LIBERAL PLURALISM AND MINORITY RIGHTS:
THE CASE FOR RELIGIOUS EQUALITY

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After many years of thinking and writing on multiculturalism and the conceptual resources that we need in order to justify minority rights (here in the limited sense of rights for immigrant minorities), I have reached the conclusion that liberal pluralism is only the first step in that direction. In my 2009 book, Qu’est-ce que le libéralisme? (Chapter 8), I have developed at length the idea that it was the move from monism to pluralism that could allow, and indeed had allowed, liberals in certain cases such as Canada to avoid major political and social crisis such as the rise of Islamist extremism, nationalism, xenophobia and attacks on immigrants on the scale seen recently all over Europe.

I still think that pluralism is a central building block in the new attitude to diversity and cultural heterogeneity, but I would like, in my presentation, to stress the shortcomings of liberal pluralism and its limits when seen from the opposite side, from the Muslim perspective and the struggle for religious equality (see Tariq Modood 2010). The new challenge of religious equality raises deep questions about the defensibility of State secularism and religious neutrality on the basis of liberal pluralism.

It is beyond the scope of this paper to examine the whole range of new conceptual challenges that will have to be met. I will limit myself to one question: what kind of liberal pluralism can meet these new demands? I suggest that understanding liberal pluralism in the wake of Isaiah Berlin’s or John Gray’s value-pluralism would be deeply misleading as they miss the main point: a deeper understanding of religious identities and group membership. Instead I suggest that the Rawlsian principle of justice as reciprocity is a much better tool for answering the demands of religious equality through the use of public reason.

I will first sketch the transformations of liberal pluralism and describe its input in the first stage of minority rights struggle: multiculturalism and the demand for cultural rights. I will then move to the new situation and the case for religious equality. I will show how, for Rawls, the use of public reasons may have an integrative and transformative effect on social conflicts and fragmentations. I will sketch in conclusion the ways British Muslims have developed a distinctive identity and presence in British politics through the use of public reasons in the Rawlsian sense.

I. Liberal pluralism and multiculturalism
II. Rawls on Public Reason and Religion
III. British Muslims’s struggles for religious equality
I. Liberal Pluralism and Multiculturalism

Even if in France, the term is still demonised, multiculturalism is the main issue in order to assess the relevance of liberal pluralism and its impact on minority rights. From an ideal of liberal integration, based on respect for individuals in spite of their different ethnic and cultural backgrounds, liberal multiculturalism (W. Kymlicka, 2007) has moved toward a positive political recognition of group membership, toward political accommodation of group identities as a way of implementing equality of opportunity for all citizens. This has been major shift which, at first, seemed impossible (See S. Holmes, Anatomy of Antiliberalism, 1993, Brian Barry, Culture and Equality, 2001).

- Minority rights and the new political normativity

One way of looking at the development of minority rights for the last half-century (since the Civil Rights movement in the US, for instance) is to see it as part of a wider social trend where recognition of minority cultures, then, seemed to go together with the positive recognition of differences, with the relevance for justice and equality of gender, race, sexual orientation, disabilities, and so on. This signalled the emergence of a new political normativity, from the ‘politics of difference’ of the 1980s to the ‘politics of recognition’ of the 1990s. The positive awareness of race, gender, culture and ethnicity grew, first, from failed and rejected assimilatory policies. One has to understand that this reversal of values, where it is what separates us, not what unites us, which is valuable, was first the answer to centuries of discrimination and oppression in the name of unity; it tells us that separate is reality. This is the common link between otherwise extremely diverse movements, from the Civil Rights Movement in America or the “Black is beautiful” trend to the claims of British Muslims or French “beurs” and even feminist movements around the world. How to be equal and different? The change in paradigm has been, then, considerable, leading to a growing awareness that abstract individualism and equality as sameness were no longer applicable. Even if it is questionable to conclude that all these issues required the same arguments and strategies as it is unclear whether the terms ‘groups’ and ‘cultures’ can be aptly applied to women, gays, Blacks, Asians, etc., what these sections of the population possibly had in common was their rejection of ‘colour-blind’ policies that pretended to treat everybody impartially in the abstract.

