



**“Towards a Good Enough Justice”: Gillian Rose, Interpretive  
Systemology, and the Introduction of British Values into  
Schools**

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by

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## Dedication

*Eileen Smith – 16.05.1947 – 25.03.2009*

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## Publications and Conferences

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## Abstract

Interpretive systemology is a systems approach asking researchers to explore different interpretations of a given social phenomenon or policy problem. While most systems approaches seek to support systemic intervention for social change, interpretive systemologists are mostly sceptical of interventions because they involve finding accommodations between stakeholders with different perspectives. It is these accommodations that allow people to define mutually-acceptable ways forward for organisations, communities or wider society, but this generally involves closing off critique so action can be taken. Instead of accommodation, interpretive systemologists value critique, and they see accommodation and critique as logically opposed.

This thesis acknowledges that, in the context of social policy, accommodation and critique are necessarily in tension, but it challenges the idea that they are logically opposed. Therefore, the thesis reconstructs some of the theory underpinning interpretive systemology so that it becomes meaningful to relate accommodation and critique together in research projects.

This reconstruction is achieved by drawing on the sociology of Gillian Rose, who examines what happens when a methodology prioritises critique over all other principles. She explains that this compromises any possibility of a positive normativity (a set of values or a pathway for action that people can commit to) because only negative normativity (overthrowing existing commitments through critique) is valorised. Rose also argues that we can work with concepts in tension (like accommodation and critique, or ethics and law) by acknowledging a 'broken middle' between them. The task of social policy is to continually work in the broken middle, knowing that it can never be mended, just navigated in practice when the two concepts in tension present decision makers with difficult dilemmas. This idea allows us to recalibrate the relationship between accommodation and critique in interpretive systemology, and the thesis argues that this recalibration is especially useful for analysing processes of marginalisation and conflict during policy interventions.

The reconstructed methodology of interpretive systemology is then applied to a study of the UK Government's 2014 policy that all schools must teach and uphold Fundamental British Values (FBVs). The existing literature on the FBVs reveals a diversity of perspectives, each grounded in different (mostly undeclared) assumptions about wider society. The methodology supports an explicit examination of the broader societal and institutional contexts that made the 2014 policy meaningful in different ways to various stakeholders: specifically, it enables the exploration of different understandings of how the FBVs generate or undermine the institutional preconditions for practical discourse in a manner that accommodates moral diversity within a liberal institutional framework. Three interpretations are provided: two competing liberal perspectives (realism and multiculturalism) and a somewhat-marginalized religious perspective, drawing on elements of Christian and Islamic theology. Although all three interpretations have some shortcomings in terms of their implications for social policy, the thesis argues that aspects of the theological interpretation offer the best prospect of working in the broken middle between accommodation and critique. This is because it embraces a reflexive notion of *transformative accommodation*, which signals the need for an emergent accommodation responding to critiques of the bi-partisan liberal mainstream and their explicit or implicit emphasis on *transformative constitutionalism*. Essentially, the idea of transformative accommodation requires critique as much as accommodation.

The insights from the use of the reconstructed interpretive systemology are compared back to the insights in the prior literature on the FBVs to demonstrate the added value that the methodology offers to social policy analysis.

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## Chapter 1 – Introduction: Fundamental British Values in Schools

In early 2014, a number of schools in Birmingham (UK) were purportedly coming under the control of governors and head-teachers with a shared project to systematically ‘Islamise’ students within the state school sector (Shackle, 2017). The truth of this has been contested on various fronts, ranging from arguments that there is a State-sponsored ‘witch-hunt’ against Islam, faith schools and multiculturalism in Britain (e.g. Farrell, 2016; Lander, 2016; Holmwood and O’Toole, 2018) to the idea that we are in danger of falling prey to stereotyping and paranoia reinforced by, and reinforcing, beliefs that ethnic majority and minority communities are living ‘parallel lives’ that barely come in contact with one another in an increasingly segregated British society (Cantle, 2001, 2014).

The subsequent report to the government by Clarke (2014: 12) concluded that there was “no evidence to suggest that there is a problem with governance generally”, nor any “evidence of terrorism, radicalisation or violent extremism in the schools of concern in Birmingham...”. However, Clarke (2014: 12) maintained that there was “evidence that there are a number of people, associated with each other and in positions of influence in schools and governing bodies, who espouse, sympathise with or fail to challenge extremist views”.

It is not the concern of this thesis to detail the case of the so-called ‘Trojan Horse’ affair (the metaphor of the Trojan Horse refers to the idea that people with an intent to indoctrinate children were hiding within schools that looked well-intentioned from the outside). Rather, my interest is in the UK government’s *response to Clarke’s report*: they formalised a policy that had previously been discussed in 2011 as part of the revised *Prevent* strategy (seeking to prevent extremism). This was the idea that staff and students should promote, uphold and teach ‘Fundamental British Values’ (FBVs) in all State schools. Subsequently, in their *Schools Inspection Handbook*, Ofsted (2014: 5), the agency responsible for school quality inspections in the UK, identified the FBVs as:

- “Democracy

- The rule of law
- Individual liberty
- Mutual respect for and tolerance of those with different faiths and beliefs and for those without faith.”

Ofsted, added that,

“Actively promoting the values means challenging opinions or behaviours in school that are contrary to fundamental British values. Attempts to promote systems that undermine fundamental British values would be completely at odds with schools’ duty to provide spiritual, moral, social and cultural development (SMSC)” (Ofsted, 2014:5).

The very idea of national values raises significant issues around the accommodation and critique of moral diversity, and it is these issues that are addressed in my thesis.

In 2014, the conservative journalist, Janet Daley, discussed the question of how teachers could be expected to teach the FBVs in a multicultural society. She claimed that the problem with multiculturalism is not ethnic variety, but *moral relativism*: i.e., multiculturalists claim that all cultures are equally deserving of celebration, even if they foster intolerance of the very diversity that those multiculturalists advocate. This brings us to the question of how a tolerant society should deal with intolerance. Daley’s (2014) answer is that the British government is entitled to demand that “ethnic communities not only obey the law, but also integrate with the mainstream society...(Unpaginated)”

Vincent and Hunter-Henin (2018) argue that, instead of resorting to broad accusations that “extremists” are undermining “our” values, government should be encouraging schools to develop political literacy and citizen engagement in all young people. They further contend that it is important for schools to foster in their students a willingness to engage with important moral questions via a process of wide-ranging debate, in order to encourage

genuine commitment to fundamental democratic values. Additionally, Vincent and Hunter-Henin (2018) say that the assertion of a particular set of values as 'national' is an expansion of State power in the face of increasing diversity and, as such, it is important for us to consider the context: why is this assertion being made at this particular moment in time?

I believe that these concerns regarding moral relativism (Daley, 2014) and historical context (Vincent and Hunter-Henin, 2018) illustrate Williams's (2008: 302) point that

“what first strikes us as a narrow question regarding how Islamic law and identity should, or might be viewed by the British legal system actually serves to highlight a breadth of issues surrounding jurisprudential monopolies in Western thought and society, which requires some general thinking about the nature of law”.

It also reveals the interpretive nature of conceptions of national values, and it stimulates two key questions to guide reflection on the development of policy:

(1) At what point does an accommodation of moral diversity, such as the claims of religious law and identity in liberal democracies, impede the freedom and ability of citizens to critique the claims being made? This is with regards to the actual call for accommodation and the means by which those claims are then translated into action to bring the accommodation into being. And,

(2) At what point does the freedom to critique the legitimacy of claims being made and actions being taken impede the necessity of accommodation (and the feeling that citizens have a stake in it)?

However, the answers posited by Daley (2014), on the one hand, and Vincent and Hunter-Henin (2018), on the other, demonstrate how the concepts of *accommodation* and *critique* are themselves subject to interpretation. These interpretations then determine how the two concepts are deployed methodologically with regards to navigating value pluralism within

national institutions. For instance, it could be argued that Vincent and Hunter-Henin (2018) prioritise Question 1, and then turn a blind eye to Question 2, as they value critique over accommodation. In contrast, Daley (2014) gives methodological priority to Question 2, which then determines her response to Question 1 (she largely neglects it).

In either case, the interpretive variety surrounding the FBVs themselves, and their social role in the accommodation and critique of value pluralism within a national framework, presents itself as a problem. Question 1 risks enabling a methodological prioritisation of *critique* of the FBVs, which may undermine the formation of an accommodation that is required in a pluralistic society to maintain at least a minimal level of civility in intercultural relationships. In contrast, Question 2 risks enabling a methodological preference for *accommodation* via the FBVs in ways that may constrain legitimate critiques by individuals and groups of the accommodations decided on their behalf by the State. Also, prioritising either accommodation or critique in the formulation of national policy risks the possibility of citizens feeling marginalised or alienated, when their own preferences for accommodation or critique differ from that of their government. Thus, a third question emerges to guide reflections on the development of policy: *how can we successfully account for both of the two questions above in a manner that prevents marginalization?*

This thesis introduces the social and political philosophy of Gillian Rose (1981, 1992, 1993, 1995, 1996) as a new intellectual framework that can enhance an existing systems approach: interpretive systemology (e.g. Fuenmayor, 1991a,b,c,d, 1997; Fuenmayor and Lopez Garay, 1991). Rose's work provides a rationale for navigating the two methodological principles of *accommodation* and *critique* within an interpretive-systemological analysis. This runs counter to one of the key ideas within the literature on interpretive systemology: Fuenmayor (1997:235) construes accommodation and critique as "logically opposed", yet (in line with Rose's thinking) I regard them both as necessary principles that have to be continually

(re)negotiated in relation to each other and in relation to dynamically evolving issues in society.

More details of the synergies between interpretive systemology and Rose's social philosophy are provided below. While the application area for the enhanced methodology is (as I have explained above) the UK government's 2014 policy that all schools uphold, teach and promote Fundamental British Values (FBVs), I extend the boundaries of interpretive-systemological analysis beyond the educative domain to look at the broader societal and institutional contexts that make the 2014 policy meaningful in different ways to political and religious stakeholders. This allows me to show that different interpretations of the FBVs are premised on different understandings of how accommodation and critique should be deployed as methodological principles in society.

So far, Rose's political philosophy has been applied within the disciplines of International Relations (Schick, 2012), Political Theology (Hyman, 2013; Brower Latz, 2018) and Sociology (Fuller, 2017). My thesis marks the first introduction of Rose's ideas to the transdisciplinary field of systems thinking.

In the process of explaining interpretive systemology, which is a systems-thinking methodology, Fuenmayor (1991d: 241-242) argues that our ability to answer the kinds of questions posed above is "dependent on the institutional preconditions for practical discourse among the general public...., and the institutional preconditions for practical discourse are, in turn, part of the field of study of interpretive systemology" (Fuenmayor, 1991d: 241-242). The research program of interpretive systemology (e.g. Fuenmayor and Lopez-Garay, 1991) seeks to comprehend the holistic interpretive sense, or the *social sense*, of phenomena by viewing those phenomena from different perspectives. It is "devoted to finding meanings to social practice" in order to open new possibilities that are "brought forth by interpretive discussion", replete with political consequences (Fuenmayor, 1991d: 241).



However, Fuenmayor (1997) views bringing about an *accommodation* as an intervention within what Heidegger (1954) calls a paradigm of *enframing*: i.e., a paradigm in which all things (including human beings and the natural world) are treated as resources for manipulation or consumption, rather than as ends in themselves. Thus, bringing about an accommodation involves an instrumental form of reason that is integral to the West-European, post-Enlightenment worldview that accompanies a prevalent, liberal, free-market hegemony (Heidegger, 1954; Habermas, 1972). Fuenmayor (1997) argues that the paradigm of enframing renders systems thinking (understood as metaphysical thinking) meaningless: systems thinking is perverted into a methodological resource to enhance the manipulation of human beings. His solution to this problem, which makes interpretive systemology different from some other systems approaches, is to focus on *critique as emancipation*, which is placed in logical opposition to *accommodation* on the grounds that critique seeks to overthrow a given order (this order being the result of a historical accommodation), and gain liberation from it. Superficially, this would appear to be a good thing, but I argue that it leads interpretive systemology to become a “despairing rationalism without reason” (Rose, 1996: 7) because it doesn’t have the normative capacity to conceive of the social justice to which it so often makes its appeal (e.g. in Fuenmayor and Lopez-Garay, 1991; Ochoa Arias, 1998). It is without this normative capacity because any positive notion of social justice implies the need for the accommodation of citizens to it, and (as we have seen) accommodation is viewed by Fuenmayor as a negative phenomenon requiring critique.

I therefore present the social theory of Gillian Rose (1981, 1992, 1993, 1996) as an alternative philosophical framework, which becomes compatible with interpretive systemology once we have removed this idea that accommodation and critique are logically opposed. It is compatible with this altered interpretive systemology because Rose proposes a very similar onto-epistemology to Fuenmayor (1991a,b,c). Also, her critical intent is similar to that expressed by Fuenmayor and Lopez Garay (1991), albeit without seeing accommodation as the enemy of critique. I argue that integrating the philosophy and methodology of interpretive

systemology with the thinking of Gillian Rose (also adding elements of theory from Schick, 2012, and Hyman, 2013, 2018, who follow in Rose's footsteps) provides a sound theoretical framework to conduct an interpretive systemic analysis of the 2014 introduction of the FBVs into schools.

Indeed, I argue that my reconstruction of interpretive systemology furnishes it with new capabilities. This is because it enables the identification, investigation and assessment of different normative conceptions of the social totality, the boundaries that are assumed by them, and the theories of jurisprudence and/or justice that are embraced because of these different normative conceptions and boundaries. Previous work in interpretive systemology has omitted to look at jurisprudence, possibly because the law asks citizens to accommodate themselves to it, and (as we have seen) Fuenmayor (1997) views accommodations as suspect in the context of enframing.

My methodological approach starts with the identification of a potentially problematic jurisprudential intervention (in this case the 2014 introduction of the FBVs into schools). In line with the original literature on interpretive systemology (Fuenmayor, 1991a,b,c,d; Fuenmayor and Lopez Garay, 1991), it then identifies various, contrasting *contexts of meaning* that might make a difference to the way in which the jurisprudential intervention can be understood. Situating the jurisprudential intervention within the different contexts of meaning then drives *thematic interpretations* of that intervention. In each case, assumptions about the necessity of accommodation and critique, and the relationship between them, are surfaced. This then provides the basis for a 'debate' between the different interpretations (orchestrated by the researcher, rather than involving external stakeholders), giving rise to an analysis of which interpretation is preferable.

There is a key concept in Rose's (1992) approach, the *broken middle*, that is critically important for this reconstruction of interpretive systemology, as it throws new light on the onto-epistemology underpinning its methodology. Of necessity, my exposition below is abbreviated,

and more details are provided later in the thesis. Fuenmayor's (1991a,b,c) onto-epistemology embraces the notion of recursion, e.g., between subjectivity and objectivity: subjectivities can be viewed objectively as the perspectives of biological human beings, but all seeming objective facts, like the one just stated, are seen from a subjective perspective. There is therefore a logically-paradoxical relationship between subjectivity and objectivity, and Fuenmayor (1991c) takes the existence of such paradoxes as the philosophical foundation upon which to build the methodology of interpretive systemology. In contrast, Rose (1992) argues that there are many pairs of concepts that appear logically-paradoxical and opposed in this manner, but instead of simply saying that this is how it is, Rose talks about the 'broken middle' between any two given concepts: i.e., an equivocal space in which we can work. It is our perpetual duty to attend to and negotiate the broken middle, whilst knowing that we can never fully bridge or heal it. Examples of other seemingly-opposed methodological principles (in addition to subjectivity and objectivity) where there is a broken middle include accommodation and critique, ethics and law, and holism and pluralism. It is exploring the normative tensions that arise from the broken middle between such principles that allows us to move "towards a good enough justice" (Rose, 1995: 116).

Justice is only "good enough" because claims to a perfect law necessarily involve the pretence that the broken middle has been eliminated. Rose persuasively argues that claims to the perfection of justice characterise totalitarian regimes, and especially Fascist ones: for instance, once the law is declared as the perfect embodiment of ethics, this eliminates the possibility of working in the broken middle to incrementally remedy the many injustices that inevitably occur, simply because the blunt instrument of the law is incapable of matching the huge variety of individual circumstances that people find themselves in. When the law has not been able to anticipate some individual circumstances, and injustices result, legitimate claims may emerge that changes in the law are needed. However, if there is a belief that the law is perfect (always ethical), such claims can be rendered invisible, and potential changes in the law therefore come to be still born.

Given that accommodation and critique are, like subjectivity and objectivity, seemingly-opposed concepts in a paradoxical relationship with one another, Rose's work gives us the opportunity of rethinking Fuenmayor's portrayal of critique as a social good and accommodation as a negative phenomenon associated with enframing. It becomes possible to work in the broken middle between accommodation and critique, doing the painstaking work of identifying when both accommodations and critiques are necessary and when they could be dangerous, knowing all the while that our perspectives on necessity and danger are inevitably limited, but our unavoidable interrelatedness and our desire for justice compels us to make judgements anyway.

I therefore contend that Rose's (1981, 1992, 1993, 1996) project provides an alternative philosophical framework that builds on the critical methodological intent of interpretive systemology while recovering the positive normativity that was lost when Fuenmayor advocated critique at the expense of accommodation. Indeed, I argue later in the thesis that this addresses all the criticisms of interpretive systemology advanced by Jackson (1992), Mingers (1992), Flood (1992) and Midgley (2000). This is because accommodation and critique, as methodological principles, are recalibrated within a framework of essential recursion by recognising the need to navigate the space between the two principles in order to define appropriate systemic interventions.

Below, I provide an overview of the whole argument of my thesis, structured into chapter summaries:

## **1.1 Overview of Chapters**

Chapter One is the introduction you are now reading.

Chapter Two contextualises and frames the 2014 FBVs intervention by arguing how and why it constitutes what systems thinkers call a 'wicked problem' (Rittel and Webber, 1973). Most importantly, the intervention is symptomatic of a broader political turn away from

multicultural policy, together with a resurgence of the idea of the primacy of the Nation State (hence national values). However, there is also discourse around jurisprudential monopolies, and particularly their role in the accommodation and critique of moral diversity in Western liberal democracy. The combination of these contextual issues with divergent perspectives on the legitimacy or otherwise of introducing the FBVs into schools, constitute the wicked problem: the ability (or otherwise) of a common framework of national identity characterised by the FBVs to successfully accommodate moral and ethnic diversity.

Chapter Three introduces Vickers's (1983) idea that liberal institutional societies operate with a dialectic of enablement and constraint, and I argue that this generates the grounds for accommodation and critique as methodological principles. I then turn attention to the academic literature regarding FBVs in schools, illustrating how the use of particular philosophical frameworks embodying assumptions about the value of either accommodation or critique lead to radically different conclusions about whether the FBVs initiative is either enabling societal cohesion or marginalizing minority communities. The diversity of perspectives on this, each grounded in different (mostly undeclared) assumptions about wider society, leads me to propose the need for a systems analysis in order to extend the boundaries of study beyond the educative domain to look more explicitly at the broader societal and institutional contexts that made the 2014 mandate meaningful in different ways to various stakeholders.

Chapter Four then asks what a systems analysis might look like. I utilise Midgley's (2000) metaphor of three 'waves' of systems thinking to identify different types of methodology that could be candidates for structuring a systems analysis of the 2014 FBVs intervention. It is this overview of the literature on systems methodologies that leads me to select interpretive systemology as a significant focus, primarily because it interrogates different perspectives on a problematic phenomenon without assuming that a 'perspective' is just the expressed viewpoint of a stakeholder (that stakeholder may not be aware of many of the taken-for-

granted assumptions that their viewpoint is based on). Rather, interpretive systemology asks the researcher to look at different *contexts of meaning* that can lead to different interpretations of the problematic phenomenon. This means that philosophical assumptions and the wider historical and social context become relevant to understanding the diversity of perspectives on something like the 2014 FBVs intervention, which is what I had already identified was needed. Nevertheless, as I read papers on interpretive systemology (particularly Fuenmayor, 1997), I became aware of the issue discussed earlier: interpretive systemology regards critiques as beneficial, but accommodations as deeply suspicious, leading to the loss of positive normativity, given that any positive vision of justice or the law entails accommodating citizens to it. Midgley's (2000, 2011, 2022) systemic intervention approach (which embraces the creation of new methodological ideas by combining elements from other theoretical and methodological sources) is therefore deployed in this chapter to justify the reconstruction of the philosophical and social-theoretical ideas underlying interpretive systemology.

Chapter Five reviews the philosophical framework and methodology of interpretive systemology in more detail. It then identifies relevant criticisms of it within the systems literature before pointing to how the social philosophy of Gillian Rose (1981, 1992, 1993, 1995, 1996) can help. I argue that Rose's contribution does three things: it addresses all the criticisms of interpretive systemology in the literature; it resolves my own concern with the loss of the principle of accommodation; and it preserves the critical intent of interpretive systemology while enhancing it with respect to intervention. This generates the first research question for my thesis:

1. What does a reconstructed interpretive systemology that addresses the criticisms of it and doesn't devalue accommodations look like?

Chapter Six answers the first research question by presenting Rose's project (1981, 1992, 1993, 1995, 1996) in some depth. The synthesis of interpretive systemology and Rose's political philosophy is the first original contribution to knowledge of this thesis.

This then leads on to the second and final research question for the thesis:

2. What does an interpretive-systemological analysis reveal about perspectives on the wider context of the FBVs that is not already in the schools-focused literature?

Chapter Seven then answers the second research question by applying the reformulated interpretive systemology in an examination of the possible social roles of the FBVs. An analysis is undertaken of three interpretations of how the FBVs generate the institutional preconditions for practical discourse in a manner that accommodates moral diversity within a liberal institutional framework. These three interpretations stem from two competing liberal perspectives (realism and multiculturalism) and a somewhat-marginalized religious perspective, drawing on elements of Christian and Islamic theology. We see in this chapter that the three interpretations carry with them very different assumptions about the nature of accommodation. While none of the interpretations are immune from criticism, I argue that the religious one actually offers the best prospects for working in the broken middle between accommodation and critique, and indeed it embraces the notion of *transformative accommodation*, which signals the need for an emergent accommodation responding to critiques of the bi-partisan liberal mainstream.

For instance, I argue that unique factors in the history of Britain have given those advocating transformative accommodation access to influence in the institutions of government – an influence that is mostly absent in other Western democracies. Therefore, in the British context, the idea of transformative accommodation has a chance to take root. My interpretive-systemological analysis of the wider context of the FBVs is the second contribution to knowledge in the thesis.

Chapter Eight then concludes the argument, showing how I have addressed my research questions, and I end by discussing the limitations of my analysis and possible avenues for future research.

## 1.2 Conclusion

By its conclusion, the thesis will have answered the two research questions raised above:

- 1) What does a reconstructed interpretive systemology that addresses the criticisms of it and doesn't devalue accommodations look like?
- 2) What does an interpretive-systemological analysis reveal about perspectives on the wider context of the FBVs that is not already in the schools-focused literature?

The thesis will have made an original contribution to knowledge via a synthesis of interpretive systemology and Rose's political philosophy, marking the first introduction of Rose's project into the systems literature. A second contribution to knowledge will be the interpretive-systemological analysis of the FBVs. I will have demonstrated that use of the methodology of interpretive systemology extends the boundaries of our knowledge beyond the previous literature on the FBVs, which focuses almost exclusively on the domain of education policy.

I will now turn my attention to Chapter Two, which will argue that the 2014 FBVs policy constitutes what systems thinkers term a 'wicked problem' (Rittel and Webber, 1973).



## Chapter 2 – Wicked Problems

The purpose of this chapter is to provide an interrogation of how and why the FBVs directive came to be introduced into the school context at the time it did. I will characterise the broader interrelated issues (and wider discussions about citizenship, law, national values and common belonging) as what many systems thinkers describe as a ‘wicked problem’ (e.g. Rittel and Webber 1973: 155-169; Sydelko et al, 2021). Unlike ‘tame’ problems, such as those that can be solved through the use of mathematical modelling, Rittel and Webber (1973) show how ‘wicked’ problems typically involve many interlinked issues cutting across typical silos (such as education, health, economy, etc.), thus garnering the interest of multiple agencies, as well as the wider public generally. Wicked problems also often involve dealing with multiple levels of governance, such as the local, the national and the global. Furthermore, there is often conflict over desired outcomes and/or the means by which we achieve them, which, when combined with questions of power relations, makes change difficult. Finally, wicked problems are often characterised by pervasive uncertainty regarding the possible outcomes of social policy interventions.

Specifically, Rittel and Webber (1973: 161-167) lay out ten criteria for defining a wicked problem. First, there is no definitive formulation of a wicked problem, and the process of solving the problem is identical with the process of understanding its nature – policy makers generally learn more about the characteristics of the problem by acting upon it and gauging the response. Second, a wicked problem has no stopping rule, which contrasts with tame problems that have clear criteria telling decision makers when they have been solved. Third, solutions to wicked problems are not true-or-false, but good-or-bad, and what counts as ‘good’ can be contested due to competing ideas about what matters. Fourth, there is no immediate solution to a wicked problem, and no longer-term test to say it has been solved: policy interventions can only aim for an intended outcome and hope for the best, but often have unintended outcomes that generate further problems, so the issue morphs rather than ends. Fifth, every solution to a wicked problem is a "one-shot operation"; because there is no

opportunity to learn enough prior to intervention to be certain of success, every attempt counts significantly. Sixth, wicked problems do not have an enumerable (or an exhaustively describable) set of potential solutions, nor is there a well-described set of permissible operations that may be incorporated into a plan. Seventh, every wicked problem is essentially unique. Eighth, every wicked problem can be considered to be a symptom of another problem, as well as a problem in its own right. Ninth, changes in variables that are parts of a wicked problem can be explained in numerous ways. The choice of explanation determines the nature of the policy response, but there are always alternative possibilities. Tenth, the planner has no right to be wrong: planners and policy makers are blamed for negatively-perceived consequences of their actions, because those consequences can matter a great deal to stakeholders (Rittel and Webber, 1973: 161-167). If, when examining a social problem, more than one of these criteria are met, the problem can be considered wicked.

I suggest that points eight and nine are of particular relevance to this chapter. Point eight states that every wicked problem can be considered to be a symptom of another problem.

That is,

“the process of resolving the problem starts with the search for causal explanation of the discrepancy. Removal of that cause poses another problem of which the original problem is a symptom. In turn, it can be considered the symptom of still another, higher level problem” (Rittel and Webber, 1973: 165).

Point nine, meanwhile, states that “the existence of a discrepancy representing a wicked problem can be explained in numerous ways. The choice of explanation determines the nature of the problem's resolution” (Rittel and Webber, 1973: 166).

I will argue below that the policy of introducing FBVs into schools is symptomatic of a broader ‘wicked’ problem. This is the question of the limits (or rather boundaries) of a liberal

democratic framework of national identity characterised by the FBVs to successfully accommodate moral and ethnic diversity. This in itself raises two methodological questions:

(1) At what point does an accommodation of moral diversity, such as the claims of religious law and identity in liberal democracies, impede the freedom and ability of citizens to critique the claims being made? This is with regards to the actual call for accommodation and the means by which those claims are then translated into action to bring the accommodation into being. And,

(2) At what point does the freedom to critique the legitimacy of claims being made and actions being taken impede the necessity of accommodation (and the feeling that citizens have a stake in it)?

As we shall see, this is an issue which is open to a wide variety of interpretations, striking very much at the heart of questions of legitimacy, morality, authority and justice. Such questions reveal how concepts such as citizenship and law are far from unitary, but instead comprise multiple, often overlapping affiliations. My argument will help to show how the 2014 FBVs intervention constitutes a wicked problem, with particular reference to Rittel and Webber's (1973) criteria eight and 9.

In extending the boundaries of inquiry to questions about the balance between accommodating and critiquing aspects of moral diversity, I have two objectives. The first is to shift the focus away from the *Prevent* strategy, and the educational domain, by drawing a timeline of broader events and debates regarding multiculturalism, liberal democracy and the accommodation of diversity. We will see that the 2014 FBVs intervention is merely symptomatic of deeper issues in Western liberal democratic societies, such as the UK. For instance, I will briefly summarise how the principle of the separation of religion and the State in secular liberal conceptions of civil association and jurisprudence has perennially sought to

accommodate value pluralism within a national framework, but with varying degrees of success. I will then show how the postcolonial period has intensified this problem, and how education has historically been utilised as a space for fostering a metaphysics of nationalism.

My second purpose for widening the boundaries of my inquiry beyond FBVs in schools is to show the relevance of the works of two philosophers, Alasdair MacIntyre (1981, 1988, 1997) and Gillian Rose (1981, 1984, 1992, 1993, 1995, 1996, 1999), who provide arguments that serve to illustrate *why* balancing the accommodation and critique of moral diversity is a wicked problem in Western liberal democracies. Together, these two authors address underlying questions of morality, normativity, political power, authority, legitimacy, representation and jurisprudence.

## 2.1 Beyond Prevent

Let us start with the first of these purposes: I believe there is a need to shift the discussion surrounding civic engagement and national values away from counter-terrorism policies, and particularly the *Prevent* strategies (introduced by the Labour governments of the 2000s, and continued by the Conservative governments of the 2010s) that have been a perennial focus in the literature (e.g. Farrell, 2016; Panjwani, 2016; Holmwood and O'Toole, 2018). A House of Lords Select Committee (referred to here as 'The Committee'), tasked with addressing the question of citizenship and civic engagement in the 21st century, highlighted a number of problems with attaching debates surrounding national values and citizenship to such policies. The Committee (2018: 21) argued that the current framing of FBVs in schools within discourses surrounding terrorism, religious extremism and national security frustrates the effectiveness of the promotion of the FBVs. The Committee (2018: 21) therefore warned the government against promoting Britishness as a counter-narrative to religious extremism on the grounds that this merely serves to marginalise those who the term needs to inspire the most. The *Prevent* strategy and other aspects of the counter-extremism agenda comprise a poisonous debate, and discussion of FBVs is subsequently tarnished with the concerns of that debate,

potentially making them divisive to communities who feel targeted and under suspicion. This makes the values themselves problematic. The Committee (2018: 22) argued that counter-extremism is only aimed at a minority of people in society, whereas the promotion of the values seeks to create an integrated society for the population as a whole. A conception of shared British values provides an opportunity to offer a vision of what people in Britain believe, thereby *preventing the need* for counter-extremism interventions. At the same time however, Prevent could be seen as operating in the same space as FBVs in its attempt to halt the actions of those who know what the values are, yet actively choose to reject them. This serves to further highlight the importance of boundaries in questions of citizenship and national identity.

In stepping away from the narrow focus on Prevent and counter-terrorism, I want to show how the 2014 FBVs intervention can, and should, be read as a response to the government, media and public reactions to a lecture given by the then Archbishop of Canterbury, Rowan Williams, in 2008 regarding the relationship between civil and religious law in Britain. He argued the case for State recognition of some aspects of sharia (Islamic) law, and I suggest that it is the contentious relationship between civil and religious law which the 2014 FBVs policy actually tries to address. For instance, the Ofsted guidance (Ofsted being the national inspectorate for schools) states that, “If schools teach about religious law, particular care should be taken to explore the relationship between state and religious law. Pupils should be made aware of the difference between the law of the land and religious law” (Ofsted: November, 2014: 4). Moreover, in a speech to the Policy Exchange think-tank on July 9<sup>th</sup> 2018 (unpaginated), the Ofsted Chief Inspector for Schools, Amanda Spielman, asserted that,

“...while a variety of faiths, beliefs and customs can enrich our society, and respect for the values of others is a high priority, respect for the law must come first. There is no place for rules or customs whose effect is to demean or marginalise people or groups – equality before the law is a cornerstone of our society. This is why the rule of law,

together with a commitment to democracy, individual liberty and respect for the inherent worth and autonomy of all people, are the shared values of British citizenship from which everything else proceeds. These are ‘red lines’ which have to be defended.”

Holmwood and O’Toole (2018) interpret the FBVs intervention as a reaction to a perceived failure of ‘State multiculturalism’ (e.g. Cameron, 2011), the rise of nationalist populist discourses in the mainstream media, and inferred tensions between civil and religious law. For instance, Cameron (2011) argues that, “under the doctrine of State multiculturalism, we have encouraged different cultures to live separate lives...” (Cameron, 2011). Yet, for the purpose of this chapter and my broader study, I want to relate the 2014 FBVs statute to what we may call a *moral panic* (e.g. McLuhan, 1964; Cohen, 1972, 2002; Critcher, 2003; Goode and Ben-Yehuda, 2009) that followed the 2008 Rowan Williams lecture. Nayar (2006: 416) states that “moral panics are mechanisms integral to civic consciousness, generating debates, setting up norms of values, beliefs and behaviour, and are instrumental, finally, in the creation of legislation, and social regulations”. In particular, I present the following timeline as a series of (or, rather, a sustained period of) moral panics about multiculturalism throughout a decade characterised by a number of high-profile ‘Islamist’ terrorist atrocities in European cities, and a marked rise of authoritarian nationalist discourses in liberal democratic societies, such as those which shaped the election of the USA’s Trump administration and the UK’s referendum decision to leave the European Union in 2016.

## 2.2 Why FBVs is a Wicked Problem

Williams’s 2008 lecture was part of a Foundation Lecture series delivered to the Royal Courts of Justice on 7<sup>th</sup> February 2008, entitled *Civil and Religious Law in England: A Religious Perspective*. The lecture gained notoriety for its discussion of how certain aspects of sharia law might be officially recognised and incorporated into British law with respect to the settlement of family and civil disputes concerning things like marriage, divorce, inheritance and educational preferences. This idea was largely met with condemnation and outrage from

sections of the British public, which viewed any formal, legal recognition of Sharia in Britain with shock. Criticism from leading politicians was also noted, with *The Daily Telegraph* (9<sup>th</sup> February, 2008) quoting Jacqui Smith, the then Home Secretary, as saying: "I think there is one law in this country and it's the democratically determined law... That's the law that I will uphold and that's the law that is at the heart actually of the values that we share across all communities in this country."

On 11<sup>th</sup> February 2008, *The Guardian* quoted the spokesperson for the Labour Prime Minister, Gordon Brown, as saying it was clear that "British laws must be based on British values and that religious law, while respecting other cultures, should be subservient to British criminal and civil law".

Three years later, the subsequent Conservative British Prime Minister, David Cameron, speaking at the Munich Security Conference on 5<sup>th</sup> February 2011, proclaimed that:

"...we need a lot less of the passive tolerance of recent years and a much more active, muscular liberalism. A passively tolerant society says to its citizens, as long as you obey the law we will just leave you alone. It stands neutral between different values. But I believe a genuinely liberal country does much more; it believes in certain values and actively promotes them. Freedom of speech, freedom of worship, democracy, the rule of law, equal rights regardless of race, sex or sexuality. It says to its citizens; this is what defines us as a society: to belong here is to believe in these things. Now, each of us in our own countries, I believe, must be unambiguous and hard-nosed about this defence of our liberty."

Another three years following Cameron's (2011) speech, in March 2014, the so-called Birmingham 'Trojan Horse affair' broke in the UK press. The affair involved the claim that there was a plot to 'Islamicise' a number of schools, which culminated in the 2014 FBVs intervention. Holmwood and O'Toole (2018: v) argue that, early on, a narrative was established by the

Conservative government and the UK press that the affair represented a failure of multiculturalism. Supposedly, the “passive tolerance” decried by Cameron (2011), see above, gifted religiously conservative individuals an advantage in a situation where they remained unchallenged in their status as religious and ethnic minorities by local authorities and politicians. Holmwood and O’Toole (2018: 1) argue that the independent Casey Review into Opportunity and Integration (December, 2016), produced for the Department of Communities and Local Government, merely supported and perpetuated this narrative. For instance, Casey (2016) argued that discrimination and disadvantage was feeding a sense of grievance and unfairness, isolating communities from what modern British society has to offer. This was compounded by reports of “cultural and religious practices in communities that are not only holding citizens back, but run contrary to British values, and sometimes our laws” (Casey, 2016: 4).

I contend that a definite timeline of gestation can be seen in the six years between the immediate reaction to Williams’s (2008) lecture and the eventual birth of the teaching of FBVs in schools. One of the first reactions was from Prime Minister Gordon Brown, who appealed to British Values in his reply to Williams, suggesting that State multiculturalism had failed. Then, once David Cameron had become Prime Minister, there was his 2011 desire for a more ‘muscular’ liberalism (discussed earlier). This whole discourse reached a crescendo with the introduction of the FBVs as a prescriptive State intervention to address that perceived failure of multiculturalism, supposedly exemplified in 2014 by the so-called ‘Trojan Horse’ affair.

My concern in this chapter is how Williams’ lecture brought to the surface the theoretical debate covering a range of issues concerning the relationship between civil and religious law, and value pluralism generally in British society, bringing the whole issue to public attention.

Put differently, I believe that Williams (2008) raised two key questions:

- (1) At what point does an accommodation of moral diversity, such as the claims of religious law and identity in liberal democracies, impede the freedom and ability of citizens to critique the claims being made? This is with regards to the actual call for



accommodation and the means by which those claims are then translated into action to bring the accommodation into being. And,

(2) At what point does the freedom to critique the legitimacy of claims being made and actions being taken impede the necessity of accommodation (and the feeling that citizens have a stake in it)?

As an aside, which will be important later in the thesis, the co-existence and legitimacy of these two questions suggests that accommodation and critique are in tension, yet both are essential capabilities at the heart of societies that are able to both *remain relatively cohesive* and *reform themselves* (Etzioni, 1996). Pursuit of accommodation involving suppression of critique can result in a stagnant form of cohesion that crushes attempts to generate reforms, while pursuit of critiques that resist all forms of accommodation risk the fragmentation of society. Academics tend to highly value critique, so the immediate reaction to this last statement by an academic reader might be that critique can help us improve society, *and people can then cohere around the valuing of these improvements*. However, this is clearly a *form of accommodation* that has been galvanised in response to the critique! The two concepts are in tension, with accommodation and critique both capable of impeding each other in undesirable ways, but they can also be complementary and synergistic.

This therefore comes down to judgements that have to be made on the necessary *limits*, or (in systems terms) *boundaries*, of both accommodation and critique in any particular context, with respect to the rule of law in British society. For instance, Williams (2008: 296) argued that,

“if the law of the land fails to take account of what might be seen for certain agents as the appropriate rationale for conduct – such as protest against particular unforeseen professional requirements which may compromise a belief – then it significantly fails to *communicate* with someone involved in the legal process.”

### 2.3 Civil and Religious Law in the West

So, with respect to the 2014 FBVs intervention qualifying as a wicked problem, we can see from Williams's (2008) lecture, and the broader contextual 'turn away' from multiculturalism in political and public discourse, how the 2014 FBVs intervention is symptomatic of a much broader range of issues relating to the boundaries of the accommodation of value pluralism within a liberal national framework. For instance, we have seen how both the Oftsed guidance (2014: 4), and Spielman's (2018) speech to the Policy Exchange think tank, attempts to draw a clear divide ('red lines') between civil and religious law in social policy, with the latter being clearly subordinated to the former. Yet, as Williams (2008: 302) notes, what initially strikes us as a narrow question regarding how to define the relationship between civil and religious law raises the bigger problem of the interpretive variety surrounding jurisprudential monopolies, individual liberty, common belonging and group affiliation in citizenship. That the agenda can be expanded in this way points to the fact that the 2014 FBVs intervention meets Rittel and Webber's (1973) criteria eight and nine for defining a wicked problem (every wicked problem can be considered to be a symptom of another problem, and changes in variables that are parts of a wicked problem can be explained in numerous ways).

Reflecting on Williams's (2008) lecture, Ahdar and Aroney (2010: 8) argue that, whilst the separation of church and State has long been a fundamental constitutional feature of the structure of Western societies, this relation has now metastasised into the broader question of the prevailing relation between *religion* and the State via the Western colonial encounter and subsequent post-colonial period since 1945. Indeed, a central preoccupation of Enlightenment liberal thought has been the extent to which liberal conceptions of individual liberty and civil law, and religious conceptions of law and liberty, are able to both critique and accommodate one another (e.g. Hume, 1751; Kant, 1784, 1793; Hegel, 1807) as they vie for influence in the lives of individual citizens and communities within a broad national framework. I now want to briefly show how the liberal principle of the separation of civil law and religious law has generated a context comprising a wide range of wicked problems, of which the 2014 FBVs

intervention is merely symptomatic. I will also show how the liberal-democratic 'resolution' to the accommodation of value pluralism within a broader national framework is open to various interpretations; how the postcolonial experience in particular serves to highlight the interpretive variety; and how that interpretive variety gives rise to different (or alternative) political agendas for action.

## 2.4 Secular Liberal States: Assimilation or Accommodation?

While the concept of 'liberalism' is a little nebulous because it is so widely used by people with different agendas, Nelson (2002: 197) offers a working definition, characterising liberalism as concerned with the protection of individual freedoms from the power of the State, along with the power of other individuals and/or institutions. Liberalism advocates the toleration of different beliefs and values, and emphasises legal and political equality, seeking to ensure open access to social mobility and goods, as well as protecting the economic welfare and independence of individuals. Taylor (2007: 1-2) argues that, while the political organisation of pre-modern Western societies was connected, in some form, to a notion of an ultimate reality manifest in religious adherence, the modern liberal State is devoid of such a connection. Churches are separate from political structures, and religion, or its absence, is viewed as a private matter, with the wider political society being viewed as comprising adherents of myriad religious and non-religious traditions and perspectives. Furthermore, the public spaces of the West are now clear of religion, in that the norms and principles now followed, alongside the deliberations we engage in, seldom refer us to religious authority: each issue to be deliberated is instead viewed as having its own 'rationality' (a set of concepts and logics that are issue-specific). Yet, as Nelson (2002: 197) points out, liberals differ on the limits of protection and provision that the State and the law can and should provide with respect to disagreement and legitimate debate on what is to be regarded as fundamental or derivative in any given 'rationality'. In this sense, there are many liberal *theories* (plural) which can be viewed under the broader category of 'liberalism'.

For instance, beneath various policy responses to the question of the relationship between religious law and civil law generally, and Sharia law and British civil law in particular, are different attitudes to the secular, liberal State's treatment of the religious and cultural needs of minorities. Ahdar and Aroney (2010: 23) characterise these attitudes along a continuum with notions of *assimilation* at one end, and those of *accommodation* at the other. In its concentrated form, assimilation makes no allowances for minorities whatsoever, believing that the law is the law. Migrants, their progeny, along with indigenous people, are to acclimatise themselves to the dominant culture, and when believers find themselves in conflict with the general law, then it is not the State, but *they*, who must give way. If they are unable to do so, or refuse, then they will be required to face the consequences, such as fines, imprisonment, deportation, and so forth. However, Ahdar and Aroney (2010: 24) argue that it is doubtful whether a concentrated policy of assimilation has ever been practiced in Western liberal democracies, in that States have usually been prepared to grant occasional ad hoc concessions in instances where they remain uncontroversial and inexpensive to political integrity, yet would prove otherwise were they to be contested by law.

Accommodation, meanwhile, represents a shift in liberal democracies away from policies of assimilation towards multiculturalism as a preferential stance of governance towards migrants and minorities. As we have seen, multiculturalism has faced political attacks (e.g. Cameron, 2011; Casey, 2016; Spielman 2018), but our present point of concern refers us to the advent of self-consciously multicultural societies actively seeking to concede *due* allowances for difference. As such, a liberal and tolerant State is cognisant of religious pluralism, and a sincere call of conscience via *reasonable* accommodation of religious and cultural minorities, *within* the framework of a comprehensive system of law. Ahdar and Aroney (2010: 24) highlight that this does not mean accommodation at all costs, but, rather, an allowance of that which is *due* and *reasonable*, and in Western liberal democracies, what is reasonable is for respective governments and legislative bodies to decide with respect to interrelated concerns regarding public health, order, safety and the rights of others. Moreover, accommodation is rooted

within the existing legal body of constitutional norms, meaning that accommodation is viewed as a gracious *concession* dispensed by those who frame the single overarching law for all citizens. It is not the recognition of an opposing legal order, which some citizens, by virtue of their religious status, can utilise for their individual benefit.

Yet 'accommodation' is an elastic term, which Waldron (2010) argues may take two forms, broadly conceived. The first is exemptions from the general law, and the second is the enforcement of transactions governed by religious norms. With respect to the former type of accommodation, Ahdar and Aroney (2010: 24) contend that legal exemptions tend to be familiar and uncontroversial, such as the exemption of Sikh motorcycle riders from the legal obligation to wear helmets, and devout doctors abstaining from providing abortions. In some cases, exemptions may be more contentious, such as instances of the sacramental use of narcotics, as we find with marijuana and Rastafarians, or peyote and Native Americans. With respect to the latter type of accommodation, Ahdar and Aroney (2010: 25) argue that it is this to which Williams's (2008) lecture was referring in its description of parallel jurisdictions in the historical relation of civil and religious law in English society. That is, tribunals with limited powers having the ability to resolve certain disputes according to religious laws, with State co-operation in terms of the enforcement of judgements.

However, Talal Asad (2003: 191) advises us that 'the secular' is not to be conceived as the space whereby real human life progressively emancipates itself from the controlling, malign power of religion, as such an assumption leads us to construe religion as 'infecting' the secular space, or replicating theological concepts within its structures. For Asad (2003: 191), secularism goes beyond the insistence that religious belief and practice be confined to a space where it cannot damage political stability and influence 'free-thinking citizens', but, rather, it builds upon a particular conception of the world (see below).

## 2.5 The Metaphysics of Nationalism

Hallaq (2013) argues that the particular conception of the world highlighted by Asad (2003), above, is built upon a metaphysics of nationalism. Moreover, this is a uniquely European phenomenon borne out of experiences such as the Reformation, the European wars of religion, and the Enlightenment, which were then developed and exported via the industrial revolution and colonialization. For instance, with the industrial revolution and the colonial encounter came increasing levels of social division (both in Western liberal democracies, and in relation to many governments that were formed in the post-colonial period), which the liberal democratic State sought to contain via the creation of institutions such as the police, the prison service, schools and hospitals. In a thoroughly capitalist society, citizens needed to be educated in good conduct that fostered a social order, and this was largely conceived as the ability to work and produce. Discipline was thereby translated into a site whereby the citizen would be enrolled into a system of order and instrumental utility, with the institution of the school being such a site, designed to inculcate values and behaviours consistent with that order and utility (Hallaq, 2013: 98-101). As such, it is not coincidental that the 2014 British Values directive was introduced into schools: schools have long been ‘factories’ in which Western citizens are ‘manufactured’ (Postman and Weingartner, 1969).

Hallaq (2013) notes that the institutional, epistemic and bureaucratic forms of producing the subject of the State first preceded and then coincided in their operation with the rise of nationalism. Whilst, as a manufacturer of identities, nationalism is never fixed, it nevertheless remains a constant paradigm constructing citizens on behalf of the State: subjects who perceive themselves and their world in highly particular ways. Moreover, these are *politically integrated* subjects; integrated, not into a metaphysical or cosmic-moral order, but into the metaphysics of the State and its nation. Nationalism, therefore, is perhaps the most significant source and groundwork of meaning to its subjects, engulfing both the individual and the collective, producing the ‘I’ and the ‘We’ dialectically and separately. Not only does nationalism produce

the community and its realised individual members, *it is itself* the community and its realised individual members, for without all of these there is no nationalism (Hallaq, 2013: 105-106).

I believe that Hallaq's (2013) characterisation of institutions such as schools as playing a role in generating a metaphysics of nationalism can be evidenced: the UK has traditionally used the teaching of religion as the means by which such an end is explicitly realised. For instance, in the wake of the Munich Agreement in 1938, official British thinking was shaken by the German experience of the idealisation of the Aryan race in National Socialist ideology, in that such a belief had, in many ways, helped to unify and mobilise a country that some ten years previously had been to the very edge of political, social and economic implosion.

Consequently, there was a real and justified fear of the rise of totalitarian idealism in England, and so the political climate of the time demanded a moral and metaphysical legitimisation of the democracy that they were about to defend. The 1938 Spens Report on grammar and technical high schools argued that a remedy was to be found in religious education - a notion that was readily embraced and developed by the Archbishops of Canterbury and York in 1941. Thus, when the 1944 Education Bill, which was to introduce compulsory religious instruction, came up for debate in parliament, there was now a strong link between the cause of democracy and Christianity. Whilst other factors influenced the compulsory introduction of religious instruction (RI), such as the desire to move away from 'denominational particularism' (feuds between Christian denominations), White (2004) argues that the principal reason for the installation of RI as a compulsory subject in State schools was to foster a deeper sense of civic unity. This was via a move towards interdenominational religious education at a time when British society was in a very real fight for its existence.

However, White (2004) argues that, once the war was over and the threat of totalitarianism receded, the original justification for the installation of RI waned, taking on a new civic dimension: it was replaced by a more phenomenological approach, renamed Religious Education (RE), that looked to emphasise an understanding of religion as a subject removed

from national tradition, reflecting the myriad religions now found in post-colonial British society. Since this time, the primary objective of RE has been to encourage students to understand and respect the practices and beliefs of citizens from various other faith communities. A key advocate for the phenomenological approach was Ninian Smart. Smart (1975) argued that the classification of 'Religious Instruction' was problematic, in that it assumed there was an agreement regarding the content of belief that was to be passed on. However, this seemed out of touch with the increasingly plural and more open-minded society that had grown out of the 1960s, alongside the academic trends towards exploration and away from passive instruction (e.g., Postman and Weingartner, 1969) that had brought about a new classification of 'Religious Education'. For instance, Smart (1975) argued that there was a need to provide a detached account of the history, ethics, rituals, influences and developments, and so forth, within *various* religious traditions, and not the teaching of dogma. Religion should not be viewed as the 'handmaid of British Citizenship', in that moral education is the job of the school as a whole alongside the family and society at large (Smart, 1975: 1-8).

However, Panjwani (2014) cautions that the phenomenological approach risks creating an over-simplistic, homogeneous understanding of Muslims in the non-Muslim population. This is exacerbated by the tendency in many school textbooks and discussions of Islam to primarily focus on the religious aspects of the tradition as opposed to acknowledging that any tradition comprises vast swathes of competing *cultural* interpretations of what that tradition is and means to its many adherents (e.g. MacIntyre, 1988, 1997). Nevertheless, Panjwani (2014) suggests that the 'Trojan Horse affair' may well be a catalyst that heralds a turning point in the way that Islam (and even Religion more widely) is taught in schools, bringing a new opportunity to offer a deeper understanding of the complex intersection of the secular and the religious in public and private lives (Panjwani, 2014: 10).

With respect to the complex intersection of the religious and the secular in public and private lives, Hallaq (2013) argues that the metaphysic of nationalism generates dissonance for many



Muslims between what the State demands of them as citizens and what their religion demands of them as adherents. This is in the sense that the underlying metaphysical assumptions of the liberal democratic State (most notably the primacy of individual rights, and the metaphysics of nationalism) are in opposition to the underlying metaphysical assumptions of the Islamic tradition (which gives primacy to the duties of the individual to serve the wider, trans-national community, or *umma*, before God). So, when we consider that both the liberal and the Islamic traditions comprise many competing interpretations of what that tradition entails, we see how this reflects the characteristics of a wicked problem, outlined earlier. That is, that the dissonance between civil and religious law, and the concomitant dissonance between their institutions, can serve to generate a multiplicity of perceived problems, along with multiple interpretations of those problems and their possible solutions, with respect to the accommodation and critique of moral diversity within a national, liberal framework.

Whilst such a dissonance is not particular to Muslims *as such*, it nevertheless remains a particular concern to Islamic communities who have relocated to Europe in the post-colonial period, and for whom the secular, nationalist discourse of Western European liberalism is not indigenous. For instance, we have seen how the public and political response to both Williams's (2008) lecture and the so-called Trojan Horse affair are consequences of a new 'visible', assertive Islamic identity in British society (Cantle, 2001; Meer, 2010; Field, 2011; Michael, 2011) that raises questions over the place of religion in public life (Williams, 2008; Holmwood and O'Toole, 2018). Of particular interest has been the rise of 'Islamist' discourses that have been seen as driving a number of high-profile terrorist attacks by British-born citizens, the most notable being the 2007 London bombings. Cameron (2011) blames the adoption of multiculturalist policies by successive British governments for creating the space whereby such discourses were permitted to thrive, and which Holmwood and O'Toole (2018) contend led to the 2014 FBVs intervention, which sought to reassert the subordination of religious law to civil law in British society. This was in the wake of the so-called Trojan Horse affair discussed earlier, whereby it was purported that

a number of schools in Birmingham were seeking to promote 'Islamist' discourses through positions of influence within the school.

I now want to show briefly how the rise of 'Islamist' discourses came about as a result of the postcolonial experience, which sought to transplant the Western, secular conception of civil law, and the metaphysic of nationalism described by Hallaq (2013) above, into societies to which it was not indigenous, thereby enforcing a separation between civil and religious law. This resulted in a distorting and fragmented process generating binary interpretations of the relation between Sharia and civil law. As a wicked problem, this shows, not only how the rise of 'Islamist' discourses are themselves symptomatic of a bigger problem, but also illustrates how the interpretation of a given problem shapes its perceived solution.

## 2.6 Islamism, and Islamic Jurisprudence

El Fadl (2005) maintains that the postcolonial period, and the exportation of secular institutions to generate a metaphysic of nationalism in newly created States, created a vacuum of authority, and subsequent crisis of legitimacy with respect to Islamic jurisprudence.

Colonialism and the subsequent modernisation project in what we may class as traditionally Islamic countries such as Egypt, brought with it new elites of Western-educated, secular professionals, replacing the Sharia juristic class with a new class of Western lawyers, and Western legal systems and concepts. Moreover, native rulers, such as Egypt's Gamal Abdel Nasser, characterised by El Fadl (2005) as Western-educated, secular and nationalistic military men, scaled back the role of Sharia to be gradually swallowed by secular State legal systems. Many Sharia schools were closed down or left to become ruins (and later were turned into tourist attractions), whilst the private endowments which once funded them were nationalised as State property in a manner similar to the dissolution of the monasteries in 16<sup>th</sup> century England. This served to curtail the powers and intellectual heritage of the Islamic juristic tradition by relegating it to the margins of society away from any real sphere of political influence (El Fadl, 2005: 34-37).

This process created a vacuum in religious authority, and a crisis of legitimacy in modern Islamic jurisprudence, bringing into question the mechanisms for defining Islamic authenticity. This vacuum increasingly became filled by popular reactionary movements led by Muslims who were themselves unfamiliar with the diversity, precedents and accomplishments of past traditions, yet relied on unitary conceptions of Sharia and Islam to legitimise their aims and actions. They were Western-educated engineers, business graduates, medical doctors and physical scientists who proclaimed their own authority. El Fadl (2005) cites the al-Qaeda leaders, Ayman al-Zawahiri and Osama Bin Laden, as examples in this respect, with the former being a surgeon, and the latter a business graduate. Subsequently, the problem for El Fadl (2005) was not so much that *no one* could authoritatively speak for Islam, but rather that practically *every* Muslim with the slightest knowledge of the Qur'an and the traditions of the Prophet was suddenly qualified to speak and act on behalf of the Islamic tradition and Sharia law. Lacking the formal training in the history and traditions of Islamic jurisprudence, these self-taught 'jurists' reduced modern Islamic law and theology to "the extracurricular hobby of pamphlet readers and writers" (El Fadl, 2005: 39). Due to its marginalised and displaced position in the modern world, Islamic law was now an area that was ripe for "pietistic fictions and crass generalisations" (El Fadl, 2005: 33-44) as opposed to the highly technical and sophisticated discipline of social and textual analysis combined with complex interpretive practices that preceded colonialism.

El Fadl (2005) illustrates how figures like al-Zawahiri and Bin Laden were influenced by the Egyptian Salafi ideologue, Sayyid Qutb (1964). Qutb fused writers such as Mawdudi (1932, 1950, 1972, 1976), who was the founder of the Pakistani Jamaat-e-Islami Party that would shape Zia's Islamisation program of the late 1970s and early 80s, with Western philosophers, such as Carl Schmitt (1922), Oswald Spengler (1918) and Georges Sorel (1908). *Milestones on the Road*, widely regarded as Qutb's (1964) key work of influence, attempted to depict the perfect Islamic society, yet El Fadl (2005) claims that, in actuality, it did little more than add an Islamic flavour to a thoroughly fascist ideological construct dividing society into two: the truly

faithful against those who are living in the age of *jahiliyya* (pre-Islamic ignorance). Qutb's (1964) insistence was that the Qur'an is the only constitution for all Muslims, and the land needs to be governed in every area by Sharia law, with an obligation for the faithful to engage in violent struggle, and migrate to the land of pure Islam. Those who refused to do so were labelled as apostates or infidels.

For El Fadl (2005), Qutb's (1964) ideas on Sharia law are symptomatic of the aforementioned vacuum of authority in the Islamic tradition: Qutb was a schools inspector and Mawdudi a journalist. Neither were trained jurists, and their knowledge of the Sharia was limited to instinct, broad conjecture and caricature, as opposed to being a result of deep immersion within the disciplines and traditions of the juristic class. Both, along with the many others whom they inspired, relied on the construct that Sharia law is a set of inflexible, clear cut and strict positive commands covering and regulating all areas of human life and society; a cure-all, as it were. For both Mawdudi and Qutb, the implementation of their particular definition of Sharia law meant that God's perfect justice was being manifested (El Fadl, 2005: 82-83).

## 2.7 How FBVs is a Wicked Problem

So, to relate the above back to the question of *how* the introduction of the FBVs into schools constitutes a wicked problem with respect to governance and social policy, we can see that, in its mandate to protect the individual from the power of both the State and other individuals and/or institutions, liberalism seeks to separate religious institutions from civil ones. Yet liberalism is open to interpretation as to what is fundamental and peripheral in the accommodation and critique of moral diversity within a national framework (and such a framework tends to incorporate policies from across the continuum running from assimilation to accommodation). We have also seen how liberalism is tightly bound up with a uniquely European metaphysic of nationalism that is generated, proliferated, and legitimated by institutions such as the school, and that such a metaphysic serves to generate dissonance in

citizens between what the civil law commands of them publicly, and what their private ethical frameworks demand.

Concomitantly, the institutional model of Western secular liberalism has been exported, alongside the metaphysic of nationalism, via the colonial encounter to parts of the world to which it is not indigenous, resulting in the crisis of authority and legitimacy in Islamic jurisprudence characterised by El Fadl (2005) above. This in turn has produced the Islamist discourses that have served as an emollient to some British citizens, who have experienced the dissonance between the State and their religion with such acuity that they have felt marginalised – and marginalised to the extent that they have been prepared to commit acts of terrorism, such as the 2007 London bombings. This has served to legitimate a turn away from multiculturalist policies of accommodation, towards more nationalistic policies of assimilation, as evidenced in the reaction to Williams's (2008) lecture, the content of Cameron's (2011) speech, and the 2014 FBVs policy in the wake of the so-called 'Trojan Horse affair'. Spielman (2018) argued that the introduction of FBVs into schools was about imposing a 'red line' dividing civil and religious law.

So, the phenomenon of FBVs in schools is indeed merely symptomatic of a much broader problem of the accommodation and critique of the various claims associated with value pluralism, seen in the context of a national framework that cannot be all things to all people. At the same time, the way that the broader problem is interpreted shapes the proposals for resolutions, which is what we see in liberal policies of assimilation and accommodation, and the Islamist construction of binaries between the faithful and the infidel. Once again, this brings to mind criteria eight and nine in Rittel and Webber's (1973) characterisation of wicked problems.

So, having explained *how* the 2014 FBVs intervention qualifies as a wicked problem, in the context of UK government policy in particular and Western liberalism more generally, we now need to turn our attention as to *why* this is a wicked problem. I will answer the 'why?'

question by attempting to uncover some of the philosophical complexity and metaphysical assumptions that serve to both generate and propel wicked problems, such as the FBVs intervention, into the wider societies that then attempt to resolve them, or at least mitigate the perceived harms they unexpectedly generate. I will provide a brief exposition of the works of two thinkers, Alasdair MacIntyre (1981, 1988, 1997) and Gillian Rose (1981, 1984, 1992, 1993, 1995, 1996, 1999), who I believe articulate this philosophical complexity and underlying metaphysical assumptions, and who attempt to provide ways in which we may work within and navigate such complexity. Beforehand, I believe it necessary to provide a brief account of the philosophical context from which the work of these two thinkers proceeds:

## 2.8 Postmodernity and Western Legality

The question of the accommodation of Sharia law has become especially controversial and problematic from both an Islamic and a liberal perspective. The progressive secularisation of Western societies has precipitated a far-reaching sense of crisis with respect to its legal institutions, procedures, values, concepts, and so forth, in which the notion of the Western legal tradition, and the structure of Western legality, is under challenge.

As stated earlier, the 2010s were marked by the rise of populist political and public discourse, as evidenced in the 2016 UK decision to leave the EU, along with the controversial and divisive 2016-2020 presidency of Donald Trump. Yet we can see these events as symptoms of a deeper crisis of legitimacy: Adhar and Aroney (2010: 10-11) argue that there are forces internal to the West that challenge political motifs such as secularism and liberalism. These also emanate from the West's encounters with non-Western cultures, societies and philosophies following the collapse of colonialism, such as with the account of the rise of Islamism provided by El Fadl (2005) and Hallaq (2013) above, alongside the end of the Cold War and the advent of globalisation. These forces of change have led to many of the fundamental characteristics of the Western legal tradition being challenged. Not least is the notion that law transcends politics, coupled with the hope that it retains a sincere capacity for reform. Western law (that

is, the law of liberal democratic nation-States), is now routinely criticised, by academics and non-academics alike, as “irredeemably ideological and stratified, as an instrument of raw power, and as inherently monopolistic” (Ahdar and Aroney, 2010: 11).

What Ahdar and Aroney (2010) refer to, with respect to the internal critiques of Western legality mentioned above, are the various problems that have come into bolder relief since the advent of what we may generally term ‘postmodernism’. Broadly conceived, this is characterised by claims made by thinkers such as Nietzsche (1875), Heidegger (1927, 1954), Lyotard (1979), Foucault (1975, 1981) and others, who argue that knowledge and value systems are socially conditioned and historically contingent. They are then framed as the product of existing and/or historical power structures, with rationality and morality being particularly common targets. Thus, rational arguments and moral injunctions are seen as the justifications for perpetuating ideologies. If all accepted knowledge and morality is merely the result of exercises of power, and the legitimacy of this is rejected through critique, we are left with absolute relativism – there is no form of knowledge or morality that has more solid foundations than any other. Fuenmayor (1997) contends that, in contemporary society, this relativism has rendered any form of holistic or metaphysical thinking regarding the totality of social systems as ultimately meaningless. Instead, there is an emphasis on particularity and difference as opposed to universal, progressive meta-narratives, such as Marxism and/or the Enlightenment once offered.

Considered within such a context, Ahdar and Aroney (2010) argue that the controversy surrounding Williams’s (2008) lecture, and its proposal that Sharia be accommodated by British law, was a result, not just of disparate views regarding the nature and attractiveness of Sharia, but also it exposed “simmering subterranean unease about the identity of the West itself” (p.11). This identity crisis manifests in different ways within each Western society, with examples such as the French doctrine of *laïcité* (secularism) with respect to debates regarding the veiling of women in Islam. Nevertheless, there remains a collective tension as to how to

reconcile various secular principles (such as individual liberty, governmental religious neutrality and gender equality) with the accommodation of the diverse beliefs and practices of resident populations, both historically established and newly arrived. Moreover, this accommodation exercise, for Ahdar and Aroney (2010), is exacerbated when those seeking acknowledgement are immigrants of differing ethnicity from the domestic populace, as policy-makers are then called to contend with persistent xenophobic discourses, with advocates who utilise the controversy as an opportunity to be heard. Indeed, we have seen how Cameron's (2011) speech, and the 2014 FBVs intervention, came within a decade characterised by a number of high-profile Islamist and far-right terrorist attacks in the West, and a return of nationalistic and xenophobic discourses that moved from the margins to the mainstream of political discourse.

The ambit of Western liberalism, then, is the provision of a way of life wherein people of myriad religious commitments and worldviews are reconciled via some pragmatic, principled and enduring concept of civil association. Yet, Ahdar and Aroney (2010) point out that controversies such as those surrounding Williams's (2008) lecture, the so-called Trojan Horse affair and the 2014 FBVs intervention, combined with the wider trend towards a nationalism with limited nuance, suggests that there is cause for concern as to whether liberal secular Statecraft contains the resources to accommodate Islam without assimilating it into a derivatively Western, Christian species of thought. At the same time, there is as much cause for concern as to whether what can broadly be termed as the Islamic tradition, and its diverse adherents, can find the resources to accommodate themselves to Western liberal traditions and forms of life without collapsing back into binary representations, such as the 'believer versus infidel' narrative discussed by El Fadl (2005).

Having established some philosophical context, I can now come to the ideas of MacIntyre (1981, 1988, 1997) and Rose (1981, 1984, 1992, 1993, 1995) regarding the problem of how morality, political authority, representation and legitimacy have been conceived since the 18<sup>th</sup>



Century Enlightenment, and how talking about these things has been made increasingly difficult in the wake of postmodern critiques of Enlightenment thought beginning in the 19<sup>th</sup> century (e.g. Kierkegaard, 1843a, b, 1844, 1849; Nietzsche, 1887). These postmodern critiques became increasingly voluble in the latter half of the twentieth century (e.g. Heidegger, 1927; Foucault, 1969, 1975, 1981; Lyotard, 1979) in the wake of events such as the Wars in Europe, the subsequent Cold War, the experience of the Holocaust, the nuclear age, the collapse of communism and the advent of globalisation.

I believe MacIntyre and Rose are of particular relevance to understanding why the issues described above are propelling discourse surrounding the FBVs intervention. This is because they both address the question of why there is a “simmering subterranean unease about the identity of the West itself” (Ahdar and Aroney, 2010:11), and why this crisis of Western identity and legitimacy constitutes a wicked problem. They address the latter, albeit without using the wicked problem language itself, by characterising and unknitting the philosophical complexity generating such phenomena.

Despite some significant differences between the two authors, I would characterise Rose’s (1981, 1984, 1992, 1993, 1995, 1996, 1999) project as running along broadly similar lines to that of MacIntyre (1981, 1988, 1997). Rose offers a penetrating critique of post-modernism, and although MacIntyre is a critic of Enlightenment *modernism*, he doesn’t collapse into relativism. Indeed, Garcia (2003: 100-101) holds that MacIntyre (1981, 1988, 1997) never dispenses with the ideals of rationality, objectivity, justification or even ordered liberty, but rather critiques the identification of such concepts with their recent post-Enlightenment social manifestations and theoretical conceptualisations. Challenge and pluralism, in this regard, are but stages on the way to a reconceived reason and truth which, whilst it may never be fully attained, may be better approximated. Both authors confront and remain cognisant of postmodern, internal critiques of Western identity and legality, but they do so with particular sensitivity towards the relation between civil and religious law in Western societies, making their thought useful for

thinkers working within both secular liberal and religious traditions of critical enquiry. I believe this to be especially valuable with respect to the subject of Williams's (2008) lecture, the context and intent of the 2014 FBVs intervention, and the emphasis of Spielman (2018) on the 'red line' between civil and religious law, as discussed earlier.

I will now first show how MacIntyre's (1981, 1988, 1997) interpretation of the Enlightenment's atomising effects on modern moral discourse has subsequently generated problems with respect to political authority, legitimacy, justice and representation. I will then show how Rose (1995) provides an illustration as to how such problems have crystallised into the contours of a debate regarding libertarian and communitarian interpretations of legitimacy in postmodern liberal political thought. Rose (1995) argues that this debate is the result of a postmodern refusal to accept the essentially equivocal nature of metaphysical concepts such as justice, reason and truth, combined with a desire to forge an ethics separated from any metaphysical base. However, Rose (1984, 1992, 1993, 1995, 1996, 1999) contends that seeking to separate ethics from metaphysical thought merely leaves us with legalistic notions that help us identify general forms of injustice, yet these remain devoid of any underlying *positive* conception of justice from which our thinking about law can properly proceed. This then frustrates our ability to identify and address particular instances of injustice because of a tendency to use an all-encompassing conception of power-relations, which simultaneously makes all injustices appear similar, and renders any positive story of justice suspect because of its association with power.

## 2.9 Modern Moral Discourse

For MacIntyre (1981), whilst the Enlightenment was undoubtedly a welcome liberation from notions of theism and burdensome teleological thought, problems arise when we consider that "the elimination of any notion of essential human nature and with it the abandonment of any notion of a telos leaves behind a moral scheme composed of two elements [moral precepts and human rights] whose relationship becomes quite unclear" (MacIntyre, 1981:65). These

elements are a morality which has been robbed of its original teleological context, and a particular view of untutored-human-nature-as-it-is. Moral injunctions were originally made within the context of a teleology that had been designed to correct, educate and improve human nature, but Enlightenment thought lifted moral judgements that were inherited and derived from earlier teleological frameworks out of this context. As such, moral injunctions and judgements, whilst rationally articulated, merely came to reflect an individual's preferred outcome, thus reducing them to "forms of expression for an emotivist self which, lacking the guidance of the context in which they were originally at home, has lost its linguistic as well its practical way in the world" (MacIntyre, 1981:61-74).

