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Two Models of Pluralism and Tolerance

Abstract: In his most recent work, John Rawls argues that political theory must recognize and accommodate the 'fact of pluralism', including the fact of religious diversity. He believes that the liberal commitment to individual rights provides the only feasible model for accommodating religious pluralism. In this paper, I discuss a second form of tolerance, based on group rights rather than individual rights. Drawing on historical examples, I argue that this is also a feasible model for accommodating religious pluralism. While both models ensure tolerance between groups, only the former tolerates individual dissent within groups. To defend the individual rights model, therefore, liberals must appeal not only to the fact of social pluralism, but also to the value of individual autonomy. This may require abandoning Rawls's belief that liberalism can and should be defended on purely 'political', rather than 'comprehensive' grounds.

1. The Lessons of the Reformation

In his most recent work,¹ John Rawls argues that "we must draw the obvious lessons of our political history since the Reformation and the Wars of Religion" - namely, that we must recognize and accommodate "the plurality of conflicting, and indeed incommensurable, conceptions of the good affirmed by the members of existing democratic societies" (Rawls 1987, 13; 1985, 225, 249). In the sixteenth century, both Catholics and Protestants sought to use the state to support their conception of true faith and to oppose the other. After innumerable wars and civil strife, both faiths learned that only the oppressive (and futile) use of force could ensure adherence to a single comprehensive religious doctrine. Both faiths now accept that "a practicable political conception for a constitutional regime cannot rest on a shared devotion to the Catholic or Protestant faith" (Rawls 1987, 5).

¹ By Rawls's 'recent' writings, I mean his post-1985 articles, in which he emphasises the distinction between "political" and "metaphysical" or "comprehensive" conceptions of liberalism: Rawls 1985; 1987; 1988; 1989. I will also be referring to Rawls 1974; 1980; 1982a; 1982b.

According to Rawls, this development of religious tolerance was one of the historical roots of liberalism. Liberals have simply extended the principle of tolerance to other controversial questions about the "meaning, value and purpose of human life" (Rawls 1987, 4; 1985, 249). Unless oppressive state force is employed to prevent it, the members of a democratic society will invariably endorse different views about the highest ends in life, just as they endorse different religious views. Some will view civic participation or communal cooperation as our highest end, others will view individual accomplishment as the greatest good. Any conception of justice which hopes to serve as the basis of political legitimacy, therefore, "must be one that widely different and even irreconcilable comprehensive doctrines can endorse" (Rawls 1989, 235). Hence liberal "neutrality" on questions of the good accepts and extends the lessons of the Reformation.²

In this paper, I want to raise some questions about this "obvious lesson" of the Reformation, or rather about Rawls's interpretation of it. I accept the need for religious tolerance. But there is more than one form of religious toleration. In the context of Western democracies, tolerance took a very distinctive form - namely, the idea of individual freedom of conscience. It is now a basic individual right to worship freely, to propagate one's religion, to change one's religion, or indeed to renounce religion altogether. To restrict an individual's exercise of these liberties is seen as a violation of a fundamental human right. Rawls views this as the most natural form of religious toleration. Indeed, as we will see, he often writes as if it is the only form of toleration. He simply equates "the principle of toleration" with the idea of individual freedom of conscience.

In this paper, I want to consider a second model of toleration which is based on group rights rather than individual liberty. In both models, religious communities are protected from oppression, but in very different ways. The Rawlsian

² The term "neutrality" has a number of different meanings, and so talking about liberal neutrality often creates confusion. The sense in which a liberal state is "neutral" with respect to competing conceptions of the good is a very specific one - namely, the state does not justify its actions on the grounds that some ways of life are intrinsically more valuable than others. The *justification* of state policy, therefore, is neutral between rival conceptions of the good. This does not mean that the *consequences* of state policy are neutral, in the sense of equally helping or hindering each way of life. On the contrary, how well a way of life fares in a liberal society depends on its ability to gain or maintain sufficient adherents, and those which are unable to do so will wither away in a liberal society, while others flourish. A liberal state allows these non-neutral consequences of individual freedom of choice and association to occur. It does not, however, try to preempt this process by developing a public ranking of the intrinsic value of different ways of life which it then uses to influence individuals' choices. For further discussion of the difference between "justificatory" and "consequential" neutrality, see my 1989b. For Rawls's discussion of neutrality, see Rawls 1988, 260, 265.

model protects each religious community by separating church from state. It removes religion from the public agenda, leaving adherents of the competing doctrines free to pursue their beliefs in private churches. In the group rights model, on the other hand, church and state are closely linked. Each religious community is granted official status, and a substantial measure of self-government. In the 'millet system' of the Ottoman Empire, for example, Muslims, Christians and Jews were all recognized as self-governing units (or 'millets') within the Empire.

There are a number of important differences between these two models. For the purposes of this paper, the most significant is that the group rights model need not recognize any principle of *individual* freedom of conscience. Since each religious community is self-governing, there is no external obstacle to basing this self-government on religious principles, including the enforcement of religious orthodoxy. Hence there may be little or no scope for individual dissent within each religious community, and little or no freedom to change one's faith. In the millet system, for example, the Muslims did not try to suppress the Jews, and vice versa, but they did suppress heretics within their own community. Heresy (questioning the orthodox interpretation of Muslim doctrine) and apostasy (abandoning one's religious faith) were punishable crimes within the Muslim community. Restrictions on individual freedom of conscience also existed in the Jewish and Christian communities. The millet system was, in effect, a federation of theocracies.

My aim is not to defend this second model. On the contrary, like Rawls, I believe that the liberal system of individual liberty is a more appropriate response to pluralism. My aim, rather, is to see what sorts of reasons liberals can give to defend their commitment to individual liberty. The 'obvious lesson' of the Wars of Religion is that diverse religions need to tolerate each other. It is less obvious why we must tolerate dissent within a religious (or ethnic) community.

Rawls has not, I think, adequately addressed this question. In fact, I believe that Rawls's recent work has obscured the basis for this liberal commitment to individual liberty. Hence, after spelling out some of the details of the group rights model (section 2), I will turn to Rawls's recent work, particularly his claim that liberals should defend their views on 'political' and not 'comprehensive' grounds (sections 3 and 4). I will argue that liberals must give a more comprehensive defense of liberal values if they are to adequately defend individual liberty. I will then conclude with some suggestions about how liberal democratic regimes should deal with minorities who reject liberal ideals (section 5).

2. The Group Rights Model and the Ottoman Millet System

This section will consider the group rights model, focusing in particular on the Ottoman millet system. The Ottoman Turks were Muslims who conquered much

of the Middle East, North Africa, Greece and Eastern Europe during the fourteenth and fifteenth centuries, thereby acquiring many Jewish and Christian subjects. For various theological and strategic reasons, the Ottomans allowed these minorities not only the freedom to practice their religion, but a more general freedom to govern themselves in purely internal matters, with their own legal codes and courts. For about 5 centuries, between 1456 and the collapse of the Empire in World War 1, three non-Muslim minorities had official recognition as self-governing communities (or 'millets') - the Greek Orthodox, the Armenian Orthodox, and the Jews - each of which was further subdivided into various local administrative units, usually based on ethnicity and language. Each millet was headed by the relevant church leader (the Chief Rabbi and the two Orthodox Patriarchs).

