Communitarian Equality: To Each According to their Contribution to the Group Identity

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Is a society just if equality within that society is conditional to the demand that the identity of the political "us" be preserved? What happens to equality when it is indexed to how much each individual contributes to stabilising the group identity? Is the application of equality as a priority to those who best satisfy the expectations of the political community in terms of identity justifiable? Far from being purely theoretical, these questions arise in public debates around very concrete issues. Calls in France and elsewhere in Europe for "national preference" in the allocation of social benefits and employment, and the measures advocated in the name of "America first!" show just how far the desire to secure the identity of the national community has affected the principle of equality. Exhortations to publicly acknowledge Europe's "Christian roots", the need to protect "Britishness" asserted in support of "Brexit" and hostile reactions to the arrival of migrants and refugees from the Middle East and many parts of Africa further illustrate growing fears that the identity deemed to be constitutive of what unites "us" in the political community shall be lost.

Pursuing equality in the attribution of rights and distribution of goods while also subjecting this aim to the imperative of securing identity is problematic and contradictory. Of course, tensions between identity and equality are well

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known. They have been covered from different perspectives in critiques of multiculturalism (Benn Michaels 2009; Goodhart 2004) that argue that when the promotion of diversity is taken too far it damages equality. As a result of these critiques, identity has changed sides, as it were, with the rise of an identity politics that no longer addresses minorities, but rather demands protection for the values, goods, and lifestyle that shape the collective identity of the majority group. What has changed here is that the tensions between identity and equality stem from a vision of "us" that is not too thin and plural but, on the contrary, too thick and uniform. This is a vision of the political community where the demand for unity and indeed integrity in terms of identity is strong to the point that it puts equality at risk.

This article seeks to examinate the impact that attempts to secure the majority identity can have on the way in which the principle of equality itself is understood. To analyse the philosophical implications of subordinating equality to the majority group's expectations in terms of identity, I shall consider the critiques formulated by the so-called "communitarian" thinkers in the 1980s and 90s in relation to the liberal conception of equality and, in particular, of distributive justice as developed notably by John Rawls (1971). After a short discussion of the way in which equality can

be understood in terms of justice, I shall detail the objections made by the communitarian authors to Rawlsian liberalism. I shall show that their conception of equality and distributive justice is based on a "constitutive" vision of community belonging, a principle of "indebtedness" to the community and a reappropriation of the virtue of merit, which the communitarians define as "desert". All these notions converge in a "proportional" conception of equality that draws heavily on Aristotelian ethics. This analysis will lead to an exploration of two specific problems: respect for equal liberty of individuals, and respect for pluralism.

Equality: a question of justice?

Over recent decades, debate in political philosophy on the notion of justice has provided the guiding thread for theoretical discussions of equality. There are several different aspects to this thinking. "Fundamental justice" concerns equality under the law and equal rights. "Social justice" relates to reducing inequalities of resources, equality of access to social goods and the fair redistribution of the benefits derived from social cooperation. Gradually, thinking on equality has become receptive to new specifications in the requirement for justice, such as "ethnocultural", "gender", "cosmopolitan" or "global", "environmental" and "inter-species" justice. Beyond these specifications, the pervasiveness of the idea of justice in discussions of equality can be regarded as a direct sign of the influence exerted by contemporary political liberalism, and notably by John Rawls's celebrated *Theory of Justice* (1971). Rawls's work answers the questions of how we can decide what legitimately belongs to individuals and what constitutes a just distribution of goods, whether these are material (resources and income) or symbolic (responsibilities, social roles and positions, honours), by formulating the two principles of justice – the "principle of equal liberty" and the "difference principle" – that underpin the "basic structure" of a just or "well-ordered" society.

Understood in these terms, the issue of distributive justice fostered new thinking on equality. But far from confining itself to questions of redistribution, the discussion launched by Rawls expanded onto a terrain that became dominated by the question of identity. This shift was due mainly to what has become known as the communitarian critique of political liberalism. One of the leitmotifs of communitarianism is precisely that it contests the primacy accorded by liberals to justice as the organising and regulating principle of a society in which equality reigns. The communitarians do not regard justice, with its supposed impartiality, as being set above all the specific goods pursued in a society; justice is a particular good and, as such, can and must be weighed against other competing ends with, first among them, the individual and – crucially – the collective pursuit of a "good life". The central place of identity in communitarian thought on equality stems from the link that these theories establish between the quest for the "common good" and individual rootedness in a specific community. This link is made through the idea of "shared meanings": the members of a community are united by a shared sense of what constitutes a life worth living and by a set of meanings based on specific visions of the world and of the good. Hence the attention paid to the particular identity of the community in deciding what equality requires.

