

# MULTICULTURALISM

---

SZABOLCS POGONYI

## Illiberal Practices under the Veil of Multiculturalism\*

Recently, an old debate about the status of immigrant minorities in Western liberal democracies was opened again. A decade ago it seemed that multiculturalism had won. As Nathan Glazer famously proclaimed, “we are all multiculturalists now.”<sup>1</sup> Along the same lines, Will Kymlicka, who is without doubt the most profound and thorough scholar examining multiculturalism and minority rights from both normative theoretical and pragmatic political perspectives, noted that “we can already detect an emerging consensus in the literature” regarding the acceptance of liberal nationalism or, in other words, liberal multiculturalism.<sup>2</sup>

This no longer seems to be the case. More and more politicians, philosophers and public intellectuals question multicultural policies and argue for less recognition of differences. Though there is no exact empirical data available, some signs do suggest that the number of those favoring multicultural policies is on the decline. Anti-immigrant rhetoric and xenophobia are becoming everyday phenomena in Western European countries. Right wing radical parties that propose tighter immigration policies (or even expelling illegal immigrants) have become major political forces in some historically tolerant and immigrant friendly states.

---

\* Previous versions of this paper were presented at the ASN 2007 World Convention in New York and the 2007 UCSIA Summer School on Religion, Culture and Society in Antwerp.

1 Nathan Glazer: *We Are All Multiculturalists Now*. Cambridge, Mass.: Harvard University Press. 1997.

2 Will Kymlicka: *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship*. New York: Oxford University Press. 2001. 39.

Not only xenophobic right wing and populist left wing politicians oppose immigration. The previous celebration of difference and ‘let a thousand identities bloom’ approaches seem to be on the retreat, and assimilationist, or at least difference-blind arguments are in fashion again – even among liberals and social democrats.

In Germany, the introduction of more strident citizenship tests is being discussed, and in some states, religious scarves are forbidden in schools. Whenever a new Mosque is being built, German citizens protest.

In the Netherlands, the Party for Freedom and Democracy (VVD) considers Islam atavistically antithetical to Western democratic norms. Frits Bolkenstein, former leader of VVD considered Islam inherently hostile to human rights and Western political norms.<sup>3</sup> When a Muslim fundamentalist murdered Theo Van Gogh, the controversial and provocative director and artist who was highly critical of Islam, the famous Dutch tolerance seemed to disappear. Christian Democrats proposed curbing radical Muslim groups’ freedom of speech. Based on the Rotterdam “Burgarschapscode,” Rita Verdonk, Minister of Immigration, Juvenile Protection, Prevention and Probation in the third Balkenende cabinet, proposed the introduction of a state wide ban on the public use of foreign languages. Geert Wilders, founder of the Dutch Party for Freedom, stated that the Koran was a “fascist book” on a par with *Mein Kampf* and suggested banning it.<sup>4</sup>

In Britain, “common values” are on the agenda. Since the 2005 London bombings, among British left-wing politicians rhetoric about the importance of common language and common culture has replaced the previous celebration of difference and active tolerance of religious and cultural diversity. Jack Straw, a major Labour politician and Leader of the House of Commons, asked Muslim women from his district to take off religious scarves when meeting him.<sup>5</sup> Tony Blair took sides in the debate over Muslim women’s right to wear the veil when he stated that he backed a Dewsbury school’s suspension of a teacher for her refusal to

<sup>3</sup> Paul Scheffer: Het multiculturele drama. *NRC Handelsblad*, January 29, 2000. <http://www.nrc.nl/W2/Lab/Multicultureel/scheffer.html>

<sup>4</sup> Geert Wilders: Genoeg is genoeg: verbied de Koran. *De Volkskrant*, August 8, 2007. [http://www.volkskrant.nl/binnenland/article451338.ece/Genoeg\\_is\\_genoege\\_verbied\\_de\\_Koran](http://www.volkskrant.nl/binnenland/article451338.ece/Genoeg_is_genoege_verbied_de_Koran)

<sup>5</sup> The politics of identity. *Economist*. October 19, 2006. [http://www.economist.com/world/britain/displaystory.cfm?story\\_id=8057611](http://www.economist.com/world/britain/displaystory.cfm?story_id=8057611)

remove the niqab. He described the veil as a “mark of separation” that made people from outside the Muslim community “uncomfortable.”<sup>6</sup> The government also planned to ask universities to report on students with presumed links to radical Muslim groups.<sup>7</sup> In his first speech to Conference as leader of the Labour Party, just months after his inauguration, Gordon Brown promised to create “British jobs for British workers”<sup>8</sup> – a slogan that had previously been used by the xenophobic British National Party.

The changes in attitudes are partially explained by economic factors. High unemployment rates, slowing economies and less generous welfare policies make for more difficult competition. Immigrants and other visible minorities are usually the first to be blamed for the economic malaise.

Another factor is recent terrorism. After 9/11, the Madrid and the London bombings, and other incidents, some blamed the failed integration of immigrants on multiculturalism and excessive tolerance towards cultural and religious groups. Though these claims highly overestimate the threat posed by non-integrated minorities to Western liberal democracies, ghettoized, illiberal immigrant groups living within Western liberal metropoli certainly became a concern.

