

**PRIVILEGE OR EQUALITY:
A DISCUSSION ON MULTICULTURALISM-LIBERALISM DEBATE**

by
HAZAL TIKIR

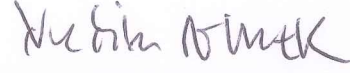
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LIBERALISM DEBATE

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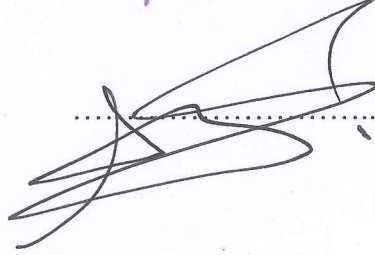


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ABSTRACT

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Political Science, M.A. Thesis, August 2016

Thesis Supervisor: Ass. Prof. Dr. Nedim Nomer

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The fact of plurality of social cultures is a central topic of interest and debate for political theorists. Multiculturalists emphasize the value and significance of social cultures over individual liberty. This thesis examines whether cultural rights create an undue privileged position for minorities or whether it fosters equality in liberal states. By acknowledging the value of culture for individuals, this thesis proposes that cultural rights which endow minorities with a special position should not be implemented for the sake of liberal neutrality. As a point of illustration, a neutral liberal state, which I call Hazalistan, is presented in this thesis. Hazalistan is grounded on the principles of equality, freedom, security and diversity. To provide a deeper understanding of these notions, it adduces examples on the regulation of religious rights. Although Hazalistan is an imaginary state, it is not impossible to find relevant real life examples such as Mauritius, which is a liberal state with a multicultural society.

ÖZET

AYRICALIK YA DA EŞİTLİK: ÇOKKÜLTÜRLÜLÜK-LİBERALİZM ÇATIŞMASI ÜZERİNE BİR TARTIŞMA

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Anahtar Kelimeler: Çok kültürlülük, Liberalizm, Kültür, Din, Haklar, Siyaset Teorisi

Çok kültürlülük siyaset bilimciler için önemli bir ilgi ve tartışma konusudur. Çok kültürlülüğü savunanlar bireysel özgürlüklerden ziyade, kültürlerin önemi ve değerine vurgu yapmaktadır. Bu tez, liberal toplumlarda azınlıklara kültürel hakların verilmesinin ayrıcalık mı yoksa eşitlik mi yarattığını analiz etmektedir. Kültürün bireyler için öneminin farkında olarak, bu tezde liberal tarafsızlığı sağlamak adına azınlıklara özel konum veren hakların uygulanmaması gerektiği savunulmaktadır. Dolayısıyla, Hazalistan olarak adlandırılan tarafsız liberal devlet örneği öne sürülmektedir. Hazalistan eşitlik, özgürlük, güvenlik ve çeşitlilik ilkelerine dayanmaktadır. Konuyu daha derinlemesine tartışabilmek adına dini hakların düzenlenmesine dair örnekler sunulmuştur. Hazalistan her ne kadar hayali bir devlet olarak sunulsa da gerçek hayatta bu tarz devletlerin örneklerini bulmak mümkündür. Bu bağlamda, bu tez çok kültürlü liberal bir devlet olan Mauritius'u Hazalistan'ın bir illüstrasyonu olarak sunmaktadır.

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1. INTRODUCTION

When we talk about culture, we often make reference to cuisines, daily habits, life styles, clothes, social events, festivals, music, literature, art, architecture, education, political regimes and religion. And cultural groups are constructed with respect to the different norms that they adopt. With the rise of globalization, cultures have become flexible and multicultural societies including two or more cultural groups have emerged in the modern era.¹ In addition to the group cultures, with the rise of individualism in modern societies, individualized cultures came into the picture. Sheilaism, which is a custom made belief system of Shelia Larson, is one of the examples of the individualization of the culture/faith.² Regarding these notions, individualized or not, culture can be defined as the ideas, customs and social behavior of individuals and/or groups. Therefore, culture is a phenomenon that permeates large areas of social life.

Culture is also a political matter and is scrutinized by political scientists and political theorists. According to multiculturalists, culture is the key in identity shaping and political decision making; therefore, culture should be recognized and protected in the political sphere. Liberals, in contrast, argue that recognition of culture in the political sphere unbalances the equilibrium among individuals. This thesis proposes that these demands contradict with the norms of the liberal state and therefore such demands must be accommodated with caution and within certain bounds. And these bounds do not include the protection of cultures. Erich Fried's famous phrase which is written on Berlin Wall - East Side Gallery also demonstrates the dispensability of the protection of the cultures: "Wer will dass die welt so bleibt

¹ Although there are pre-modern examples of multicultural societies such as the case of the Ottoman Empire, it is hard to compare the pre-modern and modern experiences since pre-modern multicultural social structures occurred as a result of invasions.

² Jose Casanova, "Private and Public Religions," *Social Research* 59, no.1 (1992): 28.

wie sie ist der will nicht dass sie bleibt” (He who wants the world to remain as it is does not want it to remain). In other words, culture conservation attempts only hinder the progress of the cultures. Thus, protecting cultural values without questioning them, or interrupting the process of change does not bring any good to a society or to cultures.

Although the claims of this thesis do not value, recognize and protect cultures (whether or not they are majority and minority cultures), the aim is not to despise or eliminate diversity. On the contrary, diversity is encouraged within the limits of liberal values. Each person should have a right to exercise his/her own culture as long as it does not threaten other people’s security and freedoms. Instead of protecting the cultures, liberal state has an obligation to protect individuals who are the bearers of the cultures. Correspondingly, liberal values are considered superior to cultural values in furtherance of security and harmony of the society.

The reason why liberal norms are essential for peace and social harmony becomes evident when cultural norms and liberal norms collide. Rushdie affair is a representative case to clarify this matter. Soon after the publication of Salman Rushdie’s book, *The Satanic Versus*, several groups of British Muslims started campaigns to publicly condemn the book on the ground that it contains lies about Islam and dishonors the religion.³ Afterwards, Supreme leader of Iran, Khomeini, also pronounced a death penalty for Rushdie. Iranian fatwa requiring assassination of Salman Rushdie and, in response to such “culturalist” threats, liberal principles that guarantee the protection of life and freedom of expression collide in this incident. While the former view would reward the killer of Rushdie, the latter view calls for preventing all assassination attempts and would punish the killer and treat him/her as a murderer.⁴ Considering this incident, or the cases such as cannibalism, the question is “Should we still value and respect cultures invariably despite their hazardous potential?” Equal recognition and respect for cultures require equal treatment for each culture, are we ready to provide such concessions?

³ Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (London: Macmillan Press Ltd, 2000), 299.

⁴ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), 279-280.

Despite the drawbacks of cultural values, there are also advantages of the cultures. Since cultures function as a glue among people, feelings and thoughts are shaped by the cultures to which people are exposed. In other words, people are linked with their cultures through their history, emotions and daily habits. For my part, culture should be examined in that it is valuable for the individuals who compose the society and contribute the political processes. Culture is an important phenomenon not because of its content or historical value, but because of its “impacts on people”. As Johnson states “Indeed, we do not directly respect culture or particular practices at all. We instead respect the social and political actors who endorse cultural practices.”⁵ In this respect, cultural demands should be taken into consideration and culture should be seen as a right for individuals to exercise. Thus, my aim is to provide a basis for individuals to exercise their culture in a statutory framework.

The issue of culture revives as a response to increasing numbers of multicultural states. The topicality of the issue increases the significance of the debate between multiculturalism and liberalism. And most importantly, the antipodes within the concept of culture is worth to review. Hence, it is important to examine whether bestowing cultural rights ensures equality among citizens or provides privileges for some cultural groups. In order to provide a background for the discussion, the first section elaborates on the multiculturalism – liberalism debate with reference to liberal, multiculturalist and liberal-multiculturalist views by using a comparative approach. The following section demonstrates an ideal neutral state from my point of view. However, it should be noted that the liberal norms that are taken into consideration are adopted from European liberalism. Accordingly, freedom, harm principle and social harmony, which are the underlying concepts of the neutral state, are examined in detail. Cultural rights are discussed in two categories, that is, individual-group rights and temporary-permanent rights. In the last part of this section, the focus is on the case of religion, which is examined by providing case studies from Europe. The third section addresses the minimal

⁵ James Johnson, “Why Respect Culture?,” *American Journal of Political Science* 44, no.3 (2000): 415.

version of the neutral state with reference to the small island state, Mauritius. Although Mauritius is not a European country, the liberal norms that they have embraced are stemming from European liberalism. Therefore, Mauritius stands as an example for the European states to show how to regulate a multicultural society with the adoption of European liberal norms. Finally, the thesis ends with a conclusion summarizing equal freedoms, security and social harmony which are the core concepts of what I take to be the ideal liberal state, which I call Hazalistan. An answer to the research question is laid down by referring to what has been discussed and argued throughout the thesis.



2. THEORETICAL BACKGROUND

2.1. Liberalism vs Multiculturalism: A Dilemma?

Classical or early forms of liberalism were found in order to provide a right to life, liberty and property. As in Locke's view, life should be protected, slavery should be abolished and property rights should be established.⁶ Consequently, protection of the liberties is one of the main concern of liberalism. By protecting liberties, classical liberals advocate equality and justice in the society. However, multiculturalists, who appreciate the value of the plurality of cultures in a society, argue that liberalism is unable to uphold its promises.⁷ Since liberalism has a large spectrum of different approaches, the disagreement between multiculturalist and liberal camps is stemming from the vagueness of the concept of liberalism.

William Galston argues that liberal philosophical tradition lodges two different camps leaning on different historical processes. While some interpretations of liberalism stress the importance of autonomy, other interpretations emphasize diversity. Autonomy is linked with the self direction depending on one's rationality. The latter respects and fosters diversified opinions between different groups and individuals. However, while some liberals consider both autonomy and diversity as the essential components of liberal thought, some liberals consider these two values as rivals.⁸ According to Galston, the reason behind this disagreement is historical: liberal autonomy is the product of Enlightenment which considers reason "as the prime source of authority"; however, liberal diversity arose with the Protestant

⁶ John Locke, "Second Treatise of Government," in *Modern Political Thought: Readings from Machiavelli to Nietzsche*, ed. David Wootton (Indianapolis/Cambridge: Hackett Publishing Company, Inc, 2008), 292-293.

⁷ Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (London: Macmillan Press Ltd, 2000), 14.

⁸ William A. Galston, "Two Concepts of Liberalism," *Ethics* 105, no.3 (1995): 521.