Far from ruling out any theorisation of distributive justice, this approach implies a revision of pathways to equality in light of the primordial goal of promoting goods that shape the particular identity of the community. From this emerges a specifically communitarian conception of equality and distributive justice, which I shall seek to clarify. To this end, I will focus on the writings of Alasdair MacIntyre, Michael Sandel and Charles Taylor, which have been less analysed on this question than Michael Walzer, as a result of extensive debate on his major book, *Spheres of justice* (1983).

The communitarian critique of liberal justice

To understand the way that communitarian thinking has approached the problem of equality and distributive justice, we must return to the core around which it was forged in the early 1980s, in the form of a systematic critique of Rawlsian liberalism (Sandel 1982). Despite the nuances and, indeed, divergences separating the authors described rightly or wrongly as "communitarians", what unites them is a critique of liberalism on three main fronts. At the anthropological level, the communitarians reject the liberal conception of an "unencumbered" or "disengaged" self (Sandel 1984), which they

regard as a chimera and "a mythic invention" (Walzer 1984, p.324). In the field of ethics, the communitarians are opposed to the procedural, deontological, and universalist conception of practical reason upheld by the liberals, again arguing that this lacks plausibility and empirical grounding. At the political level, communitarians highlight the damage that, in their eyes, liberal theory inflicts on contemporary democracies, including the fragmentation of political society, the loosening of social ties, the judicialisation of social relations and the bureaucratisation of political power. In all three domains the communitarian indictment is driven by a common concern to promote visions of the good without which a community would lose all substance and cohesion.

As Walzer neatly observes (Walzer 1990, p.8), "the only theory that is necessary to the communitarian critique of liberalism is liberalism itself". The same is true of communitarian thinking on equality, which began with an attempt to oppose the model that Taylor calls "rights-liberalism" (Taylor 1992a, p.53). In Taylor's view this is a model of society that gives unconditional primacy to the rights of the individual, foregrounding individual independence and state neutrality with respect to divergent conceptions of the good life. The problem with this model is that the individual is guaranteed rights "that he can make efficacious if necessary even against the process of collective decision making of the society, against the majority will, or the prevailing consensus" (Taylor 1993, p.92). Thus "rights-liberalism" is suspected of judicialising social relations and democratic life as a whole, increasing the polarisation of society into competing interests and blocking the emergence of compromise (Taylor 1995, p.284). In Taylor's words, "Its spirit is an adversarial one in which citizen efficacy consists in being able to get your rights, whatever the consequences for the whole" (Taylor 1992, p.117). Here Taylor is challenging a conception of justice that encourages individuals to defend their own interests, whether or not they impede the collective goods and purposes by which the community is ethically guided and politically united. In doing this, liberals become unable to make a plausible response to the problem of solidarity.

This critique is particularly aimed at the two principles of justice that Rawls (1971) adopts, placing them in "lexical order". The "principle of equal liberty" pertains to fundamental justice and states that "each person has an equal right to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with a similar scheme for all" (Rawls 1985, p.227). In other words, the public institutions of a state governed by the rule of law must be able to guarantee that all citizens receive the same respect for their basic liberties and fundamental rights. Secondly, Rawls defines distributive justice as being composed of "the principle of fair opportunity" and the "difference principle". These two together govern the fair distribution of opportunities, incomes, and the "social bases of self-respect": "Social and economic inequalities are to satisfy two conditions: first, they must be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they must be to the greatest benefit of the least advantaged members of society" (Rawls 1985, p.227). It is this definition of justice that forms the object of communitarian critiques in relation to equality and distributive justice.

Community commitment as a condition of equality

For the communitarians there is nothing in liberal theory to explain what motivates citizens to consent to the efforts and sacrifices called for an egalitarian policy of redistribution and, in this case, the application of the "difference principle". For them this failure stems from the liberals' visceral refusal to subscribe to an anthropological approach that could be described as "constitutivist" in the sense that it expresses the properly constitutive nature of community. The communitarians indeed assert that the identity of the self is inevitably situated and embedded in a framework of "shared meanings" inherited from the community they belong to. This means that the self cannot be accessed other than through a narrative, dialogue, or interpretation appealing to values that are intrinsically and irreducibly *common* and not simply *convergent* (Taylor 1995, pp.127–145). It then becomes necessary to break with the atomistic and contractualist vision of community maintained by the liberals. Far from being "a possible aim of antecedently individuated selves", community is, in Sandel's terms, "an ingredient or constituent of their identity as such" (Sandel 1982, p.64).

