**Defending Strong Contextualism**

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**Abstract**

In this article we defend a contextual approach to political theory. This approach suggests that the problems with which such a theory is concerned are always located in particular contexts, and that these contexts need to be taken into account when seeking solutions to these problems. We shall use the term ‘strong contextualism’ to refer to the particular version of this method which we endorse – ‘strong’ because it contains elements likely to be not only unpalatable for non-contextualists, but too rich for the tastes of other more ‘moderate’ contextualists too. In particular, we contend that theorists only acquire understanding of their own principles by appreciating the variety of ways in which they can be instantiated in different contexts; and, when seeking to pick out the most desirable solution from the range of feasible solutions, theorists should incorporate at least some local norms into their own set of principles. We shall show that this form of contextualism is not vulnerable to three important criticisms: it does not have a confused account of the relationship between facts and values; it is able to take up a critical perspective on the status quo; and it is not an incoherent form of relativism.

**Key words**

Contextualism, conventionalism, facts and values, Oakeshott, political theory, relativism

**Introduction**

Our aim in this article is to defend a contextual approach to political theory. Broadly speaking, such an approach suggests that the problems with which such a theory is concerned are always located in particular contexts, and that these contexts need to be taken into account when seeking to determine solutions to these problems. Defined this broadly, contextualism refers to an extended family of ways of doing political theory, rather than to one way alone. For this reason, we shall use the term ‘strong contextualism’ to refer to the particular version of this method which we endorse. Whilst this is a far from perfect label, we have chosen it since it does indicate that the sort of contextualism which we wish to articulate and defend here contains elements likely to be not only unpalatable for non-contextualists, but too rich for the tastes of other more ‘moderate’ contextualists too.[[1]](#endnote-1)

Contextualism, regarded as a method for the conduct of political theory, has been the object of serious and wide-ranging criticisms. In this article, we shall concentrate on what we regard as three of most serious of these. First, it has been argued that such a theory conflates facts and values. The charge, in other words, is that the contextualist muddles up the empirical description of a particular situation with the normative assessment of that situation. Second, it is argued that contextualism is a form of relativism, which, in addition to being logically incoherent, is also a faulty account of the relationship between normative knowledge and cultural context. Third, critics contend that contextualism is likely to be blind to the profound injustices which characterize some of the situations with which the theorist is concerned. Here the claim is that a theory which sticks close to context cannot get adequate critical distance from it.

Our aim in this article is to defend our conception of contextualism against criticisms of this kind. We shall not do so by withdrawing our commitment from the stronger and more contentious aspects of such a theory. On the contrary, we shall seek to justify a contextualist position which includes a number of elements which are likely to prove controversial. In particular, we shall contend that, theorists only acquire understanding of their own principles by appreciating the variety of ways in which they can be instantiated in different contexts; and, when seeking to pick out the most desirable solution from the range of feasible solutions, theorists should incorporate at least some local norms into their own set of principles. We believe that, if we can offer a persuasive defence of such a conception of contextualism, then we shall have made an important contribution to contemporary debates about the nature of political theory.

In order to make good on these various claims, our argument is structured in the following way. In the next section we present a number of the most important charges brought against the deployment of this method in political theory, focusing on those already mentioned above. In the section after that we explain why problems need to be placed in context, and suggest what the account of such a context should look like. Here we show how the theorist’s value-position shapes the social facts pertinent to the problem in question. In following section we explain how it is possible to identify the range of practicablesolutions which may be found to particular problems.

In section that follows we seek to identify those feasible solutions to particular problems which are desirable solutions too. In this section, we place emphasis on the way in which social facts affect value-positions. If this is put together with our earlier claim that value-positions shape social facts, then it is possible to see that strong contextualism is committed to a form of reflective equilibrium, according to which normative principles identify social facts, and at the same time those facts shape those principles. With this detailed account of our methodological approach in mind, we return in the penultimate section to the critique of contextualism. Here we seek to show how our approach is not vulnerable to the various charges which have been brought against it. In a brief conclusion, we reiterate our belief that strong contextualism is an appropriate and defensible method for the conduct of political theory.

**The critique of contextualism**

As we have just said, three particular charges – about facts and values, relativism and conventionalism – are to be found in a number of critiques of contextual approaches to political theory. In this article, we shall focus on these three charges, not only because of their frequency, but also because of their significance. If they are justified, then contextualism will have been shown to be an incoherent, illogical and uncritical way of doing political theory. Let us consider each of these criticisms in turn.

***Facts and values***

Focusing on Sune Lægaard’s account of this criticism, his target is the version of contextualism to be found in Tariq Modood’s political theory of multiculturalism. One particular charge that Lægaard brings against this theory is that it violates the fact/value dichotomy. There are, we would suggest, two distinct versions of this criticism, one simpler, and the other more complex.

The simpler version asserts that Modood is guilty of seeking to directly derive values from facts. Thus Lægaard argues as follows: ‘Modood initially uses the concept of moderate secularism as an empirically descriptive term ... But the term is also used in a prescriptive normative sense, as a political implication or requirement of multiculturalism’ (2008, p. 161). However, there is a logical gap between a description of moderate secularism and an appreciation of it as a desirable political arrangement. Lægaard’s conclusion is that ‘it is simply not convincing to argue for an *ideal* of multicultural accommodation on the basis of the *fact* of moderate secularism alone – further normative principles or other kinds of premises must be invoked to make any political case’ (2009, p. 77).[[2]](#endnote-2)

The second and more complex version of Lægaard’s criticism is that Modood is also in error when he uses what we shall call ‘facts-about-values’ to reach normative conclusions.[[3]](#endnote-3) Thus he asserts that Modood’s ‘kind of contextualism locates not only the description of inequalities but also the evaluation and assessment of them within a perspective that only takes contextual facts into account, including facts about norms and ideals that function as “operative values”’ (2012, p. 211, quoting Parekh 2005). The additional complexity to be found in this version of the criticism is that the contextualist’s description of a particular situation includes those local ‘norms and ideals’ which shape the beliefs and guide the actions of the individuals in that situation. Put in our terms, Lægaard’s point is that facts-about-values are not themselves values. His conclusion, in short, is that no amount of description – whether of facts or norms – can in itself provide a normative justification for what is being described.

