Citizen solidarity in diverse societies: a case for deliberative democracy

by

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Abstract

This thesis seeks to answer the question: What is the most appropriate basis for solidarity among citizens of diverse societies? Members of such societies do not only have different belief systems and different individual and collective commitments, but may also command different resources and occupy different positions in the social world. What, then, are the necessary conditions for citizens such as these to care for each other and act together in order to solve collective problems? The answer to this question is developed in four steps. I begin by establishing the most appropriate conception of personhood for the project of citizen solidarity. After examining and rejecting both comprehensive liberal and communitarian conceptions of personhood, I defend a *political* conception of personhood which distinguishes between our public and private identities, and which could form a basis of citizen solidarity regardless of our private conceptions of personhood. In light of this political conception of personhood, I go on to argue that any notion of a common national identity, whether "thick" or "thin", fail to provide a basis for solidarity precisely because it comes at an unreasonable cost to individual citizens' autonomy. Next, I turn to equal rights as a possible basis for solidarity. Here I show that, while equal rights are an important condition for citizen solidarity in so far as they promote and protect the equal dignity necessary for citizens to trust and cooperate with one another, formal equal rights are not sufficient for addressing power imbalances between different social groups. In the fourth and final step, I demonstrate that political participation in the form of deliberative democracy can provide a basis for solidarity in diverse societies in so far as it is inclusive of diversity, purposefully orientates citizens to mutual understanding and viable even in expansive political communities.

Abstrak

Hierdie tesis beoog om die volgende vraag te beantwoord: Wat is die mees geskikte grondslag vir solidariteit onder burgers in diverse samelewings? Lede van sulke samelewings het nie net verskillende oortuigingskemas en verskillende individuele en kollektiewe verbintenisse nie, maar beskik ook oor verskillende hulpbronne en posisies in die sosiale wêreld. Derhalwe, wat is die nodige voorwaardes vir burgers soos dié om vir mekaar om te gee en saam te werk om gesamentlike uitdagings aan te pak? Die antwoord op hierdie vraag word ontwikkel in vier stappe. Ek begin deur die mees geskikte begrip van die persoon vir die projek van burgerlike solidariteit te vestig. Nadat ek beide die omvattend-liberale en kommunitêre opvattings van die persoon ondersoek en afgekeur het, verdedig ek 'n *politieke* begrip van die persoon wat tussen ons openbare en private identiteite onderskeid tref, en wat as 'n grondslag vir burgerlike solidariteit kan dien ongeag ons private opvattings van menswees. In die lig van hierdie politieke begrip van menswees, voer ek aan dat enige konsep van 'n gemene nasionale identiteit, hetsy "dik" of "dun", nie daarin slaag om 'n grondslag vir solidariteit te bied nie, juis omdat dit onredelike eise aan die individuele burger se outonomie stel. Daarna kyk ek na gelyke regte as 'n moontlike grondslag vir solidariteit. Hier dui ek aan dat, alhoewel gelyke regte 'n belangrike voorwaarde vir bugerlike solidariteit stel deur gelykwaardigheid - wat nodig is vir burgers om mekaar te vertrou en saam te werk - te beskerm, is formele gelyke regte nie genoeg om ongelyke magsverhoudinge tussen verskillende groepe aan te spreek nie. In die vierde en finale stap, demonstreer ek dat politieke deelname in die vorm van deliberatiewe demokrasie die grondslag vir solidariteit in diverse samelewings kan voorsien in soverre dit inklusief is van diversiteit, wedersydse begrip onder burgers aanwakker en ook prakties haalbaar is in uitgebreide politieke gemeenskappe.

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Introduction

There are many social challenges that cannot be solved purely through individual initiatives, by the spontaneous workings of the market or through the sole agency of the state. These challenges include climate change, systemic inequality, organised crime and any other structural problems that are entrenched in society due to historical injustice, institutional failures, vested interests or similar reasons. Broadly integrated, cross-sectoral, purpose-driven, coordinated action is needed to address these kinds of problems on all levels of society. Only when all relevant stakeholders act in unison together would these problems effectively be addressed.

The question that this thesis will attempt to answer is how to mobilise the diverse inhabitants of a society to care for each other and act together to solve collective and each other's particular problems. In other words, how does one achieve solidarity in diverse societies? This question belongs to the field of political philosophy and I will specifically look at liberal, democratic citizenship within the nation-state as a vehicle for binding people to a common purpose and convincing them to make necessary sacrifices along the way. This focus is relevant, for many societies in the world, including my own home country South Africa, has subscribed to liberal democracy and struggle to establish solidarity among its diverse citizenry in order to address its wide range of serious problems. One of the reasons why South Africa and many similar states have difficulty to use citizenship as a tool to establish solidarity may be due to an understanding of citizenship that is unsuitable for the practical realities facing these societies.

The conception of citizenship as a binding force faces at least two major challenges.

In the first place, the liberal model of citizenship as the grounds for solidarity is being challenged by internal diversity that may be experienced in the nation-state as a whole, sub-national regions, municipalities, neighbourhoods or even households. This diversity is not only a function of culture, ethnicity or religion, but also of belief systems in general and social groupings that may transcend any of the aforementioned markers of diversity. Solidarity is not only threatened by conflicting value systems but also by unequal power relations between social groups. Unequal relations maintained over long-periods of time may have influenced institutional cultures, spatial demography, economic structures and/or common beliefs to such an extent that, even where all citizens are equal in law, they may not

experience equal dignity in their day-to-day lives. This, in turn, impacts on social cohesion because it undermines mutual understanding and trust between citizens.

Second, the traditional concept of citizenship is also being challenged by increasing transnational interdependence. National economies have not only been restructured globally by steady increases in final product trade, but also by the emergence of global value chains. The comparative advantage of labour costs and other conditions between states have prompted corporations to spread the value chains of their products across states. Each component of a product is produced in the state that provides the best resources, least costs and shipping options for the particular component. One could argue that economies are thus not merely interdependent, but "enmeshed" (Womack, 2016: 1474). This degree of interdependence makes it nearly impossible for states to address major problems rooted in the economy by themselves.

Given these challenges, if the notion of citizenship is to have any role in binding large populations into a political will-formation, it needs to be reconceptualised.

One of the main criticisms levelled against the liberal conception of citizenship is that it is based on a flawed conception of personhood. Liberal citizenship, so the argument goes, underestimates the degree to which personhood is imbricated in social relations (Bell, 1993; MacIntyre, 1981; Taylor, 1991). The liberal conception of personhood places a premium on individual autonomy – an autonomy that is itself predicated on rationality – and hence posits a self that is prior to social relations. Critics of liberalism (ibid.) argue that the liberal reason and its attendant conception of autonomy are themselves to a significant degree socially constituted and that there is no necessary, inherent value in exercising choice and/or being original. A citizenship based on a comprehensive liberal conception of personhood will involuntarily impose particularistic values onto persons and/or discount the significance that person's social embeddedness may play in their ability to exercise their citizenship and pursue their ideas of the good on an equal footing with their fellow citizens.

Nationalistic conceptions of citizenship, on the other hand, appeal to the notion of a shared background culture (Miller, 1995; Kymlicka, 1989). The concern here is with the creation or maintenance of a national identity. Liberal nationalists attempt to negate the contradiction between the citizen's individual autonomy and the expectation of conforming to a national identity, by advocating a "thin" national identity, one that is perhaps based on language, specific traditions and/or universal values and not on more substantive content like religion or

a specific lifestyle (ibid.). However, it might be difficult to distinguish between thin and thick identity in an impartial way. Moreover, regardless of the thinness of the national identity, the tension between the citizen as an individual autonomous person and the citizen as part of a pre-political national community remains and will inevitably antagonise and alienate those citizens who do not identify with the national identity.

Within the liberal model, it is often assumed that a scheme of equal rights that is blind to the social particularities of a citizen will provide citizens with the necessary political and civil powers, material circumstances, education and other basic services to have a fair opportunity in pursuing their life-projects and experience equal dignity as a result. Any differentiation in rights would undermine people's equal dignity (Taylor, 1994: 26-27). However, there is overwhelming evidence that an equal distribution of rights does not provide a comprehensive answer to all the structural problems in society obstructing the equal dignity of citizens, especially when it comes to unequal power relations between social groups and the catering of particularistic interests of social groups (Waldron, 1992).

When it comes to political participation, in terms of the liberal aggregative model of citizenship, the citizen is substantially depoliticised (Habermas, 1996a). The aggregated interests of citizens are represented by political parties, leaving citizens to largely focus on their private lives. Little room for mutual understanding is built in the political process. Bargaining between aggregated citizen interests, delegated to a handful of representatives, is the order of the day. The negative freedoms of the citizen are, however, not up for voting and therefore stand apart from the democratic, decision-making process. These freedoms are strictly guaranteed by a constitution whose legitimacy lies in a "social contract" usually rooted in natural rights theory that holds that individuals are born with inalienable rights. This model is problematic as well. Without a mechanism for fostering mutual understanding and solidarity between citizens beyond their private interests, the social problems undermining the necessary citizen solidarity for collective will-binding will remain unresolved. Moreover, without any mechanism for collective will-formation to begin with, the coordination and sacrifices necessary to address the major challenges facing society may not be achieved at all.

It is clear that the liberal conception of citizenship has several weaknesses which hamper attempts to establish solidarity among members of diverse societies. My aim in this thesis is to re-examine citizenship along all of the above-mentioned dimensions – identity, rights,

participation, as well as the conception of personhood – in order to work out the necessary and sufficient grounds for citizen solidarity.

In this thesis, I will focus on the challenges that internal, national diversity poses to citizenship, but I will always keep the challenge of increasing transnational interdependence in the background in so far as it is relevant to the discussion. While the focus is on internal diversity, it is important that our solution is open-ended to the possibility of generating improved transnational solidarity and thus dealing with a diverse polity on an infinitely larger scale.

Many of the abovementioned topics and challenges concerning citizen solidarity intersect. For the sake of structure, I will need to separate some of these discussions while keeping the reader aware of the connections. The structure of the thesis will more-or-less follow the discussion sequence above, looking at the conception of personhood and the dimensions of citizenship each in a separate chapter.

Chapter 1 deals with the genesis and manifestations of the liberal conception of the personhood underlying the liberal model of citizenship. I demonstrate the shortcomings of the theory as a comprehensive view on personhood by scrutinising its own logic and discussing criticisms by communitarians. In light of these criticisms, I then defend a Rawlsian *political* conception of personhood that allows a distinction between our public and private identities, and which could form a basis of citizen solidarity regardless of our private conceptions of personhood. This chapter sets the parameters for the inquiry into the grounds for solidarity in the subsequent chapters.

In Chapter 2, I examine the identity dimension of citizenship, starting with a discussion on the relationship between the concepts of ethnicity, nation and states. I then lay out the argument for a national identity as a basis for solidarity, comparing perspectives from ethical universalism and ethical particularism. In criticism of this position, I look at the authoritarian background and continuing nature of national identity and conclude that national identity cannot be reconciled with the political conception of personhood in a diverse polity. The aim here is to show that national identities are fundamentally manufactured and maintained at the cost of individuals' autonomy. I then briefly consider the arguments for constitutional patriotism and liberal nationalism as an alternative to a "thicker" or more substantive national identity. I show that the debate between constitutional patriotism and liberal nationalism is merely a matter of degree as long as constitutional patriotism is based on the particularistic

content of a political culture. I argue that regardless of the thickness of the national identity, the integrity of the political conception of the citizen will still be in a precarious position. The chapter concludes that we need to turn to other dimensions of citizenship in order to find a basis for solidarity.

Following the analysis of the identity dimension of citizenship in Chapter 2, Chapter 3 deals with the rights dimension of citizenship. Relying on the work of T.H. Marshall, I argue that there is a connection between rights and solidarity, for rights contributes to the experience of equal dignity among citizens. However, this connection is only valid if rights do not violate the political conception of personhood. Turning once more to Rawls, I demonstrate that rights can and ought to find their basis in an overlapping consensus in order to enjoy legitimacy among a diverse population and thus comply with the political conception of personhood. I then look at how the scope of rights needs to expand in order to ensure equal dignity in all relevant spheres of citizens' lives. I examine the arguments for the inclusion of differentiated rights to solve the problems related to the particularistic needs of social groups and the unequal power relations between them. I conclude that such rights cannot adequately deal with the problems posed to solidarity by a diverse citizenry. The chapter concludes that, while rights do play an important role, they are not a sufficient basis for citizen solidarity in diverse societies.

Finally, in Chapter 4, I turn to the participation dimension of citizenship. Guided by Habermas, I briefly survey the classical republican and the Lockean or aggregative model for political participation, arguing that both of them are an inadequate foundation for solidarity in diverse societies, in so far as the republican model asks too much and the aggregative model too little of citizens. I then turn to deliberative democracy as a model for participation, as developed by Habermas, Benhabib and others. Here I show that deliberative democracy accommodates both liberal and communitarian viewpoints on personhood by arguing that individual autonomy is fundamentally relational. It thereby gives right from the outset due recognition to the social embeddedness of individuals, attuning itself for the challenges facing solidarity posed by cultural diversity and power relationships. It will be argued that locating the legitimacy of our legal order in consensus-driven discourse instead of people's personal comprehensive doctrines, forces us to commit to mutual understanding. Following this, I address the criticisms that discourses often privilege certain groups and ways of speech, and that consensus would always exclude or suppress others. My aim here is to show that that difference is surmountable, at least to the degree that meaningful cooperation and

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consensus on most problems can be achieved. It will also be explained and argued that the issues related to the ability of less dominant groups to fully participate in discourse and raise any type of concerns in whichever manner they prefer can be addressed by a decentred view of the public sphere and the institutionalisation of communication presuppositions that need to regulate the discourse process. A decentred view will also allow for bargaining when particularistic needs are concerned and make it easier for citizens to politically participate in the polis.

In light of the above, the conclusion of the thesis is that citizen solidarity should not be based on any pre-political substance, but rather on a commitment to deliberative processes that enable us to understand each other and ensure that we institute and maintain constitutional arrangements, rights, laws and policies that will guarantee citizens equal dignity in all spheres of our lives and mobilise us for collective action against the challenges facing our societies.

Chapter 1: A political conception of personhood

Introduction

Any given conception of citizenship entails some conception of personhood, which can be either explicit or implicit in the theory of citizenship. In order to work out the basis on which citizen solidarity in diverse, interconnected and complex societies can be built, we need to interrogate the conception of personhood which it entails. If the assumptions of this conception prove to be controversial, it is important that we understand these controversies and make the necessary adjustments to the conception before appraising the possible citizen basses for solidarity in the subsequent chapters. In this chapter, I will look at the development of the conception of personhood that underlies the liberal conception of citizenship, interrogate its logic, look at the communitarian criticisms against it and make a preliminary suggestion for a workable alternative in light of these criticisms.

In the first part of section 1, I will explain how the shift from monarchy to popular sovereignty in Europe has attributed every individual with equal dignity and autonomy. I will explain the two sides of autonomy, namely rationality and authenticity, and how autonomy is seen as an individualistic quality. In the second part, I will demonstrate the difficulty of this individualistic conception of personhood by looking specifically at the foundation of authenticity. In section 2, I will show how liberal theorists have significantly undervalued the role of social factors in the constitution of a person's identity by looking at the communitarian critique of individual authenticity and choice. In the final section, I will argue that we need a political conception of the person, sensitive to both individual choice and a person's social embeddedness. I will also argue that his conception must stand apart from a citizen's personal identity or conception of him/herself, for the sole purpose of peaceful and fair cooperation among citizens.

1. The liberal conception of the person

1.1. Origins of the liberal conception of personhood

The liberal concept of the person has played, and continues to play, a significant role in the justification of popular sovereignty from the seventeenth century onwards. During the seventeenth and eighteenth centuries, the source of sovereignty in many European countries shifted from the monarchy to "the people" (Schnapper, 1998: 3). With this shift came a new

understanding of the person and his/her relations to his/her fellow citizens. Charles Taylor (1994: 26-27) explains that under the *ancien régime*, in which sovereignty was vested in the hands of the few, society was fundamentally hierarchical. The monarchy was constituted by various titles and ranks. In order to obtain these positions, one had to have "honour". Therefore, honour was in a sense the social currency of the time. However, while everyone aspired to have honour, this currency was only available to a few. As with any currency, the value of honour depended precisely on the fact that only a few could have it. Thus, the system of honour was one of *préférence* and inequality (Montesquieu, 2001: 42; Taylor, 1994: 27).

With the shift towards popular sovereignty, however, the state's rule became dependent on the consent of the people over which it ruled. The state ruled in their name. The people were no longer "subjects" but "citizens" (Habermas, 1998: 111), agents who give the state the power to rule. In order to justify this new source of legitimacy, the individuals constituting the citizenry had to be seen as entities deserving respect. In other words, each individual had to be imbued with a specific moral quality. This moral quality was ascribed to the individual by conceptualising him/her as someone who is "autonomous" and someone who has "dignity" (Taylor, 1994: 27-28).

Being in the possession of dignity means that someone has moral worth and is therefore entitled to rights. In contrast to honour, dignity is a quality that every individual is born with and possesses in equal measure. Dignity cannot be negotiated or measured (ibid.). Taylor (ibid. 27) provides an illustration of the shift from honour to dignity by referring to the titles that people used to address each other. Before the shift to popular sovereignty, people in society who possessed a substantial amount of honour, like aristocrats, were addressed as "Lord" or "Lady". The rest of the people were addressed by their first name or surname. With popular sovereignty, under which moral worth is distributed equally, everyone, no matter what their social standing, received the titles "Mr", "Mrs" or "Miss". In the mid-twentieth century, when people became aware that the differentiation between Mrs and Miss perpetuated a system of unequal moral worth (in this case through patriarchy), Mrs and Miss was collapsed into "Ms" (Erickson, 2014: 40; Taylor, 1994: 27).

Another telling and more recent illustration of the distinction between honour and dignity can be seen in the shift from racial colonialism towards popular sovereignty under which all races, and not only white people, came to be considered to have equal dignity. As in the case

with the spread of equal dignity among the sexes, people arrived at the conclusion that the same principle applied to race. Under Apartheid in South Africa, white people were considered to be morally superior to black people. It was generally expected that white men should be addressed as "master" or *baas* (Afrikaans for "boss") by all people that were not white (Goduka *et al.* 1992: 513). Even white boys were entitled to this honour as they had to be addressed as "young master" or *kleinbaas* ("small boss"). The starkness of this inequality could be seen when fully grown black men, including those that were well advanced in their senior years, addressed white boys, who have barely learned to walk, as *klein baas*. Under the new dispensation of South Africa, every person, regardless of his/her identity, is considered to have equal dignity. In fact, equal dignity is guaranteed by sections 9 and 10 in the Bill of Rights of the South African Constitution (Republic of South Africa, 1996). The violation of the principle of equal dignity would be considered as a serious infringement of the Constitution under the new regime.

The other side of the moral quality ascribed to individuals is autonomy. Immanuel Kant played a significant role in developing the concept of individual autonomy. Charles Larmore (1996: 44-46) explains that, during the eighteenth century, which is dubbed the Age of Enlightenment, the conviction that the authority of moral laws was vested in a superior being was increasingly challenged. The objective of the Enlightenment Project was to find an alternative source for the authority of morality. Kant suggested that our rationality should be the source of our moral laws. Our rationality gives us the moral autonomy to determine whether an action is right or wrong. The individual does not need anybody else to tell him/her what is permissible or not, as long as his/her capacity for rational thought and self-control is not compromised (Christman, 2015). It is for this reason that Kant (1996a: 17) writes that we should "dare to be wise" and emancipate ourselves "from other people's direction." If we do not use our own rationality to determine moral conduct, we remain "minors".

Since this rational capacity is the same for everyone, it follows that the judgments of right and wrong must also be universalisable. What is right for me, must be right for everyone, because everyone shares the same rationality. Hence the categorical imperative espoused by Immanuel Kant (1983: 30). For our purposes, the most important aspect of Kant's moral theory is that our rational moral judgments may not be based on contingent factors. Thus, the fact that one has a certain gender, language or religious preference is irrelevant. Only those attributes that are shared universally by all people may enter one's moral determination. Moreover, right and wrong cannot be derived from the consequences that actions produce –

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which are similarly contingent factors – but can only be determined by turning to one's inner self – one's intrinsic moral sense – and applying the categorical imperative using one's rational faculties before any actions are taken.

Taylor (1994: 28) argues that this notion has brought about an individualistic conception of identity in society. If we must cut away external influences and delve into our inner selves in order to determine what is right and wrong, we must do the same in order to determine our true identity. The inner feelings of the individual have therefore obtained significance in itself and became a compass for everything that matters to the individual. Taylor (ibid. 29) claims that this development is part of the "massive subjective turn of modern culture" in the eighteenth century. This turning inwards is exemplified by Jean-Jacques Rousseau's conception of morality as "a voice within" (ibid. 28). Rousseau (1992: 218-221) argues that this voice can be drowned out by our dependence on others, especially by our drive to be esteemed by other people. The greatest obstruction to this inner voice is therefore "pride" or *amour propre*. We need to rid ourselves of this pride if we want to have contact with our inner selves. The idea that universal moral laws are found within ourselves is also captured in Kant's (1996b: 269) famous dictum "the starry heavens above and the moral law within." Kant clearly draws a distinction between the sources of physical science and moral laws. The former is empirically discerned outside of oneself, while the latter can be discerned by applying one's rationality "within" oneself.

A choice must therefore not only be rational, but also individually chosen in line with the person's true self; in other words, the choice must be "authentic". John Stuart Mill, one of the prominent role-players in the development of liberalism, affirms that there is an inherent value in authentic, individual choices (Appiah, 2005: 5). Mill (1956: 82) disapprovingly notes that people who guide their actions by tradition do not make use of their ability to choose. On the other hand, a person who uses "his own mode of laying out his existence is best, not because it is the best in itself, but because it is his own mode." In fact, individual choice is a quality that makes us human. "He who lets the world, or his own portion of it, choose his plan of life for him, has no need for any other faculty than the ape-like one of imitation" (Mill, 1956: 71).

The individual's autonomy is therefore not only characterised by his/her rationality and moral sense but also his/her "authenticity" in terms of who he/she is. When an individual's dignity is respected, respect must be given to both his/her rationality and authenticity. Kant's and

Mill's individualist conception of personhood implies that a person is constituted prior to any social influences. We should and are capable, due to our rational faculties, to retain a contingent loyalty to any idea of the good (Larmore, 1996: 128). These attachments to goods can be revised upon critical reflection.

This individualistic – some would say atomistic – conception of the person has been challenged by various theorists, not least by those who could loosely be described as communitarians. In order to obtain a better appreciation for the controversy concerning individual autonomy, I will first review the argument for autonomy in relation to the conditions for rationality and authenticity, focussing on the latter, before turning to the common criticisms levelled against these ideas.

1.2. The foundation of authenticity

John Christman (2015), a liberal thinker who has authored various works on the subject of individual autonomy, argues that individual autonomy requires two conditions: "competence" (or rationality) and authenticity. He argues that only "minimal internal conditions" for rationality is required (ibid. 1991: 14). No external or objectively verifiable evidence is necessary, otherwise it may open the door to paternalism, by which one person can unduly rule over another person in the name of the latter person's "real" or "true" self. Isaiah Berlin (1969: 133) illustrates this danger:

> Once I take this view, I am in a position to ignore the actual wishes of men or societies, to bully, oppress, torture them in the name of their 'real' selves, in the secure knowledge that whatever is the true goal of man (happiness, the performance of duty, wisdom, a just society, self-fulfilment) must be identical with his freedom – the free choice of his 'true', albeit often submerged and inarticulate, self.

Paternalism would be a contravention of the belief that every person has equal dignity. In order to maintain respect for people's equal dignity, the requirements for rationality must be less stringent. Therefore, only internal factors can be included. It merely needs to be obvious that a person does not follow inconsistent beliefs and act on clearly mistaken inferences (Christman, 1991: 15).

In terms of the authenticity requirement, Christman (2001: 203) explains that choices, desires and values of a person are authentic if the person has endorsed those choices upon critical reflection. This reflection must take place under conditions of "normal self-awareness," i.e.

when self-awareness is not compromised by debilitating or distorting factors such as drugs, torture and intimidation. However, upon reflection, how does one know whether a certain decision is truly one's own? If the individual is constituted prior to his/her social ties, what is the foundation of the endorsement, where is this foundation located and how was it formed? In order to answer these questions, Harry Frankfurt (1988: 12) proposes a hierarchical model to determine whether a decision is authentic. A "first-order desire" must be sanctioned by a "second-order volition," which endorses "the first-order desire" (Dryden, 2010; Frankfurt, 1988: 12-25). A first-order desire is a desire to do or not do something, while a second-order desire is a desire whether or not to act on the first order desire. For example, a person's decision would not be authentic if he/she eats a piece of cake in contravention of his/her desire to lose weight, which prohibits him/her to eat that piece of cake. The desire to eat the cake would be a first-order desire and the desire to lose weight would be a second-order desire. According to Frankfurt (1988: 12), most animals are considered to have first-order desires. Only humans have second-order desires.

The hierarchical account poses a number of problems, however. The most significant challenges to the hierarchical account are the problems of "regress" (also known as "incompleteness") and *ab initio*. Both of these problems relate to the ultimate source of authenticity in the hierarchy of desires. If the first-order desires rely on second-order desires, what do the second-order and subsequent order desires rely on? We here face the problem of an infinite regress, which leaves us unable to locate the proper ground of authenticity (see Dryden, 2010). In order to evaluate whether a decision is authentic or not, we would be asking whether a desire to desire to desire to desire is authentic, uncertain whether we have stopped the chain of inquiry prematurely. Frankfurt (1982: 91) acknowledges this problem by conceding that "there is no theoretical limit to the length of the series of desires of higher and higher orders." However, he suggests that this seemingly infinite regression of endorsement can be validly terminated if a person identifies with or endorses one of his/her first-order desires "decisively", in such a way that "this commitment 'resounds' throughout the potentially endless array of higher orders." Needless to say, this answer is not satisfactory. The termination is arbitrary if no reason for this "decisive commitment" can be given (Ekstrom, 1992: 602).

Perhaps one could avoid the infinite regress by simply arguing that second-order approval is sufficient for authenticity (Christman, 1991: 7). Therefore, no higher-order approval beyond the second-order is needed. This explanation is also problematic, however, for then a person's

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actions could be considered authentic even if his/her higher-order desires were not authentic. This problem is called the *ab initio* problem, which states that authenticity has no foundation if the search for its source is arbitrarily terminated (ibid.). Authenticity must be underpinned by *something*, precisely because one's second-order desires could have been induced by manipulation. A person may believe that he/she has a desire to lose weight and therefore he/she should not be eating the piece of cake, but actually this desire to lose weight has been induced by weight standards propagated by lifestyle magazines or friends making fun of the person's weight. In truth, the person likes the extra flesh around his/her belly and may not even mind gaining a few extra layers! Acting upon the influences of media companies and friends without endorsing these influences at a higher level of desire are surely not in line with the person's "true" desire and should therefore be considered as inauthentic behaviour. Christman (ibid. 7) affirms, "[A] desire cannot be autonomous if it was evaluated by a desire that was not itself autonomous." Therefore, as long as we are unable to identify a source of authenticity other than a desire that is higher up in the hierarchy of desires, the hierarchical account of authenticity must be considered as incomplete. The absence of an ultimate source conferring authenticity upon desires has dubbed the problem of regress as the problem of incompleteness.

In order to solve the problem of regress, some theorists, including Christman, suggest that one cannot only look at the second-order volition behind an act at a specific point of time to determine whether it was committed autonomously or not. One must look at how the desire for that act developed over time and therefore one has to add a historical condition to the theory. Christman (ibid. 1991: 10-12) and Joseph Raz (1986: 371) go so far as to argue that the condition of identification with a first-order desire in order for a higher-order desire to be authentic can be completely eliminated if one focuses on the processes involved in the formation of a desire. According to Christman (ibid. 11) the formation of a desire, and therefore by default the desire itself, can be considered to be authentic if the person was aware of the development of this desire and the reasons for its development, the person did not resist or would not have resisted the development of the desire (upon being aware of the development and its reasons), and this self-awareness and lack of resistance occurred in a manner that was rational and free from influences that would have inhibited this self-awareness. This model of authenticity is therefore focused on the participation of the individual in the desire-formation process instead of the particular point in time when the individual acts upon his/her desire (ibid. 10). This allows a person to confirm the autonomy

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of his/her actions retrospectively or hypothetically. Furthermore, there is a mere negative duty on the individual. His/her action can be deemed authentic if he/she did not feel alienated by the desire upon reflecting on the process of its formation and did not resist this formation as a consequence (ibid. 11).

In Christman's view, this model avoids the problem of regress, because it is not the identification with – or approval of – a desire that is important, but the way or manner by which the desire was developed (ibid. 18-19, 21). There is no threat of regress because there is no need to search for where the desire has come from. True, one might not have had control over the ultimate source of one's desire, but the nature of the source is irrelevant. Instead, authenticity is determined whether one decides to continue to act in accordance with the desire upon reflection.

Nevertheless, it is doubtful whether the replacement of active identification with non-resistance solves the problem of regress. As Quante (2012: 11) points out, there is no real structural difference between *identification* with a desire or process and *alienation* from – or resistance to – a desire or process. Both actions require critical reflection against some value framework. Similarly, whether one reflects about a desire at a particular point in time or about the formation of a desire over a period of time, the volition behind the feeling of alienation or action of resistance must still stem from somewhere.

The coherentist account of authenticity provides an alternative solution to the problem of identifying the ultimate source of authenticity. As a prelude to the explanation of the coherentist account, it is important to emphasise that we do not only have higher order desires about first-order desires, but also higher order desires about other higher order desires (Ekstrom, 1992: 605). For example, I decide to participate in the neighbourhood watch (first-order desire) because I want to be a good citizen (second-order desire). However, being a good citizen may not be true to myself and thus gratifying if I did not have another desire to have the desire to be a good citizen. It is at this point where a coherentist theorist would argue that one's "character" kicks in.

Laura Ekstrom (1992: 608), a proponent of the coherentist theory, suggests that a way to address the problem of infinite regress is to acknowledge that some higher order desires can be distinguished from others in that they form part of a person's character. A person's character is a subset of all the desires that a person "retains in her attempt to believe what is true and to desire what is good" (ibid.). A person's "true or more essential self" is therefore

the subset of desires that cohere together. "Cohering elements fit together; they hold together firmly, displaying consistency and mutual support" (ibid.). Ekstrom (1992: 608-609) argues that there are three reasons why cohering desires can be considered to form a person's true and essential self. They are desires that a person is (1) comfortable owning, (2) resilient to change and (3) long-lasting. Being part of a network of congruent desires provides a natural pull or gravitation between these desires, making them resilient to change and therefore long-lasting. Given that these desires fit with each other, one does not feel conflicted when one acts upon them. In other words, one is comfortable owning them.

To illustrate: Shaun is approached by a friend that presents a plan to rob a store and implores Shaun to help in the execution of the plan. If Shaun's character consists of beliefs, desires and preferences that are reconcilable with committing theft then he will be comfortable in helping his friend with little internal struggle. However, if his character is also comprised of beliefs, attitudes, desires and the like that do not fit with robbing the store – e.g. he believes that stealing is inherently wrong, he loves the area in which the store is located, he wants to contribute to the sustainable development of that area, he has a good relationship with the storekeeper and wants to retain it, he knows that the store is a buyer of the fresh produce distribution company that employs him and therefore does not want to endanger his job, etc. – he will have a severe internal conflict and be profoundly uncomfortable with helping his friend.

The coherentist account may also provide us with a more "realistic" understanding of how a person makes decisions. An autonomous individual need not be someone who is constantly caught-up in deep, rigorous self-reflection whenever he/she has to make a decision. Instead, if a given decision fits in the established character of a person, little or even no reflection is required. Ekstrom (1992: 609) writes, "[The reflection] process need not be conscious; [the person's] evaluations may be incorporated into patterns for governing his conduct that have been automatic." If being truthful is engrained into my character, I do not need to be engulfed by an identity crisis each time that I am faced with the choice of either telling the truth or telling a lie. It is possible, however, that certain situations might cause a conflict between desires that are part of one's character. For example, if truthfulness and love for a particular person are both part of one's character, some reflection may be needed if one is placed in a situation where one needs to lie in order to protect the person one loves. In such a case there might be a few considerations that one will have to seriously reflect upon before making a decision.

It is important to note that one's character can change over time (Ekstrom, 1992: 607) and may even be considered to be in a process of constant development. Inevitably, the desires that have been the longest engrained in one's character and are the most connected to other desires will be more resilient to change than desires that are nascent and/or less connected to the other desires of one's character. If one has been a Buddhist for a significant proportion of one's life and one's belief in Buddhism has formed the foundation of many of one's other desires, it will be highly improbable for a person to stop being a Buddhist. If one does eventually reach a point at which one gives up one's belief in Buddhism, perhaps because of certain other desires that are even more tightly connected to one's character, then it will most likely be a traumatising experience. It will feel like a "rug has been pulled out underneath one's feet", and it might take an extensive period of time for one to revaluate, discard and/or reconnect a great proportion of one's character that was formerly easily justified by one's belief in Buddhism.

