THE AUTONOMY OF CULTURE: A CULTURAL-PHILOSOPHICAL ANALYSIS

Johannes R. Niemand

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Promoter: Professor Anton A. van Niekerk

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ABSTRACT

Multicultural conflicts pervade our world and have sparked considerable debate about their possible resolution. We argue that how culture is conceptualized is crucial to the continued dialogue about multicultural conflicts. Specifically, we argue that approaches that argue for the protection of cultures run into significant problems if they do not employ a conception of cultures as delineated entities. However, we also hold that the notion that cultures cannot be distinct in any way, does very little to contribute to dialogue. From the very beginning, it excludes the notion of a culture that is to be protected and thus stops the dialogue there and then. To be true to the principle of *audi ad alteram partem*, approaches to multicultural conflicts must conceive of an alternative model, provided that such a model is logically possible. This may provide the dialogue with a much needed point of common understanding from which to proceed. Accordingly, we develop a model of culture whereby it is possible to delineate cultures. In this model, a culture can be delineable in a manner analogous to how we delineate persons. Our model of personal delineation suggests a dual structure whereby a trivial personal boundary contains a unity of conflict within the person. In persons, this unity of conflict lies in the relationship between the "I" and repressed meanings. This relationship must be characterised by self-referential decisions and the capacity to make self-referential decisions is central to our definition of personal autonomy. In cultures, we argue that multicultural conflicts provide the necessary conditions that enable us to conceptualize trivial boundaries in cultures in terms of the communicative relationships between members of a particular culture. Multicultural conflicts prompt self-categorizations by individuals and such self-categorizations are made in terms of group membership. Though all members may not agree as to who belongs to the culture and who does not, the claims made about membership serve to differentiate the communicative relationships inside the culture from those outside it. Furthermore, we show that, inside this trivial boundary, a unity of conflict analogous to the one found in personal autonomy, can be exhibited by cultures. We show how a culture, through its institutions, particularly through

an institutionalised exit possibility, 1) may exhibit self-reference and 2) relate to a source of authority in the same way as a person does when making self-referential decisions. In this regard, we argue that institutionalised exit possibilities embody adherence to the consensus vs. power criterion, according to which the dominant account of a culture is achieved through consensus, as opposed to through the exertion of power. Furthermore, we argue that with a strong analogy between cultures' and personal delineation, it becomes reasonable to extend concepts we usually apply to persons, such as fairness, attachment and viability, so that they can also apply to cultures. We show that the application of these concepts clarifies certain current multicultural issues. The application of theses concepts also leads to the development of a decision making process to deal with multicultural issues.

OPSOMMING

Multikulturele konflikte kom wêreldwyd voor en het reeds aansienlike debat oor die resolusie van sodanige konflik ontlok. Ons voer aan dat hoe kultuur gekonseptualiseer word, besonder belangrik is vir die voorgesette dialoog oor multikulturele konflikte. Meer spesifiek voer ons aan dat benaderings wat vir die beskerming van kulture argumenteer, beduidende probleme ondervind indien dit nie `n konsepsie van kulture as delinieerbare entiteite gebruik nie. Die gedagte dat kulture nie op enige manier afgebaken kan word nie, dra egter ook weinig by tot dialoog. Dit sluit van meet af die gedagte dat kulture beskerm moet word, uit en staak dus die dialoog daar en dan. Ten einde getrou te wees aan die beginsel van *audi ad alteram partem*, moet benaderings tot multikulturele konflik `n alternatiewe model van kultuur bedink, mits so `n model logies moontlik is. So `n model kan die dialoog van `n broodnodige gemeenskaplike uitgangspunt voorsien. Ons ontwikkel dienooreenkomstig `n model van kultuur waarvolgens dit moontlik is om kulture te delinieer. Volgens hierdie model kan `n kultuur delinieer word in analogie met hoe persone delinieer word. Ons model van persoonlike deliniëring stel `n tweeledige struktuur voor, waarvolgens `n triviale persoonlike grens `n eenheid van konflik binne die persoon omspan. In persone lê hierdie eenheid van konflik in die verhouding tussen die "ek" en onderdrukte betekenisse. Hierdie verhouding moet deur self-referensiële besluite gekenmerk word. Die vermoë tot self-referensiële besluite, so voer ons aan, is ook die sentrale kenmerk van persoonlike outonomie. Ons voer aan dat multikulturele konflikte die noodsaaklike toestande skep wat ons in staat stel om triviale grense in kulture te definieer in terme van die kommunikatiewe verhoudings tussen lede van `n spesifieke kultuur. Multikulturele konflikte ontlok self-kategorisering deur individue en sodanige kategorisering word in terme van groeplidmaatskap gedoen. Hoewel alle lede van die kultuur nie noodwendig saamstem oor wie aan die kultuur behoort en wie nie, maak die bewerings wat oor lidmaatskap gemaak word dit moontlik om die kommunikatiewe verhoudings binne die kultuur te onderskei van dié buite die kultuur. Verder demonstreer ons dat, binne hierdie triviale grens,

kulture `n eenheid van konflik ten toon kan stel wat soortgelyk aan die eenheid van konflik by persoonlike outonomie is. Ons wys hoe `n kultuur, deur sy instellings, en vernaam deur `n geïnstitusionaliseerde uitgangsmoontlikheid ('exit possibility') 1) self-referensie ten toon kan stel en 2) in verhouding met `n bron van gesag kan staan soos `n persoon wanneer s/hy self-referensiële besluite maak. In dié verband voer ons aan dat geïnstitusionaliseerde uitgangsmoontlikhede die beliggaming is van die nakoming van die konsensus vs. mag-kriterium, waarvolgens die dominante weergawe van `n kultuur bereik word deur konsensus, teenoor deur die uitoefen van mag. Verder voer ons aan dat `n sterk analogie tussen kulture en persone se deliniëring dit moontlik maak om begrippe soos regverdigheid, binding en lewensvatbaarheid, wat gewoonlik op persone toegepas word, op kulture toe te pas. Die toepassing van hierdie begrippe verbeter ons begrip van sekere huidige multikulturele kwessies en lei ook tot die ontwikkeling van `n besluitnemingsproses vir multikulturele kwessies.

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CONTENTS

INTRODUCTION

Multicultural conflicts pervade our world and have sparked considerable debate about their possible resolution. Radical and fundamentalist Islamic movements have caused havoc in Western societies. Such violence and the threat of further violence has naturally evoked political responses from the West and has had a significant influence on current USA and West-European foreign policy vis-á-vis the Middle East.

Western ideas about freedom (and particularly media freedom) have come under increasing pressure. This pressure often stems from instances where the cherished idea of freedom of speech has, for some people, been taken too far. Threats against the life of Salmon Rushdie because of the publication of his *The Satanic Verses* in the 1980's, as well as threats and violence emanating from the publication of newspaper cartoons that allegedly slander the prophet Mohammed in Denmark (Beukes, 2006), are indicative of serious (potential) conflicts in these societies – conflicts that have serious implications for Western practices of media freedom.

Furthermore, the distinction between private and public (particularly regarding beliefs) has been criticised in debates about religious symbols and head gear in countries such as France and the Netherlands (Pillay, 2007). Another variant of this conflict, in Switzerland, resulted in a referendum banning the further construction of minarets, allegedly to protect the Swiss character of public spaces (Swiss referendum on mosque minarets to test freedom, 2009). Where the abovementioned conflicts pertain to a specific religious group, they share a concern for the protection of a certain character (be it Swiss, French, Dutch, or otherwise) in the public sphere. The character of the public sphere is also at stake in conflicts about language policies. The debates surrounding various pro-French laws in Quebec are examples of these.

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In South Africa, political change in 1994 has established a constitution that values equality and respect for different cultures. Subsequently, the rights, respect and security that cultures are entitled to, have also become the subject of debate in this country. These include debates over language rights and communal land rights.

Blade Nzimande, Minister of Higher Education in South Africa has recently suggested ('Nzimande: Consider African language requirement', 2011) that proficiency in reading, writing and speaking an indigenous African language should be made a prerequisite for studying at South African universities. It therefore goes further than merely ensuring that one could, if one wishes to, study in an indigenous language, but would force all students to be proficient in an indigenous language, regardless of their chosen medium of study. The rationale behind such a notion is to combat the marginalisation of indigenous languages. "(T)he marginalisation of our indigenous languages has impacted on the psychology of our people, contributing significantly to what the great Kenyan novelist, Ngugi wa Thiongo, referred to as 'the colonialisation of the mind of the African people'" (Nzimande, 2012). Nzimande has been supported on this point by the Commission for Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (South Africa, 2012).[1]

The battle over the place of Afrikaans as, allegedly, "primary language of instruction" at Stellenbosch University and the concomitant rights its speakers are entitled to, is another example of language issues. Elsewhere in the country, disputes between schools and the government about language had culminated into legal battles (Rademeyer, 2007). At the University of the Free State, another historically Afrikaans university, the racial integration of residences, preceding and following a nasty racist incident in one of the residences, had been the topic of heated debate in the printed media (De

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[1] In this regard, also see the report by the South African Ministerial Committee on Education's report on the advancement of indigenous languages (South Africa, 2005).

Klerk, 2007; Fourie, 2007; Kruger, 2007; Laubscher, 2007). In this debate, the differences between cultures are mostly regarded as the key obstacle to the racial integration of residences.

With regard to communal land, the Constitutional Court of South Africa in 2010 'declared the Communal Land Rights Act unconstitutional' (Law, Race and Gender Unit, UCT, 2010). This act gave traditional leaders power of use, administration and occupation of communal land. The rural communities that reside in the relevant areas opposed the Act, the chief objections being that they were not consulted in the process of drafting the Act and that their tenure security on the land was compromised by the Act. (Law, Race and Gender Unit, UCT, 2010).

South Africa is also not free from cultural outrage at freedom of speech. A recent example is 'The Spear' debacle. 'The Spear', a satirical painting depicting President Zuma in a pose similar to a painting of Lenin, only with exposed genitals, was exhibited in the Goodman Gallery in Johannesburg in May 2012. The furore caused by this saw Zuma taking legal action (Subramy, 2012) to prohibit the gallery and City Press to display the painting (the latter on its website). Prominent members of the ruling party and the Cabinet also called for its removal (May & Nagel, 2012; Ntsaluba, 2012). The painting was later vandalised (Boshomane, 2012).

The pertinent aspect of this debacle has been the conflict between (artistic) freedom of expression and the right to dignity (Constitutionally Speaking, 2012). What has given it a decidedly inter-cultural or multicultural tone is the defence of the President's dignity on cultural grounds. While a politician as individual may be regarded - in certain places at least, and within certain bounds – as fair game for satirists, the damage to the President's dignity in an African context is allegedly much greater due to the communal nature of African culture. In this regard, we quote freely from an argument by Simphiwe

Sesanti, Professor in Journalism and frequent public commentator on African values and culture:

"As an African child I was taught that children should never look at an adult's naked body, especially their private parts. That is considered disrespectful. It goes without saying, therefore, that children who are artistically inclined are not allowed to draw or paint a naked adult's body. In terms of individualism, which is accepted in the West, it is perfectly normal to have arts for art's sake. But in Africa, where traditionally individualism (not individuality) is frowned upon, and a sense of community (communalism) is promoted, art is not for art's sake, but for life's sake.

This means that an artist cannot simply do as they wish without considering their art's consequences for the entire community because the survival of the community at large is more important than mere pleasures of an individual.

It seems, unfortunately, that Murray did not have these considerations when he exhibited his art. I guess that it is against this African cultural sensitivity that Gugu Zuma, our president's daughter, an artist and actress of note in her own right, wrote recently that the "painting is really just the straw that broke the camel's back in this notion that a black man who is associated with African cultures and traditions, and who does not fit the 'perfect' mould of Western values and beliefs, is less human than the next person.'

Her words express not just the sentiment of Msholozi's biological daughter but of every child brought up in the African cultural way.

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As an African child whose culture taught me that Msholozi is my own father, even if not biologically so, since he belongs to my father's age group, I share Gugu's pain." (Sesanti, 2012)

Certain cultural practices have also attracted attention, specifically that of, *ukuthwala*, polygamy - which President Zuma of South Africa practices (Gevisser, 2010) - and ritual bull slaughter ('Bull Killing Judgement on Friday', 2009). The most controversial of these has been the issue of ukuthwala. The latter is a cultural practice whereby 'the intending bridegroom, together with one or two friends, would waylay the intended bride … and they would forcibly take her to the young man's home' (Ntlokwana, 2009: 4)

The practice served a number of functions, amongst which to 'persuade the women of the seriousness of the intent to marry her' (Ntlokwana, 2009:4) and to 'avoid the expenses of a wedding' (Ntlokwana, 2009:4).

The practice gained prominence in the media when awareness was raised regarding girls as young as 12 years old being forced into marriage, although 'Ukukthwala was never intended to apply to minors' (Ntlokwana, 2009:4). A number of responses to this state of affairs can be discerned.

There are those, such as Chief Mandla Mandela (also an ANC MP), who defend the custom, regardless of the age of the girls[2] (SAPA, 2011). On the other hand, there are those who emphasize that the way the tradition is practised currently is a distortion and an abuse of the custom. They condemn the current practice, while maintaining the value of the (authentic) tradition as it was practised in the past. Such a position was taken in, for instance, by the

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[2] Mandela was quoted as saying: "When you are going to discuss culture do not even try to bring in white notions as such an approach will turn things upside down. Firstly, culture has no age. Age is something we learnt today because of our westernisation." (SAPA, 2011)

Commission for Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (cf. Mapumulo, 2011).

Others ask for the practice itself to be reconsidered, and adapted to the requirements of individual rights, so that, for instance, the practice may be allowed if the (adult) woman would give her consent (Mwambene & Sloth-Nielsen, 2011: 22), while others still take a stronger position, asking for a outright ban (Van der Westhuizen, 2011; also see Memela, 2011).

Furthermore, there is a growing sense that Western and African conceptions of democracy might be different (De Villiers, 2008; Scholtz, 2008). This would constitute an area of potential debates, disputes and even outright conflict.

These issues are therefore crucial to a young democracy such as South Africa. In the South African context, characterised by rich diversity in different cultures, it is imperative to deal with such issues in a way that promotes peace and a sense of belonging for all the interested groups.

In the philosophical study of multiculturalism (and multicultural issues and conflicts), the debate about the limits of tolerance has drawn much attention (cf. Bishop, 2004; Haarscher, 1997; Rorty, 1989, 1991; Taylor, 1994; Zolo, 1997). An important question here is: how do we deal with something we find fundamentally unacceptable and reprehensible in the beliefs and practices of people who are "different" from ourselves – particularly when that "difference" is *prima facie* expressed in features such language, skin colour and place of origin? The approach historically followed by most democracies has been to protect an individual's rights to strive for whatever good he may choose, as long as he does not interfere with others' striving. Each one of us would then have space to strive for his own good; our differences can be discussed and debated, but are nevertheless respected. What is necessary for such an

approach is that all people, irrespective of their differences, adhere to the procedures, laws and values that enable each individual to strive for his/her own good.

This approach still has a certain simplicity and elegance to it and intuitively (at least to the "Western" mind) seems to be valid. However, there seems to be a growing suspicion that a liberal approach does not deal that well with the conflicts named inter-cultural. Globalisation, improved media and communication and migration has put increased pressure on the co-existence of different societies, not just *alongside* one another but sometimes even *amongst* one other. "This is how we do things here," then has an offensive, oppressive and authoritarian ring to it. For a liberal society that aims not to oppress and marginalise, this will not do.

The growing awareness of the cultural conditioning involved in traditional liberal approaches also forces us into further investigation. Whatever the defence for a liberal position may be, it still rests on certain conceptions (for instance, that of culture) that are themselves culturally conditioned or at least contingent. Their validity can therefore not be writ in stone, nor does the pragmatic application of them seem that successful, because for those who do *not* share these conceptions, enforcing liberal values does not simply have the character of a necessary evil. The incorporation of those who do not share these conceptions into society then remains a problem.

It is self-evident that an attempt to address this dilemma cannot proceed without dialogue and negotiation. We will argue that such a dialogue requires clarity on the concept of culture.

On the one hand, we believe the notion that cultures cannot be distinct in any way, i.e. that they are necessarily vague and amorphous, does very little to

contribute to dialogue. From the very beginning, it excludes the notion of a culture that is to be protected and the dialogue thus stops there and then. To be true to the principle of *audi ad alteram partem*, liberal approaches to multicultural conflicts need to show that they can conceive of an alternative conception, provided – crucially – that such a conception is logically possible. This may also provide the dialogue with a much needed point of common understanding from which to proceed.

On the other hand (as we will argue in later chapters), arguments for the legitimacy of protecting collective cultural goods cannot be successful without proceeding from a conception of cultures as distinct entities. It will require us to examine whether such a conception is in fact logically possible. Furthermore, thinking of cultures as distinct entities, we will argue, requires a conception of culture whereby it is possible for us to think of a culture in a manner analogous to the way we think of personal autonomy. However, we *do not* propose that cultures *in fact have personal autonomy*. This is a very important point to note. Our position is still a liberal position, and as such, individual autonomy remains *axiomatic*. It is a supposition fundamental to our approach. Even when a liberal approach can contemplate the individual suffering or sacrificing himself for the collective or for a cause, it sees this sacrifice, *has to see it*, as something ultimately meaningful for the person and a result of the individual's choices. Thus individual freedom remains central. The purpose of our analogy with personal autonomy is not to violate or extend this axiom. Rather, the purpose of a culture's analogy with personal autonomy is to show that meaningful delineability is possible, that is, that when such an analogy can be completed, it makes it possible to think of cultures as distinct entities.

In order to complete an analogy with personal autonomy, we will also need to clarify what is understood by personal autonomy. We do this in more detail in later chapters, but for now we note that, on the most basic level, autonomy

refers to self-regulation. Something that is autonomous is literally something that 'rules itself'. In system terms, we can then speak of the autonomy of a system as referring to the system's ability to regulate itself in its adaptation to its environment.

However, a definition of autonomy cannot simply stop at self-regulation. Autonomy then is too broad a concept, encompassing almost all systems. Nature itself may then be seen as a self-regulating system. Especially in the context of multicultural issues, the concept of autonomy needs to be more specific: it needs to refer to the autonomy we traditionally ascribe to individuals. Self-regulation is then meant to refer specifically to the ability of the individual to regulate his/her own behaviour.

In this regard, the person's ability is distinct from other systems' in that s/he is able to make *decisions* about what goals or goods s/he strives for, which rules s/he follows or creates for him/herself, what is important and what is not. In this regard, autonomy is much stronger than simple self-regulation. The individual does not simply maintain homeostasis with his/her environment by reacting to it in ways that maintain him/herself. S/he actively decides based on the availability of different options of action.

As we will discuss in Chapter 4, such active decision making necessarily involves a measure of self-reference, by virtue of which the individual can refer to him/herself as "I". When we refer to autonomy, we therefore refer specifically to self-reflective, self-regulating systems that regulate their adaptation to their environment through their decisions. The ability to do this is something we traditionally ascribe to the mental life of the individual, and something we traditionally do not ascribe to cultures.

If a dialogue is to be successful, we must investigate alternatives to such a conceptualisation and try to understand (bearing in mind that we have an already culturally conditioned pre-understanding) how such alternative conceptions may be comprehensible, coherent and/or valid. My suspicion is that in an era of multicultural contact (and/or conflict) it is necessary that we broaden our imagination with regard to the possibility of distinct, autonomous cultures. The idea needs to be examined, and that is what this dissertation sets out to do.

The basic question here is whether we can in some way think of cultures in a manner analogous to how we think about personal autonomy. The problem is furthermore whether and how such a notion of a distinct culture could meaningfully feed into strategies for conflict resolution in societies marred by inter-cultural conflicts.

One might question the use of embarking on such an investigation. What has sparked my interest in this issue – unlikely as it may seem – has been work that I have done in earlier studies on the existentialism of Søren Kierkegaard (Niemand, 2004, 2005, 2006). These studies, in which I inevitably came under the impression of the strong sense of autonomy that human beings ideally do or ought to attain, yielded the question as to whether an analogous sense of authentic and autonomous self-identity can possibly be achieved by the entities we call "cultures".

But why would such an application of "autonomy" to "culture" be useful and worthy of investigation? Why should the concept of culture be important for our understanding of "multicultural" issues?

At first glance, the answer seems trivial: To deal with multiculturalism is to deal with a diversity of cultures; not knowing what we mean by culture is not knowing what we are talking about.

The problem is, however, somewhat deeper. The question itself implies that there are such things as multicultural issues. It implies therefore, that something called culture is at play, is invoked and is important in the conflicts that characterise the arrival of the 21st century. These conflicts seemingly arise from differences in backgrounds, world views, perspectives, paradigms, beliefs, and a variety of terms that denote fundamental differences. We hold that how culture is conceptualised plays a crucial part in how we understand and deal with these issues.

The question of the importance of culture has gained prominence in light of the apparent breakdown of the usual approach in which differences between people, that is, individuals were handled and legislated for. What is coming to pass in writings such as that of Charles Taylor is the awareness of how a theory aimed at providing maximal space for everyone to live and strive alongside and amongst each other can in some cases turn on itself and seemingly point to the inhospitability of "Western"/liberal societies. This is the inhospitability produced by enforcing liberal values and procedural rights at the cost of not recognising claims to cultural rights.

This inhospitability comes into play when the goods striven for are collective in nature. Traditional liberal approaches imply that collective goals, often named "cultural", or justified on cultural grounds, cannot be allowed, or are to be allowed only with strict restrictions. This is so, because if a collective good is striven for that denies an individual to strive for his individual good, this person will be denied his procedural right to strive for his/her good and will be discriminated against on the basis of not ascribing to the collective good.

Therefore, collective goals are perceived as a threat to the equality and dignity of all members of a society.

In this regard, Charles Taylor discusses the issue surrounding the cultural distinctness of French Canadians in some detail (Taylor, 1994: 52-61). Quebec had passed laws (such as those requiring that French speaking citizens may not send their children to English schools; that businesses of a specific size may not be run in English; and that signage be in French only) that obviously restrict individuals' freedom of choice. The French Canadian drive to protect its distinct culture and identity (a collective goal) therefore infringes the rights of those people who do not, out of their own accord, buy into this drive.

Provisional definition of multicultural or inter-cultural conflicts

The tension between, along one dimension, collective and individual goods, and along another dimension, between private and public goods, is a central point in our understanding of multicultural conflict. At this point, I would like to offer a brief and provisional discussion of what is meant by the term "multicultural conflict" (the topic will be discussed in more detail in Chapter 5).

In this regard, we note that the issues and conflicts termed "multicultural" are invariably characterised by claims made either to collective goods, or for certain goods to be represented in the public sphere. The collective or public good striven for by a certain group is demanded on the basis of its "cultural" nature and comes into conflict with the culture of secular/"Western"/liberal government, media or activists. It is this aspect of those conflicts we call "multicultural" or "inter-cultural" that is of crucial importance in this investigation. It is due to this aspect that we cannot simply agree to disagree: where "culture" is invoked, it is always used to legitimise the encroachment on others' procedural rights.

As an example of this structure, let us consider the outrage at a Danish cartoon depicting Mohammed, published in Jyllands Posten in September 2005 (Rose, 2006). Those outraged indeed call for censorship (if not something more drastic). This would encroach on the (Danish) individual's freedom of speech and belief, but would be justified on "cultural" grounds. The cartoonist should obey the laws *they* are committed to, *even if he is not*, and should therefore refrain from what is considered blasphemy. It is something that in their view needs to be obeyed by *all*; otherwise it loses its value. For him to recognize their culture[3], he has to relinquish one of the basic rights of a liberal society, namely to have and express beliefs of one's own. Other inter-cultural conflicts can be analysed in the same way. One of these is the French Canadian claim to language rights and laws and policies to protect French as official language.

Concepts of culture

Our point of departure in this dissertation is to argue that communitarian and similar arguments for the consideration of cultural goods requires a conceptualization of cultures as distinct entities, which can be thought of in ways similar to how we think of personal autonomy. In **Chapter 1**, we will demonstrate that communitarian theories share a potential stumbling block, that is, that their arguments need a concept of cultures as distinct entities in order to be successful. In doing so, we will highlight three particular problems their arguments need to overcome. These are: 1) the legitimacy of claims to cultural protection, 2) the distinctness or delineability of cultures and 3) cultures' inhabitancy of public spaces.

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[3] In this case, a person's religion is also considered cultural. This does not represent a diminished value for religion. However, the aspect of religion that is pertinent in conflict is that which it shares with culture, that is, a system of beliefs and concepts that in some respects demands collective action and observance.

Having investigated the implications of these ideas, we will demonstrate how communitarian and value-pluralist arguments *for* the consideration of cultural goods necessarily need to show that these three ideas are valid, in order for their arguments to be successful. Therefore, we argue that the success of their arguments hinges on a certain conceptualisation of culture. If a different, coherent conception of cultures as distinct entities can be found, then arguments for collective goods over individual liberties will at least be possible.

We find the basis of such an alternative view of culture in a systemic view of culture, more specifically, in the view of culture as a system of meaning. **Chapter 2** will discuss a provisional view of culture as system of meaning. In this regard, Niklas Luhman's work on auto-poietic systems will be of considerable importance. By way of a critical investigation of Luhmann's model, we will arrive at a conceptualization of meaning and culture that clarifies the relationship between the individual and his/her cultural background. It will also lay the groundwork for an approach to autonomy (which we discuss in Chapter 4) which relies on the concepts of meaning and self-reference. Furthermore, it will allow us to show:

1. That the concept of culture as system of meaning allows us to conceptualize the cultural system as a system constituted by communicative relationships between individuals. This means that if we are to think of cultures as discernible entities, the boundaries of such cultures would have to be defined in terms of qualitative differences in the communicative relationships between those on the inside and those on the outside of a culture.

2. That characteristics by which we identify and define personal autonomy, such as self-reference, can also logically be ascribed to cultures and

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3. That, on the basis of such an analogy with personal autonomy, certain criteria for the legitimate occupation of public spaces and institutions can be generated.

Other notable authors, such as Clifford Geertz and John Thompson, also conceptualise culture as a system of meaning or symbolic system. We prefer Luhmann's approach because it adds significantly to the acuity with which we understand meaning, providing us with the conceptual tools with which the boundaries of cultures can ultimately be conceptualised (Chapter 5). Questions of ideology and power in communicative relationships, however, are not sufficiently addressed by Luhmann. Luhmann's account, however, is not inconsistent with such considerations and they will be addressed in Chapter 6, where we discuss the requirements for a culture to be thought of in a manner as analogous to how we think of personal autonomy.

In order to investigate an analogy between how persons and cultures can be delineated, we must first attend to issues of personal delineation. In **Chapter 3**, we will argue that a person, unlike other entities, cannot be delineated simply with reference to his/her physical boundaries, but that a person has to be delineated both in terms of the boundaries of the (biological) organism *and* the boundaries of the psychic system. We regard Stefaan Cuypers' theory about personal identity as a useful synthesis between the main traditions of viewing personal identity (including Derek Parfit's approach) and we develop our theory against the backdrop of Cuypers' theory of personal identity. However, we depart from Cuypers, when we show that a person's self-delineation – while claiming to give a true account of the person, including the goods s/he strives for – does *not* give a complete and accurate account of his/her own psychic system's boundaries. We subsequently propose a dual structure of personal delineability whereby the (biological) organism's

boundary contains[4] the psychic system, whereas the boundaries of the psychic system, as asserted in the person's self-delineation, remain disputable.

Disputes surrounding boundaries of the psychic system hinge on the possibility of a person's own account, what we will call the "I"-account, being inaccurate. As we will show in Chapter 3, a division within the psychic system between the "I" and repressed meanings is a necessary feature of meaning processing. Where approaches such as Cuypers' assume an indivisible unity of the psyche, our approach needs to show how unity is possible despite an internal division. Our proposal in this regard pertains to the notion of 'unity of conflict', which we will develop in Chapter 3. We will show that repressed meanings can continuously be re-appropriated by the "I". Repressed psychic meanings, though repressed, are retained in memory. This means that at any moment in time, the psychic system's perception of itself as a single, unitary "I" has to take into account 1) previously and 2) currently repressed memories, as well as 3) conscious memories and 4) current unrepressed psychic elements. In so doing, it is continuously confronted with the demand to choose between continuing to repress certain psychic elements or to recover them from consciousness, or perhaps to repress something that was once conscious. We will show that this process involves (1) a reflective or self-referential quality of the "I" in order to re-appropriate a previously repressed meaning; and (2) having become aware of a previously repressed meaning, the ability to choose between two opposing meanings.

In **Chapter 4**, we will argue that personal autonomy is defined by the self-referential ability to choose between two opposing meanings within the psychic system. Thus, what is at stake for our understanding of delineation

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[4] We use the term 'contains' here with some hesitation. We do not wish to imply that the psychic system is like a ghost in the machine, or that the organism is merely the vessel or container of the psychic system. We use the word to show that no meanings are interpreted without a corresponding bodily process. As such, no part of the psychic system is independent or 'outside' of the organism.

(both of persons and cultures) rests significantly on what we understand by the concept of personal autonomy. Chapter 4 sets out to investigate our understanding, particularly our "Western" understanding, of personal autonomy. We start our investigation by offering a basic definition of autonomy as self-legislation and then explore the accounts of self-legislation offered by two traditions of thought on this matter, respectively what we will call the rationalist and community-centred approaches. Each of these traditions attempts to find a philosophical basis for the authority by which the individual can legislate himself. While the rationalist tradition places this authority in the individual's ability to reason, the community-based approach views the authority as residing in the value system of the individual's community. However, both reason and community are dubious sources of authority. On the one hand, it is notoriously difficult in a pluralistic world to prove the existence of objective, universal moral laws by whose authority the reasonable individual will be able to act autonomously. On the other hand, any source that is merely local or specific to a community, struggles to show the difference between autonomy and simple conformism to the community's status quo.

The problems each of these faces leads us to consider Cuypers' model of personal autonomy, which goes a long way in solving most of the problems faced by the abovementioned two traditions. However, like the abovementioned traditions, his model faces difficulties when it needs to consider the interaction between the individual and his/her source of authority. As a reaction to this, we develop what we will call a meaning-based approach. This approach draws strongly on the work of Kierkegaard and the concept of meaning we developed in Chapter 2.

The work of Kierkegaard will be of particular importance here. The radical individualist and non-conformist thrust of Kierkegaard's thought has had a lasting influence. It is considered here to be representative of, and a

significant contributor to, the strict distinction between an individual and his background, resisting any attempt to allow an individual to be dissolved into a larger system.

We will show that it is possible to reinterpret Kierkegaard's account of the true self living in an authentic, unique relationship of faith in God in terms of meaning, so that the life lived in faith is a meaningful life. This reinterpretation will allow us to define the individual's relationship with his/source of authority as one of faith. Based on our account of meaning, however, we will also be critical of some of Kierkegaard's views. The meaning-base approach will show that the sharp distinction between an individual and his/her background needs to be deconstructed.

What this will hopefully establish is a clearer and more nuanced view of autonomy that allows us to overcome the difficulties of both the rationalist and the community-centred approaches.

Having investigated personal delineation and autonomy (and how these two are related), we will turn our attention to how cultures may be delineated. How boundaries may exist in cultural systems will be the focus of **Chapter 5**. In this regard, the analysis will include an investigation of the characteristics of so-called multicultural conflict situations. It will be demonstrated that precisely these characteristics allow for the development of cultural systems with boundaries, that is, "cultures". Put differently, it will be shown how cultures can come into existence as a response to conflict and that cultures can only be thought of in a coherent manner against the backdrop of conflicts that spark the formation of boundaries. Furthermore, we will attempt to show how the formation of such boundaries makes it possible for us to think of cultures as entities in much the same way as we do in the case of persons. We then compare disagreements within a "culture" with the intrapsychic conflicts in the unitary experience of the "I". This leads us to consider that the unitary

experience of an "I" that we associate with individual identity is in fact only a dominant account that represses other accounts.

In this regard, it is important to note that trying to delineate cultures leads us to the problem of how cultures, within the types of boundaries we propose, may retain their character while still allowing disagreement. The issue of delineation thus flows naturally into issues around the management of disagreement and dissent within cultural ranks.

In this dissertation, we propose it is possible to think of cultures that can walk this proverbial tight rope between distinctness and internal disagreement, if we have a conception of culture that meets the requirements of being analogous to personal autonomy. Once again, we *do not* propose that cultures *in fact have personal autonomy*, or that cultures are, in fact, persons. Rather, we propose that completing the analogy allows us to meaningfully delineate cultures.

From this basis we will attempt a comparison between the autonomous person and the cultures that come into existence in conflict situations, in order to show that what is considered as autonomy in individuals has an isomorphic structure in cultures. This will be the focus of **Chapter 6**. Specifically, we show how a culture 1) may exhibit self-reference and 2) relate to a source of authority in the same way as a person does. In this regard, it is important to note that we do not simply equate a culture's authority simply with the authority figures in its ranks, e.g. government, religious or cultural leaders. The argument we develop in Chapter 6 will focus on avoiding the application of categories such as self-reference and authority to individuals, opting rather to show how such categories may be exhibited by *institutions* within a certain culture. As such, our discussion will include consideration of how power may intrude on the communicative relationships between individuals and lead us towards generating a criterion according to which a culture's self-referential

capacity and the legitimacy of its claims to protection depend in large part on the ability of its institutions to safeguard the autonomy of its individual members, whereby the character of the culture that is to be protected, is not protected by power, but by the free interaction of its members in a milieu free of power.

What implications does treating cultures as distinct entities have in the way we approach multicultural conflicts? This will be discussed in **Chapter 7**. Treating a culture as something to be respected seems counterintuitive. Moreover, how an individual may treat a culture with respect is not self-evident, as our usual approaches mostly only respect persons. These are some of the problems with treating cultures as distinct entities. All derive from the general problem of applying ethical categories to non-personal entities or beings. With a strong analogy between cultures and personal autonomy, it becomes reasonable to extend concepts we usually apply to persons, such as fairness, attachment and viability so that they can also apply to cultures.

Furthermore, when delineability becomes possible, that is, when we can think of cultures as distinct entities, many of the problems faced by communitarian arguments and the like can be addressed. How the model of culture we developed in the preceding chapters fills the gaps in communitarian arguments is the topic of the first section of Chapter 7. We will show how our model of culture allows the application of certain concepts, such as attachment, fairness and viability, to cultures. This, with the notion of the delineability of cultures, will help us to attend to some of the communitarian arguments' problems.

The second section of Chapter 7 will then apply the same concepts to typical multicultural conflicts. In this regard, we note that what we propose is not definitive solutions to all these cases. Each requires an in depth enquiry into the facts involved. What we propose pertains more to developing guidelines for the *process* such enquiries should follow. Rather than offering any

concrete answers, we concern ourselves with generating the right type of questions to ask. As we will show in section 7.2, these questions involve the concepts of fairness, threat and viability.

CHAPTER 1

THE NEED FOR DISTINCT CULTURES IN COMMUNITARIAN ARGUMENTS

This chapter sets out to show that the concept of cultures as discrete entities is crucial for arguments for the protection of cultures. Though the arguments we have selected to discuss are often typified as 'communitarian' (and we continue to use the term for ease of denotation), the intention is not to present the communitarian approach in all its facets. Rather, we focus specifically on those arguments that argue for the protection of cultures and in this regard, we have selected Taylor and Kymlicka.[5]

If we deny that cultures are distinct things, arguments for the protection of cultures run into serious problems. To demonstrate this, we consider the theories of Charles Taylor and Will Kymlicka respectively. In particular, we will demonstrate that these theories share a potential stumbling block, that is, that their arguments need a concept of cultures as distinct entities in order to be successful. In doing so, we will highlight three particular problems their arguments need to overcome. These are: 1) the legitimacy of claims to cultural protection, 2) the distinctness or delineability of cultures and 3) cultures' inhabitancy of public spaces. We will conclude the chapter with some critical considerations regarding liberal alternatives to Taylor's and Kymlicka's

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[5] The arguments of other noteworthy thinkers associated with a communitarian approach, such as Michael Sandel (1982), Alasdair Macintyre (1998) and Michael Walzer (1983), do not extend to the protection of particular cultures. In some form or another, the aforementioned authors' arguments each take issue with the neutrality of the public sphere, arguing that some form of common or collective good needs to be considered in questions of rights and justice. They do not, however, argue for policies that ensure the continued existence of a particular culture. Moreover, it is worth noting that those thinkers often cited as examples of the communitarian approach, such as Michael Sandel, Alasdair Macintyre and Michael Walzer, are themselves uneasy with being typified as such and are in fact critical of the communitarian approach. As such, the term is best used only as a very loose categorisation and not as a representation of a unified approach.

theories. However, for ease of denotation, and seeing that both Taylor and Kymlicka's arguments are to some extent in dialogue with so-called 'liberal' approaches to multiculturalism, we first offer a very brief working definition of what we understand by the term 'liberal'.

In this dissertation, reference to the term 'liberal' does not signify a unified, systematically developed conceptualization of culture, nor do we wish to present these ideas as such. Rather, these ideas are found in a wide variety of arguments that resist communitarian and value-pluralist calls for the consideration of cultural goods. The more specific arguments of each author subsumed under the term liberal is therefore not discussed here and is not in the scope of this dissertation. Accordingly, we call certain approaches to multicultural issues liberal when they emphasise the following two related points: a) individual freedom, and b) a neutral public place. By emphasising individual freedom, and thus the individual's freedom to choose his/her own goods to strive for, liberal approaches favour a public space that does not ascribe to any particular good, but rather enables each individual to strive for his/her own good. In this regard, the public space needs to be neutral.

Having provided this very brief exposition, we hasten to note that the authors we discuss below are not necessarily 'un-liberal'. Their theories can be regarded as in dialogue with these liberal notions, and, in the case of Kymlicka, for instance, the theories may actively seek to demonstrate that they are broadly compatible with liberal notions.

At this point, we return to the theories of Taylor's and Kymlicka's arguments respectively. We first attend to the Taylor's perspective. In the section devoted to his theory we will devote a subsection to certain problems which we will demonstrate also apply to Kymlicka's theory.

1.1 Charles Taylor

Taylor's argument may be regarded as an example of a communitarian approach to multicultural issues. As we will show, the problems Taylor's arguments face is essentially shared by all communitarian and value-pluralist arguments, short of radical relativism.

In *The Ethics of Authenticity* (1991) Taylor takes issue with what he calls the 'subjectivation' (Taylor, 1991:81) of the self. In particular, he takes issue with an atomist liberal notion whereby the autonomy of the self is defined exclusively by choice, without reference to the conditions whereby these choices would have value and significance. He argues that:

'(T)he modes that opt for self-fulfilment[6] without regard (a) to the demands of our ties with others or (b) to demands of any kind emanating from something more or other than human desires or aspirations are self-defeating, that they destroy the conditions for realizing authenticity itself.' (Taylor, 1991:35)

He thus develops an alternative model of autonomy, and in doing so, he also connects the notion of autonomy with authenticity and recognition. We will now discuss these notions in more detail.

Taylor tracks the notion of authenticity, and its connection to autonomy, to the end of the eighteenth century (Taylor, 1991:25). One thinker, according to Taylor, who articulated the notion of the value of autonomy was Jean-Jacques Rousseau, who linked morality with being in tune with 'a voice of nature within us' (Taylor, 1991:27). He then follows this line of thinking to Johann Gottfried Herder's idea that we all have a unique way of being human (Taylor, 1991: 28). We can thus see how a person's unique way of being, that is, his/her way

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[6] The term self-fulfilment here denotes the person's striving to attain his own goods. It thus pertains to the autonomy of the person.

of being him/herself, also entails being free from external influences, and hence being free to decide what is important for him/her.

However, Taylor holds that this decision as to what is important is only made possible by 'a background of intelligibility' (Taylor, 1991: 37). This is the idea of a *horizon of significance*. It is central to Taylor's so-called dialogical conception of human life. In his view, humans are embedded in a framework that provides us indications of which things to value above others. Moreover, we are inducted into this framework through our interaction with significant others and vicariously, with those that have interacted with our significant others, hence a whole community.

Moreover, while individuals have the capacity to reflect on the values given in their horizon of significance, even depart from them, the horizon is not the individual's own creation. It has the character of being *given*. (Taylor, 1991: 39; see also Smith, 2002: 41), and from this given, we decide our choices, even if our choices may be to depart, or rebel against this framework.

