Introduction

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Modern social diversity has in large measure resulted from international migration and in turn migration has created greater religious diversity alongside greater cultural complexity. The issues surrounding religious tolerance have, therefore, been produced by globalization. Religious diversity has become a political issue, because we do not, in general terms, appear to have robust social policies and institutions to manage the social tensions that flow from cultural complexity and the conventional liberal solutions, especially the legacy of the Treaty of Westphalia of 1648 which is the foundation of modern liberal policies in the West, appear to be in crisis. The chapters in this collection point in various ways to the increasingly difficult problems of multiculturalism and religious diversity in relation to the state and the law, especially after the international crisis created by the terrorist acts of 9/11.

The labour markets of advanced economies depend on high levels of international migration because they have ageing populations and because their own labour force is either insufficiently mobile or reluctant to take on unskilled or low-paid work. Global labour markets need migrants, but democratic governments, often responding to electoral pressures and negative media campaigns, cannot be seen to be overtly lenient towards unrestrained migration. After 9/11, there has been an unfortunate tendency to conflate three categories of mobile persons: migrants, refugees and asylum seekers. Conservative or right-wing governments have successfully

mobilized electorates against liberal policies towards labour mobility and porous frontiers, but even the social democratic countries of Scandinavia and northern Europe have faced acute political difficulties over migration as we have seen in Denmark and the Netherlands. While migrants contribute significantly to economic growth, they are often thought to be parasitic upon the host society. They do not fit easily into a welfare model of citizenship and contributory rights. These problems are endemic, as the various contributions to this volume demonstrate, and violence towards migrants can flare up in Canada and Britain as in Australia and Indonesia.

In this volume, various authors argue that offering citizenship to migrants may be one step towards reducing the likelihood of civil conflict. However, governments have been reluctant to give citizenship status to migrants without stringent criteria of membership, and naturalization is often a slow and complex process. The United States, Britain and the Netherlands have all been discussing the desirability of increasing the difficulty of tests relating to history, law and language which migrants would be expected to take as a preparation for citizenship. Furthermore, dual citizenship is often regarded as an anomaly and there is, as a result, an increasing level of social criticism directed against quasi-citizenship, dual citizenship and flexible arrangements, because these forms of citizenship are thought to undermine the hegemonic model of traditional political membership.

How does religion fit into this scenario? The globalization of the migrant labour market, as Professor Bouma shows, has been one cause of the globalization of world religions, especially Islam, and the creation of new diasporic religious identities. Religious identities tend to be transnational, and offer alternative matrices of self definition that are not state based. There is, as a result, a tension between the transnational identities of neo-fundamentalist religions (Christian, Muslim, Jewish, but also Hindu and Buddhist) and the state-based identities of national citizenship. In the traditional American pattern of assimilation, Protestant, Catholic and Jew became alternative identities within a common pattern of civil religion. There is little indication as yet that "American Muslim" will be an acceptable cultural identity providing full cultural assimilation. In Europe, there is no tradition of civil religion as such to which Muslim Europeans or Christian Europeans or Hindu Europeans could become attached. The idea of European common citizenship has been, at least for the time being, shattered by the rejection of the Constitution in the referenda in France and

the Netherlands, and by the failure to agree on a common economic budget in 2005.

The long-term solution to social conflict in culturally diverse societies must be the creation of a common legal and political framework, namely citizenship. Arguments in favour of flexible or global citizenship are problematic, unless they can resolve the relationship between rights and duties, namely the nature of social contributions. While human rights offer some protection to minority groups and to migrant workers through the Convention on economic, social and cultural rights and through such institutions as the International Labour Organization, ultimately human rights (including freedom of religious expression) require the backing of states that promote active citizenship. The framework of citizenship is an important mechanism of democratic education and protection of rights. The paradox is that citizenship is, in one sense, an exclusionary institution, but the erosion of citizenship is also a threat to multiculturalism and cosmopolitanism.

Much of the negative view of cultural dialogue has been shaped by Samuel Huntington's article on "the clash of civilizations" in *Foreign Affairs* (1993). In the post 9/11 world, Huntington's bleak analysis of the development of micro fault-line conflicts and macro core state conflicts has influenced the interventionist assumptions of western foreign policy in the era of the "War on Terror". Huntington, of course, believes that the major division of civilizations is between the Christian West and the Muslim world, but recently he has even more openly outspoken about "the age of Muslim Wars" and widespread Muslim grievance and hostility towards the United States (Huntington 2003). Any attempt to engage with Islamic civilization is set within the context of the war for Muslim minds.

