

JUST, REASONABLE MULTICULTURALISM:*Liberalism, Culture and Coercion*

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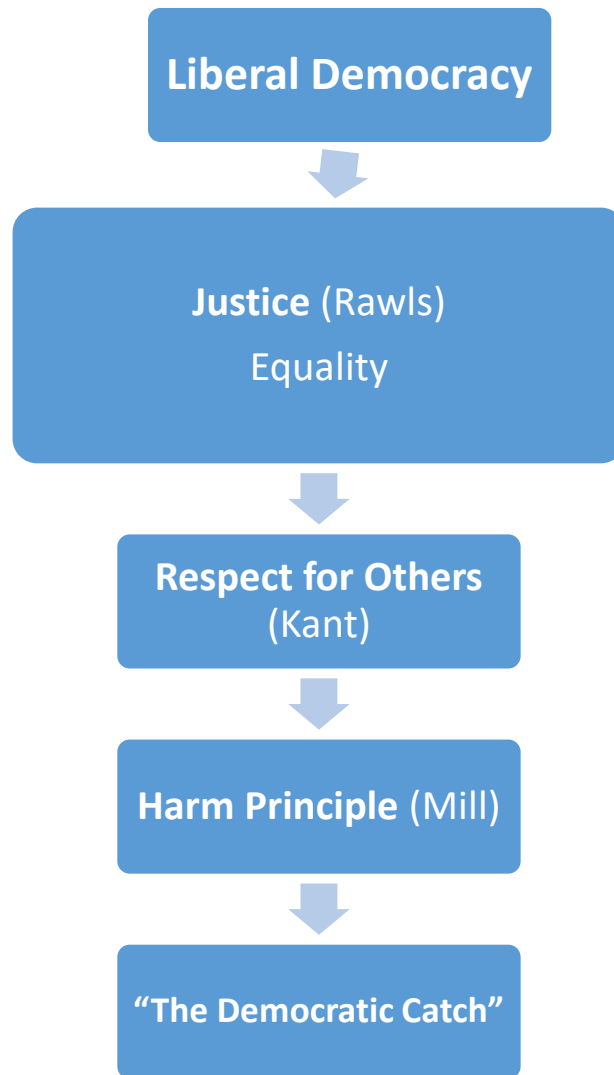
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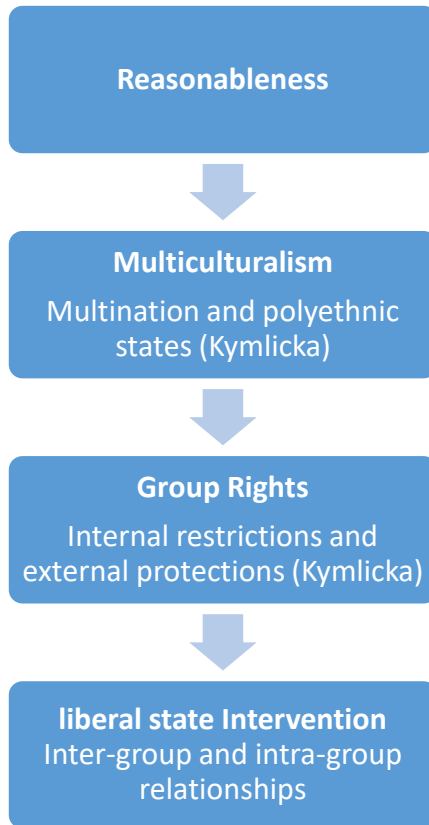
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Theory of Just, Reasonable Multiculturalism

1.



2.



3.



4.

Coercion

Circumstantial and person-based
Benevolent and malevolent
Paternalistic
via third party
Self- and other-regarding
Internalised and designated
Minority and majority

5.

Physical and non-physical harm

Freedom of religion, and freedom from religion
Public v. private
Parenthood
Balancing

Everything has its beauty but not everyone sees it.

~ Confucius

In 2008, British Prime Minister David Cameron said: "State multiculturalism is a wrong-headed doctrine that has had disastrous results. It has fostered difference between communities... it has stopped us from strengthening our collective identity. Indeed, it has deliberately weakened it."¹ Cameron argued that multiculturalism means treating groups of people as monolithic blocks rather than individual citizens. It encourages difference and divisiveness rather than unity.

In October 2010, Chancellor Angela Merkel declared that "the multicultural concept is a failure, an absolute failure."² She acknowledged that the number of young people with a migration background was increasing and proposed a new and tougher approach to immigration: "Those who want to have a part in our society," she said, "must not only obey our laws and know the constitution, they must above all learn our language."³ Merkel maintained: "it is right that a language test be taken in union-governed states. It is important that students who go to school understand their teachers... And it is, without question, important and right to say that young girls must attend school field trips and participate in gym classes, and that we do not believe in forced marriages - they are not compatible with our laws."⁴

A year later, Cameron echoed Merkel's words by attacking the very notion of multiculturalism as encouragement for "different cultures to live separate lives, apart from each other and apart from the mainstream."⁵ The British prime minister complained: "When a white person holds objectionable views, racist views, we rightly condemn them. But when equally unacceptable views or practices come from someone who is not white, we have been too cautious... to stand up to them."⁶ Cameron referred to forced marriage as an example of problematic practices. This hands-off tolerance, Cameron said, "has only served to reinforce the sense that not enough is shared."⁷ All this left some young Muslims feeling rootless, and in search for a meaningful life they were radicalized, pushed to adopt extremist ideologies. Now

¹ Andrew Sparrow, "Cameron attacks 'state multiculturalism'," *The Guardian* (February 26, 2008), <http://www.theguardian.com/politics/2008/feb/26/conservatives.race>

² Chancellor Merkel's speech on October 16, 2010. See George Friedman, "Germany and the Failure of Multiculturalism," *Stratfor* (October 19, 2010), http://www.stratfor.com/weekly/20101018_germany_and_failure_multiculturalism?utm_source=GWeekly&utm_medium=email&utm_campaign=101019&utm_content=readmore&elq=98d2c1d56f644835bcad663c72d960b1; Kate Connolly, "Angela Merkel declares death of German multiculturalism," *The Guardian* (October 17, 2010), <https://www.theguardian.com/world/2010/oct/17/angela-merkel-germany-multiculturalism-failures>

³ Rita Chin, *The Crisis of Multiculturalism in Europe* (Princeton, NJ: Princeton University Press, 2017): 237; Rita Chin, "Thinking Difference in Post-War Germany," in Cornelia Wilhelm (ed.), *Migration, Memory, and Diversity: Germany from 1945 to the Present* (NY: Berghahn Books, 2018): chap. 8.

