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Modern versus Diverse Citizenship: Historical and Ideal Theory Perspectives

Andrew Mason

James Tully's recent work has provided us with new and illuminating ways of thinking about citizenship that mark a refreshing change from the familiar contrast between liberal and republican approaches.¹ Tully's main distinction is between what he calls modern and diverse (or cooperative) traditions. In relation to the nation state, the modern tradition conceives of citizenship in terms of the possession of a particular set of rights and duties and their corresponding institutional preconditions. These rights are regarded as providing universal standards which can be used to assess the imperfect institutional forms that citizenship takes in practice. In contrast, the diverse tradition recognizes a multiplicity of different practices rather than a single set of standards. It conceives of citizenship as a cooperative relationship that does not require any particular institutional setting, and which may cross territorial boundaries, but which takes place in the context of relations of governance. It obtains primarily between equals exercising power together and it is oriented towards securing the enjoyment of public or civic goods, whether through (creative) use of the options available to them, or by employing strategies of negotiation or non-violent confrontation in order to expand that range of options.²

¹ See J. Tully, *Public Philosophy in a New Key*, Two Volumes, Cambridge: Cambridge University Press, 2008, especially chapter 9; J. Tully, 'A Dilemma of Democratic Citizenship'. Paper delivered at the University of Victoria, 8 May 2010.

² Influenced by Wittgenstein, Tully rejects the idea that citizenship in general, or indeed any particular tradition of thinking about citizenship, can be captured in terms of some rule that governs the proper use of that term, so he might resist my general characterization of 'diverse civic citizenship'. See Tully, *Public Philosophy* II, pp. 244, 270–1, 279. But even

Although Tully is drawing an important distinction between two different modes of thought and practice, there is a bias in his characterization that in my view needs attention before we can properly address the issue of the relationship between them. The modern or 'civil' tradition is characterized warts and all, so much so that it looks as if citizenship in this tradition is inseparable, both in principle and in practice, from tyranny. It is wedded to a robust right to private property, of a sort that is bound to generate serious inequalities, and it is imperialist in its ambitions, seeking to export its ideals and practices to other peoples.³ In contrast, Tully portrays the diverse or 'civic' tradition in a positive and appealing light: people act as citizens when they work together as equals and employ non-violent strategies in order to secure various common goods. As a result, it is hard, perhaps even conceptually impossible, to find examples where the practice of citizenship in the civic tradition is bad or undesirable. But we should worry about these characterizations to the extent that they make it appear as if 'civil citizenship' is inherently bad and 'civic citizenship' inherently good.⁴

Indeed it is unclear why we should suppose that civil citizenship, either in theory or in practice, is as flawed as Tully makes it out to be. Although he would no doubt regard this observation as beside the point, we can certainly imagine a set of institutions and practices that would bear some continuity with that tradition, but which had no imperialistic ambitions, were more inclusive and which stood firmly opposed to tyranny and exploitation. Whether civic citizenship is as flawless as Tully seems to suggest is also open to question. There are practices with family resemblances to his exemplars of civic citizenship that should make us wonder about his rationale for what is included

if my characterization leaves out, or marginalizes, some strands of that tradition, it picks out a central way in which citizenship is understood within it.

³ Tully, 'A Dilemma of Democratic Citizenship', p. 5.

⁴ Tully does begin *Dilemma of Democratic Citizenship* by saying that civil citizenship is seemingly an equally democratic and praiseworthy form of citizenship (ibid., p. 2), but it is clear that he does not think that this appearance survives sustained reflection upon it.

and what gets excluded. For example, community action groups which pursue campaigns against the settlement of asylum seekers in the local area⁵ would apparently be excluded by it, as would 'vigilante' groups which seek to drive out suspected paedophiles from a neighbourhood.⁶ Potentially at least, these are cooperative practices in which the participants relate to each other as equals, even if they are not oriented towards genuine civic goods. There are also cooperative activities that aim to secure genuine civic goods but which involve hierarchical relationships rather than relationships between equals because they are structured by inequalities of power based on race, class or sex. Each of these types of activity have similarities with the practice of civic citizenship but on Tully's scheme they would not count as such, either because they do not aim at genuine civic goods or because the relationships are not of the right kind since they are not between equals. But we might ask, given the similarities, why not regard them as examples of civic citizenship, albeit less (than) appealing illustrations of it? Indeed we might think that, unless Tully is prepared to regard them in this way, he will be hard pressed to find very many real historical examples of civic citizenship at all, and that he is much too optimistic about the widespread existence of cooperative relationships between equals in which genuine civic goods are pursued non-violently.