 Taylor points out that, without reference to such a framework, the very idea of choice loses its value. '(U)nless some options are more significant than others, the very idea of self-choice falls into triviality and hence incoherence.' (Taylor, 1991:39). Put differently, if everything is of equal value, a person's choice of one option over the other is at best the expression of a whim. The choice itself holds no value and cannot count as the person's striving for his/her own good. The choice, if it is to be valued, must be an expression of what the individual already values to be a good. Moreover, by the same reasoning, what the individual values is not a product purely of his/her own choosing, but what was *given* to him/her through his/her interaction with others.

Furthermore, Taylor points out that, while an individual may choose to depart from values given to him/her by significant others, the default position, so to speak, is one of treating the values as given. Put differently, the values we choose are valuable, not because we choose them, but because they are, in fact, good, regardless of whether we chose them or not. Accordingly, values

'can't be seen, in principle and in advance, as dispensable and destined for supersession. If my self-exploration takes the form of such serial and in principle temporary relations, then it is not my identity I am exploring, but some modality of enjoyment.' (Taylor, 1991:53)

We can follow Taylor's reasoning, especially if we consider a child's early development, where (rational) self-reflection on one's given values does not yet occur fully. We would then argue that a specific horizon may be given originally, but would be open to change, as we develop, through our continued interaction with others, but also through our own interpretations. We can then see the original horizon as being present, not as an absolute entity, but ever present as an internalised point of departure, as the start of our journeys towards defining what is important to us.

It is worth noting that, taking the above into account, Taylor does not show that continued dialogue with one's background is a universal need. Rather, his argument shows that a lack of dialogue with one's background of significance leads to a deteriorated, impoverished form of autonomy, while continued dialogue with one's background leads to a richer form of autonomy.

While we can agree with the argument thus far, its application to issues of recognition becomes problematic. Taylor holds that

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'the importance of recognition is now universally acknowledged in one form or the other; on an intimate plane, we are all aware how identity can be formed or malformed in our contact with significant others. On the social plane, we have a continuing politics of equal recognition. Both have been shaped by the growing ideal of authenticity, and recognition plays an essential role in the culture that has arisen around it.' (Taylor, 1991:49)

In this regard, Taylor uses the term identity as referring to the authentic self. The authentic self has been shaped by interaction with others. In terms of interaction, recognition can be defined as an affirming interaction, an interaction that confirms a measure of acceptance of the person, and affirms his/her value as person. However, we would point out that the interactions that form the authentic self need not always be in the form of *recognition*. In fact, it is conceivable that the person's authentic self would at times just as crucially involve the *failure* of recognition by others. Moreover, there are probably numerous people who claim to have no need for being mirrored and recognised by "their" community. However, the interplay of recognition and the failure of recognition can still be regarded as broadly supporting Taylor's view, in the sense that, at least initially, interaction with significant others (e.g. as a baby) is usually accepting and affirming in nature. Departures from this position can then occur later in development. This is a position that is also broadly confirmed by our current understanding of childhood emotional development, where a lack of early recognition is seen to contribute to emotional problems in later life. (Louw & Louw, 2007: 120-121). Stephen Mulhall, in discussing Taylor, makes a similar point: '(I)ndividuals and groups can suffer serious damage if the people or society around them mirror back a confining or demeaning or contemptible picture of themselves.' (Mulhall, 2004: 117).

Society can thus cause harm to people if it fails to recognise them. However, one could easily argue an opposite view, where to recognize certain people's culture would actually harm *other people*. This argument is precisely what is at stake in the debate surrounding, for instance, clitoridectomy, or where any – from a "Western" perspective - atrocious practice is defended on cultural grounds.

Furthermore, how this recognition is to occur is another matter altogether. Taylor holds that the answer does not simply lie in leaving the public sphere as neutral as possible, as the liberal position proposes. He believes this leads to an impoverished self and an impoverished sense of autonomy as it flattens horizons of significance. He also argues that it leads to an impoverished form of democracy by alienating citizens from society and diluting any solidarity citizens may have with their society. In this dissertation, we will focus on the first concern mentioned above, namely the question of the individual's autonomy.

Taylor proposes an alternative to the neutral public sphere and its concomitant impoverishment of autonomy. He holds 'that if we are properly to treat a human being, we have to respect (his/her) embodied, dialogical, temporal nature." (Taylor, 1991: 106). Taylor thus favours an approach whereby to recognise a person is to recognise him in his uniqueness, thus focussing on difference even if an underlying principle of equality is still noticeable. We all need recognition and to recognise a person is to recognise him/her in his/her difference, therefore "(t)he universal demand (for recognition) powers an acknowledgement of specificity" (Taylor, 1994: 39). In order for every individual to be recognised, the differences between individuals need to be acknowledged and indeed become important.

Such a notion indeed has controversial implications. Demands for recognition would not focus on that which is universal, but rather on that which is specific.

This then refers to difference in background, which is often phrased in terms of demands for the recognition of "cultural" identity. The goods that the people making these demands are striving for are collective in nature and do not aim to create the conditions for each to have free choice. In the context of claims to cultural recognition, it means (by Taylor's reasoning) that some individual freedoms may need to be sacrificed for the protection of a cultural group. For instance, by establishing laws to protect French in public places in Quebec, French Canadians' culture may be recognized, but all those who do not ascribe to that culture have to suffer an impingement on their procedural rights, such as those set out below. "It is not just a matter of having the French language available for those who might choose it….(I)t also involves making sure there is a community of people here in the future that will want to avail itself of the opportunity to use the French language" (Taylor, 1994: 58).

In this regard, Taylor discusses the issue surrounding the cultural distinctness of French Canadians in some detail (Taylor, 1994: 52-61). Quebec had passed laws (such as those requiring that French speaking citizens may not send their children to English schools; that businesses of a specific size may not be run in English; and that signage be in French only) that obviously restrict individuals' freedom of choice.[7] The French Canadian drive to protect its distinct culture and identity (a collective goal) therefore infringes the rights of those people who do not, out of their own accord, buy into this drive. It is the "making sure", the active protection of a "culture" that is so controversial: it seems that the only way to ensure the future of such a community is to coerce some people (who don't want to) to belong to it by occupying public spaces and spheres.

According to Taylor's thinking, an approach that focuses exclusively on individual freedoms may serve to slowly deteriorate community. If the public

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[7] In this case, the distinctness of the French Canadian "culture" revolves around language. In other cases, language is not so central. In Chapter 5 we will show how multicultural conflicts construct which aspects of a "culture" are regarded as central to the definition of a "culture".

space is made "neutral" to protect every individual's procedural rights, it impacts a community's ability to generate interest amongst individuals to be part of that community and without such interest, the number of members of the community eventually dwindles and approaches zero. The case of languages in public space can be taken as a useful example of the disadvantages of being relegated to the private sphere. It is a well-established fact in linguistics and social psychology (cf. Hogg & Vaughan, 2008: 571) that languages that are isolated, and that lack prestige or utility in public life, run the risk of extinction. Moreover, languages' prestige or utility (more specifically, their speakers' perception of these), are greatly influenced by their prominence in the public sphere. If a language cannot, for instance, be used when going shopping in the city, or for academic studies, it loses its utility and becomes a language that is only good for private use, thus losing some prestige. Thus it stands to reason that a horizon of significance that has public presence, naturally has an advantage over horizons that do not. To a large extent, a cultural community's "attractiveness" or ability to generate interest in being part of that cultural group is proportionate to the public space it occupies.

Taylor's argument therefore attempts to show how an individualist approach might threaten the survival of a "culture". Such an approach would then be "inhospitable" (Taylor, 1994: 61) and homogenize difference. This moves Taylor to propose that where goods striven for are collective, they should be striven for collectively.

Taylor argues that participation in a community is crucial for the development of a self. This may be true. It almost goes without saying that others play a crucial role in the people we become. For instance, unless one holds the view that the development of the self is *only* the unfolding of a genetic plan, one has to acknowledge the role of socialization in the selves we become. More specifically, we argue in Chapter 2 that healthy human meaning processing as

we know it is inconceivable without social interaction. In as much as our meanings shape our decisions and the narrative of our lives, our social interaction with others is crucial to the selves we become. Moreover, our view of the significance of our social interaction should not be equated to simple conformity to others' views. Yet, even when we depart from values that our parents have taught us, the meanings we experience in our departure can only make sense against the backdrop of our previous communion with those values.

In this regard, we can go along with Taylor's argument for the importance of horizons of significance. However, this does not yet mean that a specific "culture" should be conformed to, that we should pledge allegiance to it and that we have a right for it to continue to exist. Moreover, Taylor fails to show clearly why the continued presence of the horizon of significance is necessary *in the public sphere*. Elsewhere, he acknowledges its continued role even when *internalised*:

> 'We define [important issues] always in dialogue with, sometimes in struggle against, the identities our significant others want to recognize in us. And even when we outgrow some of the latter – our parents, for instance – and they disappear from our lives, the conversation with them continues within us as long as we live.' (Taylor, 1991: 33).

This means that, even after a community's extinction, it may still play a valuable role in forming the person's self. It is perhaps an intuitive idea that having a dialogue is more fruitful if one's interlocutor is not yet internalised, that is, still available in the flesh. But what are the grounds for this intuition? Why does the culture one is in dialogue with, need to be 'out there', so to speak?

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Furthermore, if recognising members of a certain culture entails protecting that culture, does this serve to fix that horizon of significance as an absolute, flying in the face of its dynamic, dialogical nature? As a hypothetical example, let us consider a person belonging to a community of psycho-analysts. In his dialogue with this community, he finds his true self and lives a rich autonomous life. However, as time goes by, dissidence grows amongst the ranks of the analysts and some leave the community. Others grow old and die. In the end, only our hypothetical analyst remains, with no-one left to talk to about Freud. Is his life poorer for it? Yes, perhaps. However, it does not follow that he has a claim towards the protection of this society. Its dynamic, dialogical nature, which is the source of this person's rich autonomy, also in times leads to its demise. Though he may never feel at home in his city again, there is nothing to be done about it. Society, so it appears, can at best *allow* certain communities to function. It cannot, however, *act to ensure its continued existence.* Yet it is precisely the continued existence of cultures that Taylor proposes.

We hold that Taylor's arguments can at best show that the public sphere needs to have what we will call *additional neutrality*. By this we mean that the public sphere, in addition to staying neutral, can also hold as a value a certain robustness in allowing people to express their attachments to their backgrounds, as long as this does not interfere with others' autonomy.[8] However, this can still be regarded as a *procedural* value, like neutrality. Any public space imbued with content that exceeds this neutrality, invariably results in subtle infringements on individuals' autonomy, particularly those individuals who do not wish to ascribe to the culture that inhabits the public sphere. What his arguments do not show, is that members of certain culture can lay claim to the culture's continued existence.

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[8] Jean Bethke Elshtain (2004:127-139) makes a similar point. Basing her argument on Taylor's model of rich autonomy, she argues for what she calls 'deep toleration'. This refers to a tolerance that resists privatisation of individuals' goods, and maintains an openness towards proselytization. Michael Sandel's arguments in Justice (2009) and Liberalism and the Limits of Justice (1982) similarly argues against the privatization of individuals' goods.

Taylor has to show that the protection of a culture *is in fact legitimate*. On what grounds can he *justify* it as a *good*? Why should a certain culture be protected by laws and policies, and occupy public spaces to the exclusion of those who are not of that culture, if it has the implication that collective goods can sometimes encroach on individual autonomy? Just as we can think of examples of people who seemingly live good lives without needing community, we can think of cultures committing terrible acts in the name of staying true to that culture. If we allow culture to be striven for as a good to the detriment of individual autonomy, do we not become entangled in a paralyzing relativism, opening the door to a wide range of atrocious practices? This is the problem of the legitimacy of cultural claims to protection.

1.1.1 Cultures' legitimate claims towards protection

Firstly, as Daniel Weinstock (1994: 176) argues, given Taylor's conception of the dialogical self, the liberal state best serves to maintain a healthy dialogue. A society where every *individual*'s right to strive for a certain good is protected, makes for richness in differences for the self to be formed in. Put differently, the protection of individual rights allows space for "agents of Love" (Rorty, 1991: 206)[9] to do their work and increase understanding amongst different groups. The recognition of culture which an individual would want to claim will be best delivered in the liberal state. Following Weinstock's view, recognition of culture in a liberal state does not mean granting collective rights. A person's background and culture is recognised in as much as s/he is given the space to raise his/her views and engage in dialogue with others about it, the only limitation being that s/he grants others the same space.

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[9] Rorty's 'Agents of Love' refer to professionals such as journalists, novelists, anthropologists and the like, who, by providing us with deep investigations of others' lives, increases our understanding and empathy for their positions.

This is naturally not a negation of the influence of culture. Many of Taylor's critics would readily admit that we are indeed cultural beings, influenced, shaped and to a certain extent conditioned by culture. However, thinkers like Weinstock and Rorty implicitly deny that those elements in one's cultural background (such as language and the particular communication networks or communities an individual participated in) need to be protected. They have played a part in forming the self, and even if they cease to exist, will still be present in the influence they have had on the self. Their demise does not make the person any less of a self. Moreover, arguments such as Rorty's and Weinstock's assume a measure of 'detachment' between an individual and his/her culture. Accordingly, culture serves its purposes (and derives its worth) by providing a context in which an individual can live meaningfully and autonomously.

This has the implication of an element of *choice* and *evaluation* on the side of the individual. This is a line of argument Jürgen Habermas has taken in debates on multicultural issues (Habermas, 1986: 238-243, see also p.117). According to Habermas, a culture provides possibilities for meaningful living when an individual chooses to participate in that culture because s/he finds the meanings it offers valuable. As such, a culture faces the challenge of convincing an individual of its value. This means that a culture which represents an archaic way of life or which has lost relevance to individuals, has lost its worth.

This is the idea that drives Habermas' argument (1994) against Taylor's defence of cultural *survivance*, which we will discuss in more detail below. A culture should ensure its reproduction by maintaining relevance for the individuals that participate in it, and not through some form of institutional protection. In this regard, Weinstock (1994: 176) and Guy Haarscher (1997: 240) make similar arguments against the protection of cultures. Weinstock argues that a liberal regime provides the best milieu for an individual to

participate in cultures, because it provides for a richness of dialogue and variety of options for meaningful living that would be lost if, for instance, a person would be forced to belong only to his/her "own culture". Similarly, Haarscher, with reference to Kymlicka's idea of a "context of choice", (see our discussion on this concept in the following section) argues that preserving contexts of choice can only be valuable if an individual also has access and exposure to other contexts of choice, which would rule out the justifiability of forcing individuals to participate in only their "own culture". In any case, so he continues, such force does not really strengthen the culture or make it any more vital or relevant: as soon as the force is removed, such a culture withers because it did not legitimately convince its members of the value of participating in it (Haarscher, 1997: 241-242).

Furthermore, the individual's ability to "detach" him/herself from his/her culture implies a certain willingness to engage in rational debate about that culture. If a culture has worth by means of an individual's voluntary participation in that culture, individuals should be able to defend or justify their choice of participation. Duncan Ivison (2005: 179), in his discussion of James Tulley's position, notes that it is precisely due to the fact that our ideas are historically and culturally conditioned that we should maintain an openness to criticism and rational dialogue. In this regard, Chandran Kukathas (2004: 220) notes that open communication and debate is hindered by exaggerated claims of particularism. It leads to the untenable situation where anything a person says can only be construed as an expression of his/her culture and never be judged on its validity. Failing to take into account the autonomy of the individual in his participation with culture therefore results in the effective exclusion of any possibility of consensus in public debates. One could then argue that this would be in contradiction with the very aim of communication in public matters.[10]

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[10] According to Habermas' view, communicative action is action undertaken with the purpose to reach agreement between speakers. Participants in an argument cannot but aim at

The ability and willingness to rationally defend one's participation in a culture also places limits on the protection from, for instance, blasphemy. As Haarscher (1997: 244-246) notes in his defence of freedom of speech, blasphemy differs from racism in that, while racism represents a crime against a person, blasphemy is aimed at the *ideas* that person holds. He therefore makes it clear that the person stands in a detached, evaluative relationship to his/her ideas and should be willing to engage in debate on it. Therefore, given the "detachment" that characterizes an individual's relationship to his/her background, he can, indeed *should* continue to participate in *other* cultural resources for him to develop fully as a self.

However, views such as those of Weinstock, when focussing on a culture's value as background, do not account for the value a culture has for an individual by virtue of being the individual's 'own'. Thus, while he may still be able to participate in other cultures, he suffers, in Taylor's view, a significant loss when he cannot continue to participate in his 'own' culture. This is the issue of the survival of a culture. This is a point Taylor raises (Taylor, 1994: 57-61). The "survivance" (Taylor, 1994: 58) of one's culture as a good cannot be protected by a simple procedural equality. As in the case of Quebec, a smaller language (which for Taylor is part of the cultural background to be recognised), cannot compete with a larger global language, and will be ousted by the latter, to the detriment of the French culture in Quebec.

This leads us to a second type of criticism against Taylor, namely that the survival of a culture is not something that can legitimately be considered. This criticism holds that while individuals have a right to protection, cultures do not. Accordingly, Habermas draws the line where striving for cultural goods infringes on individual liberties. Such endeavours can be justified only because individuals have the freedom to choose it as a good; these cultural

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rationally achieved consensus, free of domination, or else they commit a performative contradiction (Habermas, 1986: 259). We return to this view on p. 65 and again on p. 89

goods may therefore not infringe on individual autonomy. Furthermore, only individuals can be recognised or misrecognised, included or marginalised. Cultures themselves cannot be recognised other than by recognising *individuals'* unencumbered participation in a cultural community, whereby it is ultimately the *individual* who is recognised. The moment striving for a cultural good infringes on an individual's autonomy, it loses its purpose. For Habermas, culture has no inherent value, and only has value relative to the meaningful living, identity-formation and autonomy it provides for an individual.

While Taylor and Kymlicka also argue that individual rights may not be compromised, the measures that they propose for cultural protection do in fact have subtle effects of impingement on individual rights, as we will point out below.

Many authors critical of Taylor have serious concerns about cultural goods, as allowing people to strive for these may jeopardise individuals' striving for their own goods.

> "(The) whole thrust of the 'politics of difference' ... is that it seeks to withdraw from individual members of minority groups the protections normally offered by the liberal states ... and [that these groups] should be able to discriminate with impunity against women or adherents or religions other than the majority" (Barry in Ivison 2005: 173, cf. Abu-Laban, 2002: 463)

As a result, individual autonomy functions as a limit to striving for cultural goods. This leads some authors, such as Joseph Raz (1995), to envision a multicultural state that provides the possibility for people to express their cultural identities and continue to participate in their cultures, with the sole

limit that such participation may not encroach on others' individual autonomy. This also has the implication that a culture may not be forced on anyone and participation has to be voluntary.

> "But *should* we respect a culture, that is, a holistic entity? In certain definite circumstances, the answer might be yes: When a free association of individuals decide to preserve it (necessarily at the same time reinterpreting it), and want to go on living in what Kymlicka (1989, 162 ff.; 1995) calls a 'context of choice'. But such a liberty (first of all the freedom of conscience) must be preserved as the essential value, so that the culture is not *imposed* on people and is, on the contrary, affirmed in the openness to the other. Actually, this openness involves the unavoidable risk of dissolution of one culture into the other..." (Haarscher, 1997: 239)

The importance placed on individual autonomy in these criticisms of Taylor has certain implications for the idea of a culture's right to survival. As Habermas (1994) points out in a reply to Taylor, cultures naturally compete with each other: the more *convincing* the culture, the more individuals it will "win over". Whether or not an individual chooses to participate in a culture is dependent on the way of life the culture represents and how valuable the individual deems that way of life. The individual's participation in a certain culture depends on how attractive, useful or fruitful the culture is perceived to be by the individual. In this view, a culture that continues to exist, has earned its right to survival and there is nothing that suggests that a culture *a priori* deserves protection against such natural processes. Moreover, the continuing survival of a culture should then not be secured by protection, but by making the culture more attractive, so to speak. The latter, and not the former, should be the striving of those seeking the survival of their culture.

That the competition between two cultures may be unfair is not voiced by Habermas. This seems to imply that one culture can legitimately *outperform* and expel other smaller cultures. Yet several factors can contribute to this competition being in a certain sense unequal. Consider, for instance, the competition between French and English in Quebec. English's global reach is an attractive feature as it implies connectivity and access to an international community. Many human endeavours, be it trade, research or art, can benefit from such international connectivity. The language's status as some sort of *lingua franca*, also makes it attractive for use in public spaces. As most people can understand it, an English public space is hospitable to people from virtually all corners of the earth to ply their trade in a country of their choice.

These factors weigh heavily in English's favour and it is conceivable that it would contribute to the ever-larger presence of English and the deterioration of French in public places. Moreover, it seems that once the upper hand is gained, "fighting back" is extremely difficult. The bigger and stronger a culture, the more attractive it becomes, and the bigger and stronger it becomes. This might seem unfair to some, but only if we assume that there should be something like a level playing field between cultures, assuming they could be treated unfairly just like people.

To be fair, Taylor does not advocate a simple carte blanche for anyone to do anything based on culture, nor does he argue that culture should always trump individual autonomy. But how does one discern when to favour a culture over an individual, and where does one draw the line against certain practices? Moreover, he still needs to show why culture should be considered at all. Therefore, Taylor needs a conceptualisation of culture that can provide guidelines for how the individual relates to his/her culture and crucially, he needs a conceptualisation that provides for the protection of cultures as a legitimate good.

1.1.2 Distinct boundaries

Further criticisms of Taylor's arguments are pertinent here. Firstly Taylor's concern for a person's losing their "own" culture leaves his argument vulnerable to the charge of essentialism (cf. Abu-Laban, 2002). His argument implies that this "own" culture is something with an identity and easily demarcated. If culture is not homogenous and cannot be defined by essential features, such as, for instance, shared beliefs, to which culture does a person refer when s/he laments its demise and how will one go about protecting it? This is the problem of delineation of cultures. Put differently, it is the question of how we can view cultures as distinct entities.

Is a culture something with discernible boundaries, that is, are there discrete entities called "cultures" that can be distinguished from other "cultures"? Critics of Taylor[11] point out that cultures cannot be delineated, and that doing so is a form of essentialism.

Yasmeen Abu-Laban (2002), for instance, criticizes Taylor and Kymlicka for their assumption that an individual wants to belong to *one* culture. For Abu-Laban, this implies an essentialist position, that is, that "each culture has a unique, fixed essence that can be understood independently of context or intercultural relations, and which makes an ethnic group act the way it does" (Modood in Abu-Laban, 2002: 461). This flies in the face of the alleged dynamic nature of culture: individuals participate in a variety of communication networks that cannot all be subsumed under one culture. Rather, the variety of networks tends to transcend boundaries, which leads on to question how valid the very idea of cultural boundaries can be.

Moreover, an interactionist and dynamic view of culture also posits a certain "detachment" between individual and culture (which we discussed in the

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[11] As we will discuss in section 1.2., Will Kymlicka is exposed to similar types of criticism.

previous section).   Hereby the individual has a certain critical distance from it by which s/he can evaluate that culture. This process, as Habermas' analysis shows, is central to the reproduction of culture. "(E)very continuation of tradition is selective, and precisely this selectivity must pass today through the filter of critique...." (Habermas, 1986: 243, see also pp. 238-243, 117).

If we do not assume a metaphysical entity that everyone shares a priori, we must assume that the reproduction of culture takes place through communication, and that that which people share is arrived at by the process of understanding. Such communication, Habermas argues, "can only run along the rails of intersubjectively recognized validity claims." (1986: 261) and becomes part of a shared understanding by the "affirmations and negations of those to whom (the communication) is addressed." (1986: 261). Diversity and the interplay of agreement and disagreement therefore lie at the core of the development of culture. This means that defining a culture simply by an agreement on certain values is problematic. This also rules out the possibility of defining a culture by a list of essential features.

Even if the rich heterogeneity in culture could be accounted for by an essentialist view, delineating a culture on grounds of agreement or shared understanding would always comprise an outdated, historical account of an agreement that is already up for re-interpretation, critique, validation and re-appropriation.

Now, anthropological evidence suggests an ever-present creolization and heterogeneity of so called cultures. (Abu-Laban, 2002: 465) and our common sense leads us to a similar conclusion: in the light of international migration, globalization and increasing cosmopolitanism, it seems inappropriate to think of cultures as discrete entities. Accordingly, Abu-Laban proposes a "multiculturalism based on equity, on the notion that cultures are dynamic and

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differentiated, and on the idea that individuals may have multiple identities" (Abu-Laban, 2002: 465).

This anti-essentialist position allows authors such as Abu-Laban (2002; cf Ivison, 2005: 173-185; cf. Zolo, 1997: 250) to charge advocates of "cultures" with the crime of homogenizing heterogeneity, which leaves the door open for stereotypes, prejudice and other types of marginalizing discourses. Any attempt to define a culture by means of essential features would entail cutting and stretching its actual heterogeneity to fit into such an essential conception. At best, this amounts to a generalisation, at worst a caricature of that culture. Thus the idea of "cultures" that can be defined by essential features defeats the purpose of multiculturalism, that is, to provide peaceful and respectful co-existence in the context of different cultural backgrounds. Moreover, the anti-essentialist position allows one to be critical of the very idea of "multicultural" conflicts. Construing such conflicts as disputes between "windowless monads" (Geertz, 2000: 75) then runs the risk of exaggerating differences, underestimating similarities, ignoring nuances and variances in opinions and belief and generally precluding the possibility of resolving the issue at hand through communication. Similarly, Kukathas (2004: 220) warns about the dangers of an exaggerated particularism: when an individual's belief is a "defining feature", so to speak, of his/her culture (for instance: "that is a typical position for an Englishman to take"), it stops one from taking the validity of such a belief seriously and one ascribes it, writes it off, as it were, to his/her culture.

Furthermore, an anti-essentialist position allows one to be critical of some aspects (like certain rituals, norms, etc.) of a culture without having to reject it as a whole. The argument that disallowing certain practices would threaten the survival of a culture does not hold when one assumes that, 1) to begin with the definition of such a culture is a generalization and oversimplification and 2) that the banning of certain practices is unlikely to significantly impede

individuals in participating in communication networks and maintaining other meanings that they hold to be valuable.

> "El Darer responds to (the argument that banning certain rituals will destroy the culture) ,...by questioning the assumption that these cultures can survive only by continuing clitoridectomy or infibulations. These cultures, she argues, are more likely to be transformed by war, famine, disease, urbanization and industrialization than by the cessation of this ancient ritual surgery" (Kopelman, 2005: 241).

The dynamic nature of culture, following an anti-essentialist view, leads one to consider that the conservation of one feature of a culture has much less importance than those factors (such as war, or recession, etc.) that could actually impact on how individuals interact and participate in that culture. This leaves us with a view of cultures as having much more resilience than those calling cultural protection sometimes wish to acknowledge.

1.1.3 Cultural inhabitancy of public spaces

Without positing cultures as distinct things that can legitimately be protected, Taylor's arguments do not hold. Notwithstanding the dialogical nature of the self, if culture itself is not a discernible thing, the survival of a "culture" cannot be something to be legislated for by setting boundaries and allocating institutions. This is the related problem of how cultures can inhabit public spaces.

Following the difficulties with delineating cultures, some critics of Taylor's arguments point out that, strictly speaking, it is not a culture that is accommodated in multiculturalism, but the community that shares that culture. The freedom thus afforded always refers to the *people*. Strictly speaking, then,

it is not a certain culture that occupies public space, but a certain community, (often minority) group, or individual who wants his/her views or beliefs recognised based on their "cultural" background (cf. Abu-Laban, 2002: 460; Baumeister, 2003: 753-754; Brighton, 2007: 6; Haarscher, 1997: 238-240; Zolo, 1997: 250).

Accordingly, Raz (1995) sees an approach to multiculturalism that rests on the belief that individual recognition is dependent on unimpeded participation in one's cultural group as applicable "in those societies in which there are several *stable* (my italics) cultural *communities* (my italics) both wishing and able to perpetuate themselves" (Raz, 1995: 173). Moreover, Raz comes to the conclusion that such communities, while enjoying the freedom to perpetuate themselves, would have to be limited in not encroaching on the individual rights of citizens. Communities may therefore be granted self-rule in certain public spaces and institutions, but with the restriction that individual autonomy is not breached.

On this view, "cultural" goods can only refer to goods claimed by *communities*, which relegates such claims to the purely political sphere. The extent to which self-rule in public spaces and institutions is granted is dependent on the *size* and *stability* of the community.

An individual from a culture with few people in a certain society then does not have an equally strong claim to cultural goods, and would best be advised to seek recognition purely within a liberal procedural equality, which is the response to diversity Raz calls non-discrimination (Raz, 1995: 172): This refers to each individual's right not to be discriminated against based on any superficial characteristic (such as skin colour) or conception of the good life. Moreover, such an individual, given the detachability of an individual from his culture, must accept that the beliefs and ideas s/he holds dear are free to be criticised and commented on (Haarscher, 1997: 244-246). S/he cannot,

outside of a free association of like-minded individuals, "reserve" certain spaces in public society where his/her views are to be left sacred and untouched by criticism and/or even ridicule.

Though not all authors we group together here agree with Raz as to the extent to which a culture should be afforded public space[12], the detachment between individual and culture that these authors share serves to delineate the controversies between them. It establishes a consensus about the necessity of some sort of neutrality in the public sphere, so that all can be accommodated and treated equally (if not the same), and defines the issue to be debated as to *how* to establish such a neutrality, with some authors (such as Zolo) defending the more traditional notion of non-discrimination while others, like Raz, propose a more progressive approach to multiculturalism, with the restriction that individual rights may not be thus compromised.

The detachment between individual and culture strictly speaking does not necessarily *deny* cultural inhabitancy of public spaces, but rather places a definite *restriction* on the extent to which a culture can inhabit public spaces. Here we note again that policies designed to accommodate cultures in public spaces do not strictly accommodate cultures but rather the communities that define themselves by those cultures. Furthermore, the extent to which public space is afforded to communities would be directly proportional to the communities' size and stability. It is at this point that the anti-essentialist argument becomes pertinent.

A consistent anti-essentialism is critical of the very idea of stable communities on which multiculturalism rests. The difficulties with delineating and defining the boundaries of a certain culture are transferred to questions of public

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[12] In this regard, see Verhaar and Saharso's (2004) discussion of the polemic regarding headscarves in the public service in Holland. See also Modood's (2003) discussion of the retreat of multiculturalism in favour of 'integration' in European politics.

inhabitancy. If we cannot define a culture as a whole with discernible boundaries and, within those boundaries, a perfect sharing and consensus on the defining meanings of that culture, on which grounds will we be able to say: "Here, in this town/district/city/province/state, our language is the official language, or our cultural rules are to be adhered to", etc.? Furthermore, having pointed out this problem, we also have to note that it is not clear exactly why it would be important to do so in the first place. Put differently, it is not clear why it would be important to be able to have a place where their culture is protected and institutionalised. This refers again to the problem of the legitimacy of cultural claims towards protection.

As an anti-essentialist view is sceptical of the idea of cultures, it has to treat claims of recognition by cultures as claims made by the *community*, the leaders of which (and there may be doubt as to their legitimacy or their representivity of the community members' views), are advocates for certain issues. These claims to recognition then have to be balanced by the necessity of a neutral public space.

An anti-essentialist view of culture points to the necessity of providing as neutral as possible a public space. Given the heterogeneity within cultures, even within the most stable cultural communities, it is, firstly, simply impossible to provide for every difference in the public space, and secondly, imbuing public space with more culture will be to exclude some individuals. The answer therefore is not *more* culture in public spaces, but *less*.

Naturally, some public spaces already have a cultural flavour and reflect the history and background of that region. So we will find, for instance, an official language on sign posts and in government correspondence and think nothing of the fact that it might not be equally accessible to *everyone in the world.* Put differently, there is no society, no public space, where everyone will feel equally welcome and at home. The point is, however, that attempting to

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recognise those that are marginalised in the process cannot, may not, compromise those very measures that make accommodating others at all possible.

The best a cultural community can hope for, therefore, is that the state may allow a "parallel" inhabitancy, a co-habitation that does not diminish the neutrality of the public space (e.g. self-determination based on free association about certain issues that do not compromise the state's commitment to the protection of individual rights). Moreover, such a co-habitation is very heavily dependent on the demography of the culture, that is, the *people* that identify themselves by that culture. A community that is dispersed will have much less bargaining power for such inhabitancy rights than a group characterised by large numbers in a concentrated space. In this regard, with apology to Freud, demography is destiny. Following the anti-essentialist and individualist view, cultural inhabitancy of public spaces has much more to do with political power than legitimate consideration of the respecting cultures.

We conclude our discussion of Taylor by noting that the three problems we have highlighted (see sections 1.1.1-3) all involve the question of how we are to view cultures and individuals' interactions with their cultures. Put differently, we propose that *the success of Taylor's communitarian arguments (or, for that matter, those of his critics) hinges on how he views cultures.* For his arguments to succeed, Taylor thus needs to show that it is possible to have a conceptualisation of cultures as distinct things deserving of protection. Without the delineation of a distinct culture, the culture, even if considered as something of inherent worth, cannot be defended or protected. Without the possibility to delineate cultures, culture is not something we can intervene in. This is because no physical space or institution can be occupied by the culture. If no physical space or institution can be occupied by a culture, no policy can be changed and no boundaries can be laid within which the culture

may be protected. The distinctness of culture and its ability to function as something of worth rests on its delineable occupation of public space. For instance, we have to be able to say: "here, in this town/district/city/province/state, our language is the official language, or our cultural rules are to be adhered to", etc. Furthermore, the legitimacy of protecting a culture is necessary to change culture from something that can be intervened in, to something for which intervention is *justified.* By adding this characteristic to distinctness, culture is changed from a distinct "thing" (like a rock) to a "thing" that deserves to be protected and survive.

1.2. Will Kymlicka

While Will Kymlicka's arguments should not be considered communitarian – he is critical of communitarian approaches in general (cf. Kymlicka, 1990) – he does propose arguments for the protection of cultures based on the principle of equality. He thus attempts to show that the protection of cultures is consistent with a liberal framework. Nonetheless, his arguments encounter much of the same problems encountered by communitarians, as we will discuss below.

Kymlicka's arguments focus on equality as a basis for group rights. According to this argument, the protection of certain cultural rights may actually serve to increase equality. As such, he attempts to show that the protection of cultures is consistent with a liberal framework. In this regard, we favour Kymlicka's argument over Taylor's because his equality argument can potentially provide a more solid basis for the legitimacy of cultural rights. However, as we will show below, his argument is not without problems.

Kymlicka (1989: 162) adopts a model similar to that of John Rawls and Gerald Dworkin in his attempt to justify the protection of cultural communities. Rawls argues that liberal citizenship provides the conditions needed to decide our goals and goods. As such, citizenship is a structure that functions as a

precondition for individual freedom. Kymlicka extends this idea to 'cultural structures'. As we will discuss below, the idea of cultural structures is vague and (on some points) problematic. In Kymlicka's argument, a cultural structure represents a 'context of choice' (1989: 164-166; 1998: 96), a framework within which individuals pursue their goals:

> "Liberals should be concerned with the fate of cultural structures, …because it's only through having a rich and secure cultural structure that people can become aware, in a vivid way, of the options available to them, and intelligently examine their value." (Kymlicka, 1989: 165).

In this regard, Kymlicka makes an argument similar to Taylor's on rich forms of (personal) autonomy. As with Taylor's horizons of significance, contexts of choice are required to make choices valuable, not mere expressions of whim.

Kymlicka's extension of the liberal model to cultural structures thus forms the basis of his equality argument. Where members of a dominant group can pursue their goals with a secure cultural structure in place, members of a minority group have to expend effort and resources to maintain their cultural structures, leaving them very little energy or few resources to pursue the goals and lifestyle they would want to (Kymlicka, 1989: 189). They are thus disadvantaged, and not as a result of their choices, but as a result of something they had little control over, e.g. having been born into that culture. So, as within a Dworkinian perspective, 'differences in resources may (legitimately) arise as a result of … choices' (Kymlicka, 1989: 186), the inequality with regard to cultural structures is not the members of the minorities' responsibility and they should be accommodated just like people with disabilities should be accommodated (1989:86).

In this regard, one has to note that differences in goods and resources may also be the result of fair competition, and one's success in this may often relate quite strongly to factors that are not of one's choice, but are due to chance: intelligence, for instance, is not distributed evenly amongst people, nor is numerical proficiency or ball skills, all of which can have a significant impact on various types of competition. Kymlicka's analogy of a minority culture with a disabled person adds to his view that the individual is strongly attached to his culture and that to have to change it or adopt another culture, albeit uncomfortable and disruptive, is more similar to someone who is permanently disabled than to someone who, having been dealt a somewhat less favourable hand, simply has to deal with it and make the best of it. We will discuss the notion of attachment to one's culture below. For now, we first turn to some of the most important concepts and distinctions employed in his arguments.

Kymlicka distinguishes between 'national minorities' and (minority) ethnic groups in polyethnic states. National minorities are groups that were already present in the country when the current state was founded, have a prior history of self-government, and share a common language and culture. These groups, according to Kymlicka have stronger claims to such special group representation and self-government rights. Other ethnic groups that do not meet these criteria, e.g. immigrant groups who enter the country voluntarily after its foundation, have a weaker claim to special rights. The reason behind this differential treatment with reference to national minorities and other ethnic groups is a natural implication of Kymlicka's equality argument. Kymlicka argues that national minorities were functioning as autonomous societies. Moreover, as they were conquered or colonised, they did not cede their autonomy voluntarily. Other ethnic groups are accommodated without needing to call for special 'cultural rights'. The cultural rights of these groups may be seen as a logical extension of traditional non-discrimination (cf. our discussion of Raz's ideas on pp. 43-44).

Kymlicka recognises that refugee communities are not adequately treated by the above distinctions. While we will propose (in Chapter 7) a possible solution to this problem, the tools we need to do so will be developed against the backdrop of more fundamental issues in Kymlicka's theory, particularly those pertaining to the delineation of cultures.

For the moment, we return to Kymlicka's distinction between national minorities and other minority groups. In both the cases of national minorities and other minority groups, Kymlicka does not accept the transgression of individual liberties based on cultural grounds or on group rights. He distinguishes between on the one hand, external protection of groups, that is, ensuring their continued autonomy as a society, and on the other hand, internal restrictions, which he is opposed to. The possibility of members to exit a group when they choose to do so is therefore also an important condition that protects their individual rights.

The distinction between national minorities and other minorities and the stronger rights afforded to the former hinges on the notion that national minorities were once independently functioning societies. They had all the necessary institutions to provide those members of the community a cultural structure, a backdrop against which they could pursue their goals and strive for their goods.

At this point we turn to Kymlicka's conception of culture and cultural structures. At times, his use of these terms can be vague and confusing, in our opinion. For instance, culture is sometimes used as equivalent to cultural structure, and sometimes not:

'In one common usage, culture refers to the *character* of a historical community. On this view, changes in the norms, values, and their attendant institutions in one's community … would amount to loss of one's culture. However, I use culture in a very different sense, to refer to the cultural community, or cultural structure, itself. On this view, the cultural community continues to exist even when its members are free to modify the character of the culture, should they find its traditional ways of life no longer worth while." (Kymlicka, 1989: 166- 167).

Kymlicka then goes on to opt for the latter of these two alternatives (Kymlicka, 1989: 167). He thus introduces the distinction between the character (or content) of a culture, and its structure. But what is the nature of this structure, if not a certain character, a value system or way of life (Kymlicka, 1998:91) represented by that culture? Ostensibly, he equates the cultural structure, as context of choice, with the cohesiveness of a community (see above quote, also Kymlicka, 1998:91; 96).

Where Kymlicka links the cohesiveness of a cultural community with a shared way of life (1998:27, see also 1998: 33)[13] it is not clear what the relationship between a culture's content and structure is, or if it makes sense to make the distinction in the first place. We would argue that his definition in terms of a community is problematic. It means that the demise of a culture would take the form of, for example: 'There are no more Zulu's', instead of 'The Zulu way of life is extinct'. In our opinion, the latter represents a more accurate view of culture. Lest we confuse a culture simply with an ethnic group, surely we must

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[13] Elsewhere, where Kymlicka discusses 'societal cultures', he further specifies that a societal culture 'is a territorially concentrated culture centred on a shared language that is used in wide variety of societal institutions' (Kymlicka, 1998: p. 27). Following his definition of national minorities, it would imply that national minorities once had functioning societal cultures. Here again we see the notion of a cohesive community (in its territorial concentration), which is also linked to some sort of shared value system or way of life.

have some consideration that it is the way of life, the character of the culture that glues the community together?