It also seems that immigrants’ claims have significantly changed in the last decade. Immigrant groups no longer seem to request public recognition and/or polyethnic rights but favor a degree of autonomy and self-governance instead.

Based on Will Kymlicka’s and Charles Taylor’s works, I will first sketch a brief history of changes in attitudes and policies regarding the integration and recognition of immigrants. Next, I will focus on recent debates about multiculturalism, especially emphasizing hard cases that entail the following dilemma: the challenge of illiberal immigrant communities living within liberal democracies. I will argue that three basic liberal approaches (*modus vivendi* liberalism, difference-blind liberalism and multicultural liberalism) can be identified in the debate about the

---

<sup>6</sup> Matthew Tempest: Blair backs school in veil row. *Guardian*, October 17, 2006. <http://education.guardian.co.uk/schools/story/0,,1924479,00.html>

<sup>7</sup> Vikram Dodd: Universities urged to spy on Muslims. *Guardian*, October 16, 2006. <http://education.guardian.co.uk/higher/news/story/0,,1923325,00.html>

<sup>8</sup> Gordon Brown speaks to Conference. September 24, 2007. [http://www.labour.org.uk/conference/brown\\_speech](http://www.labour.org.uk/conference/brown_speech)

limits of tolerance. After examining them separately, I will show that these approaches are either normatively incoherent, pragmatically problematic, or both. As I move through these arguments, I suggest that there is a limited possibility of finding a normatively compelling and pragmatically feasible comprehensive theoretical framework for determining the limits of multicultural tolerance within liberal democracies.

Though my examples will mostly refer to Muslim immigrants, I do not suggest that the Muslim community is homogeneous or that Islam is inherently illiberal. My aim is to demonstrate the normative philosophical weakness and the pragmatic political naivety of liberal frameworks toward illiberal minorities.

### *From melting-pot theories to liberal multiculturalism*

In *From Enlightenment Cosmopolitanism to Liberal Nationalism*, Will Kymlicka writes that Enlightenment liberals had high hopes and little doubt that individuals would emancipate from ascribed social roles and identities and that the age of cosmopolitanism will sooner or later set in.<sup>9</sup> Meliorist liberals considered cosmopolitanism the inevitable outcome of humanity's emancipation. It was taken for granted that smaller groups would assimilate into larger – and usually more developed, more sophisticated – ones. Philosophers thought that every human being is equipped with natural reason, and they shared a belief in the universality of human nature. Circumstances (such as: upbringing, mother tongue, religious views, etc.) were deemed contingent and irrelevant to human nature. Kant spoke about culture in the singular. For him, human beings were rational agents who directed their lives according to universal moral laws. Condorcet predicted the emergence of a universal language and a common culture. John Stuart Mill, the philosopher and colonial officer in India, considered English “tutelage” an obvious advantage for the less developed Indian (and even Scottish highlander) cultures and nations. As a preacher of individual liberty, Mill took for granted that freedom and multinational state are incompatible.

Progressive politicians and political theorist in the first seventy years of the 20<sup>th</sup> century argued that cultural, ethnic, national and religious groups should not be discriminated against on the basis of race, gen-

---

<sup>9</sup> Kymlicka: *Politics in the Vernacular*, 203.

der, or sexual orientation. This approach was very much in-line with the previous century's liberal political theories. The primary aim of liberals was to build a public sphere in which differences were unimportant and were not taken into account.<sup>10</sup> In practice, this meant that nationality be separated from politics and be relegated to the private sphere.<sup>11</sup>

The model for this was religion. For Enlightenment liberals, ethnic and religious belonging were always suspicious. As with religious differences, public policy concerns should not address cultural differences. 'Let thousands of flowers bloom' – in everyone's private backyard. But in the public sphere, recognition of cultural differences was not considered important. When it is taken into account that even immigrant minorities did not claim public recognition of their cultural practices, this is not surprising.<sup>12</sup> A color-blind public sphere was not simply imposed by majorities; rather, minorities – including national and immigrant minorities – were hoping for it.

Until the seventies, the 'melting-pot' ideology was the dominant approach towards the cultural differences of immigrant groups. According to the melting-pot theory, immigrants and other cultural groups assimilate or, if they are unable to do so, accept segregation and marginalization.<sup>13</sup> This approach was a consequence of the relegation of cultural differences to the private sphere. The public sphere was supposed to be neutral, but this frequently meant that it reflected the customs and cultural practices of the majority.

Some cultural flowers cannot bloom in private backyards. If public holidays only reflect Christian heritage, Muslims are worse off. It is unjust that Christian holidays are public holidays while theirs are not. If states subsidize historic religions, newcomer immigrants will not have the resources necessary to build places of worship and to practice their religion.

In addition to financial concerns, certain cultural and religious practices simply are unable be confined to the private realm. As religious Jews need to put on kippahs and Catholic nuns headscarves when in public, observant Muslim women and Sikh men are respectively required

---

<sup>10</sup> Will Kymlicka: *Multicultural Citizenship*. Oxford: Clarendon Press, 1995. 30.

<sup>11</sup> Bhikhu Parekh: *Rethinking Multiculturalism. Cultural Diversity and Political Theory*. London: MacMillan Press, 2000. 34.

<sup>12</sup> Kymlicka: *Multicultural Citizenship*, 79.