Although Huntington's thesis might be seen as an extreme position, what seems to be beyond question is that cultural and religious complexity resulting from both legal and illegal migration creates new challenges for the state, because religious complexity creates new burdens on civil and political structures, and is a major test of the robustness of the institutions of social citizenship. Cultural and social diversity, including a trend towards legal pluralism, requires a vigorous defence of the rule of law if societies are to avoid social conflict and ultimately violence. There are many possible strategies for the management of ethnic diversity, but passive tolerance of migrants and arbitrary exclusion of asylum seekers does not constitute an effective political option.

Let us start then with two controversial propositions: (1) societies that are culturally and ethnically diverse are more difficult to govern than societies that are culturally homogenous. Heterogeneity creates significant political problems that require explicit, decisive and sophisticated solutions; and (2) globalization, especially the globalization of religion, makes these problems increasingly endemic, global and potentially catastrophic. The growth of fundamentalism and neo-fundamentalism in Islamic, Christian, Jewish, and Hindu traditions makes this political problem—how to sustain civil society in a context of religious diversity—increasingly difficult.

If these pessimistic views of globalization are valid, then there is an important research agenda to consider what political and social measures might be explored to understand the conditions under which modern societies might be able to embrace multiculturalism without running the risk of communal violence, that is the conditions under which they might be less precarious, and the lives of individuals less vulnerable. The chapters in this collection represent an attempt to consider such measures.

Social and political approaches to cultural complexity cover, historically-speaking, a wide spectrum of political strategies. At one extreme, fascism assumed the position that ethnic diversity undermines the quality of a population and the coherence of society, and hence degenerate and deviant elements must be expelled or exterminated. At the other extreme, one might regard the liberal Westphalian strategy, as developed in recent political philosophy by John Rawls, as a solution that regards cultural differences as simply personal attributes that should not intrude on the public space, believes that the market can act as an arbiter between competing social groups and values, and seeks to create a consensus over liberal values. In the chapter by Bryan Turner, the liberal option of Rawls is explored at some length. Rawls's argument concerning an overlapping consensus of opinions can only work if the liberal consensus of opinion is underpinned by an overlapping network of social groups. The liberal response to ethnic difference in Britain can unfortunately be characterized as a matter of benign neglect rather than one of active and positive multiculturalism. The everyday difficulties of British Muslims are explored by Gabriele Marancci in his discussion of what we might regard as "ordinary racism". We must also recognise, as Professor Li-ann Thio warns us, that the Westphalian liberal solution can also constitute an intolerant exclusion of religion from the public domain by secularists who happen to be intolerant of religious belief.

Contemporary social and political theory has been divided between a politics of difference that encourages us to recognise and accept cultural hybridity resulting from globalization, and a theory of global governance that attempts to identify new patterns of social solidarity. The emphasis on difference typically celebrates the diversity of cultural identities in a fragmented world by abandoning a strong commitment to principles of equality. Any emphasis on social equality—the basis of the Enlightenment tradition of citizenship—preserves some element of universalism in order to defend an idea of justice, but it has correspondingly great difficulty in formulating a satisfactory view of tolerance of difference. French republicanism was based on a formal principle of common citizenship, but the French tradition has run into difficulties over universalism in its confrontation with the Muslim community over the head scarf. The politics of identity implicitly abandons the emphasis on justice and equality in the republican notion of citizenship, and at the same time the idea of human rights is often perceived as inevitably western and indifferent to local and specific demands for recognition and respect. Any sociological account of rights, migration and citizenship must grapple with the problem of cultural differences and recognition, on the one hand, and the quest for justice and equality in the conventional discourse of citizenship, on the other.

Because ethnic and religious conflicts in the modern world are exacerbated by globalization, social philosophers have engaged in debates about how tolerance and cosmopolitanism might be promoted. These concerns have spawned a rich ensemble of theories and concepts—cosmopolitan virtue, care, tolerance, and recognition theory. Although these ideas are useful in the formulation of ethical orientations, they do not easily or immediately lead to empirical research strategies or to effective social policies. However, two authors have been widely debated as offering intellectual solutions that can be translated into practical strategies. These are Will Kymlicka who has developed a number of approaches to group rights as compatible with liberal constitutions, and the other is Robert Putnam whose notions of social capital and trust appear particularly relevant to the questions I am addressing.

