DEMOCRACY AS A CONDITION OF SOCIAL JUSTICE

I have defined justice as the institutionalized conditions that make it possible for all to learn and use satisfying skills in socially recognized settings, to participate in decisionmaking, and to express their feelings, experience, and perspective on social life in contexts where others can listen. This understanding of justice specifies a certain range of distributive outcomes. In particular, justice in modern industrial societies requires a societal commitment to meeting the basic needs of all persons whether or not they contribute to the social product (see Sterba, 1980, chap. 2; Gutmann, 1980, chap. 5; Walzer, 1983, chap. 3). If persons suffer material deprivation of basic needs for food, shelter, health care, and so on, then they cannot pursue lives of satisfying work, social participation, and expression.

Justice equally requires, however, participation in public discussion and processes of democratic decisionmaking. All persons should have the right and opportunity to participate in the deliberation and decisionmaking of the institutions to which their actions contribute or which directly affect their actions. Such democratic structures should regulate decisionmaking not only in government institutions, but in all institutions of collective life, including, for example, production and service enterprises, universities, and voluntary organizations. Democracy is both an element and a condition of social justice.

If justice is defined negatively as the elimination of structures of domination, then justice implies democratic decisionmaking. Democracy is a condition of freedom in the sense of self-determination (Young, 1979; cf. Cunningham, 1987, chap. 4). The social contract tradition of political theory provides the major argument for democracy on grounds of self-determination. If all persons are of equal moral worth, and no one by nature has greater capacity for reason or moral sense, then people ought to decide collectively for themselves the goals and rules that will guide their action. While this argument for democracy has never been entirely submerged,
and periodically reemerges in populist, socialist, or syndicalist waves, in the mainstream tradition of modern political theory the idea of a social contract has also been used to justify authoritarian political forms (Pateman, 1979). In authoritarian contract theory, while the people have a moral right to self-rule, they delegate their authority to government officials, who, because they are limited by impartial laws, make decisions in the public interest. In Chapter 4 I shall argue that the ideal of impartiality used to legitimate political authority is impossible, and consequently that only democratic processes are consistent with justice.

As an element of justice that minimizes domination, democracy has both instrumental and intrinsic value. Instrumentally, participatory processes are the best way for citizens to ensure that their own needs and interests will be voiced and will not be dominated by other interests. The problem with interest-group pluralism is not, as some critics charge, that people promote their own interests. Rather, the normative defects of interest-group politics are, first, that the privatized form of representation and decision making it encourages does not require these expressions of interests to appeal to justice, and, second, that inequality of resources, organization, and power allows some interests to dominate while others have little or no voice.

As many democratic theorists have argued, democratic participation has an intrinsic value over and above the protection of interests, in providing important means for the development and exercise of capacities. This argument for the intrinsic value of participatory democratic institutions was put forward in the classical tradition by Rousseau and J. S. Mill (cf. Pateman, 1970, chap. 3). Having and exercising the opportunity to participate in making collective decisions that affect one’s actions or the conditions of one’s actions fosters the development of capacities for thinking about one’s own needs in relation to the needs of others, taking an interest in the relation of others to social institutions, reasoning and being articulate and persuasive, and so on. Only such participation, moreover, can give persons a sense of active relation to social institutions and processes, a sense that social relations are not natural but subject to invention and change. The virtues of citizenship are best cultivated through the exercise of citizenship (Cunningham, 1987, chap. 4; Elkin, 1987, pp. 150–70; Gutmann, 1980, chap. 7; Barber, 1984).

Democracy is also a condition for a public’s arriving at decisions whose substance and implications best promote substantively just outcomes, including distributive justice. The argument for this claim relies on Habermas’s conception of communicative ethics. In the absence of a philosopher-king with access to transcendent normative virtues, the only ground for a claim that a policy or decision is just is that it has been arrived at by a public which has truly promoted the free expression of all needs and points of view. Tyrannized publics, publics manipulated by officials, and media publics with little access to information and communication do not satisfy this requirement. Deliberation is most likely to arrive at a fair distribution of resources, just rules of cooperation, the best and most just division of labor and definition of social positions, if it involves the open participation of all those affected by the decisions. With such participation, people will persuade, ideally, only if they phrase their proposals as appeals to justice, because others will call them to account if they believe their own interests endangered. With such participation, people will most likely introduce relevant information. Democratic decisionmaking tends to promote just outcomes, then, because it is most likely to introduce standards of justice into decisionmaking processes and because it maximizes the social knowledge and perspectives that contribute to reasoning about policy.

Some theorists express skepticism about the justice of participatory democracy because they doubt that democratic procedures in fact usually lead to just outcomes. Allowing all affected people to participate in social decisions can result in serious injustices when groups have conflicting interests and differ in numbers and privilege. Amy Gutmann (1980, pp. 191–97) offers the example of community control of schools, where increased democracy led to increased segregation in many cities because the materially more privileged and more articulate white children were able to promote their perceived interests against the just demand of Blacks for equal treatment in an integrated system. Because of this “paradox of democracy” Gutmann argues that distributive fairness is a necessary condition for institutions of democratic participation, and that democratic processes must be limited by principles of equal liberty and rough distributive equality.

Many similar examples can be cited of ways that grass-roots participation in decisionmaking can lead to unjust and oppressive outcomes. Tax revolt in the United States has often been accomplished through referendum, and the reduced government revenues that result have contributed to increased exploitation and marginalization. In many cities and regions of the United States today, to take another example, if one put a gay rights proposal to a direct vote it would be defeated. Moreover, much evidence could be offered that in the United States the last fifty years policies to undermine domination and oppression have been enacted more frequently by executive order and the courts than by legislation, and more frequently at the federal than at the state or local level. Social justice to some degree has been imposed on resistant people.

This objection to the claim that democratic decisionmaking processes promote justice must be taken seriously. The first important response is that democracy must indeed always be constitutional: the rules of the
game must not change with each majority's whim, but rather must be laid down as constraints on deliberation and outcomes, and must be relatively immune to change. Such rules should spell out basic rights that democratically arrived at decisions cannot violate, including economic as well as civil and political rights (cf. Green, 1985, chap. 10).

Second, the objection tends to equate democracy and participation with local control. But this equation is unnecessary, and in many cases may be undesirable for precisely the reasons the objectors raise. Permitting autonomous local control over the use of resources, for example, when resources are unequally distributed among locales, is likely to produce exploitation rather than justice. In Chapter 8 I argue against the common but too simple equation of democratization with decentralization and local autonomy.

Third, the objection assumes that democratic processes occur only in institutions that make laws and state policies, while other institutions, such as private corporations or the bureaucracies that administer state policies, remain undemocratic. The leverage of inequality that allows participatory processes to favor the will of the stronger, as in Gutmann's example, is often traceable to the authority and power that some derive from these other institutions. If constitutional democracy restructures all institutional forms, and not merely institutions now falling under public policy decisions, then people are less likely to be powerless to express their voice in any one forum. Democracy in one institution reinforces democracy in others.

An extensive redistribution of wealth and a restructuring of control over capital and resources is a necessary aspect of the link between democracy and justice. To suggest that the institutionalization of participatory processes should wait upon the achievement of distributive justice, however, as Gutmann does, is not only to postpone such democratization into an indefinite utopian future, but to make the achievement of distributive justice equally unlikely. On the other hand, weakening relations of domination so that persons have greater institutionalized opportunity to participate in discussion about and the making of decisions that affect them itself is a condition for achieving greater distributive fairness. In contemporary welfare capitalist society the parameters of distributive possibilities are fairly fixed, thus only challenging the given structure and procedures for making distributive decisions can further the material equality necessary for fair participation. Economic equalization and democratization, that is, foster one another and should occur together to promote social justice.

