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The Challenge of Multiculturalism in Political Ethics

Different kinds of political controversies rage over multiculturalism. The challenge of some of these controversies is primarily one of realizing social justice in multicultural contexts. Members of different cultural groups may share the same standards of justice, but nevertheless act unjustly out of hatred or distrust of others, or because they believe that justice is less important than cultural solidarity. Distinct from the problem of realizing social justice in multicultural contexts, and prior to it, is a more constitutive challenge of multiculturalism. In many political controversies, standards of justice themselves seem to be in conflict, and the conflicting standards are often associated with different cultures. This article focuses on the constitutive challenge of multiculturalism in political ethics: how to discern standards of social justice in light of the apparently conflicting standards of different cultural groups.

By multiculturalism, I refer to the state of a society or the world containing many cultures that interact in some significant way with each other. A culture is a human community larger than a few families that is associated with ongoing ways of seeing, doing, and thinking about things.¹ This

I presented an early and abbreviated version of this article at the fifth-anniversary conference of Harvard's Program in Ethics and the Professions. Many constructive comments on my lecture helped me rethink parts of my argument. I am grateful for Michael Walzer's response to a draft of this essay, and also for helpful written comments from Lawrence Blum, Julia Driver, Ezekiel Emanuel, Peter Euben, Samuel Freeman, Jeremy Goldman, George Kateb, Michael McPherson, Helen Nissenbaum, Susan Okin, Amelie Rorty, Nancy Rosenblum, John Tomasi, Dennis Thompson, Paul Weithman, Stuart White, and the Editors of *Philosophy & Public Affairs*.

1. Jeremy Waldron, "Multi-culturalism and Melange," *Working Group on Multicultural Education*, p. 10. A culture is not only a set of behavior patterns but also a set of social standards, which can change over time. See R. A. LeVine, "Properties of Culture: An Eth-

stipulative definition has the advantage of leaving most moral questions about multiculturalism open to explicit argument. Multiculturalism is not by definition good or bad.

My aim in this essay is to understand the constitutive challenge posed by multiculturalism to social justice, to assess three important common responses to this challenge—cultural relativism, political relativism, and comprehensive universalism²—and to develop a more defensible response, which I call deliberative universalism. The challenge is that different cultures contain apparently different ethical standards that yield conflicting judgments concerning social justice. To take a striking example, some cultures defend polygamy, while others deem polygamy unjust and subject to governmental prohibition. In light of an apparent conflict in judgment about the justice of an institution as important as the family, a conflict associated with cultural differences, should we not reconsider what justice requires?

I. THE RESPONSE OF CULTURAL RELATIVISM

Suppose you believe that your society is justified in recognizing only monogamous marriages. You then discover that polygamous marriages are recognized by some cultures, not your own. Your own cultural background predisposes you to believe that it is right for a government to forbid anyone to marry more than one person at a time. Long after the formation of your basic moral predispositions, you learn that members of some other cultures consider polygamy just and its prohibition unjust, as just as you consider state enforcement of monogamy and as unjust as you would consider its prohibition. Do you have any reason to reconsider your belief in the justice of state-enforced monogamy? Should I reconsider my beliefs about the

nographic View,” in R. A. Shweder and R. A. Levine, *Culture Theory: Essays on Mind, Self, and Emotion* (New York: Cambridge University Press, 1984), p. 67. Clifford Geertz points out that cultures are also “control mechanisms” in “The Impact of the Concept of Culture on the Concept of Man,” in *The Interpretation of Cultures* (New York: Basic Books, 1973), p. 44.

2. I try to present each of these positions in a fair and familiarly invoked way, although perhaps in a purer form than they are held by the philosophers with whom they are sometimes associated. Whether Michael Walzer’s *Spheres of Justice* is accurately interpreted as a defense of cultural relativism, Stuart Hampshire’s *Innocence and Experience* as supportive of political relativism, and John Rawls’s *A Theory of Justice* as a model of comprehensive universalism are questions not addressed by this essay. All three are remarkably rich and complex works that defy easy categorization.

justice of gender integration in light of learning about purdah, the Muslim practice of gender segregation, which includes the mandatory veiling of women?

Suppose that standards of justice are relative to particular cultural understandings such that the cultural meaning of each social good is what defines its just distribution. Cultural relativism, so understood, challenges the view that some seemingly conflicting practices sanctioned by different cultures, such as enforced monogamy and polygamy or gender integration and purdah, actually pose moral conflicts and on reflection call for criticism of one or both of the conflicting practices. If justice is relative to particular cultural understandings, then polygamy can be unjust for members of my culture and just for members of another culture whose social understandings of marital responsibility and kinship are radically different. Our views on social justice as they apply to our culture are justified (or not) relative to its social understandings. Views on social justice that apply to members of other cultures must be judged by *their* social understandings, not ours. We should ask not whether social practices like polygamy and purdah are justified by the moral considerations that *we* find most compelling, but rather whether they are sanctioned by the relevant social understandings of the cultures within which they are practiced. There is no reason to assume that our moral principles, which we typically learn in relation to problems and practices of our own culture, are the same principles that should apply to other cultures, whose understandings of social goods such as kinship and gender relations differ dramatically from our own.

Cultural relativism claims that the question we should be asking is not what *should* people choose between (state-enforced) monogamy and (state-permitted) polygamy, sexual integration and purdah, religious toleration and shunning, but rather what *do* people who share a culture—and therefore share substantive understandings of social goods as far ranging as kinship and love, education, jobs, health care, and divine grace—choose? Social justice, according to cultural relativism, is the distribution of goods according to their cultural meaning.

What must modern cultures be like for the distributive principle of cultural relativism to work? Each culture must contain a set of social understandings that govern the distribution of goods for that culture. For each good, such as kinship, gender relations, health care, or education, there must be an internal social understanding that governs the distribution of

that good.³ Meanings change over time, but at any given time in any given culture, we must be able to locate one relevant meaning for each good. If there are multiple meanings for any given good, then a culture will not sanction a given meaning, and cultural relativism will require reformulation to deal with multiple and competing meanings, a problem to which I will return.

First we should ask what modern cultures are actually like in this regard. A fair test for cultural relativism are modern cultures that are likely to meet this standard of internal agreement. Among the many detailed historical accounts of such cultures, even the apparently most homogeneous contained conflicting understandings of important social goods. Consider the case of Mormonism, which the critic Harold Bloom considers the model of an internally homogeneous, communitarian culture, “a *total* system of belief and behavior, dedicated to particular hopes, dreams, and interpretations.”⁴

What do detailed historical investigations of Mormon beliefs reveal about this prototypically nonpluralistic culture? Since the 1840s, when Joseph Smith advocated the duty of polygamy as “the most holy and important doctrine ever revealed to man on earth,” Mormons have disagreed about its legitimacy.⁵ Historical accounts reveal that long before polygamy was outlawed in the United States, even during the period of greatest devotion to “polygamous duty” (1856–1857), Mormons were internally divided over the legitimacy of the practice.⁶ We also have evidence in the testimony of both Mormon men and women, about as good evidence as one ever gets, that nineteenth-century Mormons differed in their beliefs about the desirability of polygamy. Here is a not uncommon set of nineteenth-century

3. The internal social understanding may be to permit people to choose among various options, such as whether to enter into polygamous or monogamous marriages. If agreement exists that people should be free to choose between polygamy and monogamy, then this counts as a single social understanding. If, on the other hand, some people believe the state should enforce monogamy and others that it should permit polygamy (as well as monogamy), then social understandings are divided. To make sense, cultural relativism requires singularity of social understandings, not social practices.

4. Harold Bloom, *The American Religion: The Emergence of the Post-Christian Nation* (New York: Simon and Schuster, 1992), p. 91.

5. Richard S. Van Wagoner, *Mormon Polygamy: A History* (Salt Lake City: Signature Books, 1986), p. iii.

6. *Ibid.*, chaps. 6–7. During this period, fewer than forty percent of Mormon families were polygamous. Although some monogamous Mormons probably have accepted polygamy as a legitimate marital choice, others did not.