As Charles Taylor said in his 1992 ground-breaking essay, Multiculturalism and the Politics of Recognition, assimilatory and “colour-blind” policies based on anonymity and ignorant of cultural attachments and memberships, cannot have the integrative desired impact because they do not include the recognition of group identities and of the historical disasters that have led to humiliated and despised identities: slavery, colonialism, racism. One major writer in this field, Nancy Fraser, writes: “Many actors appear to be moving away from a socialist political imaginary, in which the central problem of justice is redistribution, to a “post-socialist” (and I would add, a post-liberal) political imaginary, in which the central problem of justice is recognition.” Iris Young similarly states that: “the emergence of an ideal of equality based not just on allowing excluded groups to assimilate and live by the

norms of dominant groups, but on the view that ‘a positive self-definition of group difference is in fact more liberating’ (1990: 57).

Since the beginning of the Nineties, the question of cultural minorities has progressively been introduced in debates and legislation at the United Nations, UNESCO, the Council of Europe, in particular, claims concerning minority languages (1992). The present debate on a European Union Charter of fundamental rights opposes those who would like to include in the list not only economic and social rights, but also new cultural rights, to the advocates of an undifferentiated European citizenship. Already these policies have resulted in major changes in Europe and America in political representation, in membership of political parties and trade unions, in education programmes (affirmative action and positive discrimination programmes, the improved teaching of regional languages, the emphasis on “ethnicising” schools curricula, and so on) and in civil society: new family laws, new cultural rights, etc.

This has led to fairly successful policies, based on the model of existing race or gender policies, especially in Canada, less so in Europe, such as:

(1) constitutional, legislative or parliamentary affirmation of multiculturalism at the central and/or regional and municipal levels (Ex. Canada Multiculturalism Act of 1988)
(2) the adoption of multiculturalism in school curricula;
(3) the inclusion of ethnic representation/sensitivity in the mandate of public media or media licensing;
(4) exemptions from dress-codes, Sunday-closing legislation
(5) allowing dual citizenship;
(6) the funding of ethnic group organizations to support cultural activities;
(7) the funding of bilongual education or mother-tongue instruction;
(8) affirmative action for disadvantaged immigrant groups.

• **The transformations of liberalism**

In this major shift, has liberalism been a major player? As we know, much criticism has been levelled against liberalism, especially from feminists, race and religious activists. Now, the question is: how much has liberalism changed in order to adapt to the demands for minority rights?

These changes have taken different routes. W.Galston (2002: 27) makes a useful distinction between three versions of the liberal response to cultural diversity: cultural diversity can be accepted as a fact (Rawls), or as having instrumental value for the individual, her self-development (Mill), her capacity for choice and autonomy (Kymlicka) or as having intrinsic value (I. Berlin, J. Gray, W. Galston). In all these versions, liberalism has changed beyond recognition to adapt to multiculturalism. The first version has indeed revived an important historical tradition of post-Reformation liberalism that included pluralism as its major tenet, in contrast to Enlightenment liberalism. For this form of liberal pluralism, “accepting and managing diversity through mutual toleration” was the preferred strategy.

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Based on Isaiah Berlin’s value-pluralism⁵, “that our moral universe is characterized by plural and conflicting values that cannot be harmonized in a single comprehensive way of life”, such a form of pluralism has led to institutional pluralism, to “the desirability of public institutions that conduce to the expression, rather than the coercive suppression or overt homogeneisation, of such differences” (Galston, 2002: 27).