The legal traditions and practices of each community, particularly in matters of family status, were respected and enforced through the empire. However, while they were free to run their internal affairs, their relations with the ruling Muslims were tightly regulated. For example, Non-Muslims could not proselytize, they could only build new churches under license, and they were required to wear distinctive dress so that they could be recognized. There were limits on inter-marriage, and they had to pay special taxes, in lieu of military service. But within these limits, "they were to enjoy complete self-government, obeying their own laws and customs". Their collective freedom of worship was guaranteed, together with their possession of churches and monasteries, and they could run their own schools.³

While the millet system was generally humane and tolerant of group differences, it was not a liberal society, for it did not tolerate individual dissent within its constituent communities. It was, rather, a deeply conservative, theocratic, and patriarchal society, antithetical to the ideals of personal liberty endorsed by liberals from Locke to Kant and Mill. The various millets differed in the extent of their enforcement of religious orthodoxy. There were many periods during the 500-year history of the millets in which liberal reformers within each community pushed for constitutional restrictions on the power of the millet's leaders. And in the second half of the nineteenth century, some of the millets adopted liberal constitutions. (Hence the idea of according special rights of self-government to minority communities need not be illiberal, if this communal self-government respects the civil rights of its members).⁴ But, in general, there were significant

³ For a helpful introduction to the millet system, see Runciman 1970, 27-35, and Braude/Lewis 1982b.

⁴ It is important to distinguish two kinds of group rights that can be attributed to minority communities: rights of the group *against the larger society*, and rights of the group *against its own members*. I believe that in the case of minority cultures, the former are consistent with liberal views of freedom and equality, if they protect a vulnerable minority from the impact of majority economic or political decisions. Such inter-group rights may

restrictions on the freedom of individuals in the Ottoman Empire to question or reject church doctrine. The Ottomans accepted the principle of tolerance, where that is "understood to indicate the willingness of a dominant religion to coexist with others" (Braude/Lewis 1982b, 3), but did not accept the quite separate principle of individual freedom of conscience.

This system of toleration is, in one sense, the opposite of that in the West, since it unites, rather than separates, church and state. It is interesting to note that the two systems had similar historical origins. The Ottoman restrictions on the building and location of non-Muslim churches were similar to the system of "licensed co-existence" established under the Edict of Nantes (1598). Under that Edict, which ended the Wars of Religion, Protestants in France could only build new churches in certain locations, and only with a state license.⁵ In the West, however, state-licensed co-existence between Protestants and Catholics gradually evolved into a system of individual freedom of conscience. This never occurred in the Ottoman Empire. As noted above, there were some liberal reformers who questioned the legitimacy of theocratic rule. Some Jews and Christians in the Ottoman Empire had extensive contact with the West. They brought back Enlightenment ideas of freedom and reason, and, like liberals in the West, challenged the rule of "obscurantist" religious leaders who maintained power by keeping the people fearful and ignorant.⁶ These reformers wanted to secularize, liberalize and democratize the millet system, and use it as the basis for national self-government by the various national groups in the Empire. The Ottoman rulers actually sided with these liberal reformers in 1856, and demanded that the non-Muslim millets adopt new and more democratic constitutions.⁷ However,

include land claims, language rights, guaranteed representation in political institutions, veto power over certain kinds of policies, etc. For a liberal defense of these rights, see my 1989a, chaps. 7-10. This paper, however, will focus on the latter kind of group right, which I believe is generally inconsistent with liberalism. For the rest of this paper, therefore, I will use the term "group right" to refer to rights of groups against their own members. I discuss the distinction between these two kinds of group rights in my 1992a and 1992b, 140-146.

⁵ Another historical parallel is that both systems combined toleration of religious worship with discrimination in terms of public office. In the millet system, the non-Muslim communities gained freedom of worship in the 1400s, but only achieved full legal equality in 1856. This parallels the growth of toleration in Britain, which adopted the Toleration Act in 1689, but which imposed some legal disabilities on Catholics and Jews until 1829 and 1846 respectively.

⁶ Roderic Davison discusses these challenges to clerical rule, inspired by Western liberalism: Davison 1982, 332. The impact of the "corrosive notions of the European Enlightenment" on the millet system are also discussed in Braude/Lewis 1982b, 18-19, 30-31; and Karpat 1982, 159-63.

unlike in the West, liberal reformers were a small minority, and the Patriarchs were able to maintain their hold on the reins of power, albeit with ever-decreasing relevance.

The influence of Western ideas was just one of many external influences which ultimately combined to undermine the millet system (along with economic competition, military force and diplomatic meddling). But its internal dynamics were remarkably stable. As Braude and Lewis note, "For nearly half a millennium, the Ottomans ruled an empire as diverse as any in history. Remarkably, this polyethnic and multireligious society worked. Muslims, Christians, and Jews worshipped and studied side by side, enriching their distinct cultures" (1982b, 1; on the foreign influences which conspired to undermine the millet system, see 28-30).

The millet system, therefore, offers a viable alternative form of religious tolerance to Rawlsian liberalism. It does not deny the obvious lesson of the Wars of Religion - i.e. that religions need to co-exist. Indeed, the existence of the millets probably saved the Ottoman Empire from undergoing these wars. In fact, this is arguably the more natural form of religious tolerance. The historical record suggests that "in practice, religions have usually felt most violently intolerant not of other religions but of dissenters within their own ranks" (Elton 1984a, xiii). This was true of paganism in antiquity (Garnsey 1984, 24), and of leading figures in the English Reformation, such as Thomas More (Elton 1984b, 174-5, 182-3).

The Ottoman millet system is the most developed form of the group rights model of religious tolerance. But variations on that model can be found in many other times and places, including many contemporary liberal democracies. Consider the following three cases:

(a) American Indian tribes have a legally recognized right to self-government. As part of this self-government, tribal governments are not subject to the American Bill of Rights. Some tribes have established a theocratic government that discriminates against those members who do not share the tribal religion. For example, the Pueblo deny housing benefits to those members of the community who have converted to Protestantism (see Weston 1981).

(b) Both Canada and the United States exempt a number of long-standing religious sects (eg. Mennonites, Doukhobours, Amish, Hutterites) from laws regarding the mandatory education of children. Members of these sects can withdraw their children from schools before the legal age of sixteen, and are also not required to teach the usual school curriculum. Parents worry that if their children received this broader education, they would be tempted to leave the sect and join the wider society (see Janzen 1990, chaps. 5-7).

⁷ For example, the Protestant millet, established in 1850, was "lay controlled, democratic, and on Anglo-Saxon lines", Davison 1982, 329. On the more general attempts to liberalize the millets in the 1850's, see Braude/Lewis 1982b, 22-23.

(c) Britain has recently received a considerable number of Muslim immigrants from its former protectorates and colonies. Some traditional Muslim practices violate current British law, including arranged marriages, and various forms of sexual discrimination and segregation in education. Some Muslim leaders have called for a millet-like system in Britain, which would allow Muslims to govern themselves according to their own laws regarding education and family status (Poulter 1987, 589-615). The Salman Rushdie affair also led some British Muslims to seek greater power to restrict the spread of blasphemy in the community.

