

# Two explications of ‘social unity’ in political philosophy: John Rawls and Will Kymlicka on ‘the ties that bind’

by Frederik Boven

## Introduction

Social unity, as I will discuss it in this paper, is a political-philosophical notion that “particularly in our time (..) is emerging as of critical importance once again”.<sup>1</sup> I shall employ the analytical method of concept explication to clarify how this notion (and the related notion of ‘social union’) is used by two contemporary analytical philosophers, John Rawls and Will Kymlicka. Specifically, I will evaluate their respective explications of social unity, with regard to [1] their relation to the explicandum, and [2] their precision, fruitfulness and simplicity. Before turning to that, I should offer my own informal description of the concept, in order to delineate the topic.

## 1. Informal description

As ‘social unity’ is a composite concept, which is not used commonly, I will choose as my starting point the relevant dictionary definitions for ‘unity’ and ‘social’, and examples from philosophical literature.

### *1.1 On the concepts of ‘unity’ and ‘social’*

I will start with the connotations of ‘unity’ offered in the *Oxford English Dictionary* (OED) that I consider most relevant for the topic at hand:

- I. The fact, quality, or condition of being, comprising, or consisting of one in number; being one body or whole, esp. as made up of two or more parts; being an undivided whole, as distinct from its parts; being united into one body or whole; being one in mind, feeling, opinion, purpose, or action. Union of two or more persons or things, or of one *with* another.
- II. Concord or harmony amongst several persons. The harmonious combination of the various parties or sections (of a state, etc.) into one body.

These connotations indicate that ‘unity’ is either a *property* of composite entities, or a quality of the whole-part relation constituting such an entity.

Composite entities typically involve a ‘vertical’ relation between the whole and its parts (I) and a ‘horizontal’ relation between the parts of the whole (II).<sup>2</sup> The relation between the parts and the whole (I) can be approached as a question of *wholeness* or as a question of *parthood*. For our purposes, a whole can be defined as a “pattern of relations between certain specified kinds of objects”, in which case ‘part’ refers to one of the elements, to a class of elements, or a subordinate pattern.<sup>3</sup> That means that (I) is intertwined with (II), so that the parts are related to the whole through their mutual relationships.

Unity, in this sense, is either [1] a property of the whole (oneness or singleness), or [2] a quality of the pattern of relationships between the parts constituting the whole (coherence, harmonious-

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<sup>1</sup> S.A. Schwarzenbach, “On civic Friendship (1996), p. 98-99

<sup>2</sup> On this distinction, see A. Meirav *Wholes, Sums and Unities* (2003).

<sup>3</sup> Cf. Nagel “Wholes, sums and organic unities”, p. 19

ness, cohesiveness). In the second case it is a comparative concept (as a pattern can be more or less coherent).

For the term 'social', the OED offers at least three meanings that we should take into account:

1. Pertaining to the interrelations resulting from an individual's association with others or connected with the functions and structures necessary to membership of a group or society.
2. Pertaining, relating, or due to, connected with, etc., society as a *natural or ordinary* condition of human life.
3. Concerned with the *constitution* of society and the problems presented by this. Of activities, etc., carried out (i.e. by government agencies) to improve the condition of society or for the benefit of society as a whole.

As I see it, (2) and (3) are special cases of (1); thus the term 'social' refers to an association among people, which may be either 'natural' or 'constitutional'. In each case it is a classificatory concept: it places an object within the class of the 'social'. This class has no definite scope, but is used by the one more narrowly than by the other. This is also true for its use in political philosophy, which is our present concern. Minimally, 'social' involves interpersonal relationships of some kind.

### *1.2 Social unity in political philosophy*

In combination, 'social' and 'unity' denote a property of society, or a quality of its 'social order'. In political philosophy social unity is commonly used in the second sense, and refers to "what holds society together in spite of the numerous conflicts which arise among individuals and groups in it", that is, "what (...) binds persons together in a just society".<sup>4</sup> Thus, in this context, social unity can be informally described as the structure that makes people stick together in one state, or the whole that is the result thereof; In other words, social unity is the answer to the question what it is that holds society together, or what it means for a society to be one.

## 2. Social unity in Rawls' political liberalism

In his famous book *A Theory of Justice* (1971, hereafter *TJ*), the American John Rawls dedicated but a small paragraph to his conception of social union, which was meant to explain "how the principles of justice are related to human sociability".<sup>5</sup> But in the essays he published in the 1980's, leading up to his book *Political Liberalism* (1995, hereafter *PL*), he becomes increasingly concerned with the 'social unity' of heterogeneous societies. Rawls' leading question is now: "how is social unity to be understood, given that there can be no public agreement on the one rational good", and "under what conditions is it actually possible?"<sup>6</sup>

Rawls investigation proceeds essentially in two steps, in which we can recognize the explicandum and the explicatum: he starts from an intuitive idea of what social unity entails, then to proceed to a more developed conception of social unity, which takes the present historical conditions into

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<sup>4</sup> Magid, "Freedom and Political Unity", p. 147; S.A. Schwarzenbach, "On civic Friendship, p. 98-99. I encountered one political philosophical example where social unity was defined in the first sense, i.e. as "a whole considered as made up of parts which derive their significance from their relation to the whole". Cf. Adams, "The nature of the Social Unity", 1904: 211.