The version of liberal pluralism illustrated by the works of Will Kymlicka and John Rawls (1993) would also claim its root in liberal value-pluralism (Rawls, 1993: 86), but would strongly deny “the intrinsic value of diversity” (Galston, 2002: 27), that “liberalism is about the protection of legitimate diversity” (Galston, 2002: 23). This second trend would distance itself from differentialist politics and insist instead that diversity is a fact, “the inevitable long-run result of the powers of human reason at work within the background of enduring free institutions” (PL, 1993: 4). This diversity does not exclude the possibility of a new form of political consensus, “the possibility of a relatively stable and harmonious pluralist society” (id.). The difference is that Rawls understands liberal pluralism in a more dynamic and dialectical way: diversity makes only sense against a background of commonalities. The aim of liberal pluralism is not only toleration, but above all consensus and integration in a differentiated way.

In reality, fighting against an abstract universality in the name of differentiation does not at all mean that we should renounce justice as the impartial treatment of persons and groups as advocated in classical universalist liberalism. Here, Rawls is inspired by the British philosopher Henry Sidgwick and his analysis of impartiality: “It cannot be just for A to adopt towards B a conduct that would be wrong if B adopted it towards A for the unique reason that they are two different individuals and without any difference existing, between the nature and the situation of these two individuals, that could be invoked as a reasonable motive for treating them differently.” ⁶ In other words, justice is a complex issue that requires a similar treatment of similar cases, unless a justification for treating them differently is presented. Justice requires a justification process; it is not defined solely by sameness. The two dimensions of sameness and difference are inseparable and a demand for impartial treatment takes justified distinctions into account. Thus, the Rawlsian concept of justice as fairness is relevant here: fairness meaning the rejection of unjustified inequalities, but not of justified differentiations. It is obvious that impartiality is not enough and that justice has to take into account certain specificities of the historical, social and cultural facts that have fashioned claims and demands for retribution and redress. This is the conclusion reached by Rawlsian pluralism concerning minority rights without renouncing universal human rights as the “necessary conditions of any system of social cooperation. When they are regularly violated,

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⁵ This was already heralded in Max Weber’s 1917-1919 Vocation Lectures: “The ultimate possible attitudes towards life are irreconcilable and hence their struggle can never be brought to a final conclusion.” “The central assumption in the Western tradition, (with the exception of Hume, of course), was that problems of value were in principle soluble, and soluble with finality. Whether imperfect human beings could implement the solution is another question, a question, which did not affect the rationality of the universe. This is the keystone of the classical arch, which, after Herder, began to crumble.” Accepting the limits of rationality calls for a different basis for toleration of differences. Instead of hoping to reach eventually agreement and unity, we have to limit our ambitions to peaceful coexistence and to the recognition that what divides us is definitive and constitutive of our humanity. To be rational means to accept that the other may differ from me and still be reasonable.

we have command by force, a slave system and no cooperation of any kind” (*Law of Peoples*: 68).

- **The new challenges of multiculturalism**

However, in the second wave of multiculturalism, since 2001, for complex reasons, which I will sketch in conclusion, demands for minority rights now include religious rights and this is deeply troubling for liberal pluralists as the limits of toleration may have been reached. The major shift is that religion, not ‘culture’ is now at the heart of the struggle for minority rights. As Tariq Modood notes: “The emergence of a Muslim political agenda has thrown multiculturalism into theoretical and political disarray” (p. 49).

Let us review the development of this new politicisation of religion as it has taken place in Britain. Three stages can be observed. First, as a continuation of its colonial policy, immigrants from the Commonwealth were given full nationality as well as some kind of autonomy in the management of their cultural and religious affairs. This period of toleration/indifference to minorities ended with the publication of the *Satanic Verses* and the Rushdie affair in 1989. The creation of UK Action Committee on Islamic Affairs ensued as a way of channelling the emotions and demands of devout Muslims in Britain. The struggle for the recognition of their public political identity, not as Asians or Blacks, but as Muslims, changes the situation of race relations in Britain dramatically, especially with the internationalisation of these demands and leads to new legislation, recognizing anti-Islam discrimination and criminalizing the vilification of Islam in the public sphere. Then, after 2001, the public attitudes of both the majority and the minority change again (see the 2006 Danish cartoons and the 2008 anti-Sharia storm) and lead to a revival of citizenship obligations and to the declared end of multiculturalism in Britain (2010).

