Multiculturalism and Political Morality

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There is a way of looking at the evolution of liberal democracies that suggests that societies seen as open to the recognition and accommodation of cultural diversity turned their backs on multiculturalism as public philosophy and public policy (Joppke 2004; Brubaker 2001). Significant portions of the citizenry of countries such as Canada, the United States, Australia, the United Kingdom and the Netherlands have expressed scepticism, if not downright hostility, towards multiculturalism as an integration model. Think, for instance, of how fingers were pointed at multiculturalism in the United Kingdom and the Netherlands after, respectively, the 2005 London bombings and the murder of Theo Van Gogh in Amsterdam in 2004 (Modood 2007; Buruma 2006). Think also of the reaction against the possible creation of Sharia-based arbitration mechanisms in matters of family law in Canada in 2004 (Boyd 2004; Chapters 2 and 7 in this volume), and of the heated debate over religious accommodations in Quebec from to 2006 to 2008 (CCAPRCD 2008). Multiculturalism has also been under pressure within academia. Scholars of very different bents, drawing from a wide gamut of perspectives (liberal egalitarianism, feminism, republicanism, conservatism, critical theory, postcolonialism, etc.), have raised more or less serious and damaging criticisms of multiculturalism as a public philosophy or orientation to public policy. The case against multiculturalism can be descriptive, normative or both. In the first section of this chapter, I’ll discuss the more empirical ‘decline of multiculturalism’ thesis. In the second part, I’ll defend a version of the argument according to which multiculturalism is a valid normative ideal and principle of political morality. The overall objective of this chapter will thus be to show that multiculturalism remains, both from a descriptive and normative perspective, a relevant analytical category.

1 I wish to thank Duncan Ivison for his insightful comments and Julien Delangie for his very effective research assistance.
Communitarian Multiculturalism vs. Civic Multiculturalism

I believe that the so-called backlash against multiculturalism witnessed in many countries is in fact a critique of a certain type of multiculturalism that we might call ‘communitarian multiculturalism’. From a communitarian multicultural perspective, a society is a mosaic of cultural communities that relate with one another through institutions and representatives. Citizens largely live their lives within the parameters set forth by their cultural group and have limited interaction with members of the other groups. Although this is not a matter of logical necessity, communitarian multiculturalism is highly compatible with a form of moral relativism and legal pluralism according to which cultural communities are seen as discrete and self-regulating normative orders based on their own set of moral principles and legal rules. The state coordinates the interactions between the cultural groups constitutive of the political community.

It’s probably safe to say that that no existing liberal democracy matches the communitarian multicultural ideal-typical model. Models of multicultural integration can be more or less communitarian, but we can easily understand why communitarian multiculturalism is an unlikely candidate as an appealing normative ideal. Communitarian multiculturalism fragments the political space along cultural and religious lines; it encourages isolation rather than interaction and it makes, as a result, the creation of civic bonds across cultural differences difficult. The republican dimension of political life – the unending pursuit of the common good through processes of public participation and deliberation – almost completely vanishes from the picture. In addition, the laissez-faire aspect of communitarian multiculturalism implies that citizens will potentially have to tolerate practices that they find morally repugnant. This is not an attractive picture of a multicultural society. It is, I think, when multiculturalism is (rightly or wrongly) perceived as a form of communitarianism that it draws its most sustained and stringent criticism.2

Multiculturalism, however, need not be communitarian; it can also be liberal and civic. Multiculturalism is liberal when it is seen as an extension and deepening of the basic human rights traditionally championed by the liberal tradition (Taylor 1992; Kymlicka 1995b; Chapter 2 in this volume). From a liberal multicultural point of view, showing equal respect to citizens implies recognizing and accommodating their cultural differences, insofar as it doesn’t impact adversely on the rights and freedoms of others. Multiculturalism is civic when the respect for cultural diversity is thought in interactionist rather than isolationist terms. Civic multiculturalism starts from the hypothesis that cross-cultural interaction and deliberation guided by the norm of respect for reasonable cultural diversity is the most promising route to the creation of new forms of belonging and solidarity in multicultural societies.3

2 It is, for instance, clearly communitarian variants of multiculturalism that are the object of Joppke’s (2004) criticism.
Take, for instance, the so-called ‘reasonable accommodation’ debate in Quebec. From, roughly speaking, 2006 to 2008, Quebec society intensely questioned itself on the appropriate place of religion in the public sphere, on the integration of immigrants and, *eo ipso*, on the character of Quebec identity. Although I cannot broach all the interrelated factors that triggered the debate here, it is safe to say that deep concerns about the compatibility between religious accommodations and common civic values and principles such as fairness, gender equality, secularism and interculturalism lay at its roots. Many commentators agree that the 2006 Supreme Court Multani decision that allowed, under certain conditions, a Sikh schoolboy to carry his ceremonial dagger (*kirpan*) at a Montreal public school sparked off an uproar in public opinion. The decision was widely seen as yet another example of Canadian-style (communitarian and relativistic) multiculturalism imposed upon Quebec at the cost of public safety, secularism, fairness and Quebec’s own model of integration, i.e. interculturalism. Other cases of religious accommodations were reported (and sometimes distorted) by the media and many Quebecers felt that either some essential civic values or Quebec identity itself were threatened by the alleged proliferation of ‘unreasonable’ religious accommodations.\(^4\) It is in this explosive context that the Consultation Commission on Accommodation Practices Related to Cultural Differences (CCAPRCD) was put together by the Quebec government.\(^5\)

