

The importance of pragmatism for liberal democracy: an anti-foundationalist and deliberative approach to multiculturalism

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ABSTRACT

The paper illustrates the desirability of an anti-foundationalist approach to normativity for the fullest realization of the liberal democratic project. The first section defends the viability, epistemic and normative, of an anti-foundationalism inspired to the anti-metaphysical and anti-sceptical legacy of the founders of American pragmatism. The second section, drawing on the deliberative turn in democratic theory and the capability approach to autonomy, introduces what I regard to be the normative core of liberal democracy. The third section fleshes out the desirability argument by looking at how a pragmatist approach to normativity allows liberal democracies to address in a fully deliberative spirit the challenges posed by the growing cultural diversity of contemporary societies associated with contemporary processes of globalization.

1. An epistemic and politically viable anti-foundationalism

It is possible to see a viable pragmatist approach to normative validity emerging from the dialectical exchange between the two neo-pragmatist philosophers that have best expressed the anti-metaphysical and anti-sceptical legacy of the founders of American pragmatism, namely Richard Rorty and Hilary Putnam (Trifirò 2008). This pragmatist conception of normativity is capable to maintain a place for normativity in a disenchanted world by offering an anti-foundationalist account of two key features of normative thoughts, i.e. its universalistic and transcendent aspirations, conveyed respectively by the expectation that there is *only one* truth for everyone at any place and time (Putnam 1981, 56; Rorty 1998, 2), and that it is always possible to make cautionary claims such as “we *think* p is true but it *may not be* true” (Putnam 1978; Rorty 1991, 128). The anti-foundationalist account of normativity that I attribute to Rorty and Putnam allows us to account for these dimensions of normativity by drawing three generally overlooked distinctions: 1) between a *physical* and a *grammatical* sense of the impossibility of foundationalism; 2) between a conception of universality as *ground for* as opposed to *scope of* our normative judgments; and 3) between a conception of transcendence as *self-reflexivity* as opposed to *self-transcendence* (Trifirò 2007).

The Wittgensteinian distinction between *physical* and *grammatical* impossibility enables us to appreciate that it is only those anti-foundationalists that conceive of the impossibility of metaphysics as being of the physical order (as something due to some deficit in our cognitive settings that could in principle be overcome by some technological discovery for instance), and thus are still in the grasp of the view of normativity validity as adherence to reality as it is ‘in itself’, who will be forced to corrosive relativist conclusions of the anything-goes kind (see for instance Putnam 1990, 22; Rorty 1991, 202). Once we recognize that the epistemic assurance sought after by foundationalists is nowhere to be found because *by definition* it would be offered by a viewpoint from nowhere, we are able to break free from the metaphysical framework altogether and clear the ground for an alternative conception of normativity that places the source of normative authority in that same contingent dimension of practice, laden with our set of values, needs and interests, that foundationalists attempt to transcend. On this pragmatist standpoint it is possible to appreciate that metaphysical neutrality does not need to entail normative neutrality; that normative validity and our critical faculties do not need to rest on universal transcendent ground. It is on the basis of this pragmatist ethnocentrism that Rorty and Putnam are capable of escaping the charge of self-stultifying relativism by accounting for the universalistic and transcendent aspirations of normativity without surrendering to the unintelligibility of metaphysical foundations.

In particular, the distinction between *justificatory ground* for and *scope of application* of normative judgments allows us to realize that the fact that we cannot obtain universal *ground for* our views and practices does not mean that we cannot or should not hold them to be valid, and thus *apply*, universally. As Putnam (2003, 45) puts it, “recognizing that our judgments claim objective validity and recognizing that they are shaped by a particular culture are not incompatible”; for, as Rorty (1998, 2) points out, “granted that ‘true’ is an absolute term, its conditions of application will always be relative.” According to this pragmatist view, normative claims are indeed universal, but their universality is culturally grounded, not metaphysical. They are universal in *scope* not in *ground*. This distinction allows us to answer two criticisms traditionally associated to the charge of relativism, those of self-contradiction and of violation of the law of non-contradiction. On the one side, a coherent anti-foundationalist will assert that anti-foundationalism is the correct epistemology (the *universally valid* one) *only* according to (on the *ground of*) its ethnocentric view of normativity, rather than self-contradictorily on universal foundational grounds. On the other side, by keeping clear the distinction between ‘scope of’ and ‘ground for’ normativity as this is usually conveyed by the expressions ‘*true for*’ and ‘*true according to*’,

a coherent anti-foundationalist will avoid describing a normative conflict between points of view A and B through the contradictory statement that “p is at the same time (*on the same ground*) both true (*for A*) and false (*for B*),” employing instead the innocuous expression: “p is true *for everyone according to A*” and “p is false *for everyone according to B*”, therefore “p is *universally true according to A* and *universally false according to B*.” No contradiction is involved here, but only a conflict of standards of normative validity with universal aspirations.