Mormon attitudes toward polygamy, expressed by two sister-wives, Becky and Sadie Jacobson. Becky Jacobson says that she has been “happy and blessed as a polygamist wife,” whereas Sadie says: “If anyone in this world thinks plural marriage is not a trial, they are wrong. The Lord said he would have a tried people.”⁷ There are also some rare accounts, even more revealing, like that of a Mormon elder’s efforts to marry a second wife. The elder’s first wife had told him that if he ever brought a second wife in the front door, she would go out the back one. When another elder from southern Utah pressed upon him a potential second wife, the elder still hesitated to confront his first wife. “Finally,” this account goes, “he told her he had had a revelation to marry a certain girl and that in the face of such divine instructions, she must give her consent.” The next morning his first wife announced that she too had had a revelation, to “shoot any woman who became his plural wife.” He remained monogamous.⁸

In 1890, twelve years following the Supreme Court decision *Reynolds v. United States*⁹ that upheld state prohibition of polygamy, the Mormon church officially reversed course and prohibited polygamy, again on doctrinal grounds. Yet approximately 30,000 Mormons today, so-called Mormon fundamentalists, still believe in polygamy and practice it despite plenty of pressure to the contrary. Nor does the practice of polygamy simply split along class lines. Some Mormon women with professional careers today claim that polygamy is “the ideal way for a woman to have a career and children. As I see it, if this life style didn’t already exist, it would have to be invented to accommodate career women.” Elizabeth Joseph, a lawyer and one of Alex Joseph’s nine wives, believes that “polygamy is good feminism.” Alex Joseph’s reasons are more religious: “Every writer in the Old Testament, except for Daniel, was a polygamist. The way I see it, if you’re going to get a degree in electrical engineering, then you have to learn a little something about engineering. And if you’re going to understand the Bible, you have to adopt the life style of those who wrote it.”¹⁰ None of these views represents *the* Mormon understanding of kinship because there is no single such social understanding endemic to Mormonism, either today or for any significant period of Mormon history, despite the fact that Mor-

7. *Ibid.*, pp. 93–94.

8. *Ibid.*, p. 97. The original account is found in Kimball Young, *Isn’t One Wife Enough? The Story of Mormon Polygamy* (New York: Henry Holt, 1954), p. 123.

9. 98 U.S. 145 (1878).

10. *New York Times*, Tuesday, April 9, 1991, p. A22.

monism has long been seen by outsiders as a nonpluralistic, monolithic culture.

Cultures are often distinguished by a set of dominant social understandings. During most periods, a particular understanding of marriage dominates Mormon culture and contributes to its identity. Faced with the problem of indeterminacy created by multiple understandings of a good within a single culture, cultural relativism might specify that the dominant understanding should rule: polygamy, or the choice between polygamy and monogamy, when sanctioned by the Mormon church and widely accepted among Mormons, state-enforced monogamy after 1890; mandatory veiling when Islamic authorities command the practice and most Moslems comply, voluntary veiling or no veiling when the authoritative or hegemonic consensus breaks down. Even when the dominant understanding is widely shared, it may still, causally speaking, be the standard of the most powerful (“dominant”) groups in society, who by virtue of dominating socialization and education also shape social understandings. Hegemony, one might say, characterizes a culture in which the understandings of a dominant group or groups not only prevail but also are widely considered to be just because those understandings appear to be *the* social understandings of that culture.

While presupposing a single shared cultural understanding is false, relying upon the dominant understanding is dangerous. The danger follows not from our always knowing that a dominant understanding is the standard of a dominant group or groups, but rather from our rarely knowing that it is *not* and often having reason to think that it is (even if we cannot prove it). Every culture we know contains significant and systematic disparities of power by race, class, gender, or ethnicity that influence whose or what understandings dominate. The danger of domination exists in any such culture even if we cannot be sure that these disparities account for the dominant understandings. If cultural relativism relies upon the standard of dominant understandings, it threatens to identify justice with the social understandings of dominant groups, and in so doing, implicitly denies that justice can serve as a critical standard to assess dominant understandings.

There is a closely related and still more basic problem that concerns the moral standing of social criticism within a cultural relativist framework. The dominant understandings of justice typically consist of critical standards; they claim adequately to protect the well-being of everyone governed by them. The moral claims of powerful groups are not that their

social understandings are ipso facto justified because they are dominant, regardless of the content of those understandings. Consider the social understanding, once dominant in many cultures, that a woman's place is necessarily in the family and not in the public sphere because she is by nature unfit for public life but well suited for, and satisfied by, raising children and caring for her husband. The cultural relativist claim that this social understanding could be justified by virtue of being the dominant understanding (even if the claim about woman's unfitness for public life is demonstrably false) creates a tension with the very content of the understanding itself, that a woman's place is in the home *because* of her natural social function, not because men (or for that matter most men and women) sincerely believe that a woman's place is in the home. The cultural relativist can avoid any logical contradiction here by stipulating that distributions are justified by a social consensus about the justificatory grounds for social understandings even if that consensus is demonstrably false. By protecting itself from an internal contradiction, however, cultural relativism succumbs to solipsism. Why claim that there is no referent beyond social consensus when the justificatory reasons actually offered by that social consensus refer beyond themselves? Reasons may be rationalizations, in this case of male self-interest, or demonstrably fallacious, for example, on empirical grounds. Exposing reasons as rationalizations or as fallacious calls into question the principles of distributive justice that they claim to support.

Social understandings that serve as the basis of distributive principles—including understandings about the just distribution of labor, love, kinship, money, citizenship, and education—often have a content that calls into question the claim that the dominant social understanding should govern by virtue of its dominance. The same problem applies to social understandings that are not merely dominant but truly shared among all members of a culture. The problem may be harder to discern in the absence of dissent, and certainly more difficult to overcome. A complete social consensus on slavery, assuming one ever existed, would not in itself justify slavery. The social understandings that have been used to justify slavery contain claims about the nature of human beings and the benefits of slavery that stand or fall independently of a social consensus. If cultural relativists agree that there can be standards for judging justice that are independent of social consensus, then they give up the distinctive premise of cultural relativism. (They may still credibly claim that justification must depend on *some*

social understandings, but this claim is compatible with a much broader, and morally benign, form of relativism, which I consider in Section VI.)

We also have reason to doubt that a complete social consensus on slavery ever existed. Because social understandings are typically not shared among all members of a culture and dominant understandings do not determine justice, cultural relativism does not fulfill its promise of dissolving multicultural conflicts. It often does not even recognize moral conflicts within cultures, let alone resolve them.

II. THE RESPONSE OF POLITICAL RELATIVISM

Political relativism is a more promising possibility in part because it faces up to the fact of intra- and intercultural disagreements. Social justice is achieved, according to political relativism, when a society provides institutional mechanisms for expressing and adjudicating its internal disagreements over social meanings and institutes alternative distributions insofar as they are the outcome of those mechanisms. The response of political relativism to multicultural conflict is significantly different from that of cultural relativism and more defensible.

Political relativism diverges from cultural relativism in three ways that together offer a more adequate response to multicultural conflict. First, it presupposes disagreement over the meaning of social goods in and among cultures. Secondly, it specifies a political community, rather than a single culture, as the locus for determining distributive justice. Some social agreement on matters of justice is necessary for the well-being of all people and finding a way of arriving at agreements within political communities is our best practical alternative to moral anarchy. Thirdly, political relativism justifies different distributive standards among polities—for example, various standards of taxation and income distribution—because they result from legitimate political processes of public argument, negotiation, and adjudication. Some form of procedural justice, which includes forums for argument, negotiation, and adjudication of disputes, has at least this much to be said for it: procedural justice encourages discussion and negotiation of differences in the interests of arriving at a more acceptable resolution of the conflict than the resolution offered by any formulaic combination of preexisting positions.

Just procedural mechanisms for peacefully resolving disagreements are a condition of basic human well-being. People need just political procedures to resolve social conflicts peacefully and live good lives together. But

just political procedures do not suffice to justify policies that are incompatible with other elements of basic human well-being, which together constitute the necessary elements of a decent and dignified life.¹¹ Political relativism highlights a necessary condition of social justice, but just procedures alone cannot carry the complete moral load that political relativism requires.

Consider first whether political relativism offers an adequate standard to determine what counts as a just political procedure. Political relativism suggests that we search for a shared social understanding of just procedures in each political community. But even within fairly homogeneous societies people disagree on the demands of procedural justice, much as they disagree on the social meaning of goods. The political debate over abortion in the United States may be among the most dramatic cases in point, but even where there is broad social agreement that the judicial or legislative process should govern, people disagree about what constitutes a just judicial or legislative process. Should a jury or judge decide certain cases? How should the jury or judge be selected? Who should be represented in the legislature, and how should legislators be selected? Answers to these questions, and many others, depend on controversial understandings of procedural justice.

Can political relativism offer a ground other than social agreement upon which to justify political procedures? The nature of the political procedures, especially their ability to encourage careful consideration of different perspectives among the appropriate decision makers, would seem to be a good ground for justification. But such ground is not relativistic in the sense specified by political relativism; it relies on substantive claims about just procedures that are unlikely to be wholly shared within a society.

Consider two specific mechanisms of procedural justice, democratic procedures and secession. Both avoid the dangers of relying upon the dominant social meaning of goods. Democracy is commonly invoked as a procedural means of resolving multicultural conflicts, but why are democratic procedures morally better ways of resolving substantive disagreements than undemocratic ones? A social consensus often does not exist on democratic procedures but they may still be reasonably recommended as the best response to a lack of consensus.¹² Democracy is not faithful to

11. Stuart Hampshire, *Innocence and Experience* (Cambridge, Mass.: Harvard University Press, 1989), pp. 32–33.

12. See Brian Barry, "Is Democracy Special?" in *Democracy and Power: Essays in Political Theory*, vol. 1 (Oxford: Clarendon Press, 1991), pp. 24–60.

substantive disagreements, but substantive disagreements enter into democratic processes of deliberation, and deliberation often transforms preexisting disagreements through the give and take of argument, negotiation, and compromise. Democratic processes do not simply aggregate or reflect preexisting disagreements. Some more bureaucratic form of decision making, such as preference maximization, might better satisfy the relativistic standard of remaining faithful to preexisting disagreements, but procedural justice does not require, and may not even permit, such faithfulness.