⁴ Ibid.

⁵ David Cameron, speech and Munich Security conference (February 5, 2011).

⁶ "Full transcript | David Cameron | Speech on radicalisation and Islamic extremism | Munich | 5 February 2011," *New Statesman* (February 5, 2011), <https://www.newstatesman.com/blogs/the-staggers/2011/02/terrorism-islam-ideology>

⁷ Ibid.

for sure, Cameron qualified, “they don’t turn into terrorists overnight, but what we see – and what we see in so many European countries – is a process of radicalization.”⁸

Like Chancellor Merkel, Prime Minister Cameron went as far as saying that multiculturalism had failed and that it had fostered extremist ideology and radicalization among British Muslims. Under the “doctrine of state multiculturalism,” different cultures have been encouraged to live separate lives, “apart from each other and apart from the mainstream,” and “We have failed to provide a vision of society to which they feel they want to belong. We have even tolerated these segregated communities behaving in ways that run counter to our values.”⁹

Cameron proposed a new model of “muscular liberalism” that would enforce the values of equality, law and freedom of speech. He pledged to withhold state funding from Muslim groups that discouraged community assimilation or refused to endorse women’s rights. Cameron called upon Britain and other European countries to replace “passive tolerance” with an “unambiguous” and “hard-nosed defence” of fundamental liberties, of democracy, of the rule of law, and of equal rights for all.¹⁰

The same year, 2011, a third world leader, French president Nicolas Sarkozy declared that multiculturalism had failed, saying that “We have been too concerned about the identity of the person who was arriving and not enough about the identity of the country that was receiving him.”¹¹

These are strong and powerful words, especially as they come from the leaders of three of the most important democracies in Europe. Is multiculturalism a failure? Does multiculturalism foster extremist ideology and terrorism? Is there a direct connection between multiculturalism and terror?

Multiculturalism was *en vogue* during the second half of the 20th Century as many western democracies had witnessed minority cultures that demanded rights and recognition. Multiculturalism as a new field of studies emerged, examining the moral and political claims of a wide range of cultural groups, their self-determination and society’s recognition of group rights. It pondered the proper ways to acknowledge differences and respond to cultural and religious diversity.

However, as the above statements demonstrate, the trend across western democracies towards the increased recognition and accommodation of cultural diversity has been reversed. The concept of multiculturalism has been a subject of

⁸ PM’s speech at Munich Security Conference, *National Archives* (February 5, 2011), <http://webarchive.nationalarchives.gov.uk/20130109092234/http://number10.gov.uk/news/pms-speech-at-munich-security-conference/>. For further discussion, Gurpreet Mahajan, “Multiculturalism in the Age of Terror: Confronting the Challenges,” *Political Studies Review*, 5 (2007): 317–336; Kent Roach, “National Security, Multiculturalism and Muslim Minorities,” *University of Toronto Legal Studies Series*, Research Paper No. 938451 (October 2006).

⁹ PM’s speech at Munich Security Conference, *National Archives* (February 5, 2011), <http://webarchive.nationalarchives.gov.uk/20130109092234/http://number10.gov.uk/news/pms-speech-at-munich-security-conference/>

¹⁰ Rita Chin, *The Crisis of Multiculturalism in Europe*: 283-284.

¹¹ “Nicolas Sarkozy declares multiculturalism had failed,” *The Telegraph* (February 11, 2011), <https://www.telegraph.co.uk/news/worldnews/europe/france/8317497/Nicolas-Sarkozy-declares-multiculturalism-had-failed.html>

controversy and we witness reassertion of unitary citizenship.¹² Conflicts between liberal and illiberal countries, and conflicts between liberal and illiberal cultures within the liberal state have yielded a backlash against multiculturalism. Government officials and policy makers expressed skepticism and criticism of multiculturalism, especially in the context of increased freedom of movement, immigration, and the so-called “war against terror.” While there are still some who endorse multiculturalism, celebrate cultural diversity and support the right of cultural groups to recognition, respect and resources, others have been voicing scathing criticisms. The critiques argue that multiculturalism is bad for liberal democracy, is bad for women and, as quoted from David Cameron, has contributed to terrorism.

OBJECTIVES

This book explores whether these challenges against multiculturalism are justified. Its primary objectives are twofold: to examine whether liberalism and multiculturalism are reconcilable, and what are the limits of state interventions in affairs of illiberal minority sub-cultures within democracies.¹³ In the process, I outline the theoretical assumptions underlying a liberal response to threats posed by cultural or religious groups whose norms entail different measures of harm. I do this by examining the importance of cultural, ethnic, national, religious, and ideological norms and beliefs, and what part they play in requiring us to tolerate others out of respect. I proceed by formulating guidelines designed to prescribe boundaries to cultural practices and to safeguard the rights of individuals.

Historically, liberal democracies have hoped that the protection of basic individual rights would be enough to accommodate ethno-cultural minorities. Indeed, the importance of individual civil and political rights in protecting minorities cannot be underestimated. Freedom of religion, association, expression, business, mobility and political organization enable individuals to form and maintain groups and associations, to adapt to changing circumstances, and to promote sectarian views and interests among the wider population. Common rights of citizenship may not be enough to accommodate all forms of cultural pluralism. In some cases, certain entitlements and group rights are justified. We need to examine how these group rights are related to individual rights.

This book addresses the following questions: What should we do if group rights in a democracy come into conflict with individual rights? Can a democracy allow minority groups to restrict the individual rights of their members, or should it insist that all groups uphold liberal principles? Should democracy tolerate every norm that members of a cultural community carry with them, even if this means that harm might be inflicted upon some members of that cultural community? Do cultural norms possess

¹² Christian Joppke, *Is Multiculturalism Dead?: Crisis and Persistence in the Constitutional State* (Cambridge: Polity, 2016); Will Kymlicka, “The Rise and Fall of Multiculturalism? New debates on Inclusion and Accommodation in Diverse Societies,” *International Social Science Journal* (November 2010): 97; David Brooks, “The Death of Multiculturalism,” *NY Times* (April 27, 2006).

