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1

The Multiculturalism of Fear

MONTESQUIEU'S MULTICULTURALISM

The political and social thought of the eighteenth-century French liberal Baron Charles Secondat de Montesquieu spanned a sometimes dizzying range of subjects and interests; it is notoriously difficult to reduce to a system or doctrine. But a number of themes and methods reoccurred throughout his life. A central normative ideal of his work was moderation, closely linked with the prevention of cruelty. Despotic governments, which ruled by cruelty and fear, were contrasted with moderate governments of whatever form. Immoderate religious passions contributed to the violence and atrocities of the wars of religion. Even immoderation of sexual lusts and jealousy can give rise to monstrous cruelty and tyranny, as demonstrated by Usbek's rule over his harem in Montesquieu's 'sort-of novel,' *The Persian Letters*. Montesquieu's political vision was centrally concerned with diminishing cruelty and violence in social life.

Another frequent theme was the plurality of cultures in the world, the differences among nations and peoples. This is most famously true of his *Spirit of the Laws*, which is in part an attempt to account for both the similarities and the differences among the laws of different nations. It is also in part a compendium of those laws, and in part an argument about what laws—ranging from form of government to regulation of marriage—are best suited to people in a variety of different circumstances. But it is also clearly true of *The Persian Letters*, which satirizes the mores and customs of France by viewing them through the eyes of fictional Persians, while also commenting on (what Montesquieu took to be) the customs of Persia. Cross-cultural comparisons were central to Montesquieu's method. But he also had crucial substantive concerns about coexistence and conflict among different peoples with different ways of life, concerns which were often related to the normative arguments about violence and cruelty.[1]

[1] Todorov elaborates some of the links between Montesquian fear of cruelty and support for moderation, on the one hand, and cultural diversity on the other. Todorov observes that Montesquieu's distrust of extremes and extremism issues *both* in a general

Religious wars, the brutal Spanish conquest of South and Central America, and the treatment of peoples subject to the Roman Empire were just a few of the subjects he considered when thinking about the too-often-terrible results of encounters between cultures. While Montesquieu was a comparativist methodologically, he never pretended that the objects of his comparison existed in isolation from one another. Human societies have always interacted and they have often interacted violently. He had much to say both about how conquests happen and about what does or should come after the conquest. In his work on ancient Rome, he observed that 'It is the folly of conquerors to want to give their own laws and customs to all the peoples they conquer. This accomplishes nothing . . .'[2] The idea recurs in *The Spirit of the Laws*: 'In conquest, it is not enough to leave the vanquished nation its laws; it is perhaps more important to leave it its mores, because a people always knows, loves, and defends its mores more than its laws.'[3]

Customs, mores, and manners—the cultural traditions and practices of a people—were, Montesquieu argued, strongly resistant to change. He maintained that states should change these by force only in extreme circumstances. This meant that he was frequently attacked by his contemporaries as what we would now call a cultural relativist. He anticipated the charge and, over and over again, denied it. 'In all of this, I do not justify usages; but I give the reasons for them.'[4] 'I have said none of this in order to lessen at all that infinite distance which separates virtue and vice. God forbid!' But, he continued, he wished to 'make understood that not all political vices are moral vices; and that not all moral vices are political vices; and that this must not be ignored by those who make laws which shock the general spirit of a nation.'[5] He

defense of cultural pluralism (against presumptuous universalism) *and* in the condemnations of such evils as slavery and torture. Tzvetan Todorov, *On Human Diversity* (Cambridge, Mas.: Harvard University Press, 1993), 353–83.

[2] 'C'est la folie des conquérants de vouloir donner à tous les peuples leurs lois et leurs coutumes: cela n'est bon a rien . . .' *Considérations sur les causes de la grandeur des Romains et de leur décadence* (Paris: Garnier-Flammarion, 1968 [1748]), ch. VI, 69.

[3] 'Dans ces conquêtes, il ne suffit pas de laisser à la nation vaincue ses lois; il est peut-être plus nécessaire de lui laisser ses moeurs, parce qu'un peuple connaît, aime et défend toujours plus ses moeurs que ses lois.' *De l'esprit des lois*, ed. Victor Goldschmidt (Paris: Garnier-Flammarion, 1979 [1758]), book X, ch. XI, vol. i, 281. (All subsequent citations are to this edition and will be given as book, chapter, volume, page number.)

[4] 'Dans tout ceci, je ne justifie pas les usages; mais j'en rend les raisons.' Ibid. XVI. IV. i. 412.

[5] 'Je n'ai point dit ceci pour diminuer rien de la distance infinie qu'il y a entre les vices et les vertus: à Dieu ne plaise! J'ai seulement voulu faire comprendre que tous les vices politiques no sont pas des vices moraux, et que tous les vices moraux ne sont pas des vices politiques; et c'est ce que ne doivent point ignorer ceux qui font des lois qui choquent l'esprit general.' Ibid. XIX. XI. i. 465.

acknowledged a wide morally legitimate range in customs, wider perhaps than many Enlightenment Europeans would like. And he argued that 'the laws are the particular and precise institutions of a legislator, and manners and customs the institutions of a nation in general. From this it follows that when manners and customs are to be changed, it must not be done by laws; that would seem too tyrannical; it would be better to change them with other manners and other customs.'[6] And even these qualifications did not apply to the condemnation of massacres or torture; evils such as slavery and the domestic slavery of women might be explained but were not to be accepted.

Today we know that, in his explanations of cultural variety, Montesquieu overstated the causal relationship between physical climate and mores and customs. But he was by no means a simple determinist; his work was filled with proposals for the deliberate reform of customs and laws, proposals that would have made little sense if such things were straightforwardly determined by geography.