<sup>5</sup> *TJ*, p. 462

<sup>6</sup> "Justice as Fairness: Political not Metaphysical" (1985), p. 413

account – in opposition to some alternative conceptions that are inadequate in this respect.<sup>7</sup> In the next to subsections, I will follow the same two steps, starting with his intuitive idea of social cooperation (the explicandum), the ‘historical conditions’ that should be taken into account (the conditions of adequacy) and some conceptions of social unity which Rawls’ believes fail these conditions (non-examples). Then I will discuss Rawls’ developed idea of social cooperation (i.e. the notion of ‘social union’) and, finally, his explanation of the concept of (societal) ‘social unity’ (the explicatum).

### 2.1 Rawls’ explicandum and desiderata

In *TJ*, Rawls informally describes a social union as “a fair system of social cooperation”, and social unity as its congruence with the good, which “bind[s] a societies effort into one social union” by motivating participants to accept the scheme of cooperation and to comply to its principles.<sup>8</sup> Thus, Rawls’ notions of ‘social union’ and ‘social unity’ correspond to the two senses of ‘unity’ I discerned in §1.1: the *union* refers to the oneness of a society, and *unity* to the coherence of its social order.

Rawls defines social unity as a specific kind or *practice*. In general, Rawls understands practice as a form of activity constituted by a system of rules that is known to all participants, so that the only way to perform that activity is to follow the rules that define it.<sup>9</sup> Social union is a practice with a specific kind of end, constituted by a specific kind of rules.

Rawls offers some casual examples of social unions, including ‘natural’ groups, such as “families, and friendships”, and ‘artificial’ activities as “science, and art”.<sup>10</sup> In *TJ*, Rawls elaborates on two ‘pure cases’ of social unions: a symphony orchestra and a game.

[C]onsider a group of musicians, every one of whom could have trained himself to play equally as well as the others any instrument in the orchestra, but who each have by a kind of tacit agreement set out to perfect their skills on the one they have chosen so as to realize the powers of all in their joint performances.<sup>11</sup>

[T]hinking about the simpler instances of games, (...) we can easily discern four kinds of ends: [1] the aim of the game as defined by its rules (...); [2] the various motives of the players playing the game (...) [3] the social purposes served by the game (...); [4] and then finally, the shared end, the common desire of all the players that there should be a good play of the game. This shared end can be realized only if the game is played fairly, according to the rules, if the sides are more or less evenly matched, and if they players all sense that they are playing well. But when this aim is attained, everyone takes pleasure and satisfaction in the very same thing. A good play of the game is, so to speak, a collective achievement requiring the cooperation of all.<sup>12</sup>

Rawls emphasizes that these examples differ from another kind of practices, the paradigm case of which are competitive markets, but to which also belong the private or civil society.<sup>13</sup> The latter is

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<sup>7</sup> Ibid.

<sup>8</sup> *TJ*, p. 412, 500. Elsewhere, Rawls uses the similar terms “ties of civic friendship” and “bonds of association”. Cf. his “Kantian Constructivism in Moral Theory” (1980), p. 327.

<sup>9</sup> Rawls, “Justice as Fairness” (1958), p. 47<sub>n1</sub>. For an analysis of this notion, and especially the importance of a certain kind of rules, see his “Two concepts of Rules” (1955).

<sup>10</sup> *TJ*, p. 460

<sup>11</sup> *TJ*, p. 459<sub>n4</sub>; see *PL*, p. 321 for a longer version. An analysis of Rawls’ use of the orchestra metaphor is offered by Love, “Rawlsian Harmonies” (2003).

<sup>12</sup> *TJ*, pp. 460-461

<sup>13</sup> *TJ*, p. 456

characterized by two features: [1] the ends of the persons comprising it are not identical or complementary, but either competing or independent; [2] its institutions are valued solely as a means to one's private aims. In conjunction with the game example, this non-example shows that some kind of shared ends are essential to Rawls' intuitive understanding of social union.

In *Social Unity and Primary Goods* (1982) Rawls discusses another set of non-examples, which do involve shared ends, but nonetheless are not social unions. Prime examples are classical and medieval notions of social unity, which involved the idea that rational persons could agree on a single conception of the good.<sup>14</sup> These conceptions may have been sufficient in these days, but do no longer suffice under modern conditions. For contemporary democratic societies, it has become quite natural that their citizens pursue a plurality of conceptions of the good, and consequently, it has become impossible to unite society on a single doctrine.<sup>15</sup> From these counterexamples, Rawls derives two conditions that a conception of social union (unity) should satisfy. These conditions are not based on deontological considerations, but are contingent characteristics of the current political cultures of democratic societies, which limit the range of cooperation systems that are able to inspire the confidence of citizens and thus of becoming a social union.<sup>16</sup>

The first condition derives Rawls from what he calls the fact of *reasonable* pluralism: because free institutions allow free exercise of practical reason, a diversity of comprehensive doctrines will arise that are reasonable, in the sense of compatible with the idea of fair cooperation. This should not be confused with the mere existence of a plurality of views and interest, which he calls the fact of pluralism *as such*.

