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The role of alienation and Muslim religious beliefs in debates about establishment and hate-speech

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Bhikhu Parekh and Tariq Modood are among the most prominent theorists of multiculturalism in Europe. They represent a distinctive ‘school’ or ‘type’ of multiculturalism (Levey, 2019; Lægaard, 2014) and have contributed to discussions of specific controversies and how these issues are central to a multicultural perspective. Here, I focus on two examples of the latter, namely debates concerning hate speech and secularism. Their views in these respects lead to reflections on how their methodological commitment to a kind of contextualism colours their arguments. This touches on the issue about the type of multiculturalist theorizing that characterizes their work.

Parekh and Modood have since the Rushdie Affair been central figures in the reframing of European multiculturalism as an issue about religious groups, especially Muslims. Modood’s central contribution to this debate has been his argument that how European ‘moderately secular’ states handle religion is a better template for equal treatment of religious minorities than a French or American idea of ‘radical’ separation. Multicultural inclusion should proceed, not by way of thinning the national identity by excluding religious elements and removing religious privileges from the majority. Rather, the national identity should be pluralized to include both majority and minority religious elements, and religious privileges should be extended to minorities. Modood’s idea is to equalize upwards rather than downwards (2019). Modood thus defends religious establishment, which he merely thinks should be pluralized, e.g. by also granting seats to minority religious representatives in the British House of Lords alongside the bishops who already sit there.

Modood’s long standing view (dating back at least to 1994) is that, although religious minorities, more particularly Muslims in Britain, ‘do seem to feel excluded and alienated by

certain aspects of British society and indeed European society in general ... there is no record of any criticism by a Muslim group against the Anglican Church's establishment' because 'Muslims and other religious minorities appreciate that establishment is a recognition by the state of the public and national significance of religion.' (2019, p. 207)

In his defense of this view, Modood engages with other theorists of secularism, like Cécile Laborde, who has argued that even primarily symbolic forms of establishment might alienate religious minorities. Against this, Modood replies that religious minorities such as Muslims are more likely to be alienated by the kind of secular state he takes Laborde to be arguing for.

Modood's view is that alienation is indeed a relevant normative metric for assessing the legitimacy of establishment. He simply disputes the empirical claim, which he reads into earlier articulations of Laborde's view, that symbolic religious establishment 'necessarily alienates all those who do not identify with that religion or religions' (p. 23).

Parekh also touches on alienation related to symbolic aspects of the state. His view seems to be that, while a religious state symbol can indeed alienate religious minorities, this is perhaps negligible (2019, p. 206), and removal of such symbolic establishment might alienate the majority far more (p. 208).

For present purposes, it matters less that Laborde does not seem committed to the strong empirical claim attributed to her by Modood, at least not in her recent work. Her considered view is that symbolic establishment is wrong 'when it constitutes and perpetuates social relations of hierarchy, subordination and domination' (2017, p. 136), i.e. when it violates an ideal of civic inclusiveness. This is a conditional claim. The normative criterion of civic inclusiveness may or may not be violated by any particular instance of symbolic establishment. This is an empirical and contingent matter, so Laborde is not committed to the stronger claim Modood attributes to her that establishment necessarily violates the relevant criterion of civic inclusiveness.

The more interesting question is whether actual alienation is the correct specification of the criterion of civic inclusiveness. This is interesting because Laborde, Modood and Parekh agree that equal citizenship is the normative basis for assessment of regimes of secularism, and they all have a view of citizenship as including not only formal rights but also recognition of equal social status. Furthermore, Laborde disaggregates religion in a way distinguishing between religion as belief and social identity in a way that is reminiscent of and supports Modood's point that Islam is an ethno-religious category and Islamophobia analogous to racism.

Against Modood's assumption that the absence of criticism from British Muslims of establishment shows that establishment does not alienate Muslims, one could argue that Muslims can be alienated even if they do not voice criticism of establishment. Modood goes to some length to criticize the conceptions of alienation, which such an objection presupposes. He criticizes the idea that it is 'reasonable' alienation that matters (pp. 23-24) and that alienation might be understood in some more objective sense, such as classical Marxian notions, according to which one might be alienated even if one is not aware of this (p. 208).

Modood's objection to reasonable alienation is that 'The reference to the reasonable person being reasonably informed suggests that (s)he needs to take into account some empirical data, and presumably it would be reasonable that this should include the view of Muslims (and others).' (p. 23) This refers back to Modood's empirical claim that Muslims have not voiced any criticism of Anglican establishment. Modood accordingly equates reasonability with attention to the actually available evidence about alienation. Even granting Modood's claim about the non-existence of Muslim criticism of establishment, his reading of reasonable alienation is nevertheless open to challenges. First, the evidence base might not be adequate. Muslims might be alienated even if they have not voiced this publicly. Second, reasonable alienation might not only be a matter of taking account of the available evidence; it is also a matter of how this evidence is assessed. Reasonability is a normative question about what the *appropriate* response to some state of affairs is (Lægaard, 2017, pp. 127-128). Even if Muslims have, *arguendo*, not objected to establishment, it might still have been an appropriate response. Modood's response to reasonable alienation views accordingly does not engage with the view he dismisses.

The reason for Modood's rejection of objective notions of alienation might explain his resistance to reasonable alienation views. Appeals to objective alienation can be used to deny Muslims' own testimony, which could lead to domination (p. 208). Modood's example of this concerns cases where critics of Muslim veiling, who object to headscarves because they see it as oppressive and imposed, reject statements by Muslim women wearing the hijab that they do so voluntarily. Modood's worry thus is that appeal to notions of alienation that allow *any* difference between the actually voiced views of Muslims and either reasonable or objective alienation will be potential instruments of domination. His criticism is thus not theoretical but rather strategic.