The new demand now is that religious equality is relevant for justice and should include (T. Modood, 2010: 41):

1. no religious discrimination in employment, etc.,
2. even-handedness between different religions,
3. positive inclusion of religious groups and equal representation, equal benefits and opportunities, monitored in the same way as race, gender or ethnic origins (p. 41). (Compare with Kymlicka’s list of multicultural policies).
4. Taking religion as a measure of inclusivity

The conceptual model for answering the new Muslim assertiveness, as a religious identity is no longer the race-relations model, but the transformation of secularism, which creates major difficulties for liberals and their understanding of State-Church relationship.

- **Criticisms levelled at liberal pluralism**

Implications for Liberal Citizenship:

1. Collectivities are concerned, not simply individuals
2. Colour-, gender-, sexual orientation-blind policies, and the liberal public-private identity distinction are rejected
3. Religious identity is a chosen response to one’s ascription, but still a valid reason for equality demands
4. Conflict with secularism (p. 42)
“The emergence of Muslim political agenda has thrown multiculturalism into theoretical and political disarray” (p. 49).

See the criticisms of liberalism in T. Modood, 2010:
1. “A concept of racism that sees only colour-discrimination as a cause and material deprivation as a result’ … “not because of their membership of a cultural minority” (p. 28). No recognition that anti-Muslims attacks are racist, of the racialization of religion (like anti-Semitism) (see also p. 35) Vilification of Islam (p. 57). “But Muslim thinking too is inadequate to the current situation” (p. 29).
2. ‘A colour-blind approach is unable to sanction any programme of positive action to tackle the problem” (p. 29) because Muslims do not see themselves in terms of colour.
3. Religious people are not worthy of protection for a liberalism deeply influenced by secularism. This is why there is no legitimate limit to freedom of expression when religion is concerned (but negation of the Shoah is a legal limit).
4. What is civic integration worth? Less important than the freedom to public vilification of Islam? (compare with feminism and pornography)
5. The private-public distinction is crucial (p.39)
6. Power imbalances (p. 96)

II. Rawls on public reason and religion

My claim is that Rawls's treatment of the role of religions in the public sphere (see Public Reason Revisited) is more amicable to such claims than liberal pluralism as a separatist and static ideology, based on statements of facts, not on a transformative and reciprocal view of integration and pluralism.

- **Rawls on pluralism in the public sphere**

  Whereas the Enlightenment had presupposed the unity of mankind and of reason, Rawls recognizes the existence of incompatible, though reasonable, ways of life and values as a disturbing but unavoidable fact, the ‘fact of reasonable pluralism’. He reflects, in his latest work, on the enduring existence of “the most intractable struggles for the sake of the higher things, for religion, for philosophical views of the world and for different moral views of the good.” Even if this was overlooked in his first book, *A Theory of Justice*, and led him to an “unrealistic idea of a well-ordered society” and of the cultural homogeneity that democracy requires, as was noted by its critics, it has now become obvious for him that pluralism is a central fact for a political conception of justice.

  Let me summarize rapidly Rawls’s understanding of pluralism.

  First, he recognizes the existence of a plurality of ‘comprehensive’ doctrines, moral, religious, philosophical conceptions that attract the allegiances of groups and individuals within the framework of open democratic societies. This leads to a first major distinction between comprehensive doctrines and ‘political’ conceptions, which replicates the distinction between the Good and the Right: comprehensive doctrines are conceptions of the good that can be true or false, whereas a political conception is a 'freestanding' conception of the right
and justice, that is 'neutral' or independent from any singular conception of the good and can then be accepted by all concerned as legitimating the exercise of law-enforcing coercive political power.

