying reason which would serve as its ground. This fact does not on its own ruin the possibility of moral argument, but it does force us to reconsider what we can expect from ethical argument and how it might proceed. In pursuing this path, we leave behind not only the foundationalist but also the ‘amoralist’ or radical moral sceptic, whom the foundationalist attempts to answer, for this debate is only possible within the ‘foundationalist’ framework of moral justification we are leaving behind. It will be seen that in abandoning this debate, we do more than avoid making a philosophical error. For, as I shall illustrate, the nature of the debate between foundationalists and sceptics promotes excessive abstraction and generality, and thus weakens our resources for moral criticism. A contextualist approach enables us to characterize more realistically the problem of deep moral disagreement that spawned the search for deliberative democracy, while at the same time pointing the way to its solution.

2. Historical Context and Moral Philosophy

Philosophers are known for abstraction, simplification, and systematization, for trying to get to the bottom of things, to boil everything down to a few manageable principles. While attention to patterns or formal relationships has proven fruitful in various theoretical disciplines, in other areas of thought, as Aristotle observed about ethics, it may be a mistake to seek more precision than the subject matter affords. The temptation to simplify and

systematize has led to some remarkable claims by major modern moral philosophers: one thinks of Kant's prohibition on lying to save a person's life, or Peter Singer's suggestions concerning the moral permissibility of infanticide (1979, 123). The status of these instances in relation to moral theory is clear: they are the 'observational consequences' of theories of moral rightness. If in observing (or, to be more precise, imagining) these actions we have an intuition that they are unacceptable, then our theory (in its original form) is falsified. No theory has so far succeeded in unifying the data of moral experience, but that condition is not necessarily permanent. Perhaps a theory predictive of all moral responses will eventually be achieved; or, more likely perhaps, our moral responses can be shaped or rewired (genetically, say) so that we respond to situations as contractualists or utilitarians say we should.

Let us use the name 'contextualism' to refer generally to philosophers who take morality and moral criticism or argument seriously, but who regard the project of modern moral philosophy discussed above as wrongheaded. In this chapter and the next, I shall refer to Bernard Williams and Alasdair MacIntyre as examples of the contextualist view, but similar points could be gleaned from the work of other comparable philosophers such as Arendt (1982), Oakeshott (1964), Ricoeur (1990), Taylor (1989), Walzer (1994), Gadamer (1984), Gallie (1964), Beiner (1983), and many others. A recurring theme among these philosophers is the importance of socio-historical context for ethics (hence 'contextualism'). For some of these philosophers, the anti-foundationalist views of Martin Heidegger are an inspiration; for others, like Williams and MacIntyre, Wittgenstein is the key figure, particularly in the latter's emphasis on the irreducibility of various historically contingent forms of activity (*use, practice, ways of living*). In relation to moral philosophy, the significance of this emphasis on irreducible activity is to question the rationality of seeking secure foundations, in the form of universal rules or values, to which we could refer in

criticizing moral practices and redesigning our political life. Grasped in its historical context, the foundationalist conception of the nature and purpose of moral theory lose their obvious appeal and appear as an extension, beyond reasonable limits, of reasonable demands for justification in moral contexts. The foundationalist conception of moral philosophy is shaped by somewhat artificial or abstract characterizations of our moral problem: we imagine, for instance, that there are self-contained cultures characterized by distinct, uniform moral systems; or we seek reasons that would persuade someone wholly outside our moral community (the figure of the sceptic, 'amoralist,' or 'immoralist') to acknowledge the validity of our moral system.

In works like *A Short History of Ethics* (1966), *After Virtue* (1984), and *Whose Justice? Which Rationality?* (1988), Alasdair MacIntyre has mounted a sustained attack on ahistorical approaches to moral philosophy. For MacIntyre, morality is woven so deeply into the practices (linguistic and otherwise) of a culture that we risk great confusion when we abstract a philosopher's arguments from their original setting, in the manner (say) of Gilbert Ryle who claimed that Plato's dialogues should be read as though they had been published in the most recent edition of *Mind* (Williams 2006, 344). The reasonable belief behind Ryle's idea is that we have affinities with people in other cultures and times, that they face or faced problems in certain respects similar to ours, and that therefore there should be a way for us to translate, at least roughly, their evaluative terms into our own. Ryle's advice suggests, though, that once the translations are made, no further understanding of the original context and original purposes is needed in order to grasp, critique, or learn from the philosophers in question. The contextualist finds this extra suggestions historically naive, likely to lead to considerable distortions of those philosophers and their aims. It is an open question whether Ryle's style of misreading can be fruitful, as literary theorists sometimes suggest misreading

can be. Ryle's approach would, however, reduce our chances of getting potentially valuable historical perspective on recent and curious features of our own moral outlook.

It is this sort of perspective that MacIntyre seeks in his book *Whose Justice? Which Rationality?* Summing up such a book is, in the nature of the case, hard to do, but one example will clarify the general idea. The Greek term '*dike*' is ordinarily translated into English as 'justice.' Claims of justice in modern western liberal democracy are often advanced in criticism of certain restrictions on liberty and uneven distributions of social goods. However, Homeric society was a stratified society in which individuals' entitlements and responsibilities were distributed according to one's place in the social hierarchy. From our perspective, we can coherently describe such a hierarchy as unjust; yet *dike* in Homer enjoins individuals to fulfill the traditional role that they occupy.¹ Clearly, there is overlap of meaning here: both justice and *dike* carry the meaning, in at least certain contexts, of 'what is due.' Without such points of contact, we would be utterly isolated from those Greeks.² As things are, we can make some sense of their actions in our own framework, though contextual differences will bring moments of confusion and sometimes gross misinterpretation.

It is essential to note that MacIntyre would not be satisfied to charge the ahistorical moral philosopher with ignorance of a certain subfield of moral philosophy, its history. The charge is that in the absence of that sort of historical knowledge, we do not understand what we are doing in moral philosophy today. The contextualist raises doubts about the transparency of our own moral concepts: to understand what we even mean by equality or justice as terms employed in moral discourse, we have to know the history of their use and the complex ways in which they are entangled in social practices. A sufficiently 'critical' or 'reflective' approach to moral philosophy requires awareness of the presuppositions of our

current moral vocabulary and some suspicion about the status of our moral intuitions. Only an inquiry into the social history of our language offers this sort of critical perspective.

From the ahistorical perspective, the issue is likely to appear as a question of whether the historical method is really necessary for us to get access to truth in and about morality. Certain philosophers approach the data historically, and others analytically. To assume *a priori* that only the former can get us to truth seems wrong. Just as a theoretical physicist might find it useful to review Newton or Kepler, so might a moral philosopher find it useful to read Aristotle, but if such reading is worthwhile at all it is because it gets us at the truth, which need not be expressed in historical terms. Why assume anything different for moral philosophy?

The contextualist response here is to draw attention to an important disanalogy between moral philosophy and science. In science, the object we describe is not affected by our theoretical language: whether it admits of one description or multiple descriptions, the world that science aims to know is not itself shaped by our language. In ethics, things are otherwise. The moral language we use to evaluate moral practice shapes moral practice: interpretations shape the objects they are meant to interpret. We cannot, then, treat our intuitions with respect to moral problems as independent, uninterpreted observations to which competing theories might be more or less adequate. To do so would be uncritical, since the intuitions that one gets are just artefacts of one's own historically contingent moral outlook. In viewing all moral practice as socially and historically conditioned, the contextualist avoids seeing moral criticism as primarily a matter of finding a theory predictive of moral intuitions. It is harder to say exactly what moral criticism becomes once we grant this point, but as we shall see later in the current chapter, it has more in common with the idea of aesthetic or literary criticism than with scientific theory.

3. Relativism, Foundationalism, and Contextualism

To suggest that contextualism points us away from science and toward literary criticism should certainly send off alarms, since the former represents truth and objectivity, whereas the latter represents subjectivity and taste. Is contextualism a form of moral relativism? In this section, I will draw on the work of Bernard Williams to weaken resistance to contextualism and the form of moral argument it promotes.

In *Ethics and the Limits of Philosophy* (1985), Williams tries to disentangle some deeply implausible versions of relativism from a version that is not vulnerable to easy attack. He begins by attacking ‘strict relational relativism.’ This is the view that there is a hidden relativism in moral language, so that claims like ‘X is wrong’ subtly means, ‘X is wrong *for us*.’ Williams argues in a famous phrase that it is always ‘too early or too late’ for this sort of relativism: if an isolated people has not yet been exposed to a foreign culture’s distinct morality, then their evaluative judgements could not include an implicit ‘for us,’ since there would be no one to distinguish ‘us’ from. On the other hand, it is too late for this sort of relativism when that culture has to “confront the new situation; that requires them to see beyond their existing rules and practices” (159).

Faced with such cross-cultural differences, we may persist in applying our own moral judgements as though nothing had changed, but once we are aware that others sincerely see things differently, such persistence will seem problematic. It is a short step from this view to what Williams calls, ‘vulgar relativism,’ the view that what is ethically required of us in our encounter with other cultures is absolute tolerance or acceptance of their practices. This view Williams rightly regards as incoherent, since it “takes relativism to issue in a nonrelativist morality of universal toleration” (159).

Williams thus rightly rejects these two forms of relativism, before suggesting an alternative he calls the ‘relativism of distance.’ This view rejects the abstract characterization of cultures as perfectly individuated wholes organized by a fully unified moral system, typical of much thinking about relativism. Williams writes:

[W]e must not simply draw a line between ourselves and others. We must not draw a line at all, but recognize that others are at varying distances from us. We must also see that our reactions and relations to other groups are themselves part of our ethical life, and we should understand these reactions more realistically in terms of the practices and sentiments that help to shape our life. Some disagreements and divergences matter more than others. Above all, it matters whether the contrast of our outlook with another is one that makes a difference, whether a question has to be resolved about what life is going to be lived by one group or another. (161)

The term ‘distance’ here seems at once to involve the metaphorical idea of a distance or nearness of ethical outlook, but also a causal notion of whether groups can reach each other with their criticisms. If we have a difference of outlook, but without any possibility of interaction, then we have what Williams calls a ‘notional confrontation.’ Williams thinks this is the sort of confrontation we can have with past societies, and the lack of a need to make a decision saves us in this case from having to take a clear evaluative stand on certain kinds of past decisions, practices, and institutions.³ When there is a difference of outlook and there is a possibility of ‘going over’ to the other one, we have a ‘real confrontation,’ and here we must make judgements (Williams 1982, 180). In our time, Williams claims against the ‘vulgar relativist,’ spatial distance is irrelevant and all confrontations are real. In other words, the style of relativism that Williams endorses cannot be deployed to save one from having to appraise the actions of our contemporaries within or across cultural boundaries.

What is there, then, that makes this view ‘contextualist’? In part, it is Williams’ emphasis on seeing moral criticism and evaluation as growing out of particular practical problems. Second, and relatedly, there is no question of determining, say by reference to an

abstract or ideal standard of ethical life, the goodness or badness of the outlook of this group or that: there is no reference to a Platonic ideal here; we will be comparing and contrasting our own society to another in terms of particular similarities and differences, and, crucially, in terms of what it would mean for us to begin to do things differently. Third, there is no trace of a ‘threshold’ view, on which ‘the moral’ is divided sharply from ‘the nonmoral.’⁴ What purpose could be solved by declaring a whole society ‘nonmoral’ or ‘immoral’?⁵

It is essential, then, to the contextualist view that we abandon the illusion of viewing the world from the ‘point of view of the universe,’ or the ‘view from nowhere’ (Nagel 1986). The moral point of view is not disinterested or detached. At times, it has to be impartial, but, as Appiah rightly notes “impartiality is a position-dependent virtue.”⁶ There is a need for reflection in human affairs, and morality involves gaining perspective on one’s own desires and beliefs, looking for justification, etc.⁷

What does Williams’ view amount to in practice? Abandoning the notion of a ‘point of view of the universe’ or a God’s-eye-view on may appear to leave Williams in an awkwardly relativist position. From what other perspective can we try to observe human affairs? An important part of moral training seems to be, after all, to help a person get some perspective on his or her own selfish or strictly subjective stance on things: one thing morality should enable us to do is question our own instinctive and even reflective responses to moral questions. So, too, should morality help us to question beliefs that we share with other people in our political community or culture.

There is room for such criticism, Williams thinks, if we adopt a “human point of view” (1985, 19).⁸ We can see what this outlook entails by considering the question of how human beings should relate to non-humans. Utilitarians, Williams notes, sometimes regard our practices towards nonhuman animals as signs of an irrational prejudice in favour of

humans – a kind of ‘speciesism’ on the model of racism or sexism. In rejecting this view, Williams stresses the fact that our capacity for reflection on our own understanding and practices is an ethically basic difference between these two groups. It is only because of our capacity for understanding and reflection that the question of how we should treat animals can even arise. But if this line of thought seems Kantian in spirit, emphasizing the criterion of rationality or understanding as grounds for exclusion, Williams elsewhere argues that we might be justified in fighting off extremely disgusting, but non-violent and rational, aliens if they arrived on our planet insisted on staying. Here, Williams’ point is to emphasize that the human being is an organism, rather than a nonmaterial mind: we must not forget that our affective and conative relationship to the world gives shape to our moral relationships to other beings.⁹ Along this line of thought, Williams thinks that the fact that many humans find animals delicious gives a good reason for eating them.¹⁰

One can see here why Thomas Nagel has described Williams’ view of morality as a kind of tribal loyalty among the species *Homo sapiens* (Nagel 2006). But the emotional resonance of that expression is unfair to Williams’ view, for various reasons. For starters, the notion of tribalism calls to mind small, barbaric, conservative and hierarchical societies, caught in the grip of a crude understanding of the physical world, fiercely protective of themselves, ignorant of and hostile toward outsiders, etc. These thoughts have little in common with Williams’ own generous, egalitarian and cosmopolitan spirit (2005, 99-100). Even when he resists certain universalizing tendencies, for instance, his opposition to the idea of a right to employment as a matter of genuine human rights, this comes not from any lack of common feeling but from a deeply serious concern to preserve the effectiveness of rights language for mobilizing political action against the most extreme abuses of human dignity (64).

These comments should suffice to put to rest the notion that contextualism of this sort is opposed to moral criticism and judgement, or that it is parochial or anti-cosmopolitan in implication. Still, it may reasonably be asked how exactly moral criticism proceeds once we grant that our inherited, substantial morality, together with certain empirical facts about our nature, give shape to our moral practice. Williams' comments on abortion are enlightening in this regard. They show why contextualism is appealing, but problematic, while showing us why foundationalism will not get us out of the difficulty.

Many debates over the moral permissibility of abortion turn on the question whether the foetus is to be regarded as a person.¹¹ Those favouring abortion rights typically draw a moral distinction between foetuses and infants, while those opposing abortion do not. Suppose, now, that the pro-lifer demands a justification from the pro-choicer: *you say that it is OK to kill foetuses, but not infants; just why is it that you think it wrong to kill infants?* This is a perfectly coherent question: it is a demand for a reason that would justify a distinction that the pro-lifer regards as arbitrary. Williams suggests that the proper response for the pro-choicer when queried about whether it is OK to kill an infant, will be something like, 'You can't kill that – it's a child!' (1981, 81) This is a remarkable answer for Williams to give, since from the pro-life perspective, it seems rather obviously question-begging. Why would a philosopher of Williams' calibre be begging the question about this issue?

The answer to this question relates to Williams' Wittgensteinian emphasis on the primacy of practice¹² – in this case, the practice of drawing a distinction between children and foetuses. A foundationalist will respond to any distinction by asking for the underlying justification for it, the reason that supports that distinction. But it cannot always be correct to ask for a deeper justification, for that would mean an infinite regress. The foundationalist seeks, as the name suggests, foundations – an ultimate reason which would entitle us to draw

the distinction from which we began. Williams notes that, despite the familiarity of the picture, “No process of reason-giving fits this picture, in the sciences or elsewhere” – that the alternative suggested by Neurath’s image of rebuilding the ship at sea is more adequate to how reasoning actually proceeds (1985, 113). It is open to the philosopher to regard this as an indictment of most reasoning processes, but that would be a hard view to sustain. In any case, even if it were thought possible to arrive at a deep reason to justify a given distinction that we wish to make at the practical level, there is something deceptive about suggesting that it is the justification that supports the belief, rather than the other way around.¹³ So despite the appearance of *irrationality* in Williams’ insistence on the irreducibility of the pro-choicer’s distinction, the foundationalist’s pursuit of deeper justification may have the air of deceptive *rationalizing* about it.¹⁴

The point is not, of course, that we may go about drawing distinctions wherever we like. That would indeed carry us toward an arbitrary relativism or subjectivism. It is reasonable and important to ask whether, as a matter of fact, our practice supports such a distinction, or if instead we are reflectively misrepresenting certain features of our moral response to the world.¹⁵ But Williams’ argument suggests that there can be incommensurable ‘forms of life’ (to use Wittgenstein’s phrase), and this may appear a deeply troubling conclusion to reach, particularly when we consider problems like abortion.

If in cases of disagreement what we run up against is a profound difference of evaluative interpretation – a genuine, deep conflict in ways of dividing up the moral world, rooted evaluative practice – then how should we proceed? If we rely upon distinctions that strike us as obvious and irreducible, will we not wind up in an excessively conservative position, fighting off others who are equally unwilling to move in their view of things? It would be a problem with Williams’ view if there were no development in our understanding

of when a foetus becomes a child. There must be, for instance, room for change in what we can accept as soon as there are changes in what is possible: if it became common to incubate babies from conception through to 40 weeks, insistence on drawing the line of permissible abortion at the 40 week mark would seem absurd. Where do we get our confidence in the untenability of that view in those circumstances?

Here, it is useful to remember the lesson from earlier concerning the overlapping and interaction between 'forms of life,' and in particular the debates over these matters. Practices should not be thought of as fully individuated and susceptible of being grasped in a single interpretation authorized by those who engage in the practice. It is one thing to draw a distinction, unreflectively, between a foetus and a child in a culture made up of other people who draw the same distinction, and something very different to draw that distinction knowing that others criticize you for drawing that distinction there. The criticism often comes with a general commentary on the form of life itself: thus, the pro-lifer will see in the defence of abortion the sign of decadent or irresponsible individualism, hedonism, egoism; it will suggest a lack of basic compassion or concern for the vulnerable, and so on. And of course a very different commentary on the vision of life associated with the pro-lifer will be forthcoming in return. These competing interpretations shed light on our practice, even or especially when we do not recognize ourselves in the representation our opponent gives of us. Debate will be occasioned by particular instances of conflict, in which the stakes in a given contest are richly and sometimes (at first glance, at least) incompatibly interpreted from the perspective of competing groups. In fact, it is sometimes only in conflict that we recognize and characterize our own ends.¹⁶ In reflecting on and mounting our defence for our position against an antagonistic adversary, we are in effect recasting and shaping the very practices that sparked controversy in the first case. In this respect, as I shall demonstrate

below, judgement, criticism, and argument over practices affect the practices themselves; and in this respect actors in social life, far from atomic individuals, give a shape to their actions in response to and in anticipation of critical judgement.¹⁷ If we follow contextualists in conceiving of moral disagreement as the political problem of reinterpreting our lives in response to legitimate challenges from those who see things very differently, then the process described here, which yields gains in understanding about our values and practices, has promise.

4. Contextualism, the Amoralist, and Thick Moral Concepts

It is thus a notable feature of the contextualist view that it moves through the substantial, competing interpretations of human life, instead of trying to get behind them and establish a basic framework of general rules or principles that should be acceptable to all rational agents. This latter way of trying to address the problem of disagreement amounts, in Williams' view, to supposing "as Kant supposed, that reason itself is liberal reason, and that an ethical practice other than the morality of autonomy involves the refusal to listen to reasons at all, the equivalent of covering one's ears" (2005, 23). This is the complaint that communitarians have made against liberalism. To avoid that dead end, Williams thinks that liberals should change their tactics and accept that "like any other outlook [liberalism] cannot escape starting from what is at hand, from the kinds of life among which it finds itself" (22-23). What is 'at hand' includes, for Williams, the substantial morality that we have, a morality that includes thick evaluative terms as well as thin, and which we have every reason to deploy in response to practical problems.

Philosophers with foundationalist leanings worry that contextualists will have no answer for the 'amoralist' who advances *no* substantial morality but takes up, at least as an

intellectual posture, a blanket skepticism about morality. The fears that move philosophers to try to answer these skeptics are understandable, particularly since many people in our culture believe that the intellectually respectable position to have about morality is to deny its objectivity (Foot 1982, 152). But there are various reasons to doubt that moral philosophy should take on the heroic task of refuting the amoralist. One is that those genuine social menaces who live as though morality were a fiction are not reachable through philosophical argument. To the extent they can be reached at all, this will be through the exercise of state force, and it would be foolish for a philosopher to suppose that his arguments for or against the objectivity of morals have much to do with that.

Worse, there seems to be some connection between, on the one hand, the attempt to answer blanket skepticism by providing theoretical foundations for morality, and, on the other, the simplifying or ‘thinning out’ of moral language. It has been a recurring theme among contextualists like MacIntyre and Williams that we should preserve or recover those ‘thicker’ moral concepts (e.g. ‘malicious, selfish, brutal, inconsiderate, self-indulgent, lazy, greedy’ (1985, 192)), which tend to be replaced by broader categories like ‘bad’ or ‘evil’ for the purposes of higher order metaethical debate. If this is so, then, we have an extra reason to follow the contextualist’s advice and work within the context of our existing moral vocabulary. We should criticize and extend it, of course, but we should resist the temptation, to which the foundationalist succumbs, to try to convince the amoralist, or total outsider, that our moral practice *as a whole* is legitimate. To see how overly abstract or general doubts can undermine practice, consider the following example.

Among the strange creatures that populate internet chat rooms and talkback forums is the ‘troll’ whose purpose is to disrupt or sidetrack discussion with personal attacks, provocatively foolish claims, or other impertinences. When unsuspecting contributors

respond sincerely to these disruptive gestures, seasoned members of the discursive community will remind everyone not to “feed the trolls,” i.e. not to encourage them by taking their comments seriously. When such warnings go unheeded, debate can quickly deteriorate, and the troll succeeds in distracting the community from its legitimate pursuits. Sustained engagement with a hostile (and often ignorant) outsider risks ruining the debate.¹⁸

Take, for instance, a discussion group about figure skating. The discussion revolves around the women’s Olympic short programme, with threads exploring disagreements over the construction of programme (choice of music, choreography, etc.), the execution of jumps, steps, rotations, intangibles like the energy or joy of the performance, etc. And then the troll arrives: ‘*figure skating is not a real sport*’ or, ‘*figure skating is all subjective.*’ On the face of it, these are evaluative claims like the others (‘The step sequences were fairly clean but the transition into the salchow was a little awkward’) and so seem worth discussing.¹⁹ But in fact the troll’s claims are second-order claims; and they are plainly formulated as *threats* to the discursive community, since if they are right, then all of the particular judgements that members are sincerely debating, which seemed to rest on ‘sound foundations,’ turn out to be nonsense.

The impossibility of changing the troll’s mind is not simply due to his obstinacy. Even if he were in principle open to changing his mind, what in the world should we say to him? The whole difficulty is that he is, if sincere, an utter stranger to the practice, unable to name or identify any of the elements of a figure skating routine, possessing no understanding of the typical capabilities of the human body in relation to the manoeuvres in question, no knowledge of the performances historically considered paradigmatic, no aesthetic sensibility to pace, posture, style, etc. We would know how to begin if he had asked us to initiate²⁰ him into the practice: compare the speed and control of this rotation to that one, look at the height

(and power) of this triple lutz, here is a typical step sequence and here is an especially creative one, etc. The troll would rightly observe that our comments are evaluative: (e.g. power and control are, all things being equal, good). In other words, he would notice that our initiation would necessarily involve advancing value judgements; and these he would regard as illegitimate, since we have not given any grounds for saying that tighter rotations are better than loose. *It's just your opinion*, he would say. He would accuse us of making it all up.

But since initiation into a practice involves accepting (for now) these judgements, we cannot initiate him into the practice. How, then, shall we proceed? It is easy to see how we might float toward the heights of abstraction, not discussing particular judgements at all, but debating (if we could debate at all) vaguely formulated questions about objectivity and subjectivity. Someone will draw attention to the propositions “ $2+2=4$ ” and “the earth revolves around the sun” as incontestable or paradigmatic facts. By contrast with these prestigious and popularly unchallenged fields of mathematics and physical science, figure skating will seem hopelessly subjective. The figure skating community faces a legitimation crisis.

If the figure skating community took up this problematic, instead of confidently applying the array of conceptual tools at its disposal in the interpretation and evaluation of specific figure skating performances, the practice and the community itself would suffer for it. Its members would quickly trade in their sophisticated knowledge of figure skating for sophisticated philosophical moves and jargon.

Such a trade-off has an unfortunate effect on the *spectators* of the performance, undermining their capacity for sharp and adequate evaluation of what the skaters are doing. Moreover, it affects the quality of the *skating*, since such performances are tailored to the

interpretive understanding of the audience (and in particular the leading members²¹ of that audience, represented at the event by the judges). In unpacking and assessing the full complexity of practices, whether literary, moral, or otherwise, the critic contributes to²² the practice itself. Creative acts are not carried out in a void of meaning, but in a ‘field’ partly determined by anticipated critical response.²³ Engaging with the sceptic leads us toward an inert generality and away from the thick concepts we need in order to sharpen our judgement and elucidate highly intricate and subtle practices. If we rely on the concept of ‘beauty,’ how far will we get in developing good judgement about great paintings? Should we expect to get any farther in morality by relying on and debating abstract concepts of ‘good’ or ‘right,’ or in politics in an abstract debate over ‘liberty,’ ‘equality,’ or ‘community’? Better to begin from the thicker evaluative judgements being made, criticizing them, extending them, pointing to relevant aspects of the performance that are being ignored, drawing distinctions, making comparisons, etc.

5. Interpretation: Shared and Contested Meanings

As in figure skating, where the skaters’ aims and opportunities to perform and to communicate meaning are not worked out in strict independence from the understanding of the spectator and judge, so too in morality, good and bad actions are partly the product of the process of critical evaluation that particular people engage in. Morality is constituted by social practices, including the linguistic practice of reflective or critical evaluation. It follows from this view that we cannot get at what individuals *really* are by abstracting too far from the field of social relationships *currently in existence*.

It would be a mistake, of course, to overstate the degree of agreement that exists with respect to the values or norms that are there in a sport: values and norms admit of competing

interpretation, and priorities can be questioned. It is more correct to say that there is a certain series of *debates* or *arguments* that characterize a practice, and give shape to the evaluation and judgement of the practice. In the case of figure skating, for instance, judges have been criticized for awarding the gold medal to a skater who did not complete the ‘quad’: this amounts to an interpretation about the nature of men’s figure skating, which would place a heavy emphasis on force over finesse (Associated Press 2010). The idea that there is a clear and obvious way of deciding this matter – that different communities could not value different ways of performing figure skating – is totally implausible. But this does not make figure skating ‘strictly subjective’: there is a range of judgements about which everyone would agree, and then a series of problematic cases that seem to need to be answered. How do we decide which interpretation to take? What has the historical interpretation been? If there was an emphasis on force, was this related to traditional warrior values, comparable to other men’s sports, and can we see the movement away from that as an improvement? Or is the athletic or physical dimension of the sport ruined by this movement? There is no *a priori* way to decide; we must look to the expert community for guidance, testing them with our challenges, and observing the way in which they make their arguments.²⁴

Actions are performed in the light of a much wider range of critical evaluative expectations and judgements than foundationalists, with their exaggerated emphasis on universal norms or principles, seem to acknowledge. Gallie has made the point effectively in his essay “How Moral Philosophy Rests on a Mistake,” (1964) where the mistake is the preoccupation with finding a single foundation for morality to which various evaluative dimensions of moral discourse could be reduced. A glance at the history of moral argumentation reveals that there are at least four different dimensions on which we might evaluate moral practices or actions: in his own terms, four different “conditions determining

the field of morality.” According to Gallie, we can evaluate a particular moral judgement in terms of four factors:

- a) The inherited pattern of life which the judgement promotes – a pattern worth preserving, or adapting, or else abandoning altogether
- b) Ideal pictures or fantasies about what life could be like
- c) Virtues of character
- d) The will to find the right action, linked to “some rational method of search, assessment, and final decision” (198).

Predictably, and correctly, Gallie rejects any *a priori* ordering of the relative importance of these factors in moral argumentation generally. We can see these factors as giving shape to moral living and to moral deliberation itself: the moral agent would be a person sincerely oriented toward the good, engaged in a measure of self-criticism and correction with respect to his character, attentive to the good and bad in an inherited way of life, and imaginatively projecting a future in which the solution of current problems is compatible with the preservation of treasured values. Similarly, these factors can be seen as identifying the dimensions on which we raise critical challenges to others: we might wish to preserve that pattern of life, but would we become callous and unjust in so doing? That utopian society looks beautiful, but should we risk losing what we have worked for in the reckless pursuit of perfection?

To the extent that a particular culture totally lacked terms or habits of discourse in which these dimensions of moral experience could be assessed, we would be justified in seeing that culture as missing something important: their ability to disentangle the

complexity of a moral situation would be inhibited by the poverty of their evaluative discourse. And on any one dimension, an inadequate arsenal of evaluative terms would lead to a reduced capacity for formulating critical distinctions. Within the concrete social world characterized by this evaluative language, we can formulate challenges to the practices in other cultures; but we are equally open to critical challenge.

The critical process of assessing competing interpretations is complicated by a constant, dangerous tendency to reduce human phenomena to their physical aspect. Actions are always interpreted; the same physical motions can be correctly described as different actions if there are important differences in the understanding of those motions. Descriptions are not tacked onto actions, but constitutive of them. All meaningful human action is based on, but eclipses, the 'physicalist' perspective of bodies in motion. Social argument is commonly about how to describe in social language events and actions which may also be described in a strictly physical and non-evaluative language. An important critical function can be served by appeal to the spatio-temporal order; but such an appeal is normally not sufficient for establishing an evaluative judgement.²⁵ It is necessary (although perhaps not sufficient) to understand the meaning of the action from the perspective of people more directly involved in the practice. This crucial step is typically bypassed in the course of self-righteous attacks on practices in which one would not oneself want to participate. It may turn out, for instance, that the social meaning that certain individuals attribute to a circumcision (whether of females, in Africa, or of males, in certain religions) will not suffice as a reason for permitting the practice; but this would have to be the conclusion of a complex argument, which took into account the meaning of these actions in the lives of those individuals.

There is a tendency among certain moral crusaders to sidestep the difficult task of assessing meanings, under the pretence of 'telling it like it is': a Sikh's knife is a weapon like

any other, a woman in a *niqab* is wearing a bed sheet over her head, etc. In fact, each physical description is detached from its original interpretive context, redescribed naively or unconsciously in terms of one's own evaluative horizon, and judged wrong. To object to this bait-and-switch process is not to fall into moral relativism: it is, in fact, to suggest that many of those who see themselves as judging 'universally' and 'clearly' are in fact relativizing actions into their own interpretive frameworks.

Consider first a relatively simple example: Republican state representative Nancy Elliott's reductive description of homosexual sex during debates over gay rights legislation in the United States: "taking the penis of one man and putting it in the rectum of another man and wriggling it around in excrement. [... A]nd you have to think, I'm not sure, would I allow that to be done to me?" (Lithwick 2010). The reductive description of the sex act evidently draws on the disgust of a familiar, traditional, religious, American family: Elliott pretends to put herself in the shoes of the individual in question, but supplants the meaning of the action from the homosexual's perspective with the meaning she would attribute based on her own desires and prejudices. If there were no more to homosexual relationships than this, then such relationships might strike us as meaningless and perhaps even disgusting – but exactly the same would be true of heterosexual relationships, where the physical motions could equally well be described (indeed often have been) in an equally dehumanizing and disgusting fashion. The supposedly 'physical' description itself involves the use of evaluatively charged language, invites us to focus on certain features of the phenomenon and to ignore others. It pretends to be a frank, straight-shooting way of speaking about things; but in fact it is one contentious description among others, and needs to be evaluated as such. The meaning bestowed on the events in question determines their rightness or wrongness, and meanings are contested.²⁶

Let us now look at an example in which we might suppose that the richer or thicker interpretation of an action is obviously mistaken: the case of honour killings. What does the contextualist approach tell us about this sort of case? Are we really committed to accepting that there might be a ‘form of life’ within which this sort of action makes good moral sense? And, if so, does this imply that we should have some measure of moral respect for it, or perhaps even tolerate it? If contextualism, and in particular the view that we should avoid reductive interpretations of morally substantial actions, meant that we should respect or tolerate this sort of action, we would have good reason to worry again that contextualism was simply a morally repugnant form of relativism in disguise.

The contextualist view is disposed to take common social practices seriously, even if in the end it will consider them indefensible or very bad. It is thus built into the structure of this approach to morality that any sort of practice that has some sort of enduring cultural significance *might* have something to say for it. But some philosophers will want their moral theory to give a more immediate answer than this. They might say, ‘if you even have to *think* about whether honour killing might be OK, your theory *must* be wrong.’ And, similarly, because the contextualist view often expects actions and persons to be describable on many dimensions, and not to fall clearly into sharply delineated classes like ‘morally permissible,’ ‘evil,’ and so on, the judgement that contextualism will offer in response to an honour killing might be that it is very bad indeed, but it will not have the special, sublime quality of a comparable judgement of ‘evil’ within the ‘system of morality’ (with its roots in religious traditions). So regardless of what contextualists say in the end about honour killing, a certain kind of philosopher will say that it took them too long to arrive at the judgement, and that the judgement is not severe enough.

