

The Misrecognised as the Least Advantaged Citizens in Plural Democracies

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Abstract. John Rawls's *Justice as Fairness* is the most systematic attempt to provide a liberal grounding for justice in plural democratic societies. Rawls argued that social and economic inequalities were justifiable only if they were to the advantage of society's least-advantaged members. Rawls argued that the citizen with the lowest expectation for primary social goods occupied the least-advantaged position in society (PSGs are all-purpose means like income, wealth and opportunity). In his theory, the least advantaged are the least well-off citizens. This paper argues that Rawls's theory is correct, but requires certain emendations to inform the actual practice of plural democracies. In particular, Rawls had stipulated in theory that society was both "closed" and "well-ordered". In practice, these assumptions no longer hold true. This has the effect of broadening the idea of the least-advantaged citizens. In particular, the least-advantaged become the least well-off (Rawls), the least capable (Amartya Sen) and the misrecognised (Charles Taylor). This paper focuses on the third type of disadvantaged citizens, those whose identities are misrecognised. Misrecognition of identity can cause harm; it can restrict the agency and opportunity. Minority identity groups (whose identities are often misrecognised) do not do as well as others citizens in social, economic and political terms.

Keywords. Liberalism; multiculturalism.

1: Introduction

John Rawls's *Justice as Fairness* is the most discussed attempt in recent decades to address democratic pluralism. An attractive aspect of Rawls's theory from a democratic, egalitarian viewpoint is that he argued that social and economic inequalities were justifiable only if they were to the advantage of society's *least-advantaged* members. Advantage, Rawls explained, could be gauged by considering one's expectation for primary social goods, which were required to develop and exercise the capacities for democratic citizenship, and were to act as all-purpose means to one's conception of the good. The primary social goods are rights and liberties, opportunities and powers, income and wealth, and the social bases of self-respect, (1971: 62). Rawls argued that the least-advantaged position was occupied by the citi-

Résumé. La *Justice comme équité* de John Rawls est la tentative la plus systématique d'offrir un fondement libéral de justice dans les sociétés démocratiques plurielles. Rawls défend l'idée que les inégalités sociales et économiques ont été légitimes uniquement quand elles profitaient aux membres les moins avantagés de la société. Rawls dit que le citoyen qui a le moins d'attentes pour les biens sociaux primaires (par exemple revenu, richesse et opportunité) occupe la position la moins avantagée dans la société. Dans sa théorie, les moins avantagés sont les citoyens les moins riches. Cet article suggère que la théorie de Rawls est fondée, mais nécessite certaines corrections pour saisir la pratique actuelle des démocraties plurielles. En particulier, Rawls a affirmé que la société est en théorie « fermée » et « bien ordonnée ». En pratique, ces hypothèses ne tiennent pas. Cela a pour effet d'élargir l'idée des citoyens les moins avantagés. Ainsi, le moins avantagé devient le moins riche (Rawls), le moins capable (Amartya Sen) et le moins reconnu (Charles Taylor). Cet article se penche sur le troisième type de citoyens désavantagés, ceux dont les identités sont méconnues. La méconnaissance d'identité peut nuire à autrui; elle peut limiter la capacité et l'opportunité. Les minorités identitaires (dont les identités sont souvent méconnues) ne font pas aussi bien que les autres citoyens en termes social, économique et politique.

Mots clefs. Libéralisme; multiculturalisme.

zen with the lowest expectation for primary social goods (1971:90-93). This is correct, as far as it goes, but this essay considers why some may find themselves in less advantaged social and economic positions in the first place. When considering this prior issue, one finds two answers to the question of who are the least-advantaged. The least-advantaged citizens become those who: a) are not capable of using primary social goods as means to their ends, and b) those whose identities are misrecognised.¹

To explain, Rawls's *well-ordered society* was closed. He did not discuss immigration, for example, in relation to his democratic theory of justice for pluralistic societies. Rawls's theory then, considers a range of diversity more limited than is present in actual plural democracies. This is not to assert that Rawls's theory is incorrect, but rather to say that in applying Rawlsian ideas to actual plural democracies, which

are neither *closed*, nor *well-ordered*, some emendations are required. I shall support the main claim of the paper (that the misrecognised are part of the disadvantaged) by building on Charles Taylor's assertion that the misrecognition of identity causes harm, and discussing this in relation to Rawls's most important primary good, the social bases of self-respect. Before supporting this claim, however, it may be helpful to briefly recount *Justice as Fairness*.

2: Justice as Fairness

As Samuel Freeman writes:

John Rawls is the most significant and influential political and moral philosopher of the twentieth century. His work has profoundly shaped contemporary discussions of social, political, and economic justice in philosophy, law, political science, economics, and other social disciplines. (2003: preface).

Rawls re-vitalised the field of political philosophy by publishing a treatise on justice. *A Theory of Justice* has been translated into twenty-seven languages. A mere ten years after Theory's publication (1971), it had been cited in over 2,500 books and articles (2003: preface). Rawls's theory Justice as Fairness was the catalyst for a wide-ranging debate from the 1970s through to the present regarding appropriate conceptions of justice for plural societies.

