

Cultural Claims and the Limits of Liberal Democracy

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Abstract

Amy Gutmann and Dennis Thompson's theory of deliberative democracy is widely considered a successful attempt to combine procedural and substantive aspects of democracy, while remaining quintessentially liberal. More recently, Gutmann has elaborated on how dominant liberal societies ought to treat minority claims of culture entailed by their theory of deliberative democracy. After showing the ways in which Gutmann fails to do justice to legitimate claims of culture made by nonliberal national minorities, especially their women, I argue that such failure indicates that the conception of liberal deliberative democracy itself is inadequate for radically pluralistic societies in the West.

Cultural Claims and the Limits of Liberal Democracy

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Amy Gutmann and Dennis Thompson's theory of deliberative democracy has been widely influential and the focus of much attention among liberal democracy theorists in recent years.¹ This conception of democracy has been favorably viewed by many as a successful attempt to combine procedural and substantive aspects of democracy, while remaining quintessentially liberal.² Although their theory of deliberative democracy has been subject to intense scrutiny,³ the theory's implications for multiculturalism have been largely ignored. In this paper, I attempt to fill this gap by carefully examining Gutmann's position on minority claims of culture, which is entailed by Gutmann and Thompson's theory of deliberative democracy.⁴ Although Gutmann allows certain accommodations of cultural claims by immigrants, she is adamant in her rejection of cultural claims made by *national minorities*⁵ whose cultures⁶ are by and large non-liberal.⁷ By showing that Gutmann's position does not do justice to legitimate claims of culture made by national minorities, I shall argue that Gutmann and Thompson's deliberative democracy itself is inadequate for radically pluralistic societies that house non-liberal national minorities.

In what follows, I shall begin with an overview of Gutmann and Thompson's deliberative democracy, which upholds substantive values of "equal freedom and civic equality," and then show how Gutmann's multicultural proposal follows from it. I shall

elaborate on Gutmann's reasons for rejecting non-liberal minority cultural claims, and focus, in particular, on her assertion that the conception of minority culture as "comprehensive," on which cultural claims are predicated, necessarily entails oppression of vulnerable cultural members, such as women. I shall then consider a seemingly puzzling position of some minority women who defend cultural claims, despite their subjugated status in their cultures. While these women's position may seem unreasonable from the liberal perspective, I shall argue that their position can be rendered philosophically defensible, if reconstructed on different conceptions of non-liberal culture and persons than the prevailing liberal conceptions. In this reconstruction, I shall show that the cultural insider's perspective has primacy in judgments about culture. By adopting the insider's perspective on minority culture, I shall indicate the ways in which Gutmann's position on cultural claims and sexist minority practices/norms is untenable. I shall conclude that the failure of Gutmann's position concerning cultural claims indicates that Gutmann and Thompson's deliberative democracy, on which the former is based, is too substantively liberal to serve as an ideal model of democracy in radically pluralistic societies into which some non-liberal minority cultures have been forcibly incorporated.

I. Are Cultural Claims Compatible with Deliberative Democracy?

One of the most significant characteristics of contemporary liberal societies emphasized by deliberative democrats is that people sharing the same political space *disagree*, sometimes fundamentally, about moral matters. According to Gutmann and Thompson, there are four major reasons for moral disagreements: Scarce social resources, ungenerous human nature, the lack of perfect understanding, and incompatible values.

These different sources of moral disagreements lead to the condition referred to by John Rawls as “reasonable pluralism.” Even in favorable social circumstances that allow reasonable people to exercise practical reason freely, their distinct and incompatible “comprehensive doctrines,”⁸ which are particular all-encompassing outlooks on life, may lead to disagreements and conflicts. Gutmann and Thompson take persistent moral disagreements as an inescapable fact of life and as the starting point of their conception of deliberative democracy.⁹

With reasonable pluralism as the backdrop, the challenge is how to maintain a common political system that is inclusive of citizens with diverse comprehensive doctrines. Since even reasonable persons would be unable to form a consensus on matters of comprehensive doctrine, the most we can expect is that they would reach a narrower political agreement concerning their common social arrangements, which would constitute “the conditions of political discussion.” According to Gutmann and Thompson, deliberative democracy is the only acceptable conception of politics under the circumstances of reasonable pluralism because it consists of the political minimum that all reasonable persons, who disagree on comprehensive doctrines, can agree as “a basis on which those who morally disagree can cooperate.” In deliberative democracy, citizens and public officials are “committed to making decisions that they can *justify to everyone bound by them*” by giving and deliberating on reasons that can be accepted by others.¹⁰

The deliberative democratic emphasis on public deliberations of reasons may seem to support a procedural conception of democracy. However, Gutmann and Thompson emphasize that democratic principles must be “both substantive and procedural.”¹¹ Given the “fundamental aim of deliberative democracy” to make political

decisions based on reasons that are acceptable to free and equal persons willing to cooperate, “The idea of free and equal personhood itself provides substantive moral content” for deliberative democratic principles. Although certain political decisions may have been reached by following a legitimate deliberative procedure, decisions that go against the idea of free and equal personhood must be rejected in deliberative democracy.¹² Hence, in addition to the three principles of reciprocity, publicity, and accountability to regulate the democratic *process* of collective deliberation, deliberative democracy adheres to *substantive* liberal principles of basic liberty, basic opportunity, and fair opportunity to regulate the deliberative process.¹³ In this sense, Gutmann and Thompson’s deliberative democracy is quintessentially *liberal* in that respect for free and equal individuals forms the core of the theory.

Are cultural claims made by cultural minorities in the liberal West compatible with this conception of deliberative democracy? As a believer in a multicultural democracy that is not culturally blind but “fair to all *individuals*, whatever their cultural heritage,” Gutmann argues that *some* cultural claims are acceptable in deliberative democracy. However, there are strict limits. Given the central place that liberal values occupy in deliberative democracy, the only defensible cultural claims are those that can be supported “in the name of equal freedom, opportunity, and civic equality.” Examples of defensible cultural claims are claims to be exempt from laws or policies that impose disproportionate burdens on their cultural identities, such as those made by Canadian Sikhs to be exempt from wearing the traditional hat of the Canadian Mounted Police, and claims for special aid to overcome unfair disadvantages faced by minority members, such

as requests for public support of their language alongside the dominant one in government institutions and schools.¹⁴ These are claims made by *immigrants*.

On the other hand, cultural claims that would involve maintaining cultural customs/practices and norms/rules that violate individual rights should be rejected by deliberative democracy and excluded from collective deliberation. Claims of sovereignty and claims of cultural survival by *national minorities* provide cases in point. These claims potentially infringe on individual freedom, Gutmann claims, because they are predicated on a “comprehensive” conception of culture. In this conception, culture involves “a common language, history, institutions of socialization, range of occupations, lifestyles, distinctive literary and artistic traditions, architectural styles, music, ... and customs that are shared by an intergenerational community that occupies a distinct territory.” Such a comprehensive conception of culture, Gutmann continues, assumes that there is “a single culture [that] encompasses the identity of the individuals who are its members” and “shapes individual identity in a comprehensive way.” This assumption, however, is implausible not only because a singularity of cultural identity does not exist, but also because it entails the morally repugnant idea that “individuals cannot think, act, or imagine beyond ‘their culture.’” This idea is also “dangerous” because it can justify unfairly limiting some people’s equal freedom and civic equality.¹⁵