But these proposals were shaped by Montesquieu's views about the climactic determinants of manners and mores. He thought that customs were difficult to change, and that they were almost impossible to change radically and suddenly. It is this very moderate reformism that remains of interest. Today, when indigenous and non-indigenous peoples share the various climates of the Americas and Australasia, when Algerians live in the climate of Paris and Pakistanis that of London, it won't do to think that the morals and manners of a people are simply decided by where they live. But it remains true, as D'Alembert put it in his account of the argument of *The Spirit of the Laws*, that 'Laws are a bad method of changing manners and customs; it is by rewards and example that we ought to endeavour to bring that about. It is however true at the same time, that the laws of a people, when they do not grossly and directly affect to shock its manners, must insensibly have an influence upon them, either to confirm or change them.'[7] The effect—the durability of cultural traditions—is in this sense more important than Montesquieu's sometimes-too-simple account about the causes. And the lesson Montesquieu draws from that effect, that governments should be reluctant to change traditions with laws except when the traditions are

[6] '[Nous avons dit que] les lois étaint des institutions particulières et précises du législateur, et les moeurs et les manières des institutions de sa nation en général. De là il suit que, lorsque l'on veut changer les moeurs et les manières, il ne faut pas les changer par les lois; cela paraîtrait trop tyrannique: il vaut mieux les changer par d'autres moeurs et d'autres manières.' XIX. XIV. i. 467.

[7] M. D'Alembert, 'The Analysis of the Spirit of the Laws,' in *The Complete Works of M. de Montesquieu*, iv (London: Evans and Davis, 1777), 210. I have taken the liberty of updating archaisms such as ' 'tis' in this 18th-cent. translation.

genuinely cruel, remains an important one for contemporary multicultural states.

The concerns with cruelty and with cultural pluralism interact in a number of ways. Gross atrocities are a real possibility among nations; conquest, slavery, forced religious conversion, and genocide were among the evils that Montesquieu knew had to be avoided. But a nation's own mores and manners, its own internal traditions, might themselves be terrible. And today that fact has a special importance in the politics of multicultural states. Unlike in Montesquieu's 'nations,' in today's multicultural states the traditions which state officials might want to change are often those of a cultural minority. Those who make the laws are often culturally alien to those who live under the cultural rules under debate. Montesquieu reminds us that there is good reason to be slow in legislatively changing deep cultural traditions, even as he denies that cultural difference is any barrier to the moral criticism of genuine cruelty. These issues will be discussed in greater depth in the next chapter.

In one crucial respect Montesquieu fails to instruct us today. In *The Persian Letters* he (or rather the Persian Usbek, but Usbek sounding quite authorial in an extended discourse on population) opines that 'Men ought to stay where they are.'[8] He suggests that migration has been partly responsible for the supposed decline of population since ancient times. This opinion is partly inspired by the wickedness and savagery of the Spanish conquest of the Americas, by their 'extermination' of the Indians; indeed, almost all of the examples cited are examples of the conquest, colonialism, expulsion, or forced transport of enslaved peoples. But 'the climate is filled, as plants are, with particles from the soil of each country. It affects us so much that our constitution is fixed. As soon as we are transported to another country, we become sick.'[9]

We have some reason to be suspicious of this; it is, after all, being written by a Persian character who has taken up long-term residence in Paris. Montesquieu may have intended the irony. But the usual reading has been that Usbek speaks for Montesquieu in the series of letters on population decline. Much of what Usbek says on population is later echoed in *The Spirit of the Laws*, even though this argument is not (at least in not so extreme a form).[10] In any event, this view—strikingly

[8] 'Il faut que les hommes restent où ils sont.' *Les Lettres persanes*, ed. Laurent Versini (Paris: Garnier-Flammarion, 1995 [1721]), letter 121, p. 238.

[9] 'L'air se charge, comme les plantes, des particules de la terre de chaque pays. Il agit tellement sur nous que notre tempérament en est fixé. Lorsque nous sommes transportes dans un autre pays, nous devenons malades.' Ibid.

[10] See esp. *De l'esprit des lois* book XXIII; extracts from the English translation reprinted as 'Montesquieu on the Effects of Laws on Population,' *Population and Development Review* 17:4 (1991), 717–29.

similar to opinions expressed by nationalists like Herder and by Gandhi, which will come up in Chapter 7—doesn't help us live in a world in which men have never stayed where they were. The advice was already too late in the eighteenth century; it is far too late now. Certainly the expulsions, forced transportations, and colonial conquests Usbek condemns should still be condemned and prevented. But migrations of some sort are a fact of life.

THE LIBERALISM OF FEAR

Judith Shklar coined the phrase 'Liberalism of Fear' in an influential 1989 essay.[11] The liberalism of fear, strongly inspired by Montesquieu, begins 'with a *summum malum,* which all of us know and would avoid if we could. That evil is cruelty and the fear it inspires, and the very fear of fear itself.'[12] In particular, political cruelty and political terror are to be feared and avoided, not because the state is somehow a morally unique agency, but because it in fact has an unparalleled capacity to act cruelly, to inflict violence and pain, to inspire fear. The liberalism of fear is contrasted, sometimes explicitly, sometimes implicitly, with (among other things) the liberalism of rights and justice, the liberalism of applied Kantian moral philosophy. Shklar insists that liberalism is a political doctrine first, and one which must be sensitive to political realities. In particular, it must be responsive to the realities of where cruelty comes from and what form it takes.

