1

Introduction: mapping the terrain

> Nonsmokers living in condominiums and apartment buildings who are bothered or made ill by drifting tobacco smoke can now fight back . . . These dangerous chemicals can . . . seep in above or below an apartment door, through poorly sealed walls, and in many other ways . . . More and more tenants are filing effective complaints – often with information provided by Action on Smoking and Health (ASH), the nation's oldest and largest antismoking organization.[1]
>
> Are you involved in a dispute over custody, and your spouse smokes in the presence of the child . . . If so, you should read ASH's preliminary report on custody and smoking. In it you will learn that, in more than a dozen states, courts have ruled that whether or not a child is subjected to tobacco smoke is a factor which should be considered in deciding custody.[2]

In the 1990s, across several continents, battles over cigarette smoking took on a new momentum, as pro- and anti-smokers fought over institutional policy-making, local, state and federal laws, and the ethics of intervention and restraint. Tobacco advocates declared that smokers had become the new oppressed, smoking the new apartheid.[3] Discriminated against in job interviews and healthcare, banished from particular spaces and disproportionately taxed, smokers were on the receiving end of an intensifying attack and stigmatisation. As one tobacco advocate declared, 'We are at a crossroads. We as a people are beginning to see what is produced by state-sponsored intolerance of "target groups".'[4]

Meanwhile, a second set of disputes raged over the management of social diversity. The disputes concerned the installation of religious symbols within publicly shared space. One particular battle, fought with considerable intensity in London, in the mid-1990s, involved the proposal to establish an eruv – a symbolic Jewish perimeter of connecting edifices, poles and wire. Stretched around the public space of largely urban neighbourhoods, eruvs work by

converting the territory into a single private domain. Through doing this or-
thodox Jews are enabled to carry on the Sabbath outside their home. Disputes
over the establishment of eruvs occurred in the twentieth century across a num-
ber of jurisdictions, revealing the complex and fraught relationship between
identity, practice and symbolic meaning. In the United States, the American
Civil Liberties Union (ACLU) became involved in challenging a New Jersey
eruv on the grounds that it breached the wall between church and state.[5] In
Britain, an attempt to build an eruv in north London generated formidable op-
position among those who saw its creation as threatening prevailing norms
of rationality, universality, the public/private divide and secular geographies
(Cooper 1998a).

My third example moves from disputes over discrimination and the terms of
belonging to tensions over equality, in this case the right to marry. The growing
demand for, and implementation of, same-sex spousal recognition during this
period demonstrates the global connections between modern social movements,
as discourses of equal entitlement, legislative exemplars and shared activist
tactics circulated through North America, Europe, Africa and Australasia. But
spousal recognition has not been unequivocally celebrated, and opposition has
not come only from right-wing forces. More radical commentators and activists
have also rejected the drive to marry on the grounds that marriage maintains
women's subordination, privatises welfare and unfairly privileges couples.

Smokers, the Jewish eruv, same-sex marriage: these three instances could
be multiplied many times over, with other examples demonstrating similar,
familiar tensions. Claims, for instance, by groups beyond the left's traditional
gaze that they constitute a disadvantaged minority have emerged not just in
relation to smoking, but also in relation to British recreational hunters, divorced
fathers, and, in the United States, in relation to white, conservative Christians
(Herman 1997; Smith 1998: 186). Similarly, parallelling the eruv conflict have
been other disputes and schisms over the visibility and audibility of migrant
ethnicities and minority faiths: male school students bearing Sikh daggers,
Islamic girls wearing the hijab, the Muslim call to prayer across city spaces,
and mass attendance at Hindu gatherings within residential areas (*Cherwell
District Council*;[6] Galeotti 1993, 2002; Moruzzi 1994; Parekh 2000). Lastly,
we can identify a host of other disputes, questioning the benefits of inclusion
and accommodation. While these surfaced, with particular acuity, in the 1990s,
in relation to lesbian and gay marriage, similar disputes can be seen in other
areas. For instance, conflicts over the terms and nature of equality erupted in
relation to the struggle for 'gay rights' in the military, as well as in relation to
transgender politics, where the drive for respectability and passing among more
conservative transsexuals rubbed up against the anti-conformist tendencies of
a new transgender politics (Califia 1997).