This thesis forms the basis of the communitarian position on distributive justice, as set out

by Sandel: "Since others made me, and in various ways continue to make me the person I am, it seems appropriate to regard them, in so far as I can identify them, as participants in 'my' achievements and common beneficiaries of the rewards they bring" (Sandel 1982, p.143). He then goes on to establish a close link between this form of solidarity and the "sense of participation in the achievements and endeavors of (certain) others". These "certain others" in fact correspond to the members of a particular, restricted community which tends not to extend beyond the people of a given nation.

This anthropological starting point fosters an approach to equality and distributive justice from the perspective of determining what we owe to the community. MacIntyre takes this the furthest: "It follows that *I* find *my* justification for allegiance to these rules of morality in *my* particular community; deprived of the life of that community, *I* would have no reason to be moral" (MacIntyre 2002, p.49). Here again, according to MacIntyre, the individual's identity debt in relation to his or her particular community stems from the constitutive nature of that community: "What I am, therefore, is in key part what I inherit, a specific past that is present to some degree in my present. I find myself part of a history and that is generally to say, whether I like it or not, whether I recognize it or not, one of the bearers of a tradition" (MacIntyre 2007, p.221). Without a recognition of this "obligation to belong" (Taylor 1985), the need for solidarity and defence of the "principle of difference" would lose all moral foundation. This is the argument developed in detail by Sandel: "on the cooperative vision of community alone, it is unclear what the moral basis for this sharing could be. Short of the constitutive conception, deploying an individual's assets for the sake of the common good would seem an offense against the 'plurality and distinctness' of individuals this liberalism seeks above all to secure" (Sandel 1984, pp.89–90).

In addition, the "constitutivist" premise is seen as crucial to the provision of a basic motivation for distributive justice. According to Sandel, the feelings of gratitude, pride, and loyalty inspired in individuals by belonging to a tradition and a way of life that they experience as a constituent part of themselves are motives powerful enough to validate a policy of redistribution: "The justification of my sacrifice, if it can be called a sacrifice, is not the abstract assurance that unknown others will

gain more than I will lose, but the rather more compelling notion that by my efforts I contribute to the realization of a way of life in which I take pride and with which my identity is bound. [...] I could [...] take pride in my fitness to contribute in this way, and this fitness, perhaps even more than the benefits I might glean, would be just cause for celebration" (Sandel 1982, p.143).

This means replacing the Rawlsian idea of *fairness* (as it emerges from the "difference principle") by a model of equality and distribution that draws on the feeling of *indebtedness* towards the community, placing the virtue of *desert* at the forefront of public life.

From "indebtedness" to the virtue of "desert"

As we have seen, the feeling of *indebtedness* to the community is a pivot of the communitarian understanding of equality and distributive justice. According to Taylor, this kind of feeling is *intuitively* attached to "our notion of justice": "In any attempt to do good, all those who are authentically engaged benefit from the contribution of the others. They are all, in a sense, indebted to each other" (Taylor 1988, p.52). However, he explains that, "because some will make a more singular contribution than others, the mutual debt will not be entirely equal" (Taylor 1988, p.52). Here, the unequal nature of the efforts and sacrifices made in order to bring about the common good opens the way to a differentiated vision of the distribution of social roles and resources. Those members of the community more actively engaged in ensuring its identity continues and flourishes – or simply survives – can legitimately receive more than others. But then, this criterion of differentiated distribution does not call for procedural rules stipulating which are the beneficiaries who "work for the good of the least fortunate" (Rawls 1971, p.87). Rather, it calls for evaluative judgements, which is why, from a theoretical point of view, there is a need to determine what language or notion might be used to justify unequal distribution of this kind.

What communitarian authors such as Sandel and MacIntyre have in common is their reincorporation of the republican rhetoric of *desert* within the framework of their own thought. Here again, by adopting the "constitutivist" premise, reinforced by a "conception of possession" that inverts the

Rawlsian vision of the self, Sandel foregrounds the notion of desert in determining distributive justice: "For claims of desert presuppose thickly-constituted selves, beings capable of possession in the constitutive sense" (Sandel 1982, p.178). In a "fair meritocracy", he explains (Sandel 1982, p.68), access to elevated social positions and the attribution of a larger share are based on personal achievements, seen as being of superior value. Thus, the acceptability of individual claims for redistribution of social advantages is conditional to desert being assessed by the members of the society. From this perspective, the share given to each is related not to a "primordial right", nor even to the satisfaction of "legitimate expectations", but is determined "in virtue of qualities I possess" and not – as it was for Rawls – "in the weak accidental sense", but "in the strong, constitutive sense" (Sandel 1982, pp.71–72). So what matters is not to "have the right" to a fair redistribution, but to deserve the unequal (i.e., superior) share with which the community rewards "those qualities most plausibly regarded as essential to a person's identity – one's character, values, core convictions, and deepest loyalties" (Sandel 1982, p.74).