In each of these cases, an ethnic or religious group has sought the legal power to restrict the liberty of its own members, so as to preserve its traditional religious practices. These groups are seeking to establish or maintain a system of group rights which protects communal practices, not only from external oppression, but also from internal dissent, and this often requires exemption from the constitutional or legislative requirements of the larger society.

This demand for group rights is often phrased in terms of tolerance. But it is not the sort of tolerance Rawls has in mind. These groups do not want the state to protect each individual's right to freely express, question and revise her religious beliefs. On the contrary, this is precisely what they object to. What they want is the power to restrict the religious freedom of their own members, and they want the exercise of this power to be exempted from the usual requirement to respect individual rights.

Hence the idea of group rights is a pressing issue in many democracies. Yet Rawls never considers this model of tolerance. He talks about "the principle of tolerance" (e.g. Rawls 1987, 18; 1985, 225), as if there were just one, which he equates with the idea of freedom of conscience. Indeed, he often writes as if respect for individual rights is the only way to accommodate pluralism. Consider his claim that the liberal commitment to individual rights was accepted "as providing the only alternative to endless and destructive civil strife" (Rawls 1987, 18). Or his claim that parties in his "original position" would see the fact of pluralism as sufficient grounds for adopting a principle of individual rights:

"we need only suppose in the first stage that the parties assume the fact of pluralism to obtain, that is, that a plurality of comprehensive doctrines exists in society. The parties must then protect against the possibility that the person each party represents may be a member of a religious, ethnic, or other minority. *This suffices for the argument for the equal basic liberties to get going.*" (Rawls 1989, 251, my emphasis; cf. Rawls 1982b, 25f.)

Indeed, Rawls sometimes writes as if a religiously diverse society had never existed before the birth of liberalism:

"the success of liberal institutions may come as a discovery of a new social possibility: the possibility of a reasonably harmonious and stable pluralist society. Before the successful and peaceful practice of toleration in societies with liberal political institutions there was no way of knowing of that

possibility. It can easily seem more natural to believe, as the centuries' long practice of intolerance appeared to confirm, that social unity and concord requires agreement on a general and comprehensive religious, philosophical or moral doctrine." (Rawls 1987, 23)

But the "successful and peaceful practice of toleration" existed in the Ottoman Empire long before England's Toleration Act. Even if we endorse Rawls's liberal conception of tolerance, the millet system is a useful reminder that individual rights are not the only way to accommodate religious pluralism.

3. Individual Rights and Autonomy

The millet system is clearly incompatible with Rawls's theory of justice, since it restricts one of the basic liberties which Rawls ascribes to each person.⁸ But how can he defend individual liberty as a superior response to pluralism than group rights?

Most liberals would object to the millet system on the grounds that it makes it difficult or impossible for people to question or revise their religious commitments. It does not impose religious views on people, in the sense that there is no forced conversion. But nor does it allow people to judge for themselves what parts of their traditional religious faith are worthy of their continued allegiance, and why. They can only follow inherited customs and practices uncritically.

One way to express this objection is to say that the millet system restricts individual autonomy. It limits individuals' ability and freedom to judge the value of inherited practices, and to thereby form and revise their own conception of the good. Many liberals explicitly appeal to this idea of autonomy as the basis for their defense of individual rights. Consider the following passage from J.S. Mill's *On Liberty*:

"it would be absurd to pretend that people ought to live as if nothing had been known in the world before they came into it; as if experience had as yet done nothing towards showing that one mode of existence, or of conduct, is preferable to another. Nobody denies that people should be so taught and trained in youth as to know and benefit by the ascertained results of human experience. *But it is the privilege and proper condition of a human being, arrived at the maturity of his faculties, to use and interpret experience in his own way. It is for him to find out what part of recorded experience is properly applicable to his own circumstances and character.*" (Mill 1982, 122; emphasis added)

⁸ Rawls's first principle of justice states that "Each person has an equal right to the most extensive system of equal basic liberties compatible with a similar scheme of liberty for all". First on the list of basic liberties, Rawls says, are freedom of thought and liberty of conscience.

For Mill and other liberals, a basic argument for civil rights is that they help ensure that individuals can make informed judgements about the inherited practices of the community. For example, mandatory education ensures that children acquire the capacity to envisage alternative ways of life and rationally assess them. Freedom of speech and association (including the freedom to proselytize or dissent from church orthodoxy) ensures that people can raise questions and seek answers about the worth of the different ways of life available to them. Since the millet system restricts these civil rights, it harms a basic interest of people, by leaving them unable to rationally assess the worthiness of their current ends, and to revise their ends accordingly.

I will call this the 'Millian' or 'autonomy' argument for civil rights - i.e. the view that we have a basic interest in being able to rationally assess and revise our current ends. These labels may be misleading, since Mill never used the term autonomy, and this is only one of his arguments for civil rights. Moreover, there are other conceptions of autonomy present in the liberal tradition. However, I believe that this particular conception of autonomy - Buchanan calls it the "rational revisability" conception of autonomy - is central to Mill's defense of individual rights, and to many other liberal theorists (Buchanan 1975, 395-408).⁹

In his earlier work, Rawls seems to endorse the Millian argument. He says that members of a liberal society have the capacity "to form, to revise, and rationally to pursue" a conception of the good. It is important to note that Rawls explicitly mentions the capacity to *revise* one's conception of the good, alongside the capacity to pursue one's *existing* conception. Indeed, he suggests that the latter "is in essential respects subordinate" to the former. Exercising our capacity to form and revise a conception of the good is a "highest-order interest", in the sense of being "supremely regulative and effective". People's interest in advancing their existing conception of the good, on the other hand, is simply a "higher-order interest". While it is of course important to be able to pursue one's existing conception of the good, the capacity to evaluate and revise that conception is needed to ensure that it is worthy of one's continued allegiance (Rawls 1980, 525-8).

⁹ It is important to distinguish this conception of autonomy from others that have been defended within (or attributed to) the liberal tradition. Some people think that the exercise of autonomy is intrinsically valuable, because it reflects our rational nature (this view is ascribed to Kant). Others believe that non-conformist individuality is intrinsically valuable (this view is often ascribed to Mill). What I am calling the Millian conception of autonomy, however, is simply the claim that autonomy enables us to assess and learn what is good in life, and why. It presupposes that we have an essential interest in revising those of our current beliefs about value which are mistaken. I discuss these different conceptions of autonomy and their role in contemporary liberal thought in my 1989a, chap. 4. See also Norman 1990, 29-49.