<sup>13</sup> Kymlicka: *Politics in the Vernacular*, 28.

to wear hijabs and turbans. They must wear these garments not only at home, but also when at school, work, etc. If students are obliged to attend gymnastics classes in short dresses, Muslim girls will break religious regulations forbidding the exposure of the female body. A so understood “neutral” public sphere is usually neutral only for those who are not required to visibly express their cultural, ethnic or religious identities.

While the civil rights movement concentrated on anti-discrimination (i.e. a color blind public sphere) identity politics from the seventies had greater aims. Identity politics that were more sensible to the needs of ethnic and religious minorities called for public recognition of cultural identities. Such movements wanted more than non-discrimination policies or the possibility to privately engage in religious and cultural customs; it also sought public recognition of cultural differences that had previously been confined to the private sphere. Such recognition would require that cultural and religious practices be allowed in public; this would involve the allowance of religious symbols in public life as well as inclusion of immigrants’ religious and cultural heritage within education curricula. Recognition also presupposes the state’s active support of the religious and cultural practices of immigrant minorities – including but not limited to: contributions to the building of Mosques, providing financial support for cultural programs (such as ethnic festivals), etc. Moreover, public recognition also requires that members of minorities may have some exemptions. For example, Muslim women might be provided with separate beaches; girls might be excused from wearing short gymnastic dresses – or even from gymnastic classes.

The theoretical underpinning of the various and often divergent strands of identity politics are derived from political theorists, particularly from communitarian political philosophers.<sup>14</sup> One of the earliest proponents of multiculturalism is Charles Taylor. As he writes in his 1992 essay *The Politics of Recognition*, “our identity is partly shaped by recognition or its absence, often by the misrecognition of others, and so a person or group of people can suffer real damage, real distortion, if the people or society around them mirror back a confirming or demeaning or contemptible picture of themselves.”<sup>15</sup>

<sup>14</sup> Kymlicka: *Politics in the Vernacular*, 18.

<sup>15</sup> Charles Taylor: *The Politics of Recognition*. In *Philosophical Arguments*. Cambridge, Mass: Harvard University Press. 1995. 225.

In contrast to the attempts at nondiscriminatory policies and a “politics of universal dignity,”<sup>16</sup> “the politics of difference often redefines nondiscrimination as requiring that we make these distinctions the basis of differential treatment.” For Taylor, these measures desire more than non-discrimination standards. The politics of recognition not only redresses past injustices and contributes to the equality of individuals from different cultural groups, but more importantly, it also renders the maintenance of distinctness possible.<sup>17</sup> In other words, members of a particular culture have legitimate reasons for wanting to keep their culture intact for future generations.<sup>18</sup>

In the past decades, communitarian political theorists have argued that without public recognition and collective cultural rights individual members of minority cultures – national, ethnic, religious and sexual minorities alike – suffer harm. This – communitarian theorists claim – not only causes suffering for the individual but can also easily lead to social fragmentation. Communitarian philosophers hoped that both humiliation of individual members and the alienation of minority groups could be prevented by providing recognition and granting collective cultural rights to minority groups.<sup>19</sup> Some of them – including Charles Taylor – argued that cultural practices should be protected even at the price of restricting individual freedom. In practice, this would mean that dissenters could be penalized in some form in order to keep up certain religious and socio-cultural institutions and heritage. Some communitarians argue that if individuals can opt out, then some of the linguistic, cultural and religious practices that require a large number of participants will be unable to survive.

From the mid-1980’s, a significant shift appeared in liberals’ stance toward multicultural rights as well.<sup>20</sup> More and more they acknowledged the core ideas of communitarian critics and tried to different extents to accommodate cultural rights within liberal individualist theoretical frameworks. Various theories of liberal nationalism, communitarian liberalism and multicultural liberalism emerged. Even John Rawls,

---

<sup>16</sup> Taylor: *The Politics of Recognition*, 234.

<sup>17</sup> Taylor: *The Politics of Recognition*, 235.

<sup>18</sup> Taylor: *The Politics of Recognition*, 235. 16.ff

<sup>19</sup> Charles Taylor: *The Pattern of Politics*. Toronto: McClelland and Stewart, 1970. 64.

<sup>20</sup> Kymlicka: *Politics in the Vernacular*, 20.

an ardent opponent of group rights, very much accommodated communitarian aspects in his constructivist political theory.<sup>21</sup>

Minority rights advocates had won. For two decades, it was widely accepted that minority rights are not inherently unjust, and very few theoreticians believed that justice can be defined in terms of difference-blind rules and institutions. More and more Western states considered themselves as multination states and allowed their constituent nations to maintain their distinct socio-cultural forms and granted the tools necessary to do so – including language rights, self-government, and sometimes even some degree of political autonomy.<sup>22</sup> The cultural and religious differences of immigrant minorities were also widely recognized, and their maintenance was actively supported.

### *The new multiculturalism debate*

According to recent statistics, the percentage of Muslim population comprises less than 2 percent of the population in Canada and the US. In France it is around 8–10 percent; in the UK, Germany, the Netherlands, Denmark, Belgium, Austria and Switzerland, it is between 3 and 6 percent. There are 15–20 million Muslims (mostly immigrants and their descendants) living within the European Union. Alarming metaphors envision “Eurabia” and “Londonistan.”

