

Raphael Cohen-Almagor, *Just, Reasonable Multiculturalism: Reply to Levey, Newman and Cohen*

Philosophia (published online 20 June 2022).

Abstract

This is my reply to the symposium articles, written by Levey, Newman and Cohen.

Key words: Amish, circumcision, compromise, culture, education, FGM, France, Israel, justice, liberalism, multiculturalism, neutrality, religion, tolerance

Any critique of *Just, Reasonable Multiculturalism* should consider the underpinning principles of the theory. I made it clear that the theory is restricted to democracies and the principles that guide the theory are essentially liberal. Illiberal groups within democracies are therefore challenged. At the outset, I made following premises:

Premises of the Just, Reasonable Multiculturalism Theory

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. 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.

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: Following Ronald Dworkin (2013), 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.

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 (1948, p. 114) 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. The Respect for Others Argument, derived from Kantian and Rawlsian philosophies, requires us to respect the dignity of people as human beings.

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.

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.

Compromise

Compromise is significant when the subject matter is truly important for the parties. Newman discusses the example of a wife who wants to wear a yellow dress when her husband wants her to wear a light blue dress. The assumption is that the issue is of importance for both. The wife really likes the yellow dress. The husband really likes the light blue dress, which the wife does not like to wear for the occasion, and he does not like the yellow dress. They do compromise by opting to avoid the two contested dresses and by choosing a dress of a different colour. They compromise out of respect and consideration of each other.

I said quite clearly, time and again, that all people in democracies should adhere to the values of respect for others and not harming others. These are the ground rules. Violations of these ground rules would call to attention cultural norms and require ample justification which the democratic state that has an obligation to protect vulnerable people may reject.

Deliberative democracy

Levey argues that “Not much is left here to the groups involved to sort out through the kind of democratic deliberation and dialogue vaunted in the theoretical chapters”. It is my fault that I did not make it clearer that on most issues liberals need to seek deliberation and compromise between values of liberal democracy and the illiberal culture within liberal society. I thought I did but clearly not to the extent that Levey thinks I should have. Regarding many cultural rituals and practices, I seek engagement with the groups under scrutiny. Upholding the principles of just, reasonable multiculturalism brings me to firmly oppose suttee, honour murder, slavery and female genital mutilation (FGM); but I still endorse opening channels of communication with the cultural groups to explain the liberal position and seek a peaceful resolution. I wrote that in countries where FGM is illegal, the liberal state should fight against it by all the tools it has, employing mechanisms of deliberative democracy, incentives and sticks (Cohen-Almagor, 2021, p. 142). “Through open deliberations, constructive compromises and reasonable accommodations should be sought to bring about positive change and secure just women’s rights (Cohen-Almagor, 2021, p. 144). I said that “if a moderate form of female circumcision were conducted through a deliberative process with the girls, in a conducive environment and by well-trained and well-equipped people, then there would be a case against prohibiting female circumcision” (Cohen-Almagor, 2021, p. 164). My proposal to revise male circumcision so it will be conducted in a humane fashion that adequately addresses the rights of the newborn explicitly says that “Parents, religious authorities, medical professionals, human rights activists and other stakeholders should engage in a constructive debate in the spirit of deliberative democracy about the pros and cons, benefits and risks of circumcision” (Cohen-Almagor, 2021, p. 174).

Regarding tribal practices that discriminate against women, I endorse deliberative democracy as the prime means to bring about change. I said that “Incentives can be provided, in a non-coercive way, for further liberal reforms that would promote gender equality in a deliberative, consensual way, by emphasising the merits of just distribution of resources, mutual respect and reasonable accommodations that value tradition and the inherent dignity of all members of the community, notwithstanding gender (Cohen-Almagor, 2021, p. 190). Time and again I reiterated that the liberal state should reflect and consider, aiming to reach a solution through means of deliberation that would be just and reasonable (Cohen-Almagor, 2021, p. 196). I want the United States to open channels of communication and deliberation with the Amish regarding the welfare of their children (Cohen-Almagor, 2021, p. 232).

Regarding scarring and female circumcision, I argued that the liberal state should advise and propagate the importance of adequate standards of hygiene (Cohen-Almagor, 2021, p. 118). With regard to both France and Israel, the two country case studies, I said that those who truly care for women's rights in France should invest in deliberation, education and persuasion, in free exchange of ideas with both men and women of minority cultures (Cohen-Almagor, 2021, p. 269), that "Dispute resolution mechanisms are required to institute just, reasonable multiculturalism and to settle differences and conflicts" (Cohen-Almagor, 2021, p. 270), and that Israel should reflect and consider minority rights through debate, deliberative democracy, open conversation, and free discussion (Cohen-Almagor, 2021, p. 286). I believe change can be made and reasonable accommodations can be reached when these methods are promoted and upheld.

