

Fear versus Fairness: Migration, Citizenship, and the Transformation of Political Community

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In what ways may we reasonably ask immigrants to adapt to us when they join our community? In what ways may immigrants reasonably ask us to adapt to them?

I use the term “we” here deliberately to evoke the conventional way in which the issues I am discussing are framed — a “we-they” construction in which “we” reflects the perspective of those who largely share the majority culture of the receiving society and “they” reflects the perspective of immigrants from countries that are assumed to be both poor and culturally different. There are good reasons to object to this sort of “we-they” construction, but I think it can be useful nevertheless to stay within it because it so shapes public discourse about these issues.

This article emerges from a larger work I am writing on the normative issues raised for liberal democracies in Europe and North America by immigration, especially, but not exclusively, immigration from the developing world. One of the overarching arguments of that work is that liberal democratic principles constrain the morally permissible range of options that states officially committed to those principles have in dealing with immigration. Here I want simply to presuppose what I argue for in the larger work, namely that immigrants should normally possess most of the legal rights that citizens have and that immigrants and their children should have easy or even automatic access to citizenship.

Within the framework of these presuppositions, I want to make the following broad claims: A commitment to liberal democratic principles of freedom and equality will sometimes require immigrants to change and sometimes require the receiving society to change. In the current context, where a politics of fear has emerged, where immigrants are often constructed as threats to liberal democratic states, and where officials and public figures (especially in Europe) loudly proclaim that multiculturalism is dead, it seems especially important to emphasize the latter point, that is, the need for change by the receiving society.

Much of what passes for multiculturalism is an inevitable outgrowth of basic liberal democratic commitments to individual rights — including freedom of religion, freedom of conscience, and freedom to live one’s life as one chooses so long as one is not harming others — and can be suppressed only by violating those commitments. (It is disturbing to see how ready some states are to do just that.) But justice requires more than respect for individual rights. It also requires a willingness to treat immigrants fairly, even though they are a minority, and that will sometimes require accommodations of various sorts and even public recognition of and support for their culture and their identity.

Multiculturalism is not only, indeed not primarily, about group differentiated legal rights. It is much more about the question of who belongs — who is seen as a

full member of society and on what basis. In speaking of liberal democratic justice, then, I mean to include more than laws, policies, and institutions. How laws, policies, and institutions work in practice depends on the attitudes, dispositions, and behavior of those who carry out and live under the laws and policies and who inhabit and interact with the institutions. Liberal democratic justice entails a certain kind of public culture, one that sees immigrants as full members of society and treats them with respect. Equal legal rights are only a starting point for this sort of requirement. What matters as much is the way people in the settled population — especially public officials, but also ordinary citizens — behave and how they interact with immigrants.

In discussing how immigrants should respond to the communities they join and how the communities should respond to them, we should keep in mind that normative claims and concerns can take different forms. I want to distinguish four kinds: requirements, expectations, encouragements, and aspirations. A normative requirement is something formal and explicit, like a legal duty or a legal right, often backed with the coercive power of the state. That is fairly straightforward though I should note that normative requirements in this sense may include not only laws passed by the legislature but also policies, rules, and regulations adopted by intermediary bodies and institutions such as school boards. A normative expectation is an informal standard that is not, and perhaps should not be, legally enforced but which may be enforced through public criticism and informal social sanctions. Often people in a receiving society have normative expectations about how immigrants should behave and how they should adapt, in addition to or apart from meeting legal requirements and obeying rules. Debates about multiculturalism are often not primarily debates about what laws and policies should be adopted but about what immigrants and the settled population can legitimately expect of one another. Moreover, normative expectations should be clearly distinguished from empirical expectations. An empirical expectation is simply a generalization about likely developments. It is an expectation as a prediction, normally one that applies to groups while recognizing individual variation. (For example, we can expect that many — but not all — of the grandchildren of immigrants will know relatively little of their grandparents' native language.) This is very different from a normative expectation which is a prescription that imposes a certain kind of moral demand upon all those to whom the expectation is addressed. (For instance, you should — or should not — learn your grandparents' native language.) Encouragements are attempts to promote something without turning it into a demand in the way that a normative expectation is a demand. It suggests a stance which is neither neutral nor judgmental. (For example, we will help you to learn your grandparents' language if you want to do so.) Finally, an aspiration is a normative stance towards the future that may not entail any demands for specific individuals. One may hope, for example, that the political community feels like a real home to all of its members, new and old, without demanding that individuals be loyal or demonstrate their attachment.¹ These distinctions matter because sometimes a normative claim or concern that would be morally acceptable in one form is morally unacceptable in another. For example, something might be reasonable and legitimate if expressed as

