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## Multiculturalism and the Politics of Recognition: Jacques Derrida and James Tully

(Multikultūralizmas ir pripažinimo politika: Jacques Derrida ir James Tully)

**Santrauka.** Straipsnyje analizuojamos Jacques Derrida ir Jameso Tully multikultūralizmo ir pripažinimo politikos teorinės sampratos. Aptariamos Derrida dekonstrukcijos panaudojimo galimybės apmąstant teisės ir prievartos prigimtį, o sykiu, kaip dekonstrukcijos atveriamą aporia leidžia naujai suprasti pripažinimo politiką. Jameso Tully vitgenšteiniška moderniojo konstiucionalizmo kritikos samprata analizuojama Derrida teisės dekonstrukcijos kontekste, parodant, kad abu socialiniai teoretikai multikultūralizmą ir pripažinimo politiką supranta kaip atvirą, į ateitį orientuotą procesą.

**Pagrindinės sąvokos:** multikultūralizmas, pripažinimo politika, Derrida, Tully, dekonstrukcija, teisė.

**Keywords:** multiculturalism, politics of recognition, Derrida, Tully, deconstruction, law.

### Introduction

One of the key features of post-industrial societies in Europe and North America has been cultural diversity. Ever since the 1970s, multiculturalism has become official policy in many European and North American societies. In Canada, a country where the term was originally invented, multiculturalism is both its official state policy as well as the key element of Canadian national identity (Dupont & Lemarchand 2001; 310). Today, multiculturalism is almost taken for granted in the most advanced Western European and North American societies, even though after 9/11 certain aspects of multiculturalism, especially as far as the radicalism of some Muslim religious communities are concerned,

have been put to question. Ever since the 1960s, cultural diversity and multiculturalism have also been closely linked to a variety of social and cultural movements such as feminism, civil rights activism, the ecologist movement, and animal rights activism as well as to alternative values which emphasize solidarity rather than competition, heterogeneity and difference rather than homogeneity and uniformity, world-disclosing rather than world-controlling values. Consequently, the modern idea of progress and the supreme value of the “West” have been put to question while other cultures and identities claim equal rights and political recognition. These cultural changes contain a moral dimension

as well. The proponents of multiculturalism argue that multiculturalism is impossible without a certain *ethos*, the *ethos* of increasing sensitivity to the other. The followers of Emmanuel Levinas have been instrumental in recent theoretical attempts to conceptualize cultural diversity and multiculturalism (e.g. Visker 2003 & Valevičius 1998). The critical questions posed recently have been about the extent and scope of inclusion and the recognition of differences. That is to say, to what extent are modern politics and modern constitutionalism able to cope when faced with radical differences and heterogeneity? How far are modern politics, with their policies and institutions, able to accommodate vast cultural diversity and irreducible otherness? There are at least two different points of view when addressing these questions: on the one hand, there is ethical sensitivity and care towards the Other; on the other hand, there is the sphere of politics and law which most of all is concerned with social cohesion, peace and order of a given society as a whole. The first is the realm of *ethos*; the second can be called the domain of *nomos*. *Ethos* refers to the individuality and singularity of our claims for recognition whereas *nomos* always aims to be universal as it addresses and represents the whole of society.

In this essay I will explore how these two theoretical aspects of multiculturalism are addressed in the works of Jacques Derrida and James Tully. Both of these social theorists are instructive in our attempt to theoretically conceptualize multiculturalism and the politics of recognition. Thus the main issue to be considered is as follows: how do

Derrida and Tully resolve the tension between the *ethos* of difference and the *nomos* of universal justice? Although James Tully and Jacques Derrida, as political philosophers, are very different, they nonetheless share important similarities. One of them rests in their philosophical critique of the dominant language of the modern political life of privileged white men.