This approach to desert reaffirms the centrality of community and social frameworks in defining the qualities of the self. But the impact of the community is even stronger. For what earns an individual recognition of desert is less the intrinsic nature of the qualities that person "possesses" but the more profound fact that the virtue connected to these qualities has a pre-existing or pre-institutional moral status. In other words what determines the share due to each is not based on whether the institutions themselves are just or not, or more broadly, on any other consideration of justice (Sandel 1982, p.77). Clearly, the distinction posited between "noble" and "inferior" qualities, and the priority accorded to those placed highest in the moral hierarchy of a given community shatter the liberal ideal of the "value neutrality of the state". This leads to a "perfectionist" politics in which the state sheds all the constraints of neutrality in order to publicly promote the community's "particular values" linked to visions of the good. These values represent the practical application of that community's conception of equality and distributive justice.

On the same bases and with the same consequences, MacIntyre too turns to the virtue of desert to counter political liberalism. Because this virtue is central to our intuitive understanding of what we owe to others, distributive justice demands, he believes, that desert be affirmed as the most important value of society and, as such, as a matter of moral consensus. The refusal of this demand by both liberals and libertarians leads MacIntyre to lump them together. Despite their differences, which MacIntyre regards as superficial, Rawls and Nozick are similar in their wish to assert the anteriority and primacy of the individual over the community, an assertion that drives them to defend an ethically neutral understanding of the political bond. Therefore the virtue of desert is excluded from their theories of justice: "Neither of them make any reference to *desert* in their account of justice, nor could they consistently do so. [. . .] It is in any case clear that for both Nozick and Rawls a society is composed of individuals, each with his or her own interest, who then have to come together and formulate common rules of life" (MacIntyre 2002, pp.249–250). He explains: "the notion of desert is at home only in the context of a community whose primary bond is a shared understanding both of the good for man and of the good of that community and where individuals identify their primary interests with reference to those goods" (MacIntyre 2007, p.250).

The core idea behind this meritocratic conception is that the definition of social roles and the distribution of social positions and advantages must recognise the relative importance of individual contributions to the achievement of collective goals, judged as morally superior. In line with a perfectionist vision of the state as resolutely non-neutral from a moral and/or cultural point of view, this communitarian model of distributive justice starts by overturning the priority of justice over the good, which results in the opposition between holism and atomism becoming more radical. For the communitarians, grounding their argument in this way enables them to adopt a position diametrically opposed to that of Rawls when he states that a well-ordered society is not at all defined by a "set of agreed ends by reference to which the potential social contributions of an individual could be assessed" (Rawls 1977, p.162). According to Rawls, the communitarian definition of a well-ordered society as having "an aim that ranks the expected contributions [of all its citizens] and on that basis determines their social role" runs counter to the very idea of justice. He adds: "The notion of

an individual's contribution to society as itself an association falls away" (Rawls 1977, p.162).

The hierarchy of goods and "proportional equality"

From a communitarian perspective, redistribution is governed by the hierarchy of goods prevailing in a given social context. Thus, Taylor explains: "To understand the requirements of distributive justice in any given society, we must understand the kind of society that it is. Societies are communities that are constituted by the realization of common goods. The question of which good should be distributed and to whom will depend on the community's goals and the way that these are realized" (Taylor 1988, p.52).

On the basis of this postulate, Taylor upholds a model of distributive justice based on the *relative importance* of community goods. In line with his ethics of plural goods (Pélabay 2001, pp.115–184), Taylor builds this model on a contextualised conception of practical reason which, according to his own expectations, "will not seek to construct formulas that depend as little as possible on context, but will rather seek to better articulate what the context involves" (Taylor 1988, p.51). In this approach, the evaluative dimension of any given term can be grasped only in the light of the "frameworks [that] provide the background, explicit or implicit, for our moral judgements, intuitions, or reactions" (Taylor 1989, p.26) and proceed from the sharing of goods and goals within the ethical life of a community. To know whether a term such as "courage", "brutality", or "gratitude" has a moral meaning, "one needs an understanding of the kind of social interchange, the common purposes, or mutual needs, how things go well or badly between people in the society where this term is current." (Taylor 1989, p.54). In Taylor's view the same is true of fair distribution, which must be conducted according to the "situational" value of the hypergoods that have shaped a particular context of "shared meanings" over the long term. The objective is to develop a model that makes it possible to combine several goods in their just proportions or, more precisely, to build a non-exclusive hierarchy that respects the plurality of the "constitutive goods" of the collective identity, all of which are valid but where "each receives his rightful place" (Taylor 1988, p.44). This is how

Taylor resists the "strategy originating in Kant, which consists in stating that all goods except for the one we favour are systematically ranked as inferior" (Taylor 1997, p.294).