¹³ By “sub-culture” it is meant a community with certain distinguishing cultural practices living within a liberal democracy. “Sub” relates only to its relative size compared to the larger community in which it resides.

enough weight to allow harm? May culture supply reasons for the toleration of behaviour that is regarded as unacceptable when evinced by other members of society who are not members of the considered sub-culture?

The discussion deals with real life situations. In our men-dominated world, women are routinely discriminated against: suttee, witch-hunting, arranged and forced marriages including sale of young daughters, discriminatory norms of marriage, divorce and property rights, gender segregation, denial of education, enforcement of a strict dress code, female infanticide, Female Genital Mutilation (FGM), and murder for family honour are striking examples. Women are required to pay a high price for the whims of men. Hopefully, the following discussion will bring about wider awareness that will have some positive bearing on the lives of the women concerned. The discussion will promote a debate on the liberal theory of neutrality so as to specify what should be allowed in a democratic society and what should be outlawed. Case studies are taken from the United States, Canada, the United Kingdom and some other Western European countries. The book also examines the situation in two countries, France and Israel, that do not adhere to Anglo-Saxon liberalism and employ coercive means vis-à-vis minorities in order to maintain national cohesion.

The book focuses on the relationships between cultural majorities and minorities. It does not discuss LGBT rights or the acceptability of specific cultural practices that involve animals (e.g. bullfighting). These important issues merit separate analysis.

TERMINOLOGY

State is a political organization of society, a form of human association within geographic boundaries that has institutions that govern the people who reside in that territory. It is comprised of an executive, a legislature, security organisations and bureaucracy that administers a vast number of institutions to answer ecological, human, animal and other needs and concerns. The state utilizes apparatuses of laws, procedures, norms and arrangements that establish order and security, promote certain values (national and international), enforce regulations, and settle disputes. A state is clearly more than a government as governments change while states endure. In this book, when I speak of states, I refer to the body politics or to the governing body that devises and implements policies. The word **country** is used as a synonym.

This book is written from a liberal perspective. As the etymology of the word 'Liberalism' implies, liberals emphasise liberty. Liberalism's core principle is the protection of the individual, her rights, interests, and choices. Governments are established to protect these rights, interests and choices. Liberalism aspires to provide individuals with the conditions to develop their autonomy and build their lives as they see appropriate. Liberals believe that human beings are endowed with reason and that they should enjoy the maximum possible freedom consistent with a like freedom for others. Liberalism speaks of respecting people qua people, as human beings, and of not harming others without appropriate justification. Thus, liberals speak of liberty

as empowerment and liberty from constraints.¹⁴ Liberal ideology also upholds the values of equality, not necessarily material equality but a basic moral equality. Liberalism endorses tolerance and highlights the importance of pluralism and diversity.

Democracy in its modern, liberal formation, is a young phenomenon. It was crystallized only after the First World War. Viscount James Bryce wrote in 1924: "Seventy years ago... the approaching rise of the masses to power was regarded by the educated classes of Europe as a menace to order and prosperity. Then the word Democracy awakened dislike or fear. Now it is a word of praise."¹⁵ Historically speaking, up until relatively recently decision-makers were not particularly impressed by the idea that governments would be elected through popular vote. Democracy is defined as a form of government in which political power belongs to the public as a whole and not merely to a single person or a particular limited group of people. Democracy is procedural in character. It is about the rule of the people by the people. Democracy provides a framework of governance aiming to entertain as many public interests as possible. Not all democracies are necessarily liberal.

Two concepts are pertinent for understanding the ensuing debates between minority groups and the wider population. The first is 'conception of the good.' The second is 'neutrality.' By '**conception of the good**' is meant a conception that encompasses both personal values and societal circumstances. It consists of a more or less determinate scheme of ends that the doer aspires to achieve for their own sake, as well as of attachments to other individuals and loyalties to various groups and associations. I use the terms 'conception of the good' and 'way of life' interchangeably. The cultural context is important for many people as it is within that context that they make decisions and choices that are worthwhile to them.¹⁶

The second concept of '**neutrality**' refers to the liberal inclination to provide individuals freedom and scope to cultivate their personality and to promote their conception of the good as they see appropriate. The difference between liberal states and theocratic, communist, or fascist states is that the liberal states refrain from promoting a single, all-encompassing ideal of the good.¹⁷ Unlike nonliberal states, which consider it a primary function of the state to prescribe the moral character of society, liberal democracies are inclined to allow freedom to citizens to develop their conceptions of the good as long as they do not harm others. Instead of adopting an interventionist, if not outright coercive, policy, liberal democracies adhere to neutrality. Guided by the belief that governments should not use as a justification for any action the fact that one person's plan of life is more or less worthy than another's, liberals do

¹⁴ Isaiah Berlin, *Liberty* (Oxford: Oxford University Press, 2002). See also Bruce Baum and Robert Nichols (eds.), *Isaiah Berlin and the Politics of Freedom: 'Two Concepts of Liberty' 50 Years Later* (London: Routledge, 2015). For further discussion, see Jürgen Habermas, "Equal Treatment of Cultures and the Limits of Postmodern Liberalism," *J. of Political Philosophy*, 13(1): (2005): 1–28.

¹⁵ James Bryce, *Modern Democracies* (London and New York: Macmillan, 1924), Vol. I, p. 4.

¹⁶ Jeff Spinner-Halev's *Surviving Diversity: Religion and Democratic Citizenship* (Baltimore: Johns Hopkins University Press, 2000); Will Kymlicka, *Multicultural Citizenship: a liberal theory of minority* (Oxford: Oxford University Press, 2000).

¹⁷ John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971): sects. 33-35; "The Priority of Right and Ideas of the Good," *Philosophy & Public Affairs*, 17(4) (1988): sect. VII.

not endorse any disposition which defines human good and human perfection to the exclusion of any other.¹⁸ Plurality and diversity are invoked because single-mindedness is likely to generate intolerance and unjust society.