***Relativism***

The second criticism of contextualism to be discussed here is connected to the first. It is argued that, since existing practices and norms vary from context to context, to argue that all values are justified in their own particular contexts is to commit oneself to a form of moral relativism. We shall call this criticism *relativism* in order to emphasize the fundamental idea that morality and justice are relative to the norms and practices to be found in particular contexts.

There are different versions of this criticism. This is how Veit Bader and Sawitri Saharsoput it: ‘All cognitive and normative knowledge ... is embedded in social positions, fields and modes of knowledge, cultural frames and history. *Strong* contextualists ... in moral philosophy exaggerate this embeddedness, rightly concluding that absolute knowledge is unachievable and wrongly concluding that anything goes (strong cognitive or moral relativism)’ (2004, p. 110). In a similar vein, Jacob Levy, in his analysis of various forms of contextualism, identifies one form which he calls ‘full-blown cultural relativism’ (2007, p. 195). He gives the example of Michael Walzer’s *Spheres of Justice* (1983), according to which, in Levy’s words, ‘justice is a matter of respecting a certain understanding of a society’s shared social understandings about the meaning and distribution of goods’ (2007, p. 193). In other words, according to this form of contextualism, justice is achieved when social practices and institutions cohere with their shared social meanings.

Let us again concentrate on Lægaard’s version of this criticism. In his analysis of contextualism, he identifies one particular variant which he calls ‘theoretical contextualism’. We would suggest that there is no significant difference between this and what we are calling relativism. According to Lægaard, theoretical contextualism seeks to directly derive normative principles from concrete institutions. In support of this interpretation, he cites Adrian Favell and Modood who ‘approvingly suggest that principles are “read off … interpretively from the … institutions [that] we in fact inhabit”’ (2014, p. 11, citing Favell and Modood 2003, p. 491). If Lægaard’s reading of this passage is correct, then it would appear Favell and Modood endorse a form of relativism since they assume that normative principles are ‘read off’ from and hence are relative to particular sets of social institutions.[[4]](#endnote-4)

According to these various critics, there are a number of things wrong with relativism. For Bader and Saharso, it is a bad account of moral knowledge since it exaggerates its ‘embeddedness’. According to Levy, relativism has ‘well-known weaknesses as an intellectual position’, and it is of no use resolving disputes between cultural groups, since it can only say that each group is right according to its own lights (2007, p. 195). Finally, for Lægaard, the charge of relativism is connected to the first: such a position violates the fact/value dichotomy since it contends that all existing norms – whatever they may be – are valuable.

***Conventionalism***

For some commentators, the third criticism to be discussed here is closely entwined with the first two. It has been argued that a theory which makes justice relative to context is unable to achieve critical distance from it. We shall refer to this third charge as *conventionalism* to emphasize the point that, according to the critics, contextualism is unable to provide a critique of the established conventions which characterize a particular situation.

A number of commentators present variants of this criticism. In the context of a discussion of the relationship between religion and state, Cécile Laborde associates Modood with a group of political thinkers whom she calls ‘tolerant republicans’. According to her, these thinkers ‘endorse a version of “status quo neutrality”’, where this ‘refers to a theoretical position which takes the existing distribution of burdens and benefits in society for granted’ (2009, p. 132). Consequently, tolerant republicans are not ‘sufficiently critical of existing church-state arrangements, and their potentially dominating effect’ (2009, p. 132). In a similar vein, Bader argues that ‘Tariq Modood’s Oakeshottian conservatism is a variety of strong contextualism and remains thoroughly grounded in the specific, particularist national British tradition’ (2012). Strong contextualist theories, according to Bader and Saharso, ‘have been rightly criticized for easily accepting status quo institutions (including all morally indefensible structural inequalities and power asymmetries) and uncritically reproducing insider wisdom and morally despicable intuitions’ (2004, pp. 109-10).

It will be useful to focus once again on Lægaard’s version of this criticism. He argues that contextualists are confronted by a trade-off between narrowness of context and critical distance:

Contextualists face a dilemma ... on the one hand, the narrower the context, the more the notion of ‘contextualism’ makes sense. But if the context only includes the facts[[5]](#endnote-5) of the specific case under consideration strict contextualists lack any critical distance allowing assessment of the case ... On the other hand, the more inclusive [i.e. wider] the context is, the easier it is for contextualists to find normative criteria that might provide a critical perspective. But then the notion of contextualism is quickly robbed of any significance, because the normative criteria are now invoked from a position outside the phenomena under consideration (2012, pp. 211-12).

In other words, the closer contextualists get to a particular context, the harder it is for them to take a critical perspective on it. To achieve such a perspective, contextualists must step back from that context. But the further they step back, the weaker their affiliation with contextualism becomes.

**Problems in context**

Having presented three of the most frequently voiced and most serious charges made against contextualism, we now need to describe the principal features of our version of contextualism before we can begin to defend it. In this section, we begin this task by explaining why political problems should be placed in their appropriate contexts. In this part of the argument, and in those that follow, two themes provide interconnecting threads. One is the role that context plays in the various elements of our theory, and the other is the relationship between its descriptive and normative aspects.

