JUST, REASONABLE MULTICULTURALISM

This book explores the main challenges against multiculturalism. It aims to examine whether liberalism and multiculturalism are reconcilable, and what are the limits of liberal democratic interventions in illiberal affairs of minority cultures within democracy, when minorities engage in practices that inflict physical harm and non-physical harm on group members. In the process, this book addresses three questions: whether multiculturalism is bad for democracy, whether multiculturalism is bad for women and whether multiculturalism contributes to terrorism. *Just, Reasonable Multiculturalism* argues that liberalism and multiculturalism are reconcilable if a fair balance is struck between individual rights and group rights. Raphael Cohen-Almagor contends that reasonable multiculturalism can be achieved via mechanisms of deliberate democracy, compromise and, when necessary, coercion. Placing necessary checks on groups that discriminate against vulnerable third parties, the 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.

**Raphael Cohen-Almagor** is Professor and Chair in Politics, and Founding Director of the Middle East Study Group, at the University of Hull. He has held teaching positions at Jerusalem, Haifa, UCLA and Johns Hopkins University. Previously he was Senior Fellow at the Woodrow Wilson International Center for Scholars and Distinguished Visiting Professor, Faculty of Laws, University College London. He is the author of many books, most recently *Confronting the Internet’s Dark Side* (2015).
Just, Reasonable Multiculturalism

LIBERALISM, CULTURE AND COERCION

RAPHAEL COHEN-ALMAGOR
For Yehuda Elkana (1934–2012), Bhikhu Parekh and Will Kymlicka
## Contents

List of Figures  page ix  
Acknowledgements  xi  
Theory of Just, Reasonable Multiculturalism  xv  

### Introduction  1  

#### PART I THEORY  

1  Just Liberal Democracy  23  
2  Reasonable Multiculturalism  45  
3  Compromise and Deliberative Democracy  66  
4  Coercion  88  

#### PART II INTERFERENCE IN MINORITY AFFAIRS: PHYSICAL HARM  

5  Murder and Torture for Tradition and Honour  111  
6  Male Circumcision in the Name of Tradition and Good Health  146  

#### PART III INTERFERENCE IN MINORITY AFFAIRS: NON-PHYSICAL HARM  

7  Discrimination of Women and Apostates  179  
8  Denying Education to Children  205  

© in this web service Cambridge University Press  
www.cambridge.org
<table>
<thead>
<tr>
<th>Part IV Country Case Studies</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 Multiculturalism v. Security Considerations: Behind the French Veil of Ignorance</td>
</tr>
<tr>
<td>10 Multiculturalism v. Security Considerations: Israeli Discrimination of Its Arab/Palestinian Citizens</td>
</tr>
<tr>
<td>Conclusion</td>
</tr>
<tr>
<td>Select Bibliography</td>
</tr>
<tr>
<td>Index</td>
</tr>
</tbody>
</table>
# Figures

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.1</td>
<td>The Western Wall, Jewish Quarter, Old City, Jerusalem, Israel</td>
<td>77</td>
</tr>
<tr>
<td>5.1</td>
<td>Scarring for beauty</td>
<td>118</td>
</tr>
<tr>
<td>6.1</td>
<td>Male circumcision</td>
<td>151</td>
</tr>
<tr>
<td>8.1</td>
<td>Amish agriculture</td>
<td>206</td>
</tr>
<tr>
<td>9.1</td>
<td>Hijab</td>
<td>241</td>
</tr>
<tr>
<td>9.2</td>
<td>Burqa</td>
<td>242</td>
</tr>
<tr>
<td>9.3</td>
<td>Niqab</td>
<td>243</td>
</tr>
<tr>
<td>9.4</td>
<td>The French Revolution</td>
<td>244</td>
</tr>
<tr>
<td>9.5</td>
<td>Burkini</td>
<td>273</td>
</tr>
<tr>
<td>9.6</td>
<td>Swim suit</td>
<td>273</td>
</tr>
<tr>
<td>10.1</td>
<td>The Menorah</td>
<td>287</td>
</tr>
</tbody>
</table>
This book is the result of many years of research and thinking. The journey started in 1992. I returned to Israel after four years in Oxford. The person who opened his arms and embraced me upon returning home was Yehuda Elkana (1934–2012), the then president of the Van Leer Jerusalem Institute. Yehuda gave me carte blanche to do whatever I wanted. I decided to join the European Project that studied cultural influences between Europe, Israel and Palestine. It was an interesting group of people, composed of Israeli-Jews, Israeli-Palestinians and two Germans. Our funding came from the Volkswagen Foundation which generously sponsored our three-year project.

This has been a fascinating journey during which I exchanged ideas and received support from many people. I acknowledge the guidance and support of my beloved mentors Isaiah Berlin (1909–97) and Geoffrey Marshall (1929–2003) at the early stages of thinking. Isaiah and Geoffrey were beacons of wit and knowledge up until their deaths. They supported the early formulation of my thinking and provided a sense of direction. Jack Hayward (1931–2017) provided me with many insights about French culture and complex heritage. Jack sparked my curiosity about France and was a driving force behind my decision to focus on the French secular struggle against multiculturalism. From 2008 until his death in December 2017 we had many conversations about France and Israel. On his deathbed, just a few days before he succumbed to cancer, Jack provided reflections on the origins of laïcité.