Levey prepared a list of all practices reviewed in *Just, Reasonable Multiculturalism*. The list is mostly accurate. Levey does not mention my explicit objection to slavery and he is unsure about my position on *Sallekhana*. I wrote that voluntary self-harm is permissible. I mentioned that Christianity, Islam and Judaism all direct believers to fast on certain occasions, though none of these major religions instructs fasting till death. While the state should not encourage suicide, it should not punish people who engage with *Sallekhana*. Through education and deliberation, it should evince messages that support living a meaningful life (Cohen-Almagor, 2021, p. 114).

Education

Cohen correctly notes that education is important in my theory. Education is a vehicle for self-development and self-empowerment. Therefore, I am very concerned when cultural groups deny education to women and children. My book explores whether denial of education is justified. My primary objective in this context is to examine whether liberalism and multiculturalism are reconcilable when education is denied to women and children, and what are the limits of state corrective interventions in affairs of illiberal groups within democracies when they deny education to women and children. On this issue I agree with John Stuart Mill (2009: 235) who wrote that "An effective national education of the children of the laboring-class is the first thing needful". In *Principles of Political Economy*, Mill (2009, p. 201) further wrote that "The parent owes to society to endeavor to make the child a good and valuable member of it, and owes to the children to provide, so far as depends on him, such education, and such appliances and means, as will enable them to start with a fair chance of achieving by their own exertions a successful life."

Moreover, it was desirable that citizens conduct their own affairs, as a means to their own mental education in order to strengthen their faculties, exercising their judgment, and giving them a familiar knowledge of the subjects with which they have to deal (Mill, 1948; see also Cohen-Almagor, 1997). Education meant for Mill the cultivation of the intellect, of moral powers, and of aesthetic. Education is not to *teach*, "but to fit the mind for learning from its own consciousness and observation" (Mill, 1981). The reasoning is: A good government cultivates moral education; moral education makes human beings moral, thinking people who do not merely act as machines and, in the long run, makes people to claim control over their own actions and inspires them to intensely seek the truth (Mill, 1948, 1973).

Governments must provide proper facilities for education designed for the benefit of society as a whole, but it must not control all educational institutions. Mill was in favor of compulsory education which contradicted the freedom one enjoyed in choosing for oneself and one's children the form and level of education. Education is both a means towards liberty and one of the ends for which liberty existed (West, 1965). Education is essential for good government

(Mill, 1948, 1859), and for according equal rights to man and women (Mill, 1975). Furthermore, education is beneficial to the child and also to society because it teaches the child social norms which are useful to all. Mill did not advocate compulsory education of adults.

Indeed, welfare states commonly reason today that they know better what is good for their citizens, thus enforcing a certain level of education upon them. This compulsory education may seem to be an invasion on the individual's rights, but it can be defended on the grounds that, in final analysis, it may guarantee more freedom than it destroys. For if ignorance may be viewed as a sort of unfreedom, education increases the number of alternatives open for a person to pursue her interests. This kind of governmental coercion is justifiable for it opens for the individual more paths for liberty in the long run.

At the same time, Mill insisted that the parents, especially fathers, were responsible for the proper education of their children. He suggested fixing a certain age at which every child must be examined, ascertaining reading ability. If the child was unable to read, the father must explain why his child was unable to meet the requirement, and if the explanation deemed to be unsatisfactory he “might be subjected to a moderate fine” (Mill, 1948, pp. 160-162). In Mill's time, people were not sufficiently cognizant of learning deficiencies. Present common problems such as dyslexia¹ were unknown and obviously were not diagnosed during the 19th Century.

Self- and other-regarding conduct

In *Just, Reasonable Multiculturalism* I draw a distinction between self-regarding harms and other-regarding harms, arguing that the liberal state should be more tolerant of self-regarding acts than when conduct inflicts harm on others. Cohen asks whether I Would be willing to accept that some raised in liberal societies might choose to opt out of liberal society? The answer is yes, provided that the decision is voluntary, is self-regarding and non-coercive. Indeed, people immigrate from liberal countries to non-liberal countries all the time. People are not locked in liberal democracies, forcing them to be free. People are entitled to leave, at their own free will.