As a clear example of how dangerous are claims of *sovereignty*, Gutmann considers the case of Julia Martinez. Julia Martinez is a Pueblo woman, married to a non-Pueblo man, who appealed to the U.S. Supreme Court to be granted the full rights of a Pueblo, which were denied her and her children by the Pueblo tribal authorities. Martinez lost her appeal for equal treatment because the majority of the Supreme Court concluded

that “To abrogate tribal decisions, particularly in the delicate area of membership, for whatever ‘good’ reasons, is to destroy cultural identity under guise of saving it.” In other words, they agreed with the tribal leaders that sovereignty should be granted to tribal authorities even if it means “abrogating the equal freedom and civic equality of Pueblo women.”¹⁶

Gutmann argues that the Supreme Court’s decision is problematic because it is predicated on the rule that “The more comprehensive the culture, the greater its political sovereignty should be.” This rule is unacceptable, according to Gutmann, because it does not respect individuals: “The degree to which a cultural group is encompassing is not necessarily the degree to which it takes equal freedom and civic equality seriously.” Since Gutmann believes that equal freedom and civic equality are main constituents of basic human rights, which the U.S. Bill of Rights is committed to uphold, she believes that this decision is also “illogical.” To defer to the sovereignty of a group even when an individual’s basic rights are violated is to make a “mockery of the meaning of a basic right.” In deliberative democracy where due consideration must be given to equal freedom and civic equality, “the sovereign authority of all groups—small and large nations alike—must be constrained in order to protect the civic equality and other basic rights of persons.”¹⁷

Claims to *cultural survival* provide another example of cultural claims to be rejected by deliberative democracy. Gutmann defines it as a claim to “ensure the survival over time of certain central features of a cultural group ..., most obviously its language.” Gutmann asserts that there cannot be a “blanket assurance” to maintain cultural survival: If a culture goes extinct because the members are not interested in maintaining its

survival, there is nothing problematic about its extinction. Yet when a culture is threatened as a result of “injustice committed against its members,” as in the case of indigenous people, she concedes that “Democratic states have an obligation to counteract the threat of cultural extinction.” However, she asserts that the claim of cultural survival of this sort is “derivative” of human rights to equal freedom and civic equality; what is at issue is injustice against individual members and nothing more. “Cultural survival in and of itself is therefore not a human right, since the ultimate beneficiaries and claimants of human rights must be persons.” Invoking “group rights” must be avoided, Gutmann continues, because it is “a recipe for tyranny and injustice.” In deliberative democracy, then, claims of cultural survival in specific cases can be considered, but only as derivative of basic human rights.¹⁸

At the heart of Gutmann’s concerns about claims of culture are problematic cultural practices/customs and rules/norms that infringe on the individual rights of members. Hence Gutmann claims that the only minority cultural practices and rules that deserve democratic support are those compatible with “respect for individuals.” Further, she argues that members of the dominant society may object to minority cultures whose practices and rules violate human rights. In situations where internal dissent is likely but not detectable, an outside critique of problematic cultural practices and rules is justifiable because “opposition by outsiders may help open the door to internal dissent by giving potential dissenters powerful allies to their cause.” At least, it will show the vulnerable insiders that “they have an option outside the group” and enable them to exercise the right of exit. Even when external critics cannot find allies within the minority culture,

outside criticism of oppressive practices and/or rules are justifiable because they “demonstrate *respect for the potential* of persons to live together as civic equals.”¹⁹

Although this may seem to entail disrespect to minority members, Gutmann defends her position by stating that “Public disagreement of this sort is central to democratic politics and consistent with mutual respect among citizens.” Just as opposing some of our own practices and rules does not imply disrespecting friends or fellow citizens in democracy, outside opposition to minority cultural practices and rules need not involve disrespect to the members. Besides, criticizing minority cultural practices/rules in deliberative democracy for failing to respect equal freedom and civic equality does not amount to an imposition of an alien set of norms on cultural minorities. Equal freedom and civic equality of individuals are the two main constituents of basic human rights, and “human rights culture” is “a subset of total morality” compatible with all cultures. In other words, it is constitutive of “political morality,” which forms the minimum morality compatible with all comprehensive doctrines. Hence members of different cultures, including minority cultures, can subscribe to human rights, “without damaging cultural diversity.”²⁰

II. The Insider’s Perspective on Culture

Gutmann’s critique of cultural claims and minority practices/norms rests in large part on her assessment of the situation of the “vulnerable” members of minority cultures, particularly women. Cultural minority women are conceived as unable to protect their own rights, often silent and persevering but ready to welcome any outside help to deliver them from their subjugated status. Hence Gutmann believes that claims of sovereignty

and cultural survival, as well as many minority practices/norms, must be rejected primarily because they potentially infringe on these women's basic human rights. If so, Gutmann might find it puzzling that some national minority women theorists/activists vehemently object to outside critics of their patriarchal culture, whether feminist or non-feminist, and staunchly advocate their culture's sovereignty and survival, even in cases where they obviously suffer from pervasive sexist cultural practices and/or norms.²¹

This by no means uncommon response of cultural minority women has perplexed many liberal theorists. Liberals committed to the value of individual human rights find it difficult to make sense of the oppressed female members' defense of a culture that constrains them, even against outside criticisms by seemingly well-intentioned feminists. At least one liberal theorist attempts to explain away the paradox by attributing to such women "false-consciousness." Susan Okin suggests that Third World women and, by extension, cultural minority women in the West, are thoroughly indoctrinated by their own patriarchal cultures and have "often internalized their oppression so well that they have no sense of what they are justly entitled to as human beings." Hence Okin claims that "*committed* outsiders can often be better analysts and critics of social injustice than those who live within the relevant culture," and thereby justifies outside opposition to and possible intervention in cultural minority affairs.²²

Gutmann seems to agree with this indictment, as she promotes outside criticisms of oppressive minority practices/norms for the sake of "respect for the potential of persons ... as civic equals," even when cultural insiders do not sympathize with and possibly object to external criticisms. If so, Gutmann's position seems to imply that the views of cultural minority women who defend their sexist non-liberal culture do not deserve

respect or attention, since they are less than “civic equals” of outside critics. Rather, it is “committed” outsiders, such as liberal theorists, who have authority in the assessment of non-liberal minority cultures.

I strongly disagree with this position and believe that when minority members defend their non-liberal culture, despite their oppressed status within, their views should be respected. Consequently, outsiders, however well-qualified they may deem themselves, ought to refrain from criticizing others’ non-liberal culture, *when cultural insiders object to it*. I believe that such tolerant self-restraint on the part of outsiders in the dominant liberal culture concerning minority practices/norms that *seem* problematic to them but are defended by the majority of minority members, including the supposed victims, is *morally required* in order to avoid disrespect toward cultural minority members and cultural imperialism toward non-liberal cultures.²³ Some liberals may argue that my position is inordinately optimistic and unwarrantedly charitable to the views of minority members whose agency may actually be severely constrained, as Okin and Gutmann claim. I recognize that my position is not widely accepted, as it is predicated on radically different presuppositions than the prevailing liberal ones. In order to see the plausibility of my position, therefore, fundamental conversions in perspective concerning culture and agency are necessary, which I shall provide in due course. Let me begin my argument, however, by pointing out an unjustifiable yet rampant presumption concerning cultural minority women.

The attribution of false-consciousness to women who vocally defend their culture is problematic because it is often based on pervasive stereotypes of cultural minority women.²⁴ While I admit that some women in minority cultures may suffer from

constrained agency, just as in the dominant society, the generalization that all or most such women are so constrained is simply not corroborated by empirical evidence. Minority women who advocate their non-liberal culture come from all ranges of social strata, with different educational backgrounds, disadvantaged and marginalized by their culture in varying degrees. Therefore, subscribing to such stereotypes is extremely problematic because it functions to write off the actual voices and experiences of those who do not fit the stereotype. Indeed, when we pay close attention to these women's voices, a striking discrepancy emerges between how outside critics, like Okin and Gutmann, view these women and how these women view themselves. Despite their relatively marginalized or "oppressed" status within their culture, these women do not think of themselves as vulnerable and passive victims but rather as active participants in cultural discourses, capable of implementing change.²⁵ One major reason for this discrepancy has to do with contrasting conceptions of minority culture presupposed by liberal theorists and these women as cultural members.