The contextualist is not required, however, to be slow in making judgements. Contextualists since Aristotle, in fact, are concerned to develop the individual's capacity to respond immediately and adequately to ethically complex circumstances. The point, though, is that this sort of judgement involves an assessment of complex factors: it is not a matter of directly or immediately perceiving, say, the presence or absence of a 'simple nonnatural property' of goodness or evil. As for the charge that contextualists cannot issue severe judgements, it must be admitted that there is nothing in the contextualist view that can measure up to an ideal of absolute damnation, but this does not prevent us from making very severe judgements about bad actions and bad people.

With these preliminary comments out of the way, then, what shall we say about honour killing? It is possible that in a given case, the label of honour killing is used to conceal simply a sadistic or brutal killing for selfish or perverse reasons, and in that case the contextualist will of course say that there is *nothing* to be said for that sort of practice. To the extent, though, that honour killing is indeed a practice carried out in a sincere attempt to do something morally right, i.e. to the extent that there is a genuine concern for a family's honour, a contextualist should admit that such actions share *something* in common with other actions we standardly accept as ethically good. We do recognize a concern for honour as significant; we know what it means, as well, for a parent to feel shame at what a child has become; and we can even imagine situations (although not easily, and they are rare) in which a parent might come to feel that a child had become something so bad that it would best if he or she did not continue to live.²⁷ We can, in other words, get a grip on the meaning of this action in a way that makes it recognizable to us as an action sharing much more in common with moral actions than with, say, strictly prudential actions. But acknowledging this does not require us to accept it as a good action in its own original context, in which many others

would have viewed it as acceptable, or *a fortiori* in our own culture, in which we recognize in this brutality the clear signs of oppression that we have long been fighting against. We do not, in other words, need to appeal to a ‘physicalist’ account of the action to show that it is wrong: at the interpretive or meaning level, even as we stretch to discover a way in which it might make sense, it utterly fails to convince.

6. Conclusion

The contextualist approach to moral argument and criticism that I have introduced here rejects blanket scepticism about the appropriateness of the inherited moral practices and concepts in terms of which we understand our world and ourselves. But it can be hard to shake the feeling that there is something suspicious about depending upon a somewhat loose or undefined set of moral concepts in responding to examples like that of honour killing. Do relativist concerns inevitably resurface here? Problems like this one seem to suggest importantly different moral traditions. Is it reasonable for us to apply our moral categories without first determining which tradition gets us closest to moral truth?

The idea of *first determining* which tradition is best is, on a contextualist approach, a dead end; but the question of whether and how we can fruitfully reflect on and criticize the tradition or traditions of moral resources that we deploy is important. I have argued in this chapter that one way of reacting to deep divergences of meaning or value, typical of the philosophers we met in Chapters One and Two, is wrongheaded; and I have begun to show how an alternative approach might work. But I have not yet given sufficient attention to the difficulty of communicating across the dramatic differences of evaluative stance implied when we speak of deep cultural disagreement. To address this problem, we shall need to look

more closely at what is involved in speaking of evaluative stances or, more historically, evaluative traditions. This is the task to which I now turn.

CHAPTER SIX:

TRADITION, INTERPRETATION,

AND MORAL-POLITICAL ALLEGIANCE

1. Contextualism, Historical Perspective, and the Promise of Tradition

As we have seen, contextualism permits us to proceed in moral criticism and evaluation without attempting to provide universal foundations for the diverse conceptual resources we find at our disposal. It puts no pressure on us to organize these resources into an elegant geometry of fundamental universal principles and particular judgements. But it might be thought, then, that it puts no pressure on us *at all*, and that this is an important weakness in the view. Since different cultures have different conceptual resources, integrated into differing practices and so ways of life, there is great potential for divergence in moral evaluation. While it may be disputed whether the tendency toward parsimony and coherence typical of a Rawlsian a moral geometry yields moral *progress*, that approach at least puts some pressure on individuals to examine their own beliefs, and offers a clear enough picture of what it would be *like* for people to agree. Is there anything of the kind in the contextualist view?

One candidate to replace the ideal of a moral geometry is the concept of a *tradition*. The idea of a tradition involves the notion of a history of continuous structured practices and explicit reflection about those practices, not sharply distinguished from the unconscious, unreflective, or habitual living which forms the basis for practice and thought. The unity and clarity of a tradition will not compare to the unity or clarity of an explicit moral geometry; and the critical pressure that arguments from tradition offer will not typically yield a ‘force of argument’ comparable to the constraint of logical necessity. However, it does not follow

that such arguments offer *no* critical power, or that they cannot be of use to a deliberative democracy aimed at softening moral disagreement.

But the ‘tradition’ behind the concept of tradition may arouse suspicion for liberal philosophers. One of the most famous proponents of tradition, the conservative 18th century British politician and philosopher Edmund Burke, strongly opposed the more progressive and revolutionary movements that ushered in the democratic age.¹ The concept of tradition was revived more recently by Alasdair MacIntyre who, though a sharp critic of Burke and in some respects politically progressive, favours conservative views on issues like abortion and is rightly regarded as a fierce critic of the liberal state. In *After Virtue* (1984), MacIntyre in fact aims to revive a bundle of ideas (community, authority, narrative, virtue) which one might be surprised – of course, this is part of the point – to discover re-emerging in the early 1980s, considering the cultural, political, and philosophical climate of the time. In a globalizing world growing rapidly in population and complexity, MacIntyre doubted whether the framework of these modern states was compatible with virtuous living, and seemed to call for a return to the shelter of the small community. In the years immediately following the postmodern attack on the literary canon and on the ideal of organic unity upon which the canon largely depended, MacIntyre deployed the notion of narrative in explaining the sort of unity a human life might aspire to. Following the social revolution of the 60s and 70s in the West, MacIntyre’s proposal to re-establish the authority of grand traditions, particularly religious traditions, might well seem reactionary. In any event, this would seem an odd place to look for inspiration for a more inclusive approach to deliberative democracy, given the hostility that some of these traditions have shown for marginal people and views.

On the other hand, MacIntyre himself has long been preoccupied with the plight of oppressed and marginal people, and he has repeatedly called for increased arenas for political

participation in the liberal state. He is no blind supporter of the *status quo*, nor of the authority that supports it, and indeed his relentless criticism of the morality of modern liberalism is an example of this. He clearly does not suggest that our attitude toward traditions should be overly warm or deferential. We can, and in fact must, take up a tradition in a critical spirit, viewing it not as a source of authority *for* our prejudices, but as offering us perspective *on* those prejudices. Since contextualists are blocked from taking the ‘point of view of the universe,’ they must find a critical human perspective on their views. We can, of course, get perspective from contemporary friends and enemies. Yet we sometimes find ourselves unable to understand or agree with our contemporaries, and in such cases it would be valuable to obtain historical perspective on our conflict, whether to help us remember why our political stance is responsible and defensible, or, failing that, to find guidance in shifting our view.

This, in any event, is what writers like MacIntyre and Williams hope historical perspective and attention to tradition might offer us by way of critical resources in moral and political controversy. I shall argue in this chapter that we should share this hope. I begin by situating my discussion in relation to MacIntyre’s own account of the concept of a tradition. I go on to raise and address some potential difficulties with the concept itself: for example, how do we identify traditions, or justify referring to ‘a’ tradition, given the apparent possibility of telling the same history in various ways? I then take up the question of what argument across traditions involves and how this links up with moral evaluation and criticism. I shall try to show a properly contextualist, interpretive view of moral debate calls for more attention to the problems of allegiance or loyalty to our tradition and the ‘logic of conversion’ than they currently receive.²

2. Tradition, Interpretation, and Argument

MacIntyre introduces his discussion of traditions in a crucial chapter from *After Virtue* entitled, “The Virtues, The Unity of a Human Life, and the Concept of a Tradition” (1984, 204-225). The chapter is, as the title suggests, concerned with the problem of disorderly or fragmented human lives, which MacIntyre sees as characteristic of our modern, bureaucratic society. Within such a society, there is a tendency to think atomistically about the particular actions, spheres, and stages of our lives. We think of them as connected only in some external way, not needing to be understood in terms of each other or as contributing to some broader project or plan. For MacIntyre, atomistic assumptions about particular actions reduce them to unintelligibility, since an action is “a moment in a possible or actual history or in a number of such histories” (214). It can be easy to ignore historical context precisely because it is so pervasive a feature of our ordinary experience.

For MacIntyre, this context is not limited to a backdrop of ‘factual’ knowledge or information that might be taken up by just anyone, as someone who suddenly decided to begin gardening in Canada might consult works on types of plants suited to Canadian geographical and ecological conditions. Values as well as facts form part of the context in which we decide to begin gardening.³ On MacIntyre’s view a person finds herself already launched on various trajectories, her practices and values already given a determinate shape before she even becomes conscious of them, so that it would be a sign of naivety or deep self-deception if she were to fail to see the extent to which her own action situation is the product of history.

It would be possible for someone to accept this shaping power of history but to regard it as a trivial truth offering no guidance at all for action in the present. MacIntyre thinks that this particular way of relating to one’s past is itself a product of the trends in modern

liberalism that *After Virtue* criticizes. An attitude of exaggerated detachment from one's past may have personal consequences, blocking us from making sense of our lives and discovering projects in which we, given who we really are, might flourish.⁴ But it has moral consequences as well, as when the young Englishman refuses to see past wrongs against Ireland as having anything at all to do with him (220). We are 'drafted' into our roles, whether we are prepared to accept this or not, and we do not have the option of remaining responsible moral agents while nevertheless refusing to concern ourselves with what we may, by virtue of who we are and what we have inherited, have to do: "What I am [...] is in key part what I inherit, a specific past that is present to some degree in my present. I find myself part of a history and that is generally to say, whether I like it or not, whether I recognize it or not, one of the bearers of a tradition" (221).

In seeking to make sense of what is required of us, we inevitably interpret ourselves in terms of broader and broader narratives that give meaning to our action situation: if we are trying to make sense of our marriage, we have to make sense of what marriage is in our culture; and this will require us to understand the current institution of marriage in connection with what it was for people like us in the past; grasping the meaning of this may require us to investigate what marriage has been for different peoples; and understanding marriage will of course be impossible without knowledge of related practices and institutions, and so on. And so the attempt to illuminate what I must do in my own marriage today draws me into an expansive and potentially endless quest to make sense of this complex history; or, I must grant at least, knowledge of that history seems obviously relevant for deciding what to do now.

The general thought that history should shed light on the present seems undeniable,⁵ and so the difficulty seems more practical than theoretical: how in the world could an

ordinary person succeed in illuminating the ordinary actions of his life, and succeed thereby in piecing together, against considerable odds, a meaningful existence?

But it is just here that the idea of tradition does its work. If we accept the Enlightenment idea that a person should do all his thinking for himself, and also accept MacIntyre's holistic, contextualist account of action, then we are left with agents hopelessly ignorant of the knowledge they would need in order to behave ethically. If we insist on keeping a strong version of that Enlightenment view, then we will be tempted to view the aim of moral theory as that of discovering a compact and parsimonious system, and as we have seen this is the route taken by Rawls. But if we drop that Enlightenment view, then agents can rely not only for ordinary practice upon the thick concepts of moral evaluation, but also upon the interpretive history of those concepts in relation to political institutions, schools of philosophical thought, and so on. It is not as though we have diverse moral concepts rooted in a monolithic history: our history comes to us as already – to differing degrees in different contexts – interpreted and organized into an intelligible unity of interwoven threads. To speak of a tradition is to bring some of these threads into focus.⁶

A tradition in this philosophical sense, then, is irreducibly a matter of interpretation: it lives on the plane of ideas as well as action, and so cannot be identified uncontroversially, externally, or neutrally. The elements that constitute a tradition will, of course, have reality before the interpretive act: before there were self-consciously 'liberal' thinkers, there was the *Magna Carta*. It emerged, in politically favourable conditions, in response to demands which can be regarded in hindsight as pregnant with ideas that would one day be self-consciously advanced in the name of liberalism. Traditions are constructed out of the materials furnished by our current, conditioned and partial, view on our history: any attempt to 'individuate' or identify a tradition will involve evaluative emphasis on certain crucial events and social

movements; and an interpretation of such events and movements will be advanced as the *best* account, as distinguished critically from an alternative ‘counter-tradition,’ which is also suggested and sometimes explicitly embraced by one’s opponents.

It is essential to stress the importance of contrasting traditions with counter-traditions, and the general need for contested interpretations of our shared history, since in the absence of this dialogical process, the rationality of appeals to tradition in moral argument will be open to serious doubt. This can be seen from the following. Our choices about which threads are worth isolating are not external to the history we are investigating: the values that guide us in our historical inquiry have themselves grown out of that history. If we cast the point of inquiry as one of validating or criticizing our current value judgements, and we intend to argue that our views are consistent with tradition, then we face an obvious problem of circularity: for what we are calling the ‘tradition’ is simply a biased selection of events and judgements. To serve as a source of justification for our current judgements, the tradition would have to be independent of them, and this seems to be denied by the claim that a ‘tradition’ is a selection guided by our values. What prevents us, in the end, from finding in our history a source of rationalizations for our current moral stance is the presence of others who find grounds for their own stance in that same history, understood differently. There is, of course, no guarantee that a person will behave reasonably in the face of a competing interpretation, criticizing it but also seeking to learn from it; but then nothing can guarantee that. But if we are interested in making better sense of our disagreements with others, then even an interested or ‘prejudiced’ attempt to situate our position in a vindicating history can, if others seek to do the same, potentially improve our understanding.

Consider, for example, how Martin Luther might appear from MacIntyre’s perspective, given the latter’s conversion (in fact reversion) to Catholicism. A tradition is

delineated in terms of various internal and external contrasts: so, MacIntyre may be described as an heir to the Christian tradition, but such a description is only useful if the contrast is meant to be with, say, the Jewish tradition or with a non-religious tradition like modern secular liberalism. Among those who view themselves as Christians, a series of other internal contrasts is possible: the medieval tension between the Augustinian and Thomist wings of Christianity; or the later, related tension between Protestants and Catholics. Drawing such distinctions does not imply absolute discontinuity: indeed, Christianity is historically rooted in Judaism, and modern secular liberalism emerged within largely Christian Europe, chiefly through the work of professedly Christian (often Protestant) philosophers and politicians. The genealogical links between such traditions, the turning-points after which a tradition splinters, offer opportunities for cross-traditional understanding. Christianity, in its origins at least, must be regarded as a latent potency in the Jewish tradition, a seed that found its most fertile ground in the disintegrating paganism of Rome. MacIntyre's own reversion to a comprehensive Catholicism, embracing both Augustinianism and Thomism, is related to his view that a direct result of the Protestant revolt against the Church was the unfortunate emergence of a dominant, *secular* liberal tradition. If that tradition is morally bad, as MacIntyre thinks it is, then we should expect to find seeds of that moral degeneracy in the Protestantism that gave birth to it. Despite the need for a significant response to the arrogance and delinquency of the early modern Catholic Church, Luther's revolutionary affirmation of the individual as the ultimate source of authority substantially undermined the power of religion to give shape to community life. For this, modern secular liberals owe Luther a great debt. Modern Christians, by contrast, for whom secular liberalism is the most tempting alternative to their own tradition, must regard

Luther, despite his sincerity and piety, as at best problematic and at worst disastrous for Christianity in the West.⁷

So, anyway, one might *argue*. And it is essential to MacIntyre's use of the concept of tradition that it involve argument which might call for a dramatic reinterpretation of the central features of a given tradition:

[A]ll reasoning takes place within the context of some traditional mode of thought, transcending through criticism and invention the limitations of what had hitherto been reasoned in that tradition; this is as true of modern physics as of medieval logic. Moreover, when a tradition is in good order it is always partially constituted by an argument about the goods the pursuit of which gives to that tradition its particular point and purpose. [...] A living tradition then is an historically extended, socially embodied argument, and an argument precisely in part about the goods which constitute that tradition.
(222)

The argument concerning Luther's significance for liberalism and Christianity invites us to consider alternative ways of evaluating our current condition, to read history in one way rather than another, to judge Luther in one way or another, and then to take Luther as an example of what to pursue or to avoid.⁸ If this selective task seems intellectually dishonest, it is important to notice that we are a far cry here from writing Trotsky out of the Russian Revolution: nothing in the notion of tradition itself requires falsifying, denying, or even ignoring uncomfortable facts (even though, as the case of the Soviet Union reminds us, dishonest traditions do exist). All interpretations of traditions are agonistic,⁹ and the contest is characterized by evaluative tensions, rational debate, and disagreement over the centrality and proper interpretation of dramatic events and controversial doctrines. One establishes the existence of a 'tradition,' as an idea worthy of our support and allegiance in our confrontation with the problems of our time, by presenting a plausible and meaningful history of divisive events, and arguing that this history is superior to the others on offer.¹⁰

3. Contest and Tradition

Shifting attention to traditions widens considerably the focus of moral inquiry: moral philosophers sometimes give the impression that our focus should simply be on particular moral actions, or upon the principles we cite in relying upon them, or upon the metaphysical or ontological debts we incur in employing certain moral concepts. But much of our moral reflection is about our political, social, and philosophical allegiances. We do not expect to see any *necessary* links between one's views about a given moral problem and one's broader social perspective: we cannot always confidently infer a person's political allegiance from a single argument; yet neither do we expect to see *no* relationship between them. The complexity of a person's ends and the political need for coordination mean that most of us will feel in some ways uncomfortable about some of our broader allegiances. A person who values authenticity above all, who aims above all at self-consistency, considers hypocrisy and vagueness to be the ultimate moral vices, will be tempted to withdraw from political and social life in one way or another.¹¹ An egoist will choose allegiances for strictly non-moral reasons. But is there a way to be rationally moved from one allegiance to another?¹²

To answer this question, I will return to the work of W. B. Gallie, an important source for MacIntyre's work on traditions and narrative. To understand Gallie's view on this problem – the logic of (moral, political, or spiritual) conversion – we must take a detour through his famous essay on “Essentially Contested Concepts,” reprinted in *Philosophy and the Historical Understanding* (1964).

Gallie argues that the definitions of some evaluative terms (or terms marking out politically polarized fields of evaluation) are commonly and rightly thought to be the object of intense and endless disagreement. For instance, in political debate, philosophers employ the concepts of ‘equality’ and ‘liberty’ in various, incompatible ways, sometimes signalling

their disagreements with adjectives like ‘true’ or ‘real’ (e.g. true liberty). In the absence of agreement over the meaning of these contested terms, debate can appear sophistic (e.g. characterized by definitional dodging or equivocation). For debate to proceed rationally, it would seem necessary to secure agreement about such definitions, and then to deduce certain consequences; but of course it is precisely because certain definitions imply divisive conclusions that no agreement about definitions can be secured. It can therefore appear that evaluative argument is no more than irrational ‘talking past one another.’

Gallie’s aim is to show why we should not draw any sceptical conclusions from the endlessness of evaluative debate. Evaluative argument can be rational, even in the absence of consensus about the extensions of certain concepts. Absence of agreement about ‘axioms’ does not ruin the rationality of argument, if certain other conditions are met: if, to take one such condition, there is agreement about a concrete historical example of philosophy, then such agreement anchors debate over the right way to interpret the special excellence achieved in that philosophy (where differing interpretations will emphasize different features of the paradigm as the really excellent features). Competing traditions of philosophy may disagree about whether Jacques Derrida or Rudolph Carnap, to take two examples, are rightly regarded as doing philosophy in the proper sense of the term, but virtually no one will contest Plato’s status as a philosopher. Taking Plato as an undisputed example, one can then seek to defend Derrida or Carnap as legitimate twentieth century heirs to Plato, emphasizing, as one’s case demands, Plato’s poetic, speculative side, or his capacity for analysis and formalization. And, of course, the process of mounting a case for Derrida as an heir to Plato will require its advocate to read Plato from a particular angle, and so to bring into view¹³ certain previously neglected features of that philosophy.¹⁴ Anyone who takes up study in philosophy will feel drawn to Carnap or Derrida, long before mastery or even competency in

philosophy has been reached; and so it will be tempting to claim that such choices are strictly capricious or subjective. But the very existence of such alternatives or options (Derrida, Carnap, etc.) is itself the product of a history defined partly by argument; and the student will have to take advantage of the resources of that history in trying to advance a convincing case for his exemplary philosopher over the alternative.¹⁵ The allegiance begins subconsciously or unconsciously, but gets solidified (or weakened) through rational criticism.

Or take the example of art. Some hold that the political content of a work deserves to be drawn into the debate over the work's quality; whereas others hold that art is for its own sake, and great works should be judged on their internal merits. How should we try to resolve this debate? Gallie tells the story of the modern development of art, its movement back and forth between emphases on the 'objective' or formal qualities of the work itself and the emphasis on the 'subjective' genius of the artistic work. He sees in Tolstoy's vision the idea of art as a community's way of communicating with itself, and defends this vision as an improvement upon the others, gathering up their insights and offering a more comprehensive interpretation. Both Tolstoy and Gallie would resist the somewhat aristocratic, formalistic¹⁶ emphasis on abstracting artworks from their social context.¹⁷ We may agree or disagree with that assessment; but what is clear is that by distinguishing these conceptually distinct ways of understanding art, narrating the history of their interactions, offering paradigmatic cases of 'excellence' in each of those interpretations, Gallie both improves our understanding of what 'art' is, and also subtly suggests which of the competing options seems to have an edge.¹⁸

We should resist the temptation to regard all of the competing options as *equally good* simply because they are alive and have defenders. After the argument has been played out, we may remain divided between two or more of the options; but *a priori* we cannot know just how things will, or should, turn out. Further, and crucially from Gallie's

perspective, precisely because the results of such contests matter to us, we should not set up camp outside the fray. For most of us, this is not a problem: we already find ourselves pulled in one direction or another on a given issue, having been brought up to regard democracy as best when it is *direct* democracy, or instead as at its worst (mob rule) in that form. Our feelings of ‘affinity’ with this or that aspect of a certain tradition of interpretation are not to be regarded as irrelevant; in a sense, we are ourselves ‘made up’ of that tradition; our emotional responses may be perfectly appropriate, concealing reasons or justifications implicit in institutions or practices in which we are members or participants. Criticism of our intuitions and feelings, of standards, beliefs or assumptions, is valuable; but this is conducted piece-meal, in the course of particular contests or conflicts (whether interpersonal or internal) which force us to account as best we can for those views. A delineated tradition is in danger when its adherents can no longer explain their intuitions, feelings, and assumptions to themselves in a meaningful way, or when there emerge significant great differences in its adherents’ intuitive responses to moral challenges. For it is the fruitfulness of the tradition in offering resources to draw from that keeps it alive and keeps us faithful to it.

4. Allegiance and Conversion

We have a habit of conceiving of conversions (whether from one faith to another, or from one political party to another) as either an ‘irrational’ leap or else a rationally ‘calculative’ preference. Our modern view of the moral predicament continues to suffer under the early modern Cartesian and Humean options for human subjectivity: the former asserting the presence of a radically ahistorical *cogito*; and the latter denying that there is any unified self behind the various parts.¹⁹ Despite their differences, both views yield a view of the human being as fundamentally free from its past.

Gallie offers an attractive alternative: individuals belong already within various traditions of practice and interpretation, and their orientation disposes them to be ‘reachable’ by certain arguments and not by others. Or again, the depth of their commitment will enable them to resist certain complaints against their tradition, whereas if they find their tradition offers no understanding in their lives, then even superficial arguments against can tip them away from their orientation. This way of putting things suggests an alternative to the Augustinian idea of a ‘call’ to be good or evil: it may be that some people are oriented toward evil, or are irredeemably selfish, etc.; but then the philosopher who tries to effect a change in these individuals with arguments about moral foundations has taken on a task of heroic proportions. For most people, it may safely be assumed, there are any number of ‘channels’ through which they might be reached in small ways: they are not reached by a single explicit ‘call of duty,’ but instead by whispers, hints, suggestions, nudges (Thaler and Sunstein 2008), vibrations, intimations (Oakeshott, 1962, 33-36).²⁰

There is a great contrast between this picture of the moral predicament and the prevailing Cartesian picture of the self.²¹ The Cartesian view has the self as a simple, active unity, hidden behind and evaluating an indifferent or external object world. The contextualist view, while acknowledging the importance of the actively critical intelligence, regards the self as a growth out of a tradition of practice: neutral or detached characterizations of the social world are an abstraction from prior evaluatively charged interpretations. Since we are made by the value-guided traditions of practice we find ourselves in, the idea that it is morally required of us to treat those traditions from the detached ‘point of view of the universe’ loses its intuitive appeal. Against the Cartesian conception of the rational agent, we should emphasize the historically conditioned character of moral intuitions, viewing the

moral agent as a vessel through which certain ideas are moving and, therefore, as a potential heir to incompatible traditions competing for his allegiance.²²

Let us now try to illustrate some of these claims about the manner in which a person can be drawn into a tradition, being shaped by it and giving shape to it, and then consider what sort of relationship to a tradition can be regarded as rational. Consider the case of Tammy, in her late teens, living in suburban New England. Her path leads her gradually to define herself as an environmentalist. As a child, her practical connection to ‘green living’ was limited to turning off the tap while brushing her teeth and caring for household pets. She reaches adolescence and begins to be concerned about her weight and body-image. Her path to greener living runs through vegetarianism, itself motivated by a complex array of moral and non-moral feelings. She takes enough interest in environmental issues to begin to study environmental science, and this study involves periods of fairly detached and lucid scientific thinking. As her knowledge grows, so does her frustration with public ignorance about ecology, and she gradually becomes less optimistic about the future. These feelings take shape in angry outbursts against her ‘baby-boomer’ parents. She connects environmental wastefulness to the conspicuous consumption and waste of an entitled and self-interested generation. She worries about her environmental ‘footprint,’ and is moved by the example of deeply committed environmentalists, like ‘No-Impact Man.’

Tammy has been claimed by the emerging tradition of environmentalism, which gives shape to itself by claiming a history of sacred works (e.g. *Silent Spring*), saints (e.g. Aldo Leopold), and theologians (e.g. Arne Naess). (If we prefer a political metaphor, one might speak more secularly of constitutional documents, founders, and theorists.) Tammy is especially receptive to this movement’s presentation of itself as a spiritual alternative to the ‘anthropocentric’ Judeo-Christian tradition; she toys with the idea of Buddhism, which some

environmentalists see as a more appropriate spiritual tradition for an environmentalist west. The characterization of her parents seems to belong to her attempt to shape a counter-tradition against which she defines her own struggle.²³

Has Tammy been converted to environmentalism from her more or less secular Protestant upbringing with its tradition of exploitation, as she herself understands her current position? Robert Nelson has argued forcefully that the American environmentalist movement, far from being an alternative to Christianity, is in fact just the latest face of an evolving (secularized) Puritanical Calvinism (R. H. Nelson, 1993). Tammy does not know what Calvinism is, but if Nelson is right she and her brand of environmentalism should be seen as a flowering of that tradition, taking up certain of its defining features, e.g. a strong misanthropy, an ascetic dimension, etc.²⁴ Novel historical conditions have opened the possibility of a tradition of American environmental Buddhism, rooted in secularized and revolutionary Puritanical Calvinism. Which of these distinguishable traditions has the greatest hold on Tammy? To which should she give her allegiance?

There can be no doubt that a great deal depends upon choices like the one Tammy must make in this situation: if she and other environmentalists take on board the opposition to technology and progress typical of Calvinism and of Buddhism, then solutions to environmental problems will have to come from personal inhibition ('No-impact man'), if they come at all. If Tammy ignores the characterization of her predicament offered by historical understanding, and concentrates strictly on the question whether it is right to eat animals, or some other highly particular moral problem, she will be blind to the influence of the traditions competing for her allegiance.

To determine whether Tammy is deciding rationally (never, of course, an all-or-nothing affair), we would have to consider questions like these: How conscious is she of the

challenges to her tradition from alternative points of view? How faithful to the original is her account of their reasoning? Consider the critical power offered by reflection about the possibly Calvinist origins of environmentalism: are Tammy's hopelessness and contempt for humanity rooted in a clear-headed consideration of the whole story, or do these features of her view owe their origin to prejudices rooted in a religious view she resists? Does she bristle at the suggestion of continuities between her view and certain religious views, or is she ready to look for similarities and differences? To what extent is her increasingly ascetic existence rooted in her feelings of helplessness and lack of self-control? And so on.²⁵ In tracing the roots of one's own orientation, in trying to construct a tradition, one has to separate oneself from other traditions (e.g. from Christianity) and so open the door to rational criticism of those claims of distinctness.²⁶

In trying to assess the rationality of a person's allegiance to one tradition or another, then, we can try to identify certain features we consider to be generally indicative of a rational orientation and temperament. We must, however, remember that the vision of rationality permitting us to characterize a mode of engagement with the world as 'rational' is itself a contested interpretation of rationality.²⁷ We cannot, therefore, rely upon some idea of 'universal reason' as a way of assuring ourselves of the moral rightness of our political stance: only by fighting for our substantial position can we come to see whether it is worth maintaining. In defending a tradition, we emphasize its successes, recognize and explain its weaknesses, argue that it remains potent and vibrant against attempts to characterize it as atrophied or lifeless, decide whether it needs adjustment to genuine challenges, and so on.

5. Traditions Worth Preserving

The view that perspective on our current predicament should enable us to see things more clearly and recognize when it is worth abandoning a tradition, or embarking on a radically new course of action, is unlikely to arouse much *prima facie* resistance. Most of us would be ready to say that a reasonably attentive adult will be better able at 30 than at 20 to judge the power and goodness of a romantic relationship; a seasoned civil servant in the Privy Council office will be more sensitive to the signs of a deteriorating governing party; a theatre critic with decades of experience will be better able to distinguish a genuinely new vision from its simulacra.²⁸ In this vein, Gallie claims that historical understanding enables us to understand our institutions, traditions, and practices, and thus to make better judgements about where to commit ourselves politically. Historical understanding of an institution enables us:

Not necessarily [to believe] that it has a future or that the future is with it; but rather that it deserves to have a future, that it has potential life in it and therefore might well have a great future if only we and others give it the support, and apply to it the energy and the intelligence, that it requires and deserves. (1964, 137)

We judge the potency of an institution (or movement, practice, etc.). In the moment, without any knowledge of the history of an institution we must evaluate, we are not wholly without resources: we have at least experience of what is currently happening, and we may sometimes have the strong intuitive sense that what is happening is immensely valuable and deserves our approval. Gallie gives the example of the contemporaneous disciples of Socrates and Galileo, the two exemplars, respectively, of “the spirit of free criticism deployed to vindicate the autonomy of morals” and the “true method of hypothesis and experiment in physical inquiry.”²⁹ A disciple of such a thinker would have to have been amazed by the power of their ideas. But of course as Socrates had his disciples, so too did

Pythagoras and Empedocles, two other impressive personalities. How is a person to choose? Could it be rational for someone to take Socrates, rather than Protagoras, as a master? What would he have to know? His allegiance would be largely intuitive or inspired. By contrast with those early Socratic or Galilean disciples, we are happily situated at the end of a long history of development, which has enabled the concrete meaning of these innovations to become clear in countless contexts. “And is it not now, correspondingly, far easier for us to know what it is that we believe *in* when we say that we believe in the spirit of free criticism or in the spirit of experimental inquiry?” (138). We can describe our beliefs with more clarity, illustrating their power, their *potential*, in a wide range of contexts, and so:

We are thus not only better equipped to defend the institutions and cause we believe in against polemical attacks, we are also in a better position to defend and discuss and reaffirm them *to ourselves*, to our critical perplexed selves, in moments – or decades or centuries – of difficulty, doubt, or discouragement. In a word, it is often easier for us to act rightly because we have historical understanding to help us; or, conversely, historically [sic] understanding can sometimes help us to decide what we ought to do and to do it.³⁰ (139)

The argument about loyalty (or disloyalty, through conversion) to a tradition obviously carries the question of the rationality of moral action and judgement to a different level, and this may seem like a flight from the objective of moral philosophy, which might be to furnish the principles that decide morally controversial cases. But all students of moral philosophy are aware that the complex features of moral judgement, detailed in Chapter 5, may each be elevated to the status of ‘ultimately important factor’: conclusions will differ as we elevate one factor over another; but an argument for the priority of a given factor, unless it rests on pre-discursive intuition, will always be part of a broader way of viewing reasoning, the human predicament, our moral knowledge, etc., and so will naturally lead opponents to develop more comprehensive interpretations of their orientation on these questions. I have tried to argue, against what seems to me a prevailing view, that shifting discussion to the

question of loyalty to one or another tradition does not necessarily reduce us to ‘subjective’ decision-making. It certainly *does* mean that there will be no necessary and sufficient reasons that would move just any person to adopt or leave tradition *X*; but situated individuals will be, by virtue of particular features of their lives (including but not limited to their beliefs), receptive to certain particular kinds of considerations that might motivate a change of perspective about the meaning of their lives, and thus usher in a ‘reasonable’ conversion to another viewpoint or tradition.³¹

What value is there for deliberative democracy in reconceiving disagreement and political discourse in contextualist, tradition-based terms? We can perhaps see the value in this way. An isolated and homogeneous community can perhaps build up a gradually changing but reasonably uniform evaluative tradition, in which political decisions can be justified by reference to shared understandings – what in the *Rhetoric* (Book I, Chapter 2) Aristotle called *topoi*, or ‘commonplaces’ (Aristotle 1932, 15). In a multicultural society, however, we must share a place without sharing commonplaces. Across cultures (and over time), vastly different value assumptions make certain claims easier and others harder to deploy effectively in argument, and this generates the sort of disagreement that spawned the theory of deliberative democracy. The disagreements that manifest themselves in relation to this or that particular moral problem can be described in the language of belief sets, but such a description conceals the degree to which those beliefs are woven into practices and traditions that give shape to people’s lives. Often, what is needed is some perspective on our seemingly intractable conflict. A history that illuminates how we got into this mess, and what there is about our competing traditions that makes them seem worth defending in the face of intense political dispute, may well offer us the perspective we need.³²

But how exactly does grasping our current conflict as a moment in the history of competing moral-political traditions help us to find ways *out* of the conflict? Is there really such a thing as historical understanding? What promise is there, really, in the idea of narrative as a mode of democratic discourse? In the next two chapters, we will look more closely at the idea of narrative, surveying empirical research on narrative cognition, and dealing in more detail with challenges raised above concerning the rationality and value for moral argument of that style of discourse. This will prepare us for the illustration and discussion of the role of narrative in political argument in addressing urgent issues of intercultural conflict and historical justice.