### Deconstruction and the Politics of Recognition

Jacques Derrida's philosophical attempt to address the issue of political authority has made a lasting impact on legal and political theory (Goodrich *et al* 2008). One of the most influential of Derrida's essays on legal theory is his 1989 lecture "Force of Law: The Mystical Foundation of Authority", which was originally delivered at Cardozo Law School in New York (Derrida 1992). Similar to his other works, "Force of Law" should be read in light of his notion of deconstruction, which determines both the content and form of the essay. With the risk of gross simplification, deconstruction can be defined as an approach which seeks to destabilize all forms of opposition in order to disclose their founding possibility through impossibility, that is by defining possibility as its impossibility (Derrida 1996; 82). Deconstruction aims to highlight the very foundation of any cognitive discourse, thus trying to reveal the transcendent, i.e. that which is beyond. This claim has an affinity with traditional metaphysics, as the notion of transcendence, originating with Aristotle, has been a key element

in any philosophical discussion over the nature of metaphysics. However, the difference between Derrida's notion of transcendence and that of the transcendence of traditional metaphysics is that Derrida aims to show the impossibility of transcendence. It is in this sense that Simon Critchley can claim that Derrida's notion of transcendence is in fact quasi-transcendence (Critchley 1996; 29). The impossibility of transcendental foundation reveals itself through the interplay of oppositions when the same phenomenon appears as its opposition. Consequently, quasi-transcendence in Derrida's thought appears as something which is not beyond, but as something which is in-between. The in-between-ness of Derrida's quasi-transcendence is apparent in the essay "Force of Law".

The central theme of the essay is the distinction between justice and law (*droit*). That is to say, law, no matter how perfect it may be, is not and cannot ever be the same as justice. An immediate reaction to someone who sharply distinguishes law and justice is a traditional warning that law separated from justice is always tyrannical. It is in this sense that classical contract theory, which argued that just laws ought to spring from the people's consent, agrees that justice has to be enforced by the law. The word "enforcement", however, implies that justice, as long as it is enforced through the law, always has something to do with force. According to Derrida, this is the very reason why justice has to be different from law. Justice should never have anything to do with violence. The distinction between justice and law is articulated by Derrida using the language of deconstruction:

A deconstructive interpretation that starts, as was the case here, by destabilizing or complicating the opposition between *nomos* and *physis* (...) that is to say, the opposition between law, convention, the institution on the one hand, and nature on the other (Derrida 1996; 8).

Deconstruction is the possibility of widening the understanding of different discursive phenomena by destabilizing their oppositions. In this sense, Derrida wants to provide a much wider interpretation of violence and law than traditional contract theory does. In his analysis of Walter Benjamin's critical study on violence, Derrida emphasizes that a critique of violence as such is possible only if we refuse to see violence in terms of means-ends logic (*ibid*; 31). All different traditional approaches have interpreted violence in terms of means and ends, thus a just end justifies chosen means and *vice versa* – just means make an end legitimate. In both cases, the same circle exists, which does not allow us to criticize violence as such.

As long as they do not give themselves the theoretical or philosophical means to think the co-implication of violence and law, the usual critiques remain naïve and ineffectual. (...) Law (*droit*) in its very violence claims to recognize and defend said humanity as end, in the person of each individual. And so a purely moral critique of violence is as unjustified as it is impotent (...) because they [attacks against violence] remain alien to the juridical essence of violence (*ibid*; 41).

Thus Derrida proposes to look at the phenomenon of violence in conjunction with law rather than treat violence as something which lurks beyond law. Furthermore, Derrida conceptualizes it not merely in terms of direct physical force, but also in terms of ju-

ridical-symbolic violence. Juridical-symbolic, performative (or interpretative) violence is inscribed in the very essence of language. Referring to Blaise Pascal, Derrida mentions original sin. A possible interpretation of this can be that original sin originates not merely from the received knowledge of good and evil, but with the occurrence of *logos* itself, that is reason “that is corrupted by itself” (*ibid*; 13). Reason functions through oppositions, such as means/end, just/unjust, good/evil, rational/irrational, etc. If there is one side, there has to be another one as well. Consequently, good can only exist because of evil. Evil is the possibility of good. Good and evil are the consequences of *logos*, thus reasoning in the tradition of Western philosophy always acclaims one side through the exclusion of the other. Any juridical-symbolic discourse, which by its very nature tends to be universal, necessarily implies the exclusion of the other as something negative. This, according to Derrida, is the origin of violence. Thus, in as much as violence is inherently linked to reason as a source of any juridical-symbolic discourse, it cannot be something external to law. Derrida illustrates the thesis that violence is internal to the very logic of law through two examples.

