

ESSAYS

COMMUNITARIAN THEORY

No Community, No Democracy, Part II*

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I hope I have made somewhat clear what I mean by the dynamic of exclusion in democracy. We might describe it as a temptation to exclude, beyond that which people may feel because of narrow sympathies or historic prejudice; a temptation which arises from the requirement of democratic rule itself for a high degree of mutual understanding, trust, and commitment. This can make it hard to integrate outsiders, and tempt us to draw a line around the original community. But it can also tempt us to what I have called “inner exclusion,” the creation of a common identity around a rigid formula of politics and citizenship, which refuses to accommodate any alternatives, and imperiously demands the subordination of other aspects of citizens’ identities.

It is clear that these two modes are not mutually exclusive. Societies based on inner exclusion may come to turn away outsiders as well, as the strength of the Front National, alas, so well illustrates;

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while societies whose main historical challenge has been the integration of outsiders may have recourse to inner exclusion in an attempt to create some unity amid all the diversity.

Now the obvious fact about our era is that first, the challenge of the new arrival is becoming generalized and multiplied in all democratic societies. The scope and rate of international migration is making all societies increasingly “multicultural;” while second, the response to this challenge of the “Jacobin” sort, a rigorous assimilation to a formula involving fairly intense inner exclusion, is becoming less and less sustainable.

This last point is not easy to explain, but it seems to me an undeniable fact. There has been a subtle switch in mind-set in our civilization, probably coinciding with the 1960s. The idea that one ought to suppress one’s difference for the sake of fitting in to a dominant mold, defined as the established way in one’s society, has been considerably eroded. Feminists, cultural minorities, homosexuals, religious groups, all demand that the reigning formula be modified to accommodate them, rather than the other way around.

At the same time, possibly connected to this first change, but certainly with its own roots, has come another. This is an equally subtle change, and hard to pin down. But migrants no longer feel the imperative to assimilate in the same way. One mustn’t misidentify the switch. Most of them want to assimilate substantively to the societies they have entered; and they certainly want to be accepted as full members. But they frequently want now to do it at their own pace, and in their own way, and in the process, they reserve the right to alter the society even as they assimilate to it.

The case of Hispanics in the United States is very telling in this regard. It’s not that they don’t want to become Anglophone Americans. They see obvious advantages in doing so, and they have no intention of depriving themselves of these. But they frequently demand schools and services in Spanish, because they want to make this process as painless as they can for themselves, and because they welcome such retention of the original culture as may fall out of this process. And something like this is obviously in the cards. They will

all eventually learn English, but they will also alter somewhat the going sense of what it means to be an American, even as earlier waves of immigrants have. The difference with earlier waves is that Hispanics seem to be operating now with the sense of their eventual role in co-determining the culture, rather than this arising only retrospectively, as with earlier immigrants.

The difference between the earlier near-total success of France in assimilating Eastern Europeans and others (who ever thought of Yves Montand as Italian?), and the present great difficulty with Maghrébains, while it reflects a whole lot of other factors—e.g., greater cultural-religious difference, and the collapse of full employment—nevertheless must also reflect, I believe, the new attitude among migrants. The earlier sense of unalloyed gratitude towards the new countries of refuge and opportunity, which seemed to make any revendication of difference quite unjustified and out of place, has been replaced by something harder to define. One is almost tempted to say, by something resembling the old doctrine which is central to many religions, that the earth has been given to the human species in common. A given space doesn't just unqualifiedly belong to the people born in it, so it isn't simply theirs to give. In return for entry, one is not morally bound to accept just any condition they impose.

Two new features arise from this shift. First, the notion I attributed to Hispanics in the United States has become widespread, *vis-à-vis* the idea that the culture they are joining is something in continual evolution, and that they have a chance to co-determine it in the future. This, instead of simple one-way assimilation, is more and more becoming the (often unspoken) understanding behind the act of migration.

