

Draft

Negotiation of identities and negotiation of values

by
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The ways to face conflicts are manifold: with violence (masked or overt), with the method of authority, with negotiation or compromise, with reasoning and discourse, and with the vote. The objective may be to eliminate or defeat the adversary, to reach an agreement with him or her, to regulate or govern the conflict, to remove it, or to turn it into competition. We will only deal here with negotiation and reasoning in relation to identity and value conflicts.¹

We have to recognize that in actual fact negotiation is present in some way in the conflict of identities and in the conflict of values. Anyone who abandons his or her country to go the way of emigration already knows that he or she will also have to abandon some forms of expression of his or her own cultural identity in order to meet with approval in the host country. The desire for survival seems to induce people to accept limits to their identity or to negotiate forms of cohabitation with other identities. Also in the case of the conflict between values and between rights, recourse to the method of balancing and weighing up can resolve into forms of compromise for the purpose of coexistence of conflicting legitimate demands.

¹ For a fuller treatment see my article on *Conflitti d'identità e conflitti di valori* [Identity conflicts and value conflicts] [[http://www.unipa.it/viola/Conflitti di identita e di valori.pdf](http://www.unipa.it/viola/Conflitti_di_identita_e_di_valori.pdf)].

By contrast, in theory it is a widespread opinion that negotiation is not appropriate for identities and values, but only for interests. In actual fact, the conflict of interests can be resolved through compromise or, in quite a few cases, with the prevalence of the strongest. But in principle, identities and values are not negotiable and therefore conflicts between them require more complex procedures, often not decisive and not infallible. This means that these conflicts are the most dramatic and lacerating ones. The identity conflict requires recognition; the value conflict can be faced – at least people believe or hope – with discussion, reasoning and reasonableness.

Yet past history shows numerous examples in which the method of negotiation and strength has been applied in the formation of states, especially after wars, for instance after the First World War with the Treaty of Versailles, which gave rise to multiethnic states (such as Yugoslavia and Czechoslovakia), or after the Second World War, when the policy of blocs prevailed over the demands of ethnic identities. In these, and in many other cases, political formations were created or constructed artificially through international treaties, which are proper to the method of negotiation. However, as we know, the results have often not been very good (Yugoslavia has broken up and Czechoslovakia is divided into two states) and this is seen as confirmation of the inadequacy of the method of negotiation in the management of cultural and ethnic identities. However, it can be objected that in these cases the negotiation was not conducted by the interested parties, but by others for them or at their expense, by winning powers or colonial powers. Nevertheless, the fact remains that an ethnic or cultural identity demands or requires to be recognized in its integrity and is not divisible into more or less important parts.

Another drawback of negotiation in its application to collective identities lies in the witting and voluntary character of negotiation itself. As is well known, cultural identities, unlike moral ones, are not formed by will, that is to say are

not a witting and voluntary construction. None of us chooses to be born in a given culture or a given race, as none of us chooses his or her parents and his or her mother tongue. This does not mean that acceptance of one's cultural identity and an act of recognition of its importance in the constitution of the self and self-respect are not necessary. In this sense our cultural identities are more or less wanted, but this does not mean that we can choose those that we want. We are not masters of the contents of these identities, but only of the importance that they have in our life and, consequently, of the strength of their claim to public recognition.

In common life, marked by relationships among different identities as is proper to multicultural societies, undoubtedly these adjust to one another and are gradually modified more or less in their value contents down to becoming true forms of cultural hybridization, unless they are ghettoized or separated from one another like neighbouring tribes that do not communicate with one another, as instead should happen for common social life. In any case this process of adjustment operated by common life takes a long time, as is proper to new cultural formations, and therefore it cannot be configured as negotiation or as a contract of cohabitation. Common life generates new identities that are founded on those of the past and modify them in some parts, but all this is neither witting nor deliberate. People go towards an accord, which is the objective of the negotiation, but it is not accomplished through the methods proper to the social contract.