People refer to culture when they speak about race, religion and ethnicity. The term 'culture' itself, as we know and understand it today, i.e. as meaning a complete way of life - spiritual, intellectual and material - came into English thinking only during the days of the Industrial Revolution.¹⁹ By '**culture**' is meant an ensemble of social practices that is meaningful to its members. This ensemble includes values, norms, representation, participation, tradition, folklore, cuisine, rites and memories.

Multiculturalism means the coexistence within the same political society of a number of sizeable cultural groups wishing to maintain their distinct identity.²⁰ Multiculturalism is closely associated with "the politics of difference," "identity politics" and "the politics of recognition."²¹ In the name of religion, language, ethnicity, nationality and race, groups are claiming representation, compensation and remedies to political and economic disadvantages inflicted on them due to their minority status. Advocates of multiculturalism include liberals who champion equality, and communitarians²² who uphold the rights of communities to pursue their cultural conceptions of the good.

By **group rights** is meant a right possessed by a group *qua* group rather than by its individual members. The concept is contrasted with a right held by an individual person. Certain cultural groups invoke group rights when they wish to determine the character and destiny of their collective life. Common examples include cultural groups that raise demands for respect, recognition and public support in order to sustain the group; linguistic groups that wish their language to be recognised distinctly from the national language/s or that it should become one of the national languages, and religious groups that wish to engage freely in collective expressions of their faiths, arguing that their sacred sites and symbols should be revered or at least not be desecrated. In each of these cases, the duties generated by the right are duties owed

¹⁸ Lee C. Bollinger, *The Tolerant Society* (Oxford: Clarendon Press, 1986).

¹⁹ Raymond Williams, *Culture and Society 1780-1950* (Harmondsworth: Penguin, 1971): ii, 16-18.

²⁰ Joseph Raz, "Multiculturalism," *Ratio Juris*, 11(3) (1998): 197.

²¹ Iris M. Young, *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press, 1990); Amy Gutmann (ed.), *Multiculturalism: Examining the Politics of Recognition* (Princeton: Princeton University Press, 1992); Ayelet Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights* (Cambridge: Cambridge University Press, 2001); Amy Gutmann, *Identity in Democracy* (Princeton: Princeton University Press, 2003); N. Fraser and A. Honneth, *Redistribution or Recognition? A Political-philosophical Exchange* (London: Verso, 2003).

²² Communitarianism emphasises the importance of the community in the functioning of political life, in instituting social and political structures and in understanding human identity and well-being. Individuals derive their identity from social groups. Individual rights should be viewed in conjunction with community norms and interests. For further discussion, see Shlomo Avineri and Avner de-Shalit (eds), *Communitarianism and Individualism* (Oxford: Clarendon Press, 1992); Henry Tam, *Communitarianism: A New Agenda for Politics and Citizenship* (Basingstoke: Macmillan, 1998); Daniel Bell, "Communitarianism," *Stanford Encyclopedia of Philosophy* (2016), <https://plato.stanford.edu/entries/communitarianism/>

to the group as a whole rather to its individual members.²³

THEORETICAL FRAMEWORK

To tackle the above questions, I designed a theoretical framework that is both comprehensive and analytical. The theoretical framework is composed of four layers of analysis. It is grounded in liberal philosophy, benefiting from the thinking of prominent liberal thinkers. The theory of just, reasonable multiculturalism is not restricted to one school of thought. Rather, it is composed of principles from a range of liberal philosophies. The first layer is grounded in John Rawls' theory of justice, including his ideas about applying the veil of ignorance as an analytical tool for evaluation, and the concept of mutual respect. I am aware that there are some important differences between Rawls' *A Theory of Justice*²⁴ and *Political Liberalism*.²⁵ But the discussion here is not aimed to offer a comprehensive critical analysis of Rawls, something that many authors, including myself, have done extensively; instead, my aim is to build on some of his principles to compose a theory of just, reasonable multiculturalism. The Rawlsian theory is supplemented with Kantian ethics, and specifically Kant's ideas about respecting others, and perceiving people always as ends and never as mere means; with J.S. Mill's Harm Principle, and with my formulation of "The Democratic Catch."

The second layer develops the theory of reasonable multiculturalism. Here the concept of reasonableness is central. People can be said to be morally reasonable when they have an appropriate conception of themselves and their standing in relation to their fellows, and when they understand and accept the obligations and constraints upon their aspirations and behaviour which derive from that conception. Democratic moral reasonableness implies that all citizens possess moral dignity and that within the framework of a democratic polity every citizen must be treated with respect. In this context, different forms of cultural pluralism and of rights are explained. These are important for constructing bridges between liberalism and multiculturalism.

The second layer of analysis also adopts Will Kymlicka's two forms of cultural pluralism: 'multination' and 'polyethnic' states, and his formulation of two kinds of rights: 'internal restrictions' - the right of a group against its own members, and 'external protections' - the right of a group against the larger society. Again, I am fully aware that Kymlicka's two main writings, *Liberalism, Community, and Culture*²⁶ and *Multicultural Citizenship*,²⁷ have some significant differences; but my aim is not to analyse these differences or to observe trajectories in Kymlicka's thinking. Instead, my aim is to constructively use some of his sharp principles as essential ingredients that

²³ Peter Jones, "Group Rights," in *Stanford Encyclopedia of Philosophy* (March 17, 2016), <https://plato.stanford.edu/entries/rights-group/>

²⁴ John Rawls, *A Theory of Justice*.

²⁵ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

²⁶ Will Kymlicka, *Liberalism, Community, and Culture* (Oxford: Clarendon Press, 1989).

²⁷ Will Kymlicka, *Multicultural Citizenship: a liberal theory of minority*. For further discussion, see Geoffrey Brahm Levey, "Equality, Autonomy, and Cultural Rights," *Political Theory*, 25(2) (April 1997): 215-248.

supplement the first layer of the theory of just, reasonable multiculturalism. Like Kymlicka, I also try to reconcile between liberalism and multiculturalism.

The third layer provides the operational mechanisms for reasonable multiculturalism: Compromise and deliberative democracy. Here I draw a distinction between principled and tactical compromise and explain that just, reasonable multiculturalism encourages exchange of ideas, consideration of the other, seeking the middle ground and that it prefers deliberative democracy to coercion. In turn, the fourth layer examines the complex concept of coercion. Useful distinctions are made between circumstantial and person-based coercion, between benevolent and malevolent coercion, between self- and other-regarding coercion, between internalised and designated coercion, and between minority and majority coercion. I also explain the value and significance of paternalistic coercion. Paternalistic coercion is important for understanding the debate over Muslim dress in France.