Coherentist theory is a promising augmentation of the liberal concept of autonomy. If one's intellectual faculties and ability to self-reflect are unencumbered and one applies them to a decision-making situation, one should be able to reach those decisions that are in one's best interest. Applying one's intellect repeatedly over the course of one's life, one will inevitably establish and archive proven patterns of decision-making behaviour that will guide (or even automate) future decisions without the necessity of continued, vigorous intellectual self-reflection. This archive of patterns is one's character. The question still remains, however, what was the reason for picking the first building blocks of one's character and what determines the rules by which one's character coheres? Perhaps, when a basic character is already in place, one may be able to convincingly provide grounds for one's decisions by citing one's character. But how do we judge whether the initial phase of selection of desires was "authentic"? Without a comprehensive and convincing account for the foundation of authenticity, the liberal conception of personhood cannot guide us in finding a basis for citizen solidarity. If we do not know how people's actions are ultimately authentic, it is impossible to understand the challenges facing citizen solidarity and how citizenship needs to be reconceptualised in order to address these challenges. For example, we would not be able to understand the root reasons for why and why not certain social groups succeed in identifying with a national identity. Consequently, we would not know whether or not we can justifiably expect citizens to fully embrace a national identity. The same uncertainty would shadow questions concerning the nature and distribution of citizen rights and obligations. On

the other hand, if the foundation of an individual's authenticity is not completely pre-social, it could have significant consequences for how citizen solidarity can be achieved. In the next section, I explore the arguments for the social embeddedness of the individual.

2.   The communitarian perspective

2.1.   The individual is socially embedded

If the liberal, individualist concept of personhood is a product of the Enlightenment Era in the eighteenth century, the communitarian concept of the person finds its origin in the Romantic Era of the nineteenth century. There are ideas of the Romantic Era from which communitarian thinkers have distanced themselves, but they still share a central commitment to the valuing of traditions and belongingness, strongly reacting to the individualism lionised during the Enlightenment (Larmore, 1996: 129-130). However, the adherents of Romanticism did not reject individualism as such, nor did they assume that tradition and belonging were necessarily superior values to that of autonomy and individuality (ibid.). They simply took issue with the supreme value ascribed to individualism above any other consideration, and contended that this prioritisation of individualism could in fact destroy the basis of morality, which, so they argued, were grounded in traditions and not in a universally shared rationality. Most of us learned to keep our promises and refrain from harming others not because of calculated, rational decision making, but because of the customs and traditions in which we were raised (ibid.). The Hegelian idea that a person is "historically conditioned" in this way is foundational to Romantic and therefore to communitarian thinking (Gutmann, 1985: 308).

Communitarians also found inspiration in Aristotle's belief that the members of a community should share a common understanding of the goods that should govern both the community as a whole and that of its individual members (ibid.). In fact, it is impossible for individual members to pursue any form of "substantial" goods, like culture, individually, because substantial goods are not private property in the sense that it can be owned by one person (MacIntyre, 1981: 229). Substantial goods can only be defined, maintained and pursued by a community as a whole. For example, a crucial part of the value of a cultural tradition, like dancing in a century-old sequence and wearing clothes of a bygone era, depends on other people also endorsing, partaking and/or recognising the tradition.

It should be clear, therefore, that communitarians are particularly critical of the individualist fixation on the source of authenticity (discussed in the previous section), which must be original and independent of social influences and interaction. It has become popular in many

liberal societies to assume that people can distance themselves from and become independent of their social particularity and that a person should follow his/her "own path" according to principles and values that he/she has endorsed upon critical reflection (Appiah, 2005: 38). Communitarians argue that these assumptions, and the liberal advocates who promote them, are removed from reality and undervalue the important, if not decisive, role that social interaction and attachments play in the lives of people (Kukathas, 1992: 106). Therefore, from a communitarian perspective, the ideas of a "disengaged rationality", "will before obligation" and an "original true self", advocated by many liberal thinkers and bolstered by our contemporary media are highly dubious (Bell, 1993: 32). Contrary to the liberal ideal, personhood is formed from one's earliest age by society. One's identity or character is formed by the rules of behaviour, symbols and narratives taught to us by our parents, family members, peers, neighbours, teachers, religious leaders and all the social actors that serve as mediators between society and us. Personhood is therefore not a pre-social entity. The source of authenticity cannot be found in some mysterious inner depth of ourselves that transcends what we were taught. Instead, our personhood is a product of our social environment (Appiah, 2005: 20).

In this vein, Charles Taylor (1991: 33) argues that identity formation is not monological, but dialogical: it is a conversation that we have with others. In fact, it is not only the content of our identity but also the structure of the content that we acquire from others. We learn the ways meaning is connected and communicated through words and other mediums, like art, gestures, and touch, from others (ibid.). More: one's ability to think and the possibility of thoughts that one can have develops and expands with the step-by-step acquisition of language. Thoughts cannot be imagined without language, for then they would be "nonsense" (cf. Foster, 2015). Therefore, our personhood is, at its very bottom foundation, socially constructed.

Some liberal theorists, including the coherentists discussed in the previous section, may acknowledge that as children and adolescents we learn most of our concepts and values from society. However, once we have developed the necessary thinking abilities and basic character, we become free from these social bonds and define meaning by ourselves (Taylor, 1991: 34). This argument, however, underestimates the scope and dynamic nature of our dependence on our social environment. Many, if not most, goods can only be enjoyed with others, or at least, they can only generate a greater joy and satisfaction in us if they are experienced with others (ibid.). Moreover, the maintenance of our identity depends on its

continued recognition by others. A self exists only within a network of people that participates in this dialogue or identity formation/reaffirmation, which Taylor (1989: 36) calls "webs of interlocution." Taylor (1991: 35)[1] explains,

> I am a self only in relation to certain interlocutors: in one way in relation to those conversation partners who were essential to my achieving self-definition; in another in relation to those who are now crucial to my continuing grasp of languages of self-understanding – and, of course, these classes may overlap. [Therefore] the making and sustaining of our identity [...] remains dialogical throughout our lives.

However, the liberal notion of individual autonomy does not necessarily discount the influence and value of an individual's social environment and attachments. Liberal thinkers do not necessarily believe that the self is created "ex-nihilo" or before or independent of a social context and that humans can be happy without interaction with others (Bell, 2016). Appiah (2005: 18) notes that Mill purposefully uses a tree as a metaphor when illustrating an individual, to make the constraints of self-creation apparent. Mill (1956: 71) writes, "Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires to grow and develop itself on all sides, according to the tendency of the inward forces which make it a living thing." Appiah (2005: 18) explain this metaphor, suggesting that a tree cannot simply remake itself as something completely different, like a "legume, a vine, or a cow." It may create new branches and leaves in new directions and become taller or bigger, but it remains a tree, which is also rooted in a certain location, subject to the climate, topography and weather of the area. Likewise, a person's identity must "make sense." It must be relevant to the context and functional in the environment in which it is crafted. Taylor (1991: 40) affirms, "I can define my identity only against the background of things that matter. But to bracket out history, nature, society, the demands of solidarity, everything but what I find in myself, would be to eliminate all candidates for what matters."

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[1] Although I largely rely on Western scholars for the scope of this thesis, it is important to note that this view is also strongly advocated by proponents of so-called "African philosophy". In African philosophy personal identity is defined as "being-with-others" and is deeply dependent on community (cf. Molefe, 2017: 6-7; Louw, 2004; Metz, 2007: 323). If significant segments of the demographics of African states do not only experience but celebrate their identities as such, citizenship that presupposes an atomist conception of personhood will fail spectacularly as a mechanism for solidarity.

Nevertheless, liberals may contend that one still has a will, independent of these circumstances and materials, which binds one's character into a coherent whole. As Mill (1988: 584) points out, even though a person's character is formed by his/her circumstances, his/her will is one of those circumstances and one of the most influential. However, communitarians argue that liberals may still be overestimating the degree to which individuals exercise independent choice in their lives. David Bell (2016) writes that the idea of the individual who has a decisive choice in his/her identity sketches an inaccurate picture of a person who "impinges his will on the world." In fact, a great deal, if not the largest proportion, of what we do each day is not original or critically endorsed at all. Bell (1993: 32) argues that the rules and social practices that we learn from others control most of our actions, most of the time, without us noticing. Bell (ibid.) defines "social practices" as "everyday coping skills into which we've been socialised and which tell us what should be done in a given situation." Social practices include the way we eat, dress, communicate to each other in different situations and settings and basically anything we do in spaces which we share and in which we interact with other people. Contrary to the impression created by proponents of individual autonomy, unreflectively following these social practices is our "normal mode of existence." We spent very little time in the "deliberate, effortful choosing subject mode" (ibid. 32-33).

In fact, we seem to actively buy into this unreflective mode of existence, for we are complicit in reaffirming existing social practices. Although social norms are frequently violated, there's a tendency to conform to these norms and to encourage others to conform to these norms as well. As an example, one can point to how we are all engaged in the subtle task of ensuring conformity to the rules of language (Bell, 1993: 35). Bad spelling, grammar and pronunciation are frowned upon and people often take great effort in pointing out one's linguistic mistakes. Consequently, the majority of people try to strive towards perfecting their mastery of the standard rules of language.

We only really exercise critical reflection when our social practices are insufficient to deal with a certain situation or when we become aware of a conflict/contradiction in our social practices or between our social practices and our biological predispositions (Bell, 1993: 33). We tend to notice these instances and not our day-to-day conformism to social practices, because these instances force us to become self-aware (ibid.). This accentuated awareness of our individuality may be the reason we believe this mode of living is or should be predominant.

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2.2. Even our strongly evaluated goods are socially determined

Some liberal thinkers, like Gerald Doppelt, recognises that a great portion of our lives may be determined by unchosen social practices and that the times we critically evaluate decisions are exceptions rather than the rule. However, Doppelt (1989: 282) argues that the main argument for the individualistic conception of autonomy is not necessarily concerned with trivial day-to-day social practices. Instead, the exercise of individual autonomy matters only when it comes to normative or so-called "strongly evaluated goods." Bell (1993: 38; 2016) defines "strongly evaluated goods" as those goods that "we should feel committed to, those that generate moral obligations on us," such as whether a certain action is right or wrong. These goods include religious convictions, personal values and our life aspirations. It includes the goods that are the closest to the core of our characters.

Communitarians insist, however, that even these goods are not untainted by the influences of society and remain sceptical of the liberal idea of normative self-determination. The society and tradition in which we are embedded do more than impart trivial day-to-day norms like table manners. Society provides strongly evaluated goods as well. None of our ideas concerning our life plans and values are original and independently created. On the contrary, society provides an "orientation in moral space" and sets "the authoritative moral horizons" in which we decide what is right and wrong and what is worth doing or achieving (Bell 1993: 36-37). Communication between individuals about strongly evaluated goods would be impossible if these goods did not have a common source located outside of the individuals' selves. Taylor (1991: 32) compares the moral frameworks in which people operate to the laws of the natural sciences: "A person who accepted no moral demands would be as impossible to argue with about right and wrong as would be a person who refused to accept the world of perception around us be impossible to argue with about empirical matters." However, given that the social environments in which we grow up and the social agents with whom we engage differ from each other, this orientation is not necessarily universally shared. Therefore, in direct contrast to Kant's moral universalism, communitarians contend that our moral orientations are contingent to a particular time and place and may not be easily justified to people who grew up and lived in different times or places (Bell, 1993:38).

The important point is that there is no "an unencumbered self" who can distance itself from "self-constituting commitments" and reflectively choose which commitments to drop and which to maintain. Society does not merely influence but also constitute one's identity and

attachments. The means by which one exercises revision is itself provided by that which one wants to revise.

2.3.   What about the desirability or possibility of choice?

However, the possibility that both our trivial and strongly evaluated goods and moral outlook are socially conditioned does not yet eliminate the idea of individuality. Society might provide all the necessary materials, guidelines and best practices for our self-creation. Society might even assist us in our self-creation. Nevertheless, there is still room for individual choice within these sets of possibilities and parameters. Therefore, even if we are limited to a certain array of possibilities, the best life is one where we choose by ourselves from these options. Will Kymlicka (1989: 164) endorses this position and describes this array of possibilities as a "context of choice", clearly implying that we have an active role in choosing from this array given to us. Therefore, authenticity or individuality does not require originality. One's individuality does not necessarily need to contribute to diversity. One could choose a plan of life that is similar to another's. The only requirement is that the choice is one's own (Appiah, 2005: 6). I could decide to follow in my father's footsteps and become a pastor. Even though my decision is not awfully original, the fact that it is my decision makes it autonomous.

Communitarians dispute, however, whether choice is intrinsically valuable. The liberal insistence on the importance of choice seems to imply that if an action or belief was not reflectively endorsed, it must have been coerced somehow upon the person. However, on the communitarian view, this assumption is false. One could implicitly or even automatically let one's obligations or life be guided by social commitments without being coerced to do so. Bell (1993: 39) illustrates this point as follows: "[I]f I 'implicitly' commit myself to the good of my family, 'automatically' let myself be guided by the obligations which arise from that commitment, such as caring for my ill mother, can I really be condemned on the grounds that I never paused to reflectively endorse that commitment?" Moreover, the idea that unchosen goods somehow have less value in our lives than those that were chosen seems to be at odds with the actual understanding of ourselves (ibid. 2016). Many of our identities, such as being born and raised in a certain town, being a citizen of a certain country, a native speaker of a certain language and a member of a certain family, may have profound value to us regardless of the fact that these identities were unchosen (ibid. 2016; Sandel, 1982: 179).

In fact, Bell (1993: 41) argues that it is "the height of arrogance" to suggest that a life which is critically unexamined is necessary inferior to a life in which critical examination has been exercised. Most of us have family members or know people who do not question their faiths or moral convictions but have a deep compassion for people and engage regularly in philanthropic and altruistic deeds. It is doubtful that these lives deserve less respect or should be considered to be less worthy than people who have "exercised their normative powers of self-determination" (ibid.). Bell (2016) provides us with another illustration, suggesting that it is completely counter-intuitive that "someone who performs a good deed following prolonged calculation of pros and cons is morally superior than a Mother-Teresa type who unreflectively, spontaneously acts on behalf of other people's interests."

Some liberals suggest that it is the possibility instead of the desirability of choice which is the real issue. One does not need to critically endorse any of one's social ties, beliefs and customs. But one has the ability to review these social goods and should be able to do so if one wishes. Kymlicka (1989: 50) writes that there is no social practice beyond our "individual judgement and possible rejection", while Christman (2001: 186) explains that even if we accept all the communitarian arguments made above, we still have good reason to protect and promote the individual's ability to reject a social practice if he/she wishes to do so.

Communitarians argue, however, that we do not necessarily have this ability and even in the cases where we do have this ability, reviewing and altering a certain aspect of one's character could come at a great psychological cost to the person (ibid. 2001: 195-196; Bell, 2016). These aspects include items such as long-standing emotional ties, deep affective connections and cultural, ethnic and racial identification (Christman, 2001: 190-193).

Ronald Dworkin (2000: 220), who is a proponent of the liberal viewpoint, concedes that it would be difficult, if not impossible, and surely devastating to the person, if he/she has to distance him/herself from all his/her attachments and critically review them. However, one should surely be able to review a certain belief or attachment "while holding others in place" (ibid.). For example, it would be unreasonable to expect that a man who has been a profound follower of a faith his entire life would suddenly be able to question whether his faith as a whole is important to him. But he should surely be able to question certain aspects of his devotion one tenet at a time (ibid.). Christman (2001: 202) affirms this position, suggesting that deep attachments can be reviewed in a "piecemeal manner."

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However, communitarians argue that even under piecemeal review, there are attachments that cannot be set aside. Bell (2016) argues that a psychoanalyst would point out that at least in some cases it would be impossible to discard the deep connection to one's mother and that such an attempt would have negative consequences.

Before we conclude this section, it is important to note that communitarians like Bell do not deny the importance of respecting the dignity of a person. In fact, it is because a person's dignity is so dependent on his/her social attachments that communitarians take issue with an individualist conception, which could undermine the social basis of a person's dignity.

If we search for the basis of citizen solidarity that assumes only an individualist concept of personhood, we are bound to fail. We will struggle to understand the challenges facing the use of a substantive national identity or the distribution of equal rights as mechanisms to establish citizen solidarity. If people are largely constituted by their social environments, it may be unreasonable to expect them to simply adopt a new identity or to expect that all issues related to people's differences will disappear if only everyone share the same rights. It is therefore paramount that we need a conception of the person that allow us to fully appreciate the possible implications of the citizen's social embeddedness.

3.   The need for a political conception of the person

The elusive source of individual authenticity suggests that the individualist account of personhood is in no small part controversial. Furthermore, communitarians offer a number of convincing arguments that a person might not only be *influenced* by his/her social attachments but might also be constituted by these attachment to a significant degree. We therefore cannot assume that a person can maintain a distance from his/her commitments to any kind of goods, nor can one assume that a person is in some sense morally superior if he/she has critically endorsed the beliefs to which he/she adheres. A good can have significant value to a person irrespective of it being chosen by the person, and therefore choice does not necessarily have value in itself.

That said, it is clear that at least some people do exercise choice over their life-spans that diverge from established traditions, either adjusting existing beliefs and practices or adopting completely new beliefs and practices (Rawls, 2005: 30-31). If choice was not frequently exercised, society would not be and continue to be diverse today. It is also true that divergences are not necessarily inherently bad and therefore something to be resisted, for no doctrine or culture today had an immaculate birth and remained unchanged over the course of

history (we will explore the hybrid nature of culture in more detail in Chapter 3). Deeming divergence from tradition and existing social norms as inherently bad would undermine the right to existence of one's own belief system.

Jürgen Habermas (1991: 202; 1996a: 324) provides another understanding of individuality and social embeddedness, and thereby offers us a promising alternative to both the view that individual personhood precedes society and the view that personhood is wholly determined by society. He argues in this regard that one's "lifeworld" and one's autonomy are mutually interdependent. "Lifeworld" here means the totality of one's social environment, including communication mediums or forms, beliefs, relationships, attachments and skills (ibid. 1996a: 22). Habermas agrees with the communitarians that people grow up learning behaviour, language, deeper meanings and the entire array of goods from others. All these goods are maintained and reproduced collectively and communicatively, and therefore people's identities are indeed interdependent (ibid. 1991: 199). As our lifeworld grows and becomes more sophisticated, and thereby differentiated, our roles in the lifeworld and therefore also our identities may become more distinct, giving rise to a sense of individuality. However, the more distinct our identities become, the more dependent we become on others, for the web of actors needed to maintain our identities becomes more entangled and complex (ibid.). It is also true, however, that while people are significantly influenced and constituted by their life-worlds, they are not at the mercy of their life-worlds. For the life-worlds themselves are communicatively produced and maintained through reaching understanding and agreements that can only be achieved through people "responding with yes or no" to validity claims (ibid. 1996: 324). We should therefore keep in mind that a lifeworld is not an independently created system with a purpose apart from serving its adherents. A lifeworld is essentially a "problem-solving system" (Habermas, 1996a: 319) that people created for themselves, a suite of mechanisms that we have been devising (and hopefully progressively improving) over generations to address the wide array of our human needs, whether it may be moral, ethical or purely practical. The system is not complete and never will be, given the number and consistent multiplication of variables. The system need not only to be developed and adjusted to deal with new problems, but also with old ones, due to continuous changes in circumstances. Whenever the system proves inadequate, we need to apply our minds, for if we do not, we risk our survival, happiness or whatever we hold dear. We can therefore imagine that, while there might be many people who feel comfortable in abiding by the existing structures and content of their life-worlds regardless of its ability in addressing new

or old problems, there will also be many who may justifiably seek to change their life-worlds. Therefore, we cannot accept a particular belief system's take on personhood in our conception of citizenship. Citizenship needs to be built on what John Rawls (2005: 15, 29) calls a "political conception of the person" if it is to enable a "fair system of cooperation" in a pluralistic society. A political conception is built on presuppositions that can be accepted by all the parties implicated by this conception. Given that we want to conceptualise a citizenship that can promote solidarity and cooperation among individuals in a diverse society, the political conception of the person must be able to accommodate both people who consider themselves deeply embedded in different social contexts and want to maintain existing norms and practices, and people who wish to exercise choices that may diverge from established traditions.

A political conception is therefore a conception that people will be able to agree to for *political* reasons, namely in order to establish a just and functioning society in which they can pursue their conceptions of the good, given the diversity and complexity of the people and structures of society. To the extent that people are capable of being rational (i.e. capable of devising their own ends and the most effective way of achieving them) and reasonable (i.e. prepared to keep to agreements provided that others do the same), they would realise, given the diversity and complexity of society, that it is in their best interests to come to an agreement on a conception of personhood that all affected parties can accept (Müller, 2008: 79; Rawls, 2005: 49-50). The characteristics contained within a political conception of personhood are therefore "functional," their justifications do not rest on a metaphysical or any other basis but on their ability to bring about a certain political result (Campbell, 2014: 160). For the purpose of this thesis, the function of the conception of personhood must enable citizen solidarity in a diverse society. It must enable all citizens to subject themselves to the authority of the state and make sacrifices for one another. As a starting point, since the chances are that no group within the populace would willingly accept to be morally subject to another group, it makes sense to incorporate the liberal principles, that all people should have equal dignity and that sovereignty is vested in the people, into the political conception of the person. It is then important that any other characteristics of this conception avoid claims to what is "intrinsically valuable" (ibid. 165), in other words claims that may apply to some people's belief systems but not to the belief systems of others. If characteristics are specified, people who do not identity with them will be alienated from the conception of personhood underlying citizenship. At the same time, given that characteristics related to intrinsic value

are essential to persons, they must nevertheless be accommodated within the conception. The characteristics must therefore be defined specific enough to make the conception of personhood functional (i.e. enable people to act as citizens in solidarity with each other) but also general enough to not prejudice certain segments of the population (ibid.). Catherine Campbell (ibid. 168) suggests this balance can be accomplished by defining characteristics as "determinable properties". A determinable property needs a "determinate property" in order to be instantiated but is not limited to one specific determinate property. It could have two or more determinate properties. For example, if the determinable property is "education" there are a number of possible determinate properties that can instantiate "education", including "primary", "secondary" and "tertiary education". Likewise, if the determinable property is "gender" it can be instantiated by "male" or "female". The political conception of the person therefore does not need to describe a person comprehensively in detail but only capture the characteristics that are necessary for a person to act and collaborate as a citizen.

Rawls (2005: 29) lists characteristics that provide us with a political conception of personhood that can serve as a basis for our conception of citizenship. He suggests that the political conception of the person must assume that a citizen is "free" in three aspects. Firstly, citizens have the ability, or "moral power," to have and change their conceptions of the good (ibid. 30). One's conception of the good includes the ideas by which one structure and appraise beliefs, desires and actions. People do not need to change their conception of the good, but if they do, such a change does not affect their status as citizens. Rawls uses the example of Saul who became Paul the Apostle on the road to Damascus when he converted to the teachings of Jesus Christ (ibid. 31). Such a change, while having a profound impact on the self-conception of the person concerned, does not take away any of their dignity or affect any of their entitlements or obligations as citizens. Secondly, citizens are "self-authenticating sources of valid claims" (ibid. 32). Since all people have equal dignity, every person must be considered to act, voice opinions and make claims autonomously, without needing the permission or ratification of another person for those claims to be treated with due respect. If individuals are not respected as self-authenticating sources of claims, persons may become unduly subjugated and oppressed and the society will not be a system of fair cooperation. Thirdly, citizens are responsible for the pursuit of their life-projects (ibid. 33-34). They can tacitly or expressly enter into agreements with others to pursue their ends collectively, but ultimately, they have to take responsibility for pursuing their goals and the decisions they take in line of these pursuits. Therefore, the claims made by citizens to society must be

reasonable in the light of what each citizen can and would be willing to contribute while bearing the responsibility for his/her own life (ibid. 34).

A citizen is therefore considered to have two types of identities, namely a political or public and a non-political or private identity (ibid. 31). A person's non-political identity may be deeply embedded in social traditions and demonstrate little individual choice or be a hallmark of Kantian or Millian individualism and be rife with critical reflection and unconventional decisions. However, in order to ensure that all are treated fairly in society, in the eyes of the public when matters of justice are to be determined, a person is understood to have moral power, be a self-authenticating source of claims and be responsible for pursuing his/her own aims. The liberal conception of personhood, as redefined by Rawls above, is therefore expected from the public and not the private identity of the person.

A political conception of personhood defined by the characteristics above is superior to both the comprehensive liberal or communitarian perspectives, for it allows proponents of both viewpoints to collaborate and structure the rules and policies of their shared public spaces while at the same practicing the type of personhood with which they identity the most. In other words, the personhood that assumed to underlie citizenship does not prioritise choice over tradition or vice versa, but contains those characteristics functionally necessary for people of diverse beliefs to live in harmony with each other while at the same time respecting their life preferences.

Since citizens as a whole only share their public identities, the question is therefore how should a citizen's public identity be constituted in order to be an effective source of solidarity. Besides the freedoms ascribed by Rawls, what other content or structures are needed to ensure that citizens experience solidarity and how should the relationship between an individual's public and private identities be mediated and where should the boundary between these identities be drawn. These are the questions that we will be answering in our quest for the basis of citizen solidarity in the subsequent chapters.

Conclusion

In this chapter, I examined the origin and rationale of the liberal individualistic conception of the person, the communitarian critique of this conception and the alternative of a political conception of personhood. It is my contention that, at least in some liberal democracies, the comprehensive liberal conception of personhood has been extended to both our public and private identities, and that this might be one of the reasons why these societies fail to nurture

solidarity among a diverse populace of citizens. As communitarian thinkers have convincingly illustrated, a person may not only be influenced by his/her social attachments but – to a significant degree – also constituted by it. One can therefore not assume that a person can maintain a distance from his/her commitment to substantial goods nor can one assume that a person is in some sense morally superior if he/she has critically endorsed the beliefs to which he/she adheres. A good can have significant value to a person irrespective of it being chosen by the person. Therefore, it would be wise to follow the lead of Rawls and others, who suggest that, instead of accepting liberalism as a comprehensive account of our personhood, one that explains our human nature, we need to use liberalism as a political tool (Larmore, 1996: 13) that provides us a useful political conception of the person that can serve as a starting point in our quest in crafting a polity in which all citizens, regardless of background, can experience solidarity. Such a conception assumes that most people are reasonable in that they realise they need to cooperate in order to secure common goods that will enable them to pursue their own ideas of the good. Consequently, each person, in his/her capacity as citizen, is conceptualised to have the ability to freely choose an idea of the good he/she wishes to pursue, be a self-authenticating source of claims and be responsible for pursuing his/her own aims. This view of the underlying personhood of citizen creates the best possibility for a stable and cooperative co-existence between diverse people in today's world. Given this understanding of personhood, let us now take a closer look at the basis for solidarity between such a diverse body of citizens.

Chapter 2: National identity as basis for solidarity?

Introduction

In the previous chapter, we have established that we cannot assume that a comprehensive liberal personhood underlies citizenship. Instead, we need a political conception of personhood that has the function of enabling a just and harmonious society among people who may have different beliefs about personhood. That means, the conception of personhood must accommodate people who value individual choice as well as people who value their social embeddedness while at the same enabling peaceful political collaboration between these people. Therefore, citizenship must allow people to maintain their own personal beliefs, or personal identities, while at the same time embrace a public identity with the necessary characteristics to collaborate on terms of mutual respect and fairness. Given these preconditions, we must now determine whether we can attach a substantive national identity to this public identity in order to encourage stronger solidarity among citizens.

Historically, one of the most powerful ways for solidarity to be created is through a shared "national" identity among citizens. Margaret Canovan (1996: 3) writes that "the most significant feature of nationhood is its role in generating collective power, its capacity to create an 'us' that can be mobilized and represented, and for which a surprising number of people are prepared to make sacrifices." Nationalists are sceptical as to whether it is possible at all to expect citizens to make sacrifices for each other in the absence of a common national identity. It is therefore no surprise that in the history of the modern state, the identity dimension of citizenship has played a decisive role in establishing solidarity among citizens.

However, post-nationalists argue that a common national identity is not feasible under the conditions of heterogeneity today, unless we are willing to repeat the authoritarianism and violation of dignity committed by states in the past to create and maintain these identities. Instead, according to this view, a common identity should be built on the political culture of the state which is based on more abstract and universal constitutional principles that can transcend cultural difference (Leydet, 2014). The identity dimension of citizenship needs to be based on common principles rather than a common background culture, if it is to serve as a basis of solidarity.

The broad outlines of the debate concerning national identity as a basis of solidarity therefore concern the disagreement between nationalists arguing for a common substantive identity,

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basing their justification on the motivational powers of ethical particularism superimposed on existing cultural bonds, and post-nationalists arguing for a solidarity generated by a political culture constituted by universal principles, basing their arguments on the realities of diversity and increasing global interconnectedness. I begin the analysis of this debate by looking at the definition of a nation and its conceptual relations to the state and ethnicity. I then focus on the ethical argument for a substantive national identity, as developed by David Miller. I will, however, demonstrate that nationalism comes at an unreasonable cost to individual citizens due to its authoritarian roots and a contemporary example of its continued authoritarian character. I will argue that there is a tension between nationalism and the political conception of personhood which seems to disqualify national identity as a basis of solidarity. Against this background, I then turn to constitutional patriotism, as promoted by Jürgen Habermas, and "liberal" nationalism, as promoted by Miller, as candidates for solidarity. The chapter concludes that neither candidates is a practical and justifiable basis for citizen solidarity in plural societies, in so far as the end-focus of constitutional patriotism remains on the political culture of the state.

1. The definition of the nation

1.1. Nation, state and ethnicity

Miller (1995: 19) defines a nation as "a community of people with an aspiration to be politically self-determining." The term "nation" should not be confused with or used as a synonym for the term "state". A state refers to the set of political institutions that a nation occupies or may aspire to occupy for themselves (ibid.). Political institutions could include a legislature, an executive and processes for determining who makes up these bodies. Furthermore, the state is an entity that successfully claims and maintains legitimate power or sovereignty over a particular, geographic territory (Miller, 1995: 19; Weber, 1946: 78). States are therefore geographically bounded and demarcated. In addition, the state's sovereignty can be understood to extend to both a spatial and a social level: the state is sovereign over a "clearly delimited terrain" and over a citizenry that belongs to the state. A state can only remain sovereign as long as it can successfully enforce law and order among the people within its territory and ensure that external actors respect its borders (Habermas 1998: 107-108).

On Miller's (1995: 19) account, it is possible that a state may contain more than one nation, e.g. the former Soviet Union included Russians, Ukrainians, and Georgians among many

other nations. Alternatively, a nation may be split between more than one state, e.g. the Koreans in North and South Korea or the Germans in West and East Germany (before the Fall of the Berlin Wall). A nation can also be a minority in a single state, e.g. the Palestinians in Israel, or scattered across multiple states, e.g. Afrikaners in South Africa and Namibia or the Kurds in Turkey, Syria and Iraq.

Miller argues that two terms that are closer related to each other are nation and "ethnicity". Both terms refer to people grouped by "common cultural characteristics and mutual recognition" (ibid.). An ethnic group is constituted by shared ancestry and/or cultural practices, like language, religions and tardyons, which differentiate it from other groups. Nations are typically born out of ethnic groups. The majority of ethnic groups, on the other hand, are not nations. Ethnic groups only become nations when they express aspirations to become self-determined, i.e. obtain their own state. This expression is embodied by "nationalism", which has the aim of combining ethnicity or culture with a state (Gellner, 1983: 1; Murai, 2010: 5). However, Miller (1995: 21) adds a qualification to the candidacy for nationhood, suggesting that the circumstances of an ethnic group must also be evaluated, considering the empirical likelihood that the group could become a nation. Miller's qualification seems to leave room for debate in determining whether or not a particular group can be considered a nation. For example, some might argue that the Afrikaners constitute a nation, as implied earlier, while others may contest this view. There are Afrikaners who aspire to establish a so-called "volkstaat" (an Afrikaans term that directly translates to "nation-state"). Afrikaner towns in South Africa like Orania and Kleinfontein are seen as projects of this endeavour. On the other hand, it could be argued that the Afrikaners are not a nation – at least not since the abolition of Apartheid – given that the majority of Afrikaners consider themselves as part of the new multi-ethnic South African nation and do not pursue aspirations for national self-determination. Moreover, irrespective of people's aspirations, the creation of an Afrikaner nation-state is impractical and unlikely. By virtue of these circumstances, regardless of nationalist aspirations asserted by some Afrikaners, the Afrikaners may not qualify as a nation.