This seems at first glance to be a rephrasing of the liberalism of negative liberties and fundamental human rights, a liberalism which consists of a series of 'thou shalt not' statements directed at governments. Shklar's account is in fact more subtle and more interesting than that, although the protection of those liberties is certainly a part of her project: her liberalism is, for example, psychologically richer and concerns building resistance to the temptations of cruelty and power as

[11] Judith Shklar, 'The Liberalism of Fear,' in Nancy L. Rosenblum, ed., *Liberalism and the Moral Life* (Cambridge, Mass.: Harvard University Press, 1989). See also Shklar, *The Faces of Injustice* (New Haven: Yale University Press, 1990), Ordinary Vices (Cambridge: Harvard University Press, 1984), ch. 1, and 'Injustice, Injury, and Inequality: An Introduction,' in Frank S. Lucash, ed., *Justice and Equality Here and Now* (Ithaca: Cornell University Press, 1986). This essay anticipates 'The Liberalism of Fear,' and explains more fully than does the later piece the relationship between fear and rights. The two complement each other in important ways, making it very odd that 'Injustice' was not included in the collection *Political Thought and Political Thinkers.*

[12] Ibid. 29.

well as building institutional barriers; but this is not the difference of most immediate interest here.

In a later book on the citizenship of American women and blacks, Shklar notes the historically intimate links between denial of the vote and denial of the opportunity for an independent income, on the one hand, and the general injustices visited on those groups, on the other.[13] She then articulates an American liberalism in which a right to vote and a right to work have a distinctively prominent place. This is neither a move toward theories of the innate value of political participation, nor a shift toward a Rawlsian account of the general moral status of the distribution of goods. Shklar remains a liberal of fear; but the positive political program of the liberalism of fear depends on the kinds of cruelty and the history of political wrongs being responded to.[14]

Shklar subordinates the evil of 'moral cruelty' or humiliation to the evil of physical cruelty, but acknowledges the reality and the harm of such moral cruelty. 'It is not just a matter of hurting someone's feelings. It is deliberate and persistent humiliation, so that the victim can eventually trust neither himself nor anyone else.'[15] Avishai Margalit has subsequently argued in a more systematic fashion that, while the prevention of cruelty comes first, the prevention of humiliation comes second, still ahead of the promotion of justice and the protection of rights.[16] A state may not be entirely just but may still be decent, where 'decency' is equivalent to 'the avoidance of institutional humiliation' (with the lexically prior condition of avoiding institutional cruelty and violence). It is worth noting that humiliation does not include just anything which happens to give offense. It is not tied to the self-esteem of particular persons or groups. Margalit uses the term to mean 'any sort of behavior or condition that constitutes a sound reason for a person to consider his or her self-respect injured.'[17] Each of the key terms in this definition is analyzed and defended at length; but the 'sound reason' clause indicates that

[13] Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge, Mass.: Harvard University Press, 1991).

[14] In the analysis of the relationship between 'The Liberalism of Fear' and *American Citizenship*, I am persuaded by Nancy Rosenblum, 'The Democracy of Everyday Life,' in Bernard Yack (ed.), *Liberalism without Illusions: Essays on Liberal Theory and the Political Vision of Judith N. Shklar* (Chicago: University of Chicago Press, 1996). For a different interpretation of that relationship, one which sees a move from negative liberalism in 'Fear' to a democratic positive liberalism in *American Citizenship*, see Amy Gutmann, 'How Limited is Liberal Government?' in the same volume.

[15] Judith Shklar, *Ordinary Vices* (Cambridge, Mass.: Harvard University Press, 1984), 37.

[16] Avishai Margalit, *The Decent Society* (Cambridge, Mass.: Harvard University Press, 1996).

[17] Ibid. 9.

claims of humiliation are to be morally evaluated, not simply accepted. In any event, the overall thrust brings the meaning much closer to 'degrading' than to 'embarrassing' or 'insulting,' and the work as a whole is closer to 'The Liberalism of Fear' than it is to the counsel to walk on eggshells and avoid giving offense to any person or group.

Deciding what is humiliating is not a matter of *a priori* reasoning. The political program of non-humiliation can no more be wholly derived from general categories and rules than can the political program of non-cruelty. While Margalit's work is more analytic and abstract than Shklar's, it still clearly offers an account which is responsive to particular histories and political realities.

William Hazlitt attributed the following story to the memoirs of Granville Sharp, saying that it was 'an anecdote . . . of the young Prince Naimbanna,' a visitor to England from an area in what is now called Sierra Leone.

> Being asked, why he would not extend his forgiveness to those who took away the character of the people of his country [i.e. publicly insulted them, although he could forgive any physical attack], he answered—'If a man should try to kill me, or should sell me and my family for slaves, he would do an injury to as many as he might kill or sell; but if any one takes away the character of Black people, that man injures Black people all over the world; and when he has once taken away their character, there is nothing that he may not do to Black people ever after. That man, for instance, will beat Black men, and say, *Oh, it is only a Black man, why should I not beat him?* That man will make slaves of Black people; for when he has taken away their character, he will say, *Oh, they are only Black people, why should I not make them slaves?* . . . That is the reason why I cannot forgive the man who takes away the character of the people of my country.'[18]

This suggests (though of course it does not prove) part of the affinity between humiliation and cruelty. When we humiliate someone—either individually or as a member of some larger collective—we make subsequent cruelty to that person easier, for ourselves and for others. If a person or group of persons is routinely referred to, thought of, and treated as demons, objects, machines, animals, or otherwise subhuman, physical cruelty is a short leap away.[19] Indeed, physical cruelty is a likely follow-up to thoroughgoing humiliation. If the humiliated persist in being human, in acting human, in *seeming* human, then the humiliator's rage at being denied or refuted may well manifest as physical abuse in

[18] William Hazlitt, 'Race and Class,' in *Selected Writings* (New York: Penguin, 1982), 464 (italics in original).

[19] See Margalit, *The Decent Society*, 'Being Beastly to Humans,' 89–90.

an attempt to *make* the humiliated act in a way that accords with the humiliator's vision.

Conversely, deliberate cruelty is scarcely separable from deliberate humiliation. There may be physical torture which is *only* designed to produce staggering physical pain, but it is much more common for the tortured to be degraded and humiliated at the same time. Between torture sessions victims are imprisoned in too-small rooms with their own waste, to be made to feel like animals. From the infliction of cigarette burns to the sodomizing of victims with all manner of objects, the forms of torture themselves are often meant to degrade the victims, to make them feel degraded.