With these words Taylor contests the priority given to justice, which has come to eclipse all other competing goods. However, he is careful to stress that this critique does not mean that "justice is not important, or less important than the Kantians think", or that it can be reduced to the anti-humanism of the neo-Nietzscheans (Taylor 1997, p.294). Taylor's view (1997, p.295) is that we must avoid giving "systematic priority" to pre-defined principles of justice, since this "leads to pragmatic absurdity". Sandel adopts a similar stance when he states that the "compensatory" nature of justice prevents the existence of any architectonic principle, including justice itself: "One consequence of the remedial aspect of justice is that we cannot say in advance whether, in any particular instance, an increase in justice is associated with an overall moral improvement" (Sandel 1982, p.32). For him, "[t]he breakdown of certain personal and civic attachments may represent a moral loss that even a full measure of justice cannot redeem" (Sandel 1982, p.33).

From a communitarian perspective, no formal criterion, no single "principle" can define distributive justice unless we leave real life and our everyday moral experience behind. To preserve redistribution practices from the abstraction implied by the liberal approach, Taylor adopts an "Aristotelian principle of 'proportional' equality", set out as follows: "While all have a share in the good – because this is the principle underpinning the community, and this is what Aristotle means by the equality that defines justice – it is clear that we owe more to those who have made a signal contribution" (Taylor 1988, p.52). Taylor acknowledges that, when combined with an ethics of honour, Aristotle's concept of proportional equality can uphold an inequality that is incompatible with democratic ideals. However, he believes that this concept has its place in the framework of the "modern self". Furthermore he considers that it provides an appropriate response to demands for solidarity. According to him, one of the advantages of adopting the Aristotelian model is the unique opportunity it supplies of recognising the existence and the worth of a plurality of competing goods. Once again, the Rawlsian approach of organising principles of justice into an intangible "lexical

order" is invalidated here. For Taylor as for Walzer, the quest for just distribution is based on a process of arbitration between divergent goods: "what is just in a particular society involves combining mutually irreducible principles in a weighting that is appropriate for the particular society, given its history, economy, degree of integration" (Taylor 1985a, pp.312–313).

All the above communitarian arguments result in an asymmetrical model of distributive justice that recognises the contribution made by each individual in the pursuit of the collective goals and seeks to respect the situational value of the community's "constitutive goods". This theoretical framework accords legitimacy to inequalities stemming from a form of redistribution that rewards those individuals most inclined to work to achieve the authentic goals of the community to which they belong.

Beyond liberal equality? The limits and dangers of the communitarian critique

In this study I have examined the arguments put forward by authors such as MacIntyre, Sandel, and Taylor to develop a communitarian understanding of equality and, more precisely, of distributive justice. They seek to make equality subject to a "politics of the common good" as, for them, this is a matter of survival for the political community. The aim of the communitarians is to preserve "the continuing health of self-governing societies" (Taylor 1989, p.505). For them, this is achievable by protecting the store of shared meanings which provide authenticity to the collective identity, by making the political body more morally robust and/or by reinforcing a sense of civic belonging which ensures the legitimacy of public institutions and the loyalty of citizens. At this point emerges the republican side of communitarian critiques. It appears in the work of Sandel who advocates freedom as collective self-government to remedy "our impoverished civic life" (Sandel 1996, p.6), in Taylor's (1995, pp.181–203) arguments in favour of positive liberty and civic humanism, and in the very virile rhetoric used by MacIntyre (2002) in support of a "morality of patriotism".

Faced with the scale and intensity of the critiques advanced by the communitarians, the question arises as to whether their politics of the common good has not undermined the conceptual foundations and practical justifications underpinning liberal egalitarianism. Answering in the affirmative, some commentators have followed Stephen Holmes (1989) in identifying several characteristics of the antiliberal tradition in communitarian thinking. It is true that at the height of the controversy the communitarian position was akin to a "reaction" (Sosoe 1999) to political liberalism and the hegemony it exerted over contemporary political thought. Nevertheless, communitarian authors – or at least those described by Buchanan as "moderate" to the extent that their approach "acknowledges individual civil and political rights but denies that they have the sort of priority the liberal attributes to them" (Buchanan 1989, p.855) – stated their intention, not to reject the liberal paradigm head-on but rather to subject it to a major revision or, in the words of Walzer, to apply a "periodic communitarian correction" to liberalism in order to "reinforce its internal associative capacities" (Walzer 1990, pp.21–22). When applied to a communitarian understanding of equality, this intent must be scrutinised and the difficulties to which this understanding gives rise analysed.