Interestingly enough, the critique of multiculturalism around which many Quebecers rallied *did not* coincide with the revival of republican assimilationism or strict liberal neutrality as integration models. On the opposite, many took advantage of the CCAPRCD to reassert the importance of further developing ‘interculturalism’ as a (allegedly) distinct integration model, the main virtue of which being its capacity to achieve an appropriate balance between social cohesion and the respect for cultural diversity. The three pillars of the intercultural model were laid down in a policy statement in which Quebec is presented to immigrants as:

- a society in which French is the common language of public life;
- a democratic society where everyone is expected and encouraged to participate and contribute;
- a pluralist society that is open to multiple influences, within the limits imposed by the need to respect fundamental values and the need of intergroup exchanges (Government of Quebec 1990: 15).

Immigrants are thus expected to learn French (if they don’t already speak it), through the language courses freely provided to them, to abide by liberal and

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4 For a reconstruction of the reasonable accommodation debate, see CCAPRCD (2008, Chapter 2).

5 My take on the reasonable accommodation debate and on the CCAPRCD is not that of an external observer. I served as an expert-analyst for the Commission and contributed to the drafting of its final report.
democratic principles and seek to participate in political and economic life. In turn, Quebec’s duty is to reach out to immigrants, provide them with the means for a successful socio-economic integration and valorize and accommodate immigrants’ distinct cultural heritage and commitments, within the limits of a liberal-democratic regime. Newcomers are free to ‘choose their own lifestyles, opinions, values and allegiances to interest groups within the limits defined by the legal framework’ and, if they wish, to ‘maintain and develop their own cultural interests with the other members of their group’ (Government of Quebec 1990: 17). Immigrants will not be asked, the policy document states, to repudiate or privatize their cultural heritage. These are the basic terms of the so-called ‘moral contract’ between immigrants and the host society.6

Rather than rejecting pluralism altogether, most participants to the public hearings set forth by the CCAPRCD invited the Quebec government to ‘walk the walk’ and do more in terms of implementing interculturalism as a public policy. The opposition to religious accommodations was grounded, for many, on the (often false) assumption that those claiming accommodation measures to practice their religion with their fellow observers were performatively refusing to integrate and to partake in the project of the perpetual recreation of a civic identity hospitable to cultural diversity.7

If Quebec’s predicament as the only predominantly francophone society in North America made it plainly clear that a politics of recognition of difference needed to be seen as an element of a broader politics of integration that ought to include dispositions promoting language acquisition and intercultural interactions, it doesn’t seem too much of a leap to think that a similar movement has been taking place elsewhere. Many were troubled in the Netherlands by the fact that a substantial number of Muslim immigrants – especially women – did not speak Dutch and had little contact with non-Muslim Netherlanders. This reaction arguably amounts more to a rejection of communitarian multiculturalism than to multiculturalism per se. Many more assimilationist or exclusionary initiatives taken by the former conservative-liberal government (VVD) were repudiated with the election of the Socialist Party in 2006, but the conclusion that the former laissez-faire model had to give way to a more integrative approach remained.8 The same could be said about the alleged ‘backlash’ against multiculturalism in Great Britain. Take, for instance, the former Prime Minister Tony Blair’s important speech
in the wake of 7/7, 2005, that is often taken, falsely, as a proof of a move away from multiculturalism:

The reason I say that this is grounds for optimism, is that what the above proves, is that integrating people whilst preserving their distinctive cultures, is not impossible. It is the norm. The failure of one part of one community to do so, is not a function of a flawed theory of a multicultural society. It is a function of a particular ideology that arises within one religion at this one time … So it is not that we need to dispense with multicultural Britain. On the contrary we should continue celebrating it. But we need – in the face of the challenge to our values – to re-assert also the duty to integrate, to stress what we hold in common and to say: these are the shared boundaries within which we all are obliged to live, precisely in order to preserve our right to our own different faiths, races and creeds (Blair 2006, my emphasis).

The idea is thus not to ‘dispense with multicultural Britain’, but to strike a balance between the respect of difference and the ‘duty to integrate’.

