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Cultural Diversity and Toleration

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Resumé

La diversité, caractéristique immuable de nos sociétés modernes, implique souvent des conflits de valeurs fondamentaux. Les théories contemporaines de la tolérance, ayant comme but de répondre au défis que nous lancent la diversité culturelle, tentent de déceler la meilleure façon d'aborder la différence. Dans la première partie, je procède à une analyse de la problématique des rapports entre le multiculturalisme, la tolérance et le féminisme. La seconde partie consiste à évaluer les arguments de plusieurs théories contemporaines sur la tolérance telles que celles de Glenn Newey, Ingrid Creppell, Will Kymlicka, Chandran Kukathas, et Jeremy Waldron. En conclusion, je propose une approche critique face à la culture car elle permet de remplacer notre méfiance pour une ouverture d'esprit face à la justification des pratiques culturelles.

Mot clés : tolérance, multiculturalisme, culture, droits collectifs, minorités, féminisme.

Summary

Toleration implies deep disagreement. In fact, toleration often entails disagreement so deep that it compels the State to question whether a practice ought to be put up with, despite its divergence from the moral principles it affirms. The fact that several contemporary political theorists view culture as a dominant producer of conflict brings them to articulate theories of toleration that address the conflicts of value culture gives rise to. I begin by presenting the problematic interplay between multiculturalism, feminism, and toleration. In the second part, I evaluate the views of several contemporary political theorists and their approaches to toleration, including those of Ingrid Creppell, Glenn Newey, Will Kymlicka, Chandran Kukathas and Jeremy Waldron. I conclude in support of the view that culture must be approached in a way that allows us to intercept it critically, while not deeming the justification of cultural practices as wrought with error prior to examination.

Keywords: toleration, multiculturalism, culture, social conflict, group rights, liberalism, political theory, women's rights.

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Introduction_____

As in the biblical story about the tower of Babel, here we all find ourselves, ancestors of its conclusion: Children of a world in which homogeneity has been replaced with confusion, and where the comfort of Babylon is far displaced. Instead, we all find ourselves scattered over diverse landscapes, both moral and actual, devoid of clear answers, needing to come to grips with the logical consequences that such pluralism entails. Consequently, many wars have been waged to attempt to guarantee uniformity where there was none, and instill sameness in the face of diversity. A solution whereby a group must be exterminated, or choose annihilation, in order that the powerful obtain peace and stability is neither acceptable nor sustainable. The end of the Religious Wars characterized the failure of such ambition and the triumph of a value many herald as liberalism's achievement: Toleration.

Toleration, as an idea often associated with contemporary liberal societies is unquestionably linked to the thriving of pluralism, characteristic of many contemporary societies. And yet, many liberal theorists differ in regards to its appreciation and application. Sifting through the literature, one grasps the lack of consensus around the many derivative questions and conundrums toleration occasions. While these questions can remain merely interesting from a personal or theoretical standpoint, they are questions, which politics must necessarily grapple with. As time pass some moral notions shift and acquire

status, thereby leaving others beyond the pale. In the shadow which disagreement casts, toleration is of utmost importance: It instates peace between individuals that consider each other to be wrong about the most fundamental moral questions.

The initial debates on toleration were provoked by deep religious disagreement but the correct stance to adopt in the face of multiculturalism dominates the contemporary debate. The shift from religion to culture in the contemporary literature on toleration occasions an enquiry into preconceptions about culture, since these are unquestionably essential to the development of tolerant policies at the present. Different conceptualizations of cultural diversity carry theorists to different conclusions concerning tolerance. To name but one famous pair, John Locke and John Stuart Mill's views about moral and cultural diversity led to rather different formulations of the State's duty. On the one hand, Locke's formulation merely argues for restraint or lack of interference in matters of religion, while Mill advocates the fostering of diversity[1]. This would lead both authors to suggest different measures, which the State should adopt: The absence of coercion in the first case and a positive measure in the second (the promotion of diversity).

In the following pages, I will endeavor to show support for a view in competition with the popular opinion that cultures require protection or preservation in the form of special rights. It is necessary for a suitable theory of toleration to confront the issue of culture and craft a strategy for dealing with

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[1] Jeremy Waldron, "Locke, toleration, and persecution," in Liberal Rights: Collected Papers 1981-1991. (Cambridge: Cambridge University Press, 1993), 88-114.

the variety of ways in which 'newness enters the world'[2]. I would like to examine the preconceptions about culture that must surround tolerance if it is destined to thrive. In short, I would like to elaborate a view of culture, which is helpful to a successful institutionalization of toleration.

Is the so-called death of culture irreversibly tragic, or can we cure the wounds that afflict culture in our day, in order to see cultures on the brink of extinction coast on into tomorrow unscathed? Will Kymlicka has suggested amending liberal political theory to award minority cultures group rights that would allow them to compete on equal grounds with majority cultures. Many political philosophers have been reluctant to accept Kymlicka's advocacy for group rights, but I will focus on one respondent in particular – Jeremy Waldron – that finds fault in Kymlicka's demand for culturally based group rights. I will begin by highlighting the conundrum, which arises from the interplay of multiculturalism, toleration and a commitment to gender equality. In the second half of my analysis, I will illustrate a diversity of approaches to toleration as defended by Will Kymlicka, Ingrid Creppell, Glenn Newey, and Chandran Kukathas, jettisoning them in favor of Waldron's cosmopolitan alternative.

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[2] Salman Rushdie, Imaginary homelands: Essays and criticism 1981 – 1991 (London: Granta Books, 1991), 393.

1.

TOLERATION,

FEMINISM,

AND GROUP RIGHTS

IN CONFLICT

In John Horton's words "multiculturalism becomes a problem when conflicts between groups about values or their interpretation cannot be comfortably accommodated within a particular social structure"[3]. In most cases, it is the very social structure, which dictates the kinds of conflicts that become problematic, as well as the values that should govern such disputes. The particular example of the Rushdie Affair[4] illustrates both how different cultural values can lead to conflict, as well as how different conceptions of the State

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[3] John Horton, "Liberalism, Multiculturalism, and Toleration" in Liberalism, Multiculturalism, and Toleration, ed. John Horton (New York: St. Martin's Press, 1993), 3.

[4] For a discussion on the Rushdie Affair see Liberalism, Multiculturalism, and Toleration, ed. John Horton (New York: St. Martin's Press, 1993), especially Chapters 7-11.

determine the response to the different levels of disagreement that can be permitted. Radically different solutions can result, stemming from the interpretation of toleration used, in accordance with the type of social structure at issue. On one approach to multiculturalism and toleration, the State should refrain from interference into conflicts of value in cultures when its adherents have freely chosen their adherence to its values.

The institutionalization of tolerance led to the uncoupling the State's authority over the salvation of men's souls, which led individuals to have greater autonomy in charting a moral/religious course. The relationship between the State and multiculturalism, rather than the relationship between religion and the State now dominates the contemporary debate on tolerance. John Horton states, "It might plausibly be thought that toleration should provide a particularly promising bridge between liberalism and multiculturalism [since] it is one of liberalism's most important ethical resources for confronting multiculturalism"[5]. Multiculturalism does indeed present a wide array of conflicts between values. Even States, which view multiculturalism as desirable, are confronted with the value clashes such as the one between gender equality and culture. This means States must carve out space for each value to occupy. As Martha Nussbaum observes, "even if one were convinced (as I suspect Okin is) that religion is all superstition, and that a comprehensive secular view of the good is correct, we do not show sufficient respect for our fellow citizens when we fail to acknowledge that they reasonably see the good

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[5] John Horton, "Liberalism, Multiculturalism and Toleration," 3.

differently"[6]. How can we in good faith decide, simply, to override individual choice for the sake of honoring a competing notion, which thinks itself superior?

The introduction to *Is Multiculturalism Bad for Women?* sets the stage for a problem now familiar to political theory. Long political struggles have led to the consecration of women's rights, and the acknowledgment of the "[irrelevance] of skin color to human fate." Some political theorists would like us to redress another inequality: cultural equality. Cultural equality would demand an expansion of liberal rights in order to allow minority groups to attenuate the larger society's economic and political power, which would "help to promote justice between ethnocultural groups, by ensuring that members of the minority have the same effective capacity to promote their interests as the majority."[7] Susan Moller Okin criticizes this movement on the basis that these ethnocultural rights could lead to serious lapses in the recognition of gender equality. The cultural egalitarianism, which Kymlicka yearns for is at odds with equal consideration for men and women within these cultures. From this angle, the demand for tolerance of minority cultures would be compromised on the basis that minority cultures "treat female members as subordinate no-counts"[8].

[6] Martha C. Nussbaum, "A Plea for Difficulty," in Is Multiculturalism Bad for Women?, eds. Joshua Cohen and Martha C. Nussbaum (Princeton: Princeton University Press, 1999), 108.
[7] Will Kymlicka, "Liberal Complacencies" in Is Multiculturalism Bad for Women? eds. Joshua Cohen, Matthew Howard, and Martha C. Nussbaum (Princeton: Princeton University Press, 1999), 32.
[8] Joshua Cohen et al. introduction to Is Multiculturalism Bad for Women? eds. Joshua Cohen, Matthew Howard, and Martha C. Nussbaum (Princeton: Princeton University Press, 1999), 4.

Susan Moller Okin implores us to prioritize the women of these cultures, instead of siding with the patriarchal cultures that burden women with unfair treatment on the basis of their gender. Instead of granting group' rights to cultures that enshrine principles incompatible with liberal rights, we should revert to the assimilationist expectation that minority groups bring their practices into accordance with the majority culture[9]. Her argument presents a rather grim picture of minority groups that have sought exemption from the law on the basis that their cultures vindicate the poor treatment of women. She is skeptical even of the groups which are internally liberal since "most cultures are suffused with practices and ideologies concerning gender."[10] Most groups undermine a commitment to feminist values by means of practices and ways of life that embody the desire to "limit the capacities of women and girls ... to live as freely chosen lives as they can."[11] To pay no heed to this fact is to dispense with any commitment to the pith and substance of feminism. Okin cites many examples of cultural groups that have invoked their culture in order to be exonerated of crimes against women. She, in the process, provocatively asks us to recognize the fact that "most cultures have as one of their principal aims the control of women by men"[12]. These cultures comprise most of the religions of the world (Judaism, Christianity, and Islam) as well as the founding myths of the ancient Western civilizations of Greece and Rome. If liberal societies are to

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[9] Susan Moller Okin, "Is Multiculturalism Bad for Women?" in Is Multiculturalism Bad for Women? eds. Joshua Cohen, Matthew Howard, and Martha C. Nussbaum. (Princeton University Press: Princeton, 1999) 9.
[10] Susan Moller Okin, "Is Multiculturalism Bad for Women?" 12.
[11] Susan Moller Okin, "Is Multiculturalism Bad for Women?" 13.
[12] Susan Moller Okin, "Is Multiculturalism Bad for Women?" 13.

have zero tolerance for cultures that are consistent with antifeminism, they must affront a veritable slew of opponents.

Kymlicka wants to give cultural minorities special rights "because their cultures may otherwise be threatened with extinction [which would] undermine the self-respect and freedom of group members"[13], in so far as these minority cultures govern themselves according to liberal principles and refrain from discriminating against or violating the basic liberties of their members[14]. Okin opines that Kymlicka's liberal demands will not be met by "far fewer minority cultures than Kymlicka seems to think will be able to claim group rights under his liberal justification."[15] Moreover, because Kymlicka fails to realize sex discrimination is less overt and far more informal and private than the forms of sex discrimination he deems sufficient to without special group rights, "it is by no means clear, from a feminist point of view, that minority group rights are "part of the solution.""[16] On this basis, Okin concludes the following:

> In the case of a more patriarchal minority culture in the context of a less patriarchal majority culture, no argument can be made on the basis of self-respect or freedom that the female members of the culture have a clear interest in its preservation. Indeed, they might be much better off if the culture into which they were born were either to become extinct (so that its members would become integrated into the less sexist surrounding culture) or, preferably, to be encouraged to alter itself so as to reinforce

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[13] Susan Moller Okin, "Is Multiculturalism Bad for Women?," 20.
[14] Susan Moller Okin, "Is Multiculturalism Bad for Women?," 20.
[15] Susan Moller Okin, "Is Multiculturalism Bad for Women?," 21.
[16] Susan Moller Okin, "Is Multiculturalism Bad for Women?," 22.

the equality of women – at least to the degree to which this value is upheld in the majority culture.[17]

Thus, we should be weary of granting groups rights since minorities within these groups "may be harmed rather than promoted by the granting of such rights."[18]

Kymlicka, in his response to Okin, pledges support to Okin's strict demands, despite her dire view of culture. Kymlicka believes he and Okin are unified in their quest for the expansion of liberalism for the sake of cultural minorities or women's rights. He cites his distinction between 'internal restrictions" and "external protections" to show his sensitivity to Okin's demands.