The discussion is limited to democratic societies. The hypotheses put forward and the conclusions reached are based on the conception of democracy as it has emerged during the last eighty years or so. Liberal democracies promote the autonomy of the person, liberty, tolerance, participation in civic life, equality before the law and pluralism of different concepts of the good life. On the other hand, illiberal societies are based on authoritative conceptions and principles. Their set of principles does not encourage tolerance and pluralism and it often runs contrary to liberty and to the promotion of individual autonomy. Their governance involves excessive interference and coercion and thus one can assume that their behaviour in the scenarios presented *infra* would be totally different. France and Israel represent interesting cases because they are republican (France) and ethnic (Israel) democracies whose mode of conduct regarding religion is different from Anglo-Saxon liberalism.

The reader should not infer from this distinction between democracies and non-democracies that democracies are immune to problems and that the citizens' rights and freedoms are secured in democracies. In each and every democracy we find violations of basic human rights concerning certain individuals and groups. There is no such thing as 'perfect' democracy. I illustrate this point with pertinent examples.

While liberalism assumes that its principles are universal in nature, the hypotheses advanced in this book and the conclusions reached are limited to modern democracies. While I think that the principles and values that are embraced and promoted by liberal ideology should be universalized, I also acknowledge that theocracies, authoritarian regimes and totalitarian governments might not be persuaded to adopt liberalism. As for the two countries studied here, while France and Israel are liberal in some respects, they are not when freedom of religion is concerned. Both countries exhibit perfectionism rather than neutrality on religious matters. France is Christian, Israel is Jewish, and according to their respective governments so they should remain.

While the theory of just, reasonable multiculturalism is eclectic, it is based on solid and thoughtful foundations that together make a coherent whole, offering yardsticks as to when should a liberal democracy interfere in illiberal and discriminatory practices of sub-cultures within a democracy.

PREMISES AND CONCEPTS

Between liberal democracy and multiculturalism there is an important dialectic. The motivation is to provide scope for diversity, to create bridges between cultures and to accommodate differences with certain boundaries set by liberal ideology as the locus is limited to democracy. This book is based on several underlying premises and concepts:

Respect for multiculturalism is respecting diversity, the mosaic of traditions and cultural pluralism within societies which enriches society and enhances our humanity as we allow people to promote their myriad conceptions of the good.

Compromise: Many of the issues that engulf society and create cleavages can be resolved via deliberations and compromises. Political and social conflicts can be mitigated and tamed by compromises. While politics is bound to include a conflictual dimension, liberal democracy is oriented towards a sustained quest for compromise.

Deliberative democracy: Governments should not behave like a bull in a china shop. A government should conduct its affairs vis-à-vis minority cultures with sensitivity and determination, setting reasonable ends, opening channels of communications, seeking accommodation and compromise that show respect both to the values of the state and to the minority cultures.

Freedom v. coercion: People would like to lead their lives as free and autonomous human beings. Instinctively, coercion is foreign to us, might be offensive to our sensibilities and lead to an increased sense of alienation and resentment. This is *not* to say that coercion is never employed in liberal democracies. But whenever coercion is employed, it should be backed with firm, legitimate, and reasonable justifications.

Gender equality: Men, women and transgender people should enjoy equal human and civil rights. Men are not inferior to women. Women are not inferior to men.²⁸ Transgender people are not inferior to men and women. Granted that men and women are biologically different, biology should not lead to a differentiation of rights and liberties. Countries that have perceived biology as the dictating factor have always been racist countries.

Religion is a matter of personal choice, faith and belief. Because religion provides an all-encompassing framework for all matters, people should be free to take what is appealing to them and reject aspects that are less appealing.

²⁸ Susan Moller Okin, "Feminism, Women's Human Rights, and Cultural Differences," *Hypatia*, 13(2) (Spring 1998): 32-52; Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity 2000); Ayelet Shachar, *Multicultural Jurisdictions: Cultural Differences and Women's Rights* (Cambridge: Cambridge University Press, 2001); Valerie Bryson, *Feminist Political Theory* (London: Palgrave, 2016).

Consequently, *freedom of religion*, and *freedom from religion* are equally important. Both are matters of personal choice. Citizens in a democracy should enjoy the ability to choose one or the other. Each and every person should be allowed to choose her conception of the good, as she sees fit and appropriate for herself, as long as she does not harm others (see *Values* below).

Government intervention: Government should not restrict freedom because it assumes that one particular way of life is intrinsically better than others and that people who lead that way of life are better people. It is not up to government to impose one view on everyone.²⁹

Public v. private: A clear distinction has to be made between the communal character of the State, and personal matters. Personal matters are, by definition, personal. The State should limit its involvement in such matters to absolute minimum and intervene only when there are significant countervailing public interests.

Chain: We are the bridge between past and future. People are shaped by their birthplace, by their family and friends, by their upbringing and education. The past is of significance as people appreciate from where they are coming and believe this past is important in order to know where they are going.

Parenthood: It is often important for parents to bring up their children in accordance with their traditions and cultures. Parents certainly have a voice in the upbringing and education of their children. On many issues, until their children reach adulthood (commonly age of 18-year-old), parents decide for their children as they assume to represent the children's best interests. However, while acknowledging the importance of parenthood as well as the duties and privileges of parenthood, sometimes the right of the child might come into conflict with the right of the parents and this is where government interference might be warranted. The liberal state should protect vulnerable populations. It should protect women and it should also protect children.

Values: The two basic values enshrined in liberal democracies are respect for others and not harming others. We should strive to protect and promote these values. We uphold John Stuart Mill's Harm Principle which holds that the only purpose for which power can be rightfully exercised over any member of the community, against his or her will, is to prevent harm to others.³⁰ The Respect for Others Argument, derived from Kantian and Rawlsian philosophies, requires us to respect the dignity of people as human beings.

²⁹ Ronald Dworkin, *Religion without God* (Cambridge, Mass.: Harvard University Press, 2013): 130.