First of all, Derrida utilizes Georges Sorel's conception of the general strike. According to Derrida, even if there is a legal right to strike, it does not mean that the strike is a non-violent form of resistance. The striking people manifest certain requirements and will not end their strike *unless* their claims have been satisfied. If their conditions are rejected, a revolutionary situation could ap-

pear as a result and thus “there is violence against violence” (*ibid*; 34). Secondly, Derrida uses the example from international affairs arguing that war between two or more states is not external to international law. War always determines the conditions for peace; the end of war always brings forth another set of laws. Finally, Derrida concludes that the foundation of law and its preservation are interchangeably linked as well. Usually there is a belief that only the preservation of the law – to protect and maintain the existing legal order through the use of legitimate power – requires violence. Derrida claims the opposite; he suggests that there is no clear distinction, even between the Sorelian general strike to re-establish the state and Marx's general proletarian strike which seeks to destroy the state (*ibid*; 38). Both of them have to deal with negotiation and the establishment of another order which will then have to be preserved. Any founding act always calls for repetition. In a similar manner, Friedrich Nietzsche shows that the will to power functions through the increase of its power. It requires overcoming itself and is in need of constant reinterpretation, reformulation and re-foundation. Thus both in destruction-foundation of and its conservation-preservation there is intrinsic violence that can be criticized only by appealing to something beyond.

If one accepts that violence is not something external to law but is its intrinsic characteristic; furthermore, if destruction and foundation, reformation and revolution, initiating and conserving are one and the same, then any political decision, any

constitutional reading, legal amendment or reform is always (1) a revolutionary and (2) a violent act. Here Derrida pauses. What interests him is the founding moment, the moment when a revolutionary and violent act is just about to arrive. Any performative act in its founding moment suspends existing juridical-symbolic discourse, thus it is neither legal nor illegal (*ibid*; 14). Furthermore, it is violent not merely because it suspends all possible moral and juridical law, but because it is enforced. Derrida claims that this moment reveals itself in its un-decidability. The hopeless awareness that any decision (which is necessary to be taken and taken right now) is unavoidably violent discloses a situation involving *aporia* and madness. This is a mystical moment, a quasi-transcendental moment: in such a moment men find themselves beyond the law and morality, beyond reason and language and beyond the decision which is about to come. This is what Derrida calls the mystical foundation of authority. Every decision has to go through this *aporia*, because it is the only *justification* of any political authority or legal order. This moment of un-decidability is also the deepest source of all change – it is the primordial return to de-stabilization and thus it is inevitably the demand for new stabilization (Derrida 1996; 84).

Derrida's reading resembles another remarkable story – Søren Kierkegaard's interpretation of the biblical story of Abraham scarifying his son. Although Kierkegaard's philosophical narrative in *Fear and Trembling* leads to different conclusions, there is an important similarity with Derrida's un-

derstanding of law and justice. However, the resemblance of Derrida and Kierkegaard may seem tenuous, given that Derrida's deconstruction of law does not seem to be as violent as is the case with the suspension of morality in Abraham's decision to sacrifice his son. Does not Derrida claim directly the opposite, namely, that "deconstruction is justice" (Derrida 1992; 15)? That is to say, if deconstruction resembles Abraham's act of sacrificial killing, how can it be seen in terms of justice?

There are two key aspects to this issue. One of them reveals even deeper *aporia* in the nature of justice (Derrida himself acknowledges this). The second is related to the interpretation of Kierkegaard's reading of Abraham's story. *Fear and Trembling* presents the biblical story of Abraham as a remarkable example of unconditional faith. According to Kierkegaard, Abraham is the Knight of Faith because he has the strength to obey God's will and sacrifice his beloved son. All his life, Abraham hopes to receive a son and God keeps his promise – Isaac is born to Abraham. According to Kierkegaard, this is the reason why Abraham is able to accept God's new challenge to sacrifice his beloved son. He believed "on the strength of absurd (...) that the God who demanded this of him should in the next instant withdraw the demand" and, sure enough, Isaac is saved (Kierkegaard 1985; 65). Kierkegaard argues that Abraham's obedience is best exemplified in the very act when Abraham stands with a knife in his hand above his helpless son. This act, similar to Derrida's performative act, suspends ethics. It is in this sense that

Kierkegaard firmly concludes that absolute obedience and faith to God suspends ethics.

I have argued that Kierkegaard's reading of the Old Testament story is misleading (Bielskis 2009). Kierkegaard emphasizes only the first part of the story that culminates in Abraham's raising his hand to slaughter Isaac. An equally important part of the story is God stopping Abraham. An alternative reading of the story can be interpreted as follows. Abraham is willing to sacrifice his son only because he believes that God will save his son Isaac. Thus the very moment of sacrifice does not exist to Abraham. By doing this, he is looking forward to the future expectation of *loving* his saved son. In this sense, love (*agape*) – the highest *ethical* virtue – should precisely be linked to faith in a transcendent God. According to this reading, ethics can be realized only through absolute faith in God.