Finally, the objection Gutmann raises presumes a unified public in which all citizens are the same qua citizens. In Gutmann's example, the formally equal procedures allow the group with greater numbers and resources to dominate the rest. Even the achievement of economic equality

would not necessarily eliminate this "paradox of democracy," however, as long as differences continued to exist in other respects by virtue of which one group is stereotyped, silenced, or marginalized, or differences of experience and activities between groups produced perceived conflicts of interest. Only if oppressed groups are able to express their interests and experience in the public on an equal basis with other groups can group domination through formally equal processes of participation be avoided. The next three chapters develop an extended argument for such a group-differentiated participatory public.
The Ideal of Impartiality and the Civic Public

A table, and behind this table, which distances them from the two litigants, the "third party," that is, the judges. Their position indicates firstly that they are neutral with respect to each litigant, and secondly this implies that their decision is not already arrived at in advance, that it will be made after an aural investigation of the two parties, on the basis of a certain conception of truth and a certain number of ideas concerning what is just and unjust, and thirdly that they have the authority to enforce their decision. . . . Now this idea that there can be people who are neutral in relation to the two parties, that they can make judgments about them on the basis of ideas of justice which have absolute validity, and that their decisions must be acted upon, I believe that all this is far removed from and quite foreign to the very idea of popular justice.

—Michel Foucault

A growing body of feminist-inspired moral theory has challenged the paradigm of moral reasoning as defined by the discourse of justice and rights. In this paradigm moral reasoning consists in adopting an impartial and impersonal point of view on a situation, detached from any particular interests at stake, weighing all interests equally, and arriving at a conclusion which conforms to general principles of justice and rights, impartially applied to the case at hand. Critics argue that this paradigm describes not moral reasoning as such, but the specific moral reasoning called for in the impersonal public contexts of law, bureaucracy, and the regulation of economic competition. This “ethic of rights” corresponds poorly to the social relations typical of family and personal life, whose moral orientation requires not detachment from but engagement in and sympathy with the particular parties in a situation; it requires not principles that apply to all people in the same way, but a nuanced understanding of the particularities of the social context, and the needs particular people have and express within it. Philosophers should recognize that the paradigm of moral reasoning as the impartial application of general principles describes only a restricted field of moral life, and develop moral theories adequate to the private, personal, and informal contexts it ignores (Gilligan, 1982; Blum, 1980, 1988; Friedman, 1986; Noddings, 1984).

More recently some feminist theorists have begun to question this opposition between justice and care (Friedman, 1987; Okin, 1989). In this chapter I extend this line of argument. The feminist critiques of traditional moral theory retain a distinction between public, impersonal institutional roles in which the ideal of impartiality and formal reason applies, on the one hand, and private, personal relations which have a different moral structure. Instead of retaining this public/private dichotomy, these criticisms of an ethic of rights should lead us to question the ideal of impartiality itself, as an appropriate ideal for any concrete moral context.

I argue that the ideal of impartiality in moral theory expresses a logic of identity that seeks to reduce differences to unity. The stances of detachment and dispassion that supposedly produce impartiality are attained only by abstracting from the particularities of situation, feeling, affiliation, and point of view. These particularities still operate, however, in the actual context of action. Thus the ideal of impartiality generates a dichotomy between universal and particular, public and private, reason and passion. It is, moreover, an impossible ideal, because the particularities of context and affiliation cannot and should not be removed from moral reasoning. Finally, the ideal of impartiality serves ideological functions. It masks the ways in which the particular perspectives of dominant groups claim universality, and helps justify hierarchical decision-making structures.

The ideal of impartial moral reason corresponds to the Enlightenment ideal of the public realm of politics as attaining the universality of a general will that leaves difference, particularity, and the body behind in the private realms of family and civil society. Recent attempts to revive republican thinking appeal to the ideal of a civic public which transcends particularities of interest and affiliation to seek a common good. In Chapter 3 I followed this new republican initiative in criticizing the depoliticized public life of interest-group pluralism, and agreed with its proponents that politics should involve public forums of deliberation and collective decision-making. In this chapter, however, I argue that the modern ideal of the civic public is inadequate. The traditional public realm of universal citizenship has operated to exclude persons associated with the body and feeling—especially women, Blacks, American Indians, and Jews. Many contemporary theorists of participatory democracy retain the ideal of a civic public in which citizens leave behind their particularity and differences. Because such a universalist ideal continues to threaten the exclusion of some, the meaning of “public” should be transformed to exhibit the positivity of group differences, passion, and play.
POSTMODERNIST CRITIQUE OF THE LOGIC OF IDENTITY

Several writers seek to expose and deconstruct a logic they find in Western philosophical and theoretical discourse that denies and represses difference. Often referred to as postmodern, these thinkers include Theodor Adorno (1973), Jacques Derrida (1977), and Luce Irigaray (1985). I shall follow Adorno in calling this logic the logic of identity. For the purposes of this exposition I take the critique of the logic of identity to resonate with Derrida’s critique of a metaphysics of presence.

The logic of identity expresses one construction of the meaning and operations of reason: an urge to think things together, to reduce them to unity. To give a rational account is to find the universal, the one principle, the law, covering the phenomena to be accounted for. Reason seeks essence, a single formula that classifies concrete particulars as inside or outside a category, something common to all things that belong in the category. The logic of identity tends to conceptualize entities in terms of substance rather than process or relation; substance is the self-same entity that underlies change, that can be identified, counted, measured.

Any conceptualization brings the impressions and flux of experience into an order that unifies and compares. But the logic of identity goes beyond the attempt to order and compare the particulars of experience. It constructs totalizing systems in which the unifying categories are themselves unified under principles, where the ideal is to reduce everything to one first principle.

The logic of identity denies or represses difference. Difference, as I understand it, names both the play of concrete events and the shifting differentiation on which signification depends. Reason, discourse, is always already inserted in a plural, heterogeneous world that outruns totalizing comprehension. Any identifiable something presupposes a something else against which it stands as background, from which it is differentiated. No utterance can have meaning unless it stands out differentiated from another. Understood as different, entities, events, meanings, are neither identical nor opposed. They can be likened in certain respects, but similarity is never sameness, and the similar can be noticed only through difference. Difference, however, is not absolute otherness, a complete absence of relationship or shared attributes.

The logic of identity flits from the sensuous particularity of experience, with its ambiguities, and seeks to generate stable categories. Through the logic of identity thought aims to master that sensuous heterogeneous embodiment by bringing the object fully under a concept. It thereby denies the difference between the object and the subject; it seeks a unity of the thinking subject with the object thought, that thought might grasp, comprehend the real. Through the logic of identity thought seeks to bring everything under control, to eliminate uncertainty and unpredictability, to spiritualize the bodily fact of sensuous immersion in a world that out-runs the subject, to eliminate otherness.

This project of reducing the heterogeneity of sensuous particulars to the unity of thought itself submits to a relentless logic of identity, as thought itself, the thinking subject, must be reduced to unity. Such a subject is conceived as a pure transcendental origin: it has no foundation outside itself; it is self-generating and autonomous. Its pure identity of origin ensures that its representation of reality will be unambiguous and true. The logic of identity also seeks to reduce the plurality of particular subjects, their bodily, perspectival experience, to a unity, by measuring them against the unvarying standard of universal reason.

The irony of the logic of identity is that by seeking to reduce the differently similar to the same, it turns the merely different into the absolutely other. It inevitably generates dichotomy instead of unity, because the move to bring particulars under a universal category creates a distinction between inside and outside. Since each particular entity or situation has both similarities and differences with other particular entities or situations, and they are neither completely identical nor absolutely other, the urge to bring them into unity under a category or principle necessarily entails expelling some of the properties of the entities or situations. Because the totalizing movement always leaves a remainder, the project of reducing particulars to a unity must fail. Not satisfied then to admit defeat in the face of difference, the logic of identity shoves difference into dichotomous hierarchical oppositions: essence/accident, good/bad, normal/deviant.

