

Introduction

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

¹ Andrew Sparrow, ‘Cameron Attacks “State Multiculturalism”’, *The Guardian* (26 February 2008), www.theguardian.com/politics/2008/feb/26/conservatives.race.

² Chancellor Merkel’s speech on 16 October 2010. See George Friedman, ‘Germany and the Failure of Multiculturalism’, *Stratfor* (19 October 2010), www.stratfor.com/weekly/20101018_germany_and_failure_multiculturalism?utm_source=GWeekly&utm_medium=email&utm_campaign=101019&utm_content=readmore&elq=98d2c1d56f644835bcad663c72d060b1; Kate Connolly, ‘Angela Merkel Declares Death of German Multiculturalism’, *The Guardian* (17 October 2010), 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* (New York: Berghahn Books, 2018): chap. 8.

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 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

⁴ Ibid.

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

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

⁷ Ibid.

⁸ Prime minister’s speech at Munich Security Conference, *National Archives* (5 February 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 Prime minister’s speech at Munich Security Conference, *National Archives* (5 February 2011), <http://webarchive.nationalarchives.gov.uk/20130109092234/http://number10.gov.uk/news/pms-speech-at-munich-security-conference/>.

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 twentieth 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 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 policymakers expressed scepticism 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

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

¹¹ ‘Nicolas Sarkozy Declares Multiculturalism Had Failed’, *The Telegraph* (11 February 2011), www.telegraph.co.uk/news/worldnews/europe/france/8317497/Nicolas-Sarkozy-declares-multi-culturalism-had-failed.html.

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’, *New York Times* (27 April 2006).

multiculturalism are reconcilable, and what are the limits of state interventions in affairs of illiberal minority subcultures 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 ethnocultural minorities. Indeed, the importance of individual civil and political rights in protecting minorities should be accentuated. 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.¹⁴

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 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 subculture?

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 the 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

¹³ By 'subculture' 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.

¹⁴ Will Kymlicka and Raphael Cohen-Almagor, 'Ethnocultural Minorities in Liberal Democracies', in Maria Baghramian and Attracta Ingram (eds), *Pluralism: The Philosophy and Politics of Diversity* (London: Routledge, 2000): 228–250.

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 LGBTQ rights or the acceptability of specific cultural practices that involve animals (e.g., bullfighting). These important issues merit separate analysis.

TERMINOLOGY

The *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 comprises an executive, a legislature, security organizations and a 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 emphasize 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.¹⁵ 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.

¹⁵ 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', *Journal of Political Philosophy*, 13(1): (2005): 1–28.

Democracy in its modern, liberal formation is a young phenomenon. It was crystallized only after World War I. 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.’¹⁶ Historically speaking, up until relatively recently decision-makers were not particularly impressed by the idea that governments would be elected through the 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.¹⁷

The second concept of *neutrality* refers to the liberal inclination to provide individuals with 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.¹⁸ Unlike non-liberal 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 not endorse any disposition which

¹⁶ James Bryce, *Modern Democracies* (London and New York: Macmillan, 1924): Vol. 1, p. 4.

¹⁷ Jeff Spinner-Halev, *Surviving Diversity: Religion and Democratic Citizenship* (Baltimore, MD: Johns Hopkins University Press, 2000); Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority* (Oxford: Oxford University Press, 2000).

¹⁸ John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971): sects. 33–35; John Rawls, ‘The Priority of Right and Ideas of the Good’, *Philosophy & Public Affairs*, 17(4) (1988): sect. VII.

defines human good and human perfection to the exclusion of any other.¹⁹ 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, that is, as meaning a complete way of life – spiritual, intellectual and material – came into English thinking only during the days of the Industrial Revolution.²⁰ 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.²¹ Multiculturalism is closely associated with ‘the politics of difference’, ‘identity politics’ and ‘the politics of recognition’.²² 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 communitarians²³ 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 recognized 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

¹⁹ Lee C. Bollinger, *The Tolerant Society* (Oxford: Clarendon Press, 1986).

²⁰ Raymond Williams, *Culture and Society 1780–1950* (Harmondsworth: Penguin, 1971): ii, 16–18.

²¹ Joseph Raz, ‘Multiculturalism’, *Ratio Juris*, 11(3) (1998): 197.

²² 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, NJ: 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, NJ: Princeton University Press, 2003); N. Fraser and A. Honneth, *Redistribution or Recognition? A Political-Philosophical Exchange* (London: Verso, 2003).

²³ 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/>.

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 to the group as a whole rather than to its individual members.²⁴

THEORETICAL FRAMEWORK

To tackle the above questions I have 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*²⁵ and *Political Liberalism*.²⁶ 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*

²⁴ Peter Jones, 'Group Rights', in *Stanford Encyclopedia of Philosophy* (17 March 2016), <https://plato.stanford.edu/entries/rights-group/>.

²⁵ Rawls, *A Theory of Justice*.

²⁶ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1993).

*Culture*²⁷ and *Multicultural Citizenship*²⁸ 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 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 and 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 internalized 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 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

²⁷ Will Kymlicka, *Liberalism, Community, and Culture* (Oxford: Clarendon Press, 1989).

²⁸ Kymlicka, *Multicultural Citizenship*. For further discussion, see Geoffrey Brahm Levey, 'Equality, Autonomy, and Cultural Rights', *Political Theory*, 25(2) (April 1997): 215–248.

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 a liberal democracy should interfere in the illiberal and discriminatory practices of subcultures 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 within 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 and 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, and 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.