Miller stresses the point that nations, which were originally born out of a particular ethnic group, may over time come to embrace different ethnicities. Members of such a nation could maintain separate but compatible ethnic and national identities. Miller (ibid. 20) cites the "American nation" as an example, which was originally formed by so-called "Anglo-Saxons" (or people from Britain) but now Irish-Americans, Italian-Americans, Asian-Americans and

other similarly hyphenated groups. Given that many Afrikaners, as already mentioned, along with multiple other ethnic groups, e.g. the Zulus, Xhosas, Sothos, consider themselves as part of the South African nation, South Africa could possibly also qualify as an example of a multi-ethnic nation. Depending on one's view, however, the concept of the South African nation may be more "problematic" or in an earlier stage of consolidation compared to the American nation. Furthermore, an ethnic group's aspiration to become a nation on its own, separate from the multi-ethnic nation to which it belongs, depends on whether the ethnic group feels sufficiently accommodated and secure within the national identity and corresponding political institutions of the multi-ethnic nation it belongs to (Miller 1995: 21). It is perhaps on this point where the South African nation differs most explicitly from the American nation. Given the nascency of the post-Apartheid South African nation, the many socio-economic challenges and perpetuating ethnic or racial friction, it seems more likely that Afrikaner South Africans or Zulu South Africans may decide to pursue self-determination than Italian Americans or Irish Americans would. In fact, it is extremely unlikely that American ethnic groups (besides native Americans) would even consider such a project, while the idea of self-determination is not uncommon among some South African groups given their well-documented unease with the South African project (Muthien & Khosa, 1995: 308-309).

That said, the American nation has its fault lines. Native Americans have vocally lobbied for increased self-determination. African Americans, although they have not necessarily mobilised for self-determination (notwithstanding those who resettled in Liberia) have rallied against the discrimination committed against them by the political institutions of the American nation (Miller, 1995:20). A recent manifestation of African Americans' discontent with the institutions of the American nation is the Black Lives Matter movement that has protested against the systematic abuse and killing of black people by the police in the United States of America (Barbaro & Alcindor, 2016). One could therefore draw the conclusion that instability is probably inherent to any national identity, although to differing degrees.

1.2.   The characteristics of a nation

Having delineated the conceptual relations between nation, state and ethnicity, I now turn to the specific characteristics of national identity. Miller (1995: 22-27) argues that a nation has certain characteristics that distinguish it from other identities, like one's religion or occupation. He identifies five characteristics that set nations apart.

Firstly, a nation is "a community constituted by shared belief and mutual commitment" (ibid. 27). The existence of a nation depends therefore on the members' recognition of each other as fellow nationals and the belief that they have relevant attributes in common. This characteristic of a nation cannot be objectively verified by, for example, looking at whether people have the same race, religion or language (ibid. 22). For example, the people of Germany and Austria speak German, the Democratic Republic of the Congo and the Ivory Coast speak French and a great part of South America speaks Spanish, but none of these clusters consider themselves constituting single nations. There must be a subjective belief and recognition by others of nationhood. For example, I may consider myself as a member of the Japanese nation, but if other Japanese people do not see me as Japanese, then I am not part of the Japanese nation. Therefore, there must be a shared belief by the members of the nation that they belong together and should share some form of common life. Ernest Renan (1939: 190) affirms this idea, defining a nation as "a daily plebiscite." The identification and demarcation of a nation is a continuous and (mostly) tacit referendum by its members.

Secondly, a nation is a community extended in history: "It is an identity that embodies historical continuity" (Miller, 1995: 23). Members of a nation identify with and "reappropriate" the actions committed by their fellow nationals in the past (ibid.). The most significant of these events are often memorialised with public holidays. In South Africa, 16 June commemorates the Soweto uprising, when young learners protested against the Apartheid government's enforcement of Afrikaans as medium of instruction in black schools. A number of these learners were shot and killed by police officers who attempted to stop the protests. One of the most iconic images of the Soweto uprising is that of 13-year-old Hector Pieterson who was shot by the police and desperately carried away in the arms of another student. This image became a powerful symbol for the new South African nation and is today commonly used at commemorative events on June 16. Renan (1939: 203) argues that tragedies often play a more important role in a nation's history than glories because "they impose duties and demand common effort." Miller (1995: 23) explains, "Because our forebears have toiled and spilt blood to build and defend the nation, we who are born into it inherit an obligation to continue their work, which we discharge partly towards our contemporaries and partly towards our descendants." The Soweto uprising is used today to remind South Africans of the sacrifices that their forefathers made to bring about a democratic society in which the dignity of all people is valued, but it also "imposes a duty", as Renan suggests, to continue the struggle to build a better life for South Africa's youth and

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be wary of continued or new faces of oppression. In this way, the nation's history "stretches forward into the future too" (Miller, 1995: 23).

Thirdly, a nation is a community that is active in character. Miller (1995: 24) writes, "Nations are communities that do things together, take decisions, achieve results, and so forth. Of course, this cannot be literally so: we rely on proxies who are seen as embodying the national will – statesmen, soldiers, sportsmen, etc." For example, when a South African rugby or netball team plays against another nation's team, South Africans see their team as a representation of themselves and take ownership of the team's performance. We feel proud of our national identity when the team wins and disappointed in – or even ashamed of – ourselves when it loses. People usually use the pronoun "we" when referring to deeds committed by their nation in the past, even though they may not have personally been involved in the deed or even alive at the time. For example, one often hears people use phrases like "when *we* invaded that country," "when *we* committed war crimes," "when we defeated Apartheid" or "when we travelled to the moon," taking ownership of those deeds committed by their nations with little hesitation. In fact, the link between members of a nation and their representatives stretches deeper. "The nation becomes what it is by the decisions that it takes – some of which we may now regard as thoroughly bad, a cause of national shame" (Miller, 1995: 24). A part of being German today is feeling shame for the atrocities committed by the Nazi regime. For example, the words "never again" are embedded in German foreign policy, committing the entire German nation to not repeat the military expansions and genocide committed by the Nazis (German Missions in the United States, 2016). Similarly, the identity of white South Africans today is deeply embedded in their own or – in the case of millennials – their forebears' complicity in the maintenance of Apartheid. When engaging in public discourse, behaviour of white people is carefully scrutinised for signs of racial chauvinism and many white people have become hesitant or uneasy to publicly criticise institutions and organisations operated by black people in fear of being branded as racist. The history of Apartheid has therefore contributed to defining acceptable decorum for white people in South Africa (Matthews, 2015: 113).

In the fourth place, a nation is a community that is "connected to a particular territory" (Miller, 1995: 27). It must have a "homeland" which it desires to control as a nation (ibid. 24-25). This is a characteristic where nation as identity differs clearly from religion or even ethnicity as identities. Although visiting Mecca plays an important role in Islam, it is not expected that one should live in and have/desire political control over Mecca in order to be a

Muslim. Similarly, even though certain regions may feature prominently in the folklore of ethnic groups, being a member of a certain ethnic group is not dependent on one living in and having/desiring political control over that particular territory. For example, people of Indian descent are spread all of the world and citizens of multiple states. Being a member of the Indian nation, however, connects one to the Indian subcontinent in Asia and one is expected to live, have lived there in the past and/or have the intention to live there in the future. It is also possible that some people living in the Indian community in South Africa could consider themselves as members of the Indian nation, feeling a strong bond to the Indian subcontinent, while others may consider themselves as members of the South African multi-ethnic nation or even members of both. It is also possible that the territory to which a nation feels connected may not be under the management of a state controlled by the nation. However, by merely being committed to the desire to control the territory qualifies the group as a nation. The Kurdish nation cited before serves as an example.

Finally, a nation is a community that is "marked off from other communities by its distinct public culture" (ibid. 27). This public culture contains certain characteristics that the members of the national community share. These characteristics can vary and be inclusive. Therefore, as mentioned already, it is entirely possible that a nation may not require one to be of a specific ethnicity. In fact, most if not all nations accept members from various ethnic backgrounds. Examples of common characteristics of public cultures include commitment to the underlying philosophy on which the nation is built, e.g. liberal democracy or communism, and a specific language, e.g. the French language in the case of the French nation.

In summary then, a nation is a community of people who is characterised by a shared belief, extended in history, active in character, connected to a territory and a distinct public culture. A nation is differentiated from an ethnic group in that it has an expressed intention to be self-determined in a particular territory. Furthermore, a nation is differentiated from a state in that the latter is a collection of political institutions that exercise and have a monopoly of power (at least formally) over a demarcated, geographic territory. In order for a nation to become self-determined, they must control a state. A state that is controlled by a nation is understood as a nation-state.

2. The ethical foundation for (liberal) national identity: universalism versus particularism

Now that I clarified the definitions and conceptual relations of nation, state and ethnicity, I will look at whether a national identity can serve as basis for citizen solidary in a diverse society. Nationalists argue that a common national identity is necessary for the citizenry of a state to function as an ethical community. If ethics is concerned with the principles that govern the obligations and entitlements that people have toward each other (cf. Miller 1995: 50), the ethical framework of a citizen is what motivates his/her commitment to his/her fellow citizens *qua* citizens. If this ethical framework is weak, the commitment to citizen duties will be weak, thereby undermining solidarity among members of a state. The ethical framework of citizens is therefore central to the question of citizen solidarity.

There are two opposing accounts of ethical thought that can be used to justify the prioritisation of one's ethical commitments to a national community, namely ethical universalism and ethical particularism. The division between the two accounts is not rigid. One can use any of the two as a point of departure and move considerable distance to accommodate the concerns of the other (ibid. 49). I will start by outlining ethical universalism.

Ethical universalism holds that the principles of ethics must be universal in form, and therefore only general facts (i.e. facts that are not contingent) can be used to determine what one owes to other people (ibid. 50). For example, if one believes in the principle "help the needy," one is obligated to help all those in need regardless of the person's particular identity. It is based on the Kantian conception of the self, discussed in Chapter 1, namely that a person can separate him/herself from social ties when he/she makes ethical decisions (ibid. 50). The fact that person A has a certain relationship with person B, e.g. person B is his/her mother, may not play a role in determining his/her duty to person B.

Miller (1995: 52) names two possible avenues through which the universalist account can accommodate particularist or non-general concerns. The first avenue, called the "useful convention" approach, is based on purely practical considerations. If one believes in the principle that one needs to help those in need, it makes sense that one focuses on those people who are closest and most familiar to oneself. It may simply be easier and more efficient to care for those that are geographically nearest to a person. Furthermore, one might be able to allocate resources more accurately if one "knows" the person who is in need. By being able

to understand or identify with the person's background and thinking, one may be able to know how to best help the person. In other words, as a point of departure, one must aspire to help all people in need. But because one will be more successful in helping others who are nearby and familiar to oneself, one may prioritise helping them before helping others.

In the case of nationality, this approach can be used to argue that nations are useful conventions to fulfil our general obligations to humanity (ibid. 62). However, Miller questions whether one's fellow nationals would always be the most competent persons to undertake the task of serving the welfare of humanity. For example, it does not necessarily make sense to assign the responsibility for the welfare of South Africans to other South Africans. Firstly, the political boundaries of South Africa are arbitrary in the sense that it has roped together a motley assortment of communities which do not necessarily have any prior relationship with one another. Secondly, South Africa may not be in a position to look after its own people or serve their citizens' interests as thoroughly as wealthy nations. South Africans have significantly fewer resources than many other states to ensure that their fellow compatriots have the necessary opportunities to flourish. The useful convention approach can therefore not be used in all cases to justify the nation as an ethical community.

The second avenue, called the "voluntary choice" approach, is that every person, by virtue of being an autonomous being, has the ability to create special relationships or contracts with others that establish certain rights and obligations (ibid. 52). Moreover, it is *valuable* for individuals to enter such relationships. Examples of such relationships include family membership, business contracts or membership of associations (ibid.). In the case of medical treatment, for example, one should offer medical treatment to anyone who is sick as a point of departure. But because one is contracted by an employer that requires that one treat those who can pay for the treatment, one may prioritise the treatment of people who can afford it.

If one is to apply this approach to nationality, the nation would be considered to be an association, like a fraternity or a book club, that one enters into by consent. The obligations that one feels towards the nation are justified, because one voluntarily entered into a "contract" to have those obligations. In line with the communitarian critics discussed in Chapter 1, Miller (ibid. 59-60) however claims that this approach is problematic, because it is based on an unrealistic conception of the person. The feelings that one experiences towards one's nation are not something that one can simply contract into or out of. Those feelings are inculcated into one as one grows up and/or is influenced by various social actors in a national

community. In most cases, therefore, it is not even a voluntary process. One cannot simply summon or even dismiss the emotions associated with national identity.

Furthermore, belonging to a nation-state cannot really be considered a voluntary association to which one has consented. One is born with citizenship of a specific nation-state and for the majority of citizens, especially in low-income countries, it is difficult, if not nearly impossible, to emigrate. One can attempt to circumvent the problem of voluntariness by considering the nation as a "quasi-contractual" arrangement (ibid. 61). A nation is not justified in that one has consented to it, but by the fact that it is a scheme that facilitates a mutual exchange of benefits, from which one has already benefitted and continuous to benefit tremendously and to which one owes obligations as a result. But this argument does nothing to justify why this particular scheme is optimal and should continue to exist (ibid. 61-62). For example, why should the scope of the scheme not be limited or enlarged (e.g. devolution/transnationalism).

Ethical particularism, on the other hand, is simply the opposite of ethical universalism. "Fundamental principles" can be attached to one's relations with others because relationships constitute "the basic subject-matter of ethics" (ibid. 50). Ethical particularism is therefore based on the communitarian perspective of the self, building on the premise that people are socially embedded and constituted beings. Because a person is socially constituted, his/her ethical reasoning does not begin from a clean slate but from the social ties that he/she already possesses (ibid. 50).

The particularist account, therefore, has a "pluralistic" view on one's ethical duties. Miller (ibid. 53) explains:

> [W]e are tied in to many different relationships – families, work groups, voluntary associations, religious and other such communities, nation – each of which makes demands on us, and there is no single overarching perspective from which we can order or rank these demands. In case of conflict – say, where I have to decide whether to use my resources to help my brother or my colleague at work – I simply have to weigh their respective claims, reflecting both on the nature of my relationship to the two individuals and on the benefits that each would get from the help I can give.

If a person considers him/herself to be tied to the human race, the particularist account does not prevent him/her from feeling and discharging an ethical obligation to humanity at large. However, this tie and accompanying obligations do not necessarily trump other ties and

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obligations that a person may have. There is no necessary uniform hierarchy of duties. One's ethical duties can vary in their "complexity and closeness" (ibid.). When considering my obligation towards humanity as a whole, I would have to determine from which existing tie does it stem and how heavy does it weigh compared to my other commitments (ibid.).

It would be an over-simplification, however, to assume that the universalist account promotes impartiality while the particularist account promotes partiality. The particularist account holds that one should be impartial within a specific community, to which one is bound, if that community requires it and if it makes sense within one's particular arrangement of ties. The only difference between the universalist and particularist accounts, in terms of impartiality, is that the universalist account requires that one should be impartial to all of humanity as a point of departure, while the particularist account allows one from the onset to be impartial in only specific communities to which one has a bond (Miller 1995: 53-54). For example, South African government officials are obligated to pay basic income grants impartially to all South African citizens below a certain minimum income level. However, grants to non-citizens living under the same minimum income may not be paid. While the universalist account has to attempt to justify this obligation by either using the useful convention or voluntary choice arguments, the particularist account need merely to state that this arrangement makes sense from the particular emotional ties that these government officials may have to the citizens of South Africa.

Nevertheless, the universalist account argues that there are two dangers to ethical particularism. The first danger is that of moral conservatism. If ethical ties cannot be evaluated against a universal standard, traditional beliefs based on ignorance, vested interests of dominant groups or outdated practices can remain justified and unchallenged (ibid. 56). For example, in a society with entrenched gender relations, the idea that the man should, as a general rule, be the head of the house could be justified. The other danger is that of incoherence. If there are demands from multiple loyalties on a person, the person has no grounds for deciding which loyalty carries the greater obligation. A person might appear to be acting inconsistently if certain conditions prompt her to act in one way towards a compatriot and other conditions prompt her to act in a different way (ibid.). For example, on one day, I might not help the neighbour living on the one side of me but I may help the neighbour living on the other side, merely because "I feel like it".

The universalist account, on the other hand, provides the individual with an ethical system by which loyalties can be rationally evaluated and ordered. Rational reflection will inevitably lead one to a guiding principle or set of principles that can be made applicable to a universal scope of ethical ties (ibid.). All of one's ties can be evaluated and ordered against this principle or set of principles. For example, if the principle to which I am committed is "help people in need", I know that I must help those nearest to me and then work from there outwards to all people (ibid).

However, proponents of the particularist account claim that ethical universalism relies on an assumption of moral agency of the citizen that is implausible. Miller (ibid. 57) explains that ethical universalism "draws a sharp line between moral agency and personal identity on the one hand, and between moral agency and personal motivation on the other." In terms of personal identity, ethical universalism, based on the Kantian conception of the person, assumes that one can discover one's duties and act out of pure rational reflection and that one's identity plays no role in defining these duties. In the words of Alasdair MacIntyre (1984: 12):

> [L]iberal morality requires of me to assume an abstract and artificial – perhaps even an impossible – stance, that of a rational being as such, responding to the requirements of morality not qua parent or farmer or quarterback, but qua rational agent who has abstracted him or herself from all social particularity, who has become not merely Adam Smith's impartial spectator, but a correspondingly impartial actor, and one who in his impartiality is doomed to rootlessness, to be a citizen of nowhere. How can I justify to myself performing this act of abstraction and detachment?

In terms of personal motivation, universalism requires that one only acts "out of a rational conviction" when acting according to ethical principles. One's sentiments or the expectations of those people to which one is emotionally tied may not be the driving force for one's actions. For example, the fear that one might disappoint one's family if one makes a certain decision may not enter one's judgement (Miller, 1995: 57). We might suppose, therefore, that if rational conviction were the only motivation allowed for ethical behaviour, few people would be able to sustain an ethical life:

> For the mass of mankind, ethical life must be a social institution whose principles must accommodate natural sentiments towards relatives, colleagues, and so forth, and which must rely on a complex set of motives to get people to comply with its requirements –

motives such as love, loyalty, pride, and shame as well as purely rational conviction (ibid. 58).

The 'natural' eagerness of people to help those with whom they share an identity should not be suppressed in favour of unrealistic, heroic expectations of people. Instead institutions should be built taking these loyalties into consideration, purposefully striving to optimally canalise people's willingness to make sacrifices for each other.

Ethical particularism has less trouble defending nationality as an ethical community compared to ethical universalism. Miller names three advantages of ethical particularism in terms of justifying special obligations between compatriots who share a substantive national identity. Firstly, there is less conflict in promoting one's own private interests and fulfilling the obligations expected by one's nation, because one's own private identity corresponds closely to that of the nation. The nation's interests are aligned with one's own personal welfare. Secondly, there is a "loose reciprocity" between the nation and its members. Although one may not always receive an equal return on one's investment into the nation, it "is not a pure loss." At the very least, one is contributing to the maintenance of an identity which one values in itself. Lastly, it is easier to build formal relationships, in which people are expected to make sacrifices for one another, in existing cultural communities where people are already accustomed to helping each other (cf. Miler 1995: 66-68). When the obligations towards a state merge with the obligations to a cultural community to which one belongs, the existing ties would be reinforced and any possible contrast between one's own interests and that of the state would be blurred. In terms of the terminology used in Chapter 1, Miller is therefore arguing that the contents of one's public identity must correspond closely to that of one's private identity in order for citizenship to succeed as a basis for solidarity.

As noted earlier, Miller emphasises that both ethical accounts can make room for the other account's concerns. Relational ties can be accommodated from a universalist perspective and duties to humanity at large can be accommodated from a particularist perspective. The difference lies in their respective points of departure. Miller (1995: 50-51) therefore argues that a compromise between these accounts is possible and necessary, given that there are convincing arguments on both accounts and that we as individuals naturally identify with the callings of both. For example, it is natural for most of us to want to prioritise our family above strangers when they are in need, while also supporting humanitarian aid to foreign communities that have been struck by a natural disaster. However, Miller argues that one

must adopt a particularist viewpoint in order to accept that nationality has "intrinsic significance" (ibid. 59) and thereby consistently tap into a broader range of motives to successfully encourage people to act ethically, i.e. to act in solidarity. A universalist point of view can only attempt to justify special obligations towards one's compatriots at a "less basic level"; in other words, as a less important imperative derived from a universal ethical principle. Miller, however, doubts whether this attempt can succeed. In fact, he claims that such an attempt would be "doomed to failure" (ibid. 64). The best a universalist can do is concede that for current practical purposes that it is necessary to still draw on the sentimental values of a national community given that people are not naturally motivated to behave ethically by universal principles. In the long term, as a global consciousness emerges along sentimental ties to humanity at large, people's national ethical ties can be transcended.

According to nationalists, a substantive, national identity is therefore essential for citizen solidarity. If we consider the arguments for the social embeddedness of the individual (discussed in chapter 1), it makes sense that a public identity which incorporates as much as possible of the citizen's personal identity would be able to draw him/her emotionally closer to his/her fellow citizens. If a person is largely socially constituted, the more citizenship is able to tap into the person's social attachments, the more the person would be motivated to act to the benefit of his/her fellow citizens. However, in the next section, we will remind ourselves of the requirements of the political conception of personhood and demonstrate how the realities of diversity could disqualify a substantive national identity based on these requirements.

3.   Criticism against national identity as a basis for solidarity

While playing to the sentimental values of a shared substantive national identity may be a powerful method to establish citizen solidarity in theory, post-nationalists argue that a national identity cannot serve as a source of solidarity between citizens in practice if we are to heed liberal, democratic values at the same time. Notwithstanding the various attempts to demonstrate that nations can be multi-ethnic, post-nationalists contend that the idea of a common, national identity as a source of solidarity is incompatible with the realities and implications of current and ever-increasing diversity. States simply can no longer rely on the existence of an established cultural community that encompasses the entire citizenry on which formal ties can be superimposed. There will not necessarily be an existing, common

identity shared by all citizens that can serve as source of "natural" motivation for ethical behaviour.

In South Africa, there are eleven official languages and multiple ethnicities. Other African states are similarly linguistically and ethnically diverse, if not more so. In Nigeria alone more than 500 languages are spoken by the citizenry. Diversity is not an idiosyncratic trait of African states due to the weak or non-existent correspondence between their political borders and ethnic geography. Most open states connected to the global economy have experienced diversification of their populations. Many states have significant numbers of citizens with migrant backgrounds. Not to mention the large number of non-citizens living in countries who are in the process of being naturalised or whose children will become citizens of the host countries (Beuker, 2009: 423-424). The world's seemingly increasing interconnectedness will only intensify cross-state migration. Furthermore, one should not disregard the existence of internal "minorities" or less powerful groups that do not agree or feel comfortable with the national narrative promoted by the majority members or those who have the most power. Diversity is an inevitable part of the future of all – or at least the vast majority – of societies.

We should not forget, however, that diversity is a part of our past as well. Despite the surge in awareness of diversity experienced today, it would be a mistake to render the reality of diversity, and the challenges that it poses to governance and citizenship, as phenomena that have only recently started to unfold in the world. Diversity has a long history. It is the idea of a (homogenous) nation acting as a uniform, political agent that is rather contingent and, relative to the span of documented history, a recent phenomenon. From the start of nations, diversity was present and has proven to be an obstruction that had to be eradicated, at the expense of people's dignity, in order for nations to materialise. The proponents of nationalism are therefore guilty of the same criticism that they lodge against universalists, namely that they ignore local social ties in favour of that of a majority national culture (Appiah, 2005: 239).

Therefore, apart from its failure to take into account the practical realities of diversity, nationalism suffers from a more fundamental flaw, namely authoritarianism. The imposition of a national identity on a diverse populace violates the political conception of personhood adopted in the previous chapter. In order to understand this violation, I will demonstrate that many national identities that we take for granted today were artificial constructions that came at the cost of suppressing the identities and cultures of various people. Moreover, I will

demonstrate how this suppression is still a reality today by citing a case-study of nation-branding. I will explain that there is an inherent contradiction between national identity and democratic citizenship, which appears to make a substantive national identity unfit to serve as a basis of solidarity in a diverse society.

3.1. The authoritarian origins of nationalism

In this section I want to demonstrate that there is nothing "natural" about the origins of national identities. Instead, the establishment of a common national identity for political purposes usually come at a cost to people's dignity and autonomy and will therefore undermine the prospect of citizen solidarity in a diverse society.

However, that is not to say that nationalism did not have a role in establishing constitutional democracies in the history of many states. In fact, Jürgen Habermas argues that the idea of the nation played a fundamental role in establishing constitutional democracies over large territories. A common national self-consciousness created a solidarity based on a more abstract form of social integration (i.e. the imagined community of a nation) among strangers that was needed for popular sovereignty to take hold and convincingly substitute the monarchy as the legitimate source of power. "Popular national self-consciousness provided the cultural background against which 'subjects' could become politically active 'citizens'" (Habermas, 1998: 111). In terms of the previous section, national identity provided the foundation for an ethical framework that could convince people that they "belonged" together and need to make sacrifices for each other. Therefore, the nation provided a "cogent response" to the disintegration of the monarchy and offered an effective replacement for social integration (ibid. 106).

The nation-state is a relatively recent phenomenon. Nation-states started to come into existence in Europe in the 17th and 18th centuries. Before then, many European societies were ruled by monarchs as city-states, kingdoms and empires (Habermas, 1996a: 491; Miller, 1995: 29-30). Sovereignty was based on the "divine right of kings," which meant that the legitimacy of the monarch's rule was derived from a deity. States were created by the monarch in which he/she granted power to the nobility and Church to exercise political authority over territories in return for their taxes and military support. A limited set of political rights were therefore granted to a small group of people (Habermas, 1998: 110). There was no necessary correspondence between the domain of the monarch and the culture or ethnicity of the people living in it. In fact, many domains incorporated a motley of cultures

and languages. The only connection that people in a kingdom or empire had is that they swore fealty to the same monarch. They had no necessary loyalty or attachments to each other.

Monarchies did not last, however. Habermas (ibid. 111) explains that the disintegration of the monarchical system was mainly due to two reasons. The first is the schism in the church which created a pluralism of worldviews which undermined the divine right of kings as a legitimate source of sovereignty and created a space for a secular alternative source of sovereignty. Prominent thinkers in both the Catholic and Protestant churches started to question the absolute rights of the monarchy. This questioning was exacerbated by monarchs, like Mary I of England (also known as 'Bloody Mary'), who persecuted subjects adhering to Christian denominations different to their own (Dickens, 1964: 293). The second reason is that of "urbanization and economic modernization" which has increased the frequency and speed by which people, information and trade moved around. People became dislodged from their traditional attachments and constraints, making them both "geographically mobilized and isolated" at the same time (Habermas, 1998: 111-112). It is ironic that these social and economic reasons are arguably the same factors that are exercising pressure on the nation-state world order today.

As discussed in Chapter 1, the monarchy was replaced by popular sovereignty. Consequently, the identity of "the people" became very relevant. Now that sovereignty was vested in the people rather than the sovereign, it became relevant how to define this people and distinguish them from people governed by other states. There had to be an explanation for determining who and why some belonged to "the people" and others did not. As already noted, the idea of the nation offered a simple and convenient explanation. The people constituting the state are bound by a common cultural identity which gives them enough of a fellow feeling to form a common, representative government while essentially remaining strangers to each other (Miller, 1995: 30). Unlike traditional communities held together by face-to-face or direct kin relations, the nation was held together by beliefs shared by people who might never even see each other, never mind come to know each other.

There was one problem, however. Upon the arrival of popular sovereignty, the nation only existed as an idea that was not yet shared among all the members of the state. There were not yet sufficient common beliefs to generate a common cultural identity or fellow feeling among the people as a whole. These beliefs had to be created, given to citizens and continuously

reaffirmed in order for the nation to come into existence and be maintained. Through various media people had to be convinced and reminded of their national membership and identity (Habermas, 1996a: 493-494; Miller, 1995: 32). People had to learn what it means to be a member of their nation through history books, novels, plays, songs, etc. The nation's dependence on beliefs is what inspired Benedict Anderson (1983: 6) to call it an "imagined community". Miller (1995: 32-33) writes:

> [W]e have no reason to think that the identity so defined corresponds to anything real in the world; that is to say, there is nothing that marks off this group of people from those around them other than their wish to think of themselves as forming a distinct community. National identities are, in a strong and destructive sense, mythical.

Since national identities do not naturally emerge and have to be purposefully implanted into citizens, the question is from where and how national identity with specific content, practices and beliefs originate? Habermas (1996a: 493-494) proposes that national identities are constructed by an educated bourgeois public, sometimes in an attempt to further their own political agendas. However, all aspects of national identity are not necessarily artificially constructed, although it may be artificially assembled. Montserrat Guibernau (2007: 18) argues that parts of the national identity had to be derived from existing traditions among the citizenry in order for the citizens to be successfully convinced that the national identity and culture propagated by the elites are in fact their own. They had to be able to recognise elements that are already present in their existing customs. As Tom Nairn (1977: 328) puts it: "The new middle-class intelligentsia of nationalism had to invite the masses into history; and the invitation card had to be written in a language they understood." Existing cultural elements were therefore used, but only to the extent that these elements could serve the purposes of the elites. Content was bent to the ideas held by the elites, not the other way around (Gellner, 1983: 54; Malan, 2011: 142). This bending can be quite radical, as Ernest Gellner (1983: 54) writes: "Dead languages can be revived, traditions invented, quite fictitious pristine purities restored."

Consequently, a great amount of cultural wealth that did not fit into the elites' conception of the nation had to be suppressed or destroyed. For this reason, Walker Connor (1972: 336) suggests that the term "nation-building" is a misnomer. In fact, the correct term for the construction of a national identity would be "nation-destroying". Koos Malan (2011: 1) argues that the nation-state aspires to be the primary designator of the individual's identity.

An individual may have various other identities due to his/her membership of different cultural, ethnic, linguistic, religious and regional communities. However, the nation-state considers these identities as secondary or rival identities. If any of these identities attempts to compete with the national identity, the nation-state actively removes the secondary identities from the public or even private sphere, as many states did during the course of their histories. Bhikhu Parekh (2000: 184) explains:

> [T]he state expects of all its citizens to subscribe to an identical way of defining themselves and relating to each other and the state [...] It can tolerate differences on all other matters but this one, and uses educational, cultural, coercive and other means to secure that all its citizens share it. In this important sense it is a deeply homogenizing institution.

The containment of other identities is sometimes done implicitly. People who openly experience and identify with the heritage, sentiments and interests of their own sub-national communities are regarded as "regressive" and "parochial". On the other hand, people who have abandoned or restrained their private identities and instead embraced the national identity prescribed by the nation-state are seen as "liberated" and "enlightened" (Malan, 2011: 143-144). It is not uncommon to hear citizens of South Africa insist that they identify as South Africans instead of members of their specific ethnic groups in fear of being seen as backward. It is socially more acceptable in public spaces to downplay one's particular ethnicity. In the case of Afrikaners, ethnic pride is especially stigmatised, given the villainous role that Afrikaner nationalism plays in the historical narrative of contemporary South African identity.

The forcefully constructed character and destructive nature of national identities can be demonstrated by the roles language and historic narratives have played in the formation of national identities. At the time of the French Revolution in 1789, only 12% to 13% of people could speak French fairly and half of the "French people" could not speak French at all. Yet French was considered to be the cornerstone of the French national identity and therefore all other languages or variants of French had to be eradicated (Hobsbawm, 1990: 80-81; Nimni, 1991: 19). During the rule of the Jacobins, communities that did not speak French were considered counter-revolutionary. Thus the Jacobins presented a submission to the French assembly in 1794 entitled, "Report on the need and means to destroy rural dialects (patois) and universalise the use of the French language". A year later they supported their cause with

the slogan, "In the one and undivided Republic, the one and undivided use of the language of freedom" (Nimni, 1991: 20). Similarly, although somewhat less successfully, Magyar was used to build the Hungarian nation. Magyar was only spoken by half of the people living in Hungary (Miller, 1995: 33). In order to expand the use of the language to the rest of the population, the government enforced the use of Magyar in public administration and schools and harassed newspapers that published in languages other than Magyar (ibid.).

In South Africa, before Afrikaner nationalists captured the state machinery of South Africa to refurbish it into their own nation-state, the Afrikaans language played a pivotal role in the construction of the Afrikaner national identity in the early twentieth century in the run-up to the National Party's electoral victory in 1948 (Webb & Kriel, 2000: 27). During the century before, Afrikaans was not even recognised as a language. It was predominantly used by "slaves, the Khoi, and the unskilled whites" and was belittled as "kitchen Dutch", and its status was so low that many churches did not want to have the Bible translated to it (ibid. 20). By the end of the National Party's rule in South Africa in the early 1990s, Afrikaans was a fully-fledged academic language that was used as a medium of instruction at multiple universities and it was comprehensively used in all government institutions and exercised considerable influence on the larger South Africa population. In 1989 a research report found that a significant majority of grade 12 students across all races in the Johannesburg area considered Afrikaans as an important language (ibid.) despite it being the home language of a minority of students. The elevation of Afrikaans from a creole language with little status to a language that is nationally dominant and respected is a good example of how language can be promoted for political purposes. The promotion of Afrikaans was necessary for the Afrikaner nationalist project to create an Afrikaner nation and consolidate its hegemony over South Africa.

It is important to note that Habermas (1998: 105) draws a distinction between "classical" and "belated" nation-states. The classical nation-states already existed as states at the Peace of Westphalia in 1648. In these cases, the state only had to create a nation for itself to which it could transfer sovereignty from the monarchy. France is an example of such a nation-state. The founders of belated nation-states, on the other hand, first created a nation before they created or appropriated an existing state. Habermas cites Italy and Germany as examples. Based on the history of the Afrikaners mentioned above, the Afrikaner nationalist project could also qualify as an example of where a nation was created before it obtained a hold on a state.