CHAPTER SEVEN: NARRATIVE AND RATIONALITY

1. Introduction

In the last two chapters, I argued that one should begin to reason morally from within the context of one's partial relationships and tradition; and that this sort of reasoning involves characterizing, in rationally criticisable ways, historically or temporally extended identities, self and other. I have suggested that the mode of rationality at work here is 'narrative,' and I have promised to show how this mode of understanding might be fruitful for moral-political discourse.

I begin this chapter by recalling the particular ways in which narrative is expected to help in politics. I then briefly survey the empirical literature on the topic of narrative cognition, before going on to give a preliminary defence of the rationality of narrative, by way of a comparison with scientific understanding. I shall not argue that narrative and scientific understanding are identical, but they are similar in enough respects that we should not be excessively sceptical of the rationality of narrative. Moreover, those respects in which they differ will turn out to make narrative appropriate for use in moral justification. I take up that topic in Chapter 8, before going on in Chapters Nine and Ten to illustrate the power of narrative in moral-political argument.

2. The Narrative Turn and its Significance for Politics

The twentieth century 'narrative' turn in philosophy, jurisprudence, psychological therapy, cognitive science, social science, "and the use of the narrative as an emancipator method of giving voice to the silenced in political discourse" (Keen 2003, 12), is a late child

of the Romantic movement. Reacting against the Enlightenment focus on the limitations of abstract reasoning or universal principles, philosophers like Vico, Rousseau, and Herder reclaimed the importance of emotion and history for human nature, leading eventually to Hegel's philosophical synthesis of the two competing movements two centuries ago. Current interest in narrative is sometimes to be explained as a philosophically naive attempt to recover 'natural' (i.e. non-theoretical) ways of ordering experience: certain kinds of scientific theory are thought to blind us to the deeper, archetypal or mythic structures that shape our lives; access to these structures is supposedly possible through even the most banal stories that people recite. Less naively, in the spirit of hermeneutics, some narrative theorists abandon any assumption of deep structures or universal human drama, and simply trace the narrative of historical changes in contingent, theory-laden experience.

In either case, whether we are aiming to unearth timeless stories, or to trace the *history* of the interpretive struggle to understand, the idea is that the narrative turn draws us closer to human life as it is lived and understood by ordinary people. In science, our interest in the narrative voice of the ordinary person derives from our view that there is relevant *data* there, not yet caught in our theoretical net; in the therapeutic context, from the belief that transformative changes can, or perhaps should be, achieved through a process of interpersonal negotiation, and not effected by manipulation. In the political context, narratives might be thought to offer either or both of these values, knowledge and healing of internal/external divisions.

We should, however, be wary of treating narrative as a magical solution to the two great political problems of (a) tying political decision-making to moral truth, and (b) preserving peace and order. It is simply too easy to imagine scenarios in which there is tension between our commitment to speaking the truth and our obligation to preserve order.

But it is possible to imagine scenarios in which these two values might be reconciled to each other, and in these cases narrative may have a role to play. There has, for example, been some discussion about the possibility of loosening enduring conflicts between individuals, groups, or states by encouraging interested parties to see their battles in a more comprehensive, narrative framework:

To what extent is the contemporary framing of the narratives of causality and responsibility for the Israeli-Palestinian conflict reflective of myths and narratives which capture a complete portrait of founding assertions? To what extent does each side's core narrative assist conflict resolution? To the extent that there are narratives which delegitimize the other party to the conflict, can they be confronted? These were the underlying questions which framed the discussion of Myth and Narrative in the Israeli-Palestinian conflict.¹ (West 2003, 1)

The underlying hypothesis is that a person's actions are conditioned by tacit beliefs about who one is, what is at stake, what our adversaries are like and what they want, etc.: in an enduring conflict, repeated and predictable patterns of destructive, overt action are anchored in an unchanging mass of beliefs, values, and expectations. Stories are seen as containing clues that would explain why another person would do or believe something we find irrational. This process, which might be very laborious, indeed, bears an obvious resemblance to the investigation of a 'belief set' such as we saw with Gutmann and Thompson. But there is the following difference: whereas Gutmann and Thompson seem to suppose that ordinary people can access and represent argumentatively those deep beliefs, it seems to be assumed here that the underlying horizon of understanding is not transparent to rational agents, but must be accessed indirectly, perhaps by outsiders who enjoy a certain distance from the view.² If that assumption turns out to be true, then we have a point in favour of narrative against the style of reasoning envisioned by Gutmann and Thompson.

The approach to conflict-resolution suggested by West, above, seems distinct from two alternatives we have discussed in earlier chapters: (1) the exploration and/or construction of a system of moral principles or values; and (2) a pragmatic search for restrained, piecemeal resolution, political compromise. Forums aiming at broadly inclusive democratic discourse do not seem, at first glance, to be the place for pursuing either of these two alternatives. The former seems to be the task of the philosopher; and the latter seems to require the specialist's knowledge and political judgement. But if the aim of deliberation is neither immediate defence of one's view, nor negotiation and bargaining, but the longer game of adjusting and recalibrating a people's sense of its predicament, values, and direction, then perhaps there is a role for narrative. If the forum is conceived, as by Jackman and Sniderman, as "most fundamentally, about what values ought to guide public policy, not what means are most efficient to achieve them" (Jackman and Sniderman 2006, 273), then the exchange of stories might be an appropriate way to bring into public view what really matters to people.³

Other theorists have suggested that narrative might promote harmony by concretely communicating the storyteller's humanity to his or her listener. The guiding thought here is that a story's particular details help put listeners directly 'in the shoes' of the speaker, and thus promote empathy. For example, in *Cultivating Humanity* (1997), Martha Nussbaum suggests that we should cultivate "in ourselves a capacity for sympathetic imagination that will enable us to comprehend the motives and choices of people different from ourselves, seeing them not as forbidding and alien and other, but as sharing many problems and possibilities with us" (85). She goes so far as to call "narrative imagination" an "essential preparation for moral interaction" (90). Stories might, that is, help us to realize the extent to which others are, in fact, very much like us. Presumably, this works because the story fills in

details needed to make opaque actions and beliefs recognizable as the sorts of things we ourselves might do if we saw the world in *that* way. Whereas attention to the detail of another's 'comprehensive' background might open up more concrete areas for reflection and discussion (and, therefore, dispute), attention to the fact of shared humanity might help at least secure some basic ground of respect or civility. Narrative might plausibly be employed in either function.

3. Empirical Bearings

The attraction to narrative as a mode of communication for political debate seems rooted, as we have seen, in several related assumptions: that people tell and understand stories better than they argue (i.e. on the Socratic, adversarial model), that the truth about what people really believe is likelier to come out implicitly in the stories they tell than in explicit, principled argument, and that desirable changes in behaviour can be effected if tacit narrative understanding is adjusted.

There exists some empirical support for these assumptions. Graesser, Olde, and Klettke summarize some of the findings in cognitive science and psychology with respect to the processing of narratives, as contrasted with other kinds of cognitive processing:

For several reasons, narrative has a privileged status among the various types of discourse. The situations in narrative have a close correspondence to everyday experiences, so the comprehension mechanisms are much more natural than those recruited during the comprehension of other discourse genres (such as argumentation, expository text, and logical reasoning). Narrative is the primary genre of oral discourse and it may be the easiest to remember [references removed].⁴ (Graesser, Olde, and Klettke 2002, 230)

Elsewhere, Maoz and Ellis argue that tacit narratives play a role in enduring conflict. In their study of disputes between Israeli-Jews and Palestinians, they found that "Both sides reason from fixed ideological positions. They use the discourse of their ancient disagreements to

constitute each other. They are mired in routines of previously existing interpretive repertoires” (Maoz and Ellis 2001, 407). Maoz and Ellis frame the issue in a way that suggests a potential solution: if some of the difficulty is due to limited “interpretive repertoires,” then a process of social education, aimed at correcting excessively thin conceptions of the opposed party, may be in order.⁵ There is also evidence, cited by Nan, supporting the view that “people tend to explain others’ behaviors in dispositional (i.e., high-level, abstract) terms and their own behaviors in situational (i.e., low-level, concrete) terms” (Nan 2007, 490). This suggests, along the lines indicated by Nussbaum above, that it might be good for individuals to tell their own, concrete stories, as a way of countering loose characterizations that treat whole groups of people as basely evil or cruel. Even when we can see that what we ourselves have done is wrong, we are so conscious of the pressures of our action-situation that our judgement of ourselves can be forgiving: the transgressing action is not seen as the realization of our pure will, but as in some respects forced upon us by a constraining world. If stories deliver such details, or enable us to imaginatively place ourselves in the shoes of someone facing such pressures, then the tendency to judge with excessive harshness might be diminished.⁶

Let us now turn to some familiar challenges to narrative. Narratives are sometimes criticized for distorting the truth by selecting a deceptive profile of events for consideration, organized so as to encourage certain contentious inferences. This kind of concern is appropriate for the consideration of a *given* narrative: it suggests the kind of critical questions one would have to ask about any given story to determine whether it is truthful. But critics sometimes suggest that the possibility of a deceptive account justifies scepticism about the narrative form as such. In fact, the power of a story to deceive depends upon the audience’s reasonable expectation that the story being told can get things right; and we are

all familiar with stories that are more distorted or deceptive, or more subtly so. Interestingly, it is this familiarity both with the notion of a basically sound narrative, and with the partiality and potential for distortion characteristic of any story, that might be deployed as a reason in *favour* of the narrative form over other forms of reasoning. Whereas the veneer of universality and impartiality in formal argument may disarm us against sophistical argumentation, we all know that stories are partial and selective, and we are therefore on guard against deception.

But even if those philosophical concerns about relativism are unfounded, it might still turn out that the ordinary person is ill-equipped or indisposed to assess the truth of stories. When we think of storytelling, we do not ordinarily think of people in a critical frame of mind, but in a more contemplative, relaxed, or accepting frame of mind (with important exceptions, of course – historians, jurors, etc.). One reason to be sceptical about the value of narratives for politics is, then, related to the attitude or mental climate of the audience. Rhetoric is the science of making communication effective, and although narratives might contain truth, the special narrative form seems suited to arouse aesthetic contemplation and emotional feeling; it does not ordinarily call for sober thought or critical resistance by the audience.

These doubts about the potential for critical assessment of narratives are supported by some psychological and cognitive science research. Green and Brock, for example, found a correlation between the phenomenon they call “transporting” (the familiar notion of being “carried away” or “lost” in reading a work of fiction) and a reduction in critical thought (2002, 335). Exchanging stories might, then, lead to the formation of false beliefs or inadequate critical evaluation of truth claims.

Moreover, even among audiences predisposed to be critical, there are problems. Some evidence suggests that “Adults frequently confuse the quality of the evidence with a narrative explanation that coherently binds the various facts about a case” (Graesser, Olde and Klettke 2002, 239). Brem and Rips found that individuals in the absence of sufficient evidence, individuals treat *explanations* as though they were a kind of evidence (a habit which, the authors note, can foster overconfidence in one’s view). Further, they cite findings to the effect that many people are incapable of even making the distinction between evidence and explanation (Brem and Rips 2000, 574). The authors take a dim view of ordinary reasoning powers in relation to narrative, arguing that “we tend to believe a good story, even when evidence is unavailable or contradicts the story” (2000, 573). Along similar lines, in a study on the (erroneous) sensation of ‘having understood’, Rozenblit and Keil conclude that:

Most people feel they understand the world with far greater detail, coherence, and depth than they really do. The illusion for explanatory knowledge – knowledge that involves complex causal patterns – is separate from, and additive with, people’s general overconfidence about their knowledge and skills. We therefore propose that knowledge of complex causal relations is particularly susceptible to illusions of understanding. (2002, 522)

These studies, taken together, are cause for concern. Audiences are susceptible to getting carried away by a story or relaxing their critical faculties, and even when they are not, they get stuck in whatever explanations they first find persuasive and often do not recognize or understand the need to support their views or test them against the evidence.

We might try to downplay the significance of these findings: these are bad, but corrigible, habits, beliefs, attitudes – no more or less serious than a habit, say, of affirming the consequent, and no easier or harder to correct. Evaluating narratives, like all forms of rational criticism, is a technique or skill needing development, and we should not conclude that things are dire simply because skill in narrative understanding must be acquired. But

some research suggests that there are serious problems of what we might call ‘cognitive bookkeeping,’ potentially more significant for narrative understanding; and it is not clear how corrigible they would be through education. For example, Strange has demonstrated the occurrence of phenomena he calls “cognitive encoding failure” (CEF) and “cognitive specification forgetting” (CSF) (Strange 2002, 270). An instance of CEF is “context rejection,” where a listener unintentionally ignores disclaimers (e.g. “this story is fictional”) and encodes information as though it were veridical; an instance of CSF is “context discrimination failure,” where “we forget what we read where,” and so we do not know whether the original source for the view was trustworthy (269). The results of Strange’s study suggest that simply *being exposed* to a claim, even if one has been explicitly informed that the claim appears in a fictional narrative, increases the likelihood that one will believe it (272).⁷ These are troubling findings for a free society, regardless of our stance on deliberative democracy.⁸

Concerns about the illicit power of narrative are understandably a topic of interest in debates about journalism, where narratives or certain typical features of narrative are sometimes thought to exercise excessive persuasive power. Craig summarizes some relevant results from social science regarding the persuasive power of personal anecdotes and quotations from personal experience:

[T]he use of quotations in exemplars, a conventional journalistic practice, has been found to influence audiences. Gibson and Zillman found that direct, one-sided personal testimony in print reports changed perceptions of amusement park safety. They also found that personal testimony about the plight of family farmers swayed readers’ views. In addition, studies have found effects from the use of both threatening images and innocuous images, for example, changes in perception of risk of skin cancer. (2003, 804)

On their own, these results do not establish that all such influence is illegitimate. For certain issues, too little attention to how events affect the ordinary Joe might lead to distortion. In

that case, a reader moved by a first-person account might nevertheless wind up with a view more adequate to the reality. Being moved in this way might still, of course, be irrational, even though the view it moves us toward is correct. And sometimes we are certainly led astray. Craig quotes the bioethicist Daniel Callahan, making a point of great importance for the notion of ‘inclusive’ democratic discourse designed to make the ordinary experiences of individuals *more* effective in policy:

I’m endlessly on programs with people who tell these sad stories, and it’s very hard to talk about the larger social dangers of physician-assisted suicide when somebody’s got a sad story. The analysis of anecdotes bolsters the argument that anecdotes are ethically problematic if they ignore broader considerations of social-level concerns, such as just treatment of the terminally ill and just allocation of health care resources. (2003, 811)

These concerns about narrative are not new: they have been clear since Plato’s polemic against the poets in the *Republic*. Yet in a free society, few suppose that narrative could be *eliminated* from journalism: there is a general expectation that we will continue to tell stories. Some of the usual arguments deployed against using narrative in a public forum would be equally effective in critiques of the media (or, for that matter, of the courts). So it is worth wondering why the expectation of distorted or unreasonable stories in a democratic forum would be any more problematic than stories in these other forums. What seems plain enough is that, regardless of whether one proposes direct citizen engagement, there is good reason to give some attention to the nature and special power of narratives, to discover their strengths and weaknesses as a mode of communication, and to learn to distinguish good from bad narratives.

4. Theories and Stories

Some of the empirical research to which we referred in the last section refers frankly to the notion of ‘evidence’ ‘contradicting’ a story, just as evidence might be said to

contradict a theory. And this is not at all a surprising way of speaking, since historians and journalists self-consciously view their accounts of historical affairs as ultimately justifiable by reference to potentially falsifying evidence.

A similar conception of story as a kind of theory seems to be behind the view, advanced by some influential psychologists and socio-linguists, that there is a connection between storytelling and the correction of false stereotypes and other illusions. The guiding hypothesis is that audiences are interested in a story insofar as it surprises – in other words, in so far as it does not fit our expectations. Audiences are grabbed by a traumatic break in expectations (“you’re *not* going to believe this!”).⁹ The story promises to correct the lack of fit between expectation and reality by filling in the gaps that make the surprising event seem natural. In this way, the story restores some equilibrium or continuity of expectation for an audience confused by the traumatic eruption of an unexpected and unplanned-for event or action. So, psychologist Jerome Bruner, recognized as a pioneer in narrative theory, argues that for a story to be worth telling, there must be a breach of a canonical script (1996).¹⁰ Socio-linguist William Labov makes the same point in a different way: the less believable the event that provokes a story, the more interested the audience and the more ‘reportable’ the story (2006). The less a story fits my current understanding of things – my expectations about the sorts of events that go on in the world, the sorts of things people are and do – the less likely I am to believe it. If something which I find unexpected, incredible, and unpredictable can occur, then I must adjust my view of the world to accommodate it.

This is the source of the hypothesis that a storyteller can shake deep expectations¹¹ by telling a nearly unbelievable story in a believable way. The breach of canonicity is an opportunity for learning, for scrambling to reconfigure one’s interpretation of the world in such a way as to make a challenging event fit. In this respect, a story seems to function as a

kind of theory of the surprising event: on the basis of the story, it should become possible to ‘predict’ (or ‘retrodict’) the known actions of agents, much as a theory of the orbit of planets should be able to ‘predict’ the known locations of the planet at various times t . It should also, ideally, make testable predictions about actions not yet observed or (in the case of so-called ‘retrodiction’) about past actions hitherto ignored or undiscovered (Randall and Buchler 1942, 69).¹² This line of thought suggests that we might show the rationality of narrative understanding by illustrating its similarity to scientific understanding.

Can we see think of a given story as an explanatory theory of an event or action? Such a theory might set out to identify and explain the relationships between a set of causes which would predict (or, in the nature of the case, ‘retrodict’) an action that really occurred. Is there any structural difference between scientific and historical understanding, or are they, say, distinguished only by their objects? If the latter, then it would seem that historical understanding, and the narratives it generates, pass the test of rationality.

The question we are posing here has been the subject of much discussion over the last two hundred years, and it would carry us well beyond the scope of the present thesis to answer it in a satisfactory way. I shall restrict myself to some comments against the two extreme views: that these two types of understanding are identical, and that they are wholly different.

Suppose we wish to argue that scientific understanding and historical understanding are, despite appearances, very greatly different sorts of activities. It is, in fact, hard to present a plausible picture of the view that science and history are *nothing alike*, for the simple reason that human beings, in addition to whatever special mental or spiritual characteristics they might be thought to have, are also physical beings governed by physical laws. Many of our predictions about others are so trivial that no one would ever state them (e.g. ‘John will

not suddenly float off into outer space'), but these are predictions all the same, and they are obviously of a piece with scientific predictions about what human bodies can do. Beyond this, however, there are a great many other predictions we make on the basis of our understanding of a person's psychology or character, and we are often surprised when we get things wrong. The structure of scientific understanding seems to apply to our attempt to understand human situations: we have expectations, which we could (if we chose) formulate as predictions, and then experience tests the accuracy of those predictions. Where, then, is the great difference between science and history supposed to come from?

One answer is that science is normally concerned with generality whereas history is concerned with individuality. In chemistry, we treat a particular chemical solution as an instance illustrating general principles or laws; in history, we are interested in individuals like Napoleon not (or not only) for what they tell us about humanity in general, but for their own curious and unique characteristics. In other words, history and science are distinguished by their objects. This view, which has been advanced by Cassirer and others, captures something of the key difference, but it can be pressed too far. If our model of the physical sciences is Newtonian mechanics, then we will indeed think that those sciences aim at abstract generality, but other branches of science like biochemistry and ecology fit this model inexactly, and certainly applied scientists like engineers take an individual object (e.g. a bridge) as their object of study. Similarly, our idea of history as concerned with Caesar's decision to cross the Rubicon is correct up to a point: much history, and indeed much of the most interesting history, is concerned with these sorts of questions. But some historians (e.g. economic historians) may be more interested in statistical generalities and recurring patterns of behaviour across societies as in the actions of this or that individual. Admitting a general trend toward generality in science and individuality in history, we would have to

acknowledge that both sorts of researchers can be concerned with particularity and generality. But it still remains possible that the object of the research determines a kind of thinking, i.e., that understanding an individual is a different process from understanding a general law and its application.

One might think that there *has* to be a different way of thinking if there is to be any historical knowledge of human action, because much human action is free, i.e. it is not rule-governed and so not predictable on the basis of rules or laws of behaviour. But if we are thinking of historical knowledge, obviously, we are concerned with an event that has happened: a person decided to do *x*. We must minimally allow, therefore, that there was a causal series terminating in that action. The idea of prediction enters into our theory construction here regardless of our stand on the possibility of accounting for human behaviour in terms of, say, some set of invariant psychological laws. Did Joe understand that writing that letter of complaint would cost him his job? We must begin by formulating the hypothesis that he *did* know, draw some observational consequences (e.g. he would have told his wife), and then do a test (e.g. see whether there is a reference to it in the letters). This is prediction *qua* hypothesis, and as a mode of thinking it is as compatible with the view that people are radically free as it is with the view that they are radically determined. So no case can be made that historical understanding must differ from scientific understanding on the grounds that the latter involves prediction whereas people are unpredictable. With respect to at least some of the familiar values of theory-construction (coherence, parsimony, falsifiability, etc.), historians, journalists, judges, etc. are obviously conducting a rational inquiry broadly similar to accepted scientific inquiry.

This is storytelling in its 'forensic' mode, seeking to get at a correct account of the facts. It remains distinct from those branches of science that seek 'covering laws': the point

of a story is to establish that certain things were done *in this particular case*. But, obviously, some stories seem to be doing something else besides establishing the facts. This is true for a certain kind of historiography, or for certain parts of almost all historiography, and it is true *a fortiori* for fictional writing, where the ‘facts’ are made up. Even when we are trying to predict later events (or ‘retrodict’ other facts on which what we have been told seems to depend), the predictive activity is concurrent with, and often subservient to, another cognitive process of extracting the sense or meaning of the story we are following.

There is a broad but inexact analogy between stories and scientific theories here, related to the theoretical virtue of ‘fecundity.’ One senses, in reading a worthwhile story, that it has something more to say, that it would repay further reflection, that it offers, in other words, various leads and materials one might take away and use elsewhere. This sounds a little like what a good scientific theory should do: in addition to enabling us to resolve a local difficulty, it should point to other avenues of research, offer strategies for attacking recalcitrant difficulties, systematize previously unrelated bits of data, etc. How far we might want to push the analogy inevitably depends, of course, upon our stance on controversial questions in the philosophy of science. But one way of describing the breakdown in the analogy seems natural: in science, a theory takes us from some set of accepted facts to other facts, and a fruitful theory should make available to us many more facts; whereas the fruitfulness of a story is not a matter of conducting us to more facts, but of helping us to make sense of things that matter to us. In their more philosophical moods, scientists will begin to wonder about the meaning of it all, and in doing so they will arrange their facts from an evaluative perspective, typically in the form of a story. Whatever value this metaphysical speculation might have, its conclusions would not form part of an explanatory *scientific* theory, and they might well get in the way.¹³ There are risks as well, of course, in the

formation of meaningful stories or myths in the sphere of social life and morality; but we cannot simply try to get those stories out of the way, because a meaningful life is made up of stories (among other things, of course).

This thought needs developing, and it shall be my focus in the next chapter. In the present chapter, I have tried to clarify how theorists expect narrative to be valuable in political life. The typical assumption seems to be that it will enable us to achieve more understanding of others. I introduced some empirical findings which support the idea that narrative might be easier for ordinary people, and which suggest how narratives might correct beliefs without requiring the use of abstract reasoning. We saw many reasons for caution about narrative, but it is indeed caution that is called for, rather than a blanket dismissal. I then went on to compare narratives to scientific theories, in order to show that there are sufficient similarities to make the charge that narratives as such are irrational implausible. There are differences, of course, but those differences may turn out to be, and I shall try to show that they are, advantageous for narrative as a mode of understanding appropriate to moral and political evaluation.

CHAPTER EIGHT: NARRATIVE AND MORALITY

1. Introduction

In the last chapter, I examined some of the empirical research on narrative cognition and looked very briefly at the respects in which narratives are like ordinary scientific theories. The purpose of that was partly to flesh out and give a preliminary defense of the rationality of narrative. This is appropriate, since theorists like Iris Young have suggested that narratives offer ‘comprehensive social knowledge,’ and much of the investigation into narratives treats them, explicitly or implicitly, as theories subject to revision in the light of surprising experience.

I did not want to push the analogy with science too far. Since I expect narratives to be a support for moral and political evaluation, it would be surprising if I suggested they were not at all distinct from predictive scientific theories. For theories tell us what the world is like, whereas moral reasoning must produce decisions about what to do. This distinction is sometimes drawn too sharply, in the form of an unbridgeable gulf between is and ought, but the core idea that moral judgements involve something more than descriptions of what people happen to do seems unassailable. And so if narratives are going to be of help to us in moral reflection, they must do more than simply predict what people happen to do.

I shall develop the idea introduced in the last chapter that the cognitive process involved in constructing a story involves an attempt to make sense of a situation, an evaluative process which involves interpreting meanings. I begin by clarifying the concepts of ‘story’ and ‘narrative,’ and I use this distinction to clarify and reject the postmodern complaint that our lives are not (or, alternatively, should not be) organized around the

constraining, classical organic narrative form. In the final section of the chapter, I address a series of related complaints about the dangers of conflating judgements of moral goodness with judgements of the fittingness of conclusions to stories. The purpose is to disable nagging worries about relativism before I turn to the task of illustrating the value of narrative in political argument.

2. Narrative Form

Appeals to narrative are notoriously slippery, and much of the literature on narrative either bypasses the conceptual difficulties in specifying the term, or else gets bogged down in the attempt to clarify those difficulties. The more intricate and specialized discussion of narrative form is no more relevant than advanced developments in formal logic are to our debate, so I shall limit myself to issues that will become important in the more concrete illustration of narrative in political argument reserved for Chapter 9.

The term ‘story’ in ordinary language is sometimes used interchangeably with ‘narrative,’ although the notion of a narrative, which has its origins in rhetoric, draws attention to the telling of a story, and so evokes the difference between the series of events themselves and the telling of those events. Seymour Chatman, in an important structuralist contribution to narrative theory, describes the series of events themselves as the *story*, and the telling as the *discourse* (1978, 19).¹ Story events are recounted in the discourse, but many events not explicitly mentioned in the discourse are implicitly assumed to be part of the story. For instance, if a character is described as leaving his house and then as arriving at the pub, we can say that the sequence leading from the house to the pub is missing from the discourse or narrative, but present in the story. The discourse can recount the story events in

any order; and narrators may, of course, freely arrange the events to achieve various dramatic effects, among them the communication of meaning.

Logically, then, story events (whether fictional or factual) enjoy priority over the discourse or narrative in which they are related. But the individuation of particular story 'events' is a function of the discourse itself. If we narrate, "Damon shot the guard and ran out of the bank," we seem to have a simple conjunction of two events; but if we narrate instead that "Damon steadied his shaking hand and fired his pistol, hitting the guard in the shoulder, and burst out through the doors of the bank," we seem to have individuated four story events. These are two different 'discourses' (or 'narratives': we shall use the terms interchangeably). Are these the same story? The question is undecidable without reference to the interpretations of the speaker and the audience. In principle, the two stories can be the 'same': if the discourses are fictional, then the author's intent or the audience's understanding, or some combination of the two, or perhaps some literary convention, will decide whether there is a single story. If the discourses are meant to describe reality, then again we will have to probe the context of the utterance (including intentions and interpretations) to see whether, for instance, the same 'Damon' is meant, which bank and which robbery are meant, etc. Even if consensus is achieved on many of these details, someone may demand that a difference between the two stories be drawn. For instance, the reference to the shaking hand casts Damon, controversially, as nervous and therefore not as a seasoned, cold-blooded killer. That may be a 'significant' difference, blocking consensus on the question of whether the two discourses recount the same story. Questions of sameness and difference are related to questions of meaning and purpose ("it's all the same to me"); there is no neutral way of deciding whether two discourses are recounting two 'different' stories or the same story in two different ways.

This difficulty does not mean that we cannot reach agreement about a pared-down version of the competing stories – a sort of ‘lowest common denominator,’ as with Nancy Elliot’s reductive reading of homosexuality in Chapter 5. In the two narratives about Damon, both parties agree that Damon pulled the trigger and even that he meant to shoot the guard; they disagree over the manner in which he carried out the agreed-upon action. But we could imagine an attorney for Damon making a different case, agreeing that Damon pulled the trigger, but adding that he was daydreaming; or that he meant to scare the guard but accidentally hit him, etc. Here, there is consensus on fewer facts; the ‘underlying’ story that dissenting parties accept is that Damon physically pulled the trigger, and this thin version of the facts gets bulked up in incompatible ways in the competing narratives. Although there is greater *consensus* about the evaluatively thinner account, this account is not therefore a truer or more adequate account of reality than the more divisive stories which present Damon in a more controversial light. The ‘lowest common denominator’ story is not a simple description of facts immediately available to a disinterested observer, but a product of an interested, adversarial process. It is not as though the facts come first, and then we give our competing, evaluative interpretations (such that the best interpretation corresponds most completely to a neutral profile of independently knowable historical fact). Instead, the record of historical fact emerges out of a contest of interpretations.²

As we descend from evaluatively richer and therefore more controversial narratives, to the stories that ‘underlie’ them, and down to the ‘chronicle’ or barest record of events, we strip away meaning (Williams 2002, 239). Never entirely, of course: a timeline of biographical or world-historical events can be free of any explicit explanatory links between the events it relates, but those events are selected from the indefinitely great set of conceivable events for some *reason* or *purpose*. It is the function of narration to explicate or

unfold the meaning of these events, by displaying the links or continuities between them. Events in a chronicle are related only ‘externally’ (say, under a categorical heading, or spatially as points on a timeline), but they can be shown to be ‘internally’ related to each other (distinguished events are given as phases or moments in a single unified process). Sometimes these events are related to each other via the relation of efficient causality. But even causally unrelated events can be grasped as part of a meaningful whole, e.g. related conceptually in analogies, as resonating with each other, etc. The ideal for a discourse is for the story-events it relates to be ‘mutually entailing,’ to fit together in such a way that no event seems to stand out as an unconnected atom (Chatman 1978, 45).

3. Narrative Order and the Unity of Life

This ideal is compatible with the popular view that an important critical objective is to decide whether a given story event compromises the integrity of the whole, or a ‘loose end’ that does not get tied up.³ Traditionally, the critic (and, therefore, the hopeful artist) operates under the normative assumption of meaningful unity, that ‘there are no accidents,’ that everything must fit together.⁴ This assumption of unity raises the possibility that the story recounted will be false or inadequate to reality, that it will shift events around in order to satisfy our aesthetic taste for harmony, organic wholeness, completion. When narratives are treated as instruments through which we might recognize the shape or order of human life as it is *really* lived, this attraction to ideal unity might lead us away from the ‘warts-and-all’ truth. Of course, there is an element of creation in the very idea of ‘life as it is *really* lived’: human beings live out their lives as stories extending from a birth of which they have no memory toward an end they will not experience. A human life can be interpreted by any number of narratives – one that begins, like *Citizen Kane*, with the hero’s final words (a

narrative in which events are out of synch with the story-order), or one that tells the story events in the present tense (a narrative moving in step with the story-order).