a normative expectation but not if imposed as a legal requirement. Sometimes what would be fine as an aspiration or even a subject of encouragement may be problematic as a normative expectation. For reasons of space, I will focus only on the first two categories in my article: normative requirements and normative expectations.

NORMATIVE REQUIREMENTS

Keeping in mind these distinctions among different kinds of normative claims, what sorts of cultural adaptation can we legitimately demand of immigrants as normative *requirements* and what sorts of cultural adaptation can they demand of us as normative *requirements* that reflect their own interests and concerns?

As a starting point we might say that we can ask of immigrants what we ask of all long-settled citizens, namely, that they pay their taxes and obey the laws of the land and the rules and policies promulgated by appropriate authorities. This seems plausible at first glance, but it is only a starting point. Saying that immigrants only have to obey the same laws as citizens should not disguise the fact that obeying the laws in the state they have joined may require some cultural adaptation on their part, because their state of origin will inevitably have had a somewhat different legal order. Whether this is a significant demand will depend on how different the legal orders are. It is only when the receiving state prohibits or requires behavior that would not have been prohibited or required in the state of origin and when the behavior in question is closely tied to the cultural or religious commitments and identities of immigrants that this demand normally becomes significant. If one thinks about the kinds of cases in which requirements of immigrants have generated public controversy in recent years, they almost all involve cultural and religious practices that are permitted (for instance, wearing *hijab*, carrying *kirpans*, female circumcision) or prohibited (criticism of religion, violations of religious norms like the depiction of Mohammed) in the country of origin but not in the receiving country. Sometimes these laws or rules may have been passed prior to the arrival of the immigrants or at least passed without having their impact on immigrants in view (for example, policies banning weapons in schools that are interpreted to prohibit Sikhs from carrying *kirpans*, a traditional and obligatory part of the religiously mandated dress of some Sikhs). In other cases, laws are passed that are aimed at restricting what is seen in the receiving country as an objectionable practice by immigrants (for instance, the French law banning ostentatious religious dress which was clearly aimed at the *hijab* worn by some Muslim girls in France).

In cases where there is a conflict between the cultural and religious practices of immigrants and the behavior required or prohibited by the laws and policies of the receiving community, it is not enough to say that immigrants should obey whatever laws are duly passed in accordance with democratic procedures. It is a familiar problem in democratic theory that we have to worry about majority tyranny. So, we have to ask whether the laws that immigrants are being asked to obey, especially laws that require them to change cultural and religious practices, are a form of majority tyranny in which the more numerous settled population is unjustifiably imposing unreasonable demands upon a minority immigrant population or whether

the legal demands are morally legitimate. Moreover, to address this question, we cannot simply appeal to the outcomes of judicial processes even where there are constitutional arrangements in place designed to protect minority rights, since the judicial processes may also be inappropriately shaped by majority preferences. For a theoretical inquiry such as this one, we have to make our own substantive arguments and judgments.