1. Methodological issues

The asymmetry in Tully's characterization of the civil and civic traditions seems to emerge from his different ways of approaching them. Although he approaches civic citizenship in the spirit of what

⁵ Consider the opposition of local groups in the United Kingdom to various plans to build accommodation centres for asylum seekers in their areas: www.telegraph.co.uk/news/uknews/1421759/Uproar-over-asylum-centre-plan.html (Accessed 18 March 2011).

⁶ Of course, this will involve cases of mistaken identity. In an infamous case in the United Kingdom a hospital paediatrician was driven out of her house in a village in South Wales after vigilantes confused her job title with 'paedophile': see www.guardian.co.uk/uk/2000/aug/30/childprotection.society (Accessed 16 March 2011).

might loosely be called 'ideal theory', his account of civil citizenship is almost entirely historically situated. As a result, the former needs to be tempered by more attention to some less desirable activities with family resemblances to those that he regards as exemplifying the tradition, while the latter would benefit from some 'ideal theorizing' that situates it in the context of what I call a justice account of citizenship, and which would enable us to see it as a highly imperfect realization of something that is much better.

This unavoidably raises major questions about method. Let me develop my implied contrast between two different ways of studying civil citizenship: an approach that begins from ideal theory and a historically situated approach. According to the former, we start by asking what rights and duties the members of a state would possess in a perfectly just society, that is, a society in which basic institutions were organized in accordance with the correct or most defensible principles of justice, and each person acts from the principles of justice that govern their individual behaviour. An approach such as this one might bracket feasibility constraints altogether,⁷ or it might adopt only a relatively weak constraint of this kind, for example, the Rawlsian requirement that the principles selected should be realizable in the best of foreseeable worlds.⁸ This approach need not remain at the level of ideal theory, however. After arriving at a set of principles for determining the rights and duties of citizens in a perfectly just society, a theorist could then move from these principles to the non-ideal circumstances of the society in question, raising queries about the ways in which actual institutions fall short when judged from the perspective of the ideal, and devising rather different principles to apply to these circumstances – principles that depart from the ideal because they address the question of how best to approximate it in a particular historical context, involving a complex set of institutions, practices, power relations and individual

⁷ G. A. Cohen, *Rescuing Justice and Equality*, Cambridge, MA: Harvard University Press, 2008, pp. 250–4.

⁸ J. Rawls, *Justice as Fairness*, Cambridge, MA: Harvard University Press, 2001, p. 13; J. Rawls, *Political Liberalism*, New York: Columbia University Press, 1996, p. xix.

motivations, while taking into account other values apart from justice, and the costs associated with reforms, both moral and non-moral.

Contrast this approach that begins from ideal theory with an historically situated one that starts from an analysis of our actual practices, including how they have emerged, how they differ from what we once had, the power relations they involve, the motivations of the flesh and blood actors who participate in them, the incentives and disincentives that are created by the institutions within which these practices operate and the traditions of thought embodied in them. This approach looks at the historical processes that have led to changes in the rights accorded to citizens, and which have influenced (or even driven) the behaviour of individual states within the state system, and examines the forces which have transformed that system. It then extracts the normative presuppositions of these practices, that is, the actual norms and principles that inform them. Once these norms and principles have been identified, they can be subjected to critique. But according to this approach, well-grounded critique must start from an account which is possible in the light of our best analysis of historical context, even though it may also apply (whether implicitly or explicitly) norms that transcend the practices, such as norms of non-domination or non-exploitation.