Hence people have a highest-order interest in standing back from their current ends, and assessing their worthiness:

"As free persons, citizens recognize one another as having the moral power to have a conception of the good. This means that they do not view themselves as inevitably tied to the pursuit of the particular conception of the good and its final ends which they espouse at any given time. Instead, as citizens, they are regarded as, in general, capable of revising and changing this conception on reasonable and rational grounds. Thus it is held to be permissible for citizens to stand apart from conceptions of the good and to survey and assess their various final ends." (Rawls 1980, 544)

This capacity to survey and assess our ends is in fact one of the two fundamental "moral powers" (along with the capacity for a sense of justice) that define Rawls's "conception of the person". And, like Mill, Rawls defends civil liberties in terms of their contribution to the realizing and exercising of this moral power (Rawls 1980, 526; cf. 1989, 254; 1982a, 165).

Some communitarians deny that we can 'stand apart' from (some of) our final ends. According to Michael Sandel, some of our final ends are 'constitutive' ends, in the sense that they define our sense of personal identity (Sandel 1982, 150-65; cf. MacIntyre 1982, chap. 15). It makes no sense, on his view, to say that my final ends might not be worthy of my allegiance, for these ends define who I am. Whereas Rawls claims that individuals "do not regard themselves as inevitably bound to, or identical with, the pursuit of any particular complex of fundamental interests that they may have at any given moment" (Rawls 1974, 641), Sandel responds that we are in fact "identical with" at least some of our final ends. Since these ends are constitutive of people's identity, there is no reason why the state shouldn't reinforce people's allegiance to those ends.

This communitarian conception of the self as defined by constitutive ends is one possible basis for the group rights approach to tolerance.¹⁰ Sandel himself never discusses the question of group rights, and he often qualifies his idea of constitutive ends in such a way that suggests that people can, after all, stand back and assess even their most deeply held ends. Hence he and other contemporary communitarians might well object to the sorts of individual restrictions imposed by some group rights systems.¹¹

¹⁰ This is anachronistic in the case of the millet system, which was based on Muslim theology, not a more general communitarian conception of the person. Indeed, the Muslims did allow for certain kinds of voluntary revisions of religious ends (Braude/Lewis 1982b, 4).

¹¹ However, once these qualifications are added in, it is no longer clear how Sandel's conception of the person differs from the Rawlsian one he claims to be criticizing. See my 1988, 181-203. See also D'Entreves 1990. D'Entreves argues that communitarians are committed to tolerance because they believe in a conception of the person "that critically evaluates his/her beliefs and desires, that reflects upon his/her needs and motives, and

However, a millet-like system can be seen as a sort of hyper-communitarianism. It assumes that people's religious affiliation is so profoundly constitutive of who they are that their overriding interest is in protecting and advancing that identity, and that they have no interest in being able to stand back and assess that identity. Hence the millet system limits people's ability to revise their fundamental ends, and prevents others from trying to promote such revision.

This is perhaps most obvious in the prohibition on proselytization and apostasy. If we assume that religious ends are constitutive of people's identity, then proselytization is at best futile, and at worst an inherently harmful attempt to tempt people away from their true identity. This is indeed one reason why systems of group rights often seek to limit or prohibit proselytization, or its secular equivalents (e.g. the attempts of the Amish to prevent their children from learning about the outside world in schools).

The liberal model, on the other hand, gives people access to information about other ways of life (through proselytization), and indeed requires people to learn about these options (through mandatory education), and allows people to radically revise their ends (apostasy is not a crime). These aspects of a liberal society only make sense, I think, on the assumption that we have an interest, not only in pursuing our existing conception of the good, but also in being able to assess and potentially revise that conception. The liberal model assumes that revising one's ends is both possible and sometimes desirable. It assumes that people's current ends are not always worthy of their continued allegiance, and that exposure to other ways of life helps people make informed judgements about what is truly worthwhile.

4. Comprehensive vs Political Liberalism

So in his earlier work, Rawls clearly endorses the Millian view that we have a basic interest in assessing and potentially revising our existing ends. In his more recent work, however, Rawls seems to want to avoid appealing to this conception of autonomy, which he now sees as "sectarian", in the sense that it is an ideal which is "not generally, or perhaps even widely, shared in a democratic society" (Rawls 1987, 24; 1985, 246). He wants to find an alternative basis for defending civil rights, one which can be accepted even by those who reject the conception of the person implicit in the Millian argument.

His proposal is not to reject the autonomy argument entirely, but rather to restrict its scope. In particular, he wants to continue appealing to it in *political* contexts, while avoiding it in other contexts. The idea that we can form and revise our conception of the good is, he now says, strictly a 'political conception'

that judges the worth of his/her preferences" (83). This sounds very much like the Millian/Rawlsian conception of the person that communitarians claim to reject.

of the person, adopted solely for the purposes of determining our public rights and responsibilities. It is not, he insists, intended as a general account of the relationship between the self and its ends applicable to all areas of life, or as an accurate portrayal of our deepest self-understandings. On the contrary, in private life it is quite possible and likely that our personal identity is bound to particular ends in such a way as to preclude rational revision. As he puts it,

"It is essential to stress that citizens in their personal affairs, or in the internal life of associations to which they belong, may regard their final ends and attachments in a way very different from the way the political conception involves. Citizens may have, and normally do have at any given time, affections, devotions, and loyalties that they believe they would not, and indeed could and should not, stand apart from and objectively evaluate from the standpoint of their purely rational good. They may regard it as simply unthinkable to view themselves apart from certain religious, philosophical and moral convictions, or from certain enduring attachments and loyalties. These convictions and attachments are part of what we may call their 'nonpublic identity'." (Rawls 1985, 241)

So Rawls no longer assumes that people's religious commitments are revisable or autonomously affirmed. He accepts that these ends may be so constitutive of our identity that we cannot stand back from them and subject them to assessment and revision. However, in political contexts, we ignore the possible existence of such constitutive ends. As *citizens*, we continue to see ourselves as having a "highest-order interest" in our capacity for autonomy, even though as *private individuals* we may not see ourselves as having or valuing that capacity. Rawls's conception of the person, based on the two moral powers of justice and autonomy, continues to provide the language of public justification in which people discuss their rights and responsibilities as citizens, although it may not describe their 'non-public identity' (Rawls 1980, 545).

Hence Rawls distinguishes his "political liberalism" from the "comprehensive liberalism" of Mill. As we have seen, Mill thinks that people should exercise autonomy in both public and private contexts. Mill's argument that people should be able to assess the worth of inherited social practices applies to all areas of life, not just political life. Indeed, he was mostly concerned about the way people blindly followed popular culture and social customs in their everyday personal affairs. Hence Mill's liberalism is based on an ideal of rational reflection that applies to human action generally, and that is intended "to inform our thought and conduct as a whole" (Rawls 1987, 6).

Rawls worries that many people do not accept Mill's idea of autonomy as a principle governing human thought and action generally. However, he thinks that such people can nonetheless accept the idea of autonomy if it is restricted to political contexts, leaving them free to view their non-public identities in quite different ways. People can accept his political conception "without being committed in other parts of their life to comprehensive moral ideals often associated with

liberalism, for example, the ideals of autonomy and individuality" (Rawls 1985, 245).

But is this a coherent position? The problem is to explain why anyone would accept the ideal of autonomy in political contexts unless they also accepted it more generally. If the members of a religious community see their religious ends as constitutive, so that they have no ability to stand back and assess these ends, why would they accept a political conception of the person which assumes that they do have that ability (and indeed a highest-order interest in exercising that ability)?