After 9/11, the Madrid and London bombings, the good old questions of multiculturalism and the limits of tolerance arose in a slightly different context. After these attacks, public attention turned to Muslim fundamentalist groups thriving within Western liberal democracies.

At least in the sense that these groups pose a serious threat to Western liberal democracies, the fears related to Islam are highly exaggerated. Most Muslims do not sympathize with radical fundamentalism, and only a very small minority actively supports it. There is no reason to suppose that Islam could not be in accordance with basic Western liberal democratic norms and institutions.

On the other hand – whether justified or not – the perceived threat shed light on the illiberal practices of immigrant groups that had before

<sup>21</sup> John Rawls: *Political Liberalism*. New York: Columbia University Press, 1993; Will Kymlicka: *Multicultural Citizenship*, 160; Stephen Mulhall – Adam Swift: *Communitarians and Liberals*. Oxford: Blackwell, 1992. 202.

<sup>22</sup> Kymlicka: *Multicultural Citizenship*, 27–30.



the bombings been relatively underreported. These practices might not pose a threat to mainstream Western societies, but they do oppress the (primarily female) members of Muslim communities.

In Western Europe Muslim groups mostly live isolated from the larger society in enclosed, illiberal enclaves, so called “parallel societies.”<sup>23</sup> According to a 2004 report by Papatya women rights’ watch organization, there were dozens of “honor killings” in Germany within the Muslim community in the last decade. Young female Muslims were murdered by close relatives – mostly brothers – because they had left their arranged marriages or, sometimes, only for attending school or not following religious dress codes.<sup>24</sup> The German Ministry of Family Affairs reported that tens of thousands of Turkish women in Germany live in quasi-slavery. Arranged marriage is a common practice: one-fourth of Turkish women in Germany first meet their husbands only on the day of the wedding. Half of them have been raped by their spouses. Fearing that voicing concern would amount to intolerance or even racism, the German public was reluctant to raise the issue.<sup>25</sup> Segregated immigrant communities are common in the United Kingdom, the Netherlands and Denmark as well.

In addition to the perceived threats of non-integrated immigrant minorities, another factor seems to influence the recent debate on multiculturalism. As noted above, according to Will Kymlicka immigrants previously did not seek the same status as national minorities. They did not seek autonomy but only asked for the recognition of their socio-cultural practices and regulations. Their utmost aim was to integrate into mainstream society.<sup>26</sup>

This might have been true in the past, but now the situation seems to be changing. Immigrant minorities more and more demand national minority rights – such as autonomy and self-governance. As of yet, no data is available, and only certain assumptions are possible; however,

---

<sup>23</sup> Wilhelm Heitmeyer: Für türkische Jugendliche in Deutschland spielt der Islam eine wichtige Rolle. *Die Zeit*, August 23, 1996. <http://www.zeit.de/1996/35/heimtme>

<sup>24</sup> Papatya: *Outline for Resourcebook HRV 2004*. <http://www.papatya.org/veroeffentlichungen/resourcebook.htm>

<sup>25</sup> “Deutsche Ausländer”. Schlachtfeld Frau. *Sueddeutsche Zeitung*. February 25, 2005. <http://www.sueddeutsche.de/kultur/artikel/474/48426/> (After 9/11 new regulations mirroring Turkish laws were introduced; arranged marriages became illegal in certain states, and burkas were forbidden in public institutions.)

<sup>26</sup> Kymlicka: *Multicultural Citizenship*, 30–1; 78–79.

there are clear signs of a change in the attitude of immigrant groups and, primarily, among third-generation immigrants.

In the past decade, a new phenomenon has occurred in Western democracies. Previously marginalized minorities that were striving for equal respect under the law started to abuse multicultural policies in order to self-segregate. The Muslim Council in Great Britain is advocating faith-based schooling.<sup>27</sup> French Muslims call for local autonomy and the introduction of sharia.<sup>28</sup> The Canadian Islamic Institute of Civil Justice proposed that sharia law should take precedence over Canadian law in civil disputes among Muslim citizens.<sup>29</sup> The list could easily be continued.

How should Western liberal democracies approach the problem of illiberal minorities? Where should the boundaries of tolerance be drawn, if they should be drawn at all? Normative and pragmatist concerns are intertwined in these questions. Many theorists have tried to answer the age-old question about the limits of tolerance. Although oversimplifying their arguments, I identify three basic models of liberal answers to the challenge of illiberal minority groups below. Of course, many other approaches are possible. Communitarians and conservatives may have completely different suggestions, but here, I will only address the liberal approaches.