A further problem for MacIntyre (1981) is that, within and outside academia, the *historical and particular* events of the Enlightenment are read with an understanding that history requires interpretation, and that interpretation is dependent on context, but the *philosophical ideas* associated with the Enlightenment are read as *ahistorical* and universal. One example of this is the Universal Declaration of Human Rights which, since its inception, has been the subject of much controversy, precisely because of claims to universality when many would say that any definition of human rights has to be historically contingent (Lockwood O'Donovan, 1996; Mayer, 1999; Tabandeh, 1966; Oh, 2008; Hogan 2015).

## 2.10 Representation and Law

For MacIntyre (1981, 1988), the central task of moral philosophy is to account for the rational authority of morals, and the failure of the Enlightenment is the failure to exhibit such an authority. Concomitant is the central task of political theory to account for the authority of political institutions. Political theory is centrally concerned with *political justifications*, which are the arguments advanced to demonstrate why members of a particular political society should or should not accept as legitimate commands as the utterances of someone claiming executive authority in that society. Or political theory may concern justifications for or against the laws, which are similarly claiming legislative authority (MacIntyre, 1997: 241).

Murphy (2003) tells us that, whilst there is a consensus within the academic politics community the central issue is that of political authority, there remains a similar consensus that no satisfactory account of that authority can be given. This has led to a number of writers abandoning questions relating to authority and whether and why political institutions have the power to give binding edicts. They focus instead on the question of legitimacy: that is to say, whether and why political institutions have the right to impose upon or coerce citizens within their respective domains. We shall see below how Rose (1996) believes the question of legitimacy has crystallised into two key strands in British liberal political philosophy, which are particularly relevant to understanding the theoretical context of the 2014 FBVs intervention. Meanwhile, for MacIntyre (1981, 1988, 1997), the failure of contemporary philosophy to provide a compelling solution to the question of political authority, and the turn from questions of authority to questions of legitimate coercion, has come about because political philosophers have framed their enquiries in terms of the modern liberal State, which is an insufficiently broad understanding of the relevant relationships and discourses within society that need to be considered. The modern State, for MacIntyre (1981, 1988, 1997), refers to a highly particular form of political organisation that exhibits territorial governance and has a centralised and hierarchical organisation of that governance with a rule of their citizenry that is direct and pervasive. The allegiance of the State's citizens is expected to take precedence over that which was formerly owed to family, clan, bishop, pope or caliph (Murphy, 2003:152-153).

MacIntyre's (1981, 1988, 1997) key critique of the modern State concerns its supposedly 'neutralist' stance. A State may be referred to as 'neutralist' when its claims to authority and legitimacy are based upon only those extremely thin conceptions of the good that are shared by all minimally rational members of that political society. For MacIntyre (1981: 283 - 295), such political justifications ultimately fail, and subsequently receive the allegiance of citizens only as a result of errors of thinking on the part of those citizens. Thus, neutralist States can only expect the support of citizens while they remain deceived.

The difficulty for MacIntyre (1981: 283 - 295) is not so much that we are unable to formulate plausible principles of justice; but rather, we are able to devise *far too many*, which are the results of various different justificatory procedures that we have no ultimate way of choosing between. Indeed, if different theories of justice make contradictory claims to universality, then we are without any way to decide on the principles as well as the procedures of justice (MacIntyre, 1981: 244-255). This does not mean that one conception of justice cannot emerge victorious over another, but no progress in this regard has been made so far (Murphy, 2003:153-156).

Therefore, the neutralist State must appeal either to a conception of the good that is thin enough to be accepted by citizens who have their own different and substantive conceptions of the good; or, if the State rejects neutralism, it must align itself in a relatively arbitrary manner with one amongst the competing substantive conceptions of the good. However, for MacIntyre (1981:283-295), neither of these approaches is satisfactory. This is because the neutralist State continuously becomes enmeshed in conflict between competing claims to justice, as discussed earlier: a thin conception of the good never appears adequate in comparison with deeper but conflicting understandings of it, and the State ends up relying for the allegiance of its citizens on errors of judgement or deception. Alternatively, if the State adopts one of the competing substantive conceptions of the good, it then has to enforce it through totalitarian action against those who disagree with it. For MacIntyre (1981), this is also objectionable because the State's decision-making processes are isolated from procedures of rational inquiry into the good, and decision-making proceeds hierarchically. Thus, a conception of the good is imposed from above without rational inquiry into whether it is defensible, and without adequate participation in decision-making by those whose lives will be governed in accordance with that conception (Murphy, 2003: 156-159).

We can now see how Cameron's (2011) call for a 'muscular liberalism' is paradoxical in several respects. It rails against a multiculturalism perceived as too thin for the purposes of generating

a national identity in the wake of terrorist attacks against Britain from its own citizens. However, it characterises multiculturalism as totalitarian in its emphasis on uncritical respect for ethnic minority cultures. At the same time, this 'muscular liberalism' was formalised in the 2014 FBVs intervention, which was signed into law without parliamentary debate (that is, enforced through seemingly totalitarian action against those who disagreed with it), and it similarly offers a seemingly arbitrary list of values which could likewise be perceived as too thin for purpose.

I would argue that MacIntyre (1981, 1988, 1997) helps us to understand why, in a context of competing ethical and legal traditions, and conflicting claims for justice with little prospect of resolution or finality, we can reasonably say the 2014 FBVs intervention is a wicked problem. For instance, we see how it is symptomatic of the broader problems regarding modern moral discourse and political authority discussed above. These make it difficult to strike a balance between the accommodation of moral and ethnic diversity and the space for critique that allows us to engage with potential problems and unanticipated outcomes that such accommodations might produce. In this context, how the problems are interpreted shape how they are to be resolved, in that the intervention of teaching FBVs in schools can be seen as an attempt to impose a new type of accommodation (revolving around accepting the FBVs rather than inter-cultural respect), with little attempt to justify this as superior to multiculturalism because, in our society, it is impossible to provide well-enough-accepted standards for rationally resolving which justice framework is superior.

The thinness of this FBVs initiative was almost anticipated by Williams (2008: 300), who maintains that, historically, societies that are culturally and ethnically diverse are ones where identity is formed in relation to different modes and contexts of belonging, or multiple affiliations. A danger arises out of acting as if the authority to mandate an abstract level of equal citizenship represents a civil order which then *allows* other identities to exist. For, if the reality of society is plural, then an abstraction of equality is a damagingly-inadequate account of common life, as it ignores and thereby fails to address the potential for some modes of

affiliation to become so marginalised or privatised that the outcome is a ghettoised pattern in society where particular interests and forms of reasoning are tolerated as matters of respect for privacy, yet they are never granted public legitimacy in the context of a continual debate regarding shared goods and priorities. Thus, Williams (2008: 302) argues that what at first strikes us as a narrow question regarding how Islamic law and identity should be viewed by the British legal system actually serves to highlight a deeper and broader issue of jurisprudential monopolies in Western thought and society, which requires some general thinking about the nature of law.

## 2.11 Rose's Social Theory

I now want to turn our attention to the philosopher, Gillian Rose (1981, 1984, 1992, 1993, 1995, 1996), for whom general thinking about the nature of law (desired by Williams, 2008) was a central preoccupation. I will first highlight a number of Rose's (1996) key ideas before discussing how she believes that the lack of concrete political authority in Western liberalism, and the subsequent move towards discussions of interpretations of legitimacy (as referred to by MacIntyre above), has crystallised into a stagnant debate which serves to identify injustices, yet eschews the normative metaphysical frameworks which allow us to address the more foundational questions regarding the nature of law itself. I will then briefly discuss how Rose (1996) understands the nature of law, and why she takes it to be the central object of philosophy, before I then turn our attention to the implications of Rose's project for helping us to understand why the 2014 FBVs intervention qualifies as a wicked problem.

Whilst in many ways markedly different from MacIntyre (1981), Rose (1996) is nevertheless working from a similar starting point with respect to moral discourse, postmodern critique and political authority. Rose (1996) suggests that, while a modern individual may find a platform for normativity within a tradition (in Rose's case, Judaism), the Enlightenment, following the Reformation, resulted in a number of cleavages or 'diremptions' between concepts that previously seemed unified, such as State and society, and law and ethics. Moreover, modern

and postmodern philosophies have tried to unify such cleavages when conceiving of the social totality, with catastrophic results, such as Soviet Communism and European Fascism. That is, both Soviet Communism and European Fascism sought to smooth away any equivocation or critical space between the individual, civil society and the State by homogenising these concepts into one fixed, unequivocal and unitary notion. Thus, when individuals diverged from the State in their political beliefs, this was perceived as an existential threat to the unity of society, justifying brutal repression and murder. A similar danger can be seen as inherent in the metaphysic of nationalism described by Hallaq (2018), particularly with the case of Fascism, and the swing towards populist nationalism in recent discourse.

Instead, if we are to remain committed to a principle of individual liberty, then we must accept that, despite our normative preferences, concepts like ethics and legality are torn halves of a whole that cannot be fully reconciled. Instead, we must work within the equivocal space between the two concepts. This is the 'broken middle', which Rose (1992) explored in her book of the same name, and in which we must try to work towards a "good enough justice" (Rose, 1995: 116). These concepts will be explored in more detail in Chapter Six, but meanwhile, for Rose (1993, 1996), it is the difficulty of working with equivocation that leads to the Enlightenment's failure to produce a definitive, binding secular moral code, and concomitant justification for political authority, and it is that same difficulty that leads much of postmodern philosophy, following Nietzsche and Heidegger, to abandon reason and rationality altogether.

## 2.12 The Contours of the Debate

Reflecting on the problems of modern moral discourse, political authority and representation, Rose believes that, in both the world of politics and philosophy, there is a very low tolerance of equivocation, resulting in the reproduction of dualistic ways of thinking and formulating public policy. In philosophy, 'truth' or 'reason', in their perennial or in their modern meanings, are charged with legitimising forms of domination in a similar manner to that described by Asad (2003) and Hallaq (2013), explained earlier. At the same time, in politics, across the spectrum



of Western political parties, there is a consensus that attributes the insufficiencies of welfare liberalism and socialism, manifested in the post-war period, to a waste of resources and bureaucratisation, and this indictment is extended to the very *principles* of government. Rose (1996) argues that, when faced with the equivocal nature of terms such as ‘truth’ or ‘reason’, there is a tendency to reject such principles outright under scrutiny. Yet wisdom, both theoretical and practical, develops when the different outcomes of ideas and policies are related to the predictable modifications and to the unpredictable contingencies affecting their meaning and employment. Wisdom, Rose argues, *works with equivocation* (Rose, 1996: 1-3).

Rose (1996) connects such ideas to a debate in political philosophy translating, in its extremes, into the political polarisation of ‘libertarians’ and ‘communitarians’. It is this debate which I contend is reflective of the competing interpretations of legitimacy in British liberal philosophy referred to in the discussion of MacIntyre (1981, 1988, 1997), and the paucity of concrete political authority discussed above. I believe this debate in turn propels much of the present public and political discourse regarding the assimilation or accommodation of religious and ethnic minorities. This is the same discourse that lies behind the controversy surrounding Williams’s (2008) lecture, Cameron’s (2011) speech, and the 2014 FBVs intervention, as described by Ahdar and Aroney (2010). On the one hand, we have libertarians defending the autonomy and independence of the individual as conceived in the legal notion of ‘civic rights’, which manifests in social and political concepts ranging from ‘entitlement’ to ‘free choice’ (e.g. Sleat, 2013). On the other hand, communitarians draw attention to the embeddedness of individuals in networks of shared meaning and social norms (e.g. Parekh, 2005). This debate, Rose (1996) believes, revives the earlier debate between the radical rights enshrined in the French Revolution, and the conservative response it provoked, appealing to custom and tradition (e.g. Burke, 1790).

For Rose, both sides of this debate derive institutional consequences from these opposed theoretical positions, with the ‘libertarian’ arguing for the minimal State and minimal taxation,

which then leaves the greatest possible range of decisions and resources to the 'free choice' of the individual. In contrast, communitarians argue that political identities are no longer formed by class allegiances (e.g., Booth Fowler, 1991, who takes it for granted that communitarianism is inherently conservative). However, in recent years some communitarians have enhanced their analyses with discussions of 'cultural pluralism' (Paul et al, 1994), which is far from a conservative discourse, and has resulted in commitments to communitarianism being shared across the old Right-Left divide. Cultural pluralists point to the post-colonial fragmentation of modern societies (e.g., El Fadl's, 2005, discussion of Islamism, discussed earlier), which has given rise to diverse sub-communities based on 'race', ethnicity, religion, language and gender, amongst other categorisations. Such a situation justifies 'identity politics': the promotion of preferential legislation to redress and advance the 'empowerment' of (historically and currently) disadvantaged cultural categories of people. In other words, Rose (1996) believes that we are given a choice between the arbitrariness of the 'libertarian' individual and the arbitrariness of the 'communitarian' interest group (Rose, 1996:3-4).

However, Rose (1996) argues that these two apparently warring factions are actually participating in the very archetype, which they claim to overthrow: that is, the proto-rationality of a prescriptive political totality, justified as the fulfilment of history, truth, freedom and justice – which is a dangerous unity of metaphysics and ethics. By maligning all putative universality as 'totalitarian', and seeking to liberate either the 'individual' or 'identity-based communities' from domination, both the libertarian and the communitarian disqualify themselves from any understanding of the actualities of structure and authority, even though such an understanding would have to be intrinsic to any conceivable social and political constitution. By failing to understand the actualities of power structures and authority relations, both the libertarian and communitarian leave these intact. One (libertarianism) presupposes formal-legal rationality, whereas the other (communitarianism) presupposes a rationality grounded in tradition, yet both legitimise a form of authoritarian domination in the name of freedom and/or justice. This arises from the attempt to develop normative political

alternatives without any preliminary analysis of the actualities and possibilities for freedom and justice, because any account of 'freedom' and 'justice' is deemed to depend on the 'metaphysics' of truth (i.e., no diremption between ethics and metaphysics is seen). Yet, when 'metaphysics' is separated from ethics (when the diremption of them is acknowledged), political paradoxes become visible. This is because Rose (1996: 7) believes that is impossible to produce a taxonomy which would sequester concepts of justice and the good from concepts of 'self-creation' or cultural identity, for the very formation of 'selfhood' takes place in the interaction between the mingled ethical and epistemological positings of the other, the partner in formation of our contingent and unstable identities (Rose, 1996:7).

### 2.13 Rose and The Law

Rose frequently (1996) demonstrates frustration, both with Enlightenment and post-modern philosophy, on the grounds that they have both claimed to speak about law, but have overlooked the *foundational* nature of law, instead offering a "legalism without law" (e.g. Rose, 1984: 1). Rose (1984, 1995) characterises postmodernism, from Heidegger (1927, 1954) through to Foucault (1975, 1981), as a movement that identifies injustice while lacking any *positive* vision of justice. Also, its theory of injustice tends towards a totalising, all-encompassing reading of the arbitrary world of power relations. This is in a manner which offers little by way of guidance for addressing specific injustices actualised by worldly law. This is a tendency which then repeats itself through to the present state of contemporary philosophy (also see Lloyd, 2018: 207-208).

For Rose however, law is basic, and ought to be the primary interest of philosophers. This is in the sense that philosophy, at its best, is jurisprudence; and, likewise, jurisprudence at its best exists beyond the courtroom, speaking about life in the world more broadly as we come to understand law as subjects of it, who are in an "encounter with law-giving and law-testing Reason" (Rose, 1984: 9). Lloyd (2018) describes a conference on the meaning of Jewish philosophy, where Rose (1992, 1993) reflected on two choices: either Jewish law should

contain within it all that is needed for ethical life, or we are forced to accept that it needs to be supplemented by a separate, independently-derived ethics. She chooses neither. This choice, is, rather, a product of modernity, where law and ethics have been split or dirempted. There is no way of avoiding this schism, and it must be acknowledged and struggled with, even though it is ultimately artificial. *The split between law and ethics conceals the normativity underlying both.* There is no reasonable way to access the law except through the diremption, as it is given in our very understanding of what law is, and to imagine otherwise results in distortion: the law is incapable of being perfectly ethical because it cannot account for every local context, and ethical behaviour can never be perfectly lawful, as it requires us to deal with situations in which the law is inadequate or unfair, so to believe that the law is fully ethical (i.e., to think we have fused the two) results in uncritical blindness to injustices. Instead, we have to struggle with the dilemmas the diremption poses.

Understanding the world as it is, including history and social structures, must precede understanding what is most fundamental, which is law in its broadest sense as *normativity*. There may be law beyond Jewish jurisprudence, but only when it is beyond is it 'an ethics', and thus the contemporary debate about the relationship between Jewish jurisprudence and ethics presupposes the split, inherited from Kant (1788), between an autonomous realm of morality and a heteronomous realm of legality. The historical specificity of this split must be acknowledged in order for us to know that we should reach for a law beyond the Jewish jurisprudence of *Halacha*. From this we see that the question regarding ethics and *halacha* is not a specifically Jewish problem, but a modern one that affects all religious traditions and philosophical positions in modernity, of which Kant's project is exemplary. No solution is offered by Rose (1992, 1993), but rather we are called to acknowledge the problem. This in turn allows us to address it directly in a manner that allows us to approach more closely that which the ethics/law diremption conceals, which is law in the broadest sense. Again, law as *normativity* (Lloyd, 2018: 209).

So, we can see how Rose's (1992) ideas regarding the broken middle, equivocation, and the centrality of the question of law in philosophy and social theory help us to understand *why* (rather than *how*) the 2014 FBVs intervention could be little other than a wicked problem. This is because the FBVs intervention is primarily concerned with the question of jurisprudential monopolies (civil versus religious), as highlighted in Williams's (2008) lecture. With respect to the discourse surrounding Williams (2008), the 2014 FBVs initiative, and the problem of the accommodation and critique of minority claims in jurisprudence, we can see how both the libertarian and communitarian discourses attempt to flatten any equivocation between metaphysics and ethics by subordinating one to the other. That is, both concern themselves with the ethics of freedom and justice, yet deny the metaphysical, normative frameworks which give rise to such ethics as a result of an inability or reluctance to work within the equivocal space that lies between the two categories. The space that opens as metaphysics passes over to ethics, and ethics passes over to legality. In each of these spaces is a manifestation of what we saw Rose (1992) characterise earlier as a 'broken middle'. However, as Lloyd (2018) shows above, Rose's project calls us to work within each manifestation of the middle in order to access the foundational normativity that underlies the diremptions between ethics and legality, between religion and the State, and between the State and society.

For instance, we can see how a 'muscular liberalism' (Cameron, 2011), drawing the 'red lines' (Spielman, 2018) which undergird the FBVs policy, seeks to close up the equivocal space between civil and religious law, and between ethics and legality, thereby generating dissonance in citizens and communities (e.g. Hallaq, 2013). Simultaneously, we see how this is directed towards an Islamist discourse (e.g. El Fadl, 2005) which seeks to do likewise, and which the government perceives as being viewed sympathetically by some British Muslim citizens and communities seeking to resolve that dissonance. We also see how Rose's (1996) characterisation of the debate between libertarians and communitarians brings to the surface the conceptual propellants of the tensions between the assimilation and accommodation discourses described by Ahdar and Aroney (2010) earlier; yet Rose (1996) exposes the lack of a

foundational normativity underpinning both. When this is combined with MacIntyre's (1981, 1988, 1997) account of the sheer multiplicity of theories of legitimacy generated out of the fragmented situation of modern moral discourse, then we come to understand why Ahdar and Aroney (2010) are correct in arguing that Williams's (2008) lecture exposed a "simmering subterranean unease about the identity of the West itself", leading to internal critiques characterising Western legality as "irredeemably ideological and stratified, as an instrument of raw power, and as inherently monopolistic" (p.11).

So, we find that this is a wicked problem, not just because it meets two of the criteria for it (as discussed earlier), but more fundamentally because both the 2014 FBVs intervention and the controversy surrounding Williams's (2008) speech are symptomatic of a bigger underlying problem that gives rise to the wickedness: that the multiplicity of interpretations of the legitimacy of ethics and laws in society are ultimately prohibited from being grounded in metaphysical foundations by those who (in different ways) collapse metaphysics, ethics and law into one another, insisting that the law (whether civil or religious) is *unequivocally* both ethical and reflective of the nature of the individual, the collective or God. If we were to treat metaphysical foundations as equivocal, this could provide the normativity to place in a diremptive tension with ethics and law, so that legitimacy is something we continually work towards, rather than think we have attained because we take the 'self-evident' applicability of the law as given. With respect to the accommodation and critique of minority claims surrounding the FBVs, both the communitarian and libertarian discourses are open to a wide variety of interpretations as they each shuttle back and forth across the spectrum of assimilation and accommodation in their attempt to reconcile value pluralism within a national framework. So, what may be viewed as a generous accommodation in one interpretation, may then generate a critique and be labelled as an outright program of assimilation by another.

Indeed, we saw from White (2004) and Hallaq (2013) how the metaphysic of nationalism permeates institutions such as the school when it acts as 'the handmaid of citizenship' (Smart,

1975); that is, utilising jurisprudence to assimilate difference, and closing up the equivocal spaces between citizens, society and the State. This can lead to dissonance in citizens between what the State demands and what their religion commands. Indeed, as El Fadl's (2005) genealogy of Islamism has shown, such an employment of the metaphysics of nationalism, in its attempt to critically flatten equivocation in the name of assimilation, can not only behave fascistically, but can also generate equally fascist responses.

At the same time, a program of accommodation which sets itself in opposition to any principle of assimilation within a national structure risks neutering the ability to critique ideologies like Islamism, and can cause a different sort of backlash: one that propels discourses to the fore such as Cameron's (2011) call for a 'muscular liberalism' and Spielman's (2018) 'red lines' of civil law. These then risk the legitimisation of the fascist readings of nationhood that shaped the Brexit campaign of 2016, the Trump presidency of 2016-2020, and the US Capitol riots of 2021. So, again, we are reminded of Williams's (2008) comment that, what at first strikes us as a narrow question regarding how Islamic law and identity ought to be viewed by the British legal system, serves to highlight a wicked problem regarding jurisprudential monopolies, requiring some general thinking about the nature of law.

## 2.14 Conclusion

The purpose of this chapter has been to show how, and why, the 2014 FBVs intervention of the Conservative government qualifies as a wicked problem. The next chapter will focus more closely on the literature discussing the 2014 FBVs intervention. It will become apparent that the stances taken by different authors merely represent interpretations of the phenomenon, with authors who make different political assumptions (e.g., about the importance of multiculturalism or the right of the State to codify common values) commonly talking past one another. Very few authors scratch the surface and reveal the underlying systemic problems in Western society, discussed in this chapter, that have generated the 2014 FBVs intervention *as a symptom*. Revealing this to be the case in the next chapter will then lead me to argue that

we need to make further sense of the underlying systemic problems, and this will require a systems approach. Exactly *what kind* of systems approach will become apparent as the thesis unfolds.



## Chapter 3 – Towards a Systems Approach to Fundamental British Values

In the previous chapter I demonstrated how and why the underlying issues surrounding national identity propelling 2014 FBVs intervention by the British Conservative government could be classed as what systems thinkers describe as a ‘wicked problem’ (e.g. Rittel and Webber, 1973). As we saw, Rittel and Webber (1973) show how wicked problems typically involve many interlinked issues cutting across priorities such as education, health, economy, etc., so multiple agencies get involved, dealing with the local, the national and the global. Moreover, conflict over desired outcomes and/or the means by which we achieve them is often present, which, when combined with questions of power relations, makes change difficult. This can be compounded by the over-simplification of public discourse, where perspectives are constructed around competing, narrowly-defined desired outcomes. In wicked problem situations, there is also uncertainty regarding the possible outcomes of action through intervention in areas such as social policy.

Two of the qualifying criteria laid out by Rittel and Webber (1973) were particularly relevant to the case of FBVs in schools. First, that the ‘problem’ is actually a symptom of a deeper issue. The government statute that all schools should uphold, promote and teach FBVs was shown to be a symptomatic reaction to the chronic, deeper unresolved issue of how the accommodation and critique of moral diversity should be handled within a broader national liberal-democratic institutional framework governed by the rule of law.

The second relevant criterion is that a given problem is open to myriad interpretations, and these determine how the problem is perceived, and how it ought to be resolved. In the last chapter, I discussed the characteristic liberal-democratic assertion of civil (or State) jurisprudential monopoly, which from the government’s point of view trumps appeals to other jurisprudential frameworks by diverse members of the British citizenry. However, from the

points of view of some sections of the citizenry, this monopoly is not legitimate because it marginalizes their own preferred frameworks.

This is a discussion that was surfaced by the then-Archbishop of Canterbury, Rowan Williams, in a 2008 lecture on the relationship between civil and religious law. Williams (2008: 302) argued, amongst other things, that what at first seems to be a narrow question regarding how Islamic law and identity should be viewed by the British legal system actually serves to highlight a deeper and broader issue of jurisprudential monopolies in Western thought and society, thus requiring some general thinking about the nature of law. *Why* this constitutes a wicked problem is because the subsequent reaction to it was symptomatic of a wider internal crisis of Western legality in postmodern conditions of moral relativism, alongside the broader challenge of globalisation to traditional conceptions of national and civic identity, liberal political authority, and Western jurisprudence (e.g. MacIntyre, 1981; Rose, 1995; Ahdar and Aroney, 2010). This was combined with the multiple and overlapping affiliations that characterise the nature of citizenship in Western liberal democracies, meaning that problems emanating from such a crisis are subject to almost infinite interpretations.

Of particular concern to the current chapter is my argument that Williams (2008) raised two key questions: (1) at what point does an accommodation of moral diversity impede our necessary freedom and ability to critique both the claims being made in the call for accommodation and the means by which those claims are translated into action to bring the accommodation into being? And (2), at what point does our freedom to critique the legitimacy of claims being made and actions being taken impede the necessity of accommodation (and the feeling that citizens have a stake in it)?

### **3.1 Enablement and Constraint in Accommodation and Critique**

My contention is that the research on the introduction of 'fundamental British values' (FBVs) into schools, reviewed in this chapter, has fallen into a trap of an either/or binary choice between accommodation and critique as an overriding methodological principle. While each

author recognises the institutional nature of modern Western society, they nevertheless fail to make explicit the need to navigate what Garrath Williams (2005) describes as the dialectic of enablement and constraint that characterises Western liberal institutional societies with their Enlightenment conception of the free, autonomous individual. This is a characterisation taken from a reading of the work of the systems thinker, Geoffrey Vickers (1980). For instance, Vickers's (1980) work highlights a dialectic of enablement and constraint that is created by our modern institutions: we can appreciate both their achievements and their limitations by focusing on the ways in which they bind as well as liberate us. For Williams (2005), this has both positive and negative results, in that they bind us to shared goods that are equally coupled with dangers and ills. So, my contention here is that this dialectic of enablement and constraint is, in fact, what constitutes the grounds for the possibility of both accommodation and critique, as well as what propels them both in a mutually sustaining and mutually co-dependent cycle.

There is a further contention I want to make with respect to the literature reviewed in this chapter: that the underlying question, as it pertains to both the interpretation of FBVs and the social theory by which it is interpreted, is fundamentally one of a broader social justice and jurisprudence, not of pedagogy. Yet this remains somewhat implicit in the research reviewed in this chapter. As a result of the social theory utilised in those interpretations, and because of the desire to accommodate the myriad claims to justice of groups and individuals and 'enable' difference, there is the risk of overly 'constraining' the ability to critically engage with the claims being made in the interest of a broader collective civic unity or common good. Similarly, by 'enabling' a principle of wholesale critique of those claims (and the groups and individuals making them), we further 'constrain' any conception of citizenship or common belonging by flattening the principle of accommodation.

To say it differently, depending on how the social theory being deployed by different authors is used to interpret the institutional frameworks of liberal democracy (and the idea of the rule of

law as the means of accommodating individual and group autonomy within a wider societal setting), a tendency emerges to either prioritise the ‘enablement’ of accommodation by overly ‘constraining’ critique, or to favour the enablement of critique to such an extent that any constraining principle of accommodation is fundamentally undermined. This returns us to the point made by Rowan Williams (2008: 302) in his lecture, that what at first strikes us as a narrow question regarding how Islamic law and identity should be viewed by the State, raises the wicked problem of jurisprudential monopolies in Western societies, thereby requiring some general thinking about the nature of law.

Subsequently, I will suggest that a systems approach has the potential to offer an alternative insight into the phenomenon of the mandatory introduction of the FBVs into schools: it is possible to reinterpret the FBVs within the wider social context of the dialectic of enablement and constraint to show that it is via this dialectic that we form pathways to *navigate between* the principles of accommodation and critique. One possible reason we see an either/or division between these two principles in the literature is that the FBVs statute tends to be read as part of a State-sponsored programme of the assimilation of moral diversity, such as we saw characterised by Ahdar and Aroney (2010) in the previous chapter. Yet, as we saw in Chapter One, a House of Lords Select Committee (2018) warned the British government that by embedding FBVs within such legislation, unhealthy, binary debates would be perpetuated, thus risking further marginalisation of those whom the FBVs are intended to engage. Once we switch attention to the evolution of our societal institutions, however, it becomes evident that *both* accommodation and critique are necessary moments in that evolution, and *both* are enabled and constrained by our institutional contexts.

However, before moving on to look at what will unfold in this chapter, I need to head off a potential misinterpretation of the argument I have just summarised. I am not saying that human beings only have agency with regard to navigating between moments of accommodation and critique within the enablers and constraints in our institutions that are

given to us as immutable. The 'social context' in the last paragraph should not be understood as beyond human influence. On the contrary, I will argue in later chapters that human agency can relocate and reshape the boundary judgements used in institutional decision making (about whose voices are heard and what is included in analyses). That is, every boundary judgement that is adopted both *enables* action that is in accord with a given set of purposes and values and *simultaneously constrains* action for other purposes and in support of different values (Ulrich, 1983; Midgley, 2000). In this sense, navigating accommodation and critique is intrinsically linked with processes of consolidating and/or changing boundary judgements.

For now, however, this chapter will first review a sample of the present literature on FBVs which utilises forms of social theory that give methodological priority to the principle of accommodation. I will identify some concerns about this literature with respect to the underlying dialectic of enablement and constraint. This is followed by a review of the literature on the FBVs that uses social theories which give methodological priority to the principle of critique. Again, I will look at this literature in light of the underlying dialectic of enablement and constraint.

The chapter will then end with a brief discussion of how this way of looking at the current literature reinforces the argument of the previous chapter: the ways in which authors writing about the FBVs talk past each other because of their assumptions about accommodation and critique is characteristic of a wicked problem. Because of this wickedness, a systems analysis is required. Ultimately, I will argue that I need to focus on how the FBVs relate to a set of interconnected issues affecting society *as a whole*, viewing the educative domain as a part-in-relation, as opposed to being a part-in-isolation.

### 3.2 Interpretations of Accommodation

We begin with interpretations of FBVs in schools utilising philosophical frameworks that I contend overlook the dialectic of enablement and constraint and confer a methodological priority to the principle of *accommodation*. This is in the sense that they prioritize

*accommodation* to such an extent that there is a danger of overly constraining critical engagement with it by citizens. In particular, the methodologies look to the enablement of the accommodation of cultural particularity, and yet are without the means to clearly define the boundaries between *good* and *bad* particularity. As such, I contend there is the additional risk of subverting the accommodation being pursued, in that citizens who feel marginalised from critical engagement may come to repudiate the accommodation altogether, and embrace alternative, more conflictual approaches.

### 3.2.1 Holmwood and O'Toole: Defending Multiculturalism

Holmwood and O'Toole (2018: 228) view the FBVs as symptomatic of issues in a mainstream Britain where the Conservative government repudiates multiculturalism, particularly the multiculturalism of Bhikhu Parekh (2000, 2005). The Trojan Horse affair that initiated the FBVs intervention is read as indicative of a wider populist attack on multiculturalism: British Muslim citizens are scapegoated, and the populism promotes a disregard for civil liberties and rights (also see Cattle, 2001; Cameron, 2011; and Spielman, 2018). As such, Holmwood and O'Toole argue that it is a betrayal of the 'British Values' that were supposedly disavowed by the teachers and governors of Park View School in Birmingham in 2014. The populist understanding of this affair has subsequently reshaped the way that 'British values' have been interpreted and presented in current debates (Holmwood and O'Toole, 2018: 228-233).

These authors argue that the perceived failure of multiculturalism is ascribed to the tendency amongst some ethnic minority communities, with a particular focus on Muslims post-9/11, to live together in relatively closed communities, rather than integrate into mainstream British society. Populist discourses are based on the assumption that many such communities are indifferent, or hostile, to 'British values' of democracy, the rule of law and religious tolerance. However, Holmwood and O'Toole (2018) suggest that one of the problems in the debate on the 'Britishness' of 'British values' has been a failure to distinguish between particular aspects of identity and the universality of values. Multiculturalism should not be seen as an

endorsement of multiple and separate differences forming what could be called a 'monocultural pluralism' (a deliberately paradoxical concept), but is an expression of how difference can be lived and respected through civic values, as was argued in the Parekh Report of 2000. Put simply, multiculturalism is dependent on 'universal' civic values, requiring a respectful engagement with the other (rather than a relativistic acceptance of any and all differences) and, for Holmwood and O'Toole (2018), it is in no way in contradiction to these values. In the context of teaching 'British values', Holmwood and O'Toole (2018) assert that the issue for schools is not one of teaching pupils *about* differences in order to promote life in multicultural Britain, it is about *allowing those differences to be expressed and discussed* within schools. Holmwood and O'Toole (2018) continue by pointing out that the discourse of multiculturalism is necessarily dependent on accepting the expression of religion in public life, including the public life of schools. Overcoming the tensions of religious minority children being schooled in a Christian or secular context is not facilitated by the displacement of the religious selves of those pupils (Holmwood and O'Toole, 2018: 240-242).

Yet Holmwood and O'Toole (2018) point out that the active promotion of 'British values' as a recurrent theme in British society since the Cantle report of 2001, and their promotion is frequently reasserted as a new necessity, notwithstanding the fact that policies mandating this in schools have been in place for some considerable time. In current political debates, the focus on 'British values' is designed to emphasise principles of democracy, the rule of law and religious tolerance. However, for Holmwood and O'Toole (2018), these values are only contingently 'British', in the sense that they are of relatively recent origin and, therefore, 'Britishness' historically also includes their repudiation as well as their affirmation. For instance, when Michael Gove, in his then-position as Secretary of State for Education, proposed a revision of the history curriculum in schools to tell 'our Island story', he was roundly criticised in *The Guardian* newspaper (12<sup>th</sup> February 2013) by leading educationalists, not just for eliding the violence of empire, but also struggles for democracy associated with class domination and women's rights. Holmwood and O'Toole (2018) argue that they are also

contingently British in another sense: namely, that they are affirmed by other political communities outside the UK as also being *their* values and the governing principles of their civil institutions.

From this, Holmwood and O'Toole (2018) posit that there are two kinds of 'Britishness' being utilised, with the first kind residing in different forms of particularism embodying the daily practices of interaction and common life, and it is the diversity of these that they argue constitutes 'multiculturalism', in that respect for that diversity is played out in the public sphere. The second kind of 'Britishness', as in the 'British values' of democracy, rule of law and religious tolerance (most explicitly promoted by the Conservative government of 2014 as 'fundamental'), represents a set of transcending principles that facilitate cooperation *across* particularities. This is the version of Britishness that was actually espoused by the Parekh Report of 2000, and it is because these values are widely shared that sovereignty can also be differentiated and shared, whether across the different assemblies of the UK, or in cooperative agreements across nations, such as in the EU (Holmwood and O'Toole, 2018: 32-34).

### 3.2.2 Concerns with Multiculturalism

With respect to multiculturalism, O'Sullivan (2004: 50 – 55) makes a number of notable observations. In ethical terms, O'Sullivan (2004: 51) reads Parekh's (2000) multiculturalism as the claim that cultural diversity is an intrinsically valuable part of the human good on account of the fact that every culture realises only a limited range of human capacity and value, resulting in the need for different cultures to interact in order for them to correct and complement each other, expand each other's horizons of thought, and alert each other to new forms of human fulfilment. O'Sullivan's (2004: 51) difficulty with this claim is that it equates *cultural particularity* with *intrinsic imperfection*, and Parekh (2000) seeks to justify this position by adopting the Enlightenment belief in a universally valid ideal of progress. This is paradoxical and problematic in two respects. First, as O'Sullivan argues, Parekh is simultaneously seeking to value cultural diversity while saying it is imperfect. Second, the logical conclusion to the idea



that cultures can correct each other's imperfections is that the ideal is a homogeneous way of living that eradicates the very diversity that Parekh purports to value.

Parekh (1992: 175) cites thinkers such as John Stuart Mill as having rightly believed that diversity is a precondition for choice and progress, and that truth can only emerge from a peaceful competition between different ways of life. Again, O'Sullivan (2004: 51) is sceptical on the grounds that this belief is rooted in a secularised Judaeo-Christian tradition, which not all cultures share. Indeed, these ideals are deeply contestable because their adoption implies a simple division of societies into those that accept Enlightenment idealism and therefore make a positive contribution to progress and truth, and those that do not. Such a division, O'Sullivan (2004: 51) argues, ignores the complexity of the political world, where multiple understandings of what constitutes a good society are at play.

The universalism on which Parekh (1992: 175) grounds his multicultural theory is what he describes as a "freely negotiated and constantly evolving consensus on universally valid principles of good government which can call on support from a large range of different cultures". O'Sullivan (2004: 52-53) argues that Parekh (2000: 3) rejects the liberal version of the Enlightenment, but it is precisely liberalism that shapes the central characteristic of his multiculturalist theory, which is a vision of an ideal society in which conflict and power have been conquered by reason (in Parekh's, 2000, case, based on cross-cultural dialogue).

Zizek (2001: 238) notes that the result of this Enlightenment inheritance is that the multiculturalist celebration of lifestyles tends merely to reproduce, in a modified form, the very sameness which it sets out to reject: in order to diminish the significance of radical difference, it postulates an underlying social uniformity, in the guise of a non-antagonistic global "container" in which there is enough room for all the multitude of cultural communities, lifestyles, religions, sexual orientations, etc. O'Sullivan (2004: 53) points out that this does not mean that the multiculturalist political project is in error, but that it is reliant on, and driven by, a *faith* in the power of reason, rather than being derived from a coherent philosophical

position as many of its defenders, such as Holmwood and O'Toole (2018), claim (O'Sullivan, 2004: 50-55).

I would echo O'Sullivan's (2004: 50-55) argument, in the sense that the multiculturalist theory of Parekh (2000) appears in many ways to trip up on its own reasoning. For instance, if *cultural particularity* is equated with *intrinsic imperfection*, then how does such particularity manifest a national identity or common belonging? For States and nations are in themselves highly particular with regards to the minutiae of the workings of their civil institutions, and nations are also culturally particular with respect to social norms, national codes of dress, and so forth. This may seem like a preoccupation with trivialities, but when we are trying to find the point at which a seemingly 'good' cultural particularity (which is simultaneously an indicator of imperfection!) becomes 'bad' with respect to our day-to-day political lives, then such boundaries can matter a great deal to the citizens and communities that Parekh (2000), along with Holmwood and O'Toole (2018), are looking to acknowledge and integrate.

For instance, the 'mainstream Britain' that 'repudiates' multiculturalism is seemingly read by Holmwood and O'Toole (2018) as an un-Enlightened 'bad' cultural particularity, propagated and driven by a calculating yet equally 'bad' political elite with vested interests (another cultural particularity). Yet this viewpoint on populism in itself is a form of cultural particularity to those who have been fortunate enough to have had a university education that is more often than not a residential experience that places the individual in a form of "global container" akin to that which Zizek (2001: 238) describes (see above). Is it possible that they therefore run the risk of imposing a form of cultural imperialism on others, whereby those with the knowledge and power to see beyond populism are able to adjudicate between 'good' and 'bad' forms of cultural particularity in the name of accommodation into a civil order of their own choosing? I doubt whether Parekh (2000) or Holmwood and O'Toole (2018) would want to be seen in this way, but if the assertion is being made that multiculturalism is being repudiated by a mainstream Britain ('mainstream' meaning the attitudes or activities of a

majority of people that are regarded as normal or conventional), then we must ask how and why this has come about.

I suggest that, despite their best intentions, the work of Holmwood and O'Toole (2018), via the multiculturalism of Parekh (2000), results in a methodological prioritisation of *accommodation* which can aid the conditions in which repudiations of multiculturalism may flourish, and gain legitimacy. For instance, a conception of *accommodation* propelled by one fixed notion of *critique*, such as a particular reading of the Enlightenment ideal of progress through enabling and accommodating moral and ethnic diversity, creates an imbalance between the two methodological concepts of accommodation and critique, with accommodation dominating. So, with respect to the dialectic of enablement and constraint, in seeking to enable and accommodate certain elements of cultural particularity in a seemingly arbitrary fashion, there is the danger of viewing other forms of cultural particularity as negative, and in need of critique and restraint. While some forms of cultural particularity might be distasteful to those wanting the 'arbitrary' accommodation, there are nevertheless dangers in marginalizing them, and these dangers accrue to the broader project of accommodation into the civic body of political life itself. For, despite the initial 'bottom-up' aspirations of Holmwood and O'Toole's (2018) reading of Parekh (2000, 2005), it inevitably results in a 'top-down' approach in which the broader society is engaged in a form of 'culture-war' with winners and losers. This leads to characterisations such we saw offered by Cameron (2011), reviewed in the last chapter: Cameron decried a State-sponsored multiculturalism that allowed religious extremism to develop unchecked, thus fuelling the populist 'mainstream' discourse that Holmwood and O'Toole (2018) argue repudiates multiculturalism. If it becomes legitimate to marginalize some cultural particularities, then the accommodation enabling this can become a target of hatred – the very outcome that those imposing the accommodation and marginalization want to avoid.

### 3.2.3 Panjwani's Overlapping Consensus

Farid Panjwani (2016) has conducted a study into the responses from Muslim teachers to the 2014 FBVs statute. With regard to the principle of *accommodation*, Panjwani's (2016) research is notable in that he utilises the social theory of John Rawls (1971, 1985, 1993). In particular, by analysing the responses of Muslim teachers (teachers of Islamic heritage working within Islamic faith schools) to the question of the compatibility of the FBVs with their understanding of Islam, he searches for a Rawlsian (1993, 2006) conception of an 'overlapping consensus' between conflicting worldviews, both religious and non-religious, as the means by which accommodation may take place.

However, Panjwani (2016) also argues that his study serves to problematize the essentialised reading of terms such as 'Islam' and 'the West'. By 'essentialised', Panjwani (2016: 329) means popular conceptions of Islam and the Islamic tradition, such as those in Huntington's (1996) *Clash of Civilisations* thesis, and concomitant stereotypical conceptions of the West and liberal democracy, like those to be found in the work of the Islamist ideologue, Sayid Qutb (1964).

Whilst the participants of the study (Panjwani, 2016) all focused on the compatibility of the FBVs with Islam, the main difference of opinion related to whether the values are legitimately associated with being British. Moreover, responses were critical of the FBVs project overall and how it was being applied, even though they saw no fundamental conflict between these values and Islam. Concerns were raised that the Prevent strategy and the FBVs project were motivated by a suspicion of the Muslim community and a belief that Islam is responsible for terrorism. This shifted the emphasis away from the compatibility of FBVs with Islam, instead focusing more on whether they were being used to further alienate Muslim youth. As such, it was noted that policies around extremism that have linked education with policing have adversely affected their capacity to engage students in a fruitful discussion about the peer pressure and social media infiltration of extremism (Panjwani, 2018: 337-338).

Panjwani (2016) posits that the compatibility highlighted in the responses as examples of an ‘overlapping consensus’ between liberal and Muslim values, and the roots of this consensus, go back to the nineteenth century when the question of the relationship between modernity and Muslim tradition first emerged. Over time, the idea that liberalism and Islam could be reconciled, or rather accommodated, into a non-coercive civic framework became widely accepted among Muslims (Panjwani, 2016: 333). Panjwani (2016) then discusses two strands of thinking, broadly conceived, that have emerged since then: on the one hand, there has been a puritanical revivalist response from thinkers such as Qutb (1964), which has tended to carve an eschatological binary between liberal democracy and Islam; and, on the other, a reformist movement associated with thinkers such as El Fadl (2005). Panjwani (2016) thus takes great care not to homogenise both groups, recognising the importance of historical factors in the development of both strands of thought (Panjwani, 2016: 333-336).

Panjwani (2016) informs us that the concept of ‘overlapping consensus’ was coined by John Rawls (1993) as part of his writings on a conception of political justice that he argued could gain support from varying religious, political and moral doctrines. Referring to the consensus among people from different comprehensive worldviews about a conception of justice that would underwrite and guarantee the sustenance of political and social institutions, Rawls’s (1993) starting point was the recognition of the permanency of the diversity of *reasonable* comprehensive religious, philosophical and moral doctrines in modern democratic societies. Liberalism was seen as just one of the several possible conceptions of a good life, and Panjwani (2016) tells us that the key question for Rawls (1993) was as follows: “How is it possible for those affirming a religious doctrine that is based on religious authority, for example, the Church or the Bible, to also hold a reasonable political conception that supports a just democratic regime?” (Rawls, 1993: xxxvii). The central assumption in Rawls’s (1993) proposal is that, for a polity to be possible in a pluralistic society, “People who disagree about the highest ideals and their conception of the whole truth, might nevertheless agree that public aims such as peace, prosperity, and equal liberty are very important” (Macedo 1995, 474). In short, the

hope was fostered that we may be able to achieve “shared political values without requiring or expecting agreement on ultimate ends or a comprehensive set of moral values governing all of our lives” (Macedo 1995: 474).

Panjwani (2016) continues that such an agreement becomes the basis of an ‘overlapping consensus’, and the cornerstone of this agreement is that it is achieved, not by imposing the values of one tradition onto another, but by each tradition drawing out the elements of consensus from its own historical and cultural roots. As such, minority cultures are expected to consent to shared values, not because the dominant culture has imposed them, but because their own tradition embodies them too. The point for Panjwani (2016) is not only that imposing values is both ethically and practically suspect, but also that all major religious and cultural traditions are plural and carry within them resources that can lead them to acknowledge the values of peace, prosperity and equal liberty as the common ground for coexistence. So, in Rawls’s ideal society, while individuals would draw their understanding of a good life from distinctive religious, moral or philosophical traditions, Panjwani (2016) tells us that such traditions would also uphold the public values that generate a sense of commonality with members of other traditions.

From this, Panjwani (2016) proposes that the responses of the teachers in his research suggest that, at least for a certain section of the Muslim community, there has emerged an ‘overlapping consensus’ between modern liberal and Muslim values (Panjwani, 2016: 333-334). Panjwani (2016) makes this case by arguing that it is not Islam that is compatible or incompatible with the FBVs, but rather the atomised nature of Muslim interpretations, and interpretations of Muslims, that determine compatibility or incompatibility. Religions, for Panjwani (2016), are not finished products, but interpreted phenomena, and one of the main weaknesses of the position adopted by the “Clash of Civilisations” theses of thinkers like Huntington (1996), Qutb (1964) and others is the failure to recognise that religions, including Islam, are not fixed entities, with pre-social essences. Instead, via different believers’ agency

and interpretations, religions remain dynamic, retaining a symbolic link to the past while negotiating wider cultural changes. It is this interpretive possibility that Panjwani (2016) believes underpins the 'overlapping consensus', and which can be observed in the responses of the teachers who appear to have accepted a modernist interpretation of Islam (Panjwani, 2016: 334-337).

Amongst the more general comments regarding pedagogical recommendations, Panjwani's (2016) concluding argument is that there is a larger question of how plural societies may arrive at an 'overlapping consensus' of values (Rawls 1993). As described earlier, the starting point here is the recognition of the enduring nature of diversity of comprehensive religious, philosophical and moral doctrines in modern democratic societies, yet this diversity does not preclude the possibility that a consensus can be built around values that are crucial for coexistence. The critical element for Panjwani (2016) is not to regard culture as a static and monolithic entity, but as an interpreted phenomenon which can draw upon its own internal resources to come to own such values (Panjwani, 2016: 338).

However, as far as schools and universities are concerned, there is a need for an educational response to extremism which should be based on preserving academic goals of free enquiry and critical thought. Panjwani (2016) suggests that an intercultural humanities-based curriculum, particularly covering the arts and literature, can be a very important step in this direction, as it can create "a capacity for sympathetic imagination that will enable us to comprehend the motives and choices of people different from ourselves" (Nussbaum 1997, 85). Democratic forms of schooling that help young people acquire skills of, and trust in, non-violent, discourse-based politics is another important element of an educational response. The sooner the securitisation approach is replaced by an educational one, the better (Panjwani, 2016: 338).

### 3.2.4 Concerns with Overlapping Consensus

Addressing a lacuna in Rawls's political philosophy (underpinning Panjwani's analysis), GURSOZLU (2014: 35) tells us that Rawls (1993, 2005) fails to make clear how liberals are to engage with *unreasonable* people. Indeed, Rawls's (1993, 2005) concern in *Political Liberalism* is to define the constitutional essentials that would be justifiable precisely to *reasonable* people alone, and the discussion regarding the fate of unreasonable people is restricted to a footnote on page 64, which states that liberals should "contain" unreasonable doctrines in the same way that we attempt to contain war and disease. GURSOZLU (2014:35) tells us that this has subsequently led to varying propositions about how this containment should be realised, yet always with a focus on whether the rights and liberties of unreasonable people should be infringed within a liberal democratic regime.

In particular, GURSOZLU (2014: 35-36) singles out Friedman (2000) and Quong (2011) as exemplary in this respect, with Friedman (2000: 23) arguing that political liberalism authorises the restriction of the rights of unreasonable people in order to contain unreasonable doctrines and secure the survival of the liberal regime. Quong (2011: 292-293), on the other hand, suggests that Rawls (1993, 2005) proposes only a very narrow range of circumstances in which the rights of unreasonable people may be justifiably restricted. So, Friedman (2000: 22-23) offers a strong account of containment, arguing that this requires regulating and controlling the media through which the doctrines of unreasonable people are expressed and propagated. It is necessary to suppress those who hold, express and seek to enact unreasonable doctrines. In contrast, Quong (2011: 316-317) offers a weak account of containment by suggesting that Rawls highlights the tension between the need to preserve the legitimacy of liberal democratic regimes by not introducing policies of containment that may serve to undermine it, and yet, nevertheless, policies designed to protect the normative interests and stability of that regime are also legitimate in their aims. This is despite the fact that they may, at times, violate the rights and liberties of unreasonable citizens (GURSOZLU, 2014: 44-45).



Gursozlu (2014: 47) himself, however, argues that, whilst the focus on the normative stability of the liberal democratic regime is legitimate, the preoccupation with rights and civil liberties somewhat fudges the issue that if enough people hold unreasonable doctrines, then the overlapping consensus that secures the regime becomes impossible. Therefore, for Gursozlu (2014: 47), the aim is to prevent this situation from arising. This entails the liberal democratic regime actively generating enough support for itself so as to establish and maintain its stability and security. From this, Gursozlu (2014: 51-56) advocates a policy of ‘containment as transformation’ via education in schools, alongside a policy of making sure that people are able to live as active citizens within a liberal democratic regime. This is informed by a reading of Macedo’s (1998) arguments regarding the transformative nature of the education of liberal citizens (Gursozlu, 2014: 47-56).

I would argue that Gursozlu (2014) above highlights a number of problems, both with the Rawlsian (1993, 2005) analysis undertaken by Panjwani (2016), and the multiculturalist analysis of Parekh (2000) favoured by Holmwood and O’Toole (2018). Like Holmwood and O’Toole’s (2018) reliance on Parekh (2000), and the question of *good vs. bad* cultural particularity, so Panjwani evades the issue of what is to be done about, and with, *unreasonable* citizens.

With respect to the dialectic of enablement and constraint underpinning *accommodation* and *critique*, the “strong” argument for containment offered by Friedman (2000) appears to seek to constrain the ability and access to the enablement of expression of unreasonable doctrines, but it fails to make clear where the boundaries lie between reasonable and unreasonable doctrines, and how we are to decide what is to be placed within and outside these boundaries. That is, at what point does the enablement of the broader project of accommodation overly constrain the ability of citizens to critically engage with the ways in which that accommodation takes place? Conversely, at what point is the enablement of the accommodation of moral and ethnic difference overly restrained by itself being critically dismissed as ‘unreasonable’? The

“weak” argument of Quong (2011) appears to advocate something similar, but with a much greater degree of caution. It nevertheless repeats the same lack of clarity as to where the boundaries are, and when the time would be right to enforce them.

Gursozlu’s (2014) own arguments in favour of Macedo’s (1998) transformative approach via the education of future citizens seeks to constrain *what citizens think*, whereas Friedman and Quong seem to eschew what could be considered ‘mind control’, and instead focus on the constraint of unreasonable people’s freedom of expression. The former look to constrain the development of those faculties with which ‘unreasonable’ citizens may engage in *critique* in order to enable a particular methodological notion of *accommodation*. The latter, meanwhile, whilst enabling those faculties, nevertheless seek to constrain the ways in which *critique* may be performed, again in order to enable a fixed methodological notion of *accommodation*. In either case, there remains a potential collapse into an authoritarian methodology of *accommodation over critique*. In the case of Gursozlu, when it comes to ‘fundamental’ values, critique needs to be literally unthinkable. Less controversially, for Friedman and Quong, critique of a sort that challenges ‘fundamental’ values can be thinkable, but the role of the State must be to silence its expression. Both authors prioritise accommodation and only accept selected forms of critique (such as democratic dialogue on cultural development), which is subordinated to accommodation, or they seek to deny freedom of expression to individuals who view supposedly ‘good’ accommodation as oppressive.

### 3.2.5 Concerns with Interpretations of Accommodation

So, with respect to the dialectic of enablement and constraint in contemporary research into FBVs, I would argue that the dangers of the multiculturalist and Rawlsian approaches favoured by Holmwood and O’Toole (2018) and Panjwani (2016) respectively, run the risk of overly constraining the principle of *critique* through the enablement of particular conceptions of political *accommodation*, which ultimately rest on a faith in the universal validity of Western Enlightenment assumptions. Holmwood and O’Toole (2018), via Parekh (2000, 2005), are

unable to clearly define the boundaries between *good* and *bad* cultural particularity, whilst Panjwani (2018), via Rawls (1993), fails in the same respect in his inability to clearly distinguish *reasonable* people from *unreasonable* ones. This is a matter which demonstrates how and why the question of FBVs is a wicked problem extending beyond the educational domain and into the wider structures of political life. Moreover, both risk a collapse into a form of authoritarianism that I'm sure both Rawls (1993, 2005) and Parekh (2000) would despair to see their conceptions of social democracy bring about.

As O'Sullivan (2004) illustrates, Parekh (2000, 2005) writes from a position which claims to be critical of liberal hegemonies. Yet, through the desire to enable the *accommodation* of cultural particularity, but without the ability to clearly and *critically* define good from bad cultural particularity, one culturally particular form of accommodation is instantiated over another, which constrains the ability of citizens to *critique* this accommodation. Likewise, the inability to clearly distinguish the boundary between *reasonable* and *unreasonable* citizens, when it comes to Panjwani's (2018) use of Rawls's (1993) 'overlapping consensus', highlights the potentially arbitrary way in which the institutions, structures and jurisprudential monopolies of civil society may be used to caricature 'bad' citizens and groups, and pit them against 'good' ones. This then generates the neuralgic modes of marginalisation and conflict in which the forms of ideological extremism the FBVs were introduced to counter can flourish. This in turn, somewhat ironically, then serves to legitimise the populist discourse which Holmwood and O'Toole (2018) rightly contend repudiates multiculturalism, by moving it onto the agendas of mainstream political life (e.g. Cameron, 2011). Moreover, it highlights the danger that Williams (2008: 300), writing in defence of multicultural accommodation, identifies:

"historically, societies that are culturally and ethnically diverse are ones whereby identity is formed by different modes and contexts of belonging, of multiple affiliation. The danger arises out of acting as if the authority that managed the abstract level of equal citizenship represented a civil order which then *allowed* other levels to exist".

I believe Williams's (2008) point illustrates the necessity of the navigation of Vickers's (1980) dialectic of enablement and constraint that characterises Western institutional life. This provides the grounds from which *accommodation* and *critique* arise as methodological principles, propelling them both in a recursive, mutually-sustaining cycle, and highlighting the necessity of each principle with respect to boundary judgements and interventions in complex socio-economic systems. Each accommodation requires critique, as it is usually critique of previous accommodations that give rise to new ones, and so the cycle begins again as boundaries are perennially reassessed. However, we must guard against critique to the extent that any form of accommodation is no longer viable. So, we now turn our attention to methodological interpretations of *critique* with respect to FBVs in schools.

### 3.3 Interpretations of Critique

We now turn to interpretations of FBVs in schools deploying philosophical frameworks which I believe confer methodological priority to the principle of *critique* in a manner that overlooks the dialectic of enablement and constraint. I argue that a particular methodology of *critique* is enabled to an extent that it appears to overly constrain any viable principle of *accommodation* within an institutional framework. I argue that again this runs the risk of perpetuating the marginalisation and conflict that the methodologies look to address, in that they ultimately lead to either a despairing withdrawal from social and political life altogether, or the sense that individuals and groups can only exist *contra* the State. This is as a result of the necessary power dynamics involved in the accommodations of civil society being totalised as malign, illegitimate programmes of social control.

#### 3.3.1 Revell and Bryan: FBVs in a 'Liquid Modernity'

Revell and Bryan (2016) interpret the FBVs in schools, and particularly the school appraisal system that ensures monitoring of teaching standards, as reflective of a culture of impermanence and fear which is itself symptomatic of Bauman's (2000) 'liquid modernity' thesis. Bauman sees the defining features of contemporary Western liberal societies as characterised by a shift from a 'solid' to a 'liquid' phase of modernity, apparent since the

advent of globalisation in the 1980s and 1990s. 'Solid' modernity refers to a previous era when the structures that comprised the territorial boundaries of the Western nation-State, with its respective institutions, class structure and legal, administrative, and economic infrastructures appeared unchanging and largely unchangeable. The economy, for example, was driven by production, which only evolved slowly, and not consumption. Only when modernity became 'liquid' did consumerism take over, driving more rapid responsiveness, diversification and change. Liquid modernity, with its theme of constant change, came into being in the wake of the Cold War, globalisation and the digital revolution.

Furthermore, Bauman's (2006) critique centres on a reappraisal of the forms of modernity discussed in previous writings, but a recurring theme in all his work is the pervasiveness of fear (Bauman 2006). Fear is both a product of liquid modernity, as well as a defining feature of the ways in which individuals, their relationships and institutions are constructed within it.

Bauman (2006) specifically locates this fear in the qualities of liquidity, the absence of permanence, the failure of stable institutions, the loss of certainties, and the growing pervasiveness of monitoring and surveillance to hold people accountable using ever-evolving metrics. Fear is generated, not merely by the absence of solidity, but by the speed with which structures take form, only to disperse into nothingness again. Subsequently, life in its entirety, personal and public, becomes nothing more than a series of "short-term projects and episodes that do not combine into the logically consistent and cohesive" (Bauman, 2006, cited in Revell and Bryan, 2016: 345-346).

Fluidity and liquidity indicate that we have never been further from conceptualising a new social order (Bauman, 2000: 5). The reason is that fluidity affects "the bonds which interlock individual choices in collective projects and actions – the patterns of communication and coordination between individually conducted life projects, on the one hand, and political actions of human collectivities on the other" (Bauman, 2000: 6). So, institutions are fluid, relationships are fluid, connectivity is fluid. Because all forms of communication are fluid, we

experience life both in its 'impermanence' (Bauman 2000) and in its individualised nature. For Bauman, educators are facing unprecedented challenges as "social forms melt faster than new ones can be cast" (Bauman, 2005: 303); new social forms have no time to solidify; and, indeed, this is now expected. As such, Bauman (2000) argues, flexibility becomes an essential predisposition, and impermanence characterises existence. If impermanence is a defining feature of liquid modernity, it is fear that is the most common response. Our lives are characterised, not by commitments to values and beliefs that we use to define ourselves, but by the ever-increasingly frantic grasping of meaning wherever we can find it. We are fearful because there is no permanence, and fearful because we know that, even when we identify some structures or beliefs, experience has taught us that they will swiftly melt into air (Bauman 2005).

Bauman (2000, 2005) uses the metaphors of the gardener and the hunter to contrast our solid and liquid relationships to the world, and Revell and Bryan (2016) utilise these for the interpretation of their study. The gardener, in a traditional modernist world, could plan, grow crops, decide which flowers to cultivate, and determine the shape of his or her garden within set boundaries. The gardener had a vision and worked to ensure its success. In contrast, in liquid modernity, the hunter has no vision except to survive, is suspicious of everything that is different from him or herself (as it could bring danger in the form of further unwelcome change), and is fearful of everything that cannot be hunted. The consequence is fear of the outsider and a withdrawal from the public sphere. It is the metaphor of the hunter coupled with the concepts of impermanence and fear that informs Revell and Bryan's (2016) analysis of the conceptualisation of appraisal within the context of the FBVs in their study (Revell and Bryan, 2016: 346).

Revell and Bryan (2016) deploy Bauman's (2005) thesis to interpret the link between the requirement not to undermine the FBVs and an appraisal system designed to ensure surveillance in a culture of impermanence and fear. For instance, the observation that school

leaders are often bullied and restricted by the Ofsted inspection framework has been extensively noted (Ball, 2006), and compliance is usually associated with a dread of consequences, often coupled with an inability to conceive of alternatives to the surveillance regime. For Revell and Bryan (2016), the focus on fear and responses to fear provided by a liquid modernity approach suggests that emphasising change, fluidity and constantly shifting structures (impermanence) is helpful conceptually in terms of interrogating education policy documents, and in particular policy documents relating to standards and values. Revell and Bryan (2016) also harness Bauman's (2005) metaphors of the gardener and the hunter, which are used to focus their analysis on the ways in which their participating school leaders were found to be navigating the appraisal process.

Revell and Bryan (2016) conclude that two key aspects of liquid modernity characterised the responses of the school leaders in their discussions around appraisal: impermanence and fear. The sense of impermanence was relevant, as there was an awareness that no policy, standard, structure or practice was likely to be the same in a years' time, and this shaped the school leaders' engagement with those policies, standards and structures. They were fearful of not being compliant, but at the same time they were not prepared to invest too much time and energy into requirements that might prove temporary. The "erratic and essentially unpredictable nature of change" (Bauman 2009: 159) experienced by the school leaders who were interviewed by Revell and Bryan (2016) generated a degree of scepticism about the longevity of the Standards, and subsequently they were able to 'evidence' their compliance, but only superficially. Many school leaders were preoccupied with the immediacy of responding to their environments, and, for Revell and Bryan (2016), in a liquid world, long-term planning and a commitment to vision may be desirable but is simply not practical. The "penalty of eviction from the hunting world" results in behaviour that pre-empts turbulence (Bauman 2006a, 307) (Revell and Bryan, 2016: 350).

Despite school leaders being situated within the contradictory requirement for structural standards within a time of liquidity and expected change, Revell and Bryan (2016) argue that it is in the relationship between the FBVs, appraisal and professionalism that we see the fear identified by Bauman (2006a) as a key aspect of liquid modernity. For instance, pupil outcomes are now a key aspect of teacher effectiveness, and appraisal is a mechanism within the system for accountability, but both the nature and function of appraisals have altered in response to changing educational priorities, such that appraisal has a significant focus upon pupil outcomes when previously this was not the case. Now, the Teachers' Standards and the Counter Terrorism and Security Act (2015) shift the gaze upon the teacher once more, whilst simultaneously maintaining a focus upon pupil outcomes. For Revell and Bryan (2016), fear as a phenomenon of liquid modernity emerges as a confluence of FBV appraisal and professionalism, and this may relate to the different ways that both pupil outcomes and evidencing compliance with regard to the FBVs are both now an essential feature of the system. This in turn reflects OFSTED priorities.

### 3.3.2 Concerns with Liquid Modernity

Lee (2011) believes that Bauman's liquid modernity thesis negates the possible empowerment of agency in re-structuring society. For, if individualisation has come to equal an unremitting narcissism in the face of impermanence and fear, then agency may as well be considered a redundant concept. For instance, according to Bauman (2000), there are three main factors that have generated a convergence of consumption and self-identity, which has failed to produce existential security in individuals, the political community and civil institutions. The first of these factors is the fragility of communal and social bonds; the second is an over-emphasis on individual freedom at the expense of collective solidarity; and the third is a drive for wish fulfilment in our lives (also see Giddens, 1991, who discusses this kind of wish fulfilment in the context of the idea that we all now see ourselves as having individual 'life projects'). Lee (2011) contends such metaphors of solidity and liquidity at best invite disdain for the cult of consumerism, but Bauman fails to offer any effective analysis of opposing



interests and possibilities of re-solidification in contemporary Western societies. This means that Bauman ultimately offers little more than a caricature rather than a nuanced description of complex social processes in late modernity (Lee, 2011).

Sarid (2016) argues that, even if one were to accept Bauman's portrayal of present British and Western societies, his view of educational institutions must contain 'solid' elements if it is to remain consistent. For instance, Sarid (2016: 467) quotes Bauman (2011: 10) that "the mission of education, since articulated by the Ancients under the name of paideia, was, remains and probably will remain preparing the young to life". This 'mission' of education suggests a solidity that is not accounted for in Bauman's thesis. For Sarid (2016), a consistent educational process is one driven by a moral vision of human development and the future, yet Bauman (2011) remains silent on how education might provide a critical enterprise that could serve to counteract current trends in a hyper-consumerist and disembodied liquid modernity.

Subsequently, Sarid (2016) warns that the liquid modernity thesis is at risk of being reductionist and ideological, and, if 'liquidity' is enduring and irreversible, then the notion of liquid modernity itself is to be taken as a distinctly 'solid' concept. Sarid (2016) nevertheless concludes that the liquid modernity thesis contains important critical insights into key features of the current age that need to be addressed by theorists of education, politics, ethics, morality and religion. However, pedagogical and political theories must provide appropriate *responses and solutions* to liquidity. 'Solid' principles are required if this is to happen (Sarid, 2016).

With respect to the use of the liquid modernity thesis in interpreting FBVs in schools, I would suggest that Lee's (2011) concerns regarding the redundancy of human agency illustrates a fatality in the enablement of any form of *accommodation* and, in some respects, *critique*. This in the sense that, in describing the conditions of liquidity and its concomitant culture of impermanence and fear, Revell and Bryan's (2016) study enables a methodology of critique so thoroughgoing that any form of accommodation is constrained as submission to a monolithic

dystopia. In this sense, even the principle of critique itself appears to be subsumed in a mourning for past securities which, on closer analysis, perhaps resided as much in a culture of impermanence and fear as at any other epoch. Conversely, the 'liquid' nature of the present epoch, the culture of impermanence and fear, and the transition of citizens from 'gardeners' to 'hunters' appears as a form of critique which ultimately constrains its own efforts. For it seems the only logical conclusion for individuals and groups is to enable themselves, in whatever way possible, and by any means at their disposal, to accommodate themselves to such a state of affairs lest they face eviction from the 'hunting domain' so bleakly characterised by Revell and Bryan (2016). Once again, this appears to be neither a work of *accommodation or critique*, but rather one of mourning for a lost (real or imagined) solidity.

The insights of Revell and Bryan's (2016) deployment of the liquid modernity thesis are no doubt substantial, and Sarid's (2016) observation of a lack of a theory of education or pedagogy in Bauman's (2011) work is perhaps unkind when considering the broad scope of Bauman's project. However, the point remains relevant with respect to Revell and Bryan's (2016) study. While the focus was less on pedagogy as such, and more on the ephemeral nature of policies that school leadership teams are required to navigate in liquid modernity, it nevertheless offers little hope of enabling the culture of impermanence and fear to be overcome, or at best accommodated. Only its critique remains possible, but divorced from alternative visions of what might be possible instead.

As Sarid (2016) notes above, a consistent educational process is driven by a moral vision of human development and the future: a future that is rarely 'solid', and always yet to arrive, and for this a shared 'solid' pedagogical commitment is required. Here Lee's (2011) emphasis on the power of individual agency comes to mind, in that decisions are often taken *in spite* of a wider condition of impermanence and fear as well as *because* of it. Indeed, I would suggest that most, if not *all*, such decisions are taken within a culture of impermanence and fear to varying degrees. However, they are also, more often than not, taken in the *faith*, or at least the

*hope*, that conditions may improve. Again, we see that a shared *commitment* is required, for it is only in the emerging certainty of a shared commitment that action can be taken, and hopes and fears can be either realised or vanquished. Perhaps such notions are about as solid a concept as we should ever expect. In this respect, I would argue that Revell and Bryan (2016), via their reading of liquid modernity, risk taking a little too much for granted, and in a manner that only enables a sense of critical, somewhat misanthropic, despair, disappointment and withdrawal, thus constraining any broader sense of accommodation in community, citizenship and political life. The risk is reinforcing three things: the excessive consumer-society individualism that Bauman's (2000) thesis seeks, in part, to critique; the social fragmentation, marginalisation and conflict that propels the embrace of more extreme ideologies, which the FBVs seek to counter in both staff and students; and the populist discourse that repudiates the multiculturalism that Holmwood and O'Toole (2018) seek to salvage. This would be particularly tragic in the case of people in school leadership positions who, in their vital task of "preparing the young to life" (Bauman 2011: 10), must remain aware of the delicate balance between enabling the critical faculties of their students and staff, whilst nevertheless constraining them within an institutional model of accommodation that is reflective of the give and take of communal, political life, and the navigation of multiple affiliations that comprise modern citizenship.