My purpose in distinguishing these different approaches is not to argue that there is one right way to proceed. It seems to me that they have different strengths, and the decision about which to adopt depends at least in part upon the purposes of one's investigation and the issues that are being addressed. In practice I suspect that the approaches will converge to a considerable extent when each is fully developed. Even if ideal theory aims to provide us with an abstract understanding of what justice is, if we want to know what justice requires of us here and now, we will need a detailed analysis of our current historical circumstances and the possibilities they contain. A historically situated approach may be able to extract the norms that govern our current practices and institutions, but if we are to reflect upon those norms in a fully adequate way, we will need to draw upon resources that, at least to some extent,

transcend these practices and institutions. Insofar as the approaches I have distinguished nevertheless diverge in the way they are employed, they need not be regarded as mutually exclusive. Furthermore, each carries with it various dangers when it is pursued in the absence of the other.⁹ Ideal theory may be so far removed from our non-ideal circumstances that the gap between them is unbridgeable, especially when unhelpful idealizations are involved¹⁰ or when issues of what is feasible are bracketed entirely. Ideal theory may also be guilty of wishful thinking if it supposes that something is genuinely empirically possible simply because it can be imagined.¹¹ Historically situated approaches face a different set of dangers. They may lack a worked out set of norms with which to assess practices: conceptions of non-domination and non-exploitation may be invoked as if they were self-evident without acknowledging that they are subject to deep contestation. These approaches will also suffer from 'sour grapes reasoning' or adaptive preference formation if they in effect deny that something is

⁹ See A. Mason, 'Just Constraints', *British Journal of Political Science* 34 (2): 251–68, 2004; For recent discussion of ideal theory and its strengths and weaknesses, see C. Farrelly, 'Justice in Ideal Theory: A Refutation', *Political Studies* 55 (4): 844–64, 2007; A. Sen, 'What Do We Want from a Theory of Justice?', *Journal of Philosophy* 103 (5): 215–38, 2006; I. Robeyns, 'Ideal Theory in Theory and Practice', *Social Theory and Practice* 34 (3): 341–62, 2008; A. Swift, 'The Value of Philosophy in Nonideal Circumstances', *Social Theory and Practice* 34 (3): 363–87, 2008; L. Valentini, 'On the Apparent Paradox of Ideal Theory', *Journal of Political Philosophy* 17 (3): 332–55, 2009; A. J. Simmons, 'Ideal and Nonideal Theory', *Philosophy and Public Affairs* 38 (1): 5–36, 2010; A. Mason, 'Rawlsian Theory and the Circumstances of Politics', *Political Theory* 38 (5): 658–83, 2010.

¹⁰ Onora O'Neill expresses concerns about idealization, distinguishing it from abstraction. Abstraction 'is a matter of bracketing, but not of denying, predicates that are true of the matter under discussion' (O. O'Neill, *Towards Justice and Virtue: A Constructive Account of Practical Reasoning*, Cambridge: Cambridge University Press, 1996, p. 40. Emphasis in original). Idealization, in contrast, involves making claims that are, strictly speaking, false, as a way of simplifying an argument. For example, Rawls's assumption that everyone is 'rational and able to manage their own affairs' and that the subject matter of a theory of justice is the basic structure of society conceived 'as a closed system isolated from other societies' are idealizations. See J. Rawls, *A Theory of Justice*, Cambridge, MA: Harvard University Press, 1971, pp. 248 and 8.

¹¹ John Dunn argues that forcing political theorists 'to locate the levels of moral ambition they espouse within their best causal understanding of the human world as this is . . . precludes them in consequence from subordinating their understanding of how it really is to the importunities of their own projective desires' (J. Dunn, *Interpreting Political Responsibility*, Cambridge: Cambridge University Press, 1990, p. 196).

valuable simply because it cannot be achieved.¹² Fusing conceptual and historical analysis may obscure the way in which existing institutions and practices can properly be regarded as a departure from a genuine ideal rather than as merely oppressive.

In relation to the civil tradition, at least, Tully seems to employ a historically situated method, and to my mind he does fall into the trap of perceiving it in a one-sided way. He tends to see it in a manner that he concedes is encouraged by the perspective of diverse citizenship, that is, as neither the exemplification of 'freedom nor democracy but the culmination of five hundred years of relentless 'tyranny' against local citizenship and self-reliance'.¹³ I do not deny that by using a historically situated method Tully has gained insight into the practice of civil citizenship, but I also believe that an approach that begins from ideal theory could act as a corrective to the biases involved in his portrayal of it compared to civic citizenship. (Indeed it seems to me that his study of civic citizenship combines elements of both approaches in a way that, though fruitful, is also partly responsible for creating the asymmetry I have identified.)