If Abraham's commitment to God does not suspend ethics, and if ethics exist as absolutely individual, infinite and impossible to be fully reduced to and defined only in terms of universal law, then deconstruction is ethical as well. Indeed, this is how Derrida himself sees deconstruction. Derrida has many times openly acknowledged his debt to Emmanuel Levinas (Derrida 1996, 1997, 1999). Justice and ethics are very much understood in terms of Levinas's responsibility for and hospitality to the other. Thus justice is the infinite responsibility to the other human being. In *Totality and Infinity*, Levinas shows how the other – the face of a concrete human being – begs a response and my responsibility, a responsibility that is infinite

and metaphysical (Levinas 1991). Derrida paraphrases Levinas, saying that "I owe myself infinitely to each and every singularity" (Derrida 1996; 86). But if justice is something to do with an infinite and singular responsibility, then justice is not deconstructable, for it appears beyond language.

This is the crucial point in Derrida's argument. Justice as responsibility begins at this very moment of un-decidability explained above. That is to say, justice is inexperienced in a sense that it is not graspable and opens as a (quasi) experience of being beyond language. Justice opens in *aporia* which finds itself caught between heterogeneous, incalculable and asymmetric sensitivity to the other and a stabilized and calculable "system of regulated and coded prescriptions" (Derrida 1992; 22). It is *aporia* between (1) infinite responsibility and suspended rules and (2) the need to take a decision establishing a new law which could only be enforced. It is un-decidability between awareness that any performative act necessarily reduces irreducible hospitality *and* the need to act. Here Derrida differs from Heidegger, whose later apolitical writings do not imply the need for responsible action (White 1991). Deconstruction always finds itself caught between justice and law, which claims to be enforced in the name of justice; it "calls for an increase in responsibility" (Derrida 1992; 16). But if justice is *aporia* and "exists" only in the moment of un-decidability, then justice opens as a promise, something that, as Derrida puts it, is *yet-to-come*. Furthermore, Derrida claims that democracy is also "yet-to-come". Thus understood politics is an endless proc-

ess – infinite responsibility encouraging us to act without the naive, optimistic belief that by this very act justice will somehow be reached. On the other hand, it cannot be seen as a pessimistic account when it emerges as a messianic promise, the belief that a more just order and deeper democracy will come.

### The Critique of Modern Constitutionalism

James Tully, a distinguished Canadian philosopher, has contributed enormously in shaping recent theoretical debates on multiculturalism (e.g. Laden *et al* 2007). James Tully has been especially influential in theorizing the politics of the cultural recognition of indigenous peoples of North America and Australia. He convincingly argued that their political rights should be based on the claims for collective self-determination and partnership rather than subordination and assimilation. In his influential book, *Strange Multiplicity*, James Tully provides a powerful critique of modern constitutionalism vis-à-vis demands for cultural recognition. Consequently, put together Derrida and Tully provide powerful, albeit contrasting, philosophical accounts of the politics of cultural difference and recognition.

Although James Tully does not accept Derrida's language of deconstruction, he nonetheless pays significant attention to the issue of language. *Strange Multiplicity* provides a fundamental critique of the language of modern constitutionalism. One of his key arguments is that modern constitutionalism cannot accommodate vast cultural diversity because it has been constructed upon the

idea of the uniform sovereignty of the state (Tully 1995). He points out that the tradition of modern constitutionalism was formed in opposition to ancient constitutionalism.

In contrast to modern constitutionalism, ancient constitutionalism was shaped through a long historical process in which customs and traditional habits played an essential role in forming the respective legal system. This meant that the foundation of law was rooted in customs and maintained continuity with the traditional custom-shaped order. This was not the case with modern constitutionalism, since the modern state was established through the alleged uniformity of the sovereign people who saw themselves as equal and free. Here, Tully initially refers to the French Revolution which gave birth to the modern constitutional tradition when a sovereign people established a uniform constitutional order imposed through centralized authority. The conception of the people as self-constituting law-givers implies that political community as such is no longer something natural and historical, a body which is formed through customs, traditions and culture, but is constituted by an act of universal reason:

At the centre of the picture are the sovereign people who exist prior to the constitution of a political association. By a self-conscious act of reflective reason and agreement, the people give rise to a constitution which 'constitutes' the political association. The constitution lays down the fundamental laws which establish the form of government, the rights and duties of citizens, the representative and institutional relation between government and governed, and an amending formula (Tully 1995; 59).