Cohen's example of Sam who opts to become a slave for a large sum of money is curious. Cohen should define slavery. The common definition and understanding of the state of being a slave is that is a condition of having to work very hard without appropriate and fair remuneration or appreciation.

While I acknowledge the difference between voluntary conduct and involuntary conduct, it seems that Cohen confuses between the two time and again. At the same paragraph, he speaks of priests and soldiers. In some countries, the draft is compulsory at least at certain times.

Cohen contradicts himself. On the one hand, he argues that I am correct in thinking that “the liberal order has to protect itself, guaranteeing the liberal order.” On the other hand, he suggests that this entails accepting the broader toleration that Kukathas favors. How can the first entail the latter? These two options are in clear contrast.

Cohen discusses the importance of autonomy but his argument is confused and confusing. Some people can explicitly say that they do not wish to be subjected to torture (say Female Genital Mutilation). I argue that the liberal society should help women to free themselves from torture. Liberal democracy should not tolerate FGM. Some women are unable to say that they wish to be free of FGM for various reasons, including internalized coercion. I argue that the liberal state should help them as well. Cohen finds FGM tolerable if women

¹ *Dyslexia* is a common type of learning difficulty that primarily affects the skills involved in the reading and spelling of words. <http://www.nhs.uk/Conditions/Dyslexia/Pages/Introduction.aspx>; <http://www.easyreadsystem.com/index/62.php>; <http://www.dyslexiaaction.org.uk/>

consent to it. Furthermore, he argues that women must endure torture, “even if they have chosen it non-autonomously”. I beg to differ.

Justice

Liberals invoke general principles: happiness (Mill, 1948), liberty (Mill, 1948; Meiklejohn, 1965), tolerance (Bollinger, 1986), equality (Locke, 1960; Dworkin, 1983, 1985) and justice (Perelman, 1967; Rawls, 1971, 1993). For me, justice is fundamental. Justice is the most important value that should guide society. Of course, there are many interpretations of justice and what this concept actually means. John Rawls provided, to my mind, the most comprehensive answer to this complicated question. However, Rawls, like many of my Oxford teachers (most notably Ronald Dworkin and Jerry Cohen but unlike Joseph Raz) did not give due notice to culture. So, while I accept and adopt some of the Rawlsian principles that articulate the concept of justice, I do not simply replicate his theory. I adopt it to formulate a theory of just, reasonable multiculturalism. The concept of multiculturalism complements and sharpens the Rawlsian conception of justice that is generally adopted in my book. Many liberals are not sufficiently cognizant of culture and its importance for the shaping of individual life and societal relationships.

Having said that, it should be noted that in *Political Liberalism*, Rawls (1993, p. 145) explains that the model of overlapping consensus includes, in addition to the political values, a large family of nonpolitical values. Rawls depicts a pluralist conception in which each subset of this family has its own account based on a plurality of ideas. Rawls explains that while the liberalisms of Kant (dignity of the person, respect for others, viewing people as ends in themselves) and of John Stuart Mill (1948, the Harm Principle) are general and comprehensive, the large family of nonpolitical values is only partially comprehensive but still recognizes the need for a democratic institution under reasonable, shared conditions. Thus, Rawls does leave space for diversity although, possibly, not to the same extent that Parekh and possibly Levey want.

Levey is absolutely correct in observing that I deploy the Rawlsian principles of reciprocity, reasonableness and autonomy. The veil of ignorance is further deployed as an analytical prism for the analysis of murder for family honour (2021, p. 126), male circumcision (2021, p. 175), discrimination against women (2021, p. 190), denial of education to children (2021, p. 231), and protecting minority rights in France and in Israel. Levey thinks that I do not consistently adhere to the veil of ignorance in the case studies that I chose to present in my book. Let me explain my application of the veil of ignorance with the following hypothetical scenario.

Suppose that people from another galaxy called Hutzanim arrive to earth and wish to reside in a democracy. We have no idea about these people. We never met the Hutzanim before. Our attitude to them should not involve any partial consideration of race, culture, religion, ethnicity, gender etc. We assess their conduct in light of the principles of just, reasonable multiculturalism. I did my best to develop and then apply the theory without prejudice. I leave it to my readers to decide whether I did this successfully.

