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The first John Robert Seeley lectures, given by James Tully in 1994, address the six types of demands for cultural recognition that constitute the most intractable conflicts of the present age: supranational associations, nationalism and federalism, linguistic and ethnic minorities, feminism, multiculturalism and Aboriginal self government. Neither the prevailing schools of modern Western constitutionalism nor post-modern constitutionalism provide a just way of adjudicating such diverse claims to recognition because they rest on untenable assumptions inherited from the age of European imperialism. However, by means of a historical and critical survey of four hundred years of European and non-European constitutionalism, with special attention to the American Aboriginal peoples, Tully develops a post-imperial philosophy and practice of constitutionalism. This consists in the conciliation of claims for recognition over time through constitutional dialogues in which citizens reach agreements on appropriate forms of accommodation of their cultural differences, guided by common constitutional conventions. This form of constitutionalism has the capacity to mediate contemporary conflicts and bring peace to the twenty-first century.

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#### THE JOHN ROBERT SEELEY LECTURES

The John Robert Seeley lectures have been established by the University of Cambridge as a biennial lecture series in social and political studies, sponsored jointly by the Faculty of History and the University Press. The Seeley lectures provide a unique forum for distinguished scholars of international reputation to address, in an accessible manner, themes of broad and topical interest in social and political studies. Subsequent to their public delivery in Cambridge the University Press publishes suitably modified versions of each set of lectures. Professor James Tully of McGill University delivered the inaugural series of Seeley lectures in 1994 on the theme of *Constitutionalism in an Age of Diversity*. Professor Jeremy Waldron of Columbia University gave a series in 1996 on *The Dignity of Legislation*; in 1998, Professor Martha Nussbaum of Brown University delivered the latest series, on *Feminist Internationalism*. Professor Joseph Raz of the University of Oxford will deliver his series in 2000.

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# STRANGE MULTIPLICITY

*Constitutionalism in an age of diversity*

JAMES TULLY

*University of Victoria, British Columbia*



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*to Quentin*

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And yet we live in the era of progress don't we? I suppose progress is like a newly discovered land; a flourishing colonial system on the coast, the interior still wilderness, steppe, prairie. The thing about progress is that it appears much greater than it actually is.

Johann Nestroy, *Der Schützling* 4, 10.

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## *Preface*

These lectures were given as the John Robert Seeley lectures at the University of Cambridge, from 2 March to 11 March 1994, in the Little Hall, Sidgwick Avenue site. I rewrote them for publication over the summer of 1994. The theme is constitutionalism in circumstances of cultural diversity. It is discussed in the light of a single work of art, *The spirit of Haida Gwaii* by Bill Reid. In these dark and discordant times, I do not expect the lectures to move more than a few readers. Nevertheless, the only way to lessen the darkness and discord is to take up the responsibility to speak in the dialogue initiated by *The spirit of Haida Gwaii*. This is my response.

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## *Acknowledgements*

I would like to acknowledge the assistance of the many friends of *Strange multiplicity* a little more fully than is conventional so that readers may appreciate the conversation in which the lectures were composed. First, I wish to thank all the people associated with the John Robert Seeley lectureship who made it such a rewarding and enjoyable experience. My two hosts, Quentin Skinner of the Faculty of History and Jeremy Mynott of Cambridge University Press, have my deepest gratitude for their gracious hospitality. The master and fellows of Christ's College were exceptional hosts, providing me with commodious rooms, the most beautiful gardens to walk in and fellowship at meals. Here I must mention David Sedley in particular for making me feel at home.

Permit me also to express my gratitude to all the scholars and students who attended the lectures, discussed them with me over breakfast, lunch, dinner, a beer or two, opera and walks around the ancient maze of little streets and squares which Wittgenstein mentions in Lecture four. Cambridge is the best university in the world for the study of political philosophy and it is more than a little daunting to have seated in front of you such great scholars as Tom Baldwin, John Dunn, Mark Goldie, Ross Harrison, Geoffrey Hawthorn, Istvan Hont, Susan James, Onora O'Neill, Anthony Pagden, Quentin Skinner, Gareth Stedman Jones, Richard Tuck and Sylvana Tomaselli. However, they transformed lecturing into the most pleasurable of tasks by the co-operative spirit in which they listened, occasionally even nodding in agreement, and then went on to offer encouragement and constructive

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criticism in discussions and correspondence. I am especially indebted to Richard Tuck for thoughtful questions after every lecture and his outstanding scholarship on early modern constitutionalism.