A second condition follows from 'the fact of oppression': (today) a shared understanding on one comprehensive doctrine can only be maintained by the oppressive use of state power. Underlying this condition is Rawls' concern with the *stability* of society: social unity must be understood as a lasting condition, or to be more specific, as a social order that (in principle) contains the means to maintain itself. This condition follows from the intuitive concept, when 'unity' is not confined to a 'spatial' sense (the unity of entities at one point of time) but is granted a temporal dimension (a 'unity' of moments). Social unity should involve the idea of a stable society that exists over time.<sup>17</sup> In brief, society is only truly united if it is not merely *compatible* with reasonable pluralism, but *transcends* it both 'spatially' and 'temporally'.

Taken together, these facts point to an initial condition of adequacy, which I call the *endorsement condition*: social unity must be founded on principles that can be "endorsed by widely different and opposing though reasonable comprehensive doctrines".<sup>18</sup> Thus, Rawls believes that if a social order can be endorsed from a variety of points of view it will prove able to bind society's efforts together in a lasting social union.

Rawls employs this criterion to criticize classical utilitarianism, which was the dominant liberal view when he first formulated his theory of justice. He shares with such utilitarians the idea that

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<sup>14</sup> "Social Unity and Primary Goods" (1982), p. 360

<sup>15</sup> Rawls, "The Priority of Right and Ideas of the Good" (1988), p. 466. In Rawls' terminology, doctrines are 'comprehensive' if they involve metaphysical or epistemological claims that are claimed to be true. By contrast, 'political' doctrines merely involve practical claims that are rooted in the basic intuitive ideas of a society's public culture. Rawls introduced the distinction in "Justice as Fairness: Political not Metaphysical".

<sup>16</sup> PL, p. 36

<sup>17</sup> PL, p. 4

<sup>18</sup> PL, p. 38.

in modern societies interpersonal comparisons in matters of justice have become problematical. His problem is thus the same as theirs: finding a way to conduct comparisons in matters of justice between persons, while acknowledging that they have different conceptions of the good. Moreover, they agree that some kind of identity of preferences must be the key to such comparisons.<sup>19</sup> In other words, the preferences of citizens can only be compared if there is some agreement on what is advantageous, on what is rational to prefer. But Rawls contends that although classical utilitarians and (some of) their contemporary heirs may appear to accept the presupposition of pluralism, they in fact conceive of social unity in a way that is incompatible with a plurality of rational conceptions of the good.

To explain what is wrong with classical utilitarianism, Rawls employs a distinction between two ways of achieving an identity of preferences, which he derives from S.C. Kolm.<sup>20</sup> The first is the classical utilitarian idea of ‘a shared higher-order preference’, which implies that all persons have the same higher-order desire, in the precise sense that the differences between first-order desires are placed *in the object* of one’s preferences, rather than in their structure. On this assumption, it becomes possible to make interpersonal comparisons between first-order desires, by reference to a shared higher order desire: overall satisfaction. But Rawls is convinced that this solution does not work, since reasonable pluralism does not merely entail *opposed* conceptions of the good, but conceptions of the good that are *incommensurable*.

For that reason, Rawls wants to draw attention to an alternative solution, which he believes to be compatible with the condition of incommensurability. An identity of preferences need not involve just any good that affects someone’s well-being, but only those goods every rational being wants more of, regardless of his or her conception of the good. Such *primary goods* do not preclude that citizens assess the ‘overall satisfaction’ over their and other’s condition from their own point of view, thus satisfying the endorsement condition. Unlike a shared higher-order preference, shared primary goods requires only a *partial* similarity of citizens’ conceptions of the good.<sup>21</sup> Thus, for Rawls, social unity is not based on an agreement on the good, but on an agreement on what is just given the fact of reasonable pluralism and the fact of oppression. The contrast between Rawls and classical utilitarianism is founded on the way they conceive social unity: according the first, it involves a shared higher-order preference, according to the latter it can impossibly do so. Hence, Rawls aims for a conception of social unity that not only confesses to the endorsement constraint, but can actually satisfy it under conditions of incommensurability.

To sum up, a social union is ‘a fair system of social cooperation’ united on neither an identity of first-order ethical values (the traditional view), nor on an identity of higher-order preferences (classical utilitarianism), but rather on an enduring identity of preferences that is possible among persons with incommensurable conceptions of the good.