By making reference to shared 'culture' and language, Kymlicka's theory exposes itself to the charge of essentialism. As such, he shares with Taylor the same problems regarding cultures as discernible entities (see 1.1.2 above) and the cultural inhabitancy of public spaces (see 1.1.3 above). In order to protect a 'context of choice' and in order to introduce legislation to do so, one needs to be able to determine where the specific regulations he envisages will apply, and to whom. While Kymlicka mentions specific examples of well specified proposed legislation, he needs to show how these delineations are justified.

However, his equality argument does suggest an interesting possibility of addressing the problem of delineation, one which we will expand on in Chapter 3. For the moment, it is worth noting that Kymlicka's criteria for a national minority goes some way toward providing the possibility of delineating that group *historically*. The minority group ceded its sovereignty (involuntarily), through conquest or colonization. These conflicts create a dividing line between the conquerors and the conquered, so that a definition of the group can take the form of 'those people whose sovereignty was taken away from them', avoiding formulations that require that they share certain characteristics. The *internal* disunities and opposition (that is, between the group's members) prior to that moment of conflict does not disappear, but are thoroughly sidelined.[14] One could liken this to the supporters of *provincial* sport teams defining themselves in terms of their *national* team when the contest is with an international competitor. Moreover, and unlike the sports allegory we just used, this conflict has permanent effects, as it continues to maintain the conquered group's marginalisation, thereby arresting an

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[14] This is consistent with the metacontrast principle, a notion in social psychology whereby the differences *between* groups are maximised, while the differences *within* a group are minimised. (Hogg & Vaughan, 2008: 126).

otherwise fluid and dynamic group identification. As such, defining cultures in terms of historical conflicts holds some promise in avoiding the problem of essentialism.

However promising as such a suggestion may seem, the problem of internal differences still poses a number of challenges. However sidelined past disunities may be, how should the *current* heterogeneity be addressed?

In this regard, Kymlicka distinguishes between internal restrictions and external protections. The latter allows the continued existence of the society represented by that national minority.[15]

> 'External protections … do not raise problems of individual oppression. Here the aim is to protect a group's distinct identity not by restricting the freedom of individual members, but by limiting the group's vulnerability to the political decisions and economic power of the larger society' (1998: 62-63.)

As such, Kymlicka argues that external protections increase equality and are consistent with a liberal perspective. Internal restrictions, on the other hand, are at odds with liberal theory as it impinges on individual autonomy. Flowing from the external/internal distinction is the idea that a culture can change internally: the choices individual group members make can change the content, so to speak, of a culture, while external protections provide the security that the culture continues to exist at all. Put differently, *that* it exists is to be protected, while the content (such as values, norms, institutions) that defines it should be allowed to change as a result of the free interaction of the individual group members. Moreover, the protection of individual freedoms

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[15] External protection can also be applied to immigrant groups and non-ethnic minorities (1998: p. 90), although this does not entail any form of self-government. Rather, it refers to measures ensuring these groups' equal participation in society.

provide for the possibility of exit from the group, that is, that any person may choose to leave the group and rather be integrated into the majority.

As an example of external protections, Kymlicka discussed measures applied to Aboriginal communities in Canada. Aboriginals in Canada are protected by different types of external protections, depending on the nature of the threat to their community. In southern Canada, where population is dense and land scarce, the aboriginal community requires arrangements whereby non-Indians would not have the right to own or stay on Indian lands. In northern Canada, rich in mineral resources, the influx of temporary workers could lead to the spending of public money on, conceivably

> "movie theatres, dish antennas … even a Las Vegas style resort. Since many aboriginal people in the north are dependent on short-term work projects due to the seasonal nature of most of the economic activity in the area, such a policy [where all residents, regardless of permanence can vote - JRN] would force them to move into localities dominated by whites, and to work and live in another culture, in a different language….To guard against this, aboriginal leaders have proposed a three-to-ten-year residency requirement before one becomes eligible to vote for, or hold public office, and a guaranteed 30 per cent aboriginal representation in regional government with veto power over legislation affecting crucial aboriginal interests." (Kymlicka, 1989: 147)

External protections such as these then serve to protect a cultural structure. This means that, just like members of the majority, members of that culture can pursue their way of life without having to expend resources on ensuring the continued existence of their context of choice. However, this implies that the individual would be at a disadvantage when having to function in someone else's context. S/he can't simply move from one to the next. This attachment

of an individual to his/her culture is a crucial aspect of Kymlicka's equality argument. Kymlicka asserts: "People *are* bound, in an important way, to their cultural communities." (1989: 175). He then goes on to quote various research studies describing the disruption when people are forced to sever this attachment.

Kymlicka has been criticised for his assertion that people have a deep bond with their culture. Leighton McDonald (1997: 10), for instance, points out that this assertion is an *empirical* claim. Moreover, it is one that can be falsified by just one person asserting something like: "Well, I don't". The studies he discussed also do not demonstrate a *necessary* bond, only that some have experienced it as disrupting.

However, Kymlicka's arguments can avoid this problem by a somewhat modified assertion that is more difficult to contradict: *some* people have this bond and have the need to maintain it. Those asking for the protection of their culture would simply lay claim to enjoy the opportunity to live within one's own culture, the same opportunity that members of the majority culture enjoy whether they value it or not. These people are thus not treated fairly because their way of life does not enjoy the same opportunity to flourish as other people's do. Moreover, those members of the minority who do not share this attachment have the option of exiting.

The notion of attachment, along with the distinction between external protection and internal restrictions (as well as the idea of exit possibility) makes it possible to apply the equality argument to the problems of *survivance* encountered by Taylor's arguments. In this regard, again, we view Kymlicka's argument as an advance on Taylor's. According to an equality argument, the continued existence of a person's culture (his/her context of choice) may be protected on grounds of equality: members of that culture would be treated fairly, because they would enjoy the same opportunity to

practice their way of life as members of the majority do. This line of thinking, however, is only successful when one assumes the type of attachment to a culture Kymlicka does.

But how would one conceptualise cultural attachment if the delineability of cultures is questionable? One of the core characteristics of attachment, as we use the term, is that it reduces the uncertainty the environment holds for any entity trying to survive in that environment. Attachment reduces this uncertainty by introducing a measure of permanence over time. One example would be the infant's attachment to his mother, where the infant plays and explores his/her world, possibly even leaving his mother's field of vision, yet still returning, certain of her continued presence and availability. For the concept of cultural attachment to make sense, a similar type of permanence over time would need to be demonstrated, while still retaining the dynamic and interactionist nature of culture.

We thus see that, ultimately, Kymlicka's argument encounters the same type of problems Taylor's does. Except for the problem of delineability we discussed above, a number of other matters are pertinent.

Firstly, though he is expressly opposed to the infringement of individual rights, some of the external measures Kymlicka proposes do have the effect of curtailing certain individual freedom and rights (such as voting rights in the examples discussed above). His distinction between external protections and internal restrictions does not succeed in addressing this problem. This means he also still needs to justify the legitimacy of cultural protection (see section 1.1.1 above).

Furthermore, his distinction between internal restrictions and external protections re-introduces the distinction between structure and content, which

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(as discussed above) still encounters some problems that need to be solved: if culture is flexible and dynamic and if the interactions of individual group members may still change it, how justified can certain group members be when they ask for the protection of their culture? They might feel a deep bond with it, but does this justify the introduction of special group rights? Both Kymlicka and Taylor need to show why certain people's attachment to their culture needs to be considered at all.

Moreover, even if it is agreed that one is at a disadvantage when forced to adapt in another culture or to adopt a new culture, this apparent unfairness only makes sense when, firstly, one assumes that the minority culture if left undisturbed, would have flourished and would have, through the years, remained recognizable as that culture. To establish this would require a conception of culture that enables it to change in certain respects, yet remain identifiable as that culture. This requires clarity on the relationship between a culture's structure and its content, i.e. when does a change in content possibly threaten the continued existence of the structure, and when is it change that is easily accomplished?

Secondly, if one is to think of an unfair breach of attachment between an individual and his culture, one needs a conception of a fair breach of attachment. The idea of exit possibility may, at first glance, form the basis of such a conception: the individual breaks ties with this culture voluntarily as opposed to being forced to do so by conquest. However, in collective matters such as these, things cannot be quite so simple. If culture is seen as something produced *between* people, one's neighbour's attachment to the culture, or lack thereof, could conceivably impact the character of the public space one inhabits, so that one is forced to adapt. Moreover, for exit possibility to be a meaningful choice, some exposure to a competing culture needs to be assumed. This once again raises the questions: how much exposure is enough? When is competition between cultures fair?

Kymlicka's equality argument is therefore hurt by the problems encountered by the distinction between structure and content. On the one hand, if cultures cannot be delineated into discernible entities and if one cannot say more or less decisively which changes to a culture are allowed, and which threaten its continued existence, the disadvantages faced by members of that culture cannot be conceived of in the same way as a (permanent) disability. Moreover, if culture is ultimately fluid, these disadvantages could ultimately be overcome – maybe not in this generation but perhaps in the next – prompting us to consider whether some changes may need to be enforced quicker, rather than protected against. Likewise, if culture cannot be delineated and if some relationship between this delineation and its character cannot be established, an individual's attachment to his/her culture is not something that can be legislated for: if culture is ultimately fluid and dynamic, disruptions to and losses of attachment, as well as the discomfort of having to adapt to a more dominant cultural structure, are inevitable. Put differently: how can one lay claim to protect one's culture on the basis of attachment when that which one is attached to is not delineable?

Therefore, Kymlicka's arguments, just like Taylor's, require a solution to the problem of the delineation of cultures. Moreover, the problems of the legitimacy of claims to protection as well as the question of public inhabitancy by a culture are thereby also raised.

Along with the abovementioned problem of the delineation of a culture, the problem of how the identity of a culture would relate to its character, the 'way of life' that presumably holds its members together (although members may disagree on this as well) and how this character can change without the 'culture' losing its identity, also need to be addressed. As we will show in Chapters 3 through 6, solutions to problems of delineation often require further solutions to the questions of a culture's retention of its character while

still allowing for internal disagreement. Put differently, though one can find ways of delineating cultures by constructing some form of boundary, such solutions are at best superficial if they cannot show how the culture that resides 'within' these boundaries manages to stay true to itself.

The tension between a culture retaining a certain character, while still allowing for internal disagreement, is an important one if one is to apply the notion of attachment to the concept of 'cultures'. Without a satisfactory answer to the question of how a certain character can be retained despite internal disagreement, it is unclear what exactly people are attached to.

The abovementioned problems, we suggest, require us to conceptualise a culture as being able to restructure or reorganise *itself*. This means that we would have to conceive of its reorganisation not merely as the wishes and acts of certain *individuals* of that culture, but of the culture as a whole. If we were to conceive of such a reorganisation, not as a function of the culture itself but rather as the expression of the will only of certain individuals within that culture, it would once again expose problems with delineation, which in turn, make it difficult to delineate the scope of external protection. It would make it difficult to answer questions such as: "*whose* culture would be threatened by changes to certain elements?" and "in *which* public space should external protections be applied?"

We thus see how the problems Taylor's arguments encounter, namely the distinctness of cultures, the legitimacy of a claim to protect one's culture and the manner in which a culture can inhabit a public space, are also encountered by Kymlicka's arguments.

1.3 Other suggestions: Representivity and self-rule

In the first place, innovative solutions regarding representivity and the differentiation of self-rule[16] may represent pragmatic political solutions to the challenges of multiculturalism. Such solutions, however, also run into serious problems when the denial of distinct cultures is taken seriously. Such solutions imply the distinctness of different cultures. If the idea of cultures as distinct entities is rejected, the demonstration of the following is particularly problematic: 1) how is the culture that benefits from these measures defined, i.e. who is part of the culture and who is not? and 2) how is this culture delineated from general society and how is this separation justified?

A second, more serious problem is the accusation of relativism. If the solutions in question open the door for allowing cultural rights to encroach on the autonomy of individuals, on what grounds do they justify this? The value-pluralist response that a concern with autonomy is itself a "Western", ethnocentric idea, does not hold in light of the Individualist-Liberal view of culture. So-called "Western" ideas about liberalism and autonomy should be evaluated not on the basis of their *origin*, but on the basis of rational argument, that is their *value*. It is an idea's strength (in terms of value) that enables it to be cultural by *convincing* individuals to participate in those ideas. As such, they should always be up for re-evaluation.

While it may be true that consensus on the value of certain ideas is difficult if not impossible, the alternative, a cessation of inter-cultural conversation based on pessimism about whether inter-cultural consensus is possible, is no solution at all. To allow the encroachment of individual autonomy solely on the basis that certain cultures do not value (individual) autonomy in the same way

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[16] In this regard, see Andrea Baumeister's discussion of Schachar's idea of "transformative accommodation". According to this idea, government and a minority group can divide jurisdiction over important matters so that no group controls all aspects of the issue. Baumeister uses the example of marriage, where the minority group can have a say about the legitimacy of the wedding, i.e. whether it is recognised as a marriage, while the state can have a say about the financial and custodial aspects of the marriage (Baumeister, 2003: 253-254).

as the "West" can therefore not be a *rational* justification of encroachment of individual autonomy.

Solutions regarding representivity and differentiation of self-rule are then necessarily reduced to arguments for political solidarity. Based on the fact that some groups in society reject "Western" values (though it is never clear whether such a rejection is acceptable or justified) these solutions propose measures that decrease the feelings of marginalization people in these groups feel, which contributes to stability, solidarity and peace in society (cf. Baumeister, 2003: 753-754; Ivison, 2005: 175-176). However, without serious consideration of the justification of certain groups' rejection of individual rights, how and on what grounds can we weigh up the loss of individual autonomy against the gain of solidarity?

1.4 The liberal alternative

Given the problems Taylor, Kymlicka and others face, is a return to basic liberal concepts not the most satisfying solution? As mentioned in the Introduction to this dissertation, a liberal approach retains a certain simplicity and elegance to it and intuitively appears to be well-suited for accommodating differences and ensuring fair co-inhabitancy of public spaces. However, what may appear to a "Western" mind as fair, may not be universally accepted as such. The growing awareness of the cultural conditioning involved in traditional liberal approaches and important liberal concepts also forces us into further investigation. Whatever the defence for a liberal position may be, it still rests on certain notions that are themselves culturally conditioned or at least contingent. One such notion is the importance placed on procedural rights and measures aimed at maintaining a neutral public space.

This has led to criticism from communitarian and contextualist thinkers such as Taylor and Alisdair MacIntyre. They argue that procedures can only be accepted as valid when it is accepted that following them is *good*. Proposing

liberal, procedural measures that lean towards the protection of individual autonomy can therefore be considered to be an introduction of a "Western" substantive good.

This criticism (depending on one's conceptualization of culture) is not necessarily damning and one does not need to deny the "Western" and cultural origin of liberal procedures to address it successfully.

A rebuttal of such a criticism can take many forms that represent a wide variety of arguments and theoretical backgrounds. What they have in common is the conclusion that the cultural origin of liberal procedures does not constitute a convincing argument against the importance of liberal, procedural approach to multiculturalism.

Richard Rorty (1989: 84-85; 1991: 206), for instance, represents a pragmatic approach to such problems. He does not deny the "Western" origin of such liberal procedures, nor does he attempt to defend them on the grounds of any form of final reason. He simply argues that it is the best system (seen from the perspective of liberal democracy he espouses) we have at present that also provides for each person to live the life s/he chooses. So, although such procedures might be "ethnocentric", it is an ethnocentrism that allows value pluralism. Leszek Kolakowski (1980) follows a broadly similar argument, though he is more willing to rationally *defend* the advances that "Western" culture has achieved for the advancement of multicultural societies.

Habermas, on the other hand, argues that procedures need to be intersubjectively validated, that is, agreed upon by the different parties. Participants necessarily have to assume the possibility of consensus; if they do not, their interaction would cease to be rational debate. This follows from his theory of communicative action, which proposes that participants in an

argument cannot but aim at rationally achieved consensus, free of domination, or else they commit a performative contradiction (Habermas, 1986: 259). Thus, even when we debate procedures, the debate has to presuppose the autonomy of its participants. Procedures that protect this autonomy, then, do not merely represent a "Western" substantive good, but are necessary goods to which participants in arguments need to ascribe.

> "(T)he normative substance of modernity, above all self-determination and self-realization, can be defended in a different, strictly post-metaphysical, form. The ideas of the Enlightenment are not simply pure abstractions: they are inserted into everyday communicative practice, and thereby into the life-world, as unavoidable, often counterfactual, presuppositions...." (Habermas, 1986: 227; see also pp. 254-259)

To a certain extent, we agree with Habermas' approach with regard to the importance of an assumption of the possibility of consensus. If parties to a debate do not strive for some form of a shared understanding, the dialogue is pointless. Likewise, we hold that certain forms of critique cannot be charged with ethnocentrism, regardless of their origin. In particular, we argue that to charge the use of logic as a "Western" practise, one closes down any possibility of rational consensus. While it is possible to regard certain premises as being cultural in origin, the laws of logic that govern how these premises lead to conclusions need not be regarded as cultural: a non-sequitur is as much a fallacy now in South Africa as it was 200 years ago in China.

However, we believe it is possible for two participants to reach axiomatic[17] differences, fundamental disagreements about premises that are

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[17] Principles or assumptions are regarded as axiomatic when they themselves cannot be proven by reason, because they are the assumptions or principles that underlie all our subsequent arguments. An example from Mathematics reads as follows: 'Any real number added to a real number is also a real number.'

insurmountable by further reasoning and dialogue. Nevertheless, presupposing that an argument will end in this insurmountable difference is counterproductive, because much can be agreed upon before that point is reached.

Where the liberal approach does not work, it is necessarily not accepted by one of the parties in a conflict, and, as such, has the character of being *imposed* on that party, not agreed upon by both. Likewise, even Habermas' argument may serve to close up (rational) debate, rather than opening it. The prioritised position enjoyed by autonomy[18] does very little to contribute to dialogue. Please note that we do not propose that valuing autonomy is to be abandoned. We merely suggest that, to enter this assumption into a debate without putting it up for scrutiny, serves to exclude from the beginning the notion of a culture that is to be protected alongside individual freedoms. Consequently, the dialogue stops there and then. To enable dialogue between parties in multicultural conflicts, the prioritised position of autonomy and the relationship between personal autonomy and cultural protection will need to be investigated.

Furthermore, it is important to note that, if one can conceive of cultures in a manner analogous to how one views autonomous persons, then arguments such as Kymlicka's would be strengthened considerably. In fact, he would have shown his approach to be consistent with a liberal approach and liberal thought would have been successfully adapted to deal with multicultural situations and the more traditional, restricted form would be shown to be inadequate. Once again, we propose that the success of the arguments, hinges on how culture is conceptualised.

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[18] The prioritisation of autonomy refers to the fact that culture's value is seen to be derived from the value it has in providing meaningful options to individuals. As such, autonomy's value is primary and culture's value is a derivative thereof.

1.5 Concluding remarks

Not only does an alternative conceptualization need to address the problems outlined above (see sections 1.1.1-3). It has further challenges, namely to provide an alternative conceptualization that makes it possible to think of distinct cultures, while still maintaining an 1) anti-relativist and 2) anti-essentialist stance.

Firstly, the alternative conceptualization will need to show that it also makes it possible for rational dialogue (and perhaps consensus) between cultures to be reached. If not, we have to abandon totally the ideal of rational debate in favour of power and violence.

Secondly, the alternative conceptualization will need to show that it does not lead to an essentialist view of culture. This is so, because anti-essentialism has strong *empirical* evidence in its favour: cultures simply aren't homogenous. Moreover, as discussed above, essentialism, like relativism, leads to situations that exaggerate differences and comes to deny the possibility of meaningful debate, which does not add much to our enlightenment in areas of multicultural conflict.

We suggest that one way out of these problems would be to employ a conceptualization of culture that makes it possible to delineate cultures, at the same time allowing for disagreement within the culture and without reducing the culture to a false essence. We suggest than one possible way of arriving at such a conceptualization is to attempt an analogy with how we view personal identity.

As with delineation, we propose that one way of arriving at a conceptualisation of a culture reorganizing itself is to attempt an analogy with how we view personal autonomy. This will be the focus of discussion in Chapters 4 and 6.

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In this regard, we propose, as an initial step, approaching culture as a system of meaning. In the following three chapters, the concept of culture as system of meaning will be developed with reference to the work of Niklas Luhmann. With reference to the problems of delineation of cultures, the legitimacy of claims to cultural protection and the public inhabitancy of cultures, it will be shown how the concept of culture as meaning-system allows for anti-relativism and anti-essentialism while avoiding the abovementioned problems, by showing:

1) That the concept of culture as system of meaning allows us to conceptualize the cultural system as a system constituted by communicative relationships between individuals and that if we are to think of "cultures" as discernible entities, the boundaries of such "cultures' would have to be defined in terms of qualitative differences in the communicative relationships between those on the inside and those on the outside of a "culture".

2) That characteristics by which we identify and define personal autonomy, such as self-reference, can also logically be ascribed to cultures and

3) That, on the basis of such an analogy with personal autonomy, certain criteria for the legitimation of occupation of public spaces and institutions can be generated.

CHAPTER 2

CULTURE AS A SYSTEM OF MEANING

In this chapter, we set out to define culture as a system of meaning. To start our discussion we offer an initial, provisional definition of 'meaning', keeping in mind that this definition will be extended and refined by a proposed systems view of meaning.

2.1. Initial definition of meaning

Our initial, provisional definition of meaning follows the conception of meaning as set out by H.W. Rossouw (1980). In this view, meaning refers to "the relation that (data) has to the understanding person" (Rossouw, 1980: 19). This distinguishes the process of understanding meaning from the process of conceptualization. In the latter, the person establishes the relations between phenomena as a disinterested, neutral observer. When, on the other hand, a person understands the meaning of some phenomenon, s/he gains clarity on the *relevance* that the phenomenon has for his/her existence. The person thus does not stand in a disinterested relation to the phenomenon, but is *involved* with it. Put differently, "meaning is the way data show their relevance, their value for the person in his/her concrete life orientation" (Translated from the Afrikaans in Rossouw, 1980: 19). Therefore, meaning is always experienced as meaning *for* the person who understands the meaning; it holds value and relevance for his/her life. This also means that future behaviour is an inherent part of the meaning that was found: meaning is understood when we receive an 'answer' as to how to go forward, what to do next or how to react to something.

The systems approach we propose in this chapter uses the above conceptualization of meaning as starting point. However, insights from

systems theory allow us to refine the concept further, which allows us to gain clarity on how meaning, which is understood by *individual persons*, relates to culture. We will show that such an approach maintains the key features of our initial definition, with the added advantage of providing more precision on questions concerning the relationship between meaning, the individual and culture. In this regard, we will draw on the insights of Niklas Luhmann's work on so-called auto-poietic systems. However, our view differs from his in some key areas, which we will discuss.

2.2 A systems approach to meaning

For the purposes of our discussion, we define a system as something 1) consisting of a number of elements that are in interaction with one another; 2) that has a boundary, that is, some form of demarcation that shows us where the system ends and where its environment begins, i.e. distinguishes between system and environment; and 3) processes inputs from its environment and thus produces outputs.[19] Some examples will serve to elucidate point 3): a word processing programme, for instance, is a system that processes the computer user's typing and produces text in an electronic format. Likewise, the respiratory system processes air from the environment and produces oxygenated blood.

With regards to point 1) above, it is important to keep in mind that, according to a systems perspective, the elements in a system are not pre-given entities; elements only are what they are because of their relationship to one another (Luhmann, 1995: 20-22). "(T)here are no elements without relational connections or relations without elements" (Luhmann, 1995: 20). With regards to point number 2), we note that the system boundary determines how the existence of the system is defined. If the boundary no longer exists, the system also ceases to exist. Such a boundary, however, does not serve to

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[19] Point 3) is necessary to differentiate systems from mere *sets*. Where the elements in a set may be related to each other, e.g. by having common characteristics, the elements do no interact with one another to process inputs.

close off the system from its environment and cease its interaction, it simply demarcates which elements belong to the system and which belong to the environment. The system continues to interact with the environment nonetheless.

How we think about system boundaries has been stimulated considerably by the work of system's theorists on the concept of auto-poiesis. It is worthwhile to discuss critically the notion of so-called auto-poiesis and auto-poietic closure, as put forward by Niklas Luhmann. In the way in which Luhmann uses the term, auto-poietic systems can be defined as systems that produce their own elements.

> "Auto-poietic systems, then, are not only self-organizing systems, they do not only produce and eventually change their own structures; their self-reference applies to the production of …(their) components as well…Thus, everything used … by the system is produced … by the system itself." (Luhmann, 2003: 66).

By creating their own elements, systems also continuously re-introduce the boundary between system and environment. The system does not create its own environment. For instance, from our example above, the word processing programme does not produce the user's finger movements on the keyboard. However, whatever is given by the environment is not given *as an element* of the system. Rather the system *processes* the given *as* an element, which then becomes part of the system and its functioning. For instance, the word processing programme processes typing as digital data. The data are the elements, not the finger movements. Put differently, the data are elements of the system, while the finger movements are part of the system's environment. Moreover, only the data, not the finger movements, are used in the system's functioning. The programme's process thus establishes what systems theorists refer to as auto-poietic closure: the boundary between system and

environment is at once open (because interaction between system and environment still continues freely) and closed: only the elements the system has itself created are included in the system's functioning.

Likewise, just as the word processing programme processes typing as data, so systems of meaning process experiences *as meaningful,* as we will discuss in more detail below. In the case of systems of meaning we can therefore state that systems of meaning interpret experiences given by the environment. As such, the new meaning becomes part of the system and helps determine how subsequent events are interpreted. The system, however, does not produce the actual experiences, it only interprets them as meaning. These 'meanings' (according to Luhmann's account) are then the elements of the system. By interpreting events as meaningful, the system re-introduces the difference between system and environment and establishes its own boundary (Luhmann, 2003: 67).

At the risk of getting ahead of the discussion, we feel it is important to note here that we believe Luhmann's application of the term auto-poiesis to be problematic. Luhmann applies the concept to the ideas of *psychic* and *societal* systems. Both are systems of meaning, but whereas the psychic system auto-poietically produces consciousness through the interpretation of experiences, societal systems auto-poietically produce communications by interpreting the actions between subjects as communication. We will discuss our proposed definition of psychic systems later. For now, it is perhaps helpful to think of the psychic system as to some extent synonymous with what we would traditionally refer to as the subject. Furthermore we will also propose that Luhmann's 'societal systems' be replaced by what we will call 'cultural systems' and discuss our definition of the concept.

In applying the concept of auto-poiesis to psychic and societal systems, we believe Luhmann relies too heavily on an analogy with biological systems

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(where the idea was developed). In biological systems, the body continuously creates new cells (its elements), replacing dead cells and thus continuously re-establising itself as a system (the body) distinct from its environment (everything that is not the body). Luhmann's over-reliance on this model leads him to posit 'meanings' as the elements produced in psychic and cultural systems. This is problematic. As we will discuss in more detail in section 2.3, we believe that the system's interpretation of experience given by the environment can be conceptualised with more clarity as *an activation of a system of distinctions*. These distinctions are then the proper elements of a system of meaning, and, bearing in mind that they exist only in their relation to other distinctions, are 'created' only though a process of restructuring the whole system. One could then argue that it is a process more aptly described as self-organisation or self-structuring through which the whole system is 'renewed', rather than introducing the idea that elements were continuously created. However, notions of self-organisation or self-structuring retain the idea of the system/environment boundary being introduced every time the system as a whole is renewed. Such notions also retain the idea of the system being at once open and closed. The system is open because it continues to interact with the environment and is influenced by changes in the environment, but is also closed because it is never the experience itself but only (for instance) its representation as an activation of a system of distinctions that is included in the system's functioning.

2.2.1. Luhmann's account of meaning

Despite our reservations about the application of the concept of auto-poiesis. Luhmann's approach to meaning provides us with a useful starting point to develop a systemic view of meaning. In applying a systems approach to the concept of meaning, Luhmann (1995: 28-29) retains the basic features of our initial definition of meaning. In accordance with a systemic view, he treats meaning as something pertaining to the relationship between the system and

its environment. As we will discuss below, this relationship entails a reduction of complexity.

Luhmann starts his account of meaning with a phenomenological analysis of how experience is encountered by the system. The main feature of this experience is that of extreme complexity. With the term 'complexity', Luhmann refers to the fact that the environment presents the system with such a vast variety of elements and relations between elements, that it forces the system to *select* a reduced number of elements and relations to attend to (Luhmann, 1995: 28-29). It thus refers to the impossibility of attending at once to all possible ways of relating the elements in its environment. An implication of complexity (as Luhmann describes it) is therefore a need to make a selection and focus on certain elements while relegating others to the periphery.

Moreover, meaning must be distinguished from other forms of reducing complexity, because other organic systems, for instance the lungs, also select from a manifold of data (i.e. blood, different minerals, carbon dioxide, etc.) by only allowing one type of data (oxygen) to be processed (Luhmann, 1990: 26).

Meaning is differentiated from other types of selection by its dual structure. Firstly, meaning is the form of selection that allows the actual given data of experience to also refer beyond itself to other possibilities of experience. For instance, if we were to experience 'a dog barking at us' (and by identifying it as such we have already ordered the experience), this would already refer to the potential experience of what we expect a dog might do, what barking is associated with (e.g. aggression or fear) and what would most likely happen if we were to try and approach the dog or aggravate it further. Thus, by ordering the actual given data, we have allowed it to refer to these potential experiences. This is done, as we shall see in more detail later, through the system's participation in a complex network of negations.

Luhmann sees the inclusion of potential experience as having an adaptive function: without it the individual/system would be restricted continually to the actual data and it would have very little capability in regulating behaviour and directing experience. Including potential experience allows the system a far greater extent of regulation and direction of experience (Luhmann, 1990: 26-27), for instance by being able to make predictions, have expectations, make assumptions, and various other heuristic cognitive techniques we use in day to day existence.

Secondly, meaning is the ordering of experience that then selects from this overabundant complexity (both actual data and potential experience) by bracketing out certain actual and potential experiences, while focusing on others.

Meaning thus refers to the way the system orders the experience given by the environment. By doing so, the system reduces the complexity of the environment, so that the system can have a "conscious grasp" (Luhmann, 1990: 44), almost like a map, of how it stands in relation to the environment, providing it with means to orientate itself in its environment (Luhmann, 1990: 49). In this regard, we can see that, despite putting it in systemic terms, Luhmann retains the basic aspect of meaning as serving to orientate the person in his/her world, which shows the person what to make of things and what to do next. That Luhmann uses systemic terms instead of the usual 'subject' or 'person' living in 'the world' owes to the fact that he regards both subject and world to be produced auto-poietically and therefore considers the systemic terms to be more basic and fundamental. It also allows him to argue that systems of meaning could refer to both individuals and societal systems. Luhmann refers to both the individual and the social system as meaning constituting systems (Luhmann, 1995: 37, 51). As we'll show, this is somewhat problematic, and needs a clearer distinction between the individual and the social system. For the time being, we propose that we think of

meaning as something experienced only by the person or more specifically, the 'psychic system'.

Before moving on to the next section, some criticism of Luhmann's approach is pertinent and needs to be addressed here. Luhmann's approach, while being a systems approach, is also simultaneously a functional approach, defining meaning in terms of the system's adaptation to its environment. This has opened it to criticism from Habermas, who argues that the systems approach is a technocratic approach. If meaning is defined in terms of its adaptive function, efficacy, self-survival and growth would come to dominate values such as consent, fairness and agreement (Habermas, 1989: 301-302).

Habermas argues for an intersubjective approach where participants in a conversation act with the goal of reaching agreement (Habermas, 1986), implicitly opening the statements they make to scrutiny according to the norms of truth, rightfulness and truthfulness. What is true, rightful and truthful is defined as what would be agreed upon by participants in an ideal speech situation, where the only force is the rational force of the better argument.

As our discussion of Luhmann's approach will show, an intersubjective approach to meaning is incorporated in his account of meaning. Agreement and disagreement between people is thus an essential part of his theory of meaning. Yet Luhmann's approach is not *only* an intersubjective theory of meaning. He starts from a phenomenological analysis of how experience is processed as meaning by the system. As such, the 'function' of meaning is none other than what we proposed in our initial definition of this chapter, that is, to orientate the person in his world. To typecast his theory as technocratic is in our view not fair. Given that some form of intersubjective agreement is already at play in our meanings, the values that we have are not self-serving

just because it provides us with a meaningful way to live.[20] Moreover, by retaining the idea that meaning functions to orientate one's life, a functional systems approach has the advantage over a purely intersubjective approach in that it allows us to conceptualize cases where interlocutors cannot, despite the utmost willingness and rational capacity, agree on values, because they simply find it impossible to apply it to their own lives.

Therefore, we argue that Luhmann's theory cannot be faulted merely for its functional approach. In contrast, our critique of Luhmann's theory is aimed at his understanding of systems of meaning as auto-poietic (as discussed) above, and his conceptualisation of 'meanings' as the elements of system. We will argue, in the following section, that positing 'meanings' as the elements of the system causes unnecessary complication and leads to a lack of clarity in the distinction between psychic and societal systems.

2.2.2. The system's ordering of experience

While retaining the essence of our initial definition of meaning, a Luhmannian systems perspective holds certain key advantages when we start to consider how the system accomplishes the ordering of experience. This needs to be done with reference to the question of what we regard as the elements and relations between elements of the system. This will allow us more precision in defining the relationship between individual, meaning and culture.

What Luhmann's systemic view of meaning proposes is that (a) meaning needs *identity* to retain its dual operation of adding potential experience to actual given data and then selecting from it; and (b) identity (and thus meaning) is necessarily constructed with reference to 1) an independent

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[20] A systems approach to meaning therefore still dictates an *interpretive* rather than an *explanatory* approach to the study of meaning. One example is Clifford Geertz, exemplary of an interpretive approach in cultural anthropology, who also employs a systems view when he defines culture as "a system of inherited conceptions expressed in symbolic forms by means of which people communicate, perpetuate, and develop their knowledge about and attitudes toward life" (1973:89).

environment or world, 2) other subjects and 3) a temporal dimension that makes duration of identity possible[21]. If it does not, meaning loses its adaptive function.

As discussed above, part of the structure of meaning is that it allows the actual given experience to refer beyond itself to potential experience. Reference to other possibilities of experience is made possible by the process of what Luhmann calls 'identification' (Luhmann, 1990: 37). Identity here refers to the unity of a manifold of various possible experiences, so that a single concept can refer at once to all the potential experiences. If for instance, we identify someone batting an eyelid as 'winking', our experience of someone batting an eyelid, *by virtue of identifying it as a wink*, includes all possible experiences of this wink, e.g. that that person is flirting and will welcome me flirting back, etc. Similarly, our experience of everything else in the moment can be identified as a "something". Based on this identification, a selection can be made and the experience is made meaningful, e.g. because we have identified the batting eyelid as a wink, and perhaps further interpreted it as a flirtatious act, it becomes the focus of our attention and the rest of the experience is bracketed away as being part of the background, as being the context of the wink.

Bearing in mind that meaning is the ordering of experience, it follows that this ordering is not given as such by the environment, but is an achievement of the system itself. Hence, the identities used to order experience are constructions by the system.

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[21] We do not discuss the temporal dimension at length here. Luhmann's discussion of this is lengthy and includes theories as to how the construction of time as being a continuum (along which the present is always moving forward) is related to a modern world view. What is relevant for our discussion is only to consider that the experience of time needs to be constructed in such a way that the duration of identity over time is possible, that is, that a thing may be regarded as the same thing at two moments in time.

The construction of identities takes place within a system of negations (or distinctions) and with reference to the possibility of a construction being confirmed or disconfirmed by others. Now, because things are not given *as things* by the environment, identification is only possible in a system of negations: it is what it is only by reference to what it is not. If one considers that the same process is applicable to the things that are thus negated (to be negated, it too has to be identified), it is clear that a circular reference is present here.

Luhmann does not discuss the implications of this circular reference. However, insights from structural and post-structural thought show us that, in the context of a system of distinctions, the identity of something can only be pinned down by a *decision*. Such a decision restricts the process of circular reference; it stops it at a certain point, which allows us to fix identity. For instance, if X is defined as not A, not B, etc. and each of the latter are defined similarly, the circular reference is stopped when one of the referents (e.g. A) is treated as having a self-evident identity, which allows us to identify other things in terms of it. Thus the formed identity has an artificial and constructed character.

 At this point we start our departure from Luhmann's views. While Luhmann suggests the idea of identification taking place through a system of distinctions, he does not follow through on the idea. Luhmann posits 'meanings' as the elements auto-poietically created by psychic and societal systems. This implies that the system is made up of 'meanings' as its elements and the relations between them. Now, if meanings can only be identified within a system of negations (or distinctions), the idea of a system with 'meanings' as elements adds no explanatory or clarifying power. Furthermore, these meanings are more accurately described as the system states of a system of distinctions, i.e. as a pattern of activation of a system of

distinctions. The logical conclusion is that Luhmann then actually proposes a system in which the elements are system states.

This is an unnecessary complication which leads to a number of problems. Firstly, if 'meanings' are the elements of the system, it leaves the question of how these meanings are related. This requires Luhmann to conceptualise the meanings realised from one experience to the next as having an impact on meaning structures which condition the realisation of the next meaning. The implication is that a system of 'meanings' (that is, a system where the elements are 'meanings') in any case requires us to think of a system that allows 'meanings' to be stored. We propose that this difficulty can be solved by positing psychic systems as systems of distinctions, and discuss the idea in more detail below.

A second problem with Luhmann's conceptualisation of 'meanings' as the elements of the system, is that it obfuscates the distinction between individual psychic systems and societal systems. Luhmann (2003: 66) posits both psychic and societal systems as producing meaning, albeit two different types of meaning. He distinguishes between them on the basis that societal systems have communications as elements, that is, auto-poietically produces communication, while psychic systems produce consciousness. Thus it is the psychic system that we would normally refer to as the individual's mind.

In societal systems, the actions between subjects are interpreted as communication. Put differently, the action of one's interlocutor, whether it be an utterance, a facial expression, a gesture, etc., is seen as trying to convey meaning. This means that it is not the action itself which becomes part of the system, but the communication produced by that action. It only becomes communication when the system understands the action as a communication. (Luhmann, 2003: 68-69, 73).

Now, what Luhmann describes as a societal system is in fact better described as a cultural system. 'Societal system', in our opinion, is somewhat of a misnomer: it connotes the interplay of many other systems, economic, political, etc., that pertain to the way humans live together. Where the cultural system interprets an action as communication, the economic system interprets actions as (economic) transactions, while a political system would interpret an action as, for instance, an expression of power. Moreover, it is pertinent to this dissertation to point out that a single society may contain various different systems of communication, what we would call cultural systems. It is precisely this relation between society and its cultures that is often at the root of many multicultural conflicts, as we will discuss in Chapter 5.

As such, we propose that the term 'societal system' be replaced with the term 'cultural system'. While we can conceive, for instance, of the same event (a financial transaction between a government official and a businessman tendering for a government contract) as simultaneously 1) a communication that has meaning within a cultural frame of reference 2) an economic transaction and 3) an action that has political implications, the distinction between the different systems allows us to analyse it with more clarity. It allows us, for instance, to conceive of a political system interfering or benefiting a certain culture over another, or of an economic system exerting a certain influence over a political system, or of a cultural system informing certain political practices. The ability to conduct analyses such as these is pertinent for our discussion (in Chapter 7) of the ways in which other types of systems can impact on cultural matters.

However, while these three systems - cultural, political and economic - 'interpenetrate', only the cultural system is concerned with meaning. The other systems are not, strictly speaking, systems of meaning. To retain Luhmann's acuity of analysis that pertains to systems of meaning that

produce communications, we would do better to stick to the term culture. In section 2.4, we will continue to define our concept of cultural systems. Presently, however, we turn to the concept of 'psychic systems'.

2.3 Psychic systems

More problematic for Luhmann's account of systems of meaning is his account of psychic systems. Specifically, his account rests on what they produce, namely, consciousness. This is a problematic notion.

Firstly, he gives no indication why the psychic systems cannot produce meaning unconsciously. It seems to contradict the dual structure of meaning, that is, of an increase of potential experience and selection from complexity. This would mean that that which is not selected (and presumably becomes unconscious) is part and parcel of the structure of the meaning realised by the individual. Moreover, there is no reason given why we should be conscious of realised meaning for it to serve its adaptive functioning. As a counterexample, we can easily think of unconscious material that already serves this function without being available to consciousness. Becoming aware of unconscious meanings, as one does in, for instance, psychotherapy, certainly enhances one's ability to evaluate that material, thus enhancing one's adaptive regulative ability. However, as part of the unconscious, such material has already had meaning, had already played a part in one's functioning. It is exactly its functioning that has to be discovered by consciousness.