### 3.3.3 Farrell: Genealogy, Post-structuralism, and FBVs

Farrell (2016) states that his study is a genealogical analysis of the Department for Education's (DfE) FBVs policy, exploring its implications for teachers and, to a certain degree, the curriculum they teach. By genealogy, Farrell (2016) means Foucault's critical method of deconstruction, which aims to expose the relationship between knowledge, power, discourse and force relations, along with the meticulous rituals of power, or 'dispositifs' (Foucault, 1991), that shape social subjects. In this case, the social subjects are the student teachers in Farrell's (2016) study. As a poststructuralist enquiry, Farrell's (2016) study is concerned with analysing the competing regimes of truth made evident in the narratives of the teachers, and the ways in

which those teachers constituted themselves as subjects of the discourse. For Farrell (2016), of critical concern for this genealogy is the way in which teachers of RE, working within a discourse of pluralism and multi-culturalism, responded to the statutory requirement to promote the FBVs. Such a genealogical analysis is concerned with examining the ways in which the FBVs discourse constitutes teachers as subjects, either as the complicit docile bodies of discourse, or the resistant teacher and student subjects who creatively transgress its normative boundaries, subverting or re-territorialising the discourse to reclaim their moral imaginations from the juridico-discursive operations of state power.

Farrell (2016) argues that the focus on teacher narratives allows for critical genealogical investigation at the micro-level of cultural analysis by entertaining the “claims to attention of local ... disqualified, illegitimate knowledges” (Foucault 1980: 81) against the political and epistemic sovereignty of the neo-conservative “half-blind Leviathan” (Brenkman 2007: 1) that has produced the juridical discourse of Prevent and the FBVs. Through Farrell’s (2016) assertion that he is privileging the ‘minor knowledges’ of student teachers, his study seeks to make a contribution to what Foucault identified as the real political task of criticism: “the unmasking of power for the use of those who suffer it” (Foucault, cited in Sheridan, 1997, 27). As a genealogical analysis, it also belongs to the Foucauldian critical practice of the “insurrection of subjugated knowledges” (Foucault 1980: 81) by providing a problematising counter-discourse to the official policy narrative of the DfE.

Farrell (2016) continues that genealogical social histories provide the heuristic tools to enable historians to write ‘a history of the present’. In particular, normalising practices were to become “one of the great instruments of power” (Foucault 1991: 184) of the modern age, and a principal concern of twentieth and twenty-first century education policy has been security and the management of populations to create productive economic and subjected bodies. As such, the ‘Trojan Horse’ affair, and the 2014 introduction of the FBVs, is evidence of a radical discursive shift taking place within UK education policy. Arguing that the bio-politics (as in the

social and political power over life) of focusing on security and surveillance have replaced the emphasis on welfare as the neoliberal State reconfigures its role “from that of caretaker to traffic cop” (Kapoor 2013, 1040), Farrell (2016) contends that nowhere is the reassertion of civic nationalism more evident than in the concept of British values as fundamental. Thus Farrell (2016) argues that religious education (RE) is at risk of being territorialised as a strategic site for the government’s domestic war on terror.

However, the requirement for RE teachers to promote the FBVs raises questions about teacher agency and the extent to which teachers might be able to subvert the policy as agents within “the moving substrate of force relations” (Foucault 1998: 93, cited in Farrell, 2016: 285). Farrell (2016) contends that the empirical data from his study shows that student teachers question and problematise the notion of homogeneous British identity; and more importantly for Farrell (2016), some of the teachers interviewed felt excluded by British society. School therefore becomes the striated space (Deleuze and Guattari 2013) of ‘othering’ for teachers already ‘othered’ by dominant discourses of race, gender and class. This disciplinary space is open to disruption, and constructs of Britishness are open to re-signification through critical problematisation exercised through the agency of resistant student and teacher subjects. For instance, Farrell (2016) believes there is evidence of agency and resistance: suggestions by the teachers that the FBVs could be appropriated by several means – the use of exploratory teaching approaches that stimulate students’ moral imaginations; critical analyses of media portrayals of Muslims; exploring wider issues of community cohesion and social justice, such as the question of gender equality; and de-territorialising the requirements of the FBVs policy by focusing on diversity and difference as positive.

Farrell (2016) believes that recent contributions to the debate about the role of RE in the post 9/11 moment urge greater criticality in RE teaching and a move away from phenomenological models, which construct religions as reified ideal types and avoid critical dialogue in order to maintain neutrality. Pedagogical models of RE exist that have the capacity to provide both

teachers and students with the resources to make sense of complex issues like violent terrorism (Miller 2013). Farrell (2016) argues that taking a more critical stance will require teachers to understand and acknowledge economic and political failures, plus issues of race, class and post-colonialism, which comprise the minutia of factors which have brought about the extremism that the FBVs discourse is designed to counter in the name of democracy. Farrell (2016) is reminded, in this sense, of Brenkman's (2007) critique of the paradox inherent in neoliberal democracies: of the use of war and securitisation in the name of democracy when "the very aim of the internal workings of a democracy is to eliminate or transcend use of force" (Brenkman 2007:19).

Farrell (2016) returns to Foucault's analytic of power, arguing that, as public intellectuals, critical scholars of RE and race theory are tactically and strategically positioned to critique the FBVs policy by problematising the discourse through the creation of public debate and discussion. It "is a matter of detaching the power of truth from the forms of hegemony, social, economic and cultural, within which it operates" (Foucault 1980, 133). Truth, in this analysis, Farrell (2016) contends, is "a thing of this world" (Foucault 1980: 131), and the 'truths' which are being contested in Farrell's (2016) study are presented as having been constructed within a political truth regime about what it means to be British. In this context, Farrell (2016) argues that RE as a 'public good', and as a reflexive setting for young peoples' agonistic dialogue (a polemical exchange), is under serious threat. However, he also says that his participants' narratives reveal the potential of RE as a counter-hegemonic forum where moral purpose through education can be asserted; and within the current political environment, it is the polity of the academy where questions about the meaning of British citizenship can be contested with least interference and regulation.

Farrell (2016) concludes arguing that RE, both within academia and schools, has a long tradition of criticality which needs foregrounding and reasserting as a strategic site for the expansion of democratic, pluralist values so it can provide a dynamic alternative to the

disciplinary incitements of fundamental British values. For Farrell (2016: 295), these are matters of public concern that address the twin determinations of citizenship as ‘belonging’ and ‘participation’. There is much at stake, thus requiring the strengthening of relationships and alliances between school-based practitioners, academics and community groups to counteract the discourse of Prevent and the FBVs, and reassert pluralistic education as a practice of freedom. This is because, just as discourse transmits, produces and reinforces power, alternative discourses “undermine and expose” power, “render it fragile”, making “it possible to thwart it” (Foucault 1998: 101).

### 3.3.4 Concerns with the Genealogical Method and Post-structuralism

Milbank (1990) describes the post-structuralist genealogical method favoured by Farrell (2016) as reflective of Nietzsche’s *Genealogy of Morals* (1887) as well as Foucault’s *Discipline and Punish* (1975) and *The History of Sexuality* (1976). For Milbank (1990), the genealogical method described in these texts is an ‘absolute historicism’ portraying a human world dominated by power and violence. For instance, Nietzsche’s *Genealogy of Morals* (1887) is subtitled ‘a polemic’, by which he means a polemic contra Christianity, and the mirage of eternal moral values. Yet, the relationship between the title and the subtitle, for Milbank (1990: 281), indicates the key ambiguity of the genealogical method: on the one hand, it is committed to tracing the apparently same and persistent in history to its *process of origination*, and *not* to preceding origins (the difference being that a process is brought about by agents, for instance through the exercise of power, while preceding origins can be interpreted as inevitable determinants); whilst, on the other hand, the task is undertaken because of a concern to undermine some present constellation of power by exploding the eternal truths which it claims to promote, and exhibiting the base and brutish origins of its seemingly noble pretensions. So, is it really concerned with history or the present? And, if both are interpreted by agents in the context of inescapable power relations, what is the value of any analysis?

For Milbank (1990: 281), the consequent question that arises is whether the narrated genealogy is but one more interpretation: is it a story told with a bias to disturb received assumptions regarding the social order? Yet Milbank (1990: 281) continues that neither Nietzsche (1887) nor Foucault (1975, 1976) understood genealogy in such a manner: when both suggest that there are no facts, merely interpretations, they are not thinking of genealogical history, but of the relationship of any human culture to its inheritance. Cultures exist as interpretations, but the arbitrary displacement of one interpretation by another can still be objectively narrated. So, genealogy is an endless task, because every discourse and practice always presupposes more than it can be fully aware of, and the limitations of each individual genealogist will be defined by the particular concern they have to unmask whichever form of domination that, in the circumstances of their individual era, is deemed problematic (Milbank, 1990: 281-282).

For Milbank (1990), the claim, then, is that genealogical accounts are objective; and yet, at the same time, they stand in an intimate relationship to the question of justice, which requires normative judgement. As Foucault tells us, Nietzsche's earlier work related 'scientific history' to the exposure of unjust social structures, whereas his later work came to view every regime of power as necessarily unjust (Rabinow, 1984). Yet at the same time, Nietzsche came to believe more strongly in the liberating role of history, which exposes the fact of those injustices. By revealing the injustice, and the arbitrariness of every power-constellation, history leads us gradually to the realisation that this state of affairs inherent in 'life' is not to be condemned, but instead should be celebrated. Hence, for Milbank (1990), genealogy is not an interpretation, but a new, joyfully-nihilistic form of positivism that explains every cultural meaning-complex as a particular strategy or ruse of power. No universals are ascribed to human society, bar one: that it is always a field of warfare. Yet, at the same time, this universal history of military manoeuvres is also to be regarded as in some sense liberating, because it facilitates the emergence of an *ubermensch* (superman), or a post-humanist human creature (Foucault, 1984).



From this, Milbank (1990: 282) argues that the genealogical method cannot sustain itself as anything more than an interpretation of every event as a moment of combat. How can this itself be justified merely in historicist, genealogical terms? Supposedly, the genealogist is quite neutral with respect to different sorts of values promoted by different historical cultures, and therefore should be suspicious of them all. Yet, Milbank (1990:282) argues, if every possible event is a 'military move' over and against 'the other', then cultures closer to realising this truth will come to be celebrated as more 'natural' and more spontaneous. Thus Milbank (1990) believes that, unless it is clear that this really is a more 'natural' form of life, then the general thesis must fall into doubt, and the genealogy of Nietzsche (1887) and Foucault (1975, 1976, 1984) should be accepted as just another perspective; that is, an account of the rise of one worldview, written from the point of view of a worldview which it has seemingly displaced (Milbank, 1990).

So, with respect to the central preoccupation of the chapter regarding the imbalance between the principles of *accommodation* and *critique* in the present academic debate on FBVs in schools, I would argue that the genealogical method utilised by Farrell (2016), whilst offering a thorough and rigorous critique of the power relations within British liberal democracy, nevertheless fails to provide us with a vision of any alternative civil and institutional framework by which we may accommodate the moral diversity that Farrell (2016) is keen to illuminate and liberate. This is despite the fact that Farrell's (2016) employment of the genealogical method claims to stand in intimate relation to the question of justice in the manner described by Milbank (1990) above.

Gillian Rose (1996: 21) highlights some of the dangers that reliance on truncated (and therefore over-simplified) readings of post-structuralist thought may pose to academic enquiries in the social sciences: essentially, prioritising principles of critique over those of accommodation in such a manner that any proposal for accommodation is greeted with scepticism because it is seen as just another exercise of power – and exercises of power are

implicitly viewed as illegitimate in this truncated reading of post-structuralism, even though Foucault (1980) was careful to argue against such an assumption. Rose (1996) believes that, in the wake of post-structuralism, it has become commonplace to argue that all social institutions, especially those deploying specialist knowledge, represent 'powers', in the negative sense of the term: this is the case whether the 'powers' are located in the central State or local government; and whether they concern the professions (such as medicine, law and architecture) or critical traditions in philosophy and sociology. As a result, because of this monolithic and implicitly-negative view of power, we are only able to demand expiation for total domination, which is deeply unsatisfactory, for we have disqualified any possible investigation into the dynamics of the configuration and reconfiguration of power, which is absolutely necessary to distinguish both *particular* sources of injustice, and also what constitutes justice as a positive state of affairs. This is what Rose (1996) takes to be our endless predicament: the presentation of power as plural yet total and all-pervasive, and at the same time opposition to power conceived as equally pluralistic, multiform and incessant. Thus, the community, unwittingly and unwillingly, participates in a restructuring of power that undermines the semi-autonomous institutions, such as science and law, which alleviate the pressure of the modern State on the individual at the same time as accommodating diversity. The plural yet totalised conception of power, for Rose (1996), leaves individuals and collectives more, and not less, exposed to the unmitigated, negative power of the State (Rose, 1996).

Returning to the question of the prioritisation of key methodological principles in interpreting FBVs, I now want to raise a number of concerns regarding the post-structuralist genealogical method of critique as employed by Farrell (2016), which I take as illustrative of the characterisations of Millbank (1990) and Rose (1996) above. This is in the sense that it resides in a totalised conception of power dynamics, and claims to stand in intimate relation to justice through the deployment of militaristic terminology in critique. However, we are left without the means to uncover the genealogy of that justice, and how it may serve to reconfigure those power dynamics to better accommodate pluralism within an institutional framework. Instead,

we find a methodology of critique that appears to ignore, or even actively dismiss, the dialectic of enablement and constraint that characterises institutional societies. This blindness to the dialectic is so intrinsic to the approach that any accompanying or successive methodology *for accommodating the findings of the study itself* seem impossible.

For instance, Farrell's (2016: 295) use of military terms, such as 'strategic' and 'tactical', combined with his depiction (2016: 287; 284) of the British State as both a "half-blind Leviathan" and a "traffic cop" seeking to 'territorialise' and 'securitise' Religious Education via policies of 'surveillance' (also his contention that teachers can "subvert or re-territorialise the (FBV) discourse to re-claim their moral imaginations"), appears to frame the law as nothing more than an instrument of social control. As such, Farrell (2016) not only illustrates Rose's (1996) observation that social institutions and structure are perceived as 'powers' in the most totalised and negative sense of the term, but also the genealogical method and post-structuralist methodology demonstrates Milbank's (1990) point regarding the adversarial, combative origins of the method, alongside its absolute historicism. By looking to enable difference without restraint via a methodological prioritisation of the critique of power *per se*, individuals and groups can only ever exist *contra* the State, with no option for the accompanying enablement of accommodation via the intermediary, institutional representation of civil society. For, as we have seen from Rose (1996) above, through such a negative and totalised view of power, we are only able to demand expiation for domination. Thus, we constrain any possible investigation into the dynamics of the configuration and reconfiguration of power, which is absolutely necessary to enable us to distinguish both *particular* sources of injustice, and also what constitutes justice as a positive state of affairs. In other words, how we may *better* enable the accommodation of thus-far marginalised individuals and collectives in civil society and political life.

In this sense, Farrell's (2016) study also illustrates Milbank's (1990) comment that genealogical accounts purport to stand in intimate relation to the normative question of justice. For

instance, Farrell (2016) claims to be unmasking power for those who suffer its effects, yet if the law is conceived as nothing more than an instrument of social control 'deployed' to generate "complicit docile bodies of discourse" (Farrell, 2015: 6), whilst at the same time residing in a world of "contingent socially situated micro-narratives" (Farrell, 2016: 288), then what is there *beyond law* to which can be made any kind of appeal for the legitimacy of the implicit sense of justice guiding the study? For what is the genealogy of that conception of justice if we are in the midst of a "paradigmatic shift away from positivism, grand-narratives and generalizable universal truths" (Farrell, 2015: 6), other than the sheer contingency of individual preference? In this sense, Farrell's (2016) methodology frustrates its own project because it falls into the trap that Rose (1984) identifies: post-structuralism, in its appeal to an indeterminate concept of justice, offers little more in terms of jurisprudence than "legalism without law" (Rose, 1984: 1). For there is an appeal to a greater good behind the law, the sense of *a natural law*, and yet by its own argument this can only ever exist as but one relative interpretation, and subsequently cannot hold a monopoly on power or authority.

Farrell (2016) is right to point to alternative pedagogies in his desire to preserve the critical space within State education. However, those pedagogies are only as good as the structures that are built to aid their implementation, along with the rules which guide their navigation, assess their outcomes, and enable the critical faculties of the moral-imaginings that they are simultaneously required to constrain via their accommodation into the wider society in which they are located. That is the State, and its educational institutional structures. Yet, Farrell's (2016) methodological priorities can only ever constrain the enablement of the pedagogies that he advocates, as the method produces mere deliberations on the effects of power, and these deliberations are themselves a mere epiphenomenon of power. This results in a reading of the institutional structures in which the alternative pedagogies may be enabled as malign, all-pervasive power structures that use the law as an instrument of social control. Moral imaginings need to be navigated via a dialectic of enablement and constraint, and themselves be open to critique, if they are to stand any chance of accommodation.

Farrell (2016) raises a number of valid concerns regarding the excesses of liberal democracy in the twenty-first century. However, via his emphasis on a post-structural genealogical methodology of critique, his picture of liberal democracy risks being little more than a caricature or a pantomime villain. This comes about because of his narrow and totalised conception of power dynamics, which leaves Farrell unable to conceive of the alternative, representative justice that could provide a positive counterpoint to his critique of the status quo. I would argue, as per Rose (1996), that this ultimately risks leaving the individual more, and not less, exposed to the unmitigated power of the State.

### 3.3.5 Concerns with Interpretations of Critique

There are clearly a number of difficulties which arise when methodological priority is conferred on the principle of *critique* to the exclusion of *accommodation* when interpreting the FBVs in schools. As we saw when methodological priority was given to particular conceptions of *accommodation*, we are seemingly inviting a situation that merely perpetuates the cycles of marginalisation and conflict, where groups and individuals are pitted against each other, and against the institutional structures of the State. This is despite the best of intentions. In the case of Revell and Bryan (2016), there is the risk of a 'cold' marginalisation in conditions of 'impermanence and fear', whereas with Farrell (2016), we find a 'hot' marginalisation, and a call to arms via a post-structural, genealogical critique that is hungry for a justice that it is unable to conceive. Each case, however, serves to legitimise not only the populist discourse repudiating multiculturalism, which Holmwood and O'Toole (2018) claim propels the narratives behind the FBVs, but also the embrace of the more extreme alternatives which FBVs were explicitly introduced to counter, and which multicultural, agonal discourse seeks to ameliorate.

This is not to say that we must uncritically accept those policies which may be born out of a desire to *assimilate* rather than *accommodate* (assimilation is about erasing rather than engaging with difference). However, we must guard against critique as a matter of reflex, and

advanced in a manner which invites the danger of further marginalisation and conflict. For instance, we risk marginalising those who are at most need of the enablement that civil institutions and society, at their best, can facilitate: if we can only conceive of the relationship between institutions and those who are marginalized in terms of conflict, this will constrain any hope of their accommodation into the wider body politic. There is a need to critically enable moral imaginations in order that any constraints introduced by policies of accommodation may be reassessed, interventions undertaken, and new accommodations enabled. Concomitantly, in the conditions of moral relativism that Farrell (2016) highlights, there is equally a need to constrain those imaginations in order that monopolies can be countered, and new accommodations can be enabled which perennially work “towards a good enough justice” (Rose, 1995: 116). This is so as to guard against the conflation of legitimate critique with a confused sense of grievance, vengeance and reparation that seems to be the logical conclusion of the post-structural, genealogical methodological critique favoured by Farrell (2016), or the sense of despairing, apathetic withdrawal and alienation from institutional life that follows Revell and Bryan’s (2016) reading of liquid modernity. In both of the latter cases we find rich ground in which populist and extremist discourse can germinate, despite the best intentions of each interpretation of critique.

### 3.4 Conclusion

As we saw in the previous chapter, the work of Rittel and Webber (1973) allowed us to show how and why the 2014 FBVs intervention is what systems thinkers call a wicked problem. This is particularly because it is symptomatic of a bigger, more complex problem of the accommodation of moral diversity in liberal civil frameworks, the challenge to legality from both within and outside of those frameworks, and the question of jurisprudential monopolies. Accompanying this is the problem that such issues are themselves open to multiple interpretations, and how those issues are interpreted will shape the preferred response. Similarly, in this chapter, the work of the systems thinker, Geoffrey Vickers (1980), has allowed me to argue that a dialectic of enablement and constraint propels the institutional structure of

Western liberal societies, which gives rise to the mutual necessity of *accommodation* and *critique* as methodological principles in order to navigate that dialectic when considering interventions and boundary judgements. This chapter has shown how the present literature surrounding the 2014 FBVs intervention fails to properly navigate the dialectic of enablement and constraint by conferring methodological priority on one or the other principle, thereby frustrating the necessity of each. Moreover, the philosophical frameworks utilised by the researchers discussed in this chapter, alongside their individual conclusions, serve to reinforce the argument of the previous chapter of how and why the FBVs are symptomatic of a wider problem, in that each framework is an interpretation of the broader societal issues *as a whole*, instead of seeing the educative domain as but one part in isolation.

Many authors have argued that a systems approach can help us get a better grip on wicked problems (e.g., Coyle and Alexander 1997; Foote et al 2014a, 2014b; Givens 2012; Cabera and Cabrera 2015; Ison and Straw 2020; Sydelko et al 2021), and it is therefore my intention to use a systems approach to look in more depth at what lies behind the case of FBVs in schools. In particular, I will argue that the values of democracy, rule of law, individual liberty, mutual respect and tolerance of those with different faiths are interpretive phenomena, and a later chapter will present an interpretive-systemic analysis of the accommodation and critique of moral diversity in various British interpretations of justice. Before offering this, however, it will be necessary to explain the various systems approaches available to me, so I can select or design an appropriate methodology for the analysis. I will need to identify and address any concerns with that methodology, which might serve to frustrate my purpose. This will now be the burden of the next two chapters.





## Chapter 4 – Systems Thinking

I have so far argued that the ‘transdiscipline’<sup>1</sup> of systems thinking, as discussed by authors like Vickers (1983), offers an approach that may be appropriate if we characterise the Fundamental British Values (FBVs) in the schools intervention as a wicked problem (Rittel and Webber, 1973). I framed it as a wicked problem in Chapter One, and I argued that systems thinking has the potential to allow us to interrogate the implications of that problem for society and its institutions as a systemic ‘whole’. The word ‘whole’ is in inverted commas because, as Ulrich (1983) and Midgley (2000) make clear, comprehensive appreciation of any system is impossible because of the inevitability of both framing (emphasising some things over others) and boundary-setting (cutting interconnections and leaving potentially relevant elements out of the analysis).

In the previous chapter, I discussed how Vickers (1983) identifies a dialectic of enablement and constraint, which he claims characterises the highly institutional nature of the modern Western liberal democratic civil order. I then argued that it was this dialectic which gave rise to the necessity of both accommodation and critique as methodological principles when considering an institutional order, the rule of law, and value pluralism. However, present research into the FBVs (e.g., Farrell, 2016; Panjwani, 2016; Revell & Bryan, 2016; Holmwood & O’Toole, 2018) utilises social theories conferring a methodological priority on *either* the

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<sup>1</sup> Midgley et al (2018) call systems thinking a ‘transdiscipline’ rather than just saying it is ‘transdisciplinary’. In a personal communication, Midgley (2019) clarified why: transdisciplinary fields (e.g., systems thinking, systems science, cybernetics, operational research, action research and complexity science) are initially developed to propose theory and/or methodology that transcends disciplinary boundaries, but as research communities form around them and the theory and/or methodology becomes more elaborate and diverse over time, forms of specialist language evolve that are not immediately transparent to disciplinary scientists. In this sense, transdisciplines behave just like disciplines, with their specialist languages that appear opaque from outside, which is rather ironic given that many of their first advocates (e.g., von Bertalanffy, 1956; Boulding, 1956) explicitly objected to that opacity. However, Bammer et al (2013) argue that, to counter the power of the disciplines to marginalize transdisciplinary fields, it is necessary to ‘discipline’ transdisciplinarity (i.e., create all the institutional trappings of the disciplines that enable a sustainable research community to flourish, including relevant theories, methodologies and linguistic conventions). Therefore, calling systems thinking a ‘transdiscipline’ is appropriate.

principle of accommodation *or* critique in a manner which, I argued, overlooks the necessity of both with regard to the dialectic of enablement and constraint.

I then suggested that a systems approach allows us to reinterpret the FBVs within the wider social context of the dialectic of enablement and constraint to show that it is via this dialectic that we form pathways to *navigate between* the principles of accommodation and critique. I suggested a reason we see an either/or division between these two principles in the literature is that the FBVs statute tends to be read as embedded within a broader State-sponsored programme of the assimilation of moral diversity through counter-terrorism legislation. Yet, as we saw in Chapter One, a House of Lords Select Committee (2018) warned the British government that by couching FBVs within such legislation, binary debates would be perpetuated, thus risking further marginalisation of those whom the FBVs are intended to engage. Once we switch attention to the values themselves as interpretive phenomena, and their role in the evolution of liberal societal institutions, it becomes evident that *both* accommodation and critique are necessary moments in that evolution, and both are enabled and constrained by institutional contexts.

One concern of this chapter is to show how these methodological principles of *accommodation* and *critique* have also proven to be a preoccupation for a number of schools of thought within the academic discipline of systems thinking. This chapter will thus present three interconnected yet distinct ‘waves’ of systems thinking (Midgley, 2000), in which these principles have been pivotal. Midgley (2006) explains his use of the wave metaphor as follows:

“In presenting successive developments of systems ideas I use a “wave” metaphor. A wave throws useful materials onto the beach, and these are then added to and sometimes rearranged when the next wave hits. I argue that there have been three waves of systems research since the 1940s, each of which offers a different basic understanding of systems and consequently a different methodological approach. Inevitably, all metaphors highlight some features of a situation while hiding others (Morgan 1986). In this case, the fact that some researchers continue to develop older ideas in useful directions even after new waves come along is made less visible than I might like by the wave metaphor. Nevertheless, the advantage of using this metaphor is that it focuses attention on some of the major shifts in understanding that have taken place, leaving us with a wide range of systems approaches to learn from” (p.12).

For example, Checkland (1981) provides a methodology that seeks *accommodations* via a process that sees a shift from first wave notions of optimisation to second wave conceptions of learning; whereas third wave thinkers, such as Ulrich (1983, 1988) and Jackson (1982, 1984, 1991), sought to enhance systems thinking with a focus on *critique* of the power relations at play within those accommodations and learning processes.

Yet Fuenmayor (1997) argues that, if we are to understand the principles of *learning*, *accommodation* and *critique* in terms of their Enlightenment meanings, then we find that, via the process of learning, a critical self-awareness emerges that sets itself in a logical opposition to the principle of accommodation into a given order. From this perspective, the true intent of learning is to seek *liberation* from accommodation, or to overthrow it. Read as such, systems thinking is left in a position whereby it is unable to accommodate individuals and communities into a given order if it is actually to retain a critical edge, as intended by third wave authors such as Fuenmayor (1991d, 1997).

As per the previous chapter, the role of the underlying social theories utilised to underpin use (or rejection) of the principles of accommodation and critique is key to the conclusions that authors reach. This has been noted and explored by Midgley (2000, 2011) in his systemic intervention approach, and he argues that theoretical pluralism (using ideas from more than one theory, and only resolving contradictions if the purposes of the research demand it) can prevent authors getting trapped in 'foundationalist' theoretical positions where one set of assumptions overrides all others (see Flood, 1990, for a discussion of foundationalism). Thus, Midgley's form of systems thinking may well provide a way out of the approaches to accommodation and critique that involve embracing one of these principles and excluding or minimising the other.

However, while Midgley's (2011) work might be useful, there is a lot more in the literature on systems thinking. Consequently, this chapter will provide a topography of the transdiscipline in

order to identify methodologies that could be appropriate for a systemic study of what the possible meanings of the FBVs are, and that say something about how the principles of *accommodation* and *critique* should be navigated.

The chapter will be divided into two sections. The first will provide a review of the various ‘waves’ (Midgley, 2000, 2006) of systems thinking, while the second section settles on an appropriate methodological approach. I will argue that Midgley’s (2000) theory of systemic intervention allows for the reconfiguration of the philosophical framework of interpretive systemology (Fuenmayor et al, 1991), and this reconfiguration will involve underpinning Fuenmayor’s methodological ideas with the social theory of Gillian Rose (1981, 1984, 1991, 1993, 1996). Because Fuenmayor so strongly prioritises critique over accommodation (as discussed above), it is only when Rose’s ideas are integrated with interpretive systemology that navigation between the principles of *accommodation* and *critique* becomes possible.

Through this reconceptualised version of interpretive systemology, I intend to uncover the ‘holistic sense’ of the fundamental British Values – holistic in the sense of understanding different possible meanings of them, grounded in different theories, rather than holistic in the sense of pursuing absolute comprehensiveness. A number of authors (e.g., Bunge, 1977; Ulrich, 1983; Friend, 2004; Midgley and Ochoa-Arias, 2004; Midgley, 2006, 2015, 2018; Midgley and Rjagopalan, 2020) have argued that the latter is illusory, as we always have a partial understanding by virtue of the fact that we cannot do other than impose boundaries for our analyses in ways that make much of the interconnectedness of the world invisible.

#### **4.1 Towards a Topography of Systems Thinking**

Picking up the refrain above, Midgley (2000) writes that some authors equate being ‘systemic’ with being (as far as possible) comprehensive. However, Midgley (2000) cautions that this is but one way of describing systemicity, and it is particular to the first wave of systems thinking – found, for example, in the work of Ludwig Von Bertalanffy (1956) and his General System Theory. This is premised on the idea that it is possible to offer a common language for all the

various scientific communities, and through this language, scientists working in various fields can transcend the limitations of their various fragmented disciplines, while still preserving and enhancing their specialised knowledge (Midgley, 2000: 34).

Midgley (2000) continues that systems thinking first evolved as a response to mechanism and reductionism, which are scientific principles suggesting that 'whole' systems are best understood when viewed as aggregates of elements, such as cells in biological organisms or individual human beings in families (von Bertalanffy, 1956; 1968; Ackoff, 1974; Churchman, 1979). This way of thinking is 'reductionist' because it is assumed that any system is merely an aggregate of its parts, instead of having properties that can only be explained by the *interrelationships between the parts*, with interrelationships implying more than mere aggregation (M'Pherson, 1974). It is also 'reductionist' because, in principle, every system can be decomposed into its *smallest possible* parts, all the way down to atoms and sub-atomic elements. Of course, if our aim is to develop a new social policy, explaining the workings of a complex, modern society with reference to theories of sub-atomic physics is impractical at best, but the tradition of reductionism that underpins much 20<sup>th</sup> Century mainstream science has the ambition of producing this kind of explanation over the longer term. Thus, physics is generally looked upon by reductionists as the most 'fundamental' discipline, with all others built on top of it (Boulding, 1956; Fodor, 1974).

In addition to being reductionist, this is 'mechanistic' because the universe is viewed as working like a giant, deterministic clockwork toy (Prigogine, 1987). Prigogine not only claims that this is out of step with our subjective experiences of freedom of choice, but that these experiences point to a fundamental characteristic of the universe: that it contains *systems with agency*, and in the case of living systems, the agency is purposeful. Likewise, Rosen (2012) challenges mechanism, saying that a feature of all living systems is an ability to (imperfectly) 'model' the world around them, and thereby anticipate changes to a degree, and take proactive or promptly reactive action.

Von Bertalanffy (1956) argues that reductionism and mechanism are not appropriate ways of viewing the world because actually a system is more than an aggregate of its parts: its parts interact in such a way as to bring about 'emergent properties' – properties that can only be attributed to the functioning of the whole, and cannot be rooted in any one part in isolation. Von Bertalanffy was a biologist originally, and he proposed a new understanding of biological systems as complex wholes, as opposed to mere aggregates.

Von Bertalanffy (1956) noted that systems can either be 'closed', so they do not interact with their environment, or they may be 'open', in the sense that they take inputs from their environment, transform them, and then create outputs that go back into the environment. This led to von Bertalanffy's (1956) General System Theory (GST), from which an understanding emerged that the concept of an 'open system' may be applied to other phenomena beyond biological organisms, such as human minds, families, organisations and management systems.

## 4.2 The Three Waves of Systems Thinking

Focusing on applied systems thinking in the domains of social policy and management (as does this thesis), Midgley (2000) presents three distinct yet overlapping 'waves' of systems thinking, as mentioned earlier. The first wave is sometimes described in the literature as 'hard' systems thinking; the second as 'soft' systems thinking; while the third wave is often called 'critical' systems thinking. Actually, the labels for 'hard' and 'soft' were proposed by Checkland (1981), one of the early second wave authors. This is important to note because nobody in the first wave actually called themselves a 'hard' systems thinker; this label was originally proposed as a derogatory one to be contrasted with 'soft', but first wave authors swiftly adopted it and used 'soft' in a derogatory manner instead. Hence a paradigm war between 'hard' and 'soft' unfolded in the 1980s, as we shall see shortly. The term 'critical' (third wave) was introduced later still (Flood and Jackson, 1991a). The waves and some of their associated systems

approaches, for use in social policy and management, will now be presented in chronological order below.

### 4.3 First Wave: Hard Systems Thinking

Hard systems thinking was identified as such on account of its emphasis on quantitative data, but in the 1940s through to the 1960s, it nevertheless offered a paradigm break from the prevalent reductionist approach utilised by the mainstream natural and social sciences. The emphasis was not only on systems analysis (recognising that systems have emergent properties and are not merely aggregates of parts), but also taking a problem-solving approach: it was very much an *applied* transdiscipline. Like the social sciences of the time, however, it assumed that systems exist in the real world, and that models of them can be fashioned to represent the reality. These models can then be utilised to support prediction and/or learning about the systems in question (Jackson, 2003; Pidd, 2003; Midgley, 2006b).

Some examples of hard systems thinking methodologies include *systems engineering*, *system dynamics*, *systems analysis* and use of the *viable systems model*. *Systems engineering* is an interdisciplinary science for designing and managing complex, whole, integrated organisational systems with a focus on the appropriate roles and efficiency of subsystems. Systems engineering addresses optimisation, work processes and risk management over the system lifecycle (Hall, 1962; Jenkins, 1972).<sup>2</sup> Lewis (2016) tells us that *system dynamics* refers to a methodological and modelling approach to understanding the dynamic behaviour of complex systems by recognising the numerous interconnected, and sometimes time-delayed, relationships between components of a system over time. A notable application of system dynamics was the Club of Rome project (Meadows, et al, 1972) on anticipating the limits to

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<sup>2</sup> While systems engineering was originally just one methodological strand amongst several in the first wave of systems thinking, it has since grown into a new transdiscipline, sitting alongside systems thinking and systems science (for some recent overviews of what it now typically involves, see, for example, Walden et al, 2015; Bonnema et al, 2016; Open University 2016).

economic growth on account of resource constraints and environmental side effects. *Systems analysis* brings the knowledge and methods of modern science and technology to remedy societal ills, and it supports action on policy issues via the systemic analysis of multiple solutions, providing evidence on factors such as cost, effectiveness and risk (Miser & Quade, 1985). The *viable system model* is built on the principle that, for an organisation to be 'viable', it must demonstrate the ability to respond effectively to environmental challenges and opportunities, and an ideal model of an organisation is provided that can be used to diagnose problems in existing organisations (or to design new ones), as exemplified in the work of Beer (1959, 1972, 1989). This model proposes that organisational responsiveness is dependent on five functions and effective communications between them (for details, see the works of Stafford Beer, as referenced in the previous sentence).

#### 4.4 Criticisms of the First Wave

Jackson (2003) notes that, given the focus is on efficiency and effectiveness, there is nothing in the original methodologies to lead practitioners to question management's goals and objectives. This could lead to undesirable or even unjust policies and products being pursued with greater success. Also, the methodologies have little to say with respect to taking account of the plurality of voices and values from diverse stakeholder groups, which risks the exclusion of important insights from people and factors outside the managerial sphere (Checkland, 1981; Jackson & Keys, 1984). Furthermore, it has been observed that the lack of design input by broader stakeholder groups has resulted in a number of abandoned and/or ineffective projects (Rosenhead, 1989).

Another criticism (Lee, 1973) was that many practitioners of first wave systems thinking built 'super models' that were too complex for use in actual projects, thereby wasting a great deal of time, money and resources (see also Midgley and Richardson, 2007).

Meanwhile, many hard systems methodologies failed to support practitioners in understanding the sophisticated dynamics relating to how power and politics can determine



and influence outcomes (Jackson, 1991). This stems from the assumption of hard systems thinking that objectivity in modelling social issues and organisations is required, which can lead to an uncritical and unreflective view of the situation in which an intervention takes place, and how this may be received or interpreted by stakeholders with views contra to those of the practitioners (Jackson, 1982, 1983; Midgley, 2000). As such, hard systems approaches have been criticised for their overly positivistic analyses, and subsequently more interpretive methodologies were developed in the second wave of systems thinking (e.g., Churchman, 1970; Ackoff, 1981; Checkland, 1981).

#### 4.5 Second Wave: Soft Systems Thinking

From the criticisms of hard systems thinking, a new interpretive paradigm emerged to form the second wave of systems thinking, which spanned from the late 1970s through most of the 1980s. Subsequently, systems thinkers were now tasked with building methodologies that addressed multiple perspectives, and they presented systems methodology as a means to support systemic thinking about issues and possible actions (Churchman, 1968; Ackoff, 1974; Midgley 2000; Jackson, 2003). The 'systems idea' became a *way of thinking* about complex issues, without assuming that our knowledge is an accurate reflection of reality.

This paradigmatic move away from 'hard' systems to 'soft' systems caused scientists to question the notion that modelling was the sole domain of experts, and, instead, multiple perspectives on systems were acknowledged, and participatory practice adopted. A major emphasis was on the fostering of opportunities for discussion, input, and collaboration towards action (Ackoff, 1979, 1980, 1981; Mason & Mitroff, 1981; Jackson, 2006), and there was a further shift towards the consideration of possible human activity systems that, if used as guiding ideals, might bring desired changes in the actual world (Checkland, 1999; Midgley, 2000; Ackoff et al, 2006). Such efforts in systems thinking helped to expand the transdiscipline immensely (Jackson, 1991).

One of the key developments in the second wave, influencing both second and third wave systems thinking, was Churchman's (1970) work on boundaries. This relates to how a decision is made (process), what is included and/or excluded (content), why the decision should be made, and who is involved (pluralism of perspectives). All of these are variables that have significant impacts on any given project and its intended or unintended outcomes, as explored in the work of Churchman (1970), and later developed by Ulrich (1983) and Midgley (2000).

During the first wave of systems thinking, researchers thought they were trying to attain a 'comprehensive' understanding in order to move as close as possible to an 'objective' representation of a problem phenomenon or situation (Midgley and Richardson, 2007), whilst in the second wave the question of the human capacity to achieve 'objectivity' and 'comprehensiveness' came to be questioned by Churchman (1968; 1970) on account of the locally-situated actuality of human beings and their behaviour, which introduces the inevitability of framing and restricts our abilities to fully comprehend the interconnectedness of phenomena. Subsequently, Churchman's (1970) work led to a realisation that, whilst *full* understanding may not be possible, a *greater* one may still be gained, and this should not deter practitioners and theorists from exploring other situated and limited perspectives (Ulrich, 1983). As such, reflective processes should challenge assumptions, reveal social and personal constructions, and be built on an acceptance that system boundaries are socially constructed, so it becomes possible to explore whose perspectives and what forms of knowledge should be included in the identification of system boundaries (Churchman, 1970; Ulrich, 1983). This leads to the need for balance in the collection of various viewpoints to inform analysis and guide intervention, without oversaturating the process with data and paralysing decision-making (Churchman, 1970).

Three key examples of second wave soft systems methodologies are Checkland's (1981, 1990, 1999) *soft systems methodology (SSM)*, Ackoff's (1974, 1981) *interactive planning*, and Mason

and Mitroff's (1981) *strategic assumption and surface testing*, which built on Churchman's contributions (1968, 1970, 1971).

#### 4.5.1 Strategic Assumption Surfacing and Testing

Mason and Mitroff (1981) were heavily influenced by Churchman's (1970, 1979) ideas in that rational argument entails the pursuit of a 'dialectical process'. This relates to seeking out of the most erudite opponents of our ideas and entering into a debate with them to test the assumed boundaries of those ideas. This should then hopefully result in the victory of one or another position, or generate a new synthesis that provides a stronger solution than either of the contested ideas. This is the notion that drove the development of their approach called *strategic assumption surfacing and testing* (SAST). In brief, this has four stages, with the first being *group formation*: gathering those involved in, and affected by, a problem situation, and dividing them into groups in accordance to their position on key issues. The second, *assumption surfacing*, refers to the identification of preferred strategies or positions that each group adopts, with the aim of revealing the assumptions upon which they rest. Third is *dialectical debate*, which involves presentation of the case for each position, focused on challenging assumptions, in order to open them up for discussion. Fourth comes *synthesis*, which aims to achieve an accommodation among the involved and affected parties in order to find a practical way forward to implement programmes of improvement in a problem situation.

Midgley (2000: 194) says that Mason and Mitroff's (1981) SAST approach has been well tested in practical situations, having been utilised to address significant social policy issues, alongside business planning problems.

#### 4.5.2 Interactive Planning

Ackoff's (1981) *interactive planning* is another second wave approach, the purpose of which is to uncover and utilise the knowledge and creative abilities of every member of an organisation or institution in order to produce a plan of the ideal future that the organisation or institution

can work towards. This is a plan or strategy that may take years to implement, yet it aims to offer a feasible set of targets to be met in the long-term. A key notion is that such a plan should be so far-reaching that it can serve to 'dissolve' any disagreements between participants. The transformation that it aspires to should result in the commitment of all concerned parties, and the approach itself can be implemented in three stages. The first is *establishing planning boards*, where every role in the organisation is represented in the planning process, aiming for widespread participation. Second comes the process of *generating desired properties of the organisation's products and/or activities*. This refers to 'ends planning', which is to be conducted under conditions of openness, and with minimum constraint so that only technological feasibility, viability and adaptability serve to limit proposals. Finally, there is *producing the plan itself*, which refers to 'means planning', whereby all the representatives of the organisation or institution reach agreement on how to move forward.

Midgley (2000: 194) tells us that Ackoff's (1981) *interactive planning* has seen successful applications across a broad spectrum of corporations, irrespective of their individual size. Furthermore, it has been used to generate long-term blueprints for the redesign of cities, including, impressively, the road network in Paris, where the number of participants (filling in questionnaires) was in the millions.

#### 4.5.3 Soft Systems Methodology

The most widely referenced version of *soft systems methodology* (SSM) (Checkland, 1981) has seven steps, but Checkland and colleagues say that practitioners should use SSM as a heuristic tool for inquiry as opposed to treating it as a prescriptive process (Checkland & Scholes, 1990; Checkland, 1999). A critically important distinction is that some of the steps (five of the seven) take place in the 'real world', while the other two take place in the 'systems thinking world'. The latter is the world in which we explore people's different understandings of the transformations that are necessary (guided by a system of human activities) if the real world is

to change. For practitioners, moving between exploring the real-world complexities of a problematic situation and the systems thinking world of possible solutions generates an action-oriented learning process (Checkland, 1972, 1981b; Checkland & Scholes, 1990, 1999). The centrality of *learning* in SSM has been emphasised (Checkland and Poulter, 2006).

Checkland (1991) criticises first wave systems thinking for its emphasis on objectivity, and he focuses instead on what he sees as the different types of logic that are associated with different actors in various situations in human affairs and organisations. Notably, Checkland (1991: 64) points to the work of Geoffrey Vickers (1965; 1970; 1983), who provides an introduction to the 'soft' tradition of systems thinking, which Checkland (1991) argues can serve to complement the 'hard' one. Vickers (1965; 1970; 1983) made sense of the mental activities common to statespeople, judges, artists, doctors and business executives, and he talked about how they all exercised 'appreciation'. The reasoning underlying an appreciation can be called an 'appreciative system'. This refers to the various normative preferences, and methodological priorities that inform the standards of judgement in various stakeholders, and actors. Checkland (1991: 67) believes excessive focus on linear causal chains and goal-seeking paradigms, such as those of first wave thinking undermines our ability to see our own appreciative systems clearly enough, as clarity comes from contrasting our appreciative systems with those of others taking different perspectives.

Vickers (1965; 1970; 1983) made no claims for the idea of appreciative systems beyond its value in *understanding* the social processes that characterise human affairs, and his aim was the production of greater understanding rather than intervention. Nevertheless, Checkland (1991: 67) believes Vickers (1965; 1970; 1983) provided a new philosophical and intellectual framework for systems thinking, as opposed to a new methodology. So Checkland (1991: 67; 1981: 261-264) himself developed these ideas into a methodology for intervention into human affairs, which maps onto the idea of appreciative systems.

Checkland (1991: 68) refers to soft systems methodology (SSM) as the “orchestration of the operation of an appreciative system in a human situation perceived of as problematic”. SSM was developed because the methodology of systems engineering (Jenkins, 1979), based on goal-seeking, simply did not work when applied to messy and ill-structured real-world problems, characterised by multiple stakeholder perspectives. SSM was different in that it could be mapped onto the appreciative system concept on both the societal and individual levels. Generally, for both levels, there is an acceptance that in social life there are multiple accounts of reality, and our perceptions of cultural artefacts are based on taken-for-granted assumptions about the world. Indeed, these are themselves generated from our experiences of the world (with the classic example being the terrorist/freedom-fighter divide in politics, where the same phenomenon is subject to very different evaluative judgements, depending on the appreciative system being deployed). Because of this, models of human activity systems in SSM do not so much pretend to be models *of* the world, but models of *potential human activity* that embody a particular worldview (*weltanschauung*). Comparing a set of such models, based on different worldviews, against perceptions of the problem situation to anticipate possible consequences of implementation, articulates, in a formal manner, Vickers’s (1965, 1970, 1983) process of ‘appreciation’.

Checkland (1991: 70) maintains that the dialogue that SSM requires when participants compare the models of potential human action to the messy representation of the real world reveals the norms, standards and values extant in the problem situation, and contributes to them changing. Checkland (1991: 70) continues that it is virtually impossible to perform the comparison phase of SSM without modifying the readiness of the participants to perceive the world in a particular way. ‘Appreciative settings’ will be revealed, as will the degree to which they *are* changing, *could* be changed or – in the framework of a stated *weltanschauung* – *should* be changed. For Checkland (1991: 70), this learning, which occurs via the use of SSM, can, in principle, be a continuous one if people adopt the language of SSM in an ongoing manner in their organisations.

Via a formal articulation of the process of appreciation, SSM shares with Vickers (1965,1970, 1983) an epistemology which extends, or even subverts, the 'hard' paradigm of first wave preoccupations with goal-seeking and optimisation, whereby 'goals' are 'achieved' and 'problems' are 'solved' out of existence. The idea of appreciative systems, together with SSM, thereby helps to define a strand of systems thinking usefully different from those developed in the first wave.

#### 4.5.4 Implications for the Relationship between First Wave and Second Wave Approaches

In defining the nature of first wave systems thinking, Checkland (1991: 71) argues that it seeks to make possible the efficient achievement of goals or objectives, and that, by taking goal-seeking to be an adequate and sufficiently complete model of human behaviour, it assumes the world contains systems which can be 'engineered'. Hence, it talks the language of "problems" and "solutions", which eliminate those problems. Second wave or "soft" systems, on the other hand, does not regard goal seeking as an adequate model for the majority of what goes on in human affairs and interaction. It does not assume that the rich complexity of the world can be captured in systemic models, and thus regards most of the systems models produced within first wave systems approaches, not so much as "models of X", but rather as "models of the *logic* of X" (Checkland, 1991: 71). Another way to say this is that second wave approaches regard systems models as models of *human perspectives relevant to discussing* the world, not models of the world itself. For Checkland (1991: 71), this leads to the idea of "learning" replacing the idea of "optimising", and soft systems thinking is a tradition that talks the language of "issues" and "*accommodations*" rather than "solutions".

Midgley (2000: 195) argues that the three second wave approaches described above differ greatly from first wave approaches, in that the intervener is now regarded less as an 'expert' offering 'solutions' via modelling, but is instead viewed as a *facilitator*. Moreover, in each approach, there is the lack of a claim to objectivity justifying the imposition of the perceived 'best answer'. Instead, it is hoped that the 'best answer' emerges via the intersubjective and

rational deliberation that the methodologies aspire to orchestrate through their emphasis on participation. However, reflection on second wave methodologies by subsequent third wave thinkers nevertheless revealed that participation may be hampered by issues relating to power and marginalization (Flood and Jackson, 1991a).

My own view with respect to second wave systems thinking is that the shift from 'solutions' to 'accommodations' (Checkland, 1981), especially via the idea of an appreciative system in Vickers (1966, 1971, 1983), recognised the actuality of value pluralism within human activity systems, or socio-economic systems, as well as the need to formulate participatory ways of navigating this with regard to intervention in a problem situation. I believe this marked a very real advancement, yet it was also nascent, and under-theorised in this respect, lacking the critical edge that the subsequent early pioneers of third wave approaches, such as Critical Systems Thinking (Jackson, 1991; Flood and Jackson, 1991a,b) and Critical Systems Heuristics (Ulrich, 1983, 1988), attempted to rectify, as we shall shortly see.

#### **4.6 Criticisms of the Second Wave**

Despite the advances described above, criticisms of second wave methodologies began to emerge from the late 1970s and through into the 1980s. For instance, the abandonment of the 'predict and control' paradigm in hard systems thinking gave way to stakeholder participation. Yet it was argued from a Marxist or neo-Marxist position (e.g. Thomas and Lockett, 1979, Mingers, 1980, 1984, Jackson, 1982) that too much was being assumed in terms of the willingness of all participants to enter into free and fair dialogue, given that engagements between stakeholders with different class interests are often shaped by implicit and sometimes hard-to-detect elements of power, privilege and coercion (Jackson, 1985: 144). Linked to this, but not taking an explicitly Marxist view, Flood and Ulrich (1990) identified the change in systems thinking paradigms from 'hard' to 'soft' as an epistemological shift, representing a move from positivism to interpretivism. Yet they claimed that both paradigms are inadequate: they are similarly naïve when it comes to issues of power. The positivists leave



power in the hands of managers and expert modellers, who are able to exercise it over others; but the interpretivists naively assume that everybody is willing to share decision-making power in non-coercive dialogue. Flood and Ulrich therefore advocated a form of critical theory that would pay heed to the concerns raised by Jackson (1985) and others above.

What this comes down to is a conviction amongst second wave writers that welcoming in a plurality of perspectives would necessarily support the exchange of ideas, but this overlooked the structural features of society shaped by power, thus creating distortions of the free exchange of ideas (Thomas & Lockett, 1979). The absence of an *emancipatory* theory and practices to specifically address power relations was raised by thinkers such as Mingers (1980, 1984) and Jackson (1982, 1985). Jackson (1985) in particular noted that, with respect to the work of Checkland (1981) and Ackoff (1974), while participatory opportunities had increased, the actual influence of the various participants was, in reality, less certain, as powerful actors (e.g., owners of industry and their senior representatives) would inevitably reserve 'the final decision' for themselves. This made second wave methodologies seem rather paradoxical: although effective in diversifying stakeholder input beyond a restricted managerial circle, they ultimately lacked explicit strategies for implementing authentic participation, thus ultimately serving to reinforce the status quo (Mingers, 1980; Jackson, 1982; Munro, 1999; Córdoba and Midgley, 2008).

Methodologically, second wave systems approaches were also criticised for their limited and narrow philosophical assumptions, which led to an unwillingness to consider other approaches based upon different, incommensurate philosophies (Jackson and Keys, 1984, Jackson, 1987). Such a restrictive view undervalues potential contributions from first wave 'hard' systems approaches, and it overlooks the importance that critical theory might play in informing practice, in a way that might help address problematic power relations (Flood & Jackson, 1991a). Subsequently, some writers, such as Jackson (1987), Flood (1990), Oliga (1996), Gregory (1996a,b), Midgley (1996) and Mingers and Gill (1997), called for a pluralist approach

that could serve to align the first and second wave methodologies with different contexts, whilst at the same time allowing for the design of newer, more critical approaches that could address contexts characterised by the strong and complex power relations with which methodologies from both the first and second waves could not cope.

Interestingly, many of the criticisms of second wave thinkers came from a philosophical perspective that was strongly influenced by the Frankfurt School of critical philosophy, and especially the work of Jürgen Habermas (Ulrich, 1983, 1988; Jackson, 1985a; Oliga, 1988; Midgley, 1992a,b). The intellectual project of Habermas, like that of many of the critical theorists of the Frankfurt school, sought to illuminate the existence of, and overturn, the neo-positivist and instrumental paradigms, which had, up to that point, dominated the social sciences, including the production of political theories. This represented a move away from the then-popular idea of the disinterested observer viewing its subject or phenomenon from a distance, and towards reflection upon potential biases and self-interests in analyses.

For instance, Checkland's (1991: 71) seeking of "accommodations" in social systems raises questions regarding the means by which those accommodations come about (Fuenmayor, 1991d, 1997). This in turn raises questions about what theories of power, authority, legitimacy, representation, consensus and coercion should be deployed to understand the construction of accommodations – such theories being the central concern of the critical theorists of the Frankfurt School (e.g. Horkheimer, 1937, 1972; Adorno, 1944, 1966; Habermas, 1970, 1972, 1974). The influence of this particular tradition in Western philosophy and sociology was particularly dominant in the first generation of third wave systems thinkers (e.g., Ulrich, 1983, 1988; Jackson, 1985a; Oliga, 1988; Flood, 1990; Midgley, 1992a,b), but receded when the second generation of third wave systems thinkers arrived on the scene (e.g. Midgley, 1996a,b, 2000; Gregory (1996a,b), Munlo, 1997, Flood, 1999a).

## 4.7 Third Wave: Critical Systems Thinking

Midgley (2000: 204) tells us that the 'revisionist' phase of the third wave of systems thinking built upon the strengths, yet sought to correct the weaknesses, of the earlier versions of CST. The initial phase of CST was built upon, and integrated, two foundation stones: a case for methodological pluralism, and the need for a critique of boundary judgements (later to become known as boundary critique). There was no integration of these things in the earlier work. I will discuss boundary critique first.

### 4.7.1 Critical Systems Heuristics

With respect to boundary critique, this was first developed in the form of Ulrich's (1983, 1988, 1994) social theory and systems methodology of critical systems heuristics (CSH), where the central idea is the need to be critical of the value and boundary judgements of social planners. Flood and Jackson (1991b) argue that Ulrich's (1983) CSH was (at that time) the only explicitly emancipatory approach in the field of systems thinking, and it inaugurated a profound theoretical debate on how to execute boundary analysis and instil emancipatory principles within systems thinking. Indeed, while there has been a lot of subsequent research on boundary critique, there is an argument that only one particular branch of that research, concerned with feminism and gender, could be considered truly emancipatory, as a lot of the most influential writings on the subject (e.g., Midgley, 1996a,b, 2000, 2003, 2008; Midgley et al, 1998, 2007; Córdoba and Midgley, 2003, 2006, 2008; Boyd et al, 2004; Foote et al, 2007; Midgley and Pinzón, 2011, 2013) replaced the specific focus on emancipation with a broader one on 'improvement' (Lewis, 2016).

Ulrich (1983: 15) put forward CSH as the heuristic support that planners and citizens alike need for confronting the problem of practical reason (how to make valid or legitimate moral judgements) in practice, rather than in theory. Ulrich's (1983) social theory was underpinned

by an attempt to apply the critical work of Kant to a thought-experiment case study<sup>3</sup>, particularly the three critiques, those of pure reason (1781, 1787), practical reason (1788), and the power of judgement (1790). This was supplemented by a reading of 20<sup>th</sup> century theorists, such as Popper (1959), and his view that science and other knowledge should be rationally criticised, along with Habermas's (1984a, 1984b) theory of communicative action, and Churchman's (1970, 1979) work on the ethics of system boundary identification.

The three words ('critical', 'systems' and 'heuristics') that comprise CSH were defined as key directives within the theory itself. Lewis (2016) claims that, when employed in a systemic intervention, CSH has the potential to uncover previously hidden areas of marginalisation, and it can emancipate, not only those involved in the intervention, but also those who may be affected. Use of the term 'critical' was influenced by the Frankfurt School's project to "liberate human beings from the circumstances that enslave them" (Horkheimer, 1972: 244). Use of the word 'system' is reliant on Kant's (1787, 1788, 1790) holistic definition as "the totality of relevant conditions on which theoretical or practical judgements depend, including basic metaphysical, ethical, political and ideological *a priori* judgements" (Ulrich, 1983:21). Whilst acknowledging that having a 'God's eye' view of a problem may be impossible, the intent was nevertheless to better articulate a more comprehensive view of a given problem via reflection upon the limitations imposed by restricted boundary judgements. Lastly, the term 'heuristic' is important in four ways (Lewis, 2016). First, the purpose of working heuristically is to assist in uncovering problematic questions, but without guaranteeing solutions. Second, it intends to "teach discovering", with Ulrich (1983: 21-23) stating that education is the central aim of his work. Third, it "serves to discover deception", which is seen as a "critical task" on the grounds that the planner needs to be mindful of sources of insincerity (Ulrich, 1983: 21-23). Fourth, the

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<sup>3</sup> It is notable that this first 'application' of CSH was a thought experiment and not a piece of systemic action research. It was a few years later that the first 'real' applications of CSH were undertaken (e.g., Flood and Jackson, 1991; Midgley, 1994).

term 'heuristic' means "what a theoretical approach is not" (Ulrich, 1983: 21-23), in that the effort required to be both practical and critical requires learning about morality in a given context rather than just the construction of theories about the world.

On a methodological level, CSH contains a series of questions to be considered when approaching a problem context: there are twelve boundary questions for planners and 'the affected' to use to question a design's normative content and challenge its underlying boundary judgements (Ulrich, 1989: 82). The method of boundary critique/judgement uses two lenses, with the first relating to 'what is the case' presently, and the second being concerned with 'what ought to be the case' moving forward.

There are four categories of boundary question. First are the *sources of motivation*, which seek to identify the beneficiaries, their purposes for involvement, and what measurements ought to be used to determine success. Second come the *sources of control*, which identify the decision makers, their sources of power, what resources they should have access to, plus what decisions are (or should be) outside of their control. The third set of questions relate to *sources of knowledge*: who provides relevant expertise and what can increase the likelihood of success. The fourth set of questions refers to *sources of legitimacy*, and they consider those who might be affected but are not involved, whether emancipation is possible, and what the moral basis is for going ahead with an intervention. It has also been suggested that this last set of questions can be used to ascertain what space there is available to help the "reconciliation of different worldviews" (Ulrich & Reynolds, 2010: 244).

Ulrich's (1983, 1988, 1991) work with CSH brought the question of inclusion and marginalisation to the fore in systems thinking, and the work provided the grounds for deep theoretical discussion (e.g., Midgley's, 1992b, model of marginalization process to inform intervention), whilst at the same time it gave practitioners a tool for boundary analysis.

However, there have arguably been some over-blown claims for CSH. The most notable is Flood and Jackson's (1991b) assertion that it is the only systems approach capable of addressing coercion. Midgley (1997a) notes that CSH is still dependent on free and fair dialogue between stakeholders to address coercion, yet within all but the mildest coercive situations, dialogue and debate are usually closed. Ulrich's (1983) single example of tackling coercion relies on the ability of a 'higher power' to arbitrate, and therefore it is not a strongly coercive situation at all, as the institutional means to deal with the problem already exist. If strong coercion is entrenched, Midgley (1997a) argues that political action and campaigning is required in conjunction with other strategies (empowerment and information provision) to bring about change. Midgley's (1997a) suggestion is that CSH is better seen as an approach for value clarification than one that tackles coercion.

#### 4.7.2 The System of Systems Methodologies

Jackson (1991a, 1991b) tells us that another key development in critical systems thinking was the notion that systems practitioners should embrace methodological pluralism, which was an idea first proposed in the critical systems literature by Jackson and Keys (1984), and evolved by these and other authors throughout the 80s and 90s. For instance, Jackson (1987b) argues that none of the first and second waves of systems thinking dealt with the issues of power and coercion in an adequate way, and he identified Ulrich's (1983) CSH, discussed above, as the only methodology that was acceptable in this respect.

Jackson (1987b) subsequently proposed that the three different waves of systems thinking (hard, soft, and critical) were useful in dealing with three different types of problem. First wave thinking is useful when there is a consensus on the nature of the problem situation; second wave thinking is useful when there is non-coercive disagreement between key players; and CSH is useful in situations which are defined by coercion. Furthermore, Jackson (1985a, 1988) proposed Habermas's (1972) theory of knowledge constitutive interests as being useful to underpin methodological pluralism, in that all three kinds of systems thinking are necessary for

us to appropriately address the three human interests in prediction and control, mutual understanding, and emancipation from restrictive power relations.

As other authors, such as Mingers (1980), Midgley (1988, 1989a,b, 1990a,b), Oliga (1988, 1990), Flood (1989a,b, 1990) and Gregory (1989, 1990), began to add to the work of Jackson (1987a,b, 1991) and Ulrich (1983), a new perspective called 'Critical Systems Thinking' (a name with roots in the Frankfurt tradition of Critical theory, out of which the work of Habermas evolved) was born. Subsequently, the central ideas and debates around CST were consolidated in a book of readings edited by Flood and Jackson (1991a).

#### 4.7.3 The Power-Ideology Matrix in Social Systems Control

Another important, but unfortunately often overlooked, contribution to critical systems thinking came from John C. Oliga (1988, 1990, 1991, 1996), who also utilised the work of Habermas (1972; 1984). In particular, he drew attention to power, ideology and control in sociocultural systems (Oliga, 1996), which he said are often ignored by naturalistic, first-wave accounts of system behaviour and interpretive (second-wave) analyses of systems of thought rooted in different stakeholder perspectives.

Oliga (1991: 271) argued that one reason for the apparently slow emergence of critical thought in systems thinking may have been due to the ideological dominance of the first and second waves, on account of their seemingly conservative nature. Oliga (1990; 1991: 281) suggested that, unless we look to understand system stability and change in relation to the conscious actions of humans as makers and/or victims of history, then we are unable to even begin to develop a more critical view of social and cultural systems. Furthermore, Oliga (1990; 1991: 281-282) asserts that uncritical employments of first and second wave approaches, which ignore the dialectical nature of power and ideology, are regressive steps away from a penetrating understanding of social control as a phenomenon in social systems (also see Flood and Jackson, 1991a).

Flood and Jackson (1991a: 211) report that despite the influence of Habermas (1987, 1984) on the first generation of critical systems thinking, he nevertheless came to be viewed as typifying the Enlightenment ideals of universalism, progress and modernity, which were challenged in the wake of post-modern thinkers such as Foucault (1981), and Lyotard (1979). Consequently, Flood and Jackson (1991a: 211) believe it was inevitable that critical systems thinking would have to face up to the challenge from post-modernism at some point, thus leading to substantial revisions in its philosophical frameworks which, whilst pre-empted in works such as Flood's *Liberating Systems Theory* (1990), largely came from a new generation of CST writers. Wooliston (1992) was arguably the most comprehensive in his analysis of the implications of post-modernism for CST, but this was a PhD thesis, and unfortunately he chose not to publish more widely.

#### 4.7.4 Revising Critical Systems Thinking

Midgley (2000: 206) tells us that, despite the publication of a volume of various readings in CST (Flood and Jackson, 1991a), there were a number of tensions within the CST tradition. Midgley (2000: 206) argues that these were focused on three central problems, the resolution of which led to a significant revision of CST, whilst still retaining the primary concerns with boundary critique and methodological pluralism.

The first problem was with respect to Flood and Jackson's (1991b) contention that critical systems heuristics (CSH) is only useful for dealing with coercive situations. Ulrich (1993) and Midgley (1996c, 2000) argued that pigeon-holing CSH in this way effectively confines boundary critique to a minority of situations, which leaves the question of how coercion comes to be defined in the first place unanswered. This is because, if there is no scope for boundary critique, coercion may remain hidden by those who are presenting a description of the problem situation. Midgley (2000) argues that, if CST is to really take account of power relations, then boundary critique must be performed up-front in all interventions; it cannot be subordinated to a form of methodological pluralism that limits its application based on a



superficial diagnosis of a problem situation. For Midgley (2000), this does not contradict the desire to embrace methodological pluralism because the plural employment of methods may be helpful in undertaking both boundary critique and subsequent intervention in response to a deep diagnosis of the problematic situation (Midgley, 1996a, 2000).

The second problem is related to the use of Habermas's (1972) theory of knowledge-constitutive interests by Flood and Jackson (1991a), and Ulrich's (1983) use of Habermas's (1979) theory of communicative action. Both emphasise the universalisation of morality. Yet Midgley (2000) argues that, given that it is rare to be able to find a moral principle which is truly *universally* applicable (i.e., across all contexts), this insistence on universality runs the risk of making morality uncritical. Either people make overly simplistic moral pronouncements without due care for the limitations of such utterances, or they become discouraged from making any moral judgements at all. Midgley argues the solution to this is to abstain from an insistence on moral universality in the first place (also see Taket & White, 1993; Flood & Romm, 1996a; Vega, 1999), and this makes sense in terms of Midgley's theory of boundary critique, which will be outlined below, in that all moral judgements are spatially and temporally located. Even in cases where it's argued that a moral principle should be applied very widely, such as with discourses on human rights and social justice, *absolute* morality should not be assumed. Instead, morality should be seen as a case of political assertion, supported by argument concerning the benefits and limitations of its application (Midgley, 2000; also see Freedman, 1991, specifically concerning human rights).

The third problem was the apparent scarcity of systems methods in the face of coercion, which Midgley (2000) argued had remained insufficiently addressed by CST writers, despite the claims made about CSH (see earlier). Whilst the failings of the first and second waves had been pointed out in the early 1980s by thinkers such as Mingers (1980, 1984) and Jackson (1982), it nevertheless seemed that the solution to the problem of coercion proposed by Flood and Jackson's (1991a,b) use of CSH was equally problematic. This is because, as discussed earlier,

CSH is incapable of dealing with the closure of debate in coercive situations (Midgley, 1997a). Whilst Midgley (2000) discussed two “modes” of CSH to be used when communication is possible, either face to face or via arbitration, it still left CST in a position of having no methods to deal with coercion. This, in part, was the situation that initially brought the third wave of systems thinking into being in the first place. Subsequently, Midgley (2000: 210) argued that the solution is to recognise that systemic intervention can take a variety of forms. There can be activities of information production and debate, but also there is a need for the explicit inclusion within systemic intervention of “*political action and campaigning*” (Midgley’s italics). The idea is that, when it is believed that debate is blocked and coercive forces have control, changes can be fought for within the wider system to free up the situation, and systems methods of various kinds may be useful in support of such action. Thus, dealing with coercion is not so much a matter of methodological choice, but what the appropriate boundaries for analysis and engagement are; for, when coercion is encountered, the need to widen the boundaries has to be considered so that the systemic patterns that are keeping the coercion in place can be tackled. For Midgley (2000), a truly *critical* systems thinking must prioritise boundary critique rather than risk taking organisational boundaries for granted (Midgley, 2000; Cordoba and Midgley, 2003, 2006, 2008).

#### 4.7.5 Boundary Critique and Marginalisation

According to Midgley (1992b), in critical systems research, two particular needs are stressed: the first is being critical about defining system boundaries, and the second is to establish boundaries within which critique can be conducted. Midgley et al (1998) then developed a theory of boundary critique that serves to illustrate, not only the various value judgements that inform boundary judgements, but also how individuals, groups and issues may become marginalised in the wake of discussion and decision-making processes. For instance, Midgley (1992b: 6) argues that it is essential to note that defining a hidden marginalised element involves “recognising the existence of an *alternative system boundary*” (Midgley’s italics). While it is a commonplace notion that a system boundary defines what is included in the

system (and, implicitly, what is excluded), the marginal area at the boundary can only ever be defined with respect to *another boundary* because there would be no way to differentiate what is marginal (and possibly hidden) from what is excluded, without such outside limits. In this sense, marginalisation implies the use of more than one system boundary, even if one or more of these boundaries is being employed tacitly or unconsciously in a given analysis. Consequently, we are then in a position to develop a systems language of *primary* and *secondary* boundaries. The primary boundary is that which is most obvious, in that it may be placed around a traditionally defined organisation, an eco-system or a society, whereas the secondary boundary is that which allows recognition of the pertinent existence of elements outside the system being defined that are still seen to affect it in varying degrees. These elements seen to be lying between the two boundaries are *marginal* to the system (Midgley, 1992b).

#### 4.7.6 Values and Marginalisation

Midgley (1992b) builds upon Ulrich's (1983) conception of the relationship between ethical reasoning and the making of boundary judgements in critical systems research. Midgley's (1992b) concern is to show that value judgements are not only related to what is or what is not included within a given boundary, but also to what lies in the margins. Borrowing some terminology from Douglas (1966), Midgley (1992b) postulates that the imposition of a *profane* or 'devalued/negative' status upon various marginal elements may reinforce or galvanise the seemingly objective necessity of the primary boundary, whilst the imposition of a *sacred* or 'valued/positive' status might protect the secondary boundary from dissolution. In returning to Ulrich's (1983, 1988) conception that a choice between boundaries can reflect a choice between different ethical concerns, Midgley (1992b) suggests that, when the primary and secondary boundary carry differing ethical implications, a tension is generated.

