

BOOKS IN REVIEW

CULTURE AND EQUALITY: AN EGALITARIAN CRITIQUE OF MULTICULTURALISM by Brian Barry. Cambridge, UK: Polity, 2000. 399 pp. £16.99. Cambridge, MA: Harvard University Press, 2001. 416 pp. \$35.00.

This book is presented as a liberal-egalitarian critique of multiculturalism. It seems remarkable that Barry concentrates on this subject, instead of publishing the long-expected final volume of his *Treatise on Social Justice*. In the book, we can find two reasons for this. First, Barry's incomprehension of the domination of multiculturalism in contemporary political theory. Initially, he assumed that "multiculturalism was bound sooner or later to sink under the weight of its intellectual weaknesses" (p. 6). But since that did not happen, he wrote his critique from within political philosophy. Second, Barry believes that multiculturalism is a threat to liberal egalitarianism because it condemns liberal rights, fragments society (chap. 1), and takes away the attention from the really important issue, namely, socioeconomic inequalities (pp. 63-64).

Barry concentrates on diverse policies proposed under the label of multiculturalism and argues why they are incompatible with liberal egalitarianism. These criticized policies are proposed by several political theorists and (spokesmen for) minority groups. In chapter 2, he discusses support for specific minority practices and legal exemptions from general rules for members of minority groups. In chapter 3, he scrutinizes the role of identity in political theoretical debates. Subsequently, Barry discusses defenses of "group rights" (chap. 4), the claims of religious groups to self-government in internal affairs (chap. 5), the claims of religious families to withdraw their children from civic education (chap. 6), and (the abuse of) the concept of culture in multicultural political theory (chap. 7).

This is an important book for at least three reasons. First, Barry is the first major proponent of contemporary liberal egalitarianism to systematically attack multiculturalism. Although both strands of thought are dominant in contemporary political theory, there has been little cross-boundary public debate. Second, Barry convincingly argues that multicultural defenses of group rights and rule-and-exception approaches as defended in the "politics of difference" and the "politics of recognition" have not proven to be a fruit-

ful enterprise. Instead, he calls for renewed attention to the concept of universal rights. Third, by proposing an alternative answer, Barry forces multiculturalists to respond to a straightforward liberal position.

In spite of these strengths, the book fails to live up to its promise. Barry does not settle for a qualified critique of some multiculturalists. Instead, he aims for total victory. However, this total victory is only possible by overemphasizing the differences between and disregarding differences within multiculturalism and liberal egalitarianism. Barry criticizes several multicultural approaches. On one hand, he scrutinizes claims from various religious groups: orthodox Jews, fundamentalist Christians, and Islamic groups. On the other hand, he criticizes several political theories: the *politics of difference* (Young), the *politics of recognition* (Taylor), *liberal-egalitarian multiculturalism* (Kymlicka), *dialogical multiculturalism* (Parekh), *multicultural constitutionalism* (Tully), and *libertarian multiculturalism* (Kukathas). For one thing, none of the approaches is discussed systematically. Barry discusses only bits and pieces—especially their policy proposals. Moreover, he lacks any sensitivity to issues raised by multiculturalists and does not make any attempt to give an empathetic reading of these approaches. Finally, Barry persists in presenting “the partisans of multiculturalism” as one “multicultural programme” in spite of the differences implied by the plurality of thinkers and labels listed above. Barry warns us that the “whole thrust” of multiculturalism is “that it seeks to withdraw from individual members of minority groups the protections that are normally offered by liberal states” (p. 326). However, since these approaches differ significantly, sometimes even fundamentally, their presentation as one single strand of thought is, to borrow Barry’s own term, a “willful misunderstanding.” Kukathas, for example, is one of Young’s fiercest critics. At several points in the book, Barry admits that multiculturalism is heterogeneous (p. 305), for example, by concluding that Kymlicka’s work “has virtually no overlap in subject-matter with Young’s book” (p. 308). It is unproductive in a philosophical debate (and unfair in general) to sweep all multicultural approaches together into one antiliberal heap.

This brings me to the book’s second shortcoming. Barry shares the multicultural concern that cultural differences can generate inequalities, but he claims “that the multiculturalist programme for responding to [that problem] is in most instances ill-advised” (p. 24). Barry’s own response to these problems, however, remains virtually implicit, because his “egalitarian liberalism” is hardly developed. He presents it as self-explanatory and well rounded, and he develops it only “as and when it is needed in order to explain my objections to multiculturalism” (p. 17). For Barry, liberal egalitarianism boils down to redistribution through welfare-state institutions (but he does

not raise the question of whether redistribution is a sufficient interpretation of the liberal-egalitarian ideal), equal treatment (not even *treatment as equals* as defended in Dworkin's famous abstract egalitarian claim), and universal rights.