2. An ideal theory approach

If we begin with ideal theory, we will in effect be treating citizenship as fundamentally a moral rather than a legal concept. A purely legal

¹² G. A. Cohen makes this point in the context of discussing the ways in which socialists have come to terms with the thought that in the present circumstances the best that is possible is some form of capitalism, rather than true socialism which requires equality of a kind that is unachievable in a capitalist system. Socialists who accept this analysis do not have reason to be fully satisfied with the best possible form of capitalism. If they were fully satisfied with it, their reasoning would involve adaptive preference formation. They would in effect be deciding that there is no reason to want 'true socialism' because it is impossible to achieve here and now: perhaps they change their evaluative criteria or perhaps they change their view of how well true socialism measures up to those criteria, but they do so merely because of its unavailability: G. A. Cohen, *Self-Ownership, Freedom, and Equality*, Cambridge: Cambridge University Press, 1995, pp. 254–7.

¹³ Tully, *Public Philosophy* II, p. 267.

concept of citizenship equates it with membership in a polity, and sees it as consisting in whatever legal rights and entitlements are enjoyed in virtue of that membership and in whatever legal duties, obligations or responsibilities are attributed on the basis of it. These will differ from one state to another and hence, from the perspective of the legal concept, what is involved in being a citizen of a state may vary.¹⁴ The moral concept, in contrast, specifies an ideal: it spells out the moral rights or entitlements that ought to underpin legal rights and entitlements – and that have to be enjoyed in order for a relationship to count as one of full citizenship – and the moral obligations, duties or responsibilities which are necessarily incurred in that relationship. The moral concept may nevertheless allow that the moral rights and entitlements of citizens, and the moral duties and responsibilities of citizenship, may legitimately vary from one state to another, for it can maintain that these are context-sensitive. It can also allow that the legal rights and entitlements of citizens may legitimately vary from one state to another even when moral rights and entitlements remain the same, for there may be different ways in which the same moral rights and entitlements can be secured by a legal system.

What I have elsewhere called the justice account of citizenship,¹⁵ provides us with one obvious way of unpacking the moral notion of citizenship. Although a justice account of citizenship need not be anchored in ideal theory, one that is can (in my view) illuminate some of the terrain that Tully is charting, especially that part of it which pertains to civil citizenship.¹⁶ Justice accounts maintain that the moral rights, duties and virtues of citizenship are ultimately derived in some

¹⁴ However, insofar as the legal concept of citizenship allows us to draw a distinction between being a mere subject and being a citizen, it cannot entirely bracket normative issues concerning the content of these rights, entitlements and obligations.

¹⁵ See A. Mason, 'Citizenship and Justice', *Politics, Philosophy and Economics* 10 (3): 263–81, 2011; A. Mason, *Living Together as Equals: The Demands of Citizenship*, Oxford: Oxford University Press, 2012.

¹⁶ Strictly speaking, what I am calling the justice account of citizenship need not start from ideal theory, that is, from a theory which attempts to characterize a perfectly just society. Instead it could start from a theory of what justice requires in a particular society at a given time, given its traditions and what is feasible – but this is not the form that the justice account has normally taken.

way from considerations of justice. The moral rights of citizenship are understood as requirements of justice and the duties of citizenship are understood primarily as the means through which a citizen promotes the conditions required to create or sustain justice in her society or discharges the duties of justice that she owes to her fellow citizens. As a result, according to this account, a normative theory of citizenship is parasitic upon a logically prior theory of justice.¹⁷ The justice account of citizenship need not suppose that the moral rights of citizenship are everywhere the same. The principles of justice which these rights express, or from which they are derived, may permit both moral and legal rights to vary depending upon particular features of the polity in question and particular features of the relationships between citizens. Justice requires government and institutions to treat those subject to them as equals, but what that involves may depend upon the differences between them.