Similarly, the distinction between justification *hic et nunc* and justification *sans phrase* allows us to appreciate that the transcendent dimension of normativity does not require us “to step outside our skins and compare ourselves with something absolute” (Rorty 1982, xix), but only entails our capacity to “get beyond our present practices by a gesture in the direction of our possibly different future practices” (Rorty 1998, 61); that “reason is both immanent (not to be found outside of concrete language games and institution) and transcendent (a regulative idea that we use to criticize the conduct of all activities and institutions)” (Putnam 1983, 234). This means that anti-foundationalists can account for the fact that that we can always make cautionary claims of the sort “you *think* p is true, but it *may not be* true” without having to rely on the metaphysical distinction between *ordo essendi* and *ordo conoscendi*. According to pragmatists, we do indeed distinguish between ‘thinking that x is y’ and ‘x being y’, but this distinction can always only be made from within concrete practices of justification, current ethnocentric practices of right and wrong. As Putnam puts it, even though “traditions can be *criticized*”, “talk of what is ‘right’ and ‘wrong’ in any area only makes sense against the background of an *inherited tradition*” (*ibid.*). The transcendence of normative validity amounts to the self-reflexive use of immanent reason.

Such a pragmatist approach to universalism and transcendence of course invites the criticism of ethnocentrism, namely of unduly universalizing a contingent viewpoint and of failing to take in due account other points of view. This charge can take both an epistemic and normative slant. The epistemic version only reiterates the view of normativity shared by foundationalists and relativists alike according to which normative judgments and our critical faculties must stand on or refer to universal and transcendent grounds. This is the view which a viable anti-foundationalism discards by conceiving of universality as scope of application and transcendence as self-reflexivity. The normative criticism accuses such a pragmatist approach of jeopardizing our liberal democratic societies by opening their gates to arrogant and vicious complacency, making anyone feeling justified in ignoring, if not oppress, other points of view. Such a criticism however fails to

grasp two key features of an epistemically viable anti-foundationalism, namely its *epistemic* and *volitional* nature.

The ethnocentric character of normativity maintained by a viable anti-foundationalism is exclusively of an *epistemic* kind, it is not *normative*. Epistemic ethnocentrism is a *meta*-normative view, a view of the justificatory grounds of our normative judgments, whatever these maybe, and as such it does not entail any substantive normative stance. It is a value-free epistemology, in the sense that it makes the endorsement of any substantive moral and political view dependent on our fundamental normative commitments, *whatever* these might be. This first-order normative neutrality, however, should not be confused with the second-order foundationalist view according to which normative validity itself is value-free because ‘from nowhere’. This point takes us to the second misunderstanding underlying the normative criticism of ethnocentrism. The proposed ethnocentric view of normativity is of a *volitional* kind, it is not *cognitive*. It considers our normative outlooks and projects as being unavoidably shaped by our contingent set of values, interests and needs, and consequently believes that no epistemological gate, not matter how strong, may ever secure our societies from the threat of vicious or anti-social behaviour. Only the strength of our collective moral and political sensitivity and commitment can safeguard the spirit of our liberal democratic societies. By drawing the distinctions between *epistemic* and *normative* ethnocentrism, and between *volitional* and *cognitive* approaches to normativity, it is thus possible to appreciate how an epistemically viable anti-foundationalism can also be regarded as a viable conception of normativity for liberal democratic politics.

The above considerations do not purport to put forth a *knock-down* argument in favour of anti-foundationalism, they are only aimed to show that an anti-foundationalist conception of normativity can be epistemically and politically viable. It is however possible to formulate a pragmatist argument in favour of anti-foundationalism in terms of its desirability for the fullest realization of the liberal democratic project. Let us turn then to outline the view of the normative core of a genuine liberal democracy which will frame the desirability argument.

2. The normative core of liberal democracy

There has always been disagreement amongst supporters of the liberal democratic tradition on the defining characteristics of its political and moral project, on the interpretation and relative priority of its central values, as well as on the form of the practices and institutions that should implement them. Indeed, from a pragmatist standpoint we should expect any particular view of

the liberal democratic project to be the expression of a prior particular normative stance. The first step in elaborating what I take to be the normative core of the liberal democratic project should therefore be that of laying down the normative premises upon which my take on the liberal democratic tradition rests. These are the two normative premises that characterize the Kantian political tradition: the belief in the *inherent* dignity of every human being, and a conception of human dignity centred on the capacity of *autonomously* elaborating, choosing and pursuing different life projects. On this reading, the two fundamental values that a liberal democratic society should be committed to foster and protect are those of *equality* and *autonomy*. The normative substance of the former value depends on how autonomy, i.e. what needs equalizing, is conceptualized. The conception of autonomy that characterizes the reading of liberal democracy favoured in this paper is that emerging from the recent deliberative turn in democratic theory (Rawls 1971, 1993; Habermas 1984, 1990; Dryzek 1990, 2000; Benhabib 1996, 2002; Guttman & Thompson 1996, 2004, Young 1996) and the capability approach to freedom (Sen 1985, 1999; Nussbaum & Sen 1993; Nussbaum 1999). According to this conception one can be regarded as an autonomous being when capable both to exercise one's freedom of choice and action and participate in the collective decision-making processes that determine one's material, social and institutional context of choice and action.