Three challenges

These varied and contested narratives of discrimination, entitlement and accom-
modation motivate, navigate and illustrate my argument as it develops through
the course of this book. The discussion that unfolds centres on the way in which
values, collective identity and social structure intersect. In particular, I seek
to explore how this intersection has been analysed and mobilised within those
Western, left-wing frameworks that emerged in the wake of identity politics
and poststructuralism. However, my discussion also goes beyond critique to
propose an alternative analytical and normative account. To do so, I focus
on three theoretical dilemmas and challenges. The first concerns the way in
which we understand social relations. Gender, age, sexual orientation, race and
disability have joined, and in some cases superseded, the left's traditional pre-
occupation with class. But what remains less clear are the criteria required
for recognition as a social relation. What is needed before we consider par-
ticular forms of social treatment and practice to constitute something akin or
analogous to gender or class? Do relations have to be broadly similar to those
already recognised, assuming for the moment that these are in some way al-
ready alike? What would be required, for instance, before smoking could be re-
cognised as social relations? Is evidence of discrimination, bias, or prejudice
enough?

In *Justice and the Politics of Difference*, Iris Young (1990a) identifies five
faces of oppression: exploitation, marginalisation, powerlessness, cultural im-
perialism and violence. Young (1990a: 64) argues that these faces 'function
as criteria for determining whether individuals and groups are oppressed'. Al-
though many groups will experience several of these categories combined in
complex ways, '[t]he presence of any of these five . . . is sufficient.' Young's
approach is useful in illuminating different aspects of oppression; however, for
my purposes here, it is too broad. Because it constructs a typology out of the
experiences of groups already defined as oppressed, it allows any group sharing
a similarity with existing oppressed groups in some or other respect to slip in. At
first glance, this may appear fair. But does it make sense to define constituencies,
such as smokers or hunters, as being oppressed simply because they can bring
themselves within one of Young's categories? In this book, I take a narrower
approach. In relation to both celebrating diversity and thinking about how and
why inequality matters, my starting point is the need to differentiate between
the constituencies that present themselves as coming within the terms of dis-
advantage and oppression. How to do so, at both an analytical and normative
level, is a primary challenge for this book.

The question of problematic identities, and their relationship to (in)equality,
can also be approached from another angle: that of preferences or conduct. In

4   Introduction

contrast to the individualism of many liberal theorists, radical and multicultural
scholars advocating equality (which not all of them do) have tended to asso-
ciate equality claims with group membership. But how does this deal with those
groups whose desires, choices or identities are perceived as socially harmful?
While liberals might seek to detach injurious preferences and forms of conduct
from an individual's equality entitlement, to what extent does this underesti-
mate the impact of such preferences and actions on an individual's sense of
personhood, particularly as it is read through the prism of group membership?
How should an equality politics respond to harmful choices? And can we be
confident, in the process, that our identification of harmful choices is a fair one?
These questions raise the normative underside of equality, an underside that can
become neglected when equality is reduced to formal parity in a way that ig-
nores the consequences of particular choices; yet it is also an underside that
risks becoming exaggerated and inflated when equality is tied too narrowly, or
rendered too contingent, on the pursuit of 'benign' conduct.

    In exploring the relationship of harm to equality, a further inversion is also
required. What does equality mean in relation to dominant constituencies? If
equality refers to something more complex than raising those with less, we might
think about the application of equality to those subjectivities, preferences and
conduct constituted through the terms of whiteness, heterosexuality, masculinity
and economic power. Does the pursuit of equality mean powerful beings and
doings are to be read as inherently injurious? And what is to be done to them as
a result? Yet how to even frame this question, targeting as it does the status of
the powerful, is a difficult one. Aside from the now well-made claim that people
embrace contradictory, and complexly combined, social locations, is equality
something that can be addressed through a model based on gender or racial or
sexual groups, whether dominant or subordinate? What alternatives are there?
How can equality be conceived in a way that recognises the relationship between
being and doing, between social structure and individual agency, without losing
the specificity of either? This is the book's second challenge.

    The third challenge is a more concrete one. In recent years, certain progressive
and radical writers have optimistically reassessed liberal discourse. Against
left thinking which tended to privilege equality, seeing it as a good in its own
right as well as necessary for the achievement of freedom (particularly positive
freedom), writers such as Chantal Mouffe have turned to a more negative (anti-
institutional) conception of liberty. While equality forms the central terrain
for this book, my aim is to explore how it intersects other values, including
that of freedom. In particular, I am interested in the 'normalisation' of values,
and the implications this has for social relations. In other words, *Challenging
Diversity* explores the ways in which values are embedded and materialised
within the social, and the effects this has on the maintenance and contestation

of inequality. My discussion pursues this along two routes. The first explores the ways in which prevailing norms reinforce existing inequalities and the impact this has on political reform; the second concerns the potential for transforming dominant norms, and embedding more radical or oppositional values. In relation to the latter, I ask: how can such values be sustained and reproduced? Can the normalisation of counter-hegemonic values and practices be safeguarded and rendered effective given the gravitational pull of dominant social processes? This is the third challenge.

