Religious Tolerance—The Pacemaker for Cultural Rights*

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(1) It was not until the 16th century that the German language borrowed the word 'Toleranz'—or tolerance—from the Latin and French, which is why in the context of the Reformation the concept immediately assumed the narrow meaning of toleration of other religious confessions.[1] In the course of the 16th and 17th centuries, religious toleration becomes a legal concept. Governments issued toleration edicts that compelled state officials and the population to be tolerant in their behaviour toward religious minorities, such as Lutherans, Huguenots, and Papists.[2] Legal acts of toleration by state authorities led the expectation that people (as a rule the majority of the population[3]) behave tolerantly toward members of religious communities that had until then been oppressed or persecuted.

With greater precision than in German, in English, the word 'tolerance' as a form of behaviour is distinguished from 'toleration', the legal act with which a government grants more or less unrestricted permission to practice one's own particular religion. In German, the predicate 'tolerant' refers to both, to a legal order that guarantees toleration and to the political virtue of tolerant behaviour. Montesquieu emphasizes the constitutive link between toleration and tolerance:

* Royal Institute of Philosophy Annual Lecture, 2003.

[1] See the *Allgemeine Handwörterbuch der philosophischen Wissenschaften nebst ihrer Literatur und Geschichte*, ed. Wilhelm Traugott Krug, (2nd edn., 1832): 'Toleranz (von tolerare, dulden, ertragen) ist Duldsamkeit... Doch wird jenes Wort meist im engeren Sinne von religiöser Duldsamkeit gebraucht, wie das entgegengesetzte Intoleranz von der religiösen Unduldsamkeit'.

[2] In 1598, Henri IV of France issued the *Edict of Nantes*, see also the *Act Concerning Religion* passed by the Government of Maryland in 1649, the *Toleration Act* issued by the King of England in 1689 or—as one of the last instances in this chain of sovereign 'authorizations'—the 'Patent of Toleration' proclaimed by Joseph II in 1781.

[3] The case was different in Maryland, where a Catholic minority ruled over a Protestant majority.

doi:10.1017/S0031819104000026

> 'As soon as the laws of a land have come to terms with permitting several religions, they must oblige these to show tolerance also to one another.'[4]

Through to the French Revolution the concept not only retains its link to religious addressees, but also the authoritarian connotation of *mere* toleration. That said, ever since the days of Spinoza and Locke the philosophical justifications given for religious tolerance point the absolutist state in a direction away from *unilaterally* declared religious toleration, the limits of which are defined by the authorities, and towards a conception of tolerance based on the *mutual* recognition of everybody's religious freedom. Rainer Forst contrasts the 'concept of permission' issued by the authorities who grant religious freedoms to the 'concept of respect' that concurs with our understanding of religious freedom as a civil right.[5]

Pierre Bayle already dreamed up various examples in order to force his intolerant opponents to adopt also the perspective of the other persons and to apply their own principles to their opponents, too: 'If it should thus suddenly cross the Mufti's mind to send some missionaries to the Christians, just as the Pope sends such to India, and someone were to surprise these Turkish missionaries in the process of forcing their way into our houses to fulfill their duties converting us, then I do not believe we would have the authority to punish them. For if they were to give the same answers as the Christian missionaries in Japan, namely that they had arrived to zealously familiarize those with the true religion who were not yet acquainted with it, and to care for the salvation of their fellow men, —now if we were to string up these Turks, would it not then actually be ridiculous to find it bad if the Japanese did the same thing?'[6] Bayle, who in this respect was the forerunner of Kant, practices mutual perspective-taking. He insists on the *universalization of* those 'ideas' in the light of which we judge 'the nature of human action'.[7]

On this basis of a *reciprocal* recognition of the rules of tolerant behaviour we can find a solution to the paradox which prompted Goethe to reject toleration as insulting and patronizing benevolence. The ostensible paradox is that each act of toleration must circumscribe the range of behaviour everybody must accept, thereby drawing a line for what can*not* be tolerated. There can be no

[4] Quoted from C. Herdtle, Th. Leeb (eds), *Toleranz, Texte zur Theorie und politischen Praxis*, (Stuttgart, 1987), 49.