Rawls was attempting to find a philosophic basis for democratic institutions to develop a conception of *political justice* — "Justice as Fairness". Rawls posited that certain 'fundamental ideas' would give an overall structure to *Justice as Fairness*. The first such idea is that of social co-operation, which has three features. Rawls explained that:

[S]ocial co-operation is guided by publicly recognised rules and procedures which those co-operating accept as appropriate to regulate their conduct...

Fair terms of co-operation specify an idea of reciprocity, or mutuality: all who do their part as the recognised rules require are to benefit as specified by a public and agreed-upon standard.

The idea of co-operation also includes the idea of each participant's rational advantage, or good. The idea of rational advantage specifies what it is that those engaged in co-operation are seeking to advance from the standpoint of their own good (2001: 6).

Two complementary ideas are added to the concept of social co-operation. These are the *rational* and the *reasonable*.² Rational is to indicate the efficient pursuit of one's overall account of the good, which ought to match one's abilities and interests. *Reasonable* is a moral conception, which acts to constrain what one's rational good may be. Those engaged in social co-operation are, Rawls explained, "equals in relevant respects" (2001: 6). It is rational, for example, to use others as means to help accomplish one's goals, but this would not be reasonable. One's good becomes the satisfaction of one's rational and reasonable desire (2001: 154).

2.1: The Original Position

In the spirit of the social contract tradition, Rawls imagined an *original position*, which was a hypothetical device designed to focus reflection on what the representatives of free, rational and equal citizens would accept as principles of justice to guide their society. The *veil of ignorance* functions to hide the representatives' knowledge of the particular circumstances of the lives of those they represent. Hypothetical representatives behind the *veil of ignorance* (to help model impartiality) are unbiased in their deliberations regarding the just principles required to regulate the institutions of a free society, the *basic structure*.

Rawls explained that: "... the significance of the original position lies in the fact that it is a device of representation or, alternatively, a thought-experiment for the purpose of public and self-clarification" (2001: 17). The original position is both hypothetical and non-historical. A "reasonable moral psychology" was asserted to make agreement possible. Rawls reasoned that the representatives would choose principles of justice that guarantee the freedom of citizens and seek to maximise the position of the least advantaged, lest it be occupied by one they are attempting to represent. (The veil hides this information from the representatives in the original position).

2.2: The Two Moral Powers (Rationality & Reasonableness)

The freedom and equality of citizens is premised on the assertion that citizens in a democratic and plural society would have developed certain cognitive and moral capacities, which Rawls described as moral powers, and later also characterised as citizen capabilities (2001: 169). Rawls stated:

Let's say they are regarded as equal in that they are all regarded as having to the essential minimum degree the moral powers necessary to engage in social co-operation... [T]hat is, since we view society as a fair system of co-operation, the basis of equality is having to the requisite minimum degree the moral and other capacities that enable us to take part fully in the cooperative life of society. (2001: 20).

[W]e say that citizens are regarded as free persons in two respects. First, citizens are free in that they conceive of themselves and one another as having the moral power to have a conception of the good... A second respect in which citizens view themselves as free is that they regard themselves as self-authenticating sources of valid claims. That is, they regard themselves as being entitled to make claims on their institutions so as to advance their conceptions of the good... (2001: 21-23).

Rawls asserted the bases of democratic freedom and equality by positing that all citizens had developed the two moral powers (rationality and reasonableness) to a "requisite minimum degree." Rawls explained that the fair value of political liberties (included in the index of PSGs), "...ensures that citizens similarly gifted and motivated have roughly an equal chance of influencing the government's policy and of attaining positions of authority irrespective of their economic and social class" (2001: 46).

It is important to note the relationship between PSGs and the two moral powers. Rawls stated: “[The] basic rights and liberties protect and secure the scope required for the exercise of the two moral powers...” (2001: 45). We are to draw up a list of basic liberties in two ways. The first is historical; we make a list of liberties by considering which of these are secure in historically successful regimes. Second, we consider “...what liberties provide the political and social conditions essential for the adequate development and full exercise of the two moral powers of free and equal persons” (2001: 45). The fair value of political liberties is to enable citizens to maintain their free and equal status as specified by the two moral powers.

2.3: Primary Social Goods

Norman Daniels explains that in order to simplify the initial construction theory, *Justice as Fairness*, Rawls assumed citizens were fully capable and thus removed disability as a source of inequalities (2003: 242). With this assumption in place, Rawls argued that all-purpose means (PSGs) could indicate one's advantage. Rawls originally defined primary goods as:

...things which it is supposed a rational man [or woman] wants whatever else he [or she] wants. Regardless of what an individual's rational plans are in detail, it is assumed that there are various things which he [or she] would prefer more of rather than less (1971: 92).

Specifically, Rawls identified rights, liberties, opportunities, power, income, wealth and the social bases self-respect as PSGs. The use and understanding of primary goods is straightforward with the exception of the social bases of self-respect, which requires some explanation. Rawls defined self-respect as including:

...A person's sense of his [or her] own value, his [or her] secure conviction that his [or her] conception of his [or her] good, his [or her] plan of life, is worth carrying out. And second, self-respect implies a confidence in one's ability, as far as it is within one's power, to fulfil one's intentions (1971: 440).