Now suppose that a consensus on democratic procedures exists in a political community. The results of democratic processes still do not suffice to decide the just outcome of multicultural conflicts, at least not those in which a basic human good such as personal liberty or a decent standard of living is at stake. Like other political procedures, democracy is imperfect where many matters of justice are at stake, and widely recognized as such. In situations of racial, ethnic, and religious conflict within democratic societies, majoritarian procedures may deny minorities personal security, basic liberty, and decent living standards. No procedures can justify the denial of these goods and others basic to human dignity. Among all the imperfect procedures, democratic ones may be the best for provisionally settling many conflicts. They may even confer legitimacy on most outcomes. But as long as democracy does not determine justice, political relativism cannot credibly rely on agreed-upon procedures alone for settling what counts as a just resolution to a multicultural conflict.

For similar reasons, settlement by secession also takes us beyond political relativism. The secession solution presupposes an agreement, which rarely exists, on the conditions and terms of secession.¹³ The problems in the former Yugoslavia would be easier to resolve were the warring cultural factions able to agree on whether and how to secede. But were there such an agreement, secession would still be a morally incomplete resolution to conflicting social understandings. It would be incomplete for the same reason that democratic procedures are incomplete even when they are just: the substantive results of secession, such as the impoverishment of members of one society, may be unjust.

Because most if not all political procedures are imperfect, and cannot

13. For a detailed examination of the morality of secession from a universalist perspective see Allen Buchanan, *Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec* (Boulder: Westview Press, 1991).

therefore be relied upon for guaranteeing just results, political relativism needs to rely on standards for assessing outcomes as well as procedures. The paradigm of an imperfect procedure is a criminal trial. The procedures are aimed at obtaining a just verdict but they cannot guarantee one.¹⁴ People may reasonably protest a verdict that they have reason to believe unjust, even if just procedures were followed. The recent trial in Simi Valley of Los Angeles police officers indicted for beating Rodney King may be a case in point. The composition of the jury as well as the verdict were reasonably criticized on grounds of justice, although both were arguably the outcome of just procedures. Or consider a paradigm case in this country of a cultural conflict adjudicated through just procedures, *Wisconsin v. Yoder*. The sincere religious beliefs of Jonas Yoder and other members of the Wisconsin Amish community came into conflict not only with Wisconsin state law but also with the widely shared belief among Americans that compulsory secondary schooling is a basic good for all American children. The political relativist cannot account for why we can still reasonably criticize the outcome of *Yoder* as unjust, even though the adjudicative procedures were just and our criticism questions the justice of a practice valued by most members of a cohesive community.

This critique of political relativism supports a minimalist version of universalism:

(1) Almost all cultures and political communities disagree over the meaning of social goods such as kinship, health care, and education.

(2) Just political procedures constitute a basic human good for resolving such disagreements, something without which people cannot live a good life together.

(3) There are also other basic human goods that are not strictly speaking procedural, such as freedom from enslavement, torture, and poverty, the denial or violation of which constitutes injustice.

(4) Even just political procedures cannot justify (unnecessarily) denying people other basic human goods.

My critique of political relativism points toward recognizing some universal goods, both procedural and substantive. But this recognition stops short of the claim, associated with comprehensive universalism, that all the

¹⁴ This discussion of imperfect procedural justice draws upon John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), pp. 83–88.

same substantive principles of justice apply to every political community, whatever its local understandings.

The strength of political relativism lies in its recognition that disagreements over social meanings should be publicly discussed, negotiated, and adjudicated. Its weakness lies in its silence regarding standards, other than social agreement, by which to judge the justice of procedures or their results.

III. THE RELATION BETWEEN RELATIVISM AND PERSONAL IDENTITY

Perhaps cultural and political relativism's silence regarding substantive standards of justice can be defended indirectly by claims concerning the nature of personal identity. Some relativists suggest that personal identities are constituted, not simply influenced, by cohesive communities, and communally constituted identities are what create real multicultural conflicts.¹⁵ Members of opposing groups support positions that express their respective group identities, and those that "lose" a dispute experience such an outcome as a loss of identity, as an injury to who they are, and therefore as a profound injustice.

Can cultural or political relativism sustain these claims concerning identity, that personal identity is so constituted by cohesive communities that political compromise of the demands made by members of these communities necessarily entails a loss of their identity? Suppose that political compromise alters the identity of members of cohesive communities. Change is not to be confused with the "loss" of identity or defined as injustice.¹⁶ The identities of Quebecois and Inuits have changed significantly over time, partly in response to political compromises, but have they therefore lost their identity? Unwanted change in one's identity is insufficient in itself to constitute an injustice. We need to know more about the causes and content of the change. Whatever groups we consider—Serbians and Croatians, Palestinian refugees and Orthodox Jewish settlers on the West Bank, Amish and non-Amish Americans—we cannot sustain

15. My characterization of the critic's position comes from Nancy Rosenblum's correspondence of August 27, 1992.

16. Will Kymlicka argues that among the basic human (or primary) goods is having a cultural community as a "context of choice." It does not follow that unwanted changes in cultural communities are unjust. See *Liberalism, Community, and Culture* (Oxford: Oxford University Press, 1989), pp. 162–78. See also Waldron, "Multi-culturalism and Melange," and John O. Tomasi, "Liberalism and Community," unpublished manuscript.

the claim that political compromise in itself entails a loss of identity or constitutes an injustice.

Suppose we could sustain this claim about lost identity for some group conflict. It would not follow that we should limit our understanding of multicultural conflict to include only cases of lost or altered identity. Most conflicts that are commonly identified as multicultural do not pit internally homogeneous and unchangeable group identities against each other. Internal homogeneity is more apparent than real (especially to distant observers), and the link between identity and political demands is often tenuous. Consider the conflict over the Quebecois demand to restrict public signs to French only.¹⁷ Even if the failure of this demand would not have led to either the loss or the alteration of identity among Quebecois, the conflict still is properly considered multicultural. Conflicting views about social justice are associated with different cultural and political sides in this conflict, even though the cultural groups are not internally homogeneous or unalterably tied to a moral position by virtue of their identities.¹⁸

Compounding the multiple moral standards within any political community is the variety of cultural memberships available to almost all individuals by virtue of the intermingling of modern cultures. Salman Rushdie's cultural identity is as unexceptional in its content as it has been extreme in its consequences: "I was born an Indian, and not only an Indian, but a Bombayite. . . . My writing and thought have . . . been as deeply influenced by Hindu myths and attitudes as Muslim ones. . . . Nor is the West absent from Bombay. . . . The point is this: Muslim culture has been very important to me, but it is not by any means the only shaping factor."¹⁹ For many people, something similar can be said: not one but several cultures contribute to a single identity. Not all people are as multicultural as Rushdie, but most people's identities, not just Western intellectuals or elites, are shaped by more than a single culture. Not only societies, but people are multicultural.²⁰

17. For another perspective, see Charles Taylor, *Multiculturalism and "The Politics of Recognition,"* ed. Amy Gutmann (Princeton: Princeton University Press, 1992), pp. 51–61.

18. Recognizing the internal heterogeneity of groups also helps protect dissenting members from being silenced by appeals to a homogeneous group identity.

19. Salman Rushdie, "In Good Faith," in *Imaginary Homelands: Essays and Criticism 1981–1991* (London: Penguin Books, 1991), p. 404. For a defense of cosmopolitanism based on the Rushdie example, see Waldron, "Multi-culturalism and Melange."

20. This formulation, which I owe to Dennis Thompson, encompasses two features of modern identities: (1) their multicultural content, and (2) the multiple permutations of multi-

It is important to distinguish between the claim that people are multicultural and the cosmopolitan view of most people sharing a similar mixture of cultures that assimilates everyone into one cosmopolitan culture. Multicultural identities vary systematically, sometimes even predictably, according to dominant cultural influences. Nonetheless, not only secular intellectuals like Rushdie are multicultural, but practicing Muslims, Jews, Christians, Buddhists, and Hindus are as well. Their identities are influenced by a mixture of religious, ethnic, local, and national cultures, even though we (and they) may notice only the predominant, distinguishing influence in the case of orthodox Muslims, Jews, Christians, Buddhists, or Hindus.