Cultural minority women indeed conceive of their culture as "comprehensive." Their culture is "a meaningful way of life across the full range of human activities" found in their homeland that has endured over time, predicated on a common language, value and/or religious system, and history, the shared vocabulary of which they possess through earlier inculcation and habituation.²⁶ However, minority women in their defense may not view their comprehensive culture as "singular" or "self-contained" as Gutmann claims. Contrary to Gutmann's allegation that minority members who defend their comprehensive culture necessarily subscribe to the essentialist conception of culture that ineluctably leads to oppression of members,²⁷ these women's position is quite consistent

with the conception of their culture as complex and emergent. In other words, women who defend their comprehensive culture may correctly view it as a complex hybrid of various cultural influences in constant flux, as a result of both interactions with other cultures²⁸ and the internal dialectic. Here I am not making just an empirical claim that these women actually do hold such a view, but, more importantly, a philosophical/conceptual claim: the notion of comprehensive minority culture is not necessarily essentialist but rather *compatible* with an interpretation of it as a complex and emergent hybrid. If this can be shown, as I believe it can, then Gutmann's claim that minority members who defend their culture necessarily adopt an essentialist conception of comprehensive culture, which is inevitably oppressive to members, would be proven false. Further, if "vulnerable" minority members, such as women, may view their patriarchal comprehensive culture as complex and emergent, it becomes easier to see why they would defend it, as I shall show subsequently. In this process, the apparent paradox would be resolved.

Let me start the first step in this analysis involving the conception of comprehensive culture as complex and shifting. Any long standing comprehensive culture, whether liberal or non-liberal, is not an essentialist monolith but a hybrid of various cultural influences, although its specific mode of hybridity will be unique. It consists of multiple cultural values, most of which are variations on the theme of the "common good." Yet their origins may vary, as some are indigenous to a specific locality, some imported from different traditions, and still others syncretic to an amalgamated culture. Some of these values are more prevalent, even promoted as the "official" cultural values by the cultural authorities, supported by various institutions and customs/practices.

Some others, in contrast, remain marginal or latent without institutional support. In addition, with each set of cultural values, there are multiple interpretations circulating in comprehensive culture, some of which may be more consistent and systematic, while others may be more intuitive and unstructured. Under such circumstances, cultural insiders would disagree on various aspects of culture as a result of subscribing to different cultural values, or, in case the majority endorses a prevalent and/or the “official” set of cultural values, as a result of adopting different *interpretations* of such cultural values. In peaceful times, insiders who disagree about their cultural values, interpretations, institutions, rules, and practices, would try to negotiate their differences in order to reach reasonable agreements on various aspects of their common polity. As a result, reconfigurations of various aspects of the culture would be inevitable.²⁹

The precise ways in which a culture is complex and constantly shifting, however, is identifiable only by insiders who are sufficiently embedded in the culture, able to decipher intricate interconnections and subtle interstices among cultural values, interpretations, institutions, rules, and practices. As a result, insiders may have a holistic and organic perspective of their culture as a complex entity that is perpetually evolving and potentially self-correcting. Although it is by no means the case that such a perspective on culture would be achieved by all cultural insiders, it is more likely to be attained by insiders than not. Hence I shall refer to this perspective as the “insider’s perspective” on culture.³⁰ Outsiders who lack such a perspective, on the other hand, are prone to focus on partial aspects of a minority culture and essentialize it. As a result, they tend to make premature condemnations of the minority culture.

Seen from the insider's perspective, then, the fact that there are morally problematic institutions, rules, and practices in minority culture, including patriarchy, does not by itself sentence the insiders to eternal victimhood. Culture, as a hybrid mixture of multiple cultural values and their interpretations, contains within itself seeds of novel and innovative reforms and reconstructions. The multiplicity of cultural values and their diverse interpretations within a culture provide insiders with resources needed to reinterpret and redefine their cultural values and reorganize their cultural institutions, rules, and practices. More importantly, most, if not all, long-standing decent human cultures that subscribe to some notion of the "common good" view the common good as encompassing the well-being of all members and entitle them to equal consideration for their well-being by the cultural community. If each cultural member is entitled to equal consideration for their well-being, then they are also entitled to participate in cultural and political processes that affect their well-being.

From this, we can derive a conception of democracy compatible with non-liberal comprehensive cultures: Democracy is a politics that enables the participation of cultural insiders, as *equal members* of the culture in the sense of being equally entitled to have their well-being taken seriously by the cultural community,³¹ to contest and negotiate various elements of their common political, social, cultural and economic system in order to actualize the common good that encompasses the well-being of all members. The democratic process of internal contestations and negotiations ought to involve giving and assessing of reasons for policies proposed, and hence deliberative. However, the primary criterion by which to distinguish good and bad reasons for democratic deliberation is not whether such reasons promote individual freedom and

civic equality, but whether they promote the cultural common good inclusive of every member's well-being.

Let me caution, though, that I am not hereby making an empirical claim about the state of democracy in non-liberal cultures, but a philosophical/conceptual claim about their compatibility. My aim here is only to show that democracy as conceptualized above is consistent with non-liberal comprehensive cultures as complex and emergent hybrid structures. Yet I do believe that ample empirical evidence for the compatibility between democracy and non-liberal cultures exists: In numerous ongoing efforts to democratize non-liberal cultures, most cultural insiders maintain their allegiance to their cultural values, while criticizing various aspects of their culture.³² While many such democratic movements have been unsuccessful, it is in most cases not because non-liberal cultural values are inherently oppressive, but because brutal tyrants or oligarchs, often supported by powerful neighboring nations for strategic reasons, have illegitimately repressed such movements under the pretense of upholding the "official" cultural good that is mere disguise for their unconscionable pursuit of self-interest.

III. Is Gutmann's Analysis of Cultural Claims Plausible?

When we acknowledge that national minority women are privy to the insider's perspective on their culture, it is possible to understand why they defend their non-liberal culture and advocate claims of culture despite being disadvantaged by their culture's morally problematic customs/norms. The reason is that they, as cultural insiders, recognize the democratic potential of their culture and their agency to reform

patriarchal customs/norms by participating in internal democracy. The most urgent task in eliminating or mitigating problematic customs/norms of non-liberal cultures is not to “liberalize” and impose liberal values on non-liberal minority cultures, but to open up and protect the channels of internal democracy so that cultural insiders are empowered to voice their differing views free from intimidation and coercion.

From the insider’s perspective on culture, then, Gutmann makes at least three problematic assertions in her assessment of non-liberal minority cultures and their cultural claims: First, she identifies the claimant of sovereignty as the cultural or tribal authorities and asserts that the notion of group rights is “a recipe for tyranny and injustice.”³³ Second, she conceives of minority women as victims who are unable to enact change within their culture. In addition, she takes these women’s internal criticism of their customs/norms as an outright rejection of the culture. Third, Gutmann takes external criticisms of minority cultural customs/norms as justifiable even when there is no internal objection to them. In this section, I shall clarify ways in which these claims are problematic from the insider’s perspective on culture.