With regard to the first of these themes, our claim that context plays a vital role in our approach will come as no surprise. In the first place, the discovery of a problem will of necessity involve attention to its context. Had we not looked in that direction, at that situation, we would not have seen that problem in the first place. In addition, the characterization of problems is also dependent on context. In order to understand a problem, it is necessary to understand the context in which it arises. Furthermore, this is never merely a matter of describing facts or providing explanations. It will also involve understanding the norms embodied in concrete practices and institutions which are considered relevant to this particular situation. We present this part of our argument in this section. Finally, the analysis of potential solutions to problems will also require close attention to context. Our claim is that the local norms embodied in particular situations provide vital clues about how problems should be solved. We shall defend this claim in the section on ‘the selection of the best solution’.

It follows from this way of thinking about problems in their contexts that there are both factual and normative dimensions to the process of their discovery, characterization and analysis. For one thing, a complete account of a problem will combine a description of the pertinent facts, and an initial and highly provisional evaluation, of a particular situation. To take this a little further, our claim is that to describe a political problem is also to have some provisional idea of what things would look like if that problem were to be resolved – if, for example, a form of exploitation was ended or an injustice put right.

To illustrate our argument, we shall refer in this article to one particular example. This is the contention that Muslims in Western Europe suffer from inequality, and that political action is therefore necessary to address this problem and if possible to eliminate it. In terms of this example, the relevant facts would include things like discrimination in employment, how Muslims are portrayed in the media, the number of Muslims in public office, the incidence of harassment of and violence against Muslims, and so on. Each of these sets of facts helps to characterize a state of affairs that many people will hold to be normatively deficient, as a failure of existing norms, policies and laws, or a failure to have appropriate norms, policies and laws in place. Thus these sets of facts also point to an alternative state of affairs in which this normative deficiency is put right.

In order to explain more clearly what is involved here, we think that it is worth introducing three terms of art to refer to the three principal elements involved in the characterization of problems: these are ‘facts-about-facts’, ‘facts-about-values’ and the ‘value-positions’ which theorists take. The first and second elements taken together constitute an account of the problem in its particular context,[[6]](#endnote-6) whilst the third element is the perspective which the theorist brings to bear on that problem, a perspective which is partially shaped by the relevant facts.

We shall now say a little more about each of these components, beginning with facts-about-facts. With this term, we include all elements of the characterization of a problem in its context which, to put it rather broadly, may be regarded as descriptive (what a particular state of affairs is like) or explanatory (how that state of affairs arose). For example, facts-about-facts would include sociological descriptions of the present condition of British Muslims, and explanations of that condition could draw on notions such as intolerance or post-colonialism.

It must be emphasized, perhaps against what the phrase might suggest, that the identification of facts-about-facts is not a value-free process. Rather, the selection of a particular description of a state of affairs is determined by the value-position which is brought to bear on it. Another way to put this is to say that facts are only made relevant by norms. A normative framework casts a light on a situation, so that particular facts are made visible, whilst other potential facts remain obscured.

For example, a theorist who believes that what is really important about the situation of Muslims in Britain today is that they face systematic discrimination will invoke a set of facts-about-facts which she believes supports this claim. Another theorist, who looks at British Muslims through the lens of a theory of recognition, will invoke a different (although quite possibly similar) set of facts-about-facts as part of his claim that this group suffers from misrecognition. Thus each value-position picks out certain facts-about-facts about Muslims in order to show that this group is unjustly worse off than others. We can see, then, that the analysis of a problem must refer to the facts-about-facts which explain its problematic character, but, in order to do so, such an analysis must be informed by a value position according to which a particular set of facts is germane.

The second of the three elements to be found in the characterization of problems is what we are calling facts-about-values. Under this heading, we would include reports of any norms and values pertinent to the problem under investigation. These would include accounts of the particular values to be found in that specific context, but they might also include much more general notions of equality, fairness and justice where these are thought to have a bearing on the situation.[[7]](#endnote-7) For example, if the problem is the unequal treatment of religions in the UK today, then one relevant local norm might be the Anglican church’s attitude to other religions, whilst one relevant global norm would be the human right to freedom of religion. There are three important points to make about facts-about-values.

First, just like facts-about-facts, facts-about-values are not value-free either. They are not neutral observations about the norms and values to be found in particular contexts. Rather, when the political theorist declares that certain values are pertinent to the case in hand, her choice is guided by a value-position. For example, when addressing the problem of discrimination against Muslims in Britain today, one particular theorist might argue that the most important fact-about-value is a widely shared conception of equality of opportunity, whilst another theorist might emphasize instead a principle of parity of participation. Thus it is that theorist’s own values guide her identification of facts-about-values, determining which are emphasized, how they are interpreted, and so on.

Second, against the impression which may have been just given, the facts-about-values which are relevant to a particular situation are not just those which the theorist endorses, but may also include those which he rejects. For example, an egalitarian theorist investigating the unequal treatment of religious groups in the UK today, would find a particular conception of equality embodied in the Equality Act 2010. In addition, he would also discover certain racist norms at work in some of the institutions shaping the lives of British Muslims. It is important to emphasize that this situation is one that does not just confronts the theorist but also the actors in the situation under investigation. To take a case of a particular institution, in the 1990s London’s Metropolitan Police Service may have been formally committed to a range of values, including, for example, notions of impartiality and equal treatment. At the same time, the report of *The Stephen Lawrence Inquiry* concluded that it was also an organization characterized by institutional racism (Macpherson 1999). The important point is that a context, a set of social facts, typically consists of a plurality of facts-about-values which are unlikely to form a harmonious system, and indeed which are likely to be marked by contention and disagreement. Our claim is that in all actual and most imaginable contexts such a plurality of facts-about-values will be found, and that the understanding of this plurality will determine how the problem is understood, and indeed why it is regarded as a problem in the first place. We shall return to this important point in section entitled ‘the selection of the best solution’ below.