Reformation as a solution for the dispute between politics and Christendom.⁹ Conversely, Kukathas thinks that diversity and autonomy are not rivals, liberalism does not intervene in people's lives and therefore Kukathas states that

“The reason why liberalism does not have a problem with multiculturalism is that liberalism is itself, fundamentally, a theory of multiculturalism. This is because liberalism is essentially a theory about pluralism; and multiculturalism is, in the end, a species of pluralism.”¹⁰

In essence, Kukathas does not offer any solution for the multiculturalism-liberalism conflict. He merely reiterates the general liberal condition that there is no conflict to reconcile with. However, his explanation of this non existing conflict does not seem satisfactory. Accordingly, if liberalism does not foster diversity, then there is no dilemma between multiculturalism and liberalism since they became rivals eminently. Therefore, the focus will be on the pluralist liberal views to demonstrate the dilemma.

Before demonstrating the dilemma between the pluralist liberal view and multiculturalist view, the notion of pluralism should be clearly defined in order to eliminate the semantic shift. Here, Joppke's definition of pluralism could serve as a starting point; he writes, “Pluralism requires voluntary group memberships, multiple affiliations in the context of cross-cutting cleavages, and ‘a reciprocal recognition’ between conflicting parties.”¹¹ But the question that arises here is this: if pluralism is already accepted by liberals, why is there a conflict between liberal and multicultural groups? Either liberals do not apply pluralism in the right sense, or multiculturalist expectations do not match with pluralistic claims.

The claim of multiculturalists is that liberalism considers all the citizens/people equal by closing its eyes to the differences. Multiculturalists defend their position by stating that difference blind equality does not bring cultural equality to citizens rather, it promotes the majority culture and absorb the minority

⁹ Ibid., 525.

¹⁰ Chandran Kukathas, “Liberalism and Multiculturalism: The Politics of Indifference,” *Political Theory* 26, no. 5 (1998): 690.

¹¹ Christian Joppke, “The Retreat of Multiculturalism in the Liberal State: Theory and Policy,” *The British Journal of Sociology* 55, no. 2 (2004): 238.

culture.¹² Considering each person's identity as unique, multiculturalists emphasize the identity politics, which is based on the assumption that each identity should be recognized. Margalit and Halbertal as multiculturalists, thus, advocate that culture is an important factor in the formation of social identities and therefore, it should be considered as an item in politics. Moreover, they assert that "Culture plays a crucial role in shaping the personalities of individuals, especially in those aspects that they and their environment consider central for constituting their personal identity."¹³ In a similar vein, Taylor upholds that recognition of individual or group identity with respect to their distinctness from other individuals or groups is essential. The distinctness among people makes them unique and glossing over these differences exalts the majority culture and identity.¹⁴ Correspondingly, the influence of cultures on identities cannot be denied. Identity and culture are interrelated phenomena since they affect our choices and behaviors. Our behaviors and decisions stem from the choice sets that our cultures propose and they also affect our social life and interaction with others. Therefore, also in the political sphere, our identities become the indicators of our future decisions.

To put it briefly, multiculturalists argue that the dominance of majority culture leads to assimilation of minority cultures and loss of diversity in the society. Although multiculturalists impose a duty on the state, this duty involves protection of cultural identities and assurance of the survival of the cultures. In contrast to the multiculturalist view, liberals do not impose such duty on state. Besides, cultures are also open to change and by recognizing the historical variability of cultures, cultures cannot be described as stable and fixed phenomena. As Alan Patten states "There is no reason to think, then, that the idea of cultural preservation is committed to the freezing of cultures in any special form or to the reification of particular ideas or traditions as somehow definitive of culture."¹⁵ With reference to this conflict,

¹² Nancy Fraser "From Redistribution to Recognition? Dilemmas of Justice in a 'Post Socialist' Age," in *Theorizing Multiculturalism: A Guide to Current Debate*, ed. Cynthia Willett (Massachusetts/Oxford: Blackwell Publishers Inc., 1998), 23.

¹³ Avishai Margalit and Moshe Halbertal, "Liberalism and the Right to Culture," *Social Research* 71, no.3 (2004): 539.

¹⁴ Charles Taylor, "Politics of Recognition," in *Multiculturalism*, ed. Amy Gutmann (Princeton: Princeton University Press, 1992), 38.

¹⁵ Alan Patten, *Equal Recognition: Moral Foundations of Minority Rights* (Princeton&Oxford: Oxford University Press, 2014), 50.

Habermas maintains that liberalism establishes a state which is blind to differences such as skin color and grants equal rights and chances for their life prospects. Moreover, he deduces that liberalism allocates an equal amount of freedom for all cultures and groups.¹⁶ To clarify, liberal state is insensitive to ethnic and cultural differences for the sake of neutrality. Although liberal state does not assume that it has responsibility for the protection of cultures and identities, the amount of freedom and rights that is allocated is equal.

Another issue between multiculturalists and liberals is about freedom of expression. Multiculturalists argue that exercise of the culture is linked with freedom of expression and therefore, the right to culture should be provided by the liberal state. Accordingly, Margalit and Halbertal state that

“The right to culture is not, in our opinion, a special case of the right to freedom of expression in the liberal society. On the contrary, freedom of expression is a special case whose principal justification is the right to culture.”¹⁷

Although Margalit and Halbertal’s objection on that matter seems coherent, the boundaries of freedom of expression apply to the right to culture as well. However, liberals argue that freedom of expression is, indeed, a negative liberty whose boundaries are drawn by state and it does not assure infinite liberty for the citizens. Limiting cultural practices does not aim to eliminate differences. Indeed, it helps people to exercise their freedom equally. In other words, the boundaries of freedom of expression does not aim to create a single type of culture.

In addition, liberalism does not necessarily promote every form of diversity. By emphasizing the limitations of liberalism, Crowder argues “...pluralist liberals cannot and need not promote, in the name of diversity, practices that are the destructive of diversity.”¹⁸ Without any form of diversity, liberal state may find itself in danger. However, without core liberal values, security, equality and

¹⁶ Jürgen Habermas, “Multiculturalism and the Liberal State,” *Stanford Law Review* 47, no. 5 (1995): 849-850.

¹⁷ Avishai Margalit and Moshe Halbertal, “Liberalism and the Right to Culture,” *Social Research* 71, no.3 (2004): 540.

¹⁸ George Crowder, “From Value Pluralism to Liberalism,” *Critical Review of International Social and Political Philosophy* 1, no.3 (1998): 9.

freedom, liberal state cannot be established in the first place. To sum up, liberalism fosters social bonding, innovation and interaction through socialization without the intention of assimilation but with respect to liberal values. As Tseung-Wong and Verkuyten state “Social cohesion does not have to equate to uniformity or assimilation when the identity of the nation is about diversity.”¹⁹ Relatedly, liberals argue that liberalism is difference blind only in the sense of negative liberties. As Barry states that “The liberal notion of equality before the law, so far from resting on the assumption that differences do not exist, is proposed as the fairest way accommodating them.”²⁰ Therefore, blaming liberalism as assimilationist is a misinterpretation of the liberal objectives.

However, the liberal diversity, which is restrained by the liberal values, is not sufficient to fulfill multiculturalist demands. As Levy classifies in detail, multiculturalists demand in compliance with diversity as follows, “Cultural rights-claims and special policies for accommodating ethnic and linguistic pluralism include exemptions, assistance, self-government, external rules, internal rules, recognition/enforcement, representation, and symbolic claims.”²¹ However, all these cultural right claims begin with the issue of recognition. Without the recognition of the cultural groups, the rights cannot be bestowed to minority groups. Taylor describes recognition as a substantial component of our identity and accordingly claims that misrecognition or non-recognition harm people by diminishing the self-respect and dignity.²² In the same vein, multiculturalists claim that despite already designated rights such as civil rights, there is still room for improvement for equal recognition. However, as Raz explains, recognition of the groups is contradictive in three ways. First, giving too much power to culture may restrict individual freedoms and because of the power of the communities, they may act against their will. Second, the liberal values vis-a-vis traditional cultural values

¹⁹ Caroline Ng Tseung-Wong and Maykel Verkuyten, “Multiculturalism, Mauritian Style: Cultural Diversity, Belonging, and a Secular State,” *American Behavioral Scientist* 59, no.6 (2015): 685.

²⁰ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), 68.

²¹ Jacob T. Levy, “Classifying Cultural Rights,” in *Ethnicity and Group Rights*, ed. Ian Shapiro and Will Kymlicka (New York/London: New York University Press, 1997), 24.

²² Charles Taylor, “Politics of Recognition,” in *Multiculturalism*, ed. Amy Gutmann (Princeton: Princeton University Press, 1992), 25.

may seem superior and worthier. Third, there is a doubt that minority cultures will ruin the harmony of the society.²³

To clarify, the first concern is related with the right claim controversy and it is a huge debate between liberal and multiculturalist camps. Multiculturalists constantly state that group is the key characteristic of culture and emphasize the affiliation between cultural rights and group rights. In the same vein, Margalit and Halbertal describe cultural rights as group rights since the right to culture is affiliated with the freedom to choose a way of life which is assigned to a group rather than to individuals separately.²⁴ Furthermore, with the recognition of cultural groups, cultural groups can be respondents, right claimers and right bearers. As a response, liberals assert that liberalism by definition promotes individuality but it does not restrict any form of group project that does not contain physical harm. Accordingly, each individual has the right to object and make demands for his/her beliefs and culture to be taken into consideration. Since individuals are considered as only respondents in liberal societies, right claims are actions that can be practiced only by individuals. In this respect, liberals ask, why does one need a group to demand equal rights?

The second concern emphasizes the importance of liberal values for the protection of life, liberty and properties. By allying with communitarians, Habermas criticizes the liberal premise that human rights should be protected and privileged vis-a-vis popular sovereignty. Habermas argues that human rights should not be applied as an external constraint by denying the importance of popular sovereignty.²⁵ It is true that the liberal view prioritizes human rights over cultural values, however, rather than underestimating popular sovereignty, liberal view underestimates minority claims when they contradict with liberal values. Moreover, liberal views claim that just society would not constrain the ability of citizens to their particular ends; rather it would give them freedom to seek and achieve their

²³ Joseph Raz, "Multiculturalism: A Liberal Perspective," (paper presented at the conference on Multiculturalism and the Law, Leiden, October, 1992), 174-175.

²⁴ Avishai Margalit and Moshe Halbertal, "Liberalism and the Right to Culture," *Social Research* 71 no.3 (2004): 537.