Second, the plurality of doctrines excludes any idea of a substantive agreement of the type favoured by Enlightenment liberals. But still, the possibility exists of more than a mere modus vivendi, of a modest and incomplete, ‘overlapping’ consensus.

Third, Rawls introduces a distinction between the incommensurability of values and the comparability/compatibility of reasons or arguments; reasonable comprehensive doctrines are simply that, doctrines that can advance arguments or reasons in favour of beliefs.

Four, Rawls makes use of the traditional liberal distinction between the public and the non-public (but not necessarily private) spheres. Whereas in the non-public sphere (churches, universities, families, associations and so on), diversity rules, it is, in any case, considerably less so in the public sphere in view of the ‘duty of civility’ to use public reasons.

Finally, diversity should be understood in the light of the reciprocity principle, not in a static way.

As Rawls says, the new problem of our time is “How is it possible for those affirming a religious doctrine that is based on religious authority, for example the Church or the Bible [one could add the Koran], also to hold a reasonable political conception that supports a just democratic regime?” (Pl: xxxix)

Rawls distances himself from liberals and affirms

(1) The ‘reasonableness’ of religious doctrines instead of excluding them from the political domain.
(2) The failure of secularism
(3) The use of public reasons to reach an overlapping consensus

• The reasonableness of religions

The controversial stance taken by Rawls is to affirm, against the dominant liberal view of religions, their ‘reasonableness’ and, hence, their capacity for supporting liberal principles of justice. However, for Rawls, this support is limited and cannot be based on adhesion to a ‘comprehensive’ liberalism. It can only yield an ‘overlapping’, not a full consensus and it is not substantively based on beliefs, but relies mostly on the capacity religions have to articulate what Rawls calls ‘public reasons’. This does not imply that reasonable doctrines will inevitably reach agreement and ‘reconciliation’ is not on the agenda, for Rawls.

Rawls’s arguments as to why religions may be considered as ‘reasonable’ are narrow and limited in their scope. They deal only with their political dimensions, not their spiritual or historical content. Moreover, Rawls uses the terms ‘reasonable’ and ‘political’ in a very specific sense, which needs to be clarified. First, ‘reasonable’ means the capacity to use ‘public reasons’, that is, arguments phrased in a language accessible to all, not exclusively to the community of believers. The recognition of such a capacity is not new in the history of religions and, in Christianity since Aquinas and Locke, reason and religion have been in constant interaction. But, secondly and more specifically, religious doctrines are ‘reasonable’ when they get to recognize the distinction between the political and non-political domains as well as the authority of political power beyond their own community of justification, where
their own views do not necessarily prevail. Citizens of faith accept the normative principle that the ‘background culture’ of the various non-public associations and institutions, universities, churches, unions, etc., that make up civil society and its culture⁶⁹ should remain distinct from the political forum where citizens deliberate and vote, where political parties and candidates present their programs, where the Supreme Court judges present their reasoned opinions and conclusions, and so on, because this is the basis for equality of treatment and for equal respect for their autonomy, not a source of discrimination against their faith. Borders, of course, are porous, but in terms of justification, the reasons invoked are utterly different: churches appeal to their various religious doctrines to impose ‘local’ rules and principles whereas political institutions, practices and decisions may only appeal to a ‘political’ conception of justice that is independent from religious or other comprehensive doctrines and acceptable to all in order to legitimize coercive rules and institutions. This is derived from Rawls’s distinction between the justice of the ‘basic structure of society’ and the ‘local’ justice of specific institutions.⁷⁰

‘Reasonable’, then, is opposed to irresponsible and means accepting the existence of the ‘domain of the political’ in a very specific sense, (1) that the use of political power is necessarily coercive and (2) that it should be exercised only on the basis of reciprocity, as it has serious consequences for others. When, for instance, we vote on abortion rights solely according to our substantive beliefs, we do not act ‘politically’, whereas when we realize that our vote has public consequences, we act ‘politically’. Voting, says Rawls, is a public, not a private act as our decisions have political, legal and economic consequences for others beyond one’s own community of justification.⁷¹ This is the political principle of reciprocity that Rawls formulates in the following way:

Ideally citizens are to think of themselves as if they were legislators and ask themselves what statutes, supported by what reasons satisfying the principle of reciprocity, they would think it most reasonable to enact.⁷²

Religious doctrines that accept this principle are ‘reasonable’ in this limited political sense of recognizing the reality of the political domain, not in any substantive sense. They can, then, recognize equal freedom for other religions and the ‘right to exit’ for reasons that are ‘political’, not ‘comprehensive’. Thirdly, ‘reasonable’ is contrasted with ‘true’, meaning that reasonable religious doctrines accept the shared public conception of justice that regulates the political domain and recognize that doctrinal truths, such as the sanctity of life, are not relevant politically.

- **The failure of secularism**

There is, however, another philosophical issue at stake, namely the liberal doctrine of secularism and its failures, the necessity to re-examine the conceptions of rationality and truth that it implies. What are the consequences of the reasonableness of religions for the traditional doctrine of the secular State and the principle of separation between State and Church, as embodied in the American Constitution?

For Rawls, the question is not one of abandoning it, given that it guarantees the fundamental freedom of faith for all, but of re-interpreting it so that it becomes compatible with the ‘fact of reasonable pluralism’. The new assumption is that religious faiths may not necessarily share the liberal argument for separation between State and Church as they see it
as, in reality, biased against religions. Secularism, in the sense of the Enlightenment, is a ‘comprehensive’ doctrine based on the values of freethinking, reason and science and the secular State can no longer present itself as neutral and as a guarantee for the equality of citizens’ ways of life and conceptions of the good. This is, in reality, another form of ‘the liberal paradox’, that liberals support neutrality while defending what Habermas calls the “ethical standard of individualism”, xi which is one particular value or ethos among others. Rawls echoes this criticism in Political Liberalism:

Historically, one common theme of liberal thought is that the state must not favour any comprehensive doctrines and their associate conception of the good. But it is equally a common theme of critics of liberalism that it fails to do this and is, in fact, arbitrarily biased in favour of one or another form of individualism.xii

If, paradoxically, the secular State cannot be justified on the basis of the doctrine of secularism, how can it claim to be neutral?

Rawls’s answer is twofold. First, neutrality is a contested concept and it is only neutrality of aim, namely that the State should be prohibited from promoting any one dominant aim that is compatible with the liberal ideal. “The state”, he writes, “is to ensure for all citizens equal opportunities to advance any [permissible] conception of the good they freely affirm.” xiii Second, we should apply the distinction between ‘comprehensive’ and ‘political’ doctrines. The liberal State should not be dominated by one single comprehensive doctrine, be it philosophical, moral or religious, as this would contradict the liberal principle of legitimacy according to which no view of the good, even liberalism, can dominate the political domain without the “oppressive use of State power.”xiv “When there is a plurality of reasonable doctrines, it is unreasonable or worse to want to use the sanctions of state power to correct or to punish those who disagree with us”. xv This would signal the end of both individual liberty to choose one’s own values and way of life, and of equality among citizens, as minority religions or beliefs-systems would be crushed or excluded. This, even more importantly, would destroy the main feature of democratic regimes and societies, for Rawls, that is, the existence of a shared public and independent conception of justice - a feature missing in non-democratic regimes - that mediates direct confrontations between religious doctrines and State power. A ‘neutral’ political conception of justice should be the basis for a liberal democratic consensus, in place of any comprehensive doctrine.