Difference, as the relatedness of things with more or less similarity in a multiplicity of possible respects, here congeals as the binary opposition of "not-differentiated". In every case the unity of the positive category is achieved only at the expense of an expelled, unaccounted for chaotic realm of the accidental. In the history of Western thought this logic of identity has created a vast number of such mutually exclusive oppositions that structure whole philosophies: subject/object, mind/body, nature/culture. These dichotomies in Western discourse are structured by the dichotomy good/bad, pure/impure. The first side of the dichotomy is elevated over the second because it designates the unified, the self-identical, whereas the second side lies outside the unified as the chaotic, uniformed, transforming, that always threatens to cross the border and break up the unity of the good.

THE IDEAL OF IMPARTIALITY AS IDENTIFYING DIFFERENCE

Modern ethics establishes impartiality as the hallmark of moral reason. This conception of moral reason assumes that in order for the agent to
escape egoism, and attain objectivity, he or she must adopt a universal point of view that is the same for all rational agents (see Darwall, 1983, chap. 1). The ideal of impartiality is the result of this search for a universal, objective "moral point of view." Its conception of reason expresses the logic of identity.

How does the moral theorist or rational agent arrive at the moral point of view? By abstracting from all the particularities of the circumstances on which moral reason reflects. The impartial reasoner is detached: reason abstracts from the particular experiences and histories that constitute a situation. The impartial reasoner must also be dispassionate, abstracting from feelings, desires, interests, and commitments that he or she may have regarding the situation, or that others may have. The impartial reasoner, finally, a universal reasoner. The moral point of view abstracts from the partiality of affiliation, of social or group perspective, that constitutes concrete subjects (cf. Darwall, 1983, pp. 130–43).

Impartial reason aims to adopt a point of view outside concrete situations of action, a transcendental "view from nowhere" that carries the perspective, attributes, character, and interests of no particular subject or set of subjects. This ideal of the impartial transcendental subject denies or represses difference in three ways. First, it denies the particularity of situations. The reasoning subject, emptied of all its particularity, treats all situations according to the same moral rules, and the more the rules can be reduced to a single rule or principle, the more this impartiality and universality will be guaranteed. Whatever her or his particular situation, any subject can reason from this universal point of view according to universal principles that apply to all moral situations in the same way.

Second, in its requirement of dispassion, impartiality seeks to master or eliminate heterogeneity in the form of feeling. By expelling desire or affectivity from reason can impartiality achieve its unity. The construct of an impartial point of view is arrived at by abstracting from the concrete particularity of the person in situation. This requires abstracting from the particularity of bodily being, its needs and inclinations, and from the feelings that attach to the experienced particularity of things and events. Normative reason is defined as impartial, and reason defines the unity of the moral subject, both in the sense that it knows the universal principles of morality and in the sense that it is what all moral subjects have in common in the same way. This reason thus stands opposed to desire and affectivity as what differentiate and particularize persons.

Third, the most important way that the ideal of impartiality reduces particularity to unity is in reducing the plurality of moral subjects to one subjectivity. In its requirement of universality, the ideal of impartial reason is supposed to represent a point of view that any and all rational subjects can adopt, precisely by abstracting from the situational particularities that individualize them. The impartial moral judge, moreover, ideally should treat all persons alike, according to the same principles, impartially applied.

In its will to reduce plurality to unity, impartiality seeks one transcendental moral subjectivity. Impartial reason judges from a point of view outside of the particular perspectives of persons involved in interaction, able to totalize these perspectives into a whole, or a general will. From this point of view of a solitary transcendent god, the moral reasoner silently deduces its judgment from weighing the evidence and conflicting claims, and applying to them universal principles. Because it already takes all perspectives into account, the impartial subject need acknowledge no subjects other than itself to whose interests, opinions, and desires it should attend.

This monological character of philosophical presentations of moral reasoning holds even among those who make an effort not to ignore the plurality of moral subjects. Rawls, for example, criticizes utilitarianism on the grounds that it does not recognize the plurality of moral subjects. Through its conception of the impartial spectator, utilitarianism seeks to organize the desires of all persons into one coherent system of desire, and thereby to make the principle of choice for a society the same as that for individuals (Rawls, 1971, pp. 26–27). Rawls asserts that his "original position" provides a better representation of impartiality, because it defines "impartiality from the standpoint of the litigants themselves. It is they who must choose their conception of justice once and for all in an original position of equality." (Rawls, 1971, p. 190).

While Rawls insists on the plurality of selves as a necessary starting point for a conception of justice, the reasoning of the original position is nevertheless monological. He interprets the process of choosing principles as a bargaining game in which individuals all reason privately in terms of their own interests. This bargaining game model does assume a plurality of selves; each subject reasons in terms of its own interests alone with full knowledge that there is a plurality of others doing the same with whom it must come to agreement. The constraints on reasoning that Rawls builds into this original position in order to make it a representation of impartiality, however, rule out not only any difference among participants in the original position, but also any discussion among them. The veil of ignorance removes any differentiating characteristics among individuals, and thus ensures that all will reason from identical assumptions and the same universal point of view. The requirement that participants in the original position be mutually disinterested precludes any of the participants from listening to others' expression of their desires and interests and being influenced by them. The bargaining game model rules out genuine discussion and interaction among participants in the original posi-
tion. To ensure that they have as little opportunity for interaction as possible, Rawls even suggests that we imagine a courier mediating between them collecting proposals, announcing them, and informing them when they have come to agreement (Rawls, 1971, p. 139; cf. Young, 1981).

Stephen Darwall is explicit that the conditions of impartiality reduce the plurality of selves and points of view that obtains in actual social life to the unity of one rational agent. He presumes a thicker veil of ignorance than Rawls’s, one that forbids not only knowledge of one’s preferences but also motivation by them: “Suppose that those behind our thicker veil are both ignorant of any preferences they may have that are not common to any rational agent as such and hence immune to their motive force. This means there is in effect only one chooser behind the veil: an arbitrary rational agent” (Darwall, 1993, p. 231).

The Impossibility of Impartiality

Moral reason that seeks impartiality tries to reduce the plurality of moral subjects and situations to a unity by demanding that moral judgment be detached, dispassionate, and universal. But as I have already suggested, such an urge to totalization necessarily fails. Reducing differences to unity means bringing them under a universal category, which requires expelling those aspects of the different things that do not fit into the category. Difference thus becomes a hierarchical opposition between what lies inside and what lies outside the category, valuing more what lies inside than what lies outside.

The strategy of philosophical discourse which Derrida calls deconstruction, and Adorno calls negative dialectic, exposes the failure of reason’s claim to reduce difference to unity. Thomas Nagel in effect deconstructs impartial reason’s claim to totality. The attempt to adopt an impartial and universal perspective on reality leaves behind the particular perspectives from which it begins, and reconstructs them as mere appearances as opposed to the reality that objective reason apprehends. The experience of these appearances, however, is itself part of reality. If reason seeks to know the whole of reality, then, it must apprehend all the particular perspectives from their particular points of view. The impartiality and therefore objectivity of reason, however, depends on its detaching itself from particulars and excluding them from its account of the truth. So reason cannot know the whole and cannot be unified (Nagel, 1986, pp. 26–27).

Like other instances of the logic of identity, the desire to construct an impartial moral reason results not in unity, but in dichotomy. In everyday moral life, prior to the totalizing moves of universal reason, there are only situated contexts of action, with all their particularities of history, affiliation, and preconceived value. The ideal of impartiality reconstructs this moral context into an opposition between its formally impartial aspects and those of its aspects that are merely partial and particular.