Furthermore, repression of certain meanings (i.e. not allowing it to enter consciousness) within the psychic system can be regarded as central to its functioning. As discussed above, the circular reference between distinctions is arrested by decisions that treat certain referents (of those involved in the circular reference) as having a self-evident identity. Each decision then has the effect of creating *hierarchies of distinctions*: When one referent is treated as more self-evident than another, it gains priority over others. It is hierarchies

such as these that post-structural thinkers aim to deconstruct. As decisions are necessary parts of the processing of meaning, it follows that the psychic system's processing of meaning necessarily creates hierarchies. Every decision corresponds to a certain way of making sense of an experience and every decision is by definition one of many possible decisions that could have been made. Therefore, when a decision is made, other possible decisions have been precluded and for each decision thus precluded, there is a corresponding meaning that was repressed.

A second problem with defining the psychic system in terms of consciousness is that we struggle to define it meaningfully. We cannot define consciousness in neurological terms, that is, in terms of the firing of neurons; if we do so, we are talking about a biological system, not a system of meaning. The problem Luhmann's theory faces is to define consciousness without rendering it 1) biological or 2) metaphysical.

These problems can be eliminated when we consider psychic systems as those systems that *uniquely* produce meaning (as system states, not elements) by interpreting events as meaning. They, and not culture, are thus the systems that produce meaning. The psychic system as proper system of meaning can be distinguished from culture, which we will later define as a system of meaning of the second order.

We define the psychic system as that system of distinctions a person has access to at the moment of the event. A psychic system is thus specific to a person. No psychic system can be separated from its person, because the meanings it interprets involve the person's orientation to his/her world.

There might be similarities between one person and the next which allow us to speak of a shared system of distinctions, or a shared conceptual background:

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a great deal of the construction of a psychic system is owed to meanings communicated by other people, for instance the norms and values learnt from interaction with parents, peers or the media and as we have seen all realised meanings refer to some extent to other subjects for agreement or disagreement. However, the person ultimately encounters these communications as meaningful to him/herself; the meaning ultimately relates to only this one person's life. The psychic system is thus the system whereby a person interprets events as meaning and we consequently define it as proper systems of meaning.

When we define the psychic system as a system of distinctions, we re-introduce the idea that meaning is best thought of as an activation of a system of distinctions, all of these distinctions being defined in relation to other distinctions.

When a psychic system interprets an event as meaning, the meaning is realized when 1) the event activates a system of distinctions. All these distinctions are defined in terms of each other and therefore a decision needs to be made to restrict the circular reference to allow the identification of things; 2) a selection is made from the overabundant complexity (both actual and potential data), i.e. the system decides what in the experience is foreground and background respectively. With every meaning realised, the relations between distinctions change, thus meanings become part of the system of distinctions by being "stored", as it were, in relations between distinctions (Luhmann, 1995: 71).[22]   The system of distinctions at any given moment therefore reflects all prior meanings and any new experience is constituted

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[22] Luhmann does give indications that this is in fact what he had in mind when conceptualizing meaning as in relation to other meanings. He suggests, for instance, that the identity of a meaning, that is, being able to identify it as a certain meaning as opposed to others, it constituted by an intricate system of distinctions (Luhmann, 1990: 43-44). Elsewhere, too, he refers to meaning as the processing of differences (Luhmann, 1995: 71). However, he does not seem to consider its implications when making his distinction between social and psychic systems.

only through reference to these prior meanings as they are reflected in the system of distinctions.

In this regard, it is worth pointing out that all the phenomena we usually term 'psychological' can be described in terms of meaning. In the rest of this dissertation, for instance, reference will often be made to psychological phenomena such as thoughts, desires and memories. Each can be described as an interpretation of experience. All our thoughts about the world and all our renditions of facts and states of affairs, however impersonal, carry with them the importance and relevance these facts may have in our lives. Our experience of something as a desire already involves us interpreting the stimuli or data presented to us by our bodies in a certain way. The same is true of our experience of emotions. The fact that bodily data is often misinterpreted, for instance in the case of panic attacks, provides a real world example of how emotions are always already *interpreted* emotion. If not, they are only instinctive, bodily reactions. Moreover, desires and emotions serve to orientate us in the world, they posture and prime us for what we want or need to do next. As such, they are answers to the question of meaning. Furthermore, memory, specifically episodic memory, can be conceptualised as the interpretation of experiences as events that had happened to us. We of course also store knowledge about the world in our memories. This is known as semantic memory. This storage can be conceptualised as consisting of the strengthening of relations between certain distinctions. As such, semantic memory is formed, and is at play, with every interpretation of meaning.

Having thus defined the psychic system, we conclude this section with a proposal as to how the concept of the 'psychic system' relates to the notion of 'the person'. Taking into account that each psychic system belongs to a person, we propose that the individual be defined as that singular point where the biological and psychic systems interpenetrate. This means that, for the purposes of our discussion, we view the person to be comprised of both

biological and psychic aspects, which are intimately linked to each other. In fact, all processing of meaning is also simultaneously a brain process. We can thus define a person as an organism that interacts meaningfully with his/her environment. This includes his/her interaction with other persons. A person is thus an organism that can interpret his/her experiences as meaning, and in so doing orientates him/herself in his/her world and finds him/herself in communicative relations with others. As such, the psychic system (which is the system of meaning interpreting experiences as meaning) cannot be thought of as a separate entity from the organism, specifically the body. However, the distinction between psychic and biological systems remains important as the two refer to different levels of analysis: analysis of the biological system would focus on the organism itself, while analysis of the psychic system pertains to *meanings* and therefore to the *relationship* between the organism and its environment. The biological and psychic aspects of the individual will be important when we consider how we think about the identity of individuals and whether one can think of "cultures" as discrete entities.

2.4. Cultural systems

In the previous sections, we have discussed identity formation as an integral part of meaning. We now turn to the social dimension of identity formation, which will provide us with a starting point from which we will define cultural systems more closely.

For an identity to have an adaptive function, that is, for it to be successful in allowing the system to select from an overabundance of possibilities, it has to be perceived as being *given as an identity* by the *environment*, and not as *constructed as such* by the *system*. The system needs to be able, for instance, to trust its expectations; it needs a measure of objectivity, namely that things are as they are, independent of the system. This is because identification is risky; it could vary in its adaptive value, e.g. the accuracy of

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the predictions it allows one to make. This means that we bear the consequences when we identify something simply as we like. When we identify the batting of an eyelid as a flirtatious wink, and then act on it, we run the risk of the embarrassing discovery that it was, in fact, only a nervous twitch. Thus the formed identity needs to refer to a world independent of the system that gives things as they are. Therefore, constructing identities also involves constructing the system as existing in an environment of things that are *given as things* by the environment.

This construction (of the environment as independent), according to Luhmann, is accompanied by the construction of other people as experiencing systems, that is, as having their own experiences just as I do. Put differently, they become constructed as subjects, just as I am, in relation to the world of objects. Luhmann discusses this as the construction of the social dimension of meaning. According to Luhmann, the construction of the independence of the environment is not possible without the construction of the social dimension.

> "An essential requirement for this process of the intersubjective constitution of a meaningful world of objects is the *non-identity of the experience of subjects* (Luhmann's italics). Only this makes possible the separation of the subject living inextricably within his experience from the content of this experience; his objects are also those of the other subjects …." (Luhmann, 1990: 38).

Luhmann does not show, however, exactly why this is *necessarily* so, only that the construction of the co-existence of other experiencing subjects leads to adaptive gains,[23] that is, that more sophisticated meaningful experience is

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[23] The adaptive gains of social instruction and modelling is discussed thoroughly by Van Niekerk (1986: 10). He highlights the role others play in our familiarity with and orientation to our worlds. "We learn from others how to behave, and therefore how to survive, in the world of things. As little as I could survive in and cope with an environment such as a mid-African tropical forest, as little, I suspect, could a native of such a forest environment orientate himself in a city without inter-subjective contact, example and instruction." (Van Niekerk, 1986: 10)

possible once other subjects have been constructed. He also mentions that it is a mark of societal evolution that all people be included as being subjects (Luhmann, 1990: 39). It is conceivable, however, that meaningful experience is possible without positing others as subjects when we consider pre-linguistic, rudimentary meaningful processing. An infant's attachment to his/her mother already serves as an orientation to his/her world, already serves to reduce the complexity of his/her environment. This is an example of a social process impacting on meaning-processing *before* the infant can construct his/her mother as another subject. Likewise, basic conditioning can occur pre-linguistically and without regarding positive feedback as emanating from a subject.[24] Autistic people, for instance, are thought to live in a world of their own, not regarding others as subjects (Culbertson, 2001 in Louw & Louw, 2007: 160). Yet, they interact meaningfully (although pathologically and with significant social problems, but still meaningfully in the sense that some of the environment's complexity has been reduced and some orientation achieved) with their environment.

We would argue that what is essential and necessary for the system to construct an independent environment is the possibility of receiving disconfirming feedback from the environment. Most typically, this could be in the form of social interaction, e.g. a mother teaching a child that not all four-legged animals are cows (in fact, in early childhood, most feedback is social as most of the child's environment is in fact its mother). Feedback, however, does not need to be social in the strict sense, that is, as coming from another subject. It only needs to validate or disconfirm the individual's views. Studies in cognitive psychology in the field of connectionist neural networks, show that

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[24] A counter argument to these examples would be that the examples can just as easily apply to many types of animals. Many mammals show attachment behaviour and can be conditioned to make associations, thus establishing very basic systems of distinctions. *If* we reserve meaning only to *humans*, rudimentary meaning processing (whereby the complexity of the environment is reduced) is not strictly speaking meaning at all. Our position does not reserve meaning only to humans, as we see no good reason to do so. However, we would also point out that such a potential dispute is largely inconsequential to our argument, as we acknowledge the social nature of all but the most rudimentary meanings.

concept formation has confirmation and negation from the environment as an essential component in learning concepts (Eysenk & Keane, 2001: 9-11).

While identity formation does not *necessarily* require a social dimension, the construction of others as subjects can be regarded as a *vast* developmental gain. Healthy human meaning processing as we know it is inconceivable without social interaction. We would hold that most of our knowledge of the world derives from our social interaction (cf. Van Niekerk, 1986:10). Even the above experiment with connectionist neural networks is a simulation of a typical social situation. Moreover, when others are constructed as subjects, certain phenomena in the environment of things are constructed as things that can provide feedback about the rest of the environment, adding specificity and sophistication to the person's process of identifying things and adding information to which the person did not have direct experiential access.[25] Moreover, when another person converses with us, we gain access to his/her system of distinctions. Through one's interaction with this other person one is exposed to his/her system of distinctions and this exposure causes one's own system to change and develop. From developmental psychology we know that such development is most rapid in childhood. Later in life, one's system of distinctions is less open to change. Yet, even when most experiences confirm what we already know, this also changes the system in the sense that the existing relations between distinctions are strengthened, thus becoming more deeply engrained.

Therefore, while the environment can provide validating or disconfirming feedback without reference to another person, we can retain Luhmann's idea that the sophistication and nuance with which views or perspectives are validated and/or disconfirmed increase dramatically with the construction of

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[25] The concepts of confirmation and disconfirmation may thus be regarded as a zero-point on the continuum of the development of the social dimension; confirmation and disconfirmation cannot be developed to allow more meaningful processing without the construction of other people as experiencing subjects.

others as experiencing subjects, and with it, the sophistication of our meanings increases. In all but the most primitive meanings, the realisation of meaning in the psychic system rests heavily on the communicative interactions the psychic system has had with other subjects. Not only does meaning refer to a system of distinctions, each meaning in turn also refers to someone else's meanings (and whether they will validate or disagree with our meanings). This means that meaning is realised within a network or system of communicative relationships we have with other people.

Referring back to Habermas' objection (see section 2.2.1) to the lack of intersubjecitivity in systems approaches to meaning, we note here that the requirement of meaning to refer to an independent environment and to other subjects that can confirm or disconfirm meaning shows some similarities to Habermas' conceptualization of meaning in the context of communicative action. In *Postmetaphysical Thinking* (1992), Habermas criticizes the intentionalist, formal and pragmatic approaches to meaning as one-sided. Habermas offers a solution to this one-sidedness by proposing that meaning be understood in the context of communicative action. Communicative action is action undertaken with the purpose to reach agreement between speakers. As such, the expression must retain a link to the world in the form of criteria for the validity of the expression.

> "Understanding an expression means knowing how one can make use of it in order to reach an understanding with someone about something…. One would hardly know what it is to understand the meaning of an utterance if one did not know that the utterance can and should serve to bring about an agreement. " (Habermas, 1992; 78)

In a communicative action, the speaker "takes up relations *simultaneously* to something in the objective world, to something in the subjective world (i.e.

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his/her intentions, my parenthesis - JRN), and to something in the shared social world." (Habermas, 1992: 76). By showing that reference to an independent environment and to validation and disconfirmation is necessary for meaningful interpretation of experiences, the theory of meaning proposed in this dissertation retains the strengths of Habermas' proposal.

Furthermore, (although Luhmann does not do so), it is possible to show that an idea similar to the ideal speech situation is compatible with a systems approach. The system's ability to establish identity would be greatly enhanced if it develops the capacity to introduce a standard like the ideal speech situation into its meaning processing: when one psychic system disagrees with another, this disagreement needs to be processed. Put differently, the psychic system needs to consider whether it should take the other's perspective seriously. The ability to process such disagreements can be greatly enhanced if it can consider something like a generalised other, subjecting the validity of its decisions and behaviours to the standard that others would have to be able to agree with it.

However, Habermas' theory refers only to meaning in intersubjective, linguistic expressions. In this regard, a systemic, functional view such as Luhmann's has an advantage when we consider the case where there is no sender: Even in the event of an absent sender (e.g. a man walking in the woods sees the rays of sunshine breaking through the trees and attaches a certain meaning to it) the receiver still grasps the meaning of the experience. However, he still grasps the meaning with the possible consensus of an interlocutor in mind. He should, in principle at least, be able to convey his received meaning to another person, who would be able to agree with him, but he does not need to do so for him to experience it as meaningful.

It is worth noting here that others can agree or disagree with us not only on questions of fact, but also on various other questions. Others can validate our

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meanings with regard to moral/ethical issues, conceptual questions; others can sympathise with our feelings, and can reciprocate our feelings of love or disgust. Referring back to our initial definition of meaning, all of these forms of validation serve to give us more clarity and certainty on the question of what to make of things and how one should respond to it. This means that, when a psychic system realises a meaning, it is done with reference to other psychic systems (systems of distinctions). In our interaction with other people we are thus related to each other in a communicative relationship that is aimed at finding agreement about meanings. These communicative relationships are key to our understanding of cultural systems and how they relate to psychic systems.

When one person tries to convey meaning to another person, the relationship between the two psychic systems changes. For instance, if one person communicates something about which the other agrees, that which the two systems have in common is corroborated and engrained further. If one person convinces the other of something, he has effected a change in the other person's system of distinctions, and thus their relationship has also changed: their systems now have something in common which they previously did not. Similarly, if the two people disagree on something it will change the relationship between them, the nature of this change depending on how they were related prior to the communication. For instance, two people on different ends of the political spectrum might have expected to disagree; their disagreement might then have the effect of making each *more certain* of his/her position. On the other hand, a disagreement between two people who did not expect to disagree, throws old certainties into doubt.

We will now use the idea of communicative relationships to define cultural systems. As starting point we use Luhmann's idea that cultural systems

interpret actions as communication.[26] However, just as we reject the idea that 'meanings' are the elements of meaning systems, we do not regard 'communications' as the elements of cultural systems. Rather, we propose that communication is realised in the activation of a system of communicative relationships, an idea we will expand upon below.

Earlier, we proposed that psychic systems uniquely produce meaning (as system states) and are thus proper, first order systems of meanings. It follows that it is not the cultural system that interprets an event as meaning. Rather, the cultural system is constituted by the communicative relationships between psychic systems. Thus, if we consider psychic systems as proper, first order systems of meaning, then culture can be defined as second order systems of meaning, because they are constituted by the relations between first order systems.

Now, when a person acts to convey a meaning, meaning is realised in the receiver of the message and the relation between them changes. Thus, simultaneously, the psychic system interprets this event as meaning, while the cultural system interprets the action between the subjects as communication of meaning. As the respective psychic systems store the meaning through changes to the distinctions that constitute their respective systems, the cultural system stores the communication through changes to the communicative relations between psychic systems.

Thus, if we consider psychic systems as proper, first order systems of meaning, then culture can be defined as second order systems of meaning, because they are constituted by the relations between first order systems. Seen this way, culture can then be defined as 1) a second order system of

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[26] Earlier, on p.80, we proposed that 'cultural system' is a more accurate term for what Luhmann refers to as societal systems.

meaning, 2) that is constituted by the communicative relations between psychic systems.

2.5. Advantages of conceptualising culture as a second order system of meaning

Defining culture in terms of meaning (more specifically a second order system of meaning) holds certain advantages in clarifying our understanding of multicultural situations. Meaning is what so-called multicultural disputes are about. This rules out defining it succinctly in terms of people, ethnicity or a body of practices, as it is the *meaning* attached to these about which disputes are. The dilemma of so-called multicultural situations lies in the claims certain people or groups make for the conservation, respect or sanctity of what is meaningful for them and how such claims conflict with what other people find meaningful and the claim that such meaning is somehow contained in their culture. Furthermore, following Thompson's (1990) argument, we note that when the concept of culture refers to *practices* or *rituals*, etc., and not specifically to the *meaning* of the practices, the concept ends up referring to *everything*. As such, it is too vague a concept to be of any use. Where practices and rituals can be *described*, their meaning is to be *understood*. Defining culture in terms of meaning therefore has the key advantage of allowing us to posit *understanding* as the key task of different parties in a multicultural conflict. Where explanation tends to reinforce a strict us/them dichotomy, a focus on understanding does the opposite. As Clifford Geertz (1975: 14) put it: "Understanding a people's culture exposes their normalness without reducing their particularity….It renders them accessible: setting them in the frame of their own banalities, it dissolves their opacity."

Other approaches to culture, such as analysing culture in terms of class interests, psycho-analytical approaches, functional analysis of actions, etc., all have the implication that one can *explain* culture. This means that a person's views in a multicultural conflict can be *explained* by, for instance, class

interests. Such views are essentially reductionist. By focusing on explanation, they reduce the meaning of a wink to the batting of an eyelid, (to paraphrase Geertz (1973)), and confuse the question of what it *means* to bat an eyelid with why the eyelid batted.

Explanatory theories therefore also ignore the very important fact that the issue in multicultural conflict has a meaning to those in the conflict and that it is worth fighting for because of its *meaning* to them. An attempt to explain them then comes across as patronizing and disrespectful and merely serves to establish whichever explanatory framework one uses (functionalist or otherwise) as a superior, more civilized knowledge system to which other people should convert. It also serves to obscure the importance of one's own "culture" in such conflict situations. Put differently, if one can say: "they have that view because of these factors" or: "you say that because you are (e.g.) a Christian (or rich or black or American, or orally sadistic, etc.), and that is the typical view a Christian would take", one firstly does not even attempt to *understan*d (as opposed to explain) the other party's message, and one pays no attention whatsoever to the validity of one's own message. In a multicultural conflict situation, it is one's own culture that has to be studied. One has to enter a debate as to the value/meaning of one's own cultural assumptions. Therefore, the final questions all have to do with the value and meaning of one's culture. Culture as something to be interpreted therefore remains central to multicultural issues.

For these reasons, a descriptive, explanatory view of culture contributes little to our understanding of culture in multicultural conflict and serves rather to highlight how culture interacts with other systems, such as economic or political systems. Though this might be illuminating in some respects, these theories are not, strictly speaking, about culture, but about how other systems interact with culture.

By using a systems perspective, a clearer delineation between individuals and culture is also possible. By defining culture as a second order system of meaning, we avoid the mistake of placing culture wholly *in* the minds of individuals, and make it easier to think of culture as something existing in the relations *between* individuals, yet having an effect on how each individual assigns meanings to experiences.

Furthermore, by defining culture in terms of communicative relations between psychic systems (that is, proper systems of meaning), it becomes easier to understand how ethnicity and geography might relate to culture. More specifically, it helps us understand why it is tempting to let notions of geography, ethnicity and culture coincide (even Geertz does it when he speaks of 'Balinese culture'): before the advent of modern telecommunication, our most important communicative relations would be with those geographically closest to us and those we share some form of kinship with. While we should not confuse culture with ethnicity or geographical location (theories that do so are easily refuted by the amount of diversity we encounter in the modern world), seeing culture in terms of communicative relations aids us in understanding how people might define 'their' culture, that is, to think of it as 'a culture'. However, the notion of 'a culture' requires some notion of delineation. We develop this idea by analogy with personal delineation and we thus attend to the idea of personal delineation the next two chapters.

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CHAPTER 3

THE DELINEATION OF PERSONS

What makes it possible for us to ascribe identity to a person, that is, to see him/her as an entity with discernible boundaries? In this chapter, we will argue that a person, unlike other entities, cannot be delineated simply with reference to his/her physical boundaries, but that a person has to be delineated both in terms of the boundaries of the (biological) organism *and* the boundaries of the psychic system. Furthermore, we will show that a person's self-delineation – while claiming to give a true account of the person, including the goods s/he strives for – does *not* give a complete and accurate account of his/her own psychic system's boundaries. We subsequently propose a dual structure of personal delineability whereby the (biological) organism's boundary contains[27] the psychic system, whereas the boundaries of the psychic system, as asserted in the person's self-delineation, remain disputable. We develop our theory against the backdrop of Stefaan Cuypers' theory of personal identity. While we agree with his theory on most of the important points, our departures lead to the development of the dual structure model mentioned above.

3.1 Cuypers' theory of personal identity

Before discussing Cuyper's theory, we first outline two different aspects of personal identity and two different perspectives on the question. These will serve as background to Cuypers' theory. They will also serve to foreshadow some of the differences we have with his theory.

The question of personal identity has two separate, yet related aspects. The first concerns the question of identity over time, i.e. how a person can be

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[27] We use the term 'contains' here with some hesitation. We do not wish to imply that the psychic system is like a ghost in the machine, or that the organism is merely the vessel or container of the psychic system. We use the word to show that no meanings are interpreted without a corresponding bodily process. As such, no part of the psychic system is independent or 'outside' of the organism.

considered to be the same person at two different points in time. The second aspect pertains to the boundaries of a person at any given time, i.e. how a person differentiates him/herself from other persons and his/her environment. We call this aspect 'delineability'. Put differently, it pertains to where the person ends, and his/her environment begins.

The first aspect has a long tradition of philosophical enquiry devoted to it. As we will briefly discuss below, two main schools of thought can be discerned, namely the *sameness* and *selfhood* traditions. The second aspect is not addressed thoroughly by either the 'sameness' or 'selfhood' traditions. This is presumably due to the fact that the everyday use of the concept rarely runs into difficulties, much less so than the question of identity over time. While it is conceivable to ponder whether a person suffering from Alzheimers is still the person he was before the illness, we can still say with great certainty where that person ends and where his/her environment begins; we can distinguish him from the nurse standing by his bedside and we can know that the thoughts and desires the patient reports, can be no-one else's but his/her own.

The certainty with regard to the second aspect of identity, we argue, is however also problematical. This is particularly true of our psychological identity. While we hold bodily identity to be relatively unproblematic, we argue in our discussion of Cuypers' theory below, that the boundaries of the psychic system are not clear.

In addition to these two different aspects (i.e. identity over time and delineability), we also distinguish between two distinct perspectives on personal identity. We call these the objective and subjective perspectives, respectively.

The objective perspective regards questions of personal identity as questions in the mould of: "who is that?" The subjective perspective pertains to questions of personal identity as the question of the identity of the "I". The "I" refers to the 'experiencer' of one's experiences. The subjective perspective thus regards personal identity as questions in the mould of: "who am I?"

In most cases in everyday life, the answer to these two types of questions need not contradict each other. We can say: 'That is John," and John can reply: 'Yes, I am John', though he could obviously go into much greater descriptive detail about his history, his values and his future plans.

The difference between these two types of questions leads to two different philosophical traditions on the topic of personal identity, which we will now discuss. The sameness- and selfhood-traditions can be distinguished in terms of their focus on the objective or subjective questions of personal identity: where the selfhood-tradition is predominantly concerned with the subjective question, the sameness-tradition attempts to answer both questions. This then leads to further questions regarding the relationship between body and mind, and thus, bodily and mental identity.

The sameness tradition pertains to "an inquiry into which criteria of persistence over time (namely: bodily, brain, physical, memory, psychological, etc.) determine whether changes, occurring over a lifetime, undermine the identity of a person" (Barazatti & Reichlin, 2011: 399). Derek Parfit's influential theory on personal identity is a prominent example of this tradition. Cuypers' theory involves a critique of Parfit's argument, and accordingly we will discuss some of Parfit's ideas below.

The selfhood tradition "focuses on the person's self-conception, self-evaluation, and self-development throughout a lifetime," (Barazatti & Reichlin,

2011: 399). This view involves viewing the person as being the author of his/her own self-narratives (Barazatti & Reichlin, 2011: 399). Some approaches within this tradition include theories that focus on character, that is, that personal identity is derived from a certain stability and permanence in character (Barazatti & Reichlin, 2011:403); and theories that focus on the "relationship between persons and their actions" (Barazatti & Reichlin, 2011:405).

With these two traditions and two different types of identity questions in mind, we turn to Cuypers' argument on personal identity. Cuypers presents a view that is broadly consistent with our theory of psychic systems, even though some important differences arise (as we will discuss below). His theory represents an important step forward in uniting the different traditions. He focuses on the so-called 'standard debate' (Cuypers, 2001: 15) between empiricist bundle theorists and metaphysical ego theorists and demonstrates the inadequacy of both.

Ego-theorists require the existence of a soul-substance as the essence of personal identity. In this regard, Cuypers points out that "there is nothing in the nature of self-consciousness that rules out the possibility that a person would be constituted at a certain moment by a group of egos or by a series of egos over time….Metaphysicians, in response to this problem, must appeal to the *supra-ego* in order to guarantee the unity of the spiritual ego; and in turn, they must appeal to the *super-ego* to guarantee the unity of the supra-ego, and so on *ad infinitum*" (Cuypers, 2001: 32-33). The metaphysical position thus leads to an infinite regression. Moreover, the soul-substance has no empirical support (Cuypers, 2001: 33). Introducing it as an explanation for our experiences of identity therefore does little to clarify or explain those experiences, it merely replaces one mystery (that of personal identity) with another (that of the nature of soul-substance).

On this matter we are in agreement with Cuypers, as we see little use for an explanatory metaphysics such as proposed by ego-theorists. As such, Cuypers' critique of the empiricist theories is of more interest to us. In this regard, Cuypers focuses mainly on the arguments of Derek Parfit. Parfit's theory, as presented in *Reasons and Persons* (1984), holds that "(o)ur identity over time just involves (a) Relation R – psychological connectedness and/or psychological continuity, …provided (b) that there is no different person who is R-related to us as we once were." (Parfit, 1984: 216). This definition requires some explanation. Parfit does very little to explain the nature of connections, and discusses the concept mainly with reference to examples. It is not clear what these examples have in common, other than a common-sense notion that they are, in fact, psychological phenomena. Nevertheless, Parfit uses the example of memory as an example of a 'memory connection' (Parfit, 1984: 205) between Person X at one point in time and Person Y at a later point, if Y can remember having some of the experiences X had at the earlier point in time. Likewise, he uses the examples of beliefs or desires: X and Y are connected if X had the belief or desire at an earlier point, and Y still has that desire at a later point. Parfit then defines psychological continuity as 'the holding of overlapping chains of strong connectedness' (Parfit, 1984: 206), where strong connectedness refers to a sufficient number of connections, specifically 'we can claim that there is enough connectedness (between a person at two different points in time) if the number of connections, over any day, is *at least half* the number of direct connections that hold, over every day, in the lives of nearly every actual living person." (Parfit, 1984: 206). Besides our doubts over the nature of connections, Parfit's use of the number of connections also seems quite arbitrary. What exactly is special about a half? Why not make it more than that, or less?

Our objections aside, Parfit's theory has some promising elements. For one, it avoids the metaphysician's problems. Secondly, we see the idea of continuity, even if developed inadequately by Parfit, as a possible basis for our own

views on identity. Cuypers' approach, however, improves on Parfit's in that it also employs some ideas related to continuity, yet arrives at these from vastly different premises, which also form the basis of his critique of Parfit's approach.

Cuypers criticizes Parfit and other empiricists for holding an atomistic position (Cuypers, 2001: 57-62). According to such a position,

> '(t)he inner space of the 'I' is the object of indubitable and direct knowledge, whereas the outer space is only the object of doubtful and indirect knowledge….Thus all knowledge is grounded in the special and privileged access of the first person to his inner life" (2001: 59).

Cuypers' use of the term 'atomism' refers here to the idea that mental and physical particulars can be separated from each other, and that they exist independently. The whole that we experience as a person can thus be divided into its parts, or 'atoms'. Therefore, in a subtle way, the empiricists employ a concept similar to a Cartesian dualism. This much is clear if we consider the thought experiments Parfit employs (Parfit, 1984: 199-201). In one, a person is 'transported' from Earth by reproducing his body on Mars. This is done in such a manner that all his memories are also inscribed in the neuronal structure of his brain. His body on Earth is then killed off, ceases to exist. In another variation, his body on Earth remains living, so that, allegedly, two versions of him exist. Even though Parfit connects the mind to the body (there is no transfer of 'essence' or a ghost in the machine, so to speak, only an elaborate biological reproduction exercise), his thought experiments reveal the implicit notion that the body and mind can be separated.

Cuypers fundamentally disagrees with this notion. Following Peter Strawson's (Strawson, 1958) analysis of the concept of a person, Cuypers holds that the person is a so-called primitive concept that cannot be reduced or divided into physical or mental 'parts'. "(T)he concept of a person is *neither* reducible to

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the concept of mind *nor* to the concept of a body" (Cuypers, 2001: 72). Following this line of thinking, Parfit's thought experiments are therefore not only far-fetched, they also represent a logical impossibility, like squaring a circle.

In this regard, we agree with Cuypers' thinking. To see how Cuypers and Strawson's views are consistent with our approach, as well as where we differ, let us briefly consider Strawson's basic argument, as well as Cuypers' expansions on Strawson's ideas.

Strawson argues that experiences themselves imply 'the unique position or role of a single body' (Strawson, 1958, 98). Experiences suggest that they are perceived by a single body (of which the functioning allows the experience to be had, and whose malfunctioning, i.e. blindness, rules out the possibility of experience), that perceives from a definite location and with a definite special and temporal orientation (i.e. "I was *there* at *that time* and I was looking in *that direction*"[28]) (Strawson, 1958: 92). Furthermore, Strawson argues that "it is a necessary condition of one's ascribing states of consciousness, experiences, to oneself, in the way one does, that one should also ascribe them, or be prepared to ascribe them, to others who are not oneself" (Strawson, 1958: 99).[29] As such, it follows that a person is always a person amongst other persons. Furthermore, if we can ascribe experiences to others, it will be based on their behaviour. As such, the concept of person implies a certain degree of dynamism, that is, a person is a person who acts and interacts with other and his/her environment.

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[28] This is my own quote from a hypothetical person, not Strawson's words.
[29] While Strawson grounds this assertion in the everyday use of words referring to experiences (e.g. the expression 'in love' means the same whether one uses it in the sentence 'I am in love' as when one uses it in the sentence "He is in love"), he could also have pointed out the absurdity that would result if his assertion were denied: If I cannot say that these experiences, that are perceived by a unique body, can be ascribed to someone else, then who can I ascribe them to? If I cannot ascribe them to someone else, then I can ascribe them to nobody – literally no body – thus violating our initial assumption of a unique perceiving body.

Cuypers uses Strawson's concept of the person to construct personal identity as comprising of '*bodily* identity, *agential* identity and *narrative* identity' (Cuypers, 2001: 75). Following Strawson's concept of person, whereby the body cannot be thought of as somehow separate from a person, Cuypers argues that *bodily identity* is a necessary aspect of personal identity. As such, personal identity must always also refer to a physical entity (like a body), and accordingly, discerning personal identity is a relatively easy task:

> "(T)he subject of experiences requires to be or possess an entity, the identification of which should cause no problem within our spatio-temporal framework…" and as such "…there is no problem of identification at all because their material bodies can readily be individuated and (re)identified by ordinary physical criteria" (Cuypers, 2001: 71).

It is tempting to stop the question of personal identity right there. If bodily identity is relatively easy to establish, one possible suggestion is to simply define psychological identity also with reference (once again) to the organism: since all psychological phenomena (thoughts, emotions, etc.) are always also patterns of firing neurons, a person's psychological identity can, in fact, coincide with the brain.

Yet personal identity does not *only* reside in bodily identity. Strawson's concept of person implies an *acting* person. Accordingly, Cuypers develops the idea of *agential identity*. He argues that what differentiates persons from other objects, is that persons demonstrate "intentional agency" (Cuypers, 2001: 77). This is not to be misconstrued as another expression of a Cartesian dualism. The concept of action, according to Cuypers (2001:72) "involves *both* an intention to act *and* a bodily movement". Thus the person's intentional agency neither lies in a metaphysical ego, nor can it be separated from the personal body, nor can it be reduced to being *only* the body.

Cuypers' notion of agential identity also allows him to formulate a notion of continuity. He holds that intentions and actions "cannot be identified atomistically, i.e. on their own, isolated and cut off from other attitudes and actions," (Cuypers, 2001: 78). Intentions and actions are only intelligible as part of a wider "network of other intentions," including the person's past intentions (Cuypers, 2001:79). A person's intentions at any given moment are therefore intrinsically connected to each other. As such, Cuypers' theory provides for psychological continuity over time.

Cuypers then expands the idea of agential identity with the related concept of *narrative identity*. The latter refers to the unification of a person's actions "into a single coherent story" (Cuypers, 2001: 80). This coherent story or narrative "involves rendering one's deeds and omissions intelligible not only to oneself but also to others with whom one entertains multifarious relations in a public common world". One's narrative identity thus refers to the person's life, the coherent whole of his/her actions and interactions with others.

3.2 A dual structure approach to personal delineation

In many respects, our view of a person (and a person's psychic system) is in agreement with Cuypers and Strawson's theories. In Chapter 2, after our exposition of the psychic system, we defined the person as an organism that interacts meaningfully with his environment, including other persons. A person is thus an organism that can interpret his experiences as meaning, and in so doing orientates him/herself in his/her world and finds him/herself in communicative relations with others. As such, the psychic system (which is the system of meaning interpreting experiences as meaning) cannot be thought of as a separate entity from the organism, specifically the body. Our concept of person therefore retains the inseparable unity between body and psychic system that Strawson and Cuypers hold.

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Furthermore, we agree with the description of the person as a *public* entity. Because the psychic system is inseparable from the body, indicating and identifying a person is as simple as pointing to his/her body and giving him/her a name. This gives an indication of the person's spatio-temporal position. A person can be identified as *that* person who was born *on that date* in *that town* and who was subsequently named by his/her parents or the relevant authorities.

In terms of our systems approach, we regard the organism as providing us with boundaries about which consensus is possible. The person's skin, for instance, represents a discernible boundary between organism and environment, so that there can be no disagreement between observers about where the person ends and the environment begins, so to speak. At any given moment, the skin allows us to regard the person as a discrete entity. Even though the organism changes through time (we do not consist of the same cells as we did 10 years ago) we are able to reach consensus about which organism we are talking about because we have a clear idea where the environment begins and the organism ends.[30]

The person, however, is not simply to be equated with the *organism*, for if this were so, we would lose the distinction between the person and other material bodies, where persons can *act* with *intention*, thus interacting with their environment in a *meaningful* manner, while other material objects do not. When we take into account the definition of the person as the interpenetration of the biological and cultural system, we must also be able to define the boundaries of the psychic system.

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[30] Our ability to see an organism as the same organism through time can be ascribed 1) to the psychic system's construction of an identity that has duration over time, as discussed in Chapter 2 and 2) the well-established fact of gestalt-tendencies in human perception, by which continuities are emphasised over discontinuities (Eysenk & Keane, 2001: 28).

Therefore, a person's bodily identity is not the whole account of that person. For that we require a narrative identity, which in turn requires reference to actions and intentions. Intentions, in turn, refer to interpreted meanings, because meanings are defined as the answers to questions about 'what to do next' (see Chapter 2, section 2.1).

By relating narrative identity with agential and bodily identity, Cuypers manages a synthesis between the sameness and selfhood traditions. This synthesis, however, is not perfect. We disagree with Cuypers on the perfect unity of a person's self-conception and the public conception of that person. Cuypers holds that "it is absurd to speculate that, even in a hazy state of mind, I could wrongly identify my neighbour's self as my self; no such possibility of introspective misidentification of the self seems to exist" (2001:64). He also alleges that "a person is continuously and immediately present to himself" (Cuypers, 2001: 79).

While we agree with Cuypers about misidentifying one's neighbour's thoughts as one's own, some opposite examples do not hold. It is, we argue, quite possible to incorrectly deny that one has a certain thought or desire, because that thought or desire has been repressed. Following our exposition of the psychic system, it is essential to the functioning of the psychic system that it represses certain meanings (otherwise it would lose its adaptive and world-orientating value). Moreover, these repressed meanings are part of one's psychic system: just because they are not allowed into the "I" does not make something other than meanings. Put differently, repressed meanings are expelled from consciousness, but not from the psyche. Repressed meanings can however, be detected by other means (see our example of an implicit racism test below). The problem then is that, in some cases, a third person perspective of a person and a first person perspective do not always agree, nor is there always a conclusive way of determining whether a person has a certain thought or desire (or in general a certain meaning). If there were a way

of deciding such matters conclusively, we would have to privilege a certain perspective over another (e.g. regarding the first person perspective as more important than the third person perspective). But this would violate a Strawsonian view of a public person. Strawson, in fact, makes a similar point:

> "(I)n order for there to be such a concept as that of (person) X's depression, (that is) the depression which X has, the concept must cover both what is felt, but not observed, by X, and what may be observed, but not felt by others than X." (Strawson, 1958: 109).

Contrary to Cuypers' view, we hold that self-identification can only give an accurate representation of the boundaries of the "I". The boundaries of the "I" can simply be defined as the boundary between those psychic phenomena (thoughts, emotions, desires, memories, etc.) that "belong" to the "I", that is, that can be described as "mine" and those that do not. Moreover, these phenomena, being part of the psychic system, also express meaning. Recall from Chapter 2 that all psychological phenomena can also be conceptualised in terms of meaning. As such, they not only indicate where the boundaries of the "I" lie, but also orientate the "I" and give it an indication of its place in the world. In so doing, the boundary between subjective (the observer) and objective world (the observed) is also constituted. Take for instance, the case of a person perceiving someone else's anxiety, or perceiving that person's thought communicated to him verbally. The boundary of the "I" is established by virtue of the person being able to ascribe the emotion or thought to the other person and therefore being an object of observation, while appropriating his *perception* or *observation* of it as "his"/"hers", thereby affirming him/herself as observer. In so doing, s/he has delineated the boundary of his/her psychic system.

As long as we assume the boundaries of the "I" to coincide perfectly with the boundaries of the organism, person identity remains relatively simple. We can then link the great changes in identity we undergo through our developmental

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history with the continuous development of the organism. Just as we accentuate continuities over discontinuities in the latter, we can do it with our psychic identity as well.

However, the boundaries of the "I" *do not* coincide perfectly with the boundaries of the organism and as such, our perception of ourselves as unitary is a flawed construction. As such, personal identity becomes more complicated. Recent studies in neurology suggest that our unitary experience of ourselves as "I" is the result of periodic binding waves in the brain. These bursts of activity occur so frequently that we experience it as being continuous, though in reality it is not. The implication is that the "I" exists only periodically (Zilmer & Spiers, 2001: 182).

Furthermore, large parts of brain processing are unconscious. A large proportion of our learning is implicit and procedural, which is associated with the more primitive, subcortical areas in our brain. These processes are all unconscious (Zilmer & Spiers 2001: 181). Interestingly, this provides some support for the classical Freudian view that the unconscious draws on the more primitive areas of our psyche.

Moreover, the psychic system's conscious and unconscious meaning processing can be in conflict with each other. Research in cognitive psychology suggests that self-reported non-racist persons can demonstrate racism in tasks that access implicit learning processes. The research does not suggest that they were lying about their own racism. Rather, that they were employing a certain amount of cognitive control and self-censorship, which was bypassed in tests of implicit associations (Hofmann, Gawronski, Gschwender, Le & Schmitt, 2005: 1369; Ottoway, Hayden & Oakes, 2001: 97; Phelps, O'Connor, Cunningham, Funayama, Gatenby, Gore & Banaji, 2000; 729).