This leads Rawls to ask us to overcome the confusion between ‘secular’ and ‘secularism’. To be ‘secular’ simply means not to affirm any particular doctrine in the political sphere. As Rawls states, “It is a grave error to think that the separation of church and state is primarily for the protection of secular culture; of course, it does protect that culture, but no more so than it protects all religions.” xvi This is where Rawls parts ways with secularism as he establishes a sharp distinction between, on the one hand, ‘comprehensive’ religious or secular doctrines that apply to all dimensions of life and have a claim on truth, and, on the other hand, ‘political’ conceptions that are limited to constitutional matters and questions of basic justice and have a claim on ‘reasonableness.”xvii
• The integrative use of public reasons

I now turn to the use of public reasons that Rawls recommends in the name of 'the duty of civility'. For Rawls, the use of public reasons preserves the diversity of the main conceptions of the good as no agreement is asked on a particular doctrine. The only requirement is that, from within each reasonable religion or religious morality, a narrow or wide backing for a public conception of justice (basically, the constitutional essentials) should be found during the public deliberation. This should lead to an ‘overlapping consensus’, that is, a partial and open-ended consensus where some religious and moral doctrines may provide a full backing for democratic principles whereas others are only in limited agreement on very general values such as ‘the good of democracy’, peace, freedom and prosperity, rejecting more specific requirements of democratic justice, such as exposure to other religions and cultures for their children, or the right to abortion or divorce, or the rights of gay couples, etc. The minimal agreement would be on the two principles of justice (justice as fairness) and on the ‘general conception of justice’. As a consequence, “conflicts between democracy and reasonable religious doctrines are greatly mitigated and contained… This mitigation is due to an idea of toleration… There are limits, however, to reconciliation by public reason.”

There are numerous difficulties with the position I have just sketched.

Many feminists oppose Rawls on the ground that he leaves too much to be decided by comprehensive religious doctrines, in particular the role of women in the family and in society. “Rawls, writes Okin, does not apply the same strict criteria of reasonableness to comprehensive doctrines that involve considerable gender inequality that he does to those that treat people differently on racial or ethnic grounds.” It is also to be found in Joseph Raz’s perfectionist defence of liberalism, that our deepest disagreements should be dealt with, not moved off the political agenda, so that, if and when we reach a consensus, it will have a stronger basis in a shared overcoming of our opposing beliefs. Akeel Bilgrami equally insists on the benefits of having to deal publicly with our deep disagreements in order to develop new reasons and arguments through a historical process. The use of public reason, being constrained on two counts – by the principles of justice and by the exclusion of truth - is left powerless, especially when faced with deep religious claims, be they Christian or Muslim or other. However, I will leave these important objections aside and concentrate on an example that shows the power of public reasons to overcome the otherness of the other and transform the public domain.

Ideally citizens are to think of themselves as if they were legislators and ask themselves what statutes, supported by what reasons satisfying the principle of reciprocity, they would think it most reasonable to enact. Rawls interprets this requirement as the political principle of reciprocity: distinct and separate doctrines, communities and citizens should look beyond their own world and envisage the consequences of their decisions for others. They remain separate, but connect in this rational and reasonable way. Religious groups will continue to lead separate lives within civil society (the Amish in America are an extreme but exemplary case) and meet mostly in the political domain, where they have to accept to publicize and ‘dilute’ their religious identity. Rawls has no hope of solving the enduring conflicts among religious and non-religious persons, only to make them tractable and to mitigate them through the use of public reason.
The duty of civility is just that, a limited recognition of the fact that as citizens, we are both legislators and addressees of the law, and that we should care for the consequences of our political decisions for all those others, who do not think like us. We are not asked to accept the right to abortion, the right to gay marriages or the teaching of Darwinism as a shared ethos, only to make sure that legislations in these domains respect the principles of justice.

III. The experience of British Muslims

My claim is that the experiences and struggles of contemporary British Muslims vindicate the ideal of public reason, not liberal pluralism in its static sense.

- A new conception of the national/collective identity

"The liberal view of multiculturalism is inevitably... transformational of people's cultural traditions. It demands both historically dominant and historically subordinated groups to engage in new practices, to enter new relationships, and to embrace new concepts and discourses, all of which profoundly transform people's identities and practices" (Kymlicka: 2007: 99).