Robert Putnam (1993: 172) provides four reasons why general reciprocity has beneficial effects in terms of enhancing social co-operation: it increases the costs of defection; it fosters norms of co-operation; it improves communication; and it embodies past successes of collaboration, providing a model for future co-operation. More generally, economists have argued that

social capital (or trust) reduces transaction costs. Social capital theories are attractive to sociologists because they show how voluntary associations and local NGOs can make a significant contribution to making the social glue that holds societies together. Philanthropy is not only good for recipients but also collectively for society as a whole. This aspect of social capital is explored by Professor Kuah-Pearce Khun Eng in her analysis of Buddhist philanthropy in Singapore, where a mutual partnership between state and religion contributes significantly to the creation of a civil society. These theories of social capital have however been criticized because they, like the functional theory of social integration in American sociology in the 1950s, suffer from a functional circularity. Because the importance of reciprocity is explained by its effects, these theories do not provide an antecedent causal account of changes in social reciprocity (Knight 2001).

Critics of Putnam's social capital theory note that value consensus is not characteristic of modern societies, in which increasing social diversity destroys the cultural homogeneity of traditional societies, and where value diversity erodes social cohesion. It is useful to distinguish between sharing a common set of beliefs that are positively valued, and knowing about the beliefs that provide common expectations. In the cognitive sense of sharing, "co-operative predictable behavior is guaranteed by the existence of mechanisms that converge expectations toward actions that satisfy the requirements of mutual benefit" (Knight 2001: 358). Co-operation with social norms affects an individual's attitudes towards how other people will co-operate, and in turn these expectations influence assumptions about future behavior. This argument has been developed to make sense of Putnam's observation that social capital is a resource that increases with use. The growth of generalized trust is a function of everyday compliance with norms. Quite simply, the more individuals cooperate with each other, the more they trust one another. Past experience of reliable co-operative interaction tends to increase our general sense of the trustworthiness of others in the community. Conversely, lack of reciprocity tends to deflate trust. In societies with many transnational communities and many diasporas, if there is little reciprocity between social groups then there will be low trust, and consequently greater scope for misunderstanding, mistrust and conflict. The growth of mistrust in the face of growing competition between secular nationalists and Muslim parties has been characteristic of post-Suharto politics according to Noorhaidi Hasan.

In this pessimistic viewpoint, social diversity undermines community and the erosion of common values and shared sentiments undermines trust (Lukes 1991). Because ethnic and multicultural diversity is an obvious feature of most advanced societies, trust in such societies is difficult to sustain, because there are important differences of interest, of basic social ends, and of social beliefs and values. In culturally diverse societies, social groups will employ strategies of social closure to secure access to resources against outsiders who are seen to be competitors. Informal social regulation is unlikely to work effectively in social environments where social equality and fairness are manifestly absent. The greater the inequality in resource allocation, the greater the propensity of disprivileged groups to disrupt existing social arrangements. The greater the disadvantages, the greater the incentive on the part of disprivileged groups to distance themselves from dominant groups. The greater the relative deprivation, the lower the probability that marginalized groups will respond positively to normative motivation to comply with existing social norms. Religiously diverse societies will become conflict ridden, even with adequate legal safeguards, if material wealth is not only unequally distributed but perceived to be unjustly allocated. Corruption in public life is thus a major factor in social unrest. The history of South African apartheid would be an extreme instance of injustice and relative deprivation, where the legitimacy of the system was constantly questioned, but social conflict between groups on the basis of ethnic classification and associated material inequalities remains an all too common aspect of political violence in contemporary societies. In recent history examples of ethnic conflict and ethnic cleansing are unfortunately both numerous and spectacular: Rwanda, Kashmir, Chechnya, Tajikistan, Sudan, Myanmar, and so forth. However, in this volume we are more concerned with the more humdrum ethnic and cultural conflicts that characterise most, if not all modern societies. The post-Suharto situation in Indonesia as described here by Noorhaidi Hassan is perhaps more typical, at least of religious conflict in modern Asia, than more extreme examples from Darfur or Somalia.