The justice account is really a family of views because different theories of justice generate different versions of it. Some versions take the view that all fundamental principles of justice apply independently of how individuals are related to each other, and assign moral rights and entitlements with no regard to citizenship, but argue that the institutions of particular states should be designed with a view to protecting the rights of their own citizens, and to forcing or enabling fellow citizens to discharge their duties of justice specifically in relation to each other, on the grounds that this constitutes the best way of realizing these fundamental principles. (Justice accounts of this kind may nevertheless be critical of the existing state system, on the grounds that a system of independent sovereign states is not the best way of realizing fundamental principles of justice. They may, as a result, favour dispersing the political authority that is concentrated in the traditional nation state, perhaps in the manner recommended by some theories of cosmopolitan democracy.) Other versions maintain that fellow citizens

¹⁷ For this reason John Tomasi refers to the justice account as the derivative interpretation of citizenship: J. Tomasi, *Liberalism Beyond Justice: Citizens, Society, and the Boundaries of Political Theory*, Princeton, NJ: Princeton University Press, 2001, pp. 57–61.

are related to each other in a way that means that some fundamental principles of justice apply to them that do not necessarily apply to others (e.g. fellow citizens might be regarded as part of a cooperative scheme for mutual advantage, and this might be thought to license the application of egalitarian principles to them but not to outsiders), while allowing that there are other principles, such as those that concern human rights, which apply equally to everyone.¹⁸

According to the justice account, to act as a citizen is to act out of a concern for what justice requires in relation to one's fellow citizens. Citizenship is not merely understood as a status. Citizens are conceived as being under special duties towards one another to sustain and promote the institutions that secure their rights and entitlements. The justice account supposes that when citizens live under just, or reasonably just, institutions, then they have a duty to support these institutions that they owe to their fellow citizens. Versions of the justice account may also hold that the maintenance of reasonably just institutions requires citizens to keep a watchful eye on government, and for this reason they may suppose that the fulfilment of the duties of citizenship requires extensive public engagement of a kind that is often associated with the republican tradition.¹⁹ In a society where institutions and policies are significantly unjust, the justice account may argue that the duties of citizenship are even more demanding and that they require citizens to devote a considerable portion of their energies to seeking the reform of institutions and policy.

¹⁸ See, for example, T. Nagel, 'The Problem of Global Justice', *Philosophy and Public Affairs* 33 (2): 113–47, 2005; A. Sangiovanni, 'Global Justice, Reciprocity, and the State', *Philosophy and Public Affairs* 35 (1): 3–39, 2007; For relevant discussion also see M. Blake, 'Distributive Justice, Coercion, and Autonomy', *Philosophy and Public Affairs* 30 (3): 257–96, 2001; M. Risse, 'What to Say About the State', *Social Theory and Practice* 32 (4): 671–98, 2006; C. Armstrong, 'Coercion, Reciprocity, and Equality Beyond the State', *Journal of Social Philosophy* 40 (3): 297–316, 2009.

¹⁹ Elsewhere I argue that the justice account has both liberal and republican variants. See A. Mason, 'Citizenship and Justice', *Politics, Philosophy and Economics* 10 (3): 263–81, 2011 and A. Mason, *Living Together as Equals: The Demands of Citizenship*, Oxford: Oxford University Press, 2012, chapter 1. Tully tends to regard both liberal and republican views of citizenship as variants within the civil or modern tradition. See Tully, *Public Philosophy* II, p. 273.

Nor need the justice account restrict the duties of citizenship to a duty to create or to support just institutions. Such a view of the limits of these duties might seem to go naturally with the idea that principles of justice apply only to the basic structure of society, but that restriction is hard to sustain. Indeed there is a general argument for applying principles of justice widely, including to personal behaviour that takes place within, or in the shadow of, the basic structure. If the reason for applying principles of justice to the basic structure of society is that this structure has profound effects on the life chances of individuals, then this provides grounds for applying principles of justice (though not necessarily the same ones) to any practices or patterns of behaviour which also have such effects, including practices and patterns of behaviour that are part of civil society.²⁰ If this argument can be sustained, acting on duties of justice and the corresponding duties of citizenship may require considerable self-sacrifice – even if there are personal prerogatives which permit citizens to depart from these duties when compliance with them would be particularly burdensome.²¹ Indeed we might think that there is a duty of citizenship to act justly towards one's fellow citizens and to ensure that one does not seek or gain unfair advantages in relation to them.²² In this way, justice accounts of citizenship can occupy some of the space that Tully retains for the civic view, for they can acknowledge the way in which people may act together as citizens to fulfil such duties.