Neutrality

Levey is correct in arguing that “Cohen-Almagor seems to allow that reasonableness may qualify and override state neutrality”. Levey is also correct in observing that my viewpoint exhibits “a deep-seated partiality toward both some cherished liberal *and* non-liberal cultural

values and traditions, where the inclination is to do justice to both". Unlike Rawls, I do not champion state neutrality and treating individuals only in terms of their common citizenship. I explained my viewpoint in an earlier article, "Between Neutrality and Perfectionism" (Cohen-Almagor, 1994, pp. 217-236). My perspective provides a middle ground between strict perfectionism, on the one hand, and complete neutrality, on the other. This perspective would allow plurality and diversity without resorting to absolute neutrality. It would involve some form of perfectionism without vilifying ways of life that some people hold to be valuable. I will assert that liberal states do resort to some forms of perfectionism in conducting their policies, further arguing that the policy they should adhere to is of impartiality rather than of neutrality.

Indeed, on this issue I am more Razian than Rawlsian. Like Joseph Raz (1986), I think that a liberal state is committed to the idea of autonomy. Like Raz I believe that in deciding how to promote the social conditions and, in turn, individual freedom, an appeal to perfectionist ideals is unavoidable. Like Raz (1986), I regard the autonomy principle as a perfectionist principle, asserting that autonomous life is valuable if it spent in the pursuit of acceptable and valuable projects and relationships. Raz (1986) means that government should support valuable ways of life, arguing that perfectionist ideals require public action for their viability. He offers a pluralistic account of perfectionism that aims to promote pluralism, liberty and autonomy, connecting personal autonomy with the ideal of free and conscious self-creation. This pluralistic view of perfectionism ipso facto draws governments away from neutrality. They allocate funds in a way which is conducive to liberty and autonomy of citizens. The liberal adherence to the autonomy principle permits and even requires governments to create morally valuable opportunities and eliminate repugnant ones. On this view, autonomy entails that we undertake a specific mode of life, making its aims and significance our own, evaluating the strengths and weaknesses of freely chosen alternatives, comparing them with those of other available ways of life. The ultimate point of reference is the individual and not society at large. The individual well-being is an end in itself, and society may (or may not) benefit from the satisfaction of individual interests.

Raz's reasoning is valid. We should note that the basic characterization of liberalism lies in focusing on the individual, on viewing the individual as the core of attention. Communitarianism, Fascism, and Leninism, among other perfectionist doctrines, consider groups as the centre of attention. The three doctrines see the role of government as promoting certain types of conceptions of the good. They assume that these conceptions should be pursued because they are conducive to human excellence and perfection. In liberalism, too, there is an underlying assumption regarding questions of the good that directs governmental activities. The liberal perspective is that citizens can realize their conceptions of the good only when possibilities are supplied for advancing their autonomy. Governments can use certain kinds of reasons to justify political actions. They may (and indeed, they often do) promote a certain set of conceptions of the good rather than others. The theory of just, reasonable multiculturalism accentuates time and again that we should adhere to and promote the two basic values of respect for others and not harming others. In this respect, my view is perfectionist as I see these values as the ground rules of a decent and just society.

Why discussing honour killings, widow burning, and female genital mutilation?

Newman rightly writes that liberal states cannot remain *liberal* if they accede to illiberal demands. He argues that certain practices are excluded not because they are inherently unreasonable or because no mutually acceptable compromise is forthcoming, but simply because they are incompatible with liberal principles. Newman thinks this reasoning suffice

to explain the liberal state's refusal to tolerate honour killings, widow burning, female genital mutilation, and other horrors treated at length in chapter five and that there was no need to delve into a full-length chapter to discuss those practices. At the early stages of my research I thought so too. But my investigation brought me to acknowledge the need. There were cases in which the Israeli police was reluctant to investigate cases of murder for family honour, perceiving these crimes as the decision-makers of these communities want, *i.e.*, as 'internal affairs' to be resolved within the specific community. Some scholars seemed to condone the police conduct, accepting that in certain cultures offences against family honour may serve as an adequate justification for taking life and that the legal authorities should not interfere in those private matters. Let the community resolve its own affairs without necessitating state interference to protect life and fight against murder (Ginat 2000). Some scholars such as Chandran Kukathas (2003) supports group rights and autonomy even if they trump individual rights. He argues that the good society is a free society and a free society is one that upholds freedom of association. In his extreme liberal view, there are hardly any restrictions on what communities can do to their members. Kukathas simply mistrusts the government to act prudently without exploiting its powers. He assumes that any government intervention is likely to violate individuals' freedom of association and freedom of conscience and, therefore, hands-off policy is warranted. Thus, I was compelled to think that discussion about what Newman and I consider as obvious cases that require liberal interreference was warranted. Cohen's commentary accentuates this need.