This movement towards non-assimilative integration have also been taking place in Canada – a country that is seen by many Europeans (and Quebecers!) as one of the most advanced examples of communitarian multiculturalism. Yet, as Will Kymlicka showed, Canadian multiculturalism, designed by the liberal Prime Minister Pierre Trudeau in the late 1960s, was, from its inception, liberal and individualistic in character (Kymlicka 1998). The goal was to value and celebrate the diverse cultural fabric in the country within a framework that allows each individual to decide whether they wanted to identify with, or detach from, their cultural origins. Moreover, social science research has shown that Canada took the integrationist turn early in the 1990s. Reacting to variety of potentially fragmenting forces – globalisation, the intensification and diversification of immigration, Quebec and indigenous peoples’ struggles for recognition, etc. – the federal government decided to make of the promotion of social cohesion a priority. The policy of multiculturalism had to be reconceived as a tool for forging national unity and increasing social cohesion (Mc Andrew 2008). As the latest Annual Report on the Operation of the Canadian Multiculturalism Act testifies, this re-orientation of Canadian multiculturalism remains to this day the dominant policy orientation in Ottawa (CIC 2009). Although this goes against a widely shared belief in Quebec, Canadian multiculturalism and Quebec interculturalism have been converging for some time, and the image of Canada as a ‘mosaic’ distinct from the American ‘melting-pot’ has long been buried.

Although this is a matter for the empirical social sciences, I do not see much evidence that we are currently witnessing a ‘return of assimilation’. Interestingly,

9 If multiculturalism as a vision of the country and as a public policy was well received by long established, mainly European, immigrants (like the Ukrainians), the proposal that it could be extended to Quebecers and indigenous peoples was promptly rejected by both constituencies.
the point of Roger Brubaker’s oft-cited article ‘The return of assimilation?’ is not
that assimilationist models are making a comeback, but rather that some forms
of integration, such as language acquisition, economic integration and civic
participation, are seen as desirable by host societies. As he puts it:

The ‘return of assimilation’: It does not imply the desirability of complete
acculturation. Analytically, this has involved a shift from an overwhelming
focus on persisting difference – and on the mechanisms through which such
cultural maintenance occurs – to a broader focus that encompasses emerging
commonalities as well. Normatively, it has involved a shift from the automatic
valorization of cultural differences to a renewed concern with civic integration
(Brubaker 2001: 542).

What Brubaker is debunking in his article are the communitarian forms of
multiculturalism, as well as postmodern celebration of difference and alterity; there
is nothing in his analysis that suggests a move away from civic multiculturalism as
a public philosophy and public policy: quite the opposite.

Even French republicanism, according to some analysts, is currently quietly
moving towards civic multiculturalism. Sociologist and former Stasi Commission
member Jean Baubérot, pointing out that France’s model of laïcité and integration
cannot be reduced to the law prohibiting visible religious signs at public schools,
argues that several policy initiatives, such as selective religious accommodations,
affirmative action measures for making public and private institutions more diverse
and representative and, most importantly, the creation, in 2005, of the Haute autorité
de lutte contre les discriminations et pour l’égalité (HALDE), are in fact consistent with
civic multiculturalism. These initiatives have yet to alter the dominant theoretical
self-understanding of French republicanism, but they are, according to Baubérot
(2009), changing French society.

**Multiculturalism and Justice**

It thus seems that there is no overwhelming empirical evidence suggesting that
liberal and civic multiculturalism has been shovelled into the dustbin of history.
This, of course, is an empirical claim that can be falsified by careful empirical and
comparative research. It doesn’t tell us, however, whether contemporary liberal
democracies ought to endorse multiculturalism as a public philosophy or, more
accurately, as a principle of political morality. As I alluded to, the normative case in
favour of a ‘politics of recognition’ or of ‘the rights of minority cultures’ has been
challenged by many political philosophers and social/political theorists coming
from a wide variety of perspectives (liberal egalitarianism, feminism, critical
theory, postcolonialism, etc.) (Benhabib 2002; Barry 2001; Okin 1999; and Chapters
10, 13 and 14 in this volume). Even theorists largely or moderately sympathetic
to the recognition and accommodation of cultural and religious differences warn
us against the dangers of recognition politics (Appiah 2005; Sen 2006; Freeman 2002).  

Samuel Scheffler’s paper ‘Immigration and the significance of culture’ is in my view one of the most cogent and helpful contributions to the normative debate on multiculturalism and justice in recent years (Scheffler 2007). Although not at all unsympathetic to the claims of justice made by immigrants, it offers what I take to be one of the soundest arguments against the case for ‘multicultural’ theories of justice. As I myself think that we should recognize that multiculturalism or, perhaps better, a principle of respect of reasonable cultural diversity, should play a role within our political morality, I want in the remainder of this chapter to question and amend his conclusion that we ought to ‘forswear any appeal to cultural rights or to the language of multiculturalism’ in thinking about justice in culturally diverse societies (Scheffler 2007: 117).