On his view, "internal restrictions" (restrictions which prevent individuals from questioning, revising, or abandoning cultural precepts), are always unacceptable because they "violate the autonomy of individuals and create injustice within the group"[19]. The group rights he vindicates call for "external protections" that aim "to promote justice between ethnocultural groups" by remedying conditions external to the group that lead to and ingrains the inequality between minority cultures and other groups, notably majority groups[20]. Kymlicka contends his theory is compatible with the opposition of cultural norms that oppress women domestically rather than "in a purely formal

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[17] Susan Moller Okin, "Is Multiculturalism Bad for Women?," 22-23.
[18] Susan Moller Okin, "Is Multiculturalism Bad for Women?," 24.
[19] Will Kymlicka, "Liberal Complacencies," 31.
[20] Will Kymlicka, "Liberal Complacencies," 32.

or legalistic way"[21]. He also sees Okin's opposition to his theory as regrettable, since he identifies with Okin's cause. The purpose and intent of awarding cultural minorities group rights and of protecting the interests of feminism are one and the same: They both aim to advance the interests of particular groups in order to correct an oversight in liberal theory, which has meant "that liberalism has been blind to grave injustices which limit the freedom and harm the self-respect of women and ethnocultural minorities."[22] Kymlicka and Okin seek to part with liberalism in so far, and as soon as, liberalism fails to accord with the particular group interests they wish to defend. Of course liberalism should be capable of addressing their critiques and have compelling reasons for not accommodating their desires. But I think both Kymlicka and Okin are wrong to level accusations on the State on the basis that it does not fully agree with their view.

The reason we should hesitate to confirm Okin's prescription is that there is a thriving debate which operates from within cultures concerning the value of gender equality. To stifle, or dictate the outcome of, a conflict over the proper way to enshrine principles within a culture, is in conflict with a further fundamental principle of liberal societies: toleration. Toleration would have the State show restraint despite fundamental disagreement over what is right and what is wrong. No argument for toleration is absolute or without its limits, but it is rare that an account of toleration would alienate more than half the world's cultures and religions on the basis of a conflict of values which is unsettled

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[21] Will Kymlicka, "Liberal Complacencies," 32.
[22] Will Kymlicka, "Liberal Complacencies," 33.

even amongst feminists. Okin's argument is interesting however, since she argues in favor of promoting the norm of gender equality which all liberal states endorse. This raises an interesting question: Can the commitment to a basic right be violated for the sake of honoring a commitment to tolerance, or should tolerance be compromised in order to promote a right whose value is desecrated by the majority of religions and cultures?

Okin's conception orders the good from the top down. Accordingly, all values should conform to the advancement of gender equality. Okin's indictment of religion before it has had a chance to present its arguments, stems from this fact. I prefer the alternative by which we start from the assumption that all views are prima facie equal (or innocent until proven guilty). The alternative I am proposing is the one which Martha Nussbaum associates with the political liberal that "commits herself to a political course that is as protective of [reasonable comprehensive doctrines] as it is possible to be"[23]. Like Nussbaum, I think it noxious to political life to prevent individuals from designing their life plans. It may be asked whether the restriction of religious liberty or what the State deems 'sexist' religious practices is more burdensome. That is, are women more burdened in either case by the State or their religious community? I would conclude, as does Nussbaum that "it seems illiberal to hold that practices internal to the conduct of the religious body itself ... must always be brought into line with a secular liberal understanding of the ultimate

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[23] Martha C. Nussbaum, "A Plea for Difficulty" in Is Multiculturalism Bad for Women? eds. Joshua Cohen, Matthew Howard, and Martha C. Nussbaum (Princeton: Princeton University Press, 1999), 109.

good."[24] Bringing religious practices into line with what the State deems acceptable transgresses what politics has become since the institutionalization of toleration. No matter their intention, such intrusions prove, in retrospect, to be appalling abuses of power.

The opposite is true of course: not everything is permitted and the State is usually warranted in slicing on one side or the other when such conflicts materialize. In the words of Joseph Raz: "we should not assume the right to reject or condemn wholesale the cultures of groups within ours [when we find them replete with oppression]"[25]. Our desire to put end to cultural groups often rests on the fact that we are outsiders to its ways[26]. Raz recognizes that this simple element of the power dynamic between liberalism and culture cannot be overlooked. But if we cannot unjustifiably preserve cultural minorities, we also cannot unjustifiably preserve the integrity of the majority culture. In both cases, cultural extinction is just not a viable project and such desires are often due to the fact that members of a cultural group cannot wish for its extinction: a wish only outsiders could aspire to[27]. As Joseph Raz concludes, "the need for sensible multicultural measures arises out of dilemmas generated by imperfect reality. They represent the least worst policy, not a triumphal new discovery"[28]. It would not be desirable to shun the asymmetrical relationship between civil

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[24] Martha C. Nussbaum, "A Plea for Difficulty," 114.
[25] Joseph Raz, "How Perfect Should One Be?" in Is Multiculturalism Bad for Women? eds. Joshua Cohen, Matthew Howard and Martha C. Nussbaum (Princeton: Princeton University Press, 1999), 97.
[26] Joseph Raz, "How Perfect Should One Be?," 97.
[27] Joseph Raz, "How Perfect Should One Be?," 98.
[28] Joseph Raz, "How Perfect Should One Be?", 98.

laws and religious laws in favor of symmetry between both types of norms, as Cass Sunstein has suggested, since such asymmetry merely reflects the fact that we allow those that disagree with the majority's to exist in spite of their disaccord[29].

The asymmetry between civil and religious law is present precisely because we tolerate difference in liberal democracies, and the discomfort which results stems from the fact that the majority can desire the extinction of minority cultures in ways it cannot wish for the extinction of its own culture's values. Susan Moller Okin views this as the regrettable consequence of policies that desire to respect cultures on their own terms rather than to have them assimilate. The assimilationist expectation is not only oppressive but also at odds with toleration. Placed within a new context, cultural groups may learn to regard themselves from a different perspective and cast their views in a new mould, but we should not force this evolution. In the tribunal of political and moral reasoning, guilt and innocence are delicate and volatile verdicts. We should be careful to dispense judgment of cultural practices prior to any consideration or consultation of those that stand to lose. Prejudices persist when assessment is absent.

Jeremy Waldron presents the example of Romeo and Juliet to show that viewing novelty as alien often leads individuals to flee outside the society that

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[29] Cass R. Sunstein, "Should Sex Equality Law Apply to Religious Institutions?" in Is Multiculturalism Bad for Women? eds. Joshua Cohen, Matthew Howard, and Martha C. Nussbaum (Princeton: Princeton University Press, 1999) 85-94.

refuses to recognize them[30] (or prefer death by poisoning to exclusion and exile). Those that are forced to eschew the masses in order to live freely will have to do so under tragic conditions. We should, first, attempt toleration in order to avoid the desperation which minority cultures are bound to feel when forced to choose between what is near and dear to them and what is popularly desirable. Under duress, the Yiddish proverb "a choice is not a choice", certainly holds true.

In the case of Susan Moller Okin, I have attempted to show how her view harbors sentiments ultimately at odds with toleration – the very value, which makes pluralism viable. Wendy Brown's view of toleration as a civilizing discourse provides another interesting vantage point from which to criticize theorists that Okin exemplifies. According to Wendy Brown, it is dangerous to assume that "liberalism is the antidote to culture"[31], since doing so leads us to obscure the fact that the "reduction of the political to policy and law, sets loose ... a sea of social powers nearly as coercive as law, and certainly as effective in producing subordinated subjects"[32]. Further, Brown observes:

> The putative legal autonomy of the subject, along with the putative autonomy of the law itself from gendered norms and from culture more generally, combine to position women in the West as free, choosing

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[30] As Glenn Newey has proposed, in an argument we will later turn to, 'muralism' in such cases may be the only way to provide individuals with the security to live as they please.

[31] Wendy Brown, "Tolerance as/in Civilizational Discourse" in Toleration and its Limits: NOMOS XLVIII, eds. Melissa S. Williams and Jeremy Waldron (New York: New York University Press, 2008) 427.

[32] Wendy Brown, "Tolerance as/in Civilizational Discourse," 427.

beings who stand in stark contrast to their sisters subjected to legally sanctioned cultural barbarism.[33]

A lexical ordering of values, albeit a cautious and critical one, can lead to radical conclusions when liberal principles are assumed to trump all others. The assumption that liberal neutrality is superior at adjudicating conflict, due to its autonomy from any contentious norms, would have the unfortunate consequence of eclipsing the legitimacy of any context of choice that lies beyond the pale of liberal neutrality. The tendency that liberal neutralists have of denying toleration to any form of life which does not rest on the autonomy of the subject is but a self-affirmation, which does not get to the heart of the problem. To quote Brown:

> The liberal construction of tolerance as respect for individual autonomy secured by a secular state, a construction shared by liberal theorists on both sides of the "group rights" debates, means that the practice of tolerance is inconceivable where such autonomy is not a core political principle and juridical norm. Such an account of tolerance not only consecrates liberalism's superiority but also reiterates liberalism's obliviousness to social powers other than law and thereby sustains the conceit of the thoroughgoing autonomy of the liberal subject.[34]

If Wendy Brown is correct, then controversial cultural practices at odds with the value of autonomy do not occasion tolerance, but intolerance. So what does the liberal State accomplish by coupling toleration with a higher order moral

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[33] Wendy Brown, "Tolerance as/in Civilizational Discourse," 427.
[34] Wendy Brown, "Tolerance as/in Civilizational Discourse," 428.

principle, which most controversial practices contravene? If gender equality is sufficient grounds for trumping the value of tolerance only because it is more compatible with the value of autonomy than multiculturalism, then Okin's argument seems rather weak. So how must we mediate such inter-right conflicts defined as "conflicts between particular instances of different rights"[35]?

Jeremy Waldron suggests two alternatives to approaching inter-right conflicts: a lexical ordering, and a quantitative weighing of rights. According to Waldron, "the idea that all rights should be put on a par seems implausible."[36] Hard cases like the one I have been discussing lead us to consider the truth of this proposition, and wonder what method in fact there could be for circumnavigating a conflict of the kind. In *Rights in Conflict*, Jeremy Waldron discusses the possibility of a lexical ordering of rights. Lexical ordering is the idea that "different rights have the same sort of priority over one another that rights generally are sometimes given over considerations of mundane utility"[37]. Duties associated with a right of fundamental importance cannot be assumed to be "more important than any duty associated with any of the others"[38]. Likewise, it is rather difficult to "think of rights as weighted quantitatively in relation to one another (so that we allow a right to life to be

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[35] Jeremy Waldron, "Rights in Conflict," in Liberal Rights: Collected Papers 1981-1991 (Cambridge: Cambridge University Press, 1993) 217.
[36] Jeremy Waldron, "Rights in Conflict," 219.
[37] Jeremy Waldron, "Rights in Conflict," 218.
[38] Jeremy Waldron, "Rights in Conflict," 219.

worth rive rights to free speech, or whatever)."[39] He draws upon John Stuart

Mill's argument for freedom of expression in order to arrive at a solution.

> This right to freedom of expression is widely believed to clash with the
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> interest people have in avoiding the distress that arises when their
>
> cherished beliefs are contradicted. But within Mill's framework, that
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> conflict is easily resolved. Since the whole point of free expression is to
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> challenge received opinion and shake up complacency, the discomfiture
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> attendant on that challenge is to be given no weight at all against free
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> speech; rather it is to be regarded as a good sign that free speech is
>
> fulfilling its function. Once again, our conception of the interest's
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> importance already tells us a lot about the sort of consideration to which
>
> it is appropriately opposed[40].

Despite the fact a right is found to have more weight than another, the right 'of

lesser importance' "does not disappear from view once it has been traded off

against the rights of others" [41]. The right to gender equality, for example, in a

hard case like this would not disappear from sight but continue to be taken

seriously. Nevertheless, this does not mean another right, (such as the right to

freedom of religion, of conscience or of 'association) could not privileged.

Rights do not simply disappear from view when we prioritize another right due

to the duties that are associated with them, so choosing to privilege minority

cultures' rights rather than jettisoning them as a set in favor of gender equality

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[39] Jeremy Waldron, "Rights in Conflict, " 219.
[40] Jeremy Waldron, "Rights in Conflict," 221.
[41] Jeremy Waldron, "Rights in Conflict," 215.

does not mean gender equality fades from sight, or lessens in importance. It is a hard choice, which follows from conflict. When rights clash, we must outline the internal reasons that underlie the priority of a right's duties. So, if tolerance implies giving respect to what is unpleasant to us, a right of this kind will always be respected begrudgingly and imply some sort of discomfort at the thought that it clashes with a value of fundamental importance to our society. If discomfort accompanies the right to practice one's religion freely and this discomfort is not occasioned by serious harm (for example, to a person's physical integrity), then we must recognize that this quality an internal characteristic, proper to the respect of tolerance in a society faced with diversity. Gender equality will sometimes be compromised by the respect of tolerating what we find intuitively abhorrent, but the necessary internal relation between both moral considerations will lead us to notice that individuals ought to be allowed to choose the moral framework within which they live their lives and by which they order their choices. Choosing to shun individuals on the basis that the moral creed they vow to makes us feel uncomfortable is exactly what tolerance demands of us, and gender rights ought not be sufficient grounds to bring traditional practices into a more symmetrical relationship with the practices we deem valuable. In most cases, it will even seem vain to make such demands. This, to recall Wendy Brown's argument, does not mean we should close ourselves off from minority cultures in such a way as to make them Other. We should also be careful to view, as Glen Newey does, the building walls and the imposition of cloistered lives on individuals so that the potential threat of

their values may be circumvented as a consequence of tolerance. Nevertheless, tolerance ought only apply to and protect practices that its adherents obtain some *value* from, and not practices which only bring *some* community members fulfillment (or that allow the strongest members of a group to patently oppress its weakest fellows).