[5] See above, footnote 7.

[6] P. Bayle, quoted from Herdtle & Leeb (1987), p. 42.

[7] Ibid., p. 38.

inclusion without exclusion. And as long as this line is drawn in an authoritarian manner, i.e., unilaterally, the stigma of arbitrary exclusion remains inscribed in toleration. Only with a *universally convincing* delineation of the borderline, and this requires that all those involved *reciprocally* take the perspectives of the others, can toleration blunt the thorn of intolerance. Everyone who could be affected by the future practice must first voluntarily agree on those conditions under which they wish to exercise mutual toleration.

The usual conditions for liberal co-existence between different religious communities stand this test of reciprocity. They refer in the first place to prohibiting the use of political power for missionary purposes, and to the freedom of association that also prevents religious authorities being able to influence their members' conscience compulsorily. Only if they find intersubjective recognition across confessional boundaries can such specifying norms provide justifications that *out-trump* those personally maintained reasons for rejecting alien religious convictions and practices. Even if there is no historical substantiation for Jellinek's suggestion that all human rights are rooted in religious freedom, there is certainly a conceptual link between the universalistic justification for religious tolerance, on the one hand, and democracy as the basis for legitimation for a secular state, on the other.

The purported paradox dissolves if we conceive of religious freedom—covering both, the right to free expression of one's own religion and the corresponding negative freedom to remain undisturbed by the others' practicing their respective religions—as part of a democratic constitution. Religious tolerance can be practiced in a tolerant manner precisely under those conditions which the citizens of a democratic community mutually accord one another. From the viewpoint of the democratic lawmaker who makes the addressees of such a law likewise the authors thereof, the legal act of mutual toleration melds with the virtuous self-obligation to behave tolerantly.

(2) However, the paradox does not seem to be fully resolved by the reciprocal generalization of religious freedom, since it appears to re-emerge, in secular terms, at the very core of the constitutional state. A democratic order that guarantees tolerance also in terms of political freedoms, such as free speech, must take preventive protection against the enemies of that very core of the constitution. At latest since the 'legal' transition from the Weimar Republic to the Nazi régime we in Germany have become aware of the necessity of self-assertion—but equally of that strange dialectic of the self-assertion

of a 'militant' democracy that is 'prepared to defend itself'.[8] Courts can on a case-by-case basis pass judgment on the limits of religious freedom, basing their conclusions on the law. However, if the constitution faces the opposition of enemies who make use of their political freedom in order to abolish the constitution that grants it, then the question arises as to the limits of political freedom in a self-referential form. How tolerantly may a democracy treat the enemies of democracy?

If the democratic state does not wish to give itself up, then it must resort to intolerance toward the enemy of the constitution, either bringing to bear the means afforded by political criminal law or by decreeing the prohibition of particular political parties (Article 21.2 of the German Constitution) and the forfeiture of basic rights (Article 18 and Article 9.2 of the same). The 'enemy of the state', a concept originally with religious connotations, resurfaces in the guise of the enemy of the constitution: be it in the secularized figure of the political ideologist who combats the liberal state, or in the religious shape of the fundamentalist who violently attacks the modern way of life *per se*. Today's terrorists seem to embody a combination of both. Yet it is precisely the agencies of the constitutional state itself who define what or who shall be classified as an enemy of the constitution. A constitutional state must perform a twofold act here: it must repel the animosity of existential enemies while avoiding any betrayal of its own principles—in other words, it is exposed in this situation to the constantly lurking danger of itself being guilty of retrogressively resorting to an authoritarian practice of *unilaterally* deciding the limits of tolerance. Those who are suspicious of being 'enemies of the state' might well turn out to be radical defenders of democracy. This is the problem: Whereas the task of a seemingly paradoxical self-limitation of religious tolerance can be ceded to democracy, the latter must process the conundrum of constitutional tolerance through the medium of its own laws.