Because most ethical issues and concomitant boundary judgements, both primary and secondary, can be said to have risen from the surrounding culture (in the sense that they are

intersubjectively accepted), it is possible then to find evidence for cultural reactions to the ethical tensions that arise. Midgley (2000) argues that there is rarely a consensus that something marginalized is sacred or profane; rather, the status of who or what is marginalized becomes a locus for conflict over which view is to dominate. Indeed, not only do ethical tensions give rise to sacredness and profanity and hence conflict, but the whole process comes to be overlaid with social ritual (Douglas, 1966; Midgley, 1992b), with ritual being defined as “behaviour, in whatever context, that contains stereotypical elements involving the symbolic expression of wider social concerns” (Midgley, 1992b: 11). Ultimately, it is the institutionalising of rituals that makes either the sacredness or profanity of whatever is in the margins dominant. An example from Midgley (1992b) is forcing people who are unemployed to sign a register saying they are available to work, which is a ritual of humiliation that reinforces the idea that unemployment and the unemployed are profane. For Midgley (1992b), this theory is useful for intervention: an observation of ritual can inform the observer where sacredness and profanity might lie, and hence where ethical conflicts related to marginalisation that need to be tackled may be found (Midgley, 1992b).

A number of Midgley’s (1992b: 10) footnotes make for useful justification of the terminology with respect to marginalisation, boundaries, the sacred and the profane. For example, Midgley (1992b: 10-12) asserts that the relationship between boundaries (framing aspects of truth judgements), and values (rightness judgements) is essentially systemic in its nature, and it would therefore be nonsensical to read either as *a priori* with regard to the other. Nevertheless, whilst a theoretical picture of the interdependence of boundaries and values may be drawn, in the *actual process* of thinking, we move among ‘worlds’ of truth, rightness and understanding of subjectivities (note that the identification of these three ‘worlds’ comes from Habermas’s, 1984a,b, theory of communicative action); and in a later work, Midgley (2016) reflects on the strengths and weaknesses of this theoretical development. In practical terms this means that, when we talk of the origin of a particular value or ideology lying within “the system”, or a system boundary as having a particular ideological or value-based root, then

we see that genealogies of commonplace, everyday thinking are essentially bound to the rationality of the moment and, following their emergence, should ideally become available for critique (Midgley, 1992b).

Furthermore, the choice of the words “sacred” and “profane” is a deliberate move away from more “neutral” terms that attempt to perpetuate what Midgley (1992b: 10) sees as the “artificial distinction” in the Western world between secular and religious values. In regards to the relationship between boundary, value and ritual, Midgley (1992b: 10) believes that the same processes operate, whether they are religious or secular in their conception and/or genealogy, and this emotive terminology better serves to underscore the urgency that drives many issues relating to marginalisation compared with more ‘neutral’ language (Midgley, 1992b: 10).

Finally, Midgley (1992b: 11) stresses that it is *ethical* conflict in relation to marginalisation that is the key to understanding sacredness and profanity. Where consideration of primary and secondary boundaries does not give rise to issues of rightness, then sacredness and profanity may not come to the surface of consciousness, despite the fact that they may nevertheless be played out unconsciously. For Midgley (1992b: 11), this is perhaps why there is the persistent belief (for example, in mainstream science) that knowledge and boundary judgements can be regarded as “value-free”, in that there are no perceived ethical implications or questions of rightness with regards to the choices made between system boundaries. From this comes a problem of validity and legitimacy, in that all choice involves judgements of right and wrong (Habermas, 1976), which includes choices between boundaries, so for Midgley (1992b), the argument for value neutrality is invalid unless the notion of choice itself is dispensed with (also see Fazey et al, 2018). A good example that Midgley (1992b: 11) uses to make this point is in relation to the seismic shift with regard to how environmental concerns have shaped value judgements since the time that Midgley (1992b) was formulating and arguing the analyses cited here with respect to the validity and legitimacy in arguing for a “value-free” neutrality in

supporting viable social systems (Midgley, 1992b: 9-11). Also see Midgley (1994), where this discussion of environmental concerns is deepened.

#### 4.7.7 Systemic Intervention

Once the second generation of writings on critical systems thinking had been consolidated in an edited book (Flood and Romm, 1996), Midgley went on to make a strategic decision to stop using the term CST. He started writing about 'systemic intervention' instead (Midgley, 2000), and also developed the wave metaphor (Midgley, 2003, 2006) to frame the paradigm shifts from 'hard' to 'soft' to 'critical'. While the reasons for this were not discussed in print at the time, he has recently reflected on this (Midgley and Rajagopalan, 2021):

For instance, the term 'systems thinking' (without the adjective 'critical' in front of it) had been very widely accepted as an umbrella term for all the various applied approaches, and a consensually-accepted term was necessary because of the extraordinary diversity of labels that went along with these approaches, creating some confusion for people coming to the field for the first time. Finally, the arguments for boundary critique and methodological pluralism had mostly been won within the systems research community, so there was little need for the adjective 'critical' any more, even when talking with systems thinkers – a critical approach was well accepted. Nevertheless, Midgley (2000) did see a need to label his own particular approach, and coined the term 'systemic intervention'. Midgley (2000:1) defines intervention as "purposeful action by an agent to create change", arguing that, at its most basic, an adequate methodology for intervention should comprise three elements: critical reflection upon boundaries; choice between methods; and action for improvement. Each of these is explained in more detail below.

First is the requirement for agents to critically reflect upon (as well as make choices between) boundaries, as per Midgley's (1992b) reading of boundaries summarised above. This because it is only possible for agents to execute boundary judgements through the explicit or implicit use of theories (see Weimer, 1979, for an argument for the theory-dependent nature of all

judgements), so critical reflection brings these theories into question. This questioning is an *activity*, in the sense that it is itself an intervention to shape an agent's understanding, which can, in turn, influence future action. This insight from Midgley (1996b) laid the groundwork for a later claim by Midgley and Ochoa-Arias (2001) that the development of knowledge and understanding is just as much an 'intervention' as a direct change made in the tangible, physical world. Midgley (2000) contends that it is only by way of boundary critique that the ethical consequences of different possible actions, and their underlying philosophical assumptions, can be subject to analysis.

The second component of an adequate methodology, according to Midgley, is the need for agents to decide between various methods and theories that could be utilised to guide action, and this requires a focus on methodological and theoretical pluralism. The theory of boundaries underpins this pluralism, in that different theories make different boundary assumptions, so choices between theories and boundaries go together (Midgley, 2011). Likewise, different methodologies are grounded in different theories, so choice between the methods borrowed from these methodologies is consistent with the ideas already discussed. Ultimately, this means that choices between boundaries and theories are suggestive of which methodological options could be most relevant, and conversely, methodological choices imply particular theoretical and boundary assumptions, so these should be open for critique. For Midgley (2000), choice between methods and theories is a form of action in the same manner that the reflection on, and choice between, boundary judgements can be seen as action, as it constitutes an intervention in the present moment of understanding in order to ascertain a particular approach to a future intervention.

Finally, Midgley (2000: 130) tells us that a satisfactory methodology for systemic intervention should be clear that it is *taking action for improvement*, and two key terms need to be understood in this respect. The term 'action' must always be interpreted within the local context of a problem situation, even if that local context may be interpreted as very wide

indeed, such as in international relations or transnational environmental issues. The reason behind this harks back to the importance of boundary critique and judgement, in that the employment of different boundaries, theories and methods will subsequently reveal correspondingly different conceptions of what the meaning of an agent taking action is. Likewise, 'improvement' needs to be defined in the temporal and local sense for different agents, and, as with 'action', this again relates to the issue of boundary judgements, in that what looks like improvement to one individual, community or organisation may look like quite the opposite to another (see Churchman, 1970, for an earlier, seminal discussion of this). Furthermore, while a consensus may be formed by those directly affected by an intervention on what constitutes 'improvement', this may come to be judged as something other than an improvement when its effects have been felt and assessed by future generations. Midgley (2000: 130) contends that this temporary nature of improvement brings the question of *sustainable* improvement into relief. Whilst even sustainable improvements cannot last forever, calibrating improvement to long-term stability (without entrenching social inequities) is crucial if it is to account for future generations. Midgley (2000) thus argues that one can assume that an improvement has been made when a desired consequence has been brought about via intervention, and a *sustainable* improvement has been realised when it looks as though it will last well into the future without the appearance of undesired consequences or a re-definition of the original consequences as undesirable.

For Midgley (2000: 131), the notion of improvement is key, on the grounds that agents are restricted in the number of interventions they can engage in, and therefore are required to make judgements regarding what they should and should not do. Additionally, Midgley (2000) argues that the term 'improvement' is preferable to 'emancipation' because 'improvement' is general enough to have meaning in relation to almost any value system: it is simply indicative of the purposeful action of an agent to initiate a change for the better, even if that is simply a change in our knowledge. Of course, Jackson (1985) and other early CST writers argued for a focus on human emancipation, so this point about improvement is important. My



understanding, from personal communications (Midgley, 2020), is that Midgley did not intend to label the pursuit of human emancipation as illegitimate; he merely wanted to widen the possible values that could be focused upon using a critical systems approach.

As should be apparent from the way I have described Midgley's (2000) theory of systemic intervention, the three activities of reflecting on boundary judgements, choosing theories and methods, and taking action for improvement are tightly interrelated, as doing one always carries the implication of doing the other two. Despite the fact that the emphasis on one or another of the three activities may shift, each of the three are essential components of a whole. Such a theory of intervention then is triune in structure, in that the separation between the three is analytical as opposed to actual, ensuring a proper consideration of three angles on possible directions for an intervention. By making all three a specific focus for a methodology of systemic intervention this, Midgley (2000:132) tells us, guides the reflections of the agent, ensuring that boundaries, theories, methods and action for improvement all receive due consideration in a trinity of *Critique, Judgement* and *Action*. *Critique* specifically relates to boundary critique; *Judgement* refers to the adjudication between the relevance and appropriateness of theories and methods to guide intervention; and *Action* refers to the implementation of methods to create ideas for improvement, which must always be understood in the local context of a problem situation (Midgley, 2000).

#### 4.8 Interpretive Systemology

Concurrent with the development of the first work in critical systems thinking, which responded to the perceived shortcomings of the second wave, came the launch of interpretive systemology (IS). This was proposed by thinkers such as Fuenmayor (1990, 1991a-d) and Lopez-Garay (1991a-c), and then continued in the work of thinkers such Ochoa-Arias (1998, 2000). While I credit the initial theoretical development of interpretive systemology to Fuenmayor (1991a-d), I will nevertheless first of all utilise Midgley and Ochoa-Arias's (2001) general description of the approach before briefly discussing the implications of Fuenmayor's

(1997) interpretation of *accommodation* and *critique* in the second wave, and first-generation, third-wave systems approaches. However, I would like to emphasise that, given that an aim of this thesis is to argue for a reconfigured philosophical framework for interpretive systemology, a much more extensive exposition of the approach will be provided in the next chapter.

Furthermore, Chapter Five will present an alternative philosophical framework offered by way of a response to the critiques of interpretive systemology from other systems thinkers (e.g. Jackson, 1992; Flood, 1992; Mingers, 1992; Midgley, 2000). As such, the purpose of the following section is merely to introduce interpretive systemology, and explain why it is going to be a central plank in my methodological construction.

Interestingly, it is uncommon in the systems literature to find interpretive systemology listed as a third wave approach. For instance, in his four-volume set of edited readings covering 100 years of systems thinking, systems science, cybernetics and complexity, Midgley (2003) groups Interpretive Systemology with second wave methodologies like soft systems methodology (e.g., Checkland, 1981) and interactive planning (e.g., Ackoff, 1981). Perhaps this grouping has taken place because of the word 'interpretive' in 'interpretive systemology', as it is commonly asserted that the second wave of systems thinking adopted an interpretivist philosophy (e.g., Jackson, 2006). However, not only is interpretive systemology third wave in terms of the time of its emergence (concurrent with the directed readings on critical systems thinking edited by Flood and Jackson, 1991a), but I believe that it is notable for providing a "second front" in the challenge to the philosophical framework underpinning the initial work on critical systems thinking, heavily influenced by Habermas (1972, 1976). Like the "first front" of critique in the revisionist work of third wave thinkers such as Midgley (1996, 2000), interpretive systemology raises the problem of the universality of truth and morality. Habermas (and following him, Ulrich, 1983, and Jackson, 1991) insists that participants in dialogue should be arguing for the universality of their moral claims, while Fuenmayor (1991a,b,c,d, 1997) and Midgley (2000) both question whether any moral claim can ever be truly universal – valid for every circumstance for all time. In particular, this challenge to universality stems from Fuenmayor's

(1991d, 1997) utilisation of the philosophies of such as Heidegger (e.g. 1954), and Foucault (e.g. 1980), with a combination of phenomenological method and transcendental critique.

Midgley and Ochoa-Arias (2001: 617) tell us that interpretive systemology is a research program that seeks to address the theoretical assumptions of holistic thinking, and it provides a framework to gain knowledge regarding the present; that is, the mode in which social institutions, and social phenomena in general, gain their meanings in present society.

Interpretive systemology sets out to guide the search for holistic unity regarding the phenomena being studied, yet this term “holistic unity” does not necessarily entail the attempt to reach a “correct” or “ultimate” meaning, but rather to illuminate the richness of the phenomenon as it manifests itself in a *variety* of meanings, which then become the basis for (as near as possible) a comprehensive debate. Midgley and Ochoa-Arias (2001) say that this implies a reflective process in which knowledge, and the ways in which it is obtained, is subject to fundamental revision via an attempt to unveil the grounds that give meaning to phenomena. By ‘grounds’, I am referring to factors which contribute to the formation of the basis for action or the justification of a belief or value system. This unveiling of grounds, for Midgley and Ochoa-Arias (2001), has the capacity to make relative and contingent hitherto taken-for-granted assumptions, and produces alternative discourses which allow for the reconsideration of frozen ideological relationships.

The unfolding of the sense of a phenomenon entails exploring the limits of different perspectives on it; perspectives which are in turn conceived as complex judgements and styles of reasoning about the world. Subsequently, it is implied that knowledge is not a matter of *choice* among different perspectives, but, rather, it is a critical search *for* different perspectives, which may then enrich consciousness about the phenomenon under study.

Developing and exploring discourse carries the task of searching for the deep grounds from which the rationale of those perspectives emanates, thereby revealing how the phenomenon is conceived and explained.

Midgley and Ochoa-Arias (2001: 618) continue by explaining that the discourse through which the differing perspectives are developed must be able to highlight the differences between them in order to illustrate the contingent nature of the ways in which they are bounded. This should then serve to enhance the possibility for a debate between the differing perspectives regarding the problematic phenomenon, which aids people in making dominant conceptions relative, thus serving to empower marginalised discourses via the illumination of their relevance to a particular phenomenon. The term 'debate' suggests two or more sides of an argument, but in the context of an interpretive systemological study, this need not be a literal debate between protagonists supporting different positions, but could be a 'debate' orchestrated by a researcher revealing the possible interpretations and their relations to one another.

For Midgley and Ochoa-Arias (2001: 618), a key facet of interpretive systemology is the unveiling of the possible historical grounds of dominant social understandings in society by focusing on the way in which the complex social order is produced and reproduced (Midgley and Ochoa-Arias, 2001: 617-618).

#### 4.8.1 Critiquing Second and Third Wave Systems Thinking in Interpretive Systemology

Fuenmayor (1997: 240) critiques the meaning of systems thinking in Second and Third Wave approaches when he argues that, within Western history, holistic thinking is metaphysical thinking, in that metaphysics is concerned with thinking about beings as a whole with respect to the *ground* of beings. Hence, for Fuenmayor (1997: 240), "*metaphysical thinking is systems thinking, thinking in terms of the ground of beings, so that sense, **holistic sense**, can be brought forth*" (original italics). From his reading of Heidegger (1954), Fuenmayor (1997) views the principle of *accommodation* in Checkland's (1985, 1991) soft systems approach as intervention within *enframing*, in that it is merely instrumental reason employed in service of the technical interest that is internal to a liberal free-market hegemony, and the West European post-Enlightenment worldview (Heidegger, 1954; Habermas, 1972). Fuenmayor (1997) argues that

this makes holistic thought, that is systems thinking as metaphysical thinking, meaningless. Consequently, Fuenmayor (1997: 244-245) believes that the current 'soft' systems approach of Checkland (1985; 1991), alongside the 'critical' systems thinking of Ulrich (1983) and Jackson (1991), eschews the critical, emancipatory drive of the Enlightenment, and it is in no way attempting to transform the present epochal order. Rather, it is instead perpetuating that order, accommodating conflicting interests within it. Thus the methodological principle of *critique as emancipation* is placed in logical opposition to that of *accommodation* on the grounds that it seeks to overthrow a given order, and gain liberation from it (Fuenmayor, 1997: 244 – 245).

I suspect that, if asked, Checkland would dispute the construal of accommodation above, arguing instead that it has much narrower boundaries: it is merely people agreeing, in a local and temporary way, to co-operate on a set of activities to bring about a change, so the wider socio-political order doesn't really come into it. However, the problem with such a reply is that all boundary judgements on what is or is not relevant to decision making and action are in a sense artificial – an inevitable convenience to enable sense-making and normative judgement on what to do, otherwise the sweeping in of connected issues and concerns would become infinite (Ulrich, 1983). So, I agree with Fuenmayor that accommodations necessarily take place in the wider context of a social order. They could potentially be designed to *change or undermine* aspects of that order, if the motivation to reach accommodations is political and all the participants agree on the need for such a change, but because Checkland doesn't discuss the wider order in anything other than *organisational* terms (Córdoba and Midgley, 2008), the broader political context can be missed. Inevitably, because SSM is mostly applied to achieve organisational rather than wider community change, and organisations generally have to survive within the political status quo, this broader context will, more often than not, be taken for granted.

For Fuenmayor (1997: 244), then, the call for *accommodation* slips into becoming a conservative approach to accommodating everybody into a given order so that the stability of that order can be maintained, and this notion of *accommodation* is not altered in essence if the circle of the affected is widened to include all the inhabitants of the planet via the use of Ulrich's (1983) critical systems heuristics. Similarly, it remains unaltered if coercive contexts are considered via Jackson's (1991) 'system of systems methodologies', for, in any case, the *final purpose* of all current forms of systems thinking is to accommodate a few, or many, within an epochal order that remains largely invisible in the context of organisational life. Fuenmayor (1997: 244) views this as contra to the deep revolutionary will that originally animated the systems project of modernity, whose basis was the *transformation* of an epochal order via enlightenment propelled by a deep *critique* of that order (Fuenmayor, 1997: 244 – 245).

## 4.9 The Choice of Systems Approaches for this Thesis

### 4.9.1 Rationale

Having now surveyed the various waves of Systems Thinking, for the broader purpose of this thesis I will employ Midgley's (2000) methodology of systemic intervention to justify the rationale behind my choice of theories and methods. This is because I believe the research program of interpretive systemology, as laid out by Midgley and Ochoa-Arias (2001) earlier (and covered in much more depth in the next chapter, with reference to more of Fuenmayor's original work), is the systems approach best suited to considering interpretations of *accommodation* and *critique* with respect to the 2014 British Values statute, in that both the "political consequences, and the institutional preconditions for practical discourse, are in turn, part of the field of study of Interpretive Systemology" (Fuenmayor, 1991d: 241-242).

However, as we shall see in the next chapter, there are pertinent criticisms from Jackson (1992), Mingers (1992), Flood (1992), and Midgley (2000) regarding interpretive systemology's philosophical framework and program for intervention, which need to be addressed. I will argue that doing this requires a challenge to Fuenmayor's (1997: 235) contention that the

principles of *learning* read as *critique*, and *accommodation* as a conservative reconciliation into a given social order, are “logically opposed”. I will argue that they do not have to be seen in this way, and indeed both are necessary in a society where people need to *both* collaborate in solidarity with one another *and* challenge unjust or damaging social relationships.

I can rethink the relationship between accommodation and critique by drawing on some ideas from the political philosopher, Gillian Rose (e.g. 1981, 1992), and I will make the case for underpinning Interpretive Systemology with some of her thinking. However, I will not be attempting a full synthesis of all of Rose’s and Fuenmayor’s ideas: I will bring together what is necessary for my research, setting aside the manifold ideas from Rose that are not relevant to my purposes, and using those that are. Consequently, the research needs to be positioned in a way that allows for this approach, which is essentially a form of theoretical pluralism, as advocated by Midgley (2000, 2011) when he outlines his methodology of systemic intervention. So, I conceive of underpinning interpretive systemology with new foundations as a systemic intervention into knowledge, as discussed by Midgley and Ochoa-Arias (2001). Viewing my research this way allows me to embrace theoretical pluralism as one of the core principles of systemic intervention, and it legitimizes the idea of offering an alternative philosophical framework for interpretive systemology to resolve the criticisms mentioned above. Indeed, I will argue that it allows us to *navigate between* the principles of accommodation and critique (the idea of ‘navigation’ will be fully explained in Chapter Five), whilst maintaining a commitment to the original critical research program, which was briefly discussed earlier, and outlined in much more depth in the next chapter.

Additionally, via the systemic intervention to create and deploy a newly reconfigured interpretive systemology, I will be using Midgley’s (2000) trinity of *critique*, *judgement* and *action*. I will critically reflect upon the boundaries of what will be included and excluded in my analysis; make a judgement on the interrelated theories and methods to be employed in that analysis; and I will be taking action in the form of an intervention in knowledge, as mentioned

earlier. This knowledge is about both the mandatory deployment of the Fundamental British Values in schools, and knowledge about the philosophical groundings of systems thinking.

#### 4.9.2 Critical Reflection

I propose to conduct a critical and interpretive systems analysis in order to determine the holistic meaning of Fundamental British Values, and the implications of the different interpretive contexts of meaning for their introduction into schools. It will be critical and interpretive in the sense that it is concerned with the boundaries between the individual and the institution via the various interpretations of accommodation and critique of pluralism via jurisprudence. It will consider Vickers's (1983: 96) dialectic of enablement and constraint as defining institutional life, albeit couched within the broader philosophy of Gillian Rose (1981, 1992), and providing the philosophical grounds from which the principles of *accommodation* and *critique*, defined by Fuenmayor (1997) as logically opposed, can be rethought in relation to "the institutional preconditions for practical discourse" (Fuenmayor, 1991d: 241-242). It will be critical in the sense that it is concerned with theoretical pluralism in present political philosophy, social theory and theology relating to the identification and negotiation of the boundaries mentioned above. It will be interpretive in the sense that the search for holistic unity stems from an analysis of those theories as *interpretations* of the interconnected principles which comprise the 2014 British Values statute. I believe that the methods of Interpretive Systemology, despite present criticisms (Jackson, 1992; Mingers, 1992; Flood, 1992; Midgley, 2000), which will be addressed in the following chapter, is perfectly suited for a study such as this, in the sense that it will be purely theoretical and focused on the issue of the 2014 FBVs statute as it relates to the legitimacy of civil institutions.

Understandings of legitimacy will themselves be derived from exploring interpretive contexts within present debates in social theory, political theory and theology, as they relate to the specifically British situation. As we saw in the previous chapter, all of the recent literature on the FBVs in schools utilised social theories that consider society, institutions and the individual,



in particular drawing upon the works of thinkers such as Parekh (2000a,b), Rawls (1993) and Foucault (1976). I argued in previous chapters that this was indicative that the 2014 FBVs statute is symptomatic of a wider crisis of legitimacy in the Western liberal democratic State (and its concomitant civil institutions) since its emergence out of the Enlightenment. Authors like Panjwani (2016), Farrell (2016), Revell and Bryan (2016) and Holmwood and O'Toole (2018) would not have needed to utilise moral and political philosophy or social theory had there not been a reason to consider the British Values statute as reflective of an issue facing society as a *systemic whole*. Indeed, the wording of the FBVs (concerned with *democracy, the rule of law, individual liberty and toleration of those with or without religious faith*) reflects wider socio-political concerns, and the introduction of them into schools had a specific political context regarding the 'Trojan horse affair', as I have already explained. Because of this, I choose social and political theory and theology as the sources for my explorations. Each of these disciplines has a rich and lively tradition of discussing the State and the rule of law as the means to accommodate a principle of individual autonomy that nevertheless shows a critical respect for moral diversity. These disciplines also generally advocate critical reflection on power relations.

With respect to theology (which some might be surprised at me including alongside social and political theory), there are a number of further reasons why I believe it is vital to include the discipline in our analysis. First of all, the Ofsted Handbook (2014), which articulates the FBV statute and guidelines, clearly states that:

“If schools teach about religious law, particular care should be taken to explore the relationship between state and religious law. Pupils should be made aware of the difference between the law of the land and religious law” (Ofsted: November, 2014: 4).

In Chapter Two, I discussed how Holmwood and O'Toole (2018) read the FBVs intervention as a repudiation of multicultural political theory borne out of a reaction to perceived tensions between ideas of civil and religious law, and, in particular, Islamic law. In Chapter One, I

characterised the FBVs issue as a wicked problem symptomatic of a wider crisis of legitimacy in the Western liberal democratic State, and its concomitant civil institutions as per MacIntyre's (1981) reading of the Enlightenment's failure to produce a definitive and universally binding moral theory. In particular, I argued that these tensions, and their philosophical contours, were first brought into public debate in the wake of a lecture given by Rowan Williams (2008) on the relationship between civil and religious law in Britain.

Therefore, aspects of two religious traditions will be explored in relation to the question of law - Islam and Christianity. With respect to Christianity, Britain still has an established church, whereby some of its bishops have an automatic right to vote in the House of Lords, thus having a direct influence over political decisions. Indeed, it was from within the office of the Archbishop of the Church of England that Williams (2008) gave his lecture. We also saw in the previous two chapters how Religious Education in schools has been utilised in the service of providing moral legitimacy to civil institutions (Smart, 1975; White, 2004; Hallaq, 2013). With respect to Islam, the literature discussed in the previous chapter explicitly read the FBVs statute, and the broader Prevent strategy in which it is embedded, as part of a broader populist backlash against the perceived permissiveness of multicultural accommodations, and a turn towards policies of assimilation at the State level with a particular focus on the rising visibility of Islam in British society since the 1980s (e.g. Farrell, 2016; Panjwani, 2016; Holmwood and O'Toole, 2018). I contend that Christianity, Judaism and Islam are essentially ethical and jurisprudential traditions (El Fadl, 2001, 2005; Williams, 2008; Hallaq, 2013), albeit with a religious source, as opposed to ones based upon ethnic and regional/national identities. This said, I also use Carl Schmitt's (1922, 1985) reading of the term *Political Theology*, as he has argued that the categories of modern political theory are secularised theological concepts. Thinkers such as Chantal Mouffe (2000, 2005), Slavoj Zizek (2013), and Wael Hallaq (2012) have each applied this concept to the question of political legitimacy in Western liberal democracy (also see Davis, 2018).

### 4.9.3 Judgement

Subsequently, having critically reflected on the boundaries for analysis, my judgement is that interpretive systemology is unique with respect to the various approaches to systems thinking reviewed here, as it doesn't see intervention as an imperative or as an actual physical event in the way that it was conceived prior to Midgley and Ochoa-Arias's (2001) characterisation of the development of theory as an intervention. As such, it is one of the few methodologies reviewed in this chapter which lends itself to a purely theoretical study.

Interpretive systemology is particularly relevant to the purpose of my research, in that it specifically considers the differing grounds for interpretations using a theoretical analysis. I believe this makes it suited to studying conceptions of holistic unity understood as an emergent property of the interpretive variety regarding a problem situation. As we saw earlier, Fuenmayor (1991d: 241-242) contends that "interpretive systemology is devoted to finding meanings to social practice, and the 'opening' of possibilities uncovered by interpretive discussion should, as per Habermas (1974: 3), be translated into processes of enlightenment which are rich in political consequences". The political effects of an interpretive systemological study, however, are "dependent on the institutional preconditions for practical discourse among the general public as both political consequences, and the institutional preconditions for practical discourse, are in turn, part of the field of study of interpretive systemology" (Fuenmayor, 1991d: 241-242).

I need to execute a further judgement with respect to the choice of theories to bring into contact with interpretive systemology, which I believe will resolve present criticisms of the methodology (e.g. Jackson, 1992; Mingers, 1992; Flood, 1992; Midgley, 2000). A detailed exposition will be the burden of the following chapters, but essentially I argue that the social philosophy of Gillian Rose (e.g. 1981, 1992), via her radical readings of Hegel alongside the Frankfurt school tradition that have together shaped both second (Churchman, 1970) and third wave systems thinking (Ulrich, 1983; Jackson 1991; Midgley, 2000), provides a new and rich

philosophical framework, not only to enhance interpretive systemology, but both second and third wave systems thinking more generally. Rose specifically engages with problems thrown up by the thinking of Heidegger and Foucault, which have shaped interpretive systemology (Fuenmayor, 1991d, 1997). Above all, her focus is on jurisprudence and the necessity of preserving “the institutional preconditions for practical discourse” in present society rather than critiquing them into oblivion (e.g. Fuenmayor, 1991d: 241-242; Fuenmayor, 1997, 2001a,b,c).

Moreover, as I argued in the previous chapter, and in the introduction to the present one, both Rose (1981, 1992) and Vickers (1983) have a shared project, in that both recognise the dialectic of enablement and constraint between the individual and their institutional lives, with both making it a central preoccupation in their work. However, I would argue that Rose (1981, 1992) interrogates this dialectic using a much more rigorous philosophical framework than Vickers (1983), albeit with no less insight or conviction. I am therefore looking to provide a way in which the principles of *accommodation* and *critique*, which Fuenmayor (1997: 235) claims are “logically opposed”, may be navigated by individuals, groups and institutions. However, this is not so as to make conservative concessions to a present order, as Fuenmayor (1997) contends. In this sense I would argue that, as with the literature on FBVs reviewed last chapter, one reason that the two principles are often held in a binary opposition is that, particularly in the wake of post-structural critique (e.g. Fuenmayor, 1997; Farrell, 2016), accommodation is often confused with, or suspected of, *assimilation* – which again raises a question of boundaries. When considering a just civil order, it is prudent to be perennially mindful of when and how to establish the boundaries between accommodation and assimilation, but in a manner in which we nevertheless remain methodologically enabled to critique present failings, conceive of improvements, and *re-accommodate* individuals and groups at whatever societal level. Critique itself is methodologically constrained if it is devoid of the ability to think through improvements to be enabled in alternative accommodations.

It will be argued in the following chapters that such a philosophical framework not only resolves the criticisms of interpretive systemology (Jackson, 1992; Mingers, 1992; Flood, 1992; Midgley, 2000), but still retains the critical and emancipatory integrity of the original methodology. I will also suggest that bringing Rose into the picture forges a more consistent link between interpretive systemology's philosophical framework and its program for intervention.

#### 4.9.4 Action

With respect to the third principle of *action*, as per Midgley's (2000) conception of a systemic intervention, this will be an intervention in two ways. First, it is an intervention in that it intends to contribute an understanding of the holistic unity of FBVs as interpretive phenomena that extends beyond the educative domain to explicitly examine their implications for "the institutional preconditions for practical discourse" (Fuenmayor, 1991d: 241-242). Second, it is an intervention into the systems literature in its intent to offer a revised formulation of interpretive systemology that addresses outstanding criticisms (Jackson, 1992; Mingers, 1992; Flood, 1992; Midgley, 2000).

In total, this approach will provide the basis for a critical and interpretive systems analysis of the meaning of British Values. It will be 'critical', not only in the sense that it will be concerned with boundaries between the individual and the institutions of the State, but also because it will be concerned with theoretical pluralism pertaining to this issue. It will be interpretive in the sense that the theoretical pluralism, in fact, allows for the identification of multiple interpretations of the interconnected concepts which comprise the 2014 FBVs intervention.

#### 4.10 Conclusion

In Chapter One, I argued that Williams's (2008) lecture on the relationship between civil and religious law not only exemplified the immediate context from which the FBVs emerged, but also characterised the range of issues which allowed us to argue how, and why, the 2014 FBVs intervention is a wicked problem (Rittel and Webber, 1973). In particular, Williams (2008)

raised two key questions: (1) at what point does an accommodation of moral diversity impede our necessary freedom and ability to critique both the claims being made in the call for accommodation and the means by which those claims are translated into action to bring the accommodation into being? And (2), at what point does our freedom to critique the legitimacy of claims being made and actions being taken impede the necessity of accommodation (and the feeling that citizens have a stake in it)?

I then argued in Chapter Two that a dialectic of enablement and constraint, characterised by Vickers (1983: 96) as a defining feature of the institutional nature of Western liberalism, provides the philosophical grounds out of which accommodation and critique of moral diversity emerge as mutually co-dependent, and necessary methodological principles. However, my review of the literature on FBVs in schools revealed that the philosophical frameworks utilised in the studies led to a methodological priority being conferred on one principle over and above the other (e.g. Farrell, 2016; Panjwani, 2016; Revell and Bryan, 2016; Holmwood and O'Toole, 2018).

This chapter has shown how “the institutional preconditions for practical discourse, are in turn, part of the field of study of interpretive systemology” (Fuenmayor, 1991d: 241-242). However, Fuenmayor (1997) believes that the methodological principles of accommodation and critique, and their implications for those institutional preconditions, are in logical opposition to one another. So, in the case of second wave and early third wave thinkers, owing to the Enlightenment philosophical assumptions underpinning both, to intervene to achieve accommodations merely serves to perpetuate a given institutional order in a manner which not only suspends critique, but was never *holistically* critical in the first place. I shall detail in the next chapter how this raises a problem between the theoretical framework of interpretive systemology, and any program for intervention which reaches towards social justice (e.g. Flood, 1992; Jackson, 1992; Mingers, 1992).

Meanwhile, this chapter has also shown how a move towards theoretical pluralism in systems approaches (e.g. Midgley, 2000) allows for the insertion of a new philosophical framework which resolves any misalignment between theory and practice in intervention. The insertion of that philosophical framework will be the burden of Chapter Five, but beforehand, it is necessary that our next chapter will provide a more detailed review of interpretive systemology.

## Chapter 5 – Interpretive Systemology

In the previous chapter, a topography of systems approaches was provided utilising Midgley's (2000) account of the 'three waves' of systems thinking. First wave "hard" approaches were seen to be limited by their reliance on a mechanistic/reductionist approach that aimed towards optimisation. A second wave attempted to improve upon these approaches with a shift to a more interpretive and participatory approach that took account of the importance of learning (e.g. Churchman, 1970; Ackoff, 1979; Checkland, 1985). A third wave then furthered such developments, with the addition of a critical approach that provided a deeper theoretical interrogation of the philosophical assumptions underlying systems approaches, and how these assumptions shape systemic practice in intervention. A notable example of the importance of theoretical assumptions was found in the influence of the Frankfurt School (especially Habermas, 1972, 1984) that shaped various strands of critical systems thinking and underpinned initial calls for both boundary critique (e.g. Ulrich, 1983, 1988) and methodological pluralism (e.g. Flood and Jackson, 1991).

These developments in third wave thinking were then progressed by thinkers such as Midgley (2000), expanding the emphasis on methodological pluralism to also take account of the value of *theoretical* pluralism. Midgley and Ochoa-Arias (2001) talked about how intervention could be either into social action or into our theoretical knowledge (or both). We saw that Midgley (2000) also expanded the emphasis on boundaries in systems thinking by interrogating how different stakeholder groups drawing different boundaries can generate elements of marginalisation. We saw also how interpretive systemology (Fuenmayor et al, 1991) arose concurrently with the first generation of third wave approaches, as a methodology which looks to uncover and interrogate various interpretations of social phenomena in order to reveal their 'holistic sense'.

Subsequently, I argued that interpretive systemology would provide an appropriate systemic approach to the phenomenon of the 2014 government statute introducing the teaching of



Fundamental British Values in schools. This is because of the emphasis of interpretive systemology on revealing various interpretations that constitute the holistic meaning of social institutions. Yet a number of criticisms of the interpretive systemic approach remain (e.g. Jackson, 1992; Mingers, 1992; Flood, 1992; Midgley, 2000), which largely highlight problematics between the philosophical framework of the approach and its accompanying theory of intervention, which must be considered. However, I also argued that Midgley's (2000) model of systemic intervention, with its emphasis on boundary critique and the importance of theoretical pluralism, would allow for the justification of a complimentary, yet nevertheless alternative, theoretical foundation to interpretive systemology in order to address some criticisms of the approach.

As such, this chapter will first present a detailed exposition of the methodology and critical intent of interpretive systemology, alongside reflections drawn from its practice. This will be done in a way that allows us to further develop the justification for the use of the methodology to interrogate the holistic sense of the 2014 statute introducing British Values into schools. I will then discuss the present criticisms of interpretive systemology before pointing towards Rose's (e.g. 1981, 1992) social theory (more fully explained in the following chapter) as one which I believe can serve to resolve those criticisms. Importantly though, the resolution will be provided in a way which 'goes with the grain' of the approach of interpretive systemology in particular, and second and third wave approaches more generally.

## 5.1 The Onto-Epistemology of Interpretive Systemology

Midgley (2000: 40-41) tells us that the concept of an 'emergent property' is essential to systems thinking, in that it emphasises the need to look at an issue *holistically*. Fuenmayor (1991a: 420) tells us that *holistic sense* refers to something where a set of interrelated parts constitutes a unity, which "transcends the mere meeting of their parts". *Holistic sense* is therefore an emergent property. So, with respect to the 'narrower scene' for interpretive systemology, which is outlined by Fuenmayor and Lopez Garay (1991) and discussed below,

the social being of the Venezuelan people is the source of the emergent property, or *holistic sense*, of the interrelated and interdependent individuals and institutions comprising the Venezuelan State. Nevertheless, Midgley (2000: 41) is keen to point out that what constitutes a 'whole' system is dependent on the boundary judgements taken by the investigator.

Fuenmayor (1991a) suggests that the fundamental ontological concept which can be utilised to construct a foundation for systems thinking does not reside in binary oppositions between "mind" and "matter", nor "being" and "appearances". Instead, it is to be found by encapsulating any given binary within a unified form that shows two poles in an *essentially recursive relationship*. This is in the sense that neither one is the prime motivator, and nor is it particularly meaningful without an understanding of the other. This is because they represent the essential observation that no concept, including any ontological concept, can be meaningful except in relation to that which it is not. Fuenmayor says that the unified form is *essentially recursive*, in the sense that each one of a pair of concepts produces the other (e.g. the subject has a vision of the objective world, but the objective world also gives rise to the existence of that subjectivity). Note that this is a different meaning of the term 'recursion' to the one employed by Beer (1959, 1966, 1975, 1979, 1981, 1985), who uses the word to refer to nested, fractal systems. Fuenmayor argues that any attempt to take us beyond recursion towards an undifferentiated unity merely masks the 'other' to which this supposed unity is related. Midgley (2000) suggests that the fact that essential recursions appear to be contradictory shows the extent to which dualisms are embedded within Western consciousness.

Fuenmayor (1991b,c) proposes an ontology and an epistemology for systems thinking in which both terms are fused into an "onto-epistemology", in that knowledge and reality exist in recursive relation to one another. As things are conceived as 'wholes' within systems approaches, they are consequently to be studied as 'wholes', and the starting point is the recursive form of "noetic" (subject-side), and "noematic" (object-side). A situation may be

considered in terms of either side of this recursive form, and a holistic analysis would require both sides to be considered as a recursive unity, in that one only stands in relation to the other.

Following this exploration of the noetic (subject), and noematic (object) sides of a situation, Fuenmayor (1991b) turns to a second recursive form of “Intentionality/Distinction”. There is an emphasis on the use of capital letters, in that “Intentionality” is the intentionality of the self that is eternally distinguished in relation to something else. That “something else” can be viewed as defining, or being defined by, the self. “Distinction” is a distinction made in relation to a scene. The scene is not identifiable, but can only be distinguished as either that which is not distinguished or as the general ground which gives rise to a distinction. For Fuenmayor (1991b), *both* ways of appreciating a situation (Intentionality and Distinction) are implied by the other, in that they constitute a single, recursive form, and are equally necessary to the construction of holistic understanding.

So, with respect to phenomena generally, and institutions and organisations in particular, Lopez Garay (1999: 5) tells us that, according to the onto-epistemology of interpretive systemology, they may be considered *distinctions* made on a *background* in that when we *distinguish* we are performing the act of drawing a *boundary*. However, in order to approach their study systemically, we must understand and comprehend the recursive unity of the *distinction-background* in the manner described by Fuenmayor (1991b) above, and that understanding the nature of a *distinction* requires us to ‘open’ the background of the distinction. This in turn calls for the design of interpretive contexts, or *contexts of meaning*, from which the perspectives on the desirable, undesirable and current meanings of an institution or organisation emanate, so that those meanings can be interrogated and debated. In other words, this means going well beyond ‘face value’ problematic phenomena, and surfacing different ways of appreciating them.

## 5.2 The Scene for Interpretive Systemology

Fuenmayor and Lopez-Garay (1991: 1, 5) argue that systems thinking, as an entire discipline, represents what they believe to be the great contradiction at the core of the crisis of Modernity: namely, that we pursue a quest for individual autonomy within an increasingly institutionalized society that restricts any meaningful prospect of that autonomy. Also, the industrial society, which has resulted from the advent of European modernity and the notion of critical reason, has actually abandoned that critical reason by subordinating it to the technical requirements of institutions and organisations. Thus, we face a crisis at the end of the epoch of Modernity: our discourses of individual autonomy and reason are now largely empty in the face of the ways in which society has evolved, and as our enlightenment ideals fade into the darkness, we are unable to see what is on the horizon.

At the root of this crisis is what has happened to the Kantian (1787; 1788; 1790) conception of the autonomous individual in possession of a faculty of critical reason, in that individual reason should tell us *how to appreciate the world, how we ought to act* within it with respect to other human beings, and inform *how we organise, manage, and control the means to attain our ends*. The reason concerned with how to appreciate is *theoretical reason*; how we ought to act involves *practical reason*; while the organisation of means to attain the ends determined by practical reason is *instrumental reason*. However, practical and instrumental reason are only meaningful if and when they constitute a recursive unity: such a formulation of reason with respect to action is *authentic practical reason*. This recursive unity is the ground for the very possibility of the freedom from cultural powers that Fuenmayor and Lopez Garay (1991: 3) maintain Kant (1784) was seeking in his famous tract, *What is Enlightenment?* Yet Fuenmayor and Lopez Garay (1991: 3) hold that the separation of practical reason from instrumental reason “brought about the antithesis of the original liberating intention that propelled them”, as instrumental reason came to dominate practical reason, and it is only through the recovery of their recursive unity that the notion of *holistic* reason gains its full meaning.

Fuenmayor and Lopez-Garay (1991: 4) also utilise Habermas's (1972) conception of reason and human interests to explain how the recursive unity of reason is connected with their driving intentions. The approach of the empirical-analytical sciences incorporates a *technical* cognitive interest, the historical-hermeneutic sciences incorporate a *practical* interest, whilst the approach of the critically-oriented sciences guide an *emancipatory* cognitive interest. For Habermas (1973: 9), the term 'interest' is used to indicate the unity of the life context in which that cognition is embedded. The meanings of these different types of interest can be understood with respect to the driving intentions behind the *questions* posed within each type of science, in that technical questions are posed with respect to the rationally goal-directed organisation of the means, and the rational selection of instrumental alternatives, once the goals are given. Practical questions, meanwhile, are posed with a mind to the acceptance or rejection of norms, particularly norms for action, whose claims to validity can be either supported or opposed using reason. Any question posed to one of these two interests must be employed in a recursive relationship with the other, whilst maintaining a clear distinction, and a conceptual opposition between each interest. To do otherwise, for Fuenmayor and Lopez Garay (1991: 5), would obscure the critical, enlightening purpose of practical reason resulting in an illegitimacy of the practical endeavour. Indeed, Habermas (1973: 255) argues that the main source and manifestation of such an illegitimacy is Modernity's difficulty in making a clear distinction between the technical and the practical interests, which leads to an obfuscation of the true relation between theory and practice.

Fuenmayor and Lopez-Garay (1991: 5) believe that the distinction between the *practical* and the *technical* intention is crucial if we want to become aware of what they perceive to be our "present dogmatic trap in technological rationality", and this distinction, in turn, requires a *transcendental critique*, which enables us to escape from that trap; that is, the domination of dogmatic instrumental reason serving a brute technical interest. Therefore, a renascent practical reason must be born, fighting those forces that otherwise would stymie its appearance, and the mere practical interest which originally propelled practical reason must

be transcended by an emancipatory interest that serves to liberate reason from the distorting effects of our contemporary society. The emancipatory interest would then propel critical reason in order to create the preconditions for practical reason. This is because, for Fuenmayor and Lopez-Garay (1991: 6), the intimate relation between theory and practice indicates that theory has a critical kernel within it that can be liberating. This is illustrated with reference to what is seen as the basic need which drives therapeutic practice in psychoanalysis. For instance, critical knowledge by the patient regarding their own way of appreciating certain situations often constitutes a cure for the patient. As such, acquired knowledge, propelled by a therapeutic intent, constitutes the therapeutic practice itself. Moreover, this is not instrumental knowledge, but is instead *critical* knowledge committed to uncovering what has thus far been covered; and the truth, that which is disclosed by knowledge, constitutes the therapeutic action itself. The underlying interest in this knowledge is *emancipatory* in two senses. It is emancipatory in the pure critical sense of uncovering that which has been covered, but it is also emancipatory in the sense of liberating the patient from their own psychological trap, which produces problematic behaviours.

### 5.3 Transcendental Critique and Interpretive Systemology

Fuenmayor (1990: 530) argues that *critique* can be best understood as the progressive process of gaining awareness of our own state of mind (the *scene*), which is necessarily obscured in our judging and acting in general. This idea is inherited from the Kantian critiques (1787, 1788, 1790), more specifically referred to as *transcendental critique*. This refers to *the examination of the possibilities and limits of our way of experiencing something*. On a metaphorical level, Fuenmayor (1990: 530) tells us that *critique* is the attempt to see, not so much that which is an objective thing we are looking at, but, rather, the *manner* in which we are looking at it – it is the *how*, rather than the *what*. As such, *critique* is the attempt to see the ‘what’ that Fuenmayor (1990: 530) describes as “*the look of the look*”. Yet, in the sense of “*the look of the look*”, Fuenmayor (1990: 530) argues that *critique* is an impossible accomplishment if we take it as something to be performed and completed in totality. Instead, *critique* is a constantly

recurring project, which is to never reach its totality of accomplishment because of the unavoidable concealment of the scene in any distinction.

Fuenmayor (1990: 541) claims that transcendental critique is the hallmark of modern Western philosophy since the Enlightenment. In his discussion of thinkers such as Descartes (1642, 1644), Kant (e.g. 1787), and Habermas (1972, 1973), Fuenmayor (1990: 541) contends that each thinker had to claim that his own brand of transcendental critique represented a wider circle of awareness than that offered by his predecessors.

#### 5.4 Implications for Systems Thinking

Fuenmayor and Lopez-Garay (1991: 6) contend that the great project of the Enlightenment was to develop the theoretical and instrumental forms of reason under the aegis of practical reason. Yet they maintain that the twentieth century witnessed both the oblivion of the practical concern, and the hyper-development of highly sophisticated technology, and this technology has, in turn, made possible the manipulation and control of human nature, and human beings. However, at the same time, Fuenmayor and Lopez-Garay (1991: 7) claim that the notion of 'wholeness', which is embedded in the concept of system, is a remnant of the original Enlightenment project that viewed all forms of reason as necessary and complementary.

With respect to the Habermasian (1972) framework employed by Flood and Jackson (1991b), Fuenmayor and Lopez Garay (1991: 6) believe that first wave systems approaches were subsumed by the technical interest because of their inability to relate the notion of holism to conditions of value pluralism, and they also charge first wave authors with "exterminating practical reason and, with it, the great project of the Enlightenment". Second wave systems approaches, such as those of Ackoff (1979) and Checkland (1985), took a more interpretive and participatory turn that reached towards the practical interest and better understood value pluralism, but were nevertheless still submerged by the technical interest: many deployments of second wave methodologies offered little more than participative problem solving to

existing organisations and institutions, without requiring that the missions and even the existence of those institutions be opened to question. As such, the theoretical basis for a systems approach which could explain both the intuition of wholeness and the relation between that intuition and cultural and interpretive relativism remained elusive.

Such a situation is described by Fuenmayor and Lopez-Garay (1991: 8) using Vickers's (1970: 15) analogy of a lobster pot: our epistemological and ontological assumptions 'trap' and shape our interpretation and response to phenomena. Consequently, they tell us that the trap in second wave interpretive systems approaches was the absence of a perpetual critique of their own foundations, contrasted with the foundations of a positivist, instrumentally-driven science and technology. The foundations of the second wave of systems thinking must inevitably be constituted by an onto-epistemology, and second wave authors should have acknowledged an emancipatory interest propelling a critique of the present constitution of power in a world dominated by instrumental reason. The onto-epistemology, and the critique of power-systems, are able to interact recursively in interpretive systemology, in that the critical purview and the interpretive purview act to reflexively turn back the interpretive purview on its own foundations. This, Fuenmayor and Lopez-Garay (1991) tell us, is what the second wave systems thinkers failed to appreciate the need for, and it provides the identity of interpretive systemology.

## 5.5 The Narrower Scene for Interpretive Systemology

Fuenmayor and Lopez-Garay (1991: 9) tell us that interpretive systemology was formed with two original concerns. First, there was a concern with gaining understanding about the notion of 'wholeness' that is central to the systems approach. Second, there was the concern with the relation of this notion to the study of social systems. This was borne out of an awareness of the effects of the imposition of Western models of organisation, governance and institutional frameworks, and the advent of liberal capitalism and social democracy, in Latin America generally, and Venezuela in particular. These effects, for Fuenmayor and Lopez-Garay (1991:



10), manifest out of a binary conflict between the normative social being of any particular institution with respect to constitutional claims and government statutes, and the experienced social being of citizens in a situation of extreme wealth disparity. This binary and its effects are attributed to the historical fact that the normative national systems of Venezuela, combined with the designed formal shape and structure of its institutions, were modelled on those in European societies.

A key point which Fuenmayor and Lopez-Garay (1991: 10) make is that institutional responses to perceived problems (which give rise to things like health and education services) are shaped by values, which vary greatly from one society to another. Therefore, it is highly likely that the social responses of one society may not be suited to other societies with different histories, geography, cultures, values, and belief systems. For Fuenmayor and Lopez-Garay (1991: 10), such a fact justifies the need for an interpretive approach that can open the rich interpretive variety hidden beneath the immediately-apparent binary divisions in Venezuelan society and institutional life, and it points to the necessity of conducting interpretive investigations of institutions.

## 5.6 Fundamental Propellants

Fuenmayor (1991d) argues that human communication is based upon very soft foundations, where individuals may have different interpretations of what they might believe to be the same thing, without being aware of each other's differences, and this is at the core of what he calls *interpretive complexity*. Fuenmayor (1991d) then links together what he perceives to be the pragmatic propellant in systems thinking, which he sees as resulting in the failure of first-wave "hard" systems engineering because it got trapped into instrumentalism, and the conceptual propellant of *weltanschauungen relativism* with reference to the argument behind Checkland's (1981) initial 'soft' systems approach as a methodology that embodies a paradigm of learning. The pragmatic intention of 'learning' in soft (second wave) systems approaches is a means to an end, with that end being *the accommodation of a plurality of individuals into a*

*given social order*, which nevertheless fails to question the ultimate end of that given order (Fuenmayor, 1997). For Fuenmayor, the value of 'learning' comes when 'learning' becomes an end in and of itself. It is this second attitude to learning that Fuenmayor (1991d) attributes to *interpretive systemology*, which is essentially *critical*, and hence *liberating*, not so much because it is moved by any given ideology, but as a result of it being *interpretive in a non-instrumental manner* (Fuenmayor, 1991d: 230-232).

## 5.7 Basic Principles

Fuenmayor (1991d) tells us that what is complex about *interpretive complexity* is the difficulty in seeing the variety of interpretations, rather than the variety itself. The source of that difficulty, and subsequently its most immediate consequence, is the difficulty of seeing our own states of mind. As a result, there is a need to think about how we may conceptually link together the invisibility of our own states of mind with the rationale for this invisibility, and with interpretive complexity itself.

The words "interpretation", "meaning" and "sense" are normally used in situations where it is acceptable for something to be understood in different ways according to the various contexts that give those interpretations meaning (hence the term 'contexts of meaning'). Fuenmayor (1991d) gives the example of the word "eventual" which, in the English usage, means "ultimately resulting", but in the Spanish context, the same word means "subject to contingency". There are therefore two different *contexts of meaning* here. Consequently, we readily accept the relativity of certain objects, such as symbols, where the different contexts of meaning are visible to us; and yet there are other things that are normally taken as absolute (independent of any context of meaning), and hence they are seen as existing independently of the observer. The relativity of that which seems absolute can only be brought forward by contrasting it with another context of meaning different from that of the everyday one which guides our lives. This kind of *contrast* is a fundamental methodological notion in interpretive systemology, and it also brings forth the usually-invisible context of meaning of everyday

taken-for-granted phenomena. The contrasting is itself illuminating, and hence *liberating* in relation to our deepest trap, which is that of the taken-for-grantedness of everyday life (Fuenmayor, 1991d: 234-235).

For Fuenmayor (1991d), an interpretation is a mode of Being in the Heideggerian (1927, 1966, 1985) sense, and its logical essence lies in its dependence on its *context of meaning*. This *context of meaning* is not the interpretation itself, but the interpretation cannot exist without it. As an interpretation cannot be free-floating, but more than one context of meaning can be identified, Fuenmayor (1991d) argues that the interpretation is a *possibility*. Indeed, the very notion of 'interpretive contexts' implies that each one is a possibility within a set of others. Were this not the case, then the *interpretation* would be self-determining, and would appear as a self-evident truth rather than a perspective.

This idea of phenomena being viewed as *interpretations* within wider *contexts of meaning* is radically different from the neo-positivist philosophy that Checkland (1981, 1983) and Fuenmayor (1991d) associate with 'hard' systems engineering. Also, it is different methodologically: rather than modelling being an exercise in representing reality in a way that is assumed to be observer-independent (if done well), the methodical search for knowledge in interpretive systemology is characterised by the modelling of varying *contexts of meaning*, and interpretations are discussed in light of those contexts. For Fuenmayor (1991d), the deeper the *contexts of meaning* that are explored using theory, the more critical and liberating the discussion becomes.

This idea of studying *interpretive complexity* is in opposition, not only to neo-positivist, 'hard' systems thinking, but also taken-for-granted metaphysical assumptions made in pragmatic systems thinking and operational research by practitioners who have no interest in philosophy (e.g., Hutchinson, 1996). As such, Fuenmayor (1991d) presents the most authentic expression of *interpretive systemology* as being *critical* and *transcendental* in the Kantian (1781, 1786, 1790) sense of the words, in that it is a form of thinking that not only has to analyse

interpretations and their possible contexts of meaning, but also has to turn that thinking onto itself in order to interpretively understand the actions and motivations of both the researcher him/herself and others. However, this requires the disclosure of the *context of meaning* of the interpretive thinker, which, Fuenmayor (1991d) adds, is nothing but the onto-epistemological position on which they stand.

Fuenmayor (1991d) concludes that, if interpretive systems thinking does not develop an onto-epistemology that accounts for holism and the possibility of its understanding (linking it with the onto-epistemological foundation of the relativistic approach that drives the concept of interpretation), and if such a philosophical project is not constantly reconstructed, then interpretive systems thinking will become trapped in a profound conceptual contradiction: it will become reified as real. Its advocates would fall into their own 'trap', in the sense of Vickers's (1970) lobster pot, by preaching to others that they should critique what they take for granted, without making a concerted attempt to do the same themselves. The consequence of such a contradiction, for Fuenmayor (1991d), is that the *thinking* in systems thinking would not rise above being a collection of cognitive slogans at the service of pragmatic intention.

However, if the theoretical foundations of interpretive systemology are applied to social phenomena as well as itself, then Fuenmayor (1991d) believes this would facilitate its enrichment and perpetual self-discovery. By 'self-discovery', Fuenmayor (1991d) means the ongoing development of a philosophical, theoretical and conceptual *system* which accounts for the holistic and interpretive nature of whatever-is-the-case, together with the possibility of its systematic understanding (Fuenmayor, 1991d: 237 – 238). With respect to the purpose of my own thesis, it is both an inquiry into the interpretive phenomenon of British Values in schools, yet also seeks to evolve interpretive systemology via the introduction of the social philosophy of Gillian Rose (e.g. 1981, 1992) by embedding it within a broader systemic intervention perspective.

This unfolding of the philosophy and methodology of interpretive systemology can be summarised as follows, as the basis for going one stage further in the deepening explanation. For Fuenmayor (1991d), there are three theoretical foundation stones for interpretive systemology. The first is that we are always necessarily in a 'state of mind' or an 'interpretive context', and although it is most frequently invisible to ourselves, a 'state of mind' is nevertheless indispensable for any awareness about 'whatever-is-the-case'. The case is always a *distinction* of that from which it is *not*. The act of *distinction*, and the wider context to which it belongs in any living *situation*, is the very core of whatever-is-the-case, and the fundamental source of holism. The holistic unity of whatever-is-the-case stems from the transcendental unity of *distinction*.

The second foundation stone is a social theory which accounts for the nature of that which is social (socialness), and the possibility of its knowledge. This theory is based on the general interpretive 'systems onto-epistemology', which Fuenmayor (1991d) contends involves the transcendental recursive triad of 'self-others-objective reality' as expressed in the work of Heidegger (1966) with regard to 'socialness'.

The third foundation stone is an interpretive systems theory of organisations, also grounded within the general onto-epistemology. By linking interpretive diversity within an organisation to the conflicts of power that encompass its dynamics, a general model of an organisation can be drawn (Fuenmayor, 1991d: 239 – 240).

## 5.8 Intention and Possible Social Effects of Interpretive Systemology

For Fuenmayor (1991d), then, the driving intention of Interpretive Systemology is to gain a pluralist dialectical understanding of social phenomena, and this is nothing but the *opening* of interpretive possibilities (interpretations) in terms of their interpretive contexts, which is the unconcealment (or revealing) of that which is normally taken for granted.

According to the onto-epistemology of interpretive systemology, truth is an essentially dynamic process that cannot be finished or stopped because then it would turn into the opposite of truth. Truth lies in the openness of possibilities, and is the never-ending trip towards the horizon, in which all possible interpretive contexts are revealed. This is a horizon where there are no absolute determinations, only interpretive possibilities, and the journey to truth is the journey to mental freedom.

The opposite of truth, for Fuenmayor (1991d), is the closing of possibilities via the setting of determinations. Conceived as such, truth cannot accompany purposive action, because we need determinations (or taken-for-granted understandings) to act intentionally: in order to act, we need to *close possibilities* and fall into 'traps', in the sense of the metaphor used by Vickers (1970). However, intentional thought is indispensable to everyday human life, and, additionally, intentional action is indispensable to truthful thought. If there is no intentional action, then thinking (systems thinking or otherwise) is frozen to death. Truthful thought stems from everyday life, but opposes the determinations required by everyday life, in that it precisely 'parenthesises' everyday life in order to reflectively see it (also see Maturana, 1988a,b, and Maturana and Varela, 1992, who use the same metaphor of putting taken-for-granted understandings in parenthesis to relativise them). Authentic interpretive systems thinking and intentional action are the opposite parts of a dialectic that cannot dissolve in a non-dialectical synthesis. If interpretive systems thinking intends to serve pragmatic purposes, it becomes "calculative thinking" in the Heideggerian (1966: 46) sense, in that it relies on one or more dogmatic determinations, and this, Fuenmayor (1991d) contends, is the negation of liberating interpretive systems thinking (Fuenmayor, 1991d: 240 – 241).

All of this, Fuenmayor (1991d) argues, does not imply that interpretive systemology isolates itself from practice, or that practice cannot be approached using interpretive systemology. Instead, it is devoted to finding meanings to social practice, and the 'opening' of possibilities uncovered by interpretive discussion should, as per Habermas (1974), be translated into

processes of enlightenment that are rich in political consequences. The political effect, however, is dependent on the institutional preconditions for practical discourse among the general public, and both political consequences and the institutional preconditions for practical discourse are, in turn, part of the field of study of interpretive systemology. Moreover, seeing the effects of pragmatic-regulative interpretive management can be a useful means of observing social action in organisations. However, such a necessary relation with social practice does not mean that the thinking proper to its endeavour is a *means* for action: the very moment it becomes so, it then ceases to be *critical* in the truest sense of the word, and becomes merely regulative. This is why “pragmatic-regulative interpretive management” cannot, just like any other instrumentally oriented thinking, be authentically critical, because it is infused down to its very marrow with the *weltanschauung* of instrumental rationality that Fuenmayor (1991d: 241) believes is driving our present anti-critical industrial-technological society. Consequently, authentic critical thinking is not only hindered by its own inner difficulty (being in a dialectical relationship with uncritical action), but also by the overwhelming power of technological rationality.

## 5.9 The Research Process of Interpretive Systemology

I now want to discuss the actual research process and methods of an interpretive systemic approach. In particular, I will refer to a study by Fuenmayor and Fuenmayor (1999a,b) on conceptions of the role of the State in the provision of free public health care in Venezuelan society in the late 90s, as this offers a useful illustration.

As we have seen, the research program of interpretive systemology, with regard to institutions and organisations, is committed to the comprehension of their holistic interpretive sense, or unity of meaning in the midst of differing interpretations of that meaning. An *interpretive systemic framework* is therefore constructed for the purpose of such an inquiry. This in turn is constituted by a debate between a plurality of *thematic interpretive contexts*, or *contexts of meaning*, and their subsequent individual interpretations about the social sense, meaning and

purpose of the organisation or institution under scrutiny. Each *context of meaning* is a theory or model which justifies and lends meaning and purpose to a particular social mission for the organisation or institution. So, with respect to the study by Fuenmayor and Fuenmayor (1999a), each *context of meaning* is a theory about the role of the State in society generally, and each *context of meaning* produces a *thematic interpretation* which Fuenmayor and Fuenmayor (1999a: 38) tell us is a discourse concerning the institution or organisation being studied, which in this case was the State's role in the provision of healthcare services. Such a discourse advances both a desired state of affairs for the institution or organisation that is taken from the normative content of that particular *context of meaning*, and is used to measure its present state. Fuenmayor and Fuenmayor (1999a: 38) point out that the judgement about the present state of the organisation usually contains an empirical element. This could vary from statistics regarding the efficiency and effectiveness of services in State-funded healthcare, to the description of legislation which directly or indirectly impacts the institution or organisation being studied. A debate is then established between the *thematic interpretations* that come with normative and empirical claims derived from their supporting *contexts of meaning*.

Fuenmayor and Fuenmayor (1999a:38) contend that the purpose of the interpretive systemic framework and its debate is to open an arena of possibilities, and their justifications relating to the social sense or meaning of the institution or organisation. However, due to the critical/emancipatory intent of interpretive systemology, as outlined by Fuenmayor and Lopez-Garay (1991), above, special attention is given to oppressed interpretations, and their supporting *contexts of meaning*. By "oppressed interpretations", Fuenmayor and Fuenmayor (1999a: 38) mean those which are somewhat concealed from public debate, in the opinion of the researcher.

With respect to the study on Venezuelan health care institutions, the key research questions were *whether the State should pay for health services, and, if so, to what extent and how?*



Fuenmayor and Fuenmayor (1999a: 38) tell us that, given the nature of the question of State provision of healthcare, *contexts of meaning* had to be derived from explorations of the general role of the State in society, and that the overriding political order of late modernity means that this is understood in terms of political economy. Each interpretive model in the healthcare study was made up of two parts. The first was a conception or theory about the general economic and political role of the State, whilst the second was focused on the research question of the role of the State in the provision of health services.

In Chapter Seven I will follow just such a model as that described above, with the first part identifying *contexts of meaning* regarding the general relationship between the British State, religion and moral diversity, whereas the second part will identify *thematic interpretations* of the extent to which British law should accommodate religious law, customs and traditions. This is because, as was discussed in the previous chapter, the guidelines from the Department for Education (November, 2014) explicitly emphasise the prioritisation of civil law over religious law with respect to how the 2014 British Values statute should be upheld by teachers, and promoted within educational pedagogy. Furthermore, in chapter two, we also saw how there was a variety of interpretations regarding how assumptions of a holistic unity underlying the statute's core British Values of *democracy, individual liberty, rule of law, and mutual respect and toleration of moral diversity* may be deemed problematic. Additionally, it was argued how those interpretations themselves may be taken as problematic with regard to the theoretical and philosophical assumptions that propelled them. As such, I would argue that interpretive systemology offers a methodological approach that allows for a deeper thematic surfacing, and critical interrogation of conflicting interpretations of problematic phenomena by uncovering, cataloguing, and critiquing their underlying philosophical and sociological assumptions, as well as the boundaries between them. Moreover, this can be done in a way that seeks to uncover the holistic sense behind such phenomena in its investigation of the unity and pluralism in various interpretations of it. Subsequently, it will be asked *to what*

*extent can British Values accommodate moral diversity within a liberal democratic civil order via the rule of law?*

The various interpretations will then be discussed in terms of the principles of *accommodation* and *critique*, which were identified in chapter two with respect to the degree to which each interpretation prioritises one or the other principle. This is because, in the following chapter, I will argue that Gillian Rose (e.g. 1981, 1996) shows how jurisprudence arises from a dialectic of accommodation and critique. This, in turn, as was argued via Vickers (1983) and Williams (2005) in chapter two, is propelled by the dialectic of enablement and constraint that underpins liberal institutional life. I contend that it is this to which Lopez Garay (1999) refers in his formulation of a 'double-bind' of postmodern liberalism (discussed later in this chapter), whereby the individual is called to be free, yet un-free at the same time.

## 5.10 On Jurisprudence

Before continuing, I want to justify the focus on jurisprudence. For instance, chapter One saw how the 2014 British Values formulation arose out of the so-called 'Trojan Horse affair', whereby a number of schools in Birmingham were alleged to be seeking to 'Islamise' the curriculum by placing an emphasis on particular readings of Sharia law over and above British civil law. Chapter Two demonstrated how this in turn arose out of the 'wicked problems' regarding multicultural policy and discourse, the relationship between civil and religious law, and how this informs a broader crisis of legitimacy in liberal democratic conceptions of justice, morality, and institutional life. Chapter Three, in critiquing Farrell's (2016) post-structural genealogical enquiry into FBVs, revealed, via Milbank (1990), the way in which elements of post-structural investigations either explicitly or implicitly claim to stand in intimate relation to justice, and yet fail to offer an alternative form of jurisprudence to those being critiqued. In pointing towards social systems theory, both Vickers (1983) and Williams (2005) discussed how a dialectic of enablement and constraint characterises the institutional nature of liberal democratic societies. I then argued that this dialectic of enablement and constraint is, in fact,

what constitutes the grounds for the possibility of both *accommodation* and *critique* as well as what propels them both in a mutually sustaining and mutually co-dependent cycle, and problems arise when one principle is given priority over another. In chapter three's review of the various waves of systems thinking (Midgley, 2000), my justification for the choice of interpretive systemology was in its study of varying interpretations of social phenomena in order to uncover its holistic sense, and any possible unity therein. In identifying potential *contexts of meaning*, I argued for the inclusion of theology, given that government guidance (Ofsted, 2014) highlighted an understanding of the relationship between civil and religious law as a key propellant of British Values in schools. This is combined with the fact that the UK has an established national church with the monarch acting as both the head of State, and the head of the church. Moreover, Anglican bishops, by default, sit in the House of Lords, thereby making them key decision-makers in the British legislative process. In choosing interpretive systemology, I also argued that Midgley's (2000) theory of systemic intervention justified the inclusion of an alternative theoretical framework for interpretive systemology, whilst retaining the methodological intent and tools associated with it.

With the above in mind, the next chapter will offer the philosophy of Gillian Rose (1981, 1984, 1992, 1993, 1996) as a theoretical framework, which 'goes with the grain' of interpretive systemology and resolves some of the present criticisms of it (e.g. Jackson, 1992; Flood, 1992; Mingers, 1992; Midgley, 2000). It does so by offering *a theory of intervention to explain the quest for jurisprudence*. For instance, if we read the 2014 British Values statute as a jurisprudential intervention, then, according to Midgley (2000), each intervention (in our case jurisprudential ones) inevitably entails boundaries, which in turn generate marginalisation, and often conflict, in that those boundaries simultaneously enable and constrain in the manner of Vickers' (1983) dialectic. Subsequently, the process is continually being repeated anew in the attempt to either resolve or contain the marginalisation and conflict generated by the imposition of boundaries. Moreover, this process is being repeated anew *in light of the dialectic of accommodation* (how the law accommodates into a given social order) *and critique*

(of the means and ends of accommodation), which in turn is generated by that of enablement and constraint.

Interpretive systemology offers a methodological tool, grounded within a philosophical framework of essential recursion (Fuenmayor, 1991a,b), that allows us to consider alternative conceptions of jurisprudence in order to highlight the interpretive variety at play, and identify the potential for a *different* jurisprudence. However, at the same time, it places accommodation and critique in logical opposition to one another (e.g. Fuenmayor, 1997) by prioritising critique over accommodation. Yet I intend to show in the next chapter how Rose offers a philosophical framework that retains the recursive principle, yet in a manner that allows us to read both enablement and constraint, and accommodation and critique, as mutually bounded in a dialectical interplay that gives rise to jurisprudence. Moreover, Rose conceives the task of metaphysics proper *as* jurisprudence, and it is this which constitutes her theory of jurisprudential intervention as one that is permanently being renewed due to its cognisance of the impermanence of boundaries, and the ways in which they generate marginalisation and conflict.