The final point to make about facts-about-values is that any theorist – including the strong contextualist – may initially overlook or misunderstand them. He might, for instance, misunderstand the conception of equality at issue in this situation, seeing it, for instance, in terms of toleration and/or socio-economic opportunities.[[8]](#endnote-8) By doing so, he may fail to identify Muslims’ struggle for recognition as a political group in their own right, rather than simply as objects of racism or as a group experiencing some degree of economic injustice (Modood 2005). To generalize, the theorist may be unable to fully appreciate the complexity, the character of the problem at issue, without a value-concept such as institutional racism, which may or may not be part of his value-position when he first engages with the problem in its context. As we explain below, it follows that whether facts-about-values are adequately understood by a theorist depends crucially upon his ability to adjust his value-position as and when necessary in response both to nuances within contexts and to variation across such contexts.

The third and final element to be found in characterizations of problems is what we are calling the theorist’s value-position. By this we mean simply to refer to the set of normative principles which the theorist invokes when assessing the problem under investigation. From the perspective of such a value-position, the most important thing to bear in mind is that it is the theorist’s set of values that determines which facts-about-facts and facts-about-values are regarded as relevant to a particular situation. To return to our concrete example, how is the disadvantaged condition of European Muslims to be understood? Some theorists will understand it in terms of the inequalities inherent in capitalism; for them, the condition of being Muslim or not is not directly relevant. Others will see it as just another example of the way that non-white people are treated in Europe. Yet others will insist that seeing a strongly religious self-identifying group in terms merely of class and racism is part of the marginalization or misrecognition that creates the problem in the first place. In short, from the perspectives of different value-positions, different sets of social facts will be highlighted as relevant features of the context in question.

Just as different value-positions may be applied to the same problem, so the same value-position can be applied to a variety of problems, and it is this that gives that position a certain universality of scope. Importantly, however, even where such a value-position is universal, it remains partly constituted by the diversity of actual contexts, and it follows that this position cannot be known independently of adequate knowledge of those contexts. Value concepts such as freedom do not manifest themselves uniformly in simple instantiations, but instead cover a range of different cases, and they are thus characterised by what we might call ‘diversity in unity’. To understand a universal principle, in other words, is to understand its complexity by understanding the variety of ways in which it can be instantiated.[[9]](#endnote-9)

From this, it follows that value concepts must be open to change and reconceptualization through consideration of new cases or instances of the relevant diversity. These new cases do not so much test or challenge the general concept as enrich it by showing the complexity of the universal as constituted by non-identical cases of the same concept. It also follows that we need to allow for the possibility that a theorist may encounter a problem partly constituted by facts-about-values outside her value-position’s current range. In this case, she risks overlooking some of the relevant facts-about-values, and thus risks misunderstanding the problem under investigation. With this in mind, it should be clear that, if the theorist is to understand a problem, she must be able to appreciate the limitations of her value-position, and be prepared to change or expand it as and when necessary.

This also means that the development of a theorist’s value position is very much dependent on some knowledge of empirical cases and hence, contrary to the view of non-contextualists, the ‘context of discovery’ is as important in political theory as the ‘context of justification’ (pace Lægaard 2014, p. 13). In other words, discovering principles is as important as the construction and sharpening of justifications for them. In relation to the case that we started with, namely Modood’s concept of ‘moderate secularism’, the institutional arrangements he speaks of are good because of a value-position and not just an empirical inquiry. As a value-position they stand in need of a justification as a version of political secularism. But the version in question did not first appear in political theory. Rather political theorists learned about this extension of the general value position by studying and reflecting on the institutional arrangements. Hence context here is part of the rethinking of secularism in political theory.

In this section we have shown how a theorist’s value-position influences her selection of particular facts-about-facts and facts-about-values. We have also suggested that some value-positions may not be broad and nuanced enough to identify all of the facts-about-values relevant to a context. In this case, it is vital that such positions can be modified or expanded in response to engagement with new contexts. To this cognitive argument about how the theorist’s reflection on her value-laden account of a particular problem may lead her to change her value-position, in the section after next we shall add a normative argument, namely, that our sort of contextualist endorses the general principle that weight must be given to some local values.

**The identification of feasible solutions**

So far we have argued that the contextual theorist’s value-position determines which social facts are regarded as significant for the characterization of the problem under investigation. If this is how problems should be characterized, then how about the solutions to these problems? We have already suggested that an account of the context in which a problem is located will necessarily include reference to norms according to which there is indeed a problem to be addressed. This account then points toward a situation in which these norms are realized and this problem thus solved. In order to flesh out this relationship between problems and solutions, and in particular to show what is distinctive about a contextualist’s version of this relationship, it will be useful to divide our discussion into two parts. In this section we show how the range of feasible solutions can be identified, and in the next section we show how the most desirable of these feasible solutions can be selected. With regard to feasibility, then, our question is this: what role do the two types of social fact which we have identified play in determining the range of feasible solutions to a particular problem?

To begin with facts-about-facts, it is clear that this sort of social fact is of considerable importance when considering feasibility. How things are has a strong influence on what can be done. Having said this, we want to insist that there is not a single concept of feasibility which can be applied in the same way to every situation. Rather, there are a range of conceptions of feasibility, where the choice of conception has significant implications for what is regarded as feasible and what not. For instance, with regard to time, ‘feasible’ could be understood to mean: possible tomorrow, possible in the medium term, or possible in the long term. Similarly, with regard to power, ‘feasible’ could mean: possible given the current configuration of political forces, possible given how political forces could be configured within the existing system, or possible if the political system itself could be changed. Similar distinctions could be made in relation to other aspects of conceptions of feasibility such as accounts of motivation, the possibility of trust and cooperation between different sections of society, and so on. What follows from this analysis is that the size of the set of feasible options depends strongly on the conception of feasibility chosen.[[10]](#endnote-10)

If the claim that facts-about-facts have a significant effect on feasibility is unsurprising, the claim that facts-about-values also do may be less so. To see how local values help to determine feasibility, consider the case of an egalitarian political theorist concerned about a problem which crops up in two societies, one largely although by no means perfectly egalitarian, and the other dominated by strongly libertarian values. It seems plausible to think that, if the theorist made the same set of recommendations for both societies, these recommendations would be easier to implement in practice in the egalitarian rather than the libertarian society. Since they would go with the grain of existing norms, these egalitarian recommendations would be more feasible in the former society than in the latter. It follows that, if the theorist wants to make recommendations which are equally feasible in both cases, then her proposed recommendations would have to be less ambitious in the case of the libertarian society than in that of the egalitarian society. Thus we can see why and how facts-about-values have a significant influence on feasibility.