²⁵ Jürgen Habermas, "Multiculturalism and the Liberal State," *Stanford Law Review* 47, no.5 (1995): 852.

ends. Therefore, citizens are free to choose what is good according to their perception of the good life. Sandel explicates that rights overrides the conception of the good life; therefore, protection of the individual rights is prioritized over cultural demands in the liberal view. Accordingly, Sandel writes,

“The priority of the rights means first, that individual rights cannot be sacrificed for the sake of the general good (in this it opposes utilitarianism), and second, that the principles of justice that specify these rights cannot be premised on any particular vision of the good life.”²⁶

In other words, liberalism provides opportunity to its citizens to perform their cultures within the limits of liberal values. Since, not all cultural rights-claims match with liberal norms, liberals do not accept reciprocal recognition or self government blindly.

Finally, the last concern is about integrity, social sphere and cohabitation which constitute the main elements of state sustainability. For the integrity and cohabitation, equal citizenship and, therefore, equal rights are preconditions. Relating to equality principle, multiculturalists assume that cultural groups should be recognized for the sake of equality; however, in order to bestow equal rights for everyone, states should either give equal value to all cultures or they should not value the cultures at all. Yet, as Jones indicates, the controversial part of recognition demands is that people should give equal value to all cultures rather than prioritizing their own cultures. He asks “How can we expect people to embrace that absurdity?”²⁷ Slave, sexist, theocratic or cannibal cultures exist. Are we ready to give equal value to all cultures? Even if states try to implement this policy, would citizens approve this? Because of the major controversies between multiculturalist and liberal camps, finding a midway is compelling. Herein, the question is “Is it possible to have a reconciliation between liberalism and multiculturalism in terms of equal rights, freedom and diversity?”

²⁶ Michael J. Sandel, “The Procedural Republic and the Unencumbered Self,” *Political Theory* 12, no.1 (1984): 82.

²⁷ Peter Jones, “Political Theory and Cultural Diversity,” *Critical Review of International Social and Political Philosophy* 1, no.1 (1998): 45.

2.2. Liberal Multiculturalism

Liberal multiculturalist view is constructed as a way of reconciling between liberal and multicultural views. Kymlicka thinks that liberalism and multiculturalism can meet on a common ground and cooperate. In other words, Kymlicka does not consider multiculturalism as a threat to liberalism and he offers “liberal multicultural hypothesis” by claiming that giving special rights to minorities would not shatter the core liberal values of democracies. Instead, he argues that giving special rights to minorities in order to protect their culture would help to secure the justice.²⁸ Moreover, Kymlicka asserts that multicultural hypothesis helps to ensure the protection of “values of freedom, equality and solidarity” instead of jeopardizing them. For Kymlicka the multicultural policies do not contravene the liberal values; on the contrary, multicultural policies enhance the integrity of liberal values.²⁹ In my opinion, this statement is flawed. Multicultural policies strengthen the liberal values only if they are by nature liberal. Since multicultural policies and demands may contain illiberal means and objectives, they can be rejected by the liberal state. As Raz writes, “Some cultures repress groups of either their own members or of outsiders. Slave cultures, racially discriminatory cultures, and homophobic cultures are obvious examples.”³⁰

In a similar vein, Galston introduces “Diversity State – that is, in public principles, institutions, and practices that afford maximum feasible space for the enactment of individual and group differences, constrained only by the requirements of liberal social unity.”³¹ The requirements that Galston mentions are protection of life, protection of basic capacities in terms of maturation, growth and development and promotion of social rationality that allows citizens to participate in economy,

²⁸ Will Kymlicka, “Testing the Liberal Multicultural Hypothesis: Normative Theories and Social Science Evidence,” *Canadian Journal of Political Science* 43, no.2 (2010): 258.

²⁹ *Ibid.*, 258-264.

³⁰ Joseph Raz, “Multiculturalism: A Liberal Perspective,” (paper presented at the conference on Multiculturalism and the Law, Leiden, October, 1992), 184.

³¹ William A. Galston, “Two Concepts of Liberalism,” *Ethics* 105, no.3 (1995): 524.

society and polity.³² “Diversity State” restricts majority culture’s domination and tolerance based relations, and endorses cultural diversity, civic education, opportunity to enter and exit groups at one’s own discretion, preservation of the principles and institutions that embodies shared citizenship values.³³

Loobuyck also upholds the extended meaning of liberalism and states that “Liberalism is indeed the response of the modern world to the fact of moral, religious, and cultural diversity. Liberalism says that, within some margins, differences should be tolerated and accommodated.”³⁴ However, he also adds that there are different interpretations of liberalism and some of these are not applicable to multiculturalism. Therefore, Loobuyck offers a multicultural liberalism with the motto of “pluralism where possible and neutrality when necessary” to reconcile the debate between multiculturalism and liberalism.³⁵ And Loobuyck suggests that rather than giving minority rights, “multicultural measures”, which are temporary and exceptional measures aiming to create equal opportunity and decrease the inequalities, should be implemented.³⁶ Loobuyck’s account compared to Galston and Kymlicka, is more conservative in the sense that it does not fully acknowledge minority rights.

Raz also presents a theory on liberal multiculturalism. Unlike Kymlicka, liberal multiculturalism that is offered by Raz does not recommend territorial separation. On the contrary, all citizens share “same public places and common services.”³⁷ In Raz’s liberal multiculturalism, education of all cultural groups, toleration for cultural traditions and habits, equal redistribution and equal opportunity, public support for the establishment of cultural institutions, a shared public sphere for all cultural groups are essential components (Raz, 1992: 190).³⁸ Moreover, by offering a shared public sphere and a common culture among different

³² Ibid., 525.

³³ Ibid., 526.

³⁴ Patrick Loobuyck, “Liberal Multiculturalism,” *Ethnicities* 5, no.1 (2005): 110.

³⁵ Ibid., 112.

³⁶ Ibid., 113.

³⁷ Joseph Raz, “Multiculturalism: A Liberal Perspective,” (paper presented at the conference on Multiculturalism and the Law, Leiden, October, 1992), 174.

³⁸ Ibid., 190.

groups, Raz articulates that multiculturalists encourage change and interaction between different cultural group and states that "... liberal multiculturalism is not opposed in principle to the assimilation of one cultural group by others."³⁹ However, many multicultural demands show otherwise. In the case of Quebec, in order to prevent any kind of assimilation, exemption rights such as education language rights have passed.⁴⁰ Concisely, deep diversity that multicultural policies encompass, cannot always harmonize with liberal policies. Multicultural policies such as regional autonomy and customary law require new institutions and new establishment policies. However, the unity and harmony of the state can be inflicted because of these policies.

³⁹ Ibid., 182.

⁴⁰ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), 67.

3. THE IDEA OF NEUTRAL STATE (HAZALISTAN): RESOLUTION OF THE DILEMMA

Although multicultural policies are defended for the compensation of disadvantages that minority groups encounter, in my opinion, multicultural policies lack the principle of equality by giving too much power to cultural groups. Accordingly, Anne Phillips states adoption of multiculturalism is contested by many feminists on the ground that multicultural policies also undermine the disadvantaged people such as children, poor, women and homosexuals by reinforcing and tolerating inequities of power.⁴¹ Moreover, the fact that “Culture is operating as a reason for public inaction and an excuse for immoral behavior”⁴² is another reason for the impermissibility of multiculturalism. Therefore, rather than adoption of multicultural policies, Hazalistan, a neutral state that respects minority groups, provides equal rights and protects its citizens regardless of their groups, will be presented. The emphasis of this imagined state is on diversity and equal citizenship, freedom and security, equal rights and liberal values since these issues are the most debated issues in the making of the modern state. The principle of providing equal rights for everyone requires giving enough space to minority groups to practice their cultures.

Joseph Raz explains that the need to tolerate the minority cultures is supported by two arguments. The first argument relies on The Harm Principle claiming that as long as the actions of minority culture do not harm others, people are free to exercise their culture. The second argument refers to the social harmony and peace. In this respect, religious and cultural activities are allowed to maintain

⁴¹ Anne Phillips, *Multiculturalism without Culture* (New Jersey: Princeton University Press, 2007), 12.

⁴² *Ibid.*, 73.

equality in society.⁴³ Although “toleration” is not the right emphasis, these two arguments are adopted for the reason that the harm principle ensures security of the citizens and, social harmony and peace are related with the equality principle. While the first argument is the prerequisite for the establishment of the state, the second argument is related to the persistence of the state. In order to maintain the harmony in social sphere, liberal states should find a balance controlling actions and responding cultural demands. In this respect, liberal state, first of all, should be neutral. Therefore, before defending my thesis based on harm principle and social harmony, a brief description of neutrality will be given.

Neutrality is a delicate concept since there are different forms of neutrality. As Peter Jones distinguishes between three different views of neutrality or impartiality that liberals can adopt. The first view is about not supporting any particular culture and this view is similar to perspective of free market economy but in cultural terms. The second view is about not providing any particular advantage to any particular culture. And the third view is about opting out of any cultural debate by refraining to force any kind of good life. In this third view, neutral state recognizes all cultures equally.⁴⁴

The first view does not recognize any cultural community and does not appreciate human dignity in the liberal state structure. As Kukathas puts it, “Liberalism takes no interest in these interests or attachments-cultural, religious, ethnic, linguistic, or otherwise-that people might have.”⁴⁵ The second view is similar to Kymlicka’s view. Will Kymlicka states that “A distinctive feature of contemporary liberal theory is its emphasis on “neutrality” – the view that the state should not reward or penalize particular conceptions of the good life but, rather, should provide a neutral framework within which different and potentially

⁴³ Joseph Raz, “Multiculturalism: A Liberal Perspective,” (paper presented at the conference on Multiculturalism and the Law, Leiden, October, 1992), 172.

⁴⁴ Peter Jones, “Political Theory and Cultural Diversity,” *Critical Review of International Social and Political Philosophy* 1, no.1 (1998): 38.