Impartial reason, as we have seen, also generates a dichotomy between reason and feeling. Because of their particularity, feeling, inclination, needs, and desire are expelled from the universality of moral reason. Dispassion requires that one abstract from the personal pull of desire, commitment, care, in relation to a moral situation and regard it impersonally. Feeling and commitment are thereby expelled from moral reason, all feelings and desires are devalued, become equally irrational, equally irrelevant to moral judgment (Spragens, 1981, pp. 250–96). This drive to unity fails, however. Feelings, desires, and commitments do not cease to exist and motivate just because they have been excluded from the definition of moral reason. They lurk as inarticulate shadows, belying the claim to comprehensiveness of universalist reason.

In its project of reducing the plurality of subjects to one universal point of view, the ideal of impartiality generates another dichotomy, between a general will and particular interests. The plurality of subjects is not in fact eliminated, but only expelled from the moral realm; the concrete interests, needs, and desires of persons and the feelings that differentiate them from one another become merely private, subjective. In modern political theory this dichotomy appears as that between a public authority that represents the general interest, on the one hand, and private individuals with their own private desires, unshareable and incomunicable. We shall explore this dichotomy further in the next section.

The ideal of impartiality expresses in fact an impossibility, a fiction. No one can adopt a point of view that is completely impersonal and dispassionate, completely separated from any particular context and commitments. In seeking such a notion of moral reason philosophy is utopian; as Nagel expresses it, the impartial view is a view from nowhere. Philosophers typically depict this utopia through stories, myths, or thought experiments. Here’s Nagel’s.

Suppose all the news feeding sensory data to my brain were cut but I were somehow kept breathing and nourished and conscious. And suppose auditory and visual experiences could be produced in me not by sound and light but by direct stimulation of the nerves, so that I could be fed information in words and images about what was going on in the world, what other people saw and heard, and so forth. There I would have a conception of the world without having any perspective on it. (Nagel, 1986, p. 63)

Bruce Ackerman’s imagination also has a rather science-fiction cast. To think ourselves into an impartial point of view from which we can formulate an ideal of justice, he has us imagine that we are on a spaceship that
has just landed on a planet on which a substance, mana, can be converted into anything anybody might want. Presumably we bring with ourselves no histories and particular hopes, no group affiliations or religions, and although Ackerman refers to his characters with gendered pronouns, gender difference appears to have no effect on their experience or point of view. The job of these newly arrived earthlings is to discuss how to distribute mana, how to construct a just society for themselves. Ackerman ensures the impartiality of the reasoning this dialogue produces by building a Commander who serves as a dialogue umpire; she decides—from an impartial point of view, of course—when speakers are breaking the only rule that guides their discussion, namely, that no one can give as a reason that his or her person or ideas are better than anyone else’s. To get impartiality out of the dialogue, Ackerman has to build it into its ground rules.

Rawls presents us with not so flashy a fiction, but the original position which he constructs as the point of view of impartiality is just as utopian, especially in its provision of the veil of ignorance. The veil separates each from any knowledge of or connection with a particular history, set of group affiliations, or set of commitments, and the requirement of mutual disinterestedness ensures that none will develop among them as they talk. Darwall’s “thicker” veil, which I referred to earlier, is even more counterfactual.

The ideal of impartiality is an idealist fiction. It is impossible to adopt an unsituated moral point of view, and if a point of view is situated, then it cannot be universal, it cannot stand apart from and understand all points of view. It is impossible to reason about substantive moral issues without understanding their substance, which always presupposes some particular social and historical context; and one has no motive for making moral judgments and resolving moral dilemmas unless the outcome matters, unless one has a particular and passionate interest in the outcome. As Bernard Williams points out, the difference between factual or scientific reflection and practical or moral reflection is precisely that the former is impersonal while the latter is not:

Practical deliberation is in every case first-personal, and the first person is not derivative or naturally replaced by anyone. The action I decide on will be mine, and its being mine means not just that it will be arrived at by this deliberation, but that it will involve changes in the world of which I shall be empirically the cause, and of which these desires and this deliberation itself will be, in some part, the cause. (Williams, 1985, p. 68)

Some writers who agree with this critique of the dichotomy between reason and feeling, general and particular, generated by the traditional ideal of impartiality in moral theory suggest that rather than think of impartiality as a view from nowhere, one can arrive at the same results by thinking of the view from everywhere. Susan Okin, for example, reconstructs Rawls’s idea of the original position as a reasoning process that takes account of all the particular positions and perspectives in the society in order to arrive at the just outcome. Unlike a more universalist Kantian approach, she suggests, this idea of taking the point of view of everyone does not oppose reason to feeling or exclude particularity. Indeed, it depends on the ability of the moral reasoner to be sympathetic with every particular position and point of view (Okin, 1989, cf. Sunstein, 1998).

This move to particularize impartiality retains a totalizing urge, however, and is no more possible than its more universalistic counterpart. The idea remains that one subject, the impartial reasoner, can adopt the point of view of everyone. This construction of a particularist notion of impartiality assumes that from my particular perspective, with my particular history and experience, I can nevertheless empathize with the feelings and perspectives of others differently situated. This assumption denies the difference among subjects. To be sure, subjects are not opaque to one another, their difference is not absolute. But especially when class, race, ethnicity, gender, sexuality, and age define different social locations, one subject cannot fully empathize with another in a different social location, adopt her point of view; if that were possible then the social locations would not be different (cf. Friedman, 1989, pp. 649–53).

Some might object that by rejecting the universality of the ideal of impartiality I am rejecting the very possibility of moral reflection itself. Such an objection rests on an identification of reflection with impartiality, and this is the very identification I deny. Moral reason certainly does require reflection, an ability to take some distance from one’s immediate impulses, intuitions, desires, and interests in order to consider their relation to the demands of others, their consequences if acted upon, and so on. This process of reflection, however, does not require that one adopt a point of view emptied of particularity, a point of view that is the same for everyone; indeed, it is hard to see how such a universal point of view could aid reflection that leads to action at all (Williams, 1985, pp. 63–69, 110–11; cf. Walzer, 1987, pp. 48–56).

One might also object that by rejecting the universality of the ideal of impartiality I thereby deny the universality of moral commitment, expressed in the assumption that all persons are of equal moral worth. Here it is necessary to distinguish between meanings of universality. Universality in the sense of the participation and inclusion of everyone in moral and social life does not imply universality in the sense of the adoption of a general point of view that leaves behind particular affiliations, feelings, commitments, and desires. Indeed, as I shall argue in the next section, universality as generality has often operated precisely to inhibit universal inclusion and participation (cf. Young, 1989).
The moral theory that promotes the ideal of impartiality begins with an inappropriate dichotomy: either egoism or impartiality (see Darwall, 1983, chap. 1). Either an agent reasons only selfishly, considering only what will best promote his or her own selfish desires and goals, or he or she reasons from an impartial, general point of view that has no particular desires or interests in view. The theory of impartial reason wrongly identifies partiality with selfishness, and constructs its counterfactual universalist abstraction in order to move the subject beyond egoism. But there is another way the subject moves beyond egoism: the encounter with other people. A "moral point of view" arises not from a lonely self-legisitating reason, but from the concrete encounter with others, who demand that their needs, desires, and perspectives be recognized (cf. Levinas, 1989; Derrida, 1978). As I have argued, the theory of impartiality assumes a monologic moral reason, a single subject attempting to get out of its myopic point of view. If one assumes instead that moral reason is dialogic, the product of discussion among differently situated subjects all of whom desire recognition and acknowledgment from the others, then there is no need for a universal point of view to pull people out of egoism. A selfish person who refuses to listen to the expression of the needs of others will not himself be listened to.