Many of the chapters in this volume, such as the chapter by Li-ann Thio on modern Singapore, explore the role of law in sustaining or aggravating social order. The task is "to construct a conception of the rule of law in a socially diverse society that satisfies the requirements of social order and co-operation and, as a *possible* by-product, creates the conditions for the emergence and maintenance of informal mechanisms like trust" (Knight

2001: 365). Achieving this desirable outcome is not easy. A pragmatic perspective treats the rule of law as a mechanism for satisfying the interests of different social groups in a differentiated social order. In order to accommodate the different interests of culturally distinct social groups, the law must develop a range of mechanisms that are not unduly conflictual and divisive. Legal proceduralism as a juridical principle underlines the importance of overt and predictable legal processes in the resolution of conflict. These legal procedures include adjudication, mediation, managerial discretion, contract, and legislation, all of which can contribute to social co-operation. Pragmatism suggests that legal decisions have to satisfy a condition of equal respect and treatment for members of different social groups.

In my view, we need to see the rule of law within a broader social and political framework, namely of social citizenship. The institutions of citizenship have been the principal mechanisms of social inclusion in contemporary society, and citizenship has played a major role in mitigating the negative consequences of income inequality and economic disadvantage in societies where markets are unregulated. In particular, social citizenship is important in containing and reducing the negative consequences of social class differences in capitalism. In British society, citizenship evolved through the nineteenth and twentieth centuries as an amelioration of the negative effects of social class and the capitalist market. Citizenship provided individuals and their families with social security. One tension in British citizenship is that it assumed significant state intervention in the regulation of the market, but also emphasized individualism, initiative, and personal responsibility. In the United States, where there has been political resistance to the growth of a universal welfare state, citizenship is associated with political membership, racial equality and individual freedoms rather than with social rights. The lack of centralised, bureaucratic government in America encouraged the growth of individual initiative and voluntary associations rather than state intervention to solve local community problems. While citizenship is often seen as a solution to social divisions, it is important to bear in mind that citizenship can assume many different forms.

One conclusion of this discussion of values or more generally cultural consensus as a foundation is that a legal framework, contrary to most sociological approaches, is a necessary pre-condition of social stability. Social capital may provide the glue of reciprocity to overcome ethnic division and conflicting interests, but social capital may also need the backing or precondition of formal rules and structures. How can states provide rights

regimes that are sensitive to the (often conflicting interests) of minorities and majorities? Let us consider another set of arguments relating to rights. Will Kymlicka (1995) has defended the idea of group rights and cultural rights within a liberal framework (as a policy that has specific reference to multicultural societies like Canada and Australia). Kymlicka (1995: 26) argues that liberal democracies that have accepted some form of multiculturalism typically make adjustments or accommodations to cultural pluralism through the mechanism of what he calls "group-differentiated rights". These are divided into three types.

First, there are rights to self-government. In multinational states, the component nations may demand some level of political autonomy or territorial jurisdiction. The right of self-determination has been sanctioned by the United Nations' Charter—"all peoples have a right to self-determination"—but the charter does not define "peoples". In some societies, the demand for autonomy may lead to secession, but one common institutional response to the demand for autonomy has been federalism. In some respects, Kymlicka's argument may be specific to Canada, where federalism offers some solution to the demands of the Quebecois within a federal structure.

The second accommodation is through the development of poly-ethnic rights. At a minimal level, these are merely rights to express cultural differences without exposure to prejudice. These rights are often expressed against so-called "Anglo-conformity" which has involved the dominance of Anglo-American values in the public domain, relegating minority cultural practices to the private sphere. More radical demands for these rights may entail the exemption of ethnic groups from laws and regulations that are seen to disadvantage them. The most obvious example has come from the Sikh community in Britain and Canada, where Sikh men are allowed to wear turbans as part of their official dress in public roles in the police force or military or schools. The point of these rights is to promote integration, whereas self-government rights are to secure self-government.

Finally there is the creation of special representation rights in which minority or oppressed groups are given automatic or guaranteed representation in parliamentary and other democratic institutions. These rights can be regarded as a form of affirmative action, but they tend to be temporary. They are "kick-start" devices to ensure an evolution towards adequate participation and they are subsequently abandoned once minority groups have entered the mainstream of the host community.