Their racism is therefore not given access to consciousness. If the person, in his/her self-reflective experience of the unitary "I" could be 100% certain where the boundaries of his/her psychic system lie, s/he would not be able to deny his/her racial prejudice as s/he does.

What such studies show is that we cannot be sure where the boundaries of our own psychic systems lie. More specifically, we cannot conclusively deny that we have ascribed a certain meaning to our experience. The example of the declared non-racist, mentioned above, is an example of this. S/he had in fact processed his/her environment in a certain way, resulting in him/her thinking a certain (racist) thought (e.g. 'blacks are dangerous'), yet would deny that s/he had thought it and express an opposite thought (e.g. 'I do not think blacks are dangerous'). Both these thoughts are meanings a person can ascribe to his/her experience.

The psycho-analytical school of thinking still provides us with the best vocabulary to describe such intra-psychic conflicts. Whether or not a certain psychic element may be appropriated as "mine" can at times be very controversial and cause intra-psychic conflict. A person might, for instance, repress anxiety provoking desires or emotions, or dissociate from traumatic memories. In so doing, the person essentially does not appropriate certain memories, desires or emotions as 'his/hers'. Such repression has been the subject of the well-established tradition of psychoanalysis, originating with Sigmund Freud and has received considerable empirical support (Shedler, 2010: 100-102). In this school of thought, intra-psychic conflict and the accompanying repression is expressed in neurotic anxiety. Moreover, the phenomenon is not restricted to the clinical population. In the psycho-analytic school of thought, it is regarded to be present in all people to a certain degree.

In this regard, psychoanalytical thought is in agreement with a systems perspective. Luhmann (1990), as discussed in Chapter 2, regards the

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boundary between observer and observed (in this case between the psychic system and its environment) as a *construction* by the psychic system itself.

We need not go as far as to say that the world stops existing when we close our eyes. The point here is that when we observe things, we observe them *as things*, yet they do not exist naturally *as things*, free and independent of observation: it is the psychic system/observer that constructs them as such. In so doing, the psychic system represses the work it has done in such a construction. It does not recognise how the system of meaning it employs has constructed the thing *as thing,* how its own thoughts are present in the thing it perceives to be naturally given, free and independent of its observation. Studies in cognitive science, for instance, recognise the significant impact emotions have on how we perceive things, how we direct our attention and how we remember things, yet in our perception we do not recognise the contribution we make (Eysenk & Keane, 2001: 505). We therefore do not appropriate our own thoughts, but project them onto the thing, so that the thing is regarded as being naturally there.

Furthermore, repression of certain meanings (i.e. not allowing it to enter consciousness) within the psychic system can be regarded as central to its functioning. As discussed above, the circular reference between distinctions is arrested by decisions that treat certain referents (of those involved in the circular reference) as having a self-evident identity. Each decision then has the effect of creating *hierarchies of distinctions*: When one referent is treated as more self-evident than another, it gains priority over others. It is hierarchies such as these that post-structural thinkers aim to deconstruct. As decisions are necessary parts of the processing of meaning, it follows that the psychic system's processing of meaning necessarily creates hierarchies. Every decision corresponds to a certain way of making sense of an experience and every decision is by definition one of many possible decisions that could have been made. Therefore, when a decision is made other possible decisions

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have been precluded and for each decision thus precluded, there is a corresponding meaning that was repressed.

The hierarchical organisation of the psychic system is necessary for simplifying the complexity the environment presents to the organism. Put differently, without hierarchies, there is no interpretation of meaning, because meaning involves simplifying the environment's complexity in order for the person to orientate him/herself in his/her environment. If the system does not make this simplification, it runs the risk of deteriorating, ceasing to exist as a system. However, it does open the door for controversy and conflict: where the person claims the boundaries lie, can be disputed. We have already mentioned the intra-psychic examples found in psychoanalysis. Intra-psychic conflict is caused when the person places the boundaries so that some psychic elements (thoughts, desires, fears, motives, etc.) are not appropriated as belonging to him/her. Where the repression is too strong, such conflict is expressed in anxiety.

Such misappropriations can also be disputed interpersonally. The therapeutic setting is but one example and is by no means the most likely place to find such disputes. Rationalizations, for instance, are examples of such misappropriations. In cases of rationalization, the person offers a reason for his/her behaviour (or his/her judgement, attitude towards some issue, etc.) which is not the real reason for his behaviour. In proper rationalisation, the person does not consciously advance a hidden agenda and actually believes the reason s/he offers. What therefore happens in rationalization is that the real motive is not appropriated by the person as a psychic element belonging to him/her. In interaction with other people, such rationalizations may then be identified by others. However, though the person might sometimes agree with his/her interlocutors when made aware of his motives, consensus is not always possible. Either the person did not have the hidden motive others claimed s/he did (in which case one might suggest that *they* might be the ones

rationalizing) or the person may simply continue to repress the motive. There are no objective measures to definitely determine which motives belong to the person and which do not.

Another pertinent phenomenon is racial discrimination and the incitement of racial violence. Studies have shown that a key element in the incitement of racial violence is the de-humanization of the particular racial group (Hagan, Rymon-Richmond, 2008: 875). This makes it possible for people, who would ordinarily be well-adjusted pro-social persons, to commit terrible violence or participate in discriminatory practices based on their perceptions of the particular racial group. These perceptions are then characterised by the following: 1) the 'race' in question is not a constructed concept but a natural category, 2) the group is therefore homogenous in that all members have the qualities that distinguish this group from others and 3) all the persons in this group are therefore, by virtue of these qualities, subhuman and deserve the treatment they receive. Participation in discourses such as these has the effect of repressing any feelings of empathy, humanity and pro-social behaviour in the perpetrators. Those persons participating in it thereby do not appropriate their pro-social feelings as theirs. As in the case of rationalisations, there is no way of objectively determining whether they are in fact repressing those feelings, or whether they never had them in the first place.

The boundaries of the single, unitary "I" are such that they invite controversy and dispute and, in such disputes, objective consensus about them is often not possible. This would suggest that we should think about person identity in a different way, not that we discard the idea of person identity completely.

In this regard we have to note that disputes about psychic boundaries always take place within parameters provided by the objective, organic boundaries. When we dispute whether a psychic element (e.g. a motive) belongs to a

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person or not, the organic boundaries gives us an idea as to what the different parties in the dispute are claiming. When someone represses something, for instance, and the issue of this repression is raised by an interlocutor, we know which organism is being referred to, but we do not know where its psychic boundaries lie. The organic boundaries therefore serve as a basis from which the dispute may continue.

The only possible conclusion from such an insoluble disagreement within objective parameters is what we would call a dual structure of personal delineation. The person can easily be delineated with regard to his body. This is what we will call the person's trivial delineation. We call it trivial, because it comprises merely a nominal identification, i.e. 'he is *that* person, named X'. With only such a trivial boundary, nothing of much importance is said about the person. We know, for instance, nothing about his/her thoughts or desires, we know nothing of his/her intentions. The more significant boundary is that of the psychic system: to delineate the psychic system is to say that a thought, desire, or generally, a meaning belongs to person X. Yet this is not always clear. In fact, because of the functioning of the psychic system, repression is an integral part of the system's functioning, and because there is repression, there is in some cases no definite way to declare whether a person does, in fact, have a certain thought or desire, and whether s/he does not.

We would therefore propose that person identity is structured as follows: objective boundaries which serve as parameters within which psychic boundaries may be disputed. It is by virtue of these parameters that disputes about psychic boundaries do not translate into a sense of complete confusion of a person's identity. Put differently, we may disagree over which psychic elements belong to a person, but we do not start calling him by another name or claim he is someone else. We depict this dual structure in Figure 1, below.
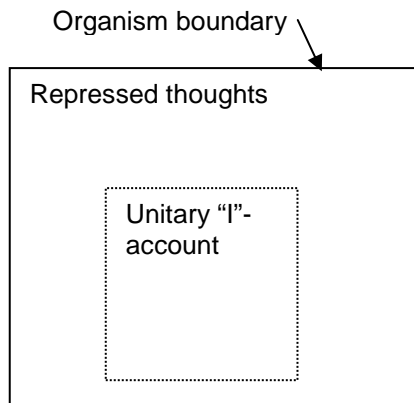
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Organism boundary

Repressed thoughts

Unitary "I"-
account

Figure 1

3.3 Continuity as unity in conflict

One challenge facing our dual structure is to explain psychological continuity. When intentions can be at odds with one another *within* a person, that is, when the person can experience intra-psychic conflict to such an extent that the "I"-account is dubitable, then how is continuity provided for?

We suggest that the faculty of memory in the psychic system, specifically the ability to retain repressed elements allows us further insight into how we may be able to think of the person's psychological continuity.

Repressed psychic meanings, though repressed, are retained in memory. This means that at any moment in time, the psychic system's perception of itself as a single, unitary "I" has to take into account 1) previously and 2) currently repressed memories, as well as 3) conscious memories and 4) current unrepressed psychic elements. In so doing, it is continuously confronted with the demand to choose between continuing to repress certain psychic elements or to recover them from consciousness, or perhaps to repress something that was once conscious.

Thus the retention of the repressed in memory provides what we will call a 'unity of conflict'. This term refers to the fact that the results of each intra-

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psychic conflict are retained, are available to be recovered and are continuously laying claim to be included in the unitary experience of the "I". All previous conflicts must be accounted for continually. This provides us with a sense of identity over time, so that, despite fragmentation and conflict in the psyche at any given moment in time, it does not make sense to think of the person at two different points in time as two different persons.

3.4 Autonomy and delineability

We will argue (in Chapter 4) that the abovementioned unity of conflict is a definitive feature of what we understand by autonomy in persons. Put differently, we will argue that where the unity of conflict (between repressed and non-repressed psychic elements) is guided by the self-referential decisions of the "I" (we will develop the concept of self-referential decision in Chapter 4), we will argue that the person can be considered autonomous. Moreover, we will show (cf. Chapter 4) that the continuous retention and re-consideration of repressed materials is central to person autonomy.

Now, with regard to his/her trivial boundary, a person need not be *autonomous* to be *delineable*. However, when the potential dispute of the psychic system's boundaries is taken into account, the notion of autonomy comes into play. Because the "I"-account is not necessarily an accurate account, a third-person perspective of the person needs to be able to ascertain whether certain meanings 'belong' to that person, or not. Yet a person may have repressed one meaning, and present a diametrically opposite meaning in his "I"-account. Because the "I"-account is not necessarily the true account of the psychic system, the problem of delineating the psychic system is also a problem of 'representivity', i.e. which meanings are truly representative of the person. To entertain the notion that a person is identical with two diametrically opposite intentions is counterintuitive, unless we can conceive of an underlying unity relating such opposite intentions.

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Such unity is provided for by the unity of conflict, discussed in the previous section. We will now show that the idea of unity of conflict presupposes personal autonomy. In the previous section, we argued that unity of conflict is made possible by the retention of repressed meanings and their continued claims to be included and re-appropriated in the unitary experience of the "I". Now, even though repressed meanings are *unconscious*, the re-appropriation of these meanings is necessarily a *conscious* process, and thus forms part of the "I". This is so, because re-appropriation involves the "I" being confronted with data (e.g. the results of an implicit racism test) that forces it to become aware of the fact that some meanings have been repressed. Without becoming aware of this, no re-appropriation is possible. Being thus confronted also causes the "I" to pay attention to its own processes, its own interpretation of meanings: Where particular meanings were certain and self-evident, they are now no longer so. This requires the "I" to interrogate its own meanings, in order once more to find meaning and obtain some certainty about its orientation in the world.

Re-appropriation of repressed meanings therefore requires (1) a reflective or self-referential quality of the "I" in order to re-appropriate a previously repressed meaning; and (2) having become aware of a previously repressed meaning, the ability to choose between two opposing meanings. In Chapter 4, we will argue that personal autonomy is defined by these above two points.

Furthermore, where representivity is a problem for personal delineation, it is even more so with cultures. Therefore, with an eye toward our eventual analogy between persons and cultures the problem of representivity in *cultures* suggests that, if we were to attempt an analogy with person delineation, we would have to show that cultures can exhibit representivity in a way analogous to how persons exhibit autonomy. For instance, we will show (cf. Chapter 5) that an analogy is possible between, on the one hand, the dominant and oppressed views in a culture, and on the other, the unitary

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experience of the 'I' and repressed psychic meanings. Furthermore, where the character associated with a certain culture is typically at the centre of a multicultural conflict, one needs a certain notion whereby one can discern whether the alleged leaders or spokesmen of that culture actually legitimately represent the culture, or whether they have just successfully hijacked the culture for their own causes.

With regard to representivity in cultures, we suggest that a solution to the problem of representivity is possible where the dominant account continually maintains an openness to - and engages in dialogue with - marginal accounts. Therefore we must aim to find a unity of conflict in cultures that is analogous to personal autonomy. Accordingly, we will argue, in Chapter 6, that an analogous interplay between dominant and marginalised accounts can be present in cultures, whereby they achieve, not autonomy (because this concept is still reserved for persons) but *cultural representivity*. To this end, we first discuss the concept of person autonomy in Chapter 4, whereupon we discuss its analogy in cultures in Chapter 5 and 6.

CHAPTER 4

AUTONOMY, MEANING AND SELF-REFERENCE

In the previous chapter, we discussed the importance of personal autonomy for the problem of representivity. We also suggested that, in order to delineate cultures in a manner analogous to personal delineation, we would have to find an analogy for personal autonomy in cultures. Accordingly, we first focus our attention on what we understand personal autonomy to be. In this chapter, we will set out to define the concept of autonomy. We first offer a basic definition of autonomy as self-legislation and then proceed to investigate its relationship with meaning and self-reference.

In the weakest, most basic sense, autonomy can be defined in terms of self-regulation. In this sense, something can be said to be autonomous when it regulates its own functioning. This means that it can, automatically and without further input or intervention, change its functioning (to some or other extent) to adapt to differences in its environment. This most basic definition includes many entities we are quite familiar with. A stove, refrigerator or air conditioning system can react to changes in the environment (e.g. someone opening the fridge or stove's door) by making changes to its functioning (i.e. increase or decrease its output).

This, however, is a rather weak form of autonomy. In the context of this dissertation, concerning itself with respect for persons and the politics of so-called multicultural situations, we prefer to focus on a stronger definition. We can think of many systems that manage to regulate their own functioning, but which are not responsible for those laws, rules and principles by which they are governed. It is the latter capacity of self-legislation, i.e. the ability to determine one's own principles, rules and/or values that constitutes the starting point of our definition of autonomy. Thus, it is a concept that could typically be applied to people and governments. Accordingly, it would seem

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inappropriate to apply the term 'autonomy' to stoves, pool cleaners and air conditioners. The ability to determine one's own principles, rules and/or values therefore constitutes our basic definition of autonomy, which we will attempt to define more closely with reference to the concepts of 'self-reference' and 'meaning'.

4.1 Self-reference

In the context of this dissertation, self-reference does not simply denote something referring to itself, like we would refer to ourselves with pronouns such as 'we', 'our', and 'ourselves', etc. We refer to it specifically in the following sense: an entity can be called self-referential when it performs on itself the same operation it performs on other objects. One typical, simple example would be a sentence that has itself as either the subject or object, e.g. "This sentence is true" or "I am writing this sentence". Usually, a sentence would use something other than itself as subject or object (e.g. "I am writing a letter") but in self-referential sentences the sentence itself fulfils the function of subject or object.

As it is found in normal language, so too it is found in formal languages such as mathematical formulas or the type of coding one would find in computer programmes. However, it is not restricted to languages. People, for instance, also exhibit some self-reference. As we will discuss in more detail in the following section, people can have desires about their desires (e.g. not wishing to have certain desires), perceptions about their perceptions (e.g. as in cognitive-behavioural therapy, where the patient perceives his perceptions as healthy/functional or not), etc. In such cases, self-reference is characterised by a division of operations into first-order and second-order operations. In the example just mentioned, the person's desire to eat a fatty breakfast would be the first order desire, while, cognisant of his/her diet, his/her desire not to desire such a breakfast would be a second-order desire.

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Another example would be a computer that has programmes to evaluate the other programmes it is running.

Self-reference permeates our discussion of meaning and autonomy in the next section, and the role it plays in this regard will become clearer as we go along. As an initial remark, it suffices to note that autonomy as we have tentatively defined it (i.e. as self-legislation) would already exhibit the structure of self-reference. For instance, if a person restrains him/herself from doing something, e.g. hitting someone, s/he has performed an action on one of his/her actions. His/her restraint is a second-order operation performed on the first-order action (of hitting someone, which was consequently not enacted). The self-legislation involved in autonomy would in every case have the structure of a second-order function, be it a desire, an action, a thought or otherwise, allowing or disallowing other first-order desires, actions, thoughts, and the like.

4.2 Meaning, reason and community

We now turn our attention to the relationship between meaning and autonomy. The relationship between meaning and autonomy is best understood in the context of two distinct philosophical traditions that attempt to ground personal autonomy in, respectively, 1) Reason or 2) people's participation in the knowledge and values of their community.

The first tradition, attempting to ground autonomy in Reason, can be traced back at least as far as Grotius (Darwall, 2004) and spans a wide variety of thinkers, including, and perhaps most notably, Immanuel Kant. In this tradition, the question of autonomy is framed as the problem of authority, that is, the questions of whose authority one falls under (O'Neill, 2004). Autonomy then refers to the person being his own authority, or to phrase it in terms of the introduction of this chapter, someone who legislates for himself.

Furthermore, in this tradition, the concepts of autonomy, rationality and morality are thought to be closely related to one another.

John Locke - whom Stepehn Darwall (2004) includes in this tradition - for instance, sees autonomy in the capacity to command oneself. Though Locke sees humans as essentially motivated by their own pleasure, he sees our ability to command ourselves as an important capacity. It is this capacity that allows us to take a step back from our own pleasure when it is required, in Locke's philosophy specifically when the satisfaction of our desires causes harm to others. Moreover, this capacity is a *rational* capacity. Our motivation towards the satisfaction of our desires is inhibited by laws. In turn, our adherence to these laws is a "rational apprehension of what is right" (Darwall, 2004: 122). Thus our accountability to moral laws is intimately linked to the rational ability to step away from our own desires. Herein too lies the person's autonomy. The person's freedom from being under someone else's authority, i.e. being solely his own authority, cannot simply be equated to him following his desires blindly. This would merely substitute being ruled by someone else with being ruled by the natural forces. Autonomy lies in being able to step away from these desires when rationally apprehended laws dictate it.

What this rational capacity entails is perhaps most clearly defined in Kant's idea of the Categorical Imperative. The Categorical Imperative, to "act only according to that maxim whereby you can, at the same time, will that it should become a universal law", (Kant, 1785/1998: 27) represents the same basic relations between autonomy, rationality and morality that is typical of this philosophical tradition. In Michael Sandel's discussion of Kant's philosophy (Sandel, 2009: 103-139), he points out the close connection in Kant's philosophy between people's capacity to reason and their autonomy. Without the capacity to reason, we would be mere slaves to our desires and appetites. "Our capacity for reason is bound up with our capacity for freedom. Taken together, these capacities make us distinctive, and set us apart from mere

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animal existence. They make us more than mere creatures of appetite."
(Sandel, 2009: 108).

"To act autonomously is to act according to a law I give myself." (Sandel,
2009: 109). This law, in turn, cannot be an expression merely of my desire at
that moment. The laws that an autonomous person gives him/herself must be
derived from reason (Sandel, 2009: 118). As such, the laws must stand the
test of universalization, as formulated in the Categorical Imperative.

According to Onora O'Neill (2004: 187-191) the rationality of the Categorical
Imperative lies in one's ability to generalize it *universally*, that is, to all
humans. We find the same idea of universalization in Habermas and Cuypers,
who we will discuss in more detail below. In this view, autonomy lies in the
ability to have tested the contents of one's will against the requirement of
universalization. If one's will or desire passes the test of universalization, then
it has been 'rationalised' – meant here not in the psycho-analytic sense of
having been furnished with a plausible excuse, but more literally, 'to have
made it rational'. If one's acts could conceivably be agreed to by all, then one
has acted on no-one's authority but one's own and, at the same time, one has
done so in a manner that was accountable to reason (and thus by implication
also accountable to other people) and without simply succumbing to one's
natural desires (i.e. not simply being ruled by natural forces). [31]

Interestingly, in both cases we see autonomy being described as a special
type of *heteronomy*. The autonomous person achieves his/her autonomy
precisely by adhering to something *outside of him/herself*, specifically

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[31] Naturally, such an attitude bears some traces of the Cartesian view which wishes to
separate the "I"/*cogito* from the body, so that the person is only free if his decisions were not
unduly influenced by bodily demands. However, simply rejecting the body/mind dualism is not
a short-cut out of the problem of autonomy. One is still left with the task to explain how we
should think about autonomy and must still account for the opposition between
deciding/choosing a course of action as opposed to simply *reacting instinctively* like an animal
or plant would.

universal, rational laws. These laws are not laws of his/her choosing, s/he is not their author. And yet, adhering to them is somehow different to following one's base instincts or simply obeying another person. What is it that makes the dictates of rational laws different from other dictates?

One possible answer lies hidden in Locke's idea of 'self-command', that is, the ability to step away from one's desires and command oneself to do something (according to universal, moral, rational laws). According to this line of thinking, acting according to rational laws is something that one willingly (without force) imposes on oneself. The binding force of reason is not an authority by force, but something one adheres to simply because it makes sense to do so, just like building an airplane with natural laws in mind makes more sense than ignoring them. The binding force of rational laws lies in the fact that they were arrived at by generalization, i.e. that all could agree to them and confirm them (cf. O' Neill, 2004: 187-191). Implicitly, this presupposes a fundamental similarity between moral and physical laws; both are there to be *discovered,* not *invented,* by our rational capacity.

It is this line of thinking that has come increasingly under pressure from the second tradition we mentioned earlier, that is, the tradition that attempts to ground personal autonomy in the person's participation in the values and knowledge of his community. This tradition perhaps spans an even wider array of thinkers who do not have much in common but for the abovementioned position.

One such thinker is Richard Rorty. Rorty is very sceptical, to say the least, of the idea that Reason would be able to ground personal autonomy. Specifically, he denies the idea that there are such things as objective moral laws and that we have access to them only through rational, logical investigation. Rorty sees our knowledge of moral laws as something strongly

rooted in our community. Our philosophical insights are, according to him, only "abbreviations" of a community's way of life (Rorty, 2004: 212).

Rorty, however, runs into the same problems as the rational tradition. If the maxims we live by have no special status, how does one account for personal autonomy? How is living under someone else' rule then different from simply following the norms of one's community?

Stefaan Cuypers - himself also part of this second tradition, though he shows some similarity to the first tradition as well – develops a model of personal autonomy that goes some way in addressing the abovementioned questions. He does so with reference to self-reference and what he calls 'caring'. How he employs the concept of self-reference will become clear in our discussion of the 'caring' in the next section. However, he falls short on certain aspects, which leads us to suggest (in section 4.4.) a meaning-based approach to autonomy that modifies his model with perspectives that draw on the existential philosophy of Søren Kierkegaard.

4.3 Cuypers on 'caring' and 'moderate heteronomy'

Cuypers takes Harry Frankfurt's and Gerald Dworkin's hierarchical models of autonomy as his starting point. A hierarchical model of autonomy sees the autonomous person as "a reflexive[32] system of belief and desires" (Cuypers, 2001: 88). Accordingly, the person' autonomy is seen to reside in the relationship between desires (henceforth 'first-order desires') and the self-evaluations of these desires (henceforth 'second-order desires'). Put differently: "Persons typically not only have desires of the first order, X desires that *p*, but also desires of the second order, X desires or does not desire that X desires *p*." (2001: 89). Autonomy is then defined by the correspondence of the first- and second-order desires:

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[32] In the sense Frankfurt, Dworking and Cuypers use the term 'self-reflexive', it is synonymous with the term 'self-referential' as defined in section 4.1.

"In terms of Frankfurt's model, then, a person exercises freedom of will[33] when he acts upon the will of the first-order desires he wants to have. If there is a conformity of his first-order desires to his second order desires, then he enjoys freedom of will." (Cuypers, 2001:90).

If, on the contrary, he has acted on a first-order desire without the 'consent', so to speak, of his second-order desire, then he has not acted autonomously, because either 1) someone else has forced him to act or 2) he was overwhelmed by his natural, base instincts.

Dworkin then expands on this idea by including the criterion of 'procedural independence', that is, that a person can be considered to act autonomously if 1) s/he identifies with his/her desires (as in Frankfurt's model) and 2) - and this is how procedural independence is defined - has not been influenced in an undue way to make this identification, that is, s/he has not been influenced either by other people or simply his/her animal instincts (Cuypers, 2001: 91).

While he retains the basic hierarchical view of the Frankfurt/Dworkin model, Cuypers does have certain reservations about it. He focuses specifically on the risk of an infinite regress inherent in a hierarchical model. As discussed above, Frankfurt's hierarchical model posits that a person acts autonomously when he acts 1) in accordance with a first order desire which 2) his second order desire 'approves' of, or identifies with. This problem of infinite regress refers to the question of how the conformity between second order and first order desires manage to ensure autonomous action. If acting autonomously is ensured by the second-order desire's 'consent', what guarantee is there that

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[33] Cuypers uses the term autonomy and "freedom of will" interchangeably. In the way he uses 'freedom of will', it is consistent with our idea of autonomy as self-legislation, that is, as referring to the quality of not being ruled or governed by anything or anyone external to oneself.

the latter is not also (like the first-order desire), tainted by external influences such as base instincts? Would this then require a 'third-order' desire to supervise the second-order desire, and so forth, ad infinitum?

Frankfurt's proposed way out of this dilemma is the introduction of the concept of 'decision'. He argues that the second-order desire involves a decision, a decisive commitment, and that the act of decision is necessarily internal and not susceptible to external forces. While this idea has an intuitive validity to it – when we think of a decision we implicitly also think of someone having *actively* made it – the concept of 'decision', if left unpacked, remains somewhat 'obscure' (Cuypers, 2001: 93) and not very successful in solving the problem of infinite regress.

Specifically, it is not clear how the self-evaluation of desires *necessarily* involves a decision. In fact, as Cuypers points out, most often self-evaluations 'elude consciousness' (Cuypers, 2001: 93), that is, the consent second-order desires give to first-order desires, are not subject to a 'decision'.

He argues that the most important decisions people make, and which they experience as autonomous decisions, are often due to a commitment to things they *care* about (Cuypers, 2001: 93).

> "When we care about something, it's about *us*, our own personal projects and ideals or certain individuals and groups to which we are particularly attached. These objects of care are of a more personal kind in the sense that they give some sort of guidance to a caring person in what he does with his own life. How a caring person leads his own life is to a great extent guided by such objects of care as, for example, a professional career, a family tradition, a

dear friendship, a political party or a religious community."
(Cuypers, 2001: 94)

Being thus attached to an object of care is characterised by being under the influence of that object. The person is intimately tied to that object of care, so much so that he cannot choose against it lest he loses himself, that is, stops being who he is.

"He feels that he cannot help caring so much about this or that as he does. He feels he cannot bring himself to will otherwise than he does….This person not so much lacks the power to act otherwise than the will to alter the will he has." (Cuypers, 2001: 95)

If he is under the influence of a force over which he has no control, then, in a certain sense, he is ruled by something other than himself – hence Cuypers describes his theory as one of *heteronomy*. On the other hand, he sees this heteronomy as the basis of a person's autonomy. As quoted above, these objects of care are about the person him/herself. They are the things that guide his/her life and give meaning to it, as opposed to him/her simply being a slave to his/her desires. Relatedly, – and in this regard Cuypers has an argument similar to Franfurt's – s/he actively identifies[34] with this force. It is thus also his/her decision, something s/he constitutes his/her autonomy by.

What places Cuypers in the second tradition – which looks toward participation in the community as the cornerstone of personal autonomy – is his contention that those objects of *care* are firmly rooted in the person's participation in a community. In this regard, he relies on a certain reading of the later Wittgenstein and on the work of Charles Taylor on the importance of

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[34] In this context, identity refers specifically to the idea that one will cease to be oneself if one ceases to care about a certain thing. What one cares for and one's identity are thus intimately intertwined. When we use the term identity or the verb 'identify' in this chapter, we intend this meaning.

social recognition (Cuypers, 2001: 138-150). In this view, the meaning we attach to things, i.e. how much we care about them, is developed through recognition by significant others (Cuypers, 2001: 141). Our views of what is meaningful and what deserves our care (and thus also our views on what type of people we are) are thus determined in our interaction with these significant others. Moreover, Cuypers follows Taylor's argument that one can only determine what is important/meaningful/to be cared for against a background or framework of values, norms, and principles that have developed in a community. If one has the freedom of simply choosing what is important without regard or reference to such a framework – so the argument goes – then "…free choice is … just a wanton movement of the mind without any special authority" (Cuypers, 2001: 144) and such choices are thus "insignificant or trivial" (Cuypers, 2001: 144).

Cuypers borrows the term 'horizons of significance' from Taylor, when he refers to these frameworks. A horizon of significance, for Cuypers, "refers to the *inherited traditions and customs* of valuing to which both the person who asks the recognition and the other people who give or deny it are subordinated." (Cuypers, 2001:145). As such, they are more *generalized* than the views/opinions of *specific* people (i.e. the significant others the person has interaction with) (Cuypers, 2001:145); they thus transcend both the self and other specific people (Cuypers, 2001:146). Yet, they are not universal. A horizon of significance is always a "valuation system of a historically grown community" (Cuypers, 2001:145), firmly rooted in the history and development of that specific community.

Naturally, such ideas are open to charges of conformism. Is what the autonomous person cares for simply dictated by the norms of his community? Wherein, then, does his autonomy lie?

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One possible answer to such questions is that *interaction* with the community does not necessarily mean *agreement*. One could just as easily disagree with the community framework of norms/values/principles, but this also requires some sort of reference to that framework. Cuypers gives an indication of this when he refers to traditions of critique within communities, which allow persons to differ from the current norms (Cuypers, 2001:147). Yet this argument cannot carry much weight before one can explain how interaction between a person and his/her horizon is possible and can clarify the nature of the relationship between the person and his/her horizon.

This is the weakness of Cuypers' model. In avoiding the risk of infinite regress by de-emphasizing 'decisions' (as used in the Frankfurt/Dworkin-model) and focusing more on objects of care, Cuypers' model runs into difficulties when it has to account for the moments where the person stands as individual in relation to (sometimes in opposition to) his/her horizon. To overcome these difficulties, the focus on 'caring' needs to be balanced with a greater emphasis on 'decisions'.

To this end, we believe that a reinterpretation of the term 'decision' from what we will call the meaning-based approach will be fruitful. This approach draws significantly on an existentialist, specifically Kierkegaardian, perspective. We will set out to show that a meaning-based approach can, with the term 'decision' suitably defined, reinterpret Cuypers' model in terms of the concepts of meaning, psychic systems and cultural systems and that such a re-interpretation will make it possible to avoid the pitfalls of both the traditional rational and community-centred approaches to autonomy.

4.4 The Meaning-based approach to Autonomy

As mentioned above, we will set out to show that a meaning-based approach to autonomy can avoid some of the problems Cuypers' model faces. Our approach borrows significantly from Kierkegaard's philosophy. However, using

the concept of meaning developed in Chapter 2 also leads us to be critical of certain aspects. The meaning-based approach will also show considerable similarities to Cuypers' model. This is because, as we will now show, Kierkegaard's account of what he called 'the self' shows definite similarities with Cuypers' model of the autonomous person. [35]

In the first place, there is a similarity between Kierkegaard's self and Cuypers' autonomous person in the sense that the Kierkegaardian self is very much an autonomous self.[36] The ideas of freedom and choice are integral parts of Kierkegaard's account of the self. In both Either/Or (1843/1946) and Repetition (1843/1941), Kierkegaard argues against the so-called aesthetic way of life, a way of life that occurs in the moment and is lived for the moment. The aesthete lives from one moment to the next without making any choices. As opposed to this, he argues for a so-called ethical way of life. This does not necessarily mean abandoning the hedonism that such a moment-to-moment life is often associated with. Rather, the point Kierkegaard tries to make is that an individual, in order to be truly a self, needs to *choose*, that is, lead a life of responsibility and freedom. In this regard, we have to take into account that Kierkegaard's writings are widely regarded as a reaction to the Hegelian idea of a universal spirit; that he was a vocal opponent of the so-called 'Christendom' (as opposed to 'Christianity', which denotes a true religious relationship between the individual and God) and that he was engaged in a long polemic against the Danish National Church. The main point of Kierkegaard's opposition to Hegel, Christendom and the Danish National Church was that they were denying individual existence, subsuming it into collective processes and, with regard to the Church and Christendom,

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[35] Of course, in other respects, the two differ diametrically. Most notably, perhaps, is 1) Kierkegaard emphasizes decisions and decisive acts, while Cuypers de-emphasizes decisions; and 2) the fact that, at least according to a conventional reading of Kierkegaard, his philosophy has a decidedly individualist stance, perhaps even radically so, while Cuypers' model actively rejects such an individualism.

[36] Cuypers defines personhood in third-person terms, i.e. as a public actor and expressly avoids any internal, subject-centred definitions. Kierkegaard, on the other hand, is an exponent of the latter, and so this is another point of difference between the two.

relinquishing the relationship between the individual and God. This was essentially a non-conformist stance, a position against simply being obedient to the Church, adhering to the norms of the day rather than doing so out of an authentic, individual relationship with God.[37] As such, his view of the self has the structure of autonomy: his idea of responsibility and freedom is an argument for self-command as opposed to simple obedience to other people or rule by one's base instincts.

The second similarity between Kierkegaard and Cuypers lies in the self-reference they ascribe to respectively the self and the autonomous person. Cuypers follows the Frankfurt/Dworking hierarchical model, of which self-reference is an integral part.

> "The reflexivity[31]… is formally modelled by the distinction between first order and second order desires. Persons typically not only have desires of the first order, X desires that *p*, but also desires of the second order, X desires or does not desire that X desires *p*." (Cuypers, 2001: 89).

A similar type of self-reference is seen in Kierkegaard's work. The self, according to Kierkegaard (1849/1989), refers to the relationship between the temporal and the eternal, the relationship between facticity and potentiality, (see also Shmueli, 1971) that relates to itself. It is a relation relating to itself (Kierkegaard, 1849/1989). Its self-reference lies in its ability to relate to itself. The same type of division between first-order and second-order functions are thus evident here: the self would be concerned with e.g. either its temporal or eternal concerns – these would be its first order

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[37] See, for instance, Kierkegaard (1849/1989: 117): "And now Christianity! Christianity teaches that this single human being, and so every single human being, whether husband, wife, servant girl, cabinet minister, merchant, barber, student, etc., this single human being is *before God* ….this human being has an invitation to live on the most intimate footing with God!"

functions – while the concern about maintaining a coherent self amidst these differing concerns is the second order function.

The third similarity between Kierkegaard and Cuypers lies in the self or the autonomous person's relationship to something outside of him/herself. This relationship is a crucial aspect of autonomy in both Cuypers' and Kierkegaard's models. In Cuypers' model, as discussed above, (see section 4.3). it is the individual's interaction with his/her community that constitutes the objects of his/her *care* and, according to Cuypers, a person's autonomy is constituted by the decisions s/he makes out of *care* for these things.

We find a similar idea in Kierkegaard's writings, as expressed most concisely in the formulation: "…a relation relating to itself, and in relating to itself relates to something else" (Kierkegaard, 1849/1989: 43). In Kierkegaard's philosophy, the self is characterised by two poles, a tension described as either the relationship between, facticity and potentiality or the temporal and the eternal (Schmueli, 1971).

In *The Sickness unto Death*, Kierkegaard (1849/1989) embarks on an in depth analysis of all the possible pitfalls of such a tension. The main thrust of his argument is that the tension between the two poles cannot be maintained (meaning that the self cannot continue to exist as a self) unless it is grounded in the relation between the self and the Other (that is, God). As will be evident below, there is a certain relation in how Kierkegaard treats God and how Cuypers treats objects of care which will allow us to relate both of them to the concept of meaning as discussed in Chapter 2.

From the start it is important to note that Kierkegaard's treatment of God does not consist of a formal proof of God's existence. In fact, he rejects the

project of attaining a conceptual grasp of God and maintains that He can only be apprehended through faith (Kierkegaard, 1844/1974: 49-55). What is more pertinent to our current discussion is the function or role that God plays in Kierkegaard's philosophy, particularly with reference to how a relationship with God constitutes the true self.

In *Fear and Trembling* (1843/1985), Kierkegaard's line of thought on this matter is perhaps most clear. As in 'Sickness unto Death', the idea is that true selfhood is only possible in a relationship of faith with God. In 'Fear and Trembling', Kierkegaard expands on this idea with reference to the Old Testament account of Abraham and Isaac[38]. Abraham, as a 'Knight of Faith' (Kierkegaard, 1843/1985: 99), is willing to give up everything - one can't help but think that, had he been given the choice, he would have sacrificed himself rather than his son Isaac - and resigns himself to this sacrifice, and yet, paradoxically, has the expectation that what he is about to sacrifice will be restored to him. His obedience to God thus has the double movement of not only 1) giving himself up but also 2) expecting that he will get his sacrifice back. Through doing this, Abraham is able to maintain the tension between the temporal and the eternal, "living in the world while keeping (his) distance from it … free to receive what God is constantly revealing" (Schmueli, 1971: 101).

Naturally, Kierkegaard's writings have a strong Christian colouring. However, if one temporarily suspends the theological references, we believe it is possible to 'translate' his position using the concept of 'meaning' as set out in Chapter 2. One has to note, too, that this leap of faith is not only required in relation to Divine commands. In *Fragments of Philosophy*, for instance, Kierkegaard (1844/1974: 101) argues that everything that exists is apprehended only through faith. This does not

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[38] Abraham was commanded by God to sacrifice his son. Abraham obeyed, but was delivered from doing the deed when God provided him with a sheep as substitute. (Genesis 22, verse 1-19)

mean that we cannot trust our senses or disregard observations as we see fit, depending on our beliefs: "Faith … does not believe that the star is there, for that it sees, but it believes the star has come into existence. The same holds true of any event." (Kierkegaard, 1844/1974: 101). This is to be understood against the background of Kierkegaard's view regarding existence and essence. He opposes the two concepts: Conceptual knowledge can only grasp essences and has to concern itself with the necessary. Existence, on the other hand, is dynamic and cannot be grasped concepts. Existence relates to the change from potential being into actual being (1844/1974: 92) and neither the potential nor the actual are necessary. Now, Kierkegaard designates faith as the method of grasping existence. Accordingly, existence is not grasped by conceptual knowledge but by faith.

To see why he uses the term faith, we have to consider that he regards all coming into existence as pointing back to "a freely effecting cause" (Kierkegaard, 1844/1974: 93), which is God. We do not see this as some form of cosmological proof or argument for intelligent design. Kierkegaard does not, for instance, deny such things as natural laws or that one could have knowledge about natural laws. Rather, by opposing essence to existence and knowledge to faith, Kierkegaard is saying something about the difference between the knowledge of facts and the apprehension of the *meaning* of those facts. Our reading of Kierkegaard suggests that God is Kierkegaard's answer to the question about the meaning of it all and that living in faith is living *meaningfully*, that is, interpreting the existence we encounter to discern the meaning of it on a day to day basis.[39]

At this point, we can start to reinterpret Kierkegaard's writings in terms of meaning. Recall from Chapter 2 that the psychic system interprets

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[39] In Existential psychology, notably those theories of Victor Frankl, Rollo May and Irvin Yalom, the Kierkegaardian self striving to be a self is consistently re-interpreted as the self striving to attain meaning.

experience as meaning through a system of distinctions. This creates a circular reference, e.g. *X* is defined as *not A*, *not B*, etc., while *A* and *B* are defined, amongst others as being *not X*. This circular reference is stopped by a *decision*, that is, when one of the referents (e.g. A) is treated as having a self-evident identity, which allows us to identify other things in terms of it. It is important to emphasize that the decisions in meaning are made without there being sufficient grounds from which to calculate the best decision.[40] If there were any grounds for the decision, then one of the referents would already have had a self-evident identity, while this is exactly what the decisions aim to accomplish. Decisions are *per se* groundless.