Isn't the world richly multicultural, a critic might ask, largely because many people within it are not? Is it not myopic to value multicultural identities without also valuing those orthodoxies that in principle oppose multiculturalism but in practice make it possible?²¹ Multiculturalism does not depend, directly or indirectly, on such cultural orthodoxy, the principled resistance of people to multicultural identities regardless of their content. There is considerable evidence, a small sampling of which I provided above, that even orthodox religious cultures are internally divided in their understandings and that many people, including members of these cultures, are multicultural in their identities. Multiculturalism, as distinguished from cosmopolitanism, neither threatens religiosity nor depends on it. Being multicultural is consistent with having a strong and distinctive religious identity. The idea that a monocultural orthodoxy is necessary to perpetuate distinctive cultures confuses monocultural orthodoxy with culture and attributes more cultural influence to such orthodoxy than is warranted by historical evidence.

Most modern people are multicultural, but not therefore cosmopolitan or liberal in their beliefs about social justice. The contrasting picture offered by cultural relativism is that of a person whose standards of justice can be inferred from a single cultural membership. Cultures are internally divided over matters of justice *and* most modern people are members of more than

cultural content available to most people. This is not to say that anyone's identity is completely constituted by one or more cultures. People are also creators of their own individual identities but they create themselves in relation to cultural contexts. Compare Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990).

21. This objection was suggested to me in correspondence from Ezekiel J. Emanuel.

one culture, or are capable of adopting multicultural identities if they are permitted to do so. For these reasons among others (discussed below), a person's standards of justice are not given simply by a culture.

Nor are our standards of justice determined by membership in a political community, although this connection is closer in one significant sense. A political community's standards of justice govern our lives so as to set external limits on the moral standards that we can put into practice. These external limits are likely to exert a powerful indirect effect on the moral standards with which we identify. When political communities are successful in socialization, these principles also become widely accepted and integrated as part (but only part) of the moral identity of members. Americans are more likely to identify with the principle of religious tolerance than are Iranians. But our moral standards cannot be inferred from our political memberships, except in a probabilistic sense. By virtue of being a United States citizen, my identity need not embrace the principle of market freedom any more than Soviet citizens were (or Cubans are) morally obliged to identify with socialist economic principles.

Cultural and political identities are neither given like hair color nor chosen like high cuisine. People select, interpret, and evaluate stories, histories, and customs in attempts to make the best out of the various cultures given to them. They also interpret and evaluate the institutions, laws, practices, and procedures of the political community they inherit. Our range of moral responses includes obedience, criticism, reform, civil disobedience, self-imposed exile, and revolution. All are part of the human potential for a morally reflective cultural and political identity. Cultural and political relativism leave too little room for recognizing this distinctively human capacity, exercised most self-consciously by people who endure systematic social injustice.

Some African-Americans, for example, say that they do not identify themselves as Americans.²² This perhaps paradoxical rejection of an American identity follows at least in part from an acute sense of the social injustices endured by African-Americans in the United States.²³ W.E.B.

22. See the *New York Times*, January 15, 1986. Quoted in Andrew Hacker, *Two Nations: Black and White, Separate, Hostile, and Unequal* (New York: Scribners, 1992), p. 34.

23. The denial of any American identity may be paradoxical because it is objectively inescapable for United States citizens born and raised in the United States. For a broader sense of paradox generated by political identity, see William E. Connolly, *Identity/Difference:*

Du Bois's sense of divided identity was similarly rooted in an acute perception of basic injustice:

One ever feels his two-ness,—an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder.

The history of the American Negro is the history of this strife,—this longing to attain self-conscious manhood, to merge his double self into a better and truer self. In this merging he wishes neither of the older selves to be lost. He would not Africanize America, for America has too much to teach the world and Africa. He would not bleach his Negro soul in a flood of white Americanism, for he knows that Negro blood has a message for the world. He simply wishes to make it possible for a man to be both a Negro and an American, without being cursed and spit upon by his fellows, without having the doors of Opportunity closed roughly in his face.²⁴

Whether all African-Americans in Du Bois's time or ours share this agonizing sense of divided identity is beside the point. Such a divided identity should be understood in relation to the experience of having the doors of opportunity in one's own society shut in one's face, or opened far less widely than they are for others.

A historically grounded sense of suffering from social injustice, perpetuated by one's fellow citizens, helps account for the perception among many African-Americans that they are forced to choose between being black and being American. Without this added sense of suffering from systematic injustice, African-American identity would be similar in form (but not in content) to that of Irish-Americans, Korean-Americans, Jewish-Americans, and many other hyphenated-American identities.

Because of the systematic social injustice against African-Americans that persists over time, the identity of a significant proportion of African-Americans is not comfortably hyphenated (as the name African-American might suggest) but rather conflictually divided (African versus American) or separatist (paradoxically non-American). The divided sense of identity

Democratic Negotiations of Political Paradox (Ithaca: Cornell University Press, 1991), pp. 92–94.

24. W.E.B. Du Bois, *The Souls of Black Folk* [1903] (New York: Premier Edition, 1961), p. 17.

on the part of African-Americans is not simply a conventional signpost of a separate culture, as cultural relativism would have us conclude. It is in this case, as in many others, a warning signal of social injustice. Persistent and wide-ranging social injustice generates a far more separatist sense of identity among many African-Americans than would otherwise be the case. If there are two nations in this country, separate, hostile, and unequal, one black, the other white, the differences between white and black culture *per se* constitute a sorely insufficient explanation. Insufficiency in itself would not be troubling, since almost any explanation (including that of social injustice) is likely to be incomplete. But in suggesting that identity is determined by culture, and that culture is a sufficient explanation of identity, cultural relativism is misleading in a particularly troubling way: it makes a necessity out of systematic racial and economic injustice.

Because people as well as societies are multicultural, none of us can escape thinking about our identity except at the cost of accepting the one that is foisted upon us. Even then, we typically find ourselves at the social intersection of multiple, often competing cultural identities, and we have no better alternative than to create an identity that makes good sense of our lives. Making good sense of our lives, moreover, often includes considerations of social justice that arise in groups, among family, friends, neighbors, fellow students, professional colleagues, coworkers, citizens, people with whom we share parts of our lives and who convey varying cultural (as well as individual) perspectives to us.

Unlike cultural relativism, political relativism admits this possibility, but does not pursue its implications for the relationship between our ethical standards and identity. Identifying oneself as a tolerant person, for example, is likely to follow from living in a society committed to liberal procedural justice. But this identification is neither necessary nor sufficient for constituting one's ethical identity. Not all people identify with the procedural principles of their political community, and those who do may also identify with substantive principles that can conflict with procedural outcomes.

Political relativism rightly endorses argument, negotiation, and adjudication among people with diverse cultural identities and conflicting moral positions. This endorsement presupposes that the parties to multicultural disputes hold substantive ethical standards, for which the procedural justice endorsed by political relativism is no substitute. A social agreement on procedural means for resolving substantive disagreements is compatible

with, but no substitute for, our commitment to ethical standards and reflection on them when confronted with conflicting standards.

I hope by this point to have demonstrated that the empirical assumptions of cultural relativism about human culture and identity are false, and therefore so is its claim to reflect, and hence respect, the diversity of human cultures. The normative assumptions of cultural relativism should trouble anyone who respects the human capacity for self-reflection. Political relativism points in a more promising direction by admitting that our moral standards cannot simply be inferred from our political memberships. Quite the contrary, our ideas of social justice often guide our sense of cultural and political identity. But like cultural relativism, political relativism leaves too little room for recognizing the distinctively human capacity for creative and morally reflective identity, which cannot be reduced to a reflection or entailment of any given communal identity.

IV. THE CHALLENGE OF RELATIVISM

It is not relativism per se that I have criticized so far, but rather cultural relativism that renders justice relative to shared meanings of social goods and political relativism that renders justice relative to agreed-upon procedural standards. Yet a fundamental challenge of relativism still remains: Where can anyone find an Archimedean point outside any culture or political community from which to justify the overriding of local understandings?

If there is an Archimedean point, no one has found it or suggested a compelling reason to believe it is humanly discoverable. But this observation does not constitute an argument for cultural or political relativism. Invoking a “foreign” standard from outside any culture is not the only alternative to relying exclusively on social meanings that are shared within a culture or a political community. A large family of conceptions of justice, ranging from Aristotelian to contractualist, view justice as a form of practical reasonableness, exercised by people who assess the moral understandings of the cultures and political communities with which they identify rather than accept them as morally binding or an unalterable aspect of their identity.

The starting point for assessment may be conflict among existing understandings such as the conflict between orthodox Judaism’s exclusion of women from many *mitzvot* (holy callings, which include Talmud study), and the belief that God created men *and* women in His own image, an

interpretation that is reasonable by the interpretative terms of Orthodox Judaism.²⁵ The criteria for assessing conflicts may come from within shared social understandings, as this example suggests, in the idea that women as well as men should perform the *mitzvot* of Talmud study because both men and women are created in God's image. But conflicts among social understandings may also lead people to conceive of new principled understandings that resolve a conflict better than any received or recombined social understandings. (After all, received understandings were once newly conceived.)