³⁰ J.S. Mill, *Utilitarianism, Liberty, and Representative Government* (London: J. M. Dent, 1948), Everyman's edition, at 114 or *On Liberty*, <http://www.utilitarianism.com/ol/three.html>

The Democratic "Catch": One of the problems of any political system is that the principles that underlie and characterize it may also, through their application, endanger it and bring about its destruction. Democracy, in its liberal form, is no exception. It advocates liberty and tolerance and at the same time acknowledges the need to set boundaries to liberty. Moreover, because democracy is a relatively young phenomenon, its practitioners lack experience in dealing with the pitfalls inherent in the working of the system. This is what I call the 'catch' of democracy.³¹

Balancing: Striking a balance between rights and liberties is challenging. There is no quick fix suitable for all societies. The balance must take into consideration history, politics and culture as well the pain and suffering of those who pay the price for belonging to a certain culture or religion and the consequences of intervention, or lack of intervention. These factors vary from one country to another as history and politics are distinct. The challenge is becoming more difficult as a result of globalization, immigration and the changing composition of societies.

THESIS

My thesis is that multiculturalism is not necessarily bad for women or for democracy, and that it is not conducive to terrorism. Multiculturalism enriches democracy in many respects and contributes to human development and autonomy. There is nothing inherently wrong in multiculturalism. Group rights, like individual rights, can be used to enhance human potential and they can also be abused. Both group rights and individual rights should be put in check and constrained by enacting justified and reasonable boundaries. If protections are in place to secure civic and human rights for all, then multiculturalism can serve the best interests of all, including minorities, women, children and other vulnerable populations.

National, cultural, and ethnic memberships are significant in pursuing our essential interest in leading a good life; therefore, taking account of such memberships is an important part of giving equal consideration to the interests of each member of the community. I argue that it is possible to resolve the tensions between liberalism and multiculturalism, provided that a fair balance is struck between individual rights and group rights, and that reasonable multiculturalism can be achieved via mechanisms of deliberative democracy, reasonable compromise and justified forms of state coercion. Placing necessary checks and just, reasonable protective constraints on group coercion, my approach insists on the protection of basic human rights as well as on exit rights for individuals if and when they wish to leave their cultural groups. Emphasis is put on freedom from coercion, freedom of religion and freedom from religion, gender equality, and on making a clear distinction between the communal character of the State and personal matters. Personal matters should remain so as much as possible. I will outline the boundaries of state intervention.

³¹ R. Cohen-Almagor, *The Boundaries of Liberty and Tolerance* (Gainesville, FL: The University Press of Florida, 1994), *Speech, Media, and Ethics: The Limits of Free Expression* (Houndmills and New York: Palgrave-Macmillan, 2005), and *The Scope of Tolerance* (London and New York: Routledge, 2006).

It is argued that it is justified to interfere in the business of its sub-cultures when excessive norms subvert the basic principles upon which a liberal society is founded. That is, democracy has the right to curtail norms that disrespect and cause harm to other persons (who may live inside or outside the given cultural community). It is easier for the liberal state to intervene when significant physical harm is inflicted on group members in the name of culture and tradition. The issues are more difficult and complicated when women and children are denied basic human rights in the name of culture. It is argued that liberal democracy should step in to protect people and to ensure their basic human rights. Considerations of substance (extent of harm) and context (time and place) should be taken into consideration.

BOOK STRUCTURE

The book examines the importance of cultural, ethnic, national, religious, and ideological norms and beliefs in several countries. It proposes a comprehensive theoretical framework to the study of multiculturalism and then applies the theory to specific case studies. The book is composed of four parts:

- (i) Chapters 1-4 comprise the theoretical part of the book. The concepts of liberal democracy, justice, reasonableness, multiculturalism, compromise, deliberative democracy and coercion constitute the foundations of the reasonable multiculturalism theory for reconciling tensions between liberalism and multiculturalism.

Chapters 5-8 apply the theoretical principles to analyse state intervention in cultural affairs of cultural groups within liberal democracies.

- (ii) Chapters 5-6 examine cases in which groups inflict bodily harms on their own members.
- (iii) Chapters 7-8 are concerned with the more complicated cases where groups inflict non-physical harm on women and children. These cases exhibit clashes between group rights and liberal individual rights. I question the extent that the discussed court rulings have suggested reasonable compromises to accommodate multiculturalism and to outline the limits of state interference in practices of illiberal communities that deny basic rights to women and children.
- (iv) Chapters 9-10 discuss two countries: France and Israel. In France, majority rule infringes on the rights of minorities. In Israel we witness majority coercion of minorities, and minority Jewish-Orthodox coercion of the Jewish secular majority. While parts ii and iii outline instances in which liberal democracy is justified to intervene in group affairs in order to prevent harm to women and children, this part of the book criticizes discriminatory and coercive state conduct vis-à-vis vulnerable minorities.

Multiculturalism is concerned with the ways to address cultural and religious claims and demands. **The opening chapter** revolves around the questions: What does

liberalism purport to include within the defence of neutrality? What scope is available for conceptions of the good to meet, to mingle and to rival each other? In order to answer these questions, we need to understand what liberal democracy is about, what are its ground rules, and how can we distinguish liberal democracies from illiberal societies. To address these important questions, I avail myself of the Rawlsian justice as fairness theory which greatly influenced the liberal discourse during the past century.

While Rawls' theory of justice is important it is yet insufficient. It needs to be supplemented with further ideas in order to construct a theory of just, reasonable multiculturalism. I proceed by an exploration of Kantian and Millian ethics, and the concept of "The Democratic Catch."

Chapter 2 aims to explain the concept of reasonable multiculturalism. Building on the Rawlsian notion of reasonableness, and on Will Kymlicka's formulation of multiculturalism, I start outlining the mechanisms for reconciliation between liberalism and multiculturalism. Focus is on boundaries. What are the boundaries of multiculturalism within the framework of liberal democracy? And what are the boundaries of state interference in the business of minority cultures, when their norms and practices seem at odd with the underpinning values of liberal democracy? Reasonability assumes acceptance of the underpinning shared principles. Cultures that do not adhere to these principles are perceived as less reasonable. The extent of reasonability varies. But lacking reasonability does not immediately entail that the liberal majority should intervene in the business of the sub-cultures. Interference is warranted to restore justice. I discuss the concept of *mutual* respect, distinguish between two forms of cultural pluralism: 'multination' and 'polyethnic' states, and between two kinds of rights that a group might claim: the first involves the right of a group against its own members; the second involves the right of a group against the larger society. Furthermore, the nature of liberal tolerance and the mechanisms of deliberative democracy are explained, the latter instrumental for resolving disputes in a liberal democracy in a civil, non-violent way.