The discussion on female genital mutilation is required also for another reason. Many scholars conflate female genital mutilation and female circumcision, seeing both terms as analogous. My research showed that this is not the case. Some cultural groups do not cut the female organs. Instead, they scar them. Thus, in those communities, women are not deprived of sexual pleasure and their bodies are not deformed. While I do *not* think that the harm of female circumcision (and also of male circumcision) are trivial, on balance I think they are tolerable, provided that adequate measures are taken to ameliorate suffering.

Newman hypothesises that, in the future, maybe new evidence would show that the physical or psychological harms of infant circumcision are far greater than we now know. I would then need to revise my proposal for humane male circumcision, seeking a further compromise that would balance group rights versus the welfare of the child.

Male circumcision

Levey thinks that the most interesting and instructive case analysis is that concerning ritual infant male circumcision. It was the most difficult book chapter to write as I was trying to navigate between the conflicting interests and considerations, aiming to devise a just and reasonable proposal that would be acceptable to different religious denominations and protect the intrinsic rights of the child. Levey contends that my discussion does not address two other liberal objections to infant male circumcision: the violation of bodily integrity without a medical indication and the compromise of the child's later autonomy. However, I indicated that the World Health organization's (WHO) (2007, 2022) compelling evidence that male circumcision reduces the risk of heterosexually acquired HIV infection in men by approximately 60%. Furthermore, I provided evidence suggesting that children should be circumcised in the early days or weeks of life, when the circumcision is safest, and unlikely to leave any trauma on the young infant (El Bcheraoui et al., 2014). On balance are religion, culture and tradition AND amelioration of suffering through the use of various medical procedures, on the one hand, and the autonomy of the person to decide for himself when adult whether to undergo the procedure, with the likelihood that many people will opt to undergo

circumcision due to the importance assigned to the ritual and endure more suffering and trauma, on the other hand. I thought it is just and reasonable to opt for the first alternative under the comprehensive proposal for humane male circumcision.

Levey further argues that “Cohen-Almagor is quite partial when it comes to certain Jewish practices and a Jewish state of sorts”. I am also partial regarding women’s rights, right to education, *sallekhana*, scarring, female circumcision, carrying the kirpan, Muslim garb and arrange marriages. The theory of just, reasonable multiculturalism is designed to equip scholars and policy makers with tools for analysis where, putting themselves behind a veil of ignorance, where their own culture and religion should not play a role, they analyse each and every religious and cultural ritual and decide the bound of acceptance, of tolerance.

Animal rights

The theory of *Just, Reasonable Multiculturalism* does not relate to animals. This was a conscious decision. Prior to submitting the manuscript to Cambridge University Press, I consulted a few scholars and Cambridge sent the manuscript to referees. A couple of them wished me to engage with the issue of kosher slaughter and I decided not to. I decided to limit my discussion to human affairs and not to expand it to human-animal affairs. This would have required a further layer of research and investigation relating to animal rights and animal welfare. The manuscript was already quite large, and there was no way I could submit it on time if I were to start from fresh an investigation into animal rights. I leave this issue to other scholars and for another investigation. Scholars are welcome to expand the theory to examine slaughter, hunting, whales harvesting (see Newman) and other related issues.

The Amish

Unlike Newman, I do not think that “the whole point of Amish education appears to be to prevent Amish children from acquiring the ambition to leave the community or forsake its illiberal values”. Rather, it is designed to maintain and protect the Amish community. The Amish is a small community living in a very different surrounding than theirs. Self-preservation is expected. Newman asks whether the purpose of the *Just, Reasonable Multiculturalism* theory is to make the Amish more liberal. The answer is NO. I respect the Amish culture, thinks it is valuable to its members and certainly do not advise the government to break it, or to forcefully transform it in accordance with the American liberal values. Balancing the Amish group rights against the right of children to education, I proposed the following:

- ❖ The Amish should be able to teach their own history, norms and tradition.
- ❖ The Amish should protect their children against abuse and provide opportunities to curious children who want to know more about the world. The Amish should have a class for children who are deemed to be different, rebellious, curious, interested in the wider world, and for children whose parents wish for their children to have opportunities which they would not have under the Amish education system.
- ❖ Amish attentiveness to the wishes and needs of their children. Some Amish do send their children to public schools. A few Amish homeschool their children. The Amish should openly allow children to study in regular American schools beyond the age of 13 without scapegoating them. Providing these opportunities to the young would not destroy the Amish community. Empowering younger generations will vitalize the entire community. Coping with change is a

challenge but balancing between the interests of the community and the children's best interests, the change may be positive.