Narrative order does not need to follow story order (nor, therefore, the organism's series of physical changes); but the idea that stories, like all other uses of language, must help us to make sense of and accommodate such physical changes leads naturally to the idea that narrative order *should* follow story order, picking out or emphasizing the thresholds and transitions in a life.⁵ The source of this view is Aristotle's influential discussion of the dramatic unities in Chapters Seven and Eight of the *Poetics*, e.g., that the plot of a drama should unfold in 'real time,' that there should be continuity of physical space, etc. (Aristotle 1947, 634-5). A play represents or imitates a single, unified dramatic action expressing the various tendencies of the human soul. Observing such a whole 'organism' enables the audience to understand the continuities of human drama; by contrast, the audience of an action broken by temporal or spatial lapses is in the position of a biologist trying to piece together an organism from a collection of disjointed parts.⁶

To many, this Aristotelian view seems increasingly difficult to sustain in our 'postmodern condition.' Arran Gare explains:

The postmodern condition is characterized not only by suspicion of meta-narratives, but by a depreciation of all narratives. Before WWII, Walter Benjamin noted that information was displacing stories. Since then, narratives have steadily lost status and, more recently, have even been attacked. There is now a crisis of narrative in novels, while in film, narrative is being subordinated to images. Literary theorists have reinforced this crisis by 'deconstructing' discourses to undermine their cognitive claims. More significantly, history has been in a crisis for some time, with both historians and philosophers questioning the relation between narrative coherence and life as it is lived. These crises are associated with the decline within schools and universities of the significance of the humanities, particularly literature and history, which are most closely related to narrative forms. According to Fredric Jameson, the depreciation of narratives is a symptom of something fundamentally amiss in culture: it expresses the breakdown of the temporal organization of people's lives. (2002, 80-1)

The postmodern critique of the Aristotelian view is that the ‘organism’ that the dramatist presents falsifies human experience – that the dramatic order imposed on human life is an act of violence against experience that is inherently disorganized, fragmentary, chaotic, unruly, etc. Life is forced to conform to the shape of the dramatic play: we mark off a familiar trajectory for human life, teach people to construct the meaning of their lives around crucial ‘moments’ (e.g. reaching adulthood, marriage, the birth of one’s child), in an inauthentic, childish, and doomed effort to return to nature. The rejection of dramatic unities, the hostility to narratives that proceed in temporal succession, the shift away from the serial order of public time to the freer time of consciousness or interiority: all of these developments seem to call into question not the possibility but the legitimacy of traditional Aristotelian narrative form. If we expect the use of narratives in politics to bring us closer to reality, we are mistaken: the stories told will be neat and tidy but false accounts, totally inadequate to lived reality; those ignorant of the facts will find the stories aesthetically satisfying and persuasive, and those in the know will find them outrageous falsifications of reality. Political narratives will, as we shall see, be rich with stereotypes of one’s own as well as the adversary’s people, nation, culture, etc. And we hardly need reminding what to expect if we invite individuals to indulge their fantasies of a fictitious unified culture or nations, cast as heroes in some grand historical drama. Postmodernist concerns notwithstanding, there is some order latent to life before the artist arrives on the scene to coax an aesthetically satisfying narrative out of it. With his *mimetic* (from the Greek for ‘imitation’) triad of ‘prefiguration-configuration-reconfiguration,’ Paul Ricoeur draws a plausible picture of the role of narrative in the relationship between life and our thought about life. Gare summarizes Ricoeur’s view:

First, life is prefigured as inchoate narrative. This is why there is a pre-understanding of what human action is, its semantics, its symbolism, its

temporality. The second moment of mimesis involves the representation of action according to specific rules of emplotment, i.e. the making of a structure to configure this pre-understanding. Emplotment generates a quasi-world of action and characters. The third moment is the reception and actualization of that structure. People are drawn into the quasi-world, distancing them from their own life-worlds, challenging their taken-for-granted horizons of expectations to refigure their worlds. They are provided with room to maneuver, to think about the way they construe the way they live, which allows them to refigure their lives by appropriating new structures. (2002, 94)

The story narrated, on this view, is not a pre-existing story simply made audible by its telling, but neither is it wholly indeterminate or infinitely malleable. Imagine a child who is being bullied at school: the child encounters a repeated pattern of threats or violence. The offending action remains in important respects unintelligible or opaque, but the child develops some understanding of it, enough to formulate predictions about when it will recur, in what circumstances, how to avoid it or lessen the impact, and – importantly – to name the offender as a ‘bully.’ Particular knowledge of the individual in question, who his friends are, what people say about him, where he lives, etc., are the seeds of an indefinite number of potential stories, and the child constructs an account. A story begins to take fuller shape: the bully’s character has been sketched, etc.; certain expectations are projected about how the story will go from here. The child is struggling to ‘configure’ a story, assigning motives to the people in his world, classifying actions and characters, anticipating moves and adjusting; but, obviously, this configuration is both stimulated and constrained by a pattern of action that recurs in human social environments. If the bullied child formulates the story explicitly with an adult, the adult will be able to challenge the child’s interpretation in some ways, filling out the dramatic context (e.g. ‘does he have any friends? Is he doing poorly at school? How would you feel about yourself in his shoes?...’), looking for alternative ‘moves,’ acting in ways out of joint with the narrative pattern that both bully and bullied child are locked into. The moment of reconfiguration involves reflection about the lived experience; and this

is perhaps easiest to achieve when one consciously examining one's own story 'from the outside,' so to speak. And this is the basic insight narrative theorists are working with: social learning is motivated by the failure of fit between our expectations about what our fellows are likely to do, based on who they seem to be. Abandoning the idea of ordered plots leaves us helpless to understand the world we are, because others live in them. Narrative thus leads to *illumination*, as I shall illustrate later in this chapter and again in Chapter 9.

4. Turning Points, Narrowing Possibilities, and Fruitful Interpretations

The modern rejection of the Aristotelian assumption that narrative order must follow story order does not mean, then, that the construction of a story (whether as speaker or listener) is a disordered process. Stories typically involve some reaction to change, which reveals previously hidden aspects of situations and gives rise to an urgent need for action; the significance of the original predicament is brought out, and a resolution, concerning whether and how characters respond to produce an outcome, is pursued. This basic vision of plots is consistent with the view of prominent literary theorists:

The most general accounts of plots suggest that they move from stasis, to disruption, to a restored (though altered) stasis. Tzvetan Todorov describes plot as the movement from equilibrium, through disruption, back to a new and restored equilibrium, and he emphasizes the transformations implied by that movement.⁷ (Keen 2003, 76)

Seeing plots in terms of the development and complication of a problem challenges the assumption that plots must be straitjackets, that characters are two-dimensional placeholders, lacking in interiority, charged with executing pre-given plot functions. That such plots exist is clear enough. A great many folktales unfold with relentless necessity: princes-turned-frogs, peasant stepmothers, simpletons, unemployed former soldiers, witches and elves, thrown together in certain combinations, yield predictable plotlines. We know the

small set of actions such characters can realize, and the range of possible outcomes is easily computable. Prediction becomes considerably more hazardous, at times impossible, when we are dealing with complex characters (fictional or real). Nevertheless, it is typical to feel in following a narrative that the range of options is gradually narrowing as we move toward a conclusion. As Chatman puts it (admittedly with a qualification): “the working out of plot (or at least some plots) is a process of declining or narrowing possibility. The choices become more and more limited, and the final choice seems not a choice at all, but an inevitability” (Chatman 1978, 46). Or, as Gallie says:

The more the story-teller has told us about each of his characters, the greater the number of continuities in their interests and motives that he has helped and encouraged us to recognise, the closer the threads of the action have been drawn together, by so much the narrower does the scope for entirely new, hitherto unrecognised developments become. (1964, 43)

Not every listener, of course, is equally sensitive to the increasing concretization of the story world: the sense that a certain outcome has become inevitable is bound up with the listener’s success in holding together the various threads, just as the persuasiveness of a conclusion in a non-deductive argument is bound up with the reasoner’s capacity to bring into conflict the various reasons inclining him in one direction or another. In his discussion of narrative or historical understanding, Gallie emphasizes the importance of the capacity to ‘follow’ a story. When we conceive of a narrative as a series of declining possibilities leading toward an inevitable conclusion, we draw attention to the forward-moving direction of a narrative. Following a narrative, in this sense, seems to be a common enough skill: we seem naturally interested in ‘what happens next,’ poised in a state of suspense, capable of imagining or predicting at least two conceivable outcomes. In Gallie’s sense, however, following is as much about making sense of what has happened as it is about predicting the next events to come.⁸

[T]he conclusion of a story is essentially a different kind of conclusion [from] that which is synonymous with ‘statement proved’ or ‘result deduced or predicted.’ The conclusion of any worthwhile story is not something that can be deduced or predicted, nor even something that can be seen at a later stage to have been theoretically or ideally predictable on the basis of what had been revealed at some earlier stage. (23)

As with other forms of argument, we follow a narrative with an eye to its outcome or end; the ‘looking ahead’ to what is likely to happen is an integral part of the experience of earlier stages in a story, as in an argument. Narratives are more open and suggestive of various possible directions. The sort of tight connection between premises that might be a quality in an argument can appear, in a story, to render it lifeless, closed off to the possibility of spontaneous change or contingency, to the shading or colouring of individual events and actions which, because they are so rich with meaning, might lead in various directions. It is essential to the understanding of a story to project its eventual direction, but we cannot ground the claim that a conclusion is fitting or appropriate by establishing that it was *predictable*. Plausible alternative endings are always conceivable, and the selection among them is often a question of *fruitfulness* on the plane of meaning.⁹ Which ending gives the narrative the most power, casts the preceding events in the right light, showing their significance in the story and for us? Often, what we are seeking is *illumination* of the past, rather than some *premonition* of the future; but it is part of Gallie’s point that the search for either one implies the other.

The story-follower’s anticipation of the story’s eventual ending is a basic feature of the experience of a story; and the gradually forming idea of the ending is a matter of suggestive signs, calling for interpretation or ‘articulation’ (Taylor 1989, 77). Gallie’s term for these signs is “presentiments” (1964, 25). A comparable idea appears in the work of Michael Oakeshott, who calls them “intimations” (Oakeshott 1962). Both terms suggest a

relationship of emotional or *affective* connection – an intuitive feel for beneath-the-surface developments, a current or movement of ideas and actions in a given work – and which both appeal to a dimension of predictability; but the reader is not so much interested in prediction as in the unfolding of significance. As Gallie explains, we want to have a presentiment “purified and articulated, rather than to have it verified.”

For Gallie, then, it is not the capacity to *predict* a certain turning-point that makes a person a skilled follower of narratives. Instead, it is the capacity to reconstruct *significance* across the break or chasm in expectations signalled by such “developments or *volte-faces*,” (24-5).¹⁰ In other words, it is the listener’s skill in generating continuities across those unpredictable contingencies that shatter meaning, leaving us confused and, in moral contexts, potentially in despair. The condition of paralyzed bafflement in the face of surprise or shock is a sign that the confused subject is caught in a ‘world’ or horizon of meaning and expectation inadequate or unequal to the real.

To illustrate the creative-interpretive process of following, let us take the example of the Coen brothers’ Oscar-winning *No Country for Old Men* from 2007 (Miramax). The (apparent) plot is familiar enough: a man (Llewelyn Moss) discovers a briefcase full of cash and is chased both by a psychotic killer sent by the bad guys to recover their briefcase, and by the sheriff who wants to catch the bad guys and to protect Moss. The narrative of the key events is told in a relatively conventional way, and the film plays like fairly straightforward suspense. Until, that is, the Coens seem to break with a crucial narrative convention: the climax of the hero’s story, his showdown with, and death at the hands of, his criminal pursuers, takes place ‘offstage.’ We leave the hero during a tensionless moment, and when the narrative picks up again, it is from the sheriff’s perspective as he arrives on the scene of the hero’s murder. This narrative decision left (some) audiences confused, angry, and

unsatisfied: the pay-off of their investment of time and attention was missing; *the* crucial story event went undramatized. But can the film be given a meaningful interpretation within which this crucial artistic decision makes sense?

Narrative theorists typically distinguish between essential and inessential story events: from the perspective of a given *narrative*, leaving out a certain event might utterly destroy the unity of the narrative; whereas that event might plausibly be left out of a different narrative treating of similar events. A story event can be (In Chatman's mixed metaphor) an essential 'kernel' or an inessential 'satellite,' where its status as one or the other is not absolute but relative to the narrative in question. A climax is, evidently, a kernel *par excellence*.

Until the break in the narrative, we assume Moss is the hero because his actions dictate the flow of events, with other characters reacting to him. The key events in his life are automatically taken to be the kernels in the storyline; and since his death is climactic *from his perspective*, we assume that his death is the climax of the film. Consider now a second hypothesis: the convention concerning the necessity of dramatizing the climax remains in place; therefore the death of Moss is not the climax; therefore Moss is not the hero. Who, then, is the hero? The two other main possibilities are: the psychotic killer and the sheriff.

Begin with the sheriff. We see the *presumed* climax, Moss' death, through the eyes of the sheriff arriving on the scene. The film follows the sheriff through till the end, including an unconventionally long *dénouement* (assuming the death of Moss as the climax) in which the sheriff reflects on his career, and eventually retires. Within this apparent *dénouement*, there is a second candidate for climax, when the film slowly takes us through the sheriff's attempt to confront the psychotic killer. In this scene, the sheriff becomes the centre of action. Can we reconstruct the film with the sheriff as the hero? We recall the extra attention

given to the sheriff's character and storyline during the earlier acts of the film. We recall that the opening sequence is narrated by the sheriff, reflecting nostalgically on his father (also a sheriff) and what it was like to police in the old days. We notice the film is called *No Country for Old Men*: the sheriff is an old man, and his discourse throughout the film is that of a man who, in stark contrast to the youthful, unreflective, but naturally active Moss character, no longer responds automatically and actively to challenges, but takes on the increasingly disengaged attitude of an older man struggling to cope with a changing world, i.e. a man no longer at home in the world, a man with 'no country.' But how can a filmmaker tell the story of a hero who cannot act, who cannot carry the story on his own? By showing him observing, with a fascination in which the audience gets to share, the story of a man who can. And this is precisely what the Coens do.

To complete the argument that the Sheriff is the film's hero, it would be necessary to try to reconstruct the meaning of the narrative with the psychotic killer as the film's hero, and to compare the alternatives. It turns out to be comparatively much harder to construct such an account: this character is at best two-dimensional, but almost better described as a force of nature; and to the extent he has recognizably human intentions (e.g. to kill Moss and recover the money), those intentions go unrealized (Moss is killed by others), and the *frustration* of these intentions is not dramatized. Confronted with the alternatives we have considered, we would seem justified in regarding the sheriff as the hero of *No Country for Old Men*.

Whether the account I have given of *No Country for Old Men* seems correct, enough has been said, I hope, to show that not all interpretations are equal, and that the construction of such interpretation requires reasoning.¹¹ The process of generating an alternative interpretation involves, in addition to a capacity to draw deductive inferences (e.g. notice the role of *modus tollens* in the reconstruction) drawing connections, imagining alternatives,

seeking continuities, constructing and elaborating possible themes, questioning conventions, and so on. Much of this process is ‘free,’ in the sense that at any stage a critic might resist or reject a move we make; but a unified interpretation has a kind of autonomy or integrity of its own, a plausibility that can be criticized here or there, but which can only be undermined by the provision of an *alternative* account that makes better sense of the whole – that casts the whole in a ‘better light.’ It is the pursuit of significance or meaning that gives a general direction to the constructive process: we hope that each detail we take up will show itself relevant to the unfolding interpretation, but it is by following the narrative’s own signs about which story events are really kernels, and which are secondary ‘satellites,’ that we unlock the depth of a profound film.

5. Narrative and Morality: Final Objections Addressed

Assume that something like this approach is appropriate in the interpretation of literary works. It remains unclear what importance this has for morality. It remains for us to discuss three widely shared concerns about the prospects for using narrative in moral argument.

One is the classic, Platonist worry about the moral quality of the substantial morality implicitly advanced in a persuasive, meaningful artistic work. A work that is experienced as emotionally or aesthetically satisfying offers itself as a source of insight to its audience – whether in offering maxims or principles to be realized, actions to be imitated, or (more broadly) a general evaluative orientation about the good life. But aesthetically good works are often morally problematic, and contain morally repugnant principles and actions. We seem to need some external perspective on this content in order to judge it rightly.

A second, related concern is linked more directly to the moral relevance of our power of narrative judgement: in moral *deliberation* about what must now be done, should we act in a way that seems to resolve or bring narrative closure to moral controversies, or can we evaluate these conclusions from some sort of external perspective? In other words, what does the fittingness of a story's conclusion tell us about the *rightness* of that conclusion? Surely some conclusions are, although aesthetically fitting, morally repugnant. If we apply narrative understanding to ordinary life, we may be inclined to endorse, for instance, capital punishment as a fitting conclusion to a narrative of crime – *just deserts*, a well-earned fate. But perhaps some 'conclusions' are morally wrong, however well they seem to resolve a plausible narrative.

A third concern, related to but distinguishable from the others, is that the formulation of one's own view in narrative terms will lead to rationalization rather than justification. If these charges are successful, then our earlier discussion about the empirical limitations on the application of narratives to politics was unnecessary. For these challenges suggest that narratives are nothing more than examples (longer ones, of course) to be employed in the testing of universal principles. On such a view, an agent cannot justify his or her action by saying, 'based on my understanding of my role in this drama, the fitting thing for me to do is *x*.' For the critic will repeat an argument from G. E. Moore and say, *we can still ask if the fitting thing is right*. But to this objection the narrativist answers: it is only by identifying (and, of course, justifying) a *more fitting* action that the critic can persuade us that there is any difference between the original account and the right account.

5.1 *Harmful Effects*

Let us begin with the Platonist concern about the immoral teachings communicated by influential, crowd-pleasing narratives. The gravity of this concern depends upon the complexity of the text, and upon the audience we have in mind. If we imagine an especially young audience, whose minds are relatively free from other narratives (including fledgling narratives emerging out of their own experience), then there are opportunities and risks: a simple narrative in which standard, generally bad actions are melodramatically presented as bad can have the positive effect of orienting the child in moral space; whereas a morally complex narrative, which presupposes and moulds tacitly known stereotypes, risks confusing or misleading children. The innocence of children is precisely their vulnerability to *getting carried away*: their lack of experience leaves them comparatively rootless and so capable of being moved by virtually any narrative, deeply moved by an especially good one. A child, in other words, is in real danger of being locked into whatever narrative he or she is told. What such a child lacks, however, is not a perspective external to *all narratives*, but some perspective on the current narrative. Adults import this perspective in the form of their memories of first-hand and narrated experiences.

Artists know this, and exploit that understanding in order to communicate subtle and complex moral truth that is simply incommunicable to those deeply lacking in knowledge. Consider, for instance, Coppola's *Godfather* trilogy. These films take an internal approach to the world of organized crime, but they are made for an audience of non-criminal outsiders. The plot of the first film is generated by the mafia's gradual movement into the drug trade. This direction is regarded by the film's moral authority, Don Vito Corleone, as a decline into degeneracy. The series invites us to take up the Don's point of view, and to the extent that we can do so, this is because (a) that point of view resembles in some important respects our

own; (b) we can recognize that the moral alternatives that he is trying to resist are genuinely *worse*, in precisely those respects in which he claims they are worse; and (c) certain features of the Don's conduct are morally attractive (e.g. the deep devotion to his family): he may have qualities that we do not share.

But the film is not narrated as a straightforward argument for the goodness of the actions or world that Don Corleone helps to create. He is, of course, a sympathetic character: the back-story of the second film works hard to show his unlucky youth, his sense of justice, his warmth and charm. The juxtaposition of his story as a young man with the story of his morally deteriorating son Michael obviously helps us to see Michael's moral depravity, climactically realized in his ordering the death of his brother Fredo. But the Michael Corleone story is continuous with Vito's own. The death of Fredo is also – even mainly – the conclusion to the Don Vito narrative. Vito's story begins with the mafia killings that leave him orphaned, thus explaining his passage to America, where he eventually embracing a life of violence and revenge (returning to Sicily to kill the man responsible for his parents' deaths). In so doing, he creates a dramatic context in which one of his sons can have another killed for an act of betrayal. The Michael Corleone episode is among the fruits of Vito's story, growing organically out of it, and thus drawing our attention to those easy to ignore seeds of moral decline already present in the life Vito pursued as a young man. The moral power of the film depends upon dramatizing a fratricide:¹² this conclusion, aesthetically so satisfying, gives us the perspective we need for a really adequate, damning account of Don Vito and the meaning of his life.

5.2 *Fitting Conclusions Not Moral Conclusions*

Let us now pass to the second concern – that the action revealed by narrative understanding to be most fitting is not in fact the morally best action. For instance, we do not think that the killing of Fredo is itself morally good, even if it were really *earned*; and it is not clear that the agent (in this case, Michael Corleone) should try to formulate a decision by imagining which action would be most appropriate given the narrative in which he understands himself. Perhaps we should, instead, conceive whether the maxim of our action could be universalized; or perhaps we should try to calculate the balance of pains and pleasures likely to follow from competing possible actions. If we do what seems *fitting*, we might do something morally terrible.

Consider, in this light, a dramatic example – the story of the human race. A case could be made that the most fitting end to the human story would be tragic: the hero's (*Homo sapiens*) finest quality or power, his reason as deployed in the use of language and technology, carries him to great heights; but ultimately his extraordinary technological progress brings about his own ruin, through nuclear or environmental disaster. This familiar story, of which we find traces in various traditions (including Greek and Hebrew), has been amply foreshadowed by the ongoing narrative of human history. If it were the story of a lost civilization on the other side of the world, we would be deeply moved by it, the sad 'poetic justice' of it all. Yet, however viscerally attracted we might be to that outcome, it would not be morally best. A 'happy ending' to our story, even if *unearned*, would be morally better.

Would it? It seems worth pausing to consider what we are saying here. There are those who think that the human race should continue, regardless of what it becomes – that the sheer existence of the human race is better than its non-existence, that regardless of whether it *deserves* to continue, it is best that it continue. A well-known moral principle

urges exactly the opposite view: the right thing must be done, though the world be lost. In trying to make sense of our deep longing for the continuation of the human adventure, to ground our belief that it should continue, it seems totally inadequate to appeal to the sterile utilitarian calculus of pleasures over pains, and only (it seems to me) slightly more adequate to call to mind the Kantian idea of a sublimely pure will. A better way to justify this continued adventure is to tell another story, a more comprehensive alternative in which our weakness, greed, and ignorance no longer appear definitive of our nature. In the end, what we want is for humanity to deserve to carry on, to deserve (in Gallie's terms) to have a future. If we succeed in destroying ourselves, depending upon the manner in which we do so, we will have shown ourselves to be fundamentally driven by violence and vindictiveness; by childish frivolity and selfishness; by deep-seated distrust and fear; or by ignorance; etc. And it is by projecting a future of self-imposed doom that we grasp the meaning of the narrative we have been writing for ourselves – that we see what we are, or at least what we are becoming – and can begin the transformative project of constructing an alternative.

We can now, perhaps, make better sense of the meaning of questions about identity for morality. A common question we ask ourselves during moral deliberation is, *if I do x, what will that say about me? Or, what kind of person would do a thing like that?* It is tempting to see these questions as logically dependent upon prior beliefs about what is right and wrong: the person deliberating knows that he has a duty, but is tempted to act on selfishly, and he helps to tip the scales toward doing the right thing by framing the decision as a test of his character, of what he stands for or what his life means. These identity-framed questions are, on this reading, strictly rhetorical: the person knows whether the actions are good, and he knows what sort of person does them. And surely we do pose ourselves these rhetorical questions at times as nothing more than a way of *reminding* ourselves of what we

are committed to, i.e. the issue is strictly one of motivation or will, and reason does no work. But we can also ask ourselves these questions in a spirit of rational inquiry: we can sincerely consider the light in which our lives would be viewed if we did x . In cases in which there is a genuine conflict of value – a tragic scenario of incompatible goods – we shall have to take a stand somewhere.

Such a stand would be strictly capricious or ‘decisionist’ in Habermas’ sense if there were no thoughtful reflection about what vision of the world we are prepared, in a moment of crisis, to affirm through action. But we routinely do reflect in this thoughtful way, repeating Socrates’ reflection about how to react to his death sentence. Socrates famously refused Crito’s offer of escape, as well as the life in exile it would have implied: his tragic end was written into his character; as he explains things, he owes what he has to his state, and so must accept its judgement. Consider how it might have looked had he tried to escape: he might have seemed ultimately self-interested, and it might have been impossible to cast his gadfly action in the usual favourable light, as a humble attempt to stimulate and improve the thoroughbred of Athens. Instead, Socrates might have seemed a detached and disinterested sophist, ultimately concerned about his own personal well-being. In choosing to escape, he would in that case have vindicated the state in its sentence of him, and deprived his life’s work of meaning.

5.3 Rationalization or Justification?

This retrospective reconstruction of a meaningful narrative to accompany one’s decision may easily be confused with rationalization. Rather than assess what we really should do, we cast ourselves in a certain kind of role, claim that in the context of our lives action x is permissible, and so rationalize decisions that are rooted in selfish interest.

Reflection about one's own identity has no *moral* purpose, but it is easy to see how it could have an immoral purpose: somebody who can see clearly enough what he is *supposed* to do might seek to dodge his responsibilities by claiming not to be the sort of person *called for* by the situation. I shall conclude my defence of narrative by explaining why this line of attack against narrative does not succeed.

The criticism has been forcefully advanced by John Lippett, as part of an argument against the moral value of narratives:

[C]onsider someone who tells the following story:

'the reason I have so often been unfaithful to my wife is because fidelity is just fundamentally at odds with my character. I am a creative artist, and live much of my life in a state of intense creative tension. The mundane rules of conventional morality can hardly be thought to apply to someone like me, whose Art would suffer if contained by such bourgeois notions of propriety. Yes, my wife gets hurt, and, yes, that's regrettable. But she has learned to deal with it; indeed, having to face these pitfalls has strengthened her character. We have come to see her turning a blind eye as a way in which she contributes to my Art.'

To this someone might reply:

'No, the reason you have often been unfaithful to your wife is that you are an immature, libidinous old rake who, faced with an attractive and available younger woman, is constitutionally incapable of keeping his trousers on.'
(Lippett 2007, 49)

In Lippett's example, the 'artist' is indeed justifying infidelity by interpreting his role in the world (as an artist); and his wife appears also to be seeking to recast her own suffering as a meaningful contribution. Given the picture of the speaker emerging from this discourse, the critic's rejoinder sounds plausible enough. Yet Lippett infers that narratives cannot justify a moral conclusion, when in fact the critic's narrative characterization helps to determine the correct judgement of this artist and of his infidelity.

Let us assume that there is some tension between artistic creation and respect for traditional social mores, and that the goods delivered by artists are important enough for us to consider the artistic life as a legitimate plot in our community, defined by some characteristic conflicts. Recognizing this, we should be more understanding about a genuine artist who struggled with infidelity than we would, say, with an elementary school teacher who exhibited the same vice. Moral judgement should take account of the special temptations and moral opportunities of the line of work people pursue. In indulging genuine artists, we are not saying that infidelity is not generally bad, or that artists need feel no guilt about infidelity. The accepted plot of an artist's life is organized around the pursuit of beauty, or artistic truth, or a fresh vision of the world, etc. A person who is on such a course might well fail to respect certain social norms, or to honour his spouse, but the artist should, in the best case, acknowledge this as failure (The Tragic Artist); or, in the more common, less admirable, but perhaps still permissible case, he might be so caught up in his work that he is oblivious to the harm he does (The Enthusiastic Artist).

Lippett's artist (the Pleading Artist) unwittingly confesses, not only to the wrong he does against his wife (*qui s'excuse, s'accuse*), but to the priority the community's moral approbation enjoys over his work.¹³ Unlike the Enthusiastic Artist, the Pleading Artist is aware of the wrong. His best hope for understanding from the moral community would be, then, to follow the example of the Tragic Artist, to acknowledge and claim the wrong, to feel divided and uncomfortable about it. Since the Pleading Artist does not do so, he thus resembles neither the Enthusiastic Artist nor the Tragic Artist. Does he resemble another recognizable type? Perhaps he is a Libidinous Old Rake – seeking his own immediate satisfaction, by deceptive means, and at cost to others. Whether this is too harsh a characterization depends upon empirical questions about just what sort of presence art really

has in his life. It may seem that this is still not enough – that this narrative inquiry should also show us why infidelity itself is wrong. But the *general* rightness or wrongness of infidelity is not being contested in this case: The Pleading Artist’s apology recognizes that infidelity is ordinarily wrong, and sets out to draw a relevant distinction that would excuse him from the usual moral censure. On the contextualist view, the appeal to identity is a legitimate move in such moral apology. Far from legitimating just any action, such appeals trigger a critical process in which we construct and compare alternative characterizations, settling on the account that seems most apt, and grounding our moral judgement in that account.¹⁴

6. Conclusion

In this chapter, I have tried to define narrative and illustrate narrative understanding, and to defend a role for narratives in moral argument. In drawing on empirical research about human cognition, I have given reasons not to treat the exchange of stories as an unproblematic solution to democratic problems of division. We already bathe in political narratives, and inevitably will continue to do so. Against those philosophers who would dismiss all of this as unprincipled rhetoric, I have tried to argue that narrative understanding can serve an important critical function in evaluative argument, including moral-political argument. In the next chapter, I try to illustrate in more detail the role narrative can legitimately play in political argument.

CHAPTER NINE: NARRATIVE IN POLITICAL ARGUMENT

1. Introduction

Over the past two chapters, I have outlined what moral-political reasoning looks like from a contextualist perspective. The purpose of the present chapter is to connect the lessons of the last chapter to some concrete examples of political controversy, in order to show what resources a narrative perspective can bring to politics. To organize the discussion, I shall connect the examples to the following three interrelated lessons concerning the value of narrative for political argument:

- 1) *Communication*: The exchange of narratives builds up and refines resources of commonplaces (*topoi*), shared knowledge, or ‘interpretive repertoires’ (Brem and Rips 2000), which can be used to orient and advance argument about opaque current events;
- 2) *Interpretation/Illumination*: Drawing on these interpretive repertoires, narratives interpret and reveal the meanings and values implicit in actions and events;
- 3) *Justification*: Narratives justify a choice by displaying it as a reasonable attempt to advance one’s tradition, given an adequate description of contextual constraints and opportunities.¹

I shall draw attention to these lessons in discussing the case of Ireland (and, inevitably, Irish-English relations); the 2008 American economic crisis; and the recent Quebec controversy concerning reasonable accommodation of minorities.

2. Illustration: Ireland, History, and the Justification of Political Violence

American writing about deliberative democracy is, understandably, shaped by the example of the United States, a liberal-constitutional state with a unifying founding document, clear territorial boundaries, and a largely continuous history of agreement about political authority (the one great exception being of course the civil war). The significance of moral disagreement in so stable an order typically derives from an ambitious moral commitment to securing fully rational recognition of the legitimacy of controversial laws or policies, rather than from fears of impending revolt. In a great many other contexts, however, conflict and disagreement run deeper: while order may be preserved by force, there is dispute over who is morally justified in ruling the territory in question.²

In such cases, because there is no agreed upon authority and thus no uncontested constitution to which appeal can be made in resolving significant disputes, we face an important difficulty in trying to secure the barest conditions for democratic deliberation. The reason is that a problem I mentioned in Chapter 4, regarding the difficulty of identifying the ‘we’ who had the authority to create the American constitution, returns here: if we envision deliberation on the model of a contract, we run into the difficulty that in contested regions, it will be sometimes be controversial to *name* the contracting parties, and, more significantly, to determine which particular groups and individuals deserve a voice in the proceedings.

This is the case in Ireland, where the very legitimacy of ‘Northern Ireland’ as a distinct political entity is a matter of controversy. From the perspective of the Irish Republic, that region belongs properly to the Irish people, and the continued presence of British rule there is a relic of colonial oppression. This interpretation can be grounded not only in relatively distant Irish history but in more recent events like the abolishment of the Stormont parliament and the return of direct rule by Britain in 1973. The suggestion of unity between

Westminster and the Protestant ‘unionists’ of Northern Ireland can, however, be greatly exaggerated. The record from 1886 onward displays a consistent British desire to get free of the headache of Ireland; and unionists have felt understandable anxiety about their likely fate if they should be abandoned. The perception that the people of Northern Ireland were inadequately represented in the complex ‘peace process’ leading to the Belfast (‘Good Friday’) Agreement of 1998 led to questions about the democratic legitimacy of that process.³

Compromise is always possible in circumstances such as these, driven by a concern for peace and order. But compromise can be the source of further division, as we can see from the history of the Irish Republican Army, with roots stretching back beyond the Irish Civil War of the 1920s, to the Fenians of the 19th century, and beyond. Faced with concessions that threatened the dream of eventual national self-determination throughout the island, the IRA has given birth to various splinter groups: out of the IRA grew the Provisional IRA (taking off in the wake of 1972’s Bloody Sunday) and more recently the Real IRA (in response to the peace process). The pure nationalist dream seems solid and destined to endure, but thereby also too rigid to fit into the grooves of political compromise.