So, Vickers (1983) provides the dialectic of enablement and constraint in modern institutional life, which generates accommodation and critique. Fuenmayor (1997) notes that accommodation and critique are logically opposed, yet provides a methodology whereby conceptions of jurisprudence can be identified and interrogated in the hope of uncovering the potential for different jurisprudence. This methodology is embedded in an onto-epistemology of essential recursion which helps explain the dialectic between both accommodation and critique, and enablement and constraint as mutually bounded. Rose's (1981, 1984, 1992, 1993, 1996) approach is embedded in a similar principle of recursion, yet she argues that the task of metaphysics is jurisprudence, so offers a theory of intervention stronger than that of Fuenmayor (1991a-d). Boundary critique (Midgley, 2000) allows us to consider how each

jurisprudential intervention generates a boundary, which in turn marginalises, and so the task of intervention begins anew.

### 5.11 Conclusions Drawn from the Practice of Interpretive Systemology

With respect to the binary effects of the transplanting of European socio-political and economic institutions into non-European societies referred to by Fuenmayor and Lopez Garay (1991), and discussed earlier, Lopez-Garay (1999: 9) uses Bateson's (1978) terminology of a *double-bind* to describe how a paradox emerges whereby an individual is called to be free, yet he or she is not free at the same time because of the dialectic of enablement and constraint which Vickers (1983) identifies as characteristic of the institutional nature of liberal democracy, as discussed earlier. This insight is applied to conclusions drawn from various interpretive systemological studies, including Fuenmayor and Fuenmayor's (1998) study of Venezuelan State Healthcare. They argue that, to follow the principle or spirit of the Enlightenment project proper would be to invent new social institutions that are particular to the Venezuelan (and more generally Latin American) conditions and experience, as opposed to blindly aping the European models, which have arisen from experience on that other continent. Lopez Garay (1999: 10) then builds on this, via the work of Suarez (1999), to argue that the advent of post-modernism, broadly referred to as the dissolution of universal truths and the Enlightenment conception of progress, conveys a message to humanity that reads:

“Let people of all kinds and cultures be free to organise themselves within a nation, in as many interest groups as they want, and to walk as many different walks of life as they wish. Let us not impose any particular way of life on anyone”.

Such an injunction in the post-modern liberal order, for Lopez Garay (1999: 10), is essentially contradictory, as it seeks to establish the lack of legitimacy of universality as universally legitimate! Also see Midgley (1994, 2004) for further reflections on this contradiction in post-modern philosophy, and its implications for systems thinking. For Lopez Garay (1999: 10), this contradiction has two effects for the Latin American countries that have adopted Western

European institutional frameworks of governance and economic models of trade. First, the message is essentially that the institutions are universal, in that they remain the same for both European and non-European societies. Second, the distinctions between 'developed' and 'underdeveloped/developing' nations, which were appropriate for the assumptions of Enlightenment modernity, are no longer appropriate in the post-modern epoch. Subsequently, Lopez Garay (1999: 10) argues that the rush to become 'modern' in the Western European sense loses all significance once the supposed universality of European institutions is exposed as relative to the context of meaning of imperialism, and nations such as Venezuela are, instead, invited to be original, creative, and invent their own new social ways of being.

Finally, Lopez Garay (1999: 10-11) identifies a paradox. On the one hand, the advent of post-modernity means that the European project of modernity that came with the Enlightenment conception of reason, as described by Fuenmayor and Lopez Garay (1991), could be overthrown so that Venezuelans would be able to create a more authentic set of institutions for their experienced realities. On the other hand, post-modernism itself did not arise from the particularities of the Venezuelan context, but is an emergent global phenomenon to be found wherever European institutions have been replicated. As such, Lopez Garay (1999: 11) asks whether post-modernism is actually revealing the true essence of modernity, and is signalling authentic realisation on a global scale, or is itself merely the latest manifestation of cultural imperialism. If the former, he suggests that we may be experiencing the dawn of a *truly* modern era; but if it is just the continuation of cultural imperialism, then nothing has fundamentally changed. If we are to fully realise an authentic modernity, and break free of the *double-binds* that Lopez Garay (1999) identify in *both* modernity and post-modernity, then we need to undergo a process of *holistic reframing*. This is a process by which we are called to change the conceptual and/or emotional vantage point through which a situation is experienced and interpreted, and adjust it to one which is better aligned with the actuality of a situation. Only then could something authentically Venezuelan emerge. In such a way, Lopez Garay (1999) advances the thesis that the cleavages in individual and institutional thinking and

behaviour characterised by Fuenmayor and Lopez Garay (1991), and the social problems which they generate (see Ochoa-Arias, 1999), are merely manifestations of the basic contradiction in both modernity and post-modernity: that is, we are called to *'be free but not be free'* simultaneously. To break this double bind would require us to remake the *"unitary holistic sense of ourselves as a society"* (Lopez Garay, 1999: 11).

Another conclusion from interpretive systemic practice is that, as we saw in the last chapter, Fuenmayor (1997: 235) believes that Checkland's (1985) principle of 'learning' and 'accommodation' in SSM are both "logically opposed" in their original Enlightenment meanings of *accommodation into a given social order, and critique of the assumptions flowing into the means of accommodation*. In his reflection on *The Historical Meaning of Systems Thinking*, Fuenmayor (1997: 246) presents systems thinking, or rather holistic thinking, as an extension of Western metaphysics since the Enlightenment. Moreover, Fuenmayor (1997) believes that SSM falls into the trap of *'Enframing'*, and this is the case for the majority of both second and third wave systems approaches: the Heideggerian notion of *Enframing* refers to being immersed in a technological worldview in which everything is merely a resource for potential exploitation, so even nature and other people have no value or meaning other than what we can derive from them instrumentally. Fuenmayor (1997: 246) portrays this as an epistemological and ontological trap in the fullest sense of Vickers's (1970: 15) metaphor, in that it precludes systems thinking because the moral ends that can be considered within such a worldview are so terribly constricted, and it renders the will to holistic thinking more or less senseless. Indeed, he argues that this is a very sophisticated metaphysical trap that is disguised by discourses of freedom and other key terms of modernity, such as 'justice' and 'critique'. Fuenmayor (1997: 246) believes that the discourses just mentioned are, within the present post-modern constellation or epoch, merely phrases and words whose original meanings belong to interpretive contexts now put asunder. Ideals like 'democracy', 'liberalism', 'justice', 'freedom' and 'rationality' mean something quite different today compared with what they meant during the Enlightenment. Furthermore, Fuenmayor (1997:246) contends that the very

notion of 'Man' has evolved from how it was conceived in the eighteenth century, in that Man has become, as per Foucault (1966), the murderer of God, and subsequently his own murderer (in the sense that the individual will, rather than the intellect, now becomes the most fundamental aspect of our self-interpretation, thus killing the older idea of Man as a rational being). So, as Man conceived within modernity disappears, so too does philosophy and metaphysics, while modern science succumbs to the momentum of technological innovation, and beneath all of this, "the will to systems" that Fuenmayor (1997: 246) describes as driving the Enlightenment idealists in ushering in the epoch of modernity, and thus modern systems thinking, becomes meaningless.

Moreover, for Fuenmayor (1997: 246-247), if postmodernism really spells the overturning of metaphysics, then not only does *modern* systems thinking become meaningless, but any other form of systems thinking of which we can think historically is meaningless in the present epoch too. Since metaphysics involves *thinking about beings as a whole* with respect to Being (the ontological ground) – i.e., it is concerned with the belonging-together of particular beings in Being (reality as a whole) – the overturning of metaphysics implies the oblivion of the metaphysical totality (*ground of beings*) and its ways of showing itself (types of *presence*). The notion of a practical question addressed to the totality (*ground of beings*) proper of systems thinking thus becomes meaningless.

Despite this, Fuenmayor (1997: 247) argues that we are still talking about systems thinking and associating notions of *learning and critique* with such vigour, so what then is the historical meaning of systems thinking? In order to navigate this question, Fuenmayor (1997: 247) argues that we need to work on what Foucault (1991) has called an 'ontology of the present' or a 'critical ontology of ourselves'. For Fuenmayor (1997: 247), such an 'ontology of the present' is an enquiry into the present post-modern *constellation* of the realm of beings. This is because Fuenmayor (1997: 247) sees that there are two horizons for systems thinking in the present epoch. First, it could be absorbed by what Davila and Suarez (1994) call the



'managerial technologies', which may be seen as sophisticated strategies to ensure *accommodation* within *enframing*. The second horizon, or possible future, is to think carefully, under an historical-ontological purview, about the shape of our trap, which requires, amongst other things, to gain understanding about the relativity and limitations of the types of systems thinking, like Checkland's (1985) SSM, that subordinate critique to accommodation within the present order of enframing (Fuenmayor, 1997: 244 – 247).

## 5.12 Criticisms of Interpretive Systemology

Interpretive systemology has been criticised by three people in particular from within the first generation of third wave thinkers: Jackson (1992: 329-334), Mingers (1992: 335-342) and Flood (1992: 319-327). Then there is a further criticism from the second generation of CST thinkers (Midgley, 2000). I will review the criticisms without expressing my own perspective on them, and only when this is done will I consider their validity.

Jackson (1992) argues that the phenomenological theoretical foundations of Interpretive Systemology paralyze action on the grounds that, if Interpretive Systemology sought to intervene critically within a problem situation, then it would have to subvert its own philosophical framework in order to attain any improvement in, or emancipation from, that situation. Jackson (1992) believes it misunderstands truth in that, rather than being a never-ending, non-contextual quest, truth is instead to be found and/or achieved within the specific context of a problem situation.

Mingers (1992) argues that the phenomenological conception of the self, as expounded by Fuenmayor (1991, 1997), claims to accept pluralism but actually negates the reality of that pluralism because the diversity cannot be accommodated in the uniform conception of the self that Fuenmayor (1991, 1997) draws from the work of Heidegger. This is because phenomenology, as put forward by Fuenmayor (1991; 1997), fails to recognise the social or intersubjective nature of self-hood in its approach to the principle of *critique*. Also, for Mingers (1992: 335-342), Fuenmayor's (1991, 1997) reading of phenomenology is purely

subjective idealism, in that it resides in a perennial quest for 'visibility' in a world of 'traps'.

Mingers (1992: 335-342) argues instead for a critical realist approach in the manner of thinkers such as Roy Bhaskar (e.g.1975).

Additionally, Mingers (1992: 335-342) believes that interpretive systemology is potentially authoritarian because the interpretive contexts are, in the Los Andes study in particular (Fuenmayor, et al, 1991: 507-525), entirely of the analyst's own creation, so the conception of holism is drawn from the analyst rather than the agents working within a problem situation. In this respect, it should be noted that applications of interpretive systemology vary: for instance, Ochoa-Arias's (2004) discussion of possible contexts of meaning of Venezuelan community organisations were developed in partnership with participants in those organisations. There is actually nothing in Fuenmayor's (1991a,bc,d) papers on the methodology of interpretive systemology to suggest that there is a 'right' or 'wrong' way to approach the role of the analyst in relation to other potential participants.

Another critique of the IS methodology is in its claim to be distinct from the methodology of SSM (Mingers, 1992). For Fuenmayor (1991), SSM is managerialist and always takes a view internal to the organisation, and whilst Mingers (1992) accepts that this has mostly been the case historically, it does not mean that it necessarily has to be the case in future. For instance, Mingers (1992) argues that it would be quite feasible to develop activity models of an organisation and its relationships with the power structures of society in a very similar way to the case studies presented by Fuenmayor *et al* (1991) (Mingers, 1992, 337-341).

Flood's (1992) critiques largely echo those of Mingers (1992) and Jackson (1992) above, but he also focuses on the tension between what he calls the post-modern philosophical framework of Interpretive Systemology and the Marxist emancipatory social theory that appears to drive the Los Andes study (Fuenmayor, et al, 1991: 507-525). The driving force is Marxist in the sense that one of the interpretations of the state of play of Venezuelan universities is clearly informed by Marx (e.g. 1887), with Fuenmayor et al (1991) claiming that universities provide a

means to absorb people in academic activities who would otherwise be revolutionaries, and the authors clearly agree with this interpretation more than the others they offer.

Moreover, Flood (1992) believes that the self-representation of individuals is overlooked, and groups may freely choose to live within a civil order which the Interpretive Systemologists may deem to be problematic. Indeed, Flood (1992: 326) argues that the Interpretive Systemology group wants the best of both worlds - a philosophy that is emancipatory with respect to ideas, and which is neat and eloquent (causing no problems in itself), and a social theory of action that is emancipatory in a politico-ideological sense (Flood, 1992: 319 – 326).

Midgley (2000: 64-65) challenges Mingers's (1992) claims that interpretive systemology, by seeking to challenge naïve objectivism, collapses into subjective idealism. For instance, Midgley (2000: 65) reports that, in conversation with Fuenmayor, it has been made clear that interpretive systemology does not root the origin of meaning in the subject, but within the recursive form of subject/object which, for Midgley (2000: 65), constitutes a robust defence. Yet, Midgley (2000: 65) maintains that what is missing from the onto-epistemology of Interpretive Systemology is any analysis of what gives rise to recursive forms, and Midgley (2000: 65) contends that 'essential recursion' is a feature of the way in which language operates with respect to intersubjectivity.

Fuenmayor (1991a,b) claims that every concept has an 'other' from which it is distinguished. However, for Midgley (2000: 65), what isn't acknowledged in that claim is the fact that all concepts are expressed via the use of language, and the 'otherness' that is present whenever a concept is distinguished is a function of language. For instance, 'black' only has a meaning in relation to 'white', 'man' only has meaning in relation to 'woman', and so forth. Such an understanding of language is common to many writers, including Wittgenstein (1953), Derrida (1976, 1978), Bateson (1955) Maturana (1988a,b). It becomes clear that recursion is a function of language once we consider how language is employed. We can think of language with respect to the experience of phenomena as purely subjective, which can then be generalised

into a philosophical position such as solipsism, whereby all truth becomes *my* truth. At the same time, we can think of language in terms of truth without any consideration of the role of the subject, as a scientist may briefly do when conducting an experiment (Fazey et al, 2018). Yet once the experiment is concluded, the scientist will then move into a different context where their subjectivity may again come to the fore. Once generalised into a philosophical position known as 'naïve realism', the use of language employed in the scientific experiment hides the "I" that is appreciating the 'truth', which leaves us with pure objectivity, or 'independent observation'.

From this, Midgley (2000: 66) contends that there is a strong case for accepting that recursion can be explained with reference to generalisations of ontological positions from the use of language in time-and-context-specific relations, thereby producing contradictory positions that cannot be resolved. If the logic of these contradictory positions is to be preserved, yet there remains the desire for comprehensiveness, then the only option, for Midgley (2000: 66), is to express them as recursive forms. What these forms hide, however, is the manner in which the two sides have been constructed using *language*, where each side represents a concept, or way of speaking, that has its 'other'.

Also, for Midgley (2000: 66), missing the linguistic nature of recursion results in a second problem with the onto-epistemology of interpretive systemology (Fuenmayor, 1991a,b,c). For example, Fuenmayor (1991a) notices that when presented with a visual recursive representation (such as Escher's 1948 lithograph, *Drawing Hands*), a person first notices the totality before entering the recursive detail. Combined with the desire to overcome subject/object dualism through the generation of a unified philosophy, Fuenmayor (1991a) is led to claim that one can describe the *fundamental unity of reality* by depicting the operation of recursive forms. For Midgley (2000: 66), however, this is not the case, in that, with reference to the argument above regarding how the context-specific use of language as focused solely on truth can be generalised into a philosophical position, it is the pursuit of one

such position over and above any other, which results in a philosophy that becomes one side of the recursive form. Yet, because we know this to be an unsatisfactory position for both scientific and philosophical enquiry, we end up moving between the two sides. For Midgley (2000: 66), then, the only thing that recursive forms can describe is the *disunity* promoted by a singular use of language, of which subject/object dualism is but one example. Recursion does not allow us to describe the fundamental unity of reality: it only reveals the impoverished nature of the description. As such, the most that can be done to illustrate that an underlying unity exists is to exploit the limitations of language by repeatedly moving between the two sides of the recursive form until the absurdity and futility of the exercise breaks the use of language for the briefest of moments, and the underlying unity can then be *felt* non-linguistically.

### 5.13 Responding to Criticisms of Interpretive Systemology

Below, I address each point of critique of interpretive systemology in turn before then I point towards how, in the following chapter, the social philosophy of Gillian Rose can be utilised as a philosophical framework to maintain the critical intent of the methodology, yet specifically address the critiques. In the next chapter I will also argue that this *enhances* interpretive systemology.

To start with Jackson's (1992) claim regarding the conception of truth in interpretive systemology in relation to a theory of intervention, there is a need for a more substantive link between the philosophical foundations, how to exercise judgement, and how to intervene within the context of a problem situation. For instance, as we saw earlier, Fuenmayor (1991d, 1997) made the case that, once an intervention takes place, then thinking is no longer authentically critical, and is subsumed by a pragmatic regulative interest, or it becomes an *accommodation* that is conservative in its attempt to preserve a given order. However, I would argue that this highlights the need for a *theory of judgement in intervention* that is cognisant of the necessary risks that come with action. Indeed, such a theory might not just highlight risks,

but also potential *opportunities* that could come from supporting people in thinking about how they could act once previously-unquestioned understandings of institutions have been exposed as relative to a particular context of meaning, and other potential interpretations of them have been embraced. Indeed, it will be one task of the next chapter to show how Gillian Rose (e.g. 1981, 1996) offers just such a theory of judgement in intervention. I believe that this will also answer the critique of Flood (1992), above, with respect to links between the philosophical framework of interpretive systemology and the social theory that guides its theory of intervention.

With respect to Mingers's (1992) critique of interpretive systemology for subjective idealism, I am largely convinced by Midgley's (2000) account of his conversation with Fuenmayor (Midgley, 2000), where he claims that the origin of meaning is not rooted in the subject, but within the recursive relationship between the subject and object. Moreover, I believe Rose (e.g. 1981) provides a theory of subject/object dualism that largely echoes the recursive thesis of Fuenmayor (1991a), but which also accounts for what *gives rise* to recursive forms. Midgley (2000) contends that such an account is missing from Fuenmayor's work, and needs to be provided. I agree with this, and look to Rose to fill this lacuna.

Regarding the potentially authoritarian nature of interpretive systemology, resulting from the contexts of meaning being of the analysts' own authorship (Mingers, 1992), my own answer to this aligns with Mingers's (1992) point about how SSM does not *necessarily* have to take a view internal to the organisation. For instance, I would argue that any methodology dealing with questions that are broadly conceived as philosophical and sociological is open to the manipulations and ideological perspectives of those employing them, and this is why the question of boundary judgements remains a central issue within systems thinking and practice. Hence I agree with Midgley (2000) when he says that, if boundary critique is practiced up front, and the terms of engagement with the participants and context are made as transparent

as possible, then the analyst's conclusions can be subjected to critical scrutiny, regardless of whether they are derived from studies 'in the field', as it were, or 'from the desk'.

For instance, regarding theoretical research, no author invents all the theory they discuss: most of their theoretical ideas have been developed with reference to the literature, so there are different sorts of 'participants' here: not participants in a problematic situation in which action research is being undertaken, but participants in a research community writing about problematic phenomena – and the integrity of the research can be judged partly by how well each author represents the works of his or her opponents before advancing his/her own perspective. Accessing the perspectives of participants in empirical studies of problem situations meanwhile, holds no guarantee that the variety of perspectives they offer will be respected and faithfully represented. It is impossible for a researcher to avoid some degree of interpretation when creating a narrative linking up quotations – the best that can be achieved is critical reflection on the perspective being brought to the interpretation so that at least some assumptions are made transparent to the reader (Gregory, 1992).

A final point in relation to Mingers's (1992) accusation of authoritarianism: I believe that interpretive systemology offers a unique systems approach with respect to its value for considering the *grounds* for the possibility of institutions, especially in relation to the dialectic of enablement and constraint between the individual and institutional life discussed in the previous chapter. Such a consideration is ultimately a *theoretical* exercise, and there are situations when a systems thinker will be called upon to engage in such an endeavour. To dismiss such an enterprise as authoritarian, with the implication that it is an inferior approach, I believe overlooks the recursive relationship between theoretical and practical endeavour, with each adding value to the other as research moves between theory and practice over time.

The accusation of authoritarianism is also somewhat myopic, in the sense that the encounter with Western liberal democracy could well look very different from the Western European and Latin American contexts. The history of imperialism in Latin America and the relative political

instability of countries like Venezuela (compared with Western Europe) makes the need for penetrating critiques that require engagements with the academic literature more pressing. Without interpretations of the world that go deeper than the most obvious ones that are encountered in the mainstream media, we cannot hope for anything more than superficial change.

With respect to the historical meaning of Systems Thinking, as discussed by Fuenmayor (1997), it appears to me that, while many of the first generation of third wave thinkers (e.g., Ulrich, 1983; Jackson, 1991; and Oliga, 1996) offer a richer reading of social and critical theory than previous writers, the philosophical framework of Interpretive Systemology (Fuenmayor, 1991d, 1997) offers a much richer reading of *philosophy more generally*. This is why Fuenmayor was able to so cogently expose the weaknesses in the philosophical assumptions of second wave writers like Checkland (1981) *and* first generation third wave thinkers like Jackson (1991). For instance, it would appear that the first generation of third wave thinkers uncritically embrace the universalism of the Enlightenment view of morality and the civil order thereby reinforcing Fuenmayor's critique of it (1997).

However, there is another side to this argument: the interpretive systemologists equally run the risk of undermining the legitimacy of any sense of intervention, via their embrace of writers who have been labelled 'post-modern' – particularly thinkers such as Nietzsche (1887), Heidegger (1954) and Foucault (1975). If intervention is merely dismissed as uncritical, simply because it is inevitably founded upon taken-for-granted assumptions, then this will surely deter deeply critical researchers (especially those based in universities, where being critical is a highly prized value) from trying to inform social change. Indeed, there have been many reflections in the systems thinking literature on the fact that taken-for-granted assumptions are not only inevitable in pragmatic or action-orientated inquiry, but also in the most deeply penetrating critiques (e.g., Ulrich, 1983; Midgley, 2000), and even Fuenmayor (1990) is forced



to accept that, when we try to lift our feet to see the ground upon which we are standing, we inevitably put them down somewhere else, obscuring new ground (see Fuenmayor, 1990).<sup>4</sup>

Additionally, whilst Fuenmayor (1997) and Lopez Garay (1999) both seem to agree on what they take to be postmodernism (as defined by Lopez Garay, 1999, and discussed above), there seems to be a divergence in their views on what post-modernism *means* for the future of systems thinking, and conceptions of human organisation moving forward. For instance, Lopez Garay (1999) appears to have a much more positive reading of the potential in post-modernism for human societal organisation, in that the Enlightenment promise of human autonomy can now be fully realised via an emphasis on the particularity of the Other in a truly authentic modernity. For Fuenmayor (1997), on the other hand, the advent of the post-modern constellation merely brings the atomisation of morality and knowledge, along with the supremacy of instrumental reason in the technical interest into a sharper relief than was seen under the light of modernity. Consequently, Fuenmayor (1997: 247) feels that, instead of making conservative ‘accommodations’ into a given social order, we are in need of a new “critical ontology of ourselves” if we are to ever realise the promise of holistic or systems thinking, and organise our societies and their institutions without the generation of binary oppositions or the “institutional schizophrenia” that Fuenmayor and Lopez Garay (1991:9) cogently criticise.

Having mentioned this “institutional schizophrenia” (Fuenmayor and Lopez Garay, 1991: 9; Lopez Garay, 1999), I have one other point to make. The authors attribute this to the transplanting of liberal civil institutions and economic systems into areas of the world to which they are not native, and, hence, not viewed as organic or well suited to those areas. This is due

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<sup>4</sup> While the written paper from Fuenmayor (1990) doesn’t give that metaphor of lifting one’s feet, I have been informed by Midgley (2020) that this was a central feature of the plenary presentation associated with that paper, delivered to the Annual Meeting of the International Society for the Systems Sciences (ISSS) in Portland, Oregon, USA.

to the fact that social institutions are read by Fuenmayor and Lopez Garay (1991) as social responses to problematic phenomena. While I agree with the latter characterisation of social institutions, I would nevertheless caution that the ‘liberal transplant’ theory of Fuenmayor and Lopez Garay can only reach so far. Such an argument has been used very persuasively with respect to the rise of Islamism by thinkers such as El Fadl (2005) and Hallaq (2013). However, whilst El Fadl (2005) and Hallaq (2013) utilise a great deal of non-Western, non-liberal thought in their investigations, the interpretive systemologists remain wedded to the tradition of Western philosophy and sociology (e.g. Kant, 1787, 1788, 1790; Heidegger, 1954; Habermas, 1974; Foucault, 1984) in order to conduct their investigations, guide their interventions, and inform their conceptions of ‘critique’. In particular, ideas such as ‘transcendental critique’, ‘modernity’ and ‘individual autonomy’ remain central preoccupations, and I would like to argue that it is perhaps because of such preoccupations that the interpretive systemologists overlook the extent to which that “institutional schizophrenia” between the normative ideals of the State and its respective institutions on the one hand, and the experiences of the individuals and communities living within those institutional frameworks on the other, are the source of many problems in *Western Europe* as well as in Venezuela. These problems exist in Europe despite the fact that the institutions of liberal democracy have organically developed in our continent in response to our own social problems. Perhaps it may even be down to the drive for, and employment of, an emancipatory *transcendental critique*, which is sought by the interpretive systemologists (e.g. Fuenmayor, 1990, 1991d; Fuenmayor and Lopez Garay, 1991), that such divisions in society are seen as something that can actually be *resolved, unified or escaped*, when it may be the case that there will always be greater or lesser tensions in large-scale societies between normative ideals embedded in institutions and the felt experiences of citizens. In the next chapter, I will argue, following Rose, that historical attempts to completely eradicate these tensions have always ended in disaster, and they must instead be *navigated* in the hope that as many undesired outcomes as possible can be modified or *improved*, without thinking that completely harmonious relationships between individuals and the State are

possible. Of course, the notion of improvement is central to Midgley's (2000) systemic intervention approach, which was discussed in the previous chapter.

## 5.14 Moving Forward

I believe that there are four elements of Rose's social theory and philosophy that make it relevant and useful for systems approaches generally, and interpretive systems perspectives in particular. First, there is a conception of holism read as an emergent property of parts-in-relation that can be related to conditions of value pluralism in society. This is cognisant of Midgley's (2000) comment earlier in this paper that emergent properties as the result of parts-in-relation is a central notion in systems thinking. Second, Rose offers a means for critical reflection on the notion of boundaries, and boundary judgements, which I contend is reflexive enough to meet Midgley's (2000) requirement that boundary critique must be performed up front in all interventions. Third, I will argue that Rose's work provides complementary insights to Midgley's (1992b, 2000) marginalisation thesis. Fourth, and finally, there is a theory of judgement provided by Rose (1981, 1984, 1992, 1993, 1996), which can be connected with three things: the aforementioned critical reflection on boundaries; Midgley's (2000) theory of intervention, aimed at securing improvement; and, where possible and necessary, the notion of emancipation discussed in both critical systems thinking and interpretive systemology (Fuenmayor and Lopez Garay, 1991; Flood and Jackson, 1991a,b). Emancipation and improvement are approached by Rose (1981, 1984, 1992, 1993, 1996) through a consideration of the marginalisation that occurs via the imposition of jurisprudential boundaries in light of *mourning* and *risk*, which will be explained in the following chapter.

It is also original in its Hegelian basis, and its metaphysical focus on law and jurisprudence. This is with respect to my comments earlier in this chapter regarding the centrality of the idea of law in the 2014 British Values statute, and how jurisprudence in liberal institutional life arises from the recursive relation between enablement and constraint, and accommodation and critique. In this sense, it marks a departure from the Kantian readings of Frankfurt theory (e.g.

Habermas, 1973) that influenced systems thinkers such as Ulrich (1983, 1988). Moreover, I contend that Rose offers a defence of critical reason, and a continuation of the Frankfurt tradition in light of criticisms of it from areas of postmodernism, such as those discussed in Flood and Jackson (1991a) and mentioned in the previous chapter. It is in this sense that I believe Rose's social philosophy carries implications for some third wave systems approaches (e.g. Ulrich, 1983, 1988; Flood and Jackson, 1991a,b), although it will be the burden of the following chapter to focus on the implications for interpretive systemology. This is because, as argued in the previous chapter, and also in the current one, I believe the methodology of interpretive systemology to be best suited for uncovering the holistic sense of the 2014 British Values intervention by identifying and exploring the various interpretive contexts which enable the intervention to be viewed in different ways.

## 5.15 Conclusion

This chapter first of all sought to provide a detailed exposition of interpretive systemology: its philosophical framework, theory of intervention and critical mode of inquiry. I further justified its employment in the investigation of the holistic sense behind competing interpretations of the 2014 statute introducing British Values into schools. I then discussed the various criticisms of interpretive systemology from Jackson (1992), Mingers (1992), Flood (1992) and Midgley (2000), before reflecting critically upon them. Finally, the chapter briefly pointed towards the utilisation of the social theory of Gillian Rose (1981, 1984, 1992, 1993, 1996) as an alternative philosophical framework to help underpin an interpretive systemic investigation into the phenomenon of British Values in Schools. This will be offered as a framework which 'goes with the grain' of both the existing methodology and critical intent of interpretive systemology, but addresses the present criticisms of it by offering a theory of intervention as a perennial quest for jurisprudence. Explaining this will be the task of the following chapter.



## Chapter 6 – Towards a “Good Enough Justice”: Gillian Rose and Interpretive Systemology

My purpose in this chapter is to present the social theory of Gillian Rose as an alternative philosophical framework which, whilst retaining the recursive foundation of the *onto-epistemology* (Fuenmayor, 1991a,b,c) and critical intent (Fuenmayor and Lopez Garay, 1991) of interpretive systemology, serves also to resolve the critiques from Mingers (1992), Jackson (1992), Flood (1992) and Midgley (2000), discussed in the previous chapter.

Interpretive systemology employs an *onto-epistemology* (Fuenmayor, 1991a,b,c,) that guides people to study phenomena as systems of interconnected parts displaying emergent properties, giving rise to a holistic sense of those phenomena. This is based on a principle of *essential recursion* between the subjective (noetic) side and the objective (noematic) side, giving rise to emergent holism (e.g. Fuenmayor, 1991a,b,c).

The practice of interpretive systemology has been illustrated by a project problematising holistic unity in a Venezuelan institutional society committed to a principle of individual liberty (Fuenmayor and Lopez Garay, 1991), leading Fuenmayor (1991d) to contend that any conception of *holism* in social systems thinking must be related to conditions of relativism in ethical life. This is because there are always perspectival grounds for any holistic appreciation. For Fuenmayor and Lopez Garay (1991), the principle of the autonomous individual exercising his or her freedom within increasingly interconnected and interdependent institutional structures propels a contradiction or a misalignment *between the normative intent of societies and institutions to bring about justice, and the actuality of the social being in conditions of injustice*. Fuenmayor and Lopez Garay (1991) also contend that the context-specific and historical particularity of Western institutional structures, exported to Venezuela during the colonial and post-colonial periods, means that they may not necessarily be able to properly address problems that arise in differing social contexts and histories than those out of which they originally emerged.

For Fuenmayor and Lopez Garay (1991), the Enlightenment conception of critical reason from Kant (e.g. 1784, 1787) onwards, which propelled the modern conception of individual autonomy, has been gradually subsumed by an instrumental reason employed in service of the technical interest (e.g. Habermas, 1973, 1975). This was read as a form of *enframing* (a concept that Fuenmayor, 1997, borrows from Heidegger, 1954): that is, being immersed in a technological worldview in which everything is merely a resource for potential exploitation, so even nature and other people have no value or meaning other than what we can derive from them instrumentally. Fuenmayor (1997: 246) portrays this as an epistemological and ontological 'trap', in that it precludes systems thinking because the moral ends that can be considered within such a worldview are so terribly constricted, it renders the will to holistic thinking more or less senseless. As such, the concept of intervention advocated in 'soft' and critical systems thinking (Checkland, 1990, 2006; Flood and Jackson, 1991a; Jackson, 1991, 2000, 2003) is read as a strategy of *accommodation* into a civil order that is internal to the conditions of *enframing*. This is then placed in logical opposition to the call for an authentic, transcendental and emancipatory *critique* as the search for a new critical ontology of ourselves (e.g. Fuenmayor and Lopez Garay, 1991; Fuenmayor, 1997).

My central contention is that interpretive systemology, in both theory and practice, either implicitly or explicitly reaches for social justice (e.g. Fuenmayor, 1991d, 1997; Fuenmayor and Lopez Garay, 1991; Fuenmayor and Fuenmayor, 1999a,b; Suarez, 1999), yet is without a space where a clear normative conception of the social totality, and a corresponding theory of justice or jurisprudence, can be envisioned. As argued in the previous chapter, I believe this is largely a result of placing *accommodation* and *critique* in logical opposition to one another, and then choosing the latter over the former. This choice emanates from the desire for a transcendental form of critique that is emancipatory in its intent (e.g. Fuenmayor and Lopez Garay, 1991; Fuenmayor, 1997), but it bars the possibility of the instantiation of a theory of social justice in interpretive systemology from *better accommodating* value pluralism within a holistic structure via the *critical* process of intervention through jurisprudence. For, from the

perspective of Fuenmayor (1997), any such *accommodation* would constitute a perpetuation of *enframing* – it would be seen as merely instrumental reason acting via a technical interest.

Fuenmayor (1991d: 241-242) says that “the institutional preconditions for practical discourse, are in turn, part of the field of study of interpretive systemology”. Midgley and Ochoa-Arias (2001: 616) add that a reading of intervention considered by interpretive systemologists is one that “means intervention in discourse through the provision of alternative interpretations of phenomena (communicating with an audience that is largely unknown, possibly including people in future generations), with the uncertain hope of contributing to future change”. Yet I argue that, if interpretive systemologists construe accommodations as processes of assimilation via *enframing*, and do not recognise a normative space whereby those institutional preconditions (mentioned in the first quotation in this paragraph) can be thought and re-thought, then no such practical discourse can take place, and no such interventions can be made. This is because interpretive systemology overlooks the *interpretive* and *essentially recursive* nature of both accommodation *and* critique, in that each arises out of, and is reflective of, the subjective experience and objective reality of the dialectic of enablement and constraint, which characterises any holistic framework that can be realistically connected to conditions of value pluralism (e.g. Vickers, 1983; Fuenmayor and Lopez-Garay, 1991).

Therefore, to hold one interpretation of each as transcendental, authoritative and normative prohibits any institutional preconditions for practical discourse where interventions can be made to provide alternative interpretations of *accommodation* and *critique*. As such, one argument of this chapter is to suggest that interpretive systemology might benefit from a shift in the aims of intervention from one that is concerned with *critical emancipation* (Fuenmayor and Lopez Garay, 1991) to one that is focused on *improvement* (Midgley, 2000), as an improvement requires *both* critique of the status quo and accommodation to a new situation. Also see Vega (1999), who offers a similar perspective when reflecting on his own Foucauldian approach to boundary critique, saying that a process of ‘unfolding’ (critiquing) boundaries



needs to be followed by decision-making that 'folds' (sets) a boundary, making it firm enough to enable social action.

Consequently, building on my critique above, and those of Jackson (1992), Mingers (1992), Flood (1992) and Midgley (2000), discussed in the previous chapter, I suggest that an alternative philosophical framework for interpretive systemology must contain three elements:

1. A normative conception of the social totality.
2. A corresponding theory of jurisprudence by which intervention takes place in seeking to reconcile conditions of pluralism in a manner that exhibits a holistic sense of unity.
3. A form of critique which, following Rose (1981), allows us to transcend the dualistic thought that I contend has inadvertently led Fuenmayor (1991d, 1997) to view accommodation and critique as logically opposed, despite his recognition of essential recursion in relation to a range of other pairs of concepts (Fuenmayor, 1991a,b,c).

Therefore, this chapter will demonstrate how Rose's (1981, 1984, 1992, 1993, 1996) social theory offers interpretive systemology a space where critical reason can be recovered, and a normative conception of the social system and corresponding theories of justice can be surfaced and explored. This recovery of critical reason will enable researchers to make their normative stances explicit, and more clearly identify normativity in various *contexts of meaning* drawn from practice. I contend that Rose (1981, 1984, 1992, 1993, 1996), when her work is used to augment that of Fuenmayor (1991d), offers a conception of holism that can be connected to conditions of value pluralism, whilst perpetually reassessing the impermanent boundaries of its own critique (e.g. see Midgley, 2000, for a discussion of the critique of critique). I will also demonstrate how Rose's (1981) understanding of the transcendental method in sociology since Kant shows how it is possible to misconstrue *accommodation* and *critique* as being in logical opposition to each other, which is what I believe Fuenmayor (1997) has done.

The mistake made by many sociologists, according to Rose (1981), is to separate subjective experience and objective reality from their recursive relationship with each other, and they thereby confer methodological priority on only one of these. Given the importance of the recursive relationship to Fuenmayor, I suggest that Rose's (1981) analysis is entirely compatible with interpretive systemology.

Instead of the separation of subject and object, Rose (1981) offers a form of *speculative critique* (to be explained shortly), which she takes from her own highly individual reading of the work of Hegel (e.g. 1807, 1821). This is offered as a form of critique which, amongst other things, reaches for the proper transcendence of problematic dualisms such as *accommodation* and *critique* by placing them within a recursive framework similar to the *onto-epistemology* of interpretive systemology. For instance, the great contradiction that Fuenmayor and Lopez Garay (1991) view as lying at the heart of modernity is what Rose (1992, 1993, 1996) describes as 'a broken middle', which is the space that emerges in the recursive relation between the critically-subjective experiences of individuals and communities, and the objective reality of the institutional structures and concepts that seek to accommodate difference, or conditions of inter-subjectivity, within a social system via jurisprudence.

We shall first see how Rose (1981) argues that a Kantian influence on methodological priorities in sociology leads to the opposition between accommodation and critique that Fuenmayor (1997) embraces. We shall then see how Rose (1981) offers an alternative, pointing to her own particular reading of Hegel (e.g. 1807, 1821) as allowing us to navigate and re-conceive such an opposition, thereby providing a space where normative thinking can take place. That is, Rose conceives of a holistic framework, connected to conditions of value pluralism, that serves as an institutional precondition for a practical discourse where the provision of alternative interpretations of phenomena can take place. Finally, a theory of judgement in intervention is provided that is cognisant of the tensions inherent in navigating the relationship between the

enablement of a critical individual autonomy, on the one hand, and the constraints of an institutional framework that seeks to accommodate people into a social order, on the other.

## 6.1 Concerns with Conceptions of Transcendental Critique

Here, I will discuss how Rose's (1981) critique of a Kantian influence on sociology leads to methodological preferences that I believe help to address Fuenmayor's (1997) logical opposition of *accommodation* and *critique*; Mingers's (1992) critique of the methodological priority of subjective experience; Flood's (1992) concern regarding normativity; and Midgley's (2000) call for a theory of language in interpretive systemology.

In *Hegel Contra Sociology*, Rose (1981) contends that modern sociology, since its formal inception in the works of Marx (e.g. 1887), Durkheim (e.g. 1897) and Weber (e.g. 1905), has remained ensnared within a dichotomous and dualistic way of thinking. Although this sociology emanated from the transcendental method of Kant, ultimately it has never managed to overcome its dualistic formulations and approach to inquiry. For Rose (1981), this problem stems from the separation by Kant of that which is known, and is therefore finite in the phenomenal realm, from that which is unknown, and therefore infinite within the noumenal realm. Noumena (real-world objects) are unknown because they are in principle unknowable: all we can actually know is our perceptions and interpretations, not ultimate reality itself.

At the same time, there is the separation of subjective experience from objective validity. Rose (1981: 3-4) tells us that objective validity, in Kant's thought, is established for what can be presented to us as an object within the limits and functions of our own knowledge and understanding. It is restricted to the possibility of objects of experience, of appearances. The task of justification is then to show how the inevitably subjective conditions of thought possess characteristics of objective validity, and not simply subjective validity. Hence, Kant (1781) proposes the transcendental conditions of knowledge, in the sense of the *a priori* rules which make possible empirical knowledge in general, and these are general principles for the

synthesis of perceptions into objects of experience, which is as near as we can get to objectivity (also see Fuller, 2018).

Rose (1981: 4) maintains that, in spite of the separation of objective and subjective validity, of questions of fact from questions of rightness, of an empirical from a transcendental account, Kant's (e.g. 1787) critical philosophy lends itself to psychological readings: i.e. a transcendental account may transform a logical question of validity into an epistemological question regarding how we may correctly acquire knowledge. Objective validity is established by dividing the mind into faculties, and via reference to perception and representation. On such a reading, Rose (1981: 5) argues that the whole project of transcendental logic reduces validity to the synthesis of representations, to the description of processes of consciousness. Moreover, Rose (1981: 5) believes that a transcendental account reduces knowledge to experience, on the one hand, and to the synthesis of appearances, on the other, by making the conditions for the *possibility of experience in general* the same as the conditions for the possibility of the *objects of experience*.

For instance, Rose (1981: 14) claims that Durkheim emphasises validity over values, whereas Weber's focus is on values over validity, yet both take their theories in a quasi-transcendental direction by arguing that society and/or culture forms the basis for the validity of both facts and values. Rose (1981: 14) talks about Durkheim's analysis, in which society is said to provide the preconditions that ground the validity of values, whilst Weber takes values to be the *source* of validity, which in turn shape society. As such, Rose (1981) contends that sociology came to be cleaved into two contradictory theoretical schools that, when viewed in isolation, become blind to the fact that they each form one half of a greater, recursive whole. In both Durkheim's structural sociology and Weber's interpretivist approach, each postulates a precondition and something that is conditioned, and yet, as their perspectives are opposites or mirror images of one another, both camps fail to see that, if the two perspectives were joined,

the emphasis would be on the *mutual constitution* of (or co-arising through feedback between) values and society (see also Fuller, 2018).

For Rose (1981), this division then creates problems throughout sociology. For instance, Brower Latz (2018), building on Rose's argument, suggests that the enduring dualistic question of sociology is whether people make society or society makes people, and this either/or framing is then reflected in divisions between agent and structure, freedom and determination, and system and actor.

Rose (1981) believes that sociology is trapped within these dualisms and dichotomies, which it attempts to conquer. However, ultimately sociology can never quite manage it, as the dualisms are the product of its underlying assumptions that involve continually separating sociological concepts from their recursive relation to one another. For Brower Latz (2015: 37-54), sociology subsequently faces a double danger, in that it either imposes a pre-theorised schema on society, which mutes subjective experience, or it imagines that simply pointing to subjective experience will suffice. It is in this way that Rose (1981) believes sociology to be replete with dualisms which it can never fully transcend, as it bars what Rose (1981: 1) terms "the speculative experience", or speculative critique, that she finds in Hegel's thought, and which she believes allows social theory to fully transcend such dualisms by accepting recursive relationships.

Rose, throughout her work, recasts such dualisms as systemic *diremptions* (cleavages) between seemingly opposed, yet nevertheless interrelated, concepts that only display emergent holistic properties when viewed in relation to one another. Davis (2018: 11) tells us that diremption, in Rose's social philosophy, is a means to discuss the relation between two poles *in terms of both their separation and their connection*. Furthermore, it is a way of discussing the mediation between two poles in a way that *produces and reproduces their separation as opposed to their reconciliation*. Before moving on to explain what Rose (1981)

means by speculative critique, I want to first discuss the implications of what has been described above for interpretive systemology.

## 6.2 Transcendental Critique in Interpretive Systemology

I would suggest that the call for a transcendental critique, as advocated by Fuenmayor and Lopez Garay (1991) and explained in the previous chapter, leads Fuenmayor (1991d, 1997) to elevate the principle of *critique* over and above that of *accommodation*, leading to his construal of the two principles as logically opposed with respect to social systems and holistic thought. In this sense, the transcendental method, as understood by Rose (1981), above, causes the interpretive systemologists to remove the principle of *critique* from its own onto-epistemological framework of essential recursion (e.g. Fuenmayor, 1991a,b) where it is placed into the transcendental register, and confers upon it the methodological priority from which its own investigations are conducted.

The transcendental division between accommodation and critique in interpretive systemology comes into bolder relief when we consider this in relation to Vickers's (1983) belief that a dialectic of enablement and constraint is an ontological feature of Western liberal democracy as characterised by a commitment to individual liberty within an institutional framework that is navigated via the rule of law. For example, we can see how Fuenmayor (1991d, 1997) associates critique with enablement and hence agency, and accommodation with constraint and hence the disablement of agency. *However, he fails to see that they both enable and constrain* – or, in complexity theory terms, there are always “enabling constraints” (Juarrero, 1999). If this way of thinking is correct, then Vickers's (1983) dialectic of enablement and constraint is an onto-epistemological feature of the human condition that is always present in every thought, communication and action.

I would thus argue that Fuenmayor (1997), via the *enframing* ‘trap’ of technological reason, overlooks the dirempted nature of modernity's contradictions by viewing *accommodation* and *critique* as “static dualisms” (Rose, 1996: 76). This is in the sense that methodological priority is

given to the subjective experience of interpretive variety in a way that bars intervention on the grounds that accommodation, when deployed as intervention, merely reinforces the status quo and therefore strangles 'authentic' critique<sup>5</sup> (e.g. Fuenmayor and Lopez-Garay, 1991; Fuenmayor, 1991d). The possibility of *transformative accommodation* (i.e., accommodation that remedies fragmentation and harnesses the energies of diverse actors for desired social change) is not considered. If only critique is acceptable, our relations of dominance and dependence are, as Rose (1996: 75) describes, taken as given, or fixed as 'the world', as opposed to remaining contingent, fluid and reversible. This is paradoxical because advocates of critique often aim to transform the status quo, but in taking power relations as given, critique can actually be counter-productive. Add this to the observation that accommodation can be transformative on occasion (not all accommodations entrench the status quo), and it begins to become evident that the alignments of accommodation with the status quo and critique with radical change are misplaced: both accommodation and critique are necessary in a healthy society, and both have the potential to be transformative or status-quo-entrenching, depending on the purposes being pursued and the assumptions about power relations being made.

In contrast, accommodation and critique are modes of communicative action that have different consequences for the deployment of enablement and constraint. Accommodation challenges critique for the sake of arriving at an agreed common action, while critique challenges accommodation in the interests of finding an alternative action. So, whilst Fuenmayor (1991d, 1997) is, to a certain extent, right to view them as opposed, they nevertheless remain in a dialectical relationship with one another, and need to be kept in tension, without one being prioritised over the other to the extent that the other is abolished.

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<sup>5</sup> Although I agree with Midgley (2000) that the critique by Mingers (1992) of Fuenmayor (1991a,b,c) for an alleged onto-epistemological subjectivism misses its mark, because Fuenmayor does actually recognise that the subject and the object together make up the whole, when it comes to *methodology*, subjectivism does seem to be prioritised.

I believe this is a major factor underlying Jackson's (1992) and Flood's (1992) critiques of what they take to be interpretive systemology's misalignment between its philosophical foundations and theory of intervention: Fuenmayor (1991d) *views an intervention as suspending critique* in order to make accommodations that are ultimately conservative in their nature, yet accommodations are as necessary as critique to social collaboration. Flood (1992) and Jackson (1992) arrive at this commentary on interpretive systemology through their thinking about methodological pluralism: if one believes that every methodology is valid and useful for some purpose (Flood and Jackson, 1991b), then it follows that accommodation should not be ruled out, because that would also rule out major methodological traditions, like soft systems methodology (Checkland, 1981). However, it is equally possible to arrive at this commentary via the thinking of Rose (1981), as I have shown. While interpretive systemologists have shown no interest in methodological pluralism – if anything, an active *disinterest* because of the negative connotations given to the idea of intervention (Midgley and Ochoa-Arias, 2001) – I suspect that these new arguments are more likely to be well received because of the clear compatibility between Rose's idea of diremptions and Fuenmayor's essential recursions.

However, I would suggest that the interpretive-systemological Enlightenment reading of critique as emancipatory (Fuenmayor, 1991d, 1997; Fuenmayor and Lopez Garay, 1991; Fuenmayor and Fuenmayor, 1999) reaches (at times explicitly) towards an *idea* of justice in intervention, yet it is without a corresponding theory of jurisprudence, so there is no means by which those who have been emancipated via the critical intervention can be accommodated into a more just civil order. Thus interpretive systemology argues for a transcendental form of critique that is emancipatory in its intent. This is tied to a theory of intervention that reaches towards emancipation via an implied sense of social justice (e.g. Fuenmayor and Fuenmayor, 1999), yet is without a normative conception of the social totality, and a corresponding theory of jurisprudence. At the same time, the transcendental prioritisation of critique, in a manner similar to that described by Rose (1981) above, prevents an intervention that may lead to the



instantiation of a normative conception of the social order that reconciles value pluralism within the holistic structure via its corresponding theory of jurisprudence.

### 6.3 Speculative Critical Reason

I shall now discuss how Rose's (1981) method of critique could also be viewed as complementary to interpretive systemology. We saw earlier how Rose (1992) views seemingly opposed conceptual dualisms as 'diremptions', which is her own individual reading of a term used by Hegel (1807). However, in order to understand the term better, and how Rose (1981) believes viewing them as such allows us to undertake a truly transcendental critique of their dualistic nature, and seeming opposition, we need to understand what she characterises as 'speculative experience', better understood as *speculative critique*.

In *Hegel Contra Sociology* (Rose, 1981), the speculative form, which Rose employs throughout her project, is first expounded and read against the dualisms of the transcendental method by countering that it is impossible to comprehend concepts in isolation, that they must always be thought of in relation to their Other. So, speculative thought is a continual interplay between what initially seem like competing conceptual dualisms, such as particular and universal, legality and morality, holism and individualism, religion and the State, and so forth; and speculative thought interrogates the ways in which each of the concepts in a particular pair constitute one another. According to Rose (1981, 1992), Hegel's (e.g. 1807, 1821) focus on the unity of their competing duality is accompanied by an acknowledgement of their *diremption*, or their brokenness: this is not a temporary state of affairs – the relationship between these pairs of concepts can never be fully mended. This 'brokenness' constitutes what Rose (1992) would later term a 'broken middle', a middle that is irreparably broken, between individualism and holism, between ethics and legality, and between State and society. Rose (1992) believes this brokenness emanates from a differentiation characteristic which marks the onset of Western modernity that begins with the Reformation, but really becomes entrenched with the

Enlightenment principle of individual autonomy identified by Fuenmayor and Lopez Garay (1991) in the previous chapter.

Moreover, the break in the middle must be perpetuated, and individuals and institutions must work within it if we are to remain committed to a principle of individual autonomy within an institutional framework that is negotiated via the rule of law. For example, Lloyd (2011: 12-32; 2018: 207-215) argues that Rose's (1996) conception of jurisprudence is one whereby the law will never ultimately match the customs of a community because the liberal commitment to individual autonomy means that concepts and institutions create irreconcilable sets of norms, such as when ethical norms conflict with formal laws. Therefore, it is only in navigating the diremptions in law and ethics, State and civil society, etc., that those concepts and institutions create are we able to access the foundational normativity that lies beneath.

Rose (1981) reads Hegel within the spirit of this speculative reason, and therein finds the radical aspect of his thinking and its challenge to the *status quo*. Rose's (1981) speculative account of Hegel's (e.g. 1807, 1821) thought is then posited as a resistance to the dualisms in Kantian critical thought. These dualisms between concept and intuition, consciousness and its objects, and theoretical and practical reason, are not taken to be merely philosophical propositions, but instead are seen as underlying social relations. Rose (1981) contends that this dualistic structure is then replaced by Hegel (1807) with a triune structure of recognition, which calls attention to the relation between the two terms in any pair *in terms of both their identity and non-identity*. This 'non-identity' is what constitutes a third element between the two, in that it is what Rose (1981, 1992, 1993) repeatedly refers to as 'aporia'. That is, an enigma or equivocal nature, that leaves the two terms, and their relation to one another, open to a variety of interpretations.

For instance, Lloyd (2011: 14) argues that Rose's (1981) account of speculative identity is one that suggests that to say "A is B" both affirms and rejects the identity that it states – it says at the same moment "A is B", and "A is not B", because A remains A and B remains B, and they

are different in some respects as well as equivalent in others. So, instead of making the relation between the two a vacuum, Rose (1981: 49) argues that a speculative identity “must be understood as a result to be achieved”. It requires work to, for instance, continually improve Law so it better reflects Ethics, in the knowledge that perfect equivalence is forever out of reach because the Law cannot possibly embody the full range of contexts and contingencies that we take account of when judging whether something is ethical. This work involves a process through which the meanings of both parts of the duality (in the example in the previous sentence, Law and Ethics) evolve through a gradually unfolding series of contradictory experiences where disjunctions are revealed and one or both concepts in the duality are rethought to bring them more into alignment. Through such experiences, the historical and social background fashions the identity of each concept via the push and pull of the two concepts in question, and it is this process of meaning-production through contradiction and tension, between concepts such as holism and individualism, autonomy and heteronomy, law and ethics, religion and the State, that Rose (1996) refers to as the *difficult work of the middle*.

This understanding of speculative identity is then applied by Rose (1981: 81) to Hegel’s (1821) declaration in the *Philosophy of Right* that “what is rational is actual, and what is actual is rational”. For Rose (1981: 81), this formulation has been misread as a statement that the ‘natural’ law of reason and rationality, whether from God or man, is synonymous with positive law, that is, the law of the actual world. Using this interpretation, Hegel’s (1821) philosophy could then be presented either as an endorsement of the existing social order (i.e. what is *real* is rational), or as a blueprint for radical, and possibly revolutionary, criticism (i.e. only what is *rational* is real). Yet, for Rose (1981: 81), when read as a statement of speculative identity, both the shared identity and non-shared identity of the two concepts (rational and actual) are affirmed. For instance, on the one hand, identity is affirmed because it is the prevailing concept that what is rational is actual; yet, on the other hand, precisely because of its conceptual nature, the shared identity is denied, and there remains a strong tension between

the rational and the actual, such as when two actual laws conflict with each other. For Rose (1981: 81-82), however, such a denial is by no means decisive; rather, it is by reading it as a *standard* identity (an absolute equivalence) instead of a *speculative* identity (held in tension) which makes it so (see also Lloyd, 2011: 14-15).

Such a simultaneous affirmation and denial necessitates the examination of the social and historical conditions from which the speculative identity arises, which Rose (1981) contends is Hegel's project in works such as *The Phenomenology of Spirit* (1807) and the *Philosophy of Right* (1821). As such, an examination involves taking 'actual' and 'rational' as empty names and, as we progress through the work involved in the examination, the content of these terms is filled as the tensions between the two become clearer. In Hegel's (1807, 1821) interpretation, such tensions come into relief with the transition from the prominence of Greece to Rome, in that this sees an introduction of abstract, 'rational', yet seemingly less 'actual' legal concepts, such as a 'person' defined as someone who has private property and certain entitlements. Subsequently, law comes into tension with the organic whole of social institutions with which it was once imagined to be united. As history progresses, bringing changes in social conditions, the tensions between 'actual' and 'rational' remain, with their meanings continuing to be filled in via the understandings and discourses generated in the new arena of contest.

#### 6.4 Speculative Propositions

Rose (1981) applies her reading of Hegel (1807, 1821) to the modern liberal relation between religion and the State. She argues that such a relation is expressed in the form of speculative propositions, which are propositions that, on first glance, would appear to confirm identity between a subject and predicate, such as the statement that "religion and the foundation of the State are one and the same" (Rose, 1981, p.51). Rose (1981) views this as the key speculative proposition in Hegel's (1827) thought, which she takes from his lectures on the philosophy of religion. However, Rose (1981: 52) believes that, when such propositions are

read speculatively, they must also be seen as expressing the *non-identity* between the two terms. Furthermore, *non-identity* means that the relationship that we have claimed between subject and predicate does not reflect the relationship in actuality.

Davis (2018: 14) claims that this speculative reading regarding the identity and non-identity of religion and the State is *the* fundamental speculative proposition in Rose's (1981, 1984, 1991, 1993, 1996) project, informing her analysis of what she believes to be the central diremption of law and ethics in Western liberal democracy. Davis (2018: 15) also highlights further implications of this speculative proposition, in that the subject of the proposition is never a trans-historical, fixed essence, whose determinations are received via its predications. Instead, for Rose (1981: 52), the subject and the predicate, in this case religion and the State, acquire their meaning in a series of relations to one another, in the sense that only when the lack of identity between the subject and the predicate has been experienced can their relational identity then be grasped as a concept. As such, there is no *predetermined* relation between these two terms, but instead the proposition is a result to be achieved through reflection on an experience of diremption. For Rose (1981: 52), what is affirmed in the proposition (for instance that religion is the foundation of the State) is an actuality (religion is foundational) which now fails to correspond to the experience of the subject or the predicate, and it is the lack of correspondence to our experience that proves both decisive and divisive with respect to the subject and the predicate.

In this case, Rose (1981: 51-52) is calling attention to our immediate experience of both religion and the State in order for it to undergo a critical analysis whereby their mutual implication can be recognised. This is because Rose (1981: 54) maintains that our experience of religion, and how religion posits itself, presupposes an overall economic and political organisation which may not be immediately intelligible. In this way, Rose (1981: 54) shows, via the speculative proposition of the identity of religion and the State, that ethical life in the modern world is dirempted between the State (law) and religion (morality). Furthermore,

Davis (2018: 15) believes the proposition illuminates the experience of their lack of identity to an extent that we can see that religion (morality) is determined by politics and economics in ways that are *concealed* by our immediate experience of religion. At the same time, we also experience how politics and the State (law) is itself religious in a foundational way, which generally passes unrecognised.

Thus, Rose (1981) reads Hegel's project, not as the story of reconciliation into the undifferentiated, unified harmony of an Absolute condition of ethical life, but as a tragic conflict between ever-persisting and never-resolved contradictions. For Rose (1981, 1984, 1992, 1993, 1996), there is a multiplicity of emergent, evolving and competing tensions at the centre of Hegel's project, instead of one natural and uncontrollable entity, and Rose (1981: 159) reads the *Phenomenology of Spirit* (1807) as a 'wager', rather than a story of the achievement of absolute knowledge. Such a totality or whole, which characterises Rose's (1981: 182) reading of Hegel's system of thought, is a path which must be perennially traversed, and which cannot be grasped in one moment, or singular statement, for it must instead be experienced.

Despite the emphasis on a narrative of perennial conflict, as opposed to a harmonised totality, Rose (1981) maintains that the Absolute occupies a central role in Hegel's thought, and her own too. For Rose (1981), this is the key difference between Hegel and Kant: Hegel's willingness to conceive of the Absolute does not necessarily mean thinking about God, but rather it means grappling with the *possibility* of an Absolute, whatever that might be, instead of trying to deny it. In contrast, for Kant, the Absolute is unknowable: it is separated from the phenomenal realm, and placed into the noumenal register. In other words, the Absolute is what it is impossible to experience directly, because 'experience' is mediated by our senses, which makes every claim about the Absolute to be a claim, really, about our *knowledge or impression* of that Absolute. Rose (1981) explains that this aspect of Kant's transcendental critique means that *we cannot know ourselves, and we therefore cannot act as free moral*

*agents*, because our 'true selves' are noumenal. For Rose (1981), freedom is only possible if we can think about the Absolute, and it is Hegel's acceptance of the possibility of thinking about the Absolute that gives his project its sociological and philosophical relevance. As Rose (1981: 51) argues, thinking about the Absolute as something to be grappled with emphasises "the presence of ethical life, not the task of achieving it". Lloyd (2011: 16) argues that it is only by thinking of the unity of the actual and the rational, or metaphysics and ethics (as opposed to consigning one or the other part of the unity to an inaccessible realm of things-in-themselves), that enables us to speak about the actual existing world in which we are situated, and to comprehend the historical reasons for illusions to which we are perennially subject.

## 6.5 The Broken Middle: Between Accommodation and Critique

So, to return to the 2014 British Values intervention, we can see how the ethical imperatives which drive various normative interpretations of the State may be deemed problematic when we consider the relation between religious and civil jurisprudence, and ideas of holistic unity therein. For instance, religion often can, and does, provide the ethical and normative grounds for interpreting how the State behaves and legislates in conditions of value pluralism. At the same time, various secular ideologies, such as Marxism and libertarianism, may do likewise, and Davis (2018: 15) claims that Rose's (1981) speculative critique reveals how religion (morality) is determined by politics and economics in ways that are *concealed* by our immediate experience of that religion. At the same time, we also experience how politics and the State (law) are themselves religious in a foundational way, in the sense that the ideologies that flow into them are based on a *faith* in some vision of human relations or process of change, which generally passes unrecognised. In either case, there is a normative conception of society, either thick or thin, which reaches for a unity between ethics and legality in the foundation of the State via the interventions of jurisprudence.

In the case of interpretive systemology, we can also see how, as explained in the previous chapter, Fuenmayor and Lopez Garay (1991) are able to perceive a misalignment between the

normative ideals of the institutions of the Venezuelan State and the actuality of the conditions of the Venezuelan citizen, which they argue drives the critical mission of interpretive systemology. However, interpretive systemology fails to offer a normative conception of holistic unity from which an intervention may be made. It is this unity of ethical and religious life which Rose (1981), via Hegel (1807), characterises as the Absolute, or Absolute ethical life (*sittlichkeit*), and which will be described in further detail later in this chapter as informing Rose's (1981) arguments regarding the importance of normative conceptions of holistic unity (or Absolute ethical life) as the point of entry for both critique and intervention.

I therefore suggest that Rose's (1981) account of speculative critique allows us to place the principles of *accommodation* and *critique* back into a relationship with one another as part of the original recursive onto-epistemological foundation of interpretive systemology (e.g. Fuenmayor, 1991a,b,c). This then allows us to conceive of them no longer as "logically opposed" (Fuenmayor, 1997: 237), but as *speculative categories*, rather than deterministic ones. I mean speculative in the manner, suggested by Rose (1981), that both affirms their identity (i.e., dependence on one another for meaning), and their *lack of identity* (meaningful difference). We can not only interrogate the identity and non-identity of those categories in terms of subjective experience and objective validity, but also how they arise out of, and reveal, the space between dirempted principles that, whilst seemingly contradictory, are nevertheless interrelated, working together, yet always in tension, as they reach across the *broken middle* (Rose, 1992, 1993, 1996). The space between is the *aporia*, the equivocal enigma that emerges in the gap between subjective experience and objective validity, between ethics and legality, and between theory and practice, that Rose (1981, 1984, 1992, 1993, 1996) believes drives modern society's diremptions, giving rise to their interpretive variety.

Consequently, our task is to constantly strive for the navigation, not the unification, of both these terms, their identity and non-identity, in light of an intervention. Thus, Rose's (1981,



1984, 1992, 1993, 1996) philosophy, I argue, provides a conceptual framework from which interventions can be made that are generated by a speculative and recursive relation of *accommodation* and *critique* in interpretive systemology. Rose's (1981, 1992, 1993, 1996) conception of critique applies equally to the relations between the speculative identity and *non-identity* of both the objective actuality of concepts (i.e. religion and the State, law and ethics), and the subjective experience of those categories in shaping individual and collective *contexts of meaning* and their corresponding *thematic interpretations*.

I contend that accommodation and critique are both attitudes and actions that take place as we deal with the broken middle in between ethics and law; that is, the equivocal aporetic space between the subjective experience of ethical commands that imperfectly pull us towards realisation of those ethics in the objective validity of law, which nevertheless exists in conditions of relativism. Over emphasis on either accommodation or critique risks an inability to deal with the diremption because every accommodation and every critique simultaneously *enables* and *constrains* something, in the manner of Vickers's (1983) dialectic discussed in Chapter Three. When the power relationships involved in either accommodation or critique are taken deterministically (which usually happens when one is given methodological priority over the other), they overlook the diremptions that drive them (i.e. between ethics and law). Yet when they are taken speculatively, meaning that we confirm their identity and non-identity at the same time, the diremption is revealed along with the *aporia* or unequivocal space that bridges subjective experience (i.e. ethics) with objective validity (i.e. law) and in which the tensions between *enablement* and *constraint* are contested. I would also argue that Rose's (1981) discussion of the Absolute reveals how the normative conceptions of the "institutional preconditions for practical discourse" (Fuenmayor, 1991d: 241-242) that propels each *context of meaning* and shapes their respective *thematic interpretations*, informs attitudes towards *accommodation* and *critique*.

## 6.6 The Absolute

I will now expand on how Rose's (1981) ideas on the Absolute, described earlier, offer a conception of holism which can be connected to conditions of value pluralism (e.g. Fuenmayor and Lopez-Garay, 1991). The Absolute not only relates to conditions of value pluralism, but also provides a normative dimension to be fed into that holism as a means by which judgement and intervention may be informed. In short, when introduced into interpretive systemology, this conception of holism allows us to identify and interrogate individual *contexts of meaning* and their corresponding *thematic interpretations* in a manner that brings their normative content into relief. Additionally, it also allows the interpretive-systemic practitioner to make the normative intent of their interventions much more explicit, which is something that Flood (1992), reviewed in the previous chapter, asks for. I believe this is important in relation to my earlier contention that much of the research produced by interpretive systemology (e.g. Fuenmayor and Lopez Garay, 1991; Lopez Garay, 1999; Fuenmayor and Fuenmayor, 1999,) relates, either explicitly or implicitly, to a normative conception of the social system made meaningful by ideas of social justice.

Rose (1981: 48) identifies a trinity of ideas in Hegel, which she reads against the transcendental method of Kant. These are the ideas of phenomenology, the absolute ethical life, and logic. In simple terms, phenomenology is the immanent exploration of how things are experienced, and Hegel's *Phenomenology of Spirit* (1807) charts the development of human consciousness and capacity for judgement within the context of the philosophy of science, ethics, European history, art and religion. Rose (1981: 45-46) argues that, while the *Phenomenology* has often been read as either the presentation of dualisms, whereby one supplants the other, or as a teleological account of universalism and the ideal State, Hegel (1807), instead, sought knowledge of the 'whole'. For Rose (1981), this is a speculative knowledge that moves beyond the Kantian paradigm of dualisms, whereby the 'whole' can only be known as a result of the "processes of the contradictory experiences of consciousness which come to realise it" (p.49).

For the whole to be known, there has to be a conception of absolute ethical (*absolut sittlichkeit*) life. Rose (1981: 49) tells us this does not refer to an ideal of the social totality as a known reality, but instead refers to a normative ideal which is ever-present, but always unknown, and yet should never be dismissed from the start as unknowable. This is offered as a substitute for the Kantian (e.g. 1787) method of justification of moral judgements, which always proceeds from the finite realm of that which is deemed to be knowable and known. Rose bars thinking of the Absolute as unknowable, infinite and noumenal, as described earlier in this chapter. As such, 'the absolute' refers to the unity of the finite and the infinite, whilst *sittlichkeit*, or ethical life, refers to the unity of legality and morality. In Rose's (1981: 50) reading of Hegel (e.g. 1807, 1821), then, what the *sittlichkeit* or ethical life is cannot be prejudged, and also the morality of an action cannot be 'judged' without reference to the whole context of its possible ramifications. It cannot be judged by separating its morality from its legality, or its meaning from the social whole. Thinking about 'the absolute' in Rose (1981) therefore entails thinking in terms of past and present, legality and morality, finite and infinite, in that it offers an ideal of comprehensiveness that is worked towards and subject to judgement, as opposed to being pre-judged or pre-decided. Schick (2012: 31) argues that Rose's (1981) reading of the absolute ethical life in Hegel (e.g. 1807, 1821) is one that is open and revisable, instead of closed and totalitarian.

Rose's (1981: 50) understanding of logic in Hegel stems from his work in *The Science of Logic* (1812), which she argues focuses less on outlining a 'method' of logic than on offering us a phenomenological approach whereby the method is demonstrated via a description of experiences, rather than discussed. For Rose (1981: 50), the experiences of the *Logic* (1812) does not chart the development of natural consciousness by way of taking account of its errors, but, rather, the "experience of philosophical consciousness in the *Logic* (1812) is to *rediscover* the unity of theoretical and moral reason, and natural, finite consciousness through the contradictions of the history of philosophy". So instead of focusing on a disconnect between theoretical and moral reasoning, in the way that a phenomenology offered as an

alternative to theoretical reasoning might do (and the idea of the absolute ethical life as an alternative to practical reasoning may suggest), Rose (1981: 50) interprets Hegel's (1812) *Logic* as presupposing the unification of theoretical and practical reasoning via a combination of a phenomenology, logic, and the idea of the absolute ethical life.