The method of argumentation does not appear suitable either to dealing with the relations between different cultural identities. In argumentation the objective is to reach justified conclusions on the plane of rationality or reasonableness that everyone should accept, even if this goes against their interest. Argumentation is a method that is sensitive to the truth, which in the practical field is linked to the values of goodness or justice or correctness.

Certainly this does not mean that a political community should activate inside itself a philosophical debate aiming to establish the compatibilities or incompatibilities between the cultural identities living in it before proceeding to their public recognition. Nevertheless, argumentation implies that there are universal or common criteria of justice as a basis for judging the practices and forms of life present in social life, that is to say that there is a common grammar of good and justice. But precisely this is challenged by ethical pluralism and multiculturalism. It seems that the method of argumentation is at its root incompatible with the cultural relativism that protects the specificity of collective identities, because it presupposes that cultures or significant parts of them may be wrong or perverse in themselves.

Some believe that moral objectivism is contrary to pluralism, because it would lead to intolerance towards erroneous conceptions. But this is not convincing, because affirming a moral value does not in the least mean having for this reason the right to impose it on others. Besides, if we thought that our moral values and our choices were not clearly justified and derived from a whim of ours, then we would not have the right to demand their public recognition by others. Nobody can have the duty to satisfy the whims of another. All this, however, holds for ethical pluralism, but cultural pluralism cannot be treated in the same way, because cultures are not chosen in the way that moral values are, and therefore they do not have to be justified, as is required for moral values.

While it is legitimate to maintain objectivism in the moral sphere, it makes no sense to speak of cultural objectivism. It cannot be said that a culture exists that is objectively better than others, just as a perfect language does not exist. Cultures are particular forms of life in which the multiformity of the human being and his ability to relate to the world and to others in many ways are expressed. Each culture has its incomparable specificity. Certainly there are cultures that are more developed than others, and there are big and small

cultures. But for those people that live in them they all constitute the way of expressing oneself and giving shape to one's identity and one's plans for life. Respect for cultures is not founded upon their quality as civilizations, but on respect for the people that in them find their authenticity. No culture consolidated in time, whether big or small, is as a whole inhuman, though it may contain inhuman or primitive practices. No culture, however little developed it is, is by definition unintelligible (Jullien, 151). Every culture is a particular and incomplete interpretation of the general values of humanity.

On the basis of the considerations made so far we can conclude that neither negotiation nor argumentation in the pure state are methods suited to the intercultural dialogue in which there matures the recognition of collective identity. Only by glancing at what effectively happens can we avoid the danger of blindly applying abstract models. It is true, however, that aspects of negotiation and argumentation are clearly present in the intercultural dialogue, but in a mixed and confused way. I do not believe that a general model can be extrapolated for treatment of the relations between collective identities which is a model applicable to all cases.

It is necessary first of all to notice that particularism is an essential characteristic of every culture, even of more universal ones or ones that aspire to expansion. Even speaking of "western culture" or "oriental culture" means referring to particularist formations, however big. Collective identities aspire to recognition, but they do not ask and do not expect everyone to come and be part of their culture, and neither could they. The cultural forms of life are not universal. This is the reason why argumentation does not appear suited to governing the relationship between identities. The fact is that reason looks at the universal and also tends to consider particular forms of life as universal models. But from this point of view every culture is defective.

This particularist character of every culture confers on the request for public recognition not only the meaning of willingness to hold a dialogue with other identities, but also that of acceptance of a more comprehensive sphere of society in which this dialogue will take place. Then the problem of recognition is not only a problem of who recognizes, but also of who asks for and demands recognition. The request for recognition is only legitimate if people are prepared to hold a dialogue with other identities and people are only prepared to hold a dialogue when they are prepared to challenge their own social practices and to modify their own points of view on the world. Cultures that are closed to change are cultures that are already dead or destined to extinction. Furthermore, recognition coming from a political community implies that the dialogue is not simply among different identities, but between the identity that asks for recognition and an already consolidated order of common values and of practices of common life in which people ask to participate in some significant way.

