

The Dilemma of Living in a Complex, Multi-faith Society

Written by Simon Thompson

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SIMON THOMPSON, JAN 23 2014

Universities UK, which describes itself as 'the voice of UK universities', issued guidance in November 2013 concerning External Speakers in Higher Education Institutions. One part of this guidance has sparked a great deal of controversy. This was the suggestion that the audiences for external speakers could be separated by gender, so long as this segregation was voluntarily agreed to by both the speakers and the audience. All sorts of people swiftly joined the debate, including journalists and barristers, Mark Hammond from the Equality and Human Rights Commission, and the Prime Minister David Cameron. By December, Universities UK had withdrawn its advice. Nicola Dandridge, the Chief Executive of UUK, said: 'Universities UK agrees entirely with the Prime Minister that universities should not enforce gender segregation on audiences at the request of guest speakers. However, where the gender segregation is voluntary, the law is unclear. We are working with our lawyers and the EHRC to clarify the position'.

This controversy sparks all sorts of questions about how people should conduct themselves in complex, multi-faith societies like our own. One important question is this: to what extent it is permissible for a group in a democratic society to conduct its collective life in accordance with rules which are not fully congruent with the laws of that society? A wide variety of answers could be given to this question.

At one end of a spectrum, it could be argued that people should be able to associate together on whatever terms they wish, so long as their association is voluntary – so long, in other words, as each individual member of that association can leave if they wish to do so. In his book *The Liberal Archipelago* (2003), Chandran Kukathas defends this sort of position, arguing that a liberal society's commitment to freedom of association means that it should tolerate a wide range of communities whose mores differ from that society's own standards. But how do we know when individuals freely associate with one another? Presumably it's when they are free to leave that association if they wish. It is, however, no easy matter to specify the conditions which must be in place in order for individuals to have a practicable right to exit. For instance, would a religious group which withdrew its members' children from education before they entered high school be undermining their future right of exit by denying them the chance to earn qualifications that would enable them to pursue a career – and a life – outside of that group?

At the other end of the spectrum, it could be argued that no association should be able to conduct itself in a way which violates widely accepted social standards. But if this position were to be adopted, it would rule out all sorts of practices which are widely regarded as legitimate. For example, Muslims wouldn't be able to segregate the sexes in mosques; Jews couldn't produce kosher meat, since they couldn't be exempted from rules requiring the pre-stunning of animals before their slaughter; and Sikhs couldn't be allowed to wear a turban rather than a crash helmet when riding a motorbike. Will Kymlicka, in his book *Multicultural Citizenship* (1995), provides an eloquent defence for a range of minority rights which would include exemptions of this kind.

It seems to me that there is a genuine dilemma here, and therefore that there's no easy answer to the question I posed. On the first horn of the dilemma, the toleration of a variety of ways of life of different communities might, if not put into practice very carefully, leave some individuals at the mercy of their own communities. On the second horn, seeking to protect individuals from their communities may harm those communities which give meaning to those

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individuals' lives. My only hope is that, when confronted with dilemmas of this kind, no-one tries to invoke a simple principle which, they claim, can provide an easy solution. When matters are this complicated, it sometimes make more sense just to try to muddle through.

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