⁴⁵ Chandran Kukathas, “Liberalism and Multiculturalism: The Politics of Indifference,” *Political Theory* 26, no. 5 (1998): 691.

conflicting conceptions of the good can be pursued.”⁴⁶ This neutrality does not turn a blind eye to people’s communal and social ties and it aims to eliminate any sort of social discrimination. Therefore, in this view, minorities may demand protection and receive special minority rights when they feel threatened. The third view, on the other hand, requires recognition for each culture, which entails that each culture has equal worth. Accordingly, Taylor emphasizes “A liberal society must remain neutral on the good life, and restrict itself to ensuring that however they see things, citizens deal fairly with each other and the state deals equally with all.”⁴⁷

Among these three views of neutrality, the first view is the only one that can be operationalized in Hazalistan. However, before defending the first view, other views should be clarified. The second view provides minority rights as privileges or special rights in the name of neutrality. In this view, minority groups can reach their way of good life through these special rights. However, such neutrality contradicts with the principle of equality. And, the third view provides equal cultural rights by recognizing all cultures. However, such policy would not work since all cultures cannot be valued equally. In short, in the case of other two views on neutrality, keeping the balance and regulating all cultures equally are harder since we do not live in perfect utopian states. On the other hand, the first view promotes equality of individuals without recognizing group identities, thus, is substantiated in Hazalistan. However, Kukathas’ view on neutrality is not completely satisfying since he states that human dignity and recognition are not the interests of liberalism that ensures equality before the law. First, Kukathas does not refer what the laws cover and his statement “Liberalism might well be described as the politics of indifference” does not explain how the constitution will be written without promoting the majority freedom and rights.⁴⁸ Second, human dignity is not insignificant for liberalism. Even if liberalism does not assure the protection of cultural survival, liberalism should give equal importance and care to each individual. Kukathas’s non-solution for the non existing problem seems as a denial as a response to the existing problem.

⁴⁶ Will Kymlicka, “Liberal Individualism and Liberal Neutrality,” *Ethics* 99, no. 4 (1989): 883.

⁴⁷ Charles Taylor, “Politics of Recognition,” in *Multiculturalism*, ed. Amy Gutmann (Princeton: Princeton University Press, 1992), 57.

⁴⁸ Chandran Kukathas, “Liberalism and Multiculturalism: The Politics of Indifference,” *Political Theory* 26, no.5 (1998): 691.

Therefore, although the first view is adopted, human dignity is emphasized and although cultures are not recognized, all individual demands are taken into consideration in Hazalistan.

The liberal neutral state, Hazalistan, endorses equality without endorsing and supporting any ways of good life. More precisely, good life may differ among individuals and it is impossible to cover all the demands on the purpose of reaching good life. Therefore, the duty of the state is to provide basic needs such as security and freedom for its citizens to reach their way of good life. This requires diversity in civil society and protection of freedoms in the political sphere. Security and freedoms of the citizens are the priorities of the liberal state, since they constitute the basis of the state and society. Living together as a community requires some restrictions on cultural rights in accordance with the laws that maintain peace and order in the society. In this sense, collaboration between liberty, culture and rights is essential to maintain diversity.

As stated in the previous chapters, culture is taken into consideration in compliance with the individual demands and should be evaluated within the perspective of liberal values. And, as long as there is no dispute on freedoms, individual rights are bestowed to individuals. In essence, cultural rights are considered as basic rights when they do not contradict with liberal values. The regulation of these basic rights also tackled in accordance with neutrality. However, these regulations should be examined further for the lucidity of the argument.

3.1. Liberty and Harm Principle

People do not live separately from each other in modern societies, thus, a common ground had to be found for their coexistence. Keeping the balance of liberty and harm principle is one of the recommended solutions for the establishment of the common ground. This common ground protects individuals from the group pressure and the notion of liberty enables groups to exercise their culture at the optimum extent. Since Mill is aware of the risk of social oppression and exploitation

of individuality and diversity, Mill gives a brief description of the precepts for the application of the harm principle,

“The maxims are, first, that the individual is not accountable to society for his actions, in so far as these concern the interests of no person but himself. Advice, instruction, persuasion and avoidance by other people if thought necessary by them for their own good are the only measures by which society can justifiably express its dislike or disapprobation of this conduct. Secondly, that for such actions as are prejudicial to the interests of others, the individual is accountable, and may be subjected either to social or legal punishment, if society is of opinion that the one or the other is requisite for its protection.”⁴⁹

In a similar vein, cultural practices are restricted with respect to the harm principle in the neutral liberal state. The justification of this statement become clearer when we think of the examples that cultural obligations and wellbeing of humans contradict. Female genital mutilation is one of the prominent examples of such contradiction. Accordingly, Peter Jones emphasizes that

“cultures are not moral entities to which we can owe obligations of fairness. Insisting that we should be fair to cultures merely as cultures is like insisting that we should be fair to paintings or to languages or to musical compositions. These things may have value, but they do not have moral standing... So if we seek to deal fairly with cultural diversity it is not cultures that will be the ultimate objects of our concern but the people who bear them.”⁵⁰

As mentioned above, security/harm principle and freedom are the key factors of the establishment of the states. All social contract theorists aim to create a stable, secure environment for the citizens who are decided or forced to move out from the state of nature. To give an example, if you do not or cannot control your child, you cannot be conscious of his/her actions. On the other hand, over-monitoring and banning every action of the child may hamper his/her childhood development. Yet, giving space to your child while controlling his/her actions will give the child a chance to play his/her game without hurting himself or others. Hence, on what grounds should the actions be controlled and restricted?

⁴⁹ J. S. Mill, “On Liberty,” in *Modern Political Thought: Readings from Machiavelli to Nietzsche*, ed. David Wootton (Indianapolis/Cambridge: Hackett Publishing Company, Inc, 2008), 640.

⁵⁰ Peter Jones, “Political Theory and Cultural Diversity,” *Critical Review of International Social and Political Philosophy* 1, no.1 (1998): 36.

When Hobbes said the greatest liberty of subjects rely on “the silence of the law”, he was referring to the state of nature and people’s independence from any sort of regulation.⁵¹ However, as Alford states by referring to Hobbes, “In Hobbes’ view, freedom in the state of nature is virtually meaningless, as there is no security in which to enjoy it.”⁵² As a consequence, liberty is valuable to individuals as long as there are protected liberties to take pleasure in. Moreover, in order to experience liberty without any fear, people have agreed to give up the greatest liberty and joined the social contract with the demands of security.

Concisely, freedom is by nature bound to restrictions. By referring to Sartre, Fred Alford states that “Freedom would be meaningless because there would be nothing to be free from or to.”⁵³ By way of illustration, without the rules of chess and the limits on the pieces, there would be no chess game to play. In addition to the rules of the game, there are other rules that were invented with the institutionalization of the chess games. For instance, touch-move-rule, which forces the player to play the piece that he/she touched is not a part of the original rules of the chess. But in tournaments, touch-move-rule is always applied to avoid distraction and confusion. In compliance with the chess example, it can be claimed that external constraints are necessary when institutionalization and socialization begins. Accordingly, different institutions such as tribes, sports federations and states have one thing in common: restrictions. And today, we are neither independent nor stateless. We have institutions that limit our actions and regulate the social and political sphere within legal limits. Therefore, our freedoms are defined and determined by constitutional rights and rules. To underlie the importance of the rights, Sandel asserts that “I am free insofar as I am the bearer of rights, where rights are trumps.”⁵⁴ Therefore, freedom and rights work in

⁵¹ Hobbes, “Leviathan,” in *Modern Political Thought: Readings from Machiavelli to Nietzsche*, ed. David Wootton (Indianapolis/Cambridge: Hackett Publishing Company, Inc, 2008), 192.

⁵² C. Fred Alford, *Rethinking Freedom: Why Freedom Has Lost Its Meaning and What Can Be Done to Save It* (New York: Palgrave Macmillan, 2005), 50.

⁵³ *Ibid.*, 56.

⁵⁴ Michael J. Sandel, “The Procedural Republic and the Unencumbered Self,” *Political Theory* 12, no. 1 (1984): 94.

conjunction and accordingly, all liberty demands cannot be accepted unconditionally.

Berlin's distinction between two concepts of liberty, i.e. positive and negative, can be useful to clarify the matter. Berlin introduces negative liberty as the actions that a person can perform without any interference. Thus, negative freedom is a reflection of being free from coercion or absence of constraints. Second concept of freedom, positive liberty is described as actions that a person can perform within the limits that are determined by a control mechanism.⁵⁵ Berlin states that "The 'positive' sense of the word liberty derives from the wish on the part of the individual to be his own master."⁵⁶ Through this self-mastery, people achieve their goals. For Berlin, achieving the willed goals and realizing life are core parts of the positive liberty. Accordingly, on the one hand, the need for recognition and self-realization are related with the positive liberty. On the other hand, coexistence and institutionalization entail negative liberty whose limits are set by the government. Although Berlin distinguishes these conceptions of liberty, I consider them as interrelated, in that I take negative liberty to be a prerequisite for the exercise of positive liberty. More precisely, negative liberty does not assure infinite liberty of the actions but describes the actions that can be exercised without interference. And for positive liberties, if self-realization requires an interaction, negative liberty draws the framework of "the interaction".

With regard to negative liberty, liberal states control and limit individual's actions, but individuals' thought and personal beliefs are not restricted. People are free to pursue their diverse ends within the limits of liberalism. In other words, multiculturalist demands, essentially positive liberties, are restricted by negative liberties which are substantiated by liberals. If one needs to travel for self realization, liberal states does not restrict this practice. However, if one needs to sacrifice people for the sake of his self-realization, the state would not permit its practice. More precisely, the act of killing is restricted within the law, but the idea

⁵⁵ Isaiah Berlin, "Two Concepts of Liberty," in *The Proper Study of Mankind: An Anthology of Essays* ed. Henry Hardy and Roger Hausheer (London: Pimlico, 1998): 194.

⁵⁶ *Ibid.*, 203.

of killing is not restricted as long as it is not shared or presented as a threat. In essence, the thought and beliefs are not the issues that liberal states can intervene in, only harmful actions can be restricted if they are posing a threat other people's life, liberty and properties. As Barry states,

“Any doctrine that gives the state the duty to prevent physical injury and death from being inflicted on its inhabitants will have the implication that the state should intervene. All that has to be said is that a liberal state such a state.”⁵⁷

From this point of the view, however, state intervention may also include coercion. Accordingly, Jeremy Waldron states that, by making reference to Kant, “Physical coercion is justified as a “negation of the negation” whenever it is used against an action that wrongfully hinders or interferes with someone else's external freedom.”⁵⁸ However, negation of the negation can only be justified when there is an expected and/or proven threat to physical wellbeing of the citizens. For instance, in order to prevent an assassin from harming other people, security forces may have to shoot the assassin. By the same token, in the case of injustice, liberal state is obliged to ensure security by protecting the oppressed individuals. If a person is discriminated because of its culture, the person should be protected by the state. In other words, the neutral liberal state is a state that does not discriminate groups in favor of majority culture. Oppression, physical harm and discrimination are outlawed to protect each citizen in the country.