Secondly, we have an intensification of a long-established phenomenon, which now seems fully "normal," that is, where certain immigrant groups still function morally, culturally, and politically as a "diaspora" in relation to their home country. This has been going on for a long time—think, for instance, of the "Polonia" in all the countries of exile. But whereas it was frowned on, or looked askance at, by many people in the receiving society, or where toleration for it depended on sympathy for the cause of the home country (the Poles

were lucky in this respect); whereas people muttered darkly in the past about “double allegiance,” I believe now that this kind of behavior is coming to be seen as normal. Of course, there are still extreme variants of it which arouse strong opposition, as when terrorists use the receiving countries as a base for their operations. But that is because these manifestations shock the dominant political ethic, and not because of the intense involvement in the country of origin. It is becoming more and more normal and unchallenged to think of oneself and be thought of as, say, a Canadian in good standing, while being heavily involved in the fate of some country of origin.

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The upshot of the above discussion could be expressed this way: democracies are in a standing dilemma. They need strong cohesion around a political identity, and precisely this provides a strong temptation to exclude those who can't or won't fit easily into the identity which the majority feels comfortable with, or believes alone can hold them together. And yet exclusion, besides being profoundly morally objectionable, also goes against the legitimacy idea of popular sovereignty, which is to realize the government of **all** the people. The need to form a people as a collective agent runs against the demand for inclusion of all who have a legitimate claim on citizenship.

This is the source of the malady; what are the remedies? These are a lot harder to find. But I believe that an important first step is to recognize the dilemma. For this allows us to see that it can very often only be dealt with by struggling towards a creative redefinition of our political identity. The dilemma after all arises because some often historically hallowed definition can't accommodate all who have a moral claim to citizenship. And yet the reaction to this is all too often to render this original identity even more absolute and unchallengeable, as though it somehow belonged essentially to a certain people with its territory and history that it be organized under this and no other identity.

This appeal to the origins can occur in both “republican” and “national” registers. In the first case, the particular features of our

republican constitution are made absolute and sacrosanct, in face of all evidence that they may be impeding the search for a new common ground. Thus there is a certain "Jacobin" fundamentalism which comes to the surface in France, in reaction to certain demands to accommodate the growing Muslim minority. The wearing of head scarves in school by Muslim teenagers is judged to infringe on the principles of "laïcité," as laid down in the French republican tradition. The general principle of state neutrality, indispensable in a modern diverse democracy, is metaphysically fused with a particular historical way of realizing it, and the latter is rendered as nonnegotiable as the former.

As a panic reaction, this is understandable even if disastrous. Faced with the unfamiliar and disturbing, one reaches for the age-old sources of common identity. But the reaction is facilitated by the belief that this original constitution was meant to resolve the issue of political identity once and for all, that somehow it precluded in advance any need for illegitimate exclusion.

This amounts to a denial that the potential for the dilemma is built into democracy itself. It cannot be conjured once and for all by the ideal constitutional settlement. Even if this perfectly suits the population at the time of founding (and what constitution ever has?), the shifts in personal identity over time, through migration and moral or cultural change, can bring the established political identity out of touch with the people who are supposed to live within it. This kind of fundamentalism attempts to deny history.

We are more familiar with this reaching back to sources in the national register; its destructive consequences are more immediately evident. The claim is that a certain territory belongs as of right to a certain historical ethnic, or cultural, or linguistic, or religious identity, regardless of what other people are living there, even if they've been there for centuries....

The reflex of many people in liberal societies to this kind of thing is to blame "nationalism" and not democracy. But this is to take too quick a way with it. To start with, "nationalism" has many senses. The original idea, for instance in its Herderian form, was a liberating

one, and highly consonant with democracy. We don't have to force ourselves into an artificial homogeneity in order to live together in peace. We can recognize different "national" (Volk) identities, even give them political expression, because each in this act of recognition acknowledges that it is not universal, that it has to coexist with others which are equally legitimate.

What this pushes us towards is the idea which I believe is the key to facing the dilemma of exclusion creatively, the idea of sharing identity space. Political identities have to be worked out, negotiated, creatively compromised between peoples who have to or want to live together under the same political roof (and this coexistence is always grounded in some mixture of necessity and choice). Moreover, these solutions are never meant to last forever, but have to be discovered/invented anew by succeeding generations.