²⁰ On the basis of a nuanced form of this argument, Cohen has argued that Rawls cannot consistently deny that the difference principle should apply to personal economic choices, such as an individual's decisions about what career to pursue, what wages to negotiate and how hard to work, as well as to the basic structure of society. See G. A. Cohen, *Rescuing Justice and Equality*, Cambridge, MA: Harvard University Press, 2008, part I; for relevant discussion, see also L. Murphy, 'Institutions and the Demands of Justice', *Philosophy and Public Affairs* 27 (4): 251–91, 1998; T. Pogge, 'On the Site of Distributive Justice: Reflections on Cohen and Murphy', *Philosophy and Public Affairs* 29 (2): 137–69, 2000; A. Williams, 'Incentives, Inequality, and Publicity', *Philosophy and Public Affairs* 27 (3): 225–47, 1998; D. Estlund, 'Liberalism, Equality, and Fraternity in Cohen's Critique of Rawls', *Journal of Political Philosophy* 6 (1): 99–112, 1998.

²¹ See Cohen, *Rescuing Justice and Equality*, pp. 10–11, 61–2, 71–2.

²² See Mason, *Living Together as Equals*, chapter 5.

3. Adjusting Tully's analysis

How does Tully's analysis of civil citizenship look from the perspective of a justice account that starts from ideal theory? As I have noted, there are different versions of such a justice account, distinguished in part by their different views of the moral rights of citizens. Justice accounts are not necessarily wedded to an unlimited right of private property in the means of production of the kind presupposed in a purely capitalist market, and which Tully regards as central to the modern tradition and to an adequate diagnosis of the causes of global inequality, environmental degradation and the expansionist tendencies of states. Justice accounts can – and, in my view, should – reject the idea that there is such a right, and they can be critical of the imperatives in the existing state system which contribute to militarism, and which make imperialism a permanent threat. They can also be critical of the idea that states are under a duty to open their doors to free commerce²³ and that they are under a duty of civilization.²⁴ They need not regard civil citizenship as undemanding or suppose that the exercise of the political rights it involves is optional in the sense that there is no duty to exercise those rights;²⁵ they can suppose that citizens have an imperfect (or even a perfect) duty to do so. They need not take the view that citizenship has a bearing only in the public not the private sphere;²⁶ they can, for example, suppose that there are obligations of citizenship that extend into the personal sphere, to take a fair share of domestic burdens²⁷ or to do one's bit for the environment. Nor need they presuppose a 'one size fits all' conception of institutions,²⁸ for they can allow that different institutions and policies will best realize the abstract principles of justice in different societies, given their different histories and cultures.

²³ Tully, *Public Philosophy* II, p. 258.

²⁴ Tully, 'A Dilemma of Democratic Citizenship', p. 11; Tully, *Public Philosophy* II, pp. 261–2.

²⁵ Tully, 'A Dilemma of Democratic Citizenship', p. 9.

²⁶ Ibid.

²⁷ See Mason, *Living Together as Equals*, chapter 4.

²⁸ Tully, 'A Dilemma of Democratic Citizenship', p. 16.

To Tully, this will seem beside the point. Even if civil citizenship *can* be conceived in these terms, this is not the form in which it has been manifest historically. But a historical perspective here is not the only one that is relevant. The civil tradition looks rather different when it is seen through the lens of the justice account. Of course, Tully is aware of the possibility of adopting this rather different perspective. Why then does he refuse to take it up, and indeed why does he give a characterization of civil citizenship which makes it almost impossible to do so? I think he has a combination of different reasons. From a normative perspective, he thinks that whatever its promise, civil citizenship has failed to deliver in terms of justice or indeed democracy: the rights it protects have been exercised in the service of tyranny and oppression, and any attempt to rethink civil citizenship will have to face the enormous democratic deficit that its institutions involve. That may all be true, but it simply poses a challenge for any approach that starts from ideal theory, including justice accounts that do so – a challenge that, for example, theorists of cosmopolitan democracy, who advocate the dispersal of the political authority that is currently concentrated in the nation state, have attempted to meet. As Tully argues, models of cosmopolitan democracy may have their own inadequacies²⁹ – they often fail to expose the limitations of representative forms of democracy, or to recognize that different models of government may better realize democracy and indeed justice in different cultural contexts, and they often leave non-democratic forms of governance unchallenged. But they nevertheless overcome some problematic aspects of the civil tradition, and pave the way for the development of new models of democracy that address the deficiencies of representative forms of government and that seek to democratize non-democratic forms of governance.