Without this decision, the circular reference continues *ad infinitum*; the psychic system is paralyzed, unable to make sense of its experience. In Kierkegaardian terms, this would be the self trapped in the eternal. Likewise, the psychic system that does not make use of a system of distinctions (apart from per definition not being a psychic system – see our definition in Chapter 2) is forced to reduce the complexity of its environment through other means, such as animal instincts. This is the Kierkegaardian aesthetic self, trapped in a moment-to-moment existence.

We thus see that the decisions we described in Chapter 2 have the same structure as Kierkegaard's leaps of faith. Just like Kierkegaard's leap of faith, there are no grounds for decisions. A decision, like faith, is a leap over an abyss. Furthermore, decisions are also characterised by the same double movement, the inherent contradiction of expecting back what one has already sacrificed. Recall from Chapter 2 that for meaning to have an adaptive function, that is, for it to be successful in allowing the system to select from an overabundance of possibilities, it has to be perceived as being *given as an identity* by the *environment*, and not as *constructed as*

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[40] This is what Derrida (1988) refers to as an ethical decision.

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such by the *system*. In constructing meaning, the psychic system has already given up the *given-ness* of meaning, and yet has to treat it as a *given* meaning after it has been *constructed*.

Furthermore, we know that when a psychic system interprets experiences, it does not do so in a disinterested manner. In a very real sense, it risks itself. It puts itself on the line, hoping, trusting that it will not be lost.

Now, although there are structural similarities between Kierkegaard's faith and these decisions, this does not mean that they are one and the same. We certainly do not risk our whole life in every meaning we attach to every experience. However, these 'small' meanings all contribute to the way we view the big questions of life, death and our existence. Our decisions in these matters are very much, in Kierkegaardian terms, leaps of faith.

Bearing this in mind, a further distinction between different types of decisions is necessary. In particular, we distinguish between automatic and self-referential decisions. In this distinction between automatic and self-referential decisions, the meaning-based approach starts to depart slightly from a purely Kierkegaardian perspective. The decisions made by the psychic system from one moment to the next do not need to be self-referential or concern questions of core meaning. The psychic system need not even be aware of making them. Decisions can be made automatically and still maintain their function in the processing of meaning. Furthermore, it is important to note that some of our decisions *have to be* automatic. *Some* of our ways of making sense of things can be called into doubt *some* of the time, but not *all* of them *all* of the time. If this were not so, our meaning processing would quickly become so complex that it stops functioning as a way to orient the psychic system in its environment. A meaning-based approach thus needs to make a distinction between automatic decisions and self-referential decisions. The former are decisions

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the psychic system makes automatically, while the latter are so-called leaps of faith. They are self-referential because it involves the psychic system's view on its own decision: it is aware of the groundlessness of the decision and must make the leap despite being aware of it. Furthermore, self-referential decisions are concerned with the answer to questions of core meaning. Core meanings are those meanings that are fundamental to all other meanings, and from which other meanings are derived. The meaning-based approach thus regards any value or principle that functions as an answer to questions of core meaning as fulfilling an equivalent role as God does in Kierkegaard's philosophy, in the sense that the psychic system's relationship with it is one of faith: Just like God, any answer to questions of core meaning needs to have *authority*. Even if the psychic system constructed these answers, it cannot function as answers if the psychic system does not believe it to hold some authority that is binding and not just a function of the whims of the psychic system. If it does not, these answers cannot fulfil their function of providing guidance on issues of core meaning. Moreover, just as Cuypers' model, although this is an authority residing outside the individual – or psychic system in our model - and thus a moderate heteronomy, the authority of a core meaning can still be regarded as an expression of the psychic system's autonomy, because it actively accepts this authority and identifies with it.

The meaning-based approach has certain advantages over Cuypers' model. Where Cuypers de-emphasises decisions in autonomy, a meaning-based approach shows us that the act of caring necessarily has a decisive character. When Cuypers describes our caring about something, it is caring about values or principles or anything that serves as an answer to questions of core meaning. What a meaning-based approach shows us is that our relationship to these objects of care are characterised by faith, or self-referential decisions, as we argued above. As such it adds a very important dimension to Cuypers' model of autonomy. It clarifies the process

of how we are to validate whether someone's actions were autonomous. Where Cuypers' model does not allow us to distinguish between the person who arrived at his/her guiding values through conformity and the person who arrived at it by being true to him/herself, a meaning-based approach perspective allows us to deal decisively with the scenario where an individual uncritically and automatically follows the values of his/her community. Accordingly, a person acted autonomously when s/he was in a relation of faith with his/her object of care, and not simply conforming to what his/her community had taught him/her. This also has the implication – one that fits rather well, in our opinion, with some common sense intuitions about personal autonomy - that people are not autonomous *all the time*. We do not always actively make decisions, we sometimes act automatically and conventionally; when we do so, we are not autonomous, but we still have the capacity to be autonomous.

The meaning-based approach can also act as a corrective of the Kierkegaardian perspective. Traditionally, Kierkegaard has been read as a champion of individuality, as someone who rejects any sort of conformity to others. In this regard, Kierkegaard's writings suggest a sharp distinction between our unique, individual relationship with God on the one hand, and our relationship to our community as well as conceptual and abstract knowledge on the other. Specifically, one must not let the latter intrude on the former. This sharp distinction can now be deconstructed with reference to our concept of meaning. As discussed earlier, a meaning-based approach requires us to make a distinction between automatic and self-referential decisions. There we argued that not all decisions can be self-referential leaps of faith, as this would work against the function of meaning to reduce complexity.

Now, automatic decisions and self-referential decisions condition one another. On the one hand, our self-referential decisions result in meanings

that are truly central to our lives and accordingly form the core of our meaning processing and thus condition a great deal of our automatic decisions. For example, the person who has undergone a religious conversion, might, as a result, do things differently from now on, develop certain *habits* more in keeping with his/her newly found deep truth.

On the other hand - and this is perhaps the more significant of our departures from a Kierkegaardian perspective – automatic decisions necessarily condition our self-referential decisions. Our self-reference does not allow us to actually take up a position outside of ourselves, only to *imagine* how we would look if seen as an object. This imagination has to make use of the very same system of meaning that we are reflecting on, the very same system that has developed over years and owing the greatest part of its early development to automatically accepting what its parents claimed as the truth. No real position outside the psychic system (which is a system of meaning) is possible and thus our self-referential leaps are conditioned by it. Self-referential decisions are made against the background of already existing meaning. Even when it contradicts these meanings, it has to speak in the already existing 'language' of these meanings.

Nevertheless, despite being conditioned, self-reference gives decisions a different character. Self-referential decisions are by definition guided by what the psychic system believes to be the answer to certain questions of core meaning. These answers are always accompanied by some form of authority (other than the psychic system itself) to which it is accountable. If the answer is in the form of God, then God Himself is the authority. If the answer is in the form of something like a value or principle, the psychic system still needs to invoke some form of authority other than itself. If the value is only valuable because the psychic system chose it, it loses its function in orientating its life. The psychic system needs the value or

principle to be important regardless of whether it was chosen. In cases where the answers to questions of core meaning do not take the form of God, the psychic system needs to invoke a standard whereby he believes all people in his position would agree to it. This idea bears some resemblance to Habermas' 'ideal speech situation' (Habermas, 1986: 260), in that the validity of a statement is defined by whether others in an atmosphere free of power would agree to it. One subtle difference is that we regard it more as a function of one's ability to bestow cognitive empathy and imagination than as the ability to reason. This subtle difference helps us consider instances where people cannot agree, regardless of their ability and willingness to reason, because the respective axioms they employ are just too different and specific to the different lives they have experienced. The psychic system projects the standard of the generalised other into its interaction with other people. It is a construct of the psychic systems itself; it does not exist objectively. However, if the psychic system constructs the standard so that it only serves to perpetually justify its own desires, it essentially closes itself off from communicative relationships and loses the adaptive gains of being in communicative relationships. In extreme cases, such psychic systems would be considered disabled and/or pathological, unable to handle their own affairs and thus not autonomous.

The meaning-based approach's conceptualization of communicative relationships between psychic systems allows us to clarify the interaction between the autonomous person and his community. Firstly, as set out in section 2.3, we regard a person as being constituted by the interpenetration of the psychic and biological systems. Of the two, only the psychic system is related to meaning. The biological system by definition does not make self-referential decisions. When we thus refer to personal autonomy, we are referring in particular to the autonomy of the psychic system.

Recall from Chapter 2 that the establishment of communicative relationships (which constitute the cultural system) between psychic systems represents an adaptive gain, adding specificity and sophistication to the person's process of identifying things and adding information to which the person did not have direct experiential access. We also argued that this adaptive gain lies mainly in the possibility of others to provide disconfirming feedback. If this possibility were not present, the validating feedback we receive would be meaningless. Thus these communicative relationships between psychic systems would lose their adaptive function if disagreement were not possible. Implicit in the psychic system's communicative relationship with others is the fact that they have lived different lives. When considering what to make of disagreement, the system has to take into account how relevant the difference is. For instance: are the values the other person has experienced applicable to my life? Has he seen things I could not? Am I seeing something he has missed? The psychic system's ability to process these differences is necessary to gain any advantage at all from communicative relationships. The ability to process differences is greatly enhanced if it can consider something like a generalised other, subjecting the validity of its decisions and behaviours to the standard that others would have to be able to agree with it.

In conclusion, the meaning-based approach can define autonomy as follows: a person may be regarded as acting autonomously when his/her actions are the result of self-referential decisions. These decisions involve the person being in a relationship of faith with answers to questions of core meaning, the authority of which s/he accepts and identifies with.

The meaning-based approach can therefore be seen to solve the most pertinent problems of both the rational and community based traditions on autonomy.

Because the possibility of disagreement is inherently part of interpreting experiences as meaningful, the problem of conformity is avoided. If disagreement is not practised often enough by people, it is due to factors like oppression or traditions of conservatism, or personality factors, or the like. In such cases, we can rightly contend that people in these cases are not being allowed their autonomy.

The meaning-based approach avoids the metaphysics of the rational tradition. In this view, we can regard self-commands to be issued by the authority of the meaning it has for the person. At the same time, it is issued as a self-referential decision. Because such decisions involve answers to questions of core meaning, they invoke some authority other than the person him/herself. The meaning-based approach thus avoids the problem of the person simply acting on his/her own desires. At the same time, it does so without having to posit the objective existence of universal laws of reason or morality. The authority invoked is necessarily a construction of the individual him/herself, but the authority cannot simply be a slave to his/her passion, lest it loses its function as guiding force in his/her life.

Given our formulation of autonomy as residing in self-referential decisions, we will have to demonstrate how such decisions are possible in cultures. Specifically, we will have to demonstrate how cultures can exhibit self-reference, and how cultures can be thought of as exhibiting something analogous to the person's reaching out to core meaning.

CHAPTER 5

CULTURES AS DISCERNIBLE ENTITIES

In the previous two chapters we have focused on personal delineation and personal autonomy. We now turn to the concept of cultures and investigate how cultures can be delineated in the same way. In Chapter 2 we developed the idea of cultural systems as second order meaning systems. However, the idea of a cultural system may just as easily apply to all humanity, as in when culture is opposed to e.g. nature. The auto-poietic nature of systems of meaning merely separates culture from that which is not culture. It therefore does not capture the regional (sometimes ethnic) connotation of "cultural" that refers to differences in background. It is therefore, not yet clear how such a conceptualization helps us to think of cultures as discrete entities that have identities in much the same way as individuals. An analogy between cultures and persons with regard to delineation will have to be proven for three different aspects: We will need to show that cultures have 1) the trivial boundaries (in persons this coincides with the organism's boundary), 2) structures analogous to the "I" and repressed meanings and 3) representivity analogous to personal autonomy. It can be shown however, that conceptualising cultures as systems of meaning makes it possible for us to complete such an analogy and think of cultures as identifiable, discrete entities within the greater cultural system. This will be done by examining so called multicultural conflicts. In so doing it will be shown how multicultural conflicts can give rise to, and are in fact key to the development of cultures.

5.1 Multicultural conflicts

Our point of departure in defining multicultural conflicts involves the manner in which individuals categorise themselves. According to Henri Tajfel's (1970) Social Identity Theory, any individual has an array of possible categories within which to categorise him/herself. S/he may, for instance, use tags such as 'friendly', 'intelligent', 'tall', but also employ, from time to time, categories

such as, e.g. 'South African', 'Afrikaans', 'Capetonian', etc. Crucially, according to Tajfel's theory, these self-categorisations vary from one situation to the next, so that the situation determines which is the most salient. We thus define multicultural conflicts as situations that elicit individuals' self-categorisation into groups that refer to their cultures.[41]

Note also that multicultural conflict situations are thus divisive in nature as they self-categorise results into an 'us vs. them' situation which, according to Tajfel's theory is accomplished merely by the categorisation itself. This theory has since been corroborated with empirical, experimental evidence (Tajfel, Billig, Bundy & Flament, 1971: 149; Diehl, 1990: 263, 292; Tajfel, 1982: 39).

Furthermore, multicultural conflicts have as essential features 1) a difference between two individuals or parties, a difference on an issue that 2) appears to be fundamental or insurmountable and 3) this difference refers to the cultural difference between the two parties. Furthermore, such conflicts involve 4) a conflict between collective and individual rights, where the encroachment on individual rights is justified with reference to culture, and or 5) a conflict between public and private representation of a culture.[42] Furthermore, it is important to note that multicultural conflicts often (though not always) occur against the backdrop of the nation state, or more specifically, they occur as a problem for the idea of the nation state, challenging the correspondence between a certain territory, its government and its way of life.

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[41] We will argue on p.149 that people's reference to their cultures involve what we will call 'inclusion theories'. While inclusion theories represent a specific person's definition of his/her culture, it cannot serve as a true delineation of the whole culture.

[42] While it is conceivable that there are conflicts involving different cultures that do not share these common features, the examples listed below account for the most prominent and difficult issues. Moreover, we would argue that conflicts that do not involve the encroachment of individual rights for the sake of collective rights are easily conceptualized within existing frameworks and without the necessity for reference to culture and should, in our opinion, not be called "multicultural" or "inter-cultural".

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Note that it is not necessary that these differences actually *are* fundamental, only that *at least one of the parties perceive* them to be so. An examination of most of the issues usually referred to as multicultural conflicts share these features. To illustrate this, let us consider for instance the following issues: the African concept of dignity as opposed to freedom of artistic expression[43]; the practice of polygamy and ukuthwala[44]; the ritual practice of clitoridectomy; the conflict between freedom of speech and respect for religion (specifically pertaining to the issue of blasphemy); the prohibition of Muslim headwear in some European states; representation and powers afforded to traditional leaders in (for instance) South Africa and various conflicts where the conservation of the 'character' of a public sphere is at stake (for instance Quebecois language policies or the recent Swiss referendum against the building of minarets).

The first few cases are all instances where certain cultural practices, abhorred and attacked by some as inhumane, are defended on the basis of being "cultural". The implication in this regard is clear: those who attack it allegedly do not do so only on the merit of the case but based on a misunderstanding of the other party's culture, that is, they argue from the wrong assumptions. This fits well with the abovementioned characterization of multicultural conflicts, except that it does not appear to involve any particular nation state.

The powers afforded to traditional leaders tend to evoke similar problems, because traditional leaders could conceivably allow or condone some of these controversial practices. Furthermore, they would represent, as in the South African case, pockets of monarchic (and hence undemocratic rule) that

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[43] Recall from our Introduction that 'The Spear' debacle is an example of such a tension between dignity and artistic expression. 'The Spear', a satirical painting depicting President Zuma in a pose similar to a painting of Lenin, only with exposed genitals, was exhibited in the Goodman Gallery in Johannesburg in May 2012. The furore caused by this saw Zuma taking legal action (Subramy, 2012) to prohibit the gallery and City Press to display the painting (the latter on its website).

[44] Ukuthwala is a cultural practice whereby 'the intending bridegroom, together with one or two friends, would waylay the intended bride … and they would forcibly take her to the young man's home' (Ntlokwana, 2009: 4)

deprive their people (who are also South African citizens) of their freedom to self-rule through a democratic state. Moreover, their treatment of women, based on cultural tradition, would also be problematic.

With regard to freedom of speech and religion, the outrage at a Danish cartoon depicting Mohammed, published in Jyllands Posten in September 2005 (Rose, 2006). Those outraged call for censorship (if not something more drastic). This would encroach on the (Danish) individual's freedom of speech and belief, but would be justified on "cultural" grounds. The cartoonist should obey the laws *they* (i.e. the ones who are outraged) are committed to, *even if he is not*, and should therefore refrain from what is considered blasphemy. It is something that in their view needs to be obeyed by *all*; otherwise it loses its value. It is with regard to this assumption (about universal observance of their laws) that the opposing parties differ. Moreover, the different assumptions of the opposing parties make clear reference to different cultural backgrounds, hence the conflict is typified as a conflict between e.g. Islam and "the West"/"secularism" (Beukes, 2006, Rose, 2006).

In cases where the character of the public sphere is at stake, the conflict is typically between those who want to preserve a certain character or "heritage" and those who are for a greater inclusivity, (for instance those who are marginalised by this public character). The Swiss referendum on minarets and the language conflict in Quebec are examples of these. In these cases, the preservation of a certain level of homogeneity of the public space (which is preserved in order to preserve the culture represented by that public space) has to proceed at the expense of other's marginalisation. In the Swiss case, the outcome of the referendum is cited to be an expression of Swiss voters' wish to defend against an Islamic character that would threaten the Swiss/European character of the public sphere. Similar arguments are heard in the French and Dutch public sphere, where the Islamic headwear is seen to erode the secular nature of the French and Dutch societies respectively

(Pillay, 2007). In the case of Quebec, proponents of pro-French laws argue that pro-French laws are needed to prevent Quebec from losing its French character. In these cases, at least one of the parties value the preservation of their culture as a good, and at least part of the conflict is about whether and to what extent such preservation is justifiable in the light of the exclusion and marginalisation it causes. Furthermore, in these cases, there is no way to accommodate every culture; to make the public space as neutral as possible is already to erode the current character, and to maintain the current character is to exclude others from having a public space that is also "theirs". Necessarily, such conflicts have to include a discussion on and reference to those cultures that are to be protected.

A further key aspect in all these cases is a tension between collective rights and individual rights. The cultural practices that are under attack invariably involve an encroachment on individual rights (sometimes extended to animals as well, as in the case of the bull-slaughter ritual); the conflict between respect for religion and freedom of speech essentially involves religious demands for the encroachment of the right to freedom of speech; and conflicts about the character of the public sphere rest on the demand for the preservation of a collective good (the survival of a culture) which leads to the marginalisation and misrecognition of individuals of those not excluded from the public sphere. Furthermore, the justification of encroachment on individual rights proceeds by way of reference to culture.

Essential to multicultural conflicts is that at least one of the parties involved introduces reference to his/her culture to the debate. This can be done in a variety of ways and, depending on the context, by a wide variety of people. In all cases, however, such references are made in the public sphere. It can be made, for instance, by a journalist writing an opinion piece in a daily newspaper (such as Prof. Simphiwe Sesanti regarding African values in response to the 'Spear of the Nation' debacle) (Sesanti, 2012), or someone

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claiming to be a representative of a culture may make a public statement or initiate a public debate (as we have seen in the cases of religion in the public sphere in Switzerland and France).

How representative these people are is a topic that will be discussed in Chapter 6. It is interesting to note, however, that the media plays an ever larger role in disseminating these messages that refer to culture and that with the advent of the internet and practices such as blogging, an ever wider variety of people are potential initiators of public debate and an ever greater interaction between individuals is possible. In this regard, John Thompson, in his analysis of media and ideology (long before the advent of blogging), already indicated a trend away from one-way media communication and towards greater interactivity (Thompson, 1990: 214). Thompson's analysis also shows the connection between the development of mass media and the nation state:

'The emergence and development of (media) industries was a specific historical process that accompanied the rise of modern societies. The origins of mass communication can be traced back to the late fifteenth century, when the techniques associated with the Gutenberg press were taken up by a variety of institutions …. This was the beginning of a series of developments which, from the sixteenth century to the present day, was to transform radically the ways in which symbolic forms were produced, transmitted and received by individuals in the course of their everyday lives. It is this series of developments which underlie what I call the mediazation of modern culture. This is a process which has gone hand-in-hand with the expansion of industrial capitalism and with the formation of the modern nation-state system." (Thompson, 1990: 163-4)

When a person publicly introduces a reference to his/her culture, s/he offers a delineation of that culture. Of course, this delineation may be highly controversial; we will address that question below. For now, let us examine the implication that this delineation by an individual has.

The delineation takes the form of what we will call an "inclusion theory". An inclusion theory simply refers to the conceptualisation that makes it possible for an individual to determine (for him/herself if for no one else) who is a member of that culture and who is not. To do so, an inclusion theory necessarily needs to rely on criteria or essential features, which makes it inherently flawed. The interactionist nature of culture would imply a continuous, not discrete, variation in culture: a neighbouring tradesman might adopt some of a tribe's meanings, but not all, and he might impart some of those meanings to his kinsmen. It is even conceivable that some neighbours end up having more in common with each other than with their own kin. As such, an inclusion theory that attempts to draw a border whereby those on the inside share a certain set of meanings, and those outside of the border do not, inevitably results in simplistic generalisations that are not accurate. Furthermore, as a *product* of interaction, culture is not simply metaphysically given and does therefore not by some sort of divine decree apply in equal validity to a certain group of people within a discrete geographic location. Even in a highly isolated tribe such as the tribes anthropologists have tended to study in the past, there is no way of generalising the findings observed in some interactions to the whole. If an anthropologist were to check his/her interpretations with some of a tribe's members, s/he would get a wide variety of different responses. Put differently, what is regarded by some as a valid interpretation now, is always up for negotiation and "under construction", so to speak. No meaning can claim general and permanent validity. Diversity and the interplay of agreement and disagreement therefore lie at the core of the development of culture. This means that defining a culture simply by an agreement on certain values is problematic. This also rules out the possibility

of defining a culture by a list of essential features and makes any inclusion theory fundamentally flawed.

From the definition of multicultural conflict offered above, it is clear that a certain amount of public involvement is necessarily present in a multicultural conflict: a conflict that can be contained to two individuals that refer to their different backgrounds does not need to be considered a proper multicultural conflict. *Without* reference to the public sphere, the conflict can, in the worst case, reach an agreement to disagree. The essential conflict between collective goods as against individual liberties is therefore not at play when the debate can be contained completely to two individuals.

Earlier we indicated the importance of the media in initiating and maintaining public debates. Also, we have indicated that multicultural conflicts are necessarily public matters. Now, in as much as the debate between two parties become public, the party that ventured the initial inclusion theory, that is, made the initial delineation of culture, risks being contradicted by those very people s/he included in the culture. Moreover, those who can potentially agree or disagree need not be participants in dialogue *with each other*. Due to the effect of mass media, people can appropriate a broadcasted message and discuss it amongst themselves and still hold an opinion on the inclusion theory at stake, without ever having to engage personally the original interlocutors of the public debate (cf. Thompson, 1990: 317).

All those involved in this way can agree or disagree on a) the original issue disputed and/or b) his/her inclusion theory, that is, whether they should be grouped with that culture at all, much less in support of his/her position. This results in the individual being able to group people into four camps:

1) those s/he expected to agree (based on his/her inclusion theory and their perceived membership of his/her culture) who do;

2) those s/he expected to agree who don't;

3) those s/he expected to disagree who do and

4) those s/he expected to disagree who don't.

Similarly, as the debate becomes public, each participant of the debate needs to offer an inclusion theory and divide people into the same four categories. The only participants who do not offer an inclusion theory are those who reject inclusion theories (rightly) for their flawed character; they contribute to the debate by disagreeing in principle with all inclusion theories offered.

Let us consider the range of possibilities with regard to agreement and disagreement on inclusion theories. On the one extreme, it is possible that, initially, there are as many different conceptualizations of that culture as there are participants, that is, there is no agreement whatsoever. On the other extreme, there is complete agreement. In between these two extremes lies a spectrum of agreement and disagreement.

Where complete agreement is highly unlikely, complete disagreement is also precluded by the social phenomenon called the metacontrast principle (Mogg & Vaughan, 2008: 126). The metacontrast principle dictates that individuals tend to exaggerate similarities with those people they categorise themselves with, as well as exaggerating differences with those who form part of their out-group. Accordingly, an individual will minimize differences within his/her in-group and maximize his/her difference with the out-group.

On the one hand, the multicultural conflict itself has created an 'us vs. them'-situation, resulting in the individual exaggerating similarities with whomever s/he includes in his/her culture (regardless of how flawed his/her inclusion theory is), while exaggerating differences with whomever s/he regards as members of the out-group. On the other hand, it follows from Tajfel's social

identiy theory that the public debate elicits internal differences, which necessarily repeats the 'us vs. them' situation *internally*. In addition to this process, people's proneness to conformity in opinion is a phenomenon well established in social psychology (cf. Asch, 1956: 1-70). The result is that, from the potentially vast variety of inclusion theories, a much smaller number survives the public debate, as individuals support those theories they feel closest to, minimizing the nuances they may differ on, while maximizing their differences with opposing theories. Furthermore, each of these remaining theories then necessarily has those who agree with it, and those who disagree with it.

In this regard, we define the concept of a 'dominant account' as that theory which is agreed upon by the most people, that is, the inclusion theory that most people would agree upon if a poll were to be taken amongst all those involved (including those discussing the issues amongst themselves after receiving the message via mass media). Granted, such a poll would be quite impractical and difficult to implement. Yet, it is not impossible (we see it, for instance, when referenda are conducted) and in principle, such a dominant account is empirically verifiable.

However, when (as the debate goes on) a dominant conceptualization emerges, it becomes possible to ascribe identity to that culture, that is, to see it as a discrete entity. Important to note here is that *identity* (that is, the culture's status as discernible entity) should *not simply be equated* with the dominant account. The dominant account is not the *correct* account of the culture's identity. It retains the flaws of a simple inclusion theory and is simply dominant because it is enjoying the most support. This could be because of rational agreement or due to various other measures, such as simple repetition, conformity, censorship or control over media production. For the moment, it is not important from where the dominancy stems and how legitimate such dominancy is; we will address such issues in Chapter 6. The

point of interest here is that, once a dominant account has been established, it provides us with the basis from which the identity of a culture can be conceptualized in comparison with personal identity. This is the focus of the following section (5.2).

One possible objection at this point, however, would be that, of the examples we used as multicultural conflicts, it is not always clear that the antagonists would in fact represent the dominant account. It is rather conceivable that some of them represent quite marginal views. Those supporting the practice of *ukuthwala*, for instance, may be a minority of Xhosas. We accept this point. We point out, however, that it is still possible in principle to establish empirically what the dominant account is, and if those demanding cultural rights are in fact the marginal group, it certainly has negative implications for the legitimacy of their claims to represent the group. Moreover, as we will demonstrate in Chapter 6, the quality of interaction between the dominant and marginal account will be crucial for determining the legitimacy of all claims for cultural rights.

A further question would concern the possibility of not having a dominant account at all. In such cases, following our argument, it would not be possible to delineate a distinct culture. We would point out, however, that this is not the case in the examples discussed so far. Because the multicultural conflict situation creates an 'us vs. them'-situation, it focuses the issues to be agreed or disagreed upon. In the examples discussed so far, we thus find one of the following structures: a) heavily polarised, but more or less equally supported accounts, b) a clear dominant account with marginal accounts, with the dominant account being a vocal antagonist in the conflict, or c) a clear dominant account that is relatively silent, while the marginal account is the vocal antagonist. Moreover, the absence of a dominant account would indicate, in essence, the absence of a multicultural conflict that would elicit people's self-categorization.

5.2 Discernible boundaries in cultures

At first glance, ascribing identity to cultures, that is, seeing them as discernible entities, appears to be an untenable position. However, close examination of how we apply the concept "identity" to persons reveals that a comparison is possible. In Chapter 3, we proposed a dual structure model of personal identity. According to this model a person 1) can be delineated with regard to his body. This is what we will call the person's trivial delineation. However, 2) the more significant boundary is that of the psychic system. The boundary of the psychic system is not clear and – crucially – does not coincide with the "I". Thus personal identity is delineated by objective boundaries – the organism's boundaries - which serve as parameters within which psychic boundaries may be disputed. Moreover, we argued that continuity in personal identity is established by a unity of conflict between the "I" and repressed meanings and that this unity of conflict is characterised by autonomy, as developed in Chapter 4: a relationship between the "I" and repressed meanings whereby the "I" can self-referentially re-appropriate repressed meanings and doubt the certainty of core meanings. We summarize this dual structure in Table 1, below:

Table 1

	Personal identity
Trivial boundary	Organism's boundaries
Continuity	Unity of conflict: a relationship between the "I" and repressed meanings, characterised by: o Self-reference o Doubt of core meanings Personal autonomy

We now turn to the concept of cultures to investigate whether it may be possible to think of it as discrete entities in the same way as we think of persons. In this section, we will pay particular attention to completing the analogy with regard to trivial boundaries, as well as finding corollaries for the "I" and repressed meanings. Questions surrounding self-reference and core meanings will be addressed in Chapter 6.

Does a culture have objective boundaries that are comparable to the person's organismic boundaries? We suggest that it does. In this section, we will propose a definition of cultural boundaries whereby the communicative relations between people from the same culture is qualitatively different from the relations between people from different cultures.

In this regard, we must take into account the definition of culture as system of *relations between psychic systems*. This allows us to propose a definition of boundaries in cultures in terms of the relations between psychic systems. Put differently, we can define the boundaries of a culture if we can show that the relations between psychic systems (which are the elements of the culture) *inside* the culture are qualitatively different from the relations *outside*.

We propose that this is possible if one uses the self-categorisation elicited by a multicultural conflict situation. The multicultural conflict situation gives rise to inclusion theories. When an individual offers an inclusion theory, s/he categorises him/herself and identifies with a certain group. Notwithstanding the fact that his/her inclusion theory is flawed, this self-categorisation nonetheless results in a claim that s/he is to be included in group X. All those individuals laying claim to be included in group X are now related to each other on account of this claim: their relationships are now characterised by the *claim* that they "belong together". Put differently, if person A claims to be a member of group X and person B makes the same claim, both have to agree on the fact that the other party's inclusion theory is voiced by an alleged

insider of that culture, i.e. they agree that they consider themselves to be insiders.

The examples of groups involved in multicultural conflicts we have mentioned thus far, all also refer to either nationality (e.g. Swiss culture), regionality (e.g. European culture), ethnicity (e.g. Zulu), language (e.g. Francophone) or religion (e.g. Christian).[45] This does not mean that cultures are to be equated simply with nationalities or religious groups. The reader would recall from Chapter 2 that we have distinguished between cultural, political and economical systems as different types of societal systems. Moreover, a group may be, at once, an economic, political and cultural system. A Dutchman would, for instance, participate in his country's politics and be part of its economy, yet still be able to communicate certain meanings to his countrymen on matters unrelated to politics and economy. In this example, the same group (i.e. Dutch people) can be said to constitute a cultural, political and economical system. In other cases, the political, economical and cultural do not coincide. One society, (i.e. one societal system), could have one economic system and yet contain a variety of political and cultural groups. This would be the case in a multicultural society such as Canada or South Africa.

Multicultural conflicts thus have further important characteristics. Firstly, they pertain to the meanings members of the particular groups hold. Note that the members of a certain group need not *agree* on these meanings. We wish only to point out that certain inter-group conflicts are not about meanings, but about other matters such as resources, or simply political power. Furthermore,

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[45] One could arguably add sexual orientation to the list of groups that can also be cultures. In particular, Kymlicka (1998) investigates the issue of gay culture with regard to certain gays' claims to exclusive gay clubs, i.e. clubs that heterosexual may not enter. We are not yet convinced that matters such as these require protection of a certain culture, or whether they are not still better thought of as simple equality arguments, i.e. that gays want to have certain spaces where they can assume other club-goers have the same sexual orientation as they do, just as, they would argue, straights can assume others are straight in most other spaces. Naturally, this is a complex argument, and one that we intuitively find problematic. At present, we do not regard it as a proper cultural issue.

the meanings pertinent to multicultural conflicts are meanings about group membership: the arguments, agreements and disagreements evoked by multicultural conflicts not only cause people to be divided into groups, they also evoke meanings by group members about the importance of belonging to that group. Moreover, while these meanings about group membership may be disputed amongst group members, multicultural conflicts require that agreement is striven for, not for any instrumental reason (e.g. for strength in numbers, or for creating a united front against the opposing group) but for the validation a person is granted when his fellow group member agrees with him on the importance of their group membership. Recall from Chapter 2 that communicative relationships between people are defined by their pattern of validation and disconfirmation. While two people have an agreement such as a contract or a commitment to collaborate, collaborations and contracts serve the function of achieving ends. They are thus means to ends. Agreements that provide validation, on the other hand, provide some certainty about the meaning of the ends themselves, i.e. whether the ends are worth pursuing. As such, they reduce the uncertainty and complexity that the environment presents to the person.

Cultures can thus be defined by the particular character of their communicative relationships. The communicative relationships in cultures are characterised by

a) group members' shared claim that they belong to Group X. For example, two Zulu's both asserting that they are Zulu's. Person A may disagree with Person B about whether s/he (B) is a Zulu, but they nevertheless share this claim. This claim is therefore one characteristic of their communicative relationship.

b) The dominant account[46] of the group asserts that membership of that group is important to the extent that group membership is a core meaning for those members sharing the dominant account, i.e. it is a fundamental value to them that they are part of that group. For example, hypothetically, the view held most often amongst Zulu's (i.e. the dominant account) would be that it is important for them to regard themselves as Zulu, that it is a central part of who they are, how they view themselves and how they orientate themselves in the world.

c) Members who hold the dominant view assert a certain inclusion theory, e.g. 'the practice of polygamy is central to Zulu culture' (i.e. if you want to regard yourself as a Zulu, you should be pro-ritual slaughter) and want all members to share this view.

d) The aforementioned desire for agreement amongst all members is not just instrumental, i.e. they do not strive for such agreement because of the political benefits of solidarity (e.g. a united front against liberal-minded activists against ritual bull-slaughter), but because of the interpersonal validation such agreement provides. For example, Person A (a Zulu) would want Person B's (also a Zulu) agreement on his view of ritual bull slaughter, not just because he wants strength in numbers, but because Person A believes he (A) is right and requires B to recognize the value of his (A's) view.

The communicative relation between the hypothetical persons A and B is thus characterised by the types of assertions made in criteria (a)-(d). While they may agree or disagree on these matters, their communicative relationship is characterised by these matters. All people sharing this type of communicative relationship can then be said to be part of the cultural group X. The common character of members' communicative relations with each other therefore

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[46] Recall from p.152 that the dominant account refers to that inclusion theory which is agreed upon by the most people, that is, the inclusion theory that most people would agree upon if a poll were to be taken amongst all those involved. However, we must stress again that the dominant account remains a flawed account of the culture and is by no means to be considered as the only true account.

constitutes the superficial boundary of that culture. However, it is important to note that the delineation does not end there. To be thought of as a culture, certain other criteria pertaining to the character of the culture's institutions still need to be met. We will attend to these in Chapter 6.

In the example above, we have used the Zulu culture, that is, a culture associated with an ethnic group, as an example. We can also show that the same applies to cultures associated with (i) nations, (ii) linguistic groups, and (iii) religions.

(i) Person A and B would share the claim that they are Swiss, for instance (criterion A). Person A who holds the dominant account, would hypothetically assert that 'in order to consider yourself Swiss, you have to value the Christian heritage reflected in our public sphere, and oppose the presence of Islam in our public sphere (criterion (c)). If there is a dominant account[47] and this dominant account asserts that being Swiss should be a core meaning to all who consider themselves Swiss (criterion (b)) and wishes to convince all those who do not agree, to agree with them, not for the political benefit it holds, but for the validation it brings (criterion (d)), then all those calling themselves Swiss share a communicative relationship characterised by the dilemma about the presence of Islam in the public sphere.

(ii) Likewise, Person A and B would share the claim that they are French-speaking Canadians, or Francophone (criterion (a)). Person A, who holds the dominant account, would hypothetically assert that 'in order to consider yourself Francophone, you have to value the presence of French in our public sphere, and be opposed to measures that threaten this presence' (criterion (c)). If there is a dominant account and this dominant account asserts that being Francophone should be a core

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[47] Recall from p.152-153 that it would not be possible to delineate a distinct culture if no dominant account is present.

meaning to all who consider themselves Francophone (criterion (b)) and wishes to convince all those who do not agree, to agree with them, not for the political benefit it holds, but for the validation it brings (criterion (d)), then all those calling themselves Francophone share a communicative relationship characterised by the dilemma about the presence of French in the Canadian public sphere.

(iii)   Furthermore, Person A and B would share the claim that they are Muslim (criterion (a)). Person A, who holds the dominant account, would hypothetically assert that 'in order to consider yourself Muslim, you have to support the punishment of those who blaspheme, even if they are not believers (criterion (c)). If there is a dominant account and this dominant account asserts that being Muslim should be a core meaning to all who consider themselves Muslim (criterion (b)) and wishes to convince all those who do not agree, to agree with them, not for the political benefit it holds, but because it would be the right belief to hold (criterion (d)), then all those calling themselves Muslim share a communicative relationship characterised by the dilemma about blasphemy by non-believers (and by implication, the question of free speech).

Now, there may be varying degrees of consensus about inclusion theories: some may object to one's self-identification, others may accept it, etc. Despite this variance, however, there now exists a qualitative difference between the relationship between those on the inside of the culture and those on the outside, respectively: on the inside, the individuals have a claim to inclusion which may be agreed or disagreed upon by the others laying a similar claim; on the outside, there is no such claim.

Furthermore, if two group members share a communicative relationship that *does not* meet the above criteria, those members are not members of a

culture, but of another group. With some examples, it will hopefully become clear how such criteria can help distinguish cultures from other groups.

A group of investors, or shareholders, may meet criteria (a)-(c), but cannot meet criterion (d). The shareholders may identify themselves as such - criterion (a) – and the dominant view amongst them may be that it is important to do be members of that group. The dominant view might even be (though this sounds somewhat unlikely to us) that members should hold a certain view on a matter (e.g. appointing a new CEO) in order to consider themselves shareholders: (criterion (c)). However, if agreement is sought in the case of shareholders, it is for a purely instrumental reason: they need agreement to make a decision, and they need the decision to be the right one in order to protect their capital investment. Thus criterion (d) is not met.

Likewise, we consider the case of groups with a common cause. As with shareholders, groups organised around a common cause may meet criterion (a)-(c). Members of Green Peace may, for instance, identify themselves as such, indicate the importance of belonging to the group and assert that members, in order to be considered part of the group, should be opposed to nuclear testing. However, as with shareholders, the drive behind agreement is instrumental, that is, to create a united front and exercise political pressure on the powers that be. Thus criterion (d) is not met.

The example of clubs, e.g. an amateur drama-club, is more difficult to exclude. A club may meet criteria (a), (c) and (d). The members of the group may e.g. identify themselves as Shakespearians, and the dominant view in the group may be that one needs to have a keen interest in Shakespeare in order to be part of the group. Moreover, it is conceivable that members may value this agreement amongst them because it validates their particular passion for Shakespeare (critertion (d)). However, it is difficult to conceive of them meeting criterion (b). In order to meet (b) the dominant view amongst

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them must be that it is a core meaning, not just to be passionate about Shakespeare, but that this passion needs to be *shared*, i.e. that there *needs* to be a group organised around this passion. While it is conceivable that an individual may feel strongly about Shakespeare and identify himself as e.g. a 'Shakespearian', it is more difficult to conceive of an individual finding core meaning in identifying himself as 'Member of the Durbanville Shakespeare club'. However, while it is difficult to conceive, it is not impossible.

The example of clubs shows that our definition of cultures provides some scope for cultures of varying size and complexity. Following the criteria above, groups as small as families and as large as whole societies may both be regarded as cultures. However, we hasten to note the following: Firstly, the above definition of criteria only pertains to the superficial, trivial boundaries of cultures. Further criteria pertaining to the representivity of the institutions of cultures thus still need to be met. Cultures would, for instance, need to show the necessary complexity and sophistication to include institutions that satisfy the power vs. consensus criterion (which we develop in Chapter 6). When this is taken into account, smaller groups, such as families and clubs, would be excluded, limiting the diversity of different types of cultures.

Secondly, some diversity with regard to the different types of cultures is not necessarily a problem. If they all share a common basic structure (as set out by the criteria above, as well as the character of institutions we discuss in Chapter 6), the different 'species' of cultures can be classified. We could then, for instance, classify the different examples of cultures mentioned thus far into 'national', 'regional', 'ethnic', 'religious' and 'linguistic' cultures, yet all of them can be regarded as cultures if they meet the pertinent criteria. They differ, however, with regard to the *content* that an individual group member can appropriate for himself as meaningful (i.e. as pertinent to the question of who he is, and how he should orientate himself to the world). Put differently, the

different types of cultures can be distinguished on the basis of the content of the inclusion theories group members assert in criterion (b).