The general principle that I would put forward for dealing with such cases is that both parties (that is, the immigrants and the political authorities) should strive for mutual accommodation as much as possible. Both parties have an obligation to consider how important the issue is to them and whether their concerns can be met in some other way. Not every cultural and religious concern carries the same weight. So, immigrants should object to legal requirements that serve some legitimate general purpose only when they impose a significant burden that cannot be easily avoided by some acceptable shift in their own practice or behavior. On the other hand, when immigrants feel that a law is interfering with some important religious or cultural commitment of theirs (and, in practice, they rarely challenge laws otherwise) the state and the established population have an obligation to consider whether their objectives might be met in some other, less burdensome way either as a general matter or through some carefully crafted exemption that takes into account the differential impact of the law on the minority of people whose important religious and cultural concerns will otherwise be negatively affected. There may well be cases where it will be appropriate for the state to insist on maintaining its established rules, but it ought to at least consider carefully the alternatives.

Consider briefly one of the examples that I mentioned above. Some male Sikhs (not all) feel that they have a religious obligation to carry with them at all times a *kirpan*, which is essentially a short knife. Their desire to do so conflicts with prohibitions against carrying weapons, including ones adopted by various schools boards in Canada. Nevertheless, in a recent ruling the Supreme Court of Canada held (8 to 0) that schools must permit male Sikh students to bring their *kirpans* to school so long as the *kirpans* were blunt and suitably wrapped so as to make it difficult to have access to them.² This ruling illustrates perfectly the sort of mutual accommodation that I am advocating and contrasts sharply with the position that Brian Barry adopts in a recent book which criticizes most forms of multiculturalism and insists, in particular, that laws should be the same for all and that creating exemptions from standard rules to accommodate cultural concerns is usually a mistake.³

As a general matter, a rule against students having weapons in school is reasonable and important. No one doubts that this serves a vital social interest. But what the Canadian Supreme Court noticed was that the rule interfered with a longstanding and important religious practice for some people and that an exemption could be crafted that would meet the legitimate safety and security concerns of the schools without requiring Sikhs to violate their conscience. Brian Barry and the school board treat it as a self-evident truth that permitting Sikhs to carry *kirpans* in school reduces the personal security of everyone else in the environment. The Court, by contrast, took into account the religious prohibitions against the use of the *kirpan*

as a weapon by Sikhs themselves, the ways in which the *kirpan* would be secured which would make it extremely difficult for anyone else to gain access to it, the comparative danger posed by *kirpans* and other items readily available in schools such as baseball bats, and the actual (non-violent) history of Sikhs wearing *kirpans* in schools. The fact that carrying a *kirpan* may seem pointless or even dangerous to most non-Sikhs is not relevant because what matters is that it is significant to the Sikhs and not actually dangerous so long as the restrictive conditions are met. The restrictive conditions were not themselves part of the Sikh tradition, but Sikhs generally felt able to accept these restrictions without violating their own norms and were willing to adopt them to meet the concerns of the non-Sikh population.

The court decision reflected certain specific features of the situation that made misuse of the *kirpan* extremely unlikely. It would not follow that Sikhs should be permitted to wear *kirpans* when travelling on airplanes, for example. Important cultural and religious commitments are things that ought to be taken seriously, given weight in designing policies, accommodated where possible. They are not trumps. Nevertheless, in the actual case I think the overwhelming weight of the argument was on one side, as the 8 to 0 decision suggests. In this case, justice not only permitted but actually required the sort of accommodation that the Court prescribed.

This case swims against a recent tide. In many other cases, fear has triumphed over fairness in the creation of laws and rules that restrict the religious practices and cultural choices of immigrant minorities without adequate justification. I will mention just a few examples. I cannot discuss these cases in detail, but let me baldly state some claims to illustrate the point. In my view, at the end of the day, after one has sorted through all the complexities of the case, the French law banning the *hijab* in public schools is simply incompatible with the basic right of freedom of conscience that all liberal democratic states ought to respect.⁴ Similarly, while it is perfectly justifiable to prohibit forced marriages and to insist that women must be of legal age and must genuinely consent for a marriage to be valid, it is not justifiable for a state to act as Denmark has done and deny rights of family reunification to Danish citizens and residents who marry foreigners under twenty-four as a way of trying to discourage the selection of foreign partners.⁵ In Ontario, the provincial government recently decided to reject a proposal to permit arbitration of certain sorts of family disputes, within the constraints of Ontario law, because certain Muslim groups were proposing to make use of these provisions and opponents saw this as the public legitimation of forms of *sharia* law that would be oppressive to women. In fact the proposal (which was the product of long and careful study by a leading feminist who had undertaken the project at the government's request) would have provided greater security for women than current arrangements and would arguably have contributed to a much more pluralist understanding of Islam and its requirements.⁶ Finally, while it is legitimate and important for the state to ban female genital mutilation, it was the politics of fear that prevented the adoption of a policy in Seattle in which women proposed to arrange for a purely symbolic circumcision for their daughters, to be done in the hospital, involving only a pinprick of blood and no physical harm to the girls.⁷ This was also a good example of the kind of mutual