## 6.7 A Systemic Whole

Rose (1981, 1984, 1991, 1993, 1996) utilises her reading of Hegel (1807, 1812) to formulate an understanding of concepts as they relate to an emergent systemic whole. This is in a manner which, as specified by Fuenmayor and Lopez-Garay (1991), can be connected to conditions of moral relativism. For instance, Brower-Latz (2018: 58) tells us that a common response to the question of whether society makes people, or people make society, is 'both'. However, the problem for Hegel (1816) was that it leaves each category as a given, as opposed to coming to know them as moments of a third, higher dimension, which is precisely the concept needing to be developed (also see Midgley, 1988). Two ways of thinking about the concept in relation to Rose's (1981) reading of Hegel (1807, 1816) are recommended as helpful by Brower-Latz (2018). The first is to think about the Hegelian notion of a concept as an emergent whole. An emergent social structure (such as a concept) is an entity within a society, which endures for a time as relatively stable, and has causal powers. Such entities are emergent in the sense that they exist only by virtue of the arrangement of their parts. In contrast, an aggregate of parts is indifferent to its arrangement; for example, the mass of a whole is just the sum of the mass of its parts. Emergent properties are explained *by* parts-in-relationship with one another, and yet that does not *explain away* the whole, because reduction to any subset of the whole (whether parts or relations or both) leaves a gap in the explanation of the observed causality. A whole may therefore be more than the sum of its parts, and its emergent properties have real causal powers. The connections here with systems theory, and especially the seminal works of tektology (Bogdanov, 2013-2017), general system theory (e.g., von Bertalanffy, 1968) and open system theory (e.g., Angyal, 1941), should be glaringly obvious, as this is exactly the same way that systems theory describes emergent properties (for an excellent discussion of the concept

of emergence, see Emmeche et al, 1997). For Hegel (1816) and Rose (1981), emergent properties are the difference between a *mechanical* whole and an *organic* whole.

In addition to reflecting upon thinking as an emergent whole, Brower-Latz (2018) also proposes another way to consider the Hegelian concept: this is the necessity for presupposing teleology in order to understand some systems. To understand something conceptually is to see its parts and the relations among them as internally connected; and, rather than the relations between contents being indifferent to the contents, the relations are, instead, an *unfolding* of the contents. To understand the whole is to understand how everything connects, because any single part of the system eventually leads to every other if we trace the connections between them, and precisely because we are led around the system, we avoid the infinite task of simply following pathways of cause and effect without any system boundaries.

For Hegel (e.g. 1807, 1812, 1821), then, a concept is an emergent or organic whole, with an emphasis on the unity and totality of the concept. For Rose (1981: 150), however, a concept is always internally fractured, dirempted, both epistemologically and ontologically, in a way that she refers to as both “the circle and the breaks in the circle”, and which was later conceived of as “the broken middle”, which also served as the title of the book where these ideas were laid out in depth (Rose, 1992). Therefore, any social totality always contains tensions and diremptions, and never reaches a full and perfect realisation. Modern society’s diremptions are a key focus for Rose (1981, 1984, 1992, 1993, 1995), not only because they are essential to the nature of modernity, but also because understanding them aids the critique of social philosophy and theory, where theories so often attempt to mend these socially-produced and existing diremptions by viewing them as dualisms that need to be either unified or abolished.

While, for Rose (1981, 1993), a concept makes a thing what it is by defining it, any concept of the spirit of a people will always remain a provisional, retrospective reconstruction, which is a far more complex judgement than biological metaphors (organicism) may suggest. Only after the development of a social phenomenon such as ‘State’, ‘nationhood’ or ‘identity’ has

occurred, for instance, can the social theorist begin to grasp the concept, and there is a large degree of contingency in the coming to be of any form of spirit or *geist*. Hegel regarded the driving concept of the ancient Greek world as one of unity, and the modern Western liberal society as concerned with freedom, yet for Rose (e.g. 1993), this freedom is one that can never be fully realised because there will always be imbalances between the individual, State and civil society as they populate the broken middle. As Rose (1993: 48) argues,

“these institutions of the middle *represent* and configure the relation between particular and State.... they represent the middle, broken between morality and legality, autonomy and heteronomy, cognition and norm, activity and passivity”.

For Brower-Latz (2018), this stress on the disunity within the whole avoids the oversimplification that organic (or organismic) language for the modern State could entail. The State is both internal and external to its members; hence, the importance of speculative critique rather than either simple identities or disjunctions between politics and ideology, State and religion, etc. (Brower-Latz, 2018: 67-68).

Hyman (2018: 140) argues that Rose’s Hegelian phenomenological methodology, whilst providing an approach to ethics, nevertheless remains in need of a substantive narrative vision if it is to fully realise its political potency. As such, Hyman (2018:140) suggests that the methodology requires a Wittgensteinian narrative supplement, and theology serves well as an example in this respect, because it goes with, rather than against, the grain of Hegelian thought. Hyman (2018) cautions that such a narrative, or language game, would definitely not be put forward as an abstract political programme, because Rose (1981, 1992, 1993) rightly warns against such an approach. Nevertheless, it would be authoritative to the extent that it would serve to motivate political discernment and action, and it would provide ways in which those taking political actions and making discernments could ultimately be held accountable for them.

Hyman (2018) says that Rose (1981) can only precariously affirm a conception of the Absolute, so we are called to look in an alternative philosophical direction, and Hyman (2018: 133) specifically recommends Wittgenstein in this respect, in that his work bears witness to the “indispensability of substantive language games, not least for ethics and politics”. Such a narrative, Hyman (2018: 133) adds, is justified solely by the fact that it serves as a form of life in which people participate, they find authoritative, and in which they believe. However, Hyman (2018: 140) cautions that this may serve to undercut, and even undermine, many of the Hegelian insights provided by Rose (1981), even if it complements the actual methodology.

From correspondence with Hyman (2020, 2021), I know that a Wittgensteinian narrative supplement in this sense is akin to MacIntyre’s (1981, 1988, 1990) concept of a tradition. For MacIntyre (e.g.1981), with regards to questions of ethical and legal resources, traditions are primarily religious or moral (such as Catholicism, Islam or Liberal Humanism), and the narrative of an individual’s life is to be understood against the backdrop of the wider social context within which that individual finds him or herself. This wider social context consists of sets of practices which serve to define virtues; and those practices, in turn, sustain and are located within a tradition that provides the resources with which the individual may pursue his or her quest for the good. It is traditions that are the repositories of standards of rationality, and which are crucial to moral deliberation and action. Traditions are thus the medium by which such practices are shaped and transmitted across generations.

Traditions are not static but dynamic, and the quest of the individual must comprise not only discovery and acknowledgement of what is given, but also the possibility of critical reflection on the practices and traditions within which one finds oneself. This is in the sense that a living tradition is a historically extended, socially embodied argument, and an argument precisely in part about the goods constituting that tradition. Traditions change and develop over time, with some falling into decay and terminal disrepair, and others adapting to changed circumstances. New traditions may arise too. Moreover, rational argument is possible, not only

within traditions, but also between them, as all traditions intermittently experience their own contradictions and tensions. When these become serious, and when the adherents of a tradition themselves come to recognise a crisis, progress is possible through a critical engagement with other traditions. An example that MacIntyre (1988, 1990) cites is the tensions within and between various readings of Aristotelianism and Augustinianism, which were largely resolved through the work of Thomas Aquinas (1485) in the thirteenth century (see also Horton and Mendus, 1994: 11-13).

## 6.8 Implications for Holistic Unity in Interpretive Systemology and FBVs

I believe that, with respect to interpretive systemology, the ability to think the Absolute in Rose (1981), via the supplement of a Wittgensteinian and MacIntyrean language-based narrative tradition (which we can derive from Hyman, 2018, 2020, above), allows the resolution of Midgley's (2000) critique that interpretive systemology is without a theory of language. The traditions of normativity referred to by Hyman (2018), such as religion/Christian theology, are substantively language-based (e.g. MacIntyre, 1981, 1988, 1990) in their individual conceptions of the "institutional preconditions for practical discourse" (Fuenmayor, 1991d: 271-272).

At the level of praxis, this enables the researcher to articulate and interrogate the individual *contexts of meaning* that are a central methodological component in interpretive systemology, along with identifying their boundaries. Moreover, I believe it allows us to do so with a greater precision than interpretive systemology presently allows for, in that it enables identification, investigation and assessment of the normative conceptions of the social totality, their boundaries, and corresponding theories of jurisprudence, and/or justice, which drive the *thematic interpretations* of a problematic jurisprudential intervention, such as the 2014 British Values intervention. We are enabled to act, or to intervene, from a position that we can take to be authoritative to the extent that, as Hyman (2018) suggests, it can serve to motivate political discernment and action, providing ways in which those taking political actions and



making discernments could ultimately be held accountable. At the same time, I believe it allows interpretive systemology to tie a theory of language and intervention to the implicit notions of a normative conception of justice and the social totality in a way that makes those notions much more explicit, concrete, and intersubjective, thereby resolving the critiques from Mingers (1992), Jackson (1992), Flood (1992), and Midgley (2000). In other words, it serves as “the institutional preconditions for practical discourse, (which) are in turn, part of the field of study of interpretive systemology” (Fuenmayor, 1991d: 241-242).

We can now return to Midgley and Ochoa-Arias’s (2001: 616) argument that interpretive systemologists could accept a reading of ‘intervention’ that “means intervention in discourse through the provision of alternative interpretations of phenomena (communicating with an audience that is largely unknown, possibly including people in future generations), with the uncertain hope of contributing to future change”. I would suggest that such a reading of intervention is in line with the form of discernment of political action to which Hyman (2018) refers above, and the idea of the Absolute taken from Rose (1981) allows for theoretical space whereby the normative motivation can be explored and made explicit.

I would suggest that the interpretive systemological approach to intervention discussed by Midgley and Ochoa-Arias (2001) allows us to frame the 2014 British Values intervention as *a jurisprudential intervention into discourses on how to teach future citizens the relation between civil and religious law in British society*. Moreover, it is an intervention that is designed to generate what David Cameron (2011), at a speech in Munich, referred to as a more ‘muscular liberalism’, begetting thicker readings of national allegiance, faith in civil institutions, and Western liberal democracy. That is, *it communicates with a largely unknown audience, including future generations, in the uncertain hope of contributing to future change*. I would also suggest, as we saw in Chapter One, that Cameron’s (2011) ‘muscular liberalism’ stems from a normative conception of the Absolute that is housed within a particular tradition that is taken to be authoritative, and which discerns political engagement in the manner described by

Hyman (2018) above. This, in turn, was seen as part of a wider response to the perceived excesses of State multiculturalism (Cameron, 2011), which is likewise a tradition of normativity discerning political engagement (e.g. Parekh, 2000a,b). Finally, it was the tensions between these traditions that I believe were surfaced and articulated by Rowan Williams (2008) in his then office as Archbishop of Canterbury. Williams (2008) likewise appealed to a tradition of normativity which discerned his political engagement with the question of the relation between civil and religious law in British society. This, I argued, served to provide the wider context, and deeper questions, which not only led to the 2014 FBVs intervention, but allowed us to characterise it as a 'wicked problem' (Rittel and Webber, 1973; Sydelko et al, 2021).

Returning to interpretive systemology, wicked problems reveal the interpretive variety regarding traditions of normativity serving as standards of discernment in political engagement. Yet, each tradition is "dependent on the institutional preconditions for practical discourse among the general public as both political consequences, and the institutional preconditions for practical discourse, are in turn, part of the field of study of interpretive systemology" (Fuenmayor, 1991d: 241-242). We thus see how each tradition constitutes a *context of meaning* which produces a *thematic interpretation* of FBVs as generating the institutional preconditions for practical discourse in British society. Moreover, each one offers a critical interpretation of the FBVs and their present ability to provide the means to answer questions relating to the accommodation and critique of moral diversity within a social system, alongside offering a normative interpretation of the FBVs and their *possible* ability to generate those means. Each interpretation is therefore operating on the meta-level of both accommodation and critique by providing a *critique* of the present configuration of the social role of the FBVs as an accommodation of moral diversity within a nation-based institutional framework, and offering an alternative normative *accommodation* based upon that critique.

Thus Hyman's (2018) enhanced reading of the Absolute in Rose (1981) allows us to think of a normative conception of the 'whole' as a language-based narrative tradition that would serve,

not as an abstract political program for change, but as the means to motivate political discernment and action (intervention), providing ways in which those taking political actions and making discernments could ultimately be held accountable. In other words, it allows us a platform from which, as suggested by Midgley and Ochoa Arias (2001), we can make intervention into discourse by offering alternative interpretations of social phenomena to a largely unknown audience, possibly in future generations, in the uncertain hope of change. However, this normative framework must only serve as the point of entry into the wider, dirempted whole that is a broken middle in the manner described by Brower Latz (2018) earlier. This is because Rose (1981, 1984, 1992, 1993, 1996) allows us to conceive of the institutional structures which serve as the means to accommodate value pluralism within a socio-political system as objectively present (but not *solely* objective). Simultaneously, we are also offered a space whereby the normative frameworks which serve as the critical guiding boundaries for the interaction of subjective experience in individuals and communities can be considered. Both are onto-epistemological, in Fuenmayor's (1991a,b,c) sense of the term, in that they are conceived as systemic, and so are studied as emergent wholes that emanate from parts-in-relation – they display holistic sense. Furthermore, when they interact together, as the subjective experience of ethics and as the objective validity of law, across the broken middle, in their recursive yet disjointed relation to each other, they display further emergent properties, which can be judged as positive or negative. Rose (1981, 1984, 1992, 1993, 1996) shows how the subjective experience of ethics feeds into the objective validity of law, as mediated by institutional structures, and vice versa. It is a recursive yet broken holism, perennially assessing its boundaries in the wake of the marginalisation and conflict that is generated therein.

## 6.9 Towards a Theory of Intervention: Boundaries and Judgement

I will now discuss how Rose's (e.g. 1981, 1992, 1993, 1996) project, as outlined above, generates a theory of judgement in intervention that I contend resolves Jackson's (1992) critique that interpretive systemology is unable to properly perform an intervention. Schick

(2012) and Hyman (2013) seek to deploy Rose's (1981, 1992) ideas when considering the interpretive variety surrounding liberal democracy's ability to generate "the institutional preconditions for practical discourse" (Fuenmayor, 1991d: 274-275). In line with Midgley and Ochoa Arias (2001), this is with a focus on interventions into ethical and political discourse via the provision of alternative interpretations of phenomena, with the uncertain hope of contributing to change. Thus, I will now show how Rose's ideas can equip interpretive systemology with a theory of *systemic intervention* (Midgley, 2000). I will first present a theory of judgement with respect to boundary critique, before then discussing the dangers of political and ethical sclerosis arising from notions of intervention that confer methodological priority on critical emancipation over improved accommodations. It will be argued that such a sclerosis can be overcome when systemic intervention works in the equivocal space between accommodation and critique.

Hyman (2013: xi) suggests that, with respect to the ethics/legality diremption in the social philosophy of Gillian Rose (1981, 1984, 1991, 1993, 1995, 1996), we are called to conceive of the ethical and the political in practical terms of judgement and intervention by acknowledging the essentially *triune* structure of the ethical/political. This is in the sense that each ethical/political decision or action is constituted by negotiations between the domains of the *universal*, the *particular* and the *singular* in the exercise of judgement in making an intervention. So, in each *singular* instance of judgement in intervention, we are required to navigate between the universal and the particular.

To explain, the *singular* is one instance of critical judgement in intervention/accommodation whereby the *universal* is required to be instantiated within a *particular* (local) context, such as the need to draw a boundary between civil and religious law in education via the 2014 FBVs intervention. However, this can then generate tensions within the broader societal context with regard to the need to accommodate value pluralism and religious freedom within a holistic framework in a manner that seeks to minimise any marginalisation and conflict in the

broader civil society. So, *singular* accommodations are then critiqued in relation to the ways in which they serve to enable and constrain the *universal* and the *particular*. Marginalisation and conflict within the wider social system is the intended or unintended effect of any given singular accommodation that is being critiqued. New accommodations are then formulated in response to the critiques of the old, and the process is repeated anew. This reveals the necessity of continuing judgements accounting for the universal and particular as new singular instances of accommodation are examined.

Each intervention to critique a given accommodation or form a new one simultaneously enables and constrains in a way that generates the dirempted (broken, yet recursive) relation between accommodation and critique as methodological principles. There is therefore a need to continually navigate between the two with respect to interventions in social systems, and interventions are therefore always engaging with *mourning* and *risk*: mourning for the old, failed accommodation that we erroneously thought would provide a 'good enough' relationship between the universal and particular, and risk because we hope that our critique will give rise to an improved accommodation, but we can never be certain of this. The concepts of 'mourning' and 'risk' were introduced in this context by Rose (1996), and her ideas have been amplified by Schick (2012), whose thinking will be explained in more detail shortly.

The theory of judgement in intervention, outlined above, is what Rose (1992, 1993, 1996) describes as the difficult work of the middle, which shows that the key divisions of modern liberalism, such as ethics and legality, can never be fully unified. The singular is the actual boundary judgement and intervention/accommodation itself (e.g. Fuenmayor, 1991d, 1997; Midgley, 2000), and with each singular intervention there is the need to instantiate the universal in the particular via negotiating between the three.

We saw in Chapter Two the preoccupation in the literature with the marginalising effects of the 2014 FBVs intervention via the utilisation of social theories that extended the researcher's gaze beyond the boundaries of UK schools, to critique the broader societal context (e.g. Farrell,

2016; Panjwani, 2016; Holmwood and O’Toole, 2018). This reinforced the argument of Chapter One, where I located those same processes of marginalisation in the wider context of a turn from State multiculturalism (Cameron, 2011) in British political and public discourse, rooted within a deeper crisis of Western legality (e.g. MacIntyre, 1981; Rose, 1993, 1996; Williams, 2008; Ahdar and Aroney, 2010). The contours of this predicament, I argued, were surfaced in a controversial lecture given by Williams in his office as Archbishop of Canterbury in 2008, which allowed me to frame the 2014 FBVs intervention as a wicked problem (e.g. Rittel and Webber, 1973).

So, in the case of FBVs in schools, the *particular* relates to the many local contexts of UK schools with high intakes of Muslim students whose teachers, governors and other stakeholders wish to provide the appropriate ethos to enable the accommodation of different communities. However, the *universal* is the monopoly of civil law over religious law, and the FBVs refer to the broader mode of civic conduct in British society: no matter whether the school is an officially religious one, or if it is non-denominational yet has a high intake of pupils from within a religious tradition, it must nevertheless always uphold and promote the FBVs as the appropriate means of civic conduct in British society. This highlights the distinction between civil and religious laws. So, while the FBVs are the *means* of civil conduct, their *singular* formalisation as a statutory duty seeks to impose the *universal* in this *particular* local context of the educative domain. However, such an intervention risks marginalisation and conflict, as discussed in Chapter Two (e.g. Farrell, 2016; Holmwood and O’Toole, 2018). As such, the introduction of the FBVs is a new *accommodation* borne out of a *critique* of a previous *accommodation* (State multiculturalism), thus generating another *critique* in terms of the effects of the ways in which it enables and constrains value pluralism within a wider holistic framework.

There is also the potential scope for a further critique arising from what Williams (2010: 293) describes as “the presence of communities which, while no-less ‘law-abiding’ than the rest of

the population, nevertheless relate to something other than the British legal system alone". That is the universality of God's law, which conflicts with the so-called universality of civil law, discussed above. This issue is not one that is particular to Islam, but is relevant to other faith groups with substantive legal frameworks, such as orthodox Judaism and Roman Catholicism. Indeed, this issue is part of the contextual crisis of Western legality characterised as a wicked problem in Chapter One, where I noted that the FBVs controversy is merely symptomatic of the crisis, thereby triggering the need for systems analysis.

I will now expand on the above by first discussing Hyman's (2013: 5) interpretation of "the equivocation of the ethical" in Rose's (1992, 1993) work. I shall then return to the contribution of Schick (2012), who develops Rose's (1996) categories of *mourning* and *risk* in making interventions.

## 6.10 The Equivocation and the Suspension of the Ethical

Hyman (2013: 5) argues that the ethical is a site of tension between contrary principles, which exist in pairs, but are multiple and can proliferate. These include tensions between the universal and the particular, autonomy and heteronomy, interestedness and disinterestedness, and so forth, with the foremost being the tension between the universal and the particular as they relate to legality and morality. For Hyman (2013: 5), the ethical is actually *dependent* upon these tensions, with the labour of the ethical consisting of judging and acting in the midst of them. If there were no tensions, then ethical dilemmas would not exist, and the 'right thing to do' would be so obvious that no claim to ethical decision-making would need to be made. For Hyman (2013), Western thought since the Enlightenment has perennially attempted to 'resolve' tensions via the universal elevation of one principle over another, but this merely creates new tensions between the universal and the specific, as hierarchies of principles become suspect in unique contexts of practice that were not considered when the original pronouncements of universality were made. Furthermore, prioritising one principle over another, and trying to apply this in all contexts, results in an

imbalance between the two principles, with people wanting to elevate the suppressed principle in situations where it appears particularly important. Hyman (2013: 5-6) adds that, rather than resolving the tension, there is a danger here of succumbing to an anxious paralysis whereby the tension is allowed to induce an “ethical sclerosis”, where the ethical appears to be either indeterminable or in a constant flux, such that negotiation or navigation is rendered impossible. The tension between ethical principles needs to be negotiated, but without a dissolution of that tension.

It is for this reason that Rose (1981, 1992) has insisted that the two contrary principles in tension must be supplemented by a third, in the sense that the ethical consists of a constant struggle to configure a *triune* structure. So, the universal and particular must be configured and reconfigured alongside the *singular*. That is, every ethical moment is an attempt to configure, via a process of negotiation, the universal, the particular and the singular. Given that the ‘singular’ is just an instance of the need to reflect, it would appear that it is not subject to negotiation in the same way as the universal and particular come to be negotiated within that singular instance. However, this is not the case: it is necessary to negotiate the boundaries, purposes and values relevant to understanding what is constituting, or should constitute, the singular. Central to this process of negotiation, Hyman (2013: 6) argues, is a recognition that the universal has to be instantiated in the particular, and the way in which this instantiation takes place cannot be prejudged, but rather it is always the outcome of an irreducible tension. It can only be negotiated repeatedly in each singular instance, and this, for Hyman (2013: 6), is why there is also an indispensable singular aspect to each ethical moment, in that each ethical moment is unique and non-repeatable. The absolute singularity of each ethical moment, which is as integral to it as its universal and particular aspects, means that the ethical as such can never be unequivocally stated. In this sense, the heart of the ethical, for Hyman (2013: 6), is being equivocal (Hyman, 2013: 5-6).



Furthermore, Hyman (2013) argues that it is impossible to state unequivocally what will constitute the universal, the particular and the singular in any specific instance. While the negotiation of the tension often materialises as an instantiation of the universal in the particular, we also find that *negotiation takes the form of how the singular is to be instantiated in the universal*. Put differently, the site of the negotiation of the tension between two contrary principles can itself shift, and which two primary principles are in tension may also shift – this, for Hyman (2013:6), is a further aspect of the equivocal nature of the ethical.

For, as Hyman (2013: 9) argues, in ethical commitment, there must be an element of both autonomy and heteronomy, and the heart of the ethical may be viewed as consisting of the enigmatic interplay between the two. Furthermore, central to this participation in the ethical is a dynamic interplay between a ‘tradition’ of seeing the world with a concomitant ‘vision’ of the Good or *telos*, to which the individual is passively susceptible; and, at the same time, there may be an active commitment of the individual to realise that Good in the midst of our lived experience. The experiences and perceptions that constitute life in its particularity can be a resource to criticise and question the traditions that we espouse; and yet, on the other hand, the experiences and perceptions that constitute life may themselves be interpreted and judged in terms of the worldview we take to be authoritative. For instance, reflecting Rose’s (1981, 1992, 1993,) project, Williams (1995: 13) argues that,

“with respect to the unresolvable tension between attention to the particular and commitment to the universal, since the abstract universal is present in Western history only as a disempowering and would-be timeless sameness, and since purely arbitrary assertion of the particular can never found a social practice, then, due to its necessary temporal involvement, truthful action is inescapably shadowed yet all the while destined to achieve only by confronting its shadow”.

For Hyman (2013: 10), this delegitimises foundationalism: the idea that there is a theory or normative vision taken to be absolute, and every other theory or moral claim needs to be

assessed for consistency with the foundation (Flood, 1990; Midgley, 2011). Neither the universal nor the particular is given unequivocal priority. Instead, insofar as there is any priority given, then it is to the very process of the dialectical movement, in that the tense negotiation between the universal and particular is interminable. Yet, if it is interminable, then Hyman (2013: 10) maintains that it must not induce paralysis. For there is a danger of a hopeless despair, which paralyzes both ethical action and political interaction. Yet difficulty, labour, equivocation and provisionality *do not imply the impossibility of decision making*. Singular decisions must still be made, and actions taken, in the midst of equivocation, and in the middle of the tension between contrary principles. However, the manner in which the tension is navigated, the decision made and the action taken, Hyman (2013: 10) argues, cannot be judged in advance or *a priori*, and this means that every act, every decision, entails a risk: a risk of inversion of intention, a risk of a certain unavoidable implication in violence, and a risk of acting in a way that might ultimately be judged as unethical.

Additionally, such risks may themselves be manifestations of a larger risk, such as the risk of 'suspending' the imperatives that our moral worldview would seem to demand. In making a specific ethical judgement, we may feel called to 'suspend' the ethical norms under which we operate; and in order to instantiate the universal good in the particular, we may make a singular judgement that entails acting contrary to the way in which the universal good is usually generalised. Suspending ethical norms involves a risk, and Hyman (2013: 10) argues that such risks are intrinsic to the ethical: to act ethically is to act with an awareness of these unavoidable risks. Hyman (2013: 10) argues that this is justifiable and necessary for two reasons. First, such a risk must be accepted if one is to avoid a retreat into ethical impotence and paralysis, for one can only avoid the risk entailed in the attempt to negotiate the ethical tension by not acting at all, which Hyman (2013: 10) views as the positive enacting of the dissolution of the ethical (and see Midgley, 2000, for a similar claim in the context of systems thinking – that refusing to intervene is itself an intervention). Second, such a risk is also justified by the recognition that the universal is 'suspended' but not 'abolished'. Rose (1991:

148) discusses this in relation to Kierkegaard's (1843) discourse on the *Akedah* (the story, in Genesis 22, of God's request that Abraham sacrifice his son Isaac). In this context, Rose (1992: 148) argues that

“to posit that the ethical is “suspended” is to acknowledge that it is always already presupposed. It grants a momentary licence to hold the ethical fixed and unchanging. But once this is granted, the moment will be imperceptible, for the movement of faith does not always take place in time, or, it takes place in every moment of time; whereas, if the ethical is abolished, then a time outside time, or a social reality outside social reality, must, illogically, be posited”.

Derrida (1995: 66) has also discussed this in relation to *Akedah*, saying that,

“in both general and abstract terms, the absoluteness of duty, of responsibility, and of obligation certainly demands that one transgresses ethical duty, although in betraying it one belongs to it and at the same time recognises it. The contradiction and the paradox must be endured *in the instant itself*. The two duties must contradict one another, one must subordinate (incorporate, repress) the other” (emphasis in the original).

From this, Hyman (2013: 11) argues that the universal law is not abolished, which would entail the arbitrary self-assertion of the individual will, the triumph of sheer particularity; but, instead, the universal is suspended in the knowledge that such a suspension, along with the violence that it inevitably brings, will itself come under judgement. Not one's own judgement, but the judgement of the ethical, a universal judgement, a judgement beyond the individual's control. It may be that one's ethical action may be judged as mistaken, but, for Hyman (2013: 11), this is the risk that is necessarily involved in all ethical decisions and actions (Hyman, 2013: 9-11).

So, with respect to a theory of intervention for interpretive systemology, I would argue that Hyman's (2013) discussion of the negotiation of the singular, the universal and the particular in

the context of the institutions of the middle, *is actually the exercise of boundary critique* (see Chapter Three for a discussion of this systems approach) across the diremptions of law and ethics, which Rose (1992, 1993, 1996) takes as the central tension in liberal institutional societies. Returning to the dialectic of enablement and constraint discussed by Vickers (1983) in chapters Two, Three and Four, we can see that the setting of boundaries via jurisprudential interventions, such as the 2014 British Values statute, can enable some values-based pursuits and accompanying analyses while simultaneously disabling others (see also Midgley and Lindhult, 2017, 2021). As such, there is always the *risk* of marginalisation via constraint, through the need to *accommodate* value pluralism within a holistic structure such as the State. However, there is a need to navigate that risk in a way that circumvents the political and ethical sclerosis described by Hyman (2013). For Rose (1993, 1996), to avoid such sclerosis with respect to the risk of intervention we must resist the temptation of succumbing to *aberrated mourning*, and take risks in conditions of *inaugurated mourning* instead.

### 6.11 Aberrated and Inaugurated Mourning

Rose (1996: 70) believes that postmodernism (via a loss of faith in the Enlightenment modes of critical reason, and a ubiquitous, all-pervasive reading of power and renunciation of universal truth) risks a process of *aberrated mourning*: a melancholia which laments the loss of securities through the traumas of modernity, such as those of the European wars of the twentieth century, the holocaust, the colonial and post-colonial experience, and the Cold War. At the same time, this melancholia maintains a refusal to let go, which leads Rose (1996: 7) to characterise postmodernism as “*despairing rationalism without reason*” (original emphasis), which produces the ethical and political sclerosis that Hyman (2013) warns against with respect to intervention.

For instance, Fuenmayor (1997) views *accommodation* as intervention within *enframing*, in that it is merely instrumental reason employed in service of the technical interest that is internal to a liberal free-market hegemony (Habermas, 1972; Heidegger, 1954). Fuenmayor

(1997) contends that this makes holistic thought, that is systems thinking as metaphysical thinking, meaningless. Subsequently, *critique as emancipation* is placed in logical opposition to *accommodation* on the grounds that it seeks to overthrow a given order, and gain liberation from it. Thus a “despairing rationalism without reason” (Rose, 1996: 7) leads Fuenmayor and Lopez Garay (1991: 15-16) to believe that any form of intervention undertaken by interpretive systemology must be *critical* and *emancipatory*:

"It is critical because it aims to uncover the constitution of power in a social world dominated by the combined and mutually reinforcing interaction of instrumental reason and economic growth. It is emancipatory because the uncovering of the ontological and epistemological "trap" (Vickers, 1970) is the precondition for liberation".

As such, its focus of concern is not merely on the internal power structure of institutions and organisations; instead, it is on the role they play in the structures of domination at a societal level. Concomitantly, Fuenmayor (1991d: 241) contends that another aim of intervention is to uncover the opening of possibilities surfaced from interpretive variety, which can be translated into processes of enlightenment that are rich in political consequences. Yet political consequences are “dependent on the institutional preconditions for practical discourse among the general public as both political consequences, and the institutional preconditions for practical discourse, are in turn, part of the field of study of interpretive systemology” (Fuenmayor, 1991d: 241-242).

For Rose (1993: 5), this would be to read intervention in a manner that seeks redress for the supposedly false claim of reason to universality and disinterestedness in the wake of the traumas of the twentieth century, and modernity. That is, the melancholia of *aberrated mourning*, for Rose (1993: 5), claims to be equally disillusioned with the morality of the abstract, autonomous individual, which has affinities with Kantian reason, and with ethics conceived collectively and intersubjectively, whether in the constitutional State (which is

associated with Hegelian reason) or socialism (which is associated with Marxist rationalism). Since individual liberty minimizes political representation, while collectivity implies the fullest political representation, the search for a new critical ontology of ourselves (e.g. Fuenmayor, 1997) manifests the ethical and political sclerosis described by Hyman (2013) earlier: by seeking critical emancipation from conditions of *enframing*, wherein holistic thought is meaningless, interpretive systemology is unable to consider the institutional preconditions for practical discourse. As such, there can be no way to translate interpretive variety into processes of enlightenment that are rich in political consequences, for investigation into the failures of modern regimes of law (into the unintended outcomes of ideas and acts) is itself outlawed from a post-modern perspective, because critical reflection and judgement lost its legitimacy when the self-validating ground fell away from reason. For Rose (1993:6), however, this view legitimises the further erosion of political will that has already been set in train by neo-liberalism.

Rose (1993:8-9) believes the traumas of modernity instead reveal that the difficulties with theoretical and practical (ethical) reason do not lie in its initial, abstract universality: reason in modernity cannot be said to have broken the promise of universality – *unless we have not kept that promise*. For it is only *we* who can keep it, by working our abstract potentiality into the always difficult but enriched actuality of our relation to others and to ourselves. This is because, for Rose (1993:9), whether disturbing or joyful, reason is full of surprises (Rose, 1993: 8-9). Thus, for Rose (1996: 11), the reassessment of reason, gradually rediscovering its own moveable boundaries, can allow us to complete our mourning. Completed or *inaugurated mourning* (Rose, 1996: 70) acknowledges the creative involvement of action in the configurations of power and law: in the title of her book, *Mourning Becomes the Law*, Rose's use of the word 'becomes' suggests the gradual process involved, and the connotation of 'enhancing' the law in the overcoming of mourning.

Rose (1996: 70-71) argues that inaugurated mourning needs the relation to law that is presented in Hegel's *Phenomenology of Spirit* (1807), in that it requires a constant negotiation and renegotiation of individual and communal actions, with often-unintended consequences in mind, alongside the continual evaluation and re-evaluation of laws and institutions, in light of their effects on local, regional and global politics (Rose, 1996: 70- 74). Inaugurated mourning is difficult, in that it involves *work* – for it is the ability to know and be known, and such mourning does not shy away from the horrors, the trauma or the challenges of modernity. Instead, it gives voice to suffering, creating spaces for stories to be told and heard, along with a space where pain is acknowledged. Yet, this is not solitary work, as Schick (2012) maintains that Rose's (1981) speculative Hegelianism leads her always towards contextualisation, as well as towards a consideration of the broad social, political and historical processes that have influenced present circumstances. This involves a being-in-the-world that is both embedded in the local community and in wider social structures. Rather than being the concerted effort of the individual, it is a communal effort, which is expressed in culture and the institutions of State and civil society. Therefore, the *work* of mourning, for Schick (2012), whether related to the failings of modernity in general, or a specific historical trauma such as the holocaust, is an inherently political process, and one that prepares the way for more overt political action (Schick, 2012: 48 – 49).

Rose's (1993; 1996) account of *aberrated* versus *inaugurated mourning* illustrates how we need not be overcome by the perceived loss of critical reason that renders holistic systems thinking meaningless in the wake of the disasters of modernity (e.g. Fuenmayor and Lopez Garay, 1991; Fuenmayor, 1997). Instead, we may be called to modify our expectations of critical reason, and move from a notion of *critical emancipation* to one focused on *improvement* (Midgley, 2000), as we reach "towards a good enough justice" (Rose, 1995: 116), and a holistic unity that is always broken between the subjective experience of ethical life and the objective validity of law as mediated by the institutions of the middle. In this sense, the *risk* of potentially catastrophic unintended outcomes by reaching towards *improvement* in a way

that actively considers possible boundary judgements and their associated ethical claims in intervention may not be quite as devastatingly total as those brought about by seeking *critical emancipation*.

Moreover, I would suggest that Midgley's (2000) notion of *improvement* is consistent with the reading of systemic "intervention in discourse through the provision of alternative interpretations of phenomena (communicating with an audience that is largely unknown, possibly including people in future generations), with the uncertain hope of contributing to future change" (Midgley and Ochoa-Arias, 2001: 616). This is in the sense that it recognises the objective validity of the subjective experience of individual and communal interpretations of problematic phenomena in discourse, and in its desire to provide alternatives. Also, the emphasis on the *uncertainty* of future change recognises the *risk* involved in intervention, described by Rose (1996), Schick (2012) and Hyman (2013) above, as each singular intervention navigates across the domains of the universal and the particular.

## 6.12 Political Risk

I believe that Rose's (1996) language of *inaugurated mourning* allows us the space by which we are enabled to *critically* reflect on the marginalising effects of boundaries without the potential for an *aberrated mourning*, which then construes intervention as redress for errors of reason via emancipation. *Inaugurated Mourning* and *risk* enable us to periodically revisit and *critically* reassess boundaries in interventions as *accommodations* in light of the marginalisation and conflict they generate, so that new interventions can be made to hopefully better accommodate value pluralism within holistic structures such as the State. In this sense, such new interventions, as discussed by Midgley (2000), perennially work to *improve* the conditions of marginalisation and conflict generated by prior interventions. Additionally, the conception of the Absolute offered by Rose (1981), and augmented by Hyman (2018) as a language-based narrative tradition, allows for the normative frameworks whereby holistic unity can be thought, and serves as a standard by which possible modes of intervention can be



measured. I believe this serves to better enable researchers to navigate both *accommodation* and *critique* with respect to considering the institutional preconditions for practical discourse, and to uncover the opening of possibilities surfaced from interpretive variety, which can be translated into processes of enlightenment that are rich in political consequences (e.g. Fuenmayor, 1991d: 241-242).

For instance, Schick (2012) contends that traumatised individuals and communities are, more often than not, estranged from one another and the wider socio-political context, and part of the process of working through Rose's (1996) *inaugurated mourning* is the rediscovery of agency as the ability to engage in political processes and to influence them in some way. Rose's (1996: 70) critique of the *aberrated mourning* of postmodernism is that it does not allow for a practical wrestling with the political, instead placing its hope in an eventual flash of redemption, or what LaCapra (2001: 152) has described as "hope in a blank utopia", which is characteristic of messianic thought. Rose's (1996: 70) *inaugurated mourning*, on the other hand, has a clear political goal, in that it seeks to overcome the powerlessness and numbing associated with trauma, thus enabling re-engagement with social and political life. Re-engagement with the political is not easy, and a mark of immaturity is to expect it to be otherwise. The experience of trauma, either first-hand, or via witness to another's trauma whereby we ourselves become unsettled in the process of learning, highlights the complexity of modern life, which is the struggle of ethical action in a damaged and damaging world.

Rose (1996) argues that we need to draw upon political and theological resources to negotiate the broken middle, but we would be foolish to assume that there is an easy path for the negotiation of the diremption of law and ethics. Such negotiation involves a realisation of the difficulties, alongside a refusal to give up working towards a "good enough justice" (Rose, 1995: 116). Rose (1996: 77-109) explores Jewish hermeneutics in her discussion of the political risk associated with negotiating the broken middle, and the concept of *Midrash* is key. This is the traditional method of textual interpretation in Jewish biblical hermeneutics. Those who

utilise it recognise the fluid boundaries between text and interpretation, as opposed to the fixed, deterministic unity of the primary text, and they tend to emphasise conversation and context over objectivity and systematic uniformity in interpretation. The need for the continual reformulation of meaning is at the heart of Rose's (1996) insistence that any political action we risk must be reflected upon and revisited in the light of the present. It resonates with Rose's (1981, 1992, 1993, 1996) Hegelian approach to thinking ethically, in that our understandings of knowledge and law must continually be renegotiated in the light of changing historical and political conditions. For instance, Rose (1996: 2-3) argues that

“in both the world of politics and in the intellectual world, there seems to be a low tolerance of equivocation. The result of this intolerance and unease is the reproduction of dualistic ways of thinking and of formulating public policy. Wisdom, theoretical and practical, develops when the different outcomes of ideas and policies are related to the predictable modifications and to the unpredictable contingencies affecting their meaning and employment. Wisdom works with equivocation”.

Inaugurated mourning and political risk, for Schick (2012: 51), require a deepening of our comprehension of the roles we play in structures of power, both by our action and inaction, and our decisions and indecisions will have consequences we do not anticipate. Indeed, part of the work of mourning is to perceive with deeper clarity our place in the wider community and to revise our actions and reactions in the light of this. Rose (1996: 122) argues that we must redraw *again and again* the boundaries that define the way we live, thus acknowledging the impossibility of perfect arrangements in a contingent and changing world, yet refusing to forsake the attempt to shape and reshape our responses in the communities in which we are each embedded.

Schick (2012) rightly points to *Mourning Becomes the Law* (1996) as Rose's clearest articulation of being and acting in a world of pervasive struggling and subsequent trauma, alongside how we conceive of the boundaries between the State and civil society, between law and ethics,

and between holism and pluralism. While Rose's (1981, 1984, 1992, 1993, 1996a, 1996b) speculative Hegelianism is not a manifesto for action, it nevertheless posits a way of being in the world that has political effects – it does not result in formulating abstract guidelines for solutions with which to solve the problems of modernity, but, rather, to articulate a way in which we can approach the inevitable brokenness of the world around us. For Schick (2012: 52 – 53), knowledge of the political present, via an understanding of the historical process that formed it, enables one to imagine the possibility of the ethical, and to see glimpses of the absolute ethical life in the present. We can place ourselves in the broken middle and strive for improvements – and we need to try, fail, learn, and try again.

For Brower Latz (2018), Rose's social philosophy speaks to various debates in the field of social theory and sociology by providing a critical theory of modern society revolving around the law-ethics and State-society diremptions, which often guide empirical investigations. It works to explain the presence of contradiction and appearance in sociology, accounts for the historical nature of sociological knowing, and foregrounds the need for an interplay between different sociological methods, as well as between philosophy and sociology. Brower Latz (2018) continues that it excels in navigating the relation between metatheory and theory by showing that social philosophy cannot escape metaphysics or ethics, and that ethics must take on board, in their root conceptions, the omnipresent inevitability of institutional mediation. This is via a unique version of ideology critique based on jurisprudence, and its call for a broad vision of the philosophy of law, in which relations between legal, ethical and metaphysical questions are foregrounded and addressed. Finally, Rose's (1993, 1996) social philosophy, in its distinction between *aberrated* and *inaugurated* mourning, addresses discussions in continental social philosophy about power and subjectivity after the Holocaust (Brower Latz, 2018: 2-3).

I would argue that Schick's (2012) and Brower Latz's (2018) comments above illustrate how Rose's project is rich with potential: not only for interpretive systemology, in the manner in which it has been applied here, but also with respect to critical systems thinking (e.g. Ulrich,

1983; Flood and Jackson 1991a,b; Midgley, 2000). It shares the critical heritage of Enlightenment and Frankfurt philosophies, while confronting postmodern critiques of these philosophies (e.g. Flood, 1990; Woolliston, 1992; Fuenmayor, 1997). Rose's (1992) theory of judgement in intervention, as further developed by Hyman (2013, 2018), facilitates both methodological and theoretical pluralism in systems thinking (e.g. Jackson, 1991; Midgley 2000). The added value of this is increased by an in-built critical analysis of boundary judgements, which seeks to navigate the risk involved in the necessary enablements and constraints that can serve to marginalise when interventions are made in the name of *accommodations* that seek improvement (Midgley, 2000). Additionally, Rose's (1992) theory of 'the broken middle' that occupies the space between 'dirempted' concepts, such as ethics and legality, holism and pluralism, and theory and practice, allow interpretive systemology (and other systems approaches) to conceive of the ways in which holistic unity emerges out of the tensions between such concepts. This, in turn, allows us to see how methodological principles such as *accommodation* and *critique* may indeed be "logically opposed" (Fuenmayor, 1997: 237), but interventions and improvement arise out of navigation of the necessary recursive relation between the two with regard to how they both serve to enable and constrain value pluralism within holistic social structures.

Finally, Rose's (1981) conception of the Absolute, as further developed by Hyman (2018), creates the space where normativity can be theorised, made explicit in terms of both the researcher and the researched, and deployed as a standard by which interventions in the name of *accommodations* may be critically evaluated. However, an exposition of the implications of Rose's (1981, 1984, 1992, 1993, 1995, 1996) project for soft and critical systems thinking more generally remains a task for further study beyond the rubric of this thesis.

## 6.13 Conclusion

My purpose in this chapter was to present the social theory of Gillian Rose (1981, 1984, 1992, 1993, 1996) as an alternative philosophical framework which, whilst retaining the recursive foundation of the *onto-epistemology* (Fuenmayor, 1991a,b,c) and critical intent (Fuenmayor and Lopez Garay, 1991) of interpretive systemology, serves to resolve the critiques from Mingers (1992), Jackson (1992), Flood (1992) and Midgley (2000), discussed in the previous chapter. I believe that Rose's (1981, 1984, 1992, 1993, 1995, 1996) project provides a sound theoretical framework to conduct an interpretive-systemic analysis, which reads the 2014 FBVs government policy intervention in schools as a wicked problem. Moreover, I believe it allows us to do so with a greater precision than interpretive systemology presently enables, because Rose's approach provides for the identification, investigation and assessment of the normative conceptions of the social totality, their boundaries and corresponding theories of jurisprudence and/or justice within various *contexts of meaning*. These in turn can drive the *thematic interpretations* of a problematic jurisprudential policy intervention, such as the 2014 FBVs.

The next chapter will demonstrate how each context of meaning produces a thematic interpretation of the FBVs as generating the institutional preconditions for practical discourse in British society. Moreover, each one offers a critical interpretation of the present ability of the FBVs to provide the means to successfully navigate the accommodation and critique of moral diversity, alongside offering a normative thematic interpretation of the *possible* ability of the FBVs to generate those means. So, in this respect, each interpretation operates in relation to both accommodation and critique. It does so by providing a critique of the present configuration of the social role of FBVs as an accommodation of moral diversity within a nation-based institutional framework, and by offering an alternative normative accommodation based upon that critique.

Thus, the *thematic debate* will examine each interpretation's critical assessment, as well as normative claims made for how the FBVs could accommodate moral diversity within a liberal institutional framework. In a similar, albeit augmented, manner to Chapter Two, this thematic debate will be conducted in light of the ability of the different perspectives to successfully navigate Vickers's (1983) dialectic of enablement and constraint, which characterises institutional life, generates the methodological principles of accommodation and critique, binds them within Fuenmayor's (1990a,b) principle of *essential recursion*, whilst retaining Rose's (1993, 1995, 1996) phenomenology of law, and its task of working towards a "good enough justice". Each interpretation will be discussed in turn, and I will then reflect on the wider social role of the FBVs that emerges when they are viewed together.

## Chapter 7 - Expanding the Interpretive Context of Fundamental British Values

In the previous chapter I argued that Rose's (1981, 1992, 1993, 1996) project, as further developed by Schick (2012) and Hyman (2013, 2018), furnishes interpretive systemology with a greater precision than it presently allows for. This applies to both its philosophical framework and its methodology because it enables identification, investigation and assessment of the normative conceptions of the social totality, their boundaries, and corresponding theories of jurisprudence, and/or justice within various *contexts of meaning* (and in the researcher). These in turn drive the *thematic interpretations* of a problematic jurisprudential policy intervention, such as the 2014 FBVs.

Additionally, Rose's (1981, 1992, 1993, 1996) approach is embedded within a similar onto-epistemological idea of recursion as embraced by interpretive systemology, yet it is one which takes place across a broken middle between subjectivity and objectivity. This is the equivocal space between seemingly logically opposed methodological principles, such as accommodation and critique, ethics and legality, holism and pluralism, wherein the foundational normativity that arises from the tensions between such principles is surfaced and allows us to move "towards a good enough justice" (Rose, 1995: 116).

I therefore contend that Rose's (1981, 1992, 1993, 1996) project provides an alternative philosophical framework that follows through to the critical methodological intent of interpretive systemology more consistently than has been previously noted by critics such as Jackson (1992), Mingers (1992), Flood (1992) and Midgley (2000). This is because accommodation and critique as methodological principles are recalibrated within a framework of essential recursion by recognising the need to negotiate the space between the two with regard to mediation via intervention. Moreover, it does so in a way that highlights the need to navigate the needs of the universal and the particular in how each singular intervention necessarily serves to either enable or constrain the former and the latter. In other words, it has

an in-built boundary critique (Midgley, 2000), which allows us to consider how each jurisprudential intervention generates a boundary, which in turn marginalises, and so the task of intervention begins anew.

## 7.1 Framework for an Interpretive-Systemic Study of the British Values Intervention

Using the enhanced understanding of interpretive systemology outlined above, and explained in more detail in the last chapter, the purpose of the current chapter is to conduct an interpretive-systemological analysis of the FBVs (as represented in the 2014 statute) in order to discuss their implications for “the institutional preconditions for practical discourse” (Fuenmayor, 1991d: 241-242). The FBVs will be characterised as an interpretive phenomenon comprising a number of interconnected concepts, the holistic unity of which we may loosely call ‘British society’, which strives to establish those institutional preconditions for practical discourse, otherwise known as politics.

In particular, we will return to Williams’s (2008) discussion of the relation between civil and religious law in Britain, which I argued in Chapter One brought to public attention and stimulated a debate on a range of issues that contextualised the 2014 FBVs intervention. The key questions that I argued Williams (2008) put forward in his lecture were:

(1) At what point does an accommodation of moral diversity, such as the claims of religious law and identity in liberal democracies, impede the freedom and ability of citizens to critique the claims being made? This is with regards to the actual call for accommodation and the means by which those claims are then translated into action to bring the accommodation into being. And,

(2) At what point does the freedom to critique the legitimacy of claims being made and actions being taken impede the necessity of accommodation (and the feeling that citizens have a stake in it)?



Our ability to answer these questions is “dependent on the institutional preconditions for practical discourse among the general public as both political consequences, and the institutional preconditions for practical discourse, are in turn, part of the field of study of interpretive systemology” (Fuenmayor, 1991d: 241-242).

As noted in earlier chapters, the research program of interpretive systemology seeks to comprehend the holistic interpretive sense, or the *social sense*, of an organisation or institution. As explained by Fuenmayor and Fuenmayor (1999), in methodological terms this entails the construction of an *interpretive systemic framework* for the interrogation of the social meaning or sense of an organisation or institution. The *interpretive systemic framework* comprises a debate between positions inhabiting a plurality of *contexts of meaning* or *thematic interpretive contexts*, and their various interpretations regarding the social sense of the institution or organisation under scrutiny. Each *context of meaning* constitutes a theory (or family of theories), or a model, which generates meaning and justification for a particular social mission of an organisation or institution. Each *context of meaning* produces a *thematic interpretation*, which is a discourse regarding a problematic phenomenon that the institution being studied is facing. This discourse puts forward, not only a desired state of affairs for the institution as derived from the normative content of the *context of meaning*, but it also judges its present state according to that normative content. Additionally, such a judgement contains an empirical element based on various interpretations of data relating to real events that have brought the problem situation to the fore. A *thematic debate* is then conducted between the different *thematic interpretations*, whereby each defends its point of view in relation to both the normative and empirical claims that rests upon its *context of meaning*.

When I say that “each defends its point of view”, it might be assumed that two or more advocates of the thematic interpretations would have to be engaged in a ‘live’ debate. However, this need not be the case in interpretive systemology: a single researcher can work out the various positions that could be taken, and present these in a written narrative (as was

done by Fuenmayor et al, 1991, when they interrogated the role of universities in then-contemporary Venezuelan society).

The purpose of the systemic-interpretive framework, and its debate, as discussed by Fuenmayor and Fuenmayor (1999), is to cleave a space of possibilities, and their accompanying justifications, concerning the social sense of the organisation. Given the critical nature of interpretive systemology, Fuenmayor and Fuenmayor (1999: 38) claim to devote special attention to “oppressed interpretations”, and their accompanying *contexts of meaning*, which they contend are those that, from the researcher’s own perspective, are somewhat concealed from public debate. However, considering Midgley’s (1996a, 2000) theory of boundary critique, and his associated marginalisation theory discussed in Chapter 3 (which I embedded within the Rosean configuration of interpretive systemology presented in the previous chapter), these will instead be framed as ‘marginalised interpretations’.

So, with regard to the 2014 British Values intervention, each *thematic interpretation* will be concerned with the extent to which British civil law can and should accommodate religious law in particular, and moral pluralism more generally. The empirical evidence on which they base their normative claims relates to the context outlined in Chapter One, such as acts of terror against the British State from its own citizens, the so-called ‘Trojan Horse’ affair of 2014, the rise of populism in America and Europe, the ritual delivery (as much as the content) of both Williams’s (2008) and Cameron’s (2011) speeches, and so forth. Discourses of normativity are then generated by the wider *contexts of meaning*, which constitute a broader family of theories or ‘traditions’ of enquiry (e.g. MacIntyre, 1981, 1988, 1997) wherein conceptions of proof and rational argumentation are embedded within the particular community in which such conceptions are developed. These are propelled by a normative conception of jurisprudence emanating from a particular interpretation of the FBVs and their implications for the institutional preconditions of practical discourse. Boundaries will be discussed as they

relate to each *context of meaning*, as defined by their positioning within the areas of political theory, moral philosophy and international relations.

Three *contexts of meaning* and subsequent *thematic interpretations* will be explored. I believe the first two, *Liberal Realism* and *Liberal Multiculturalism*, are broadly representative of the mainstream in liberal political thought, which propels their *thematic interpretations* of the accommodation of religious law and civil law. The third I consider to be the marginalised *context of meaning* and respective *thematic interpretation*, in that it is drawn from theories rooted in both Christian and Islamic theology. In line with the justification provided in Chapters One and Three, Williams's (2008) lecture regarding the relationship between civil and religious law was delivered when he was the Archbishop of Canterbury, and he was not speaking as an independent citizen/academic. The UK has an established church with the Head of State (currently Queen Elizabeth II) serving as its Supreme Governor, and its bishops sit in the House of Lords, so they are stakeholders with influence. This might seem to undermine my claim that the thematic interpretation based in Christian and Islamic theology is marginalized, but it is important to note that, even though bishops have some historical privileges, the days when it could be taken for granted that Britain is a uniformly-Christian society are long gone: according to the 2014 British Attitudes Survey, only 8% of the population have ever worshiped in a Church of England building, and only 0.8% do so once a week or more (Humanists UK, 2021), so there is strong pressure to frame politics in terms of secular discourses. Williams's (2008) speech addressed a new, visible Islamic identity in British society, which surfaced in the closing decades of the twentieth century, and it was in this context that I argued (in Chapter One) that the 2014 FBVs intervention arose.

Nevertheless, both Christianity and Islam have long-standing jurisprudential traditions, with interpretive variety regarding questions of political association and the accommodation of ethnic and value pluralism, and it could be argued that this interpretive variety also facilitates

marginalization, as there is no single Christian or Islamic position that can be taken as hegemonic.

As a caveat to the analysis of the three contexts of meaning, I need to acknowledge that I could conceivably have included a fourth or fifth context (e.g., informed by Marxist or Global/Internationalist concerns), but this would have extended the thesis beyond the university's word limit. I suggest that it is acceptable to limit the analysis to three contexts of meaning, as I am *illustrating* what the new approach to interpretive systemology can deliver, and am not striving for comprehensiveness – three contexts of meaning show a good deal of interpretive variety.

## 7.2 Revealing the Social Role of the FBVs: Accommodation and Critique

Once the three contexts of meaning and subsequent thematic interpretations have been revealed, a *thematic debate* will be conducted, focusing on “the institutional preconditions for practical discourse” (Fuenmayor, 1991d:241-242) drawn from the interpretive variety regarding the FBVs. This is to provide the means to answer the two questions relating to the accommodation and critique of moral diversity highlighted above, alongside offering a normative interpretation of how the FBVs might *possibly* generate those means. So, in this respect, each interpretation is operating on the meta-level of both accommodation and critique. This is because each interpretation offers a critique of the present configuration of the social role of the FBVs as an accommodation of moral diversity within a nation-based institutional framework, and it also offers an alternative normative accommodation based upon that critique.

Finally, the *thematic debate* will then critically assess each interpretation's critical assessment, along with the normative claims about how the FBVs might accommodate moral diversity within a liberal institutional framework. In a similar (albeit augmented) manner to Chapter Two, this assessment will be undertaken in light of the ability of the interpretations to successfully navigate Vickers's (1983) dialectic of enablement and constraint, which

characterises institutional life, generates the methodological principles of accommodation and critique, binds them within Fuenmayor's (1990a,b) principle of *essential recursion*, whilst retaining Rose's (1995: 116) phenomenology of law and its task of working towards a "good enough justice". Each interpretation will be discussed in turn, before I reflect on the wider social-role of the FBVs that emerges when they are viewed altogether.

It will become apparent in this chapter that the systems approach being deployed extends the boundaries of analysis of the FBVs well beyond the education domain that is the almost-exclusive focus of the literature on the 2014 government mandate to teach British values, reviewed in Chapter Three.

I will now look at the first context of meaning:

### 7.3 FBVs as a Liberal Realist Accommodation

McQueen (2017) rightly points out that many of the thinkers associated with the term 'liberal realism', such as Hobbes (1651) and Oakeshott (1975a,b), never self-identified as such. Rather, their work has been co-opted by later authors seeking to identify different political paradigms of thought. The term 'liberal realism' serves to demarcate some boundaries within political discourse, but we have to acknowledge the importance of O'Sullivan's (1978: 83) observation that "no single unifying idea is to be found in the English conservative tradition, except perhaps a certain scepticism and a pragmatic emphasis".

Nevertheless, the term has come into common usage in the discipline of Politics, and I will use it with reference to the works of Sleat (2013, 2018) and McQueen (2017), who are two contemporary conservative authors. I will introduce the overarching normative intent of liberal realism, and will sketch its philosophical contours, explaining how these establish a *context of meaning*. I will then incorporate the ideas of two thinkers whom Sleat (2013, 2018) views as foundational with respect to the institutional preconditions for practical discourse in liberal realist theory: Hobbes (1651) and Oakeshott (1975a,b). I believe these two thinkers are

particularly relevant, because their thought has had a lasting influence on the political debates surrounding the FBVs, nationhood, justice and the accommodation of moral diversity.

### 7.3.1 Context of Meaning

McQueen (2017) defines liberal realism as a tradition of approaches to the study, normative evaluation and practice of politics that have four distinctive features. First, liberal realism affirms the autonomy (or distinction) of politics from morality. Second, it takes power, conflict and disagreement to be constitutive of, and ineradicable from, politics. Third, it rejects approaches and interpretations which seek to deny, abolish or transcend conflict and disagreement on the grounds that they are utopian and misguided. Fourth, and finally, it prioritises political stability and order over justice, and it may reject the prioritisation of justice over other political values too. Liberal realism's distinctiveness as a family of approaches is also found in its opposition to the more Rawlsian (1971, 1993) approaches propelling liberal multiculturalism: while Rawls gives social justice a central place in his political philosophy, liberal realists do not.

Regarding the normative claim that the political domain should be distinct from that of morality, Sleat (2018) says there is an abiding scepticism, not concerning whether we can produce answers to moral and philosophical questions about how we should live together, but related to whether politics can ever be fully governed by reason or morality as opposed to the exercise of power. For, if we are unable to agree on what morality demands and reason dictates, then we must remain sceptical of the possibility of grounding politics in some pre-political or hypothetical consensus on justice, morality or standards of deliberation. Whilst this may lead some to critique liberal realism with regard to the danger of losing politics to irrationalism or amorality, realists rule out the idea that politics can be understood and practiced via the application of abstract moral or rational principles that claim to authoritatively settle what we ought or ought not to do. This is because politics is always

historically located, and any proper understanding of politics and the actions of political agents must reflect this (Sleat, 2018: 11-13).

Sleat (2018: 9-11) argues that liberal realist political theory first emerged in the form of a critique of dominant ideas and trends in contemporary liberal theory emanating from the works of John Rawls (e.g. 1971), and was propelled by thinkers such as Raymond Geuss (2008), William Galston (2010) and Jeremy Waldron (2010,). This emergence coincided with other developments in political theory, such as the global justice movement, multiculturalism, and so forth. Yet, because realist political theory hesitated to offer an alternative normative ideal (unlike multicultural liberalism), a sense developed that its only reason for being was to curb what thinkers such as Geuss (2008) saw as the neo-Kantian excesses of Rawls (1971, 1993) and his supporters. As such, it could never step beyond a purely critical mode of analysis.

In contrast, Sleat (2018) argues that realism, properly understood, means working within the traditions of normative political thought exemplified by thinkers such as Machiavelli (1532), Hobbes (1651), and, more recently, Oakeshott (1975a,b,) and Hampshire (1989). For McQueen (2017: 300), this appeal to a 'realist' tradition of liberal thinkers serves to do necessary definitional *boundary work* by identifying certain unique and essential features that demarcate realism from other approaches, such as liberal multiculturalism.

Referring to the historical tradition mentioned above, Geuss (2008: 22) believes the insights of early European philosophers such as Hobbes (1651) remind us that political formation is always something achieved at a high price, requiring work to preserve it from the self-serving actions of those who enjoy the freedoms it affords. However, for Geuss (2008: 22), this is distinct from the 'ethics-first' approach, which prioritises the demands of normative conceptions of justice over those of political stability and order. The ethics-first approach is found in the works of Kant (1787, 1788, 1790) and Rawls (1971), carrying over into the liberal multiculturalism of thinkers like Kymlicka (1989, 1995), Parekh (2000a,b, 2005, 2012) and Modood (2007, 2010). For Letwin (2005: 91), meanwhile, Hobbes's (1651) achievement in *Leviathan* was that it unequivocally

“replaced the concern with law as a link to divinity and an instrument of education with a picture of law as man’s only recourse against violence in a world that has no anchor to indisputable truth”.

### 7.3.2 Law and the Leviathan

Hobbes (1651) formulated a new set of questions that defined his inauguration of the modern discussion of law by insisting on the need to recognise that there is no utmost aim nor greatest good, and that there is no natural limit to human desires. Moreover, there is no natural schematic for what is good or bad, in that what may be deemed as one or the other is entirely dependent upon individual desires, which are multiple and proliferate. As such, there is no pattern for ‘the good life’ provided to us by nature, but, instead, there is merely a desire for ‘felicity’ in the obtainment of individual desires, over and against the desires of other people. In a State that enshrines this as the primary motivation of human beings, there is no recourse to religion because the supposedly-indisputable authority of the revealed will of God is dependent upon there being a consensus on the expression of that will, which there can never be, as claims to be following God’s will are merely self-interested assertions.

For Hobbes (1651), if human beings are to attempt to agree on anything, they must aim to do so without the assistance of any natural pattern, criterion, standard, sanction or model. However, to avoid falling prey to the complete fragmentation of society, individuals are required to obey a human agent whose will can impose unity on such natural pluralism. Nevertheless, it remains possible to distinguish between decisions taken by an agent whose right to do so is recognised by those who obey them, and the commands issued by someone who obtains obedience via coercion. This distinction is Hobbes’s (1651) solution to the predicament of raw individual liberty as a state of nature. It explains how individuals can live together without being subject to the arbitrary dominion of another: although the association of people is necessarily based on a diktat of will rather than reason, those people can *choose* an obligation to obey, and consequently need not be enslaved.



When free individuals decide to recognise another's right to decide on their behalf, they 'authorise' them to do so, thus creating a 'sovereign'. The sovereign serves as a concept which in practice may denote one, a few or many agents (such as a regent, a procedure or an elected assembly), and what defines the sovereign is possession of the ability to make final decisions for all. Yet, whilst the sovereign is 'absolute' in this sense, it does not mean that they can tyrannically exercise arbitrary power, as this could not then secure peace. Hobbes (1651) argues that the sovereign's authority must be exercised through the generation and maintenance of stable decisions and directives, which constitute the rule of law. Individuals are free to find such decisions disagreeable, but they are nevertheless obliged to obey, and this obedience is the foundation of civil peace.

The discussion of law in Hobbes (1651) aims to establish the means of distinguishing rules made, interpreted and enforced by an authorised officer of the sovereign from those which are not authorised, and no-one is therefore obliged to obey. For, if we reject the rationalism of religious sources of authority, then any order of human life must be founded upon the obedience to rules made by an authorised legislator. In emphasising the source of law as derived from an authorised legislator, Hobbes (1651) describes how, even though it is a product entirely of human artifice, law constitutes the only protection against arbitrary power. Yet, by recognising civil order as a human artifice, Hobbes (1651) recognises that there is an inherent arbitrariness to the rule of law also. That is, the rules we acknowledge as those to obey can never be justified definitively via appeal to a universal standard of truth that all rational beings are obliged to accept, and our only alternative is to accept the word of 'someone'. That 'someone' may be one person or many, a highly complex institution, or a procedure evolved over many centuries, yet if we are to avoid barbarism, then we must agree to accept certain decisions on the basis that we acknowledge them as being authorised. As such, if we pursue any system of law to its foundations, there lies a 'decision' that cannot be indisputably justified, despite the fact that we may justify those decisions to which we submit in myriad ways.

Letwin (2005: 104) believes that Hobbes (1651) introduced new considerations and vocabularies to the discussion of law and political formation. Eschewing a rational cosmology providing a principle of order made it impossible to define order as a rule of reason over passion. Instead, order could only be maintained via human artifice and social arrangements purpose-built to serve particular ends. Hobbes (1651) denied that justice could have any meaning other than convention, and, by showing that the obligation to obey the law is ultimately arbitrary, the concept of authority became the foundation for the rule of law (also see Girard, 1972, on the use of authority figures to prevent escalations of reprisals between feuding citizens). Thus, the argument in *Leviathan* (Hobbes, 1651) comprises three points: there is nothing on which individuals can by nature agree; no-one is by nature designated to be a ruler; and no-one can be obligated to do what they have not freely agreed to do. However, as it is in everyone's interests to oblige themselves to obey a common set of rules, most people do so, and live in peace with one another (Letwin, 2005: 105).

*Leviathan* inaugurated a new understanding of law, not as a pattern for the good life, but as a hedgerow: law is but rules authorised in order to keep people from hurting themselves and others via their own endeavours: the purpose is not to stop them from pursuing such voluntary endeavours altogether. For Letwin (2005: 105), to speak of law as a 'hedge' concretely identifies it with non-instrumental rules, in that they are rules designed for the maintenance of certain conditions, rather than the direction of enterprises, and the complement of such a conception of law is Hobbes's (1651) conception of authority.

### 7.3.3 Myth and Civil Association

Oakeshott (1975a: 150- 154) argues that one of the contributions of Hobbes (1651) was the provision of an imaginative myth on which he believed all societies were founded. Myth serves the practical, political purpose of reminding a people of their origin, traditions and heritage; it may contain a history, but it is not a historical endeavour, nor does it constitute a political doctrine. Instead, myth is an essential aspect of the self-interpretation of any society that has

reached a point of political self-consciousness where it wants to construct an imaginative account of how it came to be and what it is now, including the society's imagined conception of how governance is formed, arranged and executed. In this sense, myths and legends are not necessarily true or false, but their importance resides in their representation of a people's own self-awareness of their politics, and an expression of their self-confidence. An individual's understanding of themselves as belonging to a particular kind of community necessarily entails convictions regarding the type of person they are.

For Oakeshott (1975a,b), the myths constructed in our coming to understand the advent of the modern European State are contingently related to one another. They are the consequence of human choice, and have been refined under the mantle of dualisms (or modes) of political organisation, which are never to be found in a pure form, yet nevertheless co-exist with one another via an intimate connection. Oakeshott (1975b: 112-147) adds that the function of governance could be either a substantive activity (e.g., providing services to citizens) or simply regulative (e.g., curbing harms): substantive activities are thus viewed as 'enterprise associations', while regulative activities are classed as 'civil associations'.

Regarding Oakeshott's (1975b) concept of a civil association, this does not entail a substantive vision of the human good, nor an appeal to the tradition of a particular society. Instead, it is an ethical problem taken as a central facet of modern Western political life: the need to explain how membership of the State as a non-voluntary association can be the source of obligation amongst citizens who possess three definitive characteristics of the modern Western individual. First, they do not agree on fundamental values; second, they hold a radical conception of natural equality and liberty, which is *a priori* to any claim to privileged authority; and third, they desire to remain free with respect to pursuing self-chosen lives. Oakeshott (1975a,b) viewed Hobbes (1651) as having clearly identified these characteristics within his depiction of 'the state of nature', the holistic unity of which produced the problem of political association, which has remained problematic for Western political philosophy ever since.

For Oakeshott (1975b), citizens may only feel obligated to the State insofar as it is a civil association governed by non-instrumental, formal rules acknowledged to be authoritative. Such rules do not impede individual liberty because they merely specify general conditions to be observed as opposed to purposes or ideals to be implemented via praxis. Such rules must be non-instrumental, in that they do not serve an external purpose, ideology or interest on the grounds that this would restrict liberty. Instead, they are simply definitive of the obligations of citizenship, with their only purpose being the constitution and maintenance of the civic identity itself. In this sense, acknowledgement of the authority of the rules of civil association does not require that they be rational, nor does it mean that citizens should approve of those laws, or their outcome, or believe in the competence of those who make them.

For O'Sullivan (2004: 38), such a concept of authority is possibly the most difficult aspect of Oakeshott's (1975b) model of civil association to support in twenty-first century Britain. Nevertheless, O'Sullivan maintains that it is only because approval is not required for civil authority that Oakeshott's (1975b) conception can actually accommodate the extreme ethnic and moral pluralism that characterises Western societies. The only forms of diversity excluded from the model are those which cannot acknowledge the rules of civil association, whatever they may entail. We will now see how Sleat (2013) discusses the potential political effects of this in our subsequent *thematic interpretation*.

#### 7.3.4 Liberal Realist Thematic Interpretation of FBVs

As stated earlier, each *context of meaning* generates a *thematic interpretation*. This is a critique of the present configuration of the social role of the FBVs as an accommodation of moral diversity within a nation-based institutional framework, which also posits an alternative normative accommodation based upon that critique. We shall now explore two liberal realist interpretations of the ability of the FBVs to navigate the accommodation and critique of value pluralism, coming from Sleat (2013) and Waldron (2010).

### 7.3.5 Sleat: Transformative Constitutionalism

In *Liberal Realism*, Sleat (2013) asks: how should liberal regimes treat those members of their citizenry who reject the idea that liberalism grants the optimum amount of freedom and equality, given that they are clearly being forced to obey laws and principles that have normative ends which they do not share? Sleat (2013) utilises Macedo's (1995) conception of a 'moderate hegemony' in liberalism as a plausible and promising response to this question: we need to retain the commitment to treating others, including enemies, as free and equal whilst being cognisant of the fact of pluralism and the role that coercion necessarily plays in enabling and maintaining liberal politics (Sleat, 2013:157).