Self-respect is about what is worthwhile. It can only be attained if one sees value in doing one's projects. To determine what is “valuable”, individuals require the two moral powers, (reasonableness and rationality). Citizens must have the capacity for a sense of justice, and the capacity to form a conception of the good (1993: 81).

Rawls also wished to clarify whether primary goods were dependent on “...the natural facts of human psychology or... on a moral conception of the person...” (1999: preface xiii). Rawls explained:

This ambiguity is to be resolved in favour of the latter: persons are to be viewed as having two moral powers... and as having higher-order interests in developing and exercising those powers. Primary goods are now characterised as what persons need in their status as free and equal citizens, and as normal and fully cooperating members of society over a complete life (1999: preface xiii).

A person's 'good' is the satisfaction of her rational (and reasonable) desire. Rationality and reasonableness are the necessary moral powers for free and equal citizenship, which require primary goods for their exercise and development.

2.4: Reasonable Pluralism

Rawls argued that citizens would be 'reasonable' in a number of ways. Citizens would have goals and doctrines that would be publicly justifiable in light of the principles of justice. Citizens would accept the principles of justice as fair, and that those principles shape and constrain their public activities in a number of ways. Under the reasonable and rational constraints of the original position, hypothetical citizen representatives (suitably characterised as unbiased) would select principles of justice to regulate the *basic structure* (society's main political and economic institutions, which further act to regulate society generally).

A Theory of Justice was, Rawls explained: “to generalise and carry to a higher order of abstraction the traditional doctrine of the social contract” (1993: preface). Given some of the criticisms raised against *Theory*, Rawls thought it necessary to clarify one point in particular. In *Theory* (1971), he had not made a clear distinction between moral and political conceptions. The scope of Rawls's theory appeared wider than he had intended. In *Political Liberalism* (1993), Rawls wanted to demonstrate that one could hold a comprehensive moral doctrine that differed from the views of one's fellow citizens and remain a full, free and equal member of the political community.

Rawls asserted that democratic societies are marked by the fact of reasonable pluralism. Reasonable pluralism means citizens will hold publicly justifiable (reasonable), but incompatible comprehensive doctrines (2001: 3). Public reasons are required for justification; one should not reference one's own (controversial) comprehensive doctrine in justifying one's political views and preferences to others. Such doctrines posit something is right, true, or good—they are belief systems. *Reasonable* takes on a moral character in that it specifies relations of reciprocity and justification. By reciprocity, Rawls meant that citizens would have a willingness to propose and accept fair terms of social co-operation (2001: 6). Rawls explained that:

[T]he aim of political liberalism is to uncover the conditions of the possibility of a reasonable public basis of justification on fundamental political questions. ... In doing this, it has to distinguish the public point of view from the many non-public reasons and to explain why public reason takes the form it does (1993: preface).

Political liberalism, Rawls argued, does not lend itself to identifying any moral truths. It does not even hold that *Justice as Fairness* is true. It is concerned that comprehensive doctrines be reasonable. It holds that *Justice as Fairness* is reasonable. Political liberalism concerns itself with political values.

Reasonable citizens, Rawls argued, would be ready to engage in fair terms of co-operation. They would also recognise that some comprehensive doctrines could not be publicly justified. Citizens would further want to be recognised as

normal and co-operating members of society. Finally, Rawls asserted that citizens would have a reasonable moral psychology (1993: 82).

Rawls's main ideal was citizenship characterised by *Justice as Fairness*. Citizens are to be reasonable, rational, free, and equal (1993: 84). Rawls argued that:

Justice as Fairness connects the desire to realise a political ideal of citizenship with citizens' two moral powers [sense of justice and conception of the good] and their normal capacities, as these are educated to that ideal by the public culture and its historical traditions of interpretation (1993: 85).

Rawls's principles of justice are the result of a rational construct (the *original position*) subject to reasonable constraints (*public reason* and *reciprocity*). The principles generated will support reasonable (political) judgements. By sharing a reasonable political conception of justice —*Justice as Fairness*, citizens have a shared basis for public discussion, which is an important innovation given the fact of diversity.

2.5: The Principles of Justice

Rawls thought the account of *political liberalism* given in *A Theory of Justice* (1971) was correct for the most part, but misunderstood. Rawls believed the idea of *political liberalism* was misunderstood because he had not adequately explained certain ideas in the work. Rawls was not satisfied with the revisions made in *Political Liberalism* (1993). Several substantial essays were published to further elaborate how Rawls's views had changed, and several were concerned with providing answers to various critics. It became “difficult to find a clear and consistent” view of Rawls's work as a whole. This difficulty gave rise to Rawls's final work, *Justice as Fairness: A Restatement* (2001). Rawls indicated that the restatement contained three changes to the overall idea of *Justice as Fairness*. First, the formulation and content of the principles of justice were revised. Second, the organisation of the argument for the principles in the original position was re-worked. Finally, Rawls re-iterated that *Justice as Fairness* must be viewed as a political conception, not dependent on any particular comprehensive view. Rawls's final statement of the principles of justice reads as follows:

Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and

Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society... (2001: 42-43)

The first principle remains lexically prior. In addition, the principle of fair equality of opportunity is prior to the *difference principle* (the second half of the second principle). By priority, Rawls meant prior principles were assumed satisfied. The main changes pertain to the first principle. It is now to be understood as a principle of liberties, rather than liberty.