The politics of diversity

My springboard into these challenges is the normative and analytical space of the politics of diversity. This space does not equate to an ideology or political stance. Rather, it is a broad, discursive space that emerged out of the very particular social, cultural and political conditions of the 1980s and 1990s – namely, the dismantling of the Soviet Union and of the communist regimes of eastern Europe, the upsurge of neo-liberal ideology, the backlash against radical feminism, the expansion of lesbian and gay politics, including the birth of Queer, and the struggles around multiculturalism and anti-racism. Intellectually, diversity politics sits at the confluence of several currents that include liberalism, communitarianism, poststructuralism, post-Marxism, feminism, post-colonialism and queer. Into the twenty-first century, the politics of diversity continue to exert a powerful influence on progressive and radical thinking in the West.

More generally, it is a space carved out of a particular reading of three broad, intersecting, political moments: the democratic, the right and the normative (see, e.g., Mouffe 2000). Within diversity politics, the legitimacy that emanates from majoritarian or mass politics represents an important foundation. However, it is one that has also been sullied by its twentieth-century history. Even leaving aside more extreme examples such as mid-century European fascism, the capacity of majoritarian politics to be rearticulated within right-wing populist terms has generated considerable anxiety. This anxiety has been fed by the contested mobilisations around race, gender and sexuality within the latter half of the twentieth century, and the attendant surge of attention within liberal states towards the needs and security of vulnerable minority practices and communities. In this context, the capacity of majoritarian politics to safeguard minority interests seems uncertain. Will Kymlicka (1995: 109), for instance, refers to the dangers cultural minorities face from democratic legislative structures where they risk being repeatedly outvoted on the resource issues and policies that are crucial to them (see also Kymlicka and Norman 2000: 9). While minority rights activists have continued to seek redress, protection, autonomy and equality from parliamentary legislative processes, they have also turned to non-majoritarian

structures, most particularly the courts and media, often in the face of scepticism
and hostility from progressive critics wedded to majoritarian routes.

The deployment of non-majoritarian tools, particularly of rights and entitle-
ment, to defend and affirm subjugated identities has, however, in turn come
under threat. For this is also a tale of conservative appropriation, in which
right-wing forces colonise and inhabit the discourses progressive and left-wing
constituencies have legitimated (see also Smith 1998: 177–9). In this case, it
is the language of minority status and protection. While legal rights have tradi-
tionally been deployed to protect elite interests, especially property ones, what
has been evident in more recent years is the collective self-interpellation of
seemingly powerful groups through discourses of vulnerability. Thus, fathers'
rights groups, recreational hunters and smokers, at the turn of the twenty-first
century, appropriate and deploy the political weaponry of their opponents. If
social, political and legal marginalisation provide a rationale for better treat-
ment then they are marginalised, they are oppressed. And indeed, their use of
these discourses is not entirely cynical; many conservative minorities do seem
truly to feel their disenfranchisement, stuffed into the closets of liberal society
that others so recently have vacated.

While for their opponents considerable scepticism regarding these claims
remains, to the extent that a valorised and protected discursive space has been
crafted around the experiences of minority status, it becomes hard to restrict
group status to 'true' minorities without some clear basis for doing so. Or rather,
many advocates of diversity politics have, by default, done just that, ignoring the
contradictions and difficulties their arguments throw up. But 'false' minorities
cannot be so easily erased from a terrain that has given them the key to their own
recuperation. As a result, the politics of diversity has been forced to confront
its own rather thin and hesitant processes of differentiation, a point that Chantal
Mouffe (1996a: 246–7) recognises:

it is important to recognize the limits to pluralism which are required by a democratic
politics that aims at challenging a wide range of relations of subordination. It is therefore
necessary to distinguish the position I am defending here from the type of extreme
pluralism that emphasises heterogeneity and incommensurability and according to which
pluralism – understood as valorization of all differences – should have no limit.

Two main ways exist out of this dilemma. The first stays within the politics of
minority entitlement, and works through the construction of criteria for identi-
fying true minorities. In other words, imposters are uncovered by demonstrating
that they, for example, do not lack power. Nancy Fraser (1997: 185) adopts a
version of this first approach when she argues that questions of difference must
not be divorced from 'material inequality, power differentials . . . and systemic
relations of dominance and subordination' (see also Phelan 1994). However,

for reasons explored in more detail in the chapters that follow, many proponents
have preferred the second route, which distinguishes between minorities on the
grounds of the value commentators ascribe to their conduct, norms and choices.
This 'rediscovery of value' combines post-Marxism with post-postmodernism
to argue for the need to recentre ethics and morality in evaluating 'legitimately
different ways of being' (Weeks 1995: 11; see also Squires 1993). From this
perspective, the quality of difference does not lie in the degree of oppression
faced, but in the values anchoring its practices.