In compliance with the peacekeeping mission, liberal state enables its citizens to exercise their freedoms to enter and exit the groups and emphasizes that people are only free when they have a choice to participate and to step back. Freedom that liberalism entails, aims facilitate optimum space for its citizens to act as they wish. Consequently, liberal state's duty is not only limiting the freedoms but also providing security for its citizens' life choices. In line with these arguments, liberal state maintains the social harmony through educating the citizens against prejudice and intolerance towards other people. This does not mean that cultures should be

⁵⁷ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), 124.

⁵⁸ Jeremy Waldron, “Kant's Legal Positivism,” *Harvard Law Review* 109, no.7 (1996): 1555.

tolerated by the liberal state. But toleration among individuals should be encouraged for the sake of social harmony.

3.2. Social Harmony and Equal Citizenship

Despite the fact that harm principle constitutes the core of the contract, the continuity of the state depends on the social harmony. Therefore, in a liberal society, these two notions are inalienable. Social harmony is established through socialization and communication of different groups. Connected with the harmony principle, Adeno Addis emphasizes the importance of dialogue and communication between groups for mutual agreement, and he states that “What we need is to explore institutional structures and processes that would simultaneously allow us to affirm and respect plurality while also cultivating some notion of solidarity.”⁵⁹ In other words, the duty of the state is fostering diversity with respect to harmony. And maintenance of the social harmony rests on the principle of equality. The principles of equal rights, equal freedom and equal value gather under the roof of equal citizenship and are provided for all individuals in the spirit of social harmony.

Consequently, equal citizenship is one of the core ideas of neutral liberal state. Equal citizenship requires two main dimensions. The first dimension provides equal treatment before law. As Young emphasizes, “Whatever social or group differences among citizens, whatever their inequalities of wealth, status and power in the everyday activities of civil society, citizenship gives everyone the same status as peers in the political public.”⁶⁰ Since equal citizenship is based on the assumption of equal dignity for all citizens, establishing equal rights is essential. So, the rejection of such cultural demands such as subordination of women or Hindu caste system, is justified by the social harmony principle, which endorses equality among the citizens.

⁵⁹ Adeno Addis, “On Human Diversity and the Limits of Toleration,” in *Ethnicity and Group Rights* ed. Ian Shapiro and Will Kymlicka (New York/London: New York University Press, 1997), 142.

⁶⁰ Iris Marion Young, “Polity and Group Difference: A Critique of the Ideal of Universal Citizenship,” *Ethics* 99, no. 2 (1989): 250.

The second dimension deals with equal opportunity to reach the social and political resources and provides equal participation in civil society. To be more precise,

“Citizenship involves functioning not only as political agent – voting, engaging in political speech, petitioning government and so forth – but participating as an equal in civil society. This entails freedom of association, access to public spaces such as roads, parks, and public accommodations including public transportation, the postal service, and telecommunications.”⁶¹

In this respect, the liberal state should maintain equality with respect to freedom and justice among its citizens. Multiculturalists may call for privileging cultural identities over other demands and they state that diversity is hindered since equal citizenship endorses standard cultural forms. Standardization of the rights, however, is essential on behalf of neutrality. And modern states are the results of social contracts and modern states stand for neutrality because of their promises such as equality and justice.

Parekh summarizes the features of modern states as follows: “single source of authority”, “single set of constitutional principles”, “equal rights”, “homogenous relationship between individual and the state”, “united people”. However, one of the limitations of the modern state that seem problematic for Parekh is that all citizens of the modern state should privilege their citizenship identities over their cultural identities. Common political understanding should be established among citizens.⁶² However, unlike Parekh suggests, liberal states’ aim is not to create culturally homogeneous society; rather, the neutral liberal state aims to create a homogeneous society in terms of equal rights and mutual understanding. If these principles hinder a group’s culture, then the neutral liberal state can be considered as assimilationist. However, this kind of assimilation does not seem problematic to me, since any individual from any group may one day need equal rights and sympathy.

⁶¹ Elizabeth S. Anderson, “What is the Point of Equality?,” *Ethics* 109, no. 2 (1999): 317.

⁶² Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (London: Macmillan Press Ltd, 2000), 182-185.

Moreover, the neutral liberal state would not restrain the pursuit of cultural traditions when they do not pose a threat to life, liberties and social harmony. The neutral state does not recognize any cultural tradition because of the possible disagreement with liberal values, therefore, as Barry puts it, “.... liberalism cannot accommodate ‘deep diversity and that it is right not to do so.’”⁶³ When people beat women or rape children by reason of culture, the neutral liberal state cannot allow this tradition to persist. Or, when a cultural group demands a special treatment for their neighborhood, the neutral liberal state does not subsidize any special treatment. Considering such cases that cultural groups demand or act in opposition to liberal values, the question is that “Why do people want to live under a liberal state while their culture is constituted by illiberal rules and notions?” Individuals who think that state is necessary for the sake of their own future joined the contract by accepting the laws that protects the liberal notions. As Ayşe Kadioğlu states “in the liberal individualist tradition, the conception of citizenship generates no social bond other than contract.”⁶⁴ The nature of the contract requires a compensation for the formation of coexistence. In this case, cultural groups would have to give up some cultural traditions and habits in exchange for security and freedom. People accept liberal values such as equal protection, equal freedom and neutrality, when they enter the contract. And these values are intended for providing equal rights and basic conditions to citizens. With the adoption of the liberal values, people can pursue and achieve “the good life” in their own ways.

3.3. Rights

Each culture embodies certain symbols and practices. Symbols show individuals’ belongingness to a group. By virtue of the social life, cultural symbols and practices become visible in the society. The contradiction here is that some symbols and practices are ostracized by other groups on the ground that some symbols and practices harass the other groups mentally and physically. In other words, they consider some symbols and practices as the limitation to their freedom.

⁶³ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), 128.

⁶⁴ Ayşe Kadioğlu, “Citizenship and Individuation in Turkey: The Triumph of Will over Reason,” *CEMOTI* 26 (1998): 32.

This objection might be justified under some conditions such as violence and security issues or the restriction of freedoms.

The reason on the emphasis on security and freedom is that they constitute the main elements of peaceful cohabitation. However, mental discomfort is not psychological violence or harm, therefore anything considered as visual pollution by other parties does not count as conflict of freedoms. Moreover, cultural practices that contradict the equality principle should not be allowed either. This equality principle operates on behalf of the harmony of the society. To put it briefly, as long as there is no violence or a practice/symbol that may trigger physical harm vis-à-vis other parties, and when there is no threat to equality in the society, cultural symbols and practices should not be banned.

Liberty and harm principle, and social harmony are not vague conceptions in liberal thought. These concepts are structured around legal terms and binding through legally enforceable rights. Consistently, liberal emphasis on individuality and neutrality is also in connection with legal requirements. While the notion of individuality fosters individual rights, neutrality with reference to non recognition of cultural values, promotes temporary rights.

3.3.1. Individual vs Group Rights

Liberalism seeks to safeguard individual rights rather than group rights. Since individuals are self owners, the citizens can make decisions for their own futures. With respect to this fact, slavery is abolished and individual freedoms are cherished in liberal societies and the self-ownership entails certain responsibilities and rights. These responsibilities and rights are entitled to individuals by virtue of liberal state. Despite the fact that the individual rights can turn into group rights in practice, the neutral liberal state does not recognize groups for the sake of individual rights and freedoms. However, multiculturalists object the liberal state's emphasis on individuality and demand group rights to be recognized. Recognition of group rights is a controversial issue.

First of all, groups are not homogenized entities. Since each individual belong to diverse groups, complete uniformity within groups is not possible. Despite the heterogeneity of the groups, groups pretend to be homogenous entities. As Scott states, “Paradoxically, individuals then generalize their perceptions and claim to speak for a whole group, but the groups are also conceived as unitary and autonomous.”⁶⁵ In other words, multiculturalists blame liberals for being difference blind; however, they treat cultural groups as they are homogeneous. Gay imam example from France is quite influential to refute the multiculturalist argument for the recognition of group rights. Ludovic Mohamed Zahed is a gay imam who opened a gay-friendly mosque in Paris. Although Islam’s intolerance to gay marriage and its conservative traditions, Ludovic Mohamed Zahed shows that even Islam, which is labeled as illiberal, harbors different groups within.⁶⁶ Therefore, labelling cultures by glossing over individuals and subgroups does not match with the notion of diversity.

Accordingly, group is a disordered and entangled concept. Group rights should not be provided in the name of culture, but people should be free to gather, open institutions without opposing the law and exercise their culture as a group or as an individual. To give an example, if a group of people who love signing decide to establish a social club for musical gatherings, do we object this demand? By the same token, if a religious group want to institutionalize for being able to pray together, do we consider both demands as identical? In my opinion, both demands can be evaluated similarly and state should respond both demands by allowing institutionalization. However, in any case, state should not subsidize or support such formations with respect to its neutrality. To sum up, all rights are provided to individuals with respect to equal citizenship.

⁶⁵ Joan W. Scott, “Multiculturalism and Politics of Identity,” *The MIT Press* 61 (1992): 18.

⁶⁶ Takis Würger, “Suras and Tolerance: Meet Europe’s Gay Imam,” *Der Spiegel*, August 13, 2014, accessed July 10, 2016, <http://www.spiegel.de/international/world/gay-muslim-imam-brings-message-of-tolerance-to-europe-a-985863.html>.

Second, group right demands not only contradict liberals' emphasis on individuality of liberalism but they also the unity of the society and the neutrality of the state. Therefore, cultural demands, which are contrary to liberal values such as self government or external rules, are not allowed. To illustrate, English commercial signs are not allowed in Quebec with the aim of preserving the Quebec culture.⁶⁷ However, exalting one culture over another in the name of culture protection cannot reconcile with the liberal neutrality. In a similar vein, another example concerns security; Sikh religious belief requires to carry a kris (a dirk) and according to their interpretation of freedom of religion, Sikhs should be able to carry this symbol theoretically. However, carrying offensive weapons is prohibited as a precaution for public safety in liberal states. The conflict of religious and liberal values leads to one crucial consequence: the loss of the continuity of one of these values.⁶⁸ Because of the riskiness of the Sikh practice, liberal values are preserved with priority by virtue of neutral liberal state.