## 2.2 *The explicatum*

Recall Rawls’ remark that he would proceed from a basic intuitive idea of social cooperation to a public conception of justice. Now that I have outlined the first step (in the previous subsection), it is time to consider the next step, involving a formalization of [1] the *rules of justice* that ideally

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<sup>19</sup> “Social Unity and Primary Goods”, p. 374

<sup>20</sup> Ibid., pp. 374-381 Cf. Kolm, “*Justice et Équité*”, pp. 28-29.

<sup>21</sup> Ibid., p. 361

guide a fair system of social cooperation, and its derivation; [2] the *sense of justice* citizens would ideally develop within such a system; [3] the conditions under which the two *cohere* in a social union. This allows Rawls to understand social unity as the degree to which the congruence between the rules of a society and the sense of justice of its citizens conform to the ideal-model of society as a social union.

*The sense of Justice* (1963) is probably Rawls' earliest formulation of his ideas about social union. Taking this early text as our guide has the advantage of avoiding the increased complexity of his later texts, especially *TJ* and *PL*, thus allowing us to appreciate the general structure of his theory. Moreover, it will bring to the fore its psychological side, which is easily overlooked otherwise.

In the first part of the paper, Rawls proposes a psychological construction of the development of a sense of justice, in three stages: [1] 'uncritical' love for and trust in the authority of one's parents, in response to their love and care; [2] 'rational' feelings of trust and friendship towards fellow participants in a joint activity governed by principles of justice as fairness; [3] an inclination to accept and contribute to particular institutions that are just (that is, a proper sense of justice). The result of this psychological construction is Rawls' idea of 'goodness as rationality', to which I will return shortly.

In the second part, Rawls connects this psychological construction of the sense of justice to the rules of justice, which he derives from an analytical construction of the concept of justice – his now famous model of the 'original position' in which free and rational persons agree on principles of justice behind a 'veil of ignorance'. In this model, Rawls applies the concept of justice to the basic structure of society, and derives from it the principles of justice any rational person with a morality would want to govern the institutions he participates in. It results in his idea of 'justice as fairness'.

Rawls needs the psychological construction to explain that rational persons will do what justice requires *in particular cases*. That it is rational to choose certain principles of justice in general, cannot explain why people would conform to these principles when it is their turn to do their part. This cannot be explained in terms of rationality, but must involve moral emotions. Only "when people have a sense of justice (...) they [will] accept the principles of justice and regard themselves bound to act in accordance with schemes of cooperation which satisfy these principles".<sup>22</sup> In other words, it is one thing to derive deontological principles of justice, but it is another to account for the moral motivation of citizens to comply with these principles.

In *TJ*, Rawls refers to this difficulty as *the problem of stability*: a scheme of cooperation that is just is not necessarily stable, or even in equilibrium.<sup>23</sup> Even if it is rational for all to have a system of cooperation, it is not generally in the best interest of each to comply to its rules. It is tempting to resort to free riding. Hobbes attempted to resolve this problem by introducing a sovereign that stabilizes the system of social cooperation through penalties. Rawls, by contrast, is confident that a sense of justice will bring about the same result. Even so, "it remains to be shown that a person's rational plan of life supports and affirms his sense of justice", that is, "whether justice as fairness and goodness as rationality are congruent".<sup>24</sup> It is at this point that Rawls introduces his idea of a 'social union', which is related to the idea of goodness as rationality.

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<sup>22</sup> *Ibid.*, p. 110, 112

<sup>23</sup> *TJ*, p. 434

<sup>24</sup> *TJ*, p. 450

Similar to the overall structure of his theory, Rawls' notion of the good consists of a formal and a motivational component. Formally, a person's good is simply his or her rational life plan.<sup>25</sup> But what kinds of ends such life plans are likely to encourage depends on certain aspects of our social nature: general facts about human needs and abilities, the kind of activities that are motivating, and the fact of social interdependency. Rawls considers the first clear enough, but elaborates on the last two. Regarding human motivation, he draws on what he calls 'the Aristotelian Principle': the idea that "human beings enjoy the exercise of their realized capacities (...) and this enjoyment increases the more the capacity is realized, or the greater its complexity".<sup>26</sup> Finally, the fact of social interdependence entails that the exercise of one's capacities is not only good for oneself, but will often also enhance the good of others.

These aspects of our social nature make a social union possible, and also contain the possibility of *society* as a social union. What then is a social union? Recall Rawls initial idea of social union as a common practice, a rule-governed activity involving some kind of collective achievement, and the "pure cases" of the symphony orchestra and the game. The non-examples of the civil society, and the traditional conception of society showed that the end of a social union cannot be a common desire for the same particular thing. Instead, "[t]here must be a shared agreed scheme of conduct in which the excellences and enjoyments of each are complementary the good of all. Each can then take pleasure in the actions of the others, as they jointly execute a plan acceptable to everyone".<sup>27</sup>

The game example illustrates this in two ways. People enjoy chess more than checkers as it is more subtle and complicated, and thus more challenging and susceptible to a personal style. In addition, games are only pleasant if everyone conforms to the common rules (fair play) and aims to give the best of himself (good play). From such examples, Rawls derives two features that are characteristic for social unions: [1] they are based on a conception of shared final ends, and [2] are common activities that are valued in themselves, due to the Aristotelian Principle. In brief, a social union is a practice in which the good and the just successfully cohere, because the desire to play good and to the desire to play fair are interdependent. Rawls derives this notion of a *social union* from the following passage in Wilhelm von Humboldt.