Susan Moller Okin's has exemplified weariness of multiculturalism on the basis that she associates culture with misogynistic values but it is unclear whether women whose ties to liberal culture are stronger than to any specific minority culture are necessarily better off. Okin's vision is rather myopic and at its worst, her dialogue is largely ostracizing. Many have counterbalanced her view, alleging religious practices are no more counterparts to sexist values, than miniskirts are to sexist values. Okin's conclusion simply ignores the dangerous power dynamic, which a normative solution like her own could foster. The widespread mischaracterization of poorly understood practices, as Wendy Brown poignantly argues[42], often causes individuals to flee from widespread contempt and scorn to the exclusivity and safety of culture, or to prefer what Glen Newey has termed 'muralism'[43] in order to obtain the base amount of security needed in order to arrange their lives according to their own priorities, on their own terms.

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[42] Wendy Brown, Regulating Aversion: Tolerance in the Age of Identity and Empire (Princeton: Princeton University Press, 2006).
[43] Glen Newey, "Toleration, Politics, and the Role of Murality," in Toleration and its Limits: NOMOS XLVIII, eds. Meslissa S. Williams and Jeremy Waldron (New York: New York University Press. 2008), 375.

Toleration isn't desirable because it is ideal, but because it is necessary. It is the only way to continue on with our compatriots when we disagree. Agreeing to disagree can turn begrudged cooperation into willing cohabitation. Above all, it allows each and every to live their lives free of worry that their unpopular way of life will be sanctioned by the State. It is of course true that toleration will encounter its boundaries from time to time.

In a more nuanced follow-up to "Is Multiculturalism Bad for Women?", Okin is careful to state that she was not pleading for the extinction of culture at all costs, for the sake of greater gender equality. She claims she was merely trying to diffuse the tension between multiculturalism and feminism by proposing a solution that would "minimize the likelihood that societies would be faced with a stark choice between the two."[44] In this attenuated response, she suggests, "discussion about group rights should be premised on a good-faith effort to ensure that liberal-multicultural aims do not contribute to unequal intra-group social power that is perpetuated by democratic means."[45] And yet, in her conclusion, Okin's old language returns when she asks "Is it worse to force [traditional *nomoi* groups] to be democratic or to be liberal as a cost of acquiring special rights or privileges?"[46] Again she wonders which type of force is required, never hesitating about its use in the first place.

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[44] Susan Moller Okin, "Multiculturalism and feminism: no simple question, no simple answers," in Minorities Within Minorities: Equality, Rights and Diversity, eds. Avigail Eisenberg and Jeff Spinner-Halev (Cambridge: Cambridge University Press. 2005), 71.
[45] Susan Moller Okin, "Multiculturalism and feminism: no simple question, no simple answer," 75.
[46] Susan Moller Okin, "Multiculturalism and feminism: no simple question, no simple answer," 87.

It is important to be aware of the dangers of attempting to determine or replace what people cherish in their lives. Okin, in seeing a problem with cultures that clash with gender equality, neglects to attribute any value to the women that see worth in the cultures they belong to. Okin, wrongfully, regards the women in these groups as subjects of injustice *a priori* based on rather infrequent and atypical cases of culturally sanctioned injustices towards women. Okin is more than right to suggest that individuals that commit wrongs against their equals, without proper justification or defense, should be brought to justice, but not for any reason having to do with culture. Justice simply demands that every violent or abusive offense should be punished on the basis that we are all, as individuals, equal before and under the law and liable for actions that transgress the most basic principles it enshrines. Neither tolerance of these offenses, nor consideration for its perpetrators is appropriate. In fact, in such instances, the sheer thought that tolerance or clemency might be needed or deserved could only be attributed to one thought too many.

2.

SIX

PERSPECTIVES

ON TOLERATION

a. Will Kymlicka's theory of group rights

Conceptually, toleration aims not to be sectarian, but minority cultures are often made to pay a cost for their beliefs or practices that is not levied on the majority culture[47]. Will Kymlicka has made a career out of teasing out the implications of this view. The solution he proposes is to remedy cultural imbalance by awarding groups special rights. Since culture provides the context of choice, within which individuals form their life plans, any liberal, that claims to endorse free choice, yet provides no protections to minority cultures, asks individuals to make bereft choices. Kymlicka concludes:

Liberals should be concerned with the fate of cultural structures, not

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[47] For example, at one time, the 1906 Lord's Day Act required that businesses be closed on Sunday, thereby penalizing those that did not honor Sunday as their day of rest. Although the Lord's Day Act was eventually deemed unconstitutional by the Supreme Court of Canada because it was religiously motivated, the Ontario's Retail Business Holiday Act, another law that disadvantaged religious minorities, was not deemed unconstitutional because its purpose was secular.

because they have some moral status of their own, but because it's only through having a rich and secure cultural structure that people can becomes aware, in a vivid way, of the options available to them, and intelligently examine their value.[48]

If politics did not privilege the protection of culture, cultural minorities would be forced to choose within a deficient context of choice[49]. Without cultural membership, individuals can neither properly nor fully exercise their autonomy. Will Kymlicka criticizes a rampant tendency to equate liberalism with a social ontology revolving around an atomistic conception of the self. Kymlicka views this atomism as incompatible with the central importance of cultural community and thinks liberalism need not imply it. Kymlicka also embeds an egalitarian claim within his argument: National minorities should have the same right to nation building as the national majority[50]. Fair terms of integration are necessary in order that a higher cost is not imposed on minority groups than on members of the majority. As Kymlicka rightly points out, there are two aspects of community: "the political community, within which

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[48] Kymlicka, Liberalism, Community and Culture (Oxford, Clarendon Press, 1989), 165.

[49] This answer is similar to Bernard Williams's critique of John Rawls. In the said critique, Williams accuses Rawls of the tendency to abstract too broadly from individuals' life plans and to prioritize rationality over integrity. He concludes that this forecloses the very beliefs that bring individuals to care about more abstract rational principles in the first place. Similarly, Kymlicka accuses John Rawls of not including cultural membership as one of the primary goods with which justice is concerned which he should have because consideration of cultural membership is an important part of showing equal concern for individuals. This is why we must recognize cultural membership as a context of choice.

[50] Will Kymlicka, "Multiculturalism," in Contemporary Political Philosophy (Oxford: Oxford University Press, 2002), 352.

individuals exercise the rights and responsibilities entailed by the framework of liberal justice" and " the cultural community, within which individuals form and revise their aims and ambitions."[51] Kymlicka believes that the approach, which the state adopts towards cultural diversity, is determined by "the role cultural membership plays in liberal theory.[52] Curing liberalism of the typical liberal belief that there is an inherent conflict between individual and collective rights[53] allows us to conclude both categories of rights are coextensive rather than exclusive. Finally, Kymlicka differentiates between two meanings of collective rights. Collective rights could designate "the right of a group to limit the liberty of its own individual members in the name of group solidarity or cultural purity ('internal restrictions') or "the right of a group to limit the economic or political power exercised by the larger society over the group, to ensure that the resources and institutions on which the minority depends are not vulnerable to majority decisions ('external protections')."[54] His account seeks external protections for minority groups rather than internal restrictions. Kymlicka's theory of group rights hinges on the typical liberal concern for autonomy. For this reason, minority rights cannot be said to vindicate 'internal restrictions' which limit the minority culture's own members. 'Internal restrictions' are incompatible with allowing people to draft and revise the principles that order their lives, as well as their community's. Groups that

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[51] Kymlicka, Liberalism, Community and Culture, 135.
[52] Kymlicka, Liberalism, Community and Culture, 135.
[53] See also John Tomasi "Kymlicka, Liberalism, and Respect for Cultural Minorities" Ethics, Vol. 105, No. 3 (Apr., 1995): 580-603.
[54] Kymlicka, Liberalism, Community and Culture, 7.

attempt to limit the freedom and autonomy of its members in order to preserve a traditional way of life "cannot be justified or defended within a liberal conception of minority rights."[55] The only groups that qualify for group rights are groups whose principles are compatible with liberal principles. Whenever the said communities are at odds with the principle of autonomy, it would be legitimate for the State to liberalize them or enter into negotiations about changes that could be made. The tolerance of minority cultures ends where their lack of concern for the freedom and autonomy of their members begins.

Differential treatment, on Kymlicka's view, yields greater equality than blind indifference to culture since, left alone, minority cultures would be vulnerable to the majority culture's noxious influence that endangers the life and prosperity of minority cultural communities. Based on all the premises heretofore elaborated, Kymlicka concludes that the respect for persons *qua* members of cultures, as opposed to persons *qua* persons, is not illiberal since individuals are not subsumed to the will of the community. Caring for cultural communities means caring for the individuals that belong to and cherish them. Kymlicka often references aboriginal communities, which in some places have a system of reservations that "form special political jurisdictions over which Indian communities have certain guaranteed powers, and within which non-Indian Americans have restricted mobility, property, and voting rights"[56]. Aboriginal rights revolve around the respect for conventions, which date back

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[55] Kymlicka, "Toleration and its Limits," in Multicultural citizenship: a liberal theory of minority rights (Oxford: Oxford University Press, 1995), 153.
[56] Kymlicka, Liberalism, Community and Culture, 136.

to the early conquest of the Americas. The pacts, which were formed, are not as empty and inconsequential as a simple promise: they are pacts, which were formed based on more substantive and durable expectations. That is, to say, the community leaders that negotiated with the early settlers expected that their agreements would hold validity enduringly. It is widely recognized that respect of such contracts has been sidestepped to the benefit of the early settlers and their descendents, at the expense of the aboriginal communities with which they were formed. Thus, it is to be expected that aboriginal communities continue to seek justice if the promises made were broken or voided. The claim of Native Americans relies on a status, which was 'created' to protect their interests. The subsequent large-scale manipulation of Native Americans is what present day legal provisions seek to curtail and correct. The sections in the Canadian Constitution that grant Aboriginals a special status under the law are such an attempt. In short, the recognition of aboriginal rights is premised on a contractual and moral obligation. I diverge from Kymlicka's belief, however, that the cultural origin of these rights is what gives them special priority. It is also hard to see how this example extends to cultural communities whose membership to society does not depend on an initial agreement that revolves around a promise of autonomy and self-determination.

In "Two Models of Pluralism and Tolerance" and in the chapter of *Multicultural Citizenship* on "Toleration and its Limits", Kymlicka cites the millet system in order to illustrate the fact that toleration can stem from a

political system that enshrines group rights, rather than one whose focus is on individual rights, as in the case of liberalism. Under the Ottoman Empire, the millet system gave cultural minorities "not only the freedom to practice their religion, but a more general freedom to govern themselves in purely internal matter, with their own legal codes and courts."[57] The arrangement permitted groups to coexist and to auto-govern their 'private' relations, while simultaneously being subject to the rules governing 'public' interactions. The cultural autonomy granted to minorities under the millet system came at a cost however, since cultural minorities did not receive equal treatment and were required to identify their separateness by means of a distinctive dress code[58]. Moreover, while allowing diverse cultural communities to live side-by-side in a relatively stable and peaceful way, the millet system offered no individual protections for the members of minority cultures, nor were these communities permitted to express their dissatisfaction with the theocratic nature of the society at large. The millet system's institutionalization of group rights differs greatly from Kymlicka's approach in another important way: the millet system encroaches upon individual autonomy. Kymlicka states the millet system "limits individual's ability and freedom to judge the value of inherited practices and to hereby form and revise their own conception of the good."[59] The millet system also "harms a basic interest of people, by leaving them unable to rationally assess the worthiness of their current ends and to revise their ends

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[57] Will Kymlicka, "Two Models of Pluralism and Tolerance," in Toleration: an elusive virtue, ed. David Heyd (Princeton: Princeton University Press, 1996), 83.
[58] Will Kymlicka, "Two Models of Pluralism and Tolerance," 83.
[59] Will Kymlicka, "Two Models of Pluralism and Tolerance," 87.

accordingly."[60] The typical liberal concern for autonomy must include the ability to revise as well as pursue a conception of the good, on Kymlicka's view[61]. Deprived of this ability, individuals would be forced to orient their lives according to a moral conception once and for all. As my mother used to say: "il y a seulement les fous qui ne changent pas d'avis". It is only right, then, that a society be willing to accommodate the right to revise the life plans of our past. Kymlicka suggests we alter this aspect of the millet system, which he deems overly restrictive of individual liberty while retaining its focus on minority rights. Bringing toleration into accord with autonomy is necessary since, according to Kymlicka, "liberals have historically seen autonomy and tolerance as two sides of the same coin."[62] Liberal tolerance is characterized by a commitment to autonomy[63], so we must bring liberalism into accord with autonomy in order to respect "the idea that individuals should be free to assess and potentially revise their existing ends,"[64]

As John Tomasi rightly remarks, what is odd about Kymlicka's argument is that he uses an individualistic justification "as a basis for a defense of the collective notion of a cultural right"[65]. The origin of this problem, according to Tomasi, is that the original identification of culture with a context

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[60] Will Kymlicka, "Two Models of Pluralism and Tolerance," 88.
[61] Will Kymlicka, "Two Models of Pluralism and Tolerance," 88.
[62] Will Kymlicka, "Toleration and its Limits," in Multicultural Citizenship (Oxford: Oxford University Press, 1995),158.
[63] Will Kymlicka, "Toleration and its Limits," 158.
[64] Will Kymlicka, "Toleration and its Limits," 158.
[65] John Tomasi, "Kymlicka, Liberalism, and Respect for Cultural Minorities," Ethics, Vol. 105, No. 3 (Apr., 1995): 586-7.

of choice, is later transformed so that culture is equated with a *stable* context of choice.[66] Whenever the stability of the culture is at risk, then, the State must intervene in order to restore the cultural community's strength. Kymlicka presents the example of an Inuit girl whose exposure to white society from the ages of two to eighteen leads to a loss of culture and the correlative destabilization of her context of choice, so as to alter her very ability to choose. Tomasi objects that the conclusion which Kymlicka draws (that the Inuit girl's exposure to two cultures, rather than a single stable culture, leads to the demise of her context of choice) is flawed since the simple fact that the girl was exposed two cultures – one stable and one less stable – does not mean she did not choose within a cultural context but simply that her choices were spawned by a more complex cultural context. When examined from the perspective of the unstable culture, if instability can be seen as damaging to individuals, State action will be required to restore vitality to the cultural community. But if we regard the situation from a diachronic perspective, as John Tomasi believes the individualistic perspective urges us to do, we are forced to consider the threat to autonomy as far less serious. Recognizing that an individuals' context of choice issues from more than one cultural source need not be scorned unless the value of cultural integrity is lauded. Complex contexts of choice do not necessarily result from coercion so much as from progression or from autonomous choices.