A self-defensive democracy can sidestep the danger of paternalism only by allowing the self-referentiality of the self-establishing democratic process to be brought to bear on controversial interpretations of constitutional principles. In this regard, it is something like a litmus test, how a constitutional state treats the issue of civil disobedience. Needless to say, the constitution itself decides what the procedure should be in the case of conflicts over the correct

[8] K. Loewenstein, 'Militant Democracy and Fundamental Rights', *American Political Science Review* (31), 1937; see also his *Verfassungslehre*, 3rd edition, 1975, 348ff.

interpretation of the constitution. With a legal recognition of '*civil disobedience*' (which does not mean it does not punish such acts), the tolerant spirit of a liberal constitution extends even beyond the ensemble of those existing institutions and practices in which its normative contents have become actually embodied so far. A democratic constitution that is understood as the project of realizing equal civil rights tolerates the resistance shown by dissidents who, even after all the legal channels have been exhausted, still insist on combating decisions that came about legitimately. Under the proviso, of course, that the 'disobedient' citizens plausibly justify their resistance by citing constitutional principles and express it by nonviolent, i.e., symbolic means.[9] These two conditions again specify the limits of political tolerance in a constitutional democracy that defends itself against its enemies by non-paternalist means—and they are limits that are acceptable for its democratically minded opponents, too.

By recognizing civil disobedience, the democratic state copes with the paradox of tolerance that reoccurs at the level of constitutional law in a tolerant manner. It draws a line between a tolerant and a self-destructive handling of ambivalent dissidents in such a way as to ensure that these persons (who could in the final analysis transpire to be enemies of the constitution) nevertheless have the opportunity contrary to their image to prove themselves to actually be the true patriotic champions of a constitution that is dynamically understood as an ongoing *project*—the project to exhaust and implement basic rights in changing historical contexts.

(3) Now, pluralism and the struggle for religious tolerance were not only driving forces behind the emergence of the democratic state, but continue to stimulate its further evolution up to now. Before addressing religious tolerance as the pacemaker for multiculturalism, in the correct sense of the term, allow me to analyse the concept of tolerance a bit further (a) and to explain the specific burden imposed on citizens by the expectation to behave tolerantly (b). For the purpose of conceptual analysis it is useful to distinguish the two kinds of reasons that are involved: reasons to reject the convictions of others and reasons to accept nevertheless common membership of essentially disagreeing people within the same political community. From the latter reasons—political reasons for civic inclusion—the third kind of reasons, I have already mentioned, can be

[9] On the problematic issue of civil disobedience see my two essays in: J. Habermas, *Die Neue Unübersichtlichkeit*, Frankfurt/M. 1985, 79–117

derived—reasons for the limits of tolerance and the repression of intolerant behaviour. These legal reasons then open the door to the justification of cultural rights.

(a) The religious context of discovering tolerance brings first to mind the key component of a 'rejection based on existentially relevant conviction'. That rejection is a condition necessary for all kinds of tolerant behaviour. We can only exercise tolerance towards other people's beliefs if we reject them for subjectively *good* reasons. We do not need to be tolerant if we are indifferent to other opinions and attitudes anyway or even appreciate the value of such 'otherness'. The expectation of tolerance assumes that we can endure a form of ongoing non-concurrence at the level of social interaction, while we accept the persistence of mutually exclusive validity claims at the cognitive level of existentially relevant beliefs. We are expected to neutralize the practical impact of a cognitive dissonance that nevertheless calls for further attempts to resolve it within its own domain. In other words, we must be able to socially accept mutual cognitive dissonances that will remain unresolved for the time being. Yet such a cognitive difference must prove to be 'reasonable' if tolerance is to be a meaningful response here. Tolerance can only come to bear if there are legitimate justifications for the rejection of competing validity claims: 'If someone rejects people whose skin is black we should not call on him to be "tolerant toward people who look different"... For then we would accept his prejudice as an ethical judgment similar to the rejection of a different religion. A racist should not be tolerant, he should quite simply overcome his racism.'[10] In this and similar cases, we consider a critique of the *prejudices* and the struggle against *discrimination* to be the appropriate response—and not 'more tolerance'.