In this regard, it is important to clarify the relationship between, for instance, nations and cultures, religions and cultures, languages and cultures or ethnic groups and cultures, etc. In all of the cases mentioned above, a culture is not to be simply equated with, respectively, a country, a religion, a language or an ethnic group. The culture associated with the group pertains to *the meaning group membership has for the group members*. The culture then bears the name of that nation, religion, language or ethnic group, when the inclusion theory offered as per criterion (b) refers to, for example, a nation.

A person participating in a national culture would, for instance, be provided with a wide variety of potential inclusion theories, which he can appropriate as an essential feature of his/her group identity. A country's political history, current politics, various laws and policies, its literature, art and sport can all potentially be referred to in a member's inclusion theory offered in criterion (b). Ethnic cultures would per definition introduce race and racial heritage as a potential basis of inclusion theories. Similarly, religious and linguistic cultures would respectively introduce religious beliefs and linguistic heritage as potential bases for inclusion theories.[48]

The differences between these different types of cultures only become important when they impact on matters of viability and fairness (specifically, fair intercultural competition).[49] As we will discuss more extensively in Chapter

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[48] Distinctions such as these, however, also run into some difficulties. Many linguistic groups and religions, for instance, also have political histories. Conversely, a national culture can also have strong ties with religious beliefs. We would point out, however, that a clear-cut distinction between types of cultures is not necessary for our argument. Our argument is concerned with the structure all examples of cultures share. Furthermore, we introduce other concepts in Chapter 6, such as viability, that provide clearer ways of distinguishing between cultures.

[49] In Chapter 6 and 7 we will show that, when we can conceive of cultures as delineable, we can also define concepts such as viability and intercultural fairness. Unfair intercultural

6 and 7, the reference to viability and fairness determines whether a culture's survival can be protected or not. Thus we would argue that the diversity in types of cultures does not lead to less clarity in deciding on multicultural matters, nor does it result in a blank cheque, so to speak, whereby everyone and anyone can lay claim to protection of his/her 'culture'. We will expand on this idea in Chapter 7, where the implications of our model of culture are applied to real world multicultural issues.

One objection to such a delineation of cultures may be that this is a trivial solution to the problem of delineation. The culture is simply defined as all those who consider themselves to be part of it and all the problems of disputes about inclusion theories are merely avoided without any real resolution. It is important to note, however, that in terms of our analogy with personal identity, this delineation of cultures can be as superficial as the skin is to personal identity. The real definition of a culture, pertaining to its character and, ultimately, to the legitimacy of its claims to protection, pertain to the way in which disputes about inclusion theories are handled. We will attend to this problem in Chapter 6.

Our proposed delineation of cultures in terms of self-categorisation and the resultant difference in communicative relations, means that the culture indicates (but is not defined by) the set of *all* persons who could possibly consider themselves part of that culture, whether considered so by others, or not. Put differently, a person who considers him/herself as part of the culture, but is not regarded as such by others, is still indicated in the culture.

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competition, for instance, would occur when a culture would have been marginalised via acts of power (such as, for instance, conquest or colonisation) by other cultures, as opposed to losing representation in the public sphere through dissent amongst its members and a lack of relevance to its members. Viability refers to the culture's ability to thrive and continue to attract and retain its members, without violating the demands of fairness.

In this regard, it is important to note that 1) the boundaries are defined by the qualities of the *relations* between people, and not by the inclusion or exclusion of *people* as such, and 2) that the boundaries are not defined by, and do not require, consensus over whether their inclusion is justified. Rather, it is defined by consensus about the objectively verifiable fact whether or not there was a claim that they should be included or not.

Note that such a boundary includes more than just the dominant account. The dominant account merely represents a single inclusion theory. It also includes far less than the sum total of the human race. The divisive nature of the multicultural conflict situation serves to restrict the variance in inclusion theories: the conflict situation highlights the pertinent point of contention, forcing those participating in the debate to make pertinent reference to it in their inclusion theories. This serves to relate all the different inclusion theories to each other, restricting the total set of individuals who may be included in the objective boundaries of the culture, so that not everyone can possibly be considered part of a certain culture.

We can see how the conflict situation restricts the scope of inclusion theories if we refer back to the examples discussed above. An English speaking Canadian of English heritage, for instance, will not consider himself French Canadian, nor will others consider him to be; nor can he be considered to be a Zulu, nor can he be considered Muslim if he does not regard himself as such. A Muslim who is not a Swiss, French or Dutch civilian, or staying there, would not be considered by anyone to be part of those particular cultures; a Caucasian atheist Danish national would not be considered by anyone to be a Muslim, nor would he be considered a Zulu. There may be people included on both sides of a conflict situation. A Swiss person of Muslim heritage who is for a secular public sphere can conceivably be included in more than one culture in the same conflict situation. Such a person then represents a shared

boundary, so to speak, between for instance the "Muslim" and "Swiss" cultures. This does not make the boundary any less discernible.

Another factor restricting the total number of individuals included is the cultural nature of inclusion theories. Inclusion theories are of course themselves cultural in nature and thus have their origins in the interaction between people and retain a regional connotation: whom I consider to be one of my own is necessarily strongly linked with whom I talk to, which is traditionally strongly linked with the person's local region.[50] We would therefore not expect the total set of people included in the culture to be significantly greater than the inclusion theory (of one of the participants in the debate) that includes the most people. The different sets of criteria employed in the different inclusion theories would be related to one another, almost bearing a 'family resemblance' in the Wittgensteinian sense.

These relations can vary in their closeness. If, however, these relationships become so tenuous that there is no one who is *not* included by at least one theory, we cannot speak of a culture any longer. In the examples of multicultural conflicts mentioned thus far, this is not the case and we can see that the total of inclusion theories cannot include the whole of humanity and that a broad consensus that a certain set of people can definitely not be indicated in the culture is possible. From the examples mentioned above, we can note, for instance, that all serious inclusion theories relating to the Muslim faith would share criteria that at least connect a person to the faith, either as someone practising the faith or born in it, and that those who do not meet those criteria would not be considered Muslim. A similar logic can be applied to other cases: for someone to consider him/herself to be part of the French,

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[50] It is only with the advent of modern technology that regular contact with people from vastly distant regions has become possible. Even in such cases, residues of previous 'regionality' may be present in the communication, such as difference in language, so that we are aware of the fact that we are communicating with someone 'from somewhere else'.

Dutch or Swiss cultures, there has to be some sort of connection to those cultures, whether it be by being a citizen, or of that heritage, etc.

It is important to recall here that although it is obviously easy to think of difficult cases or individuals who might or might not be indicated, that is not the issue here. Those difficult cases would, by the present definition, be included in that culture. The point is that a broad consensus about the *non-indication* of certain people is possible and that the objective boundaries of a culture cannot conceivably be expanded to indicate all of humanity. Put differently, there is therefore a set of people who cannot be included in the culture by any stretch of the imagination.

One potential objection against such a proposal to define a culture's objective boundaries in terms of people is that it contradicts the culture as system of meaning and returns to a type of ethnic definition. This need not be the case.

The reference to sets of people merely serves as an indicator. We can define the same set also in terms of relations between psychic systems. This is similar to the case of the individual, where the objective boundaries of the psychic system could be considered to coincide with the brain. Just as there are no thoughts that are not neurological, there is no cultural activity that does not involve people.

If cultural systems may be defined as the system of relations between all psychic systems, then 'a culture' as delineated entity may be defined as the system of relations between a certain set of psychic systems, the set defined so that the relations between those psychic systems are all characterised by the claims that meet criteria (a)-(d) above. Moreover, just as a psychic system is always embodied, i.e. cannot be separated from the body, so any culture is

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always 'enmembered', that is, cannot be thought of as existing separately from its group members.

The level of consensus about claims (that meet criteria (a)-(d)) may vary: the dominant centre of the culture will be characterised by more consensus, while in the marginal, oppressed views in the culture there will be little consensus as to whether those views belong to the culture or not. There remains, however, a qualitative difference between those outside the objective boundaries of the culture and those inside: on the inside, there are claims that one "belongs" to the culture, though these claims may be disputed. On the outside, however, there are no such claims.

Within the objective boundaries of the culture, we find dominant and repressed accounts, as discussed above. From our definition of the objective boundaries as the sum of all people included by at least one inclusion theory (or put in purely cultural terms, the total of all relations between psychic systems that are characterised by the claim that the psychic system belongs to the same culture), it follows that dominance or repression can now also be defined in terms of the consensus about inclusion: repressed perspectives are those about which there is considerable dispute whether they belong to that "culture" or not, while the dominant perspectives enjoy a great deal of consensus about whether they belong to that culture or not.

A comparison is possible between, on the one hand, the dominant and oppressed accounts, and on the other, the unitary experience of the 'I' and repressed psychic elements on the other. Just as the "I", in interaction with its environment and other people, claims to be representative of the person, the dominant view claims to be a pure representative of the identity of the culture. In both cases, this causes controversy and dispute. While in the psychic system, such conflict is expressed in anxiety, disputes in multicultural conflicts

may be expressed in public debate, political struggles, outrage and even violence. This is summarised in Figure 2.