The articulation of these different moments, driven and refracted by the dif-
ferent intellectual and normative currents identified above, has rendered the
space of diversity politics a messy and uncontainable one, leaking out in sev-
eral directions. Nevertheless, diversity politics does coalesce around a series of
shared concerns, questions and assumptions. First, it goes beyond the condi-
tional liberal promise bestowed upon minorities of toleration, providing their
differences are kept from affecting others. As Weeks (1993: 206–7) argues, tol-
eration, with its pragmatic acceptance of unwelcomed difference, is not enough.
The space of diversity politics is one in which social diversity is valued and
celebrated, not just within the private sphere but within public life and fora
as well. In large part this is because diversity is seen as enriching society and
making choice possible (e.g., Kymlicka 1995: 84). In addition, for more radi-
cal proponents, diversity is celebrated for its capacity to challenge disciplinary
conventions and the status quo. Yet, as I discuss in the chapter that follows,
the charge to celebrate difference also brings difficult questions in its wake.
While liberal multiculturalism has become absorbed, some might argue over-
absorbed, with the question of 'illiberal' minorities, the politics of diversity has
produced more equivocal responses to the question of conservative differences,
particularly when expressed by non-dominant minorities. For the most part,
this issue has been ignored by those whose interest is in affirming cultural and
social pluralism. While some writers, such as Mouffe and Weeks, have turned
to the need for limits in their drive to avoid a thoroughgoing libertarianism,
confronting the challenge of reactionary or disagreeable forms of difference
has tended to remain at the level of general statement rather than detail.

The second theme common to the space of diversity politics is a recognition
of the role of power in structuring social diversity. This has several aspects. It
acknowledges and takes into account the part played by gender, race and class,
in particular in creating unequal social constituencies. It also encompasses an
analysis and critique of the part played by dominant institutions and systems,
most particularly the state and the economy in producing and maintaining re-
lations of domination. Yet, diversity politics is not solely oriented towards a
model of 'power over'. It also encompasses a recognition of the part played by
social movements in struggling for change, drawing on the different forms of

power they can access and deploy. The space of diversity politics, in different ways, sees the social and political as sites upon which to act in pursuit of change. In this sense, it differs from liberal multiculturalism, which tends to restrict its political aspirations to the acceptance and accommodation of existing forms of difference.

However, the changes diversity politics aspires to remain far less clear-cut. Diversity politics is anchored in the presumption that social and cultural differences should not be hierarchically organised. It is also a space in which freedom and privacy are defined as primary goals. However, the place of equality is more problematic. While some writers, such as Mouffe, identify equality as a central though not pre-eminent value, others have rejected equality on the grounds that it is too grounded in sameness to offer a useful framework for supporting social diversity (e.g. Flax 1992). Equality is not the only source of disagreement and tension, as I discuss in more detail in the chapter that follows. The space of diversity politics raises questions and embraces diverging opinions about the desired place of collective identities within society: are such identities oppressive or enabling? Are gender, class and race characteristics to bury or reform? And, more abstractly, is a new hegemony worth seeking or are all hegemonies, however radical they appear in theory, disastrous to the pursuit and maintenance of a freer, more enabling society?

In the final part of this chapter, I map out my analysis and argument in the chapters that follow. However, before turning to do so, I want briefly to clarify two sets of terminological usage. First, I have chosen to use the terms 'difference' and 'diversity' in their overlapping and everyday meaning, in contrast to those writers and commentators who use the terms in particular and distinct ways. While 'diversity' is often used to refer to cultural manifestations of 'natural' social variation, such as ethnic groups, 'difference' signals the operation of socially structured asymmetries, such as gender and race, and the identity positions articulated through them. More specifically, the term 'difference' has been deployed to highlight the binary form social inequalities can take, and to flag up the process by which the subordinate term, such as woman or the feminine, 'acts as a "dangerous supplement" . . . Each member of the pair refers to the other at the same time as it suppresses it. Thus the self-sufficiency of the more powerful side of the dichotomy is fragile' (Lacey 1998: 80). My reason for not adopting this distinction relates to the ways in which the two terms intersect. While scholarship on difference sometimes ends up dismissing diversity as a distortion, and discussion of diversity can obscure the power relations and epistemological concerns that difference highlights, my more everyday usage is intended to highlight the relationship, but also the overlap, between difference as a term of critique and diversity as a normative politics.