- ❖ The liberal state is required to protect vulnerable populations. At present, the American government neglects its duty of care. Abuse is more likely to happen in isolated communities because those communities do not have, or are lacking, the apparatus of prevention, deterrence and support that are commonly offered to prevent abuse and help victims. Evidence shows that child abuse is a problem among the Amish communities. The problem should not be overlooked by the Amish or the State. Both need to address it.
- ❖ There is a clear gap between the Amish and American societies. The Amish do not know much about the American way of life, and Americans know little about the Amish. At times, when child welfare and legal professionals did intervene on behalf of abuse victims, they have harmed children through assessments, investigations, and interventions that do not consider the customs and values of the Amish way of life. Intervention should take place carefully and sensitively. Care workers and others should dress modestly, be mindful of gender issues (male professionals should not go into a house without a male family member present) and of the language barrier, build rapport and trust with Amish families, establish community liaisons, focus on common values such as children's safety.
- ❖ The United States should open channels of communication with the Amish. Through deliberation and search for reasonable and constructive compromises, based on mutual respect and conducted in good faith, the State should balance competing interests: perpetuating the Amish community against children's self-development and children's right to an open future (Feinberg, 1980, pp. 124-153). The liberal state should be concerned when parents pre-empt their children's future options and restrict the scope for their children's personal development. The State has an interest in empowering children to become equal citizens in society, enabling their integration into the wider society if they so wish.

France

Newman writes that the French case is plagued by all sorts of mixed motives on the part of the state; but it is not implausible to argue that there is as much legitimate concern over the possibility of "internalized coercion" among Muslim women as among *Haredi* women. He asks: If there were evidence to support this concern, would I lessen my opposition to the burqa and niqab ban or even come to endorse it? I argued that the burqa and niqab ban is neither just nor reasonable because there is sufficient evidence to suggest that the ban is not justified in the eyes of these women and girls, their families and community. 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. If evidence were to be produced to suggest that women are coerced to dress these garments, then the state is justified to help and support these women, and if evidence would show that group coercion is widespread, then I would reconsider my stand and quite likely change it. The research I conducted over the past years suggests, however, that some Muslim women wish to express themselves by wearing the burqa. The burqa and niqab are part of the diverse ways by which women express themselves. Some women feel more secure by wearing these garments. Furthermore, the scale of the phenomenon is not wide. Relatively few women wear the burqa and the niqab. Thus, most Muslim men do not coerce women to wear them. Studies showed that 1,900 women wore the niqab in France and no women wore the burqa. This number represented 0.04 per cent of the French Muslim population (Ahmed, 2019).

It is argued that in recent years, in the name of the Republic, a new trinity has emerged: *indivisibilité, sécurité, and laïcité*. While still paying homage to the traditional trinity of *liberté, égalité, fraternité*, this historical trinity has been downgraded in importance. Thus, in the French society and politics we discern first and second order principles. The first order principles are the traditional *liberté, égalité, fraternité*. The second order principles are *indivisibilité, sécurité, and laïcité*. The second order principles are superimposed on the traditional motto, and clear tensions have emerged between the two sets of principles (Cohen-Almagor, 2022).

Israel

Levey asserts that the definition of Israel as a Jewish state or a state for the Jewish people raises a different set of issues. For one thing, this aspect radically distinguishes the Israeli national majority case from the French majority case, a point of difference left implicit in my discussion. I chose France and Israel because both countries discriminate against their minorities on security (among other) grounds. For France, the preservation of the Republic is essential. For Israel, the preservation of a Jewish state is paramount. Both countries exhibit perfectionism rather than neutrality on religious matters. The result is that in both societies liberal values are undermined. Both countries are multicultural democracies, in the factual sense that in both France and Israel we find diversity of religions and cultures. France did not adopt the liberal motto of Live and Let Live. With regard the Muslim minority, France opted for the Rousseau's Force Them To Be Free. Israel, I contend, is not a liberal democracy at all. It is an ethnic democracy.

End of this discussion, but certainly not the end of debate

I thank Newman, Levey and Cohen for their contributions and for pushing me to rethink some of the issues discussed in my book. I am also grateful to the Editors of *Philosophia* for initiating this symposium. The discussion exemplifies how complex the issues are, and how diverse interpretations can be. The debate, undoubtedly, will continue. Liberal democracies must find ways to reconcile between the values they hold dear and multiculturalism in its various manifestations.

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