What is the dream, exactly? An abstraction like ‘national self-determination’ would move no one if it could not get a grip on the meaning of people’s lives; and the meaning here cannot be understood except in relation to interpretation of the history itself. Consider, for example, one of the many ways in which the much discussed, fatal 1981 hunger strike of Provisional IRA member Bobby Sands continues to shape Irish politics: Sands’ sister, Bernadette Sands-McKevitt and her husband founded the Real IRA in 1997 after failing to persuade others in the Provisional IRA that the movement had lost its way. This judgement followed directly from her attempt to be loyal to the ideals of her late brother: "Bobby did

not die for cross-border bodies with executive powers. He did not die for nationalists to be equal British citizens within the Northern Ireland state” (English 2003, 296). Or consider the case of Patrick Pearse, an organizer of the 1916 Easter Rising in Dublin, and one of fifteen men executed for their role in that armed rebellion. In his memoirs, Conor Cruise O’Brien quotes from a famous message Pearse gave on Christmas day of 1915:

Here be ghosts that I have raised this Christmastide, ghosts of dead men that have bequeathed a trust to us living men. Ghosts are troublesome things, as we knew even before Ibsen taught us. There is only one way to appease a ghost. You must do the thing it asks you. The ghosts of a nation sometimes ask very big things and they must be appeased whatever the cost. (Pearse, quoted in Cruise O’Brien 2000, 415)

It is undeniable that Pearse was carried in this somewhat mystical or dramatic mood into the 1916 insurrection; and, Cruise O’Brien notes, in so doing he became himself an unmistakable, sacred presence in Catholic Ireland thereafter, giving men like Bobby Sands a reason for sacrifices of their own for years to come.

In the Irish context, of course, but not only there, there is another narrative layer to human action, provided by religion. The timing of the Easter Rising was no more an accident than that of the ‘Good Friday’ Agreement. The idea, in particular, of a revolt that would lead to the resurrection of Ireland from its oppression at the hands of an imperial force resonated very deeply with the central stories in terms of which the Irish Catholics understood their lives. Cruise O’Brien notes that “Like Pearse, [Bobby] Sands believed himself to be continuing – in being willing to sacrifice his life for Ireland – the sacrifice of Jesus on the cross. As Pearse did, he saw Ireland as a mystical entity, to die for which – or whom – opened the way for salvation” (416).

These narratives plainly gave and give shape to political action in Ireland, but given the nature of some of this action, it is reasonable to ask whether the shaping power of

narrative is a good thing. Appeals to historical drama raise the stakes of moral action, and, by implication, tend to lower the standards of morally permissible action accordingly. If we see our actions advancing grand historical projects, or interpret their meaning in religious language, then we are comparatively freer to see the officers of the Royal Ulster Police not as human beings but as evil imperial oppressors or the devil's minions or both.

If we are determined to reject extremist violence, then, does it follow that we must abandon the contextualist-traditionalist approach to morality we encountered in Chapters Five and Six? After all, these extremists certainly led *meaningful* lives in MacIntyre's sense: they self-consciously responded to their understanding of their roles in broader historical and mythical/spiritual dramas. Cruise O'Brien himself dwells on the tragic implications of romanticism and mysticism for Irish politics. Is there room here for a reductio of the contextualist/narrativist position?

Let us first of all notice that Cruise O'Brien does not pretend that his own position on Irish politics was arrived at by reflection on abstract principle: he labours to understand Ireland in terms of his own place in its own history, and he attacks from within this historical perspective. He does not pretend that the history is insignificant; he corrects the bad history that is deployed as justification for moral conclusions he resists. As an example, consider his comments about his Catholic father's interpretation of the origins of violence in Ireland:

When my father said that 'the Orangemen brought the gun back into politics' he was omitting the nationalist contribution. It was the nationalist insistence on including the Orangemen in a united Ireland *against their known and fervently declared wishes* that made the Orangemen 'bring back the gun'. But no nationalist, however constitutional, could ever manage to see it that way. I see it that way now because I have ceased to be an Irish nationalist. (8)

This response does not contest the conventional moral principle that originating violence is a bad thing; it contests an assumption of fact, about the causal origin of the current violence,

and connects this fact to another conventional principle which a nationalist could hardly deny, that it is a bad thing for a group to impose its will on a resistant minority.⁴ It can be granted that moral reasoning should begin within the context of inherited responsibilities, or to act in the light of history, so long as we remember that one does not act responsibly in the light of history by clinging tenaciously to an exciting (or palliating) story that flies in the face of the facts.

Once we have seen this, it should be clear that the problem with Pearse's Christmas message is not that it invokes ghosts. Whether we prefer this or another metaphor, we know very well what Pearse means, and indeed we need some way of speaking, however obscurely, about the insistence of the past. There are other problems with Pearse's comments. First, such 'ghosts' do not speak clearly. There is some authority to Bernadette Sands-McKevitt's claims about what her brother would be doing if he were alive; but it is rather more hazardous to say what Wolfe Tone would want us to do, given our current contest. But secondly, and more significantly, there is a significant abdication of responsibility involved in living by the principle that 'you must do what [the ghost] asks of you.' This would seem an especially curious principle to advance in the name political self-determination, since it seems to require a rather slavish attitude with respect to the wishes of dead heroes. MacIntyre's requirement, by contrast, is that not that we obey these ghosts, but that we be aware of their presence, meaning, and influence.

Having answered the charge that a narrativist-contextualist approach is morally corrupt because favourable to fanatics and radical violence, I must now stress that this approach nevertheless may favour violence in certain contexts, and that determining when this is so and exactly which actions will be justifiable requires appeal to narrative. Consider, for example, the following argument from Walzer's *Spheres of Justice*:

The indifference of Britain's rulers during the Irish potato famine in the 1840s is a sure sign that Ireland was a colony, a conquered land, no real part of Great Britain. This is not to justify the indifference – one has obligations to colonies and to conquered peoples – but only to suggest that the Irish would have been better served by a government, virtually any government, of their own. (1983, 79)

Walzer does not draw the conclusion that revolutionary violence in pursuit of self-government would have been morally justified during the famine, and it is important to emphasize that this conclusion is not directly entailed by the above argument. Certainly, however, those considerations are relevant to determining whether revolution may be justifiable.⁵ What is sought is an interpretation of the *meaning* of the relationship between Ireland and Britain as revealed in a critical episode or 'kernel' in the developing narrative of Irish-English relations. As it happens, a story of increasing unity between the two peoples had been developing since the legislative union of 1801 which sent representatives of Ireland to Westminster (Beckett 1966, 280-2), the passing of the Roman Catholic Relief Act in 1829, which made Catholics eligible to take a seat in parliament (304-5), and the passing of the Irish Poor Law in 1838. These measures were necessary, of course, partly because of the long tradition of subjection and oppression traceable through Cromwell and back to the 16th century Tudor conquest of Ireland. By 1840, given events in preceding decades, the character of the relationship between Ireland and England had become less clear: was Ireland on the way to becoming a genuine part of Britain, or was it destined to remain a conquered land? To seek an answer to this question in the historical narrative is obviously not to suppose that the *earliest* events decide the matter.⁶ Origins are often crucial for setting the horizon in which future developments are to be understood, but they are not (or not usually) simple and self-explanatory events, univocal in meaning, uncontroversially revealing the meaning of later events.⁷ In the Irish case, the origins continue to *raise* the question whether Ireland is a

conquered land; they do not *answer* that question. What matters is how the history in question is ‘taken up’ in the present. Where the origins, to the extent we are aware of them, are violent or oppressive, and where individuals in the present find themselves called to the cause of the defeated, actions in the present will typically be treated as the latest act in a tragic drama. The new act will be read as a *continuation*, or as a moment of *transformation*, but not as an episode in a different play entirely. Given the long-standing prominence in Britain of the “Irish question,” the awareness of the scope of the problem and of the inability of the suffering people to address it, the negligence of the British during the Great Famine can reasonably be read as a sign that, despite recent appearances, Ireland remained at that time a conquered land. Under the pressure of extreme circumstances, the character of the relationship was revealed.⁸

This is, then, a historical conclusion, but one of immense *moral* importance. If it is correct, then moral obligations the Irish might otherwise have had toward the British in their midst would be relaxed or nullified. Crucially, though, timing is everything in these matters: the relaxing of obligations is neither absolute nor final, and the ongoing interaction between the peoples can remove the justification for revolt. The revolutionary violence of the late 1980s and 1990s is scarcely justifiable, for instance, given the stage that has been reached in the political and economic institutional structure of Ireland. This too is a historical claim with significant consequences for moral argument about divisive political action.

3. Illustration: Contested Narratives in the U.S. Response to the 2008 Economic Crisis

Consider, now, the role of interpretive repertoires in the critical response to a recent event of immense political significance: the 2008 economic crisis (or, more exactly, the American government’s response to it). The event was cast as a continuation or repetition of

one of two important earlier events in American history: (1) Roosevelt's New Deal initiatives, designed to relieve unemployed workers, to enable America to recover from the Great Depression, and to fend off future economic crises; and (2) The Boston Tea Party, the crucial pre-revolutionary response to 'taxation without representation.' But how exactly were these models used? Is there an appropriate way to justify political decisions as part of a continuous tradition traceable to these key narrative kernels? Or should we treat the use of these models as morally irrelevant political rhetoric or spin?

Obviously, the choice of models is politically motivated and interested. But the current reality constrains the available choices of reference point: there has to be some connection or some similarity that can be potentially exploited, some fit between the current event and the past. The possibility of better or worse fit introduces the dimension of truth or adequacy into the competition between interpretive models: the interestedness of the competitors does not imply that the models they offer are strictly 'subjective,' that our choice between them is unconstrained and capricious. Of course, those who advance the models have an interest in minimizing or concealing differences or dissonances; but once they have anchored their interpretation in a real historical event, they are open to objection in the form of challenges to the analogy they have drawn.

Of these two events in American history, the second enjoys something like the status of an uncontested origin to which the competing Republican and Democratic traditions must ultimately trace themselves. The example of the New Deal, by comparison, is far more controversial: if the argumentative grounds for an activist response to the economic crisis is rooted in this event, the potential for disagreement is comparatively greater, since it is not essential to the American identity to regard the New Deal as an event transforming the material constitution of the United States. Nevertheless, in *We the People: Transformations*,

Bruce Ackerman argues (against the originalist view we met in Chapter 4) that the change in the nature of the American political association instituted by the New Deal reforms amounted to a third ‘revolutionary’ transformation in the country’s constitutional history, the first two being the signing of the Constitution, and the Union victory in the American Civil War. If such an interpretation could be made good, then the hurdle to morally justifying the economic relief package would be considerably lower. Can it be made good?

Ackerman starts with the comparatively simpler task of presenting the Civil War as a second foundational moment in the American constitution. Even here, the task is not easy, since the upshot of that war was merely a significant amendment to the existing constitution, rather than a fresh document. Ackerman sees the Civil War as an event that created pressure to resolve a characteristic pre-war dispute over “the relative value the Constitution placed on state autonomy,” in relation to national autonomy and individual rights (where national power was being deployed against the states, in defence of the rights of slaves). Ackerman argues that this originally fair dispute became resolved through Reconstruction, as the Republicans “had led the People to resolve these issues decisively, replacing them with new problems” (1991, 82). The elucidation (or articulation) and resolution of a constitutional question can be seen as truncating the path of certain past laws and decisions which might conceivably, had things gone another way, have been the ‘kernels’ in a different sort of developing national narrative. The task in the wake of such a transformation is to reread the story of past law in the light of the latest clarifications, preserving whatever remnants of the earlier tradition there are that can survive critical challenges drawn from the new understanding (88-9).

Granted this general picture of constitutional change, then, Ackerman casts the New Deal as a further transformation in American history. Here, the occasion was an extended

economic crisis resulting in suffering of considerable scope. Hampered by the weight of a libertarian tradition of constitutional interpretation, Roosevelt was unable to pass relief legislation. On the strength of his strong democratic support, he threatened to increase the number of Supreme Court judges from 9 to 15, packing the court with judges favourable to more progressive constitutional interpretation, if the current judges did not produce interpretations of the constitution compatible with the sorts of measures he sought to realize (Ackerman 1991, 49; O'Brien 2005, 62). Ackerman characterizes the constitutional transformation thus achieved as democratic, given the publicity of Roosevelt's motives and objectives, and the strong mandate given him through elections.

It seems doubtful, however, whether Roosevelt's decision can be justified in narrative terms. The question of how to balance state, national, and individual interests was a long-standing 'constitutional problematic' in the United States before the Civil War; and one of the obvious justifications for the doctrine of checks and balances was the need to protect the individual from an oppressive government – a deep and abiding feature of American political culture. Since the Civil War primarily concerned individual rights (and secondarily the limits on federal authority to protect those rights against 'states' rights), government intervention to protect them had an obvious (although of course not universally recognized) justification. Roosevelt's activist government, with the extreme threat of executive action to overturn existing law, seems radically discontinuous with the tradition, even granting the Reconstruction a status comparable to the founding of the republic. Straining for some pre-New-Deal substance with which Roosevelt's interpretation of his own presidential role could be made continuous, Ackerman cites the relatively marginal example of American public schools: "With the New Deal, the public schools could take on a new symbolic meaning. They were no longer anomalies, but paradigmatic of the new promise of activist

government” (148). Although at odds with the dominant tradition, these schools had found fertile ground. Once there, they had effects stretching out into the community in subtle ways: organizing the schooling and work lives of many citizens, bringing people together, etc. Eventually, that school system, however anomalous, became woven into the American narrative; and could therefore legitimately claim to represent something really American – not yet something typically or characteristically American, but a real aspect or face of American social-political life. In the wake of the New Deal, this thread can be seen as a sort of prologue to a much more dramatic episode of activist government in American history.

The construction of this ‘public schools’ prologue or pretext in the end strikes us as something more like rationalization than justification. We should not read this as a sign that this approach to justification is wrong, but rather that this particular justification fails. Had the discovery of the public schools example been just one of many similar burgeoning developments, rather than a relatively isolated or unique case, then the justification would be promising. The failure of *this* narrative to justify is thus no reason to deny the power of narrative, since it is our narrative understanding itself that reveals the New Deal to be a tacked-on ending not fitting the American narrative up to that time. The New Deal feels rather like a *deus ex machina*, saving the American people from a fate that their own legal-political order was not, in fact, equipped to handle.

Roosevelt could plausibly claim to have a mandate for change from the American people; but to interpret this as a mandate for reinventing the role of the president and of the judiciary seems hopelessly unjustified. Whether things were so bad that a president could justify moving beyond the limits of justice is a matter of great controversy; and it is just this lack of unanimity that makes the New Deal a problematic event in American history. It can be advanced to justify government intervention, but with less intuitive plausibility and

therefore less force than appeals to either of the two earlier moments Ackerman mentions, or to the pre-revolutionary Tea Party.

Let us return, then, to the use of these competing models in relation to the economic stimulus package proposed in response to the crisis of 2008. First of all, let us note that these two models, the Tea Party and the New Deal, are indisputably the models which have been popularly used, to great effect, to disentangle the perplexing phenomenon of an economic crisis. Historical narratives are being deployed in democratic political argument: one side says this sort of executive intervention is exactly what we fought a revolution to avoid; the other side says this sort of executive intervention is the sort of reasonable, humane intervention fortunately undertaken by Roosevelt. It is worth emphasizing that *this is already the form* of democratic deliberation; so that the proposal to integrate narrative into deliberative democracy is itself continuous with long-standing practice in democratic societies, as the examples of this chapter and others illustrate.

Once the models have been advanced, room for critical reflection opens up in the analysis of similarities and differences. In the case of the economic crisis, we can begin by noting that the Tea Party attempt to cast the stimulus package as an *undemocratic* intervention as undemocratic runs aground on the crucial fact that a presidential election was held in the very midst of crisis, and with that crisis as the central question leading up to the election, by far eclipsing other immensely significant issues such as the war in Iraq and the reform of Health Care. The American people elected the candidate known to be most likely to introduce dramatic relief legislation, the candidate belonging to and claiming the heritage of Roosevelt's Democratic Party. Any supposed analogy between Obama's mandated intervention and the absentee landlordism of the British King with respect to the American colonies is utterly implausible.

The connection to Roosevelt is much more plausible, but in its own way problematic. However problematic its origins, the New Deal certainly did distance American law from its libertarian origins, preparing the way for the dramatic social legislation that Obama would introduce; and so Obama, unlike Roosevelt, did not have to face the stark choice of obeying the law or doing something about a massive social crisis. But the continuity of current action with the established legal-political order does not erase the original violence that founded that order, anymore than it does in the case of European colonization of North America. The original violence is, it seems clear, irreversible – or, at least, the project of reversing things (to the extent it is conceivable) would lead to more suffering and injustice – and yet the injustice of the beginning calls out for witnesses: men and women will be found who view their own regrettable condition as the climax of a story beginning with an indefensible act; the ghosts of the Tea Party return.

What is to be done? Hannah Arendt has suggested that the only possible response to the irreversibility of past injustices is the act of forgiveness – an action that commits us to treating past episodes as *really* past, as belonging to another story, as actions between protagonists who are no longer here (Arendt 2000, 181). In the next chapter, I will discuss in detail the prospects of that turn toward forgiveness and reconciliation, and the role narrative might play there.

4. Illustration: Narrative, Democracy, and Reasonable Accommodation in Quebec

The Bouchard-Taylor *Commission de consultation sur les pratiques d'accommodement reliées aux différences culturelles* was granted in 2007 by Quebec Premier Jean Charest, ostensibly in order to enable increasingly controversial policies of legal and non-legal accommodation of minorities. The *Multani* Supreme Court Case,

concerning the wearing of the Sikh *kirpan* knife in public schools, had grabbed Quebec's attention, and the media responded to this interest by devoting increasing attention to similar cases.⁹ Public interest in the issue has remained strong since the publication of the Commission's report, *Building the Future: A Time for Reconciliation* (2008); and, as I discuss below, a recent controversy over Muslim face coverings was the occasion for legislation meant to draw the line on reasonable accommodation.

Bouchard and Taylor offer an interpretation, or rather a series of interpretations, of the story of Quebec in the form of the 'historical context' that points the way to a certain vision of what Quebec society *should* be like:

[T]he scope of our reflection is delineated by the basic collective choices that Quebecers have made in recent decades and that they seem disinclined to radically call into question in the near future. We are thinking here, principally, of the establishment of a law-based society (*Charter of human rights and freedoms*, legal institutions), which thus respects cultural plurality. Similarly, Quebecers opted simultaneously for a very low birthrate, demographic and economic growth and the maintenance of their standard of living, which has significantly affected policies that favour immigration. They also abandoned in very large numbers and in a very short time religious observance, thereby exposing themselves to the weakening of what is symbolic in their lives. At the same time, they massively embarked upon an identity transition that widened the gap in relation to the French-Canadian identity for the benefit of the new Québec identity. They have also decided (until further notice) to belong to Canada and, consequently, to come under the jurisdiction of its institutions, in particular the *Canadian Charter of Rights and Freedoms* and the Supreme Court. They have undertaken the shift to globalization and, as the common expression would have it, 'openness to the world.' As we will see, all of these choices imply significant corollaries, consequences that are often demanding and occasionally contradictory, but ineluctable, which take the form of compromises and readjustments. (40)

Taking the standard view in Canadian history, Bouchard and Taylor give special status to the Quiet Revolution as a transformational stage in Quebec history – the liberalization and secularization of Quebec society over a period of two decades, beginning with the 1960 election of the Lesage government. In another respect, their narrative is controversial,

particularly with respect to the hotly contested questions over the nature of Canadian federalism: the liberation of French-Quebec society from the authority of the Catholic Church and the Vatican does not obviously imply the existence of a self-determining political community entitled to decide “(until further notice) to belong to Canada.”¹⁰ But assume that their interpretation of the meaning of the Quiet Revolution is basically correct. If Quebec’s gradual movement away from the Church and the creation of its own *Charter of rights and freedoms* emphasizing the liberty of the individual and the equality of all citizens can be regarded as collective choices, then so too must the 1995 referendum be regarded as a choice in favour of the *Canadian Charter of Rights and Freedoms*.¹¹ And if the pursuit of Quebec sovereignty has meant abandoning the earlier notion of a nation of *French-Canadians* (sharing solidarity, for instance, with the Red River Métis),¹² and piggybacking on the compact-interpretation of the Canadian constitution, then there are no grounds for regarding (as in Parizeau’s post-referendum snap at the “ethnic vote”) the votes of non-French Quebecers as somehow less significant than those of the *purlaines*.

We could say that these are among the ‘corollaries’ that structure moral-political argument, which oblige us to make the sorts of compromises and adjustments Bouchard and Taylor promote. A people enjoys the democratic freedom to choose, but the meaning of these choices admits of corrigible interpretation. If we are ready, as Premier Jean Charest and Leader of the Opposition Pauline Marois certainly are, to claim that the democratic movement of the Quiet Revolution has created a Quebec in which gender equality and the separation of Church and State are fundamental values, then we have already accepted that history has this power to constrain choices. If, for instance, we claim that a central feature of the Quebec tradition is the rejection of Church authority and the separation of Church and State, then we must ask, what is the nature of this separation?

Bouchard and Taylor distinguish ‘radical’ and ‘open’ secularism, where the latter is permissive of religious symbols in public space, and the former is not. France has embraced radical secularism, in a manner consistent, it must be admitted, with France’s revolutionary rejection of traditional (including religious) authority and the commitment to a homogeneous public space in which citizens appear and are treated in their universal capacity as citizens (and not in terms of their ‘thick’ moral characteristics).¹³ Having in recent years banned the wearing of religious symbols in public institutions (like schools), the French parliament has recently passed controversial (and possibly unconstitutional) legislation banning the wearing of head-coverings in all public space. Bouchard and Taylor argue that this style of French radical secularism has an “emancipator mission,” advanced with religious zeal. In the past, the French state was officially Catholic and at times hostile even to private worship; now the French state advances the norms of the French revolution as the official morality of French citizenship.¹⁴ The legacy of French Catholicism is visible in this radical secularism: there must be a single, official, doctrinal morality or ‘Catechism.’ Theologically and politically, abandoning official Catholicism and promoting secular ideals obviously means that the Church has been kept separate from the state. From a sociological standpoint, the effects on religious minorities are similar, whether the homogenizing tendency is justified as the promotion of a particular religious or a secular morality: previously, public space was most natural for Catholics, and religious minorities suffered costs of entry; now, public space is most natural for those who practice no religion, and those who practice suffer costs of entry.

In Quebec, the question of face-coverings resurfaced in February 2010. A young woman was asked to remove her *niqab* face-covering so that her language teacher could see how she was forming her words, and in this way help her to master the language. She refused to remove the *niqab* in front of the men in the class. (She was offered the chance to remove

the *niqab* with her back to the class.) For this, with the support of the Liberal government, she was expelled from the school. She was also expelled from a second school in which she had registered. Partly in response to the issue, the Charest government proposed legislation requiring citizens to remove face-coverings in order to vote or to receive health services.

In creating legislation designed to require Muslim women to show their faces in order to vote and in order to obtain services like health care, the Charest government cited Quebec's history of secularism and gender equality, echoing the content of the Bouchard-Taylor report. The decision to make the case in historical terms, in terms of the evolving moral content of a democratic political association, should be taken seriously. It would in principle be possible to affirm the moral rightness of pure equality without referring to history: if men and women should be equal now, and if the concrete realization of this goal depends upon a strong stance against symbols of the oppression of women, then we should take that strong stance, even if there has never been a political movement demanding it. But the government elected to narrate the story in Quebec, in hopes of showing that banning face coverings in certain contexts is not an arbitrary imposition of will by a current government, not a knee-jerk reaction to a complex issue designed to curry support from an irrational mob, but an extension and clarification of the identity and will of the people.

What is most surprising about the public defence of gender equality in this context is the failure to recognize the straightforward fact that the legislation is clearly designed to limit the range of choices that women in particular enjoy in Quebec society: there seems to be tension between the ideal of equality and the ideal of liberty. I argued in earlier chapters that we should resist the temptation to disguise such tensions when they occur, but restraint is not easy, and it is common to address the difficulty by denying that there are costs to freedom here at all. On this story, these women are not really freely choosing to wear the face-

covering, since the face-covering is nothing but a sign of their domination at the hands of men. The *a priori* character of this argument should be a warning, but there, is despite claims about the tradition of women's rights in Quebec, no history of government intervention in the decision-making of other Quebec women whose choices might be regarded as equally inauthentic. There are no laws to refrain a woman from bearing numerous children for religious reasons; there are no laws to prevent women from exotic dancing, etc. Against the background of Quebec history, intervention in the *niqab* case appears not as a natural conclusion to the identified narrative of women's liberation, but as an arbitrary intervention as likely to be rooted more in the fear of cultural absorption as in the defence of gender equality. The narrative which terminates in this interference is not, in fact, a narrative of women's liberation and secularization, but a far less noble story of self-doubt and hostility to difference.¹⁵

The narrative thus fails to justify the legislation in this case. But the failure itself provides an opportunity for illuminating the real meaning of the tradition of gender equality that has been developing. Debate about this topic, among Quebecers, has tended to be self-congratulatory or morally righteous. But we can profit from the construction of this narrative without succumbing to the temptation of the self-aggrandizing narrative of women's liberation. In isolating this theme as central to Quebec culture, the province opens itself to serious critique of its record on gender equality. Does the urgency of persuading women to abandon veils equal the urgency of addressing the poverty of single mothers in downtown Montreal?

If Quebecers look critically at the narrative, rather than treat it with the sort of sacral respect we encountered in our discussion of Ireland, they can raise potentially uncomfortable questions about the fit between Quebecers' self-conception as deeply committed to gender

equality and the actual condition of women in the province. A properly *deliberative* democracy should not, in emphasizing the importance of explicit moral justification for particular decisions, lose sight of the importance of such moments of moral illumination, or the role of narrative understanding therein.

What are the conditions in which such transformation might occur? One of the central themes of the Bouchard-Taylor report is the importance of preserving a shared space for public discourse, and indeed a predominant moral-political tradition against which challenges can reasonably be made and addressed. Bouchard and Taylor are anxious to preserve the dialogical interaction between cultures, arguing that it would be a mistake “to conceive the future of pluriethnicity as so many juxtaposed separate groups perceived as individual islets, which would mean reproducing in Québec what is most severely criticized in multiculturalism” (21).¹⁶ Quebec should pursue ‘interculturalism,’ which “seeks to reconcile ethnocultural diversity with the continuity of the French-speaking core and the preservation of the social link” (19). This reconciliation cannot be achieved, however, on the model of French radical secularism, which invites citizens to leave their ‘partial perspectives’ at the door: “the integration process in a diversified society is achieved through exchanges between citizens, who then learn to get to know each other (that is the philosophy of Quebec interculturalism), and not by relegating identities to the background” (20). To support interculturalism is to reject atomistic multiculturalism and marks “a call for interaction and integration” (39).¹⁷ This is an essential part of their vision of culture as a coupling of “rootedness” and “encounter” (121).

In some insightful comments, spurred by the *niqab* affair, Linda Cardinal has explained the lively public debate over such issues as part of the Catholic heritage of the political community:

Dans les sociétés protestantes, il y avait toujours des sectes protestantes. Alors il fallait trouver un *modus operandi* entre ces différentes sectes. La tolérance et le pluralisme religieux viennent de là, tout comme le laisser-faire. Nous, les catholiques, sommes des communautés de croyants et on fonctionne à l'intérieur de ces communautés. D'ailleurs, l'excommunication est tragique. Ç'a marqué l'espace publique. (Buzzetti 2010)

Cardinal endorses this feature of Quebec society, and contrasts it with what she calls the *fausse tolerance* of English Canada, a stance that leads to the moral laxity of enduring the polygamy of Bountiful, British Columbia. Indeed, the choice of polygamy is an appropriate one to highlight the division between French Quebec and the rest of Canada: to Catholics – and apparently to their post-Quiet-Revolution, secular descendants – polygamy seems morally repugnant, and the tolerance of it in English Canada might be a sign of irreconcilable moral differences. In opposing the fearful silence of atomistic English pluralism and Canadian multiculturalism, Cardinal favours an agonistic, deliberative public space in which moral and political issues are debated.

Have the deliberative proceedings of the Bouchard-Taylor Commission helped to nourish this generative conflict between cultures? The final report is insightful, and in some ways challenging. But what is its impact on Quebec society? Defending themselves against the charge that the meetings simply gave a voice to bigots, Bouchard and Taylor argue that they and others (including journalists) who attended found the proceedings to be of “great value,” characterized by “respectful, articulate comments” which “by far outweighed offensive remarks,” and that this was confirmed by statistics (36). The general perception, due in part to media (some members of whom acknowledged the irresponsibility of some coverage), was, however, that the proceedings were a circus.¹⁸ Bouchard and Taylor regard the offensive remarks of some participants as, in the end, the “price of democratic debate.” But is the price too high? What has it bought?

Bouchard and Taylor argue that Quebecers were seeking an opportunity to contribute to history, to have a say in politics; and they question whether it would “have been preferable to stifle and repress these expressions of discontent and anxiety? These very open forums reflect a desire, apparent the world over today, to counter the democratic deficit by fostering public debate and citizen participation” (37). These comments about anxiety, discontent, feelings of alienation in the modern political order, belong to what we might call a therapeutic conception of the forum, as an opportunity for powerless citizens to get things off their chest, to feel that they have a voice. There is indeed a desire to counter the “democratic deficit” in this way. But Bouchard and Taylor offer a false dilemma: either open forums or repression of political energies. Various other avenues for political engagement are available: political parties, NGO’s, demonstrations, etc. While these other avenues involve less interaction with those whose views are very different from one’s own, and perhaps therefore promise less opportunity for improved understanding across divisions, they are also potentially more effective as a means to advancing one’s own moral-political views (and participation in them does not need to be unthoughtful or irrational). It is worth keeping in mind the possibility that deliberative forums siphon off political energies in a non-political direction. Presenting themselves as opportunities for public engagement, they might, in the end, be matters of the individual soul, opportunities for therapeutic – or *confessional* – purgation.

It might be argued that such personal transformation is, in fact, the real source of political change. Bouchard and Taylor do emphasize the educational value of participation as an important effect of deliberative participation (38). Such a hypothesis is, of course, rather difficult to evaluate. On the face of it, it does not look, so far, as though Quebecers have undergone a self-reflective transformation as a result of this exercise in deliberative

democracy. Perhaps the fragility and fear for the future of the community in Quebec undermine hopes of a frank, self-critical examination of the people's identity. As with individuals, so may it be with communities: to pursue truth about oneself, one must be fearless, humble, hopeful, and mature enough to speak frankly of one's weaknesses and sins. If this is right, we can preserve a strongly participatory deliberative democracy as an interesting ideal, perhaps within the grasp of certain advanced democracies, and then sometimes worth the risk. But we would have reason to doubt the value of open forums as a way of uniting a divided public.

Political communities, like individuals, exist in a moral space, determined by inherited debts and unresolved tensions, invested with the dreams of human beings now gone. It is therefore appropriate that we employ the categories of loyalty and betrayal to assess not only our relationships to our contemporaries, but also to past and future generations; and the enduring effects of past betrayals and wrongs create the need for a politics of restoration or reconciliation. Since deliberative democracy presents itself as a way of restoring or unifying a broken or divided polity, a discussion of deliberative themes in relation to political reconciliation should serve as a fitting conclusion to this thesis. To this task I now turn.

CHAPTER TEN:

HISTORICAL JUSTICE, DELIBERATIVE DEMOCRACY,

AND THE FUTURE OF LIBERALISM

1. Introduction

Politics sometimes requires us to dig in our heels and resist, but it also calls upon us to seek common ground. While the latter imperative suggests the ‘moral’ dimension of politics, moral theory has not always served us well in this regard. I have argued that a significant part of the problem has been a tendency toward abstraction, and I have tried to outline the key features of the contextualist alternative. This alternative resists speculation about ideal hypothetical consensus on a moral geometry, and directs us instead to work harder to understand the views of our real political allies and foes. Moral reasoning will require us, inevitably, to reflect on our practice and criticism, and for this purpose moral principles will of course be useful. But we cannot make sense of our current goals and options in morally difficult circumstances except by using the ‘thick’ concepts of our moral discourse, leveraging our interpretive – that is, prejudiced, but rationally revisable – understanding of our institutions, practices, and values.

The emergence of deliberative democracy, as we saw, is a liberal response to the problem of cultural pluralism, offering a more accountable and inclusive version of liberalism: more accountable, because it seeks to tie political decision-making more tightly to the actual content of public discourse; and more inclusive, because it offers an immediate platform available to vulnerable citizens lacking the time, money, or skills, or opportunity necessary for successful manipulation of other political levers. The major deliberative theorists have been subjected to criticism on both of these counts, particularly by those

radical theorists we met in Chapters Three and Four, who proposed (each in his or her own way) that deliberative democracy could realize its objectives if it were freed from its liberal-constitutional commitments.

I agreed with those radical deliberativists that a more contextualist, narrative approach to democracy is needed if deliberative democracy is to fulfil its promise. But I challenged, from a perspective they would rightly regard as substantively liberal, their more radical claims about culture and identity. Over the last several chapters I have been developing and illustrating the contextualist, narrative approach suggested by the radical deliberativists. It remains to be seen whether a narrative-based and history-oriented version of deliberative democracy, influenced by this cultural and identity-based critique, can be presented as a fruitful next step in the tradition of liberalism.