Chapter 3 is concerned with the concepts of compromise and deliberative democracy. When compromise takes place between two or more parties, reciprocity must be present; that is, the concessions are mutual. It is argued that compromise and deliberative democracy are important in facilitating a healthy discourse between majority and minorities about group rights and the extent of state interference in minority affairs. With proponents of discourse ethics, public reason and deliberative

democracy, such as Jürgen Habermas,³² Joshua Cohen,³³ Seyla Benhabib,³⁴ John Dryzek,³⁵ Amy Gutmann and Dennis F. Thompson,³⁶ it is argued that this is a desirable approach to negotiating and resolving conflicts. I agree with Monique Deveaux that deliberative democracy is an invaluable resource for thinking about how liberal democracies and minority cultural groups might mediate conflicts of culture.³⁷ In turn, **chapter 4** discusses the concept of coercion. Liberal democracies prefer to resolve disputes in non-coercive ways but sometimes setting limits via coercive mechanisms is unavoidable in order to maintain a just, well-ordered society.

Moving from theory to practice, the second part of the book considers concrete examples in which the above principles can be applied in delineating relationships between cultures and the scope of interference that a liberal society may apply in the business of illiberal sub-cultures. This part of the book is divided into four chapters. I first distinguish between two kinds of harm: physical and non-physical. **Chapters 5 and 6** discuss interference in minority affairs when they engage in physical harm to others. Relevant considerations are the extent of harm, consent (or lack of) of those who are subjected to harm, parental care and responsibility, significance of religious and culture norms and values, and the extent to which a liberal society should intervene in group and individual affairs. I first analyse the practices of suttee, self-starvation, scarring, murder for family honour, female circumcision, and Female Genital Mutilation (FGM) and in the following chapter examine male circumcision. The liberal culture is non-violent in nature and acts of physical harm startle us. It is argued that liberal democracy should examine several factors, including the underlying reasons for the infliction of harm and the possibility of exiting the community. Liberal democracy should interfere in the business of its sub-cultures when they inflict *significant* physical harm on its members. A great deal of attention is devoted to explaining what sorts of harm are significant.

One might question the need for discussing murder for family honour. Murder is murder. It should not be tolerated. I see a need for such discussion in order to accentuate the meeting point between strong liberals, who are generally opposed to government interference and who champion tolerance, and strong multiculturalists,

³² Jürgen Habermas, *Theory of Communicative Action* (Cambridge: Polity, 1986); *Between Facts and Norms* (Cambridge: Polity, 1996), and "Discourse Ethics: Notes on a Program of Philosophical Justification," in Fred Dallmayr and Seyla Benhabib (eds.), *The Communicative Ethics Controversy* (Cambridge, MA: MIT Press, 1990).

³³ Joshua Cohen, "Procedure and Substance in Deliberative Democracy," in James Bohman and William Rehg (eds.), *Deliberative Democracy: Essays on Reason and Politics* (Cambridge, MA and London: MIT Press, 1997): 407-438, and "Deliberation and Democratic Legitimacy," *Ibid.*: 67-92, reprinted in Alan Hamlin and Philip Petit (eds.), *The Good Polity: Normative Analysis of the State* (Oxford: Basil Blackwell, 1998): 17-34.

³⁴ Seyla Benhabib, "Deliberative Rationality and Models of Democratic Legitimacy," *Constellations*, 1 (1994): 26-52.

³⁵ John S. Dryzek, *Deliberative Democracy and Beyond* (Oxford: Oxford University Press, 2002).

³⁶ Amy Gutmann and Dennis F. Thompson, *Democracy and Disagreement* (Cambridge, MA: Belknap Press, 1998), and *Why Deliberative Democracy?* (Princeton, NJ.: Princeton University Press, 2004).

³⁷ Monique Deveaux, *Gender and Justice in Multicultural Liberal States* (Oxford: Oxford University Press, 2009). See also Deveaux, *Cultural Pluralism and Dilemmas of Justice* (Ithaca: Cornell University Press, 2000): 138-179.

who are generally supportive of group rights and cultural autonomy. I argue that responsible governments should perceive murder for family honour as ordinary murders and that if multiculturalism is used as an excuse for ignoring or minimizing the severity of the crime then this is an abuse of multiculturalism.

The question of state interference seems to be trickier when the harm is not physical. **Chapter 7** examines North American court cases which dealt with the powers of tribes over their members and the denial of property from members who were expelled for apostasy, denial of education to women, and forced marriages for girls and young women, while **Chapter 8** analyses the denial of education from group members in order to preserve the community and make it difficult for members to integrate into the larger community. Can a community deny education to its children on religious grounds and by this effectively make their exiting from the community extremely difficult? The discussion focuses on Amish education. It is argued that Amish children have a right to adequate education, and that the liberal state should regulate and have oversight of their education. The liberal state is obligated to ensure that such schools provide their students with the training necessary for pursuit of a broad range of careers and for full citizenship in a pluralistic, democratic society.³⁸ Furthermore, while the impetus for researching for this chapter was to learn about the consequences of denying education to children in the name of group rights, my research revealed that the Amish isolation also results in physical harm to children. The stories about repeated child abuse increase the urgency for monitoring and aiding the Amish education system.

Joseph Raz wrote that one of the difficulties in making multiculturalism politically acceptable stems from the enmity between members of different cultural groups, accompanied by disapproval of the other culture “for its decadence or vulgarity... for its treatment of women, or something else.”³⁹ Such enmity, maintained Raz, is sometimes justified and sometimes it is due to ignorance and bigotry that can be eradicated.⁴⁰ The final part of this book examines two case studies of majority coercion: France and Israel. France is a secular, unitary democracy while Israel is the only Jewish democracy in the world. These two countries are interesting because, while democracies, France and Israel challenge the liberal discourse. The extent of liberalism in both countries is circumscribed. Both adopted discriminatory policies against their significant Muslim minorities. Both are lands of immigration, polyethnic states. Both France and Israel are in the process of continued deliberation with their respective minorities about their rights and freedoms. In the Democracy Index 2019, France is described as full democracy while Israel is described as flawed democracy.⁴¹ In the Democracy Index

³⁸ James G. Dwyer, *Religious Schools v. Children's Rights* (Ithaca: Cornell University Press, 1998).