It would be misleading and unfair to critique *Justice as Fairness* on the grounds of whether it could actually be realised in practice; as this was not the intention in writing the theory. Actual democracies are neither *well-ordered*, nor *closed*, yet they are marked by deep diversity. With Rawls's main ideas in the background, this paper seeks to amplify and extend one idea in particular. This is the idea of the least advantaged. Rawls stated:

In a well-ordered society where all citizens' equal basic rights and liberties and fair opportunities are secure, the least advantaged are those belonging to the income class with lowest expectations (2001: 59).

Rawls further explained that his idea of least-advantaged could not identify any other features such as “race, gender, nationality, and the like” (2001: 59, note 26). It is at this point that this paper diverges from Rawls's theory. In theory, one can assume adequate citizen capability, that all citizens are reasonable, and rights, liberties and opportunities are secure. In practice, these assumptions are too strong.

3: The Least-Advantaged in practice

Given his theoretical assumptions, Rawls cogently argued that the *least-advantaged* citizens would have the lowest expectation for primary social goods like income and wealth. The least advantaged citizen became the *least well off*. To explain, in theory, Rawls assumed that all citizens had developed “two moral powers”, which were generally characterised as *rational* and *reasonable*. With this assumption in place, Rawls coherently argued that the *least-advantaged* would be those with the least expectations for primary social goods. Recall that PSGs are intended as all-purpose means for citizens to express and pursue their conceptions of the good. If one assumes adequate capability development as Rawls had, then what is required to raise the expectations of the least advantaged is a higher share in the distribution of PSGs as Rawls had argued and addressed through the *difference principle*. If one does not assume adequate capability, then any increased distribution of PSGs, say income for example, will not raise the expectations of the least advantaged. When moving from the theory *Justice as Fairness*, to the practice of plural democracy, two additional ideas must be encompassed by the concept of least advantaged. The *least advantaged* in plural democracies become the least well off, the least capable, and the misrecognised.

4: Self-Respect Re-visited

Rawls identified “the social bases of self-respect” (a primary social good), as crucially important in regards to the individual having the capacity and desire to carry out her plan of life—to express her “good” (1971: 440). Self-respect is socially dependent—it requires the effective recognition of value in one's person and goals by others. In the theory of *Justice as Fairness*, the *political* bases for self-respect appear to be conflated with the *social* bases for self-respect. Rawls, for example, stated that, “The social bases of self-respect, un-

derstood as those aspects of basic institutions normally essential if citizens are to have a lively sense of their worth as persons and to be able to advance their ends with self-confidence" (2001: 59). Two questions immediately arise. First, one must question which aspects of which basic institutions Rawls was referring to here. Second, what is the supposed connection between citizenship, and one's worth as a person? In answer, Rawls stated that: "[The] social bases of self-respect are things like the institutional fact that citizens have equal basic rights, and the public recognition of that fact and that everyone endorses the difference principle, itself a form of reciprocity" (2001: 60). The "social bases" of self-respect are found in *political equality*. To be fair, Rawls was not discussing the actual practice of plural democracy, but an idealised *well-ordered* society. Conflating the political and social bases of self-respect becomes problematic when moving from theory of *Justice as Fairness* to the practice of plural democracy. This is not a criticism of Rawls's theory *per se*, but rather a difficulty one must overcome when expropriating Rawls's theory to help inform the actual practice of plural democracies as this paper does. In Rawls's well-ordered and closed society, there are no marginalised citizens as the above quotations about the social bases of self-respect show. In actual, plural democracies, however, there are politically, economically and social marginalised citizens, who have the same political rights and opportunities as other individual citizens, but nonetheless, remain marginalised. This must be taken into account. The way this paper attempts to do this is to distinguish between the social and political bases of self-respect. Consider the rather different connotations of the following statements. "You are a fellow citizen, so I tolerate you and your reasonable activities." "You are an admirable person; I respect you and your activities." Which of these statements offers a more secure social base of self-respect? It seems obvious enough that the second statement offers a more secure social base of self-respect. It entails both respect for the person and her activities because it recognises value in both. There is, however, no reason to choose between these two notions of respect—they work in tandem. As a democratic citizen, I may enjoy both the political base of self-respect (valued as an equal fellow citizen) and the social base of self-respect (valued for the particular person I am, and things I do). The point is that in practice the social bases of self-respect are wider than the political bases of self-respect.

Liberalism asserts that a central component of a good life is that it is be free. Part of the liberal idea of freedom is to express what one values. This expression of value, however, requires that the individual have the confidence to carry out her life in this way. This confidence comes from the self-respect an individual has. This is why Rawls counted the social bases of self-respect the most important primary social good.

Self-respect has a social character; it is dependent on the recognition of value by others. The social base for self-respect is finding one's person and projects valued by others. In order for others to see value in our persons and projects, they must have similar or overlapping moral frameworks.