[Universal] rules define a choice set which is the same for everybody; within that choice set people pick a particular course of action by deciding what is best calculated to satisfy their underlying preferences for outcomes. . . . If uniform rules create identical choice sets, then opportunities are equal. (P. 32)

For example, a universal law on Sunday closing has a different effect on Christians than on Muslims since the latter worship on Friday. Nevertheless, according to Barry, any claim that universal laws have an unjustified inegalitarian effect on persons "is merely a mistake" (p. 34). In his view, cultural differences are not problematic in an egalitarian sense because "within a liberal state all groups are free to deploy their energies and recourses in pursuit of culturally derived objectives *on the same terms* [emphasis added]" (p. 318). These terms might be universal, but the problem is that they are determined without the consent or even participation of cultural minorities. They entered the game after it had already begun, and the terms were already fixed. This generates problems for liberal egalitarianism which are not simply "invented out of nothing by multiculturalists" (p. 317). Indeed, the *only* element that multicultural theorists have in common is their starting point that liberal egalitarianism fails to live up to its own egalitarian ideals, is in fact neglected by Barry. He is all too optimistic in his claims that the common framework of universal rights, based on equal treatment, can deliver equality and justice in plural societies.

Liberal egalitarians have good reasons to stick to equality and to argue against the politics of difference or the politics of recognition. On the other hand, multiculturalists have good reason to argue that redistribution is only a partial interpretation of what equality as a normative ideal requires. Barry's critique of those multiculturalists who seek an alternative for liberalism is indeed devastating because he shows that these approaches conflict with basic liberal values, which are embraced by these theorists themselves. However, this does not make all multicultural defenses illiberal and objectionable. While Young's single-minded focus on multiculturalism in terms of oppression is rightfully criticized by Barry, her argument that the distributive paradigm is too dominant in liberal egalitarianism is wrongfully ignored. Kymlicka's concept of "societal culture" may be problematic; however, his claim that culture is the context of choice is a very strong argument for liberalism in plural societies—unfortunately ignored by Barry. In sum, the main

problem with this book is that the description of multiculturalism is a caricature and that liberal egalitarianism is taken too much for granted. Moreover, he does not convincingly argue that the problems multiculturalists bring up are irrelevant, nor does he offer an alternative solution to these problems.

It is not the first time that Barry discerns a conspiracy against liberal political theory. Some twenty years ago, in his review of Sandel's *Liberalism and the Limits of Justice*, he claimed that communitarianism gave the green light to practices that opened a road that could only end with Stalin and Hitler. In this book, he makes similar claims, for example, by putting Kymlicka's societal culture on a par with the society definition used by Hitler to justify the *Anschluss* with Austria (p. 309). Even after twenty years, we have no indication whatsoever that Barry's fear of communitarianism was justified in any way. Instead, the communitarian critique has been an important incentive for liberal egalitarianism to refine its position. There is every reason to assume that multiculturalism will have the same effect. Both egalitarian liberalism and multiculturalism are the subject of continuous and converging debate. Barry's rhetorical and antipodal approach makes him blind to such a convergence and to possible contributions of multiculturalists to theories of social justice. Barry may not like such a development, perhaps because he thinks that liberal egalitarianism is complete as it is. But then he makes the mistake described by his idol J. S. Mill, namely, to treat a strand of thought as a dead dogma instead of a living truth.

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PRINCIPLES OF SOCIAL JUSTICE, by David Miller. Cambridge, MA: Harvard University Press, 1999. 337 pp.

David Miller has once again given us an admirably clear and substantial book, in which he makes many useful distinctions and arguments. In this book, as in his previous work, moreover, he invites controversy, and I have taken up that invitation in this review. Miller's excellent mode of exposition and good questions ease the task of such a critical engagement.

The book's title has a sturdy timeless ring. Yet in it David Miller argues that ideals of social justice were born in a particular time and place, late-nineteenth-century Europe, when capitalist economic processes came under the scrutiny of broadly liberal principles within relatively homogeneous societies over which state regulatory power had become significant. In *Principles*

of *Social Justice*, Miller carefully develops arguments for a nonreductive conception of social justice that includes principles of need, desert, and equality. He provides thought-provoking and measured analyses of these principles and instructive directions for their application. Miller ends by questioning the relevance of such ideas to the social conditions of the twenty-first century, however, because processes of globalization have made our societies less homogeneous at the same time as they have weakened the ability of states to regulate social and economic processes for the sake of meeting needs or enforcing equality and desert. Is the book a dirge or a wake up call?