None of this is to elide the distinction between physical cruelty and humiliation. The latter may be a facilitating condition of the former; moral cruelty may be a routine companion of physical cruelty; but this does not mean that the torturer is morally on a par with the insulter. We may say that humiliation is to be avoided because it contributes to or worsens cruelty without thereby saying that it *is* cruelty, or even that it is nearly as grave an evil as cruelty.

Still, the prevention of cruelty and the prevention of humiliation are typically complementary projects (in a way that e.g. the prevention of cruelty and the prevention of hypocrisy are not[20]). I think that the liberal must pursue these projects somewhat differently; humiliation by private actors is less subject to public constraint than is cruelty by private actors. But humiliation by public actors is something that the liberalism of fear should try hard to avoid; and this complements rather than distracts from the avoidance of cruelty. And part of avoiding public humiliation is avoiding ongoing public reminders of past violence and cruelty. Even though the lack of a job does not itself constitute violence or cruelty toward African–Americans, Shklar thought it too much a symbol and reminder of past violence toward them. This, I think brings her close to Margalit's attention to humiliation. I will treat symbols of past violence as a form of humiliation, and humiliation as a lesser evil than cruelty but still near the center of the liberalism of fear's vision.

The liberalism of fear, emphasizing the avoidance of cruelty, humiliation, and political violence, is distinctly well-suited to a discussion of multiculturalism and nationalism. This may cut against the grain of some of the beliefs that Shklar herself held.[21] It might seem that what

[20] '[T]o make hypocrisy the worst of all the vices is an invitation to Nietzschean misanthropy and to self-righteous cruelty as well.' Shklar, *Ordinary Vices*, 44.

[21] Sandy Levinson, 'Is Liberal Nationalism an Oxymoron? An Essay for Judith Shklar,' *Ethics* 105 (1995), 626–45, discusses Shklar's beliefs about tribalism and nationalism.

liberals of fear need to do with ethnicity is figure out how to constrain its pernicious influence, nothing more. Nothing in the modern world is more prone to generate political violence and cruelty than the claimed ties of ethnicity and culture. Surely, then, the last thing liberalism should do is encourage persons to see themselves as parts of tribes rather than as individuals.

Such a reaction is too simplistic by far, though it exaggerates a caution that is of critical importance. The violence, cruelty, and humiliation which routinely accompany ethnic politics are not avoided by attacking ethnicity, any more than the violence, cruelty, and humiliation of the wars of religion were ended by convincing people not to be religious. The institutional accommodations and arrangements which make up the separation of church and state and the protection of freedom of religious exercise are the model to be followed (in spirit if not in all particulars). The liberal of fear does not say that the proper way to handle religious pluralism is to govern as if everyone were an atheist, and ought not say that the proper way to handle cultural pluralism is to govern as though everyone were a worldly cosmopolitan.[22]

The presence of large ethnic minorities—say, the Tutsi or the Kurds—in a state should alert the liberalism of fear to the possibility of ethnic civil war. The presence of small ethnic minorities—say, the Roma (Gypsies) in many European countries—should alert us to the danger of less visible but more routine cruelty and humiliations: police beatings, judicial discrimination, children taken from their parents to be raised by majority families, and all the vast array of degradations of names and languages. The liberalism of fear, so attentive to psychological and political realities, cannot respond to these situations with simple calls for neutrality or for civic patriotism transcending ethnic loyalties.

The social facts about nationalism and multiculturalism described in the Introduction generate social situations in which the fears of a liberalism of fear may be realized. They provide the opportunity for political violence and cruelty. But it is also true that a liberalism of fear can allow us to discuss certain matters in ethnic politics which a liberalism of rights would not.

[22] Compare Kiss, 'Five Theses on Nationalism,' Thesis 3: 'A commitment to human rights should lead us to regard efforts to elevate nationalism to a principle of political order as morally dangerous and efforts to denationalize politics as morally suspect' (312). 'Attempts to forcefully denationalize political life may disguise the exclusionary nationalist aspirations of a majority,' as in the case of the Bulgarian ban on ethnic, racial, and religious political parties, which 'had the predictable effect of outlawing . . . the major political organization representing the interests of Bulgaria's Turkish minority' (314).

SYMBOLS AND NAMES

For many years the Communist government of Bulgaria required that all personal and family names be in Bulgarian; that is, the sizable Turkish minority could not use Turkish names. What was wrong with this, on a liberal account? One could certainly construct an argument based on freedom of speech, or freedom of expression, or a right not to be forced to identify oneself in a way which one rejects. But such an argument would condemn the government of Bulgaria no more than a government which chose, for administrative convenience, to disallow name changes like that of the artist formerly known as Prince (to a symbol for androgyny which can neither be pronounced nor typed on a standard keyboard). If we have reason to distinguish the Bulgarian government from the one which disallows such changes, then something more subtle than a freedom of speech or freedom of association argument is necessary. Perhaps there is no such reason. Perhaps an American requirement that names be written in Roman letters—rather than in, say, Chinese characters—is every bit as unjust as the ban on Turkish names in Bulgaria, and Prince only offers a silly-seeming example of who might get caught in what is really an unfair rule.

Again: imagine if the United States Census replaced its racial category 'black' with an otherwise identical category 'nigger.' What would be wrong with the adoption of such a Census category? True, it would force many people to identify themselves officially in a way which conflicts with how they would choose to identify themselves; but that is true for any system of racial classification. Before the 2000 US Census, those who were strongly committed to the designation 'African–American' were none the less forced into the identity 'black.' Arabs and persons of biracial or multiracial descent are among the others forced to choose among categories none of which may correspond to their self-identification. All of this counts against adopting any official system of racial classification. But it does not allow us to say why forcing blacks to identify as 'niggers' would be worse than forcing firmly committed African–Americans to identify as 'black.'