The idea of nationalism which creates bitter trouble is the one defined by Gellner: the "political principle, which holds that the political and national unit should be congruent." According to this idea, the problem of how to share identity space can be solved by giving each nation its territory, on which it can erect its sovereign state. The utopian, even absurd nature of the proposal immediately strikes the eye. Quite apart from the thousands of groups which can claim the status of "nation," even giving each its parcel of land would still leave each pocket handkerchief state with national minorities, so inextricably mixed are the world's peoples. The utopian scheme could only be carried through by massive ethnic cleansing.

It is clear that this idea will only "work" by making certain nations more equal than others. These are to get their states, and the rest are to live in their shadow as minorities, if they are allowed to live at all. This idea of nationalism can only be applied by negating its own universalist ethical basis.

It is this distorted idea which justifies the claim by historical national identities to monopolize control over "their" territory. In the worst cases, this ends in a Yugoslav scenario. In the best cases, as with the Parti Québécois, and the more liberal wing of the B.J.P., minorities are to be guaranteed their rights, but the idea of sharing identity

space, actually negotiating some compromised political identity with them, is vigorously rejected.

Just as with “republican” forms of constitutionalism above, the unreal idea of a definitive solution to the problem of democratic coexistence is blinding people to the effective situation on the ground in almost all democratic states. The hope is once again to arrest history, to fix it in some original moment when our people attached themselves to this territory. And similarly, what offers itself as a solution to the democratic dilemma can only exacerbate it to the point of bitter conflict.

But the belief that the problem here is “nationalism” sans phrase can accredit another utopian solution, that of a political identity grounded purely in “republican” elements, without any reference to national or cultural identities.

In the face of the prospect of having to bring together so many differences of culture, origin, political experience, and identity, the temptation is natural to define the common understanding more and more in terms of “liberalism,” rather than by reference to the identities of citizens. The focus should be totally on individual rights and democratic and legal procedures, rather than on the historical-cultural reference points, or the ideas of the good life by which citizens define their own identities. In short, the temptation is to go for what Sandel calls the “procedural republic”....

What does the procedural republic have going for it? A number of things, some of them tendencies in our philosophical tradition, about what can and cannot be known and proved, and about the nature of freedom. They have been much discussed, debated, and often refuted by philosophers. But there is a political argument. Regardless of who is ultimately right in the battle between procedural ethics and those of the good life, we could conceivably be convinced on political grounds that the best political formula for democratic government of a complex society is a kind of neutral liberalism. And this is where the argument has mainly gone today. The shift between Rawls I and Rawls II is a clear example of this. His theory of justice is now presented as “political, not metaphysical.” This shift perhaps

comes in part from the difficulties that the purely philosophical arguments run into. But it also corresponds to the universal perception that diversity is a more important and crucial dimension of contemporary society. This comes, as I argued above, partly from the actual growth in diversity in the population, through say, international migration; and partly from the growing demand that age-old diversities be taken seriously, put forward for instance, by feminists.

So the issue now could be: what conception of freedom, of equality, of fairness, and of the basis for social coexistence are, not right in the abstract, but feasible for modern democratic societies? How can people live together in difference, granted that this will be in a democratic regime, under conditions of fairness and equality?

The procedural republic starts right off with a big advantage. If in your understanding of the citizen's roles and rights, you abstract from any view of the good life, then you avoid endorsing the views of some at the expense of others. Moreover, you find an immediate common terrain on which all can gather. Respect me, and accord me rights, just in virtue of my being a citizen, not in virtue of my character, outlook, or the ends I espouse, not to speak of my gender, race, sexual orientation, etc.

Now no one in their right mind today would deny that this is an important dimension of any liberal society. The right to vote, for instance, is indeed accorded unconditionally; or on condition of certain bases of citizenship, but certainly in a way which is blind to differences of the range just mentioned. The question we have to ask is whether this can be the **only** basis for living together in a democratic state, whether this is the valid approach in **all** contexts, whether our liberalism approaches perfection the more we can treat people in ways which abstract from what they stand for and others don't.