These fundamental normative premises lead to three key tensions that have characterized the liberal democratic tradition throughout its historical developments. These tensions are involved in the never-ending task of striking the right balance and trade-offs between the opposite demands associated to the values of *liberty* and *equality*, *liberal* and *democratic* rights, and *universalistic* and *particularistic* aspirations. The first tension is entailed in the effort of tracing the limits that the value of social justice can legitimately pose to the exercise of individual freedom, and *vice versa*. The second tension is contained in the circular regression involved in the attempt to establish in a liberal and democratic way the constitutional limits that should safeguard individual autonomy from the 'tyranny of the majority'. The third tension is expressed in the different conflicts that modulate the universalism/particularism opposition within liberal democracy, such as that between *individual* and *collective* rights (to what extent collective rights should constrain and be constrained by individual rights?), *human rights* and *citizen* rights (to what extent are the rights accorded to the members of an historical community to be extended to foreigners?), *cosmopolitanism* and *popular* sovereignty (to what extent liberal democratic principles and practices should be allowed to be re-interpreted so as to accommodate the needs, interests, and beliefs of particular historical communities?).

It is possible to grasp the normative core of a genuine liberal democratic society once we consider how, in order to address the above structural tensions in the full respect of everyone's individual autonomy, liberal democrats should keep open to discussion and revision the particular constitutional, legislative and policy measures taken to solve them. This means that a genuine liberal democratic society should conceive of itself as a *self-reflexive* community committed to the *never-ending* project of devising the most appropriate institutions and principles for the respect of everyone's autonomy through the *all-inclusive* and *open-ended* confrontation of all its members and everyone else that may be affected by its policies. The 'open-ended' condition requires liberal democracies to refrain from considering their particular practices and institutions as definitive resolutions to the structural tensions between their driving values and other policies debates. (Cohen 1996; Benhabib 1996, 2004; Guttman & Thompson 1996, 2004; Mouffe 2000; Habermas 1996, 2004). The 'all-inclusive' condition requires them to bring back decision-making to the arena of public debate. The guiding principle is the familiar Habermasian one of making the validity of collective decisions conditional on practices of public deliberation that are, not only as open and un-distorted as possible, but inclusive of all the persons that could be affected by them (e.g. Habermas 1984; 1990; 1996).¹

Reflecting on the normative requirements set by this self-reflexive ethics of public discourse it is possible to appreciate how a pragmatist anti-foundationalist approach is particularly suitable for the fuller realization of the liberal democratic project. On the one hand, such a meta-normative pragmatist approach, reminding us that any consensus reached is to be regarded as a temporary resting point prone to turn into oppressive *status quo*, enables us to remove the epistemic obstacles to the free questioning of received opinions and institutions and to a fair consideration of all points of view.² On the other hand, it enables us to realize that the resolution of

¹ Although endorsing an Habermasian normative view of liberal democracy, the anti-foundationalist approach defended in this paper is in opposition with the Habermasian meta-normative framework aimed at grounding the 'opening' and 'inclusiveness' principles via a pragmatic-transcendental deduction from the presupposition of communicative rationality. I develop a detailed criticism of Habermas' foundationalist programme in Trifirò 2004.

² I acknowledge that foundationalists, and Habermas may be considered as an example here, may endorse self-reflexive and omni-inclusive practices of collective deliberation. Putting aside the question of the viability of foundationalism as a project, it is important to point out how such a foundationalist approach, by acknowledging that no practice or conviction should ever be regarded as immune from criticism and revision, would relax its first order claims of universal normative authority to such an extent as to erase any difference that would make a difference in practice between itself and an anti-foundationalist liberal position. Namely, even if foundationalism would be viable as an epistemic project, a foundationalist approach to deliberative liberal democracy would have to acknowledge the key point made by pragmatists, namely that foundationalism, and with it epistemological considerations, are irrelevant to our practice and to the resolution of concrete challenges facing liberal democracies, and therefore can be set aside with clear conscience.

normative conflicts does not make appeal to our alleged cognitive faculty to discover how things *really* are and should be, but rather to our moral *sensitivity* and *political* commitment, and especially our capacity to reflect collectively on the values that should guide our communities and on the means to meet them (Putnam 1987: 86; Rorty 1991: 110). It thus enables us to face our *responsibility* in the process of creation and support of a liberal democratic culture and to *redirect* our energies toward the only way in which we would ever be able to bring about social and political change: i.e. political will and concrete reformist commitment.

The following section fleshes out this desirability argument by applying it to the challenge posed to liberal democracies by the intensification of cultural clashes associated with contemporary processes of global integration and fragmentation. In particular, it turns the pragmatist and deliberative light on current debates regarding cultural diversity with a view to showing how it is possible to rescue the politics of multiculturalism for liberal democracies from the normative and epistemological concerns and shortcomings of cultural relativists and liberal democratic universalists.