Moreover, as Chandran Kukathas observes, "groups are not made up of equal persons and not all members of a group are unequal (in the relevant

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[66] John Tomasi, "Kymlicka, Liberalism, and Respect for Cultural Minorities," 587.

respects) to all those outside it."[67] Kymlicka would need to supplement his account with changes that are threatening to the character of a community and those which are not threatening. The mutability of cultures refers to the fact that culture waxes and wanes over time in consequence of many factors. Sometimes the change stems from the autonomy of its members, sometimes the change results from new inter-group encounters. Moreover, groups are not always homogeneous[68], thereby making their interests hard to identify. Group interests are often merely reflected by the opinion of the majority within a group. From a liberal point of view, recognizing group rights could lead to a lack of consideration for the dissenters within a community. The mutability of culture should lead us to be skeptical about cultural rights since they do not acknowledge every interest of every member of minority groups. Abstracting from the individuals of groups ignores the complexity of a group's makeup. To award rights to the wider group has the effect of favoring the majority of the group and not every one of its members.

Kymlicka wonders if liberalism's "commitment to autonomy is an acceptable basis for government in a modern pluralistic society, given that some groups do not value autonomy."[69] Kymlicka believes we should affirm a view of toleration that alienates groups that cannot subject their beliefs to revision, (as the early John Rawls did). Against Rawls, Kymlicka states:

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[67] Chandran Kukathas, "Cultural Rights Again: A Rejoinder to Kymlicka" Political Theory, Vol. 20, No. 4 (Nov., 1992): 674.

[68] Chandran Kukathas, "Are There Any Cultural Rights?" Political Theory, Vol. 20, No. 1 (Feb., 1992): 113-4.

[69] Will Kymlicka, "Toleration and its Limits," 158.

In the face of such minorities, Rawls has become less willing to defend comprehensive liberalism but is still willing to impose liberal political institutions. A more appropriate response, I believe, is to continue defending comprehensive liberalism based on autonomy as a general value, but become more cautious about imposing the full set of liberal political institutions on nonliberal minorities.[70]

Kymlicka would rather impose liberal values on cultural minorities, than liberal institutions, and grant them autonomy through their own institutions. I wonder how well this solution remedies what John Rawls had hoped to avoid (affirming the unreasonability of those that cannot exit the framework of their comprehensive doctrines)[71].

For Kymlicka, restricting autonomy to public political contexts, leads to the incoherent abandonment of autonomy in private. He wonders why certain actions should be deemed acceptable only within the confines of private cultural lives. What I find astounding is that Kymlicka refuses to take seriously Bernard Williams's critique of the liberal tendency to abstract from what makes individual's lives meaningful and livable. After all, Kymlicka premises his demand for group rights on the fact that cultural communities provide depth and meaning to the lives of its members. If this is so, how can they be expected

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[70] Kymlicka, "Two Models of Pluralism and Tolerance," 96.

[71] As Newey remarks: "The attempt to forge political relationships on the basis of moral consensus comes to seem quixotic, and creates the blind spot over toleration ... if one of other party fails to join the reasonable consensus, it is therefore unreasonable, and so beyond the pale of toleration."[71]

to turn away from their commitment to the context of choice that brings them to care about life, let alone politics? Eschewing individual's life plans on the basis that they are noxious to autonomy is no better a compromise than failing to show respect for individual commitments to minority cultural communities. By Rawls's account, we would permit 'internal restrictions' against community members. Kymlicka, on the other hand, would sacrifice toleration in favor of privileging autonomy. But if individuals are eligible to State protection on the basis of basic rights, they could always choose to leave their communities when they transgress a threshold which individuals deem acceptable (this is the solution which Chandran Kukathas provides). Rather than restrict the right to freedom of association, Kukathas opts to sacrifice the notion of autonomy, in cases where groups decide not to privilege autonomy over and above group commitments. To recall, Kymlicka was sensitive to Okin's proposal that 'internal restrictions' be expanded to include more subtle forms of discrimination and autonomy-limiting norms. If 'internal restrictions' were to include the more subtle forms of discrimination women face, and Kymlicka has pledged his commitment to this outcome, the State could suggest that cultural norms be reformed when minority cultural groups (or any group it seems) refuses to reassess (i.e. refuses to instate the changes as the State sees fit) and revise their practices. So, the State ought to enforce gender equality until the most subtle forms of discrimination against female members is extinct. What practices does this include, I wonder? Even Reform Judaism could be accused of upholding some subtle forms of discrimination against its members. More

problematically, Orthodox Judaism would be forced to enter into a dialogue with the State about altering many of the customs it presently upholds. Should Jewish Orthodox synagogues even be expected by the State to have female rabbis that perform gay marriage ceremonies in which the equality of husband and wife is upheld? Even a Reform Jew should find this suggestion deplorable (not on a religious basis, but on a human one). Does tolerance not exist in order to allow religion and cultures the freedom to interpret their norms? The cultural members of these groups, I am willing to bet, would be outraged at the thought that the State could intervene whenever 'internal restrictions' are perceived. This should give Will Kymlicka pause if his commitment to preserving cultural membership is even half as strong as he claims it to be since what Kymlicka would urge for is the acculturation of minority cultures, rather than the rectification of injustice.

b. Chandran Kukathas and the associationist model of group rights

Chandran Kukathas opposes Will Kymlicka's argument for group rights, but not on the basis that it award groups special protections. Chandran Kukathas also defends a notion of cultural toleration, which rests on the protection of group rights. But he and Kymlicka disagree in terms of one important consideration: According to Chandran Kukathas' defense of cultural toleration, societies should give communities greater autonomy over their members rather than intervene when group members' autonomy is at stake. He views this alternative as *more* tolerant of difference, because this arrangement would allow cultural communities to thrive, even when the liberal rights of their members are 'compromised' by virtue of belonging to the group. Kukathas believes liberalism should view "cultural communities more like private associations or, to use a slightly different metaphor, electoral majorities."[72] From a liberal point of view, the wish of minority cultures to live in accordance with their own principles must "be respected not because the culture has the right to be preserved but because individuals should be free to associate: to form communities and to live by the terms of those associations[73]. Cultural association, which simultaneously implies the freedom of disassociation on

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[72] Chandran Kukathas, "Are there any cultural rights?" 115.
[73] Chandran Kukathas, "Are there any cultural rights?" 115.

Kukathas' view, should be understood as follows: "an association of individuals whose freedom to live according to communal practices each finds acceptable is of fundamental importance.[74] Kymlicka, on the other hand, "seeks to entrench cultural rights on a basis which itself undermines many forms of cultural community, specifically those that fail in their practices to conform to the liberal norms of tolerance and to honor the liberal ideal of autonomy."[75]Consequently, Kymlicka's theory leaves both communitarians and liberals yearning for more. Kukathas contends the basis of Kymlicka's argument for group rights is not sound from a liberal perspective in that the fact that individuals are born into injustice because they have not chosen to belong to a 'disadvantaged' culture is not grounds for establishing group rights because *none of us chose* the starting point of our lives. The fortune or misfortune we are born into is to be blamed on nothing more than chance and happenstance. Misfortune does not limit itself to naissance: it plagues us in many forms that lie beyond our control throughout our lives. But the tragedy of life cannot simply be made to vanish by the magic of politics. It is a simple fact, which we must grapple with. This is not to say we must lay back and watch scenes of injustice roll by. Of course governments should concern themselves with attempting to curb whatever tragic effects they can. But this does not mean it is the role of politics to cure life of its every ill. We should regard anyone that claims we *can* with scorn and suspicion, just as a snake oil peddler would be the beneficiary of skepticism. Secondly, to claim that all members of a minority

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[74] Chandran Kukathas, "Are there any cultural rights?" 122,
[75] Chandran Kukathas, "Are there any cultural rights?" 122.

are equally disadvantaged or that group rights would help all individuals of a group equally is to undermine the separateness of persons, and their ability to lay their own winding path through life. Kukathas asks:

> Even if the Australian Aborigines are collectively and, on average, the worst off in the society .'. there are many (even if, arguably not enough), Aborigines who are better off – richer, better educated, more powerful – than the majority of Australians. So, why not give other Australians the same rights?[76]

The pursuit of projects is what is most endemic to individuals' lives, according to Kukathas. Human beings are such that they obtain fulfillment from their pursuits. The particularized pursuit of happiness, of wealth, of power, of knowledge and so on is what makes each person unique. It is what fills us with hope about tomorrow and the next day. The design of projects is the framework of life, essentially. But individual projects exist in contrast to group projects. Sometimes, individuals unite in their aim to pursue a certain goal. This is what freedom of association (and dissociation) allows us to accomplish. The freedom of association consecrates the power of the group over the individual and the necessity that individuals within an association respect the authority of the group and its values. If they wish to disagree, they must do so from within the group, and not through an appeal to the State to intervene on their behalf. Groups are safe from intrusions as long as they respect the duty to refrain from the cruel treatment of its members; not solely

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[76] Chandran Kukathas, "Are there any cultural rights?" 123.

because there is a risk of the State stepping in, but also because the groups

members would likely opt to exit and exercise "their enforceable claims against

the community"[77] if their protestations were taken lightly. To the extent that

their ways of life would have external effects, groups would also likely be

affected by society's responses (such as the prosecution for damages in the

event that they are at fault for a damage they cause to one of their

compatriots)[78]. In short, the freedom of association, like most rights, is not

absolute.

Chandran Kukathas' theory of toleration turns of the belief that culture

is essential to its members, and that without a proper recognition of culture,

political society undercuts the extent to which its citizens may lead lives filled

with meaningfulness. In "Cultural Toleration", Kukathas illustrates what he

believes cultural tolerance ought to consist in. He starts with a differentiation

between practices that harm cultural group members and practices that harm the

members of society at large. In his own words, Kukathas states:

> A distinction can nonetheless be drawn between practices which are
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> objectionable because they are morally intolerable in themselves or
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> because they harm individuals in the groups that carry them out, and
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> practices which are objectionable because they harm the wider society
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> more directly.[79]

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[77] Chandran Kukathas, "Are there any cultural rights?," 128.
[78] Chandran Kukathas, "Are there any cultural rights?," 128.
[79] Chandran Kukathas, "Cultural Toleration," in Ethnicity and Group Rights: NOMOS XXXIX, eds. Ian Shapiro and Will Kymlicka (New York: New York University Press, 1997), 70.

His essay chooses to focus upon the practices which seem objectionable yet do not directly harm the wider society. The conflicts of rights that result from attempting to settle some traditional cultural practices with the equal status of men and women could be one such practice. In this case, the clash between these rights is not occasioned by danger to the broader society but because the practices are morally intolerable in themselves. Having made this distinction, Kukathas makes the ends of his argument clear: he desires to expose the flaws within Will Kymlicka's defense of special recognition for minority cultures, alongside a commitment to autonomy. To recall, cultural protection, on Kymlicka's view, ought to be granted only in so far as minority groups "respect certain liberal norms"[80]. The problem Kukathas identifies, like Glenn Newey, is that "toleration is not possible when minority practices go against the values implicit in the public sphere: values which have already been established."[81] Thus, minorities that do not operate according to the values implicit in the public sphere "will be restructured (so far as it is practicable) to be brought into accord with majority practice."[82] Like Newey, whose argument I will elaborate in a few pages, Kukathas sees the necessity to accord with majority practice, as compromising the toleration of minority cultures because the principle liberals use to decide who qualifies as a subject of toleration is settled prior to any analysis. Thus, toleration holds no value *in itself*.

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[80] Chandran Kukathas, "Cultural Toleration," 76.
[81] Chandran Kukathas, "Cultural Toleration," 78.
[82] Chandran Kukathas, "Cultural Toleration," 78.