The historical narrative of a nation that is commonly promoted in education and the media usually has a similar constructed character as in the case of national language. Renan (1939: 190) goes as far as to claim, "to forget and [...] to get one's history wrong, are essential factors in the making of a nation." Many of the "heroes" in a nation's history were factually often flawed characters. These flaws are often either downplayed or completely erased from popular history books. The fact that Winston Churchill was a fervent proponent of white superiority (Toye, 2011: 2) and that many of the founding fathers of the United States of America were slave-owners (Wright, 2002: 125) are softened or negated in the British and American national narratives respectively.

Furthermore, not all the acts that were committed in a nation's name or in the process of forming a nation were chivalrous. Turkey has consistently denied that the massacre of Armenians at the end of the Ottoman Empire was a genocide, despite there being convincing proof that 1.5 million Armenians were systematically killed by the Ottoman government during its process of so-called "Turkification" (Akkoc, 2015). The genocide casts a shadow on the origin of the Turkish nation. Even events that occurred well before the emergence of the nation are filtered because they form part of the historical timeline appropriated by the narrative of national identity. So, for example, the Saint Barthélemy and Midi massacres in which Huguenots and Albigensians were systematically killed are downplayed in the popular retelling of French history before the French Revolution (Renan, 1939: 191; Miller, 1995: 38).

Miller (1995: 34) affirms that nations and their states were often established by force and that people upon which the new national identity was imposed only later started to consider each other as compatriots. It was often nothing more than coincidence that fenced people together and made them French, Italian or Japanese. The process of nation-building cared little whether national borders were drawn by accident or authoritarian measures, often cutting right through long-established communities and coercively banding people of different cultures together. Each person, regardless of his/her differences, was subjected and had to conform to the elites' idea of the national identity (Malan, 2011: 147). Hendrik Spruyt (1994: 34-35) writes:

> Thus the modern state defines the human collectivity in a completely novel way. It defines individuals by spatial markers, regardless of kin, tribal affiliation, or religious beliefs. Individuals are in a sense amorphous and undifferentiated entities who are given

an identity simply by their location in a particular area. Thus one must make Acquitanians, Normans, and Bretons into French people.

The violent and haphazard origins of a national identity are carefully omitted or repackaged in the national historical narrative. As explained in Section 1 of this chapter, a nation has to extend into history and have a distinct public culture in order to successfully claim nationhood. These characteristics are threatened when nationals are made aware of the violent and arbitrary nature of their nation's creation (Miller, 1995: 34). In order for citizens to remain committed to their manufactured unity, they need to forget their divided past and believe in an alternative historical narrative that legitimises their unity.

3.2. Authoritarianism in the on-going construction of national identity

It is clear that the agency of citizens was substantially disregarded in the development of many nations that exist today. However, the authoritarian, homogenisation of the citizenry is a continuing reality today. A contemporary example of the constructed or artificial character of a national identity and the way it is deliberately and continuously transmitted to citizens by elites, is the phenomenon of "nation-branding". Yasuko Murai (2010: 3) defines nation-branding as enlisting "the advice of private marketing and advertising firms [by governments] to create unified, distinct and consumable 'brands' for their territories and people, complete with logos and slogans, to promote investment and tourism in a competitive global environment." It is a widely used practice and is considered to be a necessary means for states to compete in a globalising world where products and services are being homogenised and their origins are becoming less important. In order to attract attention, states need to demonstrate their uniqueness. Like Apple, Nike or Starbucks, a nation-state must be considered a brand whose "products" must be sold to the international community. Products, in the marketplace of nation-states, include investment, trade and tourism.

The official agency tasked to promote South Africa's "brand" is called Brand South Africa. On the Brand South Africa website (Brand SA, n.d.) it reads:

> Brand South Africa was established in August 2002 to help create a positive and compelling brand image for South Africa. At that time, the world was unsure about what to think of South Africa, with many different messages being sent out by various sources. This did very little to build the country's brand and it was evident that to attract tourism and investment there was a need to co-ordinate marketing initiatives to make them more effective. This led to the creation of Brand South Africa, whose main

objective is the marketing of South Africa through the Brand South Africa campaign. There are many benefits to having a consolidated brand image, with the most important being that a consistent Brand South Africa message creates strategic advantages in terms of trade and tourism for the country in an increasingly competitive marketplace.

However, this brand must be sold to the citizens of the nation-state as well, because the authenticity of the brand depends on citizens' conformation to it. As Melissa Aronczyk (2008: 54) explains, citizens must "live the brand" in order for the brand to be successful. Citizens therefore play the role of employees in a corporation who must be ready at all times to demonstrate the values and aspirations of the company. But like ordinary employees in a corporation who are rarely involved in the design of the corporate's brand, citizens seemingly do not have much say in what constitutes their nation-state's brand either. The designing of a national identity is fundamentally undemocratic and authoritarian. Peter van Ham (2002: 267) acknowledges that the coordination of nation-branding inevitably results in an "authoritarian system." The government and marketing agencies, who constitute today's "elite", decide what it means to be South African and then expect South Africans to live up to this construction. Murai (2010: 10) argues, "There seems to be an inherent tension between the drive for corporate-style brand consistency and democratic participation."

Analysing several campaigns launched by the International Marketing Council (IMC) of South Africa to sell the South African brand to South Africans in preparation for the FIFA World Cup in 2010, Murai draws several conclusions about the content of the campaigns: the South African brand promotes the idea that South Africa is "a society that provides new opportunities, has the ability to host FIFA tournaments, and consists of citizens who do good deeds [...] [T]he country has emerged from its problems and is on a steady projectile towards a new, utopian era" (ibid. 20). The campaigns purposefully promote South African exceptionalism, reinforcing the idea that South Africa is different from the rest of the African continent because of the peaceful transition from minority white rule to democracy and its ability to host the soccer world cup. The idea that the rest of Africa is stuck in perpetual warfare and suffers from incompetent governance is implicitly created or reinforced. The rest of the continent is therefore seen as "the other" (ibid.). The South African nation is depicted as "one harmonious entity, a monolith, that exists in relation to the rest of the world at large" (ibid.). Although in reality South Africa consists of various different ethnicities and socio-economic groups who live in considerable tension with each other, the notion is promoted that South Africa is an "already unified whole." Through the use of rhetorical devices, the

assumptions of "intra-national sameness and equality" (Wodak *et al*., 1999: 44) are reinforced. The various complex socio-economic issues facing South Africa are obscured. Simplification is a fundamental principle in any brand exercise. A corporation's image needs to be straightforward and easily understandable by customers. Apple, with its fixation on simplicity and elegance, is a quintessential example of good branding in the consumer market. Therefore, Murai (2010: 9) concludes, "Reductionism is an inevitable outcome of any nation branding exercise." National brand managers will inevitably negate the diversity of perspectives and experiences of being a citizen of South Africa and shoot for an image that is positive and the easiest to convey to the world community. Other ideas and realities of what it means to be South African are dismissed.

Furthermore, in order to build-up support for the world cup among South African citizens, South Africans of all occupations and backgrounds are portrayed in the campaigns as "a vital part" of "Team South Africa". If one does not actively support the hosting of the world cup, "one is not playing for the 'team' and exists in an antagonistic position to the nation" (ibid. 21-22). Criticism of South Africa hosting the World Cup or negatively describing the conditions in South Africa is in essence "un-South African". Citizens are the "media of the message" (Aronczyk, 2008: 54) and their consistent and loyal adherence to the nation brand are crucial to the success of the brand (Murai, 2010: 25).

The advertisements create a hierarchical relationship between the members and the custodians of the South African nation (ibid. 24). Ordinary South African citizens are depicted as "passive" and the South African nation is anthropomorphised and presented as a kind of saviour who will provide for its citizens if they "believe" in it. People in the advertisements are not given much agency, besides expected to work hard and do their part to make the world cup a success. Praise given to the ordinary citizen come across as "condescending and infantilizing," which is vividly illustrated by the portrayal of the "ideal citizen" as children in one of the advertisements (ibid. 25).

It is therefore apparent that the act of constructing a national brand is not only undemocratic, but the content of the brand itself seems to discourage the voices of citizens. South African citizens are de-politicised and a hierarchy is "consistently established between the citizen and the state" (Murai, 2010: 26-27). The depiction of the state as a mystical saviour corroborates Habermas' claim that the state becomes an entity in itself that pursues its own interests at the expense of the freedoms and dignity of the citizen. Craig Calhoun (2007: 98) draws the

following conclusion, questioning the compatibility of a state-sponsored national identity and democracy in a plural society: "The decisive question about nationalism, therefore, is whether it can thrive with the nation open to competing conceptualizations, diverse identities, and a rich public discourse about controversial issue." As we will explain in the next part of this section, it has difficulty to do so, because there is an inherent contradiction between national identity and the democratic citizenship based on the political conception of personhood established in Chapter 1.

3.3. The contradiction between national identity and democratic citizenship

As discussed in Chapter 1, popular sovereignty required that those who governed obtained the legitimacy of their rule from the consent of the people. People were therefore no longer subjects, who received rights by the grace of the monarchy, but were conceived, at least in theory, as having equal political and private autonomy, coupled with fundamental civil and political rights. They had to be respected as autonomous beings who give rulers their voluntary consent to govern in their name. "The democratic constitutional state is, ideally speaking, a voluntary political order established by the people themselves and legitimated by their free will-formation" (Habermas, 1998: 112). Habermas (ibid. 113) concedes that this "legal-political transformation" would never have been effectively implemented and sustained without the creation of a nation. He explains:

> The political mobilization called for an idea that was vivid and powerful enough to shape people's convictions and appealed more strongly to their hearts and minds than the dry ideas of popular sovereignty and human rights. This gap was filled by the modern idea of a nation, which first inspired in the inhabitants of state territories an awareness of the new, legally and politically mediated form of community. Only a national consciousness, crystallized around the notion of a common ancestry, language, and history, only the consciousness of belonging to 'the same' people, makes subjects into citizens of a single political community – into members who feel responsible *for one another*. The nation or the *Volksgeist*, the unique spirit of the people – the first truly *modern* form of collective identity – provided the cultural basis for the constitutional state.

The use of national identity to build and sustain momentum for the new constitutional, democratic state, however, meant that citizenship became "double-coded" (ibid.). Citizens were not only legally defined in terms of their rights and duties but also as members of a

culturally defined community. The attachment of nationality to citizenship presents two problems. Firstly, it poses a threat to international peace and stability, and secondly, it undermines the political autonomy of citizens or – as I explained in Chapter 1 – the freedoms ascribed to the public identity of citizens (Cronin, 2003: 2; Habermas, 1998: 113-115).

In terms of the first problem, Habermas (ibid. 113-114) argues that external sovereignty has always been bound up with the so-called "Machiavellian will to self-assertion" by which states promote their own interests through strategic manoeuvring at the cost other states, if necessary. The shift from monarchy to popular sovereignty had transformed this strategic function of the state into the "existential self-assertion" of nations. In addition to the private and public freedoms of citizens that had to be protected, the nation, conceived on the world stage as an entity in itself, now also had a freedom that had to be protected. This freedom, Habermas (ibid. 114) argues, can be interpreted in two ways. According to the first interpretation, the nation can be equated to the democratic conception of citizens. Similar to the conception of the individual citizen, the nation-state itself could be considered as an entity that cooperates with other states to create and maintain the peaceful balance of interests, whereby each state's respective citizens can freely pursue their own ends. According to the second interpretation, the nation-state is conceived in naturalistic terms as a pre-political entity that has to compete in a free-for-all with other nation-states to assert its independence and promote its interests, using military means if necessary. This latter conception poses a significant risk to international security, as vividly demonstrated by the two world wars in the 20th century. But it also poses a risk to the freedoms of citizens when individuals are expected to sacrifice these freedoms for the expansionist or exploitative endeavours of the state under the pretext of protecting the freedom of the nation.

Habermas (ibid. 115) therefore argues that the nation-state is "Janus-faced" in the sense that individuals have two identities with conflicting roles. On the one hand, they are "citizens" who voluntarily establish or sanction a political association or state of free and equal people and on the other hand they are "nationals" who already find themselves - through no choice of their own – in a community with shared cultural characteristics, such as language and history. There is therefore a tension between "the universalism of an egalitarian legal community and the particularism of a community united by historical destiny" (ibid.). The legal status of citizens is therefore dependent on their membership in a cultural community, the content over which they have at best limited power. A national identity is therefore an added characteristic expected of a citizen's public identity. Unlike the determinable

properties provided by Rawls, namely moral power, self-authenticating source of claims and responsibility for one's own life project (see Chapter 1), a national identity tend to be more of a determinate property. In other words, it may be too specific and therefore exclude people who may not identify with its content. Therefore, the added characteristic of national identity to one's public identity may violate the political conception of personhood if it is not shared by all citizens.

As explained above, at the dawn of the constitutional democratic state, constitutional democracy had to climb in bed with the undemocratic concept of the nation in order to take hold. However, Habermas argues that, given the challenges posed by increasing cultural diversity and global interdependence today, the continued conception of the nation as a naturalistic entity endangers the continued existence of the constitutional democratic state. Habermas insists that only a concept of the nation that is not rooted in a pre-political or naturalistic concept of the nation is compatible with a constitutional democracy that respects the dignity and autonomy of all citizens. Solidarity is endangered when the common identity of citizens is constituted independently and before their political will formation.

Thus, in summary, one cannot merely impose the majority or a purposefully manufactured culture on minorities or the population at large. It violates the fundamental principles of the political conception of the person necessary to establish a fair system of cooperation, as discussed in Chapter 1. Dictating to a person what he/she should be violates his/her dignity and autonomy. Even from an ethical particularist perspective it should be problematic. If one cannot contract into the feelings of belongingness necessary to motivate ethical behaviour, one can much less be forced into such feelings. Given that diversity, in terms of ethnicity, language, culture, religion, philosophy, is not only a current reality in all polities but becoming increasingly pervasive, constitutional democracies "must learn to stand on its own feet" (1998: 117). There seems to be no alternative.

4. Constitutional patriotism vs liberal nationalism

Given the analysis of the link between nationalism and authoritarianism above, Habermas proposes "constitutional patriotism" as an alternative to nationalism, which, he alleges, is suitable for a diverse polity and does not suffer from the same flaw of authoritarianism. I will briefly explain constitutional patriotism, upon which I will look at the criticisms against it. I will then look at the arguments for how national identity as a basis for solidarity can be salvaged by adopting so-called "liberal" nationalism. However, I will end the section by

pointing out inconsistencies in liberal nationalism. I will argue that in so far as the difference between liberal nationalism and constitutional patriotism is a matter of degree, both theories fail to serve as a basis for solidarity.

4.1.   Constitutional patriotism as an alternative to nationalism?

Given the analysis of the link between nationalism and authoritarianism above, Habermas proposes "constitutional patriotism" as an alternative to nationalism, which, he alleges, is suitable for a diverse polity and does not suffer from the same flaw of authoritarianism. At the same time, it heeds the discussion on ethical particularism. It recognises that the ethical motivation of citizens must be tied into something particularistic about the state in order for citizens to experience solidarity. Every political community develops distinctive ways of institutionalising universal principles in its constitutional arrangements and political practices (Habermas, 1991: 144; 1998: 117-118). The unique way each state institutionalises these principles constitutes the political culture of that state. Under certain conditions, this distinctive political culture can give rise to constitutional patriotism. Habermas argues that this constitutional patriotism should replace nationalism, which is based on more substantive cultural content, as the basis on which solidarity can be built.

Constitutional patriotism can be generated through the rituals, ceremonies, memories and/or celebrations attached to political processes and constitutional principles. Ivor Chipkin (2007: 213) explains that rituals and ceremonies help individual citizens to see and realise in practice that, despite their differences, they have similar concerns, are equal in worth and share a "deep solidarity". He cites South African election days as examples where this deep solidarity is felt among South Africans of different backgrounds: "It is there, even if only for a short moment, that they became beautiful to each other, fell in love, and developed a deep horizontal solidarity" (bid.). This feeling has been relived with every election since and to a certain extent on public holidays or commemorative days, like Nelson Mandela Day or Heritage Day. These national days form part of the political culture of South Africa, for they celebrate the founding of the South African Constitution and principles enshrined in it. Even though they do not include any substantive cultural content, they are acts of patriotism that effectively promotes national solidarity (Habermas, 1998: 115). Chipkin (2007: 214) further suggests that these types of encounters should be regularised so that they can be experienced in the ordinary day-to-day rituals of people and not only on special occasions.

There is a distinction between the majority culture of the people inhabiting the state and the political culture of the state and the two must be separated. The political culture is based on the constitutional principles agreed to through democratic processes while the culture of the majority or dominant group is based on substantive and inherited cultural content, such as language and social customs. In many countries with an established institutional culture, the political culture and majority culture have become entangled (due to the cosy historical relationship between nationalism and the legal dimension of citizenship). Habermas (1991: 146; 1998: 118) argues that this "fusion must be dissolved" if one is to accommodate people that value different forms of life and allow them to participate in the political community on an equal footing. The strength of constitutional patriotism lies in that it needs no common background culture, e.g. ethnicity, language, religion and history (Habermas 2001: 73). Habermas suggests that since constitutional patriotism does not depend on specific cultural premises, it can be responsive to the actual composition of the citizenry and effectively maintain a common political culture despite demographic changes (Habermas 2001: 73-74). Constitutional patriotism does not suffer from authoritarianism because it is based on the principles that have been democratically agreed upon and can be shared by all. The political conception of personhood is respected because the principles are general enough so that all people can identify with them.

However, as briefly noted, constitutional patriotism can only arise in certain conditions. Habermas (1998: 118-119) is aware that constitutional patriotism alone, due to its more abstract nature, may not be sufficient to sustain solidarity among citizens. He therefore adds two requirements for constitutional patriotism to succeed, namely that citizens actively participate in the deliberative processes of the constitutional state and that these processes and constitutional arrangements produce fair results to the extent that the basic needs of people are at least addressed. As explained, participation is necessary, for it is the participation in the rituals, ceremonies and celebrations related to the political culture of the state that generate a sense of solidarity. The basic needs of citizens need to be met in order for them to have the ability to participate but also be reassured of the value of the constitutional principles that they are proud of. Freedom of speech may mean little to someone who is struggling to survive.

Constitutional patriotism seems therefore to be an attractive alternative to nationalism for it is intended to accommodate the realities of diversity in a way that respects the autonomy and equal dignity of citizens. However, in the next sections I will look at the arguments that the

conditions of constitutional patriotism are not feasible and that a more substantive national identity can perhaps be salvaged if we adopt "liberal" nationalism instead.

4.2. Political participation not a viable basis of solidarity

Nationalists are doubtful whether the political participation necessitated by constitutional patriotism can substitute nationality in today's complex, populous and territorial states. Only certain forms of political participation provide a source of solidarity (Leydet, 2014). These forms include the ancient Greek city-states and Rousseau's ideal republic where face-to-face relations of cooperation can produce solidarity (ibid.). The scale of today's states and the complexity of our societies have made it nearly impossible for this type of political practice to occur at the necessary depth and frequency to generate sustainable solidarity (ibid.). In most countries the participation of regular citizens in the formal political process is usually limited to mere voting in elections. In South Africa voting happens every second or third year. This rare engagement cannot nearly be compared to the democracy of ancient Athens, where the citizenry met multiple times a month to deliberate and vote on issues (Hansen, 1977: 43). Furthermore, most countries have enormous (relative to ancient city-states) populations of citizens. It is impossible to assemble the amount of people living in today's democracies in one space where they can interact with each other. According to the 2014 census, South Africa's adult population was nearly 50 million people at the time (Statistics South Africa, 2014). During the fifth century B.C., the adult male population of Athens (only males could participate in political processes and vote) was between 30 000 and 50 000 people (Thorley, 2004: 74).

Moreover, today's states are typically territorial and not city-states, i.e. they cover large areas of land. The distance between the cities of Cape Town, which is in the one corner of South Africa, and Louis Trichardt, which is in the opposite corner of the country, is 1833 km. The majority of South Africans will not even see each other's cities or even provinces in their lifetimes, let alone get to know each other. Taking all these factors in mind, citizens in states like South Africa will remain unfamiliar strangers to each other with whom they have little reason to cooperate beyond strategic purposes. Mill (1946: 292) argues that democratic institutions cannot function in a state whose citizenry is composed of different nationalities. "Among a people without fellow-feeling, especially if they read and speak different languages, the united public opinion, necessary the working of representative government cannot exist." It is unrealistic to expect that political participation can be a source of

solidarity in today's modern societies. A source for solidarity is necessary that is not dependent on active political participation (Leydet, 2014). Historically the nation has proven to be an effective source of solidarity for members regardless of how populous or widely spread the nation may be and therefore it should not be abandoned.

Nationalists are in any case doubtful whether the link between political practice and the nation could be severed (ibid.*).* It may be possible to dislodge some substantive elements of institutional political culture, e.g. ending special treatment to certain religious denominations, but other elements, e.g. a historical narrative, symbols, language, etc., may not be so easy to remove. People ascribe significant value to these elements and some political practices may be dependent on them. There may not be a clear distinction between the political practices of a state and the majority culture that cultivated it. One cannot simply draw a line between the two and surgically remove the former from the latter, believing that it will survive unscathed and independent (ibid.).

Moreover, even if it was possible to dislodge the political culture from the majority culture, nationalists believe that one cannot achieve a sustainable welfare state, in which the basic needs of citizens are met (which Habermas has indicated is necessary for constitutional patriotism to succeed), without a common identity. For them it "seems like putting the cart before the horse" (ibid.). Welfare policies require that one gives a significant amount of personal resources away to strangers. Such a policy is not sustainable if there is not sufficient trust and a sense of camaraderie between citizens. One needs a common background culture before one can establish welfare policies. Miller (1995: 71-72) suggests it foolish to assume that dropping nationality from citizenship will have no effect on certain practices because those practices are already in place. "The bonds of nationality give the practice a different shape from the one that it would have without them." Without nationality, Miller (ibid.) suggests that citizenship will become a strictly legal arrangement and citizens will consequently expect "strict reciprocity" for their sacrifices, expecting a proportional return on their contributions. The benefits they receive in return for their contributions will always be measured against the baseline of the hypothetical scenario in which there is no state involvement. People will only contribute greater proportions of their personal income to the state if they know the state would provide better support to them than private insurance. Rigorous redistributive taxation would receive little support (ibid.). Strong bonds between citizens are therefore necessary to gather sustainable public support for welfare policies. Nationalists believe that only a nation can provide these strong bonds.

4.3. National identity and democracy need not to be mutually exclusive

Moreover, nationalists like Miller, who consider themselves to be liberal nationalists, insists that post-nationalists rely on a false opposition between national identity and democratic principles. Liberal nationalism can be differentiated from other forms of nationalism in that it claims to be compatible with liberal values (Abizadeh, 2004: 231), such as equal dignity and autonomy. Maintaining a background culture while at the same time ensuring inclusivity to minorities or differences of opinion are not mutually exclusive. Liberal nationalists contend that the content of one's national identity can be "thin" enough to be inclusive to minority groups while "thick" enough to generate sufficient sentiment and trust to serve as a basis for solidarity (Leydet, 2014). There are different opinions on what constitutes the appropriate amount of thickness of a national identity in order for it to serve as an effective source of solidarity while also being inclusive enough to different groups of people. Miller argues that the national culture can include social norms, e.g. "honesty in filling tax returns," and the preservation of a national language. However, Kymlicka, also a proponent of liberal nationalism, argues that the conception of the nation should be thin enough to exclude expectations that citizens should share similar life-styles (ibid.). What most liberal nationalists agree on, however, is that the process to determine the thickness of the nation should be inclusive, flexible and continuous. All citizens must be allowed to participate in discussions, which are frequently held, to affirm, reinterpret or make new contributions to the national culture. Immigrants, however, must first show a "willingness" to adopt existing political practices and norms and to collaborate with the existing citizenry before they can contribute to these processes to forge a new common identity (Miller, 1995: 129).

In response to charges against the truthfulness of national identities, Miller argues that the mere fact that the beliefs on which nationality is based may be false, is not a strong enough reason to discard nationality. If these beliefs contribute to solidarity, it does not make sense to abandon them (ibid. 36). They play a significant role in sustaining a nation-state as a functionally ethical community. In any case, Miller contends that in most cases, when a national narrative is created, the authors are "filling in the blanks" and not necessarily fabricating history to the extent that claims could be rejected by historical evidence (ibid. 37). Therefore, constructing a national identity is not always a matter of concealing the evidence of bad deeds committed in the past. Instead, bad deeds committed in the name of the nation are often merely omitted out of the national narrative. In many cases they are even acknowledged, but they are considered to be contradictory to the values of the nation. They

therefore serve as examples of when the nation or members of the nation did not act according to its true image. Examples that should not be repeated. Miller explains that, for example, in the cases of the massacres of the Huguenots and Albigensians mentioned earlier, these events are not denied "but they do not form part of the story that the nation tells itself" (ibid. 38).

It may be less important whether the history or customs promoted by a national identity are true or not or that a certain depiction (as in the case of nation-branding) or custom may be an over-simplification of the complexity of the current populace. What matters is to what degree citizens are allowed to contest that narrative and make adjustments or contributions (Miller, 1995: 39; Archard, 1995: 479-481). It would therefore be important for a nation-state to maintain inclusive and critical public dialogue. Liberal nationalists, like Miller, believe that such a commitment to robust dialogue is compatible with upholding a national identity.

Likewise, one's national identity does not necessarily need to be one's primary identity and a state does not necessarily have to forcefully impose it onto its citizens (Miller, 1995: 45-46). As there are examples of states that have authoritatively and ruthlessly forced citizens to subscribe to an all-encompassing, monolithic national identity, such as Germany during the Third Reich or China during the Cultural Revolution, there are also nation-states that have allowed spacious room for contesting ideas about the national identity. Miller (ibid. 40-41) cites the emergence of the British national identity during the eighteenth- and early nineteenth centuries as an example, "which involved competition between a number of groups – tradesmen, women, the Welsh and Scots, as well as the English aristocracy – each seeking to establish themselves as citizens, and offering contrasting images of British identity to support their claims…" Miller argues that embracing a national identity may even coincide with protesting against the state apparatus. He cites the example of South Africa in which "being a good South African" has been understood by some to mean opposition to apartheid (ibid. 44). Even though certain nation-states and their proponents may try to exercise a monopoly on one's identity, in practice people do not experience or consider their national identities as "exclusive and overriding" (ibid.). Citizens should rather resist attempts by the state to exercise a monopoly on the national identity than abandoning the national identity completely.

4.4.   Neither liberal nationalism nor constitutional patriotism are adequate

In summary of the discussion above, continuity is of crucial importance to nationalists in general. They contend that a great deal of the strength of a political culture is its anchoring in a history as a distinct political community that can be retold with a rich narrative. A political culture, in which people can experience sufficient solidarity to be willing to make sacrifices for each other, cannot be sustained without such continuity. In fact, the participation necessary to enable constitutional patriotism to replace national identity as a basis of solidarity will not be possible, for citizens will not be willing to provide the necessary resources to address the basic needs of their fellow citizens enabling them to participate. The type of political participation that is necessary to promote constitutional patriotism is in any case not viable in today's states, given their geographic and demographic sizes and the lifestyles of citizens that are predominantly orientated to economic activity and private life. A more substantive identity is needed in order to capture the imagination of people and enable them to feel solidarity with people who remain strangers to them.

Liberal nationalists insist that sticking to a common national identity as a basis for solidarity is not such a problem as their critics make it out to be. The content of the national identity can be thin enough to accommodate a diversity of cultures and not encroach on the private identities of citizens. The historical accuracy of the identity's narrative is irrelevant as long as it is open for contestation. This possibility of contestation is in fact what makes a national identity completely compatible with a constitutional, democratic state. As long as the content of the national identity can be defined and redefined by the citizenry through fair, democratic processes, there need to be no tension between the democratic principles and the national identity of the state.

However, there is an inconsistency in this line of reasoning. On the one hand, liberal nationalists believe that present-day circumstances do not permit the type of political participation necessary to generate citizen solidarity. Yet on the other hand, they also believe that political participation can still be sufficiently robust, despite these circumstances, to ensure that a national identity is democratically contended and shaped. Therefore, liberal nationalists will have to advance arguments explaining why political participation is possible for the one purpose but not for the other, or they will have to concede that the difficulty of political participation is a valid challenge to their arguments as well.

But even if they offer good arguments, it is difficult to imagine how members of minority or less dominant social groups would succeed in the negotiation of a more representative national identity in the absence of superior numbers or power. When it comes down to a vote, they will most certainly be defeated. But even if decision-making is driven by consensus or if more weight is given to the voices of minorities through constitutional arrangements, the national identity will be pulled to a common denominator, namely the universal rights and obligations that each one of them carry as citizens. It is therefore likely that the debate on the appropriate thinness or thickness of a national identity among liberal nationalists will gravitate to the political principles enshrined in the state's constitution and their accompanying practices and commemorations. In effect, the distinction between liberal national and constitutional patriotism will collapse. Consequently, liberal nationalism will become susceptible to its own criticism, namely that the national identity it offers is not substantive enough to truly motivate citizens to make sacrifices for each other. Furthermore, if it can be shown that citizens will provide taxes to cover the basic needs of their fellow citizens without the motivation of a shared background culture and that political participation that can generate sufficient solidarity regardless of the practical challenges is in fact feasible, liberal nationalism would lose its *raison d'être*.

One still gets the impression that liberal nationalists underappreciate the existing and increasing diversity in societies and the increasing interdependence and fluid relations between societies. Maintaining a substantive identity with whom everyone can identify is already untenable in many states, and will only become more so. The speed of cultural change in societies outpaces, or at least *will* soon outpace, the processes needed to craft a substantive national identity with whom everyone in a particular polity can wholeheartedly identify. By the time there would be agreement, the agreement would be outdated. In this instance, constitutional patriotism is undoubtedly superior, for its universal nature makes it more easily adoptable across a diverse spectrum of people. But even for constitutional patriotism the task might be daunting. Any measure of particularism, even if it is only the political culture of a state, will be susceptible to change and therefore provide a shaky foundation for solidarity. Therefore, even if it can be proven that a political culture alone is sufficient to motivate citizen solidarity, the debate on the appropriate thickness of the shared content on which solidarity is to be built becomes irrelevant if the settlement of the content of a national identity, regardless of its thickness, cannot be guaranteed.

Constitutional patriotism can perhaps be salvaged if political participation is conceptualised as a basis of solidarity in itself and not merely a means to experience a solidarity based on the constitutional principles and processes of the state. However, political participation will then have to be proven to be possible in today's circumstances in order to deflect the criticisms by nationalists. I will look at the feasibility of, as well as the argument for, political participation as a basis of solidarity in Chapter 4. However, given the alleged difficulties facing political participation, it is an open question whether solidarity can be effectively realised if it relies less on the political participation of citizens and more on the rights and benefits provided by citizenship. I will therefore first evaluate the rights dimension of citizenship and determine whether it can serve as a sufficient basis for solidarity in the next chapter.

Conclusion

In this chapter, I have examined the conceptual links and differences between ethnicity, nation and state, the ethical arguments for national identity, the authoritarian character of nationalism, the alternative of constitutional patriotism as a basis for solidarity and the possibility that nationalism can be salvaged by its liberal rendition. I have demonstrated that even though a substantive, national identity may summon strong motivational forces for citizen solidarity in theory, it fails, and will increasingly fail, to do so given the increasing diversity of the citizenry and their freedoms as defined by the political conception of the person in Chapter 1. I have also demonstrated that in so far as the difference between constitutional patriotism and liberal nationalism is the degree of abstraction, both will fail as solutions for solidarity. In the next chapter, I turn to another possible candidate as a ground for citizen solidarity within and across borders, namely rights. I will demonstrate that a distribution of rights is possible without a shared substantive identity and that rights can contribute to a feeling of shared dignity, which can be a basis for solidarity. However, rights are not adequate and therefore we will need to investigate whether participation can be an additional basis for solidarity.

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Chapter 3: Rights as a basis for solidarity?

Introduction

In the previous chapter we established that a substantive national identity cannot be a basis for solidarity in so far as it violates the equal dignity and autonomy of individuals. Constitutional patriotism, which is conceptualised as solidarity based on a more abstract national identity, is not ideal either, for its foundation will still be subject to perpetual change given the diverse, fluid and dynamic nature of today's society. Constitutional patriotism may be salvageable, if political participation is conceptualised as a basis for solidarity in itself instead of a means to experience solidarity based on constitutional principles and traditions. Before I investigate this possibility, however, I will first survey citizen rights as a possible basis for solidarity. Rights are also relevant to a citizen solidarity based on political participation, for it enables citizens to participate in the political process in the first place.

I will start by briefly establishing a direct link between rights and solidarity, demonstrating that there is reason to believe that rights could be a basis for solidarity if they can guarantee the equal enjoyment of dignity among citizens while respecting their autonomy. I will look at Rawls's model for determining the content of rights in a diverse polity in a way that ensures that the autonomy of all individuals, or the political conception of personhood as established in Chapter 1, is respected. Following this, I will look at whether rights can ensure equal dignity among citizens in all relevant spheres of their lives by broadening the scope of rights. I will briefly look at how the scope of rights developed over the centuries to include social rights. Given that this thesis focusses on the challenge that diversity poses to citizen solidarity, I will then thoroughly examine the arguments for and against the necessity of group rights over and above equal civil, political and social rights. I will demonstrate that an expansion of rights cannot guarantee all the necessary outcomes for equal dignity among a diverse body of citizens. Although rights are an important component of the basis for citizen solidarity, rights by themselves will not enable citizen solidarity.