What, then, is the attitude of the strong contextualist to the issue of feasibility? According to this sort of theorist, it is vital to pay close attention to context, otherwise one may not understand and respond appropriately to the social facts with which one is engaging. For the reasons given at the start of the previous section, the strong contextualist believes that context – comprised of all the pertinent social facts – is important in the processes of discovery, characterization and analysis of problems. It is for this reason that his conception of feasibility will be one which gives social facts considerable weight in his analysis. It does not follow from this, however, that it is necessary to defer to context to exactly the same degree in all cases. When the context in question is largely characterized by facts-about-values with which the strong contextualist profoundly disagrees, then – assuming he has understood these facts correctly – the theorist will choose a conception of feasibility which will enable him to couch his analysis in terms much closer to his own value-position. By doing so, his recommendations will, for the reasons we have explained, be less practicable than others, but they will be more consistent with his own values. In the next section, we explain why the strong contextualist may behave in this way, and why, even when he does so, he can still be regarded as a contextualist.

**The selection of the best solution**

Our task in this section is to show how, according to our version of contextualism, it is possible to select the best solution, or at least a reasonable solution, from the feasible set. Here the focus of our attention switches from the social facts characterizing problems in their contexts to the value-position which the contextualist brings to bear on these problems. So far our argument has been cognitive or epistemological. We have claimed that each value-position highlights a particular set of social facts, but that social facts in turn extend, enrich and qualify value-positions. We shall now add a normative argument to the cognitive one.

We begin our argument with the claim that our sort of contextualist endorses (at least) one general principle, according to which a certain weight should be given to (some of) the local principles to be found in particular contexts. To defend this principle, it is necessary to answer three questions. First, *why* give a certain weight to (some) local norms in one’s deliberations? Second, *which* norms should have weight? Third, *how much* weight should they be given? We shall seek to answer each of these questions in turn.

In order to answer the first question, we need to introduce what we shall call the idea of *identification*. Let us explain. Individuals have a strong tendency to identify with the institutions and structures which shape their lives, and with the values and norms which are embedded in them. They have a considerable amount of affective investment in these institutions and practices, not just in terms of individual psychologies but also in terms of the shared and cultivated identities which are bound up with them. This is because individuals have a social and collective dimension to their identities which is formed through education, socialisation and participation in shared practices and institutions. They value this dimension of their identities just as much as they value their highly personal characteristics and close relationships to their significant others. Both of these dimensions, in short, are important to their sense of who they are. It follows that radical changes to existing institutions and practices, and to the values and norms with which they are associated, can come at a cost to the individuals affected by such changes.

We believe that, in light of this account of identification, the evaluation of any proposed solution to a particular problem must include the costs of the changes required by this solution. To be more specific, subject to other considerations which we shall discuss below, so far as possible care must be taken to minimise unnecessary disruption to people’s sense of identity, and to limit the level of forced disinvestment from existing institutions and values which occurs. Of course, we would not deny that it is sometimes necessary to override those ties to current arrangements which individuals and groups have created and strengthened over time. This is because in such cases individuals have invested a part of themselves in the norms and practices which we think should be abolished. As we shall explain in a moment, in order to balance these considerations, the theorist’s recommendations should be based on intimations gleaned from an examination of the relevant problem in its particular context. For now, however, our point is that this identification and investment in existing norms and practices must be taken into account for reasons which are not only pragmatic but normative too.

Turning now to the second question, to which norms should weight be given? To begin with, it is essential not to lose sight of the plurality of identifications present in most contexts. A dominant group or a majority will have their own identifications and investments which may not be shared by subordinate groups or minorities. Hence the normative commitment to take local norms and identity investments seriously, which we regard as an essential feature of strong contextualism, must extend to identifying all the relevant investments and not just those of the dominant group, which are likely to be the most visible. We can explain the point further by reference to Oakeshott’s idea of politics as the pursuit of intimations of a tradition. For him, a political context always contains hints about of how things could be better: it

intimates a sympathy for what does not fully appear. Political activity is the exploration of that sympathy; and consequently, relevant political reasoning will be the convincing exposure of a sympathy, present but not yet followed up, and the convincing demonstration that now is the appropriate moment for recognizing it (1951, pp. 56-7).

But there is rarely one intimation present about what should be done, for tradition is a ‘multi-voiced creature’ from which it is impossible to get a ‘straight answer’ (Oakeshott,1965, pp. 90-1). As Paul Franco puts it, tradition ‘consists of a variety of beliefs, many pulling in different directions or competing with one another’ (1990, p. 132). In this case, to understand tradition as a source of suitable solutions is not to think that only one solution will present itself.

To this account we would add an emphasis on the importance of listening to new and dissenting voices. For example, the prevailing facts-about-values may include norms about freedom of speech in which self-restraint in relation to majoritarian sensitivities is taken for granted by some authors and publishers, whilst at the same time the racist mockery of minorities is described as ‘only a joke’. The contextualist will need to engage with such conflicts, and not merely endorse the status quo.[[11]](#endnote-11) This then is our answer to our second question about which norms should have weight for a contextualist. No political theorist will ever be in a position where she can simply read off certain values from a particular context. Instead, she must have a hermeneutic theory capable of guiding her choice and understanding of values. According to our theory, the interpretation of a particular context should pursue the intimations to be found there, whilst seeking to avoid unnecessary identity disinvestments, and actively valuing and including non-dominant identity investments.