Modood thus takes articulated feelings of alienation relative to establishment – and, more importantly, their absence – at face value and apparently takes them to constitute legitimacy. His reasons for adopting this position are understandable when viewed in a strategic perspective but do not provide a convincing theoretical rationale. While Modood is undoubtedly right that any account concerned with alienation should take the actual views expressed by religious minorities into account, e.g. as indicators of potentially problematic features of religious establishment, it seems implausible to take the articulated views as constitutive of legitimacy. If one is attracted to an alienation account of how we should operationalize the criterion of civic inclusiveness, there is therefore reason to move at least some way along the spectrum away from the purely subjective pole and towards more objective versions of the alienation account.

Apart from this substantive disagreement over the specification of a criterion of civic inclusion in terms of alienation, this also indicates something about Modood's mode of theorizing. I have characterized his reasons as strategic rather than theoretical. Another distinction is between the correct theoretical criterion for legitimacy and the best practically available procedure for handling real world cases. Laborde is concerned with the former; Modood might be concerned more with the latter, which might explain both his criticism of Laborde and why his reasons seem inadequate in a theoretical perspective.

Something similar seems to hold for Modood's discussion of hate speech. Modood's general point that religion should be treated as in some respects analogous to race is the point of departure for his discussion of laws against incitement to religious hatred. Modood argues that laws should criminalize hate speech against Muslims, just as they protect Jews or Blacks. Both cases are about protecting people. The difference is that protection of Muslims according to Modood requires protecting Muslim religious beliefs, since attacks on them can be a way of attacking Muslims. Disrespect against Muslim religious beliefs might be just as distressing for Muslims as Holocaust denial might be for Jews (p. 63). Laws should thus protect the religious beliefs and related feelings of Muslims as a means of protecting Muslims. This is not because Islam is especially worthy of protection in itself or should be exempt from criticism, but because of the contingent contextual fact that Muslims are likely to be hurt and provoked by attacks to their beliefs (p. 64).

While I agree with Modood's underlying concern to protect vulnerable minority groups as well as his sociological point that religion, especially Islam, sometimes functions as an ethno-

religious category in some ways reminiscent of 'race', I disagree with his conclusion about the protection of Muslim beliefs. Protecting religious beliefs is problematic, even when this is a means to protecting groups rather than an aim in itself. One well-known reason for being skeptical of this kind of view draws on the value of free speech. I will not repeat this kind of criticism here. Rather, my point is that Modood seems to forget his own important insight about the nature of the groups in question. The main reason for protecting Muslims precisely is that, in some respects, being a Muslim functions like being a member of a racialized group. Hostility against Muslims has many features in common with racism or anti-Semitism: it is not primarily about Islamic doctrine or Muslim convictions, but an externally ascribed minority status that functions as the basis for discrimination and exclusion. I agree with this. However, when Modood argues that laws should protect Muslim religious beliefs, he moves away from understanding Muslims as a racialized ethno-religious group and back to a doctrinal understanding of Islam as a religion. Again, I think that Laborde's disaggregation approach, which separates religion as social identity from the other dimensions of religion, including doctrinal beliefs and ethical practice, better captures Modood's insight about Muslims as an ethno-religious group. Protecting vulnerable religious minority groups requires a focus on equal citizenship rather than protection of Muslim beliefs.

It is interesting that Parekh apparently disagrees with Modood's view that protection of religious minorities requires protection of the religious beliefs of the minority. At least, he remarks that, although Salman Rushdie's *The Satanic Verses* mocks Prophet Mohammed and casts doubt on the authenticity of some of the Quranic verses, it is not a case of hate speech (2019, p. 77).

Just as in the case concerning the possible alienating effects of symbolic establishment, the way in which Modood's view stands out might indicate that the kind of argument he offers is posed at a different level than, e.g., Labode's theory. Modood stresses that it is not religious beliefs as such that warrant protection: it is simply a contingent contextual fact that some Muslims are hurt by attacks to their beliefs (p. 64). This suggests that it is contextual considerations along the lines of the type of contextualist political theory sketched in the introduction (pp. 19-21) that drive Modood's claim that Muslim religious beliefs should be protected. This contextualist approach rejects basing political arguments on abstract political principles. Rather, principles should be developed out of and informed by the context (see Lægaard, 2019).

However, even if some Muslims are hurt in the same way by affronts to their religious beliefs as some Jews are by Holocaust denial, this does not show that Muslim religious beliefs should be protected. Rather, it might show that ‘feeling hurt’ is not the right criterion in the first place. Perhaps Muslim religious beliefs should not be protected, even if some Muslims are hurt when their beliefs are attacked. And perhaps the reason why laws against Holocaust denial might be warranted in some countries has nothing to do with whether Jews are hurt by Holocaust denial.

Modood simultaneously writes that protection against hate speech is a matter of protecting the status of equal citizenship. Just as in the case of symbolic establishment, this again boils down to an identification on Modood’s part of equal citizenship with what a religious minority like Muslims actually feel – whether in terms of articulated alienation or feelings of being hurt. This is not something that follows from a contextualist approach: it is an *a priori* decision to make subjective feelings the operative criterion for legitimacy or legal regulation. As a theoretical criterion, I think this is problematic and unconvincing; it is simply not plausible that subjective feelings are what really matters in either of these cases, and it is normatively problematic to make them determinative of which institutions or laws are legitimate or justified.