1. Equal rights as a basis for solidarity

1.1. The connection between rights and solidarity

In Chapter 1, I discussed how the shift of sovereignty from the monarchy to the people brought about a new concept of the person in his/her in relation to the state and his/her fellow

citizens. In contrast to the hierarchical structure of the monarchical society, under popular sovereignty, every citizen was considered to have equal dignity and autonomy. Therefore, since the dawn of constitutional democracy in the 18th century, liberal constitutions have required that every citizen be entitled to the same protection and benefits from the state. Any differentiation in rights would be a violation of the citizenry's dignity, undermining the foundation on which popular sovereignty is built (Taylor, 1994: 26-27). The concept of rights only really became a political issue during the rise of nation-states in the 17th century. It barely existed in Roman Law and was merely a concept for discussion among scholars during medieval times (Riddall, 2010: 168). A right is essentially a claim or entitlement that a citizen has against the state (ibid. 177; Dworkin, 1977: 90). If a person has a right to something, the state has the obligation to either protect the citizen's ability to enjoy that something (e.g. freedom of speech) or pro-actively provide the citizen with that something (e.g. access to education).

The notion of equal rights for all citizens makes a fundamental contribution to solidarity in the absence of a common background identity, because they contribute to the citizenry's common dignity both instrumentally and intrinsically (Cruft, 2010: 441-442). One feels a solidarity with someone with whom one shares an equal set of rights, because those rights create the conditions in, set the terms by and provide the status with which one can cooperate with that person on an equal footing and with mutual respect. Besides empowerment in terms of pursuing one's life project, rights position a citizen in a relation to another citizen in which he/she cannot use that citizen as a means to an end. He/she cannot pursue his/her conception of the good at that citizen's expense. He/she has to respect the citizen's dignity at all times. Rights, therefore, bestows intrinsic worth upon citizens (Kamm, 2007: 254). This relationship creates the trust and fellow feeling that are important constituents of solidarity. If one's rights were not equal, one would have difficulty in trusting and/or relating to the other and establishing solidarity with him/her. Thus, rights provide one with the means, e.g. political power and civil liberties, to interact with others on an equal footing but it also constitutes dignity in itself. In other words, having equal rights, even before exercising them, gives one dignity (Cruft, 2010: 449).

Solidarity can be achieved through equal rights despite the diversity of citizen desires and beliefs, because even though people's desires may differ greatly, the basic needs in order to pursue those desires are more or less the same and can therefore be generalised (Rawls, 1999b: 373-774). The shared status of dignity and the common experience of enjoying the

fruits of rights create a common identity and solidarity that are empty of pre-political, cultural content (Keating, 1996: 40). Therefore, T.H. Marshall (1964: 111-114) argues that equal rights can generate a solidarity that overcomes any difference in the background cultures or private identities of citizens and can serve as the basis of solidarity among citizens. Furthermore, a solidarity based on a background culture need not to exist *before* the institution of rights. Hibbert (2003: 181) argues that historically the institutionalisation of rights, including social rights, has often preceded the existence of solidarity. If the institutions in society effectively deliver on these rights, enabling citizens to pursue their desires and be politically active, the rights foster "political virtues", like fairness and toleration, that encourage cooperation and help entrench solidarity (Hibbert, 2008: 173; Rawls, 1999c: 460). In other words, taxpayers who do not share a common background culture would give the state the benefit of the doubt for as long as institutions work effectively. The argument by liberal nationalists, discussed in the previous chapter, that substantive identity is necessary in order to mobilise taxpayer support for social rights is therefore untrue. The enforcement and enjoyment of rights creates a common identity and solidarity by itself without the help of a common background culture (Hibbert, 2008: 177-178; Marshall, 1964: 96).

1.2. Reconciling the content of rights with diversity

If we accept that equal rights can serve as a basis for solidarity, how do we determine the content of the package of rights given the diversity of normative belief systems in society and the political conception of the person we assumed in Chapter 1 (which requires us to respect the dignity and autonomy of every citizen equally)? If we rely on a specific cultural authority or even concepts of "natural law" and "natural rights" based on *a priori* reasons, we would have the same problem we had with a substantive national identity (as discussed in Chapter 2), namely that the determination of rights would be pre-political and would therefore struggle to resonate with citizens who do not agree with its normative content. "Natural rights" claim universal applicability in so far as it is argued that these rights are revealed to people through reason alone. However, as we have seen in Chapter 1, our social environment does not only decisively influence our day-to-day customs and choices, but also our deepest convictions. Our reason is not untainted by these particularities. Natural rights, that are neutral and can be universally applied without controversy, do not exist (Walzer, 1983: 314). Given that even our strongly evaluated goods, such as our principles and moral frameworks, are constituted by society, any arrangement of rights or account of justice will inevitably be particular to a certain culture, place and time. Therefore, the problem is not only that the idea

of natural rights may be limiting or inapplicable in specific circumstances, but may also be enforcing a particularism onto people that does not fit into their private, strongly held belief systems (Gozdecka, 2015: 306). Rights discovered through *a priori* reason or any other pre-political background culture endangers democracy for their authority lies outside the political process.

In order to respect the political conception of the person discussed in Chapter 1, rights in a diverse society must be seen not as the result of a pre-political idea of justice, but instead as the result of a political arrangement in which fairness and other relevant values have been agreed to as conditions for cooperation (Rawls, 1999a: 3-6). Using a political agreement as basis, citizens can then determine how democratically chosen values can be actualised through rights that are relevant and applicable in the particular circumstances of their society. As Hibbert writes (2003: 182, emphasis added), "[e]qual respect is a political virtue and its institutional demands are connected to the expectations and needs of citizens in an *evolving* institutional context." Thus, the search for social unity should be limited to the political sphere. A political arrangement in which citizens are expected to respect and make sacrifices for each other must generate "its own support" (Rawls, 1999a: 154).

Rawls (2005) provides a method and a terminology for devising such a political arrangement, dubbing it "political liberalism". He calls the set of beliefs that a person is committed to a "comprehensive doctrine" (ibid. 59). In his view, a scheme of rights is legitimate if citizens can be reasonably expected, in light of their own comprehensive doctrines, to endorse the arrangement (ibid. 137). A reasonable citizen cannot expect that every other citizen subscribes to his/her comprehensive doctrine, since he/she would not want other citizens to expect or coerce him/her to subscribe to their comprehensive doctrines. Therefore, a reasonable citizen will seek a political arrangement that is acceptable to all citizens and not only to him/herself. This means no one's comprehensive doctrine can serve as the comprehensive source of legitimacy for the state, and we need a political – rather than comprehensive – conception of justice. A political conception of justice is constituted by those principles in the public political culture of the society that can be reconciled with every reasonable comprehensive doctrine in the state (ibid. 59). A reasonable comprehensive doctrine, in turn, is one that accepts the co-existence of other comprehensive doctrines and encourages fair cooperation between the adherents of its own and other different doctrines (ibid.). The political conception of justice must therefore be freestanding, being able to serve

as a generic module of beliefs that fits into any comprehensive doctrine. For example, the principle that one should not commit theft can easily fit in the comprehensive doctrines of most major religions.

People will unite and willingly support the state because the principles contained within the political conception of justice can be reconciled with their comprehensive doctrines. These principles represent, what Rawls calls, an "overlapping consensus" between the comprehensive doctrines of all citizens (ibid. 147, 218). Note that the overlapping consensus is not a *modus vivendi* (a compromise or a balancing of powers) between different comprehensive doctrines. A *modus vivendi* is the result of a give-and-take negotiation and therefore usually contains terms with which one or more parties are not entirely happy. Parties to the negotiation eventually relent because it is the only way the other parties to the agreement will accept some of the terms espoused by them. A *modus vivendi* may work in some trivial matters, but may cause serious instability when applied to one's comprehensive doctrine. If anything in the *modus vivendi* contradicts a person's comprehensive doctrine, the arrangement will inevitably invite fierce resistance. For example, a *modus vivendi* between pork-loving atheists and Muslims which stipulates that all school children should pray in the morning and be served pork for lunch will not receive support from atheist nor Muslim citizens. While eating pork is a sacrilege for Muslims, praying undermines the fundamental convictions of atheists. Consequently, the *modus vivendi* will not be sustainable. Every citizen must be able to accept the political conception of legitimacy wholeheartedly (Rawls, 2005: 147-148; Christman, 2002: 115). The overlapping consensus must be the citizen's first and not his/her second-best deal, for when conflict pertaining a particular issue arises, it must outweigh other values.

The overlapping consensus constitutes the public reason of the political community (Christman, 2002: 114-116), which is the highest authority in terms of which political decisions can be made in a democratic society. Reason is the basis on which a political community makes its decisions (Rawls, 2005: 212). Not all reasons are public. Non-political communities, like a religious institution and other associations, make decisions based on its own reason (ibid. 213, 220). Political communities that are ruled by a monarchy or dictator functions according to different reasons as well. Only democratic, political communities operate according to a public reason, for the sovereignty of its rule lies with the citizenry. Public reason is to be applied when deciding issues related to "constitutional essentials" and

basic justice (ibid. *2*14). These issues include the composition and distribution of rights and obligations. For example, the requirements that all women should wear a burqa or that all babies should be baptised at birth cannot be justified in terms of the Koran and Bible respectively. The Koran and Bible are only legitimate sources of justification to adherents of Islamic or Christian comprehensive doctrines respectively. If one wants to impose a burqa on all women or baptise all babies, one will have to make arguments that is based on public reason, i.e. principles shared by all comprehensive doctrines.

Rawls (ibid. 8-9, 28, 45, 381, 388) suggest that we should use a method called "reflective equilibrium" in order to create an overlapping consensus. We all have deep convictions or principles that form our own comprehensive doctrines. Every day we try to align our judgements with these principles. When all our principles and judgements are coherently aligned, we achieve a so-called narrow equilibrium. However, in order to know what is right or what we ought to do, we need to compare these principles and judgements in line with other moral theories and follow the same reciprocal process of adjustments. When our principles and judgements obtain coherency on this broader scale, we have achieved wide equilibrium. Naturally, neither narrow nor wide equilibrium are ever fully achieved. It is a continuous process to which we need to remain committed to in perpetuity (ibid. 96-97, 388). Reflective equilibrium is the same process that we ought to follow in order to establish an overlapping consensus. Once we have preliminarily established the principles that overlap between all comprehensive doctrines, we need to engage in reflective equilibrium to keep on strengthening the coherence between our principles and judgements and the overlapping.

In Chapter 1 we have established that we need a political conception of personhood for citizenship in order to accommodate people with different ideas about their personal identities. Likewise, we need a political conception of the arrangement that governs the relations between citizens in order to accommodate their diverse life-choices to enable them to collaborate on an equal footing. It is only then that citizens can feel that their dignity and autonomy are respected by other citizens, trust each other and experience a camaraderie or solidarity necessary to effectively address collective challenges. In the next section, we will look to what extent rights need to be expanded in order to be an effective basis for solidarity.

2.   The expansion of rights

Now that I have established a link between rights and solidarity and explained how the content of rights could be determined and embraced by a diverse citizenry, we need to look at

how rights have developed and whether its further development to include group rights would make it an effective basis for solidarity.

2.1. Social rights

Over the centuries, the content of citizen rights has expanded. According to Marshall (1950: 10-11), some citizens in Britain already enjoyed civil rights such as freedom of speech and religion before the shift of power from the monarchy to the people. Upon the full transition to popular sovereignty, these rights expanded to include political rights, such as the right to stand for political office and the right to vote. Citizens were now not only equal in their freedom to pursue what they thought was good, but actually had the political power to govern themselves. However, with mass industrialisation and the emergence of capitalist society, which coincided with the advent of popular sovereignty, significant socio-economic divisions eventually formed among the citizenry in constitutional democracies. Socio-economic inequality started to threaten the egalitarian principles of equal freedom and dignity on which citizen solidarity was built (Hibbert, 2008: 170).

Numerous studies have shown that there is a direct correlation between income and education and election turn-out (Beuker, 2009: 425-426). Those who receive higher income and are better educated participate more actively in political processes than those who have lower incomes and are less educated. There is therefore "an inverse relationship between income inequality and voter turnout [...] [E]conomic poverty translates into political poverty" (ibid.). Therefore, material inequality undermines the idea that everyone is inherently equal in their dignity by fixing some citizens in a firmer position to participate in the political process and exercise political influence than others. As briefly noted in the previous chapter, Habermas also argues that basic social and economic needs of citizens must be met in order for them to be able to participate in the political process and remain committed to the constitution. "A certain level of output legitimacy" is required (Habermas, 2001: 76). His concept of constitutional patriotism depends on it. For example, in South Africa, the principles of reconciliation and the sanctity of the constitution are seriously being questioned by black leaders who have become impatient with the continuous socio-economic inequalities and hardships among the majority of black people (Bond, 2016). Constitutional democracy can only last so long without delivering economic goods to the unprivileged and disempowered members of the state.

We can thus conclude that there is a tension between the principle of equal dignity, which underpins citizenship solidarity, and scarcity in market societies (Hibbert, 2008: 170; Turner, 2009: 68). The expansion of rights to include social rights has been a direct response to this tension. Social rights include the right to education and the right to welfare benefits. Social rights impose an active duty on the state to provide the citizenry with services that are deemed essential in creating equality of opportunity. The limitation that social rights may impose on the right to property is justified in that the citizenry consent to it, understanding that a modest redistribution is necessary for all citizens to be substantially free and experience solidarity (Kymlicka, 1989: 163). Thereby, the fracturing caused in solidarity in the private domain due to socio-economic class divides is overcome by the status of equal dignity provided by citizenship through the combination of civil, political and social rights (Turner, 2009: 68). In fact, Beuker (2009: 427) emphasises the importance of social rights to the degree of arguing that social rights should precede political and civil rights, for without the basic means to survival and education, political and civil rights mean little. Marshall (1950: 35) endorses this position by explaining that, as an example, one's civil right to free speech or participate in political decision-making has little substance if one has "little to say" due to no or poor education or the lack of basic necessities to survive. So even though having rights in itself may bestow a dignity onto citizens, this dignity can be undermined and lose its value in practice if civil and political rights are not supported by social rights (ibid. 40). The actual status of citizens cannot be equal if all citizens do not have the means to give expression to their civil and political rights. And if citizens cannot enjoy their civil and political rights equally, they cannot experience a sense of common dignity on which solidarity can be built. The next question is whether rights need to be expanded to include group rights in order to address inequalities in the cultural or social (non-economic) spheres of society in order to protect the equal dignity of citizens in all aspects of their lives.

2.2. The case for differentiated rights

The extension to social rights has been considered to have played an important role in the social integration in European states in the wake of World War II (Beuker, 2009: 424; Kymlicka & Norman, 1994: 354). However, more recent experience suggests that it is possible for citizens to enjoy the full range of civil, political and social rights without experiencing equal dignity, and that this in turn undermines citizen solidarity (Young, 1989: 250). For example, two people may have the same right to education, but in practice receive very different treatment at educational facilities due to prejudice. These two people may have

equal dignity in name, but do not experience equal dignity. In various constitutional democracies all over the world, minority or less dominant groups do not flourish. Referring to first nations in various former colonies in the world, Jeremy Waldron (1992: 761) writes: "Our experience has been that they wither and die in the harsh glare of modern life, and that the custodians of these dying traditions live out their lives in misery and demoralization." The same phenomenon applies to various immigrant groups. For instance, there is significant tension between minority groups, especially those of Islamic descent, and the dominant groups in Europe (Malik, 2015). Many French of African descent may be fully naturalised French citizens but they do not feel integrated into French society (Beuker, 2009: 424). The same experience is shared by many Germans of Turkish descent. These citizens may have the status and the rights, but they do not experience the dignity. They often experience prejudice against them or have difficulty practicing their cultural and religious beliefs due to their limited resources and limited institutional accommodation for these beliefs. Moreover, many members of immigrant communities do not identify with the rights in the constitutions of their host countries. When the Muslim community in France was recently surveyed, nearly a third of the respondents rejected the laws of France, considering sharia law as more important (Stothard, 2016).

In light of the above, some theorists argue that civil, political and social rights are not sufficient in order to secure the dignity of all citizens, and that citizen rights need to be expanded to include specific group rights (Taylor, 1994: 38-39). In order to understand this argument, we first need some conceptual clarity on the idea of a group. When I refer to a group in this chapter, I refer to a "social group" as understood by Young (1989: 259-260). To begin with, a social group in this context should not be confused with the concepts "aggregate" and "association." An aggregate is a group of people that may share some characteristic, e.g. height, eye colour, home town or date of birth, but does not necessarily share an identity because of this characteristic. Although a certain characteristic may be a common marker for a social group or even the cause of its formation, a social group is determined by a shared identity that is constituted by a shared experience. For example, in South Africa it has become common in intellectual circles, and even in affirmative action legislation (Republic of South Africa, 2016: 121), to consider "coloured people" as "Black" regardless of the lightness or darkness of their skin. The fact that they share the experience of being systematically disadvantaged by the Apartheid regime, qualifies them as Black. Black is therefore an identity shared by all those who have been the victims of the Apartheid laws.

An association, on the other hand, is a group that one usually joins voluntarily, like a sports club. Young (ibid. 260) explains that one arrives at an association as an "already formed" person. An association does not fundamentally define one's identity. Membership of a social group, however, is usually not voluntary and may play a significant role in defining one's identity. Identity is a relational concept. One's identity depends to a significant degree on how other people perceive you and differentiate themselves from you and vice versa. One is usually born or nurtured into an identity and has limited power to redefine this identity, because it is relational and therefore dependent on the opinions of a large amount of people.

Kymlicka (1989: 162, 166) and Young (1989: 258-259; 1990: 175-183) argue that group rights can be justified in terms of the promotion of citizen equality if they can be proven to satisfy two conditions. Firstly, it must be proven that a group has unique needs and that addressing these needs is integral to citizens, i.e. either intrinsically and/or in the instrumental value of enabling the pursuit of life projects and participation in the political process as dignified citizens. Secondly, the group must be disadvantaged in its ability to address the above-mentioned or any other important needs, to the extent that the only way of securing or restoring this ability would be by awarding the group special group rights.

In terms of the first condition, groups must be shown to have a fundamental intrinsic and/or instrumental value. Advancing an argument for the intrinsic value of groups, Isaiah Berlin (1968-1969: 4) argues that being rooted in and belonging to a group is a basic human need on the same level as "food, shelter [and] security." The experience of belonging to a particular group in itself is necessary for citizens to function on an equal basis with other citizens. Groups may be constituted by any number of characteristics, including "language, collective memories [and] continuous life upon the same soil" (ibid.) This claim that people have an inherent need to belong to a particular group stretches as far back as Aristotle's description of people as "political animals" (zoon politikon), suggesting that people are inherently socially dependent beings and the least self-sufficient creatures in nature (Waldron, 1992: 767).

Today, the value of belonging to a community or group, particularly cultural groups, is supported by international statutes, requiring states to support cultural groups. Article 27 of the International Covenant on Civil and Political Rights (United Nations, 1966) states: "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own

language." Waldron (1992: 758) notes that as it stands, the article is unclear to what extent this right must be protected or supported. For example, would this right be secured if minorities are permitted to congregate freely to practice their traditional rituals and speak their language to each other to experience nostalgia, or does the state have to take more proactive measures in preserving the cultural group? A subsequent report on the intended meaning of Article 27 affirms the latter. The United Nations Human Rights Committee states that Article 27 should be interpreted to mean both that minorities should be permitted to maintain their cultures and that there is "an obligation on States to take measures to ensure protection of these cultures" (Australian Human Rights Commission, n.d.). There seems therefore to be formal, international recognition that group membership has a fundamental, intrinsic value.

In terms of the instrumental value of groups, one might argue that cultural groups in particular provide one with the ability to pursue one's life projects and therefore be a dignified citizen who can participate with other citizens with equal standing (Waldron, 1992: 782; Kymlicka, 1989: 162-166). We have already encountered Kymlicka's claim that when we make decisions, we do not start from a blank canvass (see Chapter 1, Section 2.3). We select our options from the practices and narratives that have been established by the numerous individuals that came before us. We make our life decisions in a "context of choice." Our life choices only make sense because they are part of a larger social structure that gives them coherence and meaning:

> The physical movements only have meaning to us because they are identified as having significance by our culture, because they fit into some pattern of activities which is culturally recognized as a way of leading one's life. We learn about these patterns of activity through their presence in stories we've heard about the lives, real or imaginary, of others […] We decide how to lead our lives by situating ourselves in these cultural narratives, by adopting roles that have struck us as worthwhile ones, as ones worth living (which may, of course, include the roles we were brought up to occupy)

> Kymlicka, 1989: 165

For example, I would not understand what it means to work hard or live an honest life if these virtues had not been presented to me in various children's stories my mother read to me or the real-life examples set by family members, neighbours or other people to whom I can

easily relate to. I may not have had such a deep commitment to the conservation of the environment if I was not exposed to folklore and music romanticising nature and a rural life. Alasdair McIntyre (1981: 201) emphasises the importance of the role of stories specifically, writing that if one deprives children of stories, "you leave them unscripted, anxious stutterers in their actions as in their words." Perhaps an even better example is language itself, which is probably one, if not *the*, most foundational framework(s) by and medium(s) through which we make sense of concepts, as discussed in Chapter 1. There are many words representing concepts that cannot be translated between languages (Blenkinsopp & Pajouh, 2010: 38), demonstrating the important role that cultures plays in developing concepts and providing us a framework in and medium through which to use them. Kymlicka (1989: 165) therefore argues that societies should value cultural structures because these structures build people's character and equip them with the necessary knowledge, tools and moral values to navigate and thrive in the world. Failing to receive the necessary nurturing and guidance from their culture, members may lose self-respect and start engaging in anti-social behaviour.

Kymlicka (1989: 166-168) further draws a distinction between the structure of a culture and the characteristics or content of a culture and argues that it is the former and not the latter that should be protected. The structure of a culture continues to exist even when its character changes. For example, a change of character may occur when a single religious denomination or political party ceases to enjoy support and loyalty from the majority members of the culture. In South Africa's case, one could use the changes in the character of the Afrikaner community as an example. Over the years since the end of nationalist rule and the beginning of a liberal, democratic South Africa, the National Party disintegrated and large numbers of Afrikaners left the Dutch Reformed Church for other denominations (Leonard, 2012). Both of these institutions were considered quintessential to Afrikaner culture. Nevertheless, the "structure" of the Afrikaner culture remained arguably intact despite the loss of widespread support to these institutions, making it possible for Afrikaners today to still have a context of choice. The cultural structure constitutes the context of choice, which is essential to people's ability to choose and pursue their life-plans. When the content of a culture changes, this does not necessarily destroy the culture as a context of choice. In the case of the liberalisation of the culture's character, e.g. expanding tolerance and acceptance of minority groups within the culture, the context of choice may even be enriched, providing it with new options and encouraging increased experimentation. It is therefore this aspect of culture, its structure

underpinning the context of choice, that Kymlicka (1989: 166) argues is a "primary good" and must be protected by special rights.

Secondly, the group must be disadvantaged in its ability to address the above-mentioned needs, to the extent that the only way of securing or restoring this ability would be by awarding the group special group rights.

I now turn to the second condition for the justification of group rights, namely that such rights are necessary to counter-balance the power of the dominant cultural group (Young, 1989: 258-259) and prevent less dominant groups from being "oppressed" or disadvantaged in their ability to address special or general needs. Young (ibid. 261) explains that a group is considered to be oppressed if the benefits of their work is allocated to others without due reciprocation, they are excluded from or marginalised in social activities such as employment, they are subject to the authority of others with little or no power to challenge such authority, they are stereotyped and have limited room to express their own needs or perspectives, or they are victims of harassment or violence due to their group membership. The argument is that even though civil, political and social rights might be impartial and not differentiate between people, society is not "blind" and will tend to discriminate against less dominant social groups in one or more of the ways listed above (ibid. 268). Due to their power (generated by their numbers, economic assets, social capital, etc.), the particularistic interests of dominant groups will seep through to public institutions, which will inevitably, if only tacitly, give preferential treatment to members of dominant groups. In turn, members of dominant groups will, in practice, be treated worthier than those of less dominant groups and the equality of citizenship, which underpins citizen solidarity, will be compromised.

In fact, it might not only be a matter of the elevated worth of the dominant groups whereby the relative worth of minority or less dominant groups is diminished. The worth of less dominant groups might also be diminished absolutely. Members of less dominant groups might be misrecognised, by labelling and stigmatisation, and/or pressured to assimilate into the dominant groups (Taylor: 1994: 25). Taylor (ibid. 26) cites the practices and curricula at schools as a potential space where this domination can take place. Less dominant groups could be implicitly portrayed in an unfavourable light in history books, especially if their ancestors were the losers in past conflicts against the dominant group. The culture or identity of less dominant groups may even be ridiculed or demonised (Kukathas, 1992: 116). Dorota Gozdecka (2015: 306) and Kati Nieminen (2015: 319) argue that the way the right to freedom

of religion is interpreted in some Western countries, prohibiting women from wearing headscarves in public or socially stigmatising them if they do wear them, is an example of how universal rights seemingly intended to protect people's equal dignity can in effect do the very opposite. Despite the rules being equal for everyone, Young (1989: 258) and Gutmann (1980: 191-202) cite examples of how the discourse in participatory forums in the United States are often unduly dominated by white males because of their confidence and articulacy provided by their privileged background and status in society.

One can imagine that the misrecognition can be further fuelled if the group's ability to provide a suitable context of choice is also limited, confirming the stereotypes in the public narrative steered by dominant groups. In turn, such misrecognition can further demoralise and undermine the less dominant group's ability to maintain a healthy context of choice for its members, causing a mutually reinforcing downward spiral in the breakdown of the dignity of its members. Taylor (1994: 25) points out that members of less dominant groups may become imprisoned in a distorted image of themselves. An example of a mutually enforcing downward spiral between misrecognition and a dysfunctional context of choice is the experience of many coloured people in South Africa. "Coloured" is one of the racial categories created by the Apartheid regime to which all people descended from Khoi and San tribes, slaves from parts of Asia and people of so-called mixed race were allocated. Due to historical reasons and continuing economic deprivation, gang violence and substance abuse are rife in many coloured communities today (Kynoch, 2005: 494). Consequently, they are being stereotyped by the wider South African society as gangsters, drug addicts, alcoholics and unrefined. After Wayde van Niekerk, who is considered to be coloured, won the gold medal for the men's 400 meters in the 2016 Rio Olympics, causing jubilance across the entire South African nation, Jason Julies (2016) made the following public post on Facebook:

> I'm sorry South Africa, but right now, just for a bit, Wayde van Niekerk does not belong to you.
> Because,
> When we drink alcohol, we are 'coloured'.
> When we say "awe mase kint", we are 'coloured'.
> When we have guns and knives, we are 'coloured'.
> When we smoke tik, dagga, and have crippling addictions, we are 'coloured'.
> When we have no front teeth and kroes hair, we are 'coloured'.
> But,

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When we smash a 400m sprinting world record that was held for over 17 years, we're 'South African'.

When we prove that we have greatness inside of us, we are 'South African'.

When we have the power to inspire an entire generation to believe in their dreams, we are 'South African'.

You see, South Africa, when you marginalise and disregard us, you tell us that being South African means we must get rid of our colouredness.

Because you use us when you need us and when we've outlived our usefulness, you put us back in the Cape Flats.

But right now we are not in the Cape Flats.

We are in Rio and we are standing high on a podium with gold around our necks.

Because right now. Just for a bit.

Wayde van Niekerk is not South African. Wayde van Niekerk is Coloured.

This post was shared more than 9000 times by other Facebook users and have received widespread affirmation among members of the coloured community. From this we might conclude that many coloured people in South Africa feel that an image of them are being presented in South Africa that demeans them. This image does not only violate their dignity but is mirrored back to them, causing distortion in their identities and possibly psychological damage. Children in the coloured community grow up to believe that they are fatefully set to become gangsters and drug abusers because of this particular image of their coloured identity (Jensen, 2010: 81). One can also connect this argument back to Chapter 2. The Facebook post is an example of how misrecognition can be used as an implicit instrument for subjugating people's private identities to the dominant, national identity. People are recognised as South African when they display positive characteristics and recognised as members of their particular group when displaying negative characteristics, thereby creating the impression that positive characteristics cannot be obtained without suppressing or abandoning their particular identity. Conversely, precisely due to this lack of recognition, coloured people may be justified in feeling themselves excluded from the characteristics attached to the South African identity. Both of these factors contribute to the undermining of the dignity attached to citizenship. As a result, some coloured people may be unwilling to feel the necessary solidarity with the rest of the South African population to embark on common projects and make sacrifices in these collective pursuits.

In summary, the proponents for differentiated rights argue that groups provide a distinctive value to its members and that group recognition is necessary to level the playing field. Given the significant impact that recognition has on people, it cannot just be considered to be a "courtesy" owed to others, but a "vital human need" which should be actively supported and secured by the state (Taylor, 1994: 26). The absence of recognition of particularity promotes the very evil that the politics of equal dignity is trying to eliminate. The absence of recognition only means that the less dominant groups are not recognised, while the dominant groups are, albeit tacitly, recognised (Young, 1989: 267). By virtue of their position of power, the dominant groups will inevitably bend the application of universal rights to their own favour. Recognition therefore depends on differentiated rights, which implies that people will not only be incorporated into citizenship as individuals but also as members of particular groups. In other words, citizens will not only be entitled to universal rights but also to special rights by virtue of being members of a particular social group (Kymlicka & Norman, 1994: 370).

Kymlicka and Norman (ibid. 372-373) suggest that these special rights can be classified into three categories, namely representative rights, multicultural rights and self-government rights.

The purpose of representative rights is to give less dominant groups a voice in the decision-making or legislative processes of the political system and/or a larger share of resources (ibid. 372). Representation is crucial because dominant groups will not seriously consider the particular needs of less dominant groups because they do not share the experiences of these groups or they might consider the interests and needs of these groups as a threat to their privileged position in society (Young, 1989: 262). In terms of the legislative representation, designing the electoral system in such a way so as to guard the polity against the dangers of majoritarianism is already a widely used practice around the world (Kymlicka & Norman, 1994: 373). Many liberal democratic states deliberately draw and redraw the boundaries of electoral constituencies in order to ensure that a variety of interests are represented in the legislature. Legislative representation based on groups instead of geographic constituencies is also needed, however, because in many cases minorities are not geographically concentrated in large enough numbers in order to stand a fair chance at electing representatives in specific constituencies (ibid.). Even in proportional systems they might lack the numbers to gain seats in legislatures. Young (1989: 261-262) suggests that mere representation in decision-making bodies is not sufficient. Group representatives must also have a dedicated opportunity to

express how policies in general may affect them and have veto power over policies that affect them directly.

The purpose of multicultural rights is to help groups to express their identity or have their identity protected by either exemption from laws that are otherwise applied universally or by integrating their practices or customs in the laws and systems of the state (Kymlicka & Norman, 1994: 372-373). An example cited by Kymlicka and Norman (ibid. 374) is the Sihks living in Canada. They are allowed to wear turbans, which is an important symbol of their religious faith, instead of the standard headgear of the Royal Canadian Mounted Police (RCMP) if they want to join the RCMP's ranks. Another example is the Afrikaans-speaking community in South Africa lobbying for the protection and maintenance of Afrikaans as medium of instruction at schools and universities (Bargueño, 2012: 3). Young (1989: 272) explains that language rights do not only involve the right of linguistic communities to use and promote their language, but also places a positive obligation on the state to provide services and education in those languages if the communities are large enough for practicable purposes. Besides rights or policies related to the recognition and protection of culture and language, differentiation might also be required in policy-formulation to rectify historical discrimination and/or prevent continuing discrimination (ibid. 271). Affirmative action in South Africa serves as a good example where recognition of particularity is applied to correct past discrimination. Given the systematic oppression of black people over the course of several generations, inequality in South Africa has become patterned along race. This patterning continues even after the abolishment of official racism because of the entrenchment of the socio-economic conditions, social attitudes and unequal power relations that were caused by official racial policies. In order to level the playing field of opportunity for all South Africans, policies are now implemented that favour black people over white people in terms of allotment of educational programmes, selection of sport teams and employment in government or corporate positions (Republic of South Africa, 2016). The idea is that once the pattern of racial inequality is broken, these policies will be abolished. Therefore, although it requires differential treatment in practice, the basis and objective of the politics of difference is equal dignity.

The purpose of self-government rights is to give groups political autonomy. The claims for these rights are based in a group's belief that they will promote the interests of the group if the group can govern itself (Kymlicka & Norman, 1994: 372). The call is therefore not for

increased representation or integration in the wider polity, but the transferring of legislative and executive power from the wider society to the specific group. Examples of groups who have successfully lobbied for self-government rights are the Scottish people in the United Kingdom and the Québécois people in Canada (ibid.). Groups who are struggling to obtain self-government rights include the Kurdish people in Turkey, Syria and Iraq and the Catalan people in Spain. It is important to note that while it may be harder to defend self-government rights as promoting citizen solidarity across the broader state, the aim of representative and multicultural rights is generally to promote improved integration into the wider society and thereby stronger citizen solidarity. Hence, proponents of differentiated rights argue that, while the institutionalisation of these rights would amount to an unequal distribution of rights, the purpose of group rights is to secure citizen equality in the public realm in line with the intent of the previous waves of rights.