In the space remaining, it is not possible to answer this question completely, but it seems appropriate to flesh out the sort of liberalism that is meant to be compatible with a narrative-oriented deliberative democracy. My strategy is to examine the move toward ‘historical’ justice, which involves a narrative dimension, and the ‘politics of reconciliation,’ with its connections to religiously inspired stories of human community and salvation. We can test our intuitions about the fit of deliberative democracy and liberalism by examining these developments, generally welcomed by deliberativists, from a liberal perspective. Gutmann and Thompson, for example, have identified the South African Truth and Reconciliation Commission as an example of deliberative democracy in action, while cautioning that the notion of reconciliation must, if liberals are to embrace it, be freed from any connection with comprehensive religious perspectives. Is the concern for the kind of community signalled by the term ‘reconciliation’ problematic for liberalism, suggesting more unity of purpose and harmony of public morality than a real commitment to personal liberty

permits? Does the preference for harmony and peace, over punitive or retributive justice, amount to a repudiation of a basic element of liberalism?

I will begin by locating the issues in the Canadian context, by examining a classic instance of liberal resistance to the quest for ‘historical justice,’ and linking this resistance to an unsustainable interpretation of our current situation as discontinuous with the past. I then go on to consider one way in which liberalism might try to establish this continuity, but I argue that this approach, although promising, risks misrepresenting the way in which many people experience the burden of the past.

2. Historical Redress or Justice ‘In Our Time’?

In the Canadian context, the *locus classicus* for the debate over the politics of memory is the 1984 exchange between Prime Minister Pierre Trudeau and opposition leader Brian Mulroney over the state’s moral obligation to apologize to Japanese-Canadians for wrongs committed against them during the Second World War (internment, deportation, etc.). In their book on Ukrainian-Canadian redress, Kordan and Mahovsky summarize the debate:

In 1984, during a heated public exchange on Japanese-Canadian redress, Prime Minister Pierre Trudeau chastised the leader of the opposition, Brian Mulroney, for ‘trying to take one wrong out of Canadian history ... make great speeches about it and say that we’re going to deal with this particular problem because there’s a particular pressure group now.’ Trudeau dismissed Mulroney’s support for redress as crass opportunism. He claimed that there were numerous historical wrongs about which one ‘could mount pressure groups,’ and he concluded, ‘I don’t think it’s the purpose of government to right the past ... It cannot rewrite history. It is our purpose to be just in our time.’ (2004, 45)

Under Mulroney, Japanese-Canadians would eventually receive their apology, and a series of other public apologies in Canada has since followed, including apologies in recent years to those aboriginals who suffered as a result of the Canadian ‘residential schools’ system, to

Chinese Canadians for the Chinese ‘Head Tax,’ and to the victims of the Air India hijacking. These Canadian examples are part of an international trend, e.g., the Australian apology to the ‘stolen generations’ of aborigines, the British apology for negligence during the Irish famine, the Vatican’s apologies to Jews for the Church’s behaviour during World War II. Despite Trudeau’s reservations, there was and continues to be an appetite for historical justice, and demands for redress are growing more common. Even if we are convinced that this is the right direction to move in, however, it is worth pausing to see what exactly is wrong with Trudeau’s position.

At first glance, Trudeau’s argument has some appeal. It joins political realism to moral idealism in a natural and compelling way. Trudeau feared that the inevitable play of political interests would compromise the genuine ideals of truth and justice behind calls for redress. Justice would be compromised because certain groups would be unfairly singled out for apology (and often financial reparations), receiving rewards not because they are especially deserving, but for crudely political reasons. Truth, too, would be compromised because apology involves some form of revisionist history. Linked to these concerns there is a familiar liberal interpretation of the nature and rightful role of governments and of individuals: government should aim at justice in the present, and resist the temptation to participate in the individual’s personal project of healing or grieving over loss.

The worry about the rewriting of history recalls the brainwashing made famous by Orwell’s *Nineteen Eighty-Four*: now that we are at war with country X, we shall have to destroy evidence of our history of friendly relations with it, rewriting historical facts to fit our political purposes. But this clearly is not the sort of rewriting involved in the ordinary pursuit of historical justice, which can honestly claim to be seeking to ‘set the record straight.’ In the case, for instance, of Japanese-Canadian internment, we can see that, far

from hiding what is uncomfortable for the governing power, the call for an apology is meant to bring *certain uncomfortable historical facts to light*. History, conceived as our narrative about past events, is certainly being rewritten and revised; but historical facts are not, in the case of Japanese-Canadian internment, being denied, hidden, minimized, or illicitly spun.¹ This sort of rewriting is not only morally permissible but morally necessary wherever the dominant account of the past has been distorted to serve the ends of powerful past or present political interests. Indeed, part of the rationale for public apology is that the state, in recognizing wrongs done to past victims, adopts the victim's point of view on the action – precisely what the offending government did not do.²

Looking more carefully at Trudeau's comments, however, it is clear that they are not intended to deny the moral legitimacy of 'rewriting history' but to question the assumption that it is *government's* business to do so, and this seems more plausible. Engaging government in the politics of memory might lead to impressionistic, unsystematic, or otherwise barbarous popular history, needlessly politicizing the pursuit of historical truth by historians, and perhaps *undoing* some of the justice that was in fact done.³

Still, Trudeau's main concern does not seem to be that of either preserving the virtue of truth or protecting the state from an examination of its dirty past. He seems mainly concerned about the likely effects on the pursuit of justice *in the present* by attempts to redress this or that historical wrong. Canadian history (not, of course, unique in this respect) is littered with similar wrongs; and yet one wrong is unfairly singled out for special attention. Since claims of financial redress can follow calls for public apology, there is the potential for interest groups in the present to exploit a government committed to demonstrating its moral integrity. Yet if the state has committed historical wrongs, it should hardly be excused from

recognizing and making reparations simply because it is hard to compensate all victims equally.

Even if we grant, however, that the state incurs a moral debt to citizens it has wronged, one might question whether the way to recognize or demonstrate awareness of that wrong is to single out one particular group or individual for apology. In referring to the government's purpose as that of being just in its own time, Trudeau might be taken to mean that the state has no need to redeem itself before citizens it has victimized. But might he instead be taken as meaning that the state's redemption has already come, in the 'impersonal' enacting of the Constitution Act of 1982, with its *Charter of Rights and Freedoms*? The *Charter* does not specifically refer to historical events but it – like all other similar charters – could reasonably be regarded as a 'response' to all those victims of state power who protested against unjust treatment (e.g. the Charter's provisions concerning aboriginal Canadians). In effect, in introducing such a Charter, a government acknowledges that those suffering individuals were in the *right*; to endorse such a Charter is in itself to take a stand against the actions of, for example, Mackenzie King with respect to Japanese-Canadians (among others) during the Second World War.⁴ Such an abstract or general response might be the only legitimate one for a government committed to leaving the personal or intimate sphere of individual suffering outside the reach of government action.

This 'narrative' interpretation of the significance of a Charter of Rights – distinct from the treatment of it as an approximation of ideal justice – seems promising. But there is nothing in Trudeau's comments to suggest that this is the way in which he conceives of the *Charter*. It seems much likelier that Trudeau would deny that governments inherit any historical obligations to correct the wrongs of the past, that they are responsible or 'accountable' for the sins of past governments. Such a view might seem uncompassionate,

but if it implies a courageous readiness to be *fully* accountable for the justice or injustice of one's own actions, not to be bailed out by later generations, then it has some moral power. Each person must be just in his or her own time; to be just is not to pay off any inherited, outstanding moral debts, but to live in accordance with the right set of moral principles. Knowledge of what others have done – in the past or in the present – might make it easier to discover the right principles (since they will have been tested many times over); and so we are better situated in the present than at any time in the past to see things clearly.⁵ But in that way what we are trying to discern is the right set of abstract moral principles, rather than any particular historical debt or obligation we might have. The 'state' is like a machine driven by particular individuals. If they roll that machine over a citizen, then they must be held responsible. When those guilty of such wrongs are replaced by new individuals, the moral slate is wiped clean: the latter have no responsibility for the crimes of the former. To be just, all they have to do is avoid running over other people.

This vision, happily, avoids the romantic idealization of the state as a metaphysically special entity over and above the individuals of which it is made up. It is, however, a vision that exists in tension not only with the ideas of citizens – who do increasingly call for governments to offer apologies for past state action – but also with the idea of law: machines, after all, may come with an instruction manual, explaining how things work, but they do not come with a constitution, which expresses an evaluative orientation and specifies the nature of the rights of and relationships obtaining between citizens. Thus, *subjective features*, like citizens' self-understanding, and *objective features*, like the constraints imposed on action by inherited law, together suggest a conception of the state as having moral continuity over time, leaving open the possibility that governments might be accountable for past wrongs.

To the extent, then, that liberals share Trudeau's worries, our argument has shown that they may have less to fear from historical justice than it first appeared. But even if historical redress involves no affront to history, and we can respect the notion that victims of state action are owed justice, there remains a difficulty. For it is, of course, the *descendants* of persons historically wronged who make a claim on the state; and if their claim is honoured, the debt will normally be paid by individuals who were not responsible for the original crimes. This would seem to pose a difficulty for liberalism's commitment to individualism. Inevitably, we encounter questions concerning communal or collective guilt and responsibility. I take up these issues in the next section, distinguishing an approach to collective responsibility that fits reasonably well with liberal individualism from a somewhat more problematic approach which, however, seems to better capture the moral reality behind claims of historical redress and reconciliation.

3. A Liberal Approach to Historical Justice?

The idea of 'collective responsibility' is problematic for liberalism, since that idea appears incompatible with the liberal commitment to individualism. A person should not be viewed as merely an instrument through which supra-individual entities (e.g. churches, corporations, historical processes) realize their aims. Where conflict between the will of an individual and a collectivity occurs, liberal loyalties will be to the individual. In return, the liberal asks something of individuals: to accept responsibility for their free actions. This means that individuals will not ordinarily obtain impunity by casting *themselves* as vessels through which non-individual some institutional or collective force is working: crimes cannot *typically* be blamed on social class, culture, or religion. The concept of collective responsibility and related concepts like collective guilt and shame do not obviously fit this

scheme of moral relationships. By definition, collective responsibility involves the idea that an individual has to take responsibility and pay (in word or deed) for a wrong done by someone else. There are, of course, standard cases in which *paying for the other guy's crime* does not seem unfair: namely, those cases in which that someone else is one's agent or one's ward. For example, when a corporation or a government does evil, it seems fair that those who pull the strings pay in some way for wrongs committed by their employees, since it is part of the responsibility of the executive to direct the actions of those employees.⁶ Similarly, parents are uncontroversially expected to pay for damage done by minors in their care. At least when children are minors, there is nothing unjust about the idea of 'the sins of the son being visited upon the father.' It is, rather, the traditional idea of the sins of the *father* being visited upon the *son* that strikes liberals as unfair. But this, of course, is what the form of collective responsibility envisioned by proponents of historical justice seems to involve.

Daniel Butt has sought to make the idea of historical responsibility palatable to liberals, whose "commitment to methodological individualism [...] suggests that individuals can only be held responsible for their own actions (or inactions), and not those of their predecessors" (2006, 357). Butt offers an alternative to attempts to link responsibility through "respect and affection," "active association," beneficial consequences, or "by recasting historical injustice as a failure to create appropriate transgenerational commitments to other societies" (358). He argues that responsibility for historical wrongs – even those in the distant past – follows naturally from the assumption that we can hold citizens responsible for the actions of their current government. This assumption is in principle consistent with the idea of holding 'principals' responsible for their 'agents.'

But do we really think that boards and shareholders should be held responsible for the delinquent actions of executives? Is it practical to hold a people responsible for the

delinquent actions of political leaders? As a society becomes more democratic – that is, as the people enjoy more control over the actions of their government – it seems reasonable to say that their moral responsibility for the actions of their government increases correspondingly. The ordinary Soviet peasant under Stalin’s dictatorship, on this view, is comparatively *less* responsible for the crimes of the Soviet Union than the ordinary American citizen for the actions of his government during the twentieth century. The latter enjoys many more opportunities, at far lesser cost, to exert political pressure: this is, after all, part of what it means to call Americans (relatively) a free people. In happy circumstances, the decision not to exert that pressure will be mostly insignificant from a moral perspective. But if negligence leads to great evil, then the question of personal responsibility inevitably and rightly arises. If ‘collective responsibility’ means that the individual is at least to some degree responsible for crimes in such cases, then we can validly conclude that liberalism makes room for collective responsibility.

What, though, of historical responsibility? Here, there is no obvious link between the free choice of a citizen and the evil done, since the evil was done by others in the past. Butt argues, however, that the link between collective responsibility and historical responsibility can be established.⁷ Imagine a situation in which a democratic state unjustly dispossesses another state of some land. The citizens of the offending society thus bear responsibility for that crime. What does such responsibility entail? It seems plausible to say that it entails that citizens are morally obligated to do what they can to try to return the land to its original owner. Notice, now, that the beneficiaries of the injustice are not only those who chose the offending government. For example, minors at the time of the dispossession could not be held responsible for the original wrong. When they reach adulthood, however, they continue to profit, knowingly, from the stolen value, and acquire a responsibility to act for its

restoration. Eventually, the community will consist only of citizens who were minors at the original moment of dispossession. None are guilty of the original crime; but all are guilty of knowingly profiting from it.⁸ Every year, a new group of minors reaches political maturity and acquires a responsibility to act in ways that restore the original value; and so on indefinitely into the future, with no break in the chain of responsibility.

Of course, populations change and grow in incredibly complicated ways,⁹ making it difficult to know *who exactly is a rightful claimant* of the value lost thanks to the original injustice (assuming we could decide what would count as fair compensation).¹⁰ Nonetheless, Butt's argument, absent further challenges, suggests that the fit between liberalism and historical justice, in theory at least, is better than it first appeared. The theoretical argument remains pertinent even though there are probably insuperable obstacles to correcting the wrong in a *fully* adequate way.¹¹ It might be debated whether the argument is strong enough to justify compensation, but it seems solid enough to justify symbolic acts, e.g. some form of public apology or public memorial, designed to redress historical wrongs. This would be a second- (or even third-) best sort of historical justice, but that is better than nothing.

This is one way for the liberal to 'earn' the concept of historical responsibility. It offers a way of understanding the feelings of responsibility for actions carried out by others – or, on the flip side, of feelings of personal victimhood among descendants of those originally wronged. This may be all the liberal needs. But it is worth asking whether our sense of collective responsibility is really linked to the idea of an unbroken chain of individual moral responsibility.

4. The Burden of the Past

However promising Butt's argument for the justice of punishing individuals today for wrongs in the past, it might be doubted that the descendants of people wronged in the past see their case resting upon success in establishing the continuous record of wrongs invoked by Butt. That approach involves the (individualist) assumption that there is a gulf to be crossed between ancestor and descendant. This assumption might strike us as perfectly natural, except that some people (often in emotionally intense political conflict) seem to feel the presence of history in a rather different way. Consider, for instance, Michael Ignatieff's perceptive comments about the 1990s strife in the Balkans:

[...] the past continues to torment because it is *not* past. These places are not living in a serial order of time but in a simultaneous one, in which the past and the present are a continuous, agglutinated mass of fantasies, distortions, myths, and lies. Reporters in the Balkan war often discovered, when they were told atrocity stories, that they were uncertain whether these stories had occurred yesterday or in 1941 or 1841 or 1441. For the tellers of the tale, yesterday and today were the same. Simultaneity, it would seem, is the dream time of vengeance. Crimes can never safely be fixed in the historical past; they remain locked in the eternal present, crying out for blood. (1998, 186)¹²

Recalling Trudeau's comments, one might put things this way: the idea that the wrongs of the past are not an issue for us (because they are 'before our time') will seem appropriate only to people who do not see their situation as part of this 'simultaneous' time to which Ignatieff refers. Of course, it remains open to a liberal like Trudeau or Ignatieff to argue that the peace we morally strive for *requires us* to take up the past in one way rather than another: we should abandon the mythic time of 'simultaneity' for 'serial' historical time, precisely because people who live in that time of myth, fantasy, or dream find vengeance so tempting.

Everyone, including those living in the time of 'simultaneity,' wants to be free from the burden of the past, but there are different ways of conceiving this freedom and correspondingly different ways of seeking it. It seems essential to the liberal commitment to

individual autonomy to envision a society in which individuals do not find their pursuit of self-realization stifled by the need to play out a role in a broader historical drama. But this commitment to autonomy and self-realization is not shared by everyone, nor is it recognized as desirable by everyone. Someone who understands his or her life in terms of the burden of the past will be less inclined to regard his or her own self-realization and autonomy as morally most important. He or she will not be persuaded to leave the past behind on the grounds that its horrors impede self-realization. For such people, if freedom is to be had, it must be achieved not by forgetting but by resolving the tensions of the ongoing narrative. Liberals should acknowledge this, and find ways of communicating with people who are like that, rather than wistfully wishing that people would wake up from their tortured dreams. If we are genuinely realistic about politics, we should not expect fantasy to go away. Indeed, expecting people to shrug off their history is a fantasy in its own right.

Moreover, it is a significant moral oversimplification to see the fact that people live in this time of ‘simultaneity’ as *nothing more than* an unfortunate, inevitable constraint on our pursuit of self-realization and justice. The refusal to let go of past wrongs can be a sign of moral integrity. There are, therefore, reasons for respecting people who feel the weight of the past, and for criticizing people who act as though they were at a safe distance from historical atrocities. Our connection to the evils of the human past does not seem to need mediation via the continuous line of causal power and moral responsibility typical of Butt’s account. For example, we can feel that we as human beings are diminished or stained by the past, as we do in the case of events like the Holocaust, whether or not we can trace a causal chain from ourselves back to the criminals or the victims of that terrible crime.¹³ We can be ashamed as well as proud of our collective achievements, which we quite naturally take as carrying meaning about the significance of our own lives as human beings, or as Canadians,

etc.¹⁴ The violence that can result from living our lives in the time of simultaneity is only part of the story. Leaving the past behind, assuming it were possible, might be also be a way of leaving oneself behind, and one may wonder whether this is not too great a price to pay for freedom or for peace.

5. Reconciliation and Public Reason

Trying to make space in liberalism for the pursuit of interpretations of the burdensome past is, of course, no easy task. The very idea of seeking justice for people who are no longer here to experience it already suggests an idea of rescue or salvation that points toward the sort of comprehensive religious doctrines liberals are normally disposed to block from public life: “The redemption of the soul ought not be the aim of politics” (Griswold 2007, 172). The issues have come out clearly in the debates over the politics of reconciliation. Gutmann and Thompson, for instance, are outspoken proponents of ‘Truth and Reconciliation,’ and see such examples of public discourse as fitting into their conception of deliberative democracy. A deliberative approach to reconciliation can, in their view, move us beyond the mere *modus operandi* for which pluralistic liberal states are so often criticized, and help supply some of the glue needed to hold diverse or divided peoples together by engaging citizens in discussions that resolve some problems, or at least build up social capital of trust and respect.¹⁵ But, like other liberals (see VanAntwerpen 2008, 24), Gutmann and Thompson are anxious to resist the richer, theological interpretations of ‘reconciliation,’ such as that associated with Archbishop Desmond Tutu and the South African Truth and Reconciliation Commission (TRC), and call instead for a secularized concept that is not tied to any comprehensive moral doctrines. Moreover, they warn that theological approaches to reconciliation sometimes aim at a strongly unified citizenry or

“comprehensive social harmony,” an idea they regard as profoundly ‘illiberal’ (See Bashir p. 41).

To support reconciliation *at all* is already, in the view of some, to compromise an essential liberal commitment to retribution for criminal injustice. In supporting reconciliation, Gutmann and Thompson move one step in the direction of Daniel Philpott’s description of a revised liberalism compatible with the concept of reconciliation. Philpott sees a deep tension between liberalism and reconciliation. Resolving it would require revising liberalism to accommodate, in VanAntwerpen’s words, “a chastened version of the public-private distinction, no strong requirements for public reason and openness to concepts rooted in more particular comprehensive views, including religious views,” in addition to the softened view on retribution mentioned above (44-5). Gutmann and Thompson’s support for argument about cases like abortion suggests that they are prepared to give a little on the public-private distinction, but they take a firm stand in favour of public reason.

The position of the current thesis is that there is no way to determine *a priori* what counts as ‘public reason’: public reason should be viewed as the product of political discourse, rather than as a precondition for it. Public reason is, firstly, *the public’s* reason: it gets its substance from the problematic issues with which citizens find themselves preoccupied, and from the grounds that people offer each other and recognize as binding. Widely felt needs for public memorial and for the symbolic restoration of the moral integrity of the community cannot be dismissed out of hand simply because the meaning of these demands gets an interpretation in comprehensive moral views. If and when we resist these claims, we should do so by spelling out how recognizing *that particular need in that particular way* gets us into this or that bit of trouble. There should thus be no blanket refusals to listen, on the grounds that someone is speaking from a religious perspective. Rather than

conceive of comprehensive views as having to pass a once-and-for-all litmus test of liberality or liberalness (a test that *would* require a Rawlsian-style theory of justice), we see particular political solutions as emerging from debates in which a secular liberal might have some things to teach, and something to learn from, people of faith.

The familiar way of interpreting the ‘legitimation crisis’ of liberalism is to see the difficulty as one of convincing those dissenting pluralistic groups of the correctness of liberal norms. The obvious condescension involved in this view has not been lost on those who see themselves as opposed to liberalism. The original position, deliberative democracy, neutrality, public reason: these concepts or theories are designed to answer the question, *why should we accept liberalism?*, and they do so by stressing the fairness and readiness to listen to reason on which liberals pride themselves. I have argued that the fairness and rationality of these theories are subject to some doubt.

What, then, are liberals to do? As a way of addressing the charge of hypocrisy, it would seem appropriate for liberals to shift attention to their history, if not to replace their emphasis on sets of principles, then to enable them to take stock of what liberalism really has meant and what it really does involve. We can understand the demand for *particular* historical apologies to wronged individuals and groups in this way. The descendants of those individuals can reasonably ask their state to make its position with respect to those wronged citizens clear, by acknowledging the moral limitations of that past government. The allegiance of those demanding apology is, in the first place and rightly, to their lost loved ones, who were unjustly regarded as beyond the protection (or even as enemies) of the state. The appeal to the current state is: *will you treat us as you treated them? Show us where you stand.* In recognizing its historical wrongs, the current state becomes a place in which its past victims could, if they were here with us today, live without fear.

6. Conclusion

The argument of this chapter completes the argument of the thesis as a whole, which can be summarized in this way. The branch of deliberative democracy associated with Rawls, Habermas, Gutmann and Thompson, and Cohen, takes its *raison d'être* from a recognized need to justify liberal norms to those who resist them, i.e., to take up the challenge of cultural pluralism. To the extent that this challenge needs a solution, that is because there exist groups whose allegiance to liberal democracy is insecure. Deliberativists seek to secure allegiance by offering reasoned arguments, but they assume an *a priori* understanding of public reason and, more broadly, of what is to count as a rational participant, which subtly excludes the very people the theory set out to address. In other words, in that form, deliberative democracy simply *cannot* reach the people whose present unreachability poses a problem for liberalism. The discussion concerning historical justice and reconciliation is an appropriate example in this case: one can try to account for these phenomena strictly in the terms of liberal individualism, but the adequacy of that framework for grasping their meaning is doubtful. The liberal view that competing interpretations of these phenomena should be ignored if they are tied to 'comprehensive moral frameworks' prevents a properly deliberative democracy, which should attend to how others interpret things and build up a body of publicly accepted reasons, or shared ground, out of that. If liberals are not seriously going to *listen*, then they should not embrace deliberative democracy at all.

CONCLUSION

In this thesis, I have sought to reorient the theory of deliberative democracy around a broader understanding of what public rationality really should involve. Taking up an insight from radical critics of mainstream deliberative theory, I have argued that narrative and historical understanding should have a prominent role in democratic discussion, and tried to sketch the contribution that such understanding might make to certain complex political questions.

The theory of deliberative democracy has faded somewhat from focus in political theory, under the weight of the sorts of criticisms I discussed in the first half of this thesis. But the debate remains alive in various closely related areas of research, on topics such as liberal neutrality, multiculturalism, public reason, religion in democracy, political forgiveness, and reconciliation. I have tried to weave these subordinate storylines around the central plot of a transformation in deliberative democratic theory.

As I have told the story here, the prominent version of deliberative democracy was an attempt to respond to a gradually eroding substantial public *ethos* under the pressures of multiculturalism. On the one hand, liberals faced radical criticism of the adequacy of their institutions and laws for addressing the problems of marginal groups and cultures. Conservatives, on the other hand, criticized liberals for giving in to such challenges and undermining traditions conservatives viewed as essential for meaningful community life. In the face of such intense disagreement, which seemed to test the power of liberal principles to secure the basic legitimacy of the political order, liberals developed the idea of democratic deliberation: create conditions in which the warring factions can argue their way to the consensus that seemed to be evaporating in the age of reasonable pluralism.

The first version of deliberative democracy was, however, ill equipped to address the problem of cultural disagreement. Shaped by a Kantian conception of rationality and morality, deliberative democrats did not succeed in adequately characterizing the depth of the problem of pluralism; and their conception of rational argument, on the model of Rawlsian moral geometry and justification, was consequently inappropriate. Liberal-constitutionalist deliberativism thus suffered severe and largely persuasive criticism from radical theorists. But these radical critics suggested a possible way of refocusing deliberative democracy that would make it adequately inclusive and more likely to achieve the mutual understanding across difference that inspired the theory in the first place.

Their suggestion was to abandon Enlightenment prejudices about morality and rationality, and to explore the potential value of modes of communication regarded with disdain in the modern period as merely rhetorical. Stories, for instance, seemed to offer insight into the worldviews and decisions of people we might otherwise find incomprehensible. But as theorists offered no sustained treatment of the possibilities associated with narrative discourse, it was unclear how far one might go in reinterpreting deliberative democracy, and indeed democracy more generally, in narrative terms.

In this thesis, I have closed this significant gap in the literature on deliberative democracy. The account of narrative I have developed here addresses a series of deep philosophical challenges to the prospects for narrative in political argument. I offer a sustained philosophical defence of the rationality of narrative, within a broadly contextualist approach to ethics; I situate the discussion in connection with current findings in empirical science; and I illustrate at length the practical utility of narrative for illuminating complex value conflicts and for structuring the criticism and justification of particular moral and political decisions. The result is a dramatic reinterpretation of the deliberative democratic

project, less ambitious than the original, but tied more tightly to real political conditions of conflict and disagreement, and so better able to help us to seize what genuine opportunities for mutual understanding there are.

NOTES

Introduction

1. One commonly discussed explanation of the distorted scientific findings was the failure of scientists to draw on relevant ‘local knowledge,’ e.g. in patterns of cod migration, in their experimental design. In her study on the communication failures, Corbin gives some credence to this view, while also suggesting possible misunderstanding and misrepresentation by the Department of Fisheries and Oceans, and blaming the fishing industry for ignoring warning signs (Corbin 2002). In her conclusions, Corbin notably suggests that better fisheries management would be possible through “the creation of an ideal speech situation and the political will to encourage universal participation.”

2. While this distinction should be drawn, it should not be drawn *too sharply*: our sense of what we should do is bound up with our understanding of what we can do; and, of course, at some point in our deliberation, if we are to act at all, ‘should’ must blend into ‘will.’

Chapter 1

1. “A conception of justice cannot be deduced from self-evident premises or conditions on principles; instead, its justification is a matter of the mutual support of many considerations, of everything fitting together into one coherent view” (19).

2. Thus the concern that the method Rawls proposes here is question-begging and thus irrational (Kymlicka 1990, 67-8; Aronovitch, 1996; Norman 1998).

3. Even if that pretence did not aggravate existing dissent, there would be reasons for liberals themselves not to risk too much on the idea of a Rawlsian-style moral theory. It wrongly suggests that the way to defend one’s political orientation is to ground it in a theory of justice, and it raises the stakes for failure to achieve consensus: if we are led to believe we *need* a theory of the kind Rawls proposes, and cannot find one, then we may be more inclined to adopt a sceptical attitude toward our moral commitments. I return to this issue in Chapter Five.

4. Misunderstandings are not restricted to strangers: there are vicious feuds between brothers, families, neighbours, and neighbouring communities. Bernard Yack writes convincingly against romantic nostalgia for small community (1993, 15).

5. Rawls expects other philosophers to correct his bias, but this may not suffice.

6. Baldly stated like this, such a claim will raise eyebrows, but it seems to me sound. It is compatible, of course, with the idea that a lie can sometimes be a very great wrong, and

also with the view that habitual lying and deception are grounds for sharp criticism in politics.

Chapter 2

1. Ian Shapiro argues that: “Any credible defense of deliberative democracy in the American context would have to show how deliberative institutions would be any less corrupted than are existing institutions by those with the resources to control agendas and bias decision making, and that it would merit its cost” (2003, 24). If it is sincerely to be expected that speaking in a public forum should promote broader interests, then it must be explained why it is that ordinary political representatives often exercise their votes without much regard for the common weal. Consider, for example, the Bloc Québécois principle of voting strictly in accordance with the interests of Quebec.

2. ‘Agency problems’ occur where a person (the agent), who has accepted a duty to act on the behalf of another (the principal), makes decisions that promote his own interests rather than the principal’s interest. The practical question is how to ensure that the interests of the agent remain aligned with the interests of the principal.

3. His view, for example, seems broadly consistent with the reasoning of the Supreme Court of Canada with respect to the appeal by the family of a Sikh boy who had been required to remove the ceremonial knife (*kirpan*) by his public school (*Multani v. Commission scolaire Marguerite-Bourgeois*, [2006] 1 S.C.R. 256, 2006 SCC 6.) The appellant successfully argued that the requirement to remove it was a violation of his section 2 right, under the Charter of Rights and Freedoms, to freedom of religion.

4. The term ‘undemocratic’ might be applied in the first place to *particular* policies or aspects of a state’s constitution, rather than to the state as a whole. One might then call a *state* ‘undemocratic’ if it is too far away from an ideal model, such as the one that Cohen is seeking to articulate. Cohen’s mode of argument suggests that the leverage for criticizing other states comes from our possession of a concept of democracy defined in terms of necessary and sufficient conditions, which would demarcate true democracies from impostors. If, by contrast, we take a Wittgensteinian ‘family resemblance’ approach to the variety of democracies, Cohen might say that we risk undermining the critical power of the term, since the countries targeted by our criticism will be able to say that their questioned practices are simply part of their own unique style of democracy. By way of response to this, we should emphasize that there are other ways of criticizing states apart from calling them undemocratic: it is a perfectly good criticism in its own right to say that people in a state cannot freely practice their religion, and the badness of preventing people from doing so does not need to be tied to its effects on, say, voting. We might in fact improve the critical power of the description ‘undemocratic’ by *restricting* its application more carefully than Cohen does here. See Brian Barry and Bernard Williams for a discussion of the problems associated with intentionally conflating analytically distinct evaluative concepts for rhetorical purposes (Barry 1991, 461; Williams 2005, 115-27).

5. It may be an essential democratic freedom to be able to cast one's vote based on whatever reasons one likes (or even for no reason at all). The view does not entail that the decision to cast a vote involves no moral evaluation, or that a person who voted on morally irrelevant grounds (e.g. race, gender, sex appeal) might not act wrongly, morally speaking.

6. The substance of the view here is similar to what we find in Habermas, who is also under the influence of Kant. For example: "The presuppositions under which [...] parties make their agreements elucidate a moral point of view that does not accrue to the privilege of a particular culture but goes deeper, in fact is ultimately anchored in the symmetries of the mutual recognition of communicatively acting subjects in general" (Habermas 1996, 63).

7. This question must be kept distinct from the question whether it would be practically *useful* to have a single concept potentially encompassing those assumptions. For some purposes – e.g. education, communication – it might be more efficient to teach one concept rather than three assumptions. (On the other hand, it might be necessary to teach the three assumptions anyway, in order to communicate the content of the concept.) But the importance of parsimony for moral philosophy is unclear. In physics, where we are interested in regularity and we treat individual entities as instances of a concept or members of a class, it is often very useful to generalize. For some moral and political purposes, we do want to treat individuals as members of a class (e.g. citizen, child). But it is not clear that this is the right approach to moral life generally.

8. To return to China again: for all the human rights criticism that China rightly receives, it is quite advanced in terms of gender equality. The *reason* for this progressive feature of China owes much to Mao's desire to undermine the traditional, family-oriented structure of Chinese society.

9. Sen has made this point against Rawls, contrasting Rawls' 'transcendental approach' with his own comparative approach. The latter "would concentrate instead on ranking alternative societal arrangements (whether some arrangement is 'less just' or 'more just' than another), rather than focusing exclusively – or at all – on the identification of a fully just society" (Sen 2006, 216).

10. "To start with, we observe persistent disagreements among familiar traditions of ethical thought, each with its own elaborate structure and complex history of internal evolution – disagreements, for example, about the relative importance of values of choice and self-determination, happiness and welfare, and self-actualization, and about the religions or philosophical background of these evaluative views" (1998, 188-9). See also Cohen (2000, 18).

11. "When a disagreement is not deliberative (for example, about a policy to legalize discrimination against blacks and women), citizens do not have any obligations of mutual respect toward their opponents" (Gutmann and Thompson 1996, 3).

12. In part thanks to the work of Gutmann and Thompson, there has been some attempt to assess what happens when citizens actually engage over politically divisive issues in the deliberative forum. The results are not especially encouraging (Shkade, Sunstein and

Hastie 2007). Other recent empirical work on political discourse raises further doubts about the value of adversarial debate across a plurality of social groups or opinions (Mutz 2006).