A theory of justice, Miller says, should take as its task to clarify and systematize ideas about justice that most people already hold. Unlike some theorists, Miller doesn't only look into his own heart to discover these intuitions about justice; he also consults the empirical social science literature that has aimed to document the diverse opinions of people in North America and Europe. A review of these studies, Miller says, reveals that principles of distribution according to need and desert appear frequently in some contexts and that others evoke appeals to distributive equality. These three principles of justice correlate with three kinds of social relationships: solidaristic community, instrumental association, and citizenship.

Miller raises some of the questions about these empirical studies that any critical philosopher should raise. How do we know that they have not been so constructed as to elicit the normative results the researchers hope for? Don't people express the views about justice that, if generally followed, justify policies and practices that would most serve their own interests? Aren't people's views about justice a product of their experience of particular social contexts, and thus aren't they of little use in criticizing existing institutions? While I agree with Miller that philosophers should neither ignore nor disdain the efforts of empirical social science to find out what people think just practices and social arrangements might be, I find his answers to these questions less than satisfying.

Like Rawls, Miller says that the subject of a theory of justice concerns the "basic structure" of a society. Principles of social justice are not meant to guide performance and evaluation of every act that affects the relative advantages of persons. Instead, a theory of justice should be "concerned with the ways in which a range of social institutions and practices together influence the shares of resources available to different people" (p. 11). The state is paramount among these institutions. Miller also includes in the basic structure markets and the private enterprises that operate through markets, as well as families and civic associations. Miller defends exclusive focus on the distributive effects against arguments that distributive fairness is too narrow an understanding of the concept of justice, but he is careful to distance himself

from a conception of distributive justice that presupposes a single centralized distributing agent.

While the primary subject of justice concerns the distributive outcomes that the basic structure produces, Miller finds that efforts to do justice must also be subject to criteria of procedural justice. We know that procedural standards of equal treatment, accuracy, publicity, and dignity are normatively independent of distributive fairness because violation of any one of them offends our sense of justice even when the outcome does not violate substantive distributive fairness.

Of his three principles of social justice, Miller devotes the most attention to desert. The principle of desert says that individuals should be rewarded for performing socially valued activities, in accord both with the valuation of those activities and with how well they perform them. Miller argues that the value of many performances is preinstitutional and that this fact can serve as a basis of social criticism. People rightly criticize institutions for not properly recognizing the contribution of socially valued performances. Miller's reasons for wanting to make this argument is a good one, namely, that he wishes not to have the concept of desert depend entirely on the rules and entitlements that particular institutions create. He offers no examples of kinds of performances whose social valuation is independent of particular institutions, however, which makes it difficult either to defend or criticize his claim.

Most of Miller's discussion of the principle of desert, however, presupposes the quite specific context of wage and salaried labor in the highly differentiated occupational structure of advanced capitalist economies. He distinguishes two questions of distribution according to desert in such contexts. How should jobs be distributed among persons? How should rewards such as pay be distributed to the holders of jobs and among different kinds of jobs? On the first question, Miller usefully distinguishes his own interpretation of a principle of deserving jobs from three common but incorrect interpretations. On the first, that person deserves a job whose filling of it will best promote aggregate social happiness. On the second, people deserve jobs when their past performance on some test is exemplary. On the third, a person deserves a job when he or she performs best on some test or competition established to ascertain that merit. For a principle of allocating jobs to individuals according to desert to have any meaning, Miller argues, it must be distinguished from each of these. A particular job should go to the *best qualified* candidate, and the best qualified is the person who will perform it best, whether or not that maximizes aggregate utility and not strictly because of some past performance. While these distinctions help clarify a notion of deserving jobs, I wonder how easy it is in most job-screening processes to rank all candidates unambiguously in order from the best to least qualified. Miller evinces no

doubts about a standard of “best qualified” for jobs; if one does, his interpretation of a principle of desert for allocating jobs may come into question. In this chapter, Miller also appears wrongly to identify his principle of desert with a principle of nondiscrimination. It is one thing to uphold a principle requiring that ascriptive criteria such as gender, race, or physical ability not be used as reasons to exclude some from or to choose some for particular jobs. It is quite another to say that all candidates must be ranked according to a scale that determines *the* “best qualified” and that this person ought to be chosen.