### *Modus vivendi liberalism*

The first method could be called the *modus vivendi* approach. I have borrowed the term from John Gray who in *Two Faces of Liberalism* writes “The liberal state originated in a search for *modus vivendi*.”<sup>30</sup> With a slight oversimplification, Gray differentiates two major kinds of liberalism. The first is the perfectionist type proposed by Locke, Voltaire, Kant, Rawls and Hayek; in this approach, toleration is considered the best means to discover an ideal lifestyle. The original liberalism is that of Hobbes, Hume, Berlin and Oakeshott; they regarded toleration as

<sup>27</sup> Eric Pfanner: Britain debates state aid for Muslim schooling. *International Herald Tribune*, October 31, 2005. <http://www.iht.com/articles/2005/10/17/news/redislam.php>

<sup>28</sup> Caroline Glick: Our World: The Paris Fall. *Jerusalem Post*, November 7, 2005. <http://www.jpost.com/servlet/Satellite?cid=1131367042134&pagename=JPost%2FJPArticle%2FPrinter>

<sup>29</sup> Jane Little: Debate rages over women and Sharia. *BBC News*, June 11, 2003. [http://news.bbc.co.uk/2/hi/in\\_depth/2977446.stm](http://news.bbc.co.uk/2/hi/in_depth/2977446.stm)

<sup>30</sup> John Gray: *Two Faces of Liberalism*. Cambridge: Polity Press, 2000. 1.

means to peaceful coexistence among diverse ways of life. Though currently tolerance is for many liberals a matter of moral principle, Gray claims that at its inception it was very much a practical and prudent concept without normative moral content.

Though Gray primarily concentrates on the differences between the two strands of liberalism, he also takes for granted that each is inherently linked to tolerance. Perfectionist forms of liberalism rely on tolerance since it is the most appropriate tool for establishing practices and political institutions that are in accordance with personal autonomy and freedom. In this argument, then, tolerance is essential to achieving the main goal of thick liberalism: personal autonomy. In contrast, the less ambitious, thinner *modus vivendi* liberals believe that peaceful coexistence of highly diverse cultures in plural societies is only possible if tolerance prevails. Here toleration is a prudent and pragmatic approach to diversity, but it lacks further substantive value. This thin, live-and-let-live non-universal liberalism is based on the acceptance of an extreme pluralism. The most we can hope for is the peaceful coexistence of individuals and groups with different conceptions of a good life. *Modus vivendi* tolerance requires that liberals should not impose their liberal values on illiberal groups.

It is Chandran Kukathas, a major philosopher who works on multicultural policies, who develops the most clear-cut form of the *modus vivendi* approach towards cultural diversity. He argues that liberalism has nothing to do with the recognition of cultural differences.<sup>31</sup> Rather, he thinks that liberal tolerance requires that illiberal groups within liberal democracies be left on their own, and that the state should not interfere with their practices.<sup>32</sup> He considers tolerance that does not tolerate intolerance only limited and recommends an alternative view that is not based on the liberal primacy of individual autonomy. This extended concept of tolerance would be independent from substantive moral values.

But, this requires that even those cultural practices that impose restrictions on individuals are not disrupted. In this view, liberals should seek to accommodate illiberal groups as long as they do not to impose their values on outsiders. Liberal democracies should not interfere

---

<sup>31</sup> Chandran Kukathas: Liberalism and Multiculturalism: The Politics of Indifference. *Political Theory*, Vol. 26, Nr. 5. (Oct., 1998), 691.

<sup>32</sup> Chandran Kukathas: Are There Any Cultural Rights? *Political Theory*, Vol. 20, Nr. 1. (Feb., 1992), 105–139.

with the restrictions placed on particular members of illiberal groups.<sup>33</sup> In practice, this would mean a modern version of the Ottoman millet system: autonomous theocracies living side-by-side.<sup>34</sup> At best, there would be no conflicts between groups, but the price would be the oppression of some individual members of illiberal groups.

The normative problem with this approach is that it overemphasizes the importance of tolerance. If we regard tolerance as the core value of liberalism, then there is no way to criticize illiberal practices. In the name of liberal tolerance, then, individuals would be left as prey of illiberal collectives. For the sake of the peaceful coexistence of various cultural groups, this type of liberalism ignores infringements of basic human rights and is, therefore, contrary to any kind of liberal politics of which I am aware.

The *modus vivendi* approach has pragmatic weaknesses also. How does it provide for the peaceful coexistence of radically different groups? Is it possible to keep a multicultural political unit together, if its subgroups' practices are considered to be base and morally unacceptable by members of other subgroups? And, why should we try to seek to accommodate extreme cultural differences within one political unit at all? If there is no common public space for members of different constitutive groups in *modus vivendi* liberalism, it is not clear why they need to remain within the same state.

### *Difference-blind liberalism*

The second liberal approach to illiberal minorities I would like to label (following Charles Taylor) difference-blind liberalism. Let me briefly refer to a recent essay by the French philosopher Pascal Bruckner. His arguments are not very sophisticated or theoretically well founded (to say the least), but nevertheless, his essay is a clear-cut example of the difference-blind liberal attitude.

---

<sup>33</sup> Kymlicka: *Multicultural Citizenship*, 155. (Kukathas in his response to Kymlicka noted that he did not mean that illiberal groups should be let alone and allowed to force their members to stay within the group, see Chandran Kukathas: Cultural Rights Again: A Rejoinder to Kymlicka. *Political Theory*, Vol. 20, Nr. 4. (Nov., 1992), 674–680.)

<sup>34</sup> Kymlicka: *Multicultural Citizenship*, 156–158.

“There’s no denying that the enemies of freedom come from free societies, from a slice of the enlightened elite who deny the benefits of democratic rights to the rest of humanity, and more specifically to their compatriots, if they’re unfortunate enough to belong to another religion or ethnic group,” he wrote in reference to the advocates of multiculturalism.<sup>35</sup> His hasty and purposely provocative opinion can hardly be dismissed by stating that this is not the intention of any proponents of multicultural policies. Indeed, *modus vivendi* liberals have come close to cultural relativism, and in a pessimistic portrayal, their live-and-let-live views can be interpreted as if they unwillingly accepted the denial of certain individual rights for some members of illiberal minorities.