Whether the ethical standards are taken from within social understandings or conceived in critical reaction to those understandings, the moral response will not come from someplace outside or independent of all cultural and political understandings. The moral response will have been influenced by understandings of and reactions to social precepts and practices. No culture or political community with which we are familiar gives its members good reasons for rejecting principles or practices that protect innocent people from being enslaved, tortured, murdered, malnourished, imprisoned, rendered homeless, or subject to abnormal physical pain and sickness. Irrespective of cultural sanction, such conditions are, as Stuart Hampshire says, great evils to be averted.²⁶ The spirit of Hampshire's claim is well captured by Michael Walzer's reaction to a nightly news clip from late 1989 picturing people marching in the streets of Prague, carrying signs saying simply "Truth" and "Justice":

When I saw the picture, I knew immediately what the signs meant—and so did everyone else who saw the picture. Not only that: I also recognized and acknowledged the values that the marchers were defending—and so did (almost) everyone else. . . . The marchers shared a culture with which I was largely unfamiliar; they were responding to an experience I had never had. And yet, I could have walked comfortably in their midst. I could carry the same signs.²⁷

So could just about everyone else, Walzer argues, because some ethical standards, like truth telling by governments and impartial law enforce-

25. Compare Maimonides, "Laws Concerning the Study of the Torah," chap. 1: 13, and Ketuboth 7b–8a.

26. Hampshire, *Innocence and Experience*.

27. Michael Walzer, "Moral Minimalism," in *From the Twilight of Probability: Ethics and Politics*, eds. William R. Shea and Antonio Spadafora (Canton, Mass.: Science History Publications, 1992), p. 3.

ment, are universal in the sense that they apply to all human societies as we now know them.²⁸

A consistent cultural relativist will try to argue that these principles of truth and justice are universal only because they are reiterated by every particular culture on the basis of its own particular social understandings. But no cultural relativist actually investigates the social understandings of every particular culture before arriving at this universalist conclusion. Anyone who did bother to conduct an elaborate investigation of social understandings to figure out whether Nazi policies were unjust would, to modify a phrase of Bernard Williams, have many thoughts too many about the injustice of Nazi policy.²⁹ In addition, cultural relativist standards might not support the investigator's firmest moral convictions. It is credible to conclude that the dominant understanding of Nazi Germany favored the most shocking forms of racial discrimination, and yet incredible to claim that Nazi policy was therefore just. The Nazis' rejection of racial nondiscrimination was not morally reasonable. It could not possibly be justified to the people who were to be governed, millions of them annihilated, by Nazi policy. Furthermore, Nazi empirical claims about Aryan superiority were demonstrably false and closed to challenge.

What if the cultural relativist succeeds in showing that every single modern culture actually accepts the same basic principles of justice? Then he must claim that the universality of these principles is a cosmic coincidence or else concede that some ethical considerations either transcend particular cultures or are immanent in every culture because of certain basic features of human nature that are, strictly speaking, intercultural. Different cultures may use different concepts to express the injustice of murder, deceit, torture, and other forms of oppression. They may also invoke various justificatory grounds for condemning such practices. But we leave cultural and political relativism behind when, imagining "a morality that did not allow for such talk [about the injustices of murder, deceit, torture, etc.], whose practitioners could not respond to other people's pain and oppression," we concur with Walzer that this "would be a deficient morality."³⁰ There are few resources within cultural and political relativism by which to consider such a perspective morally deficient. There are ample

28. Ibid.

29. Bernard Williams, "Persons, Character and Morality," in *Moral Luck* (Cambridge: Cambridge University Press, 1981), p. 18.

30. Walzer, "Moral Minimalism," p. 9.

resources outside. I have drawn upon a contractualist perspective in explaining the injustice of racial discrimination—that morally motivated people affected by such a policy can reasonably reject it—but there are other ethical perspectives that support the same universalist standard for similar, intercultural reasons.

Since I cannot consider all such perspectives, I illustrate the compatibility of universalist standards with a morally benign kind of relativism by examining the implications of the contractualist perspective on justice alluded to above. Suppose that justice consists of those principles and procedures that cannot be rejected reasonably by people who are suitably motivated to find just principles and procedures to regulate their social life.³¹ This contractualist conception is relativist in the broad and morally benign sense I mentioned earlier: the principles and procedures that are unreasonable for any group of people to reject will be relative to the whole range of moral and empirical understanding available to them. Now suppose there are three requirements of reasonableness with regard to social justice: (1) arguments must presuppose a moral perspective, rather than a merely prudential or self-regarding point of view, (2) relevant empirical claims and logical inferences must be open in principle to challenge by the most adequate methods of inquiry, and (3) premises for which empirical evidence or logical inference are not appropriate should not be radically implausible.³² Each of these three criteria includes some element of relativity to available understandings of what constitutes a moral perspective, the most adequate methods of inquiry, and plausible premises, but none is tied to a particular (cultural or political) community or placed beyond critical scrutiny.

Reliance on reasonableness does not reduce the content of justice to any actual consensus on substance or procedure. A social consensus and the outcomes of established procedures are subject to the same critical scrutiny as any other substantive or procedural claims about justice. If the working poor can reasonably reject the present distribution of health care in the United States, which denies them access to adequate health care, then the situation is unjust even if it conforms to the dominant social

31. For a defense of the “unreasonable to reject” standard, see T. M. Scanlon, “Contractualism and Utilitarianism,” in *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982), pp. 103–29, esp. p. 118.

32. These criteria of reasonableness are illustrative. For more detailed discussion see Amy Gutmann and Dennis Thompson, “Moral Conflict and Political Consensus,” *Ethics* 101 (1990): 70–72.

meaning of health care and results from the workings of legitimate political procedures. This perspective exemplifies one among a family of alternatives that neither rest upon an Archimedean point outside of all cultural understandings nor require faithfulness to social disagreements but rather rely upon practical reason among morally motivated people to discern standards of justice.

To the common challenge posed by relativism to universalism, that there is no place to stand in criticism of a culture except within another culturally specific morality, we can now reply as follows: Grant that we cannot stand outside of *any* culture. We need not therefore be standing inside of one and only one particular culture when we engage in moral criticism. We may be standing up for the basic interests, dignity, or moral reason of human beings regardless of their culture, as best we can now understand what those interests are or what human dignity or moral reason demands.

A paradigm example of a universalist critique situated within multiple cultures is the position of Martin Luther King in opposing the Vietnam War. King presumed to speak from a moral perspective available to all human beings: "all of us who deem ourselves bound by allegiances and loyalties which are broader and deeper than nationalism and which go beyond our nation's self-defined goals and positions. We are called to speak for the weak, for the voiceless, for victims of our nation and for those it calls enemy, for no document from human hands can make these humans any less our brothers."³³ King was not standing outside of American culture, since universalist religious arguments are part of American culture, nor was he speaking inside of only American (or Judeo-Christian) culture, since such arguments are familiar and accessible to members of many, perhaps all, other cultures. That moral criticism, like King's, must be made from within some point of view is not a challenge to universalism, but a truism. The more consequential claim, that because moral criticism comes from within some (cultural or political) community, it can be addressed only to people belonging to the same community, is a non sequitur. Universalism depends on the possibility of justifying actions to people who do not share the same communal attachments, and this possibility is not undermined by the idea that moral criticism comes from within particular cultures.

33. Martin Luther King, Jr., "A Time to Break Silence," in *A Testament of Hope: The Essential Writings of Martin Luther King*, ed. James Melvin Washington (New York: Harper & Row, 1986), p. 234.

In practice, universalism better fits the force of our criticisms of arbitrary arrests and systematic deception by regimes.³⁴ We do not mean to say, or need to say, to each and every regime: “If you share our specific social understandings, then you should end your arbitrary arrests of innocent people, but if you do not, then you should not.” We mean rather to recognize that some basic human goods span the considerable diversity of modern cultures and support a set of ethical standards that are universal at least for the world as we know it and human beings as we know them.³⁵

V. THE RESPONSE OF COMPREHENSIVE UNIVERSALISM

If we reject cultural and political relativism, what then is the alternative? The alternative response I want to recommend to the challenge of multiculturalism is a form of ethical universalism, but not the most commonly articulated form. Ethical universalism justifies a set of substantive principles of justice that apply to all modern cultures, although they yield different results in different contexts. *Comprehensive universalism* relies upon a comprehensive set of such principles that apply to all modern cultures. *Deliberative universalism* relies partly upon a core of universal principles and partly upon publicly accountable deliberation to address fundamental conflicts concerning social justice, conflicts that reason has yet to resolve. Having offered reasons for rejecting cultural and political relativism, I now want to suggest that deliberative universalism meets the ethical challenge of multiculturalism better than comprehensive universalism.

Once one starts down the road of ethical universalism, why stop short of a comprehensive set of principles of justice that apply to all people regardless of their culture? Comprehensive universalism poses this challenge to the claim that multiculturalism makes *any* principled difference in political ethics. If the murder of innocent people and arbitrary arrest are unjustified wherever they occur, then why not say the same thing about every

34. These principles are what Walzer calls “common, garden variety justice” (“Moral Minimalism,” p. 4). Hampshire calls the universal core “basic, procedural justice,” but protection against political deception and starvation are not primarily procedural goods. See *Innocence and Experience*, esp. pp. 72–78.