The issue of tolerance only arises after those prejudices have been eliminated that led to discrimination in the first place. But what gives us the right to call those descriptions 'prejudices' that a religious fundamentalist, a racist, the sexual chauvinist, the radical nationalist or the xenophobic ethnocentric have of their respective 'other'? This points to the second kind of reasons. We allow ourselves those stigmatizing expressions in light of the egalitarian and universalistic standards of democratic citizenship, something that calls for the equal treatment of the 'other' and mutual recognition of all as 'full' members of the political community. The norm of

[10] R. Forst, 'Der schmale Grat zwischen Ablehnung und Akzeptanz,' *Frankfurter Rundschau* (Dec. 28, 2001).

complete inclusion of all citizens as members with equal rights must be accepted before all of us, members of a democratic community, can mutually expect one another to be tolerant. It is the standard of non-discrimination that first provides this expectation with moral and legal reasons that can *out-trump* the epistemic reasons for the persisting rejection of those convictions and attitudes, we merely tolerate. On the base of that normative agreement, the potential for conflict in the cognitive dimension of ongoing contradictions between competing worldviews can be defused in the social dimension of shared citizenship. Thus, tolerance only begins where discrimination ends.

(b) Keeping in mind both kinds of reasons, reasons for rejection at the cognitive, and for acceptance on the social level, we can better answer the question of which sort of burden the tolerant person is expected to carry. What exactly must this person 'endure'? As we have seen, it is not the contradiction between premises and perspectives of different worldviews that has to be 'accepted' as such: there is no contradiction in one's own head. An unresolved contradiction remains only in the interpersonal dimension of the encounter of different persons who are aware that they hold contradictory beliefs. The crux is rather the neutralization or containment of specific practical consequences of unresolved contradictions. To tolerate that pragmatic contradiction means a twofold burden: She who is tolerant may only realize the ethos inscribed in her own world-view within the limits of what everyone is accorded. The way of life prescribed by a particular religion or worldview may be realized only under conditions of equal rights for everybody. And, within these limits she must also respect the ethos of the others.

This burden is of a cognitive kind to the extent that those beliefs in which each person's ethos is rooted must be brought into harmony with the liberal norms of state and society. What this requires can be seen from the accommodation of religion in modern Europe. Every religion is originally a '*worldview*' or, as John Rawls would say, a 'comprehensive doctrine'—also in the sense that it lays claim to the authority to structure a form of life in its entirety. A religion has to relinquish this claim to an encompassing definition of life as soon as the life of the religious community is differentiated from the life of the larger society. A hitherto prevailing religion forfeits its political impact on society at large if the political regime can no longer obey just one universal ethos. Emancipated minority religions face a similar challenge. By having to deal with the fact of pluralism, religious doctrines are forced to reflect on their own

relations to the environments of the liberal state and a secularized society. This results, among other things, in the renunciation of violence and the acceptance of the voluntary character of religious association. Violence may not be used to advance religious beliefs, both inside and outside the community.[11] However, the major religions must appropriate the normative foundations of the liberal state under conditions of *their own premises* even if (as in the European case of the Judaeo-Christian legacy) both evolved from the same historical context.

John Rawls has chosen the image of a module in order to describe the 'embedding' of the political morality of equal respect for everybody in different religious world views. The normative frame of the liberal state is a module that, because it is constructed by means of neutral or secular reasons, fits into different orthodox chains of justifications.[12] Compared with the idea of a rational religion that absorbs the moral substance shared by all religious doctrines, that image of a module has the advantage of not denying that those mutually exclusive belief-systems raise absolute claims to truth. It therefore does not need to downplay the radical thrust of a cognitively challenging tolerance. Depending on the context of the doctrine, a respectively different dogmatic solution will be found to the problem of finding justifications for human rights from within. In functional terms, religious tolerance should absorb the social destructiveness of irreconcilably persistent dissent. The latter may not tear the social bond that ties believers to those who believe in other faiths or are unbelievers. However, the functional solution requires the solving of a cognitive problem.