There thus begins a difficult but decisive pathway of progressive opening up towards universal values. This pathway always runs the risk of losing its direction, when, for example, precisely a cultural identity does not really want dialogue, but only to be left alone in its ghetto, or when the culture that welcomes it actually wants to assimilate it, swallowing it up in itself.

The first step, therefore, is passage towards a more comprehensive particular. In this connection a public ethos is necessary in order for particular identities to be recognized. For instance, in the case of immigration a cultural identity does not only ask another cultural identity for recognition, but also and above the political community which it becomes part of. The request for recognition is in substance a request to participate with all rights and duties in common life, it is a request for commonalty. The different, in order to be recognized, has to belong to what is common. The recognition of

the particular is only possible on the basis of a common horizon. Nevertheless, a political community is certainly not a universal horizon, but it too is also a particular form of common life. The aspiration of multicultural societies is precisely to produce a society that is comprehensive of the different identities that live in it, but certainly not a form of cosmopolitanism. Each of the multicultural societies also has its own particular physiognomy that depends on the circumstances in which it has formed, that is to say on the original political community and on the way in which integration of the new cultural identities has occurred.

This process is still at the beginning in Europe, where we do not yet have true multicultural societies, although a very big number of immigrants is present (in some cases it exceeds 10% of the population). Much depends on the actual conditions in which the political community finds itself. If it is very cohesive and stable, then, if there is full recognition of the new cultural identities, there will be strong and meaningful recognition, but with the risk of assimilation. But, if it is absent or defective, then immigrants will be marginal beings marked by social exclusion. If, instead, the political community is not very compact and is unstable, then it will feel even more threatened by the new cultural and religious identities, and recognition, when there is any, will itself be weak and uncertain. In their turn, particular identities would like the political community welcoming them to be at the same time weak and strong: weak as regards the reference values and strong as regards the capacity for recognition.

In any case it appears evident that this intercultural dialogue is not played out between peer interlocutors, as should be the case for every real dialogue, but that there are interlocutors able to exert greater strength or find themselves in a more advantageous position. For this reason argumentation is necessarily blended with negotiation and agreement.

At this point it is important to notice that the search for a common basis not only forces cultural identities needing recognition, but also and above all the political community, to widen their particular points of view. This is the second step towards universality of the values at stake. A dialogue is only possible if it is recognized that there is something in common. But what is common among cultures lies in a capacity for being that must be developed, and not in some preliminary condition (Jullien, 149). The universality of human values is the goal to reach or, more exactly, a regulative ideal never completely reached, and not a starting presupposition.

A concrete example of this search for commonality of values can be indicated in the “Charter of values of citizenship and integration”, which was approved in Italy with a 2007 decree thanks to the Minister of the Interior Giuliano Amato and with the contribution and substantial agreement of the principal communities of immigrants and religious communities present in Italy. In other European countries too there have been initiatives of the kind starting from the French *Contrat d'accueil*, but the Italian document is more detailed, and above all it is worked out in a multilateral way.

In the Charter, sensitive issues are faced directly, like mutilation of the body, polygamy and attire, and moreover a broadening of the Italian political and cultural vision can be noticed as regards the scope of citizenship and the way of seeing religious freedom and the public role of religions. Diversity forces us to ask ourselves questions on our own identity and to broaden our own points of view in order to find a basis of commonality.

In actual fact this legal document has proved to be of very little importance in relations with immigrants, which in Italy today have worsened compared to the past, but this is a different matter, which has a political character that we hope is transitory.