Or again: the Hindu nationalist government of Bombay has changed the name of that city to Mumbai, a change which is commonly understood to reassert the city's identity as Hindu and Maharashtri at the expense of its recent history as cosmopolitan and pluralistic. 'Mumbai' is arguably a more accurate rendition of the city's precolonial name than is 'Bombay,' and the change is publicly defended as a rejection of colonialism. Although it is an assertion of Hindu dominance, it is not as

overtly religious a name as Providence, Rhode Island; Corpus Christi, Texas; or Los Angeles or San Francisco, California. If there is something wrong in the name change, it cannot simply be that it violates the separationist requirements of a liberal secular constitution.

What, if anything, can a liberal political morality say about such cases? The liberalism of fear is helpful in a way that the analysis of rights and justice is not. The Bulgarian restrictions on Turkish names, the American use of the word 'nigger,' and the name Mumbai are historically and intentionally linked with violence and cruelty toward excluded communities in a way that disallowing Prince's name change, the unavailability of a 'biracial' category, and the name San Francisco are not. One must be careful here; the name San Francisco was part of a missionary impulse which also included a great deal of cruelty and injustice toward the indigenous inhabitants of the Americas. But the goal of the name Mumbai is to make clear that non-Hindus are to be excluded from full membership in Bombay; it is to serve as a constant reminder of the ranking of power. It has been a terribly long time since 'San Francisco' immediately brought to mind 'Catholic monks and missionaries.'

In general, liberalism will have little to tell us about (for example) changing the name of a city. But a liberalism of fear, once aware of a particular society's history of political oppression along communal lines, might have a great deal to say about certain name changes. The name Mumbai is an ongoing taunt in a society in which violence along religious lines has been all too common. The multiculturalism of fear refuses to say to Bombay's non-Hindus that they should be content because, after all, none of their property has been taken, none of their liberties infringed. The government intended to humiliate them, and the multiculturalism of fear is willing to say that they have been wronged thereby.[23]

The rule against Turkish names is to be contrasted with an administrative requirement that names be spelled in Roman characters, not by some fine analysis distinguishing the importance to individuals of the pronunciation of their name from that of their name's written appearance, but by attention to the political context. The rule on names was part of a package which included a ban on all use of the Turkish language and systematic political suppression of the Turkish minority in

[23] To say that a liberal theory offers grounds to criticize a policy is not the same as insisting on a particular institutional solution, say, the rejection of the name change by a liberal judiciary. I think that symbolic wrongs and expressive harms are politically and morally important but nonetheless poorly suited to judicial correction. I return to this problem in Chapter 8.

Bulgaria. I take it that names do have to be in Roman characters on United States census forms, tax forms, and voter's rolls; but such an administrative rule (probably not even articulated as a rule) is *not* accompanied by the suppression of all use of non-Latinate languages, much less persecution of all those who read and write such languages. Someone signing a private letter, an article in a minority-language newspaper, or any variety of documents in non-Roman characters has broken no law and will see no punishment. Ballots in some parts of the country are printed in the very characters in which one can presumably not fill out a voter's registration card. The choice of an alphabet for administrative forms isn't tightly linked with any more general attacks and suppression. In the United States, for all of the ethnic and cultural conflicts it has faced, the divide between Latinate and non-Latinate languages has simply not been one of the areas of contention.

On the other hand, there are many states in which the choice of an alphabet might be hopelessly linked with a variety of other issues; think of Israel, or Bosnia, or Estonia, or Malaysia. In such places a rule adopting one set of characters must be seen as an attempt to exclude one or two particular rival alphabets which are used by particular communities. In a state deeply divided between ethnolinguistic communities from different language families, the choice of characters cannot be a simple, neutral, administrative problem. An awareness of ethnic and cultural politics gives the liberal the resources to distinguish two facially identical administrative rules.

WHY LIBERALISM?

It may seem odd to use liberalism's apparent silence about some kinds of cruelty as an argument for a particular kind of liberalism. Mightn't it make more sense to point to the pervasiveness of ethnic and nationalist loyalties, and of calls for ethnic group rights, as an argument *against* liberalism's appropriateness or workability?[24]

In fact, attention to the fact of cultural pluralism and to the manifestations of ethnic conflict provides good reason to move toward liberalism, particularly a liberalism of fear. In too many ethnic conflicts we see

[24] Such arguments have indeed been made. See Frances Svensson, 'Liberal Democracy and Group Rights: The Legacy of Individualism and its Impact on American Indian Tribes,' 27 *Political Studies* (1979), 421–39, and Vernon Van Dyke, 'Collective Entities and Moral Rights: Problems in Liberal-Democratic Thought,' *Journal of Politics* 44 (1982), 21–40.

the greatest fear of liberalism come true: the state as an effective tool of violence and power whose capture becomes all-important. The difference between controlling and not controlling a state becomes the difference between killing and being killed. The greater the power of the state, the greater the stakes for its capture.

When the state was the guardian of the all-important soul, nothing could matter more than capturing it for one's faith; liberalism was a political doctrine concerned to lower those stakes and remove the state's relationship with the soul so as to end the violence of religious wars and allow peaceful pluralism. As religious wars fade into history, such justifications may seem crude; liberalism may come under criticism for its alleged stands on metaphysics or epistemology. Ethnic conflict refocuses attention on *politics*; it underlines the need for a political theory concerned with preventing cruelty and making it possible for members of potentially antagonistic groups to live together peacefully.