To start with, from a strictly theoretical point of view, there is a problem of internal coherence. If the theoretical foundations of liberal doctrine are as denuded of empirical content as the communitarians say, it is hard to understand how these same ideals might have the powerfully damaging material effects on society that their critiques alarmingly suggest. There is a contradiction here between the criticisms formulated at the anthropological and ethical levels and those that stem from the political domain.

Crucially, do the concrete repercussions of the communitarian critique validate the hypothesis of a simple inflection of the liberal paradigm of equality, or do they in fact overturn that paradigm? This question immediately arises on reading MacIntyre, for whom opposition to liberal theory is confined to "a global critique of modernity", as noted by Lukas Sosoe (1992, p.140). However, even when we seek to examine more nuanced positions, we still need to know the real scope of the reorganisation of liberal egalitarianism brought about by the communitarian approach. Let us note, with Justine Lacroix (2003, p.134), that, as a general rule, the writings of communitarian thinkers offer few clues as to what their philosophical model of political integration

might consist of in practical terms. Moreover, the few illustrations available tend to reveal certain unresolved tensions between the implementation of the idea of "proportional equality" on the one hand, and respect for individual liberties and pluralism on the other. This is what I shall examine in reference to the practical positions adopted by Taylor in a number of public debates in Quebec.

Taylor and the dilemmas of communitarian equality

As we have seen, the communitarian vision of distributive justice requires that we accept the historical, geographic, and cultural variation of criteria used to define justice and "fair" distribution. If we follow Taylor, this variability undoubtedly marks the abandonment of individualistic, atomistic thinking, but it seems not to call for the renunciation of what he calls "trans-societal criteria of right" (Taylor 1985a, p.302). It remains the case that the replacement of a universalist conception of rights with an approach that is simply *transcultural* does nothing to soothe concerns relating to a potential conflict between the enjoyment of basic liberties and the realisation of collective ends, particularly the aim of identity survival. This is all the more so as the very possibility of such conflict results directly from the application of communitarian logic to the issue of distributive justice. As asserted by Taylor (1985a, p.302), "To try to make a society more distributively just is to try to make it conform more to the constitutive understandings shared in its membership. To try to make a society absolutely just, or bring it closer to absolute justice, or to some other good, may well be to subvert and destroy the constitutive understandings". This dilemma between distributive and fundamental justice is only likely to arise in a theoretical framework in which the principle of equal liberty no longer has any priority but can, on the contrary, be weighed against the "good of the community", notably the insistance that its collective identity be protected.

For Taylor, the existence of this dilemma, explicitly accepted by him, demands a form of arbitration based on his proportionalist ethics. This involves weighing the "constitutive goods" of collective identity according to their "relative importance". Applying this exercise to Quebec as a "society [. . .] the majority core of which constitutes the justification for a political project, but

which also includes other groups", Taylor (1996, p.363) advocates "separating what is unconditional and non-negotiable on the one hand from that which can be discussed and modified through social deliberation on the other". He then draws the following conclusion in relation to Quebec: "it is clear, for example, that fundamental rights and the predominance of the French language fall into the first category". Taylor justifies this assessment in terms of the constitutivist conception of identity and the aim to ensure the "survival" of the goods of the community: "If these elements were to disappear, the society would lose all definition". However, he also warns that, "if the first category grows too large, it cuts short the discussion between partners, thereby rendering it fictional" (Taylor 1996, p.363).

The warning thus formulated does not relate only to the option of "renewed federalism" favoured by Taylor (1993) over national independence for Quebec. It also relates to the preservation of a plurality of goods in Quebec society. But even at this level, assessing the importance of the different elements seems no easy exercise, since there may be a clash between the "constitutive goods" that Taylor places in the same "first category" requiring "unconditional respect". This is illustrated by the example of the French Language Charter (known as "law 101") seeking to protect the use of French in Quebec. By imposing restrictions on the right of access to non-French-speaking schools, the Charter manifests a tension between, on the one hand, the protection of a language regarded as constitutive of Quebec identity and, on the other, respect for the individual freedom of (foreign) parents to send their children to the school of their choice. Making this individual liberty – regarded by some as a fundamental right – conditional to the survival of the linguistic identity of the majority group surely means judging that, for migrants at any rate, choice of school is not one of "the fundamental liberties – those which should never at any time be infringed and which therefore ought to be unassailably entrenched". For migrants, it is one of the "privileges and immunities which are important but can be revoked or restricted for reasons of public policy (although one needs a strong reason to do so)" (Taylor 1993, pp.176–177). But, if this is so, surely it amounts to deciding in favour of the majority community and its identity-based demands to the detriment of the equal liberty of individuals.