Modern constitutionalism does not merely exclude cultural traditions, but is rather based on the idea that custom, tradition and culture have to be constituted by self-determining reason, that is to say, customs and cultural differences have their “authority only in virtue of [their] recognition by the sovereign, not vice versa” (*ibid*; 67). This implies that either culture is irrelevant to the political constitution of the state or that the state is culturally homogeneous. The latter was certainly the case as far as a great deal of modern political theorists was concerned.

For theorists such as Thomas Hobbes, John Locke, Immanuel Kant and more recently John Rawls, culture and cultural traditions are secondary at best. For Locke, for example, men are equal and free in the state of nature; their cultural differences are irrelevant vis-à-vis individuals’ ability to live together. The emphasis on uniformity and the exclusion of cultural differences are also evident in Kant’s moral and political philosophy. The dignity of man lies in his/her ability to act according to universal law established by *a priori* reason. This, according to Kant, is the source of autonomy and freedom. Thus if one acts in accordance with cultural traditions or customs, something which does not conform to the universality of moral law, then such an act is neither autonomous and nor fully free. In the name of abstract rationality imposed through people’s consent, modern constitutionalism tends to melt and assimilate cultural differences into the homogeneous and uniform state. Furthermore, Tully spells out another important feature of modern constitutionalism – its belief that it is the

best form of political order and thus superior to the old forms of constitutionalism. This, of course, had something to do with the Enlightenment’s *hubris* and its naïve belief in progress. Observing other cultural-political traditions as if they were inferior to modern constitutionalism, appealing to and utilizing Locke’s arguments legitimized the colonial domination of indigenous people in North America and Australia.

The issue of identity is another similarity which brings Tully and Derrida closer together. Modern political thought has tended to conceptualize entities (whether individual or collective, whether national or local) in terms of fixed identities and substance rather than process and relation (Young 1990; 98). Identity here is understood in essentialist terms and as constituting something stable. Tully, following Derrida, Iris Marion Young and other critics of the logic of identity, argues that we have to understand social and cultural entities through the notions of otherness and difference which are always internal to every culture (Tully 1995; 13). Cultural and national identities have no fixed meaning and are not formed once and for all. Rather they are “aspectival”, that is identities and “cultural horizon change as one moves about just like natural horizon” (*ibid.*). Nonetheless, there is a difference between Derrida and Tully. Tully does not conceptualize language as something which must be overcome; nor does he suggest that there is a need for us to experience quasi-transcendence beyond language (or due to the suspension of language). Drawing on Ludwig Wittgenstein’s mature philosophy,



Tully argues that language itself is multiform and aspectival. He illustrates this with Wittgenstein's metaphor about an ancient town.

Language is like an ancient town where there are different houses from various historical periods and where winding old streets and squares are surrounded by newer straight streets and uniform houses. Thus, according to Tully, there is no need for the radical revolutionary criticism of language as such, because diversity can be rediscovered in language as an aspectival phenomenon. This is the case with the language of constitutionalism as well – even within modern constitutionalism it is possible to discover diversity or, as Tully calls it, hidden constitutions. Here Tully quotes Wittgenstein's fragment which resembles Derrida's approach: "[we] do not command a clear view of the use of our words <...> because language 'is lacking in this sort of perspicuity'" (cf. Tully 1995; 104). Thus Tully argues that in language itself we find, to use Derrida's terms, the moment of un-decidability. Of course Derrida's "un-decidability" and Wittgenstein's "lack of perspicuity" are not the same, but they share one important similarity – both of them are the source of diversity, including cultural diversity.