3. *A pragmatist and deliberative approach to multiculturalism*

Multiculturalism today is being discredited by two mutually opposite and reinforcing trends. On the one hand, by its association with the cultural relativist opposition to universal human rights perceived as a threat to cultural identity and sovereignty. On the other hand, by the resurgence of old and new forms of fundamentalism which perceive of cultural diversity as a threat to truth and morality. The former association has discredited multiculturalism to the liberal³ eye by defending, in the name of cultural autonomy, oppressive social practices which violate the individual autonomy of the most vulnerable of its members. The latter resurgence, when associated to liberal ethics and politics, has discredited the liberal democratic commitment to equality and freedom by denying recognition and autonomy to different cultural communities. We can see instances of these opposed and related trends in current policy and theoretical debates at both national and international level. The cultural relativist trend is exemplified by the use of ‘cultural defence’ (Coleman 1996) strategies in criminal trials to mitigate sentences by appealing to the cultural background of the defendants, and, in the international sphere, by the ‘Asian values’ argument for legitimate cultural deviations from international human rights norms. The liberal fundamentalist trend is exemplified by the ban on the practice of veiling in

³ In the following, in order to avoid burdening the text with multiple adjectives, I will use ‘liberal’ as an elyptical expression for ‘liberal democratic’.

public spaces among Muslim women to foster their emancipation and reaffirm the laicity of the liberal democratic state, and by the international spread of the Washington Consensus model of liberal democracy based on free market and free periodic multi-party elections.

The most recent case of cultural defence I have knowledge of is that of an Italian citizen who has been granted a reduced sentence from Buckeburg Tribunal, in Germany, for sequestering and raping his ex-girlfriend on the basis of his Sardinian origins. The motivation of the court reads as follow:

The particular cultural and ethnic traits of the defendant must also be taken into account. He is Sardinian. The picture of the role of men and women in his culture, cannot surely be regarded as an excuse, but has to be taken in consideration as a mitigating factor. (Buckeburg Tribunal 2006)

This case exemplifies a relativist take on cultural diversity, according to which people's behaviour should be judged on the basis of their own culture. This cultural relativist stance invites the criticism, famously advanced by Susan Okin, that 'multiculturalism is bad for women' (Okin 1999). The criticism is that multiculturalism is incompatible with the principles and practices of liberal democracy because it fails to take a position against illiberal and un-democratic practices; it fails to protect the fundamental rights of the vulnerable members of oppressive culture, notably women. A further criticism motivated by these cultural relativist sentences is that they are based on damaging, if not utterly racist, stereotyping of members of different cultures (Benhabib 2004, Phillips 2007). In our example all Sardinians men are depicted as violent persons insensitive to the value of gender equality. Cultural defence strategies are thus criticisable for offering a degrading image of the defendants' culture. As the president of Sardinia Regional Council commented with reference to the Buckeburg Tribunal sentence: "It is shocking. There is no Sardinian culture of segregation and violence against women. It is only an episode of violence, and as such it should be treated and condemned." The then Italian Under-Secretary of Justice Luigi Manconi defined this as an example of 'differential racism', and observed how "cultural allegiances, ethnic traditions, religious beliefs, eating habits, customs, etc. should be recognized and protected, but at an imprescindible condition: that fundamental human rights are not violated" (Sardegna Oggi 11 October 2006).

These criticisms of tolerating the intolerable and racist stereotyping spring from important and understandable ethical and political concerns, but as Manconi's quotation hints at, and several political theorists have stressed in the past ten year or so (e.g. Kymlicka 1995, 2007; Benhabib 2002, 2004; Phillips 2001, 2007), they should not be taken as condemning multiculturalism *tout court*; they should not invite a backlash against the recognition and accommodation of a plurality of cultures within liberal

democratic societies. These criticisms can only be made of a cultural relativist take on multiculturalism based on an essentialist conception of cultures as monolithic wholes constraining their members to behave according to a predetermined script, and on a foundationalist view of normative validity which links the universal scope of normative claims to their universal justificatory ground. The implicit assumption behind the ‘cultural defence’ strategy is, in fact, that the perpetrators of ‘criminal’ actions cannot be properly regarded as guilty since it is their culture that made them perpetrate those actions, and within their culture those actions are not criminalized.

Another topic of contentious debate within liberal democracies, since at least the French ‘scarf affair’ in 1898 when three schoolgirls in France were excluded from school for wearing the *hijab*, is the practice of veiling among Muslim women. Most liberal democratic states have had to deal with similar challenges, and many of them have passed legislations banning the wearing of headscarves in public schools or public institutions in general, Belgium being the most recent example.⁴ Just as the ‘cultural defence’ issue, the ‘veil issue’ touches upon crucial questions concerning the limits of liberal democratic tolerance. However, this time the normative pendulum swings with a fundamentalist touch against the toleration of the expression of cultural diversity and in favour of the dogmatic defence of engrained liberal democratic principles, such as those of individual liberty and laicity. If the cultural relativist approach underlying the cultural defence argument is open to the charge of tolerating the intolerable and stereotyping members of different cultures, the liberal fundamentalist blanket ban on the use of veils in public institutions invites equally poignant charges of intolerance towards the tolerable and racist stereotyping. Considering that many Muslim women voluntarily decide to wear their veil, as was the case in the French *affaire de foulard*, we can see how, in the name of a rigid reading of state neutrality and individual liberty, innocuous expressions of religious and cultural allegiance might be curtailed; and how in the name of defending women’s liberty from oppressive cultural practices Muslim women can be stereotyped as passive victims of Muslim practices. Just as the ‘cultural defence’ argument by denying the faculty of autonomous choice of the defendants (mainly men) fails to do justice to the victims (mainly women), the ‘forced veil’ argument also fails to do justice to women by denying the faculty of making autonomous choice of Muslim women (Phillips 2007).