This question is all the more delicate as, beyond its linguistic dimension, it also affects the equally if not more difficult question of respect for pluralism and ethnocultural diversity in Quebec. This is a goal to which Taylor (1992a), the advocate of the "politics of recognition", is clearly attached. Taylor's work as a whole is underpinned by the desire to reconcile – sometimes at the price of a certain ambivalence – the importance of community belonging with both respect for individual liberties, as we have seen, and the recognition of difference. Here again tensions arise, which relate to the difficulty of simultaneously adopting a communitarian logic and a multiculturalist approach.

It is this second dilemma of communitarian equality that is revealed through the positions adopted by Taylor in public debate in Quebec on the "reasonable accommodations crisis" (2006–2008) and the "Charter of Values" (2013–2014). In the report that Taylor and Bouchard submitted at the end of their presidency of the *Commission de consultation sur les pratiques d'accommodement reliées aux différences culturelles* (Bouchard and Taylor 2008), "Quebec interculturalism" was upheld as a model of integration that "seeks to reconcile ethnocultural diversity with the continuity of the French-speaking core and the preservation of the social link. It thus affords security to Quebecers of French-Canadian origin and to ethnocultural minorities and protects the rights of all in keeping with the liberal tradition." (Bouchard and Taylor 2008, p.40). Whereas many of the communitarian ideas developed by Taylor at the philosophical level – notably the "obligation to belong" (Taylor 1985) and the Herderian ideal of authenticity (Taylor 1979) – tended towards the promotion and indeed protection of the collective identity, his practical positions diverge from this approach. Primarily concerned by the combined trends towards uniformisation and exclusion implicit in the demands of the majority group for affirmation of their identity and cultural survival, Taylor opposes the promotion of secularism as an "identity marker" of the dominant group. Favouring the expression of a broad religious diversity, he sets aside his communitarian hostility to the liberal priority of equal liberty. He bases his argument on respect for the basic individual rights, in particular freedom of conscience (Taylor and Maclure 2010), thus undertaking a kind of liberal, Rawlsian "turn" (Gagnon 2012) in passing from theory to practice.

My conclusion is clearly not that communitarian thinkers see the preservation of community identity as a justification for the violation of fundamental rights and basic individual liberties. Indeed, the reverse is true of Taylor, as described above. However, it should be noted that communitarian logic in itself offers little to counter the subordination of the principle of equality (in the sense of both fundamental and distributive justice) to the majority group's desire to protect "its" collective identity from "Others" who are seen as a threat to it. This means that the question of whether a particular threshold is crossed, and more precisely whether liberal equality is or is not endangered in the attempt to secure identity, is not so much a matter of theoretical elucidation as "a matter of political nerve", to quote Damico (2016, p.407) on "liberal perfectionism". In other words, questions of principle are played out on a political terrain: do public discourses, political decisions and public policies as they exist in a given situation maintain the status of equality as a principle of justice of primary importance? Yet what the political context of the early twenty-first century precisely reveals is a series of worrying signs which reflect mistrust of any project encouraging openness and plurality among the citizenry, whether fostered by immigration, European integration, or globalisation. These signs can be observed in glorifications of national identity, the growing opposition between "us" and "them" (a category to which Muslims are largely confined) and the rise of conservative, populist movements spreading a moralistic, culturalist (and indeed religious) interpretation of how to preserve national identity and its constitutive "values". These trends towards homogeneity and a society closing in on itself translate into a growing scorn for the checks and balances of procedural justice and for a system of rights that prevents the reduction of democracy to the sovereignty of the people. Taken together, all these elements form a background which has the potential to subvert the principle of equality, at the very heart of both fundamental and distributive justice, by means of an identity politics promoted by national majorities. This provides one more reason to avoid the perils of adopting a communitarian approach to equality.

References

BENN MICHAELS, W., 2006. *The trouble with diversity: how we learned to love Identity and ignore inequality*. New York: Metropolitan.

BOUCHARD, G. and TAYLOR, C., 2008. *Building the future. A time for reconciliation* (abridged report), Gouvernement du Québec.

BUCHANAN, A.E., 1989. Assessing the communitarian critique of liberalism. *Ethics*, 99, 852–882.

DAMICO, A., 1997. What's wrong with Liberal Perfectionism? *Polity*, 29 (3), 397–420.