The position that I wish to defend is that a principle of respect of reasonable cultural diversity ought to (and actually often does) act as an interpretive principle within our political conception of justice – an interpretive principle that modifies our understanding of the normative implications of the basic principles of justice. Although I agree with Scheffler that the descriptive and normative language used by many multiculturalists need to be revised and often deflated, as talk of ‘cultural rights’, ‘group/collective rights’ and ‘cultural protection/preservation’ often mischaracterizes what is really at stake, I also believe that positions such as Scheffler’s fail to grasp the actual role and impact of the principle of respect for reasonable cultural diversity. I will argue, perhaps in contradistinction to other multiculturalists, that Scheffler’s position’s main shortcoming is conceptual rather than normative.

Here is how Scheffler sums up what he calls the ‘Heraclitean’ pluralist position he favours:

*I believe that the Heraclitean position is correct to forswear any appeal to cultural rights or to the language of multiculturalism in thinking about these questions. The constituents of political morality that are most relevant in thinking about the mutual responsibilities of immigrants and host societies are the principles of justice, which define a fair framework of social cooperation among equals (and which are understood to exclude special cultural rights); the basic liberties, including especially the liberties of speech, association, and conscience; and the important idea of informal mutual accommodation within the bounds of justice. Talk of cultural rights and of multiculturalism adds little that is useful to this, and it provides an invitation to mischief both by encouraging us to think in unsustainable, strong-preservationalist terms and by promoting a distorted and potentially oppressive conception of the*
relations between individuals and cultures (Scheffler 2007: 117–18, see also 110).

Many of the points made by Scheffler in the course of his argumentation are valid and, with the exception of the aforementioned conclusion, should, I think, be accepted by multiculturalists. I think it’s fair to say that Scheffler mainly opposes two ideas that he sees as wedded to multiculturalism. First, he picks apart the belief that either immigrants or host societies are entitled to a right to insulate their ‘culture’ from alteration (Scheffler 2007: 105). Second, he challenges the idea defended by multiculturalists that the establishment of fair terms of social cooperation under conditions of cultural diversity requires that standard liberal egalitarian conceptions of justice incorporate ‘group-specific’ or ‘minority’ rights (Scheffler 2007: 110) I will first briefly review his first point and then expose what is perhaps a blind spot in the argumentation that leads to his second point. Finally, I will challenge Scheffler’s conclusion that we should forswear the language of multiculturalism altogether when we think about the fair terms of social cooperation under conditions of cultural diversity.

Multiculturalism and the Preservationist Ethic

Scheffler begins by debunking the claim that either host societies or immigrants have a right to ‘preserve’ their respective cultures. Although this critique is in no way new or particularly controversial, at least in the philosophical literature,12 Scheffler’s version of it is compelling. He inter alia makes the now commonplace argument that the very ideal of cultural preservation can hardly be squared with the evolving nature of cultures, and with the plurality and mutability of the identifications and affiliations of most agents. A preservationist ethic, as Anthony Appiah calls it, logically presupposes that we can delineate a fixed and stable culture, defined by a set of immutable and cognisable properties, which can be protected and preserved with the help of cultural rights and policies. Yet for reasons that need not be rehearsed here, cultures are to varying degrees always changing and, as Scheffler rightly points out, ‘survive only by changing’ (Scheffler 2007: 104). Cultural ‘survival’, as he puts it, ‘is successful change’ (Scheffler 2007: 107). Moreover, as agents normally belong to a plurality of communities, draw on several sources of meaning and orientation and take up a plurality of roles or practical identities, it is misleading to assign each of them to a single culture standing in need of protection (Scheffler 2007: 99).13 As Scheffler eloquently observes, ‘[a]ll of these identifications and passions and affiliations, and countless others, are aspects

12 See, for instance, Appiah (2005).
13 Amartya Sen tries to spell out the implications of the plural and mutable nature of identity in Sen (2006).
of human culture, and to live a human life is to trace a particular path through the space of possibilities they define' (Scheffler 2007: 101).

These points against the reification of culture and identity are, as I said, widely accepted. I know of no serious theorist of multiculturalism or of the politics of recognition – think of Will Kymlicka, Charles Taylor, James Tully or Bhikhu Parekh, for instance – that does not accept them (Kymlicka 1995b, Taylor 1992, Tully 1995, Parekh 2000). We might disagree with one or another of their arguments, but it is simply not true that they are working with an essentialized conception of culture or with a monistic notion of individual identity. It seems true to me, however, that both (1) a clear conceptual reflection on the meaning of cultural preservation in the light of the inevitability of cultural change and (2) a cogent normative reflection on the role and status of the ideal of cultural preservation within the justification of multiculturalism, are scarce in the literature. I, in line with Scheffler, believe that the language of cultural preservation, protection or survival is of no use in the normative justification of multiculturalism, and that it is not employed with sufficient care by multiculturalists, which in turn makes their position more vulnerable to criticism. I have argued elsewhere that multiculturalists should forgo the preservationist ethic altogether and replace it with arguments based on the right to self-determination (for national minorities) and on the illegitimacy of policies aiming ( overtly or covertly) at full cultural assimilation of immigrants to the majority culture, i.e. arguments drawn from, or compatible with, the constituents of liberal-democratic political morality (Maclure 2007). I think, like Scheffler, that cultural minorities can pursue reasonable cultural reproduction projects, but that the ideal of cultural preservation does not in itself justify specific rights or resources for members of cultural minorities.  