First, by assuming that members who defend their minority culture necessarily subscribe to and impose on others the conception of culture as singular and static, Gutmann precludes the possibility that minority cultural groups could be democratic. She therefore asserts that they are “typically internally undemocratic” and assumes that the claimant of minority sovereignty is always the tribal or cultural authorities that impose their top down conception of sovereignty on their people. Accordingly Gutmann asserts that accommodating claims of minority sovereignty would lead “down a road to repression.”³⁴ If we adopt the insider’s perspective on culture and allow that defending

one's comprehensive culture is compatible with viewing it as complex and emergent, as I have tried to show, internal democracy and cultural sovereignty are compatible goals.

From the insider's perspective on culture, then, what is problematic about the Supreme Court decision in the Martinez case is *not* that it granted the Pueblos the right of sovereignty. It is rather that it granted such a right not to the *people* of Pueblo but rather to the tribal leaders, who may or may not be democratically supported. Given the tremendous power of the Supreme Court, as the representative of the dominant society in this case, to affect the future of the Pueblos, the main consideration of the Court should have been how to support the Pueblo *people* to achieve *popular* sovereignty or democracy,³⁵ so that genuinely democratic decisions could be made on matters of membership. I believe that this stance would have been supported by tribal women, including Julia Martinez. This stance, however, is not equivalent to the Court deciding in the direction of equality *on behalf of* disadvantaged women. Although this scenario may satisfy liberals like Gutmann, it is ultimately problematic because it is paternalistic and disrespectful of the capacity of the Pueblo *people* to achieve internal democracy.

Second, the essentialist conception of culture adopted by Gutmann leads her to conceive of minority women as "vulnerable" victims, passively awaiting outside assistance for an opportunity to reject their culture. However, from the insider's perspective, this is far from the truth. Against great odds, women in most minority cultures have been participating in the modification and reconfiguration of their culture by reinterpreting their cultural values and implementing changes.³⁶ As cultural insiders, these women are in a much better position to bring about necessary changes from within by manipulating and working through a multifaceted and multilayered valuational system

in which they are thoroughly immersed. They can challenge the status quo that disadvantages them by identifying plural cultural values, constructing multiple interpretations of them, some of which may be innovative and liberatory, adopting and transforming foreign ideas and values in culturally sensitive ways, or formulating hybrid valuational constructs that are conducive to gender equality. All this is possible precisely because they are embedded in their cultural matrix and are able to discern subtleties of the complex web of cultural meanings behind various customs.³⁷

Admittedly, patriarchy sometimes proves to be too recalcitrant and entrenched, as Julia Martinez found out, and women are unable to effect change despite their due effort. It is under these circumstances that minority women may appeal to outsiders for moral support or assistance. When this happens, outsiders *should* provide non-interventionist support to these women as best as they can. Yet outside supporters must recognize that the primary agents are minority women themselves and that their role is strictly as supporters. Outsiders must also understand that not all women who request outside support necessarily repudiate their own culture in favor of the dominant liberal culture. While some may do so, appealing to outside support is often the last resort for many,³⁸ as they recognize it to be fraught with danger; it could aggravate the prevalent stereotypes of the already misrecognized culture in the dominant society or exacerbate deep divisions within the culture.³⁹ The rejection of the Pueblo culture may not have been Julia Martinez's motivation either. After all, she has been living in the Pueblo community as a Pueblo for eighteen years and demanded equal treatment in order to be considered *as a full Pueblo*. Being critical of a certain cultural practice or rule does not necessarily imply

a wholesale rejection of one's culture but may indicate a fervent desire to reconstruct their culture by broadening the membership to include marginalized members.

Third, Gutmann asserts that members of the dominant society may justifiably criticize problematic minority customs or norms, whether insiders of the culture initiate such a critical process or not. This is so, according to Gutmann, because the essentialist conception of culture that minority members defending their culture are *bound to* adopt precludes the possibility of internal democracy within their culture. Therefore, the change within a minority culture can only come from the outside. Outside opposition may not only “open the door to internal dissent” by empowering the silent victims but also enable them to exercise the right of exit. Even if no insider of a minority culture may agree with external critics—or, to put it slightly differently, even if some insiders may disagree with external critics—external opposition can “demonstrate *respect for the potential* of persons to live together as civic equals.”⁴⁰

This position is again problematic from the insider's perspective on culture. Culture is so complex and constantly shifting that outsiders are unlikely to have a full understanding of subtle implications of its various values, institutions, rules, and practices. Those who do not have the insider's perspective on culture may mistake what strikes them as “exotic” features of an unfamiliar culture as its cultural essence. As a result, they may form uncharitable stereotypes and make premature condemnations of a foreign culture. Under these circumstances, the analogy breaks down between holding a public debate about our own problematic customs, the implications of which we understand relatively well, and about minority customs that may *seem* problematic to us but on which we do not have a sufficiently clear understanding.⁴¹ Members of the

dominant society are in most cases too ill-informed about non-liberal minority cultures and, hence, in no position to make a reliable assessment about their cultural practices and norms.

The converse, however, is not the case. Although members of national minorities in the West may not be fully acculturated to the dominant liberal culture, they are sufficiently exposed to it in their collective experience of colonization to understand various aspects of the dominant way of life. As a result, minority members within the West may have developed a “double consciousness”⁴² and may be adept at seeing themselves through the eyes of the dominant Other. Hence members of minority cultures are more likely to be aware of how “problematic” their customs/norms may seem to the dominant society and may have begun critical scrutiny of such customs/norms, whether publicly or not. Therefore, in the event that no insider objects to customs/norms deemed problematic by the outsiders, the presumption should be in favor of the insiders’ assessment. To argue that external criticism can be justified in the absence of internal criticism is to suppose that somehow outsiders have a privileged epistemic vantage point on alien customs/norms, which is counter-intuitive. Also, to insist that external criticisms of an alien culture in the absence of internal resonance is justifiable because they demonstrate “respect for the potential of persons to live together as civic equals” is incoherent because this respect for the *potential* as civic equals, by calling for the dismissal of the cultural insiders’ assessment of their own culture, disrespects legitimate viewpoints of *real* civic equals.

IV. Are Outside Objections to Minority Cultural Practices Justifiable?

Is it legitimate for outsiders of the dominant society to criticize problematic minority customs/norms when there *are* internal criticisms? Gutmann claims that “Outside opposition to a discriminatory practice, especially when that opposition finds allies within a culture, demonstrates respect for members of the minority culture as fellow citizens who can reciprocally recognize the basic freedom and civic equality of all persons.”⁴³ The situation is more complicated than described by Gutmann, however, as some cultural minority women, who are themselves internal critics of their own customs/norms, fiercely object to outside criticisms of the same customs/norms and defend their culture as a whole. Although these women’s response may seem incoherent on the surface, I have argued that minority women’s defense of their patriarchal culture is predicated on their recognition of the culture’s democratic potential, made possible by their insider’s perspective. Yet liberal outsiders may still be perplexed by the vehemence with which these women defend their culture. Even if one accepts my argument so far, all that has been shown for most non-liberal minority cultures is mere *potential* yet to be actualized. Since the liberal West has “departed far further from [its patriarchal past] than others,”⁴⁴ liberals may continue, why not open up and learn from it?

I believe that the adamancy of these women’s objection can be justified on at least two grounds. First, although these women may share the concern about sexist customs/norms in question, they may be troubled by the fact that outside criticisms of their customs/norms may fuel further stigmatization and misrecognition in the larger society of the culture to which their sense of identity is tied. Further, given that outsiders cannot make a reliable assessment of their complex and emergent culture due to the lack of cultural immersion, these women may rightly feel that outsiders are not authorized to

criticize their culture so freely. Second, and more importantly, while these women may want to advance gender equality and ensure certain “basic human rights” within their culture, they may refuse to follow the liberal path⁴⁵ and desire to do so *within* the valuational framework of their non-liberal minority culture. Outside criticisms of the dominant society, however, operates within the *liberal* framework and may be at odds with the direction toward which these women wish to advance.