Bruckner’s proposal is that the French norm of non-compromising secularism should be applied. No cultural differences whatsoever should be recognized. Any public accommodation of cultural and religious claims puts liberal democratic states on a slippery slope: illiberal minorities will claim more and more exemptions. “For the more we give in to the radicalism of the bearded, the more they will harden their tone. Appeasement politics only increase their appetite.”

Even if the primitive and stereotypical reference to Muslims is omitted, this approach is a kind of reverse fundamentalism. It is the old fashioned, though somewhat hardcore, version of a difference-blind liberalism that considers public recognition of cultural differences as at best unnecessary for individual autonomy<sup>36</sup> and at worst antithetical to liberal norms.

The difference-blind approach is normatively problematic for the same reason older versions of liberal neutrality were lacking: it does not recognize that the loss of cultural belonging can be a source of individual suffering. Additionally, this version of a neutral public sphere raises pragmatic political concerns.

First, after decades of active tolerance, immigrant minorities – who were previously allowed and even encouraged to maintain their ethnic and religious identities – will hardly accept a difference-blind model.

Second, denial of public recognition of cultural and religious differences could easily become counterproductive. If newcomers and second or third generation immigrants are to leave behind or at least to

---

<sup>35</sup> Pascal Bruckner: Enlightenment fundamentalism or racism of the anti-racists? *Signandsight.com*. Jan. 24, 2007. <http://www.signandsight.com/features/1146.html>

<sup>36</sup> Jeremy Waldron: Minority cultures and the Cosmopolitan Alternative. *University of Michigan Journal of Law Reform*, Vol. 25, Nr. 3. 1992. 751–73.

confine their religious and cultural customs to the private sphere, they might easily decide not to leave this sphere at all. If they have to choose between this and a public sphere in which their deepest cultural belongings are not recognized, they might prefer self-segregation. The consequence of less multiculturalism, then, would be less integration – not more, as difference-blind liberals would hope.

Third, knee-jerk opponents of multicultural policies forget that illiberal fundamentalism blooms in segregated parallel-societies. How would the difference-blind approach contribute to the autonomy of members of illiberal groups? A difference-blind public sphere does not guarantee that illiberal practices in private life will cease to exist. How would difference-blind liberals rule out domestic violence and oppression of Muslim wives and daughters? What specific measures are to be taken?

No doubt, clear-cut illegal practices could and should be persecuted. No proponent of multicultural policy would argue that beating up one's wife or murdering one's daughter might be excusable because of any cultural or religious norms. But, how can the less obvious and mostly unreported forms of oppression be eliminated? If females do not address them – out of fear or because of lack of information about their rights or the appropriate legal forums? Would forcing Muslim girls to take off their scarves in public eliminate illiberal and inhumane customs practiced in private places? The implementation of difference-blind policies is often impossible, and it is highly doubtful if it would help in any way to reduce oppressive and inhumane practices in the private sphere. One might enforce secular dress codes, but there is no evidence that this would weaken illiberal private customs. The opposite seems just as likely.

Denying public recognition of any type of cultural practice is morally problematic and potentially counterproductive. It would only add to the alienation of immigrant groups who, in turn, might opt for the informal parallel society alternative. And, illiberal customs practiced in the private sphere may not be visible the public.

### *Liberal multiculturalism*

Will Kymlicka argues that minority rights are in accordance with basic liberal norms as long as they are practiced as an external protection and not

as an internal restriction.<sup>37</sup> Liberal democracies may and should accommodate special cultural needs of national minorities provided individual freedom of group members is respected. Members of national minorities have a justifiable claim for exemptions and financial support that can help them to pass their cultural practices on to future generations.

But from a liberal perspective, this is only justifiable if members might opt out of a particular group without any restrictions or penalties. Internal restrictions – or “the desire to protect cultural practices from internal dissent” – cannot be reconciled with liberal norms. In Kymlicka’s view, tolerance for cultural diversity is not an inherent value; rather, it is only a means of providing cultural belonging without which and individual autonomy would be impossible. From this, it follows that cultural practices that oppress autonomous individuality should not be tolerated.<sup>38</sup> However, all this, according to Kymlicka, applies only to national minorities; that is to groups with distinct cultural customs that have historically inhabited a territory. National minorities could be understood as nations without their own states. The case of immigrant groups is somewhat different. They, argues Kymlicka, chose to move emigrate from their countries and so agreed to leave their culture behind. Thus, their claims for minority rights are different from those of national minorities. From a normative point of view, national minorities and immigrant groups are different. As immigrants were free to choose and left their country to live in another state, the host state has neither moral nor legal obligation to provide them the means to maintain their cultural differences and practices. Minority rights are pragmatic and useful tools for helping newcomers integrate; however, this is only a practical and not a moral or legal concern.

Kymlicka’s argument is highly contestable, but for the sake of my argument, there is no need for a detailed critique. It is suffice to note that his argument that migrants choose to leave their countries freely and, therefore, tacitly agreed to give up their cultural practices seems to be a feeble and hasty assumption. Migrants are often forced to leave. If not by persecution, then they are forced by meager economic possibilities. Most liberal political theorist would not regard such a choice as free of constraint.