³⁹ Joseph Raz, “Multiculturalism: A Liberal Perspective,” *Dissent*, 4 (Winter 1994): 72.

⁴⁰ *Ibid.*

⁴¹ *Democracy Index 2019: A year of democratic setbacks and popular protest*, A report by The Economist Intelligence Unit, https://pages.eiu.com/rs/753-RIQ-438/images/Democracy%20Index%202019.pdf?mkt_tok=eyJpIjoiTldVeFpHTmhaakV5TldJNSIsInQiOiJyTkZVcHVNU2Y0eExWZURKWTISQUtBOVwvSE91XC9SS2FpR2tUendWNUNKV1NcLzEwZIEyUXRxZDNHbnZNMGk0OEK0d3ZaZndsK2U5Z0I1Yk40MFArT0lubVk3bkZGM1pXRzhMb3hIS1VzdUk1aVBaOVR6TmtpNaHdhU1wwWUd1SkRLTDUifQ%3D%3D

of 2018, both countries were described as flawed rather than full democracies.⁴² Interestingly, in 2018 France was ranked 29 on the Index while Israel was ranked 30.

Full democracies are countries in which basic political freedoms and civil liberties are respected and which tend to be underpinned by a political culture conducive to the flourishing of democracy. In full democracies, the government is well-functioned, the media are independent and diverse, the judiciary is independent and judicial decisions are enforced, and there is an effective system of checks and balances. *Flawed democracies*, on the other hand, are countries that have free and fair elections and basic civil liberties are respected. However, flawed democracies have significant weaknesses, including problems in governance, an underdeveloped political culture and low levels of political participation.⁴³

In France, coercion is employed to preserve and promote secularism. This urge to secure secularism has been fuelled in recent years by fearing terrorism. Terrorism has become a significant threat. It is also a threat for Israel, where coercion is employed to preserve and promote the Jewishness of the state. In both France and Israel critique of multiculturalism is prevalent, arguing that it is bad for women, bad for democracy and is related to terrorism.

A recent study that examined levels of government-based religious discrimination found that France exhibits the highest rate of government-based religious discrimination and hostility to religion among the European and Western democracies that were examined.⁴⁴ French *laïcité* is about separation between state and religion through state protection of individuals from the claims of religion. In recent years, the concept of *laïcité* fueled French intolerance regarding its religious minorities, particularly Muslims. The tension between republicanism, neutrality, and the spirit of *laïcité*, on the one hand, and the values of liberty, equality and solidarity, on the other, encapsulates today's hostility to multiculturalism. **Chapter 9** probes the debates concerning cultural policies in the face of what its government perceives as a challenge to its national *raison d'être*, including those revolving around the burqa, the niqab and the burkini. Freedom of religion is restricted to the private sphere while secularism is celebrated in the public sphere. It is argued that the burqa and niqab ban is neither just nor reasonable in the eyes of these women and girls, their families and community, and that paternalism that holds that the ban is for the women's own good is a poor, coercive excuse. Claims for paternalistic coercion to protect adult women from their culture when they do not ask for protection are not sufficiently reasonable to receive vindication.

⁴² *Democracy Index 2018: Me too? Political participation, protest and democracy*, A report by The Economist Intelligence Unit, https://275rzy1ul4252pt1hv2dqyuf-wpengine.netdna-ssl.com/wp-content/uploads/2019/01/Democracy_Index_2018.pdf. The Economist explained that the key development that elevated France to the "full democracy" category was the "national debate" held in January-March 2019, in response to the "gilets jaunes" protests that began in late 2018, with demonstrations across the country fuelled by anger at stagnant wages, cuts to public services and a sense that the government was out of touch with ordinary people. The national debate was an effort to engage with the public via democratic processes.

⁴³ *Democracy Index 2019*: 53.

⁴⁴ Jonathan Fox, *Thou Shalt Have No Other Gods before Me: Why Governments Discriminate against Religious Minorities* (New York: Cambridge University Press, 2020).

Chapter 10 examines Israel, a Jewish-ethnic democracy.⁴⁵ The framework of governance is democratic, but its underpinning concepts give precedence to Judaism over the Respect for Others Argument, and the Harm Principle. Israeli leaders have tried to settle tensions between Judaism and democracy at the expense of liberalism. Consequently, Israel has adopted illiberal policies and practices that are discriminatory in nature, preferring Jews over others. In the focus is the institutional discrimination against the Palestinian minority. It is argued that if Israel aspires to be an egalitarian-liberal democracy it should respect secularism and not discriminate against non-Jews.

CONCLUSION

Liberal democracies have a long history of seeking to accommodate ethnocultural differences. With respect to national minorities, liberal democracies have accorded these groups some degree of regional political autonomy, so that they can maintain themselves as separate and self-governing, culturally and linguistically distinct societies. With respect to immigrants, liberal democracies have characteristically expected that these groups will integrate into mainstream institutions, but generally speaking have become more tolerant of the expression of immigrant identities and practices within these institutions.

Liberal democracies have been consistent in following these general patterns. Of course, countries vary in their cultural considerations and norms. Therefore, developing a comprehensive liberal theory of minority rights and outlining the extent of state interference in minority affairs is of the utmost importance for the future of liberal democracies. We need to set reasonable standards for reconciliation between liberalism and multiculturalism, between individual rights and group rights. This book, I hope, will promote a debate on what cultural conduct is allowed in a liberal-democratic society and what should be reasonably excluded. This discussion is important not only in academic circles but also for judges and public policy decision-makers.

⁴⁵ Sammy Smooha, "The Model of Ethnic Democracy: Israel as a Jewish and Democratic State," *Nations and Nationalism* 8(4) (October 2002): 475–503, *idem*, "Types of Democracy and Modes of Conflict-management in Ethnically Divided Societies," *Nations and Nationalism* 8(4) (October 2002): 423–431, and "Israel70 The Global Enigma," *Fathom* (July 2018), <http://fathomjournal.org/israel70-the-global-enigma/>