But contrary to what has widely been assumed by critiques of multiculturalism – including moderate ones like Scheffler’s – I don’t think that the ideal of cultural preservation is either the foundation or the telos of multiculturalism.  

We can find, to be sure, countless examples of political entrepreneurs who seek to strengthen their political claims by grounding it in essentialized notions of self and other, but the cases of minority nations such as Quebec, Catalonia, and most indigenous peoples de facto demonstrate that a minority can, in practice, advance a vigorous struggle for recognition while at the same time intensely debating the substance and desired political expression of its common identity.

In fact, the more interesting and difficult question, from a conceptual point of view, raised by the politics of identity is this: how do cultures that are themselves differentiated and in constant transformation come to struggle for different forms of recognition? How can a minority recognize its own internal diversity while remaining capable of contesting the structures of recognition, redistribution, and governance that it deems unfair? Both the preservationist ethic and the view that

14 Compare to Scheffler (2007: 11): ‘What they cannot do is demand additional rights or resources, beyond those they are owed as a matter of justice, in the name of cultural preservation specifically.’

Multiculturalism is logically predicated upon essentialism fail to provide us with enlightening answers to these questions.

Multiculturalism as a Principle of Political Morality

The second more general point made by Scheffler is that liberal egalitarian conceptions of justice need not be amended in order to do justice to immigrants:

Some people interpret the legitimate grievances of immigrant communities in existing liberal democracies as evidence that the familiar conceptions of justice are inadequate and should be modified to incorporate a regime of cultural rights. The alternative conclusion that seems to me more plausible in many of these cases is that the societies in question have failed to meet the requirement of liberal justice, and that the remedy for the grievances of immigrants is not to modify those requirements but rather to ensure that they are satisfied (Scheffler 2007: 112).

Scheffler does not deny that actually existing liberal democracies often fail to treat immigrants fairly. His point is rather that this failure is due to a shortcoming of liberal democratic institutions rather than to a limit of liberal egalitarian political morality. The fulfilment of the demands of liberal egalitarianism gives, according to him, ‘ample scope for immigrants (and others) to pursue reasonable preservationist projects’ (Scheffler 2007: 110–11).

Although I agree that meeting the moral requirements of liberal egalitarianism would take us much closer to fair terms of social cooperation in multicultural societies, I want to take issue with the claim that liberal egalitarian theories of justice such as John Rawls’ ‘justice as fairness’ already possess all the ethical resources necessary to address the contemporary challenges of a multicultural society. The proposition, quoted above, that ‘[t]he constituents of political morality that are most relevant in thinking about the mutual responsibilities of immigrants and host societies are the principles of [standard liberal egalitarian] justice’ (Scheffler 2007: 117) omits an important part of the story.

My dissatisfaction with Scheffler’s position perhaps lies in what I take to be his incomplete account of liberal political morality. Although there is a kernel of truth in the idea that the satisfaction of the demands of standard liberal egalitarianism – if seen, as Scheffler rightly argues, as including the reasonable legal accommodation of minority practices (I will come back to this below) – is all that is needed with regards to the immigrant–host society relationship, I believe that his justification, as presently stated, fails to grasp the mutation in the political morality of most liberal democracies that took place in the past few decades.

The phenomenon that I have mind and that stands in need of explanation is the fact that most liberal democracies now recognize, in many different ways, the normative authority of a principle of ‘respect,’ or maybe ‘hospitality,’ for
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cultural diversity. For example, integration models seeking the full assimilation (or acculturation) of newcomers, which were pretty much the norm in most liberal democracies up at least until the 1960s, now appear to many as morally suspect. As we saw in the first part of this chapter, most liberal democracies are currently trying to design and implement incorporation models that seek to bring about integration in some spheres (language acquisition, economic integration, education, civic participation, etc.) while simultaneously letting immigrants engage in the reasonable cultural preservation and reproduction projects of their choice. The aim of such incorporation models is ‘integration’ rather than ‘assimilation’ (Glazer 1997).

Take, for instance, the norm of legal accommodation discussed by Scheffler. Both American and Canadian jurisprudences now stipulate that public and private institutions have a legal duty to accommodate reasonable minority practices when it is proven that legitimate and prima facie neutral laws, norms or rules indirectly discriminate, in their application, against the members of a vulnerable group (Greenawalt 2006). As Scheffler rightly puts it:

> the principles of justice may themselves require, by virtue of their guarantees of liberty of conscience and association, that certain limited exemptions from otherwise just laws should be provided to people for whom compliance would conflict with deeply held conscientious convictions, whether religious or nonreligious in character. Justice may also require other forms of legal accommodation for conscientious convictions in some circumstances (Scheffler 2007: 114–15).