The theory of differentiated rights, while considered as a general legal framework, is often in practice specific to Canadian history and society. Canada is federal, and as a white-settler society it has first-nation communities with a problematic relationship to Canadian history and sovereignty. In addition, Canada has a substantial French-speaking community in the state of Quebec. Some aspects of the argument however can apply to Europe, where federalism could be a useful principle of accommodation. In addition, poly-ethnic rights already apply to certain social groups, but not to others. The case of the head scarf in French schools is the obvious illustration. However, one criticism of Kymlicka's general approach is the absence of any significant discussion of law. There is no attempt to connect legal pluralism with group-differentiated rights. Kymlicka's rights are, in fact, primarily cultural rights and hence the problem of legal sovereignty is not adequately broached and yet as various chapters in this collection demonstrate the legal framework is a crucial ingredient of social harmony.

This contribution to liberal theory implies that societies can survive as effective democracies provided they are able to accommodate divergent cultures and identities. Other writers have been far more pessimistic about sustaining social order in the face of social diversity. As we have seen, Jack Knight notes that cultural consensus in modern societies is unusual, because increasing social diversity undermines the cultural homogeneity of traditional societies. Co-operation with social norms affects attitudes towards how other people will co-operate, and in turn this expectation shapes assumptions about future behavior. Knight develops this argument to make sense of Robert Putnam's observation that social capital is a moral resource that increases with use (Putnam 2000). The growth of generalized trust is a function of everyday compliance with norms, and the more individuals cooperate with each other, the more they trust one another. Past experiences of reliable cooperative interaction tends to enhance our general sense of the trustworthiness of other people. In short, trustworthiness routinely generates trust, and conversely lack of reciprocity tends to deflate trust.

One consequence of cultural pluralism might, therefore, be legal pluralism. If legal pluralism is an inevitable consequence of multiculturalism, it suggests that Kymlicka's group-differentiated rights are at present underdeveloped because they do not recognise the importance of legal self-determination. Legal pluralism would thus stretch the assumptions of liberalism to their limits. For example, the right to join or to leave a social

group is central to liberalism. But in Islam there are traditional views that regard the right to opt out as parallel to apostasy and they could not easily permit such arrangements. The notion that individuals can opt out of their own communities is therefore perhaps the most problematic aspect of individual rights. In the case of minorities, the survival of their cultures and traditions requires continuity of socialization and transmission—a process that has historically depended on women. Hence, women are typically subject to excessive (and at times brutal) subordination to group norms. But this fact offers no normative reason for supporting gender inequalities.

What is to be done? The social policy implications of these chapters are numerous but also relatively simple. Professor Amyn Sajoo provides an excellent summary of such requirements in the conclusion of his chapter. A successful society that is diverse and complex requires a strong legal framework and the institutions of citizenship to create a public environment in which overt racism is not tolerated and where assumptions about diversity are core elements of government business. Governments need such overt and explicit policies that convey to the public that the government does not favour one group over another, and hence minority rights are protected. Secondly there must be sufficient economic growth and an adequate taxation system to redistribute wealth in such a way that second-generation children of migrants are not systematically disadvantaged. Educational policies are therefore fundamental to success. Thirdly, there must be social arrangements that allow for inter-marriage, reciprocity and the growth of intermediate associations (clubs, churches and voluntary associations) to build up social capital as the underpinning of liberal values. These overlapping social groups are the supports that make possible an overlapping consensus of opinion and belief. Finally, there must be cultural events such as sport and general values such as patriotism that will counteract the tendency towards group loyalty, tribalism or sectarian solidarity. Despite these arrangements, to quote the Scottish poet Robert Burns, the best laid schemes of mice and men tend to go awry.

Given the ubiquity of social conflict in the modern world, a pessimistic scenario of failing states and failing societies is common place. But pessimism is probably a poor premise for social policies which by their nature are oriented towards changing societies to improve them. Several authors in this collection have developed valuable arguments supporting diversity and pluralism as viable bases for social cohesion. Julie Chernov Hwang shows how educational policies in both Indonesia and Malaysia can contribute

to social progress and civic harmony, while Gary Bouma reminds us that societies like Australia and Singapore have been relatively successful in embracing social diversity.

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