35. By qualifying universalism for “the world as we know it and human beings as we know them,” we acknowledge that universalism need not make claims for any possible world, but only for those worlds in which (and those beings for which) personal and political liberty are basic goods. Alternatively, we could claim that a world in which personal and political liberty were not basic goods would not be a human world, but rather a world inhabited by some other species of beings.

matter of social justice, including the legalization of abortion, the abolition of capital punishment, fetal tissue research, and commercial surrogacy?³⁶ Assuming they are justified (or unjustified) anywhere, then why not everywhere?

A universalist political ethics should not be comprehensive because in practice it cannot be. Reason must accommodate cases where our best efforts at ethical understanding do not uniquely resolve a conflict, and acknowledge the consequent justice of our respecting reasonable moral differences about matters of justice among and within societies. The problem with comprehensive universalism is not captured by the common criticism that a comprehensive set of substantive principles of justice applied crossculturally would squelch cultural differences, make every society the same, and leave legislators with no decisions of principle, thereby making a sham of political liberty. Comprehensive universalism can respond to each of these charges; even comprehensive principles of justice yield different results in different contexts. The priority of basic liberty supports diverse individual and group projects. Any credible principles of opportunity and economic distribution recommend different distributions of income, wealth, health care, education, and other goods depending on a society's level of economic development, incentive structure, and internal distribution of needs. As long as comprehensive universalism includes the principle of political liberty, it leaves public officials with moral decisions in applying the comprehensive set of principles to particular cases and also in making policy decisions (about term limits in office, for example).

The primary problem with comprehensive universalism is not that it imposes one set of substantive principles on all societies, but rather that it overlooks those cases of moral conflict where no substantive standard can legitimately claim a monopoly on reasonableness or justification. In some cases, people have conflicting reasonable beliefs (about the status of the fetus, for example) that our best efforts at moral understanding cannot

36. To avoid any misunderstanding, it may be worth emphasizing that the distinction I am making is not between comprehensive and noncomprehensive *moral* theories, but rather between comprehensive and noncomprehensive theories of *justice*. John Rawls uses the term comprehensive to refer to comprehensive theories of morality (or right), and not to theories whose substantive principles are comprehensive with regard to social justice. On his terms, *A Theory of Justice* is noncomprehensive with regard to morality and maybe even with regard to justice. See especially *A Theory of Justice*, pp. 201 and 356–62; “Justice as Fairness: Political not Metaphysical,” *Philosophy & Public Affairs* 14, no. 3 (Summer 1985): 223–51; and *Political Liberalism* (New York: Columbia University Press, 1993).

resolve. In other cases, such as capital punishment, there are competing moral considerations that different people reasonably balance in conflicting ways, perhaps because they are culturally predisposed to give more weight to one consideration than to the other. Our best efforts at moral reasoning in these cases suggest that no single understanding of what social justice substantively demands is uniquely reasonable or clearly correct, although many understandings may be unreasonable. On a range of issues such as abortion, capital punishment, fetal tissue research, surrogate mothering contracts, and enforced monogamy, we may discern that reason offers conflicting resolutions, depending at least partly on our culturally shaped beliefs and predispositions that are themselves, at least at present, irreconcilable by reason.

Fundamental moral disagreement should not be confused with moral skepticism or rejection of any universal principles of justice. Recognizing fundamental moral disagreements does not rule out (nor does it confirm) the possibility of singularly correct resolutions of these conflicts that are not now known. Fundamental moral disagreements also coexist with universal principles that cannot reasonably be rejected. There is no reasonable account of social justice among human beings as we know them that would justify routine murder of innocents, arbitrary arrests, systematic deception, and other common political practices. Something similar can be said about less familiar practices like clitoridectomy (female circumcision). The fact that women in a Sudanese village support female circumcision despite disapproval by Islamic authorities and two Sudanese regimes makes this a more complex case than one would otherwise think, especially after reading a detailed account of the operation.³⁷ Nonetheless, these operations profoundly and irreversibly affect the future sexual experience of children who are not in a position to give informed consent. As typically practiced, clitoridectomy may qualify as a form of torture, and is morally indefensible even in a context where most men and women, as in this Sudanese community, support it. (What anyone should *do* to change an unjust practice is a separate ethical issue; intervention often may not be justified even in the face of injustice.³⁸) Deliberative universalism goes

37. For a hair-raising description of the operation by an observer and an analysis of its meaning within the culture, see Janice Brody, "Womb as Oasis: The Symbolic Context of Pharaonic Circumcision in Rural Northern Sudan," *American Ethnologist* 9 (1982): 682–98.

38. For an excellent summary of the additional issues involved in justifying intervention,

this far down the road with comprehensive universalism: there are many matters of social justice, including some of the most pressing moral conflicts, that our reasoning *can* resolve here and now even in the face of multicultural (and other) differences.

But on many other substantive issues of social justice, our best efforts at reasoning through the relevant considerations lead us to recognize fundamental moral disagreements. A fundamental moral disagreement is a conflict between two or more all-things-considered moral positions that is at present irreconcilable by our reasoning through the relevant considerations.³⁹ The conflict over legalized abortion is the paradigm of such a disagreement. Many people believe that a five-month-old fetus is not just a potential human being, but as full-fledged a human being as a five-day-old infant. Some significant aspects of current conflicts over abortion can now be resolved by reasoned argument, but there remains a fundamental conflict between prolife and prochoice positions that is fueled by conflicting beliefs about the fetus at advanced stages of development. Neither side needs to appeal to a theological view, such as ensoulment, that is inaccessible to the other. Both sides support general moral principles that reasonable people should not reject: they agree that innocent people should not be killed except in self-defense and that women should have freedom of choice with regard to their own bodies except when such freedom entails killing an innocent human being. But because reason cannot reconcile our conflicting beliefs about fetuses, prochoice and prolife advocates arrive at radically different conclusions about the justice of legalizing abortion, even after we discount all the bad arguments. This is a fundamental moral conflict over social justice, which confounds the challenge of comprehensive universalism.

Conflicts over capital punishment, fetal tissue research, surrogate mothering contracts, and other issues, like abortion, may also be fundamental

see Will Kymlicka, "The Rights of Minority Cultures: Reply to Kukathas," *Political Theory* 20 (1992): 144–45.

39. We often do not know the precise reason why the conflict is at present irreconcilable, whether we now lack potentially relevant information or adequate reasoning (which may one day resolve the conflict), or whether the conflict is hopelessly irreconcilable for metaphysical reasons. The case for deliberative universalism does not require that we know or stipulate the precise reason why these conflicts are at present irreconcilable. All we need to know is that there are at least epistemic limits to our now finding a uniquely reasonable resolution to some important conflicts of political morality.

moral disagreements concerning social justice, which cannot be taken off the political agenda as can conflicts over religious worship by arguing that individuals should be free to decide their own fates. On one reasonable view of abortion, for example, an individual is directly harmed, indeed killed by another individual. Issues like abortion for which individual freedom of choice does not constitute a morally compelling resolution within or across all cultures make deliberative universalism a more defensible response than comprehensive universalism to the challenge of multiculturalism in political ethics.

VI. THE RESPONSE OF DELIBERATIVE UNIVERSALISM

Unlike comprehensive universalism, deliberative universalism explicitly recognizes that some conflicts over social justice cannot now (or perhaps ever) be resolved by a comprehensive, universally justifiable set of substantive standards. These conflicts are best addressed and provisionally resolved by actual deliberation, the give and take of argument that is respectful of reasonable differences.

Deliberative universalism makes more defensible claims about decision-making methods and substantive principles of justice than the alternative responses to moral conflict we have been considering. The resolution recommended by cultural relativism is that people be governed by dominant social understandings. But this resolution, as we have seen, sanctions cultural tyranny and attributes too much moral determinacy to culture. Political relativism recognizes the indeterminacy of cultural values in the face of moral conflict but confuses the procedural resolution of moral conflict for a sufficient condition of justice, and it does not distinguish between moral conflicts that are resolvable by reasoning through the relevant considerations and those that are not. Comprehensive universalism, by contrast, attributes too much moral determinacy to reason here and now, and in so doing mistakenly assumes that all major moral conflicts are now substantively resolvable by reason. But what if reason in these cases recognizes its own limits and informs us that it cannot now resolve the abortion controversy and other fundamental moral conflicts?

Consider the paradigm case of whether abortion should be legal. Reasoned argument about legalizing abortion, as Roger Wertheimer aptly puts it, “does not itself point in either [prochoice or prolife] direction: it is *we* who

must point it."⁴⁰ After sorting through all the bad arguments, we would still point in conflicting directions because we disagree in our belief as to whether the fetus is a human life. The traditional liberal resolution of the state ceding people the freedom to do as they wish with their lives provided they do not harm others does not work for abortion and many other issues for a reason that is often overlooked: one side in the debate quite reasonably believes that the liberal resolution entails sanctioning direct harm to another innocent human life. Attempts to argue for a resolution on the model of religious toleration fail because such arguments presuppose the disputed premise, that a fetus is not a human life or a constitutional person.