As a legal doctrine contributing to the better realization of equality rights or of the freedom of conscience and religion, the norm of reasonable accommodation is now seen in many countries as a legal obligation. But it is only recently in the history of liberal democracy that the accommodation of cultural and religious minorities is construed as such. As far as religious accommodation is concerned, it was seen as sufficient, from John Locke’s ‘Letter concerning toleration’ to late in the twentieth century, to recognize and protect the agent’s sovereignty over their own conscience and to tolerate minority religious beliefs and practices in the private sphere.16 Even though we are still greatly indebted today to Locke’s Letter, he didn’t think a duty to accommodate minority beliefs and practises had to be derived from freedom of conscience and religious toleration. When a valid law conflicts with a deeply held belief, one should, according to Locke, follow the dictates of one’s conscience and accept the ensuing sanction:

> But some may ask ‘What if the magistrate should enjoin any thing by his authority, that appears unlawful to the conscience of a private person?’ I

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16 Some exceptional figures, of course, such as Roger Williams in the states of Massachusetts and Rhode Island, were in favour of religious accommodations all along. See Martha Nussbaum’s interpretation of Williams’ thought in Nussbaum (2008).
answer, that if government be faithfully administered, and the counsels of the
magistrate be indeed directed to the public good, this will seldom happen. But
if perhaps it do so fall out, I say, that such a private person is to abstain from
the actions that he judges unlawful; and he is to undergo the punishment,
which is not unlawful for him to bear; for the private judgment of any person
concerning a law enacted in political matters, for the public good, does not
take away the obligation of that law, nor deserve a dispensation (Locke 1963:
43).

Although many oppose the idea that reasonable accommodation is a moral and
legal obligation – ranging from Brian Barry to arch-conservative Justice Antonin
Scalia of the US Supreme Court – it is nonetheless recognized as such by most
human rights tribunals and constitutional courts in the West.\footnote{17} How did that
happen?

In another direction, think of how the idea of fair treatment of national minorities
and aboriginal peoples has changed in the past half-century.\footnote{18} It is now widely
recognized, including in international law, that minority peoples or nations are
entitled to some form of political and cultural autonomy. To illustrate this point,
consider, for instance, the case of the former liberal Canadian Prime Minister Pierre
Elliot Trudeau. Trudeau thought in 1969 that the best liberal egalitarian solution
to the deplorable life conditions of aboriginal people in Canada was to encourage
their assimilation to mainstream society by making sure that they could exercise
the \textit{exact same rights} as non-aboriginal Canadians. This involved both refusing
the special status and collective rights claimed by aboriginal leaders and fighting
vigorously against the discrimination that aboriginal people still had to put up
with (Indian and Northern Affairs Canada 1969). The intent – securing the equal
protection of the laws for aboriginal people – was clearly liberal. The Liberal Party’s
policy with regards to aboriginal people was a part of the ‘Just Society’ envisioned
and championed by Trudeau.

Interestingly, Trudeau and the Liberal Party were back in power in 1982 when
the Canadian constitution was patriated from Great Britain and a Canadian charter
of rights and freedoms was enshrined in the Constitution Act, 1982. A clause
‘recognizing’ and ‘affirming’ ‘the existing aboriginal (i.e. ancestral) and treaty
rights of the aboriginal peoples of Canada’ was included in the new constitution

\footnote{17} Note, however, that Barry’s position on religious accommodations is less crystal clear
than he was ready to admit. If he starts off saying that a proper theory of justice rules
out religious accommodations, he ends up admitting that such accommodations are
often either wise or acceptable on prudential grounds, and thus not incompatible with
appropriate standards of justice. See Barry (2001: Chapter 2).

\footnote{18} Scheffler explicitly excludes national minorities from his analysis and focuses only on
immigrants. I do however need to reintroduce them in the picture in order to make
my point about the evolution of political morality. It would be interesting to see what
Scheffler thinks is a fair treatment of national minorities and aboriginal peoples, and
whether the integration of this different form of cultural diversity would lead him to
amend his general position.
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(Department of Justice Canada 1982). The egalitarian but overtly assimilative policy of 1969 was dead and no serious political party has tried to unearth it since then. The Canadian Crown has since resumed with treaty negotiations (or is, more often, paying lip service to nation to nation negotiations). Although there are many reasons – some of them no doubt purely instrumental – why a political leader might change their views in such a drastic way, this example nicely illustrates I think the ethical mutation I alluded to above. As Scheffler (1994) convincingly argued elsewhere, instrumental and ethical reasons sometimes converge.