Let me begin with the first consideration. To fully appreciate the connection between culture and members’ identity, an alternative to the prevailing liberal conception of persons as autonomous individuals is needed, as autonomous individuals are in principle not constrained in their decisions by contingent circumstances such as culture. I propose the conception of persons as *valuational agents* as such an alternative.⁴⁶ According to this conception, persons are ineluctably *moral* beings who share deep and powerful moral intuitions concerning the treatment of others that may be deemed as “rooted in instinct.” Fundamental moral questions “inescapably pre-exist” for us, and we are compelled to seek answers to these inescapable questions. In our attempt to do so, we are *moved* to embrace certain fundamental values and ideals that we deem as “incomparably more important than others but provide the standpoint from which these must be weighed, judged, decided about”—“hyper goods.” We have a craving to position ourselves favorably toward such goods and our sense of self-esteem depends on how rightly placed we are in relation to the goods.⁴⁷ Hyper goods, however, are not universal goods that all rational agents would endorse by virtue of their rationality, but *cultural* goods that are ineluctably tied to a particular culture. Our particular culture as inscribed in our hyper goods crucially defines who we are and becomes partly constitutive of our

identity. Rather than being a non-essential baggage that we can unload if we so choose, culture, as an integral part of our identity, has direct implications for our self-esteem.

It is possible for those who have not encountered another culture as a real option—either because they never came into contact with another culture or never considered it as a meaningful alternative—to be oblivious to the cultural dimension of their identity. Cultural identity is not “the sign of an identical, naturally-constituted unity,” but emerges only via contrast and exclusion.⁴⁸ If one’s culture is threatened by a hostile and powerful “Other” that imposes an alien set of cultural values, while disseminating distorted stereotypes of and restricting access to their culture, members of the denigrated culture would come to see the crucial significance of their culture as the source of hyper goods central to their identity.⁴⁹ They would also realize their emotional ties, however tenuous, to their culture as their “own.”

The situation of non-liberal cultural minority members in the West is a perfect case in point. They face the stigmatization of their culture as “inferior” or “uncivilized” in an alien web of cultural meanings, aggravated by a discursive “racial formation.”⁵⁰ The visceral and far-reaching negative consequences, both psychological and physical, they suffer as racially marked members of “inferior” cultures deeply wound their sense of self-esteem.⁵¹ Minority women’s objections to outside criticisms of their cultural practices/norms must be understood against this background. Faced with a situation where pernicious stereotypes concerning their culture abound and access to their culture is threatened, they recognize the importance of their culture as a constitutive part of their identity. Most of them are fully cognizant that they are disadvantaged by some of their cultural practices/norms and willing to address sexism of their culture in their own way.

Yet, as valuational agents whose self-esteem is ineluctably tied to their culture, minority women may feel that defending their culture is a matter of restoring their damaged self-esteem and maintaining their dignity. They may also feel that outsiders who lack sufficient immersion in their culture do not have legitimate authority to criticize their cultural practices/norms and are offended by the presumptuousness with which they do.

Due to the insider's perspective on culture, minority women are in the best position to assess their sexist cultural practices/norms and to devise ways to mitigate, if not to eliminate, their negative effects. If women's participation in internal democracy is secure, they are the primary agents of reform in minority culture, as they ought to be. Granted that outsiders may bring fresh insights previously unavailable in a particular culture,⁵² such insights, in order to have any practical import, must be adopted and contextualized by cultural insiders. Therefore, outsider's role in discourses concerning problematic minority practices and norms would be only as *supporters* of minority women. There is one way, however, in which outside support may acquire grave significance. Perhaps the most truculent difficulty that minority women, as other disadvantaged groups, face is that the more powerful groups within their culture attempt to repress their voices, shutting down the channels of internal democracy, sometimes with coercive means. Under such circumstances, women, whether individually or as groups, may request outside support to apply pressure on the repressive cultural authorities to maintain or foster internal democracy. When this happens, outsiders, whether laypeople or policy makers, have a moral obligation to provide civil and non-interventionist, but never military, support for minority women. Through it all, the most important axiom to bear in mind is that *it is cultural minority*

women themselves who ought to be the primary agents of change within minority cultures. Any reform movement must be initiated by minority women, and outsiders,⁵³ however well-intentioned, must humbly accept their supporting role.

These women's ardent defense of their culture and objection to outside criticisms, however, would be ultimately unreasonable, had their culture been irredeemably oppressive. This leads to the second consideration in my justification. Every long-standing decent human culture has its unique valuational framework, predicated on certain culturally specific fundamental values, from which are derived basic moral injunctions—what I call *derivative moral rules*—against violations of vital human goods, such as life, physical security, and subsistence, among others, necessary for the well-being of its members. Such valuational frameworks differ from culture to culture and non-liberal frameworks are distinct from liberal ones. In decent non-liberal cultures that are less individualistic and communitarian, persons may be conceptualized not as autonomous individuals, but rather as members of a particular cultural community. The basic well-being of each member, however, would be viewed as constitutive of the well-being of the cultural community as a whole or the common good. Therefore, each member would be equally entitled to demand from the community that their basic well-being, which is predicated on securing vital human goods, be protected. As derivative moral rules aim to secure vital human goods, necessary for the basic well-being of each member, any decent human community must uphold derivative moral rules, grant and safeguard each member's entitlements to vital human goods. "Human rights" in non-liberal cultures may refer to such entitlements.⁵⁴

Liberal critics may point out that this portrayal of non-liberal culture is too idealistic and contradicts the prevalent reality of flagrant violations of even the most basic human rights in many non-liberal cultures. I do not deny that in reality many non-liberal communities controlled by illegitimate rulers blatantly violate members' basic human rights. This, however, is a separate issue from the present philosophical and largely conceptual inquiry, which is to ask whether the notion of human rights is compatible with non-liberal cultural values. Despite the wide-spread stereotypes in the West as being "backward" or "inferior," most long-standing communitarian values of the non-Western world, upheld by the majority of their population, are idealizations of different human capacities and potentialities that have contributed to human flourishing in culturally specific ways. These cultural values, rightly interpreted, entail derivative moral rules to safeguard the vital human goods of cultural members and thereby protect members' basic well-being. Liberal critics, therefore, confuse *practical* failure with *theoretical* failure. The real danger lies not in the absence of moral constraints in non-liberal cultural values themselves but rather in the lack of will to abide by or the propensity to obscure such moral constraints on the part of the powerful.

The conception of human rights compatible with non-liberal cultures, however, does not necessarily carry liberal connotations that the prevalent human rights discourse usually presupposes. "Rights,"⁵⁵ in the usual liberal parlance, refer to *individual* rights and presuppose the liberal conception of persons as autonomous individuals and the culture of individualism in which the moral standing of an individual is separate from the community. Although liberals do not necessarily believe that individuals exist in a vacuum, the particular relation the individual has to her

community is a contingent factor that does not change the primacy of an individual's moral standing vis-à-vis the community. When interests of an individual and a larger entity, be it a government or the community/culture at large, conflict, then, at least in principle, the individual's rights always have priority in liberalism, provided that it does not infringe on others' individual rights. This gives rise to the liberal idea that individual rights are *universal* that are uniform across cultures and that, in some cases, they are threatened by and ought to be protected from certain cultures.