[M]an has it in his power to avoid one-sidedness, by attempting to unite distinct and generally separately exercised faculties of his nature, by bringing into spontaneous cooperation, at each period of his life, the dying sparks of one activity, and those which the future will kindle, and endeavouring to increase and diversify the powers with which he works, by harmoniously combining them instead of looking for mere variety of objects for their separate exercise. What is achieved in the case of the individual, by the union of past and future with the present, is produced in society by the mutual cooperation of its different members; for in all stages of his life, each individual can achieve only one of those perfections, which represent the possible features of human character. It is through social union, therefore, based on the internal wants and capabilities of its members, that each is enabled to participate in the rich collective resources of all the others.<sup>28</sup>

Next, Rawls reaches the claim that is the core of his explication of (societal) social union: "society (corresponding to justice as fairness) is itself a form of social union. Indeed it is a social union of

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<sup>25</sup> TJ, p. 372

<sup>26</sup> TJ, p. 374. Rawls refers here to Aristotle's idea of happiness, as explained in the *Nicomachen Ethics*.

<sup>27</sup> TJ, p. 461

<sup>28</sup> Von Humboldt, *The Limits of State Action*, p. 16; quoted by Rawls in TJ 459n4, and in PL 320.

social unions”.<sup>29</sup> Because society contains numerous social unions, of different kinds, it can only be achieved of as some kind of higher-order union. This ‘social union of social unions’ provides a framework for the smaller social unions of everyday, and thus sets up the most complex and diverse diversity of all. It has all the characteristics of a social union: the members of a well-ordered society have (1) a common aim to cooperate, as their shared end, and (2) value this cooperation, due to its contribution to their own good. Rawls conclusion in *TJ* is that only in a social union of social unions a congruence of justice and goodness can be attained. The grounds of this congruence are the connection between principles of justice and the sense of justice, and the inherent goodness of participating in such a union (cf. the Aristotelian Principle).<sup>30</sup> . Thus, “[w]hat binds a society’s efforts into one social union is the mutual recognition and acceptance of the principle of justice”.<sup>31</sup> At that time, Rawls suggested that his (comprehensive) doctrine of *justice as fairness* would be the only conception of justice congruent with goodness.

However, it is important to notice that as a *comprehensive* doctrine, Rawls conception of justice, on his own account, does not satisfy the endorsement condition he later came to consider. It is for this reason that Rawls argues in *PL* (and in the papers leading up to it) for a *political* conception of justice. Political, because in modern societies, social unity and the public principles of justice on which it is founded are limited in scope.<sup>32</sup> Rawls admits that the account of stability he offered in *TJ* is not consistent with the rest of his theory, and starts to develop an alternative that leaves the structure and content of his conception of justice largely intact, while changing the framework within which it is placed.<sup>33</sup>

Rawls’ revised theory “conceives of social unity (...) as deriving from an overlapping consensus on political conception of justice”.<sup>34</sup> This ‘overlapping consensus’ is an agreement on the treatment of all citizens as free and equal persons, and on a list of primary goods (e.g. basic liberties, income, self-respect) necessary for the advancement of *any* comprehensive conception of the good. Rawls believes this agreement is possible, as he assumes a partial similarity between conceptions of the good. Even though these goods themselves are incommensurable, they do to some extent require similar ‘goods’. The game example, again, illustrates his case: “That there should be such political and social goods is not more mysterious than that members of an orchestra, or players on a team, or even both teams in a game, should take pleasure and a certain (proper) pride in a good performance, or in a good play of the game”.<sup>35</sup>

As I see it, the revision does not alter Rawls’ conception of social unity, which is still compared to an orchestra or a game, but merely reconsiders the way it is to be achieved in a liberal society: by a public conception of justice that can be endorsed by persons with incommensurable reasonable conceptions of the good. Thus, in the final analysis, *social union* is a system of social cooperation directed at the realisation of the good and the right; *social unity* is the ‘congruence’ between the good and the right that makes this dual aim possible, now conceived of as a *partial* overlap. Rawls theory of justice as fairness is still supposed to offer the *grounds* for social unity, that is, the set of principles by which a social union is regulated.

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<sup>29</sup> *TJ*, p. 462

<sup>30</sup> *TJ*, 499-501. Rawls offers a somewhat revised version in *PL*, p. 322.

<sup>31</sup> *TJ*, p. 500

<sup>32</sup> *PL* p. 42-43

<sup>33</sup> “The Priority of the Right” (1988), p. 451; *PL*, p. xvi. On this shift, see Hill, “The stability problem”.