From a historical perspective, Tully has worries about any account of the development of civil citizenship that might make it seem that it has a *telos* towards which it is inexorably moving, or indeed that it has gradually moved towards that *telos* because of some collective

²⁹ Tully, *Public Philosophy* II, pp. 63–4.

appreciation of an ideal of full inclusion. It would surely be a mistake to think that historical change that better realizes an ideal is necessarily motivated by a widespread commitment to it – or even to see such change as evidencing an ‘underlying’ common commitment to the ideal³⁰ – as opposed to regarding it in general as a concession extracted at great cost through a struggle against oppression.³¹ But surely we gain at least some understanding of the (admittedly, partial) value of actually existing liberal-democratic institutions by seeing them as an imperfect realization of rights and entitlements that are grounded in genuine considerations of justice.

This response might seem to ignore deeper problems with approaches that begin from ideal theory and which may lie behind Tully’s refusal to take up the perspective that is afforded by any justice account of citizenship that is grounded in ideal theory. (Indeed Tully might allow that justice accounts of citizenship can illuminate civil citizenship and the relationship between it and civic citizenship, but argue that if they are to do so, then they must eschew ideal theory.) What, then, are the potential pitfalls of ideal theory in this context? First, it might be argued that we simply do not need an ideal theory in order to be able to understand the potential value of the institutions and practices that are constitutive of civil citizenship. And, as Amartya Sen has argued, we can make comparative judgements about what institutions and policies would be *more* just without knowing what would be required for *perfect* justice:³² we can know, for example, that a state of affairs in which states settle conflicts between them peacefully and do not use violence simply to further their own ends is better than one in which they resort early to the use of military force, and employ violence to further their own economic interests. Second, it might be argued that ideal theory is a ‘top down’ approach which neglects the point that notions of justice are disputed, so there will be no justice account of citizenship that can

³⁰ Ibid., p. 266.

³¹ Ibid., p. 256.

³² Sen, *What Do We Want*, especially pp. 216, 221–2, 237; A. Sen, *The Idea of Justice*, London: Penguin Books, 2009, pp. 12–18. For a response, see Simmons, *Ideal and Nonideal Theory*, pp. 34–6.

command universal assent. There is nothing to be gained politically or even normatively from an approach that starts from ideal theory, even if it is informed by the best available theory of justice, because that theory will inevitably be a matter of contest and its implementation will fail to give due weight to democracy itself, since any genuine commitment to democracy would require institutional arrangements to be the object of democratic discussion and decision-making.

Both of these responses have force, but in my view they do not defeat a justice account of citizenship that starts from ideal theory, as long as its role and point is properly understood. It is true that we can often evaluate institutions and practices without the benefit of an ideal theory, and indeed that we can also make comparative judgements about whether one state of affairs is better or worse than another without being in possession of such a theory. But I think Rawls was nevertheless right when he claimed that a *systematic* grasp of the issues involved is possible only with the aid of ideal theory.³³ This might be regarded as question-begging on the grounds that a systematic grasp of this kind is impossible anyway; for example, it might be argued that no such grasp is available because there is no theory – no set of principles – which we can use to specify what would count as a perfectly just society. While I accept (on broadly Wittgensteinian grounds that Tully himself would probably find congenial) that the very possibility of moral and political thought does not depend on their being such principles, whether or not they are available can only be determined by trying to provide them.³⁴

In response to the second objection, it should be conceded that any justice account will be disputed, drawing as it must on some controversial conception of justice. But this does not mean that an approach that

³³ J. Rawls, *A Theory of Justice*, Cambridge, MA: Harvard University Press, 1971, p. 9.

³⁴ If moral particularism is true, then it follows that there is no reason to think that there must be a set of principles of justice which determine what a perfectly just society would look like, but it does not follow that there cannot be a set of principles of this sort (see A. Mason, 'Justice, Holism and Principles', *Res Publica* 25: 179–94, 2009; for the Wittgensteinian argument, see J. McDowell, 'Virtue and Reason', *The Monist* 62 (3): 331–50, 1979; for other relevant discussion, see J. Dancy, *Ethics Without Principles*, Oxford: Oxford University Press, 2004; S. Mckeever and M. Ridge, *Principled Ethics: Generalism as a Regulative Ideal*, Oxford: Oxford University Press, 2006).

starts from ideal theory is necessarily top down in a problematic way. Those who develop an ideal theory are not committed to a conception of themselves as philosopher kings or to thinking of themselves as law-givers in Rousseau's sense. They can recognize that they are presenting one vision of the justice account among several that are reasonable, and that the *legitimate authority* to enforce the rights and entitlements presupposed in it can only derive from a democratic political process of some kind. Nor need justice accounts that start from ideal theory deny the general truth that in practice the recognition of these rights and entitlements will come about only as a result of political struggle on the part of marginalized or oppressed groups.