The alternative to a moral theory founded on the assumption of impartial reason, then, is a communicative ethics. Habermas has gone further than any other contemporary thinker in elaborating the project of a moral reason that recognizes the plurality of subjects. He insists that subjectivity is a product of communicative interaction. Moral rationality should be understood as dialogic, the product of the interaction of a plurality of subjects under conditions of equal power that do not suppress the interests of any.

Yet even Habermas seems unwilling to abandon a standpoint of universal normative reason that transcends particularist perspectives. As Seyla Benhabib (1986, pp. 327–51) argues, he vacillates between privileging the neutral and impartial standpoint of the "generalized other" and what she calls the standpoint of the "concrete other." Like the theories of Rawls and Ackerman, one strain of Habermas's theory relies on an a priori conception of moral reason. Normative reason must be rationally reconstructed as constituted by subjects who begin with a commitment to a discursive understanding and to being persuaded by the force of the stronger argument. This initial shared motive to reach consensus, coupled with the assumption of a discussion situation free from domination, accounts for how moral norms can be general and binding. Like the theories of Rawls and Ackerman, this strain in Habermas's theory relies on counterfactuals which build in an impartial starting point in order to get universality out of the moral dialogue.

Habermas's conception of dialogic reason finds valid only the expression of generalizable interests, a term whose meaning is equivocal. Sometimes it seems to mean only those interests that are universal, which everyone shares and everyone agrees to respect for everyone else. This interpretation of generalizable interests yields a dichotomy between universal and particular, public and private, as needs and interests which may not be shareable, because they derive from a person's particular history and affiliations, drop out.

Another interpretation of generalizable interests, as Benhabib argues, derives from the insight that an emancipatory politics involves the expression and interpretation of needs. In a democratic discussion where participants express their needs, no one speaks from an impartial point of view, nor does anyone appeal to a general interest. Since having their needs met depends on the actions of others in the polity, people are forced, in Hannah Pitkin's words,

to acknowledge the power of others and appeal to their standards, even as we try to get them to acknowledge our power and standards. We are forced to find or create a common language of purposes and aspirations, not merely to clothe our private outlook in public disguise, but to become aware ourselves of its public meaning. We are forced . . . to transform "I want" into "I am entitled to," a claim that becomes negotiable by public standards. (Pitkin, 1981, p. 347)

In this move from an expression of desire to a claim of justice, dialogue participants do not bracket their particular situations and adopt a universal and shared standpoint. They only move from self-regarding need to recognition of the claims of others. On this interpretation, those claims are normatively valid which are generalizable in the sense that they can be recognized without violating the rights of others or subjecting them to domination. Interests generalizable in this sense may nevertheless be particular, tied to the situation and needs of a particular group and thus not shared by everyone.

**THE LOGIC OF IDENTITY IN THE IDEAL OF THE CIVIC PUBLIC**

The dichotomy between reason and desire also appears in modern political theory in the distinction between the universal, public realm of sovereignty and the state, on the one hand, and the particular, private realm of needs and desires, on the other. Modern normative political theory and political practice aim to embody impartiality in the public realm of the state. Like impartial moral reason, this public realm attains its generality only by the exclusion of particularity, desire, feeling, and those aspects of life associated with the body. In modern political theory and practice the
civic public associated with this realm achieves a unity in particular by the exclusion of women and others associated with nature and the body.

Richard Sennett (1974) and others have described the developing urban centers of the eighteenth century as engendering a unique public life. As commerce increased and more people came into the city, the space of the city itself was changed to make for more openness, vast boulevards where people from different classes mingled in the same spaces (Berman, 1982). According to Habermas, one of the functions of this public life of the mid-eighteenth century was to provide a critical space where people discussed and criticized the affairs of the state in newspapers, coffeehouses, and other forums (Habermas, 1974). While dominated by bourgeois men, public discussion in the coffeehouses admitted men of any class on equal terms. Through the institution of the salons, moreover, as well as the theater and reading societies, aristocratic and bourgeois women participated and sometimes took the lead in such public discussion (Landes, 1988, pt. 2).

Public life in this period appears to have been wild, playful, and sexy. The theater was a social center, a forum where wit and satire challenged the state and predominant mores. This unbridled public mixed sexes and classes to some degree, mixed serious discourse with play, and mixed the aesthetic with the political. It did not survive republican philosophy. The idea of the universalist state that expresses an impartial point of view transcending any particular interests was part a reaction to this differentiated public. The republicans grounded their universalist state in the idea of the civic public which political theory and practice institutionalized by the end of the eighteenth century in Europe and the United States to suppress the popular and linguistic heterogeneity of the urban public. Civic institutionalization reordered social life on a strict division of public and private.

Rousseau's political philosophy is the paradigm of this ideal of the civic public. Rousseau develops his conception of politics in reaction to his experience of the urban public of the eighteenth century (Ellison, 1985), as well as in reaction to the premises and conclusions of the atomistic and individualist theory of the state expressed by Hobbes. The civic public expresses the universal and impartial point of view of reason, standing opposed to and expelling desire, sentiment, and the particularity of needs and interests. From the narrow premises of individual desire and want we cannot arrive at a strong enough normative conception of social relations. The difference between atomistic egoism and civil society does not consist simply in the fact that the infinity of individual appetite has been curbed by laws enforced by threat of punishment. Rather, reason brings people together to recognize common interests and a general will.

For Rousseau the sovereign people embodies the universal point of view of the collective interest and equal citizenship. In their pursuit of individual interests people have a particularist orientation. Normative reason reveals an impartial point of view, however, that all rational persons can adopt, which expresses a general will not reducible to an aggregate of particular interests. To participate in the general will as a citizen is to express human nobility and genuine freedom. Such rational commitment to collectivity is not compatible with personal satisfaction, however, and for Rousseau this is the tragedy of the human condition (Shklar, 1969, chap. 5).

Rousseau conceived this public realm as unified and homogeneous, and indeed suggested methods of fostering commitment to such unity through civic celebrations. While the purity, unity, and generality of this public realm require transcending and repressing the partiality and differentiation of need, desire, and affectivity, Rousseau hardly believed that human life can or should be without emotion and the satisfaction of need and desire. Man's particular nature as a feeling, needful being finds expression in the private realm of domestic life, over which women are the proper moral guardians.

Recent feminist analyses of the dichotomy between public and private in modern political theory imply that the ideal of the civic public as impartial and universal is itself suspect. Modern political theorists and politicians proclaimed the impartiality and generality of the public and at the same time consciously found it fitting that some persons, namely, women, nonwhites, and sometimes those without property, should be excluded from participation in that public. If this was not just a mistake, it suggests that the ideal of the civic public as expressing the general interest, the impartial point of view of reason, itself results in exclusion. By assuming that reason stands opposed to desire, affectivity, and the body, this conception of the civic public excludes bodily and affective aspects of human existence. In practice this assumption forces homogeneity upon the civic public, excluding from the public those individuals and groups that do not fit the model of the rational citizen capable of transcending body and sentiment. This exclusion has a twofold basis: the tendency to oppose reason and desire, and the association of these traits with kinds of persons.

In the social scheme expounded by Rousseau, and Hegel after him, women must be excluded from the public realm of citizenship because they are the caretakers of affectivity, desire, and the body. Allowing appeals to desires and bodily needs to move public debates would undermine public deliberation by fragmenting its unity. Even within the domestic realm, moreover, women must be dominated. Their dangerous,
heterogeneous sexuality must be kept chaste and confined to marriage. Enforcing chastity on women will keep each family a separated unity, preventing the chaos and blood mingling that would be produced by illegitimate children. Only then can women be the proper caretakers of men’s desire, by tempering its potentially disruptive impulses through moral education. Men’s desire for women itself threatens to shatter and disperse the universal rational realm of the public, as well as to disrupt the neat distinction between the public and the private. As guardians of the private realm of need, desire, and affectivity, women must ensure that men’s impulses do not remove them from the universality of reason. The moral neatness of the female-tended hearth, moreover, will temper the possessively individualistic impulses of the particularistic realm of business and commerce, which like sexuality constantly threatens to explode the unity of society (see Okin, 1978, pt. 3; Lange, 1979; Elshtain, 1981, chap. 4; Pateman, 1988, chap. 4).