If conflicts of loyalty are not to simmer, the necessary role differentiation between members of one's own religious community and co-citizens of the larger society needs to be justified convincingly from one's internal viewpoint. Religious membership is in tune with its secular counterpart only if (from the internal point of view of each) the corresponding norms and values are not only different *from each other*, but if the one set of norms can consistently be derived *from the other*. If differentiation of both memberships is to go beyond a mere *modus vivendi*, then the modernization of religious consciousness must not be limited to some cognitively undiscerning attempt to ensure that the religious ethos conforms to externally *imposed* laws of the secular society. It calls instead for developing the normative principles of the secular order from within the view of a respective religious tradition and community. In

[11] J. Rawls *Political Liberalism* (New York: Columbia U.P.), 1993, 58ff.
[12] J. Rawls, loc. cit. p. 11ff.

many cases this makes it necessary to revise attitudes and prescriptions that (as with the dogmatic prejudice against homosexuality for example) claim support from a long-standing traditions of interpretations of holy scriptures.

(4) Thus, the cognitive demand we make of someone in expectation of tolerance is the following: he shall develop from his own worldview reasons that tell him why he may realize the ethos inscribed in that view only within the limits of what every one is allowed to do and to pursue. Of course, these limits themselves are often up for discussion, at which point the courts decide who must accept whose ethos—the majority that of a minority, or vice versa.[13] This brings me, following the reasons for rejection and acceptance, on to the third kind of reasons. The legal *reasons for excluding intolerant behaviour* provide the yardstick for measuring whether the state adheres to the imperative of remaining neutral and whether legislature and jurisdiction have institutionalized tolerance in the right way. Let me first discuss some familiar examples (a) and then introduce the notion of a cultural right (b).

(a) Sikhs in Great Britain and the United States gained exceptions from generally binding safety regulations and are permitted to wear turbans (rather than crash helmets) and daggers (kirpans). In Germany Jehovah's Witnesses successfully fought for being

[13] See the list offered by D. Grimm in the *Frankfurter Allgemeine Zeitung*, of June 21, 2002, p. 49: 'Can a Sikh riding a motorcycle be excused from obeying the general law to wear a helmet on grounds of his religious duty to wear a turban? Must a Jewish prisoner be offered kosher food? Does a Muslim employee have the right to briefly interrupt his work time in order to pray? Can an employee be fired because he did not appear for work on the High holy days? Does an employee dismissed for this reason forfeit his entitlement to unemployment benefits? Must Jewish entrepreneurs be permitted to open their businesses on Sundays simply because for religious reasons they had to keep them shut on Saturday? Does a Muslim pupil have the right to be exempted from PE classes because she is not allowed to show herself to other pupils wearing sports clothes? May Muslim pupils wear headscarves in class? What is the case if the woman concerned is a teacher at a government-owned school? Should the law be different for nuns than it is for a Muslim teacher? ...Must muezzins be allowed to broadcast their call to prayer by loudspeaker in German cities just as churches are allowed to ring their bells? Must foreigners be allowed to ritually slaughter animals although it contravenes the local animal protection regulations?... Must Mormons be permitted to practise polygamy here because it is allowed them in their country of origin?'

recognized as a public-law entity ('Anstalt öffentlichen Rechts') and thereby gained the same legal privileges our large churches enjoy. In these cases when minorities call for equal standing, for exceptions from established laws, or for special subsidies (e.g. for curricula transmitting the language and tradition of a minority culture), in many cases the courts must decide who has to accept whose ethos or form of life: Must the Christian inhabitants of the village accept the call of the muezzin? Must the local majority for strict animal protection accept the ritual slaughter of poultry and cattle by Jewish butchers? Must the non-confessional pupils, or those of different confessions, accept the Islamic teacher's head scarf? Must the owner of the grocery shop accept the decision of his employee to wear what to the customers appear conspicuously strange symbols or clothes? Must the Turkish father accept coeducational sports for his daughters at public schools?