One answer Rawls might give is that everyone can accept his political conception because those who do not generally value the capacity for autonomy can simply refrain from exercising it in private life. While a liberal society allows rational assessment and revision of one's ends, it does not compel it. Hence, he might argue, even if this view of autonomy conflicts with a religious minority's self-understanding, there is no cost to accepting it for political purposes.

But of course there is a cost to non-liberal minorities from accepting Rawls's political conception of the person - namely, it precludes any system of group rights that limits the right of individuals to revise their conceptions of the good. For example, it precludes a religious minority from prohibiting apostasy and proselytization, or from preventing their children learning about other ways of life. The minority may view these civil liberties as harmful. But if, for the purposes of political debate, they accept the assumption that people have a highest-order interest in exercising their capacity to form and revise a conception of the good, then they have no way to express their belief in the harm of allowing proselytization and apostasy.

Consider the recent Canadian case of *Hofer v Hofer*, which dealt with the powers of the Hutterite Church over its members. The Hutterites live in large agricultural communities, called colonies, within which there is no private property. Two life-long members of a Hutterite colony were expelled for apostasy. They demanded their share of the colony's assets, which they had helped create with their years of labour. When the colony refused, the two ex-members sued in court. They objected to the fact that they had "no right at any time in their lives to leave the colony without abandoning everything, even the clothes on their backs" (Janzen 1990, 67). The Hutterites defended this practice on the grounds that freedom of religion protects a congregation's ability to live in accordance with its religious doctrine, even if this limits individual freedom.

The Canadian Supreme Court accepted this Hutterite claim. But it is far from clear that the Hutterite claim can be defended, or even expressed, within the language of Rawls's 'political liberalism'. As Justice Pigeon noted in dissent, the usual liberal notion of freedom of religion "includes the right of each individual to change his religion at will". Hence churches "cannot make rules having the effect of depriving their members of this fundamental freedom". The proper scope of religious authority is therefore "limited to what is consistent with freedom of

religion as properly understood, that is freedom for the individual not only to adopt a religion but also to abandon it at will". Justice Pigeon thought that it was "as nearly impossible as can be" for people in a Hutterite colony to reject its religious teachings, because of the high cost of changing their religion, and so they were effectively deprived of freedom of religion (*Hofer v Hofer et al* 1970, 13 DLR (3d) 1, cited in Janzen 1990, 65-67).

Justice Pigeon's view, it seems to me, is most consistent with Rawls's "political liberalism". Pigeon is assuming, as Rawls says we should for the purposes of political argument and legal rights, that people have a basic interest in their capacity to form and revise their conception of the good. Hence, he concludes, the power of religious communities over their own members must be such that individuals can freely and effectively exercise that capacity. The power of religious authorities clearly cannot be such as to make it effectively impossible to exercise that capacity. Were the Hutterites to accept Rawls's conception of the person, then they too would have to accept the view that freedom of religion must be interpreted in terms of an individual's capacity to form and revise her religious beliefs.¹²

Hence Rawls's strategy of endorsing autonomy only in political contexts, rather than as a general value, does not succeed. Accepting the value of autonomy for political purposes inevitably enables its exercise more generally, an implication that will only be favoured by those who endorse autonomy as a general value.¹³ Rawls has yet to explain why people who reject his conception of the

¹² Rawls does emphasize that the point of protecting civil rights is not to *maximize* the development and exercise of the capacity to form and revise a conception of the good. As he rightly notes, it would be "absurd" to try to maximize "the number of deliberate affirmations of a conception of the good". Rather, "these liberties and their priority are to guarantee equally for all citizens the social conditions essential for the adequate development and the full and informed exercise of these powers" (Rawls 1982b, 47-9). It seems clear, however, that the Hutterites do not provide the social conditions essential for the "full and informed" exercise of autonomy.

¹³ Indeed, the connection between the political and the private is not only causal, but conceptual. Rawls accepts that exercising autonomy in the political sphere may causally promote its exercise in private life. But he insists that this is a contingent and unintended effect, and that his political conception of the person only concerns the way "that the moral powers [of autonomy and a sense of justice] are exercised in political life and in basic institutions as citizens endeavour to maintain them and to use them to conduct public business" (Rawls 1988, 272, note 28). But what does it mean to exercise our capacity for autonomy "in political life"? The capacity for autonomy is quite different in this respect from the capacity for a sense of justice, although Rawls treats them together in this passage. The capacity for a sense of justice is exercised by "assessing the justice and effectiveness of laws and social policies", and hence is primarily concerned with, and exercised in, political life. The capacity to form and revise a conception of the good, on the

person in private life should endorse it as a political good.¹⁴ Rawls may be right that "Within different contexts we can assume diverse points of view toward our

other hand, is primarily concerned with what Rawls calls our "non-public identity" - with our comprehensive, rather than our political, identity. As Rawls himself puts it, "liberty of conscience and freedom of association enable us to develop and exercise our moral powers in forming, revising, and rationally pursuing our conceptions of the good that belong to our comprehensive doctrines, and affirming them as such" (Rawls 1989, 254). Hence the capacity for justice is about evaluating *public* policies and institutions; while the capacity to form/revise a conception of the good is about evaluating the comprehensive religious and moral doctrines that define our *private* identity. But then what does it mean to say that the exercise of this latter capacity can be restricted to political life, without it impinging on our private identity? Since the capacity involved just is the capacity to form and revise our comprehensive ends, it seems that any exercise of it necessarily involves our private identity.

¹⁴ Rawls does briefly suggest another argument for endorsing liberal freedoms over group rights - namely, that only the former is consistent with the idea of "citizenship". He says that a society "in which basic rights and recognized claims depend on religious affiliation, social class, and so on ... may not have a conception of citizenship at all; for this conception, as we are using it, goes with the conception of society as a fair system of cooperation for mutual advantage between free and equal persons" (Rawls 1989, 241). There is some truth to Rawls's claim here. There was only a very weak sense of shared citizenship in the millet system, and the same is true in other systems of group rights (eg. amongst the Amish). People's identity as citizen is less important, in these systems, than their identity as a member of the group. But, so long as the system is stable, why is this a problem? A defender of group tolerance would respond that the sense of citizenship should be moulded to fit people's religious identity, not vice versa. Rawls suggests that a strong sense of shared citizenship is needed to sustain the political virtues of "reasonableness and a sense of fairness, a spirit of compromise and a readiness to meet others halfway" (Rawls 1987, 21). But I see no reason why these virtues cannot exist in the group rights model. Indeed, the history of the millet system suggests that the creation of a shared sense of citizenship may threaten these virtues. In the Ottoman empire, compromise between groups was traditionally ensured by the system of self-government that accorded equal status to each group, and that limited mutual interference. In the mid-eighteenth century, however, the Ottomans tried to promote a sense of shared citizenship that cut across religious and ethnic boundaries, so that everyone's political rights and identity were based on a common relationship to the Ottoman state, rather than membership in a particular millet. As Karpas notes, the result was disastrous: "Once the corporate status of the millet and the segregation of the various groups ended, the relative position of the religious and ethnic groups in the Ottoman Empire toward each other began to be decided on the basis of their numerical strength. Hence they were transformed into minorities and majorities. It was obvious that sooner or later the views of the majority would prevail and its cultural characteristics and aspirations would become the features of

person without contradiction so long as these points of view cohere together when circumstances require" (Rawls 1980, 545). But he hasn't shown that these points of view do cohere. On the contrary, they clearly conflict on issues of intra-group dissent such as proselytization, apostasy, and mandatory education.¹⁵