13. As we have discussed, these concepts require interpretation. Some of them are *obviously* controversial: ‘fair opportunity,’ with its connection to affirmative action policies like preferential hiring, remains contested in the American context.

14. Stanley Fish goes further, arguing that the very notion of deliberation involves a characteristically liberal interpretation of the human mind as neutral before alternatives (Fish 1999). Fish discusses the case of *Mozert v. Hawkins County Board of Education*, 827 F.2d 1058 (6th Cir., 1987), in which fundamentalist Christians objected to having their children taught about other world religions. On Fish’s reading, liberals draw a sharp distinction between learning about a theory and being persuaded to embrace it. But the ideal of detached or neutral consideration of alternative substantive positions, which is supposedly implied when children are exposed non-evaluatively to alternative views, is itself a liberal ideal. So liberals are not really remaining neutral, but illicitly promoting their own comprehensive (liberal) position. Fish is probably right that many liberals interpret themselves as neutral before alternatives; there are traces of this in Rawls, Habermas, Cohen, and Gutmann and Thompson. But this self-characterization (as neutral before comprehensive alternatives) is not essential to the substantively liberal view, which involves an evaluative orientation (e.g. placing special emphasis upon the individual against the demands of the community).

15. Alan Wolfe, for instance, names open-mindedness as one of seven basic liberal traits in his recent *The Future of Liberalism* (2009).

16. I owe this point to Daniel Kofman.

17. Academic debate sometimes contains elements of discourse we normally associate with parliamentary debate or talk radio: attempts to score points off opponents, accusations of deep misunderstanding, unfair characterisations. It is perhaps rare to encounter interlocutors as hostile as, say, Thrasymachus, but perhaps not rare enough.

Chapter 3

1. Rawls, it should be noted, explicitly denied that his distributive model of justice exhausted the content of the concept of justice itself ([1971] 1999a, 10).

2. Or consider the division of labour: Young, following Marx, regards the division of labour into task-defining and task-executing work as fundamentally unjust (Young 1990, 12). It is wrong for a secretary to spend his or her days mindlessly typing up numbers, while others engage their intellectual abilities, and this injustice cannot be remedied by increasing compensation (20).

3. To take another example, the phenomenon of ‘opportunity’ is in Young’s view a matter of vague conditions of ‘enablement,’ not a matter of individuated ‘chances,’ e.g., chances at employment (Young 1990, 26).

4. The theory of exploitation is sometimes thought to rest upon the now widely rejected labour theory of value. On that theory, profit accrues when labourers generate more value than the sum of their wages: in such cases, they are underpaid for the value they generate, and so are exploited by the capitalist, who claims the difference as his profit. The assumption essential to the labour theory of value is that labour is the sole source of value. In Young's view, the idea of exploitation should not be made to depend upon this controversial assumption.

5. Young goes too far in her postmodern critique of Enlightenment rationality, questioning the legitimacy of "authoritative speech backed by evidence" (1990, 64) and the very idea of impartiality (10, 78, 100), which she takes to be the ignorance of differences in favour of rules that apply equally to everyone. The attack on authority and evidence, if taken seriously, would undermine essential conditions of progress in the pursuit of truth. A capacity to judge impartially is essential to good judgement in certain contexts (e.g. courts, assessment of job applications, evaluation of scientific claims, etc.).

6. Or consider how bourgeois standards of beauty and proportion might play into a decision to hire a job candidate who arrives in a clean, tailored suit instead of a candidate who arrives in clean but badly fitting nice clothes or, again, clean but inappropriately informal clothes.

7. "Instead of a fictional contract, we require real participatory structures in which actual people, with their geographical, ethnic, gender, and occupational differences, assert their perspectives on social issues within institutions that encourage representation of their distinct voices" (Young 1990, 116).

8. See also Nussbaum: "The habits of wonder promoted by storytelling thus define the other person as spacious and deep, with qualitative differences from oneself and hidden places worthy of respect" (1997, 90). Nussbaum is often sharply critical of postmodern difference theorists and of multiculturalism, but we can see here some shared ground between adversaries.

9. At the political level, making an emotional affinity based on shared experience the ground of a claim to political recognition threatens to flatten some relevant distinctions between various groups whose claims of self-determination might not be equally strong. All are oppressed, all want to be free, and freedom, in Young's view, requires "self-determination" (Young 1990, 91). I shall later argue that this broad approach to group rights is a dangerous mistake, which threatens to erase, in particular, the very solid claims that aboriginal peoples in the United States and Canada have to some degree of self-determination. This effect is not intended by Young; she defends a strong measure of self-government for Amerindians, and argues that they and they alone should be able to alter their own rights.

10. See, for example, *Mitchell v. Ministry of National Revenue* [2001] 1 S.C.R. 911.

11. His use of the term 'autonomy' in this context is somewhat problematic, since the term originally refers to the notion of self-rule, rather than to any notion of creative or innovative activity. However, novelty and innovation are accorded a political role by some

postmodern philosophers. See for instance Lyotard's game-theoretical discussion of the use of innovative moves to interrupt the opponent's strategy (1984, 16).

12. This attitude may owe something to the influence of Heidegger, for whom the attitude of the philosopher to the spectacle of 'being' is one of poetic or mystical contemplation rather than direct engagement. There is some parallel between the infamy of his one important political engagement, with the Nazi Party, and Foucault's famous political declaration in support of the Ayatollah following the Iranian Revolution.

13. Dryzek notably does not situate the problem of the self in any particular national context, but seems to conceive of reflexive subjectivity as having a special significance in a globalizing world: "Effective navigation of a globalizing world demands a particular kind of reflexive intelligence that attends to how actions both proceed within and help recreate situations" (2006, ix). This demanding vision of the world-citizen, who cannot trust or rely upon the traditional culture of his own community, brings with it a burden of intellectual labour that significantly limits the range of ways of life that such a citizen can pursue.

14. Is it fair to ask, here, 'just how many discourses *are* there?' or, 'are all instances of specific rights claims different discourses, or are they all instances of one rights discourse?' In other words, is it fair to ask how we individuate discourses? The best response is probably that discourses are, by their nature, not fully individuated. They seem to be constituted by 'potentials,' not by numerically distinct properties. The use of the term 'rights' carries different potentials as it is employed by ordinary citizens, philosophers, judges, etc. But, perhaps because the term has a certain history of use, and because the more technical elaboration is traceable to lay usage, there are probably some general similarities across various instances of rights talk, so that there is a sense in which we can speak (somewhat loosely) of 'rights discourse.'

15. Dryzek traces the history of environmental discourses from the 1960's, when the term 'environment' was first coined, through the 1970's discourse of 'limits to growth' on to the discourse of 'sustainable development' (2006, 16-7)

16. The 'deep ecology' movement obviously aims to replace our Enlightenment, Judeo-Christian discourse of human dominion over nature with a view of nature, perhaps consistent with some aboriginal concepts of nature, as sacred. Note that the 'sustainable development' discourse would also be rejected by a Marxist, not because of any sacred respect for nature, but because of the assumption that exploitative, capitalist practices can be sustained indefinitely.

17. Interestingly, however, a typical move in response is to try not only to replace the opponent's historical account with a superior one, but to offer *biographical* reasons why the opponent holds the distorted view in the first place. This apparently *ad hominem* dimension of political argument is often appropriate, however, since one of the argumentative debts that a speaker must pay in undermining the opponent's view is to *explain* why the opponent got things wrong. A softer version of the *ad hominem* might involve a reference to the opponent's understandably limited experience or knowledge of the history; harsher *ad hominem* attacks might accuse the opponent of intentional deception. Conceived as an

attempt to establish the correct account of the history, these *ad hominem* arguments are obviously fallacious in the way outlined in introductory texts in critical reasoning. But conceived in another way they need not be fallacious. See Douglas Walton for a useful discussion of the contextualist approach to informal logic (1998).

18. Dryzek presents his pragmatic approach to political conflict as an alternative to the high abstractionist tendencies of Samuel Huntington, for whom the future of politics will be characterized by a ‘clash of civilizations’ (2006, 31).

19. “[P]rudential, context-specific moral reasoning can overcome differences in abstract commitments” (Dryzek 1990, 17).

20. “Storytelling is a coercive form of communication when group norms constrain the range of acceptable stories” (Dryzek 2000, 68).

21. Dryzek claims that his deliberative democracy is “disrespectful of the boundaries of political units” (1996, 15). Or again: “[D]emocratization is more readily sought against the state, apart from the state, and across states, rather than by or in the state” (1996, 3-4).

22. Elsewhere, Dryzek claims that his problem with liberalism is that it makes politics a restricted area of human activity devoted to addressing “market failures” (2000, 9). It is not clear that the sort of comprehensive infusion of political contest into social life, such as one finds in Young and others, is compatible with Dryzek’s almost anarchic emphasis on individual autonomy.

23. The opposition between democracy and authority seems exaggeratedly strong in Dryzek’s early work. He argues in *Discursive Democracy* (5) that concentrations of power are antidemocratic if someone or some group “must exercise power over others.”

24. Dryzek is interested in opportunities for political innovation, but notice the absence of any reference to law in the list of potential sites of change, given in the following discussion of structural necessity and possibility: “In a sea of structural necessity, there remain islands of structural possibility, although it may take some imagination to locate and expand them. Here, I will focus on spaces for political innovation in the structural possibilities associated with war, depression, local politics, revolution, the anarchic politics of the international system, feminist redefinitions of the boundaries of the political, collapsed peripheries of states, community politics, workplace decision making, and – perhaps most significant – public spheres constituted by democratic opposition to the state and its imperatives. In all these cases the economic, welfare, and international constraints facing states are inoperative, substantially relaxed, or themselves the impetus for democratic opposition” (1996, 14).

Chapter 4

1. In his introduction to *Canadian Cases in the Philosophy of Law*, Jerome Bickenbach writes that “The constitution of a state, be it written or unwritten, captures both a

political arrangement for the nuts and bolts of the processes of government – and a consensus about the political character of the society” (2007, 17).

2. I shall refer to the written constitution as the ‘Constitution,’ with a capital-C.

3. And the Constitution is so effective in blocking governmental tyranny that it can be said that there is no “government” in the United States at all (Johnston 207): the system of checks and balances impedes the coordinated action typical of government, and makes the problem of assigning responsibility for failure (typical of ‘responsible’ government) very hard (208).

4. *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705 (1973).

5. For example, whose intent exactly should be treated as ultimate? Constitutions are the product of, among other things, political compromise, and the assumption that there is unity of understanding beneath the surface text is questionable.

6. As, for example, in arguments against capital punishment as cruel and unusual punishment.

7. This is a major theme in Plato’s works. In the *Ion*, we get an early treatment of the idea of artistic ‘genius,’ where an individual creator, whose perspective is limited, is guided by a wiser or more perceptive spirit or muse. In the *Republic*, of course, we learn that poetic genius on its own is liable to mislead us. We need rational argument. But, even here, Socrates presents himself in the relatively modest role of ‘midwife’ delivering arguments, rather than as an authoritative source of truth or reason.

8. *Edwards v. Canada (Attorney General)* [1930] A.C. 124.

9. The term ‘evolution’ has a notoriously complex history (Singer 1959, 500-1; Toulmin and Goodfield 1967). It is often unclear, in discussion of evolving law, which idea of evolution is being advanced. At first glance, it is rather hard to see how the Darwinian idea of undirected evolution through natural selection could be presented as a plausible theory for the development of law or morality.

10. From the perspective of Thomas Paine and others the notion of Natural Rights was supposed to fill this vacuum (Paine [1791] 1984). Even at the time, however, it is not clear that the crucial particular questions concerning jurisdiction and authority could be derived from an abstract set of Natural Rights.

11. Tully is forced into the somewhat implausible claim that long, established customs enjoy the rational consent of the people because he accepts the democratic premise that law is invalid unless it enjoys the consent of the people.

12. Tully, like Iris Young, insists that cultures are not “separate, bounded and internally uniform” but “overlapping, interactive and internally negotiated” (10), and he criticizes Herder for seeing cultures as separate and homogeneous (70). To speak of cultures at all, and then to count them, certainly seems to imply that they can be individuated in some

sense – that they enjoy some independent or separable character; and this must mean that they are individuated by some property (e.g. shared history or character) with respect to which all members are *alike*. In any case, even if Tully’s view can be defended, it does not seem to me that he appreciates the problems it creates for his constitutionalism.

13. Would it be fair to erase gains made as a result of dedicated, responsible work, on the grounds, say, that responsibility and work ethic are favoured in some cultures but not others? Tully himself claims that it is part of the way of life of many aboriginals to recognize fewer needs, and therefore to have less reason to labour. He contrasts (somewhat questionably) the leisurely aboriginal lifestyle, with the European life of worry and hurry (76), and obviously favours the former. Of course, no account of capitalist lifestyle would be adequate without criticism of the frivolity of many supposed needs and desires, the resulting distraction from more important values, the psychological stresses and strains tied up with the cultivation of disciplined work life, etc. The leisurely way of life provides a useful critical contrast. But the capacity for self-denial and discipline, the patience and attentiveness, the skills of organization necessary for long-term projects, are part of the capitalist way of life, and these seem to be virtues as well.

14. The issue is in fact very complicated, since the productivity of a labour hour invested in political organization depends upon factors beyond the control of the individual worker. Some factors may unfairly increase or limit the productivity of political labour. The lack of a useable political inheritance might be due to culture (e.g. lack of political knowledge), or to the blameworthy actions of other groups (e.g. exclusion of members of those cultures from political participation). Of course, we can seek to repair such injustices without discounting past labour.

15. “There is not one national narrative that gives the partnership its unity, but a diversity of criss-crossing and contested narratives through which citizens participate in and identify with their association” (183).

Chapter 5

1. MacIntyre notes, in fact, that the internal conflict for the Homeric hero concerns what exactly the demands of one’s role are; whereas in the modern era we have a different psychological factor, since our society permits us to choose our roles, and thus to have existential crises. Anthony Kenny has argued that Robert Bolt’s interpretation of Thomas More’s martyrdom is mistaken for reasons along these lines (1983, 93-5). For Bolt, More’s fear is that in bending to the wishes of his king and taking a stance against church doctrine on marriage and divorce he would risk losing his ‘self,’ in the sense of his personal integrity or identity or consistency. Kenny regards this as a modern distortion, arguing that More (like his detested counterpart Luther) worried about betraying God and being damned. The distinction is subtle but of considerable importance: for the *self*, what matters is the commitment, i.e. there is a moral quality in any conscientious decision and the power for such decision is the mark of moral goodness; for the *soul*, however, firmness of commitment is utterly devoid of moral meaning – the *only* thing that matters is whether one’s view is right

or wrong, and the solemnity or gravity with which a person says ‘Here I stand, I can go no further’ takes its moral meaning from the fact that taking the stand *right there* might mean eternal perdition.

2. Williams argues, for instance, against Bruno Snell and others that the minimal concept of an action is invariant across cultures and historical periods (2006, 65-8).

3. “Must I think of myself as visiting in judgement all the reaches of history? Of course, one can imagine oneself as Kant at the court of King Arthur, disapproving of its injustices, but exactly what grip does this get on one’s ethical or political thought?” (Williams 2005, 66). This question is important for considerations of historical justice.

4. Compare Williams’ approach with Rawls’ in *The Law of Peoples*, where he draws thresholds separating the liberal states from decent non-liberal states, and separating those decent states from the bad states (Rawls 1999b).

5. Morality as a special system is “disposed to class all the relevant – that is to say, ‘moral’ – reactions under headings such as *judgment, assessment, and approval or disapproval*. This is misleading in several ways. First, all these notions suggest a position of at least temporary superiority, the position of a judge, and this is so even if they occur within a moral theory that does not encourage superiority. Further, they suggest some binary judgment, as it might be of guilt or innocence. [...] These various features of the moral judgment system support one another, and collectively they are modeled on the prerogatives of a Pelagian God. The strictness of criteria for judgment responds to the supposed immensity of what is handed out, the finality of the only final justice there is” (Williams 1985, 38-9).

6. Appiah illustrates the point with reference to boxing: the virtue of impartiality is essential for the referee, but certainly not for a prize-fighter’s wife (2006).

7. Charles Taylor distinguishes ‘prescinding’ from particular beliefs from the practice of standing entirely outside one’s own view (1989, 8).

8. The phrase ‘taking a step back from’ suggests getting a slightly different view of a situation, in fact (following the metaphor) seeing things in broader scope but less detail. Nagel argues in *The View from Nowhere* that the moral view involves not so much seeing the same things differently, but seeing oneself as part of a drama, a sort of out-of-body experience (1986). The point of view we achieve in taking such steps is not of course neutral, objective, or impersonal: our assessment is guided by values held reasonably constant.

9. This view is, obviously, problematic, and the alien example would need careful analysis. To what extent is it the fact that they are *outsiders* that makes our disgust at them relevant? How much disgust does there have to be? Would we have to allow them to stay if they could find a way of hiding their disgustingness from public view? Is it conceivable that over time we would lose our response of habitual disgust, and if so, how does this enter into the question?

10. This part of Williams' view may seem to resemble utilitarianism, since it takes bodily pleasure into account, but the resemblance is minimal. Williams does not think that a calculus of pleasures is called for. Further, a modern utilitarian who granted that animal pleasures and pains count morally (Williams does grant this) might rule these pleasures ineligible for inclusion in the calculus, for the same reason that we do not count the sadistic murderer's pleasure in determining whether he was right to kill.

11. There is, of course, a famous line of liberal defence for abortion rights which tries to bypass the question of the foetus' status and simply defend the mother's rights as trumping those of the foetus. This line of defence, however, is compatible with the idea that many legal abortions might be morally wrong. The range of possible solutions available to the mother, as well as her intent in destroying the foetus, would be relevant to the latter question; and there it does not seem possible to treat the moral status of the foetus as irrelevant.

12. Williams connects this primacy to the quotation from Goethe's *Faust*, cited also by Wittgenstein in *On Certainty*: 'In the beginning was the deed' (Williams 2005, 24). This is obviously central to the contextualist view.

13. This was a lesson from our discussion of Joshua Cohen in Chapter 2.

14. We can perhaps see the significance of Williams' later work on the virtue of sincerity in connection with truthfulness (Williams 2002) as related to his vision of reasonableness, which involves something rather different from constructing a moral geometry.

15. Thus, Williams rightly thinks it notable that: "Parents driven by necessity to kill their babies do not, because of that, see the two things as the same. Closely related, though not often mentioned in discussion, is the fact that few women see a spontaneous abortion or early miscarriage as the same thing as having a child who is stillborn or who dies very soon after birth. For many people, then, the distinction between a fetus and an infant carries enough weight to give a reason in the matter of killing, and for almost everyone it carries enough weight to give a reason for different attitudes in the matter of death" (1985, 113).

16. Compare with Beiner: "It is only when we are confronted by the demands of action in the context of a particular set of circumstances that we get a true understanding of what our ends really are, and reassess these ends in relation to a new understanding of our life as a whole" (1983, 25).

17. This is a point that Hannah Arendt has stressed and fruitfully explored (1982, 75). See, as well, Charles Taylor's comments about the police officer's confident strut as a mode or style of being determined by pre-existing expectations about social roles (1989, 15).

18. Was Socrates a troll? Are trolls different from gadflies? Socrates' dramatic decision, upon the rendering of communal judgement, to take death over exile suggests that he ultimately deferred to the judgement of the community, and this is an important difference from the troll.

19. The choice of figure skating seems appropriate, since judging scandals stimulated intense public anger and the creation of a new judging system designed to limit the opportunities for irresponsible or partial judgements. Such scandals can emerge wherever we leave room for the discretion of the judges, e.g. in attributing points for the holistic impression left by the choreography of a performance. Such discretion is there for the very good reason that these impressions tell us something about the objective quality of the performance. Indeed, public outrage at corrupt judges comprehensible only on the assumption that *objectively good performances* are going unrecognized for arbitrary reasons. Such scandals are thus no help to the sceptic who thinks that figure skating is all subjective.

20. I am drawing in this section on MacIntyre's influential discussion of practices and the initiation of individuals into the range of highly particular value judgements that partly constitute the practice itself (1984, 187-90). MacIntyre draws on the example of teaching a child to play chess. He proposes 'external' motivations like the offer of candy in the case of victory as motivation for the child to participate, in hopes that the child will come to be motivated by the internal values of the practice. This is a helpful way to regard initiation into morality. One way of characterizing the transformation should be resisted: it is not that the child begins as 'self-interested' or egoistic and then becomes less so, as a Kantian might be inclined to interpret the lesson. What we have here is movement from certain particular interests to others. The desire for candy is a handy, hedonistic and aesthetic pleasure that can be exploited in this sort of case; but what matters is that the interest is external to the practice, not that it is selfish. A person might, for instance, begin to volunteer at kids' baseball events out of an interest in community, but gradually come to know the game and appreciate it for other reasons.

21. If we follow the analogy to the field of politics, we can recognize the crucial mediating role of academics and journalists in unpacking and criticizing political action. Because the impact on the audience is so much greater in the case of politics, we must of course show caution about delegating critical powers to a social elite, but there are here the seeds of an argument against too much direct democracy. On the other hand, since Aristotle there is a school of thought that argues that politics is distinct from specialized fields like medicine or art in that the human being, as a political animal, has a native power of political judgement. Perhaps the claim can be made plausible in some way or another. But it seems better to tie participatory rights to the vulnerability of the citizen rather than to the adequacy of his or her political judgement.

22. In stronger but elusive philosophical jargon, we might say it 'constitutes' the practice, in this case an appropriate term perhaps, considering our discussion in Chapter 4.

23. It does not follow that the artist should attempt to read the minds of the critics, to pander to them, or to produce a work of art adequate to existing standards of aesthetic excellence. I am inclined to agree with Kant (with some reservations about the romantic emphasis on artistic originality and genius that his views inspired) that a great work of art creates (although not *ex nihilo*) the standards by which it is itself to be measured (Kant [1790] 1987). This is not a rejection of the function of criticism, but a claim about its *origins*: the claim amounts to saying that a great work of art is the source of its own criticism, a performance that has internalized and transformed existing standards of aesthetic evaluation.

24. The impossibility of deciding *a priori*, or with respect to some independent standard, about the preferability of one of the live options does not imply that they are equally good. Nor should the possibility of a long and enduring conflict between evaluative approaches be taken as evidence that there is here only a question of subjective taste. These sorts of disagreements are possible only because there is a large degree of agreement about other matters.

25. Take an example from law: there is an accusation of murder against a defendant. He may choose to contest the prosecution's narrative of physical events, say, by offering an alibi: 'I am not guilty of murder because I did not kill the person in question.' But differences of interpretation are possible even where there is an agreed upon, considerably detailed physical account of the events that took place. The tipping factor might be psychological (what was meant, was there a motive, what is the character of the person in question). It will be important to try to test these claims, as well. But the battle to establish the relevant series of observable, agreed-upon facts is driven by conflicting purposes. An agreed-upon record of observable action is an artefact of this antagonistic process. If we are inclined to regard a killing as merely a killing, and not a murder, at the end of our inquiry, this is because that 'exculpatory' reading has proven itself as the most adequate interpretive description, not because an account is better to the extent that it restricts itself to a crudely physical description.

26. Taking this view does not mean, of course, that we cannot oppose practices that strike us as strange or problematic, or that we have no general rules of thumb about the sorts of practices likely to survive our critical scrutiny. Usually, for instance, agreements that directly affect no one except those adults who competently consent to behave in a certain way will survive our scrutiny; but not obviously always. Certain agreements can strike us as beyond what is humanly acceptable, even if by ordinary psychological tests the individuals are competent, e.g. morbid agreements between cannibals, or of certain other kinds of criminal activity in the organized crime world. Cases like agreed cannibalism, state-facilitated assisted suicide for the *spouses* of dying men or women (a topic of public discourse in the Netherlands), and certain kinds of genetic manipulation strike me as worthy of moral-political resistance.

27. It is part of the point, of course, that for us a child would have to become extremely bad in order for us to feel that death was best or deserved, whereas in the case of honour killing the degree of badness strikes us as very superficial and the extreme punishment of death totally unwarranted. It is something of a taboo in our culture to suggest that a parent could ever think it best that a child were dead: we expect parents, for excellent reasons, to defend their children even when others will not. Indeed, when a parent does not do this, it seems a clear failing, as in the recent case of Christian Yombo, a Toronto parent who referred to his 18 year old son, Nicholas, as "a bad guy," and told reporters "I feel good" after his son had been shot down (Stancu and White n.d.). Here, the father's comments are morally repugnant both because it is premature to close the moral book on an 18 year old and because even if the judgement that Nicholas was deeply bad is *correct*, a parent should be troubled by questions about his or her own responsibility as well as by the tragedy of the child's life. But what would we normatively expect from the parent of someone far more monstrous than Nicholas Yombo?

Chapter 6

1. Burke was not, as it happens, in all matters quite as conservative as he is sometimes taken to be: he was deeply concerned with the emancipation of Irish Catholics (he was himself one), at a time when the British Parliament was certainly not.

2. The re-emergence of virtue ethics, linked in MacIntyre's work to the notion of tradition, has helped to correct this error, although the conventions of moral philosophy have encouraged a distortion of the spirit of this view by attempting to assimilate the language of virtue to an ordinary, action-focused approach to moral philosophy. See Appiah for a criticism of this tendency (2008, 62-7).

3. This is, of course, a somewhat inexact way of putting MacIntyre's view, since he regards the fact-value dichotomy as an artificial abstraction.

4. MacIntyre suggests that suicide may sometimes be a response to this inability to see how one might go on from where one is (1984, 217).

5. This is not to say that the argument is right in its details. For example, while it must be granted that understanding particular actions requires some understanding of context, it may be doubted that all gains in contextual knowledge improve judgement. If something like a grasp of the 'whole' history were available (in fact, it is not even easily conceivable), then that might give us the best chance of understanding an action or practice. But in reality, we shall have less than that, and there may come a point after which we cloud or complicate our understanding by pursuing historical context. The argument here is the same as that against Habermas' appeal to ideal speech situations as a way of deciding what to do in less than ideal circumstances: MacIntyre's holism of meaning sets an unreachable standard of meaning, and it is not clear that the best thing to do in such circumstances is to strive hopelessly to reach it.

6. In ordinary usage, the word 'tradition' is flexible enough to allow us to speak of the traditions of very different people who share a geographical region, and also of traditions carried on in different corners of the world by people united by a religion or philosophy. It seems to be part of our common sense understanding of tradition that there should be some sort of historical causal link between those who claim to belong to a tradition, so that we would not speak of fishers in China as sharing a tradition with fishers in Newfoundland, despite any similarities in their ways of life.

7. Notice that this account is consistent with belief in Luther's sincerity. Regardless of one's view about the eventual *significance* of Luther's decision, there is unanimity today about the delinquency of the Church in the period leading to the Reformation.

8. C. D. Broad has raised doubts about the meaningfulness of asking 'What would Jesus do?' in assessing our own moral options in a given case (1971, 46). Moral obligations vary according to one's *powers*, so it would be wrong to judge the actions of men by reference to what God might do. But the thrust of this good contextualist point can be

acknowledged without dismissing the moral fruitfulness of an exemplary life (fictional or not) of a Jesus of Nazareth or a Martin Luther. Repeating an example seems distinct from ‘imitating’ particular characteristics or actions: one seeks to map analogically from person X in time Y to person A in time B. Depending on circumstances, the good man might have to use the tongue or the sword.

9. Thus the emphasis on Sophocles and the point that in assessing a political institution we should inquire about the *conflicts* it stages (1984, 163-4).

10. James Tully criticizes MacIntyre for a typically European, chauvinistic emphasis on minor linguistic differences among certain predominant European and Middle-Eastern cultures, to the exclusion of aboriginal cultures (among others) (1995). However, Tully launches his challenges to western philosophy and politics from the perspective of these historically silenced cultures, and this strategy is in the spirit of MacIntyre’s situated, argumentative, interpretive emphasis on traditions. Once a tradition of aboriginal culture has been identified, claimed, shaped, and organized politically, it enjoys social reality and can launch challenges to those, like MacIntyre, who tell the western story without mention of those uncomfortable facts.

11. What are the modes of this ‘unworldliness’? A certain kind of philosopher; ordinary cynical citizens who tar all politicians with the same brush; political tyrants; romantic revolutionaries trying to remake the world to fit utopian fantasy is another. For a treatment of the theme of ‘unworldliness,’ see Arendt and Weber (Arendt 2000, Weber 2004).

12. Habermas worries that in the absence of emphasis on universal norms, the sorts of considerations that might move a person from one political allegiance to another would be non-rational or irrational: the result is what he calls ‘decisionism’ (Roberts 1992, 228-9).

13. Is it the distinguishing mark of a great philosopher (or tradition?) to admit of novel interpretation? Inexhaustibility as the sign of enduring power?

14. Nothing here implies that the originals cannot be eclipsed – that all later philosophy must be judged inferior to Plato. But the original organizes argument such that, even if on a later interpretation of philosophy, Plato’s work would be considered ‘impure’ philosophy, it could never be viewed as ‘obviously not philosophy.’ George Bernard Shaw famously argued that Shakespeare was a dreadful playwright, childish and immature; by contrast, he sought to elevate John Bunyan (*Pilgrim’s Progress*) to the status of a literary model (1954). This unlikely project can perhaps be *conceived*, and if it succeeded, it would throw theatrical criticism into a revolutionary state; but had he argued that what Shakespeare (or another paradigmatic example like Sophocles) was doing was in the strict and literal sense not even theatre, we should regard him with disbelief as a crank. Similarly, we might regard as a crank anyone whose idea would not acknowledge that freedom of movement (outside prison walls, out of chains) was in no sense freedom whatever.

15. Of course, many philosophers do not see their ideas guided by model philosophers from the past. There will, however, be paradigmatic essays or arguments, serving as stylistic models or examples of the sorts of presuppositions or aims that are

legitimate, expressive of a certain vision or interpretation of what philosophy is about. There is room for disagreement about whether such models and ideals need to preoccupy a philosopher – whether a genuine philosopher needs to think them through, contrast them with alternatives, and, if so, whether this is possible without special attention to the history of philosophy. Great work has been done by philosophers who show no particular interest in the broader history of philosophy (although, of course, they must react to *some* sort of history of argument, usually more recent). My own prejudices are, of course, in favour of historical philosophy.

16. Dewey makes this point on several occasions in his *Experience and Nature*, where he finds the origin of exaggerated fixation on finished qualities in aristocratic Ancient Greek society and idealist philosophy (1925, 92-4). The mark of status was detachment from the production of the conditions of one's existence; only the lower class and the slaves were interested in useful things. Notice that this attack on the thesis that a work's social significance is irrelevant to its aesthetic value takes the form of an argument about the *origins* of that thesis: Dewey says that this view of art is *itself* rooted in a certain kind of social arrangement, rather than in some intuitive truth about the essence of art; we cannot make sense of its view of art without reference to its inegalitarian prejudices; and so we should be suspicious of that elitist interpretation of art.

17. The fact that Gallie's illustration of the concept of art leads him to present Tolstoy's concept as an advance on others that stress audience over artist (or vice versa) suggests that the historical approach itself favours comprehensiveness, balance of attention, etc., over (say) intensity of emotional response, simplicity, novelty, etc. That is, this historical approach prejudices our artistic judgement, favouring works with great socio-political reach, etc., and stacking the deck against an Érik Satie or a Jackson Pollock. We should acknowledge that Gallie's method does in fact have this result: his interpretation of art preserves a rational or cognitive dimension. Gallie's approach does assume that large and ambitious novels are the pinnacle of art: his account of art as an act of communication can be challenged; the exemplary case of Tolstoy can be attacked; the emphasis on intelligibility can be criticized as excessive, etc. A proponent of a vision of art that emphasizes freshness and novelty of vision may be troubled by the apparently 'conservative' interpretation of art that Gallie offers. But, then, how can we regard a work of art as fresh and novel without seeing it against the background of a tradition?

18. Gallie, plausibly, gives 'democracy' as an example of a contested concept. One good example is C. B. MacPherson's, *The Life and Times of Liberal Democracy*, the title of which suggests a narrative biographical approach (MacPherson 1971). See also David Held's *Models of Democracy*, the title of which suggests a principle of order borrowed from the plastic rather than the temporal arts (Held 2006).

19. For an influential updated version of this view, see Parfit's *Reasons and Persons* (Parfit 1984).

20. Or, keeping with the metaphor of 'calling' but shifting to a "tissue of call and response," as in the Merleau-Pontyan notion of tradition expressed by the sociologist John O'Neill: "[H]istory is the call of one thought to another, because each individual's work or

action is created across the path of self and others toward a *public* that it elicits rather than serves. [...] Every one of life's actions, insofar as it evokes its truth, lives in the expectation of historical inscription, a judgment not only of its intention or consequences but of its fecundity: the relevance of its 'story' to the present" (1989, 96).

21. There is a link here to the Hegelian notion of *Bildung*. The individual is initiated into a tradition of moral resources, including a complex moral language, upon which he relies in social living. See John McDowell's *Mind and World* for an attempt to import the concept of *Bildung* into Anglo-American metaethics (1994). It is possible to overstress, in speaking of *Bildung*, the completeness or internal consistency of the inherited wisdom. Further, there is always a genuine danger of distortion, as well as the loss of a context in which a certain idea had power. Recovering the original insights that helped a given analogy or metaphor take root in language can be a difficult and hazardous process.