---

<sup>37</sup> Kymlicka: *Multicultural Citizenship*, 37.

<sup>38</sup> Kymlicka: *Multicultural Citizenship*, 158.

In addition, it is also questionable if immigrants have given up their cultural heritage or the right for its recognition. Free or forced, they left, but there is no evidence that they even tacitly agreed to leave their cultural practices behind. Actually, many host countries do not require this. Will Kymlicka himself argues for a welcoming immigration policy. He calls for an easy and relatively fast naturalization process that requires only 3–5 years of permanent residency, language skills and probably some knowledge of the national history.<sup>39</sup> In the absence of further requirements, immigrants rightly assume that the host nation supports their maintenance of their cultural differences.

As I mentioned earlier, there are clear signs that immigrant minorities demand more than polyethnic rights: sometimes they claim autonomy and self-governance.

It is very important to note that Kymlicka and other liberal multiculturalist thinkers<sup>40</sup> always stress that all measures taken to accommodate cultural needs must meet the basic principles of liberal democratic norms; thus, they cannot violate either the norm of equality of groups or individual freedom within the groups.

Kymlicka asserts that minorities not living up to minimal liberal expectations should not be tolerated nor given group rights since to do so would infringe on the individual rights of its members. Though undoubtedly supportive of minority rights, Kymlicka is critical not only of communitarians but also of difference-blind and *modus vivendi* liberals. He – as other liberal supporters of minority rights – regards group rights as conducive to self-fulfillment and personal autonomy. “Restricting religious freedom or denying education to girls is inconsistent with these liberal practices and indeed violates one of the reasons liberals have for wanting to protect cultural membership – namely, that membership in a culture is what enables informed choice about how to lead one’s life” – he argues in the essay *Toleration and Its Limits*.<sup>41</sup>

Both for political and moral concerns, Kymlicka’s liberal multicultural model seems more promising and compelling than the previous ones. But there are serious shortcomings to Kymlicka’s approach too.

First, there is a representational concern. If immigrant groups have autonomy and self-rule demands, it is mostly some associations – cul-

<sup>39</sup> Kymlicka: *Politics in the Vernacular*, 153.

<sup>40</sup> Yael Tamir: *Liberal Nationalism*. Princeton: Princeton University Press. 1993.

<sup>41</sup> Kymlicka: *Multicultural Citizenship*, 153.



tural or religious organizations – that raise them. Should these associations be considered as legitimate representatives of a minority? It is often more than doubtful. At best the democratic deficit that applies to any civil society organization is valid for minority organizations as well. The classic democratic paradox also recurs here. Who ought to decide about the status of a certain minority group? The whole society? Only members of the group? If the latter, who decides who belongs to the minority group?

But these are only minor concerns. The main problem with Kymlicka's liberal multiculturalism is that in most cases it is simply impossible to differentiate external protection from internal restriction. Kymlicka suggests that multicultural rights meet liberal norms as long as they enhance autonomy and individual freedom – external protection yes; internal protection no; it is as easy as that. But in most cases, external protection and internal restriction go hand in hand.

Take hijabs. One might argue – and Muslims groups do – that females who do not wear a hijab in public suffer harm since they are unable to live up to their profoundest religious expectations. If so, individual well-being for Muslim females would require that hijabs be allowed in public. On the other hand, opponents of the hijabs claim that women do not choose but are forced to wear them. Not necessarily by brute force but because the inherently male chauvinist cultural and religious norms leave females no opportunity to make autonomous decisions about their own lives. The same applies to separate beaches and exemption from gymnastics classes for Muslim women.

At minimum, external protection provides a framework that makes internal restrictions easier to apply. If Muslim girls are allowed to wear hijabs in school, it will be harder for them to opt out of doing so, even if they so desired. If their parents insist they wear it, most of them will comply even if they would prefer a non-religious dress code.

In most cases, there is no method to determine if public recognition of certain cultural and religious practices will contribute to individual autonomy. Presumably, even the subjects would generally be unable to decide easily. Most likely, this is true in both directions. If Muslim women who were brought up in traditional families within a liberal democracy could freely choose their lifestyle, most of them would have ambivalent feelings. Giving up traditions is certainly a hard choice and involves loss, but for many living the traditions of Western liberal

democracies is not an option either. Regardless of how they proceeded, there would be a sense of loss.

And, as I noted above, only autonomous persons can make autonomous decisions. Women living in closed, illiberal communities are simply unable to do so.

This, however, does not mean there are no clear-cut cases of internal restriction. In case of the hijab, it is difficult to determine, but female genital mutilation and honor killings are unacceptable for even the most accommodating multicultural model.