Rawls referred to this as an *overlapping consensus* (2001: 180-201). If others have very different, but reasonable moral frameworks, they can still value one as a fellow citizen—still offer a political base of self-respect. When, however, others share or have overlapping moral frameworks, the social bases of self-respect are extended. In both senses in which the bases of self-respect are being discussed here, the linchpin is others recognising value in one either as a fellow *citizen*, or as a particular *person*, or both.³

5: Identity and Freedom are inter-linked

The central feature of contemporary democracies is the long established idea that individual citizens are free and equal. Individual rights of citizenship are established to secure citizens' free and equal status. There are contentious issues surrounding just what democratic freedom and equality mean. Part of the controversy arises from the fact of pluralism. Pluralism means that citizens have different characteristics and self-understandings, or more simply, different identities. Citizenship is accorded to the individual; the identity of the individual, however, is a social construct often dependent on group membership. Identity and freedom are inter-linked. This gives rise to a particular difficulty in liberal, democratic theory. If one is a member of an illiberal group, one cannot express one's identity and minimally suffers a loss of freedom. If, on the other hand, the group with which one identifies becomes liberalised, then members of the group may well lose precisely what they are struggling to keep—their distinct identities.

Theoretically, a free individual may choose any state, or object available to her. Practically, the individual will not do this because what she will freely choose is dependent on what she values. Following Charles Taylor's dialogic account of identity, one's identity strongly shapes one's sense of worth, and what one will value (1989: 3-12). Identity and freedom are interlinked.

The *difference principle* (the second half of Rawls's second principle of justice) clearly states that social and economic inequalities can only be justified if they are to the advantage of society's least-advantaged citizens. The idea is appealing on a number of counts. Surely, history demonstrates that social and economic inequalities affect life prospects. From a democratic, egalitarian perspective, the goal of free and equal citizenship requires attention to social and economic inequities. For Rawls, the person in the least-advantaged position in society had the lowest legitimate expectations for primary social goods. This is correct as far as it goes, but how does one come to occupy a less advantageous position in the first place? One good answer, principally advanced by Amartya Sen is that perhaps one does not have capability to do better.⁴ Another answer is that one did not have the opportunity to improve one's social and economic position, and so on. What I wish to focus on is the claim that those whose cultural, religious, ethnic and gender identities are *misrecognised* or ignored constitute part of society's least-advantaged members. In making this argument, it is helpful to consider a point made by Jean-Jacques

Rousseau in the *Discourse on Inequality*. For Rousseau, the idea of inequality was of little natural significance. Inequalities become significant once people become comparative in social settings. In particular, what others think of us began to matter. Rousseau states:

Each one began to look at the others and too be looked at himself, and public esteem had a value... From these first preferences were born vanity and contempt on the one hand, and shame and envy on the other... As soon as men had begun mutually to value one another, and the idea of esteem was formed in their minds, each one claimed to have a right to it... [E]very voluntary wrong became an outrage, because along with the harm that resulted from the injury, the offended party saw in it contempt for his person, which often was more insufferable than the harm itself... (1987: 64).

The point remains valid today. When a person or group feels slighted by others, this is taken as morally significant. This perception is what allows Charles Taylor to argue that the misrecognition of identity causes harm. Taylor states:

[O]ur identity is partly shaped by recognition or its absence, often by the misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm; can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of living (1994: 25).

Contempt for and misrecognition of identity is a significant harm. There is a strong connection between one's identity and one's agency. Given this connection, if one's identity is misrecognised or ignored, one's agency (or more simply "freedom") is unnecessarily restricted. Public esteem is a democratic demand. Certainly liberal theory has emphasized individual rights be accorded to free and equal citizens as a response to this demand, but there is no reason at the outset to deny that minority identity groups share this demand for public recognition.

Stereotypes, racial and religious profiling and other like social and political slights constitute harm not only for individuals who face these things, but also for members of the broader minority identity group to which they belong. It is not simply that these misrecognitions are nasty to endure; they unjustifiably deny free and equal citizenship; they restrict freedom.

What individuals will freely choose to do and be is dependent on what they value. If and when the individual's values change, the individual will choose different things, but where do the values come from in the first place? To paraphrase Charles Taylor, people constantly make discriminative decisions based on the values they hold, which come to them through dialogic processes whereby moral frames come to bind their identities. The *framework* is understood as a moral background.⁵ An individual's ability to define and choose what is good cannot be separated from her notions of what "good" is. The "good" is defined *dialogically*, or in relation to others, and thus cannot be separated from language and culture, both of which are constitutive elements of one's identity (1994: 32). Persons' identities, which are within shared frameworks, orient people's lives to give direction

on what is worthwhile and what is not. It is also impossible for an individual to understand his or her own identity without reference to others.

In plural societies, no single moral framework is universally accepted as true or good. What is good or worthwhile is contested. Yet, frameworks provide "...the context within which the question of meaning has its place." To answer quintessentially human questions like "what is worthwhile" or "what is valuable" requires one have a framework of meaning and that provides such an answer (1989: 27). One's identity strongly shapes one's sense of worth, and what one will value.