Similar considerations can be made about the most discussed examples of cultural relativism and liberal democratic fundamentalism in the international arena, those associated respectively with the ‘Asian values’ challenge to the universality of human rights and with the endorsement of a

⁴ See Benhabib 2004 and Phillips 2007 for a detailed discussion of the scarf affair from a deliberative liberal democratic perspective

one-size-fits-all approach to liberal democracy by key international governmental organizations. The ‘Asian values’ criticism has its origins in the outspoken opposition to civil and political rights by Asian leaders at the 1993 Vienna World Conference on Human Rights, when claims of legitimate cultural deviations from international human rights norms were raised by appealing to the specificity of Asian culture and values. International human rights norms were claimed to be the expression of the individualistic ethos of the West pitted against the communitarian traditions of Asia (Kausikan 1993: 38). The Chinese foreign minister maintained that in Asian countries “individuals must put the states’ rights before their own”, and the foreign minister of Singapore warned “that universal recognition of the ideal of human rights can be harmful if universalism is used to deny or mask the reality of diversity” (quoted from Sen 1997: 10; see also Sen 2007: 94). Although this warning of cultural imperialism and the need for international human rights norms to accommodate cultural diversity must be taken seriously, in particular in the lights of ideological approaches to the global spread of liberal democracy, the problem with the ‘Asian values’ argument is that, as Amartya Sen observes, “there are no quintessential values that separate the Asians as a group from people in the rest of the world and which fit all parts of this immensely large and heterogeneous population” (Sen 1997: 13). The ‘Asian values’ argument rests on what Sen (2007) calls “the illusion of singularity”, the stereotyped and hypostatized view of world civilizations, underpinning the Huntingtonian thesis of ‘the clash of civilizations’, which overlooks “the extent of internal diversities within these civilizational categories, and...the reach and influence of interactions that go right across the regional borders or so-called civilizations (ibid.: 10). Indeed the ‘Asian values’ thesis unquestioningly adopts the same stereotyped view of Western culture, as the quintessential depository of the values of freedom and democracy, which was championed by Huntington. The two theses in fact seem to feed off each other (Sen 2007: 93).

Sen’s argument against the illusion of singularity serves to point out that the stereotypisation of cultures is often the expression of political agendas that have little to do with issues of cultural identity or with the values of cultural and individual autonomy they purport to defend. The view that Asian culture is inherently communitarian has come almost exclusively from Asian leaders and their advocates who have a vexed interest in maintaining the *status quo*. Similarly, the view that Western culture is quintessentially liberal and democratic has typically come from Western elites who have a vexed interest in shaping the world political and economic order on their terms, as it can be illustrated by the huge benefits roped at the expenses of developing countries’ populations by Western corporations from International Monetary Fund and World Bank’s structural adjustment

programs imposing free market and formal democracy as loan conditionalities. Genuine liberal democrats should therefore be adamant that “foreign ministers, or government officials, or religious leaders do not have a monopoly in interpreting local culture and values. It is important to listen to the voices of dissent in each society” (Sen 1997: 43).

The above considerations show that the oppressive and stereotyping outcomes of the cultural relativist and liberal fundamentalist approaches to cultural diversity are the result of a same purist reading of culture and normative validity. This essentialist reading also lead them to close spaces for public cross-cultural debate, from the local to the global, where different cultural allegiances and normative stances can be seriously confronted, questioned, re-interpreted, and revised, and where individual autonomy and cultural affiliations can be given full respect and mediated. A pragmatist and deliberative approach that conceives of the legitimacy of policy-decisions as the outcomes of open and inclusive deliberation between all the individuals willing to have a say on the decisions affecting their life, and that rejects the idea that some interpretation of normative principles and cultural allegiances should have some privileged authority over the others, enables liberal democratic societies to confront, in the best liberal democratic spirit, the never-ending task of tracing a middle path between condemning some individuals to live in oppressive minorities or societies and becoming themselves oppressive majorities or societies. This is the same point made by Seyla Benhabib when she observes how:

The Scylla of criminalizing and policing [minority] communities and the Charybdis of multiculturalist [cultural relativist] tolerance...can be avoided, in theory as well as in practice, by modifying our understanding of culture; rejecting cultural holism, and by having more faith in the capacity of ordinary political actors to renegotiate their own narrative identity and difference through multicultural encounters in a democratic civil society (Benhabib 2002: 104)

Indeed, just as a pragmatist conception of culture and normative validity enables us to remove the epistemic obstacles to the free questioning of received opinions and institutions and to a fair consideration of all points of view, as Anne Phillips (2001) has put it, “we always need the maximum possible dialogue to counter the false universalisms that have so dogged previous practice, as well as the ‘substitutionism’ that has allowed certain groups to present themselves as spokespersons for the rest.”