Finally, we must explain how much weight should be given to those sympathies which the strong contextualist pursues. Building on our answers to the previous two questions, we think that she should be guided by, and seek to balance, two considerations. First, she should consider what relationship various local sympathies bear to her existing value-position, placing emphasis on those sympathies which cohere with her existing normative principles, whilst downplaying those that do not. Second, she should seek so far as possible to make recommendations which minimize the loss of identification which the realization of any recommendation would impose on participants in that situation. All of this is easily said, but not so easy to do.

In some circumstances, these two sorts of consideration point in the same direction. When an egalitarian contextualist addresses problems to be found in a largely egalitarian society, she is able to pursue sympathies which are close to her own normative principles, and in which people have strong affective investment. In this case, her recommendations will be based on, and attuned to, a richly detailed account of the context in which the problem under investigation is located. In other circumstances, however, these two sorts of consideration pull in different directions. If the same egalitarian now turns to examine a problem to be found in a highly inegalitarian society, then her existing normative principles, and at least some local norms, will not be easy to reconcile. In this case, she will need to take up a position more critical of the status quo, challenging important features of the situation in which the problem being examined is located. The strong contextualist accepts that taking this option does come at a price: putting her recommendations into practice would in this case entail some actors losing some of affective investment that they have in existing practices, structures and values.

We have now explained why the strong contextualist always pays close attention to context, but does not necessarily defer to all contexts to exactly the same degree . On our account, attention – and indeed deference – to context is the default position, and deviations from it must not be undertaken lightly. So far as possible, the strong contextualist makes recommendations which do not disrupt existing arrangements. At the same time, she accepts that there are circumstances in which it is necessary to make recommendations at odds with their existing shape and form.

**Our response to the critique**

In the previous three sections, we laid out our conception of strong contextualism in some detail. With this conception in mind, we shall now return to the three principal criticisms of this approach to political theory that we presented toward the start of this article.

***Facts and values***

It will be recalled that the first criticism of contextualism concerned the relationship between facts and values. It was argued that contextualism makes an unjustifiable leap from empirical description to normative evaluation: since this is how things are, this is how they should be. It may also be recalled that we identified two versions of this criticism, one relatively simple and the other more complex.

We think that the simpler version can be easily answered by adding in a value premise, or by making explicit a premise that is already there. To give an example, here is a simple argument which violates the fact/value dichotomy in the most obvious way: ‘there are nearly three million Muslims living in the UK today; therefore they should enjoy public recognition’. This argument seeks to directly deduce a normative conclusion from a fact about the size of a particular group within society. To fix this problem, a value premise something like the following can be inserted into, or made explicit in, the argument: ‘all groups above a particular size should enjoy public recognition since they are an important component of British society’. Although this premise is not one we would defend in this particular form, it does show how this first version of fact/value criticism can be answered.

With regard to the more complex version of this criticism, we would suggest that once again a solution is available. Here is another example, this time one which violates the fact/value dichotomy in a more subtle way: ‘British citizens are staunch believers in democracy; therefore Britain’s political institutions should be democratic’. Once again, a normative conclusion is directly deduced from a fact, albeit a fact-about-values this time. To fix this argument, the value premise to be added might look something like this: ‘justice is achieved when a society’s institutions cohere with its “operative values”’. This looks very much like the master principle animating Walzer’s *Spheres of Justice*, a principle according to which a just society is one in which social practices are fully aligned with their social meanings. We would not want to endorse this value premise either, but it does show how it is possible to defend contextualism against the second version of this criticism.

We want to suggest that this way of fixing the fact/value problem points us in the right direction, by suggesting that the addition of what we are calling ‘value premises’ helps to explain why certain values may be the right response to certain facts. However, given our account of strong contextualism, we think that there is more we can say in response to this criticism. Consider the three following features of our theory. First, we have acknowledged that there are both descriptive and evaluative strands to be found in the process of discovery, characterization and analysis of problems. However, although we argued that an account of a problem in its context combines empirical description and normative evaluation, we did not claim or imply that the evaluative strand could be directly deduced from the descriptive strand. Second, we have also argued that the complete account of a context in which a problem is located includes both facts-about-facts and facts-about-values. Here again, we did not try to move directly from facts to values. Indeed, we put it the other way around, showing that it is partly the theorist’s own value-position which gives particular social facts their salience. Third, we have explained why some local norms will have a certain normative standing in the contextualist’s analysis. They do so for explicitly normative reasons – both because these norms are sufficiently close to the theorist’s own values, and because the people on whom the problem in question impinges have an affective investment in existing practices and norms. Overall, then, although the conception of contextualism which we favour presents a complex account of the relationship between facts and values, at no point does it suggest that it is possible to deduce normative values directly from either facts-about-facts or facts-about-values.

***Relativism***

The second criticism of contextualism which we introduced was that of relativism. According to this criticism, contextualists make the mistake of thinking that morality and justice are entirely embedded in, and thus relative to, the norms and practices to be found in particular contexts.

In response to this criticism, we deny that our strong contextualism commits us to the claim that factual accounts of particular problems in their contexts automatically generate the normative responses which we should make to these problems, so that, in short, justice is relative to context. Certainly we have argued that value-positions are always at work in the identification, characterization and analysis of socio-political problems. However – and this is what gives an important part of the content to the description ‘strong contextualism’ – we differ both from non-contextualists and other sorts of contextualists about the extent to which value-positions can be independent of all contexts.