Taking individual freedom seriously in liberal theory has come to mean that one must retain the ability to revise one's most sacred values. Respect for the individual in liberal thought has generally been articulated in terms of individual rights (1989: 11). Identity is trickier as it has been bound up with notions of *authenticity* and *dignity*. The idea is that one should not have to deny one's beliefs, desires or self-conceptions (authenticity), and that these should be esteemed, or significantly recognised by others (dignity). K. Anthony Appiah suggests that "authenticity" is problematic because it requires a rejection of convention on the one hand, and a recognition that identity is *dialogically* constituted on the other, (2005: 100-105). This leads into a seemingly difficult question. Is an authentic identity one which the individual in some way invents, or is it one that individual in some way copies? The question is misstated if one accepts Taylor's point that "We define our identity always in dialogue with, sometimes in struggle against, the things our significant others want to see in us" (1994: 32-33). An authentic identity is both invented and copied; it is a dynamic process. Dignity, on the other hand, is a result. It is a result not simply of recognising a person for who she is, but also of respecting her for what she values. This is a stronger version of respect than is generally found in the liberal literature.

Liberalism respects the generalised person, accords her rights and tolerates her non-harmful activities. The stronger version of respect advanced here requires value to be seen not simply in the generalised human being, but also in the way, *this* person leads *her* life. Recognising a person for who she is (her authentic identity) means more than respecting her as an abstract individual. It means that others value both her and what she thinks of as (fundamentally) worthwhile.

Bhikhu Parekh has argued against the universalising tendency of liberal theory. He thinks that liberals impose their views on everyone else. When this is done, liberalism loses its much exalted tolerance and openness, and simply becomes coercive. Much of the criticism focuses on the supposed mistaken universalism of liberal thought, which itself is often bound up with an essentialist theory of human nature. Surely, Parekh is right when he says, "Human beings are at once both natural and cultural beings, sharing a common human identity but in a culturally mediated manner." From this, he argues that "equality" cannot mean "sameness", but is rather linked by ideas of rights, respect, opportunity, power, and capacities required for living a good human life, which will turn out to be rather variable (242-3).

6: Identity and Respect

Identity, agency and respect are interrelated. Respect, understood merely as recognition of the individual right holder (citizen), misses this connection. The universal view of respect is that it is conferred when one recognises the individual rights of another. The stronger notion of respect indicates an appreciation of what the individual values, in addition to valuing the individual *per se*.

The political bases of self-respect are engendered by free and equal citizenship. The social bases are wider than this; they entail that others value one not simply as a fellow human being (the universal individual found in much liberal thought), nor in the generalised citizen (Rawls), but in finding one's person, beliefs and deeds valued by others. There is no necessary reason to view these differing bases of self-respect as opposed to, or in competition with one another, but it does seem that the political bases of self-respect do not go far enough on their own. For example, I may be in a socially and politically disadvantaged position in society. I may well view the political and economic systems as in the interests of others. Granting me free and equal citizenship may seem rather hollow to me. I do not vote, perhaps my fellow citizens pass me by on the street and call me a "bum", or some racially charged slur as the case may be. The rights of citizenship may not be much of a foundation for my self-respect.

The weak (universal) view of respect leads to viewing persons as ends rather than means, seeing them as individual rights holders, and tolerating their non-harmful activities. Toleration can lead to changes in what is considered *reasonable* over time; it can lead to widening pluralism and greater acceptance, even appreciation, of difference. It can lead to a more secure social base of self-respect for marginalised or previously marginalised identity groups. There is no need to see the universal view of respect and opposed to the social view of respect. The two are, in fact, complimentary.

Rawls argued that democratic citizens are to express their goods (what they value) through their reasonable and rational plans of life. One's *rational* "plan of life" should be an efficient and achievable route to one's main goals and aspirations in life. *Reasonable* is a moral category. It limits rational pursuits in ways often reminiscent of Mill's *harm principle*. Rawls argued that people would use *primary goods* as all-purpose means to express what they value. Rawls thought the most important primary good was the *social bases of self-respect* (1971: 440). In considering the social bases of self-respect in relation to what people value, the practical limit of liberal pluralism is clarified. Too wide a pluralism jeopardises the social bases of self-respect. This has the further effect of endangering the freedom and equality of citizens. The issue is how to balance the goal of creating free and equal individual citizens, with the recognition that individuals are socially constituted through interactions with others; and understanding that "culture" is a central formative element of these social constructs.

Rawls discussed people in a specific and limited sense, the person as a generalised citizen. One difficulty with this is

discussing people as generalised citizens glosses over issues of identity, and neglects to indicate how closely linked one's values are to one's social environment. For example, Rawls asserted that citizens would have two moral powers (a sense of justice and an ability to form a conception of the good). To have a sense of justice is to have a public sense of right and wrong. To form a conception of the good is to have a sense of fundamental value. Where do these moral powers come from? Rationality alone cannot identify one's ends or good. One must reference, to borrow Rawls' terms, the *relevant features* of one's life and *self-knowledge*. These are more naturally discussed as part of one's identity than they are as aspects of rationality.

Rawls discussed what individuals' value through the concept of life plans. An individual's plan (understood as a rational and reasonable expression of one's deep aspirations) can be criticised and rendered illegitimate in two ways. A plan is poor if it is not rational given the individual's capacities, aspirations, activities, and values. A plan is ruled out if it is not reasonable (publicly justifiable). Non-reasonable and non-rational plans are either discouraged, or prohibited (1993: 61, and 2001: 153).