Why hasn't Rawls seen this conflict? Perhaps because he thinks that his political conception is the only one that can protect religious minorities from the intolerance of the majority. Recall his claim that the fact of pluralism is sufficient ground for endorsing individual rights:

"we need only suppose in the first stage that the parties assume the fact of pluralism to obtain, that is, that a plurality of comprehensive doctrines exists in society. The parties must then protect against the possibility that the person each party represents may be a member of a religious, ethnic, or other minority. This suffices for the argument for the equal basic liberties to get going." (Rawls 1989, 251)

Rawls here implies that the only viable way to prevent persecution between groups is to allow freedom of conscience for individuals. But this is a mistake - one can ensure tolerance *between* groups without protecting tolerance of individual dissent *within* each group. A system of group rights ensures the former without ensuring the latter. If we want to defend civil rights for individuals, therefore, we must go beyond the need for group tolerance and give some account of the value of endowing individuals with the freedom to form and revise their final ends.

Rawls is mistaken, therefore, to suppose that he can avoid appealing to the general value of individual autonomy without undermining his argument for the priority of civil rights.¹⁶ The mere fact of *social plurality*, disconnected from any

the government itself" (Karpat 1982, 163). A similar process occurred when indigenous peoples in North America were accorded citizenship (often against their will), and so became a numerical minority within the larger body of citizens, rather than a separate, self-governing people. Rawls suggests that a sense of shared citizenship is needed to deal with the danger that majorities will treat minorities unfairly. But the Ottoman experience suggests that the notion of shared citizenship may have created that danger in the first place, by transforming self-governing groups into majorities and minorities.

¹⁵ It is worth noting that Rawls's example of an "overlapping consensus" on his political conception of the person does not include any groups which reject the idea of rational revisability in private life. His example involves three doctrines: a theological conception of true faith which demands freedom of conscience; a comprehensive liberal conception of the person as autonomous, and a self-standing liberal political conception of society as a system of cooperation between free and equal citizens (Rawls 1985, 250; 1987, 9).

¹⁶ The assumption that we can assess and revise our ends is also needed, I believe, to justify Rawls's claim that people "are regarded as capable of taking responsibility for their ends", in the sense that they "are thought to be capable of adjusting their aims and aspirations in the light of what they can reasonably expect to provide for" (Rawls 1985, 243).

assumption of *individual autonomy*, cannot by itself defend the full range of liberal freedoms.¹⁷ If people's private identity really is tied to certain ends, such that they have no interest or ability to question and revise them, then group rights may be a superior response to pluralism. If individuals are incapable of revising their inherited religious commitments, or if it is not important to enable individuals to exercise that capacity, then the millet system may best protect and advance those constitutive ends.

This is hardly a novel conclusion. On the contrary, this is what defenders of group rights have argued for many years. They believe that once we drop the assumption that autonomy is a general value, then religious and ethnic groups should be allowed to protect their members' constitutive ends by restricting certain individual rights (Kukathas 1992; McDonald 1991).

If liberals wish to defend individual freedom of conscience, they must reject the idea that people's ends are beyond rational revision. At one point, Rawls seems to do just this. He notes that some people think of themselves as being incapable of questioning or revising their ends, but he suggests that this may be inaccurate: "our conceptions of the good may and often do change over time, usually slowly but sometimes rather suddenly", even for those people who think of themselves as having constitutive ends. For example, "On the road to Damascus Saul of Tarsus becomes Paul the Apostle" (Rawls 1985, 242).

Because people can adjust their aims, Rawls claims, we have no obligation to subsidize those with expensive tastes. I discuss this aspect of Rawls's theory in my 1990, 73-77.

¹⁷ Rawls's belief that social plurality can defend individual liberty, even in the absence of individual revisability, is made most explicit in "Basic Liberties and Their Priority". In that article, Rawls distinguishes two arguments for freedom of conscience. On the first argument, conceptions of the good are "regarded as *given and firmly rooted*; and since there is a plurality of such conceptions, each, as it were, non-negotiable, the parties recognize that behind the veil of ignorance the principles of justice which guarantee equal liberty of conscience are the only principles which they can adopt". On this view, freedom of conscience protects religious minorities. Without freedom of conscience, people may find, once they drop the veil of ignorance, that they "belong to a minority faith and may suffer accordingly". On the second argument, conceptions of the good are "seen as *subject to revision* in accordance with deliberative reason, which is part of the capacity for a conception of the good". On this view, freedom of conscience protects individuals who wish to change their faith, because there "is no guarantee that all aspects of our present way of life are the most rational for us and not in need of at least minor if not major revision" (Rawls 1982b, 25-29; my emphasis). Rawls thinks that these two arguments "support the same conclusion" (1982b, 29) - i.e. that recognizing the *plurality* of conceptions of the good within society has the same implications for individual liberty as affirming the *revisability* of each individual's conception of the good. But they do not support the same conclusion on issues such as proselytization, which is an essential liberty on the second argument, but a futile and disruptive nuisance on the first argument.

This is an important point. No matter how confident we are about our ends at a particular moment, new circumstances or experiences may arise, often in unpredictable ways, that cause us to reevaluate them. This is the beginning of an argument for why people should be free to stand back and assess their ends. But Rawls makes no attempt to elaborate on it. He doesn't explain why it is important for people to be able to make these kinds of changes, or how this capacity should be legally and socially encouraged (e.g. through education or freedom to proselytize).

5. The Issue of Nonliberal Minorities

Why is Rawls so reluctant to affirm the Millian argument, and explicitly endorse autonomy as a general human interest? What is wrong with Mill's 'comprehensive' liberalism? The problem, Rawls says, is that not everyone accepts this ideal of autonomy, and so appealing to it in political life would be "sectarian":

"As comprehensive moral ideals, autonomy and individuality are unsuited for a political conception of justice. As found in Kant and J.S. Mill, these comprehensive ideals, despite their very great importance in liberal thought, are extended too far when presented as the only appropriate foundation for a constitutional regime. So understood, liberalism becomes but another sectarian doctrine." (Rawls 1985, 246)

Mill's defense of civil rights rests "in large part on ideals and values that are not generally, or perhaps even widely, shared in a democratic society" (Rawls 1987, 6), and hence "cannot secure sufficient agreement" (Rawls 1987, 24).