The bourgeois world instituted a moral division of labor between reason and sentiment, identifying masculinity with reason and femininity with sentiment and desire (Glennon, 1979; Lloyd, 1984). The sphere of family and personal life is as much a modern creation as the modern realm of state and law, and comes about as part of the same process (Nicholson, 1986, chap. 4; cf. Okin, 1981). The impartiality and rationality of the state depend on containing need and desire in the private realm of the family. The public realm of citizens achieves unity and universality only by defining the civil individual in opposition to the disorder of womanly nature, which embraces feeling, sexuality, birth and death, the attributes that concretely distinguish persons from one another. The universal citizen is disembodied, dispassionate (male) reason (Pateman, 1986, 1988, chaps. 1–4).

The universal citizen is also white and bourgeois. Women have not been the only persons excluded from participation in the modern civic public. In Europe until recently in many nations both Jews and working-class people were excluded from citizenship. In the United States the designers of the Constitution specifically restricted the access of the laboring class to the rational public, and of course excluded slaves and Indians from participation in the civic public as well. George Mosse (1985) and Ronald Takaki (1979) expose the structure of such exclusion in bourgeois republican life in Europe and the United States respectively. The white male bourgeoisie conceived republican virtue as “respectability.” The “respectable” man was rational, restrained, and chaste, unyielding to passion, sentimental attachments, or the desire for luxury. The respectable man should be straight, dispassionate, rule-bound. The bodily, sexual, uncertain, disorderly aspects of existence in these cultural images were and are identified with women, homosexuals, Blacks, Indians, Jews, and Orientals.

The idea of the unified nation which developed in Europe in the nineteenth century, Mosse argues, depended precisely on opposing manly virtue to the heterogeneity and uncertainty of the body, and associating despised groups with the body, setting them outside the homogeneity of the nation (cf. Anderson, 1983). Takaki shows that early American republicans were quite explicit about the need for the homogeneity of citizens, a need which from the earliest days of the republic involved the relationship of the white republicans to the Black and Indian peoples (cf. Herzog, 1985). These republican fathers, such as Jefferson, identified the Red and Black people in their territories with wild nature and passions, just as they feared that women outside the domestic realm were wanton and avaricious. They defined moral, civilized republican life in opposition to this backward-looking, uncultivated desire they identified with women and nonwhites. Most important, they explicitly justified the restriction of citizenship to white men on the grounds that the unity of the nation depended on homogeneity and dispassionate reason.

To summarize, the ideal of normative reason, moral sense, stands opposed to desire and affectivity. Impartial civilized reason characterizes the virtue of the republican man who rises above passion and desire. Instead of cutting bourgeois man entirely off from the body and affectivity, however, the culture of the rational public confines them to the domestic sphere, which also confines women’s passions and provides emotional solace to men and children. Indeed, within this domestic realm sentiments can flower, and each individual can recognize and affirm his particularity. Precisely because the virtues of impartiality and universality define the civic public, that public must exclude human particularity. Modern normative reason and its political expression in the idea of the civic public, then, attain unity and coherence through the expulsion and confinement of everything that would threaten to invade the polity with differentiation: the specificity of women’s bodies and desire, differences of race and culture, the variability and heterogeneity of needs, the goals and desires of individuals, the ambiguity and changeability of feeling.

**Ideological Functions of the Ideal of Impartiality**

One might object that I have asked too much of impartiality. Impartiality in its strongest sense is impossible, this objection admits; real moral agents are particular and cannot simply bracket their particular histories and affiliations, nor the substantial practical interests at stake in a decision. Impartiality should be understood as a regulative ideal of rea-
son, this objection claims—unrealizable, but nevertheless important as an aim.

Not only is impartiality impossible, however, but commitment to the ideal has adverse ideological consequences. To reiterate the definition of ideology given in Chapter 3, an idea functions ideologically when belief in it helps reproduce relations of domination or oppression by justifying them or by obscuring possible more emancipatory social relations. Widespread commitment to the ideal of impartiality serves at least three ideological functions. It supports the idea of the neutral state, which in turn provides some ground for the distributive paradigm of justice. It legitimates bureaucratic authority and hierarchical decisionmaking processes, defusing calls for democratic decisionmaking. And finally, it reinforces oppression by hypostatizing the point of view of privileged groups into a universal position. Instead of impartiality, I argue, we should seek public fairness, in a context of heterogeneity and partial discourse.

Impartiality designates a point of view that any rational person can adopt, a detached and universal point of view that takes all particular points of view equally into account. If one is impartial in the making of a moral or political decision, then that decision will be the right one, the best, the one which does in fact represent the interests of everyone affected as much as possible. The decision arrived at by the impartial decisionmaker is one all those affected would have arrived at if they had discussed it under circumstances of mutual respect and equal power. So provided we find impartial decisionmakers, there is no need for discussion.

The idea of the impartial decisionmaker functions in our society to legitimate an undemocratic, authoritarian structure of decisionmaking. In modern liberal society the rule of some people over others, their power to make decisions that affect the actions and conditions of action of others, cannot be justified on the grounds that some people are simply better than others. If all people are equal in their capacity for reason, empathy, and creativity, and if all people are of equal worth, it seems to follow that decisions about the rules and policies guiding their cooperative life should be made by them collectively: sovereignty should rest with the people. In the myth of the social contract, the people delegate their authority to government officials, who are charged with making decisions impartially, looking only to the general interest, and not favoring any particular interests. Autonomy is consistent with hierarchical authority provided the authorities act from impartial rationality.

Thus a different aspect of the dichotomy between the public realm of the state and the private realm of partial interests emerges. The state stands above society, apart and detached, overseeing and refereeing the competition and conflict that arises in individuals' private pursuit of their private gain. Thus Locke, for example, explicitly uses the metaphor of an umpire to describe the function of government. The state impartially officiates over the activities of the competitive accumulative economy, and citizens owe allegiance and obedience to this state precisely because it supposedly stands impartially apart from any particular interests (Pate

Hegel's political philosophy provides the most thorough and explicit account of the state as expressing impartiality and universality as against the particularity of desire and interest. For Hegel the liberal account of social relations as based on the liberty of self-defining individuals to pursue their own ends properly describes only one aspect of social life, the sphere of civil society. As a member of civil society, the individual pursues private ends for himself and his family, in association with others who have similar particular interests. These particular interests within civil society may conflict, but transactions of exchange produce much harmony and satisfaction. Conceived as a member of the state, on the other hand, the individual is not a locus of particular desire, but the bearer of universally articulated rights and responsibilities. The point of view of the state and law transcends all particular interests, to express the universal and rational spirit of humanity. State laws and action express the general will, the interests of the whole society (see Pelczynski, 1971, pp. 1–29; Walton, 1983).

But the pursuit of the general interest is not compatible with the pursuit of particular interests in the same person. Thus there must be a distinct class of citizens who are not involved in the pursuit of private interest in market society, whose job it is to maintain the public good and the universal point of view of the state. These bureaucrats will be chosen by objective examination that identifies those best qualified to perceive and institute the general interest, and they will be supported from state funds to ensure their impartiality. Being entirely independent of civil society, the bureaucracy represents for Hegel the social instantiation of moral rules. Without participating in their formation, all citizens can be confident that the laws and policies set down by the bureaucracy express their objective freedom, the fulfillment of their universality as citizens, and thus they have an absolute duty to obey them (see Pateman, 1979, pp. 109–10; Buchanan, 1982, pp. 6–10).