22. Any reference to historical movements raises the spectre of 'metaphysical theories of history,' which try to explain the actions of individuals as explicable in terms of certain universal patterns of historical development, reifying abstract concepts and committing category mistakes, etc. Isaiah Berlin notes that even those who claim not to hold some such theory often turn out to fall into some of its traps (1997, 129-32). Following Gallie, I have tried to avoid two assumptions mentioned by Berlin as typical of that metaphysical theory: regarding history as unfolding *necessarily* according to a pre-existing pattern; and taking covering-laws, statistical generalities or other universal patterns as the correct mode of explanation for individual human action.

23. Of course, the precise *shape* given to her rebellion is the product of a *particular* discourse to which she is vulnerable thanks to a more universal psychological need to establish boundaries between her parents and herself. The environmental movement did not create teenager resistance and revolt; but particular features of that movement give a unique and causally significant shape to her rage. Gallie makes precisely this point, arguing against the "foolish" view that individuals make history strictly on the strength of their personalities (1964, 132). For Gallie, the personality of the individual becomes significant *after the fact*, if for instance a particular historical event or movement takes on contingent features of that historical agent's personality. At the time of action, what matters is the historical agent's universality: his capacity to play a role that could equally well be played by many other men.

24. Gregg Easterbrook offended many in the environmental movement with his *A Moment on the Earth: The Coming Age of Environmental Optimism*, a peculiar book which nevertheless contains some refreshingly sober criticism of prevailing environmentalist prejudices (1995). Easterbrook discusses a Soviet experiment with mirrors in space, whose purpose was to reflect enough light to replace night with a permanent 'twilight.' Easterbrook, like the Soviets, considers the possibility that night is a 'design flaw' in nature. Easterbrook thinks that we should abandon superstition and evaluate such initiatives in consequentialist terms, and he criticizes environmentalists for treating natural phenomena with excessive reverence. For Easterbrook, there is no intrinsic teleology in nature necessarily ensuring historical progress; but we can, of course, seek to shape the world according to our own ends. His optimistic support for experimentation is at odds with a long tradition of suspicion of technology, with roots in both the East and West. We should expect Tammy to react with

outrage to Easterbrook's ideas, since they challenge one of the deep, anti-technology prejudices of her wing of the environmentalist movement.

25. Notice that some of these questions are questions of rational *attitude* or *orientation* toward the world. Rationality may be conceived in individualist terms as a property of some cognitive chain in the mind of the individual (or in publicly expressed words); but regardless of the integrity of a chain of inferences, we are not inclined to regard a person as reasonable or rational if he is disinterested in hearing the other side of a story, in finding the best reasons against his own view.

26. In the next chapter, we shall see how the 'nodes' or 'kernels' of one's narrative of tradition become potential sites of conflict, uniting competing traditions around a divisive event, focusing attention on tendencies or trajectories within those traditions. An understanding of one's tradition that survives such criticism, whether adjusted in some ways or simply bolstered against a possible line of attack, is a rational advance on the earlier, naive interpretation. Consider, for instance, the Canadian "Night of the Long Knives," when agreement about the patriation of the Canadian constitution was secured between the federal government and the premiers, during a clandestine meeting intentionally excluding Quebec Premier René Lévesque. How to read the decision to exclude? As a typical, deliberate and planned case of Canadian disrespect toward Quebec, a failure of the democratic ideal of consensus, etc.? Or as a typical example of politically cobbling together a broad agreement, courageous refusal to allow Lévesque's pretence of cooperation to delay Canadian destiny, etc.? Once the competing stories are laid out, we can begin to look for facts that would cast doubt on certain aspects of the characterization: for instance, if the plausibility of the federalist account rests upon the unexpected and contingent, non-deliberate, character of the meeting and the developments, then the facts running counter to this would undermine the credibility of the story. Can a new story then be told which does not depend for its plausibility and moral acceptability upon this thread of the narrative?

27. MacIntyre is aware of the importance of defending his vision of rationality: he takes up this task in *Whose Justice? Which Rationality?* (1988). The struggle with ignorance of the origins of one's views, attitudes, habits, etc., is basic to our philosophical tradition since Socrates' attempt to respect the Delphic call to 'Know thyself.' Though that injunction admits of competing interpretations (Cartesian-phenomenological; psychoanalytic; socio-historical, etc.) thinkers as diverse as John Stuart Mill (preferring "Socrates dissatisfied"), R. G. Collingwood (advocating self-critically rooting out conditioning presuppositions), and Nietzsche and Foucault (penetrating to the genealogy of a historical form) are united in this tradition of rationality as a project in self-knowledge.

28. Although in reflecting on the example of art, we should not forget that some great works of art at first meet serious critical resistance. We should be alert to the possible costs of pursuing critical wisdom and historical understanding.

29. Consider some more recent examples of transformations in the field of popular arts: Miles Davis for jazz, Marlon Brando for acting, Richard Pryor for stand-up comedy. Pryor, for instance, is widely recognized for transforming possibilities in stand-up comedy, treating various presupposed constraints as contingent and constructing a style of

performance offering previously unknown qualities. The constraints themselves only come into view after the creative reinterpretation: a comedian does not need to stand in one place, but can wander the stage; he does not need to riddle off impersonal jokes at an emotional distance, but can tell stories and speak personally to the audience drawing on his own experience; he can use ‘offensive’ language to effect; etc. The excellence of the whole performance retroactively vindicates breaking with audience expectation. Or take Brando: even the most novice filmgoer can recognize the dramatic difference in pre- and post-Brando film acting. Pre-Brando acting (and, relatedly, screenwriting) was still dominated by patterns and conventions from stage-acting, where exaggeration of gesture and emphasis are required by the physical environment (limits on visual and auditory communication in the theatrical setting). Brando’s greatness enabled him to serve as a lightning rod for the movement of more realistic acting that injected subtlety into the use of language (visual and corporeal) in film. At the time, it might have been reasonable for someone to regard Brando with suspicion, particularly someone with knowledge of the complexity and sophistication of the tradition he was endangering. From our vantage point, the promise of Brando’s model has been confirmed again and again. With his classic *Kind of Blue*, Davis, under the influence of composer George Russell, freed jazz from the constraints of bebop switching by basing improvisation not upon chord changes but upon scales or ‘modes’ (“modal jazz”): “One night in 1958, Russell sat down with Davis at a piano and laid out his theory’s possibilities – how to link chords, scales, and melodies in almost unlimited combinations. Miles realized that this was a way out of bebop’s cul-de-sac. ‘Man,’ he told Russell, if Bird [Parker] was alive, this would kill him” (Kaplan 2009).

30. There is obviously a connection to MacIntyre’s emphasis on the importance of traditions of argument here. The argument, as Gallie himself acknowledges, “presupposes that we can distinguish those traditions which embody and develop an idea of unquestionable value, from those which may express some deep-seated and perhaps evil tendency in human nature” (139). We might wonder why Gallie does not go on to explain how these two sorts of traditions can be distinguished. The answer, however, should be clear enough by now: there cannot be an *a priori* criterion that marks off good from bad traditions; we must make such judgements from the inside, not (ideally) as a matter of sheer intuition or on the basis of some spectacular performance, but with a historical and reasonable narrative account of that tradition’s power, as contrasted with the comparative goods and evils of alternative traditions.

31. We can imagine examples of conversion motivated by *external* considerations and not mediated by a development in self-understanding: converting to another religion *simply* in order to make himself eligible for marriage or inheritance; giving up a political affiliation because there is an opportunity to secure office in a party whose goals are in deep ways incompatible one’s own; abandoning unpopular philosophical views in hopes of improving one’s candidacy for a professorship. Such conversions are only self-interestedly rational, and deserve sharp criticism.

32. The spirit of this tradition-based by view is, of course, on display in the current thesis, which treats deliberative democracy as an important and enlightening episode in the development of liberalism, and attempts to reframe the liberal-deliberative project in the light of challenges from more radical philosophers.

Chapter 7

1. West is summarizing the questions raised in a recent conference on Palestinian-Israeli tensions.

2. It is not hard to see a connection to Freudian psychoanalysis here, but the insight itself is not restricted to that problematic domain. Bernard Williams, for instance, thinks that one of the main points of historical study of past civilizations is to enable us to obtain the sort of distance we need to be able to see the strangeness of ordinary features of our own civilization. Williams' interest in Collingwood and Nietzsche is connected to this. Philosophers as different as Russell, Iris Murdoch, and Heidegger have suggested that it is somehow basic to *philosophical* knowing to become aware of the strangeness of what seems ordinary.

3. See Walton: "A critical discussion, in order to be successful, must resolve the conflict of opinions at issue – one party must retract his thesis if he has failed to defend it by the closing stage of the dialogue. But in the persuasive dialogue, the dialogue can be successful if the maieutic function is achieved – that is, if light is thrown on the dark-side commitments of both sides, even if the conflict of opinions is not resolved by showing that our side has failed to defend his thesis against the conclusive argumentation of the other side" (1998, 48). Walton draws attention to the Greek word *maieutikas*, meaning 'skill in midwifery,' and to Socrates' description of his role in dialogue as midwifery (280n4). Compare with Jackman and Sniderman: "It is not that the respondent, on hearing a counterargument, says to himself, as it were, 'yes, this is a good reason to change the position I initially took.' Our model points to a different process of judgment. The content of the counterargument matters because it directs respondents' attention to their general view of the matter. Again, colloquially, it is as though, after hearing the counterargument, a respondent says to himself, 'Just a moment: is the position I initially took consistent with the choice I should have made as someone who is broadly liberal (or conservative)?' Deliberation in our model consists in weighing whether the initial position one takes in an argument reflects one's best thinking" (2006, 282). Notice that this model fits with the 'tradition-based' approach to rationality we explored in the last chapter. It is not typical, nor is it morally desirable, to suggest as moral theorists sometimes do that all of the *reasons* for a decision should issue from the abstractly conceived moral situation. Sometimes, at least, it is appropriate that considerations of identity or loyalty to a certain general orientation should enter into one's reasoning.

4. Graesser, Olde, and Klettke discuss "knowledge-based inferences,": "[...] those inferences that are inherited from generic knowledge structures (e.g. scripts, stereotypes) and from specific episodic structures created in the past (i.e. from prior texts, discourse, and experience" (2002, 244). Such inferences are distinct from inferences by "syllogistic reasoning, statistical reasoning, and other challenging computational systems. These latter inferences are not routinely made on-line during comprehension because they are difficult and require effortful reflection."

5. The same authors report elsewhere that the medium for this sort of cooperative engagement between opposed groups may matter: “In FtF [face-to-face] interactions from earlier research, Israeli-Jews had modified their speech style and communicated in a less forceful manner. Israelis adjusted their style and accommodated the Palestinians. But in the CMC [computer-mediated conversation] context, the Israeli-Jews have returned to a more forceful and confrontive argumentative style. [...] The reduced cue environment is low on social presence so actors are more task oriented, or, as is the case with the Israeli-Jews, they return to more culturally based predispositions that are not adapted to the social context” (2007, 302-3).

6. These comments may suggest that full understanding of an action is incompatible with the judgement that the action is wrong (the famous “*tout comprendre, c’est tout pardonner*”). But allowing that our judgement may at times soften as we become aware of an agent’s action constraints does not imply that we are impeded from judging.

7. Strange’s findings are “in line with the results of a wide range of studies that have found that once an outcome, a hypothetical explanation, or a decision rule is considered and deemed plausible, people are biased toward seeking evidence that supports it, tend to view ambiguous information as supporting it, and overestimate their ability to ignore information once they have considered it” (2002, 273).

8. They put some pressure on strong opponents of censorship and hate-speech laws. The typical line in favour of free speech is that those who do not like a bigot’s views should ignore her or answer her with arguments. But if cognitive defects make simple *exposure* to hate speech harmful, then other means have to be considered, and considered against the usual fears about slippery slopes of censorship.

9. Or, relatedly, by the presentation of a character facing a crisis or conflict interrupting things, and making the projection or prediction of the future hazardous.

10. “A script is a memory structure that specifies the list of actions people perform in repeated situations such as visits to restaurants, lectures, and grocery stores” (Gerrig and Egidi 2003, 40). There are complex philosophical questions related to the ‘ontology’ of the mind one finds in the literature on cognitive science. But, of course, the very *raison d’être* of cognitive science is to enable science to advance in the absence of a consensus on those questions.

11. Or *many* expectations. If I claim that my friend spontaneously combusts from time to time, and the notion of spontaneous combustion strikes you as basically inconsistent with the nature of the human organism, then if I succeed in persuading you that he did combust, I will have shaken a deep expectation of yours. If, instead, when last we spoke I was a pauper, and now I claim to be extremely wealthy, you will be surprised and interested in the story; but the events I recount may well be consistent with your general understanding of ‘how things go’ or can go, so that your expectations about me will have undergone some change, maybe many changes, but perhaps not ‘deep’ changes in the sense that the world will have become dramatically different for you.

12. Peirce argued that the inference from a set of data to an explanatory hypothesis or theory deserves to be treated with as much respect as a deductive or ordinary inductive inference. His name for it was abduction, or hypothetical inference. Passmore accounts for Peirce's abduction in the language of surprise: "Abduction is the process of inferring from a 'surprising fact' to an explanation of it: if the explanation were true, the fact would no longer be surprising. By means of abduction the scientist arrives at an 'explanatory hypothesis'" (1968, 143). The word 'surprise' suggests being overtaken, caught by the forces of the world. What is it that lets us feel that something follows 'as a matter of course,' even though it does not follow *necessarily*?

13. As, for example, in the notorious case of creationist science.

Chapter 8

1. The same story can, on Chatman's analysis, be told in literature or in film or as a puppet show; these are different discourses relating the same story.

2. At this point, it is usual for someone to raise the possibility that what we call 'history' might be totally cut off from the real order of facts or actuality, as if in giving up on the image of isomorphic correspondence between propositions and 'facts' we were abandoning the idea of contact. But this does not follow. See Passmore (1966).

3. The Grimm Brothers' fairy tales offer an interesting study here. Since the Grimms aimed to reproduce the stories they gathered with as much accuracy they could and they resisted the ordinary narrative urge to reorder events which, in the stories as they are printed, do not quite make sense. A good example of this is the story of "The Frog Prince" (Grimm and Grimm 1977). The story is told of a princess who lost a favourite toy down a well. A frog offers to retrieve it, on condition that the princess take him home with her. The princess agrees, although she has no intention of honouring the deal. Her father the king insists that she do right by the frog, commands her to let the frog eat with her, and later to take the frog to her room. She acquiesces, intending to make the frog sleep in the corner. When it insists on joining her in bed, she hurls it against the wall in a fit of rage, at which point the frog magically changes into a prince, and the two fall in love and agree to be married. Up to this point, the story hangs together as a unity as a story of passage into adulthood, or simply out of the care of the father (Darnton 1985 29-35), leaving unresolved only the intriguing question of why it is the princess' violent rejection of the frog that unlocks his true nature. The resolution to the original problem of the lost toy leads to the central conflict, which is resolved in the climactic act of throwing the frog at the wall. But the Grimms' version of the tale ends with a bizarre, disproportionately long epilogue concerning the young prince's faithful servant. This shift of story interest to the seemingly irrelevant perspective of the servant is a stumbling block for our cognitive satisfaction with the story, and needs accounting for. A plausible, *external* hypothesis in this instance, given what we know of the origin of folktales and the Grimms' objectives, is that the version of the story we are reading is but a single account pieced together out of an indefinitely great number of prior oral and written versions (Darnton 1985, 64). The aesthetically unsatisfying character of the story

testifies to our normative expectations about the conventions governing the introduction of novel elements at various stages of a story's telling.

4. The broad application of this normative principle to various other domains of inquiry yields more or less disastrous results, depending upon the significance of *contingency* or *chance* within the domain in question. The interpretation of the universe on the model of an artistic creation, together with the art critic's presumption against contingency, is behind various theodicies, as well as the notion of providence in human history and the grand 19th century metaphysical theories of history. Enduring debates over 'strong' and 'weak' theories of existence in metaphysics in the end concern the mind's capacity to find satisfaction in the notion of contingency – whether the universe is ultimately, as naturalists hold, an inexplicable event, etc., or whether instead (in some sense to be made more precise) the “real is the rational.” The presumption against accident takes on a comic (or perhaps a tragicomic) aspect in psychoanalysis (even granting that something can at times be learned from a slip of the tongue or a dream).

5. Responding to the complaint that reality is not organized according to narrative logic, that there are no natural ends or beginnings, MacIntyre ridicules his critics: “Have you never heard of *death*?” (1984, 212). This seems a clear instance of a disagreement over terms. Death is an end in any person's *storyline*; in a broader storyline, of course, that person's death might be located nearer the beginning. MacIntyre's idea is that there are natural joints or articulations to the world, which serve as constraints on the sorts of narratives that we can plausibly tell. Using Chatman's distinction, we can say that death marks the end of a certain kind of plot told about one's life. The appeal to the natural event of death as offering deep structuring power for the sensible stories that might be told about our lives gives the impression that the unity of narrative is not, for MacIntyre, a regulative ideal, but a real fact. This is neither plausible nor consistent with his general view of interpretation.

6. Or like the four blind men each holding a different part of the elephant.

7. Many narratives, of course, bypass the relatively uninteresting original stage of stasis: the narrative begins, instead, with a problem that captures our interest, then goes on to complicate and resolve that problem (problem-complication-resolution).

8. Gallie's central objective is to argue that historical understanding is distinct from the 'nomothetic' understanding typical of (some) natural science, the latter being bound up with the formulation and testing of predictions. He does not deny that there is a predictive element involved in intelligently following a narrative.

9. This is the way to answer John Lippett's objection that the notion of narrative unity does no work, since in principle *any* event can be made continuous with the storyline in question: “if any radical eruption of my life can be fitted into its narrative, it again becomes unclear exactly what the supporters of 'narrative unity' are telling us” (2007, 58). Of course, any sort of swerve is possible in a person's life story, and *post facto* such a person can always seek to reconstruct a meaningful account of his life in the light of that event, but there is no guarantee that such an interpretation is going to be as rich with meaning. One of the

interesting implications of Gallie's view is that lives, and potentially the life of this or that community, can be more, or less, meaningful than others. In the end, we may not be satisfied with a minimally *just* society (although justice has great meaning); we may want a society that furnishes what we need in order to live meaningful lives.

10. Compare with Daniel Dennett: "there *is* a particular sort of understanding that is used to make sense of narratives about human agents. It is also true that the mark of a *good* story is that its episodes unfold *not* as the predicted consequences of general laws and initial conditions, but in delightfully surprising ways. [...] to take a usefully simple case, a particular game of chess is interesting to the extent that we are surprised by either the brilliant moves that outstrip our own calculations of what it would be rational to do, or the blunders, which we thought too sub-optimal to predict" (2001, 306).

11. In "The Objectivity of History," John Passmore compares the telling of a historical event to the construction of an interpretation of a philosophical system (in his example, his own account of Hume). The complaint against historical explanations is that they do not admit of real testing, since the reality we seek to know is now gone. Passmore argues that an interpretation should 'illuminate' passages of a thinker that were previously opaque; and that this is the closest analogue possible for testing (1966, 154-5).

12. Importantly, the *Godfather* does not teach us that killing one's brother is wrong: its power depends upon the moral understanding we bring to the work, upon our 'prejudices,' as Gadamer says, without which we would not be able to unlock the meaning of the film at all. Previous understanding provides us the knowledge we need in order to enter into the world of the filmmaker; and it gives us critical perspective on the unfolding events.

13. We might expect that the discourse of the 'Enthusiastic Artist' might communicate irritation (at being distracted), confusion (over what the problem is), amusement (at childish concerns about romance), disgust (at small-minded ignorance of sublimely important values).

14. Evaluating political candidates involves a search for contrasting characterizations. Despite complaints about political spin, there are constraints on the plausible interpretations that can be advanced about a politician's character. Former Prime Minister Chrétien can be cast by admirers as a pragmatic, tenacious underdog, or by enemies as a ruthless and unprincipled *vendu*; but no one would think of presenting him as an elegant and aristocratic visionary or idealist; Liberal leader Michael Ignatieff can come across as a broad-minded and cosmopolitan philosopher, steadily committed to truth and goodness, or as a detached, disloyal political amateur, but not as a working-class hero. Competing interests interpret the complex array of characteristics in a plausible way, casting these individuals in a favourable light, given the public record of their relevant actions and career; the adversarial approach to them draws into view two antagonistic pictures, through which we read and re-read their actions. We do not, though, have an indefinitely great number of conceivable narratives, but a couple of plausible accounts of their characters, attached to a certain way of telling their stories; and with these competing ideas in mind, we judge which of them is revealed in a particular case.

Chapter 9

1. This third lesson explicitly appeals to judgement in reference both to the ‘reasonableness’ of an attempt and to the ‘adequacy’ of a description: in both cases, the audience charged with the task of evaluating the decision must provide the constraining standards that determine reasonableness and adequacy. Assessing the reasonableness of an attempt inevitably involves an interpretation of one’s tradition and its values. Unsurprisingly, these distinct narrative functions are interrelated.

2. The boundaries of the United States were, of course, the subject of considerable controversy long after the American Revolution; and although constitutional debates sometimes proceed as though the moral questions over American territorial sovereignty had been settled, serious questions – of great importance for debates over historical justice – remain.

3. The first significant agreement in this process was the Anglo-Irish Agreement of 1985 signed by Thatcher and Fitzgerald, giving the Republic of Ireland the right to be consulted with respect to the government of Northern Ireland. Conor Cruise O’Brien writes that “The agreement was between the British and one of the two traditions in Northern Ireland. The other tradition had never been consulted while the agreement was in preparation and all unionists were stunned and outraged when they learned of the agreement’s existence” (418). And similarly: “The pan-nationalist peace process, as it emerged in 1993-4, is based on a dialogue, and an agreement or agreements, between Gerry Adams, president of Sein Féin, and John Hume, leader of the Social Democratic and Labour Party” (421), both of whom belong, of course, to the Catholic, republican tradition.

4. It may be tempting to suggest that these are ‘universal’ principles which we might know without reference to context. It is not in fact obvious that the principles *are* universal: see Williams’ comments about ‘the basic legitimation demand’ (2005, 4-6). But even if it were, it would not follow that we could grasp them or make them effective in moral argument without reference to history.

5. Compare with Tully’s comments about the significance of the imposition of the Canadian Constitution Act on Quebec, against its will: “If these violations are not rectified and Québec’s co-ordinate sovereignty recognized through constitutional negotiation, then Quebec has the right to secede” (1995, 163).

6. The normative assumption that earliest origins resolve all questions of justice would obviously leave the fate of our political order hanging on the latest archaeological or historical discoveries. The already inevitably value-driven pursuit of historical knowledge would be further politicized. Moreover, our knowledge of history fades away the further back we go – so that the ‘origins’ are sometimes no more than the earliest moments left on record. It begins to look as though it is not history so much as *historiography* that circumscribes moral-political obligation, and this is intuitively much less obvious. The absurdity of pursuing an earliest account is sometimes treated as a *reductio ad absurdum* of

the attempt to resolve contemporary moral problems by appeal to history. See Tom Flanagan's argument against attributing any special moral significance to European conquest of North America, given pre-Columbian history of conquest among aboriginal groups in the Americas (2000, 11).

7. David Herman writes: “[B]y marking off a point on the temporal continuum and assigning it the role of origin or beginning, decisions about where to begin a story not only constrain the design and interpretation of the narrative itself, but also index competing ways of understanding the world – i.e. alternative strategies for tracing current states of affairs back to a point of origin. Competing accounts of the Troubles in Northern Ireland, for instance, might trace their root-cause back to (among other causes) the events of 1867 (the Fenian revolution), 1916 (the Easter Uprising), 1972 (‘Bloody Sunday’), or 1695 (the advent of more than a century of anti-Catholic ‘Penal Laws’)” (2003, 173). Choosing one or another of these points of origin gives us a certain evaluative orientation: what is the *meaning* of the conflict? Should it be understood as a matter of religious persecution, or has it taken on a different character in recent times? Implicit in Herman's profile of some key events in Irish history is the possibility that a more recent event really deserves to be taken as a transformative moment, more significant in its relation to current problems than the others, which recede in significance.

8. Imagine, by contrast, how a different course of British action during the Irish famine would have destabilized the narrative of Irish independence: in a period during which the great empires were collapsing, and nationalist sentiment was rising, the English received an almost Biblical test of their allegiance in the form of a famine, and stood in arms with their Irish brothers.

9. See Bouchard and Taylor for details about a chronology of the key events (2008, 45-60).

10. The debate among historians has concerned the question of how to interpret the original confederation of the British North American colonies. On the ‘compact’ theory of Canadian confederation, the original colonies entered into a compact or contract, and the federal powers outlined in the BNA Act of 1867 should be interpreted very thinly, since the provinces should be assumed to retain any powers not explicitly granted to the federal government (Francis, Jones and Smith 1996, 7). On this view, the various lieutenant governors represent the Queen directly and should not be regarded as subordinates to the Governor General of Canada. But Canada's colonies, by contrast with post-revolutionary America, did not enjoy anything like the sort of sovereign authority they would have needed to be able to enter into the sort of pact described by the compact-theorists. The Crown's decision to unify the colonies of British North America could hardly be viewed as an act of setting them free from British rule; the burden of proof should be on the provinces to demonstrate that the crown accorded them the sort of autonomy enjoyed by post-revolutionary American colonies, and there is nothing to that effect in the BNA Act of 1867. See Kenneth McNaught for a comparable view (1969, 131.)

11. Separatists typically regard the Canadian Charter (which affords more protection to individuals than does Quebec's Charter) as illegitimate, because imposed without

Quebec's consent. Bouchard and Taylor are right to interpret the 1995 referendum as the most significant recent expression of Quebeckers' will with respect to basic constitutional issues.

12. Some historians have interpreted the original BNA Act of 1867 as an act to unify the two distinct nationalities of English-Canadians and French-Canadians (Stanley 1956). There are two obvious reasons why French-Canadians have had to shift away from this interpretation. First, racial solidarity no longer seems a relevant criterion on which to ground political association. Second, the idea of a political union between the two solitudes, even if originally intended, perpetuates the historical injustice of denying the existence or relevance of Canadian aboriginals.

13. So, on the contextualist view I am advancing, does this historical significance of the French revolutionary ideal justify the French government in taking this sort of approach to cultural diversity, whereas such an approach might not be justifiable in traditionally multicultural Canada? This is a complicated question, but as a start one might say: yes, in principle it is possible for a people to agree to this sort of collective life together. However, the colonial history of the French state has changed the bounds of the political community (in the manner suggested by Walzer in his comments on the nationalization of the Vietnamese), and the perspective of *these* French citizens of colonial origin is being ignored. It is a bit rich for France to justify, by reference to ideals of the equality of all human beings, measures that unequally distribute costs to the descendants of colonized peoples.

14. Following the Wars of Religion, Henri IV of France passed the Edict of Nantes (1598), a milestone in religious toleration in Europe, designed mainly to pacify the Huguenots, declaring that Protestants are free to "live and abide in all the cities and places of this our kingdom and countries of our sway, without being annoyed, molested, or compelled to do anything in the matter of religion contrary to their consciences . . . upon condition that they comport themselves in other respects according to that which is contained in this our present edict" (Viorst 1965, 105). In 1685, Louis XIV revoked the Edict of Nantes and, as Viorst summarizes, "closed all Protestant churches, banned all worship, exiled all ministers, closed all schools and forbade all emigration. It excluded all Protestants from all services of the state. [...] The Revocation of the Edict of Nantes sent hundreds of thousands of Huguenots into exile in England, Holland, Germany, and America" (140).

15. Historically, Quebec women were dominated by a combination of the family-oriented Church and the male-dominated state. Some Muslim women undoubtedly face significant pressures in their local communities, and it is legitimate for the state to take an interest in that. But there is a significant disanalogy with the condition of women in past Quebec society, in that Quebec women faced a dominating religious presence which was also politically dominant; even had they found the courage to escape that dominating presence, there was nowhere to escape to, no authority ready to enforce their rights against the community.

16. Actually, the case is somewhat more complicated. For example, Bouchard and Taylor write: "It is useful for a society to achieve a consensus on horizons, basic orientations and reference points that nurture the collective imagination. This symbolic foundation

contributes to strengthening individual identities and reducing collective insecurity, a source of anomie” (2008, 114). This sociological perspective is indifferent to the substantial content of the ‘collective imagination’: it approaches the issue from a neutral perspective, taking it for granted that there must be some sort of integrating symbolic life if a society is to remain intact. The ethical pursuit of moral transformation might, however, require serious disruption of the myths that help to sustain a society (as signalled in Socrates’ critique of Homeric poetry).

17. Bouchard and Taylor are, of course, rejecting multiculturalism for Quebec. They are less clear about what should be made of multiculturalism in Canada. The intercultural model involves the existence of a predominant culture, with which other cultures interact. Bouchard and Taylor give four reasons why multiculturalism is not adapted to Québec: (1) there is language-related anxiety only in QC (Albertans, for instance, know that immigrants will eventually learn English; whereas Quebecers know the same is not true for French in Quebec); (2) there is anxiety over the disappearance of the culture only in QC; (3) whereas there is no longer a majority ethnic group in Canada, 78% of Quebecers are ethnically French; (4) there is less concern in Canada for preservation of a founding culture, more emphasis on national unity.

18. An early publication on the hearings emphasized these difficulties. See Dufour and Heinrich (2008).

Chapter 10

1. Public memory of certain historical facts can be distorted by the apologetic narrative. Telling the history of domination and abuse suffered by aboriginal Canadians might encourage a certain false idealization of peaceful and respectful aboriginals (Flanagan, 2000).

2. Charles Griswold writes, in his interesting recent book on *Forgiveness*, that “one function of an official, ritual, or ceremonial expression of apology and regret, offered in a political context, is precisely to communicate a moral point of view publicly and impersonally” (2007, 142).

3. See for instance Barry Cooper’s (partly) successful attack on Bob Rae concerning the case of Riel (2000).

4. Griswold emphasizes the commitment to change as an essential condition for forgiveness.

5. Hilliard Aronovitch makes a similar point: we are morally lucky to be born later in history (2011). One might say that ordinary people can live much more easily in accordance with moral truth, as a result of the moral ‘capital’ amassed through experience and debate throughout human history.

6. Granting that *some* payment is due does not of course commit us to the view that executives should pay with jail time – perhaps only an apology is owed – but the point is that it seems fair to hold them responsible. It might be argued that it really is unfair to hold managers (or political leaders) in any way responsible for wrongs committed by their employees, on the grounds that the organizations they direct are too complex for those in management to monitor. The danger with this sort of argument (from the manager’s perspective) is that it proves rather too much: its premise seems to be that managers cannot control their corporations, and this would be a good reason not only not to hold them responsible, but also not to have them at all.

7. The example and argument are adapted from Butt, who is himself drawing on Waldron.

8. Over time, of course, knowledge of the original crime may disappear, and for this to happen it is not necessary that there be any Orwellian organized mass amnesia. The careful preservation and study of the past might, then, be an additional and important moral duty.

9. What happens, for instance, when populations are quickly decimated by illness (as during the Black Plague), or by war, or drastically altered by immigration and emigration rates? What happens when politically boundaries are redrawn, or victims and offenders intermarry?

10. It may be no easier to decide *who must pay*. Compensation drawn from the public purse leaves open the possibility that some descendants of the original victims might wind up not receiving but *paying* compensation for the original crime. Similar concerns have been raised about reparations to victims of South African apartheid (Griswold 2007).

11. The difficulties here have not prevented states from making awards to historically abused groups, sometimes in the form of considerable financial compensation, as has been the case in various settlements between the Canadian government and some First Nations groups.

12. John Schiemann addresses these issues, drawing on the example of the Balkans in his attempt to explain those ‘bizarre beliefs’ wrongly ignored by rational choice models (Schiemann, 2007).

13. If liberals are inclined to reject this idea out of hand, it is worth noticing that we quite naturally *take pride in the achievements* of broader collectivities, including those of humanity as a whole. If we are prepared to resist as absurd the idea that we can all be diminished by the actions of others, then it would seem that we should also resist (in the absence of an account explaining the asymmetry of the cases) the idea that we can be *exalted* by what humanity has achieved in science and technology, art, and so on. I submit that few of us would succeed in feeling no pride in humanity’s penetration of the secrets of nature, or in the expression of human experience we find in Shakespeare or Beethoven, or in certain extraordinary acts of self-sacrifice and altruism.

14. It is perhaps possible to find a methodologically individualist way of justifying constraints against consensual cannibalism, incest, necrophilia, etc. But can such an approach make sense of our opposition to these practices?

15. There is a debate in the research on reconciliation over the question whether deliberative democracy can yield reconciliation, or instead presupposes an already reconciled group. Bashir Bashir argues, against Gutmann and Thompson, in favour of the latter view (2008, 64). There may be something in this dispute, but it should be remembered that reconciliation (in this respect like communication or discussion) is not an all-or-nothing matter; and some measure of discussion, even between enemies, could conceivably be part of a reconciliatory process.

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