Wertheimer offers just such a liberal argument for legalizing abortion, beginning with the moral premise that governments may not restrict freedom unless they can justify their restrictions rationally. He rightly notes that neither side in the abortion debate is more rationally justifiable than the other and concludes that governments therefore cannot restrict a woman's freedom to have an abortion. The argument works only if one accepts the prochoice view of the fetus, thereby assuming away the problem that inspired the argument. From the perspective of people who (reasonably) believe that the fetus is a human life, legalization permits women to end the lives of other human beings and therefore restrict those humans' freedom absolutely.⁴¹ The premise yields the liberal answer only by begging the question, by taking the prochoice perspective on the nature of fetal life.

For matters of social justice like abortion, comprehensive universalism is inadequate. It either recommends a uniquely justified substantive resolution without warrant, claiming for our reasoning too much moral determinacy, or it refuses to recommend one among two or more reasonable but irreconcilable positions, thereby ceasing to be comprehensive. In these cases, a better response to a fundamental moral conflict is actual deliberation among reasonable perspectives in forums well-designed for deliberation. The give and take of respectful argument among people with conflicting reasonable perspectives is a fairer way of living with ongoing disagreement for several reasons. It enjoins the respect that is due to all reasonable opinions without assuming that the provisional resolution of a

40. Roger Wertheimer, "Understanding the Abortion Argument," *Philosophy & Public Affairs* 1, no. 1 (Fall 1971): 85, reprinted in *The Rights and Wrongs of Abortion*, ed. Marshall Cohen et al. (Princeton: Princeton University Press, 1974), p. 41.

41. Gutmann and Thompson, "Moral Conflict and Political Consensus," p. 73.

fundamental moral conflict can be politically neutral in its rationale or result. Mutually respectful people are open to the possibility of changing their minds in the light of unanswerable objections to their present point of view, and they thereby increase the chances of collectively discovering a just resolution that is presently unseen. Even in the absence of such discovery, the give and take of respectful argument can create the broadest justifiable consensus across a range of reasonable but conflicting positions because mutual respect enjoins an economy of moral disagreement, the search for substantive points of convergence between fundamentally irreconcilable positions.⁴²

The deliberation recommended by deliberative universalism in cases of fundamental moral conflict is not purely speculative. It is oriented towards decision making and must yield at least provisional resolutions to issues that reason itself cannot now resolve. On these issues, it is an alternative to resolution by a comprehensive set of substantive principles of justice. The outcome of deliberation is provisional and imperfect from the perspective of reason because the results of successful deliberation on issues like abortion reflect consideration of conflicting sets of reasonable arguments, beliefs, and perspectives, no one of which has a monopoly on justification. Deliberation (within the bounds of what is reasonable) provisionally resolves fundamental moral conflicts here and now, but not necessarily once and for all.

Deliberation may sometimes increase moral conflict in politics by opening up forums for argument that were previously closed, ensuring people access to deliberative forums and admitting all reasonable arguments onto the political agenda for decision-making purposes.⁴³ This openness of politics to all reasonable people and perspectives is often a moral advantage even though it is typically unwelcome by parties in power. Deliberation encourages people with conflicting perspectives to understand each other's point of view, to minimize their moral disagreements, and to search for common ground, but it begins by opening politics up to a range of reasonable disagreement that is restricted by less deliberative politics.

42. I owe the idea of the broadest justifiable consensus to Stuart White. The implications and advantages of mutual respect are discussed in Gutmann and Thompson, "Moral Conflict and Political Consensus," pp. 76–88. For a related argument, see David Miller, "Deliberative Democracy and Social Choice," *Political Studies* 40 (1992): 60–63.

43. I am grateful to David Wilkins for questions that helped me clarify the issues discussed in this paragraph.

Although the aim of deliberation is not agreement but justice, in the absence of forums for deliberation mutual respect for reasonable differences is unlikely to be forthcoming and common ground is likely to be overlooked or devalued even by reasonable people since reason by itself, or reasoning by ourselves, rarely points us toward the conflicting perspectives of other reasonable people. People themselves often must point us in their direction.

Deliberative universalism recognizes that deliberation, although necessary for social justice, is not sufficient. Social justice also consists of substantive principles that are necessary to secure basic human well-being. In addition to these substantive principles, there are conditions of social justice required by deliberation itself. Political decision making cannot be deliberative in a society where some people systematically buy or manipulate the will of others, or use political institutions to obtain their will independently of deliberative processes. For deliberation to work in a way that actually invites people to engage in the give and take of argument, where reasonable positions are well-considered, and the best arguments on all sides are brought to light, certain background conditions must hold. Although this essay is not the place to specify those conditions, it is important to note that deliberation not only supplements substantive principles of justice but also presupposes certain substantive principles as well as procedural requirements.⁴⁴

Deliberative universalism therefore consists of (1) a set of substantive principles of justice that are unreasonable to reject or necessary for deliberation, and (2) a set of procedural principles that support actual deliberation about fundamental moral conflicts, conflicts which reason cannot now resolve, and that provisionally justify reasonable outcomes of deliberative processes by appropriately authorized and accountable decision makers. This combination of substantive and procedural principles makes deliberative universalism distinctively suitable for decisions about social justice.

44. See, for example, the substantive principles defended in J. Cohen and J. Rogers, *On Democracy* (New York: Penguin, 1983), or Robert Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1989), pp. 167–73. Deliberative universalism is therefore not “a rule of argumentation only” nor does its defense of deliberation necessarily rest on actual deliberation, as distinguished from philosophical reasoning about justice. These are two ways in which deliberative universalism may diverge from Habermas’s discourse ethics. See Jürgen Habermas, *Moral Consciousness and Communicative Action* (Cambridge, Mass.: M.I.T. Press, 1991), p. 94. Samuel Freeman called these differences to my attention.

Because decisions about social justice govern other people's lives, those decisions must be justified to the people whose lives are governed by them. Where reason can resolve a disagreement about social justice but the resolution is yet to be discovered, deliberation increases the chances of discovery. Where reason cannot resolve a disagreement about social justice (even if it can reject bad arguments and unreasonable resolutions), actual deliberation can provisionally justify a decision better than any available alternative. In cases of fundamental moral conflict, the people governed by a decision cannot expect it to be correct beyond a reasonable doubt, but they can expect that publicly binding decisions be deliberative, subject to the give and take of argument that respects reasonable differences, and undertaken by appropriately authorized and accountable decision makers.

Relativists may suspect that what counts as reasonable or unreasonable for matters of social justice cannot be specified independently of social understandings. I share this suspicion. But the senses in which reasonableness may be relative are consistent with the claims of deliberative universalism. If I say that it is reasonable to reject slavery, for example, I am presupposing that reasonableness with regard to matters of social justice excludes claims that are closed in principle to the most adequate methods of inquiry, such as claims about God's will that are based exclusively on divine revelation, when those claims conflict with considerations of human well-being that are more publicly accessible, such as claims concerning the high value that people place on their own personal liberty. Although this understanding of reasonableness is not culturally specific (it is present in a wide range of religious as well as secular cultures), its defense depends on the ability to appreciate the saliency of human well-being when matters of social justice are at issue. This ability is widespread, perhaps universal.

There is another worry about the relativism of reasonableness that may be directed against deliberative universalism. Fundamental moral disagreements can change over time. Controversies that now should be resolved deliberatively, because they are fundamental moral disagreements, may one day be uniquely resolved by reason, exposing the injustice of deliberative resolutions that seem reasonable today. Suppose that one hundred years from now the moral arguments for or against legalized abortion are as unreasonable to reject as the moral case against slavery is today. What does this possibility tell us about the justifiability of deliberative universalism as a method of moral decision making and the standards of justice that it supports?

Instead of undermining its method or substantive standards, this challenge helps us clarify their moral status. As long as reason cannot uniquely resolve the dispute over legalized abortion, deliberative universalism offers the most justifiable method for arriving at a provisional resolution, a method that acknowledges the morally provisional quality of any public resolution (in light of the present limits of our reason) without relieving us of responsibility to resolve the controversy as best we can here and now, even if not once and for all. Imagine a time when we know it to be unreasonable for anyone to support either a suitably qualified prolife or prochoice position on abortion. Then deliberative universalism will defend the singularly justifiable set of substantive standards governing abortion. Not now being able to defend the reasonableness of only one set of standards, deliberative universalism recommends deliberation as a necessary part of justifying provisional resolutions to fundamental moral conflicts and also as the best means of pushing back the present limits of our political morality. We can potentially learn more about political morality from listening and responding to reasonable arguments with which we disagree than from thinking on our own. Our moral arguments about the political morality of abortion, for example, have improved in response to principled positions with which we fundamentally disagree.