It is this paper’s contention that the liberal democratic project can be fully realized only by abandoning the purist rhetoric of homogeneous and static culture and unquestionable normative systems, and opening received traditions and institutions to free and inclusive questioning and revision. From a pragmatist and deliberative perspective, those who justify exemption

from the application of liberal democratic principles by appealing to cultural tradition need to show that the particular interpretation of culture appealed to is truly representative of all its members. Such an approach allows establishing the real intentions behind the appeals to cultural relativism as a defence of the principles of cultural autonomy and self-determination. In particular, it permits to establish whether what is being defended is really the autonomy of a people or rather a repressive system whose practices are only the expression of the vested interests of a ruling elite who, as Adamantia Pollis (1996; 319) puts it, “exploits the language of cultural relativism to justify and rationalise its repressive actions”, or, in Kristen Miller’s words, “in rejecting the aspirational character of universalism...merely perpetuates traditional practice” (Miller 1996). A pragmatist and deliberative perspective can equally help us divesting oppressive policies of their universalistic rhetoric, by requiring whoever intends to interfere with the internal affairs of other communities to show that their primary motivation is the respect of the autonomy of their members.⁵ Uncovering the ideological and manipulative uses of the discourses of universal human rights and democracy, and bringing the crucial questions affecting people’s lives, including the interpretation and application of human rights and democratic principles, back into the arena of inclusive and open confrontation and deliberation within society at large, is further vital to win and restore people’s trust in the liberal democratic project. For, as Bartolomeo Conti (2002; 182) remarks “it is unlikely that the universality of human rights will be able to show its power amongst the third world cultures [indeed any culture] as long as they will remain an integral part of a strategy of political, economical and cultural control of the West, used as an excuse to intervene in and interfere with other countries.”

4. *Conclusions*

From the pragmatist perspective outlined in the first section it is possible to see how cultural relativists and liberal fundamentalists share the same shortcomings. They both believe that epistemological solutions are needed in order to address political and ethical concerns. This is a belief that is reinforced by failing to distinguish between universality as *justificatory ground for* and as *scope of application of* normative judgments. Cultural relativists,

⁵ This has significant consequences for the ways in which liberal democratic values and practices should be spread globally, setting as a fundamental principle that of giving priority to inclusive and self-reflexive discursive means over violent, elitist and ideological ones. This entails as a corollary the commitment to do as much as possible to involve and empower the oppressed and dissident sectors of those states and communities concerned, and to use force only as a last resort; and then only with the ultimate intention to protect civil society, punish exclusively the oppressor, and restoring genuine self-determination (Kaldor 2003; 2007)

moved by a concern for collective autonomy and cultural sovereignty, are led to assert the relative validity of normative claims to cultural standards, as they believe that by acknowledging the universal validity of normative claims we would end up opening the doors to imperialistic and oppressive attitudes. Showing to be still in the grip of the foundationalist view of normative validity, they are not satisfied with rejecting the possibility of placing our normative claims on universal grounds, but also relativise the scope of validity of normative claims to particular cultures. There are as many *equally* valid normative systems as there are cultures. Liberal fundamentalists, moved by a concern for individual autonomy and human rights, are led instead to assert the universal validity of liberal democratic normative claims.⁶ They conceive of universal validity in terms of justificatory grounds, and believe that by rejecting the possibility to place the validity of the value of individual autonomy on universal grounds we would open the doors to any kind of uncivil and aggressive behaviour. There is a single truth in ethics and politics, and this is the liberal democratic one.

The shared categorical mistake consists in believing that in order to protect collective and individual autonomy it is necessary, respectively, to reject (cultural relativists) and defend (liberal foundationalists) the universalistic aspirations of normative claims. The cultural relativist assumption is that one cannot both endorse universalism and be respectful of cultural diversity. The liberal foundationalist assumption is that one cannot both reject universalism and be respectful of individual human rights. The contention of this paper is that it is only by embracing a pragmatist conception of normative validity and cultural identity that does away with both the cognitive approach to morality and politics common to cultural relativists and liberal foundationalists alike, and their shared essentialist conception of culture as a homogenous, seamless and static whole, that it will be possible to respect and accommodate the values of individual and collective autonomy in a fully liberal democratic spirit, showing how it is

⁶ I am equating here liberal fundamentalism, which represents a first-order normative position, with liberal foundationalism which expresses a second-order normative stance towards a particular first-order normative position. This does not run counter the distinction between meta-normative and normative levels which is at the core of my argument for the political viability of anti-foundationalism. As I have acknowledged, if foundationalism were to be grammatically viable project, it would be possible to conceive of a foundationalist endorsement of self-reflexive and omni-inclusive practices of collective deliberation. Yet the claims of normative authority of such foundationalist take on liberal democracy would have been so watered down that it would abandon any difference with anti-foundationalism that could make a difference in practice. When I refer to liberal fundamentalism I should thus be taken to refer also to those foundationalist approaches to liberal democracy that place particular interpretation and implementation of its key values and principles above collective debate and possible revision. In the rest of the paper I may sometimes use the terms interchangeably depending on whether I am emphasising the meta-normative or normative aspect of liberal foundationalism.

possible to be universalists and respect cultural diversity, and be anti-foundationalists but respectful of individual rights