Liberalism, for Macedo (1995), is 'hegemonic' in the sense that it is honest regarding the pervasive effects and influences of liberal political practices. It is 'moderate' because transformative constitutionalism confines itself to political virtues, seeks to respect freedom and, where possible, exploits indirect and non-oppressive means to meet these ends. For Macedo (1995), however, there is a problem with the idea that the role of the constitution is to provide a rubric of rules and regulations that apportion an equal sphere of freedom to individuals to pursue whatever ends they choose so long as they do not impinge on the ability of others to exercise the same freedom: this misses the radically transformative nature of liberal constitutionalism. Consequently, it is liable to obscure the fact that the liberal democratic order needs to be a pervasively educative one: a liberal regime needs to *engage in the formation* of liberal citizens (Macedo, 1995: 304-314).

Macedo (1995) highlights how public (State) schools in the USA, throughout the mid-nineteenth century, were engaged in a direct attempt to exercise political leverage over the intellectual development and moral substance of the country's future citizens. For Macedo (1995), schooling is a particularly important resource for the State in forming citizens because it has the potential to reinforce the basic beliefs and commitments that need to be held by all citizens, and it can reshape and supplant certain moral, cultural and religious identities that deny such beliefs. What

Macedo (1995) claims that what was happening in 19<sup>th</sup> Century America, was the wilful exercise of political power to foster and create the willingness of individuals from particular religious groups to live in peace with those they believed to be damned (Macedo, 1995, 304-314; Sleat, 2013, 157-158).

Sleat (2013) believes such mechanisms, practices and expectations of 'transformative constitutionalism' that have the effect of forming our commitments and habits in liberal regimes are not something which should be eliminated, regretted or apologised for. Instead, Sleat (2013) views it as a correct political aim to try to foster convergence on what realist discourses on liberal democracy take to be the right beliefs, since liberalism, as with any form of political order, needs the support of private practices that are at least compatible with liberal politics.

For Sleat (2013: 160), liberalism is a form of "openly partisan hegemonic order" which strives to attain unity and stability through the moderate, as opposed to more coercive, means available to it. By being honest and open about its partisan character, yet restrained in the ways in which it attempts to secure its ends, liberalism can respect the freedom and equality of its enemies (that is, those who reject its fundamental principles whilst living within its jurisdiction). Thus, liberals are what Sleat (2013: 160-161) terms "restrained masters", in that they place upon themselves a series of normative and institutional restraints ensuring, as far as possible, that coercive power is not employed in ways that violate the freedom or moral equality of individuals, including internal enemies. Sleat (2013: 161-164) thus distinguishes between *inactive enemies* and *active enemies*. The former are those who may privately reject liberalism as a political philosophy, yet nevertheless respect and acknowledge its institutional structures, norms and laws. In contrast, active enemies are those who go out of their way to undermine those structures, norms and laws, or seek to abolish them. For Sleat (2013: 163), then, liberals do not impose any additional costs on individuals unless their *actions*, as opposed to their *beliefs*, threaten the stability of the civil order. They wait for evidence of those actions before they begin to treat political enemies differently from their friends.

Consequently, the law “is the weapon of the stronger” (Sleat, 2013: 164) because it is enforced via the coercive arm of authority: enemies are required to experience it as binding. It is not neutral towards substantive ends, in that it is liable to be consciously steered towards the enforcement and realisation of the purposes of the rulers over those they rule. The law, therefore, is a normative system serving particular ends, while repressing others, and yet the claim that the law is not neutral is a different claim from that which says that the law is unfair or unjust: the claim to non-neutrality is a recognition of the inevitably politicised nature of law as an institution, while claims to unfairness or injustice relate to specific (more limited) ways in which that institution acts. The law is deployed as a tool in a struggle for power between those who reasonably hold different notions of the political good, and is a means by which rulers can maintain their rule over those who reject it. So, it is “the weapon of the stronger” (Sleat, 2013: 164) in that it cannot be understood as distinct from the historical and political foundations upon which it rests, and the political interests which it serves.

Thus, Sleat’s (2013: 166) account of the liberal rule of law is explicitly political, even oppressive, but is purposefully restricted in order to ensure the freedom and equality of all individuals. This means we have a stake in taking an active role as a citizenry in ensuring that our rulers are of sound moral character, and continue to honour their commitments to self-restraint and accountability in the event of transgressions. For Sleat (2013: 169), then, the difficult truth remains that liberalism’s respect for the freedom and equality of its internal enemies is dependent upon the will of the masters themselves; their willingness to recognise the crucial distinction between active and inactive enemies of liberalism; and to honour the rule of law, even in circumstances when alternative means may appear more effective.

### 7.3.6 Waldron: Modes and Boundaries of Accommodation

Regarding the reasonable accommodation of minorities within the framework of a comprehensive system of law within a liberal democratic State, Waldron (2010: 103), argues that ‘accommodation’ may, amongst other things, include three types. First there are

exemptions from generally applicable prohibitions or requirements to permit actions or omissions required by minority norms (which, at present, may be otherwise prohibited under civil law). Second, there is the granting of legal status to transactions which are structured and guided by norms different to those used to control and structure similar transactions under civil law. For instance, certain types of marriage or property transactions. In such cases, Waldron (2010: 103) assumes that accommodations do not entail the devolution of governance, allowing a minority community to determine Waldron's (2010: 103) third type: the enablement and enactment of culturally-different punishments for crimes to those already imposed under civil law.

With respect to the first two types, Waldron (2010: 105) argues that civil law is not incompatible with the notion of there being complex, rather than simple, laws – and certainly not laws peppered with exceptions of various sorts that serve to accommodate purely commercial or material interests. More often than not, these are the fruits of political bargaining, and for Waldron (2010: 105), so long as such accommodations are in effect, then it seems unfair not to support the prospect of accommodations for the sake of a communities' culture, religion or traditions, especially if they can be presented as just and reasonable. Subsequently, Waldron (2010: 106-107) contends that we need to first ascertain whether there is room for accommodation in the State's civil law.

Assuming that there *is* space for exemption or accommodation, then this calls us to consider how the benefits can best be *distributed*, and why the benefits should be given to one specific minority and not others. Waldron (2010: 108) contends that such questions are difficult to answer with respect to cultural and religious obligations. However, they may be answered with respect to broader societal conceptions of justice, which consider the range of influences a minority community held when the legal structures under which they live were formulated (for instance, the accommodation of a minority cultural difference may simply not have been anticipated, especially when older laws were written). This may be seen as a more valid



justification for accommodation compared with those who may just want the exemption in order to satisfy an individual whim. With respect to satisfying the first type of accommodation, that of exemptions from general prohibitions, whilst difficult, they are less difficult and complex than the satisfaction of the second type of accommodation – the granting of legal status to specific transactions, such as marriage and property relations. Whilst it may initially seem easy to support the accommodation of transactions and relationships on the grounds that they are usually established by *consent*, such cases are not so much matters of exemption but of *permission*; that is, permission to exercise certain rights of power as seen fit within broadly prescribed limits. However, issues arise when we consider how the civil law will seek to interrogate and supervise the fairness of such arrangements.

The example of marriage raises a broader issue of whether there is any danger that the accommodation (or permission) in question will harm or impose injustice upon any member of society, such as young children or vulnerable adults. For instance, there is a need to compare the injustice an arrangement might visit upon Person X if no accommodation is made, against a qualitatively different injustice that a proposed accommodation or variation may visit upon Person Y. There will inevitably be contestation as to whether to employ the broader societal conception of justice to settle such matters, or whether the particular communities' conception of justice should be used to inform decision making. For instance, using a liberal conception of justice, it may be deemed oppressive to consign a woman to the whim of her husband in matters regarding separation and the division of property. Yet from a different conception of justice, this may not seem oppressive at all. For Waldron (2010: 110), this is why civil law-makers in any jurisdiction would be wise to sceptically scrutinise any suggestion that minority communities should be permitted to adhere to and enforce their own customs. An accommodation is not shown to be reasonable simply because members of a minority deem it so. At the same time, we should anticipate disagreement amongst the public, legislators and judges in wider society, especially given that these categories of people include both majority and minority citizens.

For Waldron (2010: 112), it is usually most appropriate for cultural and religious minorities to talk about their customs and perspectives within the context of the broader democratic debate regarding societal legislation. If they don't do this, then they potentially risk construing society's laws as alien, which sets up an 'us and them' dynamic that fosters resentment in both the minority and majority communities, potentially leading to serious conflict. In order to ascertain whether a demand for accommodation is appropriate, there is no alternative but to introduce the minority's normative conceptions of justice into the general democratic debate alongside all other conceptions of justice. Yet any potential accommodations must be examined using the principle of whether there is room for the accommodation within the law, and how that accommodation is best distributed in a way that safeguards the wider conceptions of justice prevalent in the society. Thus Waldron (2010: 113) concludes, "the meta-law for determining which laws apply becomes the law that applies, or the law that applies becomes the meta-law for determining which laws should apply". If this seems an unfair privileging of a majority view over that of a minority, then this is inevitable because society cannot abandon what matters most in terms of the justice, fairness and rights of those potentially vulnerable under alternative jurisdictions, merely in the name of accommodating religious and cultural minorities. Furthermore, these concerns ought to equally guide our laws, and inform our receptiveness to customs and cultures that are to be upheld and enforced in a society's name.

#### 7.4 FBVs as a Liberal Multiculturalist Accommodation

Both Modood (2007, 2010) and Parekh (2000a,b, 2005, 2012) are authoritative with regard to their conception of the FBVs as the means to generate the institutional preconditions of a multicultural accommodation. The *Parekh Report on the Future of Multi-Ethnic Britain* (2000b) was particularly influential on the Labour government's approach to multicultural public policy. Indeed, as we saw in Chapter One, the public reaction to Williams's (2008) lecture, the so-called 'Trojan Horse affair', and the introduction of the FBVs into schools marked a turn away from the perceived excesses of 'State multiculturalism' in public policy discourse (e.g.

Cameron, 2011; Casey, 2016; Spielman, 2018; Holmwood and O'Toole, 2018). Indeed, we have seen, above, how liberal realism defines itself as a theory in direct opposition to others, such as multiculturalism (e.g. Sleat, 2013, 2018; McQueen, 2017).

I will now illustrate how the liberal multicultural discourse of Parekh (2000a,b, 2006, 2012) and Modood (2007, 2010) provides a normative *context of meaning* outlining the institutional preconditions for practical discourse involved in a liberal multiculturalist interpretation of the FBVs.

#### 7.4.1 Context of Meaning

Modood (2010: 34) says that multiculturalism is premised on the notion that citizens have individual rights, meaning that citizenship is therefore not a uniform identity separate from, or transcending, other identities important to citizens. Group identities are omnipresent, and each group has a right to be part of the civic whole, to speak for itself, in its own voice, on behalf of its own normative conception of the whole. The normative intent of multiculturalism, then, for Modood (2010: 35), is “a critique of the cultural assimilation traditionally demanded by nation-States of migrants and minorities, as well as of that liberal individualism which has no space for groups”. Simultaneously, it remains embedded within, and developed from, the ideas of individual equality and democratic citizenship in liberal theory. This is in the sense that it seeks to “pluralise, and hence adapt, not undermine, the unity and equality of citizenship and national identity” (Modood, 2010: 35).

Parekh (2000a, 2006) suggests a multiculturalist approach to citizenship is best seen, not so much as a political doctrine with a programmatic content or as a philosophical school with its own theory of humanity, but rather as a discursive perspective on human life. Parekh (2000a) contends that such a perspective offers three central insights, each of which are often misinterpreted by its advocates and consequently require careful explanation in order to be persuasive. These are the cultural embeddedness of humanity; the inescapability and desirability of cultural diversity; and the internal plurality in each culture. A multicultural

perspective thus offers the opportunity to overcome individual cultural limitations. Dialogue between different cultural perspectives can be harnessed by illuminating the insights and exposing the limitations in each, with the aim of arriving at a less culture-bound vision of human life and a more comprehensive and critical political theory. For Parekh (2000a), only such a multiculturally-constructed political theory can hope to move towards realising the legitimate traditional ambition of politics as a discipline to develop a rigorously self-critical body of thought capable of transcending and challenging the dominant ideologies and sensibilities of its society and age (Parekh, 2000a: 249-257).

Modood (2007) claims that multiculturalist discourse begins in earnest with Will Kymlicka's works, *Liberalism, Community and Culture* (1989) and *Multicultural Citizenship* (1995), which offer a definitive account that is well ahead of other theorists writing in the 1980s and 1990s. These books remain some of the most cited and discussed texts in relation to the discourse on multiculturalism. They were influenced by Rawls (1971, 1985, 1993, 2001), whose work had focused (amongst other things) on how people of varying and often wildly-differing beliefs and cultural backgrounds could live in union without an imposition of values from one on another.

The challenge of Rawls's (1971, 1993) project was to find the moral precepts that had led to the rise of liberalism as a dominant political theory. Whilst retaining a belief in the normative primacy of liberalism, he nevertheless pointed to a growing divide between the policy and practice of liberal democracies on the one hand, and the theory of liberalism on the other. This theory was premised on the idea that citizens were free, and would freely and rationally cooperate with each other, only so long as the State and its institutions remained in a position of neutrality regarding the varying religious and ethical beliefs and practices of its citizens.

However, Kymlicka (1989, 1995) believes that the historical fact of this theory is ironic in that liberalism had developed concomitant with, and in many ways out of, a form of nationalism that regarded the State as essential to, not just the individual autonomy of its citizens, but also the cultivation of a particular historical people with their own culture, as reflected in the

territorial nation. Using examples drawn from various groups representing conquered nations, such as the Quebecois and indigenous North American nations, Kymlicka (1989, 1995) notes that many ethnic minorities are demanding recognition as distinct groups with specific cultural needs and historical grievances, as well as asking for the creation of laws and policies that would allow them to survive as distinct groups. Such claims gain political supporters, many of whom regard themselves as liberal, believing that other liberals should be similarly sympathetic. Consequently, Kymlicka (1989, 1995) argues that liberal theory has to be reconceived in light of these liberal politics.

#### 7.4.2 Secularist Bias

Modood (2007) believes that Kymlicka's (1989, 1995) distinction between language and religion, or the ethno-cultural and ethno-religious, in terms of State accommodation for the former and State exemption for the latter, reveals a normative preference for the accommodation of ethno-cultural pluralism indicative of an underlying secular bias.

For instance, the focus on language assumes that the only questions that political multiculturalism has to tackle regarding religious claims (such as Sikh men wanting to opt out of motorcycle helmet laws so they can wear their turbans) involve the of granting 'exemptions'. Additional to questions of exemptions, Modood argues, are demands for democratic participation, public resources and representation in key institutions, which require accommodation also. For Modood (2007), in the case of ethno-*religious* claims, if only exemptions are provided, this further marginalises minority groups from full societal accommodation. Moreover, no justification for such a bias is given, other than it appears that Kymlicka (1989, 1995) views the idea of a multi-religious state as *a priori* impossible. However, Modood (2007: 23-30) argues that a multi-religious state is not an impossibility at all. For instance, Germany and India are quasi-multi-establishment States, wherein the former has a number of fiscal and institutional means of supporting and working corporately with both the

Lutheran and Roman churches, whilst the latter co-opts several organised religions and their legal precepts.

For Modood (2010: 35), then, the practical implications of multiculturalism's normative intent are that the absolute and dogmatic separation of citizenship from religion is an obstacle to pluralistic equality and accommodation. However, Modood (2010) maintains that this is not as radical as it may appear, as *pure* secularism is not what exists in a Britain of an established church, nor in any democratic country. Whilst Britain may live under a hegemonic form of secularism, it is of a moderate kind that has historically accommodated organised religion, religious identities and conscience. This is evident in a number of constitutional arrangements with regard to schools, welfare provision, ministerial consultations with religious groups, inter-faith dialogues, and so forth. Such arrangements, Modood (2010) notes, are reflective of a particularly idiosyncratic British history, but it nevertheless remains the case that a moderate secularism is prevalent across all democracies to varying degrees, as opposed to the pure secularism of countries such as China and the former Soviet Union.

#### 7.4.3 Multicultural Liberalism

For Parekh (2012: 61), accommodating and, where appropriate, granting public recognition to minority identities, is foundational to multiculturalism. Whilst it is much misunderstood, and often wilfully misrepresented, multiculturalism at the policy level basically entails that, as a society's laws, institutions and practices are embedded within a particular mode of the conceptualisation and organisation of human life, to apply them in an uncritical and positivistic manner to those who comprehend and organise their lives differently frequently results in unjust and unequal treatment. Therefore, such culturally-significant differences, unless there are strict reasons to the contrary, should be taken account of, interpreted, and applied with due sensitivity. So, a Sikh may wear his turban to work, a Jewish defendant may take an oath on the Torah, adolescent Muslim girls are excused from wearing short skirts during sports, and so forth. When applying the relevant laws, Parekh (2012:61) argues that we may define

'reasonable' behaviour, 'provocation' or 'duress' in a way that considers minority patterns of thought and conduct. Also, school curricula could have a multicultural orientation and diverse content in order to inform pupils, and equip them with the capacity to understand and negotiate the variety in their society and the reality of the world around them. Major political institutions could be made more representative of the society's diversity, minorities could be consulted on policies, and they could also be allowed to assist in tackling their own problems, as well as those of the wider society.

Parekh (2012: 62) argues policies such as those above reduce marginalisation and conflict, and facilitate integration by nurturing networks of mutual support created by identity-based communities. However, there are boundaries to such policies, which must be emphasised when appropriate, as every State is held together by a common allegiance to the established structures of public authority. All citizens have an obligation to respect the laws and institutions of the State, unless it is unacceptably oppressive, and the State may justifiably disallow minority views and practices which, for instance, incite violence against fellow citizens, reinforce unequal power dynamics between genders, or privilege the interests and demands of an authority external to the State.

Liberal society, Parekh (2012: 62) argues, is premised on certain foundational values which contour its identity, and are subsequently cherished. Such values include personal autonomy, mutual respect for all of humanity, freedom of expression, and commitment to the democratic resolution of differences. As such, the liberal State may rightly demand that minority communities respect such values with regard to both the other members of their community, and those beyond it. In the same manner that the State respects their identities, so too should they respect those of the State, as it is those values that result in the accommodation of demands for minority cultural recognition, meaning that it would be both hypocritical and disrespectful to actively undermine them. As a result, Parekh (2012: 63) maintains that the liberal State may justifiably prohibit practices such as polygyny, forced marriage, genital

mutilation, the repressive treatment of women and children, racism and sectarianism, including within minority communities. For Parekh (2012: 63), in cases where an outright legal ban would be deemed unenforceable and unwise, then the State is entitled to use other means to discourage such practices, including “asking the communities themselves to put their house in order”.

#### 7.4.4 Liberal-Multicultural Thematic Interpretations of the FBVs

We shall now see how Liberal Multiculturalism’s *thematic interpretation* critique the present configuration of the social role of the FBVs as an accommodation of moral diversity within a nation-based institutional framework, and how they offer an alternative normative accommodation based upon their critiques. For instance, Parekh (2006, 2012) and Modood (2010) critique the interpretation of the boundaries of the FBVs adopted by thinkers such as Sleat (2013), and the influence that these boundaries have had on framing public policy discourse (e.g. Cameron, 2011; Spielman, 2018). In contrast, Schachar (2001) shares Waldron’s (2010) focus on the potential for the FBVs to be the basis for an accommodation moving forward.

#### 7.4.5 Parekh: National Values, and Liberal Hegemony

Although critics of multicultural policies are right to emphasise the importance of common values (e.g. Cattle, 2001, Cameron, 2011), Parekh (2012: 63) believes they are wrong to insist that a comprehensively-shared view of life, a strong national culture and a widely accepted national narrative tradition are also essential to the fostering of a common sense of belonging. A comprehensively-shared view of life entails a degree of homogeneity that is neither desirable nor possible in a liberal society, as personal ideals, conceptions of excellence, virtue and the good life all lie beyond common values, in that they display potentially-infinite degrees of variety. Even common values themselves are subject to interpretive variety, with conflict and disagreement between advocates of them. For Parekh (2012: 63), then, as there is no truly rational, unified solution to the resolution of conflicts of values, deeply endogenous and



exogenous moral differences will remain, thus barring a collectively-acceptable, comprehensive view of national life.

With respect to the idea of a shared view of national history (e.g. Spielman, 2018), Parekh (2012: 630) holds that a basic knowledge of a country's major events, and some consensus as to their broader significance, are important to sustain a sense of community. However, to go beyond this would be dangerous in the sense that historical events, like values, are subject to interpretive variety, with no single interpretation being deemed absolutely correct. Moreover, individual histories are simultaneously dark and glorious, and it is misguided to insist on one interpretation (e.g., the one about glory) and marginalise the other in the belief that only a sanitised and heroic national narrative can beget a thick sense of pride in community. It is misguided because such narratives are premised on false assumptions, violating the very values that the liberal society claims to uphold. False narratives are ultimately highly unlikely to be convincing to the populace, and only serve to further marginalise and alienate citizens from the civic body. For Parekh (2012), those wanting an artificially-heroic narrative are in a constant state of defensiveness, and they only cope with the dissent of people with rival interpretations by trying to stifle their expression. In this respect, Parekh (2012: 63) points as an example to the Cameron-led Conservative government's project of preparing an officially endorsed and imposed curriculum on British history, and it is with reference to the value of this that discussions of the pedagogical implementation of the FBVs often take place (e.g. Spielman, 2018).

For Parekh (2006), examples such as this highlight three common characteristics of liberalism that have served to restrict liberals in their efforts to formulate a cohesive and persuasive response to the accommodation of cultural and moral diversity. First is the inability of liberalism to appreciate the culturally-embedded nature of human beings: liberals tend to have a trans-cultural view of humanity, with people perceived as individual rational moral agents. While many liberals actually appreciate the deep ways in which culture shapes, structures,

reconstitutes and channels human desires and capacities, they nevertheless still remain deeply committed to the views of thinkers such as Hobbes (1651), Locke (1689) and Mill (1859, 1861), who claimed that human beings are naturally endowed with wants, needs and capacities, and social life is the means by which they realise these or develop and add new ones. Parekh (2006) argues that this is a flawed reading of the relationship between the individual and culture. Although individual people are not *fully determined* by their cultures (so they are able to take a critical view of them by appreciating and learning from others), they are nevertheless not transcendental beings that are contingently and externally related to those cultures either. Culture shapes people in myriad ways, forming individuals into particular types of personality via the cultivation of certain attachments, affections and moral and psychological dispositions, along with certain types of reasoning processes. Instead of being a purely formal and culturally-neutral being, the human capacity for autonomy is structured in certain ways that function within a flexible yet pre-determined limit. Thus, people define and assess options in ways that are highly culturally specific. In short, liberals cannot expect culture to be subordinated to a transcultural conception of human capacity (Parekh, 2006: 109-111).

The second restrictive characteristic of liberalism is the tendency for liberals, either overtly or covertly, to take an absolutist view of their own political philosophy. This comes via the persistent reflex of making it the central frame of reference by which all other models of State are measured. Thus, it is common to divide all ways of life into liberal and non-liberal, with any form of the latter being viewed as *illiberal*. Talk of tolerating rather than respecting non-liberal perspectives betrays the limited view of pluralism that liberals embrace. Parekh (2006) illustrates this point with an analogy: if someone was to divide all religions into a Christianity/non-Christianity binary, and then was to equate the latter with anti-Christianity, this would be a jump in logic that betrays a lack of respect for anyone with a different religious perspective. Consequently, if liberals are to do justice to the reality of moral and cultural pluralism, then the crude binary between liberalism and non-liberalism needs to be jettisoned along with the absolutist conception of liberalism that is their central point of reference. This, in

turn, requires the acceptance of the full flow of moral and cultural plurality and the acknowledgement that the good life can be lived in any number of ways, where aspects of some visions of the good life might be argued to be better than aspects of others with regard to any particular criterion of judgement, but no one outlook is unquestionably the best. While this would put paid to absolutism, it would not relativize liberal outlooks and practices, but rather enhance their critical faculties and generate deeper sympathy and empathy for ways of life that are currently regarded only with grudging tolerance. These ways of life could become true conversational partners (Parekh, 2006: 109-111).

A third problematic characteristic of liberalism can be seen when we look at liberal discussions of how to respond to and treat so-called non-liberal ways of life. Here, liberal thinkers tend to adopt one of two strategies. The first is the tendency to confront non-liberals with a full-blooded or 'pure' reading of liberalism that indicts the accused for failing to measure up to such standards (e.g. Cameron, 2011; Spielman, 2018). The second strategy is that of a deontological liberalism, where liberal principles are scaled back to a 'minimal content', thus making tolerance of non-liberal cultures dependent on their acceptance of that minimum, such as we find with the 2014 FBVs intervention. The first strategy, for Parekh (2006), is a circular chauvinism that is ultimately emotivistic, incoherent and violent; and, while the second is more conciliatory, it is likewise flawed. If the minimum that is expected by the liberal is conformity to rules that are still essentially liberal in nature, then this cannot be seen as morally binding, as it would represent a transgression of the very individual autonomy that liberalism is supposed to protect. If this liberal minimum is regarded as universally binding anyway, then there is nothing particularly liberal about it. In short, there is the need to rise to a higher level of abstraction, and also undertake a more historical reading of the Enlightenment than has so far been achieved by liberals: liberals need a deeper understanding of their own historically-inherited cultural character and outlook (Parekh, 2006: 109-111).

For Parekh (2012: 64), multiculturalism is not just a matter of policy preference, but an inescapable fact of modern life with much to be said for it: mainly, that it encourages mutual respect by guarding against overly oppressive conceptions of solidarity. This said, it requires a sense of common belonging, which locates the differences of its members within a broader framework. Differences are not always easy to live with, stretching both patience and tolerance, and may cause panic if a society's sense of belonging is neither confident nor robust enough to withstand and draw strength from such differences. The public recognition and accommodation of cultural differences *and* a sense of common belonging are both important, but neither can be favoured at the expense of the other. This, Parekh (2012: 64) maintains, raises the question of how to garner a sense of belonging in a multicultural society, and given that this is an issue more often than not targeted at immigrants, it should involve reciprocity. The receiving society should demonstrate, in theory and practice, that it welcomes immigrants and is willing to accept them as full citizens. Likewise, immigrants should demonstrate their desire to belong to the society, and show they can be trusted to discharge the full range of responsibilities and obligations that their acceptance involves.

#### 7.4.6 Modood: Legal Positivism

With respect to the public reaction to Williams's (2008) lecture on the relationship between civil and religious law, Modood (2010: 36) holds that, to avoid discussing and conceding what is reasonable on the basis that someone else may later demand something unreasonable, is irrational. This is because it homogenises and marginalises an entire group or community (in this case Muslims), and although some group members may make unreasonable demands, this does not provide grounds for the wholesale dismissal of all claims. Rather, it raises the fundamental issue of perpetually negotiating the boundaries between what are acceptable and unacceptable claims at any particular time and place. An overriding principle in this respect would be to critically assess each proposal on its own merits, with the benefit being that, by discussing and implementing proposals on a gradual basis, their practical effects can be monitored and lessons learned. For Modood (2010: 37), this flows from the normative ideal

of multiculturalism via “the imperative to seek the inclusion of marginal groups through dialogue, a commitment to seek mutual understanding and find accommodation”. This has broader philosophical implications, as it strives to avoid the construction of idealised binaries of secular and religious laws as rival, inflexible and exclusive systems, but to ascertain the commonality of both at the level of principle, and find the capacity for co-existence. To do the opposite is what Modood (2010: 37) describes as “legal positivism”.

Modood (2010: 37) maintains that legal positivists read principles, traditions and systems of thought and practice as self-evident, in that once learned, all that is required is their application in a legalistic manner to any particular situation. However, Modood (2010) continues that the tradition of legal reasoning itself shows that laws are anything but self-evident, as demonstrated by the existence of vast legal libraries containing any number of commentaries, interpretations and analyses, alongside an ever-expanding number of cases setting legal precedents. As such, interpretation and sensitivity to context are always essential to the application of rules and laws to specific cases. Comprehending a given rule is dependent upon reading about it alongside other rules and principles, which serve to illuminate and qualify the rule in focus. Such rules and laws are not self-evident, but rather they provoke an interrogation, which requires critical engagement. If a situation that calls for the application of a rule is to be understood, then a capacity must exist for the identification of that which is similar to all or any other of the cases to which the rule is applied; and what is new and distinctive about the context needs to be identified, as it is this that may require the interrogation or adjustment of a relevant corpus of rules and principles. To undertake such an interrogation is to critically question the texts, alongside the extension of the structure of theory and practice emanating from them. For Modood (2010: 37), the conclusion of such a process may involve more than just a reflection on a new case, in that it may shed light on new understandings of the interrelations, ambivalences and contradictions of the principles involved, even possibly involving the reinterpretation of things that were considered settled.

As such, some principles may be granted sharper definition, or be loosened to broaden the scope of their application, with implications for other cases and questions of behaviour.

## 7.5 FBVs as a Theological Accommodation in Christianity and Islam

Now we can move to the third of the three contexts of meaning that I have chosen to explore.

In order to illustrate how two different religious traditions, Christianity and Islam, may form a *context of meaning* which propels *thematic interpretations* of the FBVs, I want to discuss ideas central to the normative political theory and jurisprudence within those traditions. These ideas have implications for how we see the institutional preconditions for practical discourse and the accommodation and critique of moral diversity. First, with respect to Christianity, I will discuss how the idea of The Fall of Adam (Genesis 3), also known as *lapsarianism*, has shaped two differing, but nevertheless influential, understandings of political association, governance and jurisprudence in the thought of Augustine (426) and Aquinas (1485). Second, I will discuss the concept of *Siyasa Shari'yya*, or 'Islamic governance', in the work of Wael B. Hallaq (2013).

I am mindful here of the danger of homogenising two highly diverse interpretive traditions. Clearly, it will not be relevant to cover the whole gamut of theology, and I will necessarily be quite selective in choosing ideas to focus on that create a relevant context of meaning for interpreting the FBVs. With respect to Christianity, I will focus on ideas that have converged in the mainstream of Protestant and Roman Catholic theology, and which shape the Anglican tradition. With regard to Islam, in Chapter One, I discussed how El Fadl (2005) characterised the modern vacuum of legal authority in Islamic jurisprudence, and the problem of who speaks for the tradition. Following this insight, I will focus on the work of Hallaq (e.g. 2001, 2004, 2009a,b, 2012, 2018, 2019) because of his present standing as a widely cited author on pre-colonial Islamic jurisprudence, the shared philosophical heritage between this jurisprudence and Western thought, and the metaphysical relation between pre-colonial Islamic jurisprudence and liberal modes of political association and law.

### 7.5.1 Contexts of Meaning

### 7.5.2 Lapsarianism in Christian Political Theory

The biblical narrative of the Fall holds a foundational position within the more traditional Christian political theory that has shaped the Anglican tradition. The Fall has been construed either as a justification for the necessity of coercive government (human beings exhibit intrinsically-evil characteristics alongside good ones, and these need to be controlled, regardless of the desires of citizens), or as a determining factor regarding what is considered possible in human governance. However, for Cavanaugh (2017: 475-476), such emphases must not be read as Christian pessimism regarding human nature, which has subsequently been overcome by Enlightenment philosophies. Instead, traditional Christian political theory takes the primary referent for human nature as the *pre-Fall* situation, in that human nature consists of the capacities for good instilled by God at creation, and only later did evil enter people's hearts at the moment of the Fall.

Augustine (426), in *The City of God*, argues that humans were originally fully social by nature, but became quarrelsome by perversion, and that a distinction between nature and the perversion of that nature is crucial for the Christian tradition as a whole. The Fall guides us in how we *ought* to be, while we reflect on what we have become through human choice and agency. This is not merely a justification for the necessity of coercive governance due to the inherent evil lurking in the human soul: it is also a call for personal self-reflection and corrective action. It is a lesson on how humans ought to be, providing the *telos* (purpose) to human life, founded upon how humans *really* are in the manner in which they were first created by God. So, while human coercive government was instituted by God, it was nevertheless unnatural, and a divine response to human sin (Cavanaugh, 2017: 476).

Subjection of one person to another comes about as a result of sin, for in nature, a human being is neither a slave to another human being, or indeed to sin. Nature, in this sense, refers to the *pre-Fall* condition of humanity created in a condition of natural freedom. Sin, and the necessity of coercive governments to mitigate its effects, is not a natural condition of human

life. The Fall brings into relief the non-foundational and unnatural condition of evil by providing a normative framework for conceiving of history and governance: if the way things appear to be is not how things are meant to be, then there is the hope that they may be radically changed via human association. Thus, human coercive power was not embedded in claims regarding human nature, but was utterly dependent on the will of God as a remedy for sin, deemed necessary as a result of the damage done by the Fall to the natural sociability of human beings (Cavanaugh, 2017: 476).

For Aquinas (1485), meanwhile, the origins of human governance were taken as existing prior to the Fall. Referring to the discussion of the human exercise of power in Augustine (426), Aquinas (1485) argued that this may be understood in two ways. First, as slavery, which could not have existed in the pre-Fall state, as it denotes subjugation of the will and freedom, and the infliction of pain. Second, as the direction of a person towards their proper welfare, or to the common good, which is more proper to the state of innocence. Man is naturally a sociable being, and a truly social life is dependent on the governance of one over many to care for the common good. For Aquinas (1485), this can only be justified if it could be employed for the benefit of others via an adoption of the Aristotelian idea that each formulation of human community, from the *polis* to the *oikos*, is replete with its own *telos* that contributes to human flourishing. Thus, political community is natural in that it corresponds to the created, or *intended*, end of human life, which translates as life together with others, and with God.

However, Aquinas (1485) believed that, if civil laws conform to natural law, free individuals may still transgress both kinds of law as a result of the damage to their natures due to original sin. In their pre-Fall state, humans were possessed of natural powers to do good in accordance with acquired virtue. It was possible to fulfil the commandments without divine grace, despite still needing the infused virtues to perform such works with charity. Following the Fall, given that human nature was not entirely corrupted by sin, we are still able to enact association as a result of our natural endowments, yet we are unable to do all the good that is natural to



humans. Adam retains natural powers of reason, will and passions, yet their proper functioning is impaired owing to the Fall, so the will and the passions are unable to be properly subordinated to reason without a special healing grace. Grace is required, not only to transcend works of nature so they become works of supernatural virtue, but also to heal a nature which has been corrupted from its natural state. In the fallen state, then, government is needed to make men good, and this task cannot be achieved without powers to coerce.

A fundamental division between Augustine (426) and Aquinas (1485) is with respect to the different values that each attaches to the connection of citizens to the common good. For Aquinas (1485), attachment to the common good of political society is seen as one of the most important contributions that political authority makes to a virtuous life, and it is in this way that Weithman (1992) believes Aquinas (1485) differs substantially from Augustine (426). This is because Augustine (426) denies that an attachment to the common good of a political society, such as earthly peace and national glory, constitutes virtue at all, believing instead that meaningful bonds of friendship are unable to develop in a political society.

Despite this difference, there remains an important continuity between Augustine (426) and Aquinas (1485): for both thinkers, human government only becomes coercive after the Fall. The Fall in Christian thought, then, comprises the division between two kinds of nature. First, in its integrity, as it was in our original parent before sin; and second, as it is corrupted in us after the sin of our original parent. For Cavanaugh (2017: 478-479), reflecting on our pre-Fall nature reveals a normativity to the institutional preconditions for practical discourse, meaning the present disabilities of human nature are not simply inevitable or unfixable.

### 7.5.3 Islam and the Primacy of the Community

Despite the shared intellectual influence of Aristotle on Islamic and Christian conceptions of political association, Hallaq (2013: 49) tells us that Islamic governance is premised upon dramatically different moral, legal, political, social and metaphysical assumptions to those which sustain the modern liberal democratic nation-State. In Islam, it is the Community

(*Umma*) that takes the place of the nation in the case of the modern State. The Community can be seen as an abstract idea and/or its concrete realisation, yet both are governed by the same moral edicts.

In abstract form, the Community is a political formation brought into relief via moral-legal concepts, and generally speaking, in whichever territory the Sharia is applied as the paradigmatic law, then it is deemed an Islamic domain, or *Dar al-Islam*. Wherever the Sharia doesn't occupy paradigmatic status, then it is demoted to an inferior, secondary status, or *Dar al-Harb*, in a territory governed by non-believers. Islamic law, for Hallaq (2013: 49), is a set of moral principles sustained via legal concepts, and the boundaries and defining of the Community is the Sharia. Islam stands or falls on the Sharia.

So, whereas the nation-State is an end in and of itself (that is, metaphysically, the ultimate foundation of sovereign will), the Community and its individual members are a means to a greater end. This carries the implication that the Community is in possession of neither sovereignty nor an autonomous legal and political will, in the way that a modern liberal State can be said to have a will, because the ultimate sovereign is God, and God alone. Yet the Community as a whole, via representation by its chief jurists, does have the power of decision, which is at the centre of the doctrine of consensus (*ijma*). However, this power is an interpretive one that is bounded by general moral principles that transcend the Community's influence.

For Hallaq (2013: 66), the sovereign will of the modern liberal State, however, is represented by its own legal will, and thus enabled in the State's law. There is no modern liberal nation-State that does not have *its own law*; whereas, in constitutional terms, the classical Muslim ruler was without an independent sovereign will, as represented by their own law. Instead, they were duty-bound to enforce the Sharia that was not of their own making, and, in a world where numerous dynasties existed simultaneously in Muslim lands, all rulers were required to

apply the Sharia. As such, the Sharia, being extra-territorial, served as the common law of these dynasties and empires.

Via the doctrine of *siyasa Shari'yya* (Islamic governance), the Sharia charged rulers to manage worldly affairs, and to uphold the Sharia domain on behalf of the Prophet. Hallaq (2013: 66) contends that this translates into observing the norms of Sharia, which in turn entails the maintenance of the Community's interests. All Muslims and protected non-Muslims living in *dar al-Islam* were taken to be bound within a permanent contractual bond with the ruling dynasty, whose terms included civil order and the protection of public safety. Any attack on the rights of the Community via the ruler were viewed as an attack on the Muslim polity as a whole, and the bond established between the ruler and the Community. This undermined the authority and the legitimacy of the ruler, and the Community was subsequently duty-bound to re-establish it. Thus, the executive stood in a direct face-to-face contractual relation to the Community, but it was a relation that was constitutionally defined solely by the Sharia, and the juristic class. *Siyasa Shari'yya*, then, involves the exercise of Sharia wisdom, and prudence on a fundamental level exercised by a sovereign charged with the safekeeping of Sharia's subjects. This ensured that a line of communication was maintained between the tax-paying subjects and the sovereign via intermediary figures such as *qadis* (judges) and *muftis* (legal scholars) who represented local interests, which affected their own individual social, economic and moral networks (Hallaq, 2013: 69-70).

As a world civilisation, Hallaq (2013: 70) believes Islam developed a historically-grounded, paradigmatic, moral-legal ethic that defined its identity. To be a Muslim today is to be connected with a Sharia-defined ethic in a fundamental way, as it is this ethic that shapes what Islam has been, is now, and shall be going forward. For Hallaq (2013: 70), the formation of Muslim identity, then, entails the primacy of Sharia as the overriding ethic of human behaviour, and without that ethic there is no Muslim identity. Insofar as the modern Western liberal democratic State and its citizens are the product of a historically-determined

phenomenon, likewise the Muslim identity of the present day is historically and metaphysically entwined with a particular moral-legal ethic determined by the primacy of the Sharia.

Additionally, in the history and identity that the Sharia generated, one can see the expression of God's sovereignty, and this knowledge permeates the fabric of Muslim life, from social norms to political governance.

This concept of God's sovereignty in Islam, Hallaq (2013: 71) believes, shaped a particular paradigm of separation of powers, in that the 'legislative' power was staffed by private jurists who lived in and with society, embedded in its communities. As private, unpaid scholars, they constructed the law, and were its trustees by virtue of their piety, knowledge and moral character. Thus, the Sharia was more sympathetic to those with lower social standing, such as the poor, the orphaned, etc., than to the upper levels of society who have power. As such, Hallaq (2013: 71) maintains that the jurists and the Sharia represented the populace to the ruling class just as effectively as any known system of representation in modern Western liberal theory (e.g., trade unions). There are two reasons for this: first, the jurists represented their communities in the same manner that an elected representative speaks for their constituency; and second, the substantive law of the Sharia was more suited to the support of the lower social classes than the law of the modern liberal State. As the unchallenged law of the land, the law itself spoke on behalf of the weak and the dispossessed, providing them, via the juristic class, with extensive legal and political representation in instances when they otherwise would be bereft of both. Moreover, Hallaq (2013: 72) talks about how Islamic governance, by degrees, separated the executive power from the legislative, rendering the primacy of the latter over and above the former; that is, when it came to conflicts between the supreme moral law (Sharia) and civic law-making, the former came to dominate.

#### 7.5.4 Thematic Interpretations of FBVs as a Theological Accommodation

I now turn attention to how theological *thematic interpretations* critique the present configuration of the social role of the FBVs as an accommodation of moral diversity within a

nation-based institutional framework, and how they offer alternative normative accommodations based upon that critique. First, we will explore the Christian interpretations of Williams (2008) and Milbank (2010), before we then review the Islamic interpretations of Hallaq (2013) and Nimni (2014). For instance, both Williams (2008) and Nimni (2014) hold a generally optimistic interpretation of the FBVs as generating the institutional means for practical discourse in relation to their respective traditions, whilst Milbank (2010) and Hallaq (2013) remain sceptical in this regard.

#### 7.5.5 Christianity and FBVs: Williams and Milbank

For Williams (2008: 295), if the law of the land fails to take account of what might be seen by certain agents as the appropriate rationale for conduct – such as protest against particular unforeseen professional requirements, which may compromise a belief enshrined in a religious law – then it significantly fails to *communicate* with someone involved in the legal process. It is also a problematic framework for the legal category of citizenship, as it risks undermining the legitimacy of the principle of liberal pluralism by refusing an individual the right to speak in their own voice.

There are two implications for the larger theoretical and practical issue of living under more than one jurisdiction. One is how existing courts function, and the weight accorded to various issues. Another concerns legitimate claims that the law of the land ought to accommodate individuals on the grounds of their religious identity in order that they can fulfil their religious duties. Here, a number of difficulties are usually raised, and Williams (2008: 296) highlights three. First, there is the need for an expanded, recognised and shared structural means of determining whether commands are issuing from a serious religious legality, or are merely the product of purely-cultural habits. Examples include the consumption of alcohol and forced marriage, where a determination of the origins of these practices needs to be made. Second, a difficulty is encountered when the exercising of a supplementary religious legal framework may deprive the community member of rights legally recognised by the State, such as

women's rights in divorce cases. Third, there is the issue of religious freedom. The latter two involve what Schachar (2001: 3) refers to as *the paradox of multicultural vulnerability*: a concern that the accommodation of different cultures can clash with the protection of certain members' rights of citizenship. The obligations and rights entailed in membership of a religious *nomoi* group (a Greek term for a group embracing a particular law or set of laws) can paradoxically reduce the rights that an individual would otherwise enjoy as a result of their status as a citizen. The question is not only whether there should be a higher degree of attention to religious identity and communal rights in the practice of the law, but also whether certain legal functions should be delegated to the religious courts of a community.

For Williams (2008: 298), such issues have gravity with regard to interfaith relations, integration, human rights and the treatment of minorities, whilst also illustrating how citizenship entails the recognition of overlapping sets of social relations. Viewing citizenship in such a way generates a framework for the consideration of difficult questions like the above, yet recognising a supplementary jurisdiction cannot just translate as the wholesale handover of legal authority to a minority community, as this could cause further tensions if the majority community perceives a minority as having special favours. As such, Williams (2008: 298) holds that, if we are to move away from a model that treats one jurisdiction (whether associated with the minority or majority community) as having a monopoly on socially-defining roles and relations, then we need a critical approach that can overcome the liberal ultimatum of "either your culture or your rights" (Schachar, 2001: 114).

Enormous advances in human rights risk being undermined by misconceptions regarding legal universality, which reduce the status of a person to nothing more than the possessor of a set of abstract rights. The law's function cannot be solely to serve to secure those rights without regard for the customs and consciences of the groups that comprise a modern plural society. Williams (2008: 302) suggests that Schachar's (2001, 2010) work opens new possibilities: in 'transformative accommodation', individuals are at liberty to decide which jurisdiction they

want to adjudicate in a given matter of legal concern. Schachar (2001: 122) argues that this forces “power-holders... to compete for the loyalty of their shared constituents”. Areas of law where there could be a choice of jurisdiction could include marriage, financial transactions, conflict resolution and mediation, which are the main areas where supplementary jurisdictions have been tested with native communities in Canada. Within such schemes, the various stakeholders may be required to critically assess the ways in which they operate, so inflexible or overly restrictive applications of traditional law do not alienate the minority community. Likewise, a universalist Enlightenment conception of law is called to weigh the possible outcomes of ghettoization and the disenfranchisement of a minority against the cost to overall social cohesion. Hence the term *transformative* accommodation, in that both parties are liable to be changed via their encounter over time, thereby potentially avoiding a sterility of mutually exclusive monopolies.

For Williams (2008: 302), it remains uncomfortably true that his suggestions regarding transformative accommodation entail a ‘market’ element with respect to supplementary jurisdictions: people are free to choose the system in which they will be judged. However, if what we desire in our society is a pattern of relations in which a plurality of drivers and overlapping affiliations work for the common good, and where minority groups with serious and profound convictions are not systematically faced with the grim binary of State versus cultural loyalty, then, for Williams (2008: 302), this ‘market’ element seems somewhat unavoidable.

Writing in response to Williams’s (2008) lecture, Milbank (2010: 135-137) believes that the rights of religious groups can only be defended in a theological context. According to Milbank, Williams (2008) misses the point that liberalism is fundamentally atomistic, in the sense that liberal recognition of group identity must always logically give way to the priority of individual rights. Moreover, he says that Williams’s endorsement of Schachar’s (2001) multicultural theory serves to partially, yet erroneously, conflate two distinct conceptions of pluralism: first,

a form of historic, corporatist, organicist pluralism; and second, a postmodern-liberal, multicultural pluralism.

Milbank (2010) argues that the first conception of pluralism emerged in Western 'corporatism' during the high medieval period of Christendom, and it refers to the development in Western Europe of a multitude of free associations, and sophisticated networks of varying jurisdictions. This was due to the construal of European Christendom as a "corporation of corporations", which worked with the subsidiary and mutually-balancing powers of smaller organic bodies, which conceived of themselves as interconnected parts of the greater whole that was 'the Body of Christ'. For this to function, an increasingly sophisticated conception of constitutionalism was required throughout Europe, with famous expressions including the Magna Carta and the growth of parliaments, which Milbank (2010: 140) maintains must be viewed as an outcome of a Catholic ethos where rights were accorded to corporate bodies, and then only to individuals with respect to their function within the social whole. So, with respect to the corporatist model of pluralism, Milbank (2010: 141) suggests that the parallel jurisdictions discussed in Williams's (2008) lecture do not bring civil and religious courts into competition, as such institutions concern the same people in different roles. Whilst local and temporary conflicts of jurisdiction will arise, and need to be adjudicated by a higher court, this is not tantamount to an enduring *clash* of jurisdictions, as the functions of civil and ecclesiastical courts will still be organically co-ordinated within the overriding norms, or common rights of Christendom.

The second, postmodern-liberal conception of pluralism is found in the works of thinkers such as Parekh (2000, 2005) and Schachar (2001). According to Milbank (2010), these authors attempt to make social groups prior to political unity in a manner that implicitly buys into a Hobbesian (1651) model of absolute sovereignty, whereby a central power is perennially required to adjudicate between the warring desires of individuals. For Milbank (2010: 144), a liberalism without any notion of human dignity beyond respect for negative liberty (freedom



from interference by other people) and the pursuit of material happiness, eventually implodes: this is because of its inability to view group rights as equal or superior to individual rights, so it ironically ends with restrictions on group rights, which also imply restrictions of the freedom of the individuals within them.

Thus, Milbank (2010: 145) claims that liberal, multicultural conceptions of pluralism will never be able to accommodate group rights and jurisdictions, so some kind of organicist, corporatist pluralism must be deployed. Indeed, if the West is to posit a society and politics founded upon the idea that the individual person, or the characterised group viewed as a collective 'personality', is of infinite worth that is equal to the whole, as opposed to an atomised isolated whole, then this also presupposes a cosmically-organic, yet specific, 'personality'. That is, it presupposes a universal standard definition of the term, because persons are constituted via reciprocal relations and exchanges that entail both delay and asymmetry premised on trust, as opposed to formal contract. These seek to perennially re-establish mutual recognition within the range of interlocking, overlapping, and organically embedded social groups. In other words, the whole (societal system) provides an enabling and constraining context for continual communication and the adjustment of relationships between the parts (groups and individuals).

Yet the refusal of postmodern, liberal writers on multiculturalism to appeal to transcendence means that we are left with a tradition of critique that nihilistically distrusts the reality of the societal context as much as it validly distrusts human institutions. However, Milbank (2010: 156) believes that a Christian corporatism, where neither individualism nor Statist holism is prevalent, can sustain a Europe that is simultaneously critical of both established authority and a malign, perennial critique which takes every positive assertion as an unwarranted intrusion upon liberty. Moreover, with respect to the fetishization of negative liberty, Milbank (2010: 156) argues we need to oppose it in order to resist the current liberal madness for which the

proof of liberty “supposedly requires the ceaseless destruction of the random results of precisely that positive free expression which liberalism also endorses”.

#### 7.5.6 Islam and FBVs: Hallaq and Nimni

Hallaq (2013: 37-73) believes that the separation of powers in liberal democracies is a myth; in actuality, the rule of law means the will of the State. For, if the sovereign will is a phenomenon generated by history, and if its expression is the law, then the liberal State is the structural and metaphysical embodiment of that law. In order for law to fulfil its natural aim of representing the sovereign will, it must be supported by coercion. Moreover, the sovereign will’s manifestation in law and State is not independent of the culture that produced it. As such, the State both produces and possesses its own community, and the State’s will operates upon its own culture, meaning that its politics, law and society are constitutive, not of independent branches of power, but of a tightly-bound unity. Law is thus an integrated facet of the wider political context. The internal structural unity of the liberal State entails the omnipresence of the sovereign will through law, and thus the distribution crosses, not only the life project of every individual citizen, but also any institutional body comprising the State. Law, therefore, is a normative order vertically and horizontally pervasive throughout every aspect of the liberal State, and the communities it produces and possesses.

For Hallaq (2013), liberal jurisprudence is historically, substantively and conceptually, thoroughly Euro-American. This does not mean that it has not or cannot adapt to this ever-changing world. However, none of the changes from the 18<sup>th</sup> century onwards, and none of the more permanent structures of liberal democracy, have ever proven themselves to be compatible with even the basic requisites of Islamic governance. Also, instead of rendering the State more compatible, recent events such as globalisation have, in fact, exacerbated this incompatibility, which is essentially a moral one (Hallaq, 2013: 155-156). As such, any attempt at a *transformative* accommodation is likely to end with a winner and a loser.

The incompatibility is moral because Islamic governance cannot permit any sovereign will other than that of God. No calculation can override the moral dictate of divine law binding Islamic governance to a sovereign will that is external and higher than the governance itself, whereas liberalism is representative of an inner dialectic of self-constitution. The true, ultimate meaning of Islamic jurisprudence is in the fact that God is the ultimate source of moral authority. Liberalism relies on a separation of powers to branch executives that can ultimately reform or override any source of moral authority, and given that such a structure is so deeply embedded into liberal jurisprudence, this is incompatible with any Islamic form of governance. Also, civil law resides in, and is engaged with, a preeminent world of material fact, whereby its ultimate aim is the pursuit of profit. Islamic law, on the other hand, resides in a world where its subjects are subordinated to a transcendental moral imperative. This poses a problem: were Muslims to organise their lives in social and economic terms, then this would mean bending to the liberal State and the world that it has produced. So, Muslims in Western societies are faced with a choice between compromising the will of God or asking liberal jurisprudence to recognise the Islamic model of governance and its legitimacy – especially with regard to its conception of polity, law and, most importantly, morality (and the political demands that flow from it, given that morality is what should inform politics). Recognition of Islamic jurisprudence by liberal societies is clearly the best course of action, given this choice (Hallaq, 2013: 156 – 162).

Nimni (2014: 201) holds that any principle, secular or religious, of “difference-blind equality defaults in the dominant practice and excludes and alienates minorities”. The three Abrahamic religions have all developed explanations of human rights that are grounded in religious texts and long traditions of jurisprudence. Moreover, they often appeal to both historical praxis and interpretation to establish their normative justifications (e.g. Afsaruddin 2008: 57). As such, the exclusion of religious justifications of human rights enshrined in liberal jurisprudence undermines the acceptance of those rights by faith communities. Yet, whilst the United States, France and many other Western liberal democracies have explicit constitutional means for the

separation of State and religion, the UK has no such separation. For instance, the Head of State, the monarch, is the Supreme Governor of the Church of England, and the State subsequently supports that particular faith. As such, when it was a member, it was one of only three religious democracies in the European Union, with the other two being Denmark and Greece. Nimni (2014: 202) maintains that religious democracies support a particular tradition, and, whilst it may vary from case to case, religious values inevitably influence the political configuration of the State.

For Nimni (2014: 206), then, the UK lacks the militant secularism and positivistic reading of the Enlightenment that Hallaq (2013) believes characterise French republicanism and US libertarianism. The latter constitutionally inhibit the provision of any potential autonomy of religious courts in France and the USA. Instead, for Nimni (2014: 206), the UK arrangement serves to facilitate the acceptance of a limited autonomy on matters of religious priority to minority communities. This form of religious pluralism, then, encourages the integration and loyalty of minority religious communities, as members are able to find existing State mechanisms for their preferred identity and ways of life. This is in contrast to the secularist models of France and the US, which, contra to their egalitarian ideals, are more likely to increase the sense of alienation in minority communities. For Nimni (2014: 210), the tradition of granting limited autonomy to religious courts within the UK justifies Williams's (2008) request for the integration of Sharia law into English civil law, under the banner of *transformative accommodation*. This is because any jurisprudential procedure or accommodation of the autonomy of Jewish and Islamic religious courts in Western liberal democracies will further aid the integration of minority communities. Moreover, it will necessarily have an impact on the wider community by ameliorating marginalisation and conflict via the fostering of political virtues of dialogue, compromise and integration.

## 7.6 Thematic Debate

A *thematic debate* will now critically assess each interpretation, along with the normative claims about how the FBVs might accommodate moral diversity within a liberal institutional framework. This debate will be unfolded in light of the ability of the interpretations to successfully navigate Vickers's (1983) dialectic of enablement and constraint, which characterises institutional life, generates the methodological principles of accommodation and critique, binds them within Fuenmayor's (1990a,b) principle of *essential recursion*, whilst retaining Rose's (1995: 116) phenomenology of the broken middle, law and its task of working towards a "good enough justice". I will discuss each interpretation in turn, before reflecting on the wider social role of the FBVs that emerges when they are viewed together.

### 7.6.1 FBVs as a Liberal Realist Accommodation

In the interpretation of the FBVs as the institutional preconditions for practical discourse found in both Hobbes (1651) and Oakeshott (1975a,b), we find the liberal realist priority of the separation of morality and politics, and the maintenance of a stable and secure civil order worked out with sophistication. It is cognisant of its own artifice, yet posits a theory of representation whereby power is limited through the concept of authority, and distributed in a way that aims to enable the accommodation of moral diversity at the broadest level. For instance, Waldron's (2010) discussion of the accommodation of religious law emphasises the value of such an arrangement, in that it illustrates the ways in which potential accommodations may be enabled, and in a manner that retains the freedom of the accommodating society to critique such arrangements. This is done by illustrating how enabling such accommodations of religious law may in fact serve to constrain the broader rights afforded to the individuals in question by virtue of their citizenship. Thus, Waldron (2010) is sensitive to the dialectic of enablement and constraint (which generates accommodation and critique as methodological principles) in his argument that any such accommodation is a matter for the wider society to discuss critically, and decide upon accordingly. Indeed, this was also an argument made by Williams (2008), via his reading of

Schachar's (2001) multicultural theory, and it has further echoes in the work of Parekh (2000, 2006, 2012). Waldron's (2010) position on the FBVs demonstrates a high degree of reflexivity, and even suggests that the *transformative accommodation* posited by Williams (2008) is an inherent characteristic of jurisprudence, as it constantly adapts to accommodate the requirements of its citizens.

Sleat's (2013, 2018) arguments are honest and up-front regarding the prioritisation of political order and stability over and above the accommodation of moral diversity. This is worked out in his discussion of the need to maintain a moderate liberal hegemony via a transformative approach to education, and a 'transformative constitutionalism' more generally (Macedo, 1995). Sleat (2013) illustrates the potential for the erosion of a liberal hegemony via an enablement of the *uncritical* accommodation of moral diversity. In this case, law has a normative function, in that it becomes the 'weapon of the stronger' deployed by a 'restrained master', and the task of this master is to distinguish between the enablement of 'passive' enemies of the State (i.e., those who disagree with the liberal order, but don't actively seek to undermine it) and the constraint of 'active' ones. Moreover, Sleat (2013) is right to argue that this ultimately means we are at the mercy of the individual character of those masters, and we have no choice but to rely on their ability to tell the difference between 'passive' and 'active' enemies. We must therefore play an active role in our political culture, test the moral character of our leaders, and ensure that processes of accountability work effectively.

My own reflection on this is as follows. One cannot help feeling that Sleat's (2013) argument is the result of liberal realism's own excesses, rather than the excesses of those theories (such as liberal multiculturalism) that Sleat criticises. It would be naïve to think that societies, groups and individuals are without enemies, whether passive or active, and there is an uncomfortable truth that integrity in the process of differentiating between the former and the latter is dependent upon the individual moral character of leaders, but this seems as much an

argument *against* the separation of morality from politics, as opposed to being a defence of it. In which case, this hardly seems to be a realist insight.

The liberal realist argument also includes advocacy of a transformative approach to education as a means by which the liberal hegemony can be preserved, and this sits alongside the function of law as the 'weapon of the stronger' in dealing with 'passive' and 'active' enemies. Oakeshott's (1975a,b) recognition of the ultimately transcendental and *moral* nature of myth in the generation of nation-based interpretations of political values is pertinent here, and Sleat (2013, 2018) might possibly pay more attention to the questions this raises, rather than focus on the discussion of weapons and enemies.

For instance, the liberal realist interpretation of the FBVs argues for an investment in the moral character of its citizens, and makes moral distinctions between enemies, yet all in the name maintaining the order and stability of an autonomous political domain separated from that of morality, and watched over by the sovereign as a 'restrained master'. In this sense, it would seem that liberal realism merely trades 'neo-Kantian' excess (i.e., excessive faith in the power of reason) for a neo-Hobbesian one (i.e., reliance on a benevolent but still coercive master) (Geuss, 2008). This is unfortunate as Sleat (2013) recognises the need to navigate between the enablements and constraints that arise from accommodating and critiquing moral diversity. Indeed, the slippage into excessive Hobbesian thinking lends legitimacy to Rose's (1993, 1995) critique of post-structuralist theory (the latter being seen by her as a manifestation of liberal relativism), where power comes to be viewed as all-pervasive. An embrace of the power of the benevolent leader, paired with theorising that sees power as ubiquitous, can do little other than breed a deep distrust of the institutional structures of liberal societies among citizens (Milbank, 2010). This distrust is exemplified by interpretations of the FBVs, such as Farrell's (2016) (discussed in Chapter Two), that view them as wholly repressive of Islamic minorities.

This analysis is in line with Parekh's (2000b) observation that, when confronted with the question of how to accommodate non-liberal forms of life, liberals tend to either adopt a 'pure' liberalism (coercive imposition of 'freedoms'), or a deontological, 'minimum-content' liberalism. The first of these chauvinistically removes freedoms in the name of freedom, while the second transgresses the freedoms it values by refusing authentic expression to individuals who want to critique liberal societies (to be heard, they have to accept at least the minimum liberal commitments).

It would appear that the 2014 FBVs, constructed as part of an intervention into educational policy, emanate either from a position of 'pure' liberalism (if they are seen as the *enforcement* of British values) or a deontological 'minimum content' liberalism (if they are seen as an attempt to maintain a more 'moderate hegemony'). The second of these interpretations seems the more likely if we take the content of Cameron's (2011) and Spielman's (2018) speeches, referred to in Chapter One, at face value: their main concern seems to be to use education as a means to construct citizens who have sufficient acceptance of liberal-democratic ideals not to be influenced by attempts to recruit them into groups that might be considered 'active enemies' of the State. However, the association of the introduction of the FBVs with other legislation mandating teachers to be part of the surveillance apparatus that is used to identify and tackle students at risk of 'radicalisation' suggests a more coercive form of 'pure' liberal control (e.g. Farrell, 2016). Arguably, there are elements of both the liberal responses to non-liberal citizen groups at play.

The FBVs, viewed as a form of liberal-realist accommodation, carry the assumption that the law is an institutional precondition for practical discourse. The law attempts to be reflexive and enabling (e.g. Waldron, 2010), but can also be positivistic and potentially corrosive of its own ends (as revealed in critiques of Sleat, 2013, 2018).



### 7.6.2 FBVs as a Liberal Multiculturalist Accommodation

In many ways, liberal multiculturalism affords an optimistic methodological priority to enabling the broadest possible accommodation of moral diversity. In seeking to do so, it enables a critique of alternative interpretations of the FBVs, such as liberal realist ones, by interrogating the ways in which they presently serve to overly-constrain the enabling of accommodations. Nevertheless, such a critique is still within the general rubric of the FBVs, as the multiculturalist position remains optimistic with respect to how the FBVs may be anchored within a broader conception of social justice, and be re-interpreted to enable a greater degree of generosity in their accommodations. Thus, liberal multiculturalism enables a critique 'from within', and while that critique might not have unfolded in exactly the way that Schachar (2001, 2010) and Williams (2008) envisioned it would, it nevertheless aims toward *transformative accommodations*.

Liberal multiculturalism's most pertinent critique of realist interpretations of the FBVs is that realists contravene a number of the core values (such as mutual respect, individual liberty and democracy) that characterise liberalism. This is because of the normative preference of realists for the law as 'the weapon of the stronger', deployed in order to maintain a particular conception of 'liberal hegemony' when faced with the question of the accommodation of a seemingly 'non-liberal' form of life (e.g. Parekh, 2006; Sleat, 2013). As Modood (2010) argues, this ultimately enables and propagates a form of legal positivism that serves to overly constrain the possibility of accommodation within a more reflexive form of liberalism, and it also overlooks the interpretive nature of the jurisprudential tradition it seeks to universalise. Moreover, if this is done in the name of maintaining social 'solidarity', then Parekh (2012) is right to point to the nebulous nature of the concept, and the potential for authoritarianism that a thicker version of it enables, even though some realists highlight the need for a thinner sense of 'common belonging'.

Modood (2010) argues that a multicultural interpretation of the FBVs seeks to enable a critique of their deployment for the cultural assimilation of minorities and immigrants traditionally demanded by nation-States. However, it remains committed to the FBVs as an institutional precondition for practical discourse: discussion of them in schools can help to pluralise and adapt, rather than undermine, the unity and equality of citizenship and national identity that are necessary for a diverse society to maintain cohesion. Both Parekh (2000a,b, 2006, 2012) and Modood (2007, 2010) demonstrate this commitment when they discuss how the accommodation of religious law must not be done in a way that circumvents the rights afforded by citizenship in the case of otherwise potentially vulnerable members of minority groups. Here we see the paradox of liberal institutional frameworks wedded to a notion of national sovereignty – navigating relationships between the individual, civil society and the State via the enablements and constraints that are necessarily involved. In this way, we see how multiculturalism, like Realism, remains preoccupied with the core questions and methodologies of liberal thought: how best to use the rule of law to accommodate diverse individual liberties within a national, institutional framework.

However, it is in this commitment to an optimistic interpretation of the FBVs as an institutional precondition for practical discourse, that Milbank's (2010) critique of the FBVs raises problems. This is because minority group rights will always be overridden by the principle of individual liberty as a result of the fundamentally atomistic nature of liberalism, so multiculturalism, in fact, remains an implicitly Hobbesian (1651) phenomenon. This has an important corollary in Modood's (2007, 2010) and Parekh's (2000a,b, 2006, 2012) desire for a thin sense of national identity, linked with a common belonging emanating from the vague conceptions of social justice on which multiculturalism is premised. Enabling a sense of common belonging premised upon an ultimately non-specified conception of social justice ultimately serves to constrain the principle of individual liberty – and vice-versa, the enabling of individual liberty inevitably constrains a sense of common belonging. However, within a liberal society, enabling accommodations of group rights will always be assessed *in light of their ability to constrain*

*individual freedoms*. So, while liberal realists (e.g. Geuss, 2008; Sleat, 2013) accuse liberal multiculturalists of neo-Kantian excesses, the commitment of multiculturalism to national sovereignty and individual liberty, undergirded by a broader sense of social justice and collective morality, in fact entails a double-excess of Kantian *and Hobbesian* understandings of justice, freedom and sovereignty, where each potentially cancels the other out. This is in the sense that multiculturalism seeks to combine Kantian/Rawlsian idealism with a Hobbesian pragmatism, yet fails to identify a way in which the tensions between the two approaches may be methodologically navigated.

### 7.6.3 FBVs as a Theological Accommodation

The interpretation of the FBVs as a theological accommodation reveals a much wider variety of understandings regarding their possibility to generate the institutional preconditions for practical discourse. In both the Islamic and Christian traditions, we find interpretations that would suggest cautious optimism or outright rejection.

For instance, as we saw above, Milbank's (2010) critique of the FBVs is that they remain fundamentally atomistic, whether in their multiculturalist/social democratic form, or liberal realist/libertarian configurations. As such, they can never fully enable an accommodation of group rights in a way that isn't then understood as a constraint on individual freedoms, and nor can they generate the sense of corporatism required for the broader sense of national identity essential to both liberal realism and multiculturalism. Likewise, Hallaq (2013) highlights the incompatibility of conceptions of national sovereignty, especially of the Hobbesian (1651) variety, with the sovereignty of God. This is because accommodations are metaphysically unsustainable, in that to enable the sovereignty of one is to constrain the sovereignty of the other, meaning that Muslims are perennially having their most fundamental loyalties torn by an irreconcilable binary. In this sense, as argued with respect to multiculturalism above, any attempt at a transformative accommodation ultimately resides in a transformative constitutionalism in the interests of maintaining a liberal hegemony.

I remain sympathetic to Milbank's (2010) critique of the fundamentally atomistic nature of the FBVs, his doubts regarding their ability to generate the required sense of corporatism that they seek to promote, and, to some degree, his arguments for a restored Christendom. For instance, I would venture that the Western European phenomena of welfare States and social democracies owe as much to the historical determinations of European Christendom described by Milbank (2010) as they do to the Enlightenment, the advent of Marxism and the experience of the European wars of the 20<sup>th</sup> century. This is perhaps why the phenomenon has remained largely specific to Europe in contrast to the USA, for instance, where the historical determination was to escape the hegemony of European Christendom and gain freedom from religious persecutions following the reformation. Thus, the US tradition subsequently remains predominantly wedded to the more individualist, Enlightenment conceptions than pre-modern corporatist ones (e.g. Weber, 1905, 1930).

However, although the criticisms coming from both Milbank (2010) and Hallaq (2013) enable a great deal of insight, both historically and metaphysically, they nevertheless risk being overly retrospective, harking back to a lost, ideal golden age. For instance, it is hard to envisage how the revived European Christendom that Milbank (2010) seeks to enable as a new accommodation would happen without some very grave constraints being placed upon the individual's freedom to critique the form, value and necessity of that accommodation. It would, in effect, entail a rolling back of the last 400 years of European history, and in a manner that seems all but impossible to envisage without authoritarianism and much bloodshed. I would argue that the same also applies to Hallaq's (2013) conception of a revived 'classical' Islam, in that, irrespective of whether each tradition contains a working conception of pluralism, they nevertheless entail the swapping of one hegemony for another, moderate or otherwise. We are always at risk of the lies that our own memories tell us, and I would venture that we are even more at risk of this when those memories aren't even our own. As such, I believe that both Milbank (2010) and Hallaq (2013), in their interpretations of the FBVs, risk confusing history with nostalgia, and accommodations with assimilation.

Meanwhile, Williams (2008) and Nimni (2014) offer a much more optimistic interpretation of the potential of the FBVs to generate the means by which moral diversity can be accommodated. Milbank (2010) criticises Williams (2008) for conflating postmodern conceptions of pluralism with the pre-modern 'organicist' model. Yet both Milbank (2010) and Hallaq (2013) risk homogenising liberal thought in order to justify their interpretations. Both overlook Nimni 's (2014) observation that, whilst the French and North American models have their philosophical and historical foundations in libertarianism and republicanism, the UK does not. This is something which, more crucially, is overlooked by Sleat (2013) too. Britain remains a constitutional monarchy, with an established church, where the monarch is the Supreme Governor of that church, and its bishops, by virtue of their office, sit in the House of Lords, meaning that they are stakeholders with genuine influence, having a real concern with the legal process. While I have also argued that religious interpretations of the FBVs are marginalized in comparison with the realist and multicultural narratives, simply because contemporary society is now overwhelmingly secular, the fact that the church still sits at the heart of British governance, even in a much-weakened form compared with when it was first established, should not be overlooked. The implication is that accommodating religious minorities should not be as challenging as in some other liberal democracies.