accommodation that I am advocating, because it met both the concerns for the physical health of the children (which were not only the wider society's concerns, but also those of the mothers) and the concerns for their membership in a cultural community. I would add that the issue of genital mutilation plays an especially problematic role in discussions of immigration where it is often used as a vehicle to characterize immigrants as barbarians and as threats to the fundamental values of democratic societies.⁸

NORMATIVE EXPECTATIONS

Consider now the kinds of normative *expectations* that we can have of immigrants and that they can have of us, demands that are not legally enforced but which reflect legitimate norms that others can be expected to follow even in the absence of legal sanctions. The first point is an obvious but important one. In a liberal democratic state it is very hard to justify many normative expectations of other people, whether by immigrants or by the majority of existing citizens. It is not only that the government cannot tell people where they should live or whom they should marry or what people they should have as friends or what they should wear or how they should live, but also that it is not legitimate to have social norms about such behaviors. This is not to say that family and friends may not have views and feelings that affect the choices people make, but, if one accepts Mill's argument in *On Liberty* on this issue — and I do to a large extent — it is unjust to use the informal sanctions of public opinion to impose expectations on minorities to behave in the ways preferred by majorities.⁹ That sets a very severe limit to any sort of assimilationist demand (such as the one articulated by Samuel Huntington in his recent book).¹⁰ Moreover, if one adds to Mill's rather individualistic account of why liberalism must be open to pluralism, some recognition of the ways in which cultural traditions and identities can be collective goods, one broadens the basis for challenging any ideal of assimilation. Here we can pay attention to the interests that people may have in associating with people with whom they share a particular cultural identity, in having that identity reflected in the public sphere and accommodated in public life, and in passing that identity on to their children. In such a context demands for conformity are hard to justify.

On the other hand, there are dangers in pushing this line of argument too far because if we only emphasize choice and difference we undermine the basis for criticizing structures that disadvantage some groups. The concept of disadvantage presupposes some kind of common metric by which advantage and disadvantage can be measured. Moreover, those who migrate often do so because they value the economic, social, and political opportunities in the society to which they are moving, so it is important not to define away these concerns out of an exaggerated sense of respect for their autonomy. In material terms, they generally want what the rest of the population wants, and we should be wary of any appeal to their distinctive cultural preferences as an explanation if they fail to achieve proportionate success, measured in conventional terms. It is perhaps not surprising if first generation immigrants fare somewhat less well on average, other things being equal, than long established citizens, because new immigrants have less of the informal knowledge

and other forms of social capital that one acquires from growing up in a society. This sort of social capital makes it easier for people to navigate a social order successfully, other things being equal, (although the fact that immigrants who are not refugees have been willing to move from a familiar social context may suggest that they are particularly willing to sacrifice and work hard to achieve their material goals, and, in this respect, other things may not be equal). In any event, the second and third generations grow up in the receiving society. If they lack social capital, it is society that has failed to provide it.