On the one hand, we do not want to reduce value-positions to specific contexts. On the contrary, we do acknowledge their universality. Although some actual value-positions may not be universal, it belongs to the logic of such positions that they legitimately aspire to be universal, that is to say, to cover the range of all possible situations to which they apply. On the other hand, we have also argued that this universality is qualified. Value-positions are not simply applied to contexts: they are influenced to some degree by the contexts with which they engage. This is because new and unfamiliar contexts lead to revisions and recompositions of value-positions, and thus the mark of these contexts can be found *within* the (remade) universal. This is what we mean by saying that value-positions are not fully independent of but partly constituted by the contexts from which they originate and to which they are applied.

Saying this does not make us relativists, however, since we are not repudiating universal principles. Rather, we are explaining what it is for principles to be universal, namely that they have the character of ‘diversity in unity’. Indeed, we have ourselves appealed to one universal principle when we stated in the previous section that ‘our sort of contextualist’ is ‘someone who endorses (at least) one general principle, according to which a certain weight should be given to (some of) the local principles to be found in particular contexts’. Strong contextualism, in other words, includes the *universal* principle which holds that the recommendations made in response to problems should be to some degree *relative* to local norms and values. In short, although we deny that we are embracing ‘full-blown relativism’, or exaggerating the ‘embeddedness’ of normative knowledge, we nevertheless remain committed to a form of strong contextualism which the critics reject.[[12]](#endnote-12)

***Conventionalism***

According to the last of the three criticisms with which we are concerned, the contextualist is a conventionalist since she has no principled basis on which to criticise the conventions which give shape to the situation in which a problem is located. In the worst case, the contextualist uncritically accepts the legitimacy of existing social arrangements simply because they exist.

In response, let us begin by suggesting that three spatial metaphors are doing a lot of work in this criticism. Let us call them *distance*, *breadth* and *location*. The metaphor of distance suggests that there is an axis which runs from proximity to distance, the metaphor of breadth suggests an axis running from narrow single-case contexts to wide multiple-case contexts, and the metaphor of location suggests an axis from the inside to the outside of a particular phenomenon. If this criticism is to work, then these three axes must be aligned in particular way. Proximity, narrow context and interiority need to go together to produce uncritical conventionalism. By contrast, distance, wide context and exteriority must go together in order to make social critique possible. If they do line up like this, then contextualists will be close to a problem, immersed in its context, and focused exclusively on that specific case. As a result, they will only have access to local norms which by their nature legitimate existing practices. By contrast, what we might call ‘critical theorists’ will step back from a problem, distance themselves from its particular context, and will thus be able to consider a range of cases. Consequently they have access to normative criteria which can be used to criticise the problem under investigation.

Bearing this analysis in mind, we can now ask whether the critics are right to argue that a choice must be made between proximity, narrow context and interiority, on the one hand, or distance, wide context and exteriority, on the other. We think that there are questions to be raised about each of the three spatial metaphors which are involved here. First, does proximity mean lack of critical distance? Why can’t it be the case that someone who gets close to a problem is better able to understand what is wrong and to see what should be done about it? And why isn’t it sometimes the case that a theorist misrecognizes an object because they look at it from afar? Second, does narrowness of context have to entail lack of critical distance? Why is it necessary to look at multiple cases to be critical of one? What rules out the possibility that a contextualist can critically assess a single case? And why isn’t it possible to lack critical distance even when considering a number of cases? Third, does interiority necessarily lead to conventionalism? Is it really the case that inside a context only local ‘operative norms’ are available, whereas outside that context ‘normative criteria’ also come into view? Finally, in light of our account of tradition as ‘a multi-voiced creature’, are ‘operative norms’ necessarily conservative, whilst ‘normative criteria’ are necessarily critical?

Having questioned the terms in which the critics present their charge of conventionalism, we shall now review various key aspects of our version of contextualism in order to show that a trade-off between contextualism and critique is not inevitable. First, as we have said, we do take local norms – what we call facts-about-values – seriously. We insisted, however, that it is the theorist’s value-position which enables her to identify – but sometimes to misidentify or to fail to understand – the local norms which are pertinent to the problem in hand. We also explained that, from the perspective of such a value-position, the contextualist will be able to make a distinction between those local norms which are compatible with her value-position, and those which are not. Thus the contextualist does not uncritically accept all existing local norms. Second, we have argued that, whilst the range of feasible solutions is partly shaped by the prevailing social facts, it is also shaped by the conception of feasibility which the theorist chooses. This means that, when considering feasibility, the contextualist will not simply assume that existing norms (and practices) are a given. Developing this point, our argument has been that, although the contextualist allows some local norms to shape her value-position, she does not permit all norms to do so, and she does not permit any of them to do so to their fullest extent. We argued rather that the contextualist chooses local norms by reference to two criteria: their compatibility with her own value-position, and the degree to which those individuals affected by the problem in question, both conservatives and critics, identify with those norms. In short, our sort of contextualist does get close to the context in which a problem is located, but this does not mean that she endorses existing social arrangements and values simply because they exist.

**Conclusion**

In this article we have defended a strong version of contextualism against a number of criticisms frequently levelled against it. In order to do so, our theory includes a number of elements, such as an explanation of why a theorist should value local norms, that are absent in other accounts. For some critics, our emphasis on the value of the norms to be found in particular contexts suggests a form of conservatism. Having discussed and dismissed this charge, we would like to close with the counter-suggestion that, far from being a form of majoritarian conservatism, strong contextualism has a particular affinity with multiculturalism. Central to a multicultural political perspective is commitment to the dialogical inclusion of minority sensibilities and perspectives in the institutional arrangements and formulations of policies that impinge upon the minority in question. In a sense, we have generalised from this idea in order to emphasise the importance of facts-about-values in the analyses and recommendations which political theorists make. Strong contextualism is therefore also consonant with a democratic ethos in political theory, according to which theorists should be meaningfully engaged with their fellow citizens’ concerns. While such engagement is not the only purpose of political theory, and such theory is not uniquely suited to such engagement, it can, as we argue elsewhere, be an important part of what we call public intellectual engagement.