When people ask to belong to a common life, they have to be ready to challenge their own convictions on the subject of identity and – as Habermas

has shrewdly observed – they have to want to learn from others or at least to be prepared to do this. Every broadening of perspectives implies foregoing one's own specificity. In the contrary case, there will be no real public discourse, but only a tug-of-war in which the winner will be whoever has more power of influence or the capacity to mobilize a majority. In a deliberative democracy the majority cannot believe they do not need good reasons for their decisions. The democratic constitutional state founded on deliberation is a form of government sensitive to the truth. But this does not mean theoretical or abstract truth, it means practical and operational truth, open to the reception of diversity and to its integration in common life.

We have to recognize that, taken as a whole, European culture, proud of its history, whether secular or religious, only shows slight propensity to welcome pluralism and to tolerate differences. The new identities that arrive in a Europe of rights represent for it not only a “cognitive challenge”, to quote Habermas once again, but also and above all an existential challenge. These cultures often valorise aspects of the humanity that are not considered by the ethics of rights interpreted in the light of the morality of autonomy. I refer in particular to the dimensions of suffering, of the vulnerability of the human being and solidarity, on which Martha Nussbaum has rightly insisted. Gabriel Marcel has noticed that human dignity is more evident when we meet the human being in his or her nudity, the unarmed human being as he or she presents himself or herself in the child, in the elderly person and in the poor man. The individualistic ethics of rights does not at all cover the full meaning of the human and needs to hold a dialogue with the dimensions of interdependence and community. It can also be affirmed that the negation of rights dramatically brings out a dimension of humanity of a trans-cultural character, the one that – according to Hanna Arendt – unites all human beings through the very fact of the event of birth. However, this bare humanity does not exist in any specific place that transcends cultures, but

exists inside them. It is not a matter of a transcendental that exists a priori, but of the elementary society in the needs and primary necessities of human beings united with similarity in their answers. In this sense we can speak of an operational universality of intercultural dialogue.

Therefore it has to be observed that not all human values can effectively be translated into rights, if these are understood in the form conferred on them by western culture, and that rights alone are not enough to protect human dignity in all respects. But we learn this with reciprocal learning and it takes a long time.

In conclusion, we can say that requests for recognition of cultural identities usually have an integral character, that is to say they aim at integral preservation of cultures. In this sense cultural identities are not in principle negotiable. But in actual fact negotiation cannot be excluded because of the greater weakness of the cultures that ask the host political communities for recognition. But this does not mean negotiation of a contractualistic or explicit type, it means gradual adaptation to the new vital contexts, which happens in fact in the succession of generations towards forms of cultural hybridism which in turn can generate new cultural identities or produce forms of disorientation and existential uprooting.

Alongside this process of implicit negotiation, indeed mixed with it, there is also the intercultural dialogue conducted in principle in the forms of practical argumentation. It requires willingness on both sides to criticize oneself and to re-examine one's own value parameters; it requires a search for common humanity and for adequate ethical and legal forms of protection. This process is more witting than the previous one; it is expressed in the form of rights and duties and leads to a redefinition of the social pact, but it also takes a long time.

We have said that the political community too has a particularist character, but not in the same way as cultural identities, because it is the result of commonality between the differences and of the intercultural dialogue. The Greek *polis*, the mediaeval *civitas* and the modern *nation* have been configured as identities oriented towards universal values and not as identities of an ethnic or merely cultural type. Intercultural dialogue does not end with integration, but continues inside the political community and becomes more and more clearly a dialogue on the fundamental values of the good life and on their interpretation and implementation. Little by little the intercultural dialogue moves its focus from identities more directly to values. Though slowly and imperceptibly, a significant change is effected. In fact, in the identity request a person claims a right for himself or herself or for his or her own group; in the struggle for a value a conception of human life is defended that all should share, that is to say a good in itself. It is easy to realise that in the case of the conflict of values practical argumentation is even more indispensable and plays a central role. But values too are always learned and practised in particular cultural contexts and are susceptible of different interpretations and applications. Can we really say that negotiation must absolutely not be admitted for values? Certainly in actual fact it too occurs in parliaments all over the world. Is this an insane and deplorable practice or a practical necessity imposed by the need for cohabitation in the society of pluralism?

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