2.3. Criticism of group rights

The majority of criticisms against the notion of group rights are aimed at differentiated rights for social groups constituted by a shared culture. Accordingly, I will focus on these arguments. Firstly, critics claims that group rights cannot be justified for its intrinsic value, since enjoying the feeling of belonging is not essential to be a dignified citizen. Waldron (1992: 762) argues that the value of group membership is often overstated by its proponents. Belonging to and being rooted in a particular group cannot be considered as important as other basic needs, like food for example. People can like and enjoy their culture and derive great value from it, but they cannot claim that they need it to the extent that, if they do not have access to it, they will be fundamentally undermined. The existence of viable lifestyles that are not rooted in particular cultures, such as the cosmopolitan lives of people living in and moving between multicultural cities, undercuts the argument that one needs to belong to a certain, demarcated cultural group to survive and thrive (ibid. 763). Belonging to a particular culture therefore cannot be seen as a fundamental or basic need, according to Waldron.

That said, downgrading the importance of belonging to particular groups does not give one license to destroy or neglect groups and their cultures (ibid. 762). As already noted, there is value in cultural membership. But the value does not warrant special group rights. At best, cultural membership should be protected on the same level as religious freedom, and Waldron argues that there are no proponents taken seriously who claim that religious sects

should be subsidised by the state in order to preserve them. Although the withering of a culture may have uncomfortable and/or disadvantageous implications for its members, it will not cause a fundamental undermining of people's dignity. Waldron equates the dissolution of a culture to "the death of a fashion or hobby, not the demise of anything that people really need" (ibid.).

But even if the intrinsic value of culture can be considered to be constitutive of a citizen's dignity, there are other challenges to providing rights to a specific cultural group as well. Advocates for differentiated rights, whether appealing to the intrinsic or instrumental value of group cultures, base their arguments on at least three false assumptions: (i) that social groups are homogenous, (ii) that the world divides neatly into different, independent cultures and (iii) that each person only needs one coherent culture (ibid. 781-782). I will deal with each of these assumptions in turn.

In the first place, most, if not all, groups claiming special rights are not homogenous. There may not only be differences in opinion about the content or structures of the group's identity and institutions, but significant conflicts between group members about these matters. For example, there may be minorities within the group who are oppressed by practices and structures of the group favoured by the elite or dominant segments of the group. Chandran Kukathas (1992: 113-114) identifies two types of divisions within a group. The first type is the differences among sub-groups. Sub-groups can be defined by markers such as gender, sexuality, religion, race, region, history, political preferences, etc. Such sub-groups may have different interests that are in conflict with each other, and/or there may be a power imbalance between sub-groups. The second type of division is that between the elites and the rest of the members of the group. The elites are typically that segment of the group that has a disproportional amount of access to resources and/or power relative to the rest of the group. They may often abuse sentiments attached to the identity of the group to further their own agendas, often even at the expense of the majority (ibid.). The construction of a national identity, especially at the dawn of the nation-state in Europe, which I discussed in the previous chapter, serves as an example where elites coerced the rest of the (imagined) group to adopt newly manufactured national identities in order to further their own agendas. In South Africa during Apartheid, the various leaders of the Bantustans or homelands were considered by many black activists to have collaborated with the South African government to pacify their subjects in return for patronage from the South African government (Alao,

2013: 73). This collaboration is an example of how the interests of the elites and the masses can be directly in opposition to each other.

The misalignment of interest might also be subtler. Elites may lobby for causes in the group's name that may be important for the group as a whole, but not a priority. In the case of groups where the majority is economically impoverished, the elites, who do not share the same material struggles, might lobby for causes related to the "symbolic standing of the group," (Kukathas, 1992: 114) while the majority of the group's immediate needs are basic economic opportunities and social services. The group as a whole may benefit from the increased esteem bestowed upon the group, but the priority attached to the attainment of esteem may differ between the elites and the masses (ibid.). The elites could also conjure issues that do not have real substance at all, securing state resources under the pretext of preserving or providing fair opportunities for the group. Given that cultural groups are not homogenous and cannot be easily demarcated, it is difficult to separate opportunists from legitimate representatives. Opening the state coffers and legal system for group claims may therefore give rise to a "politics of grievance", in which leaders of groups may dedicate themselves to promote a perception that their groups are disadvantaged and need special treatment from the wider citizenry instead of dedicating their energies to solving problems themselves (Kymlicka & Norman, 1994: 372).

The differentiation of interests within a group strengthens the case against the institutionalisation of group rights. Group rights may only favour a certain section of the group, which could in fact strengthen existing power relations between sub-groups or between elites and the masses. Less dominant sub-groups or the masses could consequently be further limited in their power to reshape the group and, in the case of sub-groups who are minorities, become so-called "permanent minorities" within the group (Kukathas, 1992: 114). In the case of group rights for increased self-determination in designated areas, the issues of recognition experienced in the larger society will not disappear, but will merely be replicated on a smaller scale. When a less dominant group obtains self-government rights, it will merely take the place of the majority in its autonomous area. Thus, one majority is traded with another (Habermas, 1998: 145; 220). Independence only perpetuates the same problems under new colours. The same applies to representative rights. How would one ensure that the group's representatives are representing the interests of the group as a whole and not a certain portion of the group only? In fact, how would one demarcate a group for the purposes of

electing representatives and holding them accountable to that group? The cultures of groups are not fixed entities. They are fluid, continuously changing. They do not exist before or separate of social institutions and the broader environment in which they exist, but are instead shaped by institutions and their environment (Horowitz, 1985: 589; Kukathas, 1992: 110). Which version of the group does one protect with rights? How does one determine when that particular aspect of the culture has become irrelevant and how does one know whether one is not obstructing necessary change by cementing an outdated aspect of the culture with special representation and statutes? The boundaries and content of a culture are significantly influenced by the various variables of its specific context at a specific time, and may shift with the politics of the day (Horowitz, 1985: 66, 73).

For example, the Afrikaner identity emerged in Southern Africa among the descendants of settlers (and their slaves) who originally considered themselves Dutch, French or members of other European nations. Some researchers suggest the custom of giving the middle names 'Africanus' and 'Africana' to the sons and daughters of free slaves is the origin of the word 'Afrikaner' (Muller, 2016). The circumstances in the Cape Colony, especially after the British took over the colony from the Dutch, contributed significantly to the development of the Afrikaner identity as a separate ethnic entity, and one might wonder whether the Afrikaners would ever have come to consider themselves a separate ethnic group if the Dutch had remained in power. With the rise of Afrikaner nationalism and the eventual imposition of Apartheid, identities in South Africa became strictly defined along racial lines. The idea that an Afrikaner could be anything other than a white person was taboo. Today, after the downfall of Afrikaner nationalist politics in 1994, Afrikaner identity is undergoing change yet again. Some members of the Afrikaner group are redefining themselves as "Afrikaanses", which includes any person who speaks Afrikaans regardless of their race (Giliomee, 2003: 664; Kennelly, 2005: 11-12). Others are attempting to enlarge the boundaries of the definition of Afrikaner, arguing that Afrikaans-speaking coloured people can also be considered as Afrikaners (Du Plessis, 2016: 11). The boundaries and content of the Afrikaner identity have therefore been fluid, influenced by various contingent, mostly political, developments. The previous chapter on identity also demonstrates how identities and cultures are influenced and constituted by the political needs of the day. The structure and content of cultures are therefore too amorphous to be given specific and special recognition in law.

One may even harm the culture if one attempts to delineate and structure it along specific lines and then give that boxed-in version of the culture state support. If the role of a culture is

to provide security and a context of choice in which persons can grow and be equipped with the skills to pursue meaningful lives, insulating cultures may in fact undermine this function. A person can only make real life choices, and effectively evaluate the options at his/her disposal, if the culture that enables these choices is open to criticism and comparison, including from people outside the culture (Waldron, 1992: 787). Where a cultural community has been insulated, the options available to the person's evaluation may become quickly outdated in terms of their applicability in the wider society, which, in contrast to the culture, are adapting spontaneously and continuously as changing circumstances demand. Members of an insulated culture will therefore not know which or whether the options provided to them in that culture will equip them to flourish in the world. Moreover, they would not be able to contribute to the strengthening of their own culture without knowing which aspects might need strengthening or adjustment in the face of the challenges posed by the real world. That said, the individual would not be able to change the culture in any case, for state preservation would suppress the possibility of members, who may not have been represented in the decision-making bodies, rejecting existing practices (Habermas, 1998: 222). In order for a context of choice to hold genuine instrumental value, it must adequately equip its individual members to operate in the world beyond the boundaries and confines of their culture. Special protection will undermine this function.

As an illustration of the problems associated with the protection of culture, consider the example of a culture that attaches significant value to rigid gender roles, deeming that women should be subordinate to men and dedicate their lives to household duties, while men must be the sole breadwinners. In order to evaluate whether gender roles provide competitive options to individuals, a society must be able to fully experience the impact of perpetuating gender roles. If they were to experience the impact, they may find that men raised in gender roles find it hard to work with women (and vice versa) from communities in which women are considered to be equal to men and are as assertive as them. Similarly, if women have internalised the belief that they are inferior to men and are meant for household duties, they may find it difficult to deal with the outside world with the necessary confidence to succeed in their endeavours. In both these cases, the members of the culture may not be able to navigate through the challenges of the wider society as well as their counterparts in other communities. Consequently, they may be disadvantaged relative to their compatriots. Moreover, the community as a whole may also become poorer as it struggles to compete with communities who can tap into the talent and labour of their entire population and not only

into one half of it. Therefore, in order to maintain a robust context of choice, the community may have to remould its ideas about gender roles. A good example of a society that is currently feeling the brunt of entrenched gender inequality on its economy is Japan. Due to economic pressure, Japan is currently attempting to restructure its society's thinking about gender in order to increase and activate its labour pool (Inagaki, 2016). However, if a group is subsidised and protected to the extent that it may not experience the disadvantages of maintaining gender roles, the community would never know what are the disadvantages attached to its gender practices until it's too late. It would never come to know that it might be crippling its members in their interaction with the larger society and weakening the community's ability to function and prosper as a whole. The community will never be able to become independent of the support given to it by the wider society, and when it may be forced to stand on its own feet due to changes in the political climate of its host state, it may collapse due to these weaknesses. One can therefore draw the conclusion that "to preserve a culture – to insist that it must be secure, come what may – is to insulate it from the very forces and tendencies that allow it to operate in a context of genuine choice" (Waldron, 1992: 787).

A context of choice that does not reckon with the rest of the world might still be defensible in the case of a community completely isolated from the rest of the world. Perhaps the hunter-gatherer communities hidden in the Amazon are valid candidates for protection. However, most cultural groups in the world are not isolated in this way and are, in fact, increasingly becoming more interdependent with other groups. Interaction between groups is unavoidable. There may be nothing wrong with preserving cultures for sentimental reasons. But the argument for sentiment should not be confused with the argument for creating a context of choice, the latter giving useful instruction to its people about how its way of life is valuable and viable. As Waldron (1992: 787) puts it: "Either people learn about value from the dynamics of their culture and its interactions with others or their culture can operate for them at most as a museum display on which they can pride themselves."

That brings us to the second mistaken assumption on the part of advocates for differentiated rights, namely that the world divides up neatly into different, independent cultures. If we are really concerned about our context of choice, we need to safeguard all the social structures that have influenced and constituted us and are still doing so continuously. We cannot limit our attention to only one group culture that may have influenced us. We need to look at all

relevant communities and structures. Here Waldron points out that proponents for differentiated rights are usually vague about the details of their claims concerning the importance of cultural groups or communities. There are no good reasons for thinking that an individual's well-being would be limited to a specific demarcated community only. As Waldron (ibid. 755) phrases it: "Are we talking about particular communities, at the level of self-contained ethnic groups, or are we talking about the common culture and civilization that makes it possible for a New Zealander trained at Oxford to write for a symposium in the University of Michigan Journal of Law Reform?" It appears that advocates for differentiated rights appeal for protection of group rights on a small scale while relying on evidence of the value of groups on a large scale. For example, it is true that our personal identities and the culture we value are products of the existence of a "community," but it does not necessarily follow that one particular community must be fenced and protected in order to sustain that identity and value. The "community" that in reality produced the identity and culture may be as big as a state, a region or an intercontinental civilisation and may include many different actual communities that exist in symbiosis. However, since most people do identify with the value of community at some scale and do not bother to interrogate how this value is actually created and sustained, they become easily convinced by the arguments advanced by advocates for differentiated rights. Waldron therefore alleges the vagueness of the claims by advocates for differentiated rights are intentional (ibid. 756), and tries to demonstrate, instead, that groups function as a part of a larger social system in which all parts are interdependent.

Some first nations, such as the Apache in North America and the Khoi in Southern Africa, may argue that they were involuntarily incorporated into larger states and subjected to other cultures and ethical systems. They may long for the days when they were "self-sufficient" and could operate free from other civilizations. Waldron (1992: 779) argues, however, that this resentment and nostalgia are no different from Nozickian individuals or libertarians "who yearn for the days when the individual person was not so much at the mercy of the community and did not owe so much to the state, and who resent the processes that have brought them to this point. Yet here we all are." Communitarians can pretend that their communities may not be dependent on larger social structures and other social groups, but it would be dishonest of them to do so (Waldron, 1992: 780). The acceptance of broader interdependence is the only appropriate response to the realities of the modern world. It may be an enjoyable experience to immerse oneself into the traditional practices and lifestyle of a

particular cultural community or pretend that one's culture can function independently of other groups, but it is self-deceptive. Waldron likens living in a minority culture and insisting on its protection to living in Disneyland and expecting the wider society to fund it and respect its boundaries "while still managing to convince oneself that what happens inside Disneyland is all there is to an adequate and fulfilling life" (ibid. 763). The irony is that some people living in these "Disneylands" are so delusional about their independence that they do not only become indifferent towards the rest of society but actually disdain it. Preserving cultural communities may therefore work actively against the establishment of citizen solidarity in the wider state. In this regard, Benhabib (2002: 129-130) argues that accommodating claims of special groups could lead to a "multicultural cold war," in which "there may be peace but no reconciliation [...] bargaining but no mutual understanding; and [standoffs], dictated less by respect for the position of others than by the fear of others." Without a space for mutual understanding there can be no democratic citizenry making up a political community.

The interdependence between cultures goes even deeper than this, though. Cultures do not merely rely on each other, but constitute each other. As Appiah (2007: 113) puts it, "[c]ultural purity is an oxymoron." Cultures are hybrid entities, continuously changing and unfinished products of various other cultural influences with no "zones of purity" (Rosaldo 1995: 15). Therefore, there is nothing new about the interactions between cultures in societies today. Globalisation is merely the continuing hybridisation of already hybrid cultures (Wang & Yeh, 2005: 176). Moreover, the hybridity of cultures mean that our own identities are also hybrid and the result of a mixture of cultural influences, debunking the third assumption, namely that each person only needs one coherent culture. That means that even differentiating between the structure and content of cultures, as Kymlicka suggests, may not be that easy.

The use of the Bible in South Africa is a good example. The Bible is perhaps one of the most popular books from which parents in South Africa read to their children. The Bible forms the bedrock of their ethical upbringing. Yet, most stories in the Bible are set in the Middle-East more than two millennia ago, a cultural context that is far removed from South African families. One would think that the social context in which these stories take place should be alien to the majority of South Africa's people. Yet South Africans of different languages and cultures find profound resonance with these stories. Another example of this cultural hybridity is the TV series *Heidi*. *Heidi* is based on a novel from Switzerland, produced in

Japan and translated to various languages including Afrikaans. Despite the significant cultural differences between Switzerland, Japan and South Africa, the TV series was and still is widely popular among Japanese people and Afrikaans-speaking South Africans (Kirby, 2001). Most TV programmes and books imported from around the world may be translated to languages with which we are familiar, but the narratives remain rooted in the cultures of the origin countries. Nevertheless, we are capable of still identifying with the characters in these stories, and the lessons or morals portrayed by them make sense to us. They have a universal resonance. American movies are exemplars of the hybridity of cultural products, featuring "imitation, borrowing, appropriation, extraction, mutual learning" from a multiplicity of cultures over the world (Wang & Yeh, 2005: 177). Georgette Wang and Emilie Yeh (2005: 190) draw the conclusion that "to label a cultural product 'fake', 'in disguise' or 'authentic' presumes the existence of a standard prototype that simply does not exist."

It may cause a distortion in an anthropological analysis if one separates a portion of a culture from its context and surgically attach it onto disparate materials in another context (Waldron, 1992: 785). For example, one would find it hard to appreciate early Afrikaans literature outside the context of Afrikaner nationalism. But in terms of how culture enters our lives and influence our choices, the process is much more fluid and messy. Cultural material is presented to us from all over the world often as fragmented images and stories (ibid. 783, 785). They hatch on other fragments and create new meanings that may completely differ from the meanings they provided in the contexts from where they were transmitted or snatched. The advocates emphasising the importance of culture are correct. We need cultural meanings and they need to make sense to us. But these meanings do not need to come from one culture nor need they make sense in a single context of choice. As Seyla Benhabib (2002: 125) remarks, ""it is the mark of human intelligence to learn to deal with [...] [the] contradictions and tensions" that might occur through the exposure of multiple, cultural paradigms. Or in Waldron's (1992: 785) words: "To put it crudely, we need culture, but we do not need cultural integrity."

In light of the above, we can therefore conclude that those advocating for special rights to protect the integrity of their cultures are making the same mistake as the individualist liberals in Chapter 1, namely basing their argument on an inaccurate understanding of personhood. Individualist liberals may be wrong in assuming that people can fully distance themselves from their social identity, but communitarians lobbying for special group rights are also

relying on false premises by assuming that an individual is socially constituted by one, coherent and authentic culture. To cite Waldron (1992: 778) once more:

> We are not the self-made atoms of liberal fantasy, certainly, but neither are we exclusively products or artefacts of single national or ethnic communities. We are made by our languages, our literature, our cultures, our science, our religions, our civilization – and there are human entities that go far beyond national boundaries and exist, if they exist anywhere, simply in the world.

Acceptance of hybridity, fluidity of cultures and our identities seem to be the only appropriate response to the world today. One could therefore make a convincing normative argument that is the exact opposite to the one for differentiated rights, namely that we need to create legal and policy frameworks that reflect our social embeddedness in its entirety and not only in a selected piece of it if we want people to have fulfilling lives.

The expansion of rights to include differentiated or group rights will not solve all the problems experienced in the cultural or non-economic spheres of people's lives. In fact, it might even worsen them. Rights can therefore not address all the challenges that undermine people's dignity in diverse society. Nevertheless, these problems still need to be addressed in order for citizen solidarity based on equal dignity to be possible. We conclude that although some rights are essential ingredients for citizen solidarity, rights alone are not sufficient.

Conclusion

In this chapter, I argued that rights can be a basis for solidarity if they can guarantee the equal dignity of citizens. Equal dignity allows citizens to trust each other and collaborate on an equal footing. I argued that an important precondition for this role is that rights are determined in a manner that respects the political conception of personhood. I offered Rawls's political liberalism as a method to determine rights in a diverse polity. I then looked at the scope of rights necessary to ensure the equal dignity of citizens. I looked at how the scope of rights has expanded to include civil, political and social rights, and how this expansion has promoted citizen solidarity. However, I have shown that equal rights do not necessarily address the grievances experienced by less dominant groups in the cultural and non-economic social spheres. I looked at whether the expansion of rights to include differentiated rights would address these problems, but concluded that special group rights may not provide equal dignity and could even undermine it further.

Nevertheless, the criticism against group rights do not dispel that unequal power relations related to identity threaten the dignity of citizens. The proponents of group rights make us aware that there is in fact a need to deal with unequal power balances between social groups in order to establish citizen solidarity. The problem is that although rights contribute significantly to citizen solidarity, they are not an adequate solution by themselves. In the next and final chapter, I investigate whether political participation can resolve these problems and serve as a viable basis for citizen solidarity.

Chapter 4: Deliberative democracy as basis for solidarity?

Introduction

In Chapter 1, I established that a conception of citizenship that depends on a political conception of personhood is a necessary requirement for solidarity among people of diverse belief systems. Such a political conception requires us to respect the private and public autonomy and equal dignity of individuals. I have further established, in Chapter 2, that a national identity, either constituted by substantive cultural content or the particularistic institutionalisation of moral principles, undermines both autonomy and equality. In Chapter 3, I demonstrated that expanding equal rights to include group rights cannot be a sufficient basis for solidarity in diverse societies either, in so far as they fail to address unequal power relations produced by cultural or other social factors.

In this final chapter, I turn to deliberative democracy, as a particular form of political participation, as a candidate for a basis for solidarity. I will argue that deliberative democracy – conceived as a particular kind of political participation that involves citizens actively in dialogue with each other about political matters – respects the political conception of the person, is a viable alternative to a national identity given the size and complexity of modern states, and can address the unequal power relations between citizens, which rights fail to do adequately.

Relying on the assessment of Habermas, the chapter begins with a brief survey of both the liberal and republican models of political participation, which renders the conclusion that neither model of participation fulfils the requirements set out above. I then turn to the deliberative model of participation developed by Habermas, Benhabib and others and demonstrate that this model *does* offer a workable basis for solidarity in diverse and interconnected societies. I will further investigate some of the criticisms against deliberative democracy, but will show that these criticisms do not invalidate deliberative democracy, but only serve as a reminder to remain vigilant about its potential failures.

1. The liberal and republican models of political participation

Habermas compares deliberative democracy to the classical, or individualist, liberal model of political participation which he attributes to John Locke (Habermas, 1996a: 497; 1996b: 21). In line with the individualist, liberal conception of personhood discussed in Chapter 1, the

citizen is considered comprehensively as an autonomous individual who primarily has negative rights (ibid. 22). A negative right is the right not to be subjected to an action of another citizen or group of citizens, e.g. violence, theft, gagging of free speech or prevention to practice one's religion and culture or to form associations. In line with Kantian thought, individualist liberals ground these negative rights in the "higher law of reason" (ibid. 23). As discussed in the previous chapters, reason dictates that we respect the freedom and dignity of each person. Rights are natural and above the state and not the outcome of a political process, according to this view. Reason alone, without engagement with others, enables us to discover the content of these rights. This position differs from the political liberalism of Rawls in that it specifically precludes that citizens need to democratically engage with each other in order to determine rights that are applicable to the whole citizen body. The foundation of rights is the reason found within themselves and not an overlapping consensus established through the reason practiced deliberatively with other citizens.

Habermas (1996b: 21) explains that the citizen is to a large degree depoliticised in the classical liberal model. On this view, citizenship and the state apparatus should as far as possible not be used as a vehicle to pursue common goods. Instead, the aim is to give the individual as much freedom as possible to pursue his/her own idea of the good life without the intervention of other citizens or the state. Society is therefore conceptualised as a market-structured network of interactions among private citizens. The challenges facing society are best left to the spontaneous forces of the market. The task of government is only to administer this market-structured network to the benefit of the individual (ibid.).

Given that there are numerous citizens in a polis with diverging private preferences, the state can only administer these interests by aggregating them and using this aggregated input in policy formation (ibid. 22). However, the danger of a policy based on the aggregated input of individual interests is that a given policy may be to the detriment of the individual's particular interest if that interest is not strongly represented in the aggregation. The purpose of political participation is therefore to push individual interests against the government's attempt to promote aggregated or collective goals by mediating between the interests of the individual and the greater collective of citizens. This mediation is primarily exercised by voting and institutional arrangements (ibid. 27). Citizens vote for political parties that exercise pressure on the state to consider different value orientations through their contest for power (ibid. 23, 27). Institutional arrangements, such as *trias politica* or the separation of

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powers and a constitution with a bill of rights, help to ensure that fundamental individual rights are protected against majoritarianism. Therefore, the individualist liberal view does not seek to eliminate the state apparatus but to "contain" it. The main aim is to prevent state interference in "the spontaneous forces of a self-regulating society" (ibid. 27).

There is little use in the individualist liberal model for the mechanism of a public use of reason by which people agree to and attempt to convince each other of the merits of their arguments according to the principles found in a shared cultural background or in an overlapping consensus, to resolve ethical conflicts and setup common goals (ibid. 23). In fact, the possibility of public reason in a plural society with multiple comprehensive doctrines is treated with scepticism by individualist liberals (ibid.). Given the primacy ascribed to individual autonomy, individualist liberals believe that people merely vote in accordance with the values and ideas they have, independently of any engagement with other citizens. In most cases, these values and ideas will not change through political participation, even if people are exposed to each other's narratives and arguments. Bargaining and compromises between competing interests, instead of consensus, is therefore the goal of the democratic process. Society is considered to be an "economic society" that guarantees a "nonpolitical common good" by the satisfying private preferences (ibid. 27). A society is fair if everybody has equal voting rights, the voting process proceeds without any tampering, everybody's interests are represented in decision-making bodies and decision-making is guarded by rules that prevent the infringement of fundamental individual rights (ibid.). The individualist liberal focus is not so much the input of the citizens' will-formation but the output of effective administrative accomplishments (ibid.).

There are at least three major problems with the individualist liberal model in terms of this thesis. Firstly, rights are assumed to have a pre-political, "natural" basis. However, as we have already established in Chapter 2 and 3, solidarity cannot be established on any basis outside of the democratic process. This is so, because in order to respect the dignity and autonomy of every person, regardless of their cultural beliefs, the basis on which solidarity is built must be a product of their agreement. Secondly, as demonstrated in Chapter 2, rights alone have difficulty in addressing the unequal power relations between social groups and therefore fail to promote equal dignity in diverse societies sufficiently. Lastly, the nature of many challenges facing the world today, e.g. climate change, security and unequal distribution of resources, require coordinated action and cannot be left to the spontaneous

mechanisms of the market. Besides having a short-term bias, the spontaneity of the market is deeply compromised by entrenched interests and structural inequality. With no mechanism or commitment to bring people to an agreement on action, there is little hope that people of different groups will come to understand each other and be willing to establish solidarity in tackling common challenges.

I now turn to the republican model of political participation. Habermas (ibid. 24) analyses a general concept of the republican model and does not attribute the republican model to a specific theorist, except for citing Rousseau in passing. The focus of the republican model, according to Habermas, is on the individual's positive liberties as a citizen, i.e. the ability to act according to his/her free will (ibid. 22). In contrast to the classical liberal view, the freedom of a person is not primarily exercised as a private individual but as a citizen of a political community in which common goods are pursued. Citizens are first and foremost the "autonomous authors of a community of free and equal persons" (ibid.). Therefore, the state's legitimacy lies in its ability to enable the political will-formation of citizens to establish norms and pursue goals that are in the interest of all, and not merely in its ability to protect individuals' negative rights and aggregate preferences in policy-making (ibid.). In this way, the republican model simulates the original idea of democracy, as espoused by the ancient Greek city-states, more closely than any other democratic model (ibid. 23). Citizens cannot delegate their self-rule to others and must engage in the political will-formation themselves (ibid. 29). In contrast to the individualist liberals who ground their rights in natural law, republicans believe that there is no higher authority above the deliberative will-formation of the citizens through which they author and give legitimacy to rights. Rights are the product of the "prevailing political will" in the political community (ibid. 23).

From the republican perspective, the political will-formation of citizens should encompass the whole of society. Everything that matters to citizens can and should in fact be subject to the formal legislative process. "Society is, from the very start, political society – societas civilis" (ibid. 26). However, the political society is under pressure, on the one hand, from the private or market sphere, where citizens are depoliticised, and, on the other hand, from the administrative state apparatus in which certain group interests may have become entrenched and institutional arrangements' legitimisation by the will-formation of the people have weakened. The objective of republicanism is therefore to reinvigorate the political agency of citizens and develop society "into a political totality" (ibid. 26) or "one encompassing

macrosubject" (ibid. 27). The citizenry must become "a collective actor" that reflects the composition of the entire citizen body and acts for it (ibid. 28). For this reason, democracy should include an "ethical-political discourse" (ibid. 26), in which the substantial goods of citizens are evaluated. The citizenry must be able to use public deliberation to reach a better understanding of themselves and who they want to be. Matters of value must be discussed and not merely matters of justice. Therefore, given that ethical issues should be included in the deliberative process, the republican view relies on the fact that an ethical background must be shared among all citizens. The republican model accommodates the communitarian view discussed in Chapter 1 very well in that it ascribes a fundamental value to the social embeddedness of individuals' identities. If one's identity is constituted by society, it follows that society as a whole must be subject of the political deliberative process and participate in this process.

From the above it is clear that, in contrast to the classical liberal model, political participation plays a substantial role in the republican model. The purpose of political participation is not only to enable but constitute people's substantial life projects. Through political participation, people become deeply aware of their interdependence and shape the relationships between themselves to promote their intertwined interests. "[T]he orientation to the common good" is seen as the most important, source of social integration in society (ibid. 21). The republican model's aspiration to orientating the citizenry to a collective goal is what is necessary to mobilise citizens for collective action. However, besides relying on ethical homogeneity, which does not exist in today's societies, the republican model has unrealistic expectations of citizens' availability and willingness to devote their lives and subject all their pursuits to political engagement, not to mention the state's ability to facilitate such a process given the significant geographic and demographic sizes of most states. It is for these reasons that Habermas is afraid that the republican model has an "ethical overload" (ibid. 21), in other words too much is expected of what can be incorporated into the citizen's political will formation.

Now that I have established that neither the classical liberal nor the republican model will succeed as types of political participation that can be the basis for citizen solidarity in diverse societies, I will look at deliberative democracy as an alternative model for political participation.

2. Deliberative democracy

Deliberative democracy combines elements of both the individualist liberal and republican models of political participation and it provides a method to establish the public reason and an overlapping consensus espoused by Rawls that can address the challenges facing citizen solidarity posed by diversity. Instead of fundamental rights or the ethical background of a community, deliberative democracy is built on the procedures by which deliberation takes place and can be our best answer to establishing solidarity in societies that are becoming increasingly diverse. I will focus on the theory of deliberative democracy developed by Habermas and Benhabib.

As discussed in Chapter 1, Habermas subscribes to the idea of relational autonomy (Habermas, 1991: 207), thereby avoiding the communitarian critique charged against many liberal thinkers that their theories are based on an atomistic conception of the person (Habermas, 1991: 135-138; Hedrick, 2010: 88). He gives full recognition to the social embeddedness of people (Habermas, 1991: 135) and therefore argues that one person's freedom is fundamentally dependent on the freedom of others. The fact that our identities are constituted by our social environments, makes our identities "fragile" in the sense that we cannot maintain them individually by ourselves. We need to reciprocally stabilise our identities in order to have identities that are functional in society. Our identities therefore depend on dialogue with others (ibid. 199-200).

As discussed in Chapter 1 Section 3, reason itself is intersubjective. One cannot stand apart from society and monologically conjure up standards for society by using one's reason and then apply those standards to society and expect society to live-up to those standards as classical liberals might suggest (Habermas, 1996a: 64-65; Hedrick, 2010: 100). Reason does not reveal or prescribe substantive principles. Instead, it provides the presuppositions or framework through which participants in a discourse can work out principles (Habermas, 1996a: 4; Hedrick, 2010: 99). Reason does not reside in the cosmos or within the subject but among individuals in their attempts to establish mutual understanding through discourse (Hedrick, 2010: 99, 103). Deliberative democracy takes these considerations, discussed in more detail in Chapter 1, to heart. In fact, it follows that deliberation would be the most effective way for us to deal with the challenges in our life-worlds. In other words, it is the best way to continuously improve or fix our problem-solving systems when they break-down. Given the intersubjectivity of all our understandings, there is no alternative really. Of course,

we cannot and do not resort to deliberation all the time. It would be inefficient to repeatedly deliberate about every action on which we need to coordinate. Therefore, we develop customs to deal with routine problems which constitutes our life-worlds and enable them to solve problems without our deliberative assistance. Saying "sorry" or bowing to someone after you have wronged him/her is an example. Rights and laws are also methods we have devised to resolve problems without our deliberative intervention (Habermas, 1996a: 113). Nevertheless, all of these mechanisms have been set in place through dialogue, otherwise they would have failed to be meaningful to us, given that all meaning is intersubjective. Even mechanisms imposed through authoritarianism must incorporate some form of "dialogue" in their design in order for those mechanisms to actually make sense. Discourse takes place again when these mechanisms, e.g. customs and laws, fail to provide answers to conflicts and either have to be adjusted or supplemented with new norms.