GAGNON, B., 2012. Du communautarisme à la neutralité libérale. Un tournant radical dans la pensée politique de Charles Taylor. *Politique et Sociétés*, 31 (1), 127–147.

GOODHART, D., 2004. Too diverse? *Prospect Magazine*, 95, February, 30–37.

HOLMES, S., 1989. The permanent structure of antiliberal thought. *In*: Rosenblum, N. ed. *Liberalism and the moral life*. Cambridge, MA: Harvard University Press, 227–253.

LACROIX, J., 2003. *Communautarisme versus libéralisme. Quel modèle d'intégration politique*? Bruxelles: Presses de l'Université de Bruxelles.

MACINTYRE, A., 2007. *After virtue: a study in moral theory* (1981). 3rd ed. Notre Dame: University of Notre Dame Press.

MACINTYRE, A., 2002. Is patriotism a virtue? (1984). *In*: Primoratz, I. ed. *Patriotism*. Amherst: Humanity Books, 43–58.

MACLURE, J. and TAYLOR, C., 2010. *Laïcité et liberté de conscience*. Montréal: Boréal.

PÉLABAY, J. 2001. *Charles Taylor, penseur de la pluralité*.

Paris–Saint-Nicolas (Québec): L'Harmattan and Les Presses de l'Université Laval.

RAWLS, J., 1971. *A theory of justice*. Cambridge, MA: Harvard University Press.

RAWLS, J., 1977. The basic structure as subject. *American Philosophical Quaterly*, 14 (2), 159–165.

RAWLS, J., 1985. Justice as fairness: political not metaphysical. *Philosophy and Public Affairs*, 14 (3), 223–251.

RAWLS, J., 1993. *Justice et démocratie* (1978–1993). Trans. C. Audard, Ph. de Lara, F. Piron and A. Tchoudnowsky. Paris: Seuil.

SANDEL, M., 1982. *Liberalism and the limits of justice*. Cambridge: Cambridge University Press.

SANDEL, M., 1984. The procedural republic and the unencumbered self. *Political Theory*, 12 (1), 81–96.

SANDEL, M., 1996. *Democracy's discontent. America in search of a public philosophy*. Cambridge, MA: The Belknap Press of Harvard University Press.

SOSOE, L., 1992. La pensée communautarienne. Généalogie ou subversion des Modernes? *Cahiers de philosophie politique et juridique*, 20, 129–149.

SOSOE, L., 1999. La réaction communautarienne. *In*: Renaut, A. ed. *Histoire de la philosophie politique*. Paris: Calmann-Lévy, vol 5, 385–425.

TAYLOR, C., 1979. *Hegel and modern society*. New York: Cambridge University Press.

TAYLOR, C., 1985. Atomism (1979). *In*: *Philosophical Papers II: Philosophy and the human sciences*. Cambridge: Cambridge University Press, 187–210.

TAYLOR, C., 1985a. The nature and scope of distributive justice. *In*:

Philosophical Papers II. Philosophy and the human sciences. Cambridge: Cambridge University Press, 289–317.

TAYLOR, C., 1988. Le juste et le bien. *Revue de métaphysique et de morale*, 1, 33–56.

TAYLOR, C., 1989. *Sources of the self: the making of modern identity*. Cambridge: Cambridge University Press.

TAYLOR, C., 1992. *The ethics of authenticity (1991)*. Cambridge, MA: Harvard University Press.

TAYLOR, C., 1992a. The politics of recognition. *In*: Gutmann, A. ed. *Multiculturalism and "the politics of recognition"*. Princeton: Princeton University Press, 25–73.

TAYLOR, C., 1993. *Reconciling the solitudes: essays on Canadian federalism and nationalism*. Montreal: McGill-Queen's University Press.

TAYLOR, C., 1995. *Philosophical arguments*. Cambridge, MA: Harvard University Press.

TAYLOR, C., 1996. Les sources de l'identité moderne. *In*: Elbaz, M., Fortin, A. and Laforest, G. eds *Les frontières de l'identité*. Sainte-Foy: Les Presses de l'Université Laval, 347–364.

TAYLOR, C., 1997. La conduite d'une vie et le moment du bien. *In*: *La liberté des modernes* (1964–1996). Paris: Presses Universitaires de France, 285–306.

WALZER, M., 1983. *Spheres of justice: a defense of pluralism and equality*. New York: Basic Books.

WALZER, M., 1984. Liberalism and the art of separation. *Political Theory*, 12 (3), 315–333.

WALZER, M., 1990. The communitarian critique of liberalism, *Political Theory*, 18 (1), 6–23.