MULTICULTURALISMS

Not only is the multiculturalism of fear a distinctive version of the liberalism of fear; it also stands in contrast to other accounts of multiculturalism, for which Herder rather than Montesquieu is often an inspiration. A stark contrast is with the multiculturalism of recognition discussed and partially endorsed by Charles Taylor.[25] On the latter account, cultural groups rightly expect that they will be affirmed, respected, and recognized by the states they inhabit. For example, cultural groups rightly expect that the state will publicly recognize their value and worth. Is this respect just the positive face of non-humiliation? It is not. For one thing, there is the problem of the compossibility of respect and recognition for each group simultaneously. Again, an analogy with religion may help. Without question it is possible to be tolerant of every religion simultaneously. But it is not possible to affirm the positive value of each religion simultaneously. To the non-believer, a great many religions must seem foolish and misguided at best, dangerous at worse. To the deeply committed believer, faiths other than one's own (or perhaps a narrow set close to one's own) are seen as mistaken

[25] Charles Taylor, 'Multiculturalism and the "Politics of Recognition," ' in Amy Gutmann (ed.), *Multiculturalism and the 'Politics of Recognition'* (Princeton: Princeton University Press, 1993).

on some of the most important questions of human life. Not all religions make exclusionary claims to the truth, though many do; but no religion can be completely accepting of other faiths and retain any content. We are unaccustomed to thinking in these terms, because in the liberal states tolerance and respect for our fellow citizens as persons are so ingrained that few go around telling others that their religions have no intrinsic value. Indeed, many believe that every religion may have value for its believers, in the comfort or security or strength it brings them. But this is not to affirm what a committed believer thinks is worthwhile in the faith.

The same impossibility is evident for culture. Non-cruelty, non-humiliation, and genuine tolerance are possible if not always easy. Public affirmation of respect and recognition, though, cannot be available to all cultures simultaneously. Ethnocultural groups develop in contrast to others; all too often a particular trait is valued precisely because it makes members seem better than some neighboring group. To recognize what a group values in its own culture is to accept a standard by which some other groups fail to be worthy of respect. To give recognition and respect based on standards external to the culture similarly sets up a measure by which some will fail, and moreover includes the (hardly respectful) assumption that one's pre-existing culture includes the resources for judging all others in the world.[26]

The multiculturalism of fear counsels against spending our time trying to define what it is in cultures that we respect or recognize. The political actors being asked to judge, respect, and recognize belong to cultures of their own, and may be all too ready to take advantage of the paradox of standards in order to reject the cultures of others. But if the finding that a particular person does not command our respect does not license cruelty to that person, how much less does the finding that his or her culture does not command that respect.[27]

Will Kymlicka derives a liberal theory of multiculturalism from what he argues to be the status of membership in a stable and secure culture

[26] Taylor recognizes this paradox. 'The standards we have . . . are those of North Atlantic civilization. And so the judgments implicitly and unconsciously will cram the others into our categories. For instance, we will think of their "artists" as creating "works," which we then can include in our canon. By implicitly invoking our standards to judge all civilizations and cultures, the politics of difference can end up making everyone the same,' ibid. 71. He resolves it by calling for an initial presumption of the equal worth of all cultures, a presumption which informs the subsequent study of what a particular culture has actually created or contributed.

[27] Margalit gives extensive consideration to the problems involved in deciding when someone is worthy of respect, or at least worthy of non-humiliation. *The Decent Society*, ch. 4–6.

as a Rawlsian primary good.[28] Chandran Kukathas derives an opposing liberal theory from the liberal first principles of toleration and freedom of association.[29] Either sort of a multiculturalism of rights sometimes leaves too little room for flexibility in institutional design, and sometimes gives too much leeway to symbolic insults. Throughout the following chapters I will be returning to specific areas of disagreement with these writers, but for now what is important is the different starting place of a multiculturalism of fear. Kymlicka's theory accords moral significance to cultural membership because it serves as the prerequisite for the exercise of all other liberal freedoms. Kukathas's theory actually accords *no* special significance to cultural membership; cultural communities are just another kind of association that free individuals might form or in which they might acquiesce. The multiculturalism of fear, by contrast, does see ethnic communities as morally important and distinctive, not because of what they provide for individuals, but because of what they risk doing to common social and political life. Those risks come in patterns; in the next chapter I examine the recurring kinds of dangers in ethnic politics.

VARIETIES OF FEAR[30]

'Fear' in the phrase 'liberalism of fear' plays a dual role. Cruelty and the terror it inspires are the greatest of evils; fear makes up a part of the *summum malum*. But Shklar's is also a *fearful liberalism,* a liberalism characterized by its cautions more than by its hopes. What does it mean to base a political theory on fear, or on the avoidance of evils rather than the pursuit of goods? I have already suggested some of the characteristics of a political theory that focuses on the negative. It will certainly not operate in the realm of what is called 'ideal theory,' and it will likely lean toward the realist side of the realist–idealist spectrum, that is, it will take more rather than less of the world as given. It must incorporate psychological, historical, and other empirical information.

[28] Will Kymlicka, *Liberalism, Community, and Culture* (Oxford: Oxford University Press, 1989).

[29] Chandran Kukathas, *The Liberal Archipelago* (Oxford: Oxford University Press, forthcoming).

[30] My understanding of the issues discussed in this section has benefited from many conversations with Jonathan Allen, and from his very useful essay 'Political Theory and Negative Morality,' forthcoming in *Political Theory*, in which he shows that 'although negative morality is not a free-standing justificatory moral theory, it has a degree of independence and distinctiveness as a moral and political disposition.'

Some of this ground has long-since been covered by those utilitarians who emphasize the minimization of pain and suffering. It is worth noting that if fear-based political theories are to be distinctive they will likely be more consequentialist than deontological; their prescriptions will often take the form 'Minimize and prevent cruelty' rather than 'Do not commit cruelty.' But more than this needs to be said. I do not think that a political theory can be built *entirely* on fearful grounds. Contrary to what Hobbes seems to have thought, the identification of a *summum malum* will not suffice to generate particular political rights and duties.