Now, underneath the significant differences between immigrants and national minorities, the requirement or expectation of full cultural assimilation is in both cases seen as unduly demanding from a moral point of view. The illegitimacy of active and even passive policies seeking the assimilation of members of cultural minorities has arguably become, in Rawls’ terms, a ‘well considered judgement’. Individual members of minority groups can of course decide to assimilate, but a new norm of respect for cultural diversity now sets limits to the types of policies that can be implemented in the name of integration. It is this new sensitivity to cultural difference – call it ‘multiculturalism’ or ‘the politics of recognition’ – that multiculturalists have tried to track and to incorporate into a wider conception of justice. As both the examples of religious accommodations and aboriginal rights reveal, standard liberal principles of justice are not, left to themselves, incompatible with at least passive or indirect assimilation policies, such as the ‘benign neglect’ approach.

The shift just described within the structure of our considered moral judgements is invisible in Scheffler’s analysis. But perhaps one could argue that the ‘respect for reasonable cultural diversity’ principle I alluded to is better understood in terms of an interpretive clause or axiological filter that modifies our understanding of the principles of justice constitutive of standard liberal conceptions of justice. Basic liberal rights would henceforth need to be interpreted and applied in a culturally sensitive rather than blind manner. Insofar as we are concerned with the immigrant–host society relationship, a ‘multicultural’ theory of justice, contrary to what Kymlicka opines, would not be needed, at least if such a theory entails incorporating ‘cultural’ or ‘group specific’ rights into our system of rights. This position has some plausibility. As we saw, the legal obligation to accommodate is derived from more general rights and freedoms (such as equality rights and the associated antidiscrimination laws, and freedom of conscience and religion). Along the same line, affirmative action programs, often construed as multicultural policies, can be derived from a more general principle of equal opportunity. In both cases, one can plausibly argue that standard liberal conceptions of justice need not be revised or augmented. Our institutions, as Scheffler writes, need to live up to, and better realize, basic liberal principles.

19 See Indian and Northern Affairs Canada (1996).
20 Can all measures associated with multiculturalism be straightforwardly derived from basic individual rights? What about language rights? Are immigrants entitled to some public services in their native language or is this just a matter of public policy not
A standard liberal conception of justice read through the lens of the norm of respect for cultural diversity would thus be capable of setting out fair terms of cooperation among the citizens of a multicultural society. But then, does Scheffler’s position, according to which the only relevant constituents of political morality are the standard liberal principles of justice, survive even the minimal interpretation of the norm of respect for reasonable cultural diversity as an interpretive principle? What is the respect for reasonable cultural diversity if not a principle of political morality? It does seem to have a nature and function similar to a principle of political morality, as it impacts upon constitutional interpretation, institutional design and policy making, although we perhaps need a more textured notion of political morality, i.e. one that allows us to distinguish between interpretive principles and principles of justice, as interpretive clauses and fundamental rights are distinguished in constitutional law.

**Does Political Morality Evolve?**

Scheffler’s position is, as I said, persuasive. I do think, however, that it occludes the ethical transformation that I have sketched out here. Although this would require a separate chapter, the very way Scheffler frames his position raises some questions about the possible metaethical position implicit in his argumentation. As far as I can tell, Scheffler nowhere makes it explicit that he believes that what it means to treat cultural and religious minorities fairly has changed in the past few decades. In his article, Scheffler comes across either as a moral realist for whom principles of justice are atemporal properties that societies can grasp and actualize (or fail to do so), or as a Kantian constructivist for whom practical reason yields unvarying moral truths. One gets that perhaps false impression not only from the fact that he does not acknowledge the ethical transformation I referred to, but also from his rendition of his grandfather’s experience as a Galician Jew immigrating to New York in 1914. Telling the story and predicament of his grandfather allows him to demonstrate that it makes little sense to think that immigrants come with a ‘single fixed and determinate “culture” to which they could be assigned and that they would want to preserve from change’ (Scheffler 2007: 95–9). However, the tale’s perhaps undesired consequence is that it also seems to entail that what it means for a host society to treat immigrants fairly is the same today as it was in the 1910s. To be sure, this is not the lesson that Scheffler wishes to draw from the narrative. He rather takes it to mean that ‘even for people whose lives may seem, superficially, to be assimilable within some fixed cultural framework, the appearance of cultural fixity and determinacy is often illusory or at least misleading’ (Scheffler 2007: 100).
This point is well taken. Yet passages such as the following make us think that political morality is pretty much fixed and stable:

> If someone had asked him whether it was important to him to have his culture recognized by his new country, or whether he thought the national identity of the United States should be replaced by a new, multicultural identity in order to accommodate him and other immigrants, I doubt he would have known what to say (Scheffler 2007: 96).

I do not want to make too much out the narrative and caricature Scheffler as a naïve Platonist or Kantian. My point is rather that the fact that he does not specify that we do not live in the exact same moral context that his grandfather did, combined with the fact that he does not at all ponder the normative implications of the new ethical sensitivity with regard to cultural difference, could be taken to mean that he believes that normative expectations and political morality do not change through time, an assumption that pragmatists and political constructivists, such as Rawls, would rightly want to challenge.21 This silence or blind spot in Scheffler’s argument might help explaining why he finds no use for the idea that liberal theories of justice need to be reworked in the light of a normative concept of multiculturalism.