A pragmatist approach to normativity, while affirming the ‘man-made’ character of normative claims acknowledges their universalistic aspiration, therefore preserving the normative force of our critical faculties and rebuking the traditional charges of radical relativism raised against anti-foundationalist positions. In particular, while asserting the contingent nature of liberal democratic values and institutions, it preserves their universal scope of application. The recognition of the scope-universalistic dimension of normative claims is not however taken to entail any lack of respect for cultural diversity and autonomy. To the contrary, the recognition of the ground-relativity of normative claims, namely the impossibility to place a particular set of principles, and their interpretation and application, on absolute foundations, allows liberal democratic pragmatists to accommodate cultural diversity at home and abroad by opening particular historical interpretations and implementations of the requirements of individual autonomy and democracy to re-signification and revision. Similarly, while disputing static and monolithic conceptions of cultural tradition, a pragmatist approach to culture is capable to acknowledge the importance of cultural allegiances and sovereignty for people’s lives. However, this recognition of the importance of cultural belonging and autonomy does not work as a conversation-stopper to protect particular interpretations of particular cultures from internal or external criticism. To the contrary, the recognition of the disputed and disputable character of the defining features of a culture allows multicultural pragmatists to accommodate the value of individual autonomy by opening public spaces for internal and external normative dissent against received interpretations of cultural identity, in this way also guaranteeing a safety exit for the protection of individual liberties.

Even though a pragmatist approach to normative validity and cultural identity enables us to overcome the meta-normative shortcoming underlying the political concerns of cultural relativists and liberal democratic fundamentalists, it does not offer us protection against the actual political threats underlying those concerns. The final responsibility for designing and implementing institutions and policies capable to foster and protect both individual and cultural autonomy is ultimately on us, on our substantial normative visions and our concrete political and ethical commitment to them. However a pragmatist approach to human agency, by bringing to the fore the volitional nature of normative conflict, enables us to *face our responsibility* for the creation and maintenance of a liberal democratic culture, and to *focus our energies* on the only means by which we could ever bring about political and social change, i.e. political will and concrete reformist commitment. Yet again, however, such a pragmatist view is not linked to any substantial

normative position. It is only a meta-normative conception of the basis of normative obligations and cultural allegiance.

The contention of this paper is that by combining a pragmatist and deliberative approach to liberal democracy we are able to move beyond the debate between cultural relativism and liberal fundamentalism that has paralysed liberal democrats with the fear of giving in either to the intolerable or to intolerance. The double fear of endorsing either a too lax interpretation of liberal democratic principles that allows too much room for intolerant communities or a too rigid interpretation of the terms and conditions of liberal democracy that allows too little room for cultural diversity. A pragmatist and deliberative perspective enables us to appreciate that there is an alternative to this either/or of laxism and rigidity, that the respect of cultural attachments does not have to conflict with the respect of individual freedoms. The alternative is that of opening the debate over the social practices and principles we should follow to the free and inclusive deliberation of all the affected and interested actors, including the discussion and revision of the practical solutions of how to accommodate cultural and individual autonomy. It is possible to walk this middle path between cultural relativism and liberal foundationalism by eliminating the epistemic and ontological obstacles to the discussion and revision of received interpretations of human rights and cultural values and paving the way for a deliberative liberal democratic multiculturalism.

A pragmatist and deliberative approach to liberal democracy thus empowers people by placing the interpretation and implementation of human rights standards and democratic principles into the hands of all human beings, rather than the disenfranchising hands of God, Nature, Reason, Culture or, in fact, the ruling class of the day which hides behind them. This reliance on liberal and democratic public spheres will surely not extinguish cultural, social and political conflicts, yet I believe it constitutes our best hope for civilizing them, for replacing deaf and violent confrontation with peaceful and fruitful conversation across differences. Our best hope for preventing the possible common ground for cross-cultural debate and cosmopolitan citizenship from being eroded by those who think to gain from stereotyping cultural difference and radicalising cultural conflicts. Indeed, fostering and protecting public spaces for considered and self-reflexive conversation across diversity and cultures may be our best hope for keeping the Enlightenment's project of human rights and democratic emancipation alive, even after having dropped the foundationalist expectations of Enlightenment's rationalism.⁷

⁷ See Rorty (1997) for an 'enlightening' discussion of the reciprocal independence of the two Enlightenment's projects of rationalism and liberal democracy.