My thanks also go out to all the students who attended and were equally forthcoming in their considered and helpful comments. I wish to mention especially Monique Deveaux, David Kahane (now a colleague), Patrick Miller and Norberto de Sousa, whose suggestions have assisted me in the process of revision.

I am honoured to acknowledge my gratitude to John Robert Seeley. It is ironical that I was elected as the first Seeley lecturer. He came to Cambridge from the centre of the British empire to praise imperialism in his great work, *The expansion of England* (1884). One hundred years later, I came from the furthest frontier of the empire, Vancouver Island, with all due respect, to bury it. Despite this conspicuous difference, however, we share an important similarity. We both believe that the study of politics and political philosophy should be historical. John Seeley is responsible for placing the study of political philosophy in the Faculty of History in the late nineteenth century. As a consequence, Cambridge has developed its unique and celebrated historical approach to the study of politics today. Since I am a graduate of Cambridge, the very approach I use to question the imperialism that John Seeley defended descends from his teaching and curriculum reform. Now, in the ethics of both Seneca the Roman stoic and the Aboriginal nation named after him, a few miles from where I write, the highest compliment a pupil can pay her or his teacher is to become a worthy opponent. This is the spirit in which I gratefully offer the lectures to the custodians of the John Robert Seeley lectureship.

The lectures also have many friends who have kindly commented on earlier sketches of sections at different presentations. I would like to thank all of them and to mention those who have been most influential: Stephen Munzer, John Simmons and Jeremy Waldron in San Francisco; Seyla Benhabib, Peter Berkowitz, Pratap Mehta, Uday Mehta and

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One of my deepest debts is to the students who have come from Québec, Canada, Aboriginal America and around the world to make political philosophy at McGill an intercultural common ground. My gratitude goes to all the students who have listened and responded critically to my attempts to elucidate the themes of the lectures in seminars. Among these I am most thankful to Susan Drummond, Natalie Oman and Dale Turner for a reading course on the lectures; Peta Bowden, Natalie Brender and Cressida Heyes for showing me that the *Philosophical investigations* can be read as a dialogue in which feminine voices can be heard; and Ravindar Chimni, Murat Dagli, Eric Darier, Mary Foster, Glen Hughes, Duncan Ivison, Afra Jalabi, Dimitri Karmis, Rebecca Kingston, Guy Laforest, James MacInnis, Darius Rejali, Anne-Marie Sorrenti, Michael Temelini, Anoush Terjanian, Yasuo Tsuji and Ardith Walken for fruitful discussions and suggestions.

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Within this intercultural dialogue in which the lectures have taken shape, two interlocutors deserve special recognition. I have been discussing the themes of the lectures with them for seventeen years and their solidarity and distinctive voices have made a profound difference to the way I think about constitutionalism and cultural diversity. My gratitude is beyond words. They are Quentin Skinner and Charles Taylor.

My aim is neither to take sides among the different and similar voices I have heard and read nor to try to reconcile them. Rather, it is to offer a philosophy and practice of their continuous *conciliation* in dialogue – an offer which just might bring peace. For this approach, I am indebted to Jenny, who came before the others and taught me the most important aboriginal lesson: the primary practical ability is not speaking well but, like Little Wing, listening well.

Finally, I wish to thank Bill Reid for his wonderful work of art. He has inspired me at every step in the making of the lectures. My greatest pleasure was to place a large picture of *The spirit of Haida Gwaii* beside me as I lectured in Cambridge and to point affectionately to the myth creatures from my childhood home who travelled so far with me. The lectures are a hopelessly inadequate gift to Bill Reid in return for the magnificent one he has given us. Bill Reid died on 13 March 1998.

As the lectures go to press, it is a pleasure to thank Richard Fisher of Cambridge University Press as well as Jeremy Mynott, whose companionship and faith in the journey have sustained me from beginning to end. Last, but definitely not least, I am most grateful to Hilary Scannell for her excellent and invaluable copy editing.

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The spirit of Haida Gwaii