But if language is multiform, how is generality possible? Here Tully uses Wittgenstein's thought again. Generality is a practice which is actualized through customs (Wittgenstein 1974: 81). There is no general rule or term unless it is embodied through use and practice. Thus the general rule is not something which is comprehensive; generalizations are not constructed upon uniform general meaning. Language is like a laby-

rinth; it always has many confusing paths and lacks perspicuity. Rules do not determine behaviour. Wittgenstein illustrates this with his famous example of a sign-post: a sign-post does not determine where we have to go; it can lead us to many possibilities as far as how and where to go. Tully, following Wittgenstein, concludes that the general rule gets embodied in practical activity which requires technique and mastery as well as creates intersubjectivity. Wittgenstein's "language game" enables Tully to interpret the discourse of constitutionalism as a game. A game is possible only if it has a particular set of rules that can only come through practice. To play the game does not mean to blindly accept the rules of the game, but to use them. It is in this sense that game playing enables intersubjectivity – people engage in dialogue and learn from one another. However, as long there are many possible paths and practices, participants play and create the rules of the game as they go along (*ibid*; 39). Consequently, the best language user is the one who is able to use and create rules in as many different scenarios as possible. This, however, is possible only through engagement in dialogue – "to understand a general term (...) it is always necessary to enter into dialogue with interlocutors from other regions of the city, to listen to their 'further description'" (Tully 1995; 110).

Tully's utilization of Wittgenstein's philosophy of language helps us to see constitutionalism as a multiform phenomenon. Although Tully is critical towards modern constitutionalism, he proclaims that uniformity is not the only form of contemporary consti-

tutionalism. In his work, Tully also tries to rediscover diversity and the elements of the politics of cultural recognition in contemporary constitutionalism. He provides a clear distinction between his approach and the philosophy of contemporary political thinkers such as Rawls and Habermas. Social reality is too heterogeneous and complex; thus in order to accommodate cultural diversity it is not enough (as it is the case in Rawls and in Habermas) to establish an agreement on the basis of thin universal second-order principles (Ivison 1997; 20). Rather than appealing to these second-order universal principles, Tully proposes three conventions of common constitutionalism instead: mutual recognition, continuity and consent. What Tully argues is that in order to be just and able to achieve compromise between culturally different negotiators, all participants should get rid of their allegedly universal and totalising principles which each party tries to impose on the others. Language as a multi-form phenomenon discloses the perspective of irreducible diversity, which implies that communication is possible only through critical dialogue. The correct attitude then is the willingness to exchange alternative descriptions and values without attempting to comprehend what the other party says within one's own language (Tully 1995; 111).

The three conventions therefore are based on the willingness to listen and alter one's own position. The first step is mutual recognition. People and their representatives, participating in a negotiation, have to recognize each other's ways of seeing and articulating the world. They have to see

“cross-cultural resemblance” by mutually respecting their culturally different languages. Tully provides an example from European history: the indigenous people of North America and the British Crown, which was representing its North American colonies, accommodated and treated each other as equal and self-governing nations. However, mutual recognition is not enough, as it has to be maintained on the daily basis. The convention of continuity is based on the respect of customs and traditions of self-governing people. Only then can negotiators reach just consent. It is important to point out that consent here should be seen as an ongoing process. It is a practical dialogue which enables cross-cultural understanding between the different people participating in negotiation. Furthermore, Tully claims that “[w]e need the dialogue itself to become aware of all aspects of our association that ought to be recognised and accommodated in the constitution” (*ibid*; 133).

What kind of spirit – *ethos* – does the politics of cultural recognition require? Tully suggests that a good example of the *ethos* is captured in the Canadian artist Bill Reid's sculpture “The spirit of Haida Gwaii”. This sculpture is a fragment from the mythology of Haida, an indigenous culture native to the Pacific Northwest Coast of North America. It portrays a canoe with thirteen passengers peddling in the same direction. The passengers are all different, rather strange creatures – spirits – who are able to coexist peacefully together without violating each others' differences. It illustrates “the spirit of a post-imperial age of cultural diversity” and serves as

a symbol for mutual recognition (*ibid*; 17). If our world is like a small canoe, inhabited by people from different cultures and traditions, then the only way to live is by listening to each other. The willingness to listen opens “endless perspective and interrelations awaken the play of my imagination from its dogmatic slumber” and an unlimited sense of wonder is evoked (*ibid*; 22). This experience, Tully argues, is mystical. It is mystical not in the sense of personal experience or personal morality. Rather, the spirit of listening is a civil ethos for it awakens our civic ability to see the social world from a multitude of viewpoints. Thus the spirit of Haida Gwaii (it simply means the spirit of the home) is the spirit of listening. Without this spirit, any critical and constructive dialogue necessary for the recognition and political accommodation of cultural diversity will never be possible.