The second set of terms I want briefly to flag up concern the descriptors of political intelligibility. This has become a sticky issue in recent years on the left as each label has, in turn, undergone critique. While terms such as 'progressive' and 'radical' cannot be used innocently, avoiding them creates the problem of how to talk about left-wing politics. Although my focus here is on re-envisioning equality and the undoing of social relations, simply to refer to it as a politics of equality is to construct a framework which is too shallow and narrow, in that it marginalises other elements often associated with left-wing politics, such as environmentalism, community and an ethics of care. Without doubt, there is good reason to spell out, rather than assume, the character of a particular version of left politics. Nevertheless, I will use 'progressive' to designate a broadly social-democratic, welfare-oriented politics and 'radical' to indicate a politics predicated on the need to transform key institutions, structures and practices in pursuit of counter-norms sutured to a more equal or, to the extent this differs, a less hierarchical society. Such brief, thumbnail definitions raise more questions than they answer. However, my main aim here is simply to flag up that, despite the ontological assumptions about society embedded in both terms, I will use them in this book to aid my exploration of diversity and equality's place within a broad left politics.

Chapter outlines

The relationship between equality and diversity lies at the heart of the book. More specifically, I draw on the politics of diversity and my critical analysis of its claims as a springboard into a set of debates and questions. These concern the character of social disadvantage and its relationship to structured inequality; how equality might be conceptualised and pursued; the politics of social norms; and the struggle to protect and enhance counter-normative ways of being and living. I begin, in the chapter that follows, with the task of establishing, in greater detail, the remit and purchase of diversity politics as an analytical and normative discursive space. To do so, I draw on a conflict over religious symbolism that I signposted earlier – the controversy that erupted, in the early 1990s, over the proposed establishment of an eruv in London. Exploring this struggle provides a useful focus for several reasons. While affirming and celebrating cultural forms of difference represent, in many ways, the bedrock of diversity politics, the relationship of this celebratory stance to more conservative and traditional identities has remained underexplored, despite the increased attention paid to 'troublesome' minorities by multicultural and liberal writers. Orthodox Judaism provides an interesting site from which to consider these issues because it combines traditional religious beliefs and practices with a collective history of social disadvantage, exploitation and cultural marginalisation. My discussion

offers a route into analysing the cultural and social politics surrounding the eruv; however, my primary objective is to use the eruv as a lens through which to consider diversity politics close up. In particular, I seek to highlight some of its key contradictions and dilemmas in relation to questions of identity, freedom, harm and the private domain.

Having mapped key elements of diversity politics, and having highlighted points of uncertainty, ambiguity and difficulty, chapter 3 goes on to address a major failing of much scholarship and analysis within this field: its inadequate conception of the social. Diversity politics asks us to affirm and celebrate difference, with its implication that difference equates to disadvantaged and vulnerable minority statuses. But without a conception of the social and how relations of inequality operate, how do we know which forms of disadvantage represent legitimate policy decisions, for instance, and which represent unacceptable oppressions? Where, for instance, does the negative treatment encountered in many polities by smokers fit within this schema? In order to provide a framework in which legitimate forms of policy differentiation may be distinguished from social inequality, the chapter explores two strands of analysis, both drawn from feminist writing in the field over the past two decades. The first focuses on systems and axes of oppression, the second on subordinate group membership. Having critically explored the benefits and disadvantages of both, I argue that neither are sufficient. The chapter then goes on to carve out an alternative approach to conceptualising inequality. Anchored in structural asymmetries of power, principles of inequality also encompass two other dimensions. The first concerns the ways in which asymmetries circulate through social institutions as a result of the permeation of norms and values to which they are articulated. The second concerns the distinctive and constitutive relationship of principles of inequality to social dynamics, such as capitalism and the intimate/impersonal.

To illustrate the approach adopted, the final section of the chapter considers the status of tobacco smoking. In particular, I consider the claim of some members of the smoking lobby that smoking has become the new 'apartheid', creating divisions and relationships analogous to gender, race or class. While I disagree with this claim, I want to suggest that the case of smoking is more complex than it might first appear. Its consideration therefore offers a pathway into thinking more deeply about the social character of inequality: namely, what is required before unpopular, stigmatised practices come to constitute asymmetrical social relationships, and what are the implications of being so defined?

The detour chapter 3 offers into social theory is intended to establish the theoretical foundations for my return, in chapter 4, to the political question of equality. Although equality is a central term of progressive political theory, its status within diversity politics has proved far more equivocal. One aim of