Objective boundary   Organism boundary

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Marginalised/oppressed                    Repressed thoughts
accounts
      ┌─────────────┐                          ┌─────────────┐
      │ Dominant    │                          │ Unitary "I" │
      │ accounts    │                          │             │
      │             │                          │             │
      │             │                          │             │
      └─────────────┘                          └─────────────┘
```
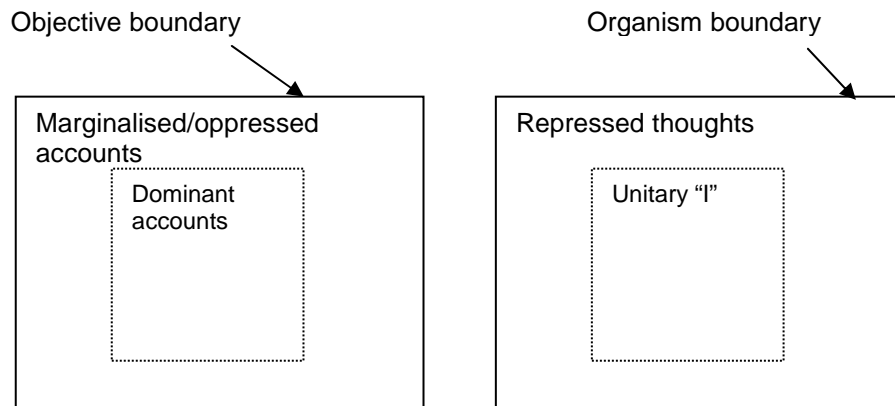
Figure 2. Comparison in structure between "cultural" and individual identity.

Furthermore, the idea of a 'unity of conflict' can also be applied to cultural identity, as it is to personal identity. Just as personal identity is given a sense of continuity by the continued demand to deal with repressed psychic elements, so too the culture has to continually deal with people demanding to be acknowledged in the dominant view and be recalled from the margins. In the individual psychic system, this is made possible by the faculty of memory. In cultures a similar process is present. Firstly, the marginal accounts are not deleted by marginalisation, because the psychic systems that hold those views are not deleted, except in the extreme cases of witch hunts and persecution (and even in such cases, their views tend to be handed down to other people). As such, they remain there, ready to be heard as soon as they are allowed to. Secondly, each inclusion theory offered at a time of multicultural conflict has its origin in an earlier moment in time, where there was also a need for self-description. As such, the link with the past, and accordingly with both dominant and repressed views, is retained.

From the discussion above we can see that cultures correspond to individuals in some key aspects with regard to how we are able to view them as discrete entities: 1) both have objective boundaries 2) within which their identities are disputed and 3) both are characterised by a 'unity of conflict'. We would

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therefore argue that one can regard cultures as discrete entities in much the same way as we do individuals.

The implications of this, however, remain problematic: if we regard cultures as things, despite all the internal disputes, etc, do we not leave the door open for extreme abuse and marginalisation, the phenomenon of a smaller group speaking for people it does not really represent? This is a valid objection, but not an objection, strictly speaking, about the status of a culture as an entity. Rather, it speaks to the problem of whether a culture can justify the encroachment of the autonomy of its members for the sake of its continued existence. It is this question we will address in the next two chapters when we discuss how certain types of institutions in a culture serve to maintain the continuity of a culture's character, while also protecting personal autonomy.

CHAPTER 6

SELF-REFERENTIAL CULTURES

In Chapter 5 we set out to arrive at a conceptualization of cultures that would make it possible to delineate them, at the same time allowing for disagreement within the culture and without reducing the culture to a false essence. The problem of how the identity of a culture would relate to its character, the 'way of life' that presumably holds its members together (although members may disagree on this as well) and how this character can change without the culture losing its identity, has been deferred until now. Along the way, problems of how the dominant account of a culture relates to its marginal account (and what the implications are for dissident or marginalised voices in a particular culture) have been highlighted. These will be addressed in this chapter.

In Chapter 1, we suggested that the abovementioned problems require us to conceptualise a culture as being able to restructure or reorganise itself and, more importantly, do so in a manner that does not encroach on individual rights. Moreover, it will have to reorganise itself and still maintain the claim to be authentically itself. If this were to be successful, so it was argued, cultures would have to be conceived of in a way similar to how we view personal autonomy – which we developed in Chapter 4 - and how individuals deal with their repressed meaning in a healthy manner. We now focus our attention on investigating whether it is possible to conceive of the reorganisation of a culture in a way similar to how we view personal autonomy. This will lead us to develop certain criteria by which to judge the way a culture treats its marginal accounts as well as the legitimacy of its claim to be authentically itself.

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In Chapter 2 we defined psychic systems as systems of meaning, that is, systems that process experiences as meaning. Similarly, we defined culture as a second order system of meaning, constituted by the communicative relationships between psychic systems. Recall from Chapter 2 that communicative relationships between people may simply be defined as the pattern of validation and disconfirmation between them, or put differently, which meanings they share and which they do not. These communicative relationships shape the way people process meanings (and are in turn shaped by the meanings people continually process).

Where psychic systems process experience as meaning, culture processes actions as communication; in psychic systems the processing of meaning is accomplished by the activation of a pattern of distinctions, whereas in culture communication is accomplished by the activation of a pattern of communicative relationships. Put differently, communications can be conceptualised in terms of changes in patterns of communicative relationships. When one person tries to convey meaning to another person, the relationship between the two psychic systems changes. For instance, if one person communicates something (e.g. a religious view) about which the other agrees, that which the two systems have in common is corroborated and entrenched further. If one person convinces the other of something (e.g. effects a change of opinion on a certain religious matter), he has effected a change in the other person's system of distinctions, and thus their relationship has also changed: their systems now have something in common which they previously did not. Similarly, if the two people disagree on something it will change the relationship between them, the nature of this change depending on how they were related prior to the communication. For instance, two people on different ends of the political spectrum might have expected to disagree; their disagreement might then have the effect of making each *more certain* of his/her position. On the other hand, a disagreement between two people who did not expect to disagree, throws old certainties into doubt.

In Chapter 5 we discussed how discernible entities called cultures can be formed in situations of multicultural conflict. In this regard, the boundary of a culture was defined by the character of its communicative relationships: a specific culture is constituted by communicative relationships where those relationships are characterised by identification with that culture.

In Chapter 4, we provided a formulation of personal autonomy as residing in self-referential decisions, where such decisions involve answers to questions of core meaning. Personal autonomy was shown to refer to a particular relationship between the "I" and repressed accounts, whereby repressed meanings are continuously re-evaluated and core meanings doubted, before a decision is made. Moreover, as discussed in Chapter 3, this structure of self-reference and doubt was shown to provide for unity in conflict between the "I" and repressed meanings.

Now, in this Chapter, we set out to demonstrate how cultures can have a similar structure, which can similarly provide for unity in conflict between dominant and marginal accounts.

6.1 Self-reference in cultures

In Chapter 4 we discussed the autonomous psychic system as displaying self-reference. The autonomy of a psychic system lies in the system's ability to interpret its own interpretations and evaluate its own evaluations. When put before a question of core meaning, the system is required to make sense of (or ascribe meaning to) its own processing of meaning. The psychic system, when faced with a question of ultimate meaning, is faced with a dilemma that requires him to call his most valued meanings into question, to test them, that is, to decide what they mean to him. In this regard, the autonomous psychic system is exemplary of a self-referential system.

If a cultural system functions to interpret actions as communication, then self-reference is achieved when the cultural system communicates about its own communication. In Chapter 5, we discussed how discernible entities called cultures can be formed in situations of multicultural conflict. These situations call forth inclusion theories. Recall from Chapter 5 that inclusion theories are (flawed) accounts of who belongs to a certain culture and who does not. As such, they satisfy the requirements of self-reference. When an inclusion theory is offered, a communication is effected and this communication is about the communicative relationships between people, e.g.: "We (from this culture) share x, y and z, while you (not from our 'culture') do not". Likewise, the very act of identification with a culture is based on an inclusion theory and constitutes a communication about a person's communicative relationships with others. This means that self-reference is already present in the elements of cultures: a culture is constituted by communicative relationships that are self-referential in the sense that they communicate assertions about those very same communicative relationships.

This however, does not yet constitute a system that is self-referential in a manner analogous to psychic systems. The analogy is not complete because in cultures, the *elements* are self-referential, while in a psychic system, the system as a whole is self-referential. If we bear in mind that a psychic system is a system of distinctions and that meaning is an activation of a pattern of these distinctions, then in psychic systems, reflecting on one's meanings requires one to investigate one's own (system of) distinctions. Furthermore, such an investigation would require the system to call its own distinctions into question. To have the same type of self-reference in cultures, we would have to have what we call second-order communication: communication that investigates and problematizes the current communicative relationships and likewise investigates and problematizes the inclusion theories and identifications that characterise those communicative relationships. We

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therefore argue that a culture needs to satisfy this criterion of second-order communication before we can call it self-referential.

Now, such second-order communication is possible, but not necessarily present in all cultures in a multicultural situation and we therefore suggest that not all cultures with discernible boundaries are necessarily self-referential. However, second-order communication does take place in certain cases. Problematizing accounts of a certain culture can be found in the media, in academic institutions (particularly in disciplines such as cultural anthropology, sociology and the like) and in politics. Where such accounts are present, they are offered in response to and stimulated by the public debate between different inclusion theories.

The debate around the practice of ukuthwala can be used as an example. When the issue was raised in the media[51], the initial positions on the custom involved describing it as a cultural practice, hence involving a definition of that culture. It drew responses from a number of institutions and people. These responses would typically take issue with the definition of the culture by either a) pointing out that the custom as practiced by certain individuals is not as it was understood traditionally; they thus offer a definition of the culture by delineating which practice may be considered cultural and which may not[52]; or b) by pointing out that the custom itself needs some revision, indicating that the essence of the culture would be untouched by changes made to the custom. Ntlokwana (2009), for instance, argues that '(w)ith Westernisation and education, the traditional custom died a natural death as it had become old fashioned and outdated.' Others ask for the practice itself to be reconsidered, and adapted to the requirements of individual rights, so that, for

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[51] The media's initial position on the practice was decidedly critical. The Daily Sun (Banjac, 2010), and the television news programme 'Third Degree' (Media Flaws, 2010) are examples of these.

[52] Some examples of these are the position taken in by the Commission for Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (cf. Mapumulo, 2011) and, to a certain extent the 'Submission made to the SA Law Commission on Ukuthwala Custom' compiled by Ntlokwana (2009) of the Centre for Constitutional Rights.

instance, the practice may be allowed if the (adult) woman would give her consent (Mwambene & Sloth-Nielsen, 2011: 22).

These responses to the debate represent second-order communications, as they investigate and put into perspective the inclusion theories raised by the debate. We thus note again how the multicultural conflict situation provides the conditions for firstly, the delineation of a culture and subsequently, the possibility for that culture to be self-referential.

6.2 Institutions

One would object that the self-reference constituted by inclusion theories is merely the self-reference of an individual, that it is simply an individual reflecting on his group membership. How would one instance of this constitute the self-reference of the whole system? We suggest that it does not. Rather, self-reference in cultures needs to be a characteristic of its institutions. We now continue to further define the term 'institution' in terms of a cultural system.

As an initial definition, we regard institutions as referring to agreed upon practises. Although this might seem a very broad definition of the term institution, we can demonstrate that it fits the colloquial use of the term. For instance, a society that has institutionalised freedom of the press, for example, has agreed upon the practice of a free press. Likewise, a society may have entrenched another practice, e.g. marriage.

With reference to the term society, we note that society is not to be understood as synonymous with the term 'culture'. As noted in Chapter 2, we prefer to use society as a term that encompasses the interplay of various systems, such as culture, the economy and politics. The actions of and interactions between people in a society can be communicative (and thus

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cultural, because culture consists of communicative relationships), economical and/or political, amongst others. As such, agreed upon *practices* are, strictly speaking, not part of *culture*. However, the *meaning* attached to these practices is thoroughly cultural. By virtue of being *agreed upon*, they are shared between people and thus impact communicative relationships, and then consequently be put into practice by the members of that culture. We will return to the question of how agreed upon practices relate to communicative relationships, and thus culture.

Now, naturally, there may be disagreement about certain values or practices. Not all people in a democracy value democracy and not all people believe in marriage. Just because something is an institution does not make it uncontroversial. However, when the members of a society claiming to adhere to an institution (e.g. a value or a practice) decrease to the extent that they become the minority, the exception rather than the rule, then one can certainly no longer call that value or practice an institution.

This definition of institutions can also be defined in terms of communicative relationships and thus we will demonstrate how it relates to cultures.

With psychic systems, the processing of meaning leads to strengthening or weakening the relations between distinctions. When the relations between distinctions are strengthened with each meaningful processing of an event, the distinctions involved attain a more and more self-evident, rather than constructed character.

Analogously, the cultural system (note: not "a culture" yet, we will attend to this below), processes actions as communication leading to changes in communicative relations. Just as the distinctions constituting a psychic system can gain a self-evident character, so too can communicative relations become

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entrenched and self-evident. They are thus no longer treated as constructed, i.e. as a product of the communicative interaction between psyches, but are treated as givens. Recall from Chapter 2 that communicative relations are defined by agreement and disagreement between psychic systems and that these agreements and disagreements pertain to issues around ideas, values and ways of relating to each other. Put differently, the issues we agree or disagree about pertain to the questions such as 'what is the truth?', 'how should we live?' and/or 'how should we treat each other?' It then follows that, when communicative relations become entrenched and attain an unconstructed character, those issues that are agreed upon also attain a certain self-evident validity.

Now, in a culture, the communicative relationships are characterised by reference to an inclusion theory. In turn, inclusion theories refer to those characteristics that characterise the essence of that culture, so that inclusion theories claim: "it is x, y and z that makes this culture what it is, it ceases to be that culture without x, y and z". When inclusion theories make such claims, it aims to show that the culture is defined by agreement on certain issues, e.g. "all true Zulu's believe in these particular ideas, we all value these particular things, we all value this particular way of life," etc.

Now, inclusion theories, and the communicative relationships that contain them, become entrenched in the same process that forms the dominant account. The entrenchment of certain inclusion theories and the formation of the dominant account around these inclusion theories are flipsides of the same coin. Recall from Chapter 5 that the dominant account is defined by the inclusion theory that the majority of members of the culture support. It is thus an inclusion theory that characterises the communicative relationships between these majority members. Where these entrenched inclusion theories

are put into practice, they become institutions of that culture.[53] We thus define institutions in cultures as the practices that reflect the entrenched inclusion theories of the dominant account.

For instance, in a culture where democracy is an institution, it means that the dominant account of that culture has designated democracy as an essential characteristic of that culture and that the dominant account claims that members of the culture are in agreement about the value of democracy. Likewise, in a culture where polygamy is an institution, the same logic follows. This does not mean that all members of the culture actually do agree about its value. However, those in disagreement have been relegated to the marginalised accounts of the culture, that is, they are regarded as die dissident view.

Thus we can answer the objection that the self-reference constituted by inclusion theories is merely the self-reference of an individual person. We argue that an individual reflecting on his/her group membership and communicating it to others is *simultaneously* a) engaging in self-reflection, thereby making sense of his experiences and b) impacting his communicative relationship with another individual. Importantly, change in a communicative relationship is something that happens *between* individuals. As such, the self-reference of a culture does not so much lie in a person's capacity to reflect on his/her own background as it does in how the culture disseminates such reflections. This focus on dissemination rather than on the individual mind further shows that the locality or membership of the original producer of communication about a culture is not important in determining whether self-reference has occurred: a so-called outsider or foreigner could have written something about one's own culture, but if it were published in a local newspaper it becomes something the members of a culture can understand

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[53] In some cases, one can conceive of members of the dominant account wanting to put into practice certain institutions, yet not being allowed to do so by the larger society that they inhabit.

and debate, something they can agree with or disagree with, that is, something *about* their communicative relations that becomes *part of* their communicative relations with each other. Lastly, there is strictly speaking no law stating that self-reference should permeate the whole system. In fact, this would be impossible in psychic systems too, overburdening the system to the point where it cannot function anymore.

What we therefore suggest is that self-reference, when applied to psychic and cultural systems, is not an all-or-nothing concept. No system is 100% self-referential (it would be impossible to function); self-reference is always to be placed on a continuum. We can therefore say that some systems are more self-referential than others. A culture where a lone individual can only speak his/her insights to a friend of course displays very little self-reference, so little that the system's self-reference approaches zero. In such a case, we can hardly call the system self-referential.

Compare this to a situation where self-reference through second-order communication is part of the fabric of a culture, where second-order communication is not just the lone armchair philosopher pondering privately, but a pursuit many partake in, as part of a tradition of reflecting on such issues and where such a tradition has the support of institutions like the media and academia. In such a situation, second-order communication would effect a widespread activation of communicative relationships and we would be justified to describe it as the system's self-reference.

Let us consider a hypothetical situation where, in response to a multicultural conflict, a prominent political analyst writes an investigative, critical piece on a certain culture and its self-perceptions. Whether s/he is a member of that culture or not is not that important. More important is that this piece is communicated by publishing it in a prominent daily newspaper, the readership of which is comprised mostly of members of that culture. At once, his/her

communication becomes something the readers who are members of that culture can respond to, something they can agree with or disagree with, that is, something *about* their communicative relations that becomes *part of* their communicative relations with each other. Provided, that is, that they *understood* it. If for any reason, whether it is the author's jargon or the readers' obstinate refusal to deal with any reflection, the message is not understood, the message that could have constituted a culture's self-reference is merely the first salvo in a superficial polemic. This is because a culture's self-reference lies in how a communication is received and disseminated, not in the mind of the sender. It lies not only in the members' capacity to generate and understand such reflections, but also in the willingness to engage in it and the frequency with which they do it. Seen in this way, it is clear that self-reference lies on a continuum.

When we see cultural self-reference in terms of the process of dissemination, it draws attention to various factors that could facilitate or impede self-reference. These include, as mentioned above, a tradition of engaging in such matters (or not); the extent to which mass media publish such views and the extent to which it is capable to sustain lengthy, nuanced views as opposed to 40-word opinions; the effect that political and financial forces have on decision about which views are aired and to what extent certain views are repressed. From the above list it is clear that institutions like the media, academia and government play an important part in the self-reference of cultures and we suggest that a culture's self-reference depends largely on how its institutions function.

6.3 Self-reference and unity of conflict in cultures

In Chapter 4 we described autonomous psychic systems as exhibiting self-referential decisions where such decisions involve answers to questions of core meaning. Now, before we attempt to show how cultures are sometimes analogous to psychic systems in this regard, we need to attend to the

question of decisions in psychic systems. Specifically, we need to investigate how the psychic system's self-referential decisions relate to the opposition of a single unitary "I" with repressed meanings and how this influences the way we think about agency in psychic systems.

We should avoid thinking of these decisions as being made solely and uncontrovertially by a single, unitary "I". Rather, such a unitary "I" is already a construction of the psychic system and is but one part of the decision. Moreover, we can show that the construction of the "I" in fact takes place *through* such self-referential decisions.

In Chapter 5 we discussed the analogy between, on the one hand, the dominant and oppressed accounts in cultures and, on the other, the "I" and repressed psychic meanings. We now turn to the question of how the "I" and repressed psychic elements relate to self-referential decisions about questions of ultimate meaning, that is, to the autonomous functioning of the psychic system. As mentioned above, the psychic system is faced with a dilemma when dealing with questions of core meaning. The dilemma requires it to call its most valued meanings into question, to decide what they mean.

Our model of psychic systems (see Chapter 2) describes the psychic system as processing meaning through a system of distinctions. Any system of distinctions creates a circular reference, e.g. *X* is defined as *not A*, *not B*, etc., while *A* and *B* are defined, amongst others as being *not X*. This circular reference is then stopped by a *decision*, where one of the referents (e.g. A) is treated as having a self-evident identity, which allows us to identify other things in terms of it (i.e. B is defined in terms of A). We use the term 'decision' on purpose: it is not a calculation. Rather, the term 'decision' recognises the fact that the outcome could have been different, e.g. another referent (B instead of A) could have been treated as self-evident (i.e. A is defined in terms of B). Each decision then has the effect of creating hierarchies of distinctions:

By treating one referent as more self-evident than another, it gains priority over others. It is hierarchies such as these that post-structural thinkers aim to deconstruct.

As decisions are necessary parts of the processing of meaning, it follows that the psychic system's processing of meaning necessarily creates hierarchies. Every decision corresponds to a certain way of making sense of an experience and every decision is by definition one of many possible decisions that could have been made. Therefore, when a decision is made other possible decisions have been precluded and for each decision thus precluded, there is a corresponding meaning that was repressed. Those meanings that are prioritised constitute the psychic system's dominant account of itself and its place in the world (which we defined in Chapter 3 as the "I"), while the rest are repressed.

The construction of hierarchies also has bearing on questions of core meaning. The psychic system's core meaning occupies the most central space in his/her processing of meaning. It forms the core of its meaning processing and therefore corresponds to the topmost position in a hierarchy of distinctions. As such, it occupies a central place in the psychic system's dominant account of itself, the "I". The "I" is, as it were, moulded around answers to questions of core meaning.

When the psychic system is faced with a dilemma, a core meaning is called up, but with a problem. The dilemma does not allow the system to simply apply the meaning it usually does. Rather, the dilemma posits a cost to applying the core meaning as usual. Applying the meaning as usual would, for instance, result in much pain or anguish or simply have a detrimental effect on its adaptation to its environment. As an illustration, consider an individual faced with a situation where he is asked to compromise his/her deepest moral code, or else endure his/her or his/her family's suffering. A situation such as

this requires the psychic system to be self-referential; it needs to make sense of its own core meanings. As such, it also needs to call into question its own dominant account of itself. Put differently, as the "I" is moulded around answers to questions of ultimate meaning, such dilemmas also call the "I" into question.

Note that this second-order (self-referential) meaning processing is carried out by the very same system of distinctions that is under investigation. Nevertheless, self-reference gives decisions a different character by arriving at a decision after having problematized an ultimate meaning. Put differently, the difference self-reference makes is that it allows the system to consider the groundlessness of its ultimate meaning, so that the eventual decision is not merely an *automatic calculation*, but an act of *autonomy*, a leap of faith. Self-reference in the system can only serve this function when it is able to access previously repressed meanings, that is, other possible meanings to be attached to an experience.

Apart from repressing alternative meanings, the processing of meaning also hides a realised meaning's constructed nature, i.e. it represses the fact that the meaning was *constructed* by the system, treating the meaning as if it was instead *given* as such by the environment. The processing of meaning at once hides its own functioning and other possible meanings from view. Both its own function and other possible meanings therefore constitute repressed material that is to be re-discovered by self-reference when the system faces issues of core meaning.

If we consider that self-reference in autonomous psychic systems needs access to previously repressed meanings, it follows that self-reference is determined by the relationship between the "I" and the repressed meanings in the psychic system. In the language of psychoanalysis, this relationship would be expressed in terms of defence mechanisms. Accessing repressed material

invariably calls old certainties into question, and with the reduction in certainty a certain measure of anxiety is unavoidable. The psychic system would understandably wish to avoid the experience of anxiety, yet to continue to repress certain elements carries its own risk: if repressed material is avoided it renders decisions merely automatic. For a psychic system to be autonomous, repressed meanings need to be recalled from it banishment and the concomitant anxiety endured as the price of autonomy. Existential psychologists such as Rollo May (1950) refer to this as existential anxiety as opposed to neurotic anxiety that results from avoiding existential anxiety.

Self-referential decisions in psychic systems therefore involve a recall, a call-up of repressed meanings and therefore concern the willingness of the 'I' not to avoid these repressed meanings. Put differently, self-referential decisions require the 'I' to let go of its defences against alternative, repressed accounts of the psychic systems and its place in the world.

If cultures are to make something analogous to self-referential decisions, they have to exhibit the same type of recall or re-appropriation of alternative, repressed accounts. Earlier in this chapter, we argued that self-reference in cultures would be achieved by what we call second-order communication: communication that investigates and problematizes the current communicative relationships and likewise investigates and problematizes the inclusion theories and identifications that characterise those communicative relationships. Expanding our analogy with psychic systems, we now propose that problematization of inclusion theories involves a recall, re-evaluation or re-appropriation of marginalised inclusion theories. Put differently, a culture can only have unity of conflict between dominant and marginal accounts when it seriously considers dissident inclusion theories. Once again, we stress that self-reference would not be determined by the mind of the individual embarking on such a problematizing investigation. Rather, self-reference would be exhibited by the functioning of that culture's institutions in

disseminating such insights. If these institutions promote an openness to alternative insights concerning inclusion theories, then that culture can be described as self-referential.

6.4 The correlate of core meaning in cultures

In our analogy of cultures with psychic systems, what in cultures would correspond to core meanings? Forming the core around which the "I" is moulded, core meanings are the psychic system's most fundamental understanding of itself in relation to its world. As such, it not only offers a perspective on the psychic system itself, it also offers a particular perspective about the world.

On our way to such an answer, let us once again consider how core meaning is conceptualized in terms of a pattern of distinctions.

Earlier in this chapter, we conceptualised core meaning as occupying the topmost tier in the psychic system's hierarchy of distinctions. Accordingly, it occupies a central place in the psychic system's dominant account of itself and its place in the world, that is, the "I". When an autonomous (self-referential) decision is made, the boundaries between the "I" and repressed meanings are temporarily lifted. This is done so that the psychic system can be aware that alternative meanings are possible. These alternative meanings also represent possible ways of relating to the world. There is no *calculation* that excluded them from the "I" in the first place. Rather, they were repressed by way of *decision*. When the boundaries that separate the "I" from repressed meanings is lifted temporarily, it serves to make the psychic system aware of this decision, as well as making it aware of the fact that it must choose again between possible ways of making sense of the situation at hand.

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Furthermore, the temporary lifting of boundaries between the "I" and repressed meanings reminds the psychic system that its core meaning is a construction, not a given. Thus, when the boundaries are lifted, it has the effect of simultaneously highlighting the constructed nature of a core meaning and putting the value of that meaning (that is, how functional it is in lighting the way, of orienting the psychic system in its world) into question again. Likewise, previously repressed meanings are open to review again: while their constructed nature is also highlighted, their value and functionality can once again be considered.

With the boundaries lifted, the psychic system is thus once again forced to make a leap of faith. It must choose between possible meanings and at the same time, believe that its choice is not just correct because of choosing it, but because it is somehow independently valid. Put differently, the psychic system has to believe that its meaning is not *just* a construction, that it has some independent validity. If the value is only valuable because the psychic system chose it, it loses its function in orientating its life. It therefore has to introduce some form of authority. This authority could be phrased in religious terms or in terms of a certain standard whereby he believes all people in his position would agree to it. Either way it is a construct of the psychic system itself; it does not exist objectively. Knowing that its decision is groundless, the psychic system can only *believe* that others, if they had seen what it has seen, had experienced what it has, would have made the same decision.

In this regard, it is important to note that the validity of a core meaning cannot be verified or disconfirmed with absolute certainty. The psychic system can gain some confidence in its meanings when it has the consensus of others on the matter, but ultimately can only believe that its meaning is not just valid because of consensus but that the consensus is there because the meaning has independent validity. Likewise, if the psychic system encounters disagreement with others about a particular meaning, it does not automatically

follow that the meaning is invalid. Whether the psychic system abandons its meaning in the face of disagreement would depend on its belief about whether others might be mistaken and whether they might have thought differently if they had had the experiences the psychic system has had.

The fact that consensus does not guarantee validity means that one cannot judge a person to be autonomous or not based on the *content* of his/her core meanings. However, the person can be judged based on the *process* s/he followed to arrive at that core meaning. Thus, as we argued in Chapter 4, a person may be regarded as acting autonomously when his/her actions are the result of self-referential decisions. If the person needed to prove his/her autonomy to others, s/he would have to show that s/he did not simply employ his/her core meaning automatically, but rather arrived at it after temporarily lifting the boundaries between the "I" and repressed meanings. This is what we term the process of authentication. Furthermore, s/he would have to show that s/he could claim in good faith to have adhered to the standard of authority that s/he introduced. To do so, s/he would have to show that, where there are disagreements, these disagreements are instances where people *cannot* agree, regardless of their ability and willingness to reason, because the respective axioms they employ are just too different and specific to the different lives they have experienced. This is what we term the process of authentication in psychic systems.

Where a psychic system is a system of distinctions, a cultural system is a system of communicative relationships. Furthermore, a culture is constituted by communicative relationships that are self-referential in the sense that they communicate assertions about those very same communicative relationships. More specifically, these assertions about the communicative relationships take the form of inclusion theories. As we discussed in Chapter 5, inclusion theories attempt to offer an essential definition of what it means to belong to a certain culture. The implication of any inclusion theory is that the purported

essential characteristics are a *sine qua non* of that culture; without them, the culture as one knows it ceases to exist.

One should avoid using the idea of a 'continued existence of the culture' implied in an inclusion theory as a way of completing an analogy with psychic systems. This would be problematic, because the meaning a psychic system produces also refers to continued existence in as much as meaning points a way to the future[54], it processes this as a *pattern* of activation of its elements (i.e. distinctions). A culture per se does not process its own continued existence, the question of continued existence is merely a concern of (some of) the individual members of that culture. Furthermore, the moment we start to conceptualise a culture itself being concerned with its own existence, we turn it into a meaning-processing system, and treats it like it is some type of super-organism with a mind of its own. This is an idea we have already excluded earlier (in Chapter 2).

To avoid this problem, we suggest another approach. When we look for a correlate of meaning in the analogy between psychic systems and cultures, our answer has to be in terms of communication, or more specifically, in terms of patterns of activation of communicative relationships. We have already posited an analogy between psychic systems and culture (as opposed to cultures) whereby psychic systems interpret events as meaningful while culture interprets actions as communication. We suggest that a similar logic can be applied to the concept of cultures.

Where communicative relationships are the constituting elements of culture, cultures are comprised of communicative relationships characterised by inclusion theories. Recall from Chapter 5 that inclusion theories are members'

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[54] In Chapter 2 we developed the connection between meaning and future behaviour: meaning is understood when we receive an 'answer' as to how to go forward, what to do next or how to react to something.

conceptualisation of who has membership of a culture and who has not. Fellow members of a culture are thus related by virtue of each's claim that s/he belongs to that culture. As they can agree or disagree with each other on these claims, their communicative relations are thus characterised by these claims.

Moreover, as we have discussed above (in section 6.2, on institutions), inclusion theories posit certain practices as central and essential to a culture's existence. Thereby, cultures process practices in terms of whether it is an institution of that culture or not. Thus, where psychic systems interpret process experiences as meaningful, the broader cultural system (that includes all humanity) processes actions as communication and distinct, delineated cultures process practices as institutions.

We suggest that the analogy of culture with the autonomy exhibited by psychic systems can be completed when we turn our attention to the process of authentication. Specifically, we will argue that the distinction that a psychic system makes between a meaning a) being valid due to consensus vs b) it being valid independent of whether people agree upon it or not, has its corollary in cultures in the form of the distinction between a) inclusion theories that are dominant due to power relations and oppression vs b) inclusion theories that are dominant due to consensus in a milieu free of power. This consideration then acts as a criterion for the process of authentication. For ease of denotation, we refer to the latter criterion as the 'consensus vs. power' criterion.

As with the case of self-reference, the authentication process cannot reside in an individual alone. If this were the case, it would merely be an individual judging the institutions of his/her culture according to the 'consensus vs. power' criterion. Rather, what is needed is that the institutions of that culture embody that criterion.

We suggest that one type of institution can embody the consensus vs. power criterion. A culture can exhibit this criterion through institutionalising exit possibilities. Accordingly, there is no central agent needed to pass judgement on the dominant account of that culture. The culture exhibits something similar to the psychic system's leap of faith by putting its institutions to the test of a power free consensus. Such a test is passed when an exit possibility is institutionalised.

What does an institutionalised exit possibility entail? It would take a different form in different contexts. We discuss a few possible forms below. Essential to all of them is the notion that the individual rights of those members of the culture who do not subscribe to the dominant account, may not be compromised. Furthermore, the threat of excommunication and stigmatization needs to be negotiated if an exit possibility is to be truly effective.

In multicultural disputes about language in the public sphere of a specific region, for instance, an exit possibility is secured by the availability of services in other languages in neighbouring regions. This, along with sufficient efforts and infrastructure in place to develop proficiency in the other language, would provide an individual ample opportunity to, for instance, study in the other language when s/he chooses to do so. Issues of official languages for minority cultures invariably occur in the context of a relatively small region that is surrounded, at least partly, by a much stronger culture represented by a stronger language. In the case of French Canadians and Inuits, for instance, this language is English. In such cases, we would argue, an exit possibility is ensured 1) when it becomes possible and feasible for an Inuit and/or French Canadian to study in English (this is already the case) and 2) the Inuit, for instance, does not lose his/her membership of his clan because s/he has opted to study in another language. That s/he can return when s/he wishes to do so, addresses the problem of excommunication.

In other cases regarding the public sphere, for instance in 'The Spear' debacle[55], the exit possibility needs to be provided in the very same region, i.e. it cannot entail people being free to leave the country. That would simply be a form of ex-communication or even exile. In such cases, the exit possibility would simply take the form of the institution of freedom of speech. However, we have to point out that the *manner* in which freedom of speech is invoked is crucial, so that it is not experienced as an alien institution forced upon the culture. In Chapter 7, we develop certain guidelines according to which the introduction of institutions need to be the result of self-reference, rather than being imposed from the outside.

Some reflection will reveal that certain other practices, defended on cultural grounds, cannot conceivably pass the 'consensus vs. power'-test, nor can they accommodate an exit possibility. We will discuss these cases in some detail in Chapter 7, also developing guidelines that allow a liberal response to these practices to largely avoid charges of ethnocentrism.

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[55] Recall from the Introduction that 'The Spear' is a a satirical painting depicting President Zuma of South Africa in a pose similar to a painting of Lenin, only with exposed genitals. This caused outrage, with Zuma taking legal action (Subramy, 2012) to prohibit the gallery and City Press to display the painting (the latter on its website). Prominent members of the ruling party and the Cabinet also called for its removal (May & Nagel, 2012; Ntsaluba, 2012). The painting was later vandalised (Boshomane, 2012).

CHAPTER 7

DELINEABLE CULTURES APPLIED TO MULTICULTURAL ISSUES

In Chapters 2-6, we developed a model of cultures that defines them as systems of communicative relationships. Furthermore, we showed that multicultural conflicts provide the necessary conditions that enable us to delineate cultures in terms of their communicative relationships. While this would solve the problem of delineation in a somewhat superficial manner, the deeper problem, so to speak, would remain, namely the question of how a delineated culture would retain its character, while still allowing disagreement in its ranks. In Chapter 6, we have proposed that, if a culture can satisfy the criteria of completing an analogy with personal autonomy, it can be delineated, while still retaining its character *and* allow for disagreement. Thus a culture's delineability depends on it being able to satisfy the requirement of completing an analogy with personal autonomy.

It is very important to note that we do not propose that cultures *in fact have personal autonomy*. Our position remains a liberal position to the extent that individual autonomy remains *axiomatic*. It is a supposition fundamental to our approach. Even when a liberal approach can contemplate the individual suffering or sacrificing him/herself for the collective or for a cause, it sees this sacrifice, *has to see it*, as something ultimately meaningful for the individual and a result of the individual's choices. Thus individual freedom remains central.

The purpose of our analogy with personal autonomy thus does not serve to violate or extend this axiom. Rather, the purpose of a culture's analogy with personal autonomy is to show that meaningful delineation is possible. When delineation becomes possible, many of the problems faced by Taylor and Kymlicka can be addressed. This is the topic of the first section of this chapter. We will first show how our model of culture allows the application of

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certain concepts, such as attachment, fairness and viability, to cultures. This, with the notion of the delineability of cultures, will help us to attend to some of Kymlicka's and Taylor's problems.

The second section of this chapter will apply the same concepts to typical multicultural conflicts. In this regard, we note that what we propose is not definitive solutions to all these cases. Each requires an in depth enquiry into the facts involved. What we propose pertains more to developing guidelines for the *process* such enquiries should follow. Rather than offering any concrete answers, we concern ourselves with generating the right type of questions to ask. As we will show in section 7.2, these questions involve the concepts of fairness, threat and viability.

Furthermore, it is important to note that we approach these multicultural issues from the perspective of an individual commentator (such as a legislator, politician, journalist, academic, etc.) commenting on multicultural conflicts. In Chapter 2, we maintained that only (individual) persons can process meaning. As such, only individuals can evaluate and adjudicate multicultural affairs. Cultures themselves can only exhibit second-order meaning processing. To repeat, cultures' analogy with personal autonomy does not afford them autonomy, but cultural representivity, which solves the problem of delineability. The questions posed by multicultural conflicts thus pertain to how the individual commentator should approach the matters, when s/he can legitimately view the culture as a distinct entity and, relatedly, to what extent cultural claims can be met.

Where sections 7.1 and 7.2 pertain to cases where delineable cultures are at stake, we recognise that not all multicultural issues involve distinct cultures (according to our definition). Nonetheless, using the concepts we developed, allows us to envision a special type of decision making process that would

apply to cases where the delineability of cultures cannot be shown. This is the topic of section 7.3.

7.1 Communitarian arguments revisited

In this section, we will apply the concept of culture developed in Chapters 2-6, to Kymlicka's and Taylor's arguments. As discussed in Chapter 1, both share similar problems. In this sense, whatever contribution our model of culture can make, would apply to both theories. As we regard Kymlicka's argument as the stronger one of the two (as discussed in Chapter 1) we will focus mainly on his argument.

With a strong analogy between cultures' and personal delineation, it becomes reasonable to extend concepts we usually apply to persons, such as fairness, attachment and viability so that they can also apply to cultures. Though a liberal approach may never treat cultures literally as persons, the analogy allows a metaphorical use. Moreover, it is a useful metaphor, as it allows us to argue that cultural survival is a legitimate cause, not because cultures are things with minds of their own (for this would be a crude form of animism and a reification of culture), but because cultural protection is consistent with a liberal approach: where cultures satisfy the consensus vs. power criterion, personal autonomy is protected along with equality.

One of the core characteristics of attachment, as we have used the term, is that it reduces the uncertainty the environment holds for any entity trying to survive in that environment. Attachment reduces this uncertainty by introducing a measure of permanence over time. In interpersonal attachment, attachment to the other person provides certainty and reduces anxiety. One example would be the infant's attachment to his/her mother, where the infant plays and explores his/her world, possibly even leaving his/her mother's field of vision, yet still returning, certain of her continued presence and availability.

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This type of attachment is not restricted to persons. It is possible, for instance, for a person to be attached to objects, one's home, or one's environment. In fact, the examples of cultural upheaval Kymlicka uses could just as easily be used as examples of the pain felt at the upheaval of, for instance, forced removals.

Attachments to both people and environments both pertain to a structure (reminiscent of Kymlicka's notion of a 'context of choice') that allows one to have certainty, and that provides one with a basis from which explorations of the good life occurs. Seen in this light, it is understandable that cultures can serve a similar function in some people's lives. The attachment that some may have to cultures can therefore, to a certain extent, be regarded as something valuable to some, that is, something worthy of protection.

But if one's culture is to be protected because of the hurt one would suffer if one's attachment to it is severed or jeopardised, the culture needs to be delineated. In other cases, such as interpersonal attachment and attachment to one's home, for instance, delineation is possible. People, homes, neighbourhoods, suburbs and cities have boundaries that are quite easily discernable. The question was whether cultures have similar boundaries. Thus, while the notion of attachment provides us with a possible solution to the legitimacy of the protection of cultures, it begs the question of the delineation of culture. As such, the two problems are intertwined.

Furthermore, it was not clear how one could delineate cultures and without encroaching on the individual autonomy of certain people thus included in that culture. This also relates to the question of how far protection of cultures may go. Attachment to one's home, for example, while understandable, does not mean that one has an inalienable right to live there. While we have a notion of fairly or unfairly evicting someone from his/her home, it is not clear whether

and how concepts such as fairness may be applied to one's wish to protect one's culture and one's attachment to it.

The conception of cultures we have developed from Chapters 2 to 6 has shown that it is possible to delineate cultures, by demonstrating that it is possible to view cultures in a manner analogous to how we view autonomous persons.

7.1.1 Will Kymlicka's argument revisited

With the concept of culture we developed it becomes possible to fill some of the gaps in Will Kymlicka's argument.

One of our criticisms of Kymlicka's argument was related to his notion of an individual's attachment to a context of choice. Where he regarded this as a given for all individuals, we suggested that this position needs to be softened to say that *some* individuals might feel this way. Nevertheless, we would hold that such an attachment is understandable. Attachment need not be restricted to interpersonal attachments, and, as it is conceivable to be attached to one's home or another environment, it is understandable that cultures, as contexts of choice, might fulfil a similar role in some people's lives.

However, despite softening Kymlicka's position, a number of problems remained. Having developed our concept of culture, we can now address these issues.

Firstly, if an individual's attachment is to be protected, the culture needs to be delineated. Our concept of culture suggests this can be done with reference to communicative relationships. Specifically, we can define the boundaries of a culture as consisting of communicative relationships that are characterised by claims to cultural membership.

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Secondly, we identified Kymlicka's distinction between structure and content as problematic. This distinction is aimed at allowing for a culture that can accommodate difference and dissent, yet manage to continue existing as *that* culture. However, it is not clear from his argument what this distinction entails and whether such a distinction is in fact possible. The delineation of cultures we developed in Chapter 5 leaves room for difference and dissent. Furthermore, we proposed that a culture can stay true to itself, can continue existing as itself, in a manner analogous to personal autonomy, namely cultural representivity. Specifically, we argued that a culture may be regarded as analogous to an autonomous person if it has institutions that exhibit self-reference and retains its members in accordance with the consensus vs. power criterion. The latter would be exhibited through an institutionalised exit possibility. The analogy between a culture and an autonomous person allows us to view a culture as maintaining its identity even though changes in its content may occur over time.

A related problem in Kymlicka's argument is the encroachment of individual autonomy. While he explicitly rules out the encroachment of individual autonomy, the problem nonetheless lingers due to the vagueness of his distinction between structure and content. The model we suggest clarifies this distinction by means of an analogy with personal autonomy. Furthermore, the model we propose, posits a central role for the consensus vs. power criterion. A culture could only be regarded as delineable if it satisfies the criterion of consensus vs. power, by which members would remain members of the culture because of its value to them, as opposed to being forced to do so. As such, individual autonomy is, as it were, a precondition for the delineability of cultures. Accordingly, we need not regard cultural protection and individual autonomy as competing ideals.

A fourth point of concern in Kymlicka's argument was how concepts such as fairness can be applied to cultures. Without a strong analogy between culture and persons, extending a concept such as fairness would make little sense. Our model represents a strong analogy that allows a concept such as fairness to be extended to cultures, more specifically, to competition between cultures, or 'intercultural fairness'. Furthermore, our model specifically generates a criterion for fairness through the consensus vs. power criterion. Presently, for we denote fairness as applied to cultural matters as 'intercultural fairness'.

Intercultural fairness can be defined in terms of the consensus vs. power criterion. In this regard, the criterion can be applied to past injustices, as well as present day competition between cultures. Accordingly, a culture would have been unfairly marginalised if this marginalisation occurred via acts of power (such as, for instance, conquest or colonisation) by other cultures, as opposed to losing representation in the public sphere through dissent amongst its members and a lack of relevance to its members.

Likewise, competition between cultures in the present day can also be unfair if one culture gains ground by way of acts of power. In modern society, this need not take the form of military conquest or colonisation as was seen in previous centuries. Rather, acts of power could currently be more subtly present in the economic realities that have been shaped by past conquests. Moreover, intercultural unfairness need not only be another culture's fault, so to speak. The broader society, which is not, strictly speaking, a culture, may provide an unequal playing field that disadvantages one culture. Likewise, global economic forces may do the same.[56] The global reach of the British Empire, for instance, would not only afford a greater utility to English as *lingua franca*, but would also make it financially cheaper to import international

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[56] A notable exception to charges of undue economic influence is where the culture itself proposes a mode of economic production that proves to be less effective than another culture's. For this culture, this would then simply be the (unfavourable) outcome of fair competition.

cultural products, thus decreasing the space afforded e.g. by broadcasters, for local cultural products. Without this international influx, the playing field for local languages would in some cases[57] be much more level, though local languages would still have to *prove* their utility in this area. We can therefore say that the historical influence of the British Empire (itself not a culture) has unduly influenced the competition between Francophone and Anglophone cultures in Canada. The above examples thus refer to unfairness as attributable to an unlevelled playing field, not the unlawful 'actions' of the two 'teams'.

The concept of intercultural fairness places interesting restrictions on exit possibility. While an institutionalised exit possibility is necessary for the delineability of cultures, such an exit possibility would be a self-defeating institution if it does not serve to somehow redress past intercultural unfairness and go some way towards current intercultural fairness.

In addition, another concept, that of 'threat' is pertinent. We define the term 'threat' simply as denoting the risk a culture faces of ceasing to exist. Some form of threat is already constituted by the exit possibility. An exit possibility could lead to the deterioration or extinction of that culture. In fact, the very nature of an exit possibility, as we argued in Chapter 6, represents a willingness to place the culture's existence at stake. However, it is also possible for a culture to face an unfair threat, that is, a threat to its existence due to acts of power by other cultures. In the following sections, we will mainly be referring to unfair threats.

To some, this may seem like an extremely fine tightrope to walk. No doubt, parties involved in such matters would need to compromise. However, we

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[57] Though not in all cases. In South Africa, for instance, English as *lingua franca* would have an upper hand even without international factors, purely due to the vast number of different local (official) languages that are not greatly concentrated geographically and the need for people of different groups to communicate

would hasten to point out that, without the delineability of cultures, compromise is not even on the table. Put differently, with the delineability of cultures, compromises and other innovative solutions are at least justified in principle, though implementing them may still pose thorny practical and political problems.

As such, Kymlicka's equality argument now has a stronger case. As we pointed out in Chapter 1, Kymlicka's argument would be strengthened considerably if cultures could be conceived of as distinct entities. He would be able to show that his approach is consistent with a liberal approach. According to his equality argument, the continued existence of a person's culture – if it can be shown to be delineable - may be protected on grounds of equality: (individual) members of that culture would be treated fairly, because they would enjoy the same opportunity to practice their way of life as members of the majority do.

A further concept of importance is the concept of 'viability'. Our model of culture allows us to define the viability of a culture in terms of its ability to thrive and continue to attract and retain its members, without violating the demands of intercultural fairness.

The concept of viability allows us to solve a problem left open in Kymlicka's argument, specifically, the problem relating to refugee communities. These would, if we take the concept of intercultural fairness into account, be entitled to some protection of their culture. However, being a disrupted community, often scattered and fragmented due to their flight from their home country, and typically small in relation to their country of asylum, their viability to continue to exist as a culture can be called into question. The cultural protection they require, and the rich attachment to a public place that is imbued with their culture, would typically be rooted *in the society they have escaped*. It would therefore be difficult to reproduce these conditions in the country of their

asylum. Thus while they may in principle have a claim to cultural protection based on intercultural fairness, it is a claim their host country would most likely not be able to honour. Their cultural protection is therefore not viable.

7.1.2 Charles Taylor's argument revisited

To a large extent, the problems facing Kymlicka's argument are shared by Taylor's. Taylor needed to show how cultures could be delineated in order for his argument for measures for cultural protection to hold. As argued above, the model of culture we propose serves to solve the problem of delineation. Furthermore, as we argued in Chapter 1, Taylor's theory requires a concept similar to Kymlicka's notion of attachment to explain the necessity of the continued survival of a specific culture. Our model of culture serves to clarify the notion of attachment and shows that it is possible to apply the concept of attachment to cultures. Moreover, Taylor needed to show how the concept of fairness could be applied to competition between cultures. As discussed above, our model of culture allows us sensibly to speak of fairness in competition between cultures.

7.2 Application to multicultural situations

In the previous section, we demonstrated how our model of culture yields ways of defining fairness, threat and viability in cultural matters.

We can now apply the concepts of viability, threat and fairness to the multicultural conflicts discussed in Chapter 5. At this point, we note that these conflicts need not represent a conflict between different cultures. They can also represent conflicts between a society and one of the cultures *within* that society. Recall from Chapter 2 that we distinguished the terms society and culture. Where culture is a system of communicative relations between people, societal systems encompass cultural systems alongside political and economic systems. Moreover, as is typically the case in multicultural conflicts,

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a single society may contain many different cultures. The conflicts relevant to these cases typically arise from questions regarding society's response to claims made by one of the cultures it encompasses. Furthermore, multicultural conflicts may also refer to an individual's response (e.g. an expression by an artist, satirist or other commentator) to a culture.

In Chapter 5, we briefly discussed three types of multicultural conflicts. The first type denotes cases where the cultural character of the public sphere is at stake. In these cases, there is a drive to retain the 'Swiss', 'Christian', 'Dutch' or 'French' character of the public sphere. The second type of multicultural denotes conflicts around freedom of speech, as opposed to respect for cultures. The third type of conflicts refer to cultural practices, particularly those that liberally-minded people find abhorrent, and whether and to what extent liberal responses to these practices can be justified.

These concepts, we propose, provide crucial guidelines for the decision making process needed for multicultural conflicts. We reiterate that we do not propose definitive solutions to all these cases. Each requires an in depth enquiry into the facts involved. Rather, we propose certain guidelines for the *process* such enquiries should follow. We concern ourselves with generating the right type of questions to ask, rather than offering any concrete answers. As we will show in this section, these questions involve the concepts of fairness, threat and viability.

7.2.1 The public sphere

In cases where the character of the public sphere is at stake, the conflict centres around the preservation of a certain character or "heritage" of the public sphere. In Switzerland, the population voted to prohibit the future building of minarettes. As discussed in Chapter 5, the outcome of this referendum was deemed to be an expression of a wish to maintain the 'Christian' or 'Swiss' character of the public sphere. A similar notion is at work

in the debate in France and the Netherlands around the public wearing of religious headwear and other religious symbols. In these cases Islamic headwear is seen to erode the secular nature of the French and Dutch societies respectively. Likewise, in the case of Quebec, proponents of pro-French laws argue that pro-French laws are needed to prevent Quebec from losing its French character. Finally, aboriginals in Canada are protected by different types of external protections, depending on the nature of the threat to their community. In southern Canada, the aboriginal community requires arrangements whereby non-Indians would not have the right to own or stay on Indian lands. This is required because of the higher population density in southern Canada. The free trade of land would then allegedly result in the steady deterioration of the aboriginal communities and the way of life they hold dear. In northern Canada, rich in mineral resources, the influx of temporary workers could conceivably lead to the spending of public money on Westernised forms of entertainment such as resorts and movie theatres. In order to preserve their culture, aboriginal leaders "have proposed a three-to-ten-year residency requirement before one becomes eligible to vote for, or hold public office, and a guaranteed 30 per cent aboriginal representation in regional government with veto power over legislation affecting crucial aboriginal interests." (Kymlicka, 1989: 147).

In these cases, at least one of the parties value the preservation and continued existence of their culture, and the conflict is about whether and to what extent the protection they require is justifiable in the light of the exclusion and marginalisation it causes. Furthermore, in these cases, there is no way to accommodate every culture; to make the public sphere as neutral as possible is already to erode the current character, and to maintain the current character is to exclude others from having a public space that is also "theirs".

Any claims for cultural grounds must first show that the culture can be delineated. As such, the culture needs to be characterised by cultural

representivity. Accordingly, the culture would need to exhibit self-reference through its institutions and have an institutionalised exit possibility.[58]

Furthermore, the self-reflective communications exhibited by the culture must be aimed at answering questions around the extent of the (unfair) threat against that culture, whether an acceptable exit possibility can be provided, and whether, if the culture is thus protected, it can reasonably be expected to thrive and compete on fair footing with its competitor cultures. In this regard, we point out that it is those advocates for the protection of their own culture who need to answer these questions. They must show how they have arrived at their findings. Is it just their opinion, or are their findings the product of an open dialogue that freely allowed dissident and oppressed accounts? If they have proved the latter, they have also proved that the culture has a self-referential character. As we will discuss below, the quality of dialogue and self-reference are aspects that can in principle be agreed upon. The advocates and those they wish to convince cannot allege that they disagree due to axiomatic cultural differences. Two parties may differ (as scientists also sometimes differ in their interpretation of data), but disagreements on these matters cannot be said to stem from cultural origins.

If a self-referential investigation does not take place, or does not show a significant (unfair) threat, claims for cultural protection cannot be justified on cultural grounds. Such claims can then only represent the wishes of certain individuals (even a majority, though crucially, not the whole culture) and must be adjudicated using traditional liberal concepts, i.e. there would be no grounds to expand liberal concepts to include the notion of the protection of cultures.

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[58] By using words such as 'have' 'exhibits', 'competes' etc., we do not imply that cultures have agency. Therefore, when a culture 'exhibits' or 'has' a certain quality, those words mean the same as if we were to say: "The electron exhibits spin." Likewise we use 'competes' in an impersonal, non-agential manner: competition refers to the losing and gaining of members. A culture loses a member when that member stops identifying himself with that culture. When s/he identifies with another culture, that culture has gained a member. The agency thus lies with the member, not the culture.

Two points about self-referential investigations are pertinent here. Firstly, it does not matter *who* conducts these investigations. Cultural self-reference, strictly speaking, is not determined by individual persons reflecting on their culture. Rather, self-reference is determined by the character of the culture's *institutions*. The question is therefore not whether there are people reflecting on their own culture and who they are and who they represent, but whether that culture has institutions that allow for the free dissemination of communications that reflect on the culture and problematise dominant accounts of that culture. Problematising accounts of a certain culture can be found in the media, and in academic institutions (particularly in disciplines such as cultural anthropology, sociology and the like).

Secondly, as noted above, we approach these particular multicultural issues from the perspective of an individual commentator on cultural issues. This raises the question of ethnocentrism. Would the commentator's judgement over whether a culture exhibits self-reference not be open to charges of ethnocentrism? Likewise, is the very use of criteria such as self-reference and exit possibility not particularly Eurocentric? We argue that it is not. While concepts such as self-reference and the like may have particular histories in "Western" thought, our use of them as criteria is generated by the logical implications of arriving at a concept of a delineable culture. As we briefly discussed in Chapter 1, we do not believe that the rules of logic (as opposed to the content of premises) can be open to charges of ethnocentrism. Thus employing concepts such as self-reference as criterion is a logical, necessary implication of treating cultures as distinct entities, and not a mere imposition of "Western" thought on other modes of thinking. Furthermore, while an individual commentator may argue and disagree with another person (for instance the person claiming protection for his/her culture) about whether self-reference is present, such a disagreement is not cultural in nature. The presence of self-reference does not pertain to the content of any premises,

nor do they refer to any axiomatic differences. Rather, questions regarding the presence of self-reference pertain to the structure of the culture, not its contents. Thus, when a commentator holds that a culture does not exhibit self-reference, s/he does not do so because s/he is from the West, but because the evidence provided did not convince him/her of the presence of self-reference. By analogy, two judges in a contractual dispute can disagree over whether a contract was formed, without explaining their disagreement with reference to their places of birth, their background, or where they studied: they conduct their argument solely on the evidence in front of them.

We now turn to the concept of threat. If the claim of a significant threat can be made, those making the claim need to show that the culture has an exit possibility. Firstly, an institutionalised exit possibility would be an indicator, like self-reference, that the culture fulfils the criteria of an analogy with personal autonomy, by virtue of which it becomes delineable and it becomes possible to speak of the culture as a whole and not just certain individuals speaking (allegedly) on its behalf. Secondly, the institutionalised exit possibility also acts as a balance against too far reaching protections. A culture that can be protected legitimately must – if it were given the proper opportunity to compete fairly against other cultures – be able to retain its members and thrive, i.e. be viable. Protections would therefore aim at rectifying past injustices, i.e. unfair gains by other cultures. However, an institutionalised exit possibility signifies an institutionalized willingness to put whatever cultural practice or value at stake in fair competition. As such, protection needs to be limited and balanced with members of a culture's ability to opt out of that culture.

With regard to institutionalised exit possibilities, and in the case of Aboriginal in Canada, for instance, we can ask the question as to the extent to which there is opportunity to participate in the broader Canadian society and regard oneself, primarily as Canadian. How easy and comfortable would it be for an

aboriginal to become part of a "Western" education system, and make use of nearby job opportunities? In the case of aboriginals in northern Canada, we would argue that the scenario leaders require protection *against* - public policy opening the door to "Western" resorts and job opportunities - would actually constitute such an exit possibility. If the "Western" style developments provide temporary jobs, and members of the aboriginal community take these jobs and unsettle themselves to go and work in "in another culture, in a different language" (Kymlicka, 1989, 147), would it be because of some form of unfair competition? We would argue no. Unless it can be shown that they were driven from another habitat and forced to reside in such an environment, then the way of life they wish to protect is inherently tied to a seasonal pattern of work, dictated by the (harsh) natural environment they inhabit. Protection against opportunities that would entice some to choose against this way of life then actually serves to confirm that their cultural way of life may not be valued by their own members if not enforced. Without the exit possibility in the form of nearby job opportunities, the culture these leaders wish to protect does not satisfy the criterion of consensus vs. power.

Similarly, we can ask whether Francophone Canadians may have nearby educational alternatives to study in English. How far is it to the nearest English-medium school outside of Quebec? How does this distance compare to, for instance, a Francophone Canadian's ability to go to a French-medium school in a predominantly English-speaking region? We would argue that, if Francophone Canadian have good access to French schools, then the option to go to English schools in Quebec represents an exit possibility. However, this exit possibility still needs to be balanced with the requirement of intercultural fairness.

A possible solution to situations such as that in Quebec is to focus efforts to achieve a fair intercultural competition, not by restricting certain members' free choice, but by laying claim to other types of governmental support. In this

regard, it is perhaps prudent to look to other means of enhancing the culture's competitiveness. This may include funding for textbooks in French; funding for translation of important literary and academic works into French; ensuring that all public officials in Quebec can serve citizens in French; allowing businesses to only serve people in French if they so choose; providing incentives for Francophone Quebecois to enter teaching and research; and making grants available for theatre and poetry by Francophone Canadians. These measures should represent a differential support for French, 1) with the aim of adding to its competitiveness, 2) while addressing whatever historical (unfair) imbalances there may be between English and French.

In the Swiss case, our appraisal would be that the presence of Minarettes constitutes the very exit possibility that is required in this case. The very presence of minarettes in the public sphere would serve to constitute the possibility of those who regard themselves as Swiss and Muslim to be represented in the Swiss public space.

7.2.2 Freedom of speech

Conflicts around freedom of speech and the protection of cultures by limiting freedom of speech, represents another type of multicultural conflict. These cases include controversies around art such as The Spear, the Satanic verses, as well as satire and parody, as seen for instance in cartoons.

Once again, the concepts of threat and exit possibility are applicable. In all cases where limits of freedom of speech are called for, it would be very difficult to show that any threat to the continued existence of that culture is present. Moreover, freedom of speech itself is the embodiment of an exit possibility, because it allows for counter-arguments to be heard. The conventional limitation of freedom of speech, namely that freedom of speech does not include hate speech and libel, is therefore more than adequate for these situations. While artistic expressions such as The Spear might have

caused offence, there is no inalienable right not to be offended or insulted. Nor, we would argue, should there be.

One could, however, argue that such artistic expressions, if culturally insensitive, constitute a low blow, a cheap shot in public discourse. This, we would argue, has more to do with the quality of public discourse than with respecting culture. If, for instance, a whole culture is indicted for a few people's actions (as is sometimes the case in anti-Islamic parodies, documentaries and satire), this is simply a sloppy generalisation and should be pointed out as such, either by relevant editors or respondents in the public sphere. If, for instance, a nerve was struck accidentally, for instance an artist depicting someone naked, ignorant of the meaning this would have to many who would view his artwork, a simple apology should suffice. Moreover, greater sensitivity and awareness of others' cultural sensibilities can do no harm.

These scenario's, however, concern the *manner* in which a message is brought across, not the actual *content* of the message. The latter should be left untouched – with the exceptions of hate speech and libel – because if a cultural value or way of life is in fact attacked[59] it should be able to withstand public scrutiny and prove its value to its members. Moreover, freedom of speech is the very institution that would allow it a fair chance to do so.

7.2.3 Cultural practices

Multicultural issues concerning certain cultural practices and the liberal response to them can also be better understood with reference to threat and exit possibility. The relevant issues include ukuthwala, clitoridectomy, and polygamy. As we mentioned in Chapter 5, the powers afforded to traditional leaders can also be treated under this heading, as the controversy around

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[59] One could indeed be suspicious that cultural grounds are sometimes invoked simply as an empty political gesture.

traditional leaders often involve their support (tacit or otherwise) for similar problematic practices, including, in particular, the unequal treatment of women.

As with all the cases discussed above, a self-referential investigation must first determine whether the practice is central to the culture and whether the culture as a whole would be threatened if the practice were to be stopped. Importantly, members of a liberal culture would also need to ask if allowing such a practice would in fact threaten liberal culture.

In the case of polygamy, let us, for the sake of argument, assume that a self-referential investigation concludes that allowing polygamy is in fact central to e.g. Zulu culture. The next step would be to consider whether there is an exit possibility. In the case of polygamy, the question would be whether women can freely choose against polygamy, that is, can they refuse to enter into a polygamous relationship and can a married woman refuse her husband the right to marry another woman before divorcing her? If the culture allows for this, that is, if it has an institution that allows this, then polygamy can actually be shown to be consistent with liberal values.

Similarly, can those who are subjects of a traditional leader, choose not to be. To what extent can they choose to participate only in larger society? Importantly, one can also ask whether such traditional monarchies can actually satisfy the criterion of consensus vs. power. Our suspicion is that, currently, they would not. One possible way of providing an exit possibility in this case, would be to institutionalise regular referenda amongst the leader's subjects, whereby they will have a choice to continue to support his monarchic rule or not.

The question of traditional leaders may also be amenable to innovative solutions regarding self-rule, where traditional leaders may have authority on some issues, while a more liberal constitution would hold sway on other matters. One such a solution is represented by Schachar's idea of "transformative accommodation", as discussed by Baumeister (2003). According to this idea, government and a minority group can divide jurisdiction over important matters so that no group controls all aspects of the issue. Baumeister uses the example of marriage, where the minority group can have a say about the legitimacy of the wedding, i.e. whether it is recognised as a marriage, while the state can have a say about the financial and custodial aspects of the marriage (Baumeister, 2003: 753-754). Similarly, we would suggest that if a member of a certain culture were to *refuse* to adhere to cultural norms and implement a certain practice, or follow a certain ritual, (e.g. taking part in an arranged marriage) that s/he may be refused access to certain gatherings that pertain directly to that practice, but that s/he may not be ejected from the community totally. As such, s/he would retain residence and all his/her basic rights.

In all possible solutions, however, the important question would be whether those who do not wish to be subject to traditional leaders' reign have sufficient options available to them to live the lives of their choosing.

Where the above case can be addressed with reference to the autonomy of its (often female) members, issues of cultural practices where minors are involved, are much more difficult. Even assuming that, as with the cases above, there is an actual threat to the culture if a certain practice were to be stopped, the issue of an exit possibility remains problematic. Parents having a say over their (minor) children's lives is certainly not alien to so-called "Western" cultures. The issue is to what extent parent's autonomy may be limited, for example, whether they may be prohibited from forcing certain practices on their children. An added complication is that who is regarded as a

minor is itself a cultural matter, the age of consent on different matters varying from culture to culture.

In the case of minors, one pertinent question would be whether those children exposed to cultural practices would find it acceptable, in hindsight, when they themselves are adults and whether they would choose it for their children, having gone through it themselves. Crucially, though, this is a criterion that is inherently future-orientated. As such it does very little to allay fears that children *presently* are treated inhumanely. In these cases, even if there is an exit possibility – where parents may be allowed to opt out of certain cultural practices for their children – it remains dubious whether those who still choose *for* cultural practices are justified in doing so. As such, even if there is an institutionalised exit possibility, it does not satisfy the consensus vs. power criterion.

Taking the above into account, we would therefore argue that multicultural issues involving cultural practices pertaining to minors, constitute special cases. These special cases are not significantly clarified by applying the criterion of an institutionalised exit possibility. Moreover, because cultures claiming for respect for such practices cannot prove an exit possibility that would satisfy the consensus vs. power criterion, it means that that culture cannot be regarded as a delineable entity. This is because a culture's delineability depends on it being able to satisfy the requirement of completing a strong analogy with personal autonomy.

Simply applying liberal concepts to such cases are nevertheless not yet an optimal solution, unless the decision to apply liberal concepts is arrived at after taking seriously the possibility that a delineable culture is in fact at stake. Even then, commentators, policymakers and legislators condemning certain cultural practices, do so on the basis of a liberal *axiom* that holds individual freedom central. They cannot be proven by reason or science; they are the

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suppositions from which we reason, and that underlie our scientific and philosophical endeavours. They themselves cannot be proven, we can only believe in them. Because individual freedom is axiomatic, its value cannot be *proven*, because it is the most basic assumption underlying all other arguments. It is for this reason that the *process* that preceded a decision based on individual freedom had included the possibility of a delineable culture being involved.

By following the model we developed thus far, decision makers and commentators need not consider cultural protection as necessarily at odds with individual freedom. As such, decision makers and commentators can at least show that they did not dismiss the idea of cultural protection *a priori*. In our opinion, this diminishes the strength of charges of ethnocentrism.

7.3 Self-referential decision making in multicultural dilemmas

At this point we introduce a variant of the process model discussed above. Where the above model pertains to the process by which it is determined whether cultures in specific cases can be considered as delineable entities, the process model we introduce now pertains to a process by which liberal commentators and decision makers can justify their position on cultural practices in special cases.

The key elements of this process are 1) self-reference and 2) empathy for other axioms. When considering cultural practices, the commentator needs to show that s/he has reflected on his/her own values/meanings and how it may colour his/her perceptions of the situation. This self-referential reflection, as with the cultural examples discussed above, would include the question whether the practices in question are in fact a threat to liberal values, or whether they just offend context specific sensibilities. The commentator also needs to actively try to understand the other culture's values from *within* and not as if s/he is a neutral observer, studying mating

rituals in a far off tribe as if it were a lab experiment. In this regard, the self-referential investigation by the members of the culture itself (as in the cases discussed above) would be an invaluable source of perspective and we can see how the two self-referential investigations would run parallel to each other, as two sides of the same coin. If the commentator then, after this process of self-reference and aware of the fact that the value s/he places on individual autonomy is *axiomatic*, still holds his/her liberal view, it has the character of an authentic decision (as discussed in Chapter 4). As such, s/he has not followed his/her cultural background blindly, but has argued from axiomatic fundamentals, knowing that s/he could be wrong, but believing, as a leap of faith, that s/he holds that axiom to be true not because s/he was culturally socialised into it, but because it does in fact represent a valuable idea.

Though not escaping the charges of ethnocentrism, decisions that have a self-referential quality serve to diminish the problems associated with ethnocentrism. Where following one's culture blindly and enforcing it on others implies an arrogant approach, wherein lies most of the offence caused by ethnocentrism, self-referential decisions represent an authentic response. We would argue that this serves to draw attention away from a response's cultural origin, rather focus the interlocutors' attention on the claim regarding the value of an idea, regardless of its cultural origin. This is the basis upon which dialogue can continue with the aim of a mutual understanding.

CONCLUSION

The notion that cultures cannot be distinct in any way, i.e. that they are necessarily vague and amorphous, does very little to contribute to dialogue. From the very beginning, it excludes the notion of a culture that is to be protected and the dialogue thus stops there and then. To be true to the principle of *audi ad alteram partem*, liberal approaches to multicultural conflicts must conceive of an alternative conception - whereby cultures can be thought of as distinct entities - provided that such a conception is logically possible. This may provide the dialogue with a much needed point of common understanding from which to proceed.

In this dissertation, we have developed a model of distinct cultures. According to this model, a culture can be delineable in a manner analogous to how we think of distinct persons. Table 2 below summarises the analogy.

Table 2

	Personal identity	Cultures as distinct entities
Trivial boundary	Organism's boundaries	Communicative relationships between group members, characterised by self-categorised group membership.
Continuity	Unity of conflict: a relationship between the "I" and repressed meanings, characterised by: o Self-reference ⎤ 　　　　　　　　　⎬ Personal autonomy o Doubt of core meanings ⎦	Unity of conflict: a relationship between the dominant account and marginalised accounts, characterised by: o Self-reference ⎤ 　　　　　　　⎬ Cultural re-presentivity o Exit possibility ⎦

Our model of personal delineation suggested a dual structure whereby a trivial boundary contains, so to speak, a unity of conflict. In persons, this unity of conflict lies in the relationship between the "I" and repressed meanings and this relationship, in order to provide some sense of unity, must be characterised by what we understand under personal autonomy.

Cultures' trivial boundaries can thus be defined by the particular character of their communicative relationships between group members and these communicative relationships in cultures are characterised by the claims that meet criteria (a)-(d):

a) Group members' shared claim that they belong to Group X.

b) The dominant account of the group[60] asserts that membership of that group is important to the extent that group membership is a core meaning for those members sharing the dominant account, i.e. it is a fundamental value to them that they are part of that group.

c) Members who hold the dominant view assert a certain inclusion theory, and want all members to share this view.

d) The aforementioned desire for agreement amongst all members is not just instrumental, but is sought for the validation it provides.

Moreover, just as a psychic system is always embodied, so any culture is always 'enmembered', that is, cannot be thought of as existing separately from its group members.

Furthermore, where personal autonomy is conceptualised as residing in the relationship between the "I" and repressed meanings, cultural representivity is characterised by the relationship between the dominant and marginalised

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[60] Recall from p.152 that the dominant account refers to that inclusion theory which is agreed upon by the most people, that is, the inclusion theory that most people would agree upon if a poll were to be taken amongst all those involved. However, we must stress again that the dominant account remains a flawed account of the culture and is by no means to be considered as the only true account.

accounts of the culture. This relationship, in turn, must be characterised by the presence of institutions that ensure 1) self-reference in the culture and 2) adherence to the consensus vs. power criterion. The latter is achieved by an institutionalised exit possibility.

With a strong analogy between cultures' and personal delineation, it becomes possible to rehabilitate Kymlicka's equality argument. As we argued in Chapter 1, the main gap in his argument was the delineation of cultures. If this problem is solved, Kymlicka's argument is successful in showing that cultural protection is consistent with a liberal approach.

Furthermore, our concept of cultures allows us to extend concepts we usually apply to persons, such as fairness, attachment and viability so that they can also apply to cultures. Moreover, we can apply these concepts without alleging that we thus treat cultures as if they literally were persons: concepts such as intercultural fairness, attachment and viability, when they are applied to cultures, are defined in terms of the consensus vs. power criterion, and the latter is judged based on the quality of a culture's institutions (specifically, the presence of an institutionalised exit possibility). We therefore never assume that the culture is itself a meaning-processing organism.

One of the chief objections against cultural protection, in our opinion, is the intuitive response that allowing for such protection (against cultural extinction) leads us down a slippery slope, where everyone and anyone can conceive of some cultural difference by which they can lay claim to whatever they want. In this regard, concepts such as viability and the criteria of self-reference and consensus vs. power are quite reassuring. They posit stringent requirements to those laying claim to cultural protection. Furthermore, while these requirements are stringent, it is nonetheless possible, in principle, for those laying claim to cultural

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protection to meet them. They therefore do not exclude claims to cultural protection *ab initio.* In our opinion, this is an important advance in intercultural dialogue in multicultural societies. The requirements of self-reference and consensus vs. power (along with the concepts generated by them, such as viability) serve as rules of engagement that allow the dialogue to proceed, and to proceed, hopefully, to a greater mutual understanding.

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