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**References**

Bader, V. 2012. Normative or empirical comparisons? Available from: http://blogs.ssrc.org/tif/2012/01/09/normative-or-empirical-comparisons/?disp=print [accessed 13 March 2015].

Bader, V. and Saharso, S., 2004. Introduction: contextualized morality and ethno-religious identity. *Ethical theory and moral practice*,7 (2),107–115.

Barry, B. 2001. *Culture and equality.* Cambridge: Polity Press.

Carens, J. 2000. *Culture, citizenship, and community.* Oxford: Oxford University Press.

Carens, J., 2004. A contextual approach to political theory. *Ethical theory and moral practice*, 7 (2), 117-132.

Carens, J. 2013. *The ethics of immigration.* Oxford: Oxford University Press.

Durkheim, É. 1982. *The rules of sociological method and selected texts on sociology and its method*. New York: Free Press.

Favell, A. and Modood, T. 2003. Multiculturalism and the theory and practice of normative political theory. *In*: A. Finlayson, ed. *Contemporary political thought*. Edinburgh: Edinburgh University Press, 484–495.

Franco, P. 1990. *The political philosophy of Michael Oakeshott*. New Haven, CT: Yale University Press.

Laborde, C. 2009. Secularism and fair treatment for Muslims. *In*:M. Dimova-Cookson and P. Stirk, eds. *Multiculturalism and moral conflict*. London: Routledge, 131-148.

Lægaard, S., 2008. Moderate Secularism and Multicultural Equality. *Politics*, 28 (3), 160–168.

Lægaard, S., 2009. Normative interpretations of diversity. *Ethnicities*, 9 (3), 314–333.

Lægaard, S., 2012. Unequal recognition, misrecognition and injustice: The case of religious minorities in Denmark. *Ethnicities*,12 (2), 197-214.

Lægaard, S., 2014. Multiculturalism and contextualism: How is context relevant for political theory?, *European journal of political theory*, Epub ahead of print 16 December 2014. DOI: 10.1177/1474885114562975.

Levy, J. 2007. Contextualism, constitutionalism, and *modus vivendi* approaches. *In*: A. Laden and D. Owen, eds. *Multiculturalism and political theory*. Cambridge: Cambridge University Press, 173-197.

Macpherson, W. 1999. *The Stephen Lawrence inquiry*. Available from: https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/277111/4262.pdf [accessed 13 March 2015].

Modood, T., 1989. The Later Collingwood's alleged historicism and relativism, *Journal of the history of philosophy*, 27 (1), 101-125.

Modood, T. 2005. *Multicultural politics: racism, ethnicity and Muslims in Britain*. Edinburgh: Edinburgh University Press.

Oakeshott, M. 1951. *Rationalism in politics and other essays*. Indianopolis, IN: Liberty Fund, 1991.

Parekh, B. 2005. *Rethinking multiculturalism*. 2nd ed. London: Palgrave Macmillan.

Walzer, M. 1983. *Spheres of justice*. New York, NY: Basic Books.

Wittgenstein, L. 1968. *Philosophical investigations*. London: Macmillan.

**Notes**

1. We take the adjectives ‘strong’ and ‘moderate’ from Bader (2012). For more on the distinction between the two, see the next section. [↑](#endnote-ref-1)
2. For his latest formulation of this charge, see Lægaard (2014, pp. 11, 14). [↑](#endnote-ref-2)
3. For our conception of facts-about-values, see the next section. [↑](#endnote-ref-3)
4. It may be noted, however, that Lægaard goes on to argue that in practice Modood endorses a weaker form of contextualism which the former calls ‘methodological contextualism’ (Lægaard 2014, p. 12). [↑](#endnote-ref-4)
5. In the next section, we shall argue that these facts include what we call ‘facts-about-facts’ and ‘facts-about-values’. [↑](#endnote-ref-5)
6. When we wish to discuss both of these first two elements at the same time, we shall follow Émile Durkheim by calling them ‘social facts’, which for him embrace anything – including structures and norms – that exerts an external constraint over individuals. As he puts it, a ‘social fact is every way of acting, whether fixed or not, capable of exercising on the individual an external constraint; or again, every way of acting which is general throughout a given society, while at the same time existing in its own right independent of its individual manifestations’ (Durkheim 1895, p. 147). [↑](#endnote-ref-6)
7. It may be noted that when a very general value is invoked, it must be interpreted by the participants in that particular situation in their own particular way. [↑](#endnote-ref-7)
8. See, for example, Brian Barry (2001). [↑](#endnote-ref-8)
9. Cf. Wittgenstein’s concept of ‘family resemblance’ (1968, paras 65-67). [↑](#endnote-ref-9)
10. Our analysis here has some similarities to that of Carens, who places conceptions of feasibility along a spectrum between what he calls the ‘*real world presupposition*’ and the ‘*just world presupposition*’ (2013, pp. 303-04). Unlike him, however, we do not wish to imply that any point in the spectrum is more or less just than any other. Justice will be related to what is feasible in the circumstances, and not necessarily by imagining that the circumstances were other than they are. [↑](#endnote-ref-10)
11. Here multiculturalism, which has a natural affinity with strong contextualism, has a particularly valuable to play in making minority norms, sensitivities and vulnerabilities central to any analysis, and in exploring what adaptations to the status quo are necessary for minorities to be treated as equal citizens. [↑](#endnote-ref-11)
12. Cf. Modood’s (1989) defence of R.G. Collingwood against the charge of radical relativism and historicism. [↑](#endnote-ref-12)