The question is what should be done about the obvious forms of unacceptable, illiberal practices. Kymlicka thinks that though liberal norms are more valuable than others and though they require personal autonomy, illiberal groups cannot be forced to renounce their practices that are not in accordance with liberal expectations. This is another serious weakness of his model. He notes that liberals should try to encourage and persuade illiberal groups to open themselves to reform, but using any means other than persuasion would violate liberal tolerance. "A liberal conception of minority rights will condemn certain traditional practices of minority cultures just as it has historically condemned the traditional practices of majority cultures and will support reform. In cases where the national minority is illiberal, this means that the majority will be unable to prevent the violation of individual rights within the minority community. Liberals in the majority group have to learn to live with this, just as they must live with illiberal laws in other countries."<sup>42</sup>

This is a theory of "tolerance without domination." The assumption behind the argument is that the use of force – even in order to end a morally unacceptable practice – is forbidden for liberals. Whether the violation of individual rights in another country is tolerable is debatable, but maintaining that states cannot enforce individual rights is extremely problematic. Kymlicka refers to national minorities, but as I pointed out earlier, it is also questionable, that immigrant groups' expectations regarding cultural rights are normatively different from national minorities' demands. The problem is the enforcement of certain standards against illiberal minorities, whether immigrant or other. Though not specified by the text, it is implied that any practices – even the most inhumane and outrageous – should not be forcibly prevented by if these

---

<sup>42</sup> Kymlicka: *Multicultural Citizenship*, 168.

acts are committed in the name of cultural heritage or religious norms. Though Kymlicka accepts that the liberal conception of tolerance is a tool to enhance individual autonomy and freedom, he provides no means to implement or protect it.

If so, liberal multiculturalism is in practice nothing more than *modus vivendi* multiculturalism with lures dangling in front of it. But if enticements are ineffective, liberal multiculturalism possesses no means of enforcement, not even the minimal liberal democratic norms. Such Weimar type liberalism is simply unable to meet its own moral standards.

Regarding illiberal immigrant communities, this is a very risky strategy. If the immigrant group decides not to relinquish illiberal customs and multiple generations enact such practices, there will be a legitimate historical claim for their illiberal practices.<sup>43</sup> Kymlicka's assumption is that immigrants do want to integrate into mainstream society. If they do not and are also allowed to keep their illiberal traditions, they will become a national minority after a period of time. At this point, it will be even more difficult to argue against illiberal practices.

### *Conclusion*

Though for different reasons, all three liberal approaches to multiculturalism proved to be normatively incoherent and politically unfeasible or counterproductive. Nor could a satisfactory answer be found for the challenges posed by illiberal groups living within the boundaries of liberal democracies. *Modus vivendi* liberalism tolerates even the most egregious violations of individual and human rights of members of illiberal groups. Difference-blind liberals do not acknowledge the importance of cultural belonging and hope that by relegating illiberal practices to the private sphere they will automatically disappear. Multicultural liberalism proposed the distinction between external protection and internal restrictions and considered the former in agreement with liberal norms. But, there is no way of telling whether a certain minority rights policy provides external protection, internal restriction measures, or – in many cases – either.

Before drawing my final conclusions, let me briefly note that integration is sometimes discussed as if it were a purely a cultural issue.

---

<sup>43</sup> Kymlicka: *Multicultural Citizenship*, 170.

Economic aspects are often completely elided in the multiculturalism debate. Culture-wise integrated immigrants are often segregated from society sociologically and economically. Many immigrants keep only minor and marginal aspects of their cultural heritage, if they keep any at all. Most third-generation immigrants do not even speak the language of their parents and are not citizens of their grandparents' country of origin. Still, they have significantly worse life perspectives. From education and health care to housing and employment, they are statistically worse off than members of the majority. If anything, this was the lesson of the 2006 Paris riots. Unemployed and uneducated third-generation immigrants are segregated in the poor peripheries of Paris; they are culturally assimilated but are not socially integrated.

Unfortunately, there is no universal solution at hand because cultural claims vary from group to group. In order to determine which policy initiatives would be the most beneficial for all, circumstances must be taken into account. Many practical, policy oriented questions are to be asked, and judgments should be made on a case-by-case analysis in order to determine which claims for cultural diversity do not threaten individual autonomy and which minority claims are to be rejected and which are to be supported. As Steven Lukes put it in *Multicultural Questions*, "there is no multiculturalism *tout court*; there are only specific, context-dependent multicultural problematiques; the search for a universal formula, and a final judgment, is misguided from the start."<sup>44</sup>

While there are a few clear examples of practices liberal societies should never tolerate,<sup>45</sup> there are other practices (like the Islamic scarf) that might not be easily judged. In the German veil-debate, Jutta Limbach, former Chief Justice of the German Constitutional Court, noted: "the religiously motivated veil cannot be seen automatically as a symbol of oppression, or the expression of a fundamentalist basic attitude. Things are different for the burka, a veil that covers the entire head and body apart from the eyes, because the veiled woman is no longer seen by

---

<sup>44</sup> Christian Joppke – Steven Lukes: *Multicultural Questions*. New York: Oxford University Press, 1999. 16.

<sup>45</sup> Joseph H. Carens: Muslim Minorities in Contemporary Democracies: The Limitations of Liberal Toleration. In *Culture, Citizenship, and Community*. Oxford: Oxford University Press, 2000. 145.

others as an individual.”<sup>46</sup> Although some liberals might argue that the burka is not necessarily a sign of the oppression of individual autonomy, not one would accept that female genital mutilation is tolerable. In order to prevent such overtly inhumane practices, liberals should acknowledge that force could and should be used as a last resort.

---

<sup>46</sup> Jutta Limbach: Making Multiculturalism Work. *Signandsight.com*. July 17, 2005. <http://www.signandsight.com/features/313.htm>