Similarly, exemption right demands allowing minorities to act differently than the whole society and therefore, such rights pose a threat to freedom and safety of other members of the society and are rejected by the neutral liberal state. For instance, Sikhs demand to rescind the law for wearing helmet while driving motorcycle to be able to wear turban. However, wearing turban instead of helmet should not be allowed since it threatens the safety of the passenger. Nevertheless, other "exemptions" that does not pose a threat to security and freedoms are not considered as the basic rights in the first place. To give an example, being able to wear turban/headscarf in workplace or gay marriage should not be described as exemption rights. Because, these practices do not pose a physical threat to other members or do not disrupt the social harmony. Similarly, in the neutral liberal state, the minority rights regulations are not offered since the rights that should be provided for cultural groups are based on legal egalitarianism in an ideal liberal society. In brief, without violating the principles of security and freedom, people are able to enjoy their culture and exercise it freely. And, external and exemption rules

⁶⁷ Jacob T. Levy "Classifying Cultural Rights," in *Ethnicity and Group Rights* ed. Ian Shapiro and Will Kymlicka (New York/London: New York University Press, 1997), 34.

⁶⁸ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), 152.

that put constraints on the liberty and security of other citizens are not permitted in the liberal neutral state. As Patten states,

“One does not need fancy normative theories of cultural justice to see why constitutions should often extend minority rights to cultural groups. Instead, all needed is a morally minimal concern to prevent oppression and fear, combined with the observation that the point of constitutions is, in part, to counterbalance prospective threats to liberty, security, and other basic interests.”⁶⁹

3.3.2. Temporary vs Permanent Rights

Multiculturalist demands may be twofold for the protection of the culture. First, their demand may constitute transmission of the culture to the next generations. Second, they may demand protection only for themselves. These two demands differ in that, while the former demand requires a permanent rule and recognition in the constitution, the latter demand can be provided temporarily. At this juncture, the question is “Where should the line between liberal principles and multiculturalist demands be drawn?”

The difference between temporary and permanent rights is that the latter justifies that there will be no change in demands, identities and expectations. Whereas the former one is open to change, braces differences and allows next generations to choose other options. Therefore, implying temporary rights is more reasonable and beneficial. As Tariq Modood indicates that, “A culture is made through change.”⁷⁰ Among the people who are gathered under the same roof of culture, practices, value systems, meaning networks and norms differ because of identity, age and gender variances. Moreover, social setting, different historical backgrounds and time leads to variances within the same culture. This variation and diversity tend to give rise to subgroups. Different schools and different practices within religions are the examples of this change. For instance, as far as I have observed, the implementations of Islam vary in different cities of Turkey. Although, Adana and Antakya are not distant cities, Islamic implementations in Adana are not

⁶⁹ Alan Patten, *Equal Recognition: Moral Foundations of Minority Rights* (Princeton&Oxford: Oxford University Press, 2014), 16.

⁷⁰ Tariq Modood, “Anti-Essentialism, Multiculturalism and ‘The Recognition’ of Religious Groups” *The Journal of Political Philosophy* 6, no.4 (1998): 382.

identical with the implications in Antakya. To illustrate, while in Antakya, Muslims visit the decedent's grave for seven days after the funeral, this practice does not exist in Adana.⁷¹

Accordingly, Michel Seymour argues that although culture is constituted by “a shared public language, shared public institutions and a shared public history”, people's perception on their culture or how they implement practices can change over time.⁷² Since change is always a possibility and, the same cultural rights may not be demanded by new generations, such rights are not permanently recognized in the neutral liberal state. In any case, the recognition rights, as we saw, is not necessary for the continuity of cultures. The headscarf issue in Turkey was an example of the malfunction of the permanent rights. In 1989, Constitutional Court decided that wearing headscarf in Universities should be banned on the ground that laws cannot be based on religious bases.⁷³ According to Turkish law, this decision is permanent and legally binding and new amendments cannot contradict the constitution as it states in the 11th article of the Turkish constitution. Therefore, the amendments in favor of women, who wear türban, cannot have a legal basis because of the permanency of the laws.⁷⁴ In short, the decision of Turkish Constitutional Court blocks the future amendments that can appear as a result of a change.⁷⁵

Temporary rights can be provided for the fulfillment of the needs of the citizens. However, providing temporary rights does not signify that liberal state recognizes the cultural groups. On the contrary, the neutral liberal state does not recognize cultural groups, but, it respects individual's choices. In this sense, individual rights can be bestowed for the sake of individual freedoms. As Habermas

⁷¹ Although my mother is from Adana, she lived in Antakya for long years. Because of her connection with both cities, I found chance to observe different Islamic practices of these cities.

⁷² Michel Seymour, “Peoples, Political Liberalism and Religious Diversity,” *Ethnicities* 12, no.2 (2012): 146.

⁷³ Yavuz Sabuncu, *Anayasaya Giriş* (Ankara: Imaj Yayınevi, 2009), 144.

⁷⁴ *Ibid.*, 89.

⁷⁵ Although türban amendments were made by AKP government, Murat Sevinç, during his lecture on Turkish Constitution at Boğaziçi University in 2012, explained that such amendments require to rewrite the immutable laws of the constitution and this leads to establishment of a new state. However, in Turkey, the “legal” re-establishment of the state was not conducted.

stresses with reference to temporary right regulations, “The reproduction of traditions and cultural forms is an achievement which can be legally enabled, but by no means granted.”⁷⁶

In line with the Habermas’ argument, Loobuyck advocates the implementation of multicultural measures without minority rights. And by referring to multicultural measures, he states that “they serve to increase social integration and eliminate unfair inequalities, and are therefore, at least in principle, temporary.”⁷⁷ However, Loobuyck’s multicultural measures do not match with my version of temporary rights. In Loobuyck’s view, a child can be absent from school for a religious holy day. However, in my opinion, such exemption rights should not be granted. The temporary rights that are defended in this thesis, include being able to wear turban at work, being able to perform the salaah in public or gathering for gay pride. These exemptions are not real exemptions; indeed, they are individual rights that were formerly banned by states. However, although they have been provided as individual rights, the neutral liberal state does not grant the permanence of the rights. These rights are bound to need and demand of the citizens. As I explained in the previous chapters, the neutral liberal state has no duty of protection of a culture or group since cultures do not have intrinsic values. By giving temporary rights, what is protected is not cultures but the ability of individuals to pursue their own ends.

Temporary recognition of cultural rights can also play a significant role for the compensation of past injustices committed against cultural groups. Although group rights are not recognized in the neutral liberal state, group rights can be bestowed as a compensation for the past injustices, which may take the form of crimes against humanity. The reason for the temporariness of these rights is that people who were worse off at the times of injustice can made be better off in time and this makes the affirmative action unnecessary. For instance, blacks benefited from special rights in USA as a compensation for racial discrimination. But, do they still special rights even after having a black president? In this matter, Kukathas asks

⁷⁶ Jürgen Habermas, “Multiculturalism and the Liberal State,” *Stanford Law Review* 47, no. 5 (1995): 850.

⁷⁷ Patrick Loobuyck, “Liberal Multiculturalism,” *Ethnicities* 5, no.1 (2005): 118.

that if my ancestors have committed to injustice against someone, should I or my children be held responsible for the past injustice? His answer is no.⁷⁸

Kukathas believes that in the same manner, state should not be held responsible for past injustices since holding the state responsible means also holding citizens responsible regarding past injustices.⁷⁹ What Kukathas misses that under some circumstances such as crimes against humanity, providing group rights is a matter of justice. Although Kukathas' position is quite strict, my position on this matter is more moderate. In my opinion, temporary rights should be provided for a brief time when groups are disadvantaged in current society because of past injustices such as slavery or genocide. In this respect, the state impartiality is the key for the resolution of the right claim debates. While trying to bring justice for the crimes against humanity, states should act like a judge, whose duty is the protection of the rights of the injured parties. In other words, states should adopt the courtroom policy since state as an institution corresponds to impartiality.

Contrary to Kukathas' opinion, Kymlicka argues that, "State neutrality ensures that the culturally subordinate group has as many options as possible concerning that interaction, and that the costs of that imbalance for the subordinate groups are minimized."⁸⁰ In this matter, Kymlicka's view seems more plausible. However, it should be noted that Kymlicka's view on the state neutrality is adopted in the extent of compensation for past injustices and in the scope of temporary rights in the neutral liberal state, Hazalistan. Even though it may not be impossible to fully erase the memories of injustices, showing good will is the duty of the neutral liberal state. To sum up, providing some temporary rights as a compensation for the crimes against humanity is not partiality. Rather, reaching a verdict on the side of the injured party is justice and it is the duty of the neutral liberal state.

4. AN ILLUSTRATION: THE CASE OF RELIGION

⁷⁸ Chandran Kukathas, "Responsibility for Past Injustice: How to Shift the Burden," *Politics, Philosophy and Economics* 2, no.2 (2003): 168.

⁷⁹ *Ibid.*, 185.

⁸⁰ Will Kymlicka, "Liberal Individualism and Liberal Neutrality," *Ethics* 99, no.4 (1989): 901.

After discussing the theoretical framework of multiculturalism-liberalism debate, this chapter focuses on religion, which is one of the main elements of culture. As Parekh states, “No religion can be culture-free and the divine will cannot acquire a determinate human meaning without cultural mediation.”⁸¹ In order to elucidate the matter, specific examples will be examined.

Where the boundaries of freedom of conscience is a long lasting debate in political sphere. Its roots can be traced to Protestant Reformation, which occurred in 1517 in Germany. And with the establishment of the modern state, religious institutions withdrew from the political affairs in public sphere. As Habermas argues “The principle of separation of state and church obliges politicians and officials within political institutions to formulate and justify laws, court rulings, decrees and measures only in a language which is equally accessible to all citizens.”⁸² Consequently, today, when we consider the place of religion in liberal societies, freedom of conscience is provided as a substantive right. The actions stemming from their belief, however, is restricted according to laws that protect other people’s freedom and rights as well.

To be more precise, 9th Article of European Convention on Human Rights can be presented for the interpretation of the limits of the freedom of religion. The Article states that;

- “1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
2. Freedom to manifest one’s religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.”⁸³

⁸¹ Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (London: Macmillan Press Ltd, 2000), 147.

⁸² Jürgen Habermas, “Religion in the Public Sphere,” *European Journal of Philosophy* 14, no.1 (2006): 5.

⁸³ “European Convention on Human Rights,” http://www.echr.coe.int/Documents/Convention_ENG.pdf.

Within the context of the 9th Article of European Convention on Human Rights, the aim is not protecting any norms of culture or religion but to ensure the freedom of expression of individuals to greatest possible extent. Consistently, liberal states abstain from supporting any specific religious faith or institution but attach importance to individual identities and diversities for the sake of nature of liberalism. However, this exposition examined and detailed further.