Will Kymlicka co-authored with me one of my early articles on multiculturalism and inspired my thinking on these complicated issues. Steve Newman, Geoffrey Brahm Levey, Bhikhu Parekh, Lester Grabbe and Gary Edles provided thoughtful critique and incisive comments on drafts of this manuscript. They furthered my thoughts with many sharp insights. I very much appreciate their incredible investment in commenting on each and every chapter in minute detail. Several other scholars provided invaluable comments on specific chapters: Catherine Audard, Kristian Bartholin, Jean Baubérot, Alan Howard Brener, Emile Chabal, Naomi
Acknowledgements

Chazan, Brian Earp, Leonid Eidelman, Jonathan Fox, Raanan Gillon, Carole Goldberg, Amos Guiora, Tamar Herman, Myriam Hunter-Henin, Orit Ichilov, Allan Jacobs, Asa Kasher, Steven Kramer, Sam Lehman-Wilzig, Willem Lemmens, John Lotherington, Philippe Marliere, Eliahu Mazza, Nisar Mir, Christian Pihet, Uri Regev, Elyakim Rubinstein, Peter Schaber, Motti Schenhav, Colin Shindler, Tony Smith, Sammy Smooha, Stephanos Stavros, Avraham Steinberg, Wayne Sumner, Yofi Tirosh, Michel Troper, Andrew Winter and Ruvi Ziegler. I have learned a great deal from their wisdom, insights and experiences.

Many more people have helped me along the way, providing advice, information and other forms of assistance. Among them I wish to particularly note Bruce Ackerman, Scott Anderson, Soha Araf, Yonathan Arfi, Ehud Bandel, Izhar Be’er, Purushottama Bellimora, Haim Belsmaker, Magali Bessone, Francois Boucher, David Chazan, David Chemla, Richard Oliver Collin, Dalia Dorner, Orly Erez-Likhovski, Itzik Galnoor, Dafna Gold-Malchior, Sophie Guérard de Latour, Manar Hassan, Anat Hoffman, Ruth Kaddari, Joel Alan Katz, Andy Knapp, Menny Mautner, Yonatan Melamed, Natan Nachmani, Robert Post, Frances Raday, Michal Rambau, Noya Rimalt, Philippe A. Schmidt, Tim Sellers, Bobby Silverman, Janet Spikes, Frank Stewart, Anna Triandafyllidou, Elliot Vaisrub Glassenberg, Patrick Weil, Karen Weisblatt, Dareen Yaacov, Alin Zaberowitz and Nick Zangwill.

Draft papers addressing different aspects of this research were presented at Queen’s University Belfast, Northern Ireland; The Royal Irish Academy, Dublin; University of Toronto; University of Alberta; The Australian National University; Vrije Universiteit Amsterdam; The European University Institute, Florence; University of Copenhagen; Oxford University; St John’s College, Cambridge; SOAS University of London; University of Manchester; Hull Guildhall; University College London (UCL); The Hastings Centre, New York; Arizona State University; University of California, Los Angeles and University of California, Berkeley; Johns Hopkins; The Woodrow Wilson Center, Washington, DC; University of Southern California; Antwerp University; University of Haifa; The European Project, Jerusalem; Tel Aviv University; The Hebrew University; Bar-Ilan University; The Adam Institute for Democracy and Peace, Jerusalem; Kinneret College, Galilee, Israel; Collegium Polonicum, Slubice, Poland; Balvant Parekh Centre for General Semantics, Vadodara, Malaviya National Institute of Technology Jaipur, and Gujarat National Law University, Gandhinagar, India. I thank the audiences at these talks for their criticism and suggestions.

I am also thankful to the University of Hull for providing me with invaluable resources to complete the book. Most of the book was written during my visiting professorship year at UCL Faculty of Laws. I am indebted to UCL scholars and library for the conducive conditions provided for writing.

An earlier version of Chapter 6 was published under the title ‘Should Liberal Government Regulate Male Circumcision Performed in the Name of Jewish
Acknowledgements


The book is dedicated with gratitude and great appreciation to three people who influenced my research on multiculturalism more than anyone else: Yehuda Elkana, Bhikhu Parekh and Will Kymlicka. Yehuda was a true renaissance man with compassion, foresight and an inexhaustible thirst for knowledge. He generously supported the early phase of my research. Yehuda and I spent many hours together in Jerusalem and Tel Aviv, and on the road between these two cities, discussing culture, religion, peace and countless other subjects. Bhikhu was involved in the writing of this book, commenting on early drafts and providing intellectual guidance throughout. And Will has influenced and challenged my thinking on culture and religion since my Oxford days. His books are always on or next to my desk. This book is dedicated with gratitude to these three wise intellectuals.
Theory of Just, Reasonable Multiculturalism

1.

Liberal democracy

Justice (Rawls)

Equality

Respect for others (Kant)

Harm principle (Mill)

The ‘democratic catch’

2.

Reasonableness

Multiculturalism

Multination and polyethnic states (Kymlicka)

Group rights

Internal restrictions and external protections (Kymlicka)

Liberal state intervention

Inter-group and intra-group relationships
3. Compromise
   Principled and tactical
   
   Deliberative democracy
   (Habermas)

4. Coercion
   Circumstantial and person-based
   Benevolent and malevolent
   Paternalistic
   Via third party
   Self- and other-regarding
   Internalized and designated
   Minority and majority

5. Physical and non-physical harm
   Freedom of religion and freedom from religion
   Public v. private
   Parenthood
   Balancing