The rule of government officials in our society is legitimated by an ideology of impartiality. We give no mandate to the legislators we elect precisely so that they can make laws impartially, the laws that will reflect the general interest. These laws are themselves impartial; they should apply to all in the same way. With wise laws arrived at by legislators looking to the general interest, executors and judges need only apply them impartially to particular cases for justice to be ensured.
According to this image of the state, government administrators, judges, and bureaucrats are supposed to be the experts in impartial decisionmaking. Unlike those of other people, their jobs do not involve immersion in particular activities with particular ends; rather their jobs are to stand apart, regard the whole of the diversity of interests and aims, and make decisions. People affected by decisions must sometimes provide information to the judges and bureaucrats at hearings and trials. But it is up to the authority to decide the outcome, because only the authority is impartial and represents the general interest. Turning over decisions to a popular assembly of people discussing their various needs and interests is positively a bad idea, because it would create irresolvable conflict. For people in civil society are partial, committed to promoting their own self-interest or the particular aims of the organizations and groups with which they are affiliated, and these are in inevitable conflict. Because democratic decisionmaking cannot work, the state must serve as a neutral arbitrator.

The idea of the neutral state that stands above the particular interests and conflicts of civil society is, however, a myth. Marxist critiques of the liberal state also apply to this image of the state as the umpire in interest-group competition. If there are significant differences of power, resources, access to publicity, and so on among different classes, groups, or interests, decisionmaking procedures that are impartial in the sense of allowing equal formal opportunity to all to press their interests will usually yield outcomes in the interests of the more powerful.

Impartiality is just as impossible for bureaucratic decisionmakers, moreover, as it is for other moral agents. It is simply not possible for flesh-and-blood decisionmakers, whether in government or not, to adopt the standpoint of transcendent reason when they make decisions, divorcing themselves from the group affiliations and commitments that constitute their identities and give them a perspective on social life. But it does not follow from the particularity of their histories and interests that people are only self-regarding, unable and unwilling to consider other interests and points of view. The pluralist ideology that defines economic and social interests as purely self-regarding and the state as impartial, however, encourages thinking in only self-regarding terms. Each is supposed to press his or her own interests, and the impartial state will see to it that fairness is done. I have already argued that being fair does not require stepping out of one's skin. The history and commitments of a person or group are nevertheless partial, precisely because they never do comprehend all relevant points of view from the outside. Legislators, government administrators, and other government officials, moreover, usually develop a partial view of social life and a set of particular interests that derive from their government context; government does not in fact transcend civil society and view it as a whole (Noedlinger, 1981).

The myth of the neutral state serves an ideological function insofar as it helps account for the distributive paradigm of justice. Most discussions of justice assume, implicitly or explicitly, that justice is "dispensed" by an authority, and that this authority is impartial. Most discussions of social justice also assume that issues of justice concern solely or primarily the principles by which government policy should be guided. If reflection on justice assumes the state as a realm of impartial decisionmaking that transcends and comprehends all partial interests, perspectives, and commitments, then the only significant issues of justice are distributive. If we assume the distributors are impartial and thus take all interests in the society into account, then there is no reason to make an explicit issue of the just organization of decisionmaking power.

The ideal of impartiality, I have argued, legitimates bureaucratic authority. This is true of authority in the private corporation or organization as much as in government. There too authority is justified not on aristocratic grounds, but on the grounds of a necessity of separating managerial tasks from others, making managers oversee the different and partial perspectives on the organization. Having risen in the hierarchy of an organization because his, and once in a while her, intelligence, creativity, and hard work demonstrated his or her merit, the manager's task is to supervise subordinates in a "professional" manner, which means taking a point of view of objective and impartial reason in making decisions. Rules of a corporation or agency should themselves be impartial and formal, and the administrator should apply them impartially. The administrator's decisions should reflect the interests of the organization as a whole. Bureaucratic hierarchy is just because positions are assigned impartially according to merit. As long as decisionmakers strive for impartiality, democracy is unnecessary; their decisions will best serve the interests of all. The ideal of impartiality thus helps legitimate the hierarchical organization of most workplaces, and the idea of merit allocation of its positions. In Chapter 7 I shall challenge this myth of merit, which assumes the possibility of normatively and culturally impartial standards of evaluation.

Insistence on the ideal of impartiality in the face of its impossibility functions to mask the inevitable partiality of perspective from which moral deliberation actually takes place. The situated assumptions and commitments that derive from particular histories, experiences, and affiliations rush to fill the vacuum created by counterfactual abstraction; but now they are asserted as "objective" assumptions about human nature or moral psychology. The ideal of impartiality generates a propensity to universalize the particular.
Where social group differences exist, and some groups are privileged while others are oppressed, this propensity to universalize the particular reinforces that oppression. The standpoint of the privileged, their particular experience and standards, is constructed as normal and neutral. If some groups’ experience differs from this neutral experience, or they do not measure up to those standards, their difference is constructed as deviance and inferiority. Not only are the experience and values of the oppressed thereby ignored and silenced, but they become disadvantaged by their situated identities. It is not necessary for the privileged to be selfishly pursuing their own interests at the expense of others to make this situation unjust. Their partial manner of constructing the needs and interests of others, or of unintentionally ignoring them, suffices. If oppressed groups challenge the alleged neutrality of prevailing assumptions and policies and express their own experience and perspectives, their claims are heard as those of biased, selfish special interests that deviate from the impartial general interest. Commitment to an ideal of impartiality thus makes it difficult to expose the partiality of the supposedly general standpoint, and to claim a voice for the oppressed.

The ideal of impartiality legitimizes hierarchical decisionmaking and allows the standpoint of the privileged to appear as universal. The combination of these functions often leads to concrete decisions that perpetuate the oppression and disadvantage of some groups and the privilege of others. Positions of decisionmaking authority are usually occupied by members of privileged groups—white Anglo nominally heterosexual men—for access to such positions is part of their privilege. Based on assumptions and standards they claim as neutral and impartial, their authoritative decisions often silence, ignore, and render deviant the abilities, needs, and norms of others. The remedy for the domination and oppression that ensues is to dismantle the hierarchy. If normative reason is dialogic, just norms are most likely to arise from the real interaction of people with different points of view who are drawn out of themselves by being forced to confront and listen to others. Just decisionmaking structures must thus be democratic, ensuring a voice and vote to all the particular groups involved in and affected by the decisions.

Participatory Democracy and the Idea of a Heterogeneous Public

If we give up the ideal of impartiality, there remains no moral justification for undemocratic processes of decisionmaking concerning collective action. Instead of a fictional contract, we require real participatory structures in which actual people, with their geographical, ethnic, gender, and occupational differences, assert their perspectives on social issues within institutions that encourage the representation of their distinct voices. Theoretical discussion of justice, then, requires a theoretical discussion of participatory democracy. As Carole Pateman (1986) points out, however, many contemporary theorists of participatory democracy are no less committed to the ideal of the civic public than their classical forebears.

This ideal of the civic public, I have argued, excludes women and other groups defined as different, because its rational and universal status derives only from its opposition to affectivity, particularity, and the body. Republican theorists insisted on the unity of the civic public: insofar as he is a citizen every man leaves behind his particularity and difference, to adopt a universal standpoint identical for all citizens, the standpoint of the common good or general will. In practice republican politicians enforced homogeneity by excluding from citizenship all those defined as different, and associated with the body, desire, or need influences that might veer citizens away from the standpoint of pure reason. Two contemporary theorists of participatory democracy, Benjamin Barber and Jürgen Habermas, retain important features of the universalist ideal of the civic public, though both ambiguously.