This is a legitimate point, but Rawls overstates it, and draws the wrong conclusion from it. The idea that we have an interest in being able to assess and revise our inherited conceptions of the good is very widely shared in Western democratic societies (see Nickel 1990, 214).¹⁸ There are, of course, some insulated minorities who reject this ideal, including some indigenous groups (the Pueblo), and religious sects (the Amish and Mennonites). These groups pose a challenge for liberal democracies, since they often demand group rights that

¹⁸ Rawls's fear that the Millian conception of autonomy is not widely shared depends on conflating this conception of autonomy with the other, more controversial, conceptions discussed in note 9 above. In fact, it's not clear that Rawls would consider the Millian conception to be "sectarian". For example, he considers Dworkin's view to be a "political" rather than comprehensive conception of liberalism (Rawls 1987, 7, note 12), even though Dworkin's theory explicitly appeals to the idea of rational revisability (see, e.g., Dworkin 1983, 26). It is important to note that while Mill's conception is "general", in applying to all areas of life, it is not "comprehensive", since it does not define a set of final ends or intrinsic goods to be pursued by each individual. Rather, it concerns the process by which we deliberate and assess our final ends.

conflict with individual civil rights. We cannot simply ignore this demand, or ignore the fact that they reject the idea of autonomy.

But Rawls's strategy is no solution to the questions raised by the existence of nonliberal minorities. His solution is to continue to enforce individual rights, but to do so on the basis of a "political" rather than a "comprehensive" liberalism. This obviously doesn't satisfy the demands of nonliberal minorities. They want group rights that take precedence over individual rights. Rawls's political liberalism is as hostile to that demand as Mill's comprehensive liberalism. The fact that Rawls's theory is less comprehensive does not make his theory more sympathetic to the demands of nonliberal minorities.¹⁹

How then should a liberal state treat nonliberal minorities? To begin with, we need to distinguish two very different questions that Rawls conflates: First, what kind of provision for religious and ethnic minorities is consistent with liberal principles? Second, should liberals impose their views on communities that do

¹⁹ The only case of group rights that Rawls discusses concerns the demands of some traditional religious groups (eg. the Amish) for exemption from mandatory education. Rawls argues that his political liberalism is more sympathetic to this demand than Mill's comprehensive liberalism. Whereas comprehensive liberalism "may lead to requirements designed to foster the values of autonomy and individuality as ideas to govern much if not all of life", political liberalism "has a different aim and requires far less", since it is only concerned with promoting a liberal ideal of *citizenship* ("the state's concern with [children's] education lies in their role as future citizens"). As a result, Rawls says, political liberalism "honors, as far as it can, the claims of those who wish to withdraw from the modern world in accordance with the injunctions of their religion, provided only that they acknowledge the principles of the political conception of justice and appreciate its political ideals of person and society" (Rawls 1988, 267-8). However, it is doubtful that political liberalism meets the demands of groups like the Amish. For one thing, as we've seen, the distinction between political and comprehensive liberalism is unstable, since accepting the value of autonomy for political purposes has unavoidable implications for private life (see note 13). Moreover, it is clear that many religious communities would object to political liberalism on its own terms, as a theory of citizenship. Mennonites and Hutterites in Canada have objected to some of the materials they are required to teach their children because these materials promote an ideal of citizenship that is in conflict with their religious ideals of person and society. While the government talked about preparing children for the rights and duties of citizenship, Mennonites saw "a different purpose of education... to prepare their children for life in their communities". Similarly, the Hutterites are "concerned not primarily with the potential for rationality but with, as they see it, the need for obedience. They argue that education should reorient the individual's self-regard and nurture a desire to abide by the will of the community". These groups do not see political liberalism as honouring their claims, and, as result, they have sought exemption from the sort of education that Rawls's "political liberalism" insists upon. See Janzen 1990, 143 (Hutterites) and 97 (Mennonites).

not accept liberal principles? The first is a question of *identifying* a defensible liberal theory of tolerance; the second is a question of *imposing* that liberal theory.

With respect to the first question, I believe that the most defensible liberal theory is based on the value of autonomy, and that any form of group rights that restricts the civil rights of group members is therefore inconsistent with liberal principles of freedom and equality. The millet system, or the Pueblo theocracy, is therefore seriously deficient from a liberal point of view.

But of course that doesn't mean that liberals can impose those principles on groups that do not share them. There are a number of further steps that are required before we can answer the question of imposing liberalism. Once we know what an appropriate liberal conception of minority rights is, we can then determine how much it coincides with, or differs from, the wishes of the minority. Then we are faced with the question of intervening in order to promote liberal ideals. This in turn will depend on many factors, including the severity of rights violations within the minority community, the degree of consensus in the community on the legitimacy of restricting individual rights, the existence of historical agreements with the minority community (eg. treaties with the Indians; historical promises made to immigrant groups), the nature of the proposed intervention, and so forth.²⁰

The question of imposing liberalism comes therefore a number of steps after the question of identifying a liberal theory. In many cases, there will be little room for coercive intervention. Relations between majority and minority groups should be determined by peaceful negotiation, not force (as with international relations). This means searching for some basis of agreement. If two groups do not share basic principles, and cannot be persuaded to adopt the other's principles, then they will have to come to some kind of accommodation. In cases where the minority rejects liberal values, then the resulting agreement may well involve recognizing group rights. And, as noted above, contemporary liberal societies do in fact recognize some millet-like structures - e.g. education exemptions for the Amish, theocratic government for the Pueblo Indians.²¹ But this is a compromise, not the instantiation of, liberal principles, since it violates a fundamental liberal principle of freedom of conscience. Hence liberal reformers inside the group would seek to promote their liberal ideas through reason or example, and liberals outside would lend their support to any efforts the community makes to liberalize.

²⁰ For further discussion, see my 1992b, 144-45, from which I have taken the following paragraph.

²¹ However, we rarely grant such rights to immigrant communities. This suggests there is a morally relevant difference between national minorities and immigrant groups. I discuss this in my 1991 and 1992a.

Rawls seems to conflate these two questions of identifying and imposing a liberal theory of justice. His "political" conception of liberalism is not, I think, an adequate answer to either question. It does not adequately *identify* a defensible liberal theory, since he leaves it entirely unclear why citizens (but not private individuals) have a highest-order interest in their capacity to form and revise a conception of the good. It does not adequately answer the question of *imposing* liberalism, since it would enforce liberal rights in minority communities that may have a strong social consensus in favour of group rights, and a strong historical claim to them as well.

Liberals who are concerned with identifying a defensible conception of liberalism should be more willing than Rawls to appeal to autonomy as a general value. That is, they should be more willing to identify and defend a comprehensive liberalism. On the other hand, liberals who are concerned with imposing liberalism should be less willing than Rawls to impose civil rights on religious and ethnic minorities. That is, they should be less willing to impose political liberalism.

Rawls is right to worry about the existence of ethnic and religious minorities that reject the value of autonomy. But his response is misguided. In the face of such minorities, Rawls has become less willing to defend comprehensive liberalism, but is still willing to impose liberal political institutions. A more appropriate response, I believe, is to continue defending comprehensive liberalism, but become more cautious about imposing liberal political institutions.