### Conclusions: Some Critical Questions

At this point, it is important to draw some conclusive as well as comparative remarks about the two approaches to multiculturalism. James Tully constructs his texts from the point of view of the politics of cultural recognition. His work is written from the perspective of excluded and marginalized indigenous peoples. Consequently, the main question he raises throughout his works is how the recognition of minority cultures is possible within the political and legal framework of liberal modernity. Will Tully’s suggested politics of cultural recognition work in ethnic conflicts such as Palestine, Rwanda or Kashmir? Would it be possible to realize

the spirit of Haid, as Tully puts it, in any other regions of radical conflict? Of course there can hardly be any straightforward answers to these questions. James Tully frequently references some of these radical conflicts, but he does not provide a satisfactory theoretical answer for resolving them. He claims that multicultural constitutionalism and the spirit of listening are the only solutions if people want to live in peace. Without a doubt, he is right. However, looking at it more realistically, the question we need to pose is the following: Will it *ever* be possible to solve such conflicts without some form of exclusion and marginalization of existing cultures or the cultural and political claims of one side at the expense of the other? The politics of radical conflict (or politics in general) require us to decide and these decisions have to be taken now.

This is where Jacques Derrida’s deconstruction and his critique of language become important: there will always be political decisions which will exclude, marginalize and be unjust to different groups and peoples. Of course, it does not mean that we have to accept this injustice. Rather, Derrida’s interpretation of justice and the politics of recognition which he has intimately linked to deconstruction remind us that justice and the politics of true non-tribal friendship have yet to come (Derrida 1997). Thus the tension between the *ethos* of listening and the concrete decision as *nomos* will always exist. Tully does not refer enough to this conflict and this explains why his political theory is too optimistic. On the other hand, Derrida’s position, which states that any decision is

revolutionary and can never be called just even in the sense of the possibility to solve concrete problems, may seem too obscure, too theoretical and even pretentious. Thus the question we need to pose to the followers of Derrida is the following: What is the practical usefulness of his theory of deconstruction within our daily political struggles for emancipation, recognition and freedom? Needless to say, this question is not posed in the banal way that doubts (wrongly!) the significance of serious theory for political *praxis*. It is in this sense Noam Chomsky's critique of Derrida is significant: Chomsky rightly raises the issue of unnecessary obscurity when putting across Derrida's simple ideas (Chomsky 1995).

Yet both Derrida and Tully provide important theoretical insights in understanding multiculturalism; both of them postulate the fundamental tension between the *nomos* of modern liberal democracies and the increasing need to recognise cultural, sexual diversity and irreducible heterogeneity. This tension illustrates their historical, ethical and theoretical sensitivity which is necessary in our pursuit of making sense of the world. Furthermore, both of them see politics as an ongoing process whereby the people engaged in it have to appeal to their responsibility and individual insight rather

than dogmatic universal and essentialist principles. Tully believes that if we are able to enter into a critical dialogue and accommodate the *ethos* of listening, violence can be almost completely avoided. Hence implicitly in the end *ethos* and *nomos* can be seen as one and the same. Derrida insists that justice and democracy as promises to be fulfilled require engagement as well – politics is the process which requires justice to become *nomos*. This is the main similarity and is simultaneously the chief difference: for Tully violence is minimised through the *ethos* of listening and dialogue, while for Derrida even if *nomos* becomes less violent, *ethos* will always remain imposed and secured through law. This difference is due to their different approaches to the limits of a cognitive-linguistic act of human understanding. James Tully believes that culturally different views can be understood, thus his theory of multiculturalism is based on listening, communicating and understanding. Jacques Derrida does not accept such a theoretical stance. Applying Levinas's notion of ethical responsibility, he suggests that to be just – to welcome the singularity of a concrete human being – is possible not through understanding her, but by responding to her, by offering unconditional hospitality. They both would agree that this is an infinite process.

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## ABSTRACT

### MULTICULTURALISM AND THE POLITICS OF RECOGNITION: JACQUES DERRIDA AND JAMES TULLY

This essay critically engages Jacques Derrida's and James Tully's theoretical conceptualizations of multiculturalism and the politics of recognition. It analyzes the possibilities of using deconstruction when reflecting the nature of law and violence as well as how an *aporia*, revealed by deconstruction, provides us with an alternate understanding of the politics of recognition. James Tully's Wittgensteinian critique of modern constitutionalism is analysed in the context of (and compared to) Derrida's deconstruction of law, showing that both social theorists understand multiculturalism and the politics of recognition as an ongoing and open-ended process.

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