Seymour asks the following questions concerning the duty of state towards religious groups, “Should the liberal state allow for special hours reserved only for Muslim women in public swimming pools? Should we satisfy the request made by male citizens who, in order to obtain their driver’s license, want to pass their driving test with a male civil servant?”⁸⁴ The answer is no, liberal state has no obligation to meet such needs. Besides, even in the case of religion, a person may belong more than one religion in his/her heart. Pi, the narrator of the book, “Life of Pi”, is the fictional character who is Hindu, Muslim and Christian at the same time. Although, Pi is a fictional character, the example serves to make sense of real examples. Therefore, if state would give privileges to groups, would Pi benefit from all special rights that are granted to Hindu, Muslim and Christian groups? Who would have the right to tell him to decide on one religion? Since these questions are beyond the scope of liberal state, liberal state neither asks Pi’s religion, nor gives special rights to enjoy. The duty of the liberal state begins with securing the life of the citizens and ends with equality for the sake of harmony. In line with these principles, in this chapter, different cases will be presented in order to clarify the matter.

First of all, any practice or symbol that creates isolation and separation in public sphere should not be allowed since states are collective entities. As I mentioned earlier, as well as culture, being a part of social relations is an important factor in identity formation. Therefore, discrimination should be prohibited and religious rights should be granted within particular limits so as to allow free social interaction. For instance, if a Muslim man demands not to see any women without headscarf in Muslim quarter –assuming the Muslim quarter is formed without any

⁸⁴ Michel Seymour, “Peoples, Political Liberalism and Religious Diversity,” *Ethnicities* 12, no.2 (2012): 151.

state regulation-, the state should not recognize this claim. Another related issue is unequal positions of sexes in religions. Since marriage and divorce are the interests of the liberal state, the liberal state should intervene in these family issues in order to maintain equality between men and women. For instance, Muslim and Orthodox Jewish divorce law allow men to divorce without giving any notice to women and these men are able to remarry by disregarding their old family.⁸⁵ Since such practices are against the principle of equality and they distort the social harmony, liberal state does not allow such practices.

Related with the inequality, Galston gives another example of unresolved court case between Ohio Civil Rights Commission and Dayton Christian Schools, Inc. Christian fundamentalist school did not make a new contract with a teacher by reason of her pregnancy and their religious belief that does not allow mothers with young children to work outside their homes. Based upon teacher's objection, Ohio Civil Rights Commission investigated the issue and presumed that school discriminated a worker depending on religious reasons, and offered an agreement together with full reinstatement and back pay.⁸⁶ In my opinion, this case is quite controversial. A liberal state, in that case should protect the rights of teacher. Since religious reasons applied discrimination, the teacher has a right to demand compensation for her unemployment. Forcing the school to rehire the teacher seems as an inaccurate decision because even if the school renews the contract of the teacher, in my opinion, the tranquility for both parties in the school cannot be maintained.

Liberal values protect each citizen's freedom equally and we should bear in mind that these values are the providers of the freedom of religion in the first place. A reality that has been recognized is that, as Barry highlights "Nobody, anywhere in the world, should be denied liberal protections against injustice and oppression."⁸⁷ Therefore, liberal values constitute the basic rights for everyone. To

⁸⁵ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), 157.

⁸⁶ William A. Galston, "Two Concepts of Liberalism," *Ethics* 105, no. 3 (1995): 532.

⁸⁷ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), 138.

give an example, some people evaluate that headscarf limits the freedom of women and is demonstrated as a political symbol, therefore it should be banned. However, as in the case of Turkey, women who wear headscarves argue that headscarf by protecting the women liberates them and assists them to join social and political life.⁸⁸ Being a believer and practicing the belief individually does not make the individuals illiberal. Moreover, any piece of cloth that we are wearing, restricts our freedoms. A skirt or a t-shirt is also the production of a particular culture. Therefore, attaining a special status for headscarf among other clothes does not seem reasonable. Banning political symbols in workplace or in public realm does not remove the potential hazards on injustice and inequalities.

Second, security is the pillar of the liberal state. In this respect, religious people and/or believers should be able to wear symbols that do not contradict with the security laws. For instance, British Parliament, in 1971, passed a law that forces motorcyclists and passengers to wear helmets without exemption. However, this decision was challenged by Sikhs, who want to wear turban instead of helmet as required by their religion on the ground that this law contradicts with freedom of religion as expressed in European Convention of Human Rights.⁸⁹ Despite the controversies, the law was amended in 1976 in Britain, and Sikh turban “was accepted as an adequate substitute for the helmet.”⁹⁰ Relatedly, Sikhs face with difficulties to find a job in construction market since turban cannot be worn in construction sites instead of helmets. Moreover, working in construction is especially crucial for Sikhs by reason of their traditional occupation of artisanship. However, the Sikh demand contradicts with the directive from the Council of the European Communities of 1989 that obliges workers to wear helmets in construction areas and evidently increases the risk of physical injury.⁹¹ Another example is that Sikhs’ demand to carry a small dagger as a compulsory requirement

⁸⁸ Zana Çitak and Özlem Tür, “Women Between Tradition and Change: The Justice and Development Party Experience in Turkey,” *Middle Eastern Studies* 44, no.3 (2008): 464.

⁸⁹ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), 44-45.

⁹⁰ Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (London: Macmillan Press Ltd, 2000), 243.

⁹¹ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), 49.

of their religion. And Sikhs argue that prohibiting this exercise contradicts with freedom of religion.⁹² Contrary to Britain experience, in my opinion, carrying a knife or wearing turban instead of helmet should not be allowed for Sikhs even they are considered as religious symbols and a part of their practice.

Protection of the health of the citizens can also be analyzed under the issue of security. Hindu practice of cremation and then scattering the ashes of the dead over a river is banned in western societies on “aesthetic and hygienic grounds”.⁹³ However, as I mentioned above, mental discomfort or aesthetic factors should not be considered as “harm”. Moreover, the assumption on hygiene is not plausible since scattering of the ashes does not put people’s health into a risk. Therefore, as Parekh also argues “...the practice should be allowed in closed and officially designated places...”⁹⁴ On the same account, another example is that female circumcision is a tradition and its roots can be traced to Ancient Rome. This tradition causes physical harm and endanger the life of the girls and decimate the origin of the pleasure.⁹⁵ Therefore, this practice should be banned in liberal societies although it destroys the millennial tradition.

Children rights should also be protected by the state. Child marriage or child abuse is another issue that should be considered since some culture demands it as a cultural right. As Barry states, “in the case of Muslim personal law, it would also permit a parent or guardian to marry off a minor child without the consent of the child (Barry, 2001: 319).”⁹⁶ Considering such cases, providing recognition to cultures is not possible. In this case, as well liberal state has right to protect children’s rights in defiance of religion and family demands.

Another closely related issue concerning children rights is education. Amish people does not want mandatory educational requirements and timetables on the

⁹² Ibid., 152.

⁹³ Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (London: Macmillan Press Ltd, 2000), 273.

⁹⁴ Ibid., 274.

⁹⁵ Ibid., 275-276.

⁹⁶ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), 319.

ground that formal schooling dilutes the control of the families over their children and make the children exempt from seasonal farm work and religious ceremonies.⁹⁷ However, such demand ignores the responsibility of the state towards children and society. As Barry states, there are two reasons of state involvement in education. First, "... citizens are concerned with the future of their society" and "The state is conceived of here as a guardian of children's interests, if necessary in opposition to the parents' view of those interests."⁹⁸ Second, public private distinction allows states to intervene in children education since state is obliged to provide equal amount of education for each children.⁹⁹ Education is an important component of liberalism since education also provides moral elements such as respecting other cultures and transmits scientific discoveries such as evolution theory. And correspondingly, schools should not provide any kind of religious education for the sake of state neutrality. Parekh argues that limiting religious education in schools affect the children adversely since religion like art and literature is a part of social life.¹⁰⁰ First of all, giving information about religion as a part of history and humankind should not be forbidden. However, religious education for children, in my opinion, is not necessary for their development. The research that had been conducted by Jean Decety, Jason M. Cowell, Kang Lee, Randa Mahasneh, Susan Malcolm-Smith, Bilge Selcuk and Xinyue Zhou also shows that religious education does not intensify the altruism at young age. Moreover, they declare that "Our findings robustly demonstrate that children from households identifying as either of the two major world religions (Christianity and Islam) were less altruistic than children from non-religious households."¹⁰¹ Second, liberal state neither restricts private religious courses, nor supports these courses in line with state neutrality. Accordingly, religious people should be able to form institutions in order to meet with other members of the group and to pray. As long as they follow the state regulations, they should be able to open courses to teach their religion and traditions.

⁹⁷ Ibid., 207.

⁹⁸ Ibid., 209.

⁹⁹ Ibid., 211.

¹⁰⁰ Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (London: Macmillan Press Ltd, 2000), 331.

¹⁰¹ Jean Decety et al, "The Negative Association Between Religiousness and Children's Altruism Across the World," *Current Biology* 25 (2015): 2952.

Because, these activities do not pose a physical harm within and without the group and distract the social harmony.

Third, the duality of the rights creates a controversy. With reference to this controversy, Western style of polygamy and religious polygamy can be demonstrated as an example. Polygamy is often considered as a “violating principle of equality between men and women.”¹⁰² However, in my opinion, this is only true when having more than one partner is attained to only one gender. To be more precise, although polygamy that is demanded by Muslims is outlawed, Western style of polygamy which is being able to have more than one partner is not outlawed. As Modood also mentions, in fact, urban Muslims are strict monogamists while contemporary Western societies recognize and engage in informal polygamy as a feature of the modernity.¹⁰³ The difference is polygamy in Islam discriminates women and it only allows men to have more than one partner, whereas in Western culture, polygamy or “open relationships” is an open option for both sexes. Nevertheless, it should be noted that, liberal state stands against the institutionalization of both types of polygamy as long as inequalities persist between sexes. As Parekh also argues, if the economic, social status of women is equalized with men, if the self-esteem of the women reaches the equal level with men and if the inequalities can be abolished between sexes for good, liberal state can allow institutionalization of polygamy.¹⁰⁴ However, until then, liberal state should allow only monogamous marriages.

In addition to the discussion on the position of the religion in liberalism, it should be noted that Christianity is not favored in the discussion. As Parekh indicates, the role of Christianity cannot be denied in the formation of liberalism.¹⁰⁵ However, although the examples that I have mentioned are mostly from non-christian groups, it does not imply that Christian belief is the core of liberalism.

¹⁰² Michel Seymour, “Peoples, Political Liberalism and Religious Diversity,” *Ethnicities* 12, no.2 (2012): 153.

¹⁰³ Tariq Modood, “Their Liberalism and Our Multiculturalism?,” *British Journal of Politics and International Relations* 3, no.2 (2001): 250.