Now it can look right off, that whatever other reasons there might be for treating people this way, at least it facilitates our coming together, and feeling ourselves to be part of a common enterprise. What we do all have in common is that we make choices, opt for some things rather than others, want to be helped and not hindered in pursuing the ends that flow from these options. So an enterprise that

promises to further everyone's plan, on some fair basis, seems to be the ideal common ground. Indeed, some people find it hard to imagine what else could be.

But this retreat to the procedural is no solution to the democratic dilemma. On the contrary, it very often itself contributes to activating it. We can readily see this in two ways.

First, the condition of a viable political identity is that people must actually be able to relate to it, to find themselves reflected in it. But in some cases, the preservation of an historical cultural identity is so important to a certain group that suppressing all mention of it in our answer to the "what for?" question cannot but alienate that group.

Second, the procedural route supposes that we can uncontroversially distinguish neutral procedures from substantive goals. But it is in fact very difficult to devise a procedure which is seen as neutral by everyone. The point about procedures, or charters of rights, or distributive principles, is that they are meant not to enter into the knotty terrain of substantive difference in way of life. But there is no way in practice of ensuring that this will be so.

The case of the Muslim teenagers wearing the head scarf in school in France is eloquent in this regard. "Laïcité" is supposedly a neutral principle, not favoring one religion or worldview over another. On this basis the head scarves were refused, but other French girls often wear, for example, a cross around their necks, and this was unchallenged. In a "secular" society, this is presumably often just a "decoration." The presumption is valid enough, but the religious "invisibility" of the cross reflects France as a "post-Christian" society, following centuries of Christian culture. How can one expect to convince Muslims that this combination of rulings is neutral?

The mistake here is to believe that there can be some decision whose neutrality is guaranteed by its emerging from some principle or procedure. This breeds the illusion that there is no need to negotiate the place of these symbols, and hence to confront the actual substantive differences of religious allegiance in the public square. But no procedure can dispense from the need to share identity space.

Something similar holds for the American case. What is meant to be a procedural move, neutral between all parties, the separation of church and state, turns out to be open to different interpretations, and some of these are seen as very far from neutral by some of the important actors in the society. The school prayer dispute is a case in point. One could argue that insistence on a procedural solution—in this case a winner-take-all constitutional adjudication—is exactly what will maximally inflame the division; which indeed, it seems to have done.

Moreover, as against a political solution, based on negotiation and compromise between competing demands, this provides no opportunity for people on each side to look into the substance of the other's case. Worse, by having their demand declared unconstitutional, the losers' program is delegitimated in a way which has deep resonance in American society. Not only can we not give you what you want, but you are primitive and un-American to want it.

In short, I would argue that the current American Kulturkampf has been exacerbated rather than reconciled by the heavy recourse in that polity to judicial resolution on the basis of the constitution.

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My argument here has been that a full understanding of the dilemma of democratic exclusion shows that there is no alternative to what I have called sharing identity space. This means negotiating a commonly acceptable, even compromise political identity between the different personal or group identities which want to/have to live in the polity. Some things will, of course, have to be nonnegotiable: the basic principles of republican constitutions—democracy itself and human rights among them. But this firmness has to be accompanied by a recognition that these principles can be realized in a number of different ways, and can never be applied neutrally without some confronting of the substantive religious-ethnic-cultural differences in societies. Historic identities can't be just abstracted from. But nor can their claims to monopoly status be received. There are no exclusive claims to a given territory by historic right.

What does this mean in practice? I don't have space to go into this here (phew!). But also there are not too many things that one can say in utter generality. Solutions have to be tailored to particular situations. But some of the political mechanisms of this sharing are already well known, e.g., various brands of federalism, as well as the design of forms of special status for minority societies, such as we see today in Scotland and Catalonia, for instance. But many other modalities remain to be devised for the still more diverse democratic societies of the twenty-first century.

In the meantime, it will have helped, I believe, if we can perceive more clearly and starkly the nature of our democratic dilemma, since the hold of unreal and ahistorical solutions over our minds and imagination is still crippling our efforts to deal with the growing conflicts which arise from it. If this paper contributes a little to this end, it will have been worth the writing.

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