Kukathas believes toleration should be valued in itself because "it is the condition which gives judgments worth."[83] Since reason is only held to be valuable in public and because disagreement is the cornerstone of liberal democracies, we must allow public disputes over the good life to take place. Toleration as a stand-alone value allows this since, "as long as toleration prevails, and no one tries to compel or manipulate the other to live differently, reason also prevails."[84] Permitting toleration to operate only within bounds compatible with liberal autonomy would mean forsaking public reason, or at least foreclosing it. But Kukathas would have us to do the opposite, thereby expanding the realm in which public reason operates so that we conceive of the public realm "as an area of convergence of different moral practices."[85]

Because allowing more difference risks limiting stability and social unity for the sake of carving room out for toleration. Kukathas states:

My point is that stability and social unity in this sense can only be bought at the cost of toleration. This is because articulating a political conception of justice, and presenting it as the first principle governing conduct the public realm, subordinates toleration, entrenches a particular comprehensive moral conception, and excludes certain moral ideals as unacceptable.[86]

Faced with both outcomes, he concludes we should privilege greater toleration over social unity.

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[83] Chandran Kukathas, "Cultural Toleration," 79.
[84] Chandran Kukathas, "Cultural Toleration," 82.
[85] Chandran Kukathas. "Cultural Toleration," 84.
[86] Chandran Kukathas, "Cultural Toleration," 86.

The cultural toleration Kukathas defends seems to be the step that follows disallowing the State's authority over the salvation of men's souls. If the State may no longer determine the proper path to salvation, it would seem logical it could also not settle the practices which cultures may ascribe to. If this is so, the State has no authority over those that do not subscribe to its version of the good life, but only over those that abide by its vision of morality. This expansion of toleration carries us to a type of social structure where higher moral principles, determined by the majority do not *decide* but only *participate* in the moral debates of the day. There is no authoritative moral voice from this perspective, but only a community of communities that enfolds a lively debate, absent of definitive answers. The debate itself, and not the consensus it engenders, is the final end of such a 'society of societies'.

Kukathas does not defend special group rights for cultural minorities. Against Kymlicka, he argues that society's most disadvantaged deserve rights to protect themselves regardless of their group affiliations.[87] This stems from liberal equality's concern with providing individuals, rather than groups with equal rights. He states: "if we are concerned about equality, it is about equality among individuals rather than among groups and we then give all individuals the "same" rights."[88] Furthermore, Kukathas argues that if the right to cultural protection is a derivative right rather than a basic right, the way the right to a guide dog for blind persons is a derivative right stemming from the basic right to equal opportunity. If the derivative right is legitimate, from the liberal point

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[87] Chandran Kukathas, "Cultural Rights Again: A Rejoinder to Kymlicka," 674.
[88] Chandran Kukathas, "Cultural Rights Again," 675.

of view, we must give cultural protection to newcomers as well as longstanding minority cultures. Kukathas grounds his theory of cultural toleration on another type of right altogether: the freedom of association. Kukathas believes societies should uphold the freedom of association in order to provide individuals with greater control over the groups they desire to belong to. This would mean multiplying the voices in the public sphere of reason. When faced with the choice to honor individual rights or cultural differences, Kukathas would side with the defense of cultural difference[89]. In the face of a cultural dilemma, which would either occasion external review or internal review of the conflict, Kukathas would regard the freedom of association as paramount, leaving individuals within the group to settle on a solution. In Kukathas' words, his option would be "to leave the terms of association to be determined by the community in question."[90]

In short, Kukathas advocates for a version of liberalism "in which different ways of life can coexist, even if some of those ways of life do not value equality and autonomy."[91] Thus, his insistence that Kymlicka's desire to reformulate liberalism in order to accommodate group rights is inconsistent with liberal equality does not harm his own theory because he does not seek to reconcile group rights with liberal equality. His desire is simply to free individuals from a duty to the State, if they would rather associate with another group. On his view, if individuals happen to be part of a group, they must

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[89] Chandran Kukathas, "Cultural Rights Again," 679.
[90] Chandran Kukathas, "Cultural Rights Again," 679.
[91] Chandran Kukathas, "Cultural Rights Again," 679.

accept the terms of association are to be dictated by the group alone, and would thereby not be subjected to external scrutiny should conflicts of values arise.

Kymlicka's theory asks us to recognize a special kind of rights that groups have as well as the rights which all individuals are subject to regardless of their group affiliation. In the event that conflict would arise within a group, the group members whose autonomy was violated could seek external protection from the State. Thus, Kymlicka asks we do away with a rather important liberal concern: that of recognizing the individual over the group. This aim, John Rawls made famous in the first principle of justice he derived. Personally, I was rather surprised by Kymlicka's use of Rawls' *Theory of Justice* to legitimate the notion of group rights, since I had always associated its final end with a critique of the tendency to counterbalance the rights of individuals in favor of the majority. Given the context of the Civil Rights movement within which the *Theory of Justice* came to fruition, I had understood Rawls' aim as trying to legitimate civil rights that the majority was illegitimately withholding from worth recipients (In the case of the Civil Rights movement, women and black Americans). Nevertheless, Kymlicka's ambitious project has received much attention for its novel suggestion that liberalism requires we give minority cultures special rights so that their group can have the same chance at survival as the majority culture.

Kukathas' theory of toleration raises many interesting questions but the most remarkable one, I think, is the State's role. What is the State's role, if not to arbitrate the conflicts its many cultures engender? When conflict occurs,

most groups turn to the State for answers. On Kukathas' view, the State's role is *observational* rather than prescriptive. It seems odd that when individuals seek help from the broader society, which lies beyond their particular groups, the government should, as a policy, throw its hands up. The State would instead, idly stand by waiting to receive the individuals that choose, by virtue of the freedom of association, to exit the groups they belong to when conflict cannot be resolved from within community borders. My point does not aim to defend Kymlicka's view since I do not believe the State should not be the sole arbiter of morality.

c.   Michel Seymour's theory of collective rights

Michel Seymour has presented a veritable critique of a liberal defense of group rights, grounded in ethical individualism. According to him, If we are to vindicate collective rights, we must cure liberalism of this negative association. Consequently, Seymour clarifies that we must view 'internal restrictions' as the logical consequence of a societal cultures' capacity for self-determination. Giving societal cultures proper recognition would bring us to view

> societal cultures in the framework of a multi-nation state as autonomous sources of moral worth and their autonomy as valuable as the autonomy of individuals. So there would no longer be any reason to hold that individuals have an absolute priority over societal cultures.[92]

On this view, societal cultures could be given priority over their individual members, bringing us to a realm similar to what Chandran Kukathas proposes, but for very different reasons, and with a radically different outcome.

We have seen that Chandran Kukathas's theory proposes we adopt a model 'society of societies'. His theory would permit individuals to exit the social bonds if and when they prefer to subscribe to another association's precepts. Despite the greater autonomy Chandran Kukathas gives groups, however, they are nevertheless encapsulated within the greater social structure of a traditional nation state. Michel Seymour prefers the abandonment of the

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[92] Michel Seymour, The Fate of the Nation State (Montreal: McGill-Queen's University Press, 2004), 111.

ethical individualism characteristic of Kymlicka's theory so that we may carve out room within which societal cultures could exercise their autonomy, while also jettisoning the typical model of the nation state, which Kukathas takes for, granted. Consequently, "an ethical pluralism that can accommodate both individuals and societal cultures"[93] is proposed. Both individual and societal cultures' rights are asserted as fundamental. To recall, Chandran Kukathas bases his model on a nation state within which other societies exist. Seymour's requires the redefinition of the nation state, since the societal cultures that constitute a particular State have a right and lay a claim to their own institutions, and not mere exemption from the actual state apparatus in place. In light of this fact, the autonomy given to societal cultures will often imply internal restrictions, as in the case of language laws in Quebec. Thus, "the distinction between external protections and internal restrictions cannot stand" since "a regime of collective rights for a minority nation within the state cannot avoid imposing some (reasonable) restrictions on the rights of individuals within the nation."[94] Since "external protections inevitably lead to internal restrictions,"[95] Kymlicka will have to do away with this distinction if he is as committed to language rights as he claims, since this particular 'external protection' yields an 'internal restriction' that inhibits the rights of minorities within the group from rational revision of their life plans or even revision of the societal structure that encompasses them. Since Kymlicka supports language

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[93] Michel Seymour, The Fate of the Nation State, 111.
[94] Michel Seymour, The Fate of the Nation State, 114.
[95] Michel Seymour, The Fate of the Nation State, 114.

laws, he will have to make significant modifications to his theory. As it stands, he has stated that internal restrictions are sufficient grounds for bringing the minority culture into dialogue with the State, in the hopes of reforming the rules that transgress the autonomy of its members. On this view, those in Quebec that are unsatisfied with the language laws that impose a burden on them will have a vested interest in promoting Kymlicka's theory. Michel Seymour, on the other hand, will not. If "Kymlicka is willing to accept internal restrictions, but only in so far as they serve to protect the minority from the majority"[96], he will do so at the expense of collective rights because peoples should have the right to several 'internal restrictions' in the goal of fostering a common civic identity, according to Seymour. They are as follows:

> Peoples have the right to impose reasonable restrictions such as the promotion and protection of a common public language (compatible with the protection and promotion of minority languages), a common public culture (compatible with the promotion and protection of minority cultures), and a common public history (compatible with the promotion and protection of the historical minorities).[97]

All liberal societies impose restrictions of their individual liberty to a degree for the sake of fostering a common public culture and these cases must not be interpreted "as a case where collective rights override individual rights."[98] These cases are what a common civic identity requires. But isn't it the case that

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[96] Michel Seymour, The Fate of the Nation State, 114.
[97] Michel Seymour, The Fate of the Nation State, 114.
[98] Michel Seymour, The Fate of the Nation State, 115.

a common public culture can alienate its citizens and create cases where individual rights are overridden? Isn't the case of a societal culture burdening a minority group precisely what motivates Michel Seymour's argument? It may not be the case every time but in special cases there *is* a clear offense, as in cases of a societal culture that imposes one view of civic identity at odds with another societal culture's identity. Such is precisely the case in the debate between Quebec and Canada, where different conceptions of civic identity have apparently led to individual rights being overridden (or perhaps it is but collective rights that have been violated. Would that offense be any lesser or greater?) So some problematic cases do yield a conflict that must be settled by weighing one interest over another. Such cases are the unhappy consequence of professing a view of community which cannot consider a minority as a part of its own, but only as a segment of the population whose rights should not be trampled notwithstanding their separateness. The view I will conclude in defense of in a few pages does not view this acceptable, and for differences other than those heretofore elaborated by Michel Seymour. I believe we must avoid recalcitrant inward-gazing that does not see "the need to constrain the rights of citizens by imposing a common public structure of culture, as long as it is compatible with the preservation of minority cultures within the nation"[99] as appropriate. Why should each societal culture foster its own civic identity, as Seymour claims it must, rather than enter into a state of conflict, of confrontation, of communication with the cultures that surround it? In other

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[99] Michel Seymour, The Fate of the Nation State, 116.

words, why not hope for a better alternative by which we are all relevant to the terms of agreement and disagreement we end up fostering? Why focus on one point in a societal culture's history, and hermetically seal it off from growth and interaction with the forces that put its immortality at stake? Perhaps Michel Seymour believes ensuring the self-determination of a societal culture is the precondition to a thriving public interaction, but I am concerned that these many steps ahead would lead to a few steps back, in terms of viewing one another as part of *one* community.

d.   'Mutuality' and 'murality' in conflict

Ingrid Creppell buttresses her argument on a historical narrative that explains the progression of equality, which has culminated in the relative equality of our day. She seeks to replace the passivity of non-interference, classically associated with toleration, with a more active conception. Thus, Ingrid Creppell remarks:

> The virtue of restraint is a great one, but the innovation in the policy of toleration between radically unequal opponents is not reducible to "constraint." The fact is that restraint is motivated because of a preexisting will to relationship which thereby sets the stage for institutions of political mutuality... Today we do live in conditions of relative equality. The ideal of toleration does not become superfluous because of this fact; rather, different aspects of its normative force come to the foreground. The conventional liberal solution to conflict – public neutrality – is strained when demands for recognition and interaction ask for more than blindness to difference in the public sphere.[100]

In light of the greater equality between individuals, which characterizes liberal societies, Creppell urges us to adopt a view of toleration that rests on mutuality rather than merely on self-restraint. We thereby replace restraint with "an idea of a specific type of political-social relation, the fundamental feature of

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[100] Ingrid Creppell, "Toleration, Politics, and the Role of Mutuality," in Toleration and its Limits: NOMOS XLVIII, eds. Melissa S. Williams and Jeremy Waldron (New York: New York University Press, 2008). 317.

which is the maintenance of relationship in the midst of the potential for conflict due to disagreement or difference."[101] She believes toleration involves "a will to relationship."[102] In our environment of relative equality, the mutuality, which stemmed from the 'will to relationship' allows us to view an important deficit in traditional views of toleration; their norm of sheer non-interference is not what mutuality requires. We must take diversity seriously and give due consideration to 'identity', all the while preventing the particularities of identity from giving rise to a departure or secession from public life when conflict arises. Toleration requires that we approach and resolve conflicts with diversity in mind. Thus, we cannot simply ignore or marginalize the difference that abounds: we must confront it with a 'will to relationship' (a desire to engage with difference), and constantly remind ourselves of the mutuality that binds us together (we cannot simply efface the equality of others).