6. Conclusion

I have described two models of religious tolerance: a liberal model based on individual liberty, and a hyper-communitarian model based on group rights. Both recognize the need for different religious communities to co-exist, and hence are consistent with the fact of religious pluralism in modern societies.²² However, they disagree fundamentally on the role of individual freedom within religious

²² The group rights approach cannot be used to accommodate all facets of modern-day pluralism. It presupposes that pluralism takes the form of identifiable groups, each with a relatively high degree of self-identification and the potential for some kind of organizational and leadership structure. Without these features, self-government is not likely. Hence the group rights model seems most feasible in cases of ethnic and religious pluralism. Other forms of pluralism arising from competing conceptions of the good (e.g. diverse sexual lifestyles) require other modes of tolerance. However, as Rawls notes, religious and ethnic conflicts are the most divisive and destabilizing. It is only when pluralism does take this form of cohesive groups capable of collective action that pluralism becomes genuinely destabilizing. Hence it is particularly important to assess the different models of tolerance that are feasible in these cases.

communities. The group rights model allows each group to limit the religious liberties of its own members so as to protect the constitutive ends and practices of the community from internal dissent. The liberal model insists that each individual has a right to freedom of conscience, including the right to question and revise her religious beliefs, and so allows for proselytization, heresy and apostasy.

Rawls has consistently endorsed the liberal model, and his theory of justice precludes any system of group rights that limits freedom of conscience. But his justification for this preference has become increasingly obscure. In his earlier work, he seemed to defend the liberal model on the ground that people have a basic interest in their capacity to form and revise their conceptions of the good, so as to ensure that these conceptions are worthy of their continued allegiance. This autonomy argument is a familiar liberal argument for civil rights. Indeed, liberals are often defined as those who support toleration because it is necessary for the promotion of autonomy.²³

In his more recent writings, however, Rawls wants to avoid this autonomy argument, which he views as "sectarian", and insensitive to the views of certain religious and ethnic minorities. His solution is to abandon any form of liberalism that relies on a 'comprehensive' ideal such as autonomy, and rely instead on a "political" conception of the person as free and equal. But this strategy, I have argued, does not work. It simply leaves it unclear why a liberal state should assign priority to civil rights, without in fact being any more sympathetic to the demands of nonliberal minorities. A more appropriate response, I believe, is to continue to defend comprehensive liberalism, but to recognize that there are limits to our ability to implement and impose liberal principles on groups that have not endorsed those principles.²⁴

Bibliography

- Braude, Benjamin/Bernard Lewis (eds.) (1982a), *Christians and Jews in the Ottoman Empire: The Functioning of a Plural Society*, New York
 - (1982b), Introduction, in Braude/Lewis (eds.), 1-34
 Buchanan, Allen (1975), Revisability and Rational Choice, in: *Canadian Journal of Philosophy* 5, 395-408
 Davison, Roderic (1982), The Millets as Agents of Change in the Nineteenth-Century Ottoman Empire, in Braude/Lewis (eds.), 319-337
 D'Entreves, Maurizio Passerin (1990) Communitarianism and the Question of Tolerance, in: *Journal of Social Philosophy* 21.1, 77-91

²³ "The autonomy argument is sometimes referred to as the characteristically liberal argument for toleration" (Mendus 1989, 56).

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- Dworkin, Ronald (1983), In Defense of Equality, in: *Social Philosophy and Policy* 1.1, 24-40
- Elton, G .R. (1984a), Introduction, in: Shiels (ed.), xiii-xv
- (1984b), Persecution and Toleration in the English Reformation, in: Shiels (ed.), 163-187
- Garnsey, Peter (1984), Religious Toleration in Classical Antiquity, in: Shiels (ed.), 1-27
- Janzen, William, (1990), *Limits of Liberty: The Experiences of Mennonite, Hutterite, and Doukhobour Communities in Canada*, Toronto
- Karpat, Kemal (1982), Millets and Nationality: The Roots of the Incongruity of Nation and State in the Post-Ottoman Era, in: Braude/Lewis (eds.), 141-169
- Kukathas, Chandran (1992), Are There Any Cultural Rights?, in: *Political Theory* 20.1, 105-139
- Kymlicka, Will (1988), Liberalism and Communitarianism, in: *Canadian Journal of Philosophy* 18, 181-139
- (1989a), *Liberalism, Community, and Culture*, Oxford
- (1989b), Liberal Individualism and Liberal Neutrality, in: *Ethics* 99.4, 883-905
- (1990), *Contemporary Political Philosophy*, Oxford
- (1991), Liberalism and the Politicization of Ethnicity, in: *Canadian Journal of Law and Jurisprudence* 4.2, 239-256
- (1992a), Individual and Community Rights, in: *Policy Options*, forthcoming
- (1992b), The Rights of Minority Cultures: Reply to Kukathas, in: *Political Theory* 20.1, 140-46
- MacIntyre, Alasdair (1982), *After Virtue: A Study in Moral Theory*, London-Notre Dame
- McDonald, Michael (1991), Should Communities Have Rights? Reflections on Liberal Individualism, in: *Canadian Journal of Law and Jurisprudence* 4.2, 217-237
- Mendus, Susan (1989), *Toleration and the Limits of Liberalism*, Atlantic Highlands/NJ
- Mill, John Stuart (1982), *On Liberty*, ed. G. Himmelfarb, Harmondsworth
- Nickel, James (1990), Rawls on Political Community and Principles of Justice, in: *Law and Philosophy* 9, 205-216
- Norman Wayne J. (1990), The Revisionist Challenge: Can the liberal do without 'liberty'?, in: *Canadian Journal of Law and Jurisprudence* 3.1, 29-49
- Poulter, Sebastian (1987), Ethnic Minority Customs, English Law, and Human Rights, in: *International and Comparative Law Quarterly* 36, 589-615
- Rawls, John (1974), Reply to Alexander and Musgrave, in: *Quarterly Journal of Economics* 88.4, 633-55
- (1980), Kantian Constructivism in Moral Theory, in: *Journal of Philosophy* 77.9, 515-72
- (1982a), Social Unity and Primary Goods, in: Amartya Sen/Bernard Williams (eds.), *Utilitarianism and Beyond*, Cambridge/MA, 159-185
- (1982b), The Basic Liberties and their Priority, in: Sterling McMurrin (ed.), *The Tanner Lectures on Human Values* 3, Salt Lake City, 1-87
- (1985), Justice as Fairness: Political not Metaphysical, in: *Philosophy and Public Affairs* 14, 223-51
- (1987), The Idea of an Overlapping Consensus, in: *Oxford Journal of Legal Studies* 7.1, 1-25
- (1988), Priority of Right and Ideas of the Good, in: *Philosophy and Public Affairs* 17, 251-76

- (1989), The Domain of the Political and Overlapping Consensus, in: *New York University Law Review* 64.2, 233-55
- Runciman, Steven (1970), *The Orthodox Churches and the Secular State*, Auckland
- Sandel, Michael (1982), *Liberalism and the Limits of Justice*, Cambridge/MA
- Shiels, Warren J. (ed.) (1984), *Persecution and Toleration. Vol. 21 of Studies in Church History*, Oxford
- Weston, William (1981), Freedom of Religion and the American Indian, in: R. Nichols (ed.), *The American Indian: Past and Present*, second edition New York,