In all these cases religious freedom tests the neutrality of the state. Frequently neutrality is threatened by the predominance of a majority culture, which abuses its historically acquired influence and definitional power to decide according to its own standards what shall be considered the norms and values of the political culture which is expected to be equally shared by all.[14] This implicit fusion of the common political culture with a divisive majority culture leads to the infiltration of the manifest legal form by inconspicuous cultural substance, thus distorting the very procedural nature of a democratic order. After all, the moral *substance* of democratic principles is spelled out in terms of legal *procedures* that can only build up legitimacy because they enjoy a reputation of granting impartiality by focusing consideration on all interests equally. Legal procedures thus stand to lose the force to found legitimacy if notions of a substantial ethical life slowly creep into the interpretation and practice of formal requirements. In this regard, political neutrality can be violated just as easily by the secular or laical side as by the religious camp.

For the one side, the paramount example is the *affaire foulard*, for the other, the response of the Bavarian State government to the German Supreme Court's judgment on whether crucifixes should be mandatory for classrooms in elementary schools. In the former case, the headmaster of a French school prohibited Muslim girls to wear their traditional head scarves; in the other, the German Supreme Court agreed with the complaint brought by

[14] On the unity of political culture in the diversity of sub-cultures see. J. Habermas, *The Inclusion of the Other*, (Cambride, Mass: MIT Press), 117ff.

anthroposophical parents that there should be no crucifix in the classroom in which their daughter had to sit for lessons. In the French case, positive religious freedom is called into question; in the German case, it is the negative version which is cast into doubt. The Catholic opponents of the crucifix verdict of our Supreme Court defend the religious symbol of the crucified Christ as an expression of 'Occidental values' and thus as part of a political culture which all citizens may be expected to share. This is the classical case of a political over-generalization of a regionally dominant religious practice, as it was reflected in the Bavarian Public Primary School Order of 1983. By contrast, in France the Muslim pupils were forbidden from wearing head scarves—the laical argument given was that religion is a private matter that has to be kept out of the public domain. This is the case of a secularist interpretation of the constitution that must face the challenge whether the republican interpretation of constitutional principles that prevails in France is not too 'strong' and is thus not able to avoid violating due neutrality of the state vis-à-vis legitimate claims of a religious minority to enjoy the right of self-expression and to receive public recognition.

These legal conflicts show why the spread of religious tolerance—and we have seen that it was already a driving force for the emergence of democracies—has now become also a stimulus for developing further cultural rights. The inclusion of religious minorities in the political community kindles and fosters sensitivity to the claims of other discriminated groups. The recognition of religious pluralism can fulfil the role of a pace-maker in legal development, as it makes us aware in an exemplary fashion of the *claims of minorities to civic inclusion*. One might object that the debate on multiculturalism hinges less on neglecting religious minorities than on other issues such as defining national holidays, specifying official language(s), promoting instruction for ethnic and national minorities, set quotas for women, colored people, indigenous populations at the working place, in schools or politics. From the viewpoint of equal inclusion of all citizens, however, religious discrimination takes its place in the long list of forms of cultural and linguistic, ethnic and racial, sexual and physical discrimination, and thus function as a pacemaker of 'cultural rights'. Let me explain what I mean by this term.

Inclusion refers to one of two aspects of the equal standing of citizens, or civic equality. Although the discrimination of minorities is usually associated with social under-privileging, it is well worth keeping these two categories of unequal treatment separate. The one is measured against the yardstick of *distributive justice*, the other

against that of *full membership*.[15] From the viewpoint of distributive justice, the principle of equal treatment of everybody requires that all citizens have the same opportunities to make actual use of equally distributed rights and liberties in order to realize their own particular life plans. Political struggles and social movements opposing status deprivation and fighting for redistribution are fuelled by the experiences of injustice at the level of distributive justice. By contrast, the struggles that relate to the *recognition of a specific collective identity* are based on a different kind of experience of injustice—not status deprivation but disregard, marginalization or exclusion depending on membership in a group, considered as 'inferior' according to prevailing standards.[16] From this aspect of incomplete inclusion, overcoming religious discrimination is the pacemaker for a new kind of cultural rights.