Michael Walzer's gloss on the liberalism of fear is that we cannot be liberals *simpliciter;* 'we can only be something else *in a liberal way,* subject to liberal constraints. *Liberal* in this sense, is properly used as an adjective: liberal monarchist, liberal democrat, liberal socialist, and insofar as the major religions are political in character, liberal Jew, Christian, Muslim, Hindu, and so on. In these formulations, the adjective expresses our fears, the noun, our hopes.'[31] This takes Shklar to mean that the fear of cruelty is *constitutive* of liberalism, and quite rightly tells us that fear of cruelty cannot be exhaustively constitutive of an entire way of life or even an entire polity. In this view what liberalism *is* is negative political morality. But perhaps instead 'liberal' is one, but only one, of the things which we can be in a fearful way. There is more content to liberalism than *only* the fear of cruelty, because the fear of cruelty does not uniquely dictate *liberal* politics. *Liberal* is not merely a modifier of other substantive kinds of politics; but *fear* is. Shklar herself gestures in this direction; the injunction to put cruelty first is joined with liberal social theory about the sources of cruelty and the strategies for its prevention. A different social theory might generate a republicanism of fear, or a conservatism of fear, or a socialism of fear.[32] These might not, for example, accord the primacy to *state* cruelty and

[31] Michael Walzer, 'On Negative Politics,' in Bernard Yack (ed.), *Liberalism Without Illusions: Essays on Liberal Theory and the Political Vision of Judith N. Shklar* (Chicago: University of Chicago Press, 1996), 23.

[32] John Kekes argues that really putting cruelty first will *necessarily* result in conservative, not liberal, politics, because 'the only way in which [cruelty can be restrained] is by curtailing the autonomy of cruel people, and that, in turn, depends on reducing their plurality of choices and actions, restricting their rights, diminishing their freedom, not showing equal concern for cruel and decent people, and not providing the goods cruel people need to pursue their pernicious activities' ('Cruelty and Liberalism,' *Ethics* 106 (1996), 834–44, 844). I find this unpersuasive, partly because I see no reason to think that the freedom of cruel persons must be diminished to any greater degree than forbidding them to be cruel, i.e. insisting that they refrain from using or threatening violence against others, a perfectly liberal thing to do; and partly because Kekes does not, as a liberal must, ask whether widespread curtailment of the autonomy of cruel persons can only be attained by giving officials of the state even greater opportunity for cruelty.

political violence that Shklar does.[33] Or one might agree with Shklar that the cruelty and violence of the police, military, and paramilitary sectors of the state pose the greatest of dangers, but think that liberal democracies are prone to the social tumult which provokes violent reactions from these state sectors.

Thus, there could be fearful theories of multiculturalism which are not liberal. These might, for example, be rigidly pluralist. Rigid forms of pluralism attempt to maintain social peace in an ethnically diverse state through more or less rigorous segregation and mutual recognition of cultural autonomy. The millet system of the old Ottoman Empire, its contemporary descendants in states like Israel, and the settlements reached in consociational states from Belgium to Malaysia are all pluralist solutions to the dangers of ethnic conflict.[34] Pluralist settlements include some or all of: restrictions on the speaking or publication of statements which might incite ethnic violence; separate legal systems, whether differentiated by the religious law applied by or by the language spoken in the courts; residential segregation; separate schools; and an emphasis on cooperation across the elites of the various ethnic groups, sometimes including a ruling coalition of ethnic parties.

This pluralist solution is built on recognition of the power of ethnic loyalty but not of the malleability of ethnic identity. It correctly aims to prevent widespread ethnic political conflict and the violence and cruelty which accompany it. It does not, however, worry about the violence or cruelty which can be used against members of cultural communities to make sure that they remain members. Neither does it worry about the conflicts which can erupt out of the failure to create a secure legal framework for interactions or migrations between cultural communities.

Alternatively, a theory might put a vice other than cruelty first, might fear something else more than it fears cruelty and terror. This is not quite done by Margalit, who focuses on the evil of humiliation but (usually) says that the prevention of cruelty morally precedes the

[33] Yael Tamir denies that state cruelty should be the central fear even of liberals, who should pay attention to violence and cruelty within the private, cultural, and familial spheres and embrace state intervention to stamp out such evils. Yael Tamir, 'The Land of the Fearful and the Free,' *Constellations* 3:3 (1997), 296–314.

[34] On consociationalism and its requirement for the autonomy of each ethnic 'segment,' see Arend Lijphart, *Democracy in Plural Societies* (New Haven: Yale University Press, 1979). Michael Walzer identifies the commonalities of the imperial and the consociational models of toleration in *On Toleration* (New Haven: Yale University Press, 1997), and notes the links between the millet system and Israel's pluralist legal system on pp. 40–3.

prevention of humiliation.[35] Probably any vice or evil *could* be made the center of a political or social theory. The fear of violent death (without a concomitant fear of cruelty) was the foundation of an eminent and coherent political theory, albeit one that has no claim to being called liberal. Building a political theory around the need to prevent vanity, greed, envy, hypocrisy, or snobbery first—ahead of violence, cruelty, or humiliation—is a recipe for brutality. But, for example, some versions of socialist thought are more characterized by a desire to understand and root out exploitation than by a positive vision of equality.

Thus, after the decision has been made to formulate political theory in a negative light, there remain decisions regarding the choice of evils to be accorded primacy; the choice of social theory about which social actors are most likely to commit those evils, or which actors we care about most; and the choice of assumptions about which aspects of society are relatively mutable and which are not.