While Ingrid Creppell views toleration spawning from 'mutuality' and the accompanying notion of 'will to relationship', Glenn Newey is more skeptical about the attitudes that toleration rests on. He does not view the mutuality of the relationship between those that tolerate and the tolerated as an essential condition of toleration.

Glenn Newey remarks that "what counts as toleration, and hence its scope as a value or virtue, will be shaped by explicit or tacit assumptions about

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[101] Ingrid Creppell, "Toleration, Politics, and the Role of Mutuality," 317-8.
[102] Ingrid Creppell, "Toleration, Politics, and the Role of Mutuality," 318.

the nature of toleration as a concept"[103]. On this basis, he accuses Ingrid Creppell's view "that only those political relationships which display the ideal of mutuality instantiate toleration."[104] This objection cuts deep since it seems to assert rather oddly that the very genealogy that gave birth to toleration (the Wars of Religion) was not a proper subject of toleration (since the parties involved were not committed to mutuality as Ingrid Creppell defines it). Furthermore, Creppell's idealist bend is "peculiarly inappropriate to toleration, which ... only becomes politically contentious when a conflict breaks out between people who are not acting tolerantly."[105] In all these cases, it is clear that the precondition of 'mutuality' is rather astray. In fact, if 'mutuality' were present, "there would be no problem to solve."[106] In light of this fact, Glenn Newey is correct in pronouncing other projects which depend on values which toleration very seldom typifies (such as Anna Elisabetta Galeotti's view that toleration should embody the value of recognition[107]), conceptually flawed from the start since these theorists tend to assert values which, if present, would have solved the problem before it appeared. These prior values usually have the consequence of negating the worth of toleration, since conflicts would seemingly not require tolerance but 'mutuality' or 'recognition' in order to be solved, in which case their theories have little to do with toleration. Instead, they state solutions that do not involve the conceptual apparatus proper to

[103] Glen Newey, "Toleration, Politics and the Role of Murality," 363.
[104] Glen Newey, "Toleration, Politics and the Role of Murality," 364.
[105] Glen Newey, "Toleration, Politics and the Role of Murality," 365.
[106] Glen Newey, "Toleration, Politics and the Role of Murality," 365.
[107] Anna Elisabetta Galeotti, Toleration as Recognition (Cambridge: Cambridge University Press, 2002).

tolerance: they eschew tolerance altogether. Attempts to rid conflict of conflict basically sidestep a problem that needs solving.

In contrast to Creppell, Newey would prefer we refrain from "building normative commitments into the conceptual analysis of toleration"[108] in order to leave room for social progression to fill the void which remains. By avoiding normative content for the value of toleration, we free up the grasp which certain values have over the evaluation that must occur case by case, through a full analysis of each side's arguments. On Newey's view, and since the content of toleration is contingent upon further evaluation, toleration will not always suffice to resolve conflicts when "each party is acting tolerantly, relative to its own evaluative beliefs."[109] To quote Newey:

> Opposing values both trigger the initial conflict and opposing views as to how to act tolerantly with regard to it. We can take as an example the debate over the English laws on blasphemy, which protect the established Anglican religion. Muslims can and do argue that toleration requires that the laws be extended to protect all (major) religious denominations, including Islam. Secularists argue that the tolerant course of action is to disestablish religious disabilities of the kind enshrined in the existing blasphemy laws by repealing them.[110]

Adopting a view of toleration that is void of a predetermined normative content frees the way for a proper analysis and weighing of reasons, rather than a

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[108] Glen Newey, "Toleration, Politics and the Role of Murality," 373.
[109] Glen Newey, "Toleration, Politics and the Role of Murality," 373.
[110] Glen Newey, "Toleration, Politics and the Role of Murality," 374.

deductive approach, which self-determines the content of toleration prior to any proper examination. This frees the way for those concerned to state their reasons, as well as the State's determination of a fitting solution. As with any conflict of values, there will be loss. But at least one can state on this model that the parties whom the tolerator is addressing have had the chance to properly express their reasons and their motivation for seeking immunity from state intervention. I think this solution is far more equitable than a pre-determined algorithmic mode of reasoning or a situation in which no arguments are presented, such as in the case of Chandran Kukathas who seals the debate off from State intervention from the start. Thus, the State has both less to say that on Creppell's method, and more to say than on Kukathas' method for adjudicating conflict. This also accords well with Jeremy Waldron's alternative that places much emphasis on the justification, which the parties in question must present, in order to obtain freedom from interference or assent from the State.

I do disagree however, with the fallout of Newey's argument. Newey names his view of toleration 'toleration as murality' in contrast to Creppell's emphasis on mutuality. Newey's notion of toleration accepts "the role of walls – real or virtual – in containing antagonisms, but also in creating a secure domain in which civic conflicts can be played out."[111] Walls may also be viewed as the natural environment that conflicts of value take place within or, alternatively,

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[111] Glen Newey, "Toleration, Politics and the Role of Murality," 374.

the "*de facto* space in which conflicts are contained"[112]. Murality, unlike ideal theory does not require definitive moral consensus, but favors security[113]. According to Newey, "walls are the preconditions of other kinds of good, including toleration" since "only once these preconditions are met can there be politics, and the processes which make toleration possible."[114] The walls of 'toleration as murality' have a dual role: they exist to protect individuals from the State and from each other. Newey concludes we should not seek to define toleration in relation to a higher value but to understand toleration in terms of murality and the boundedness that he views as the characteristic of political subjects. He believes, that instead of defining toleration, we ought to "allow [toleration] to become what it is: a concept which, by signaling the presence of what is alien in our midst, marks the shifting frontier between politics and war."[115] Accordingly, we ought also to abandon hope for what is likely impossible (the universal accommodation of difference) and recognize the fact that "the secure polis can indeed endure some difference without courting disaster."[116] What troubles me at the end of the analysis is the approach that Newey adopts in relation to difference. Glen Newey argues for a conception of toleration, which sheds any association with a higher moral principle. Glen Newey's argument depends on a critique of Ingrid Creppell's view that policy decisions ought to be characterized by both reasoning and results, which are

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[112] Glen Newey, "Toleration, Politics and the Role of Murality," 375.
[113] Glen Newey, "Toleration, Politics and the Role of Murality," 375.
[114] Glen Newey, "Toleration, Politics and the Role of Murality," 375.
[115] Glen Newey, "Toleration, Politics and the Role of Murality," 386.
[116] Glen Newey, "Toleration, Politics and the Role of Murality," 387.

driven towards a goal of sustaining the mutual benefit of our common but diverse lives.[117]

'Muralism' boxes difference away neatly where it can exist safe from outside interaction. From a secure location, marginal groups exist as a danger to no one but themselves. Newey's conclusion is devoid of any merit for a society like our own. Here we are, all stuck together, and it is time that we start attempting to settle into a view of culture more compatible with political reality. Cloistering groups from public interconnectedness is not a solution to a problem, but the creation of another challenge. It is an ethos that requires individuals to either hide their true selves, or become reclusive in an effort to obtain safety from incursion. Neither option is appropriate since walls, despite the temporary shelter from the storm of moral disagreement they provide, oblige us to exit center stage of civil society. I think we should revise Newey's conclusion in favor of a more hospitable framework for dissent: one that recognizes the inevitability of conflict and does not attempt to solve it away theoretically before the facts, but that also views beings of our kind as capable of comprehending and apprehending each other. Is it possible that by our very nature we come to discover what is alien and, over time, make it our own, mixing what jumps out at us with what is already deeply planted within our being? I would like now to turn to an approach, which I think holds such promise: A promise that is not entirely close-ended, but that leaves room for the newness that will come into the world.

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[117] Ingrid Crepell, "Toleration, Politics and the Role of Mutuality," 332.

e.   Jeremy Waldron's cosmopolitan alternative

In *What is Cosmopolitan?* Waldron's goal is twofold: he proposes a novel way of regarding culture, and an expectation that derives from this conceptualization of culture. In an article that preceded "What is Cosmopolitan?" Waldron offered a response (or perhaps a challenge) to authors that view the necessity of preserving minority cultures. In "Minority Cultures and the Cosmopolitan Alternative", Waldron defended a view of individuals unencumbered by their cultural baggage. In this piece, Waldron claimed culture might be cast aside as freely as it may be acquired. Accordingly, by partaking in all the cultures of the world, the cosmopolitan subject walks unfettered by his culture and the cultures around him. This brings Waldron's protagonist to bask in the pluralism that surrounds him, delighting in the variety on offer. Waldron also questions whether notion that culture is integral and the allegation that "there really are such things as distinct cultures."[118] He concludes that the boundaries that lie between cultures are fluid. In light of the boundlessness of culture, cultural preservation would require severing culture from the test of time and the fickle whims of its members since the volatility of cultural membership is such that cultures cannot be preserved once their members are led astray by other alternatives.

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[118] Will Kymlicka, "From Enlightenment Cosmopolitanism to Liberal Nationalism," in Politics in the Vernacular: nationalism, multiculturalism and citizenship (Oxford: Oxford University Press, 2001), 210.

Kymlicka remarks that on Waldron's view, "the only way to preserve a distinct culture intact ... would be to cut it off artificially from the general course of human events."[119] Kymlicka criticizes Waldron's account for failing to realize the cosmopolitan individual's meandering ways are "simply a case of enjoying opportunities provided by the pluralistic societal culture that characterizes contemporary ... society"[120], whose plurality allows the cosmopolitan to partake in the things he finds "worthwhile in other cultures, [integrate] it into [his] own practices, and [pass] it on to the subsequent generations."[121] Kymlicka believes no proper liberal society would view "the process of interacting with and learning from other cultures as a threat to 'purity' or 'integrity', rather than as an opportunity for enrichment."[122] He accuses Jeremy Waldron of misunderstanding the aim of minority nationalists since they do not seek to protect the integrity of their culture[123] but its distinctness over time. To quote Kymlicka:

> Liberal nationalists do not seek to preserve their 'authentic' culture, if that means living the same way that their ancestors did centuries ago, unable to learn from other peoples and cultures. As I noted earlier, they want to live in modern democratic societies, and to share in a common Western civilization. What the Québecois or the Flemish want, for example, is to preserve their existence as a culturally distinct group –

[119] Kymlicka, "From Englightenment Cosmopolitanism to Liberal Nationalism," 210-1.
[120] Kymlicka, "From Englightenment Cosmopolitanism to Liberal Nationalism," 210-1.
[121] Kymlicka, "From Englightenment Cosmopolitanism to Liberal Nationalism," 211.
[122] Kymlicka, "From Enlightenment Cosmopolitanism to Liberal Nationalism," 211.
[123] Kymlicka, "From Enlightenment Cosmopolitanism to Liberal Nationalism," 211.

always adapting and transforming their culture, of course, but resisting the pressure to abandon entirely their group life and assimilate into the larger society.[124]

"What is Cosmopolitan?" is a rejoinder to Waldron's previous article. Here, he dips into Immanuel Kant's wellspring of ideas, in order to show how "cosmopolitan right, in Kant's sense, makes demands on the way we behave and comport ourselves in domestic politics"[125]. He starts by responding to Kymlicka's criticism by explaining what he did not mean to imply in "Minority Cultures and the Cosmopolitan Alternative". He did not mean to suggest that:

> Someone immersed in the life of a particular culture swallows his culture whole, so to speak, so that his identity is as secure as the identity of the culture, uncontaminated by the intrusion of alien practices or ideas; whereas someone who lives the cosmopolitan experience wears a coat of many colors, 'a bit of this and a bit of that', an identity composed of many fragments, or perhaps more accurately just many fragments of culture coexisting in the life of a single person, with the question of identity sidelined or rejected as distracting, redundant or irrelevant.[126]

What he meant to emphasize, the urban centers of the world can provide insight into.

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[124] Will Kymlicka, "From Enlightenment Cosmopolitanism to Liberal Nationalism." 212.

[125] Jeremy Waldron, "What is Cosmopolitan?," Journal of Political Philosophy, vol. 8, no.2 (June 2000): 231.

[126] Jeremy Waldron, "What is Cosmopolitan?," 231.

Cities like New York, Paris, London and Bombay are the urban centers of world culture; they are great centers of trade, tourism and migration, where peoples and their traditions mingle and interact. They pay tribute to a central fact about human nature which the cosmopolitan, above all, ought to be in the business of emphasizing and extolling. Humans are curious and adventurous animals: they travel, they migrate, they fight, and they plunder.[127]

By these natural processes, cultures come into contact with one another, inevitably changing what came before by introducing novel ways of encountering life. The 'distinctiveness of cultures' is an overstatement, as well as an oversight of the things which unite us in spite of kilometers and oceans. When we seek to define the essence of a culture we act as 'taxonomists', hoping to delineate all the possible traits which make a culture unique but, according to Waldron, "a culture just is what it is, and its practices and rituals are constitutive of it in virtue of their place in a shared way of life, not in virtue of their perceived particularity."[128] Likewise, members of a culture just do what they do despite and in spite of the cultural background. He states:

> One participates in a form of life. *Advertising* or *announcing* that this is what one is doing is participation in *another* form of life – a different form of life – a form of life on problematically related to the first.[129]

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[127] Jeremy Waldron, "What is Cosmopolitan?," 231.
[128] Jeremy Waldron, "What is Cosmopolitan?," 233.
[129] Jeremy Waldron, "What is Cosmopolitan?," 234.