<sup>34</sup> *Ibid.*, p. 467

<sup>35</sup> *Ibid.*, p. 468

### 2.3 Evaluation report

Rawls conceptions of ‘social union’ and ‘social unity’ are more complex than I can do justice to in the course of this paper. Nonetheless, the outline that I have sketched should suffice to evaluate his explication(s) against some specific desiderata (regarding its relation to the explicandum) and some general desiderata (concerning its precision, fruitfulness and simplicity).

Consider first the (non-)examples Rawls himself suggests. Does he succeed in explicating in what respect political cooperation differs from on the one hand a mere *modus vivendi* or a private society, and on the other hand close-knitted groups as the nuclear family, and common concerns with art and science? I think Rawls successfully explicates the differences with a private society and social groups in his idea of a ‘social union of social unions’: on the one hand it is a *social* union, not a mere functional equilibrium, on the other hand it is a *higher-level* social union, integrating different social groups. Political cooperation shares these two characteristics with science, art or even religion, however. Is there less disagreement between scientists on good practices than there is disagreement between citizens on the good life? Can the scientific ‘community’ not be conceived of as a ‘social union of social unions’? Rawls does mention some differences: a political ‘union’ is directed at the realization of the ends of justice, and democratizes the assessments of excellence.<sup>36</sup> Nonetheless, further elaboration would be warranted.

Even on the societal level, Rawls does not concern himself with examples other than democratic, liberal and prosperous countries like the USA. In his later work, he does address that those unities that are enforced by political oppression are not *social* unities in his sense. But there seems to be a whole range of borderline cases that he does not address. Particularly, he should have said more about (religious) authority as a ground for social unity. His assumption that a consensus on ends can only be maintained through political oppression may be somewhat overstated. In general, he does not sufficiently address the cases of multi-ethnic and multi-nation states that are so salient today.<sup>37</sup> Especially the latter cases are interesting, as the members of a nation in a multi-nation state are tied to their fellow national members differently, than to their fellow citizens. Both seem to correspond to Rawls’ idea of a fair system of cooperation, thus leaving Rawls’ notion of social unity unable to account for their differences.

This ambiguity also causes problems with regard to the endorsement condition of adequacy. Do members of ethnic and minority groups endorse the same principles of justice as the members of other groups? Should they? Rawls assumes that the subjects of justice (everyone with a sense of justice) participate in the same public sphere, and consequently will develop shared ideas about what is reasonable. But is it not often the case that there is a plurality of publics, which are more or less integrated?

Finally, let us turn to the general desiderata. The explicandum itself is precise, but its relation to other concepts is often ambiguous, not in the least because of the complexity of Rawls theory. But this complexity may be inevitable, given the scope and the richness of his theory. A more serious problem is that Rawls does not clearly distinguish between his conception of social unity and its grounds. In relation to classical utilitarianism, for instance, he says on the one hand that they have a different conception of social unity, but suggests on the other hand that they offer a different ground for social unity. Does it amount to the same thing? To my mind, the first has to do

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<sup>36</sup> TJ, p. 462

<sup>37</sup> It should be noted though that in his more recent work, which I have not taken into account here, Rawls does address the relations between nations.

with different conceptions of the kind of unity we should strive for (shared first-order ends, shared second-order ends, shared primary goods, etc). The *ground* of social unity, secondly, has rather to do with the legalization of that conception, for example on the basis of comprehensive ideas about human nature, or on the basis of the ideas embedded in one's political culture. But despite these drawbacks, Rawls theory has proven very fruitful for the generation of new insights, especially for generating alternatives for the classical utilitarianism of his early days. His theory of justice has elicited a revival in political theory, and is still at the centre of debates on justice.

### 3. Social unity in Kymlicka's liberal multiculturalism

Will Kymlicka is a Canadian philosopher who started his career in the late 1980's. Because of this different background, it is no surprise that his perspective on social unity is rather different from that of John Rawls. Kymlicka faces a whole different problematic than providing an alternative for classical utilitarianism (which lost much of its dominance). By contrast, his problem is forging social unity amidst different linguistic-cultural groups in multination states (i.e. Canada), and in polyethnic states.

Kymlicka believes that multination states in which multiple self-governing national groups have to co-exist are most problematic in this respect. Unlike immigrant groups within nation-states, which commonly strive for some kind of accommodation within the societal culture, demands of national groups for self-government threaten the social unity of a state.<sup>38</sup> The recognition of self-governing national groups within a multination state creates overlapping political communities, and thus gives rise to (potential) conflicts regarding which community citizens identify with most deeply. Today, we not only face the traditional political question on what terms one should be willing to live together with anyone (Hobbes' social order problem), but are confronted with the question: on what terms one should decide to live together *with other groups in one country*?

Kymlicka aims to develop a liberal framework for addressing this question, and for doing justice to the claims of different groups within states. The concept 'social unity' plays a central role in his theory, but unlike Rawls he does not mention 'social union'. For this reason, and also because his theory is less complex than that of Rawls', this section will be much shorter than the previous one. Nonetheless, I will follow the same procedure: starting with the explicandum and with Kymlicka's objections to Rawls' proposals, then followed by a discussion of the explicatum, and its evaluation in the final subsection.