Compare with Tariq Modood: “To bring together two (or by extension several) identity-shaping, even identity-defining commitments will have an effect on these commitments” (T. Modood, 2010:). “Allowing Muslims to politically organize as Muslims without any sense of illegitimacy and for them to raise distinctive concerns, to have group representation in political parties, trade unions, various public bodies and so on, means allowing Muslims to organize in ways they think appropriate at different times, in different contexts and for different ends. The result will be a democratic constellation of organizations, networks, alliances and discourses in which they will be agreements and disagreement, in which group identity will be manifested more by way of family resemblances than the idea that one group means one voice” (T. Modood, 2010: 5). Citizenship contrary to what secularists think is not a monistic identity that transcends religious group identities (id. p. 68). The process is multilogical. “To be a citizen is to have a right to not just being recognized but to debate the terms of recognition” (p. 63). “This ideal is a critique of the cultural assimilation demanded by nation-states of migrants and minorities, as well as of that liberal individualism that has no space for groups.” (The problem, then, for liberalism is not so much diversity but group identities).” But it is clearly grounded in ideas of individual equality and democratic citizenship... It seeks to pluralize and hence to adapt, not undermine, the unity and equality of citizenship and national identity” (p.63). (This means that there is an equal right to citizenship on different basis, on the basis of different group identities, individuals have a right to have their group membership, if it exists, recognized as an equal basis for citizenship).

- From religious to public reasons:
  - 1989 The Rushdie affair and the Muslim mobilization with the creation of the UK Action Committee on Islamic Affairs: reference to apostasy. Not a top-down movement, but a challenge to existing majority-minority relations from below.
  - 1998 Creation of the Muslim Council of Britain and the new political relevance of religion: reference to blasphemy. Creation of a religious, not
racial public identity. Conflict between Muslim representatives and advocates of multiculturalism (ignorant of Islam, secular, racial struggles, no understanding of religious demands in the public sphere).

• Demand for the criminalization of “incitement to religious hatred”, echoing legislation for Northern Ireland and that over incitement to racial hatred in Britain (2006 Legislation, see p. 56).

• Entering mainstream politics with an equality agenda on four issues:
  - Mobilizing and establishing a Muslim religious community voice
  - securing legislation on religious discrimination and incitement to religious hatred
  - socio-economic policies to fight against severe disadvantages
  - creation and support for Islamic schools

REFERENCES


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1 For a clear and concise account of the fact of reasonable pluralism, see PL: xxxviii, Introduction to the Paperback Edition:

2 PL 4.

3 PL xviii.


5 Reflecting on toleration and the dialogue among religions and with non-believers, in Bodin’s Colloquium, Rawls writes in a fairly elliptic way that “The religions of the seven [speakers] are each reasonable, and accept the idea of public reason and its idea of the domain of the political” (OMR 267). This is exactly what needs to be clarified here.

6 PL 220.

7 TJ 7.

8 PL 219.

9 IRPT 135.

10 If following Tocqueville, Rawls praises the way the American people have so far sustained religious peace thanks to the First Amendment, we know that the balance is fragile. For a good contrast, see the French situation where the 1905 law on the separation of Church and State has meant the imposition of secular values in the political realm, exactly what PL rejects.

11 BNR 271.

12 PL 190.

13 PL 192, see also 190ff.

14 PL 37.

15 PL 138. It might be useful to note here that, in ‘On my Religion’, Rawls mentions his interest as a young man for the history of the Inquisition and for “its use of state power to establish its hegemony and to oppress other religions” (OMR 264). Such interest transpires also in PL 37.

16 IRPT 166.
The general conception of justice states that all social values – liberty and opportunity, income and wealth, and the social bases of self-respect – are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone’s advantage” (TJ 54).


Stephen Macedo, op.cit. p. 488.