Leaving this metaethical issue aside, Scheffler could perhaps reply that the ethical mutation within our well-considered judgements that I described did indeed take place and that there was an explicative blind spot in his argument, but that it doesn’t alter the basic position he defends in the paper: standard liberal egalitarian conceptions of justice have the normative resources to set out fair terms of social cooperation in multicultural societies, and talk of multiculturalism and recognition only creates unnecessary conceptual and normative problems.22 Although I am prepared to grant him that multiculturalists do not always have a clear view of the meaning and normative status of the goal of cultural preservation, it seems more accurate to think that a principle of respect of reasonable cultural diversity has gradually weaved its way into the fabric of our political morality and modified

21 I cannot address here the difficult question of how moral contexts and structures of well-considered practical judgements evolve through time, but I’m confident that such an investigation would have to include the struggles for recognition of excluded or marginalized minorities.

22 Perhaps Scheffler could say that standard liberal egalitarianism is not incompatible with our ensemble of well-considered judgements pertaining to the respect of cultural diversity. The reflective equilibrium method, as is well known, tells us to revise abstract theoretical principles if they fail to match with the moral practical judgements that we have no good reason to abandon or revise. There would thus be no need to amend standard liberal egalitarianism along the lines suggested here. Yet, as I argued earlier, basic liberal principles need to interact with a principle of respect for cultural diversity in order to steer clear of cultural assimilationism. Reflective equilibrium also tells us that changes in our structure of well-considered judgments normally have an impact on our theoretical conception of justice.
what we see as the requirements of social justice in culturally diverse societies. As I argued earlier, basic liberal principles need to interact with a principle of respect for cultural diversity in order to steer clear of cultural assimilationism.

It might thus be that we need to have a more textured conception of political morality; a conception that would allow us to distinguish between interpretive principles and more straightforwardly normative ones. It could well be, although I am not prepared to take a definitive stand on this yet, that multiculturalism does most of its normative work at the level of the interpretation of more basic liberal and democratic principles (equality, freedom of conscience and religion, freedom of expression, popular sovereignty and the right to self-determination). If so, this would constitute another reason why ‘multicultural’ theories of justice, that generally zero in on group-specific or cultural rights, are ripe for a new round of conceptual revision and clarification.

Conclusion

Political philosophers defending multiculturalism as an element of a sound public philosophy and as an orientation to public policy have been hard pressed in recent years, both by citizens and theorists, to explain how it relates to basic individual rights and to the demands of civic integration and social cooperation. These challenges forced multiculturalists to make their commitments to a liberal and civic form of multiculturalism explicit and to think hard about how principles of recognition and accommodation fit within a broader political conception of justice. However, evidence suggests that liberal democracies are not turning their back on reasonable forms of recognition and accommodation of minority claims, and the normative case in favour of liberal and civic multiculturalism appears to be strong.

Now, I focussed here on the standard liberal egalitarian criticism of multiculturalism because it seems to me the most cogent and serious one both in theoretical discussions and public debates. Standard liberal egalitarianism has the merit of articulating an alternative political philosophy according to which fairness requires the identical treatment of all citizens regardless of their religious beliefs or ethnocultural origins. All citizens should enjoy the same set of rights and opportunities; a principle that is thought to rule out religious accommodations, linguistic rights or self-government rights for national minorities, which are seen as unwarranted privileges. I think the difference-blind liberal egalitarian position

23 The most serious challenges to principle of accommodation during the Quebec debate discussed in the first part of this chapter came from citizens who argued that religious accommodations were incompatible with shared public values such as fairness between religious and non-religious persons, gender equality or the secular character of public norms and institutions.
is less attractive than its multicultural counterpart, but I appreciate the fact that it offers a conception of social justice that can be openly discussed and criticized.

But liberal multiculturalism can also be criticized on other grounds, such as that it doesn’t challenge the foundations of liberal-democratic regimes and thus leaves deep-seated and systemic asymmetrical relations of power between groups intact. Not digging deep enough, liberal egalitarian multiculturalism would divert us from the more troublesome inequalities that undermine the moral legitimacy of contemporary liberal democracies. Such criticisms are often made by theorists inspired by critical theory, poststructuralism or postcolonialism. But according to which normative standards can these persistent inequalities be assessed and criticized? What would look like a just multicultural and/or multinational political community? Answering these questions logically requires referring to a normative conception of justice that (at least loosely) defines and articulates the moral ends that our institutions should seek to achieve.24 This is what liberal-egalitarian multiculturalism attempt to do. Critics of liberalism in general, and of liberal multiculturalism in particular, often seem to lose sight of the fact that the critique of prevailing norms and institutions and the attempt to formulate appropriate moral standards are the two sides of the same coin.

24 See Ivison (2002) for a rare (and stimulating) attempt to reshape normative liberal theory in light of what he calls the ‘postcolonial challenge’.
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