Rawls distinguished between two aspects of identity—*public identity* (the person as citizen), and the broader *non-institutional* (or moral) identity—capturing the person's enduring aims and commitments. Rawls explained, for example that:

[W]hen citizens convert from one religion to another... they do not cease to be, for questions of political justice, the same person they were before. There is no loss of what we may call their public or institutional identity... There is a second sense of identity specified by reference to citizens' deeper aims and commitments. Let's call it their non-institutional or moral identity, (2001: 30).

The *public identity* indicates that citizens will endorse the same political values, which enables them to form an *overlapping consensus*. These shared political values are to be valued as part of citizens' non-institutional or moral identities, which encompass the enduring aims and commitments of the individual. The *public identity* or citizenship leads to the political bases of self-respect. The moral identity is mentioned by Rawls, but left unexplored because this was beyond the scope of his project. He was attempting to carry the social contract tradition to higher level of abstraction; attempting to find a political basis for democratic justice. One difficulty with this in regards to this project is that instead of discussing what the individual values through moral identity, Rawls attempted to discuss this through the concept of rationality.

Rawls argued that it was reasonable to exclude comprehensive views, which could not be publicly justified to others given the principles of justice (2001: 153). This requires more specification. Is the unreasonable view the one, which cannot be justified to others without reference to controversial comprehensive views? Alternatively, is the unreasonable view the one which violates the principles of justice, and hence the rights of other citizens? It must be the second

characterisation otherwise there is no way to account for the fluidity of what is taken to be reasonable.

7: Invoking the Harm Principle to account for shifts in Reasonableness over time

The Rawlsian moral category of *reasonableness* must limit the diversity of values and conceptions of the good as this relates to citizens reciprocally understanding one another as free and equal. The problem arises when one perceives that if there is a range of reasonable doctrines, then there must also be a range of unreasonable doctrines. What needs to be worked out is a clearer answer for excluding some unreasonable doctrines, but allowing that others may become reasonable over time. Mill provides inspiration here as well. The permanently unreasonable doctrines are those, which harm others. Mill's harm principle provides two clear limitations on conceptions of the good. Mill stated:

[T]he sole end for which mankind are warranted, individually, or collectively, in interfering with the liberty of action of their number is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant (1859, reprinted 1978: 9).

Those who hold comprehensive doctrines, which insist on or encourage the harming of others, will be permanently unreasonable. But what of those who hold doctrines the political majority simply does not like? Rawls has given considerable protection against state and society by giving his liberty principle lexical priority. The liberty of the individual cannot be violated except for wider for all. Taken together, Rawls's first principle of justice and Mill's harm principle begin to specify the range of unreasonable doctrines.

Over time what is thought to be *reasonable* (both in terms of social conscience and in law) changes. For example, suppose that minority identity groups have some cultural or other practices, which are looked upon with disdain by the majority. These practices, however, do not involve the harming of individuals. Though the majority may not endorse, or respect these practices, they will *tolerate* them. Over time, this toleration could lead to shifts in the majoritarian view of what may count as *reasonable*. This could not have occurred if *unreasonable* views and activities were excluded from public debate to begin with. Thus, it must be mistaken to argue that the Rawlsian category of reasonableness is to place a limit on the content of public debate—unreasonable doctrines are part of the public debate. By invoking the *harm principle*, one finds a reasonable ground to tolerate unreasonable views, activities and states of affairs. If no one is harmed, unreasonableness can be tolerated.

7.1: Protecting the Scope of Liberty

Just as there are certain parallels between Mill's *harm principle* and Rawls's *reasonable* criterion, there are similarities between the two philosophers in protecting the scope of liberty. Rawls thought liberty to be so important he en-

shrined it in a sacrosanct *principle of justice*. The problem is not with that, but an effect of that effort. Rawls was attempting to carry the social contract tradition to higher order of abstraction. His principles of justice are highly generalised. It is not obvious how the first principle and reasonableness relate. Consider Rawls's first principle of justice alongside Mill's reasons to protect free speech. Rawls's first principle of justice is:

Each person has the same infeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all... (2001: 42).

I see no difficulties with either the content or intent of the first principle. Rather, the problem is one of specification. It is not clear just what sorts of values, beliefs and activities are supported under Rawls's liberty principle. Again, this is not to indicate a problem with Rawls's theory, but rather to assert that more specification is required to use *Justice as Fairness* to inform the actual practice of plural democracy.

Rawls characterised his theory as applying to plural democratic societies. The "plural" was to indicate that citizens had differing and often conflicting conceptions of the good. Liberty is endorsed to allow all to express their varying conceptions of the good, but this is not the only reason to endorse a wide variety of liberties. In any free society, it would appear inevitable that some minority views will develop in direct contrast to majority views. This seems true both morally and politically. If reasonableness is, in part, a majority moral code, then one might expect resistance to it. Some views may, in the first instance, be incorrectly categorised as unreasonable. In the second instance, some views may be unreasonable at one point in time and reasonable in another.

In the first instance, there is a failure on the part of government and citizens to appreciate the extent of reasonable difference. The second instance is more interesting. How might an unreasonable doctrine become reasonable? Certainly, Rawls was willing to extend tolerance where he could, but Mill has a more concrete approach, which is to remind people why toleration and free speech among those who vehemently disagree is so important. Mill stated:

If all mankind minus one were of one opinion, only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he had the power would be justified in silencing mankind (1859, reprinted 1993, 16).