In my conception of human rights, however, the culture would play a crucial role not only in protecting but also determining what counts as human rights. Although my discussion of human rights has been confined to the "primary" human rights concerned with securing vital human goods, each community may subscribe to an extended list of human rights that encompasses "secondary" human rights.⁵⁶ Secondary human rights go beyond securing and protecting vital human goods, which is the necessary first step, and involve bring about the flourishing of the community and its members. Such a list may vary from culture to culture, as they diverge in their cultural and aesthetic sensibilities and interpret "cultural flourishing" differently. On the other hand, a shorter list of primary human rights to vital human goods, such as subsistence, physical security, bodily and mental freedom to live one's life without *undue* external interference,⁵⁷ moderate amount of property, and an institutional system that will treat similar cases similarly,⁵⁸ would be acceptable across cultures and might form a basis for a global consensus. Yet it must be borne in mind that even primary human rights, although accepted across cultures, may be justified in different cultures under different valuational frameworks: In non-liberal cultures, it is the common good, encompassing

the basic well-being of all cultural members, which justifies primary human rights of members, not the liberal value of individual freedom.

If the foregoing account is plausible, then adopting the language of human rights should not be mistaken as endorsing liberalism. Derivative moral rules that protect members' entitlements to vital human goods are derivable from most decent cultural valuational systems, which subscribe to cultural values that diverge from culture to culture. Hence moral foundations of such rules would be substantially different in liberal/individualistic and non-liberal/communitarian valuational frameworks. The mere fact that members of non-liberal cultures accept certain derivative moral rules and concomitant primary human rights does not imply that they endorse liberal individualism. Likewise, although women of non-liberal minority cultures, who criticize their sexist cultural practices/norms, may invoke the language of human rights, this does not necessarily imply that they endorse the individualistic valuational framework presupposed by liberal external oppositions to such practices. Instead, these women may criticize such practices/norms because these do not conform to their interpretation of non-liberal cultural values which might potentially promote a culturally unique form of gender equality.

V. Conclusion: The limits of liberal democracy

Gutmann and Thompson's theory of deliberative democracy, which upholds the liberal values of equal freedom and civic equality of individuals—which also constitute basic human rights, according to Gutmann—as the moral minimum that all members of any decent society must endorse, is substantively liberal. As such, it is not consistent with communitarian non-liberal cultures.⁵⁹ However, many liberal societies in the West, such

as the U.S., Canada, and Australia, are radically pluralistic due to not only immigration but also the colonial domination of indigenous national minorities, most of whose cultures are non-liberal. When members of non-liberal national minorities demand self-government and cultural survival, Gutmann's recommendation is to reject those claims as inconsistent with deliberative democracy. When members of the dominant liberal society encounter "problematic" practices/norms of non-liberal minority cultures, Gutmann's proposal is to oppose them actively, even when many cultural insiders, including women, support them. She claims that such responses are entailed by deliberative democracy in order to express "respect for potential of persons as civic equals."

This liberal position is not only counter-intuitive in its assumption that cultural outsiders have the ability to assess various aspects of minority cultures reliably, regardless of minority members' own assessment concerning a subject matter of which they have a privileged epistemic vantage point, but also morally suspect for its disrespectful dismissal of cultural insiders' *actual* voices under the pretense of respecting "the *potential* of persons as civic equals" that minority members supposedly do not comprehend. Many minority cultural members, including women, advocate cultural claims and defend seemingly problematic minority practices /norms because they, as cultural insiders, recognize the democratic potential of their non-liberal culture and have confidence in their agency to ameliorate their culture through internal democracy. Outsiders who lack the insider's perspective are hampered in understanding the complex and constantly shifting totality of another's culture due to their epistemic and affective limits. Therefore, dismissing or opposing cultural claims and the defense of cultural practices/norms advocated by the majority of national minorities under the banner of

liberal democracy is morally unjustifiable and disturbingly reminiscent of the Western imperialism of the colonial past.⁶⁰ The morally required attitude of outsiders, rather, is to confer respect on the insiders as competent valuational agents, capable of making well-considered moral judgments in accordance with their own moral/cultural framework.⁶¹ The skepticism expressed by minority women concerning outside criticisms of their culture and cultural practices/norms, then, turns out to be well justified.

¹ Amy Gutmann and Dennis Thompson, *Democracy and Disagreement* (Cambridge, Mass.: Harvard University, 1996); *Why Deliberative democracy?* (Princeton, N.J.: Princeton University,

2004).

² “Liberalism” is a protean term and different liberals understand it in different ways, with varying degrees of emphasis on values such as tolerance, respect, justice, etc. Regardless of the variation, the core value of individual freedom is the common denominator in liberalism and, therefore, I shall understand liberalism broadly as a perspective that values an individual’s freedom to determine her life conditions without undue outside interference, irrespective of other values advocated by each variant.

³ See Stephen Macedo (ed.), *Deliberative Politics: Essays on Democracy and Disagreement* (Oxford: Oxford University Press, 1999).

⁴ Amy Gutmann, *Identity in Democracy* (Princeton: Princeton University Press, 2003)

⁵ Although “cultural minorities” encompass both “national minorities”—cultural groups that have a territorial base and demand powerful self-government rights—and immigrants, my focus in this paper is on the former, on which Gutmann’s critique is centered. In contrast to Gutmann’s suggestions, many liberal multiculturalists, most notably Kymlicka, accept cultural claims of national minorities as legitimate. See, Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press, 1995), pp. 30, 79-80, 100-101, 167; “Minority Nationalism and Multination Federalism,” in *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship*, p. 95; Jeff Spinner-Halev, “Feminism, Multiculturalism, Oppression, and the State,” *Ethics* 112 (2001): 84-113.

⁶ I use “culture” to refer to human groups that adhere to a long-standing way of life, which pervades all aspects of their community life, ranging from personal to public, and hence profoundly affects the members’ lives. In this sense, “culture” is equivalent to “peoples” as used by Rawls in *The Law of Peoples* (Harvard University Press, 1999). Also, I shall use “culture” and “(cultural) community” interchangeably.

⁷ In my usage, “nonliberal” cultures are cultures that do not advocate the value of individual freedom as the overarching cultural value but rather uphold communitarian values that promote the common good or the well-being of the whole society. In such cultures, some forms of individual freedom, such as the freedom of speech, may be restricted for the sake of the common good.

⁸ Rawls defines a “comprehensive doctrine” as an all-encompassing outlook on life which includes particular interpretations of “what is of value in human life, the ideals of personal character, as well as ideals of friendship and of familial and associational relationships, and much else that is to inform our conduct, and in the limit to our life as a whole.” John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993) p. 13.

⁹ Gutmann and Thompson, *Democracy and Disagreement*, pp. 18-25. Joshua Cohen, another influential deliberative democrat, also accepts reasonable pluralism as a fundamental assumption of his theory of deliberative democracy. Cohen, “Democracy and Liberty,” in Jon Elster (ed.), *Deliberative Democracy* (Cambridge University Press, 1998), pp.196-97, 203-04.

¹⁰ Gutmann and Thompson, *Democracy and Disagreement*, pp. 50, 67, 93, italics added.

¹¹ Gutmann and Thompson, *Why Deliberative democracy?*, pp. 99; see also *Democracy and Disagreement*, p. 27. In fact, their account is so substantive that John Rawls states that it “work[s] from a comprehensive doctrine.” See, “The idea of public reason revisited” in *The law of peoples; with, “The idea of public reason revisited”* (Cambridge, Mass.: Harvard University Press, 1999), p. 137, footnote 19.

¹² *Why Deliberative democracy?*, p. 24; see also, *Democracy and Disagreement*, p. 39.