¹⁰⁴ Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (London: Macmillan Press Ltd, 2000), 292

¹⁰⁵ *Ibid.*, 33.

Many Christian values contradict with the liberal principles such as equality. For instance, in Germany, Evangelic churches do not marry off gay couples. However, I should admit that some practices in liberal societies satisfy the needs of Christians such as having Sunday off. As Parekh also exemplifies “This puts Muslims at a disadvantage who, unlike Christians, cannot join communal prayer on Friday, their holy day.”¹⁰⁶ In my opinion, the reason of the “inequality” does not stem from the nature of the liberalism but it is related to circumstances of advanced capitalism. While, financially strong countries such as Qatar are able to choose Friday as their holiday, other countries with high Muslim population such as Turkey cannot maintain such a system with weak financial standards and institutions. Therefore, such inequalities do not stem from the privileges that liberalism grants and these inequalities can be easily overcome through random selection. In short, since liberalism by definition does not recognize, promote or support any kind of religion or culture, there is no room to claim that liberalism is Western or Christianity oriented.

¹⁰⁶ Ibid., 263.

5. A MINIMAL STATE WITH A MINIMAL CONSTITUTION

Individuality is central for liberal theory because individuals are the origins of the social contracts and state theories. However, multiculturalists such as Margalit and Halbertal object the centralization of individuals in liberal culture by stating that "... the individual cannot have the capacity to be a bearer of the right to culture, since the interest of one person cannot constitute a sufficient reason for placing others under the obligation to help him or her maintain his or her culture..."¹⁰⁷ However, multiple objections can be raised for this statement. First, Margalit and Halbertal's group rights definition would not work in a small state or province since there might be individuals who does not belong to any specific group. Second, this definition hinders the groups that can be created and influenced by prominent figures such as Martin Luther, Che Guavera or Jefree Star. And lastly, if the number determines what is worth to protect and what is not, the claim that majority culture should be the judge contradict with multiculturalist claims. Besides, if the group is the core of multiculturalist claims, groups sizes among minority cultures should be featured in this discussion. If there is a difference between large minority culture and mini minority cultures, mini minority cultures should also be protected against the domination of large minority cultures. Afterwards, mini minorities should also be controlled for the safety of individual freedoms. However, in my opinion, the strength of the culture cannot be measured through numbers but through the strength of the affiliation of its members, even the number of the members is equal to one.

Therefore, how a minimal state would work with a minimal constitution will be demonstrated. A good theory should work when the amount of the components is decreased or increased evenly. Since, modern states have large amount of

¹⁰⁷ Avishai Margalit and Moshe Halbertal, "Liberalism and the Right to Culture," *Social Research* 71 no. 3 (2004): 537.

inhabitants, giving example of a small state can be useful to test the theory. Let's assume 1000 people living together. And this village should have approximately 250 households. And let's assume some households belong to an "illiberal culture" and demand exemption/self government or special treatment rights. Regarding the numbers, some of the cultural right demands will be individualized. Under these circumstances, while households are divided into groups and refraining from each other, how could citizens remain united as a state as multiculturalists demand? In my opinion, such cohabitation is not feasible and preservation of diversity is only possible with the preservation of liberal values and unity of the state.

To defend my position, a state, which aggrandizes liberal values with respect to diversity Mauritius, will be presented. Mauritius is chosen as an example of the functioning European liberalism although the state is not in Europe because of two reasons. First, Mauritius is adopted European liberal values when it was a colony and second, it is very successful to merge liberal values with its multicultural structure unlike European countries. Therefore, in my opinion, Mauritius can be a good example to demonstrate how to rule a multicultural society with the adoption of liberal values.

Mauritius is a small island state, which was formerly a colony of Netherlands, France and Britain in the Indian Ocean. In 1968, Mauritians gained independence and in 1992, the island became a Republic. Mauritius is described as rainbow and a fruit salad because of the hospitality in the country towards diversity. The main sources of this diversity are the groups of "Hindus, Tamils, Telugus, Marathis, Muslims, Creoles and Chinese".¹⁰⁸ And these groups share their traditions with the members of other cultural groups and they also regenerate their cultural practices through socialization and cohabitation. For instance, "The sega, which is a typical Mauritian dance, popularly viewed as originating from slavery, actually has as its main instrument the "ravanne," which is of Tamil origin, the "triangle," which is originally French, and the "maravanne" likely of African origin."¹⁰⁹

¹⁰⁸ Caroline Ng Tseung-Wong and Maykel Verkuyten, "Multiculturalism, Mauritian Style: Cultural Diversity, Belonging, and a Secular State," *American Behavioral Scientist* 59, no.6 (2015): 680-681.

¹⁰⁹ *Ibid.*, 683.

Although Tseung-Wong and Verkuyten consider Mauritius as an example of survival of multiculturalism along with the Canada example, in my opinion, Mauritius case is incompatible with Canada example and also with multiculturalist demands. Mauritius is, indeed, a depiction of the neutral liberal state as described in the chapter of Hazalistan. Mauritians do not have group based constitutional policies, they promote diversity with respect to liberal values and individual rights and they prioritize the unity and harmony of the state.

Although Mauritius does not provide constitutional foundation for multicultural policies, multiculturalism is well-functioning in the island. Since defenders of multiculturalism demand a constitutional base for their rights, Mauritius style multiculturalism does not match with their demands. Instead of legislating cultural rights, Mauritians embrace the tradition of “Lakorite,” which means being in harmony with other people, as the cement of the society.¹¹⁰ Lakorite tradition allows citizens to get along with each other with respect and enables them to share a common ground.

Equality is privileged vis-à-vis multicultural demands in Mauritius. Considering Mauritius as a rainbow or fruit salad country, multiculturalism can function with respect to liberal values such as equality. To illustrate, in 1970s, Mauritius government initiated free schooling, for which the cooperation of Catholic schools was needed since their numbers exceed the number of the state schools. Catholic schools agreed to be transformed into government-subsidized schools. In return for their cooperation, Catholic schools demanded half of the seats which are reserved for Catholic students. However; a Hindu, Mr. Tengur, objected this bargain between Catholic schools and the government since this arrangement undermines the rights of the 11-year-old daughter. The Supreme Court recognized the objection and decided in favor of Mr. Tengur in 2002.¹¹¹

Although Tseung-Wong and Verkuyten’s approach is in favor of recognition, the recognition that they are offering does not have a group based

¹¹⁰ Ibid., 683.

¹¹¹ Ibid., 689-690.

policy. Tseung-Wong and Verkuyten's recognition is more related with the idea of respecting the individual rights and beliefs. Without promoting special group rights and without discriminating minorities, neutral state tries to find a balance. As Tseung-Wong and Verkuyten state, in Mauritius, even religious matters can be unraveled through the alliance between state recognition of religious communities and state neutrality towards religious traditions. And this alliance is guaranteed by the judicial authority of the country through individual rights.¹¹² Since individual rights are the protector of the diversity, liberal values considered superior over cultural demands. Therefore, group rights and special treatments do not find a place in legal structure.

Without implementing special rights and providing privileges, Mauritius try to create equality and tranquility. As mentioned by Tseung-Wong and Verkuyten, creating a balance between cultural differences and remaining neutral is the duty of a state and accordingly, they state that "Having the sense that the state recognizes and values cultural and religious group differences, but yet equally emphasizing that group recognition does not become group discrimination in the eyes of the law, are key ingredients to a working multiculturalism."¹¹³ Mauritian ideology reconciles the notions of cultural diversity and civic unity without presupposing or implementing cultural homogeneity. As Thomas Hylland Eriksen also emphasizes, "Both similarities and differences exist and are acknowledged. In Mauritian society, there are no myths of shared origins encompassing the entire population; and ethnic distinctiveness will continue to be reproduced in the foreseeable future."¹¹⁴ In other words, beauty or utility of the state of Mauritius stems from the cultural mosaic. The cement of the stones that construct the mosaic is mutual understanding and respect. And lastly, the base and the frame of the mosaic are formed by liberal values.

¹¹² Ibid., 689.

¹¹³ Ibid., 695.

¹¹⁴ Thomas Hylland Eriksen, "Nationalism, Mauritian Style: Cultural Unity and Ethnic Diversity," *Comparative Studies in Society and History* 36, no.3 (1994): 573.

6. CONCLUSION

Cultural elements and practices are not valued in liberal states in and of themselves since they do not have intrinsic values unlike individuals. Human individuals are the only concern of the liberal state. And individual demands on cultural rights can only be accommodated as long as they do not contradict with liberal values such as equality, security, freedom and social harmony. The reason behind this emphasis is that liberal values are the protector of the individual rights and liberties. Since there is no compulsion to participate to the social contract and since liberal values are accepted as a whole, protection of liberal values should not be violated in the name of cultural right. Multiculturalists such as Taylor who support and legitimize political recognition without considering drawbacks of multiculturalism may object this liberal statement. However, as Barry states "... multiculturalism poses as many problems as it solves."¹¹⁵ Therefore, adopting multiculturalist policies to deal with the citizens' demands is more conflict-ridden than is admitted by multiculturalists. Instead, as proposed above, adopting neutral liberal policies is more beneficial for the society as a whole. This thesis does not argue that the system that was offered does not have any loopholes or disadvantages. The commitment to liberal values can also be contested by demonstrating the wars that liberal states took part. Accordingly, it is certain that even violence is justified when the reason is sex or war. Although, the liberal state system is not perfect, there is no political reality that everyone can accept, there are certainly multiple realities each group can employ.

My theory aims to provide protection and freedom for everyone pre-eminently. Some multiculturalist may dislike this position and find it hypocritical. However, the nature of the contract requires some kind of loss for both parties. And

¹¹⁵ Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism* (Cambridge: Polity Press, 2001), 328.

in this liberal system, while multiculturalists have to give up some cultural practices for the sake of liberal values and social harmony, liberals have to live with other cultures for the sake of diversity. Moreover, as Galston states "... liberalism is about the protection of diversity, not the valorization of choice."¹¹⁶ Therefore, giving privilege and value to any particular culture is not included in the mission of the liberal state. Therefore, neutrality policy of the liberal state by not recognizing cultural groups does not discriminate any culture at all. Hazalistan is a liberal state that encourages diversity within the limits of equality and security. Although cultures are not valued and not privileged, individuals are valued and the basic needs of the individuals are contemplated equally. In a word with full of wars and hypocrisy, in my opinion, Hazalistan offers an environment that can be lived in peacefully.

¹¹⁶ William A. Galston, "Two Concepts of Liberalism," *Ethics* 105, no.3 (1995): 523.

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