So, while it remains true that an individualistic liberalism is often embraced in the UK, this does not necessarily mean it need always be the *ultimate* standard by which accommodations are critiqued. For instance, organicist corporatist pluralism provides a deeper level to the national identity desired by liberalism in the two variants (realism and multiculturalism) explored here, alongside a thicker conception of social justice which better supports the ultimately transcendental nature of its claims regarding morality, law and human conduct. This has the potential to limit the more excessive interpretations of Hobbes and Kant, and the legal positivism to which liberalism is prone. Liberal individualist conceptions of pluralism, meanwhile, can act as a guide to allow us to make necessary distinctions between genuine commitments to religious law and merely cultural habits and preferences in a manner that

allows us to safeguard potentially vulnerable members of religious groups via key individual rights afforded by citizenship. In this sense, there appears to be some hope that a genuine *transformative accommodation* is actually possible.

## 7.7 The Wider Social Role of FBVs

By extending the boundaries of analysis beyond the educative domain, and reviewing the three interpretations of the FBVs and their potential to generate the institutional preconditions for practical discourse, this analysis enables the wider social role of the FBVs to become more visible. The three interpretations of the FBVs all revolve around the primacy of law as a vehicle for the accommodation and critique of moral diversity within a historically-determined, nation-based institutional framework. I suggest that revealing this wider social role represents the added value of the Rose-informed interpretive-systemological analysis, compared with the primary focus on education that we saw in the literature on the FBVs reviewed in Chapter Three. The literature discussed in Chapter Three does employ social theories, but it leaves implicit any discussion of the role of law in the accommodation and critique of moral diversity. The enhanced interpretive systemology developed in this thesis allows us to make this theme of the role of law much more explicit, revealing a richer picture with respect to policy analysis, policy formation and implementation. Not only does this serve to answer the second research question in Chapter One (regarding what an interpretive-systemological analysis of the FBVs that goes beyond the educative domain could look like), but it also contributes to the present literature in a manner which I contend is original.

With respect to the two liberal interpretations (realist and multiculturalist), the wider social role of the FBVs that emerges appears to proceed from two lines of thought, broadly conceived. The first (stemming from the realist discourse) is where the FBVs act like Letwin's (2005) 'hedge': that is, with the sole purpose of assisting individuals in their endeavours by preventing any harm that may be inflicted on themselves or others. Here the law acts in a way to enable the maximum accommodation of moral diversity, yet nevertheless remains the

'weapon of the stronger' in the hands of a 'restrained master' who is required to deploy necessary critical constraints in the maintenance of a 'moderate hegemony' (e.g. Waldron, 2010; Sleat, 2013). The second line of thought (coming from multiculturalism) is where the FBVs are tethered to a broader program of social justice that, likewise, seeks to enable the maximum amount of accommodation, but in a way that doesn't get confused with assimilation. Each interpretive discourse posits itself as a corrective to the perceived excesses of the other: one puts too much emphasis on the role of power and authority, while the other over-emphasises rationalism. Both, however, remain committed to the FBVs as the preferred means to generate the institutional preconditions for practical discourse.

From both the Islamic and Christian traditions, a more varied set of understandings of the wider social role of the FBVs emerges. On the one hand, it could be said that the FBVs cannot ever serve as anything other than an enablement of the assimilation of moral diversity. In this sense, any accommodation of group rights must always give way to the prioritisation of an atomistic individualism that is assimilated into a civic framework for the broader purpose of serving the global free-market. This in turn constrains the generation of any broader sense of corporatism to which societies, groups and individuals may appeal, and it enables critique due to the growth of an endemic mistrust of the mediating institutions of civil society. On the other hand, the theological interpretations actually serve to highlight how the FBVs may come to be seen as uniquely *British*, without relying solely on the appeal to Oakeshott's (1975a) Hobbesian (1651) mythology, but instead places that mythology within the continuity of a broader historical narrative as favoured by Parekh (2012). Moreover, it enables a form a critique that is housed within a broader jurisprudential tradition that has long been cognisant of the realities of the need to harmonise unity and plurality (e.g., Augustine, 426).

This was something that was valued by both the UK's Chief Inspector for Education, Spielman (2018), and the House of Lords Select Committee (2018) in their separate discussions of the wider social role of the FBVs in generating a thicker sense of civic identity referred to in

Chapter One. However, Spielman (2018) in particular overlooked the potential that the constitutional arrangement between the English State and its church holds for limiting excessive individualism, and generating an organicist sense of civic corporatism through *transformative accommodations*. Instead, Spielman (2018) chose to compare British national identity unfavourably with that of the republican/libertarian model of the USA. This not only exemplified Modood's (2010) charge of legal positivism, and reinforced the rejection of the FBVs by thinkers such as Milbank (2010) and Hallaq (2013), but also undermined her own appeal to the utility of historical narratives in generating national civic identity. Spielman's overlooking of the role of the church provides further evidence that the theological interpretations outlined in this study are marginalised.

I would thus argue that the idea of *transformative accommodation* better serves the emergent social role of the FBVs as generating the institutional preconditions for practical discourse than *transformative constitutionalism*. For whilst the former may indeed risk interpretation as a softer version of the latter, this isn't *necessarily* the case. Indeed, I would suggest that *transformative accommodation* suggests an open reflexivity, which retains Rose's (1992, 1995: 116) phenomenology of law emergent from the 'broken middle' between subjective experience and objective validity; a break which must never be mended, and wherein the foundational normativity propelling interventions is accessed, and FBVs as an institutional accommodation of moral diversity can reach "towards a good enough justice".

## 7.8 Conclusion

This chapter has undertaken an interpretive-systemological study of the FBVs as the means to generate the institutional preconditions for practical discourse. By doing so, it has answered the second research question in Chapter One regarding what an interpretive systemological analysis of the FBVs beyond the educative domain reveals. Three *contexts of meaning*, and their subsequent *thematic interpretations* were presented, each understanding the FBVs as a meta-accommodation of moral diversity within a liberal institutional framework. These were



then discussed with respect to their potential to interpret the FBVs in a way that manages to navigate the dialectic of enablement and constraint characterising institutional, jurisprudential frameworks with a mediating role. The dialectic of enablement and constraint gives rise to the methodological principles of *accommodation* and *critique* by placing these last two concepts in a recursive unity that is useful for discussing the competing freedoms and necessities in pluralist societies seeking to harmonise that plurality within the unity of a national civic identity. From this, I was able to identify a wider social role for the FBVs that emerged as the potential means to the realisation of that end.

## Chapter 8 – Conclusions: Future Research and the Added Value of the New Development in Interpretive Systemology

In the introduction to this thesis, I posed two research questions:

- 1) What does interpretive systemology look like once the criticisms of it have been addressed and accommodation shares equal methodological status with critique?
- 2) What does an interpretive-systemological analysis reveal about perspectives on the wider context of the FBVs that is not already in the schools-focused literature?

This thesis has made an original contribution to knowledge via a synthesis of interpretive systemology and Rose's political philosophy, answering the first research question above and marking the first time Rose's project has been applied to a systems methodology.

A second contribution to knowledge, answering the second research question, arises from my interpretive-systemological analysis of the FBVs. This extends the boundaries of analysis beyond the domain of education policy (the focus of almost all the previous literature) to reveal and interrogate three interpretations of the FBVs that each, in different ways, relate their introduction into schools to the institutional preconditions for practical discourse in liberal-democratic national frameworks.

To give more detail, I answered the first question (what does a reconstructed interpretive systemology look like?) in Chapter Six. I argued that Rose's (1981, 1992, 1993, 1996) project provides an alternative philosophical framework that builds on the critical methodological intent of interpretive systemology while recovering the positive normativity that was lost when Fuenmayor (1997) advocated critique at the expense of accommodation. This addresses all the criticisms of interpretive systemology advanced by Jackson (1992), Mingers (1992), Flood (1992) and Midgley (2000) by recalibrating accommodation and critique as methodological principles within a framework of essential recursion. This entails recognising the need to navigate the space between the two principles in order to define appropriate systemic interventions.

I answered the second research question (what does an interpretive-systemological analysis reveal, beyond a focus on schools?) in Chapter Seven by applying the reformulated interpretive systemology in an examination of the possible social roles of the FBVs, concentrating on how the FBVs can be viewed, in different ways, as helping to generate the institutional preconditions for practical discourse in a manner that accommodates moral diversity within a liberal institutional framework. This focus goes well beyond the previous literature, which was almost exclusively centred on schools and education policy. The three interpretations I introduced stem from two competing liberal perspectives (realism and multiculturalism) and a somewhat-marginalized religious perspective, drawing on elements of Christian and Islamic theology. We saw how the three interpretations revealed very different assumptions about the nature of accommodation. While no interpretation was immune from criticism, I suggested that the religious one offers the best prospects for working in the broken middle between accommodation and critique, and indeed it embraces the notion of *transformative accommodation*, which signals the need for an emergent accommodation responding to critiques of the bi-partisan liberal mainstream. In the unique British context, the idea of transformative accommodation has a chance to take root because of the influence of the Church of England on the institutions of government.

Having set out how I have addressed my research questions and contributed to knowledge, I now reflect on the limitations of the research in this thesis.

## 8.1 Limitations of the Thesis

There are three ways in which I believe the exposition of this thesis to be limited.

First, in trying to do two things (make a methodological contribution and a subject-domain one), I ran the risk of failing to devote sufficient attention to either. Theoretically, two theses could have been written. The first would have examined the potential for Rose's project to enhance second- and third-wave systems thinking generally, rather than just interpretive systemology. Going beyond interpretive systemology, I might have examined critical systems

thinking (e.g., Flood and Jackson, 1991; Flood and Romm, 1996; Jackson, 2019) and systemic intervention (Midgley, 2000, 2022) as well. A second thesis could have broadened the interpretive-systemological analysis of the FBVs, looking at a wider range of interpretive contexts and devoting individual chapters to each. However, within the limits of a single PhD study, which involves keeping within a constraint of 100,000 words, it was necessary to set boundaries around the study, so I focused almost exclusively on interpretive systemology (just discussing how systemic intervention provides a rationale for enhancing methodologies with new theory), as this was my chosen approach to the FBVs analysis. Likewise, I needed to constrain my FBVs analysis to three contexts of meaning, and I believe that these three show how interpretive systemology can take us well beyond the usual focus in the literature on schools and education policy, so the three analyses meet their purpose.

A second limitation I want to highlight is somewhat connected to the first, as it relates to the fact that the three contexts of meaning that were explored focused on the accommodation of value pluralism within *Western liberal democracy* alone. I also chose not to problematise nationalism through analyses going beyond the three, as this would have considerably expanded the boundaries of the study. In this respect, Marxist, postcolonial and global-internationalist interpretive contexts could have added substantial insights and variety, but these had to be outside the scope of my research due to constraints on both the word count and the time I was allowed to study for. They could be the focus of future research.

A third limitation, again connected to the first, is my decision not to present and address critiques of Rose's social theory (most notably Osborne, 1982, and Gorman, 2001). However, my aim was to critique the political philosophy of interpretive systemology, so I reviewed and addressed the critics of that part of the systems literature (Flood, 1992; Jackson, 1992; Mingers, 1992; Midgley, 2000), and I introduced Rose's project as a positive contribution to an alternative philosophical framework. Consequently, I focused on the strengths identified in Rose's theory by authors such as Schick (2012) and Hyman (2013, 2018), and the benefits for

interpretive systemology. Had I been allowed more space, I would have tackled the work of Rose's critics, as I believe their arrows miss their target.

Explaining what hasn't been covered in the thesis and why, takes me on to look at possible areas for further research.

## 8.2 Further Research

I believe it will be very fruitful to examine the implications of Rose's project for third wave approaches such as critical systems thinking (CST), critical systems heuristics (CSH) and systemic intervention (SI). For instance, Rose (1981,1992, 1993) shares the Frankfurt School heritage of thinkers such as Ulrich (1983, 1988), Jackson (1991) and Mingers (1992), which was briefly covered in Chapter Three. The similarities and differences in the conclusions reached by such thinkers with respect to their shared heritage and its value for systems thinking is particularly relevant as societies continue to address the myriad challenges that value pluralism poses to institutional frameworks in terms of policy formation, implementation and navigation.

A second area for further research relates to Rose's (1981) understanding of Hegel (1807). Hegel is a thinker who I suggest is somewhat under-explored, and perhaps under-valued, in present systems approaches. We have seen the extensive Kantian influence, via Habermas, on thinkers such as Ulrich (1983, 1988), Fuenmayor (1991a,b,c), Fuenmayor and Lopez Garay (1991) and Flood and Jackson (1991a,b,). However, only Churchman (1973) and Mingers (2015), within the systems literature, have discussed the value of the Hegelian heritage in relation to the Kantian one (also, Mason, 1969, and Mason and Mitroff, 1981, embody the idea of Hegelian dialectics within their systems methodology, but don't go any further than this). Indeed, I would argue that a study comparing the two intellectual traditions of Kant and Hegel, drawing out their implications for systems thinking, offers substantial insights into the challenges facing institutional frameworks called to navigate instances of marginalisation and conflict. In particular, Mingers's (2015) advocacy of the critical realism of Bhaskar (e.g. 1993) is

relevant, as Bhaskar sought to recover the work of Hegel in a manner that is comparable to Rose (e.g. 1981, 1992), and both authors share an emphasis on intersubjectivity as an ontological feature of institutional societies.

### **8.3 Closing Comments**

Despite the limitations raised above, and the further research that remains to be done, I believe this thesis has succeeded in illustrating the potential for systems thinking that Rose's philosophy offers. This potential not only relates to interpretive systemology, which has been my main focus in this document, but also other soft and critical systems methodologies attempting to aid the navigation and implementation of policy interventions that arise from the myriad wicked problems for institutional structures posed by value pluralism.

## Reference list / Bibliography

- Ackoff, R.L., (1970). *A Black Ghetto's Research on a University*. in *Operations Research*, 18, pp.761-771
- Ackoff, R.L., (1974). *Redesigning the Future: A Systems Approach to Societal Problems*. Wiley, Chichester.
- Ackoff, R.L. (1979). *The Future of Operational Research is Past*. in *Journal of the Operational Research Society*,30, pp.93-104.
- Ackoff, R.L. (1981). *Creating the Corporate Future*. Wiley, New York.
- Ackoff, R.L., Magidson, J., & Addison, H.J. (2006). *Idealized Design: Creating an Organization's Future*. Upper Saddle River: Wharton School Publishing
- Adorno, T. (1951). *Minima Moralia*. Verso, London.
- Adorno, T. and Horkheimer, M. (1944). *Dialectic of Enlightenment*. Verso, London.
- Ahdar, R. and Aroney, N. (2010)., *The Topography of Sharia in Western Political Landscape* in Ahdar and Aroney (Eds). (2010)., *Sharia in the West*, Oxford University Press, Oxford.
- Angyal A (1941) A logic of systems. Reprinted in: Emery FE (ed) *Systems Thinking, Volume One*, 2nd edition, 1981. Penguin, Harmondsworth.
- Asad, T. (2003). *Formations of the Secular: Christianity, Islam, Modernity*. Stanford University Press, Stanford.
- Ball, S. (2006)., "Good School/Bad School: Paradox and Fabrication." in *The British Journal of Sociology of Education*., Vol.18, No.3., pp. 317–336.
- Bateson, G. (1955). *A Theory of Play and Fantasy. In Steps to an Ecology of the Mind*. Bateson, G. (1972). Jason Aronson, Northvale, NJ.
- Bauman, Z. (2000)., *Liquid Modernity*. Polity Press, London.
- Bauman, Z. (2005)., "Education in Liquid Modernity." in *Review of Education, Pedagogy, and Cultural Studies Vol.27 No.4*, pp. 303–317.
- Bauman, Z. (2006a)., *Liquid Fear*., Polity Press, London.
- Bauman, Z. (2006b)., "Seeking Shelter in Pandora's Box." in *City: Analysis of Urban Trends, Culture, Theory, Policy, Action. Vol.9, No.2*, pp. 161–168.
- Bauman, Z. (2009)., "Education in the Liquid-modern Setting." *Power and Education. Vol.1, No.2*., pp. 157–166.
- Bauman, Z. (2011). *Liquid modern challenges to education*., Padova University Press, Padova.
- Beer, S. (1959). *Cybernetics and Management*. English Universities Press, Oxford.
- Beer, S. (1966). *Decision and Control*. Wiley, Chichester.
- Beer, S. (1975). *Platform for Change*. Wiley, Chichester.
- Beer, S. (1979). *The Heart of the Enterprise*. Wiley, Chichester.
- Beer, S. (1981). *Brain of the Firm*. 2<sup>nd</sup> ed. Wiley, Chichester.
- Beer, S. (1985). *Diagnosing the System for Organisations*. Wiley, Chichester.
- Beer, S. (1994). *Beyond Dispute*. Wiley, Chichester.
- Bertalanffy, L. von (1950). *The Theory of Open Systems in Physics and Biology*. in *Science*, 111, pp. 23-29.
- Bertalanffy, L. von (1956). *General Systems Theory* in *General Systems Yearbook*, 1, pp. 1-10.
- Bertalanffy, L. von (1968). *General Systems Theory*. Penguin, London.
- Bhaskar, R. (1975). *A Realist Theory of Science*. Leeds Books, Leeds.
- Bhaskar, R. (1986). *Scientific Realism and Human Emancipation*. Verso, London.
- Bogdanov, A.A. (1913-1917). *Bogdanov's Tektology*. 1996 ed. Dudley, P. (ed.). Centre for Systems Studies Press, Hull.
- Bohm, D. (1980). *Wholeness and the Implicate Order*. Ark, London.

- Booth Fowler R. (1991). *The Dance with Community: The Contemporary Debate in American Political Thought*. Lawrence: University Press of Kansas.
- Boulding, K.E. (1956) General systems theory: The skeleton of science. *Management Science* 2, 3, 197–208.
- Boyd A, Brown M and Midgley G (2004). Systemic Intervention for Community OR: Developing Services with Young People (Under 16) Living on the Streets. In, *Community Operational Research: OR and Systems Thinking for Community Development*. Midgley, G. and Ochoa-Arias, A.E. (eds.). Kluwer, New York.
- Brenkman, J. (2007)., *The Cultural Contradictions of Democracy.*, Princeton University Press, Princeton.
- Brocklesby, J. (1994). *Let the Jury Decide: Assessing the Cultural Feasibility of Total Systems Intervention*. in *Systems Practice*, 7, pp.75-86.
- Brocklesby, J. (1995). *From Single to Multi-Paradigm Systems Research*. In *Systems for Sustainability: People, Organizations, Environments*. Stowell, F.A., Ison, R.L., Armonson, R., Holloway, J., Jackson, S. and McRobb, S. (eds.). Plenum, New York.
- Brocklesby, J. (1997). *Becoming Multimethodology Literate: An Assessment of the Cognitive Difficulties of Working Across Paradigms*. In *Multimethodology: The Theory and Practice of Combining Management Science Methodologies*. Mingers, J. and Gill, A. (eds.). Wiley, Chichester.
- Brocklesby J. and Cummings, S. (1995). *Combining Hard, Soft and Critical Methodologies in Systems Research: The Cultural Constraints*. in *Systems Research* 12, pp. 239-244.
- Brower-Latz, A. (2018). *The Social Philosophy of Gillian Rose*. Cascade, Oregon.
- Cabrera D and Cabrera L (2015). *Systems Thinking Made Simple: New Hope for Solving Wicked Problems*. Odyssean Press, Ithaca, NY.
- Calvert, J. (2004). Sayyid Qutb and the Power of Political Myth: Insights from Sorel., in *Historical Reflections*, Vol.30, No.3, *Islam and Modernity*, pp. 509-528.
- Cameron, D. (2011). <https://www.gov.uk/government/speeches/pms-speech-at-munich-security-conference>
- Canovan, M. (1996). *Nationhood and Political Theory*, Elgar, Cheltenham UK, pp.1-4.
- Cantle, T. (2001). *Community Cohesion: A Report of the Independent Review Team.*, (Home Office) retrieved from <http://tedcantle.co.uk/publications/publication-and-downloads/>.
- Cantle, T. (2008). *Community Cohesion: A New Framework for Race and Diversity*, Palgrave Macmillan, London.
- Cantle, T. (2011). *Cohesion and Integration: From Multi to Inter Culturalism.*, retrieved from <http://tedcantle.co.uk/publications/publication-and-downloads/>.
- Cantle, T. (2014). *Muslim Schoolchildren are Still Leading Parallel Lives to the Mainstream*. in *The Daily Telegraph*, June 11<sup>th</sup> retrieved from <https://www.telegraph.co.uk/education/10889897/Muslim-schoolchildren-are-still-leading-parallel-lives-to-the-mainstream.html>
- Casey, L. (2016). *The Casey Review: A Review into Opportunity and Integration.*, Department for Communities and Local Government, London.
- Cavanaugh, W.T. (2017) The Fall of the Fall in Early Modern Political Theory. in *Political Theology*, 18:6, pp. 475-494.
- Checkland, P. (1981). *Systems Thinking, Systems Practice*. Wiley, Chichester.
- Checkland, P. (1985). *From Optimising to Learning: A Development of Systems Thinking for the 1990s*. in *Critical Systems Thinking: Directed Readings* (Flood, R.L., and Jackson, M.C. Eds. 1991a). pp. 59-78. Wiley, Chichester.
- Checkland, P. and Scholes, J. (1990). *Soft Systems Methodology in Action*. Wiley, Chichester.
- Churchman, C.W., (1968a). *Challenge to Reason*. McGraw-Hill, New York.
- Churchman, C.W., (1968b). *The Systems Approach*. Dell, New York.



- Churchman, C.W., (1970)., *Operations Research as a Profession*. in *Management Science*, 17, pp. 37-53.
- Churchman, C.W., (1971)., *The Design of Inquiring Systems*. Basic Books, New York.
- Churchman, C.W., (1979)., *The Systems Approach and its Enemies*. Basic Books, New York.
- Churchman, C.W., (1987)., *Systems Profile: Discoveries in an Exploration Into Systems Thinking*. in *Systems Research*, 4, 139-146.
- Clarke, P. (2014). *Report into allegations concerning Birmingham schools arising from the 'Trojan Horse' letter.*, retrieved from <https://www.gov.uk/government/publications/birmingham-schools-education-commissioners-report>
- Cohen, C. and Midgley, G. (1994). *The North Humberside Diversion from Custody Project for Mentally Disordered Offenders: Research Report*. Centre for Systems Studies, Hull.
- Córdoba J-R and Midgley, G (2003). Addressing Organisational and Societal Concerns: An Application of Critical Systems Thinking to Information Systems Planning in Colombia. In, *Critical Reflections on Information Systems: A Systemic Approach*. Cano, J. (ed.). Idea Group, Hershey
- Córdoba J-R and Midgley G (2006). Broadening the Boundaries: An Application of Critical Systems Thinking to IS Planning in Colombia. *Journal of the Operational Research Society*, 57, 1064-1080.
- Córdoba J-R and Midgley, G (2008). Beyond Organisational Agendas: Using Boundary Critique to Facilitate the Inclusion of Societal Concerns in Information Systems Planning. *European Journal of Information Systems*, 17, 125-142.
- Coyle, R. G. & Alexander, M. D. W. (1997). *Two approaches to qualitative modelling of a nation's drugs trade*. in *System Dynamics Review*, Vol.13, No.3, pp. 205–222.
- Crick, B. (1962). *In Defence of Politics.*, Pelican, London.
- Daley, J. (2014). *Don't Just Teach British Values – Demand Them!* in *The Daily Telegraph*, June 14<sup>th</sup> retrieved from <https://www.telegraph.co.uk/news/uknews/immigration/10899904/Dont-teach-British-values-demand-them.html>
- Davis, J.B. (2018). *By Way of the Valley of the Roses*.in *Misrecognitions: Gillian Rose and the Task of Political Theology* (Davis, J.B. Ed). Cascade, Oregon. pp. 1-25.
- Deleuze, G., and Guattari, F., (2013)., *A Thousand Plateaus.*, Bloomsbury, London.
- Derrida, J. (1995). *The Gift of Death*. Wills, D. (trans.). University of Chicago Press, Chicago.
- Descartes, R. (1642). *Meditations on First Philosophy*. In *Philosophical Writings*. 1954 ed. Open University Press, Middlesex.
- Descartes, R. (1644). *Principles of Philosophy*. In *Philosophical Writings*. 1954 ed. Open University Press, Middlesex.
- Douglas, M., (1966)., *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo*. Ark, London.
- Douglas, M., (1986)., *How Institutions Think*. Routledge and Kegan Paul, London.
- Douglas, M., (1986)., *Risk and Blame: Essays in Cultural Theory*. Routledge, London.
- Dudley, P., (1996)., *Back to Basics? Tektology and General Systems Theory*. in *Systems Practice*, 9, 273-284.
- El Fadl, K. (2005). *The Great Theft: Wrestling Islam from the Extremists.*, HarperCollins, New York.
- Emmeche, C., Koppe, S. & Stjernfelt, F. (1997). Towards an ontology of levels. *Journal for General Philosophy of Science*, 28, 83-119.
- Etzioni A. (1996). Positive aspects of community and the dangers of fragmentation. *Development and Change* 27(2), 301-314.

- Farrell, F. (2016)., “Why all of a sudden do we need to start teaching British Values?” A Critical Investigation of Religious Education Student Teacher Positioning within a Policy Discourse of Discipline and Control. in *Journal of Education for Teaching*, 42:3, pp. 280 – 297.
- Farrell, F. (2015)., “‘We’re the Mature People’: A Study of Masculine Subjectivity and Its Relationship to Key Stage Four Religious Studies.” in *Gender and Education*. Vol.27, No.1., pp. 19–36.
- Fazey I, Schöpke N, Patterson J, Hultman J, van Mierlo B, Säwe F, Caniglia G, Wiek A, Wittmayer J, Paulina Aldunce J, Al Waer H, Battacharya N, Bradbury H, Carmen E, Colvin J, Cvitanovic C, D’Souza M, Göpel M, Goldstein B, Hämäläinen T, Harper G, Henfry T, Hodgson A, Howden MS, Kerr A, Klaes M, Lyon C, Midgley G, Moser S, Mukherjee N, Müller K, O’Brien K, O’Connell DA, Olsson P, Page G, Reed MS, Searle B, Silvestri G, Spaiser V, Strasser T, Tschakert P, Uribe-Calvo N, Waddell S, Rao-Williams J, Wise R, Wolstenholme R, Woods M and Wyborn C (2018). Ten Essentials for Action-Oriented and Second Order Energy Transitions, Transformations and Climate Change Research. *Energy Research and Social Science*, **40**, 54-70.
- Field, C. (2011), Young British Muslims since 9/11: A Composite Attitudinal Profile., in *Religion, State and Society* vol. 39, pp. 159-171, Routledge, London.
- Flood, R.L. (1990). *Liberating Systems Theory*. Plenum, New York.
- Flood, R.L. (1992). *Choice and Ideology with Interpretive Systems Theory*. in *Systems Practice*, Vol. 5, No. 3, pp. 319-327.
- Flood, R.L., and Jackson, M.C., (1991a). *Critical Systems Thinking: Directed Readings*. Wiley, Chichester.
- Flood, R.L., and Jackson, M.C., (1991b). *Creative Problem Solving: Total Systems Intervention*. Wiley, Chichester.
- Flood, R.L. and Romm, N.R.A. (eds.) (1996). *Critical Systems Thinking: Current Research and Practice*. Plenum, New York.
- Flood, R.L. and Ulrich, W. (1990). *Testament to Conversations on Critical Systems Theory Between Two Systems Practitioners*. in *Systems Practice*, 3, 7-29.
- Fodor, J.A. (1974). Special sciences (or: the disunity of science as a working hypothesis). *Synthese* 28:97–115
- Foote, J., Taylor, A., Carswell, S., Nicholas, G., Wood, D., Winstanley, A. et al. (2014). *Selecting interventions to reduce family violence and child abuse in New Zealand*. Report commissioned by the Glenn Inquiry. Christchurch: Institute of Environmental Science and Research.
- Foote J, Baker V, Gregor J, Hepi M, Houston D and Midgley G (2007). Systems Thinking for Community Involvement in Water Conservation. *Journal of the Operational Research Society*, 58, 645-654.
- Foote, J., Taylor, A., Nicholas, G., Carswell, S., Wood, D., Winstanley, A. et al. (2014). *Toward a transformed system to address child abuse and family violence in New Zealand*. Report commissioned by the Glenn Inquiry. Christchurch: Institute of Environmental Science and Research.
- Foucault, M. (1961). *Madness and Civilisation*. English ed., 1965. Pantheon, New York.
- Foucault, M. (1970). *The Order of Things*. Tavistock, London.
- Foucault, M. (1972). *The Archaeology of Knowledge*. Tavistock, London.
- Foucault, M. (1973). *The Birth of the Clinic*. Tavistock, London.
- Foucault, M. (1976). *The History of Sexuality, Volume 1: Introduction*. Pantheon, New York.
- Foucault, M. (1977). *Discipline and Punish*. Pantheon, New York.
- Foucault, M. (1980). *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*. Gordon, C. (ed.) Harvester Press, Brighton.

- Freedman, M. (1991). *Rights*. Open University Press, Milton Keynes.
- Friedman, M. (2000)., *John Rawls and the Political Coercion of Unreasonable People*. in Davion, V. and Wolf, C. (Eds). (2000)., *The Idea of Political Liberalism: Essays on John Rawls*., Rowman and Littlefield Publishers, Lanham, Maryland
- Fuenmayor, R. (1990). *Systems Thinking and Critique. I. What is Critique?* in *Systems Practice, Vol. 3, No. 6*, pp. 524-544.
- Fuenmayor, R., Bonnucci, M., and Lopez-Garay, H. (1991)., *An Interpretive-Systemic Study of the University of Los Andes*. in *Systems Practice, Vol. 4, No. 5*, pp. 507-525.
- Fuenmayor, R. and Lopez-Garay, H. (1991). *The Scene for Interpretive Systemology*. in *Systems Practice, Vol. 4, No. 5* pp. 1 – 17.
- Fuenmayor, R. (1991a)., *The Roots of Reductionism: A Counter Onto-Epistemology for a Systems Approach*. in *Systems Practice, Vol 4, No.5*, pp. 419-448.
- Fuenmayor, R. (1991b)., *The Self-Referential Structure for an Everyday Living Situation: A Phenomenological Ontology for Interpretive Systemology*. in *Systems Practice, Vol.4, No.5*, pp. 449-472.
- Fuenmayor, R. (1991c)., *Truth and Openness: An Epistemology for Interpretive Systemology*. in *Systems Practice, Vol. 4, No. 5*, pp. 473-490.
- Fuenmayor, R. (1993)., *The Trap of Evolutionary Organicism*. in *Systems Practice, Vol. 6*, pp. 469-499.
- Fuenmayor, R. (1994)., *Systems Science: Addressing Global Issues – The Death Rattle of a Dying Era*, in *Systemist, Vol. 16*, pp. 110-157.
- Fuenmayor, R. (1997). *The Historical Meaning of Present Systems Thinking.*, in *Systems Research and Behavioural Science, Vol. 14, No. 4*, pp. 235-247.
- Fuenmayor, R. and Fuenmayor, A. (1999a)., *Researching-Acting-Reflecting on Public Health Services in Venezuela. I. A Conceptual Framework*. in *Systemic Practice and Action Research, Vol. 12, No. 1*, pp. 35-53.
- Fuenmayor, R. and Fuenmayor, A. (1999b)., *Researching-Acting-Reflecting on Public Health Services in Venezuela. II. Community Action and Critique*. in *Systems Practice and Action Research, Vol. 12, No. 1*, pp. 55-75.
- Fuller, B.W. (2018). Back to Hegel? On Gillian Rose’s critique of sociological reason. in *The British Journal of Sociology 2018, Vol. 69, No. 2*, pp. 265-285.
- Garcia, J. (2003). Modern(ist) Moral Philosophy and the MacIntyrean Technique., in *Alasdair MacIntyre: Contemporary Philosophy in Focus.*, (M. Murpy, ed.), Cambridge University Press, Cambridge, UK.
- Gearon, L. 2013. “The Counter Terrorist Classroom: Religion, Education, and Security.” *Religious Education 108 (2)*: 129–147.
- Geuss, R. (2008). *Philosophy and Real Politics* Princeton University Press. Princeton, New Jersey.
- Giddens, A. (1991). *Modernity and Self-Identity: Self and Society in the Late Modern Age*. Polity Press, Cambridge.
- Giddens, A. (1998). *The Third Way*. Polity Press, Cambridge.
- Girard, R (1972). *Violence and the Sacred*. John Hopkins University Press, Baltimore, Maryland.
- Givens, A. (2012). A systems-based approach to intelligence reform. *Journal of Strategic Security, 5 (1)*, 9.
- Gregory, A.J. and Jackson, M.C. (1992a). *Evaluating Organisations: A Systems and Contingency Approach*. in *Systems Practice, 5*, 37-60.
- Gregory, A.J. and Jackson, M.C. (1992b). *Evaluation Methodologies: A System for Use*. in *Journal of the Operational Research Society, 43*, 19-28.
- Gregory, W.J. (1996a). *Discordant pluralism: A new strategy for critical systems thinking?* in *Systems Practice, 9*, 605-625.

- Gregory, W.J. (1996b). *Dealing with diversity*. In, *Critical Systems Thinking: Current Research and Practice*. Flood, R.L. and Romm, N.R.A. (eds.). New York: Plenum.
- Gursozlu, F. (2014). *Political Liberalism and the Fate of Unreasonable People*. in *Touro Law Review, Vol.30, No.1*, pp. 35-56.
- Habermas, J. (1971). *Toward a Rational Society*. Beacon Press, Boston.
- Habermas, J. (1972). *Knowledge and Human Interests*. Heinemann, London.
- Habermas, J. (1973). *Legitimation Crisis*. Heinemann, London.
- Habermas, J. (1974). *Theory and Practice*. Heinemann, London.
- Habermas, J. (1976). *Communication and the Evolution of Society*. English ed., 1979. Heinemann, London.
- Habermas, J. (1984a,b). *Theory of Communicative Action, Vol.1 and 2*. Heinemann, London.
- Hallaq, W.B. (1985). Legal Reasoning in Islamic Law and Common Law: Logic and Method. in *Cleveland State Law Review* 34: 95-96
- Hallaq, W.B. (2009). *Sharia: Theory, Practice, Transformations*. Cambridge University Press, Cambridge.
- Hallaq, W.B. (2011). *An Introduction to Islamic Law*. Cambridge University Press, Cambridge.
- Hallaq, W. B. (2013). *The Impossible State: Islam, Politics and Modernity's Moral Predicament*. Columbia University Press, New York.
- Hauerwas, S. (1981). *A Community of Character*, Notre Dame, University of Notre Dame Press.
- Hauerwas, S. & Wells, S. (2006). Why Christian Ethics was Invented., in *The Blackwell Companion to Christian Ethics*, (Hauerwas, S. and Wells, S. ed.), Oxford, Blackwell, pp.28-39.
- Hayek, F.A. (1944, 2001). *The Road to Serfdom.*, Routledge, Abingdon, UK.
- Hegel, G.W.F. (1807). *The Phenomenology of Spirit*. (Miller, A.V. trans. and ed.). 1977 ed. Oxford University Press, Oxford.
- Hegel, G.W.F. (1812). *The Science of Logic*. (Miller, A.V. trans. and ed.). 1969 ed. Prometheus, New York.
- Hegel, G.W.F. (1821). *Elements of the Philosophy of Right*. (Knox, T.M. trans. and ed.). 1968 ed. Oxford University Press, Oxford.
- Hegel, G.W.F. (1837). *Lectures on the Philosophy of History*. (Sibree, J. trans.) 2004 ed. Dover, New York.
- Heidegger, M. (1954, 2013). *The Question Concerning Technology and Other Essays.*, HarperCollins, London.
- Heidegger, M. (1966). *Discourse on Thinking*. Harper and Row, London.
- Heidegger, M. (1969). *The End of Philosophy and the Task of Thinking*. in *Basic Writings* (1993). Routledge, London.
- Hobbes, T. (1651). *Leviathan*. 2014 reprint. Wordsworth, Hertfordshire.
- Hogan, L. (2015). *Keeping Faith with Human Rights.*, Georgetown University Press, Georgetown USA.
- Holmwood, J, and O'Toole, T, 2018, *Countering Extremism in Schools: The Truth About the Birmingham Trojan Horse Affair*, Policy Press, University of Bristol.
- Horton, J. and Mendus, S. (1994). *Alasdair MacIntyre: After Virtue and After*. In *After MacIntyre: Critical Perspectives on the Work of Alasdair MacIntyre* (Horton, J. and Mendus, S. eds.). Polity Press, Cambridge.
- House of Lords Select Committee on Citizenship and Civic Engagement., (2018). *The Ties that Bind: Citizenship and Civic Engagement in the 21<sup>st</sup> Century.*, <https://publications.parliament.uk/pa/ld201719/ldselect/ldcitizen/118/11802.htm>
- Hume, D. (1751, 1998). *An Enquiry Concerning the Principles of Morals*. (Beauchamp, T. Ed.) Oxford University Press, Oxford.

- Huntington, S. (1996, 2006), *The Clash of Civilisations and the Remaking of the World Order*. Simon and Schuster UK, London.
- Husserl, E. (1960). *Cartesian Mediations*. Martin Nijhoff, The Hague.
- Hyman, G. (2013). *Traversing the Middle: Ethics, Politics, Religion*. Cascade, Oregon.
- Hyman, G. (2018). *Between Hegel and Wittgenstein: Reflections in the Wake of Gillian Rose and Rowan Williams*. in *Misrecognitions: Gillian Rose and the Task of Political Theology* (Davis, J.B. Ed). Cascade, Oregon. pp. 126-142.
- Humanists UK (2021). Religion and belief: Some surveys and statistics. <https://humanists.uk/campaigns/religion-and-belief-some-surveys-and-statistics/> [accessed 6<sup>th</sup> November 2021].
- Hutchinson, W.E. (1996). Making systems thinking relevant. *Systemist*, 18, 196-201
- Ison, R. & Straw, E. (2020). *The hidden power of systems thinking: Governance in a climate emergency*. London: Routledge.
- Jackson, M.C. (1982). *The Nature of Soft Systems Thinking: The Work of Churchman, Ackoff and Checkland*. in *Journal of Applied Systems Analysis*, 9, 17-29.
- Jackson, M.C. (1985a). *Systems Inquiring Competence and Organisational Analysis*. *Proceedings of the 1985 Meeting of the Society for General Systems Research*, pp.522-530.
- Jackson, M.C. (1985b). Social Systems Theory and Practice: The Need for a Critical Approach. in *International Journal of General Systems*, 10. 135-151.
- Jackson, M.C. (1985c). The Itinerary of a Critical Approach: Review of Ulrich's 'Critical Heuristics of Social Planning'. in *Journal of the Operational Research Society*, 36, 878-881.
- Jackson, M.C. (1987a). Present Positions and Future Prospects in Management Science. in *Omega*, 15, 455-466.
- Jackson, M.C. (1987b). New Directions in Management Science. in *New Directions in Management Science*. Jackson, M.C. and Keys, P. (eds.). Gower, Aldershot.
- Jackson, M.C. (1988). Some Methodologies for Community Operational Research. in *Journal of the Operational Research Society*, 39, 715-724.
- Jackson, M.C. (1990). Beyond a System of Systems Methodologies. in *Journal of the Operational Research Society*, 41, 657-668.
- Jackson, M.C. (1991). *Systems Methodology for the Management Sciences*. Plenum, New York.
- Jackson, M.C. (1992). *Interpretive Systemology and the Problem of Intervention*. in *Systems Practice*, Vol. 5, No. 3, 329-334.
- Jackson, M.C. (1993a). The System of Systems Methodologies: A Guide to Researchers. in *Journal of the Operational Research Society*, 44, 729-731.
- Jackson, M.C. (1993b). How to Cause Anguish Without Even Trying: A Reply to Graham Jones. *Journal of the Operational Research Society*, 44, 848-849.
- Jackson, M.C. (1995). Beyond the Fads: Systems Thinking for Managers. *Systems Research*, 12, 25-42.
- Jackson, M.C. (1997). Pluralism in Systems Thinking and Practice. in *Multimethodology: The Theory and Practice of Combining Management Science Methodologies*. Mingers, J. and Gill, A. (eds.). Wiley, Chichester.
- Jackson, M.C. (1999). Towards Coherent Pluralism in Management Science. *Journal of the Operational Research Society*, 50, 12-22.
- Jackson MC (2003). *Systems Thinking: Creative Holism for Managers*. Wiley, Chichester.
- Jackson, M.C. and Keys, P. (1984). Towards a System of Systems Methodologies. *Journal of the Operational Research Society*, 35, 473-486.

- Jerome, L., and Clemitshaw, C., (2012)., *Teaching (about) Britishness? an investigation into trainee teachers' understanding of Britishness in relation to citizenship and the discourse of civic nationalism*. in *The Curriculum Journal Vol.23, No.1.*, pp. 19–41.
- Juarrero, A. (1999). *Dynamics in Action: Intentional Behaviour as a Complex System*. Cambridge, Massachusetts: MIT Press.
- Kant, I. (1784). *What is Enlightenment?* in *Foundations of the Metaphysics of Morals*. Bobbs-Merrill, New York.
- Kant, I. (1787). *The Critique of Pure Reason*. 2<sup>nd</sup> ed, 1933. Smith, N.K. (trans.). Macmillan, Basingstoke.
- Kant, I. (1788). *Critique of Practical Reason and Other Writings in Moral Philosophy*. Beck, L. (trans. and ed.). 1994 ed. University of Chicago Press, Chicago.
- Kapoor, N. (2013)., *The Advancement of Racial Neoliberalism in Britain.*, in *Ethnic and Racial Studies Vol.36, No.6.*, pp. 1028–1046.
- Keys, P. (1988). A Methodology for Methodology Choice. *Systems Research*, 5, 65-76.
- Kymlicka, W. (1989). *Liberalism, Community and Culture*. (1995 ed.). Clarendon Press, Oxford.
- Kymlicka, W. (1995). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. Oxford University Press, Oxford.
- Lee, R.L.M. (2011)., *Modernity, Solidity and Agency: Liquidity Reconsidered*. In *Sociology Vol.45 No.4*, pp. 650-664.
- LaCapra, D. (2001). *Writing History, Writing Trauma*. The Johns Hopkins University Press, Baltimore, MD. p. 152
- Lee, R.L.M. (2014)., *Modernity and crowds: solidity, liquidity and order*. in *Distinktion: Scandinavian Journal of Social Theory, Vol.15, No.3*, pp.296-308.
- Letwin, S.R. (2005). *On the History of the Idea of Law*. Reynolds, Noel B. (ed.). Cambridge University Press, Cambridge.
- Lewis, E.D. (2016). *Gendered Systemic Analysis: Systems Thinking and Gender Equality in International Development*. Ph.D. Thesis, University of Hull.
- Lloyd, V. W. (2011). *Law and Transcendence: On the Unfinished Project of Gillian Rose*. Palgrave, London.
- Lloyd, V.W. (2018). *Law All the Way Down: Gillian Rose and Robert Cover as Jewish Philosophers*. in *Misrecognitions: Gillian Rose and the Task of Political Theology*. Davis, J.B. (ed.). Cascade, Oregon. pp. 202-226.
- Locke, J. (1689). *Two Treatises of Government*. 1967 ed. Laslett, P. (ed.). Cambridge University Press, Cambridge.
- Lopez-Garay, H., (1999). *Interpretive Systemology and Systemic Practice*. in *Systems Practice and Action Research, Vol.12, No. 1*, pp. 3-13.
- Lopez-Garay, H. and Suarez, R.T. (1999). The Holistic Sense of Prison Phenomena in Venezuela: III. The Unity of the Research. in *Systemic Practice and Action Research, Vol. 12, No. 1*, pp. 115-136.
- Loughlin, M. (2013). *The British Constitution: A Very Short Introduction.*, Oxford University Press, Oxford.
- Lyotard, J.F. (1984). *The Post-Modern Condition: A Report on Knowledge*. 1984 trans. Manchester University Press, Manchester.
- Macedo, S. (1995). *Liberal Civic Education and Religious Fundamentalism: The Case of God v. John Rawls?* in *Ethics* 105 (3): 468–496.
- Macedo, S. (1998)., *Transformative Constitutionalism and the Case of Religion: Defending the Moderate Hegemony of Liberalism*. in *Political Theory, Vol. 26, No.1.*,pp.56-80.
- MacIntyre, A. (1981), *After Virtue: A Study in Moral Theory*. Duckworth, London.
- MacIntyre, A. (1988)., *Whose Justice? Which Rationality?* Duckworth, London.



- MacIntyre, A. (1990). *Three Rival Versions of Moral Enquiry: Encyclopaedia, Genealogy and Tradition.*, Duckworth, London.
- MacIntyre, A. (1997, 2013), *Dependent Rational Animals.*, Bloomsbury Academic, London.
- Maier, C.(1993). Democracy Since the French Revolution., in *Democracy: The Unfinished Journey – 508BC to AD1993*, (Dunn, J. Ed.) OUP, Oxford.
- Marquand, D. (2009). *Britain Since 1918*. Weidenfeld and Nicolson, London.
- Marx, K. (1887). *Capital: A Critique of Political Economy, Volume 1*, 4<sup>th</sup> ed. Engels, F. (ed.). Moore, S. and Aveling, E. (trans.). Lawrence and Wishart, London.
- Marx, K. and Engels, F. (1888). *The Communist Manifesto*. Revised ed. Lawrence and Wishart, London.
- Mason, R.O. (1969). A Dialectical Approach to Strategic Planning. *Management Science*, 15, 403-414.
- Mason, R.O. and Mitroff, I.I. (1981). *Challenging Strategic Planning Assumptions*. Wiley, New York.
- Maturana, H.R. (1988a). *Ontology of Observing: The Biological Foundations of Self-Consciousness and the Physical Domain of Existence*. <http://www.inteco.cl/biology/>
- Maturana, H.R. (1988b). Reality: The Search for Objectivity or Quest for a Compelling Argument. *Irish Journal of Psychology*, 9, 25-82.
- Maturana, H.R. and Varela, F.J. (1992). *The Tree of Knowledge: The Biological Roots of Human Understanding*. Revised ed. Shambhala, Boston.
- Mayer, A. (1998). *Islam and Human Rights: Tradition and Politics.*, Westview Press, Colorado.
- Mazower, M. (2000). *Dark Continent: Europe's Twentieth Century.*, Random House, New York.
- McGhee, D. (2008). *The End of Multiculturalism? Terrorism, Integration and Human Rights.*, Open University Press, London, pp.82-85.
- McGrath, A. (2001). *Christian Theology – An Introduction.*, Blackwell Publishing, Oxford.
- McQueen (2017) Political realism and the realist 'Tradition'. in *Critical Review of International Social and Political Philosophy*. 20:3, pp.296-313.
- Meer, N. (2010). *Citizenship, Identity and the Politics of Multiculturalism: The Rise of Muslim Consciousness.*, Palgrave Macmillan, London, pp. 2010.
- Meinecke, F. (1964). *The German Catastrophe: Reflections and Recollections.*, Beacon Press, Boston MA.
- Merleau-Ponty, M. (1962). *The Phenomenology of Perception*. Routledge and Kegan Paul, London.
- Michael, L. (2011). Islam as Rebellion and Conformity: How British Pakistani Muslims in the UK Negotiate Space for and against Radical Ideologies., in *Religion, State and Society* 39, 209 – 208, Routledge, London.
- Midgley, G. (1988). *A Systems Analysis and Evaluation of Microjob – A Vocational Rehabilitation and Information Technology Training Centre for People with Disabilities*. M.Phil. Thesis, City University, London.
- Midgley, G. (1989a). Critical Systems: The Theory and Practice of Partitioning Methodologies. *Proceedings of the 33<sup>rd</sup> Annual Meeting of the International Society for General Systems Research (Volume II)*, held in Edinburgh, Scotland, on 2-7 July 1989.
- Midgley, G. (1989b). Critical Systems and the Problem of Pluralism. *Cybernetics and Systems*, 20, 219-231.
- Midgley, G. (1990a). Creative Methodology Design. *Systemist*, 12, 108 – 113.
- Midgley, G. (1990b). Critical Systems and Methodological Pluralism. in *Toward a Just Society for Future Generations. Volume 1: Systems Design*. Banathy, B.H. and Banathy, B.A. (eds.). International Society for the Systems Sciences, Pomona, CA.

- Midgley, G. (1991a). The legitimation of Systems Science. in *Systems Science in the 21<sup>st</sup> Century: Integrating the New Sciences of Complexity in the Service of Humans and their Environment*. Proceedings of the 35<sup>th</sup> Annual Conference of the International Society for Systems Science, Ostersund, Sweden, June 13-21, 1991.
- Midgley, G. (1991b). The Sacred and the Profane in Critical Systems Thinking. in *Systems Thinking in Europe*. Jackson, M.C., Mansell, G.J., Flood, R.L., Blackham, R.B., and Probert, S.V.E. (eds.). Plenum, New York.
- Midgley, G. (1992a). Pluralism and the Legitimation of Systems Science. *Systems Practice*, 5, 147-172.
- Midgley, G. (1992b). The Sacred and the Profane in Critical Systems Thinking. *Systems Practice*, 5, 5-16.
- Midgley, G. (1994). Ecology and the Poverty of Humanism: A Critical Systems Perspective. *Systems Research*, 11, 67- 76.
- Midgley, G. (1995) Systemic Intervention: A Critical Systems Perspective. in *Systems Methodology: Possibilities for Cross-Cultural Learning and Integration*. Midgley, G. and Wilby, J. (eds.). Centre for Systems Studies, Hull.
- Midgley, G. (1996a). The Ideal of Unity and the Practice of Pluralism in Systems Science. in *Critical Systems Thinking: Current Research and Practice*. Flood, R.L. and Romm, N.R.A. (eds.). Plenum, New York.
- Midgley, G. (1996b). What is this thing called Systems Thinking? in *Critical Systems Thinking: Current Research and Practice*. Flood, R.L. and Romm, N.R.A. (eds.). Plenum, New York.
- Midgley, G. (1997a). Mixing Methods: Developing Systemic Intervention. in Mingers, J.C. and Gill, A. (eds.) (1997). *Multimethodology: The Theory and Practice of Combining Management Science Methodologies*. Chichester: Wiley.
- Midgley, G. (1997b). Dealing with Coercion: Critical Systems Heuristics and Beyond. *Systems Practice*, 10, 37-57.
- Midgley, G. (1998). *Rethinking the Unity of Science*. Centre for Systems Studies Research Memorandum #19. Centre for Systems Studies, University of Hull, Hull.
- Midgley, G. (2000)., *Systemic Intervention: Philosophy, Methodology, and Practice*. Plenum Publishers, New York.
- Midgley G (2006). Systems Thinking for Evaluation. In, *Systems Concepts in Evaluation: An Expert Anthology*. Williams, R. and Imam, I. (eds.). EdgePress, Point Reyes CA.
- Midgley G (2011). Theoretical Pluralism in Systemic Action Research. *Systemic Practice and Action Research*, **24**, 1-15.
- Midgley G (2022). The Systemic Intervention Approach. In, *Routledge Handbook of Systems Thinking*. Cabrera, D., Cabrera, L. and Midgley, G. (eds.). Routledge, London.
- Midgley G and Lindhult E (2021). A Systems Perspective on Systemic Innovation. *Systems Research and Behavioral Science*, **38**(5), 635–670.
- Midgley, G. and Munlo, I. (1996). The Theory and Practice of Boundary Critique. in *Systems Methodology II: Possibilities for Learning and Cross-Cultural Integration*. Wilby, J. (ed.). Centre for Systems Studies, University of Hull, Hull.
- Midgley, G., Munlo, I. and Brown, M. (1997). *Sharing Power: Integrating User Involvement and Multi-Agency Working to Improve Housing for Older People*. Policy Press, Bristol.
- Midgley, G., Munlo, I. and Brown, M. (1998). The Theory and Practice of Boundary Critique: Developing Housing Services for Older People. *Journal of the Operational Research Society*, 49, 467-478.
- Midgley, G. and Ochoa Arias, A., (1999). Visions of Community OR in the UK: A Variety of Experiences and Learning. *Omega*, 27, 259-274.
- Midgley, G. and Ochoa Arias, A., (2001). *Unfolding a Theory of Systemic Intervention*. in *Systemic Practice and Action Research*, Vol. 14, No. 5, pp. 615 – 649.



- Midgley G and Pinzón L (2011). The Implications of Boundary Critique for Conflict Prevention. *Journal of the Operational Research Society*, 62, 1543-1554.
- Midgley G and Pinzón L (2013). Systemic Mediation: Moral Reasoning and Boundaries of Concern. *Systems Research and Behavioral Science*, 30, 607–632.
- Midgley G and Richardson K (2007). Systems Thinking for Community Involvement in Policy Analysis. *Emergence: Complexity and Organization*, 9, 167-183.
- Milbank, J., (1990)., *Theology and Social Theory: Beyond Secular Reason.*, Blackwell, Oxford.
- Milbank, J. (2010). Sharia and the True Basis of Group Rights: Islam, the West and Liberalism. in Ahdar and Aroney (Eds). (2010). *Sharia in the West*. Oxford University Press, Oxford.
- Mill, J.S. (1859). *On Liberty*. 1974 ed. Penguin, Hammondsworth.
- Miller, J. (2013)., *REsilience, Violent Extremism and Religious Education*. in *British Journal of Religious Education Vol.35, No.2.*, pp. 188–200.
- Mingers, J.C. (1980). Towards an Appropriate Social Theory for Applied Systems Thinking: Critical Theory and Soft Systems Methodology. *Journal of Applied Systems Analysis*, 7, 41-50.
- Mingers, J.C. (1984). Subjectivism and Soft Systems Methodology – A Critique. *Journal of Applied Systems Analysis*, 11, 85-103.
- Mingers, J.C. (1992). *Fuenmayor’s Interpretive Systemology – A Critical Comment*. in *Systems Practice, Vol. 5, No. 3*, 335-342.
- Mingers, J.C. (1993). The System of System Methodologies – A Reply to Schecter. *Journal of the Operational Research Society*, 44, 206-208.
- Mingers, J.C. (1995). *Self-Producing Systems: Implications and Applications of Autopoiesis*. Plenum, New York.
- Mingers, J.C. and Gill, A. (eds.) (1997). *Multimethodology: The Theory and Practice of Combining Management Science Methodologies*. Wiley, Chichester.
- Miser, H.J. and Quade, E.S. (eds.) (1985). *Handbook of Systems Analysis: Overview of Uses, Procedures, Applications and Practice*. North Holland, New York.
- Miser, H.J. and Quade, E.S. (eds.) (1988). *Handbook of Systems Analysis: Craft Issues and Procedural Choices*. Wiley, New York.
- Mitroff, I.I. and Emshoff, J.R. (1979). On Strategic Assumption-Making: A Dialectical Approach to Policy and Planning. *Academy of Management Review*, 6, 649-651.
- Mitroff, I.I., Emshoff, J.R. and Kilmann, R.H. (1979). Assumptional Analysis: A Methodology for Strategic Problem-Solving. *Management Science*, 25, 583-593.
- Modood, T. (2007). *Multiculturalism*. Polity Press, Cambridge.
- Modood, T. (2010). Multicultural Citizenships and the Sharia Controversy In Britain. in Ahdar and Aroney (Eds). (2010)., *Sharia in the West*, Oxford University Press, Oxford.
- Mouffe, C. (2000). For an Agonistic Model of Democracy., in *Political Theory in Transition* (N. O’Sullivan, ed.), Routledge, London.
- Moussalli, A. (1994, 2005). Radical Islamic Fundamentalism: The Ideological and Political Discourse of Sayyid Qutb., in *Pioneers of Islamic Revival* (Ali Rahnema Ed.) Zed Books, London.
- M’Pherson, P.K. (1974). *A perspective on systems science and systems philosophy*. in *Futures*, 6, 219-239.
- Murphy, M. (2003). MacIntyre’s Political Philosophy., in *Alasdair MacIntyre: Contemporary Philosophy in Focus.*, (M. Murphy, ed.), Cambridge University Press, Cambridge UK.
- Nasr, S. (1994, 2005). Mawdudi and the Jama’at-i Islami: The Origins, Theory and Practice of Islamic Revivalism., in *Pioneers of Islamic Revival* (A. Rahnema ed.), Zed Books, London.

- Nelson, W. (2002). *Liberal Theories and their Critics*. in *The Blackwell Guide to Social and Political Philosophy*. (Simon, R.L. Ed.), Blackwell Publishers, Oxford.
- Nietzsche, F. (1887, 2013)., *On the Genealogy of Morals: A Polemic.*, Penguin, London.
- Nimni, E. (2014). Democratic Theory and the Autonomy of Non-Christian Religious Courts in the UK. In *New Multicultural Identities in Europe: Religion and Ethnicity in Secular Societies*. Toguslu, E., Leman, J., and Sezgin, I.M. (eds.). Leuven University Press, Leuven, Belgium.
- Oakeshott, M. (1975a). *Hobbes on Civil Association*. Basil Blackwell, Oxford.
- Oakeshott, M. (1975b). *On Human Conduct.*, Oxford University Press, Oxford.
- Ochoa-Arias, A. E. (2004). An interpretive systemic exploration of community action in Venezuela. In G. Midgley, & A. E. Ochoa-Arias (Eds.), *Community operational research: OR and systems thinking for community development*. New York: Kluwer.
- O'Donovan, J. (1996). Historical Prolegomena to a Theological Review., in *Studies in Christian Ethics* Vol:9:2, 52-65, Oxford.
- Ofsted.(2014).[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/380595/SMSCGuidance\\_Maintained\\_Schools.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/380595/SMSCGuidance_Maintained_Schools.pdf)
- Ofsted. (2015). [www.gov.uk/government/publications/school-inspection-handbook-from-september-2015](http://www.gov.uk/government/publications/school-inspection-handbook-from-september-2015)
- Oh, I. (2008). *The Rights of God: Islam, Human Rights and Comparative Ethics.*, Georgetown University Press, Georgetown, USA.
- Oliga, J.C. (1988). *Methodological foundations of systems methodologies*. in *Systems Practice*, 1, 87-112.
- Oliga, JC (1991). *Methodological foundations of systems methodologies*. in, *Critical Systems Thinking: Directed Readings*. Flood, RL and Jackson MC (eds.). Wiley, Chichester.
- O'Sullivan, N. (1976). *Conservatism*. J.M. Dent and Sons, London.
- O'Sullivan, N. (1983). *Fascism*, Plantin, London.
- O'Sullivan, N. (2000). Power, Authority and Legitimacy: a Critique of Postmodern Political Thought., in *Political Theory in Transition*, (N. O'Sullivan, ed.), Routledge, London, pp.131-152.
- O'Sullivan, N. (2004)., *European Political Thought Since 1945*. Palgrave Macmillan, London.
- Panjwani, F, 2014, *Beyond the Trojan Horse Saga in The Middle East in London*, 10:5, pp. 9 – 11, London.
- Panjwani, F, 2016, *Towards an Overlapping Consensus: Muslim Teachers' Views on Fundamental British Values in Journal of Education for Teaching*, 42:3, pp. 329 – 340.
- Parekh, B. (1992)., *The Cultural Particularity of Liberal Democracy*. in *Political Studies Vol.40, No.1*, pp. 160-175.
- Parekh, B. (2000a). Theorising Political Theory. in *Political Theory in Transition*. O'Sullivan, N. (ed.). Routledge, London, pp.242-260.
- Parekh, B. (2000b). *The Future of Multi-Ethnic Britain: The Parekh Report*. Profile Books Ltd. London.
- Parekh, B. (2005). *Rethinking Multiculturalism: Cultural Diversity and Political Theory*. Red Globe Press, London.
- Parekh, B. (2012). Multicultural Society and the Welfare State. In *The Withering of the Welfare State: Regression*. Connelly, J. and Hayward, J. (eds.). Palgrave Macmillan, Hampshire.
- Paul EF, Miller FD and Paul J (1994). *Cultural Pluralism and Moral Knowledge*. New York: Cambridge University Press.
- Pidd, M. (1996). *Tools for Thinking: Modelling in Management Science*. Wiley, Chichester.

- Postman N and Weingartner C (1969). *Teaching as a Subversive Activity.*, Penguin, Harmondsworth.
- Prigogine, I. (1987). *Exploring complexity.* in *European Journal of Operational Research*, 30, 97-103.
- Quong, J. (2011, 2020)., *Liberalism Without Perfection*, Oxford University Press, Oxford.
- Qutb, S. (1964, 2006)., *Milestones*, Islamic Book Service, New Delhi.
- Rawls, J. (1971). *A Theory of Justice*. Harvard University Press, Cambridge, Massachusetts.
- Rawls, J. (1993, 2005). *Political Liberalism*. Columbia University Press, New York.
- Revell, L, and Bryan, H, 2016, *Calibrating Fundamental British Values: How Head Teachers are Approaching Appraisal in the light of the Teachers' Standards 2012, Prevent, and the Counter-Terrorism and Security Act 2015* in *Journal of Education for Teaching* 42:3, pp. 341 – 353.
- Rittel, H.W.J., Webber, M.M. (1973). *Dilemmas in a General Theory of Planning* in *Policy Sciences* 4, pp.155-169.
- Romm, N.R.A. (1994). *Continuing Tensions between Soft Systems Methodology and Critical Systems Heuristics*. Centre for Systems Studies Working Paper #5. Centre for Systems Studies, University of Hull, Hull.
- Rose, G. (1978). *The Melancholy Science: An Introduction to the Thought of Theodore W. Adorno*. Verso, London.
- Rose, G. (1981). *Hegel Contra Sociology.*, Verso, London.
- Rose, G. (1984). *The Dialectic of Nihilism: Post-Structuralism and the Law.*, Blackwell, Oxford.
- Rose, G. (1992). *The Broken Middle: Out of Our Ancient Society*. Blackwell, Oxford.
- Rose, G. (1993). *Judaism and Modernity: Philosophical Essays*. Verso, London.
- Rose, G. (1995). *Love's Work: A Reckoning with Life*. Vintage, London.
- Rose, G. (1996). *Mourning Becomes the Law: Philosophy and Representation*. Cambridge University Press, Cambridge.
- Rose, G. (1999). *Paradiso*. Menard Press, London.
- Rosen, R. (2012). *Anticipatory Systems: Philosophical, Methodological, and Mathematical Foundations*. 2<sup>nd</sup> edition. Springer, New York.
- Sarid, A. (2017)., *Self-Critical Appropriation: An Assessment of Bauman's View of Education in Liquid Modernity*. in *Educational Philosophy and Theory*, Vol.49, No.5, pp. 462-472.
- Schick, K. (2012). *Gillian Rose: A Good Enough Justice*. Edinburgh University Press, Edinburgh.
- Sleat, M. (2013). *Liberal Realism: A Realist Theory of Liberal Politics*. Manchester University Press, Manchester.
- Sleat, M. (2018). Introduction: Politics Recovered—on the Revival of Realism in Contemporary Political Theory. in *Politics Recovered: Realist Thought in Theory and Practice*. Sleat, M. (ed.). Columbia University Press, New York.
- Shachar, A. (2001). *Multicultural Jurisdictions: Cultural Differences and Women's Rights*. Cambridge University Press, Cambridge.
- Smart, N. (1975). The Exploration of Religion and Education., in *Oxford Review of Education* Vol.1, No.2, Oxford, 99-105.
- Sorel, G. (1908). *Reflections on Violence*. Hulme, T.E. and Roth, J. (trans.) 1969. Collier-Macmillan Canada Ltd. Toronto, Canada.
- Spielman, A. (2018). *The Ties that Bind*, speech to Policy Exchange Think Tank delivered 9<sup>th</sup> July, 2018, <https://www.gov.uk/government/speeches/amanda-spielmans-speech-to-the-policy-exchange-think-tank>

- Sydelko P, Midgley G and Espinosa A (2021). Designing Interagency Responses to Wicked Problems: Creating a Common, Cross-Agency Understanding. *European Journal of Operational Research*, **294**, 250-263.
- Suarez, R.T. (1999). The Holistic Sense of Prison Phenomena in Venezuela. II. Toward a Profound Unveiling of the "Background". In *Systemic Practice and Action Research*, Vol. 12, No. 1, pp. 95-113.
- Taket, A. and White, L. (1993). After OR: An Agenda for Postmodernism and Poststructuralism in OR. *Journal of the Operational Research Society*, 44, 867-881.
- Taylor, C. (2007). *A Secular Age*. Harvard University Press, Cambridge, Massachusetts.
- Tubbs, N. (2000). *Mind the Gap: The Philosophy of Gillian Rose*.
- Ulrich, W. (1983). *Critical Heuristics of Social Planning: A New Approach to Practical Philosophy*. Haupt, Berne.
- Ulrich, W. (1986). *Critical Heuristics of Social Systems Design*. Working Paper #10, Department of Management Systems and Sciences, University of Hull, Hull.
- Ulrich, W. (1988). Systems Thinking, Systems Practice, and Practical Philosophy: A Program of Research. *Systems Practice*, 1, 137-163.
- Ulrich, W. (1990). Critical Systems Thinking and Ethics: The Role of Contemporary Practical Philosophy for Developing "an Ethics of Whole Systems". In *Toward a Just Society for Future Generations. Volume I: Systems Design*. Banathy, B.H. and Banathy, B.A. (eds.). International Society for the Systems Sciences, Pomona, CA.
- Ulrich, W. (1993). Some Difficulties of Ecological Thinking, Considered from a Critical Systems Perspective: A Plea for Critical Holism. *Systems Practice*, 6, 583-611.
- Ulrich, W. (1994). Can We Secure Future-Responsive Management Through Systems Thinking and Design? *Interfaces*, 24, 26-37.
- Ulrich W, Reynolds M. 2010. Critical systems heuristics. In *Systems Approaches to Managing Change: A Practical Guide*, Reynolds M, Holwell S (eds.). Springer: London.
- Valero-Silva, N. (1996). Towards a Critique of Critical Systems Thinking within a Foucauldian Framework: A "Demystification Process" or an "Instrumental Use" of Critical Theory. *Systems Practice*, 9, 539-546.
- Valero-Silva, N. (1998). *A Critical History of Critical Systems Thinking*. Ph.D. thesis, University of Hull.
- Vega, R.R. (1999). *Health Care and Social Justice Evaluation: A Critical and Pluralist Approach*. Ph.D. thesis, University of Hull.
- Velez, J.I. (1999). *Autopoiesis and Power*. MA Dissertation, University of Hull.
- Vickers, G. (1970). *Freedom in a Rocking Boat: Changing Values in an Unstable Society*. Penguin, Hammondsworth.
- Vickers, G. (1983). *Human Systems Are Different*. Harper, London.
- Vincent, C., and Hunter-Henin, M., (2018). The Problem with Teaching British Values in Schools., on *The Conversation*, February 6<sup>th</sup>, <http://theconversation.com/the-problem-with-teaching-british-values-in-school-83688>
- Waldron, J. (2010). Questions About the Reasonable Accommodation of Minorities.in Ahdar and Aroney (eds). (2010)., *Sharia in the West*, Oxford University Press, Oxford.
- White, J. (2004). Should Religious Education be a Compulsory School Subject? in *British Journal of Religious Education*, Vol.26, No.2, 151-164.
- Weimer, W.B. (1979). *Notes on the Methodology of Scientific Research*. Lawrence Erlbaum Associates, NJ.
- White, L. and Taket, A. (1993). The Death of the Expert. *Journal of the Operational Research Society*, 45, 733-748.
- White, L. and Taket, A. (1994). Facilitating an Organisational Review. In *Community Works: 26 Case Studies showing Community Operational Research in Action*. Ritchie, C. Taket, A. and Bryant, J. (eds.). Pavic Press, Sheffield.

- White, L. and Taket, A. (1997). Critiquing Multimethodology as Metamethodology: Working Towards Pragmatic Pluralism. in Mingers, J.C. and Gill, A. (eds.) (1997). *Multimethodology: The Theory and Practice of Combining Management Science Methodologies*. Wiley, Chichester.
- Wilkinson, M. (2014). *A Fresh Look at Islam in a Multi-Faith World: A Philosophy for Success Through Education.*, Routledge, Abingdon.
- Williams, G. (2005)., *Geoffrey Vickers: Philosopher of Responsibility*. in *Systems Research and Behavioural Science*, Vol.22, No.4, pp. 291-298.
- Williams, R.D. (1995). *Between Politics and Metaphysics: Reflections in the Wake of Gillian Rose*. in *Modern Theology*, Vol. 11, No. 1. pp. 3-22.
- Williams, Rowan. D., (2008). *Civil and Religious Law in England: A Religious Perspective* reprinted in Ahdar and Aroney (Eds). (2010)., *Sharia in the West*, Oxford University Press, Oxford.
- Wittgenstein, L. (1953). *Philosophical Investigations*. Basil Blackwell, Oxford.
- Wooliston, G. (1992). *The Architecture and Acuity of Critical Systems Thinking*. Ph.D. Thesis, University of Hull.
- Wyatt, T. (2018). Justin Welby's Stance on Sharia Law is a Welcome Relief., in *The Spectator* March 8<sup>th</sup>: <https://blogs.spectator.co.uk/2018/03/justin-welbys-stance-on-sharia-law-is-a-welcome-relief/>
- Yolles, M. (1996). Critical Systems Thinking, Paradigms, and the Modelling Space. *Systems Practice*, 9, 549-570.
- Zizek, S. (2001)., *Did Somebody Say Totalitarianism?* Verso, London.

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