Mill had several reasons to support this strong statement of toleration. Mill stated:

[I]f any opinion is compelled to silence, that opinion may... be true. To deny this is to assume our own infallibility... [T]hough the silenced opinion be an error, it may, and very commonly does, contain a portion of truth.... [E]ven if the received opinion be not only true, but the whole truth; unless it is suffered to be ... earnestly contested, it will... be held in a manner of prejudice, with little comprehension... of its rational grounds... [T]he meaning of the doctrine itself will be in danger of being lost... the dogma becoming a mere formal profession... (1959, reprinted 1993: 50).

Some unreasonable views should always be prohibited because they involve or encourage the harming of others. There

are, however, less extreme unreasonable views. These ought to be tolerated for the reasons Mill indicated. In addition to these, however, they should be tolerated to allow their practitioners the opportunity to shift the bounds of reasonableness, to be more fully included in society.

This approach is better for another reason as well. If radical views are not heard, radicals often tend change their tactics to force whole societies to pay attention. They can become violent. This is as true for political as it is for religious ideologies. Care must be taken here though because radicals and fundamentalists will not always accept democratic defeat. The coercive force of the state is inescapable. The question is not and cannot be how the plural, democratic state can become non-coercive, and fully inclusive. Rather, the issue is what is the least coercive way to deal with the fundamental disagreements that diversity gives rise to?

8: Concluding Remarks

If what counts as *reasonable* shifts over time, then some may not find the social bases of self-respect in the society. This may be the case even when persons are accorded the political bases of self-respect entailed in formal citizenship. Can anyone deny that the prospects for a black person in the United States in 1961 are rather different from the prospects of a similarly gifted black person in 2011? That such a person in 1961 had a far more diminished opportunity to find the social bases of self-respect than a similar person in 2010 is obvious.

What counts as good and valuable, and reasonable and respectable in a society will shift over time. It is likely that some will not enjoy the good of self-respect. But what is the supposed value of freedom and equality if one does not have self-respect? Plural democracies must take care to foster the social bases of self-respect. Fostering these social bases of self-respect, it seems, occurs in a couple of ways. The traditional liberal way of doing this is to accord individual citizens' rights. The Rawlsian innovation was to limit pluralism to a publicly acceptable range (reasonableness). Individual citizens would have equal rights, a fair value for extensive liberties, and an overlapping consensus regarding the content of justice and morally permissible doctrines and activities.

Reasonableness is not static; it shifts across time and place. Comprehensive views, which encourage their practitioners to harm others, are permanently unreasonable, and can be justly prohibited. Other unreasonable views may simply offend (mildly or not) the majority's moral code. So long as the practitioners of these views do not harm others they should be tolerated. Toleration of these views can lead to shifts in what is thought to be reasonable over time. Toleration respects the individual rights of members of marginalised groups. Toleration is extended because we see value in the individual as an individual human being. It does not, however extend the recognition of value to the individual's projects and aspirations. In this sense, it falls short of the social bases of self-respect understood as seeing value in ones person and projects. This means those who are merely

tolerated will have a less secure social foundation for self-respect than others; at least in the short run. Tolerating such people's beliefs and activities gives them the opportunity however, to shift the bounds of reasonableness over time so that may be more fully recognised and included in a plural democratic society.

I have argued that unreasonable doctrines promote or endorse the harming of others. There are, of course, many different types of harm. One of the types of harm taken to be significant here is the *misrecognition of identity*, which as Taylor states: "...can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of living" (1994: 25). Misrecognition of identity can harm in the sense that it can restrict the agency and opportunity of the misrecognised. It also erodes the social bases of self-respect. The misrecognised are part of the least-advantaged because their agency and opportunities can be restricted as compared to fellow citizens. Minority identity groups (who generally constitute the misrecognised in society) do not do as well as other citizens in social, economic and political terms. The broad conclusion of this paper then, is that the misrecognition of identity constitutes harm. Misrecognition of identity can restrict agency and deny the social bases of self-respect. Those who have non or misrecognised identities constitute part of society's disadvantaged members.

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Endnote

- 1 This essay focuses on the second type of disadvantage, the misrecognition of identity. I have previously discussed disadvantage in terms of capability (Amartya Sen's term) in "The Means to Social Justice: Accounting for Functional Capabilities in the Rawlsian approach" in "Canadian Journal of Political Science" 41:4, December 2008.
- 2 Rawls attributes the distinction between the reasonable and the rational to W.M. Sibley in "The rational versus the Reasonable," *Philosophical Review* 62 (October 1953).
- 3 Charles Taylor makes this distinction between different kinds of respect. See, for example, chapter 1 of *Sources of the Self*, especially page 15.
- 4 See, for example, Sen, Amartya. 1997. "Equality of What", In *Contemporary Political Philosophy: An Anthology*, ed. Robert E. Goodin and Philip Pettit. Oxford: Blackwell Publishers.
- 5 See Charles Taylor's chapter 1 of *Sources of the Self*, "Inescapable Frameworks", especially page 17. Taylor's discussion of horizons in "What is Human Agency" in Charles Taylor, *Human Agency and Language*. Cambridge: Cambridge UP, 1985 is also instructive on this point.