#### *3.1 The explicandum*

Kymlicka describes social unity as "the ties that bind" and that bring "solidarity [and trust] across ethnic lines", and elsewhere as "the level of mutual concern, accommodation and sacrifice" that is necessary "to sustain liberal democracies".<sup>39</sup> In the case of multination states, he associates it with "a reason for two or more national groups to stay together in one country".<sup>40</sup> Thus, he conceives of social unity as the ties that hold a society together despite ethnic cleavages.

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<sup>38</sup> Ibid., p. 120-122

<sup>39</sup> Ibid., p. 105; MC, p. 173

<sup>40</sup> Kymlicka, *Multicultural Citizenship* (1995, hereafter MC), p. 188

Kymlicka extends the stability problem to multination states, and asks what can unite these states without denying national differences. He points to evident examples which show that it is indeed possible for a multination state to be a social union. Switzerland for example is a multination state that is stable despite a strong national consciousness.<sup>41</sup> On the other hand, there are examples of federations that have fallen apart (e.g. Yugoslavia) or, to a lesser extent, have become precarious (e.g. Belgium). In a word, some multination states are more unified than others, which begs the question under which conditions such states can achieve social unity and stability.

According to Kymlicka, Rawls' suggests that stability of states depends on shared values of some kind, namely a shared conception of justice. He quotes Rawls as saying that "public agreement on questions of justice supports ties of civic friendship and secures the bonds of association".<sup>42</sup> But Kymlicka objects that although there often are shared values within multination states, they need not be the reason people want to live together with other (national) groups.<sup>43</sup> After all, the convergence of values that the Western world has witnessed over the last decades has not diminished claims for national autonomy. On Rawls' assumption the members of national groups would not care whether they would stay together or not, for either way they would be governed by the same principles. Kymlicka thus concludes that shared values are insufficient for social unity in a multination state. What is necessary, in addition to shared values, is a *shared identity*.

### 3.2 *The explicatum*

We should keep in the mind the distinction between a conception of social unity and ideas about the ground of social unity. Kymlicka's conception of social unity differs from that of Rawls, who is concerned with the Hobbesian problem of social order, and conceives of social unity as the kind of social order that can be both just and stable under modern conditions. Even though Kymlicka is also concerned with stability, the kind of instability he has in mind is different: instead of the problems of non-compliance and free-riding, he thinks of the instability resulting from competing political 'social unions'. In other words, Kymlicka draws attention to the possibility of a conflict between two higher-order social unions. On this view, social unity is not just (partial) congruence between the right and the good, but rather congruence between a person's identity and his or her culture.<sup>44</sup>

By culture, Kymlicka means the so-called *cultural structure* of a national group: the 'vocabulary' formed by a shared language and history, and the range of options or ends that it discloses.<sup>45</sup> He distinguishes it from the *character* of a group, which consists of the more limited range of options that are currently endorsed and institutionalised by its members. Kymlicka then argues that it is important to protect the cultural structure of national groups, since they are the 'context of choice' that allows its members to acquire and revise their life's ends. According to Kymlicka, Rawls also refers to such a 'vocabulary', when the latter says that "many associations (...) simplify decision by

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<sup>41</sup> MC, p. 187

<sup>42</sup> Cf. Rawls, "Kantian Constructivism", p. 327. Cited in MC, p. 187.

<sup>43</sup> MC, p. 188

<sup>44</sup> On the relation between social unity and personal identity, see Copp, "Social Unity and the Identity of Persons" (2002).

<sup>45</sup> Kymlicka, *Liberalism, Community and Culture* (1989), 165/168; MC, p. 83

offering definite ideals and forms of life that have been developed and tested by innumerable individuals, sometimes for generations”.<sup>46</sup>

But whereas Rawls suggests that persons with a sense of justice will develop an attachment to just institutions, Kymlicka argues that people become attached to the cultural structure in which such institutions are embedded. He identifies these ‘cultural structures’ with the ‘societal cultures’ of national groups: pervasive vocabularies and practices that constitute the personal identity of their members to a significant degree.<sup>47</sup> It is this constitutive relation that accounts for the strong ties people tend to have to their culture. Thus, Kymlicka does not confine the cultural vocabulary to the public sphere, as Rawls seems to do, but stresses its encompassing nature.