Some years ago the government of Quebec issued a document in which it addressed explicitly the question of legitimate expectations of both immigrants and the receiving society. I think this document struck the right balance on this question, providing a model for how other democratic political communities should think about this issue.¹¹ Thus the document says that, in a democratic society, “everyone is expected and encouraged to participate and contribute,”¹² so there is an explicit expectation that immigrants will not be simply passive recipients of what the receiving society offers but will “make the necessary effort to engage gradually in...economic, social, cultural and political life.”¹³ On the other hand, immigrants are entitled to expect that both the state and the established population will facilitate and encourage the immigrants’ participation. The democratic ideal entails a commitment to “values of equal opportunity and social justice.”¹⁴ This includes a responsibility on the part of both the government and the established population not to discriminate against immigrants on the basis of linguistic, ethnic, or religious origins — not just in a formal sense, but also through a commitment to “back them up whenever they or their descendants confront institutional or social barriers that deny them equal access to employment, housing or various public and private services.”¹⁵ In addition, “immigrants can also expect the host-community to allow them...to help define the major orientations of our society.”¹⁶ From this perspective, then, it seems that the immigrants can legitimately expect a good deal of the receiving society. Of course, the precise ways in which these sorts of commitments should be kept will have to vary from one society to another because societies differ in their institutions, policy environments, and public cultures. Nevertheless, if this general account of the legitimate mutual expectations of immigrants and the receiving society is accepted, it becomes clear that it is not just immigrants who have to adapt.

I do not mean to overstate this point. Immigrants almost always adapt much more to the receiving society than it does to them, and there is nothing problematic about this pattern so long as it is not the outcome of inappropriate requirements or normative expectations. As an empirical (as opposed to normative) matter, we can expect immigrants to adapt. If they were not willing to do so, most would not have moved in the first place.

The institutions, practices, and social life of any complex modern society rest upon formal and informal norms which in turn provide important collective goods, by making it possible for people to coordinate their activities without direct supervision or instruction. Those in the receiving society have a legitimate interest

in maintaining the institutions, practices, and patterns of social life that they have established, and in doing so, they need not impose any direct requirements or expectations on immigrants. But if immigrants want to take advantage of the opportunities open to them, they will usually have to learn about and adapt to these established institutions, practices, and patterns of social life. Getting a job, finding a place to live, sending kids to school — all these ordinary human activities are enmeshed in a social environment that immigrants must inevitably take largely as given and to which they have to adjust in order to get what they want. In many, perhaps most daily contexts, the wider society does not formally require anything of the immigrants or even expect anything of them, but neither does it feel any obligation to do things for them.

Immigrants often adjust in part by locating themselves in environments where the way things are done are more familiar (that is, in neighbourhoods where they can buy familiar products, interact with others from similar backgrounds, speak their language of origin, and so on), but even then things are never the same as at home and for many purposes they will inevitably also have to interact with the wider society and so will have to learn how things work in the new place. They have to learn the ropes.

This sort of social inertia is not unjust as a general matter. At the same time, however, it is not reasonable to insist that nothing can change, that the distinctive experiences, values, and concerns of the immigrants can never be relevant to an evaluation of the formal and informal norms. The way things are done may reflect unconscious and unnecessary elements that come to light only when they are confronted by people who object to them. If immigrants have reasons for wanting things to be done differently, they deserve a hearing and their interests must be considered. Sometimes practices can be changed without any real loss to anyone else beyond the adjustment to the change. Sometimes it may be appropriate to leave existing practices in place and make exceptions for newcomers. Sometimes it is reasonable to expect the immigrants to adapt. What is required, in short, is a sensitive balancing of considerations that takes the interests of the immigrants seriously.

But what about the fundamental values and principles on which the social order is based? Surely that is an area, many will say, where it is reasonable simply to expect immigrants to adapt to us, rather than seeking some sort of mutual accommodation. Can immigrants be asked to accept liberal democratic principles? The answer to this question depends, I think, on how acceptance of those principles is construed.