How then does an approach that begins from ideal theory help us to understand better the relationship between modern and diverse citizenship? My view is that once we perceive actually existing civil citizenship through the lens of ideal theory, as a highly imperfect realization of a defensible justice account anchored in ideal theory, and we think of the actual practice of civic citizenship as involving a wider range of cases, some of which at best imperfectly realize the ideal of people working together as equals in pursuit of civic goods, then we can see that modern and diverse citizenship are potentially complementary: they provide a conceptualization of two different kinds of imperfect practice, each of which needs the other. Civil citizenship, as we experience it here and now, is defective, because, first, its institutional forms protect various legal rights, such as a right to private property in the means of production, that at the very least need to be limited and their exercise regulated in various ways, to ensure that they serve justice rather than injustice, and second, the political authority that continues to be concentrated in these institutions needs to be reconfigured so that it relies less on representative forms of government and is dispersed in part to new democratic bodies above and below the level of existing nation states. Furthermore, non-democratic forms of governance, including bureaucratic, authoritarian or systemic forms,³⁵ need to

³⁵ See Tully, *Public Philosophy* II, p. 50.

be brought under democratic control, insofar as that is feasible and beneficial. As Tully argues, practices of diverse or civic citizenship have a crucial role to play in bringing to light these injustices and democratic deficits and in struggling to overcome them. But civic citizenship, as we experience it, is also defective in various ways, and its practice needs to be regulated and constrained by institutions of civil citizenship that are informed by principles of justice and democracy: first, the goods that are pursued within practices of civic citizenship are often misunderstood or corrupted, with the result that participants in these practices act unjustly or badly (e.g. they seek to protect their way of life against the influx of asylum seekers or economic migrants, when in fact they owe duties of justice to them – and indeed where their own way of life would be enhanced by the presence of these immigrant groups); second, genuine goods are pursued in ways that are unjust (e.g. action-groups target suspected paedophiles, violating their rights in an attempt to drive them out of local communities); third, the relations within civic-minded groups are often not among equals because they involve unacknowledged hierarchies of various kinds.

4. Conclusion

I have not tried to defend a specific version of the ideal of civil citizenship. But I have argued that we should not suppose that civil citizenship can be understood fully by reference to its current institutional forms and the practices that support (and are supported by) these forms, and I have gestured towards some ways in which it might plausibly be held that there is a gap between the ideal of civil citizenship and the institutions and practices that claim to embody it. Tully seems to be torn between (on the one hand) the view that the civil tradition is fundamentally flawed not only in practice but also in theory, and that we should abandon it in favour of the civic or cooperative tradition, and (on the other hand) the view that, suitably reconfigured, the civil tradition can be viewed as an attempt to develop and realize something

that is genuinely worthwhile. I would urge him to adopt the second view in a less ambiguous manner, to adjust his conception of both of these traditions, and to acknowledge the ways in which, appropriately reconfigured, they can be mutually supportive. Grounded in a more adequate theory of justice, ideals of civil citizenship can help to identify institutional structures that define the space within which citizens can act, whether as individuals or together, to fulfil their citizenly duties to secure various common goods and to counter injustice, in practices that the civic tradition is sometimes better equipped to understand and to appreciate. Democracy itself, at least when it is of a more full-blooded kind, would then have a further role to play in legitimizing these institutional structures in the face of disagreement between advocates of different conceptions of justice concerning what form these structures should take. As it stands, Tully's rather bleak picture of civil citizenship sits uneasily with his too rosy view of civic citizenship. The rosy view of civic citizenship is achieved by excluding potentially problematic cases by definitional fiat, while the bleak picture of civil citizenship arises from a refusal to see it as an imperfect realization of something that might be better. But that should not detract from the fact that Tully has provided us with an important distinction between these two different traditions that enables us to ask questions that would otherwise be hard to raise.³⁶

³⁶ For helpful comments on an earlier draft of this chapter, I would like to thank David Owen.