But this does still not explain how multination states can maintain their unity. In nation-states, shared identity derives from (pride in) a shared societal culture, but in multination states this is precisely what is *not* shared. Kymlicka therefore suggests that a multination state will only stay together if its citizens value not only diversity as such, but also value the particular groups they share their country with.<sup>48</sup> In an interview Kymlicka explains: “The basis of social unity is, in the end, the desire to live together, and if two or more groups no longer have that desire, there is no way to prove that they *ought* to want to live together. (...) Without the desire for co-existence, even the best-designed institutions and procedures will ultimately atrophy, or get stuck in terminal gridlock. (...) [S]ocial unity rests on affections, not beliefs”.<sup>49</sup>

This brings Kymlicka to the conclusion that the basis of social unity is a sense of identity.<sup>50</sup> Contra Rawls, he insists that the social unity and stability of modern democracies “depends, not only on the justice of its institutions, but also on the qualities and attitudes of its citizens: e.g. their sense of identity, and how they view potentially competing forms of national, regional, ethnic, or religious identities”.<sup>51</sup> To my mind, Kymlicka conceives of social unity as the congruence between personal and collective identity, not unlike Rawls’ congruence between the right and the good, but with a different point of departure and emphasis.

### 3.3. Evaluation rapport

Kymlicka suggests one class of examples a conception of social unity should take into account: the attachment of the members of national groups to federal multination states, which he explains in terms of mutual identification. I think Kymlicka is right that mutual identification in these cases is a more like form of social unity than agreement on principles of justice. But it seems to me that his interpretation of Rawls does not fully appreciate the complexity of the latter’s theory. Rawls, after all, does not claim that rational approval of justice principles is enough, but merely suggests that institutions that are just may generate attachments of their citizens to those institutions, and to the public culture in which its principles of justice are embedded. For Rawls, social unity is not rational *or* affective, but both. In this light, Kymlicka’s own theory appears to be one-sided, in not sufficiently addressing the cognitive aspect of feelings of identification.

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<sup>46</sup> TJ, p. 494

<sup>47</sup> MC, p. 25

<sup>48</sup> MC, p. 191

<sup>49</sup> “Liberalism and Minority Rights” (1999), p. 148-149

<sup>50</sup> MC, p. 188

<sup>51</sup> Kymlicka & Norman, “Citizenship in Culturally Diverse Societies” (2000)

Because of this hiatus, Kymlicka has difficulties to explain in what respect the shared identity of a national group differs from that of subordinate groups. To me it seems to be a matter of degree, national identities being more pervasive than other group identities, but not principally different. Understanding these differences is crucial, however, to enable reflection on the relations between personal identities and different, overlapping and competing, collective identities. Kymlicka must be more precise in what it means to have a shared identity, and what is necessary to protect it. What precisely is the 'cultural structure' of a society: its cultural or historical canon, its language, its public institutions? Moreover, it is not said that people will develop attachments to the things they need to acquire and revise ends, rather than to salient but perhaps less important aspects of one's culture.

Kymlicka's theory is more simple than Rawls', but only due to a lack of sophistication. It must be developed further before it can come to fruition. Nonetheless, I do believe that the turn to identity will prove fruitful in the end: since identity, unlike justice, is not tied to the problematic of conflict resolution, the co-existence of different identities may be less problematical than the co-existence of different principles of justice. A unity based on a shared identity may thus allow us to include a broader range of people, with more pervasive disagreements on (political) values. Moreover, it may allow political philosophers to employ the resources that have been developed in debates on identity, for instance narrative models of identity.

#### 4. Comparative evaluation

In conclusion, I should consider whether we can speak of scientific progress in the analysis of the concept of social unity. I believe that we do, both in the developments within Rawls' own theory and in Kymlicka's critique and alternative.

First of all, there is a development from a thick concept that applies to a rather limited set of cases to a thinner concept that includes more cases, and especially the new difficulties we are faced with in contemporary societies. At the same time, the concept becomes more refined and thus allows for more precise predictions (and hence for more precise falsifications). But the concepts of social union and social unity, should be more clearly distinguished than Rawls does, although they must be brought in relation, which Kymlicka fails to do.

Secondly, the concept has become increasingly complex, involves cognitive and affective aspects, and being related to matters of both justice and identity. Neither of the considered proposals is in itself sufficient to grasp the intricacies of this field of problems, nor are they able to explain why the alternative explication would amount to another concept. But it may be possible to develop a synthesis between the two, so that social unity is conceived as some kind of congruence between the moral-legal order (justice) and the recognition order (identity). To explore this idea, further research is needed on the concept of (collective) 'identity', its cognitive and affective components, and its relation to the right and the good.

#### Appendix

The method of concept explication has been a useful framework to guide my investigation, not in the least because Rawls and Kymlicka, being analytical philosophers, implicitly follow a similar procedure in their own work. Explicating their conceptions of social unity and their arguments turned out to be a good way to pinpoint their differences and similarities, and has made it easier to formulate a focus point for further research. Even though I did not discuss Rawls' formalization in depth, which would exceed the scope of this paper, I believe that further analysis in terms of idealization and concretization would fit Rawls' approach well.

One difficulty that I encountered, as a practical philosopher, was determining the appropriate relation between the analytical, empirical and normative aspects of social unity. The latter did not receive much attention during the course, perhaps because the examples that were discussed were all of a more theoretical nature. It might be useful to include at least one practical example in the lectures, and to discuss the specific difficulties such examples may raise. Nonetheless, I believe I have benefited from the methodological input, and will be able to use it in the practical field.

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