It is reasonable to expect (in the normative sense of “expect”) that immigrants (and citizens) accept liberal democratic norms as political values, as appropriate principles for regulating public life. This means, for example, that it is reasonable to expect immigrants (like citizens) to tolerate views and ways of life that they deeply reject, to renounce the use of violence to settle disagreements within the society, and to treat others with public respect. In other words, liberal democratic principles create norms about how people are to act and to talk in the public sphere, including civil society. The general justification for these demands rests upon the

claim that liberal democracy is a morally legitimate form of political rule. There are many different ways to defend such a claim, of course, but since most of my whole argument is aimed at people who accept liberal democracy as a framework, I will not try to say more about foundations here. What I would add, however, is that there is a specific kind of argument that can be aimed at immigrants to explain why they should accept the normative demand that they respect the principles of liberal democracy for the regulation of the public sphere, namely that those are the principles that give them a basis for demanding that the majority limit their own demands upon immigrants, particularly with respect to cultural assimilation.

At the same time, one of the central tenets of liberalism is its openness to freedom of thought and opinion so that liberal democracies cannot impose a normative expectation that people believe certain things without contradicting their own fundamental commitments. People in liberal democracies are permitted to read, and to be persuaded by, Plato or Nietzsche, though neither is a liberal democrat.

From a sociological perspective, as an *empirical* expectation, one can observe that beliefs tend to follow practice. If people live in a society in which there is a widely shared normative expectation of conformity with democratic norms in public life and if people actually conform to those norms in their public actions, it is likely, as an empirical matter, that they will find ways to interpret their other beliefs so as to make them fit with the ways in which they are expected to behave. Over the long run, people who live in liberal democratic regimes are likely to accept liberal democratic norms. Nevertheless, that sort of empirical generalisation is very different from the claim that people can legitimately be expected, as a normative matter, to accept liberal democratic values and beliefs, regardless of their own intellectual or religious convictions. Liberal democracies ought to leave space even for positions that challenge the basic presuppositions of liberal democracy. That is a longstanding internal tension that is simply unavoidable.

Finally, consider these general comments about normative expectations and democratic values in relation to a recent controversy: the Danish cartoons case. (Let me say at the outset that I have been amazed at the passions this case has generated and the divisions it has produced among people who normally agree about political and moral matters.) Here is an abbreviated and oversimplified outline of the case. A Danish author writing a book for children about the life of Mohammed found that he could not get anyone to provide illustrations of Mohammed for his book. In response to this, a Danish newspaper (*Jyllands-Posten*) invited cartoonists to submit caricatures of Mohammed as a way of defending the principle of free speech. Over time, and partly in response to political mobilisations, Muslims around the world protested against the cartoons, sometimes violently. Death threats were issued against the cartoonists. In Europe and North America, many Muslims — mainly immigrants and their descendants — also protested, generally peacefully, though in some cases with signs saying that the cartoonists and those associated with this action deserved to be killed. Some liberal commentators denounced Islam as an intolerant religion and said that this incident revealed that Muslim immigrants do not respect the principles of democracy as they should.

For the purposes of this article, what is most important about this incident is what it can tell us about legitimate normative expectations that immigrants and the receiving society can have of each other. Who violated those legitimate expectations (if anyone) and in what way? I will simply assume here, though I would be prepared to defend it, that the newspaper had a right to publish the cartoons in the sense that no liberal democratic state could prohibit their publication without violating fundamental norms about free speech (even if one does not accept the strong American version of this liberty). The cartoons were offensive to most Muslims, but they cannot reasonably be characterised as the sort of hate speech that is restricted by law in some liberal democratic states. Relatedly, but importantly, I will assume that everyone accepts the principle that the cartoonists and the publishers should not have been subjected to death threats. No one should be subject to death threats for what they write or publish, no matter how offensive. No one should feel unable to express views out of fear of violent retribution. I take these claims to be uncontroversial, at least with the readership of this journal. By the same token, those who engaged in non-violent protests against the publication of the cartoons were exercising their rights of free speech as permitted by liberal democratic laws.