Miller argues that properly functioning labor markets—those not structured by demand-side prejudice and that are reasonably competitive—will reveal who deserves what jobs and what is the appropriate pay level for different jobs. He accepts an argument that markets reliably identify the contributions both occupations and individuals make to productivity. One of his purposes for distinguishing principles of need and equality from desert, however, is to put moral and practical limits on the degree to which social institutions rely on markets as the means to allocate the benefits of social cooperation.

Miller’s discussion of a principle of desert in allocating jobs and the rewards for performance in those jobs contains many important arguments and useful distinctions. His assumptions, however, make me wonder to what extent the basic structures of contemporary capitalist societies have come under critical scrutiny. Miller appears to assume as given an occupational system of wage labor, where employers have the right to define tasks and evaluate productivity and where there is a hierarchical division between professional, skilled, and unskilled work. Given the purposes of these employers, the resources they have available and allocate, Miller’s theory provides criteria for whether they distribute positions and resources to individuals fairly. Doesn’t a moral evaluation of the basic structure, however, need to scrutinize the social division of labor and the purposes of economic enterprises themselves? Miller offers no reasons for why it does not.

Both the chapters on principles of need and equality make important distinctions that clarify both those concepts and the normative issues involved in proposing distributive principles that focus on them. For example, Miller tells us that distributing according to need can mean two different things that sometimes but not always converge. On one hand, it enjoins us to notice neediness and respond to it by allocating resources toward alleviating it. On the other hand, it calls for distinguishing among individuals according to their needs and to equalize scores among them on the scale of need.

Miller claims that there are two different kinds of equality, to take another example. The first holds certain equal distributions, such as equality of politi-

cal rights, to be a requirement of justice as equal citizenship. The second, he suggests, is not a matter of justice at all. When we invoke a value of social equality, or equality of status, we are not making claims about distributive fairness, and thus we are not making claims about justice. Instead, “we are objecting to social relations that we find unseemly—they involve incomprehension and mistrust between rich and poor, for instance, or arrogance on the one side and obeisance on the other” (p. 232).

As revealed in this discussion, there seems to be something stipulative about what Miller does and does not include under the concept of social justice. For example, he claims that democratic decision making is not itself an aspect of justice. More generally, he claims that values of personal autonomy and self-development fall outside the scope of justice. Although he never says so explicitly, it seems that the value of liberty also may fall outside the concept of justice for him. Indeed, Miller says little about freedom as a value at all, but what he does say is tantalizing. He argues that free agreement cannot be a test of justice because people sometimes consent to transactions that are unjust. One would like more about this form of injustice, which he calls exploitation, and its connection with his three major principles of justice. Perhaps Miller thinks that it is unnecessary to discuss concepts such as freedom and exploitation at any length in this book, because he has treated these themes already in earlier work, especially in *Market, State and Community*. It would be helpful to understanding his conception of justice, however, to have more connection between that previous work and the arguments of this book.

Presumably, a more thorough account of the relation of a concept of exploitation to a concept of social justice would need to theorize the power inequalities produced and reproduced in social structures. Power and power inequality, however, is another theme his theory does not treat. It seems arbitrary to limit questions of justice only to those concerning the distribution of resources to individuals, thereby excluding the constitution of power inequality or the exercise of freedom from considerations of justice.

Miller ends his book by questioning the extent to which ideals of justice, in this limited scope, remain relevant to the contemporary world. He argues that appeal to and application of principles of justice make sense only in a relatively self-contained society where state power can effectively regulate distributive outcomes and that the commitment of persons in the society to cooperating with such regulations requires a relative homogeneity of culture and identity. Since these two conditions have receded, principles of justice have become less applicable to our societies. Miller bemoans this fact, but in the face of it he offers only backward-looking advice. We should look for ways of promoting the old principles under these changed circumstances and in par-

ticular find ways of restoring the power of nation-states against the forces of globalization.

If a theory of social justice ought to follow the way ordinary people talk about justice, however, there may be other alternatives. Miller denies that transnational claims of justice are possible, yet we hear them frequently enough both in less developed and richer countries. Why not play the tune as revelee, however, rather than as taps? With the many excellent questions and analytic tools for thinking about justice that Miller offers in this book, we ought to be able to undertake a project of adapting some principles to a more global condition and to formulate new ones. Perhaps we are confused about what political morality requires of us in an age when global interdependencies and multicultural claims put in question a felt coincidence of identification and obligation. Philosophical work as sensible and insightful as Miller's should help us think through a transnational future for justice.

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