Barber (1994) argues fiercely against contemporary political theorists who construct a model of political discourse purified of affective dimensions. Ritual, myth, passion, emotional expression, and poetic discourse have political meaning, he argues, as much as rational argumentation. Thus Barber does not fear the disruption of the unity and the rationality of the public by desire and the body, as a number of republican theorists appear to do. In his concept of strong democracy he retains, however, a conception of the civic public as defined by unity and universality, as opposed to group affinity and particular need and interest. He distinguishes clearly between the public realm of citizenship and civic activity, on the one hand, and a private realm of particular identities, roles, affiliations, and interests. Strong democracy, he claims, regrets any division in the public, which ideally expresses a common will and common judgment of all the citizenry. Citizenship by no means exhausts people’s social identities, but it takes moral priority over all other social activities in strong democracy. The pursuit of particular interests, the pressing of the claims of particular groups, all must take place within a framework of community and common vision established by the public realm. Thus Barber’s vision of participatory democracy continues to rely on a strong opposition between the public sphere of citizenship and the private sphere of particular interest and affiliation. The process of participatory democracy for him requires the submerging of social differences, which I have argued tends to lead to privilege for some groups whose voice and perspective dominate the allegedly common public.

Habermas’s theory of communicative action is more ambiguous than Barber’s as regards the degree to which it retains the republican legacy of
unity and universalism in its definition of the public as a realm of reason opposed to a private realm of desire and feeling. As I argued earlier, the main tendencies of a theory of communicative action aim at a genuinely intersubjective and contextual participatory democracy. Without the transcendental point of view of impartiality, the rationality of norms can be grounded only by understanding them as the outcome of discussion including all those who will be bound by them. As I discussed earlier, one possible interpretation of communicative ethics is that normative claims are the outcome of the expression of needs, feelings, and desires which individuals claim to have met and recognized by others under conditions where all have an equal voice in the expression of their needs and desires. This interpretation thus tends to collapse the distinction between public reason and a private realm of desire, need, and feeling.

A strong strain of Kantian universalism remains in Habermas, however, which undermines this move to a radically pluralist participatory politics of need interpretation. Habermas retains vestiges of a dichotomy between reason and affectivity. He rather firmly separates discourse about feelings from discourse about norms. His model of language itself, moreover, relies heavily on a paradigm of discursive argumentation, decentering the metaphorical, rhetorical, playful, embodied aspects of speech that are an important aspect of its communicative effect (see Young, 1987; cf. Keane, 1984, pp. 169–72). Despite the possibilities of a communicative ethics, Habermas himself retains a commitment to the ’moral point of view’ as that of a ’generalized other,’ in which the reasoning subject abstracts from her or his own concrete contexts of need, desire, and commitment and regards others also from this general standpoint. In that form he retains a distinction between a public realm of rights and principles and a private realm of contextualized need (Benhabib, 1986, pp. 348–51). Finally, the claim that participants in dialogue implicitly aim at consensus is reminiscent of the ideal unity of the civic public.

As we saw in Chapter 3, many writers assert that welfare corporate society is depoliticized through the institutionalization of interest-group pluralism. Just as Barber calls for a strong democratic public, many of these writers also call for a reinstatement of a civic public in which citizens transcend their particular contexts, needs, and interests to address the common good. I have been arguing, however, that such a desire for political unity will suppress difference, and tend to exclude some voices and perspectives from the public, because their greater privilege and dominant position allows some groups to articulate the “common good” in terms influenced by their particular perspective and interests.

Contrary to Barber’s account, for example, the problem with interest-group pluralism is not that it is plural and particular, but that it is privatized. It institutionalizes and encourages an egoist, self-regarding view of the political process; each party enters the political competition for scarce goods and privileges only in order to maximize its own gain, and need not listen to or respond to the claims of others for their own sake. Thus interest-group pluralism allows little space for claims that some parties have a responsibility to attend to the claims of others because they are needy or oppressed. The processes and often the outcomes of interest-group bargaining, moreover, take place largely in private; they are neither revealed nor discussed in a forum that genuinely includes all those potentially affected by the decisions.

The repoliticization of public life does not require the creation of a unified public realm in which citizens leave behind their particular group affiliations, histories, and needs to discuss a mythical “common good.” In a society differentiated by social groups, occupations, political positions, differences of privilege and oppression, regions, and so on, the perception of anything like a common good can only be an outcome of public interaction that expresses rather than submerges particularities. Those seeking the democratization of politics in our society, in my view, should reconceptualize the meaning of public and private and their relation, to break decisively with the tradition of Enlightenment republicanism. While there are good theoretical and practical reasons to maintain a distinction between public and private, this distinction should not be constructed as a hierarchical opposition corresponding to oppositions between reason and feeling, masculine and feminine, universal and particular.

The primary meaning of public is what is open and accessible. The public is in principle not exclusionary. While general in that sense, this conception of a public does not imply homogeneity or the adoption of some general or universal standpoint. Indeed, in open and accessible public spaces and forums, one should expect to encounter and hear from those who are different, whose social perspectives, experience, and affiliations are different. To promote a politics of inclusion, then, participatory democrats must promote the ideal of a heterogeneous public, in which persons stand forth with their differences acknowledged and respected, though perhaps not completely understood, by others.

The private, as Hannah Arendt (1958, pp. 58–67) points out, is etymologically related to deprivation. The private, as traditionally conceived, is what should be hidden from view, or what cannot be brought to view. It is connected with shame and incompleteness. As Arendt points out, this notion of the private implies the exclusion of bodily and affective aspects of human life from the public.

Instead of defining the private as what the public excludes, I suggest, the private should be defined, as in one strain of liberal theory, as that aspect of his or her life and activity that any person has a right to exclude others from. The private in this sense is not what public institutions ex-
clude, but what the individual chooses to withdraw from public view. With the growth of both state and nonstate bureaucracies, the protection of privacy has become a burning public issue. In welfare capitalist society, the defense of personal privacy has become not merely a matter of keeping the state out of certain affairs, but of calling for positive state regulation to ensure that both its own agencies and nonstate organizations, such as corporations, respect the claims of individuals to privacy.

This manner of formulating the concepts of public and private, which is inspired by feminist confrontations with traditional political theory, does not deny their distinction. It does deny, however, a social division between public and private spheres, each with different kinds of institutions, activities, and human attributes. The concept of a heterogeneous public implies two political principles: (a) no persons, actions, or aspects of a person's life should be forced into privacy; and (b) no social institutions or practices should be excluded a priori from being a proper subject for public discussion and expression.

The modern conception of the public, I have argued, creates a conception of citizenship which excludes from public attention most particular aspects of persons. Public life is supposed to be "blind" to sex, race, age, and so on, and all persons are supposed to enter the public and its discussion on identical terms. This conception of the public has resulted in the exclusion of persons and aspects of persons from public life.

Ours is still a society that forces persons or aspects of persons into privacy. Repression of homosexuality is perhaps the most striking example. In the United States today most people seem to hold the liberal view that persons have a right to be gay as long as they keep their activities private. Calling attention in public to the fact that one is gay, making public displays of gay affection, or even publicly asserting gay needs and rights, provokes ridicule and fear in many people. Our society is only beginning to change the practice of keeping the physically and mentally disabled out of public view. For almost a century "respectable" women have had access to public spaces and public expression, but prevailing norms still pressure us to privatize the most obvious manifestations of our femaleness—menstruation, pregnancy, lactation—to keep these out of public speech, public view, and public consideration. By extension, children should be kept out of public view, and of course their voices should not receive public expression.

The feminist slogan "the personal is political" expresses the principle that no social practices or activities should be excluded as improper subjects for public discussion, expression, or collective choice. The contemporary women's movement has made public issues out of many practices claimed to be too trivial or private for public discussion: the meaning of pronouns, domestic violence against women, the practice of men's open-