But what about liberal democratic norms? Did the protestors — or the publishers — violate those? Some people have argued that even protesting against the publication of the cartoons reveals a lack of commitment to democratic norms of free speech. I think that is just wrong. To say that the cartoons were offensive and that the newspaper should not have published them is not, in itself, a violation of democratic norms. Freedom of speech does not entail immunity from criticism, including criticism of the decision to say what one said. On the other hand, one can reasonably say that placards advocating “death to the cartoonists” would be a violation of democratic norms (even if they were legally permissible because they did not in themselves constitute the sort of threat that could be punished by law). In my view, the people who advocated or endorsed violence against the cartoonists deserve criticism, regardless of where they live or whether they accept democratic principles. In addition, however, any resident or citizen of a democratic state expressing such a view can be criticized for violating legitimate normative expectations that members of a democratic community are entitled to have of one another, and, in our context, that the receiving community is entitled to have of immigrants. I have heard different reports about what the placards in the actual demonstrations said, so I do not know to what extent this sort of advocacy of violence actually occurred in Europe or North America. It seems clear, however, that it was generally not the typical public reaction of Muslims in Western states.

What about those who published the cartoons? Do they deserve any criticism? Some would argue that they do not, on the grounds that, in a democratic society, no subject is taboo and one must be able to criticize, even mock all sacred cows (including, as the phrase “sacred cows” suggests, religion).¹⁷ Even if one accepts this general principle, however, it does not follow that anyone may publish anything in any context without violating democratic norms.

Step back for a moment and consider the origins of the controversy. An author was writing a children's book about the life of Mohammed. That sounds admirable. It evokes an image of some multiculturally oriented Danish author who wants to provide Danish children from the non-Muslim majority with some information about the leading historical figure in the religion practised by some of their fellow Danes. Rhetorically this reference to the origins of the conflict has made it appear as though an innocent exercise in intercultural communication was suddenly disrupted by the irrational reactions of an illiberal minority. But wait a minute. If the author knew anything about Islam, he must have known that many Muslims do not think that anyone should draw pictures of Mohammed. And if he did not know this at the outset, he ought to have figured it out when the illustrators kept turning him down. So, why would someone deliberately present information to children about another religion in a way that the author knows will be offensive to many followers of the religion? Suddenly the author's agenda does not appear so benign, and the refusal of the illustrators (if they acted out of principle and not fear) an admirable exercise of multicultural respect rather than a suppression of free expression.¹⁸

What about *Jyllands-Posten*, the Danish newspaper, that solicited and published the cartoons of Mohammed, ostensibly because it was outraged about the restrictions on free speech revealed by the inability of the children's book author to find an illustrator? Here again, context matters in interpreting what is at stake and evaluating actions. On the one hand, it is crucial that there be few legal restrictions on expression, and, on the other hand, every major newspaper has to make choices about what to publish. And *Jyllands-Posten* is a major newspaper, one of the largest circulation dailies in Denmark. The mere fact that it is legally permissible to publish something does not mean that it should be published, and especially, that a given newspaper is obliged to publish it.¹⁹ As many commentators have noted, *Jyllands-Posten* chose not to publish some anti-Christian cartoons a few years previously, and at least partly justified its reactions on the grounds that it did not want to offend its readers. It is legally permissible to publish racist and anti-Semitic cartoons but no major newspaper — or perhaps I should say no reputable newspaper — in Europe or North America would do so, even though such cartoons are available on the web and appear in print in small circulation journals. (Furthermore, I suspect that if we looked at the archives of major newspapers from the first half of the twentieth century, we would have no difficulty in discovering such cartoons in them.) Why won't newspapers publish such things? One of the reasons, I assume, is that they think such cartoons do not treat Jews and racial minorities with the respect that is due them as members of a democratic society.