When individuals assert their difference by contrasting their dissimilarity compared to the cultural background, they do so out of self-consciousness, out of a desire to be recognized as different. But does this self-conscious assertion have any normative, rather than purely *descriptive* weight? Waldron believes that, to the contrary, that the postmark of cultural beliefs cannot operate normatively, since it holds no justificatory weight. To identify the cultural origin of a norm is not the same as defending its truth or its legitimacy. This is Waldron's claim in the passage that follows[130]:

> It seems very odd to regard the fact that something is 'our' norm – that is, what we Irishmen or we Maori or we Americans do – as part of the *reason*, if not the central reason, for having the norm, and for sustaining and following it.[131]

This is the correct posture for states to assume in encountering the great variety, characteristic of our moral universe. Rather than recoil from difference, States

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[130] This rather lengthy passage is also worth citing in full: "If, for example, I ask an elder of the group to which I belong why we have and follow a norm of monogamy, he may tell me a story about the need for reciprocity and equality between lovers and explain why this is difficult or impossible in polygamous relationships, or he may tell me a story about the sun and the moon and about there being only one of each. Either way, that is the sort of thing that counts, in the group, as a reason for having and following the monogamy custom. True, I may not accept the reasoning that the group associates with the norm; or I may find the sun-and-moon story bewildering or unsatisfying. But if I do, that is all there is to say about the matter: I no longer understand or respect the norm on the basis on which it claims my respect and understanding. I certainly do not show any respect for it – rather I show a vain and self-preoccupied contempt for the norm itself – by gutting it of its reasons, and replacing them as reasons with my own need to keep faith with my own cultural roots. That is not the point of the monogamy requirement, and to think of it as the point, or party of the point, or even as one reason among other, may be to give a quite misleading impression of how important the norm is supposed to be in this culture and what that importance is based upon." ("What is Cosmopolitan?," 234).
[131] Jeremy Waldron, "What is Cosmopolitan?," 234.

ought to bask in it, never pausing or hesitating to confront the variety, which it

beholds. Rather than cause culture to be reclusive, and bubble-wrapped from

outside interaction, the State ought to be gregarious and intermingle in an

earnest attempt to break the barriers of isolation. Instead of being nonplussed at

the thought of diversity, the State should come into contact with its citizens, in

a dialogue that reaches out for the reasons that buttress the cultural support of a

norm. It is not necessarily individuals that to ought to move between cultures,

but the State that ought to confront the morality of its inhabitants. As an

alternative to the walls and ghettos of 'murality', the cloistered free associations

of Kukathas' archipelago, or the liberalized millet system which Kymlicka

prefers, Waldron's cosmopolitanism implores the State to absorb the

kaleidoscope of cultures in its midst and fold itself in a mélange of cultures.

This stance does not demand that cultures betray their rootedness, but it does

demand more from the State. The cosmopolitan norm asks the State to be

critical of its own authority as well as the authority of reasons cultures invoke.

If the norms of our community are truly worth embracing, we pay them

disservice by merely attributing their importance to the fact that they derive

from our culture, and not by virtue of "the substantive commitments that they

embody."[132] Cultural norms

> make deep claims, powerful claims about what is important and what sort
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> of thing are at stake in the areas of life that they govern. Those claims are
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> usually held to be *true* (by those who make them), which means that they

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[132] Waldron, "What is Cosmopolitan?," 235.

claim to offer to give a better account of what really matters than the reasoning associated with the different norms and practices of the society next door or across the sea.[133]

We owe it to ourselves, to each other, to present these reasons when conflicts arise over the version of the good we ought to privilege, the bad habits we should change, and the realm of uncertainty we should permit to cohabit our certitude (as in the case of toleration). Is it not true, after all, that a cultural norm, and the reasons that make it authoritative, "claims to represent some repository of human wisdom as to the best way of doing things."[134]

If we are to look for a better way of approaching conflict, that takes culture at face value and does not romanticize its worth prior to a critical examination of the reasons *which lie behind* its ideas, we cannot depend on Kukathas' model. In then end, it is not his prioritization of toleration over security and stability, which is wrought with problems (although that is a concern we ought to take seriously) but his inability to realize that politics involves conflict that boundaries and walls cannot prevent. When such conflict occurs, we cannot turn away as though these disagreements are somehow alien to us because we do not belong to the group in question. Ingrid Creppell's solution wrongly prevents eligibility to the debate since the principle by which we grant toleration alienates many reasons before their case has even been stated. Newey and Kukathas, in different ways, change the context of the debate entirely so it allows individuals to speak their mind, but insulates groups from

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[133] Waldron, "What is Cosmopolitan?," 235.
[134] Waldron, "What is Cosmopolitan?," 236.

external opposition. I'm not asking for an Inquisition, or a "take no prisoners" attitude to moral justification that would culminate in a widespread interrogation of those that betray a commitment to popularity morality, but for a *quo warranto* attitude to cultural reasoning. This is the attitude that I think should accompany toleration.

If cultures persist despite the increasing liberalization of the State, it is because "cultural membership provides meaningful options, in the sense that 'familiarity with a culture determines the boundaries of the imaginable'"[135]. Thus, when prompted for the value of a practice or belief, cultures should be able to produce some kind of story or answer. The complications, which arise from multiculturalism, are the product of taking multiculturalism to mean an inability to demand explanations. Just because "each culture is distinct, with its own unique pattern of internal and external organization", we are not required to infer that "it must be judged on its own terms, with reference to the values that inform it"[136] or that the assessment of a culture must operate from within the culture. If it were so, Gurpreet Mahajan would be correct to be frustrated at the inability to challenge communities with controversial practices. Mahajan would be correct to ask the following "How do we then expect change to occur, especially since women are among the most vulnerable members of the

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[135] Will Kymlicka, "Freedom and Culture," in Multicultural Citizenship: a liberal theory of minority rights (Oxford: Oxford University Press, 1995), 89.
[136] Gurpreet Mahajan, "Intra-group equality and cultural diversity," in Minorities within minorities: Equality, Rights and Diversity, eds. Avigail Eisenberg and Jeff Spinner-Halev (Cambridge: Cambridge University Press, 2005), 93.

community and they may not count in community decisions?"[137] Indeed: How could the State refuse to demand justification of oppressive practices? Prefixing abhorrent conduct with 'culturally sanctioned' does not render it acceptable. Culturally sanctioned kidnapping, or culturally sanctioned forced marriage should both be causes for concern, regardless of the cultures they stem from. None of us should be able to explain away violations of a person's dignity or humanity. The desire for a dignified human existence is something we should all regard as a reasonable expectation. When someone appeals to his or her culture for justification (for example, "my culture permits the abuse of women when...") we have good reason to ask why, for all intents and purposes, this should be relevant or compelling. In such cases, we are justified in responding that we don't care. In the same breath, not all culturally derived practices and beliefs should solicit such a reaction or provoke suspicion or enquiry (in fact, most shouldn't). There is clearly a limit to what we should demand explanation for. Most of the time, toleration will not compel us to do anything since, the majority of the time, culture is the provider of a meaningful context of choice that does not impinge on its individual members' humanity.

The conundrum Susan Moller Okin's question ("Is Multiculturalism Bad for Women?") provoked may be answered in a variety of ways by the different forms of cultural toleration which Creppell, Newey, Kukathas, Brown and Kymlicka present. The State would, on Kymlicka and Creppell's view, seek to liberalize cultural practices that do not stem from 'autonomy' or 'mutuality'.

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[137] Gurpreet Mahajan, "Intra-group equality and cultural diversity," 93.

Newey and Kukathas would prefer the State show restraint when acceptance or recognition is not possible. On their view, the State ought to substitute judgment for skepticism, thereby withholding any authoritative incursions into private matters. Finally, Wendy Brown would like us to remain skeptical when dispensing judgment, since the tolerator often does not hold himself to the high standard he imposes on others. The only alternative I think makes any sense at all is Waldron's notion of cosmopolitan right, which compels us to consider the reasons the tolerator possesses for opposing a practice, in conjunction with the reasons individuals have for believing their beliefs or practices are worthwhile. Perhaps the benchmark is high, but it makes State arbitration possible, while not precluding any reasons on the basis that they do not derive from a higher principle such as 'mutuality', 'autonomy', or 'recognition'. This standpoint also affirms the due amount of humility Wendy Brown's critique cautions us to have.

Additionally, I would like to highlight a further difference between Kymlicka's approach to conflicts of value and Waldron's. On Kymlicka's view, when there is disagreement within a community and 'internal restrictions' are imposed so that reform of the controversial practice is made impossible, the State may freely intervene and at least attempt to liberalize practices that violate the principle of autonomy. This is based on the fact that Kymlicka's account of 'liberal toleration' sees the values of autonomy and toleration as entwined. Kymlicka does not desire the separation of toleration and autonomy so that cultural practices can escape assessment in the goal of establishing whether

liberalization is appropriate. The 'liberalization' or 'acculturation' of minority groups that betray a commitment to autonomy is not only permissible on Kymlicka's view; it is what liberal toleration requires States to attempt on behalf of its most powerless members.

I would like to spell out that this desire is at odds with what Waldron puts forward. While Waldron may desire assessment of cultural practices, he does not impose a criterion that determines the lexical ordering of the arguments presented. The duty to assessment is bilateral. Assessment will be as critical of liberal principles as liberal principles would be of the reasons cultural minorities present. The duty to assessment shows respect for reasons, which lay beyond the pale of autonomy. In fact, Waldron specifically argues that the reason why cultural communities ought to be expected to justify their practices is that they point to something of importance: they are positions on what is fundamentally right or wrong. On this basis, we have a duty to lend an ear to their reasons for valuing their principles. The faithful are not dismissed as unreasonable *a priori* but they are expected to explain the reasons that make the beliefs they hold compelling. Their duty to justification does not exit the stage at the onset of 'cultural' vindication. Waldron also cannot give backing to the solution that Kukathas endorses because it leads to the outright exemption from justification. Waldron's cosmopolitan alternative attributes us all with the ability to justify ourselves, from the most devout individual to the die-hard autonomymongerer.

The second phase of Waldron's argument appeals to Kant's analysis of the circumstances of cosmopolitan right. By virtue of the fact we live on a bounded sphere that our curiosity pushes us to explore, means that we are bound to encounter new lands. Despite this inability, we have a tendency towards "unsocial sociability' that "combines man's cosmopolitan curiosity about how others live, and about practices and traditions other than his own, with an extraordinary human reluctance to take others' practices seriously."[138] The variety of territories and cultures on this bounded sphere we inhabit mean that wherever we land, or whoever lands where we are, we will likely be confronted with novel ways of regarding that which is morally compelling. Consequently, we will have to come to terms with each other, according to rather different arrangements since we will all be exposing one another according to modes of reasoning that cannot be processed algorhithmically, and because each clash of values will mean different reasons. Thus, solving conflict remains a distant dream now that our desire for exploration, for conquest and for distant encounters has been set in motion. Since "there are a hundred and one legitimate ways in which people might find themselves living side by side with others of different cultures ... there is no telling who we will end up living alongside of, no telling who our neighbors may turn out to be,"[139] What ensues? To start, we will be forced to come to grips with one another, and opting out of this duty is not an option. We will also be forced to listen to each other's reasons, no matter the pain such a course of action may beget.

[138] Jeremy Waldron, "What is Cosmopolitan?", 237-8.
[139] Jeremy Waldron, "What is Cosmopolitan?," 239.

Kukathas's defense of community provokes a problem. Community in itself is not problematic, but when it is used to defend intolerance or to justify a lack of concern for the fate of individuals that lie beyond its bounds, it becomes morally reprehensible. In these cases community undergoes a transformation from the vessel of care and concern to the vantage point of exclusivity, of repugnance for those that do not accord well with its principles. Under this matrix, I agree with Waldron that community members "will do everything in their power – including mobilizing the ideology of "community" itself – to ensure that those who are naked, shivering, filthy, unemployed, sick, foreign, and destitute come nowhere near their gates and nowhere near the public places where they walk their prams or hold their barbecues."[140] Indeed, community can warp depending on one's perspective. From the internal perspective, a community shut off from the outside is safe; it is of comfort and reassurance to its members, because it is hard to duplicate the experience of being around like-minded individuals that confirm the soundness of our beliefs, and echo our concerns about life. But the capacity for hospitality and generosity of spirit is often duplicitous since every community has the ability to shut its doors, define its terms so that outsiders cannot benefit from the warmth their members feel. From the perspective of the shunned or marginalized individual, community is a sting in the tail. It is for this reason that Waldron points out: "In the real world, the word "community" is found

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[140] Jeremy Waldron, "Secularism and the Limits of Community," in Globalization Challenged: conviction, conflict, and community, by George Rupp (New York: Columbia University Press, 2006), 56.

more commonly in the company of terms like "gated.""[141] The hope is that community can be redefined, to encompass the individuals that make our communities ill at ease and that community can move beyond "the familiar communitarian idea of humanity having been sorted already into a number of separate and mutually exclusive communities".[142] Kukathas' view of culture cannot, then, be upheld since it implies communities or associations shut off from outsiders for the sake of self-determination. Waldron's hope is that we will opt to regard community from a perspective other than that of exclusivity. We will then enforce a notion of community which does not shy away or disjoint themselves from others in an attempt to protect their beliefs, but will come to see outsiders as neighbors in a joint society.