Given that equal dignity and autonomy are prerequisites for our polis, as established in Chapter 1, the connection between our legal institutions and the deliberative process has taken on a normative relevance. In other words, in order to establish solidarity among citizens with very different personal beliefs, any agreement between these citizens will have to be a result of a dialogue. In the absence of a common ethical background, citizens will only know if rights and laws would be or how they become reconcilable with the belief systems of their fellow citizens, if they engage in discussion. At this point Habermas differs from Rawls on the legitimacy of the liberal democratic constitution and the laws and institutions that spring from it. For Rawls (2005: 386), the justification of the overlapping consensus, on which public reason is based (as discussed in the previous chapter), lies in the comprehensive doctrines of each citizen which the citizen takes for granted. In other words, the reasons why one citizen endorses the overlapping consensus might be different from the reasons of another citizen. Rawls believes this to be a major advantage of his theory, for thereby he leaves the task of providing a foundation for public reason to the citizen him/herself, making his theory "freestanding" and thus suitable for a diverse citizenry (Hedrick, 2010: 81-85). For Habermas, on the other hand, the legitimacy of a legal order cannot depend on the substantive beliefs of the citizen (Habermas, 1996a: 108-109; Hedrick, 2010: 85). Given that our identities, life-worlds and reason are intersubjectively constituted, it follows that our understanding of what is right and wrong must also be intersubjectively validated. Only through discussion can we effectively reflect on moral issues and determine appropriate

norms (Habermas, 1991: 67). Mutual understanding between people is the source of legitimacy of our principles (Hedrick, 2010: 90).

Habermas has faith in our ability and willingness to reach such an understanding across different belief systems, because we as rational human beings are intuitively familiar with the experience of entering a discussion, convincing others or being convinced of a viewpoint, coming to an agreement and guiding our actions according to that agreement (Hedrick, 2010: 91). We all expect that a rational agreement is possible (Habermas, 1984: 91; 1996a: 109). We are also intuitively familiar with the exact opposite of that process, namely when we are coerced or manipulated into agreement. We experience a sense of freedom in the former process which is absent in the latter (Hedrick, 2010: 91-92). Given the deep undesirability of violence and oppression in a society in which we choose to respect each other's dignity and autonomy, we are considerably motivated to cooperate with one another. Basing the legitimacy of our overlapping consensus on our comprehensive doctrines could actually be counterproductive. In order to reach an understanding across different cultures, we need to be willing to learn from others. Dogmatic worldviews undermine this capacity (Habermas, 1996a: 324-325).

Therefore, Habermas (1996a: 107) proposes, what he calls, the "discourse principle" as a test for the legitimacy of agreements: "Just those action norms are valid to which all possible affected persons could agree as participants in rational discourses." By "action norms", Habermas means practical norms or rules that govern the interaction between individuals, like morals and laws. By "rational discourse", he means a discourse in which free, uncoerced flow of topics and contributes takes place. This discourse principle is a communicative rendition of Kant's categorical imperative. It differs from the Kantian formulation in that, since morality is communicative and not found through *a priori* reason, morality is found in what all affected persons can *will in agreement* to be generalised (Habermas, 1991: 67). Moral principles cannot be imposed in an abstract manner onto citizenry, but must be "internally related" to the lives and aspirations of citizens in such a manner that they can understand for themselves (ibid. 100).

In line with the republican view, our legal order, including rights and laws, is therefore legitimised by the citizens. In other words, rights and laws are functionally and not normatively justified (ibid. 1996a: 112). Their justification does not rest in natural law, natural rights or any comprehensive doctrine, but in deliberation. As noted earlier, rights and

laws are necessary mechanisms put in place through deliberation in order to deal with the complexity of modern society without needing to be engaged in non-stop deliberation in perpetuity (ibid. 1996a: 327). They are also necessary, however, to ensure that individuals participate on equal standing in the deliberative process (Cohen, 1996: 104-105). As discussed in the previous chapter, political, civil and social rights help to enable citizens to engage with each other with equal dignity. In this sense too, rights do not have some metaphysical basis. They are merely instrumental in ensuring that all citizens are treated as equal (ibid. 107). Given that rights are necessary to maintain the integrity of the deliberative, legitimisation process but are also products of such a process, Habermas claims that private and public autonomy are "co-original" or interdependent (Habermas, 1996a: 107, 314). Neither one comes before the other. Each one needs the other at the same time in order to function.

Furthermore, the discourse principle implies that a consensus be obtained on all generalizable interests. It is this requirement that introduces deliberation as a candidate for the basis of solidarity in diverse and interconnected societies. In the individualist liberal or "aggregative" model of political participation, citizens never need to leave their own "private and parochial pursuits" and engage with others to pursue collective projects (Young, 1996: 120-121). They never need to publicly recognise each other. Citizens need merely hope that their particular preferences outweigh that of others. In the deliberative model, on the other hand, the consensus requirement forces us to convince others to accept our arguments (Cohen, 1996: 101). Reason needs to be communicative, in which an argument proceeds by a series of arguments and counterarguments in order to reach the "better argument" that can form the basis for a consensus (Habermas, 1991: 160). All the parties involved must be convinced that it is the best argument, therefore discourses are guided by the "force of the better argument" (Young, 1996: 121). All arguments are tested and the bad ones are flushed out (ibid.). Citizens cannot merely submit reasons that they personally, as individuals or particular groups, believe to be true. One's reasons must be convincing to others, despite the diversity in comprehensive doctrines, cultures and/or other interests among the discourse participants (Cohen, 1996: 100). We will discuss the nature of the institutions necessary for this type of discourse in Section 4.

Deliberative democracy therefore respects the autonomy of persons by requiring that decisions must be accepted by all affected people for those decisions to be justly imposed on

to those people (ibid. 102). In effect, citizens transform their individual preferences into "public-minded ends" and discuss together the validity of those ends and how best to accomplish them (Young, 1996: 121). Agreements achieved through the deliberative process have the result of reinforcing existing shared beliefs or producing new shared beliefs which creates "new social fact[s]". This reinforcement of and newly created social facts generate a "motivating force" or solidarity between citizens (Habermas, 1996a: 147). Even when dialogue fails to produce consensus, it promotes an "enlarged mentality" by forcing people to give good reasons that can be understood by all (Benhabib, 2002: 143). Deliberation is therefore not only a basis for legitimacy but also solidarity through facilitating the learning of civic virtues, enhancing social knowledge and mobilising citizens behind collective concerns (Benhabib, 2002: 115; Cohen, 1996: 112). Discourse allows us to overcome our subjectivity and reinforces "the unity of the objective world and the intersubjectivity" or interconnectedness of the life-worlds of the participants (Habermas, 1984: 10). It is therefore not an individualist autonomy that is respected, but a relational autonomy, which includes the individual and his/her lifeworld. Deliberative democracy restores cooperative enterprise in society (Benhabib, 2002: 133) because it requires people to engage with each other and win each other's support in order to promote their political interests. Deliberative democracy is therefore not only a basis for solidarity but an active catalyst for it. It does not only ensure that all people, regardless of their personal identities, are respected but requires them to actively collaborate in order to solve the problems undermining their solidarity and pursue collective interests.

3. Criticism of deliberative democracy

Despite the cogency of the argument for deliberative democracy, it has not been immune to criticism. In what follows, I turn to the criticisms by Iris Marion Young and Chantal Mouffe, both of whom set out to show that consensus in a diverse polis is undesirable. I first set out the terms of their criticisms, before demonstrating why they fail. I begin with the arguments that participants may not share the necessary understandings of each other's experiences in order to convince their compatriots of the validity of their claims and that existing power relations between citizens may discourage and prevent them from reaching an understanding and advocating their interests. I then outline Mouffe's agonistic model for democracy, which suggest that these differences between people are insurmountable and that we should rather aim at achieving temporary agreements between citizens under an arrangement of mutual respect. I will however show that Mouffe's criticism undermines her own model for

democracy and that deliberative democracy does in fact provide a more effective way to facilitate mutual understanding and collaborative action between citizens. Nevertheless, I will point out that Young and Mouffe's concerns do hold some water. These concerns however can be accommodated in deliberative democracy as I will demonstrate in the subsequent sections.

3.1. The challenges to achieving consensus

Writing in criticism of Habermas's ideal of deliberative democracy, Young (1996: 125) argues that, according to the deliberative model, arguments must be transformed from "subjective desires to objective claims" and that the content of these arguments must often be adjusted to make these arguments "publicly speakable" in order for everyone to understand and relate to each other. Furthermore, each participant's ideas concerning solutions have to be transformed or influenced by listening to the arguments and counterarguments of the other participants. However, Young identifies two problems with this model. In the first place, so she argues, there are no necessary sufficient shared understandings on which arguments for certain concerns can be made. Due to the diverse composition of the citizenry, they will have different experiences stemming from different circumstances. A wealthy person living in suburbia may have difficulty understanding the problems and interests of a poor person living in the countryside. Secondly, the assumption that everyone shares an understanding, or that only those interests that can be generalised should be put forward in deliberation, may actually discourage participants from trying to transcend their own perspectives and understand those of others. In line with the arguments discussed in the previous chapter concerning the role of cultural factors in the pursuit of equal dignity, Young (1996: 122-123) argues that it is not only economic and political factors that may prevent citizens from participating in deliberation on an equal footing. Cultural and other social factors, such as internalised beliefs or prejudices concerning the style of permissible speech and profile of permissible speakers, may also contribute to unequal power relations. One cannot assume that the model of deliberative democracy would be culturally neutral. Norms of deliberation are often culturally specific which can function as a form of power that devalue or silence the participation of other groups. The deliberative model needs to recognise that power also enters speech.

The dominant group in deliberation often fails to notice these unequal power relations, while the groups that are in the weaker positions, are often left frustrated, becoming angry or

"losing confidence in themselves" (ibid. 124). Deliberative democrats may agree with this claim and argue that unity should therefore not be regarded as a starting point but the goal of deliberation (ibid. 126). One can therefore begin a discussion by allowing any kind of claim into the discussion, but then gradually deliberate collectively towards claims and arguments that can be shared by all. Common agreements are not achieved by finding the least common denominators, but by changing the perspectives of others. However, Young (ibid. 126) is sceptical about such an approach as well, for it is usually the less privileged who need to change their perspectives and leave the most of their cultural particularities behind.

The unity at the starting point of deliberation is much weaker than what deliberate theorists assumes. It is a unity constituted by geographic proximity and economic interdependence and not much more. As Young phrases it, "a polity consists of people who live together, who are stuck with one another" (ibid.). This fact is illustrated if one looks at how deliberation takes place in practice. Deliberation in legislatures is more often than not driven by competition. Representatives participate to win, not to achieve mutual understanding. When one submits to the so-called "better argument" one is in effect conceding defeat, which is something political parties avoid at all costs. Therefore, Young (ibid.) suggests that we should learn from the "agonistic model" of democracy, which gives due recognition for the role that - and methods by which - power plays in deliberation.

Mouffe provides such an agonistic model, which she has developed and advocated as an opposition to the deliberative model developed by Habermas. Drawing inspiration from Wittgenstein, Schmitt, Derrida and Laclau, Mouffe challenges the fundamental assumptions on which deliberative democracy is based and proposes an alternative conception of democracy called "agonistic pluralism" (Erman, 2009: 1043; Roskamm, 2015: 386-387, 391-392; Tambakaki, 2009: 105; Wenman, 2013: 4).[2] The main thrust of Mouffe's argument is that consensus-driven democratic models such as deliberative democracy do not take into consideration the true nature of "the political" and this neglect may in fact exacerbate the instability and conflict in diverse societies instead of harmonising it (Wenman, 2013: 181). By "the political" she means the power dynamics between citizens.

Following from Young's criticism, Mouffe (1999: 751-752) argues that there are obstacles to the equal standing of citizens in the deliberative process that are not empirical or even

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[2] It should be noted that Mouffe is not the only proponent of agonistic pluralism. Other notable advocates include William Connolly, James Tully and Bonnie Honig (Wenman, 2013: vii).

epistemological, but ontological. In other words, citizens' equal standing cannot be guaranteed by improving any of the empirical circumstances of citizens. The very existence of a discussion is constituted by antagonism and unequal power relations. In fact, a discussion would not be possible if there is no antagonism between people and their belief systems. This inherent antagonism on the ontological level can be illustrated by semiotics. Ferdinand de Saussure (1961: 116) argues that the nuances in the meanings of the synonyms "dread", "fear" and "to be afraid" depend on their opposition to each other. If one of these words is removed from our vocabulary, its particular meaning collapses into one of the other synonyms. With the disappearance of each synonym, the remaining words becomes increasingly vague. Similarly, in the political sphere, an identity can only exist if there is an opposition to it. There can only be an "us", if there is a "them" (Erman, 2009: 1043). Identities are therefore indeed, as Habermas claims, inherently relational, but they are relational in that they are constituted by their exclusion of other identities in a hierarchical structure. This exclusion and unequal structuring are acts of power. Thus, power is not something "external" to our identities which can be eliminated, as suggested by deliberative democrats. Power forms the very structure of our identities (Laclau & Mouffe, 1985: 107, 115; Mouffe, 1993: 141; Wenman, 2013: 184).

Mouffe (1999: 749-750) therefore argues that one cannot make distinctions between "moral" and "ethical", or "procedural" and "substantial" in order to contain power. It is a mistake to think that procedures can somehow be "above" or separate from substantial ideas of life. If language itself, i.e. the medium by which we set and communicate procedures, is already constituted by substantial ideas, it is impossible that the procedures that govern the content of deliberation can be free of the power dynamics of particular life forms. In other words, even before agreeing to a particular procedure, one has already subjugated oneself to a particular form of life by accepting a particular language of communication to discuss the procedure. Therefore, there is no distinction between "procedural" and "substantial" or "moral" and "ethical." All processes and moral rules, including the language that we use to discuss them, "involve substantial ethical commitments" (ibid. 749) and are therefore contaminated by unequal power relations.

The inescapability of ethical commitments has significant implications for how we evaluate fairness. If certain life forms may already be excluded at the lingual and procedural levels of deliberation, it is problematic to assume that arguments can only be valid if they are

reasonable. Stanley Cavell (1990: 38) poses the question, "What if there is a cry of justice that expresses a sense not of having lost out in an unequal yet fair struggle, but of having from the start being left out." A voice could be excluded if the language or process of deliberation is in conflict with the form of life represented by the voice. If a person or group of people feel that their voices are being systematically excluded in decision-making processes, they may subvert the political system and resort to physical violence, as we have seen in the cases of terrorism (Wenman, 2013: 181).

Therefore, according to Mouffe, the focus of deliberative democracy is incorrect: "If we accept that relations of power are constitutive of the social, then the main question of democratic politics is not how to eliminate power but how to constitute forms of power that are compatible with democratic values" (Mouffe, 1999: 753). There will always be an "us" and a "them". This distinction can only disappear on the surface, when one group has subjugated another, rendering deliberation moot. The purpose of democracy should therefore not be to remove this distinction by a so-called consensus, which in reality only suppresses difference. Instead, the challenge is to establish an "us" and a "them" that is conducive to a pluralistic democracy in which people respect each other's differences (Mouffe, 2000: 101).

The first step is to see "them" or "the other" not as an enemy, but as an adversary, a "legitimate enemy". In other words, "somebody with whose ideas we are going to struggle but whose right to defend those ideas we will not put into question" (Mouffe, 1999: 755). This transformation from antagonist to adversary takes place by agreeing to the "ethico-political principles of democracy: liberty and equality" (Mouffe, 2000: 102), in other words by respecting the political conception of personhood. However, we cannot resolve our conflicts by rational deliberation. We can only resolve our differences by either being persuaded to the position of the adversary or by agreeing to compromises that are understood as "temporary respites" in a continuous confrontation. Resolution of differences will therefore always be "a temporary result of a provisional hegemony, as a stabilization of power" which will always entail "some form of exclusion." The consensus that guides deliberation will always be a "conflictual consensus" for it will inevitably be grounded on a certain ethical and political belief which can be interpreted differently by every citizen. Deliberation should therefore be conceptualised as a "mixed-game" which is partly collaborative and partly conflictual (Mouffe, 1999: 755-756).

Agonistic pluralism helps us to resist the temptation to oversimplify our interactions and become too optimistic about the scope or finality of our agreements (ibid. 757). If we acknowledge that antagonism and conflict is inherent to our identities and relations to others, we need to arrange our institutions in such a way that there are appropriate channels or platforms for dissenting voices, that these voices are brought to the fore and that the contest between these voices is facilitated in a constructive manner. Otherwise dissent may erupt into violence (Mouffe, 2000: 33-34; 2005: 21, 30; Wenman, 2013: 197).

3.2. Flaws in the argument for agonistic democracy

However, there are good reasons to reject Mouffe's agonistic pluralism and her concomitant criticisms of deliberative democracy. In the first place, we might question Mouffe's claims about the insurmountability of difference. Antagonists or adversaries cannot claim that their differences are incommensurable and yet be able to compare them with each other. In order for a comparison to be possible and for the parties to understand that there is an antagonist relationship in the first place, there must be a common frame of reference as a starting point. There must in fact be some sort of consensus or "shared symbolic space" present (Erman 2015: 1046). If there is no consensus concerning the frame of reference, there can be no communication between individuals. The communication would amount to nonsense. Therefore, even before antagonists accept ethico-political principles of democracy in order to transform from antagonists to adversaries, they must share a common understanding in order to understand why it is necessary to transform themselves into adversaries and what is needed for this transformation. It is clear therefore that the transition from antagonist to adversary is a moral choice. But Mouffe cannot ground this moral choice, for that would imply that the two individuals share the same moral framework (ibid. 1049). Deliberative democracy seems to provide a more accurate account of conflict. Conflict, understood as dialogue in which participants make opposing validity claims, is dependent on a "shared idea of what is at stake" (ibid. 1047). A dialogue based on a basic consensus is constitutive of conflict, for without a basic mutual understanding there can be no conflict.

Furthermore, Mouffe's agonistic pluralism proposes no theory for why a decision may or may not be legitimate. In the absence of such a theory, agonistic pluralism may in fact be guilty of its own charge by essentialising and romanticising "the local", which downplay the inequalities that may exist within a particular group. Minority groups, claiming to be excluded from the democratic process, are not necessarily "benign and progressive". Their

leaders are often guilty within their own groups of the accusations they raise against the wider society. Furthermore, the emphasis on difference may underplay the interconnectedness of "the local" to its greater social and political context, which constitutes its very existence, as cosmopolitan theorists such as Waldron would argue. Therefore, Mouffe is accused of celebrating pluralism "without sufficiently problematizing it" (Mohan & Stokke, 2000: 249). Without a theory in agonistic pluralism that dictates whether a certain decision may be legitimate or not, there is no incentive provided to groups to act in a democratic manner. Without such a theory, it seems like the decision is left to the groups. They must voluntarily decide whether to engage in a democratic manner or not. The risk is that authoritarian practices may be condoned (Kapoor, 2002: 472-473).

In terms of adjudicating or reconciling difference, Habermas's proposed deliberative democracy is superior to that of Mouffe's, for it espouses the idea of an "enlarged mentality". The commitment to communicative rationality helps us to obtain distance, if only partially, from our own biases and vested interests, see different claims in new light and obtaining a better understanding of which claims have a greater basis for validity (Kapoor, 2002: 474). Mouffe, on the other hand, claims that there is no objective point from which one can adjudicate difference. One can only distinguish between just and unjust within a given tradition (Mouffe, 1993: 15). But how does one then adjudicate claims between more than one tradition, and, as argued at the beginning of this chapter, why would we want to adjudicate differences if we do not share a common value system (Kapoor, 2002: 475)? It is for this reason that Benhabib (1996: 71) accuses "antifoundationalist" theories, such as agonistic pluralism, of circular argumentation.

However, Mark Wenman (2013: 6) argues that agonistic pluralism should not be considered as antifoundationalist, but rather postfoundationalist. Mouffe's intention is not to invalidate the foundations on which consensus-driven models of democracy are built, but rather to weaken them. Mouffe makes us vigilant of the incessant power dynamics in society and careful not to naively suppress dissent. Furthermore, Young (1996: 127) also moderates some of Mouffe's claims by elucidating her own criticisms of deliberative democracy by suggesting that we need not assume and expect "total" difference in our interaction with others. We do share some understandings. The important point is that we cannot assume that everyone can be assimilated into the same procedural and value framework or agreement. Instead we should focus on learning from others. Listening and not only speaking should be

more emphatically valued (ibid. 130). By expecting to encounter difference and being aware of those differences, instead of assuming unity or sameness, one is better prepared to transform one's own perspectives (ibid. 127). Furthermore, it is important to stress that understanding does not mean identification. A part of the understanding is that there is a part of the other's experience that remains outside of one's understanding (ibid. 127-128). The learning and transformation that need to take place in oneself can be described more specifically as follows (ibid. 128): Firstly, confrontation with differences teaches one that one's own perspective is partial. Secondly, by knowing that one is deliberating with others who have understandings different from one's own and who have the right to challenge one's claims, forces one to change one's arguments from expressions of self-interest to arguments for justice. However, it does not follow that one's arguments need to be expressed as general interests. Sometimes justice requires an obligation from the larger society to accommodate the particular needs of "uniquely situated persons." Nevertheless, one still needs to express one's argument in a way that appeals across difference. Thirdly, this whole process contributes to the knowledge of participants. People become aware of how claims affect others and how everyone's perspectives are embedded in the wider societal picture. This improves people's ability to deliberate in the future and arrive at conclusions to everybody's benefit. However, these suggestions by Young does not invalidate deliberative democracy, but enhances it by giving us a guide for achieving mutual understanding across differences and adjusts our expectations for the achievable extent of this mutual understanding.

Nevertheless, both Mouffe and Young rightly points out that a consensus-driven model has the potential of suppressing difference. Ilan Kapoor (2002: 469) agrees that an obsessive insistence on consensus can silence the voices of minorities or less dominant groups. Consensus runs the risk of simplifying a community, expressing its wishes in a one-dimensional way. A consensus may have practical benefits in terms of enabling action and generating results, but it has the risk of coercing a certain point of view onto dissenters. As affirmed earlier by the comment by Cavell, a consensus-driven model may have the illusion of democracy, but even when minorities are included, their voices may not be included or considered in the consensus, due to procedures that favour a certain way of speaking or formulating one's arguments. Groups that have been historically disadvantaged might lack the assertiveness or poise to convincingly voice their opinions. The expectation that participants should transcend their cultural particularity or private lives in order to reach a consensus may actually perpetuate the problems experienced in those spheres. Cultures that

are under threat or under pressure from dominant cultures may be further undermined, since this "transcendence" expect them to ignore the very aspects of their lives that are of concern to them. Similarly, transcending the private domain may ignore the oppression that women experience (ibid. 469-470).

These are serious concerns that do pose a challenge to deliberative democracy's ability to be basis for solidarity in diverse societies. However, these criticisms can be adequately addressed within the deliberative model. In the next section, I will look at why these criticisms fail and demonstrate how Habermas, with the help of Benhabib, resolves the remaining problems facing the viability of consensus.

4.   Overcoming the criticisms

4.1. The decentred public sphere

The concerns about the accommodation of difference in the deliberative process are addressed by looking at how Habermas and Benahbib envisage the institutions and processes that facilitate deliberative democracy.

A possible reason for why Young and others may be sceptical about the accessibility of discourse is that they may have a limited view of the public sphere in which citizen exercise their political powers. Habermas (1996a: 301) argues that popular sovereignty cannot only be realised if the citizenry is present in one big legislature to self-legislate, as advocated by the traditional republican view, nor can the self-legislative function of citizens be "banished" to constitutional structures, in terms of the classical liberal view. Furthermore, Habermas recognises that ethical issues cannot be excluded from the public discourse, for then it would be impossible to change the attitudes and conditions, pointed out by Young in the preceding section, that may be impeding people's ability to participate in public discourses on equal footing. Benhabib (2002: 118-119) also agrees that it is important for minority or less dominant groups to be engaged fully in the deliberative process and be able to explain their grievances and claims and therefore the public sphere must be designed in a way that accommodates and encourages this engagement.

It is important to keep in mind that private and public autonomy are co-original in deliberative democracy. They have a complementary relationship. That means, in turn, that the boundary between them is not incontestable. In fact, Habermas (1991: 101) argues that the boundary should be continuously redefined. Benhabib (2002: 121) agrees and argues that

we cannot shield any domain of people's lives from public discourse, for that is precisely how unequal power relations are maintained. All issues should at least be open for discussion, even though we may come to the conclusion not to legislate in response to the issues raised.

Habermas's vision of deliberative democracy has a decentred view of the public sphere, according to which the latter is not only constituted by the legislature, but also by the informal arenas of communication in civil society. "The model no longer starts with the macrosubject of a communal whole but with anonymously intermeshing discourses" (ibid. 505). Therefore, Habermas (ibid. 171) suggests that the legislature is not the only public sphere or, put differently, it does not constitute the whole public sphere. There must be various other informal public spheres that can influence its decision-making. Benhabib (2002: 106) calls this view of the public sphere a "dual track approach". On the one track one finds the legislature and judiciary. On the other track one finds social movements, associations and other groups in civil society. These "tracks" or spheres must, however, be strongly interconnected in order to work effectively. Only then can popular sovereignty be fully realised. The legislature would undermine popular sovereignty and thereby its own legitimacy if it is to detach itself from the spontaneous contributions by informal public spheres (Habermas, 1996a: 183-184). Only if there is a robust interplay and interdependence between the institutionalised, formal deliberative procedures in the legislature and the informal, spontaneous deliberations in the broader public sphere "could citizenship mean more today than the aggregation of pre-political individual interests and the passive enjoyment of rights bestowed by a paternalistic authority" (ibid. 506).

This decentred view allows deliberative democracy to accommodate different types and styles of discourses (Habermas, 1984: 42). Benhabib (2002: 115) prioritises the informal public sphere, i.e. civil society, as the space for the "articulation, contestation, and resolution of normative discourses." It is in the broader "public sphere, situated in civil society," where multicultural deliberations take place. This is where learning and value transformations occur (ibid. 106). This sphere is also less constrained by procedural regulation and thus better suited for contests over needs (Habermas, 1996a: 314). It is also therefore better suited for different styles of articulation.

The decentred view has other benefits as well. The two most important considerations relevant for this thesis is that the view provides a more realistic model for political participation in today's sizeable and complex polities and thereby also does not place a

theoretical limit on the size of the polity. The informal public sphere is closer to the reach of the average citizen and there is no particular reason why there needs to be a limit on the number of interconnected informal public spheres, thus placing no theoretical limit on the size of the polity.

It is, however, imperative that the different components of the broader public sphere are interconnected, not only to ensure that the opinions of citizens reach the legislature and fully realise popular sovereignty, but also to ensure that people's opinions reach each other and everyone is included in the process of "enlarging their mentalities". At the end of his term, USA President Barack Obama (NBC News, 2017) called for a "common conversation" that is needed to bridge the steep ideological divides between Americans. If all the components of the public sphere are not meaningfully connected, they will become echo-chambers for partisan viewpoints and undermine the integrative project of deliberative democracy. The media may have a crucial role to play in this task, but citizens, themselves, also has the responsibility to not insulate themselves.

In summary, a decentred view of the public sphere would provide less dominant groups with the appropriate spaces to voice their concerns in their manner of choosing. This view of the public sphere also dispels the criticism raised by nationalists in Chapter 2 that the type of political participation necessary to provide a basis for solidarity is not possible in today's territorial and complex societies. In the next section, we will deal with the remaining problems of consensus.

4.2. Consensus and communicative presuppositions

Given the importance of the discourse principle for deliberative democracy (see the discussion under section 2 above), consensus is, of course, an important aim. However, Habermas (1996a: 167) agrees with Young and Mouffe that consensus is not always appropriate. It may be applicable to all generalizable interests and is essential in determining the moral principles that need to guide deliberative process, but when dealing with particular interests, bargaining and compromises may be permissible and necessary. As Benhabib (2002: 130) writes, we must learn to accept and live with the "otherness of others." Nevertheless, compromises may never stand on their own. They should still be the products of a deliberative process which is ruled by principles that have been agreed on through a consensus. Those deliberative processes are the source of their legitimacy. In this way, compromises are still anchored in consensus (Habermas, 1991: 205; 1996a: 167), although it

may be a consensus on a more abstract or general level. A consensus on this higher level is achievable, for as we have pointed in the responses to Mouffe's criticism of deliberative democracy (see Section 3.2 above), in order for communication to be possible and to understand that there is conflict between claims to begin with, participants must share a symbolic space.

What is more, the arguments raised against the idea of a consensus are often overstated. Most topics that are deliberated do not concern issues that are incommensurable but instead concern "divergent and convergent beliefs" (Benhabib (2002: 136). The only way to determine the depth of these differences is to engage in dialogue and not assume their incommensurability beforehand. We need to keep in mind that people's belief systems are not perfect. They are not totally coherent. Likewise, the building of convergence through deliberation might not be "perfect" or seamless either (ibid. 136-137). The argument of "social positionality", which Young seems to endorse, which claims that people who do not share a certain identity can never really understand the experiences of people of that identity is problematic, for it relies on the assumption that those identities and experiences are fully coherent, homogenous and can be clearly delineated. It is an essentialist viewpoint. But this is a false assumption. As Benhabib (ibid. 137) put it, "there are no such holistic structures of consciousness." The idea of a unitary consciousness is a fiction. It reduces "the contentious debates of every human group about itself and its identity to a coherent and easily delineable narrative." Moreover, we understand "the other" not only through translation but also through familiarisation. Through translation, we only identify those aspects of another's belief system that already exist in our own. But through familiarisation, we learn about the others' beliefs and practices that do not necessarily have equivalents in our systems (ibid. 137-138). That is not to say that difference can be completely overcome, but more of it can be overcome than what Young and others might suggest. At least the most relevant and significant parts of a difference can be overcome.

In order to ensure that consensuses and other agreements are not forced upon less dominant groups and therefore may indeed claim legitimacy, certain presuppositions need to be protected in deliberative processes. Decentring the public sphere is not sufficient. Habermas (1996a: 325) recognises that there are multiple asymmetries between citizens that need to be taken into account, including unequal access to information, natural cognitive abilities, prejudices, etc. In terms of unequal power relations, it is essential that every citizen is

liberated from "the millennia-old shackles of social stratification and exploitation" in order for them to effectively participate in the opinion and will formation processes of the broader public sphere and allow cultural diversity to flourish and not be oppressed (ibid. 308). Benhabib (1996: 70) suggests that the following presuppositions should govern all discourses in order to ensure the validity of decisions:

1. Participation is governed by the principles of "equality and symmetry; all have the same chances to initiate speech acts, to question, to interrogate, and to open debate."
2. Anyone can question the topics to be discussed on the agenda.
3. Anyone can question the rules of deliberation and their application.

Habermas (1991: 89) proposes a similar list. It is important, though, that these presuppositions are determined and agreed upon through a moral discourse between the citizens. There is a danger of circularity here, given that rules and deliberation are co-original. However, given the decentred nature of the public sphere, one can imagine that pressure from informal spaces would build-up and inevitably ensure that the appropriate presuppositions are eventually agreed upon in formal bodies. It is important to note that Benhabib (2002: 107) expects, as far as it is possible, that the presuppositions listed above should seep into the informal public sphere as well. Since the informal public sphere is not as strictly regulated as the formal public sphere, the onus rests on citizens to take responsibility for their behaviour and voluntarily regular discussions in accordance to these presuppositions. Being open to critical feedback from "outside" specific spheres and/or investing in experienced, respected and/or "outside" facilitators might be practical means for citizens to achieve this. For this reason, Habermas (1996a: 317) suggests that along with a decentred public sphere, ideally a liberal culture with appropriate forms of socialisation should also be encouraged for deliberative democracy to function optimally.

Habermas (1991: 91) does, however, acknowledge that it is impossible to obtain complete symmetry between citizens. Full compliance with presuppositions is unfeasible. There are all kinds of contingent factors that could distort discourses. Persons are not "Kant's intelligible characters but real human beings" (ibid. 92). Therefore, we need to be satisfied with approximations. We only need to expect that conditions for a valid discourse have been "realised in an approximation adequate enough" (ibid. 91). Habermas is not concerned about this practical limitation, however. Habermas (1996a: 301) believes that the fallibility of the individual's ability to reason and of arenas for deliberation to uphold communicative

presuppositions are mitigated through the aggregated flow of deliberations in the broader public sphere. As long as there are conflicts in society, consensus cannot be considered as final – not necessarily because of the exclusion or subjugation of people, as Mouffe might suggest, but because life-worlds are constantly in flux. The facts on the ground change. Claims may lose value and relevance to the concerned parties. There will however be exclusion and subjugation as well. Nevertheless, they are not insurmountable. It may just take time to rectify power imbalances and prejudices and overcome these challenges. A good example is the gender movements that succeeded in influencing legislation on marital rape, domestic violence, child abuse and sexual harassment by broadening the agenda of public discourse (Benhabib, 2002: 121). Public "struggle" is necessary for concerns to succeed through the different channels of the public sphere and end-up in the legislature (Habermas, 1996a: 314).

In summary then, the deliberative model deals adequately with the concerns of difference for it allows compromises in order to deal with particularistic needs when necessary, as long as these compromises are reached through processes established by consensus. However, as Benhabib argues, we should not overstate the obstruction to consensus that difference may cause and be too easily discouraged. Identities are not rigid nor completely coherent and our understanding of each other need not to be completely coherent either and can be an evolving process. Nevertheless, certain presuppositions must be maintained during discourses in order to ensure that discussions are accessible, fair and effective, and individual citizens have the duty to uphold these presuppositions in less regulated public forums. However, even if some forums fail to do so, the greater flow of discourses would mitigate these shortcomings.