¹³ *Democracy and Disagreement*, pp. 26-49, 67, 199, 201; in *Why Deliberative democracy?*, pp. 103, they take “liberty and opportunity” as the substantive values; in *Identity in Democracy*, Gutmann takes equal freedom, opportunity, and civic opportunity as the representative substantive values.

¹⁴ *Identity in Democracy*, p. 43-44, p. 56- 57.

¹⁵ *Identity in Democracy*, pp. 39, 40, 41-42, 47, 48.

¹⁶ *Identity in Democracy*, pp. 44-47.

¹⁷ *Identity in Democracy*, pp. 46, 48-49, p. 51, 54.

¹⁸ *Identity in Democracy*, pp. 76-79.

¹⁹ *Identity in Democracy*, p.57; p. 65; p. 66, italics added.

²⁰ *Identity in Democracy*, p. 65; p. 83, p. 81, 84.

²¹ For examples, see, Haunani-Kay Trask, *From a Native Daughter: Colonialism and Sovereignty in Hawai'i* (Monroe, Maine: Common Courage Press, 1993), pp. 265-6; Annette Jaimes with Theresa Halsey, "American Indian women: At the center of indigenous resistance," Anne McClintock, Aamir Mufti, and Ella Shohat (eds.), *Dangerous liaisons: Gender, nation, and postcolonial perspectives* (Minneapolis: University of Minnesota Press, 1997), pp. 301-9. Some Australian aboriginal women have vehemently objected to a white feminist anthropologist's research finding, "co-authored" with an aboriginal woman, that revealed the rampant intra-racial rape among Aborigines of Australia. See, Diane Bell and Topsy Nelson, "Speaking about Rape is Everyone's Business." *Women's Studies International Forum* 12 (1989): 403-16.

²² Okin, "Gender Inequality and Cultural Differences," *Political Theory* 22 (1994): 5-24, pp. 5, 19; "Mistresses of Their Own Destiny?: Group Rights, Gender, and Realistic Rights of Exit," *Ethics* 112 (2002): 205-230, pp. 222, 229.

²³ I believe this self-restraint is also required of minority members, whether they be Muslim or Buddhist or Hindu or Christian. They ought to refrain from criticizing others' practices/norms advocated by the others' majority in the absence of a relatively full understanding. Admittedly, fundamentalist groups of any doctrine rarely practice such self-restraint. However, my focus, as a moral philosopher, is on how they ought to act, not on how they actually act.

²⁴ On such stereotypes, see, Chandra Talpade Mohanty, "Under Western Eyes," in C. T. Mohanty, A. Russo and L. Torres (eds.), *Third World Women and the Politics of Feminism* (Indianapolis: Indiana University Press, 1991), p. 56.

²⁵ See, Ranjoo Seodu Herr, "A Third World Feminist Defense of Multiculturalism," *Social Theory and Practice* 30 (2004): 73-103, pp. 83-86; Helena Andrews, "Muslim Women Don't See Themselves as Oppressed, Survey Finds," *New York Times*, June 8, 2006; Jane Freedman, "Secularism as a Barrier to Integration? The French Dilemma," *International Migration* 42 (2004): 5-28, p. 19; Monique Deveaux, "Conflicting Equalities?" *Political Studies* 48 (2000): 522-539; Deveaux, "A Deliberative Approach to Conflicts of Culture," *Political Theory* Vol. 31 No. 6 (2003):780-807; Melissa Forbis, "Hacia la Autonomia: Zapatista Women Developing a New World," in Christine Eber And Christine Kovic (eds.), *Women of Chiapas: making history in times of struggle and hope* (New York: Routledge, 2003); "Iranian Women Activists Gain Momentum," *All Things Considered*, NPR, March 17, 2007, <http://www.npr.org/templates/story/story.php?storyId=8959110>.

²⁶ Kymlicka, *Multicultural Citizenship*, pp. 76. Other liberal multiculturalists adopt this comprehensive conception as well. See Avishai Margalit and Joseph Raz, "National self-determination," *Journal of Philosophy* 87 (1990): 439-461, p. 444; Raz, "Multiculturalism: A Liberal Perspective," *Ethics in the Public Domain: Essays in the Morality of Law and Politics* (New York: Clarendon Press, 1994), pp. 176-77.

²⁷ In addition to the views of Gutmann and Okin, see also, Seyla Benhabib, *Claims of Culture* (Princeton: Princeton University Press, 2002), pp. 4, 8, 16.

²⁸ Minority cultures, including those of national minorities, will be especially susceptible to outside influences, as the dominant society will continue to wield disproportionate power over them. Hence it is false, as well as unrealistic, that subscribing to a comprehensive minority culture implies accepting that "individuals do not need to range beyond a particular societal culture to live freely as long as the culture really does offer equal freedom to its members." *Identity in Democracy*, p. 41.

²⁹ See for related discussions, Edward Shils, *Tradition* (Chicago: The University of Chicago Press, 1981), chapters 5 and 6. See also, James Tully, *Strange Multiplicity: Constitutionalism in an age of diversity* (Cambridge University Press, 1995), p. 11.

³⁰ I appreciate David Crocker's insight that we are all simultaneously "insider-outsiders" to the groups to which we belong. See, Crocker, "Insiders and Outsiders in International Development," *Ethics & International Affairs* 5 (1991):149-73. However, it is still possible to make the distinction between insiders and outsiders based on the degree of embeddedness within the culture as well as self-identification as a cultural insider. I shall simply assume the distinction here.

³¹ Although liberals may argue that the equality of members connotes liberalism in disguise, this conception of equality is distinct from the liberal conception of equality as equal *individual freedom* from outside interference. I shall say more about this later when I discuss human rights in section IV. For more on the alternative conception of democracy, see Ranjoo Seodu Herr, "In Defense of Non-Liberal Nationalism," *Political Theory*, 34:3 (2006).

³² For examples, see "Reformers at Risk: A special report on Iran," *Newshour with Jim Lehrer* Transcript, PBS, Feb. 25, 2005, www.pbps.org/newshour/bb/middle_east/jan-june05/iran_2-25.html, accessed on 2/27/2005; "Nobel Peace Winner Shirin Ababdi," *Newshour*, May 5, 2006, www.pbs.org/newshour/bb/middle_east/jan-june06/abadi_5-05.html, accessed May 9, 2006. See also, "Enemies of Happiness," *Now*, March 2, 2007, <http://www.pbs.org/now/shows/309/index.html> for the view of Malalai Joya, the Afghan female dissident turned politician's view. "I think that no nation can donate liberation to another nation. Liberation is not money to be donated. It should be achieved in a country *by the people themselves*." The most recent and heart-wrenching example is to be found in the case of Burma/Myanmar.

³³ *Identity in Democracy*, p. 78.

³⁴ *Identity in Democracy*, p. 58.

³⁵ Although some liberal theorists may argue that democracy, predicated on the value of equal individual freedom, is distinct from popular sovereignty, my conception of democracy defined in section III is conceptually close to the latter.

³⁶ See references in endnote 26.

³⁷ For example, Third World feminists often provide a feminist interpretation of their "misogynist" customs by contextualizing them. See, Leila Ahmed, "Western Ethnocentrism and Perceptions of the Harem," *Feminist Studies* 8 (1982): 521-534, pp. 524, 528-9; Valerie Amos and Pratibha Parmar, "Challenging Imperial Feminism," *Feminist Review* (1984): 3-19, p. 15; Hazel Carby, "White Woman Listen!" in R.Hennessy and C. Ingraham (eds.) *Materialist Feminisms* (London: Routledge, 1997), p. 114; Basharat Tayyab, "Islam," in A. Jaggar and I. Young (eds.), *A Companion to Feminist Philosophy* (Malden, MA: Blackwell Publishers Inc., 1998), pp. 237, 244; see also, Azizah Al-Hibri, "Islamic Law," in *A Companion to Feminist Philosophy*, pp. 544, 545, 548; Ahmed, pp. 523, 525.