Bibliography

- Benhabib, S. (1996): 'Toward a Deliberative Model of Democratic Legitimacy,' in *Democracy and Difference*, ed. Seyla Benhabib. Princeton: Princeton University Press, pp. 67-94.
- Benhabib, S. (2002): *The Claims of Cultures Equality and Diversity in the Global Era*. Princeton: Princeton University Press.
- Benhabib, S. (2004): *The Rights of Others: Aliens, Residents and Citizens*. Cambridge: Cambridge University Press.
- Buckeburg Tribunal (2006): Buckeburg Tribunal 2006-Kls 205 Js 4268/05 (107/05), 14.03.2006.
- Cohen, J. (1996): 'Procedure and Substance in Deliberative Democracy'. In *Democracy and Difference*, ed. Seyla Benhabib. Princeton: Princeton University Press, pp. 95-119.
- Conti, B. (2002): 'Universality of Rights Tested by Cultures: Islam and Arab Declarations on Human Rights', in *Mediterranean Journal of Human Rights*, Vol.6 pp. 143-82.
- Coleman, D.L. (1996): 'Individualizing Justice through Multiculturalism: The Liberal's Dilemma', in *Columbia Law Review*, Vol.96, no. 5, pp.1093-67.
- Dryzek, J. (2000): *Deliberative Democracy and Beyond*. New York: Oxford University Press.
- Guttman, A. & Thompson, D. (1996): *Democracy and Disagreement*. Cambridge, MA: Harvard University Press.
- Guttman, A. & Thompson, D. (2004): *Why Deliberative Democracy?*, Princeton University Press, Princeton, New Jersey
- Habermas, J. (1984). *The Theory of Communicative Action: Volume 1*, trans. T. McCarthy. London: Heinemann
- Habermas, J. (1990): *Moral Consciousness and Communicative Action*. Cambridge, MA: MIT Press.
- Habermas, J. (1996). *Between Facts and Norms*, trans. W. Rehg. Cambridge, MA: MIT Press
- Habermas, J. (2004). "Religious Tolerance: The Pacemaker for Cultural Rights" in *Philosophy* 79: 1, 5-18.
- Kaldor, M. (2003). *Global Civil Society: an Answer to War*. Cambridge: Polity Press
- Kausikan, B. (1993): 'Asia's Different Standards', in *Foreign Policy*, no. 92, pp. 24-41.
- Kymlicka, W. (1995): *Multicultural Citizenship: a Liberal Theory of Minority Rights*. Oxford: Clarendon Press.
- Kymlicka, W. (2007): *Multicultural Odysseys: Navigating in the New International Politics of Diversity*. Oxford: Oxford University Press.

- Miller, K. (1996): 'Human Rights of Women in Iran: The Universalist Approach and the Relativist Response', *Emory International Law Review*, Vol. 10, no 2.
- Mouffe, C. (2000): *The Democratic Paradox*, Verso, London
- Nussbaum, M. C. & Sen, A.(eds) (1993): *The Quality of Life*, Oxford: Clarendon Press.
- Nussbaum, M. C. (1999): 'Women and Cultural Universals', in *Sex and Social Justice*. Oxford: Oxford University Press, pp.29-54
- Okin, S.M. (1999): *Is Multiculturalism Bad for Women?* Princeton: Princeton University Press.
- Pollis, A. (1996): 'Cultural Relativism Revisited: Through a State Prism', in *Human Rights Quarterly*, Vol.18, no 2, pp. 316-44.
- Phillips, A. (2001): 'Multiculturalism, Universalism and the Claims of Democracy', *Democracy, Governance and Human Rights Programme Paper No 7*. United Nations Research Institute for Social Development.
- Phillips, A. (2007): *Multiculturalism without Culture*, Princeton: Princeton University Press.
- Putnam, H. (1978): *Meaning and the Moral Sciences*. London: Routledge & Keagan Paul.
- Putnam, H. (1981): *Reason, Truth and History*. Cambridge: Cambridge University Press.
- Putnam, H. (1983): *Realism and Reason*. Cambridge: Cambridge University Press
- Putnam, H. (1987): *The Many Faces of Realism*. LeSalle, Ill.: Open Court
- Puntam, H. (1990): *Realism with a Human Face*, Cambridge, Mass.: Harvard University Press
- Puntam, H. (2003): *The Collapse of the Fact/Value Dichotomy*. Cambridge, Mass. And London, Harvard University Press
- Rawls, J. 1971. *A Theory of Justice*. Oxford: Clarendon Press
- Rawls, J. (1993): *Political Liberalism*. New York: Columbia University Press.
- Rorty, R. (1982): *Consequences of Pragmatism*. Brighton: Harvester Press
- Rorty, R. (1991): *Objectivity, Relativism and Truth: philosophical papers vol.1*. Cambridge: Cambridge University Press
- Rorty, R. (1997): *Truth, Politics and 'Post-modernism*. Amsterdam: Van Gorcum.
- Rorty. R. (1998): *Truth and Progress* , Cambridge: Cambridge University Press
- Sardegna Oggi (2006): 'Violenza in germania: sconto di pena perchè sardo', 11 October, at <http://www.sardegnaoggi.it/notizie.php?id=9435> (11/11/07).
- Sen, A. (1985): *Commodities and Capabilities*, Amsterdam: North Holland
- Sen, A. (1997): *Human Rights as Asian Values*. Carnegie Council on Ethics and International Affairs.

Sen, A. (1999): *Development as Freedom*. Oxford: Oxford University Press

Sen, A. (2007): *Identity and Values: the Illusion of Violence*. London: Penguin.

Trifiró, F. (2004): 'Anti-Fondazionalismo, Liberalismo e Diritti Umani' in *Etica e Politica, / Ethics & Politics*, VI, 2004, 1.

Trifiró, F. (2007): 'A Neo-pragmatist Approach to Intercultural Dialogue and Cosmopolitan Democracy' in *Philosophy in the Contemporary World*, Vol. 14, no. 2, pp.126-41.

Trifiró, F. (2008): 'Rorty through and with Putnam: a viable antifoundationalism', in *Etica & Politica / Ethics & Politics*, X, 2008, 1, pp. 286-319

Young, I. M. (1996): "Communication and the Other: Beyond Deliberative Democracy" in *Democracy and Difference*, ed. S. Benhabib. Princeton: Princeton University Press.

Young, I.M. (2000): *Inclusion and Democracy*, Oxford University Press, Oxford