5. A basis for solidarity in diverse societies

Now that we have a general understanding of deliberative democracy, let us summarise the specific characteristics that qualify deliberative democracy as a basis for citizen solidarity.

Given its respect for the autonomy and dignity of the individual, deliberative democracy complies with the political conception of the person. By requiring that the justification of the constitution, rights and laws must rest on a consensus by citizens, it imposes no pre-political content on the citizen. It also does not draw a rigid line between the private and public domain, allowing discussion on any matter concerning the lives of citizens, including discussion related to the private identities of individuals. Discriminatory practices have nowhere to hide. At the same time, it respects people's personal identities and mobilises

citizens for cooperative action by requiring that agreement on norms should be a consensus. The requirement of consensus constrains citizens to engage in a type of discourse that promotes mutual understanding. Furthermore, the decentred view of the public sphere allows room for ethical discourses in whatever style preferred, makes political participation feasible and removes the theoretical limit on the scope of the polity. The maintenance of communicative presuppositions helps us to be at least vigilant about power dynamics within discourses and gives citizens recourse if they feel suppressed. For example, citizens would be able to appeal to the violation of these preconditions when they experience undue exclusion or other forms of unfairness. Imperfect compliance with communicative presuppositions in a particular space is corrected by the larger back-and-forth flow of discourses in the decentred public sphere.

All these elements are important to ensure that deliberative democracy can be a viable basis for solidarity in a diverse, democratic society. However, it is important to grasp that the crux of deliberative democracy's potential to ground solidarity lies in the actual discussion itself; it is not a function of the *outcome* of any particular deliberation. Although outputs are important for people to maintain faith in deliberative democracy, they are contingent and make them a shifty foundation for solidarity. If we are to heed the warnings of Young and Mouffe, we should also be careful of the potential power differentials in any consensus. Unlike the living nature of a deliberation, the perceived finality of a consensus has a greater smothering effect on hope for recourse. It is important, therefore, that any consensus is understood as being at least somewhat provisional. At the same time, it cannot be provisional to the degree that any consensus becomes a *de facto* compromise and loses its power to encourage mutual understanding. Some measure of finality, perhaps provided by the incorporation of a time clause, is therefore warranted.

In the longer-run, consensuses are and should however be provisional. Not only to maintain the faith and loyalty of those who feel they were unduly excluded, but also for the sake of relevance in our ever-changing intersubjective life-worlds. If a consensus loses its relevance, it may become a real tool for exclusion and oppression, if it was not already so at the outset. Basing our solidarity on consensus could therefore concretise such consensus in a way that would ultimately undermine that very solidarity. This danger is the problem with constitutional patriotism conceptualised as solidarity based on the particularistic political culture of a polity. There are some theorists who argue that constitutional patriotism can be

salvaged, however, if reconceptualised to be based on a procedural identity (Hedrick, 2010: 177). Ciaran Cronin (2003) makes the important distinction that constitutional patriotism is not a substantive identity but a procedural one. Jan-Werner Müller (2007: 142) illustrates that constitutional patriotism is based on "an ongoing, critical process of attachment, revision, and re-attachment." Conceptualised in this manner the difference between constitutional patriotism and liberalism nationalism is not a matter of degree or thickness but of fundamental design. We can therefore accept constitutional patriotism as a valid basis for citizen solidarity if the target of our patriotism is the process of deliberation and not the outcome.

Consensus is essential to ensure that discourse is cooperative. It is this function that forms the core of the basis of solidarity in a diverse and interconnected society. Chipkin (2007: 214-217) suggests that a public identity built and maintained through a democratic procedure, instead of any settled or pre-political content, increases the probability that one judges the reasoning and demands of other citizens on their merits, i.e. the underpinning empirical evidence and logical soundness of arguments. It opens up citizens to the possibility of connections with others that may otherwise be blocked if citizens had substantive, preconceived criteria to which their fellow citizens had to conform before they could qualify as candidates with whom they can experience solidarity. In contrast, the citizen adhering to a nationalist identity or a pre-political set of rights is caught in "a structure of circularity," in which "any opening to the other is closed off." Chipkin argues that as soon as an individual adheres to and upholds a national identity, "he ceases to belong to that world where strangers meet as equals and learn to like or dislike each other on the basis of their social qualities (common interests, common values, sense of humour, and so on)" (ibid. 2017). The social qualities of an individual, which may be truer to his/her character, are trumped by the imagined national identity to which he/she belongs. Regardless of how much Person A and B may have in common, the fact that they do not share the same national identity, disconnects them. Chipkin (ibid. 217) describes the nationalist domain as a place "where people do not meet as equals, but always already as representatives of 'peoples'." One ceases therefore to be an autonomous being and instead measure one's self and others by the preconceptions attached to one's and others' respective identities. Confirming Habermas's claim (discussed in Chapter 2) that citizenship attached to a national identity is Janus-faced, Chipkin (ibid.) writes that the "[t]he nationalist subject is rigidly caught in a paradoxical structure where his or her relation to others is defined in advance, before meeting or experiencing them […]

Every encounter is always already closed: it can only confirm what one already knows." For example, black people are expected to be incompetent, white people are expected to be racist and Indians are expected to be devious. When engaging with individuals representing these "peoples", one seeks confirmation of these preconceptions instead of focusing on the individual in front of one and searching for the aspects that one shares and could potentially connect each other (ibid.). "They are indifferent to empirical vicissitudes, because their attitude to other persons and things is always already built into their identity as authentic national subjects" (ibid.). An identity based on a commitment to deliberative procedure is therefore not only more inclusive in itself, but also equips the bearer with a mind-set to engage with difference in an open and cooperative manner. We can therefore accept that deliberative democracy is valid basis for citizen solidarity in diverse societies.

Conclusion

In this chapter, I have argued in favour of a particular model of political participation, namely deliberative democracy, as a basis for solidarity. I first demonstrated that neither the aggregative nor the republican model of participation succeeds in providing a basis for solidarity. Following this, I turned to the theory of deliberative democracy developed by Habermas, Benhabib and others. My aim here was to demonstrate that deliberative democracy succeeds as a basis for solidarity where all other candidates screened in this thesis have failed. A national identity does not succeed for its imposition violates the autonomy and dignity of citizens. Rights alone are not an adequate basis for solidarity, for they are unable to address the problems related to the power dynamics and cultural or social differences between citizens. Heeding the criticism of Young and Mouffe, I have shown that the solidarity-creating potential of deliberative democracy lies primarily in the procedure of deliberation rather than in its outcome.

Conclusion

The aim of this thesis was to find the basis for solidarity among a citizenry that is characterised by ever increasing diversity.

In Chapter 1, I started the journey by interrogating the popular assumptions of personhood underlying the idea of citizenship in liberal democracies. I demonstrated that an individualist outlook on personhood fails to appreciate the social embeddedness of individuals. Therefore, we cannot assume that liberalism, as a comprehensive doctrine, should be shared by all citizens. Instead, we should look at liberalism's ability to provide us with a political conception of personhood, one that only includes those conditions necessary for citizens with diverse belief systems to establish a fair and cooperative political community.

In Chapter 2, I examined the use of national identity as basis for solidarity among citizens. I demonstrated how national identity can bolster the ethical ties of the citizenry and motivate them to make sacrifices for each other. I also showed, however, that establishing and maintaining a national identity comes at a cost to the citizen's autonomy that cannot be reconciled with the political conception of the person accepted in Chapter 1. Building a national identity on the political culture of a polity instead of a substantive culture may mitigate the violation of a citizen's freedoms, but it will remain an obstacle.

In Chapter 3, I asked whether the distribution of rights could be a basis for solidarity. I demonstrated that rights do have a connection to solidarity by contributing to the equal dignity of citizens. I argued that it is important that rights are sourced from a political conception of justice in order to be reconciled with our political conception of personhood. I argued that an equal distribution of rights fails to adequately address the needs and grievances of less dominant social groups and explored the possibility of expanding the scheme of rights to include special group rights. I demonstrated that differentiated rights will not solve all the problems experienced by minorities, for their assumptions are often based on an incomplete view of a citizen's social embeddedness and they may in fact undermine mutual understanding.

Chapter 4 considered whether political participation as a possible basis for solidarity. I showed that neither an aggregative nor a classical republican model could succeed in generating solidarity in diverse and complex societies. I argued, instead, that deliberative

democracy could theoretically succeed in being a basis of solidarity in diverse and complex societies in so far as it is inclusive of diversity in all its forms, viable in expansive political communities and purposefully orientates citizens to mutual understanding.

Indeed, deliberative democracy provides us with a good theoretical framework in which citizen solidarity can be nurtured. However, as already briefly noted in Chapter 4 Section 4.2, Habermas himself argues that it will not work optimally if it is not accompanied by various complementary initiatives to equip the citizenry with the knowledge and values that will motivate and enable them to participate in a constructive manner. A more practical, evidence-based investigation is needed to develop the model of deliberative democracy further and make it suitable for our society of today.

The role of the media will probably feature prominently in such an investigation. Arguably, it constitutes a significant part of the broader public sphere and has the biggest reach across the citizenry. The media needs to help ensure that people are exposed to different sides of issues, explaining the deeper, inside and background stories in language and idioms that are accessible to average citizens. At the same time, the media cannot fulfil this role if there is not sufficient demand for it. Civic education will therefore probably also have to be included in the research. If citizens are not educated to be critically minded, recognise the complicated nature of contentious issues and be open for and listening to others' claims, sensational, so-called "fake news" and partisan media outlets will thrive and play a counter-productive role in a deliberative democracy. This scenario is vividly illustrated by the media landscape in the United States of America. Given that the media has a profit motive, there must be a demand for quality journalism and a broad rejection of conspicuous over-simplifications, sensationalism and partisanship in order to encourage the media to be more responsible. The implementation of a civic education can be helpful. A civic education can teach civic virtues to citizens, preferably from an early stage, helping them to understand the value and master the ability of listening to others, changing one's mind and being reasonable when making claims. It may also help citizens to become public-spirited and eagerly participate in civil society.

There should also be a deliberate effort to clear up the confusion between the relation between the solidarity that can be experienced as citizens and the solidarities that are experienced in other areas of one's life, like one's cultural community. People with strong ethical attachments, whether they may be cultural or religious, may feel hesitant to fully

embrace citizen solidarity if they believe they may consequently need to sacrifice the identities of their non-political ethical communities. It must therefore be clear that a substantive national identity is not an ingredient of citizen solidarity. The state should refrain from practices that might suggest otherwise. Being a proud and active member of a cultural or religious community should not in any way be threatened by one's membership in a state. The state is a problem-solving system that we created to address our collective challenges and establish and protect the conditions necessary for us to pursue what we hold dear as individuals or as cultural and religious communities. A state is there in the first place to make life easier and safer for everyone. In this age, we have no alternative arrangement to facilitate cooperation between people who are stuck together in society and whose livelihoods are closely interwoven. In the past, it might have been possible to overlay the state or political society over an ethical, cultural community that has a measure of homogeneity. One's solidarity as a citizen and as a member of such an ethical community would understandably have become conflated. Today this is no longer possible or, arguably, even desirable. A separation between these solidarities needs to be maintained in order for citizen solidarity to be sustainable. That does not mean the particularistic content of our identities in the private sphere cannot become the subject matter of the political discourses we have as citizens. If particularistic content and power dynamics infringe our status as citizens, or if the state becomes complicit in perpetuating injustice related to our personal identities, these matters must be deliberated in the public sphere. If this content is not allowed in the public sphere, the state fails to serve its purpose. It is nevertheless important that when these issues are discussed, we discuss it in a way that our fellow citizens can understand and make claims that they can accept. At the same time, we need to be willing to listen to the claims of others and be convinced by the force of the stronger argument. If we cannot achieve mutual understanding, we cannot achieve solidarity.

Bibliography

Abizadeh, A. 2004. Liberal nationalist versus post-national social integration: on the nation's ethno-cultural particularity and 'concreteness. *Nations and Nationalism*, 10(3): 231-250.

Akkoc, R. 2015. ECHR: Why Turkey won't talk about the Armenian genocide. *The Telegraph*, 15 October. Available: http://www.telegraph.co.uk/news/worldnews/europe/turkey/11373115/Amal-Clooneys-latest-case-Why-Turkey-wont-talk-about-the-Armenian-genocide.html [Accessed: 13 July 2016].

Alao, A. 2013. A Comparative Evaluation of the Armed Struggle in Namibia, South Africa and Zimbabwe, in W. Gutteridge & J. Spence (eds.). *Violence in Southern Africa*. New York: Routledge. 58-77.

Anderson, B. 1983. *Imagined Communities: Reflections on the Origins and Spread of Nationalism*. London: Verso.

Appiah, K. 2005. *The Ethics of Identity*. Princeton: Princeton University Press.

Appiah, K. 2007. *Cosmopolitanism: Ethics in the World of Strangers*. New York: Norton & Company.

Archard, D. 1995. Myths, Lies and Historical Truth: A Defence of Nationalism. *Political Studies*, 43(3): 472-481.

Aronczyk, M. 2008. 'Living the brand': Nationality, Globality and the Identity Strategies of Nation Branding Consultants. *International Journal of Communication 2*. 41-65.

Australian Human Rights Commission [Online]. [n.d.]. Available: https://www.humanrights.gov.au/rights-members-ethnic-linguistic-and-religious-minorities [Accessed: 15 August 2016].

Barbaro, M. & Alcindor, Y. 2016. Black Lives Matter Was Gaining Ground. Then a Sniper Opened Fire. *The New York Times*, 9 July. Available: http://www.nytimes.com/2016/07/10/us/black-lives-matter-reaction.html [Accessed: 10 July 2016].

Bargueño, D. 2012. The Politics of Language in Education: The Mikro Case in South Africa. *Journal of Language, Identity & Education*, 11: 1-15.

Bell, D. 1993. *Communitarianism and its critics*. Oxford: Clarendon Press.

Bell, D. 2016. Communitarianism. *The Stanford Encyclopedia of Philosophy* [Online]. Available: http://plato.stanford.edu/entries/citizenship/ [Accessed: 20 April 2016].

Benhabib, S. 1996. Towards a Deliberative Model of Democratic Legitimacy, in S. Benhabib (ed.). *Democracy and Difference: Contesting the boundaries of the political*. Princeton: Princeton University Press. 67-94.

Benhabib, S. 2002. *The Claims of Culture*. Princeton and Oxford: Princeton University Press.

Berlin, I. 1969. *Four Essays on Liberty*. New York: Oxford University Press.

Berlin, I. 1968-1969. Benjamin Disraeli, Karl Marx, and the Search for Identity. *Transactions & Miscellanies (Jewish Historical Society of England)*, 22. 1-20.

Beuker, C. 2009. The Limits of Political Citizenship. *Society*, 46(5): 423-428.

Blenkinsopp, J. & Pajouh, M. 2010. Lost in translation? Culture, language and the role of the translator in international business. *Critical perspectives on international business*, 6(1): 38-52.

Bond, P. 2016. Why South Africa should undo Mandela's economic deals. *Mail & Guardian*, 12 January. Available: http://mg.co.za/article/2016-01-12-why-south-africa-should-undo-mandelas-economic-deals [11 August 2016].
Brand South Africa [Online]. [n.d.]. Who we are. Available:
http://www.brandsouthafrica.com/who-we-are [Accessed: 15 July 2016].

Calhoun, C. 2007. *Nations Matter: Culture, History and the Cosmopolitan Dream*. London: Routledge.

Campbell, C. 2014. *Persons, Identity, and Political Theory: A Defence of Rawlsian Political Identity*. New York: Springer.

Canovan, M. 1996. *Nationhood and Political Theory*. Cheltenham: Edward Elgar.

Cavell, S. 1990. *Conditions Handsome and Unhandsome*. Chicago: Chicago University Press.

Chipkin, I. 2007. *Do South Africans exist?* Johannesburg: Wits University Press.

Christman, J. 1991. Autonomy and Personal History. *Canadian Journal of Philosophy*, 21(1): 1-24.

Christman, J. 2001. Liberalism, Autonomy and Self-Transformation. *Social Theory and Practice*, 27(2): 185-206.

Christman, J. 2002. *Social and Political Philosophy: A Contemporary Introduction*. London: Routledge.

Christman, J. 2015. Autonomy in Moral and Political Philosophy. *The Stanford Encyclopedia of Philosophy* [Online]. Available: http://plato.stanford.edu/archives/spr2015/entries/autonomy-moral/ [15 April 2015].

Cohen, J. 1996. Procedure and substance in deliberative democracy, in S. Benhabib (ed.). *Democracy and Difference: Contesting the boundaries of the political*. Princeton: Princeton University Press. 95-119.

Connor, W. 1972. Nation-Building or Nation-destroying? *World Politics*, 24(3): 319-355.

Cronin, C. 2003. Democracy and Collective Identity: In Defence of Constitutional Patriotism. *European Journal of Philosophy*, 11(1): 1-28.

Cruft, R. 2010. On the Non-instrumental Value of Basic Rights. *Journal of Moral Philosophy*, 7: 441–461.

De Saussure, F. 1961. *Course in General Linguistics*. W. Baskin (tr.). New York: McGraw-Hill Book Company.

Dickens, A.G. 1964. *The English Reformation*. London: B.T. Batsford.

Doppelt, G. 1989. Is Rawls Kantian Liberalism Coherent and Defensible. *Ethics*, 99(4): 815-851.

Dryden, J. 2010. Autonomy. *Internet Encyclopedia of Philosophy* [Online]. Available: http://www.iep.utm.edu/autonomy/ [Accessed: 2015, September 8].

Du Plessis, T. 2016. *Wie is Afrikaanses?* Beeld, 6 May: 11.

Dworkin, R. 1977. *Taking Rights Seriously*. London: Duckworth.

Dworkin, R. 2000. *Sovereign Virtue*. Cambridge: Harvard University Press.

Ekstrom, L. 1993. A Coherence Theory of Autonomy. *Philosophy and Phenomenological Research*, 53(3): 599-616.

Erickson, A. 2014. Mistresses and Marriage: or, a Short History of the Mrs. *History Workshop Journal*, 78(1): 39-57.

Erman, E. 2009. What is wrong with agonistic pluralism? Reflections on conflict in democratic theory. *Philosophy & Social Criticism*, 35(9): 1039-1062.

Foster, M. 2015. Johann Gottfried von Herder. *The Stanford Encyclopedia of Philosophy* [Online]. Available: http://plato.stanford.edu/entries/herder/ [Accessed: 2015, September 21].

Frankfurt, H. 1982. Freedom of the will and the concept of a person, in G. Watson (ed.). *Free will*. New York: Oxford University Press. 81-95.

Frankfurt, H. 1988. *The importance of what we care about*. Cambridge: Cambridge University Press.

Gellner, E. 1983. *Nations and Nationalism*. Oxford: Blackwell Publishing.

German Missions in the United States. 2016. *Remembrance. Responsibility. The Future!* [Web log post]. Available: http://www.germany.info/Vertretung/usa/en/__pr/P__Wash/2016/06/22-SovietUnion.html [Accessed: 5 August 2016].

Giliomee, H. 2003. *The Afrikaners: Biography of a People*. Cape Town: Tafelberg.

Goduka, I., Poole, D. & Aotaki-Phenice, L. 1992. A comparative study of black South African children from three different contexts. *Child Development*, 63(3), June: 509-525.

Guibernau, M. 2007. *The Identity of Nations*. Cambridge: Polity Press.

Gutmann, A. 1980. *Liberal Equality*. Cambridge: Cambridge University Press.

Gutmann, A. 1985. Communitarian Critics of Liberalism. *Philosophy & Public Affairs*, 14(3): 308-322.

Habermas, J. 1984. *The Theory of Communicative Action, Volume One: Reason and the Rationalization of Society*. Boston: Beacon Press.

Habermas, J. 1991. *Moral Consciousness and Communicative Action*. Cambridge: The MIT Press.

Habermas, J. 1996a. *Between Facts and Norms*. New Baskerville: MIT Press.

Habermas, J. 1996b. Three Normative Models of Democracry, in S. Benhabib (ed.). *Democracy and Difference: Contesting the boundaries of the political*. Princeton: Princeton University Press. 21-30.

Habermas, J. 1998. *The Inclusion of the Other: Studies in Political Theory*. Cambridge: MIT Press.

Habermas, J. 2001. *The Postnational Constellation: Political Essays*. Cambridge: Polity Press.

Hansen, M. 1977. How Often Did the Ecclesia Meet? *Greek, Roman, and Byzantine Studies*, 18(1): 43-70.

Hedrick, T. 2010. *Rawls and Habermas: Reason, Pluralism and the Claims of Political Philosophy*. Stanford: Stanford University Press.

Hibbert, N. Citizenship and the Welfare State: A Critique of David Miller's Theory of Nationality. *Canadian Journal of Political Science*, 41(1), March: 169-186.

Hobsbawm, E. 1990. *Nations and nationalism since 1780*. Cambridge: Cambridge University Press.

Horowitz, D. 1985. *Ethnic groups in conflict*. Berkeley: University of California Press.

Inagaki, K. 2016. On the march to power. *The Financial Times*, 8 September [Online]. Available: http://on.ft.com/2cFz7QV [Accessed: 20 September 2016].

Jensen, S. 2010. The Security and Development Nexus in Cape Town: War on Gangs, Counterinsurgency and Citizenship. *Security Dialogue*, 41(1): 77-97.

Julies, J. 2016. [Untitled]. *Facebook*, 17 August [Online]. Available: https://www.facebook.com/jjulies93/posts/10154343209548444 [Accessed: 18 August 2016].

Kamm, F. 2007. *Intricate Ethics: Rights, Responsibilities and Permissible Harm*. Oxford: Oxford University Press.

Kant, I. 1983. *Ethical Philosophy*. Indianapolis: Hackett Publishing Company.

Kant, I. 1996. An answer to the question: What is enlightenment? in M. Gregor (ed.). *Practical Philosophy*. Cambridge: Cambridge University Press.

Kant, I. 1996. Critique of practical reason, in M. Gregor (ed.). *Practical Philosophy*. Cambridge: Cambridge University Press.

Kapoor, I. 2002. Deliberative Democracy or Agonistic Pluralism? The Relevance of the Habermas-Mouffe Debate for Third World Politics. *Alternatives: Global, Local, Political*, 27(4): 459-487.

Keating, M. 1996. *Nations Against the State: The New Politics of Nationalism in Quebec, Catalonia and Scotland*. New York: St. Martin's Press.

Kennelly, B. 2005. Beauty in Bastardy? Breytenbach on Afrikaans and the Afrikaners. *Portal Journal of Multidisciplinary International Studies*, 2(2), July: 1-20.

Kirby, E. 2001. Heidi draws pilgrims from Japan. *BBC News*, 25 September [Online]. Available: http://news.bbc.co.uk/2/hi/europe/1562770.stm [Accessed: 22 August 2016].

Kymlicka, W. 1989. *Liberalism, Community, and Culture*. Oxford: Oxford University Press.

Kymlicka, W. & Norman, W. 1994. Return of the Citizen: A Survey of Recent Work on Citizenship Theory. *Ethics*, 104(2): 352-381.

Kynoch, G. 2005. Crime, Conflict and Politics in Transition-Era South Africa. *African Affairs*, 104(416), July: 493-514.

Laclau, E. & Mouffe, C. 1985. *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*. London: Verso.

Larmore, C. 1996 *The Morals of Modernity*. New York: Cambridge University Press.

Leonard, C. 2012. The slow and steady death of the Dutch Reformed Church. *Mail & Guardian*, 5 April [Online]. Available: https://mg.co.za/article/2012-04-05-the-slow-and-steady-death-of-dutch-reformed-church [Accessed: 15 March 2017].

Leydet, D. 2014. Citizenship. *The Stanford Encyclopedia of Philosophy* [Online]. Available: http://plato.stanford.edu/entries/citizenship/ [Accessed: 15 October 2015].

Louw, D. 2004. *Ubuntu and the Challenges of Multiculturalism in post-Apartheid South Africa.* Utrecht: Centre for Southern Africa.

MacIntyre, A. 1981. *After virtue: a study in moral theory*. London: Duckworth.

MacIntyre, A. 1984. Is Patriotism a Virtue? Lindley Lecture. Lawrence: University of Kansas.

Malan, K. 2011. *Politokrasie*. Pretoria: Pretoria University Law Press.

Malik, K. 2015. Europe's Dangerous Multiculturalism: Why the Continent Fails Minority Groups. *Foreign Affairs*, 8 December [Online]. Available: https://www.foreignaffairs.com/articles/western-europe/2015-12-08/europes-dangerous-multiculturalism [Accessed: 9 December 2015].

Marshall, T. 1950. *Citizenship and Social Class*. London: Cambridge University Press.

Marshall, T. 1964. *Class, Citizenship and Social Development*. NewYork: Doubleday & Co.

Matthews, S. 2015. Shifting White Identities in South Africa: White Africanness and the struggle for racial justice. *Phronimon*, 16(2): 112-129.

Metz, T. 2007. Toward an African Moral Theory. *The Journal of Political Philosophy*, 15: 321-341.

Mill, J. 1946. *On Liberty and Considerations on Representative Government*. Oxford: Basil Blackwell Oxford.

Mill, J. 1956. *On Liberty*. Indianapolis: The Bobbs-Merrill Company.

Mill, J. 1988. *The Logic of the Moral Sciences*. London: Open Court.

Miller, D. 1995. *On Nationality*. Oxford: Oxford University Press.

Mohan, G. & Stokke, K. 2000. Participatory Development and Empowerment: The Dangers of Localism. *Third World Quarterly*, 21(2), April: 247-268.

Molefe, M. 2017. Critical comments on Afro-communitarianism: the community versus individual. *Journal of African Philosophy, Culture and Religions*, 6(1), January-June: 1-22.

Montesquieu, C. 2001. *The Spirit of Laws*. Kitchener: Batoche Books.

Mouffe, C. 1993. *The Return of the Political*. London: Verso.

Mouffe, C. 1999. Deliberative democracy or agonistic pluralism? *Social Research*, 66(3): 745-758.

Mouffe, C. 2000. *The Democratic Paradox*. London: Verso.

Mouffe, C. 2005. *On the political*. London: Routledge.

Müller, J. 2007. A general theory of constitutional patriotism. *International Journal of Constitutional Law*, 6(1), January: 72-95.

Muller, P. 2016. Britte het rasgevoel na die Kaap gebring. *Die Burger*, 30 January [Online]. Available: http://www.netwerk24.com/Stemme/Aktueel/britte-het-rasgevoel-na-die-kaap-gebring-20160129 [Accessed: 6 February 2016].

Murai, Y. 2010. *'Alive with Possibility': Brand South Africa and the Discursive Construction of South African National Identity*. Published masters dissertation. London: London School of Economics [Online]. Available: http://www.lse.ac.uk/media@lse/research/mediaWorkingPapers/MScDissertationSeries/2010/2nd/Murai.pdf [Accessed: 18 December 2014].

Muthien, Y. & Khosa, M. 1995. `The kingdom, the volkstaat and the new South Africa': Drawing South Africa's new regional boundaries. *Journal of Southern African Studies*, 21(2), June: 303-322.

Nairn, T. 1977. *The Break-up of Britain: Crisis and Neo-nationalism*. Melbourne: Common Ground.

NBC News. 2017, January 13. *Obama calls for 'common conversation' to bridge America's divide* [Video file]. Available: https://www.nbcnews.com/video/obama-calls-for-common-conversation-to-bridge-america-s-divide-854755395726 [Accessed: 26 August 2017].

Nimni, E. 1991. *Marxism and Nationalism*. London: Pluto Press.

Parekh, B. 2000. *Rethinking Multiculturalism: Cultural Diversity and Political Theory*. Cambridge: Harvard University Press.

Pateman, C. 1988. The Patriarchical Welfare State, in A. Gutmann (ed.). *Democracy and the Welfare State*. Princeton: Princeton University Press. 231-260.

Quante, M. 2012. *Autonomous by default: Assessing "non-alienation" in John Christman's conception of personal autonomy*. Preprints and working papers of the Centre for Advanced Study in Bioethics no. 31. Münster: University of Münster. Available: https://www.uni-muenster.de/imperia/md/content/kfg-normenbegruendung/intern/publikationen/quante/31_quante_-_autonomous_by_default.pdf [Accessed: 16 September 2015].

Rawls, J. 1999a. *A Theory of Justice (revised edition)*. Cambridge: Harvard University Press.

Rawls, J. 1999b. Social Unity and Primary Goods, in S. Freeman (ed.). *Collected Papers*. Cambridge: Harvard University Press.

Rawls, J. 1999c. The Priority of Right and Ideas of the Good, in S. Freeman (ed.). *Collected Papers*. Cambridge: Harvard University Press.

Rawls, J. 2005. *Political Liberalism*. New York: Columbia University Press.

Raz, J. 1988. *The Morality of Freedom*. Oxford: Clarendon Press.

Renan, E. 1939. What is a nation? in A. Zimmerman (ed.). *Modern Political Doctrines*. Oxford: Oxford University Press.

Riddall, J. 2010. *Jurisprudence*. Oxford: Oxford University Press.

Republic of South Africa. 1996. *Constitution of the Republic of South Africa* [Online]. Available: http://www.gov.za/documents/constitution-republic-south-africa-1996 [Accessed: 16 November 2016].

Republic of South Africa. 2016. Department of Trade and Industry. *Codes of Good Practice on Broad-Based Black Economic Empowerment*. Government Gazette no. 257, 17 March.

Rosaldo, R. 1995. Foreword, in Canclini, N. *Hybrid Cultures: Strategies for Entering and Leaving Modernity*. Minneapolis: University of Minnesota Press. 14-21.

Roskamm, N. 2015. On the other side of "agonism": "The enemy," the "outside," and the role of antagonism. *Planning Theory*, 14(4): 384-403.

Rousseau, J. 1992. *The Reveries of the Solitary Walker*. Indianapolis: Hackett Publishing Company.

Sandel, M. 1982. *Liberalism and the Limits of Justice*. Cambridge: Cambridge University Press.

Schnapper, D. 1998. *Community of Citizens*. New Brunswick: Transaction Publishers.

Spruyt, H. 1994. *The Sovereign State and Its Competitors: An Analysis of Systems Change*. Chichester: Princeton University Press.

Statistics South Africa. 2014. Census 2014: Statistical release [Online]. Available: http://www.statssa.gov.za/publications/P0302/P03022014.pdf [Accessed: 2 July 2016].

Stothard, M. 2016. Third of French Muslims reject secular laws. *The Financial Times*, 19 September [Online]. Available: http://on.ft.com/2dbdGqT [Accessed: 19 September 2016].

Tambakaki, P. 2009. Cosmopolitanism or agonism? Alternative visions of world order. *Critical Review of International Social and Political Philosophy*, 12(1): 101-116.

Taylor, C. 1991. *The Ethics of Authenticity*. Cambridge: Harvard University Press.

Taylor, C. 1994. The Politics of Recognition, in A. Gutmann (ed.). *Multiculturalism*. Princeton: Princeton University Press. 25-73.

Thorley, J. 2004. *Athenian Democracy*. Routledge: Abingdon.

Toye, R. 2011. *Churchill's Empire: The World That Made Him and the World He Made*. London: Macmillan.

Turner, B. 2009. T.H. Marshall, social rights and English national identity. *Citizenship Studies*, 13(1): 65-73.

United Nations. 1966. *International Covenant on Civil and Political Rights* [Online]. Available: http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx [Accessed: 15 August 2016].

Van Ham, P. 2002. Branding Territory: Inside the Wonderful Worlds of PR and IR Theory. *Millennium: Journal of International Studies,* 31(2), March: 249-69.

Waldron, J. 1992. Minority cultures and the cosmopolitan alternative. University of Michigan Journal of Law Reform, 25(3-4): 751–793.

Walzer, M. 1983. *Spheres of Justice: A defence of pluralism and equality*. Oxford: Basil Blackwell.

Wang, G. & Yeh, E. 2005. Globalization and hybridization in cultural products: The cases of Mulan and Crouching Tiger, Hidden Dragon. *International Journal of Cultural Studies*, 8(2): 175-193.

Webb, V. & Kriel, M. 2000. Afrikaans and Afrikaner nationalism. *International Journal of the Sociology of Language*, 144(1), January: 19-49.

Weber, M. 1946. Politics as a Vocation, in H. Gerth & C. Mills (eds.). *From Max Weber: Essays in sociology*. New York: Oxford University Press. 77-128.

Wenman, M. 2013. *Agonistic Democracy: Constituent Power in the Era of Globalisation*. Cambridge: Cambridge University Press.

Wodak, R., De Cillia, R., Reisigl, M. & Liebhart, K. 1999. *The Discursive Construction of National Identity*. Edinburgh: Edinburgh University Press.

Womack, B. 2016. Asymmetric parity: US–China relations in a multinodal world. *International Affairs*, 92(6): 1463-1480.

Wright, W. 2002. *Critical Reflections on Black History*. Westport: Praeger Publishers.

Young, I. 1989. Polity and Group Difference: A Critique of the Ideal of Universal

Citizenship. *Ethics* 99(2): 250-274.

Young, I. 1990. *Justice and the Politics of Difference*. Princeton: Princeton University Press.

Young, I. 1996. Communication and the Other: Beyond Deliberative Democracy, in S. Benhabib (ed.). *Democracy and Difference: Contesting the boundaries of the political*. Princeton: Princeton University Press. 120-135.