³⁸ For example, see, Deveaux, "Conflicting Equalities? Cultural Group Rights and Sex Equality," pp. 532, 533; 523, 527-9

³⁹ For related discussions, see Alison Jaggar, "Globalizing Feminist Ethics," *Hypatia* 13(2):7-31, pp. 9-10.

⁴⁰ *Identity in Democracy*, p. 65-66, italics added.

⁴¹ Gutmann herself seems to recognize this limit when she admits that one of the risks associated with external criticism is that outsiders can easily get the issues wrong. *Identity in Democracy*, p. 65. The problem with her overall position is that she does not fully incorporate this valuable insight.

⁴² This is W. E. B. DuBois's term to refer to the tendency of the oppressed people to see

themselves through the eyes of the Other, the oppressor. See, "Of Our Spiritual Strivings," *The Souls of Black Folk* (New York : Bantam Books, 1989)

⁴³ Gutmann, *Identity in Democracy*, p. 50.

⁴⁴ Okin, *Is Multiculturalism Bad for Women?* (Princeton: Princeton University Press, 1999), pp. 16-17.

⁴⁵ Many Third World feminists/women point out that the liberal West, tainted with patriarchal assumptions and customs of its own, such as the preponderance of a patriarchal ideal of beauty, masculine characteristics as ideals of a successful career woman, and rampant violence against women, cannot serve as the incontestable feminist model for other cultures.

⁴⁶ This conception has been inspired by Charles Taylor's "strong evaluation" in "What Is Human Agency?" *Philosophical Papers*, Vol. 1 (Cambridge, UK: Cambridge University Press, 1985). The discussion of this conception here will be brief, due to space constraints. For more on this conception as well as its contrast to the conception of autonomous individuals, see Ranjoo Seodu Herr, "Liberal Multiculturalism: An Oxymoron?" *Philosophical Forum* 38(1): 23-41 (2007), section IV.

⁴⁷ Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge, UK: Cambridge University Press, 1989), pp. 4-5, 30-31, 44. While this assumes a certain metaphysical position about who we are, I cannot get into this heady subject here, except to say that Taylor's adoption of the "Best Account" principle seems reasonable. However, the position that humans are ineluctably moral beings is increasingly supported by cutting-edge research in psychobiology and psychology. See, Marc Hauser, *Moral Minds* (HarperCollins Publishers, 2006); Frans de Waal, *Primates and philosophers*, edited and introduced by Macedo and Ober (Princeton, N.J.: Princeton University Press, 2006)

⁴⁸ See, Stuart Hall, "Introduction: Who Needs 'Identity'?" in S. Hall and P. du Gay (eds.), *Questions of Cultural Identity* (London: Sage, 1996), p. 4.

⁴⁹ See, Cherrie Moraga and Gloria Anzaldúa (eds.), *This Bridge Called my Back: Writings by Radical Women of Color*, pp. 23, see also xviii, xxiv; Paula Moya, "Postmodernism, 'Realism,' and the Politics of Identity: Cherrie Moraga and Chicana Feminism," M. Jacqui Alexander and Chandra Mohanty (eds.), *Feminist Genealogies, Colonial Legacies, Democratic Futures* (New York: Routledge, 1997), p. 127.

⁵⁰ See Michael Omi and Howard Winant, *Racial Formation in the United States: From the 1960s to the 1990s* (New York: Routledge, 1994), p.55.

⁵¹ As Honneth and Taylor, echoing Hegel, have rightly argued, the formation of our identity and its healthy maintenance is an intersubjective process, requiring positive feedback from those with whom we encounter. If we do not receive proper recognition, or suffer from misrecognition, from those with whom we interact, then our sense of self suffers from maladies that are analogous to physical illnesses. Isaiah Berlin calls this state of mind "wounded pride" in his "The Bent Twig," *The Crooked Timber of Humanity: Chapters in the History of Ideas* (New York: Alfred A. Knopf, 1991), p. 252. See, Axel Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflict*, trans. J. Anderson (Oxford: Polity Press, 1997), pp. 95, 135, chapters 6 and 8; see also, Tully, *Strange Multiplicity*, pp. 190-91, 197. For more related discussions, see Margalit and Raz, p. 449; Kymlicka, *Multicultural Citizenship*, p. 89; Charles Taylor, "Politics of Recognition," in Amy Gutmann (ed.), *Multiculturalism: Examining the "Politics of Recognition"* (Princeton, N.J. : Princeton University Press, 1994), p. 36.

⁵² See, Crocker, p. 158 ff.

⁵³ Iranian dissidents mentioned in note 33 are explicitly against military interventions by the U.S. In the case of minority cultures, however, cultural authorities may be more amenable to the outside pressure from the dominant society than sovereign foreign nations, requiring less pressure to change.

⁵⁴ This understanding of human rights is in line with the aforementioned conception of persons as valuational agents. according to my conception of human rights, there is a sense in which traditional non-liberal cultures, although oblivious to the notion of individual rights, have adhered to the notion of human rights, albeit in a minimal sense, in that they considered providing subsistence to every member of the community as an important communal goal. See, Shue, pp. 28-29. For a related discussion, see Rawls, *The Law of Peoples*, p. 66-73, 78-79.

⁵⁵ I shall place the term right in quotation marks when it connotes liberal individualism.

⁵⁶ This distinction has been inspired by Henry Shue's discussion of "basic rights." *Basic Rights: subsistence, affluence, and U.S. foreign policy*, 2nd ed. (Princeton University Press, 1996)

⁵⁷ I say "undue" interference because in non-liberal communities the restriction of certain "rights" of individuals, who are outsiders or who forgo their cultural membership, may be justifiable. For example, the right to make a public speech that denounces what the culture deems to be fundamental cultural values may be restricted, for the sake of upholding their cultural values. This in no way implies granting the cultural community a license to arbitrarily harm such individuals, which would obviously go against the derivative moral rules against murder, bodily injury, etc.

⁵⁸ These are what Rawls refers to as "a special class of urgent rights," among which he includes "right" to life, "right" to liberty, "right" to property, "right" to formal equality. *The Law of Peoples*, p. 78-79.

⁵⁹ It must be noted here that another key deliberative democrat, Joshua Cohen, provides a much more defensible conception of human rights that contrasts with Gutmann's liberal conception. See, Joshua Cohen, "Minimalism about Human Rights," *Journal of Political Philosophy* 12/2 (2004): 190-213.

⁶⁰ Gutmann's claim that "the sovereign authority of all groups—small and large nations alike—*must be constrained* in order to protect the civic equality and other basic rights of persons" (Gutmann, *Identity in Democracy*, p. 54, emphases added) may be used to rationalize liberal interventions in any sovereign groups.

⁶¹ Respecting the insider's perspective does not necessarily extend to the claims of "superiority." Our context primarily concerns situations in which at least one party does not adequately comprehend an alien culture and in which the most that can be demanded is a minimal sense of recognition that the culture is equal in status to another in that it provides the insiders with a meaningful moral framework and is *a fortiori* intrinsically valuable to them. On the other hand, the determination of whether one culture is superior to another, if this project is ever justifiable, requires a mutually acceptable plane of comparison predicated on a comprehensive understanding of both cultures on the part of both parties.