Are the Danish cartoons comparably objectionable? Some are and some aren't. But even the ones that only depict Mohammed and do not portray him as a terrorist are intended to offend Muslim sensibilities, and not just the sensibilities of Muslims who do not accept democratic norms of free speech. There are many Muslims who live in Western democratic states and accept familiar democratic constraints upon politics (for example, rule of law, freedom of speech and religion, and no use of threats of violence against those with whom one disagrees) who were deeply

offended by the cartoons. And, it seems to me, giving offence in that way requires justification. It violates a norm of civility and respect in engaging with other members of society. Sometimes there may be good reasons to be uncivil and disrespectful, but I do not think this case is one of them. In Denmark the Muslim minority has been marginalized socially, economically, and politically and has been portrayed as a threat to the Danish nation. So, one can reasonably say that Denmark has not met the morally legitimate expectations of Danish Muslims about how they should be treated in a democratic society, and the publication of the cartoons by *Jyllands-Posten* is part of this failure.

There is a wider context as well. I think there is a deep and unjustified hostility to Islam within Western states — not just to Islamists and their actions and versions of Islam — and that this is manifested in a wide variety of attitudes, dispositions, and actions, as reflected in part by the reactions to the Danish cartoons controversy. (I also think that anti-Semitism is a growing problem, especially in Europe.) It seems to me that one's views on what policies and practices are appropriate in Western states and what must be done to meet the morally legitimate expectations of immigrants will depend, at least in part, on whether one thinks that Islamophobia is a serious problem in these states or not.

1. Some people worry that even the aspiration that people will share a common identity inevitably carries with it an exclusionary component. See Melissa Williams, "Citizenship as Identity, Citizenship as Shared Fate, and the Functions of Multicultural Education," in *Collective Identities and Cosmopolitan Values*, eds. Walter Feinberg and Kevin McDonough (Oxford: Oxford University Press, 2002).

2. See *Multani v. Commission scolaire Marguerite-Bourgeoys*, 2006 SCC 6.

3. Brian Barry, *Culture and Equality* (Cambridge: Harvard University Press, 2002).

4. See Joseph H. Carens, *Culture, Citizenship and Community* (Oxford: Oxford University Press, 2000); and Joseph H. Carens, "Démocratie, Multiculturalisme et *hijab*," *Esprit* no. 311 (Janvier 2005): 54–61.

5. See Anne Phillips, "Forced Marriage and Immigration Control," paper presented at a conference on Multiculturalism and Nationalism in a World of Immigration, University of Copenhagen, May 8–9, 2006.

6. Melissa S. Williams, "The Politics of Fear and the Decline of Multiculturalism" (unpublished paper on file with the author).

7. Doriane Lambelet Coleman, "The Seattle Compromise: Multicultural Sensitivity and Americanization," *Duke Law Journal* 47, no. 4 (1988): 717–783.

8. See Carens, *Culture, Citizenship and Community*, for a discussion of the Seattle case and of this wider concern.

9. John Stuart Mill, *On Liberty* (1859) in *On Liberty and Other Essays by John Stuart Mill* (Oxford: Oxford University Press, 1998).

10. See Samuel Huntington, *Who Are We? The Challenge to American National Identity* (New York: Simon and Schuster, 2004). Mill's contribution to the Anglo-Saxon legacy that Huntington extols is conspicuous by its absence.

11. Government of Quebec, *Vision: A Policy Statement on Immigration and Integration* (Montréal: Ministère Communautés culturelles et de l'immigration, 1990). This paragraph is adapted from a larger discussion of this document and of Quebec's approach, in Carens, *Culture, Citizenship and Community*, chapter 5.

12. Government of Quebec, *Vision*, 15.

13. *Ibid.*, 17.

14. Ibid., 16.

15. Ibid., 17.

16. Ibid.

17. Note the implicit denigration of Hinduism in the familiar phrase “sacred cows.”

18. There are conflicting accounts about whether the illustrators refused the request out of respect for Muslim sensibilities or because they were afraid of violent reactions. So, let me repeat that no one should be impeded from publishing anything out of fear of being subject to violence, and it is of vital importance for a liberal democratic state to create a climate in which people do not restrain themselves out of that sort of fear. But if the illustrators refused the job simply because they knew such pictures would be offensive to Muslims, that seems to me a perfectly reasonable reaction.

19. As Spiderman’s Uncle Ben said, “With great power, comes great responsibility.”