Deliberation calls upon people both to affirm the moral status of their own positions and also to acknowledge the moral status of those reasonable positions with which they disagree.⁴⁵ The alternatives to deliberation are less moral or more authoritarian ways of dealing with fundamental moral conflicts concerning social justice, by a presumed cultural consensus, nondeliberative procedures, political deals, or threats of violence. It is reasonable for morally motivated people to reject resolutions of fundamental moral conflicts that do not result from deliberation. When there is as yet no universally justified resolution, people who fundamentally disagree may insist, as a matter of social justice, that conflicting perspectives be fully considered by a deliberative process of decision making.

Deliberation in different societies may yield differing results, and not just because of differences in objective circumstances, but also because people have fundamentally conflicting beliefs (about the moral status of fetuses, for example, or the relative value of potential life versus liberty) that are

45. For a more complete account and defense of the principles designed to deal with fundamental moral disagreement, see Gutmann and Thompson, "Moral Conflict and Political Consensus," pp. 76–88.

reasonable and strongly influenced, even if not wholly determined, by their differing cultural identities. Social justice therefore may not demand the same resolution of the abortion controversy in the United States as in Ireland. But in both societies it demands deliberation and mutual respect in the political deliberations that provisionally resolve reasonable differences of moral perspective.

Some resolutions of the abortion controversy still may be criticized on the basis of moral standards that apply crossculturally. Consider, for example, the Irish law that was recently invoked to prevent a fourteen-year-old who had been raped from traveling outside Ireland to obtain an abortion. Taking the prolife side seriously, on its own premise that fetuses are full-fledged human beings, still supports a limited legal right to abortion in those cases where pregnancy is involuntary. The state violates a basic personal liberty to force a woman who has been raped to maintain the life of a human being to whom she has been involuntarily attached.⁴⁶ Irish law may be morally suspect in yet another respect: it denies women an uncontested basic right (the right to travel) in order to protect a contested right (the right to life of a fetus). In the face of a fundamental moral disagreement about any basic liberty, all our basic liberties are put at risk. The Irish Supreme Court wisely found in favor of the fourteen-year-old's right to travel to England to obtain an abortion, even though it unwisely upheld Ireland's restrictive abortion laws, under which abortion is illegal even in cases of pregnancy due to rape, unjustifiable even on the reasonable belief that fetuses are full-fledged human beings. We can therefore recognize a plurality of legitimate resolutions to fundamental moral conflicts, based on respect for reasonable moral disagreements, without losing sight of the universal validity of some basic principles of justice, which it would be unreasonable for people, regardless of their culture, to reject.

Multiculturalism requires deliberation on many matters of social justice. It also can aid adequate deliberation. Our moral understanding of many-sided issues, like legalizing abortion, is furthered by discussions with people with whom we respectfully disagree especially when these people have cultural identities different from our own. Many of us whose judgments about abortion were once largely unconsidered have revised our views, perhaps not radically but significantly, by being confronted with well-

46. Judith Jarvis Thomson, "A Defense of Abortion," *Philosophy & Public Affairs* 1, no. 1 (Fall 1971): 47–66, reprinted in *The Rights and Wrongs of Abortion*, ed. Marshall Cohen et al., pp. 3–22.

reasoned defenses of an opposing point of view. Something similar might occur in our society were we seriously to consider the case against enforced monogamy, as presented by reasonable people who believe in polygamy (for both sexes). Perhaps we would conclude that the case for state-enforced monogamy is compelling, perhaps not, but our convictions on this score would be better justified were we actually confronted with the case for legalization of polygamy by reasonable proponents of the practice.

An example of the progress that can come from bringing together a diverse group of people who radically disagree on an issue of social justice and asking them to deliberate long and hard before arriving at a publicly defensible decision is the Human Fetal Transplantation Panel.⁴⁷ The panel included people with prochoice and prolife beliefs. The panel's report, issued in December 1988 and supported by the overwhelming majority, has provided some sorely needed substance to an ongoing political debate over the controversial medical practice of fetal tissue transplantation, which is still in its experimental stage but has recently shown considerable promise in treating Parkinson's disease. The panel recommended a reasonable policy of supporting research involving fetal tissue transplantation but prohibiting the selling or donating of fetal tissue in advance. Who can say whether the panel's policy recommendations are the same as those that a comprehensive universalism would require? Perhaps it is impossible to say without understanding the significance of competing considerations at stake for the wide range of people whose lives are affected by such decisions, an understanding that is unlikely to be forthcoming without the aid of deliberative forums like the panel. What we can say with considerable confidence is that the deliberations of the panel produced a decision that was reasonable and provisionally justifiable insofar as it was fully informed by, and respectful of, the reasonable divisions of moral opinion in our society.⁴⁸

There are also many negative examples of deliberative processes that fail at least partly because they are insufficiently multicultural. The recent jury trial of four Los Angeles police officers in the case of Rodney King reinforces the claim that the multiculturalism of deliberators is often an

47. I am grateful to Dr. Kenneth Ryan for informative discussion about the panel.

48. Many reasonable divisions of moral opinion in a society are not attributable to cultural differences. Some are simply differences of individual judgment. The case for deliberative universalism is not specific to multicultural conflicts. The advantages of deliberation and mutual respect apply to all reasonable conflicts concerning matters of social justice.

indispensable aid to adequate deliberation when matters of social justice are at stake.⁴⁹ Something similar might be said about the composition of the Senate Judiciary Committee with regard to both women and African-Americans.

The Judiciary Committee hearings of Judge Clarence Thomas combine near complete failure of deliberation at home with at least partial success abroad, for reasons also having to do with the virtues of multicultural deliberations, but with an ironic international twist.⁵⁰ The hearings were almost universally criticized as un conducive to deliberation about either Thomas's qualifications as an associate justice or the broader issue of sexual harassment. The international reaction to the hearings was disapproval, indeed often ridicule, not only of the undeliberative nature of the hearings but also of American hypersensitivity to sexual harassment. Nowhere was this criticism more acute, and self-confident, than among French men. French men "viewed the scandal as a display of, if not puritanism, certainly hypocrisy." A recent French poll suggests that French women are also less sensitive than American women to some forms of harassment. The poll asked people to respond to a series of hypothetical situations. In one scenario, a male manager suggested that a woman employee spend a weekend with him to discuss her request for a promotion. Forty-five percent of the women and 51 percent of the men did not consider this harassment. Still more surprising is the fact that "20 percent of the women surveyed said they would not consider themselves harassed if they were asked to undress during a job interview."⁵¹

International publicity of the Thomas case did, however, stir "France's first [extended public] debate about the use of power or position to extract sexual favors. Polls showed that at least one in five people in France felt that they had been victims of sexual harassment." The public debate prompted the French cabinet to approve a new bill, "soon to be taken up in Parliament, that makes sexual harassment in the workplace a crime punishable by up to 12 months' imprisonment and fines between \$360 and \$3,600."⁵²

49. This is not to say that a similarly constituted jury could not possibly have reached a just verdict, but rather that (other things being equal) a jury that included African-Americans would have increased the chances of thorough deliberation, which in turn increases the chances of reaching a just verdict.

50. For far-ranging commentaries on the failure of democratic deliberation at home, see *Race-ing Justice, En-gendering Power*, ed. Toni Morrison (New York: Pantheon Books, 1992).

51. *New York Times*, May 3, 1992, p. 9.

52. *Ibid.*

Without the critical response that deliberative universalism welcomes to dominant cultural views about social justice, French men and women alike would be more likely to perpetuate their once hallowed tradition of sexual harassment.

VII. CONCLUSION

Deliberative universalism offers an alternative to the cultural relativist view that social justice is what any particular culture deems to be just, the political relativist view that determines social justice by the outcome of legitimate procedures, and the comprehensive universalist view that social justice consists of a comprehensive set of substantive moral prescriptions that apply to all human beings regardless of their particular culture. Deliberative universalism defends a noncomprehensive set of substantive principles, those that are unreasonable to reject and those that provide the necessary conditions for deliberation about fundamental moral conflicts, along with a set of procedural principles that support deliberation about fundamental moral conflicts, which include (but are not exhausted by) multicultural conflicts.⁵³

Cultural relativists criticize universalists for believing in the moral equivalent of Esperanto. But deliberative universalists believe only in the moral equivalent of a universal grammar. Deliberative universalism leaves room for creative, new combinations of social justice that respect individual rights but also require publicly accountable deliberation in the face of fundamental moral disagreement. Without deliberation, societies cannot justly resolve their fundamental moral conflicts over social justice. Nor are they likely, as a contingent empirical matter, to uphold universal human rights.

More needs to be said about deliberative universalism, but I hope to have said enough here to stimulate further thought about a relatively neglected response to one challenge of multiculturalism, and fundamental moral conflict more generally, in political ethics. Deliberative universalism points away from cultural polarization towards the many multicultural possibilities that are compatible with universal respect for human life, liberty, and opportunity.

53. Not all multicultural conflicts, as we have seen, are fundamental moral conflicts. Some are resolvable by reason, and therefore governed by substantive principles that are unreasonable to reject.