Cultural rights serve, as does the freedom to practice one's religion, the purpose of guaranteeing all citizens equal access to those associations, communication patterns, traditions and practices, which they respectively deem important in order to develop and maintain their personal identities. Cultural rights need not in each case refer to the ascribed group of origin; the personal identity in need of protection can just as well be based on a chosen and achieved environment. Religious convictions and practices have a decisive influence on the ethical conception of believers in all cultures. Linguistic and cultural traditions are similarly relevant for the formation and maintenance of one's own personal identity. In light of this insight we need to revise the traditional conception of the 'legal person'. The individuation of natural persons occurs through socialization. Individuals socialized in this manner can form and stabilize their identity only within a network of relationships of reciprocal recognition. This should have consequences for the protection of the integrity of the legal person—and for an intersubjectivist expansion of a person concept that has to date been tailored to the narrow lens of the tradition of possessive individualism.

All rights protecting the integrity of an individual define the legal status of that person. These rights must now extend to the access to that community's matrix of experience, communication and recognition, within which people can articulate their self-understanding and maintain their identity. From this angle, cultural rights are

[15] On this distinction N. Fraser, From Redistribution to Recognition?, in: C. Willett (ed.), *Theorizing Multiculturalism*, Oxford 1998, 19–49.

[16] A. Honneth, *Das Andere der Gerechtigkeit*, (Frankfurt/Main: Suhrkamp, 2000) focuses specifically on these pathologies of refused recognition.

introduced as individual rights in the first place. In line with the model of religious freedom, they are what German lawyers call 'subjective rights', designed for the purpose of granting full inclusion.[17] The point of cultural rights is to guarantee all citizens equal access to cultural environments, interpersonal relations and traditions as far as these are essential for them to form and secure their personal identity.

Yet cultural rights do not just mean 'more difference' and 'more independence' for cultural groups and their leaders. Members of discriminated groups do not enjoy equal cultural rights 'free of charge'. They cannot benefit from a morality of equal inclusion without themselves making this morality their own. The cognitive demand the liberal state makes of religious communities is all the same for 'strong' secular communities (such as national or ethnic minorities, immigrant or indigenous populations, descendants of slave cultures, etc.)[18] The traditions they continue open up 'world perspectives' that, *like* religious world views, can come into conflict with one another.[19] Therefore, cultural groups are equally expected to adapt their internal ethos to the egalitarian standards of the community at large. Some of them may find this even tougher than do those communities who are able to resort to the highly developed conceptual resources of one or the other of the great world religion.

Anyway, the leap in reflexivity that has come to characterize the modernization of religious consciousness within liberal societies provides a model for the mind-set of secular groups in multicultural societies as well. A multiculturalism that does not misunderstand itself does not constitute a *one-way street* to cultural self-assertion by groups with their own collective identities. The coexistence of different life forms as equals must not be allowed to prompt seg-

[17] Charles Taylor, *Multiculturalism and 'The Politics of Recognition' With Commentary* by Amy Gutmann (Ed.), Steven C. Rockefeller, Michael Walzer, and Susan Wolf. (Princeton University Press, 1992). See in the German edition my critique of the communitarian conception of cultural rights as collective rights (pp. 117–46)

[18] On the concept of such 'encompassing groups' see A. Margalit, J. Raz, 'National Self-Determination,' in: W. Kymlicka (ed.), *The Rights of Minority Cultures*, (Oxford U.P., 1995), pp. 79–92, esp. p. 81ff.

[19] The more comprehensive the cultural life form is, the stronger its cognitive content, the more it resembles a way of life structured by religious worldviews: 'The inescapable problem is that cultures have propositional content. It is an inevitable aspect of any culture that it will include ideas to the effect that some beliefs are true and some are false, and that some things are right and others wrong.' T. B. Barry, *Culture and Equality* (Cambridge, UK: Polity Press, 2001), 270

mentation. Instead, it requires the integration of all citizens—and their mutual recognition across cultural divisions as citizens—within the framework of a shared political culture. Citizens are equally empowered to develop what is for them their cultural identity and might appear to others as cultural idiosyncrasies, but only under the condition that all of them (across boundaries) understand themselves to be citizens of one and the same political community. From this point of view, the very same normative base of the constitution that justifies cultural rights and entitlements likewise limits a kind of aggressive self-assertion that leads to fragmenting the larger community.

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https://doi.org/10.1017/S0031819104000026 Published online by Cambridge University Press