After all of those choices have been made, can we say that we are left with a self-sufficient political theory based exclusively on the avoidance of certain evils? I do not think so. Many of those choices must themselves be made with an eye toward some positive moral considerations, and it won't do to then claim that the theory was built without reference to such considerations. Moreover, the injunction to prevent violent political conflict can often (not always) be invoked against either party to a conflict; the politics of fear cannot itself guide us on allocating credit or blame, on saying which party to a conflict should stand down and relinquish its claims. Such judgments require more positive moral theory. Shklar sometimes seems to suggest that we can listen to the victims of injustice first, in advance of developing a positive theory of justice.[36] But we are often confronted with competing claims of victimhood, and need a rudimentary account of justice to have an idea who the real victims to whom we should listen are. Finally, there is a great deal of political space within the constraints of avoiding cruelty,

[35] Margalit is sometimes ambivalent on this point. He suggests that 'the psychological scars left by humiliation heal with greater difficulty than the physical scars of someone who has suffered only physical pain,' *The Decent Society*, 87, and that we are unsure how to judge between the colonial regimes that humiliated their subjects and the succeeding local tyrants that were more likely to be physically cruel (148). He decides the issue, however, in favor of putting cruelty first. As an aside, I am not at all convinced that the post-independent tyrants were any less humiliating to many of their subjects than the pre-independence colonial regimes. They may have considered *some* of their subjects 'fellow nationals or fellow tribe members,' but there were many subjects who were *not* ethnic or cultural fellows. In this light it is worth remembering that local ethnic minorities often opposed anti-colonial independence movements.

[36] Shklar, *The Faces of Injustice* (New Haven: Yale University Press, 1990).

violence, and humiliation, and there is no reason to say that we cannot morally reason about what goes on within that space.[37]

It may not even be possible to fully describe the injunctions against political cruelty and humiliation without invoking rights, or some moral concepts taking the place of rights. So Margalit, who explicitly rejects the idea that a concept of rights is necessary for a concept of humiliation, still resorts to formulations like 'Humiliation is the rejection of an encompassing group or the rejection from such a group of a person with a legitimate right to belong to it.'[38]

Fearfulness is thus neither necessary nor sufficient to constitute liberalism. Other political theories may be formulated in a fearful way, either positing a different *summum malum,* or providing a different social theory about the sources of cruelty, or simply offering nonliberal moral reasoning about politics within the constraints of noncruelty. Liberalism may be aspirational or comprehensive rather than fearful and political—think of the liberalism of Joseph Raz.

The multiculturalism of fear, or the liberalism of fear, cannot do everything which needs doing. The liberalism of fear and the liberalism of rights live in a necessarily symbiotic relationship. Persons who suffer or witness or learn about various kinds of political cruelty and humiliation articulate rules and principles and what it is about their victims that these wrongs have violated. Deontological theories of rights and justice are in part responses to the kinds of violence and suffering seen in the world. This is not to say that some such theories might not be true or morally correct; but they are (they must be) grounded in social and political reality. In turn, these concepts of rights become accepted, and something which is experienced as a rights-violation is that much more likely to be experienced as cruel or humiliating.

But the multiculturalisms of fear and of rights are not assimilable to one another. Non-cruelty and non-humiliation are in some ways a less demanding standard than justice, in some ways a more demanding one. Sometimes, perhaps, the liberal of fear looks at a set of social arrangements and says, 'good enough', when not all of the demands of justice have yet been met. On the other hand, no one's rights have exactly been violated by changing the name of Bombay to Mumbai, but the multiculturalism of fear says that we have grounds to condemn the change nevertheless.

In the remainder of this book I often discuss particular policies which

[37] Nor would Shklar have said so. See 'What Is the Use of Utopia?' in her *Political Thought and Political Thinkers*, ed. Stanley Hoffman (Chicago: University of Chicago Press, 1998).

[38] *The Decent Society*, 141.

might be appropriate for a variety of situations of multiethnic politics. The multiculturalism of fear—like many other theoretical frameworks—probably does not yield unique policy prescriptions; it is less determinate than that. It provides guidance, ruling out many options and directing our attention to particular considerations in trying to decide among the rest. It 'tells us what to think *about,* rather than what to think.'[39] So the solutions I discuss to particular problems are not the only ones compatible with avoiding cruelty, with recognizing the endurance and the flexibility of ethnic identities, and so on. Still, they differ from the policies that would be recommended by a theory which primarily emphasized the recognition of cultural communities, or the transcending of particularistic identities.

CONCLUSIONS

The fact of cultural pluralism provides a moment of application for the liberalism of fear. Violence, cruelty, and humiliation are common attributes of ethnic politics, and often cannot be well-understood outside of that context. Institutional protections against political violence in a society like Rwanda must, in effect, treat ethnic groups as more real, more permanent than some liberals might like. Whether those institutions take the form of power-sharing representation arrangements, self-government arrangements like devolution and federalism, language rights, or what have you, they will politically recognize the fact of ethnicity. This is no more illiberal than the various institutional accommodations reached to allow multireligious societies to avoid religious conflict; although those institutions must be designed in a liberal fashion, with institutional space for individuals who modify or reject their cultural identity.

Political cruelty and humiliation, too, are often ethnically motivated. Sometimes little follows from that fact; the multiculturalism of fear adds little to what the liberalism of fear has to say about torture, for example, other than perhaps some knowledge about the psychology of some torturers. But sometimes the cruelty or humiliation cannot be recognized without reference to cultural pluralism and particular histories of ethnic conflict, as in the cases about naming mentioned earlier (and returned to in Chapter 9).

If multiculturalism adds to and sharpens the liberalism of fear, then

[39] Allen, 'Political Theory and Negative Morality.'

the liberalism of fear does the same to multiculturalism. Whether or not minority cultures ought to be helped in sustaining themselves, whether assimilation or diversity is desirable, whether and how to forge common identities—the multiculturalism of fear insists that these are secondary questions. Neither identities nor groups are the center of attention. Rather, the danger of bloody ethnic violence, the reality that states treat members of minority cultures in humiliating ways, the intentional cruelty of language restrictions and police beatings and subtler measures which remind members of a minority that they are not full citizens or whole persons, these are the focus of attention. The treatment that persons are given because of their group membership, or that they are accorded when they try to belong to their groups, takes priority.