The 'mutuality', which Creppell urges us to consider, is a gripping demand indeed. It compels us to look beyond the walls of our gated communities, both real and actual, beyond our ghettos and private clubs, and at each other. So while Glenn Newey is right to be skeptical about theories that qualify the right to toleration by means of an exclusive principle, his conclusion turns out to be an even harder pill to swallow since it culminates in a demand for the segregation of those that bother us, for the sake of security. If we all conceived of and engaged in human relations on those terms, tolerance would be a nonstarter. We would be stuck in the appallingly long history of repression, aggression and coercion characteristic of the year preceding the Reformation, that was abated by the progression towards interaction the Reformation helped

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[141] Jeremy Waldron, "Secularism and the Limits of Community," 57.
[142] Jeremy Waldron, "Secularism and the Limits of Community," 57.

found. I don't mean to imply the days of outrageous conflict are over and gone. There will always be conflict in our midst, and so long as there is, toleration, if nothing else (if and when it is the only goal we can achieve, the only response that we can muster) will be good enough. It will have suspended, if only momentarily, our desire to cloister difference, and to suppress it indefinitely in favor of whichever life plan or truth we happen to find compelling. It will also have given pause to the desire to sacrifice accountability for the sake of security or the web of cultural safety.

There is a final point I would like to touch on, in relation to the alternative I defend. One might see similarities between the view of toleration I favor and the view of public reason John Rawls defends in *Political Liberalism*. I would like to clarify that my account does not delineate public reason in much the same way since I do not seek to alienate theologically motivated reasons on the basis that they are deemed invalid. I see no reason for precluding the providential sphere of reasons from public debate. Jeremy Waldron offers an interesting analysis of Locke's thought, with the aim of showing how a refusal to acknowledge religious reasons is duplicitous since Rawls's system seeks to represent the pluralism society reflects, while alienating a realm of moral beliefs which are most of fundamental importance in shaping world views. Moreover, Waldron concludes that we must realize that God is indispensable to the justification of arguments of great pith and moment and that we should not refuse to hear out a sphere reasons based on their religious origin. To do so

would be to betray the act of engaging in a debate, since most moral arguments can be found to include reasons whose indispensability prevents us from a secular reformulation. We should, then, be weary of barring religiously based argumentation.

Waldron turns to John Locke's critique of Hobbes to explain how religious reasons are irreducible to a further set of reasons and must be acknowledged as such. Locke believes Hobbes' reliance on fear as the motive for holding promises is insufficient. As Waldron remarks:

> Leviathan or organized civil society is supposed to be constituted by promises and contracts, and those promises, by definition, cannot themselves be supported by the power of the state.[143]

Hobbes' foundation of social order has difficulty answering why promises and contracts hold true *prior to* Leviathan's existence. Hobbes must explain how we came to be where we are if promises are only guaranteed by fear of authority. Locke's own explanation is that the social order is not merely guaranteed by fear of Leviathan, but fear of God. Therefore, "The taking away of God, tho but even in thought, dissolves all"[144] and "one reason for refusing toleration to the atheist is that he is in no position to maintain it, or teach it, or interpret it, or

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[143] Jeremy Waldron, "Tolerating Atheists?," in God, Locke, and Equality: Christian Foundations in Locke's Political Thought. (Cambridge: Cambridge University Press, 2002), 225.
[144] John Locke, A Letter Concerning Toleration cited in Jeremy Waldron "Tolerating Atheists," 228.

apply it, except by disingenuous imitation of those who own up to its real basis."[145]

The atheist cannot found his belief in equality and moral responsibility other than borrowing and "taking advantage of a tradition that he pretended to repudiate."[146] Atheists constitute a threat because the integrity of the social and political structure depends on the support of ordinary people and what they think. If Locke is correct, legal and political institutions which grant equality cannot stand upright, in a society where their worth and value is undermined by a populace whose moral beliefs do not square nicely with the precepts which they endorse. Locke's theory of toleration is troubled, since it must admit that individuals can be persecuted on the basis of salvation, unless the intolerance of atheists has nothing whatsoever to do with salvation of souls. Maybe, instead, the intolerance of atheists is founded upon the notion that only those that endorse the foundation of civil society may reap the fruit it bears. In that case, it would make sense to believe that laws and institutions should reflect principles similar to those that compel the morals and ethics of the citizens they address, since they will otherwise hold no worth for those that must live in accordance with them.

I don't mean to enter into a detailed exegesis of Locke's theory of toleration, but this observation does impact the admissibility of religious reasons in the public sphere. Waldron links the implications of Locke's justification for the basis of intolerance of atheists to John Rawls' discussion of

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[145] Jeremy Waldron "Tolerating Atheists," 228.
[146] Jeremy Waldron "Tolerating Atheists," 227.

justification within his theory of public reason. He seeks to show that Rawls is wrong to oppose Locke's view that religious argumentation about equality should not only be *permitted* in public life, but that it is simply *indispensable*.[147] To cite Waldron:

> If you want to get a flavor of what Locke is saying about religious skepticism and the consequence of religion's exclusion from public reason, you can get a sense of it from the way in which John Rawls would be uncomfortable developing a theory of justice in the company of various Nietzscheans or radical Freudians who believed that all this moralistic talk of agency and moral personality was redundant and reducible nonsense.[148]

The analogy between John Locke on God and John Rawls on moral personality is all the more striking, of course, when we consider that moral personality has to be able to do by itself in Rawls's theory all the work for equality that is done for Locke, by the notion of our status in the eyes of God[149]. Removing Rawls's account of moral personality from his argument has the same effect as removing God from Locke's system since, to recall: "the taking away of God, tho but even in thought, dissolves all." As Waldron concludes, "equality cannot do its work unless it is accepted among those whom it consecrates as equals."[150] To repeat, my aim is not to defend the particular thesis, which Locke puts forward, nor Waldron's conclusion, but I do think this issue impacts which

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[147] Jeremy Waldron "Tolerating Atheists?," 237.
[148] Jeremy Waldron "Tolerating Atheists?," 239.
[149] Jeremy Waldron "Tolerating Atheists?," 239-40.
[150] Jeremy Waldron, "Tolerating Atheists?," 243.

reasons we ought to give credence to, and I would conclude, as Waldron does, that we must pay heed to religious reasons in light of their indispensability to developing a moral stance, in much the same way as most secular arguments revolve around irreducible presuppositions, whose one difference is that they are less likely to be deemed unreasonable. I contend both types of moral reasoning hold a valid place in the public realm of reasoning.

I hope it is equally clear by now, that I do not wish to defend those who, in Waldron's words, hold their beliefs so devoutly that even the most sober and respectful criticism would count as a mortal insult to their personality."[151] To recall, religions make "rival claims about the nature and being of God and the meaning of human life."[152] This means we are required to take their claims seriously and wholeheartedly as views that are not to be dismissed outright in certain spheres of existence. Consequently, "persons and peoples must leave one another free to address the deep questions of religion and philosophy the best way they can, with all the resources they have at their disposal."[153] This does not mean the pious will prevail in their attempt to convince us of the authority of their beliefs. That remains to be seen. What will count is our attitude toward their reasons, sensitivity to their point of origin and the compass of meaning that orients them in the world. It must equally be the case that we should have every right, on this account, to criticize that which make them

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[151] Jeremy Waldron, "Rushdie and Religion," in Liberal Rights: Collected Papers 1981-1991 (Cambridge: Cambridge University Press, 1993), 139.
[152] Jeremy Waldron, "Rushdie and Religion,"138.
[153] Jeremy Waldron, "Rushdie and Religion," 140.

shudder, with all due respect, or not. As Waldron concludes: "there is no other way we can live together and respect each other's grappling with life."[154]

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[154] Jeremy Waldron, "Rushdie and Religion," 142.

Conclusion_____

The emphasis on religion that once dominated theories of toleration has shifted, thus enabling a debate of greater consequence to the contemporary moral landscape to emerge: A debate on toleration concerned with culture. At this point, very little consensus exists about the place which culture ought to be granted within a political context. I hope to have brought some clarity to the complexity of the debate. I exposed a series of views about culture, which have most recently emerged amidst a new wave of theories of toleration and multiculturalism as defended by Will Kymlicka, Chandran Kukathas, Michel Seymour, Ingrid Creppell, and Glenn Newey. I concluded with an endorsement of Waldron's argument, which is essentially weary of uncritically endorsing cultural arguments and of giving groups rights on the basis of group affiliation alone. Waldron's assurance brings him to conclude:

> We need cultural meanings, but we do not need homogenous cultural frameworks. We need to understand our choices in the contexts in which they make sense, but we do not need any single context to structure all our choices.[155]

We have reached a time when recalcitrant inward gazing has been met with resistance by openness to change, newness, and how it enters the world.

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[155] Jeremy Waldron, "Minority Cultures and The Cosmopolitan Alternative," University of Michigan Journal of Law Reform, vol. 25 (1992): 786.

We can stand to grow from encountering change and those that urge for it but, in order for this growth to occur, difference must be met with a critical spirit that constantly reminds of the power we have to further thwart the already crooked timber of humanity. *Mélange* does not harm or destroy; it merely exposes our vulnerability to the tides of the unknown as well as the notion that that which is whole today can come apart tomorrow. As in Romeo and Juliet, some will even, at times, risk death trying to demolish unsustainable structures. We must realize that what makes culture relevant can be explained, and when it does not hold up to scrutiny it can be jettisoned for a better set of beliefs that retain worth after judgment. If our beliefs are meaningful, it is that they are persuasive, no matter their pedigree or degree of homogeneity.

The Quebec politician Lionel-Adolphe Groulx affirmed, "the children of ethnically mixed marriages suffer from a form of schizophrenia because they are inhabited by two different souls". His statement was meant as a warning to be taken seriously: those with 'tainted blood' would be plagued by a defect of spirit. Those of us, like Waldron, that were born under conditions of cultural duress, out of which we nevertheless managed to fashion something new, understand that what the future holds – its mixture of heterogeneous dreams and its mosaic of cultures – is not to be feared but welcomed because the schizophrenia which Lionel-Adolphe Groulx warned of was based on an erroneous view of human nature (that we must be pure to be sound) and an irrational fear of that which is inevitable: Change. Walzer views group
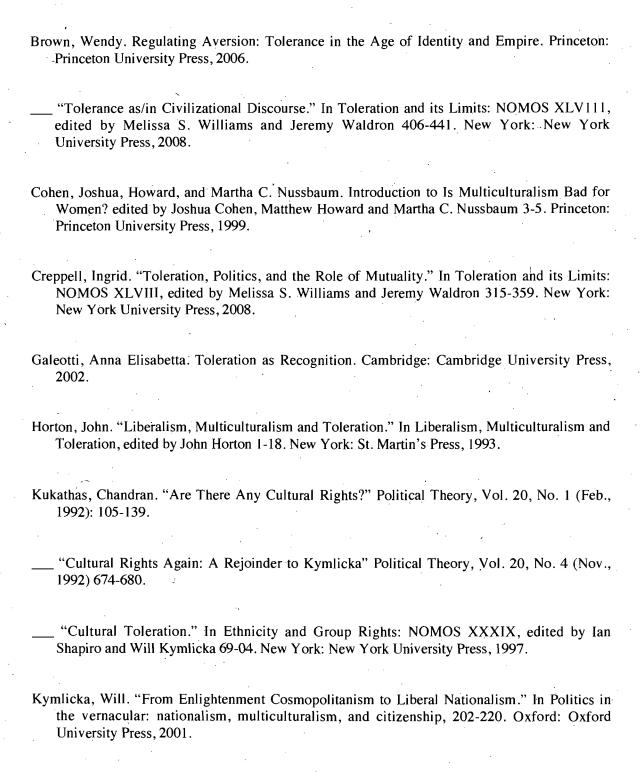
preservation as essential to all of us: members of groups and those that prey on them for their parasitic cultural survival.

> Free and fragmented individuals in democratic societies won't provide that help themselves, or authorize their governments to provide it, unless they recognize the importance of groups (their own and all the others) in the formation of individuals like themselves – unless they acknowledge that the point of toleration is not, and never was, to abolish "us" and "them" (and certainly not to abolish "me") but to ensure their continuing peaceful coexistence and interaction. The divided selves of postmodernity complicate that coexistence, but they also depend upon it for their own creation and self-understanding.[156]

According to Walzer, the individuals he targets in this statement seek to abolish "us", "them" and even "me". But what he fails to understand is that those individuals never desired to annihilate "us", "them" or "me", but expand all three categories to comprise modes of being which they all three categories to comprise modes of being which they, heretofore did not include. On Waldron's interpretation, as human beings in a bounded physical universe, we are destined to confront others that disagree with us. What we must avoid is shrinking like violets from the notions and cultures of those that surround us. We must, instead, recognize that equating that which is different with that which is alien, is not only false but, more to the point, a clear overstatement.

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[156] Micheal Walzer, On Toleration (London: Yale University Press, 1997), 92.

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