

What About Opting Out of Liberalism? A Comment on Raphael Cohen-Almagor’s *Just, Reasonable Multiculturalism*¹

I would like to think that Raphael Cohen-Almagor and I would be great neighbors, wanting similar things for our community and the broader society. We could have wonderful disagreements—perhaps about everything in *Just, Reasonable Multiculturalism* (hereafter, “JRM”). Not least of these is how to consider protections for children—he invokes both the best interest standard (e.g., at 167 and 227) and the idea of open futures (e.g., at 207), each of which I think is substantially flawed. We would also disagree about the best way to read various important historical thinkers—especially Mill and Rawls (e.g., did Mill think “governments must provide proper facilities for education”? (96)). We would even have disagreements about recent historical events (e.g., what did *Wisconsin v. Yoder* do?) and the purpose of various institutions (are schools best conceived of as “the place where we mold our little citizens”? (97, quoting Fabius)). I leave these issues largely to the side and concentrate on the permissible extent of interference by a liberal state in a community within that state when such interference aims to protect individuals within that community from it. He and I both value individuals and want them protected, of course. This shared value, however, leads us to different conclusions.

Cohen-Almagor’s views are mainstream and unsurprising to those familiar with contemporary liberal theory.² He insists, for example, that female genital mutilation must be stopped (see 127-128 for variations), but is fine with circumcision—male and female—so long as there is a good reason (usually cultural) and it’s of the sort that does no serious lasting harm (see 145).³ Many in contemporary western political theory would agree. Indeed, many of us believe *de minimis* harms ought not result in any punishment (see, e.g., 207). Punishing every infraction, no matter how minimal, would be too interventionist for *any* liberal, including those

¹ For helpful feedback

² It’s worth noting that the first four chapters of JRM provide a brief but extremely useful synopsis of the state of liberal democratic multicultural theory from the last 50 years. It does this while wisely passing over numerous side issues—like the debate between participatory and deliberative democracy—which would only serve to unnecessarily muddy the waters.

³ Cohen-Almagor would allow for extensive interference in forms of female circumcision that he would call genital mutilation. I would as well, though, not likely as often, depending on some empirical facts about consent, as I discuss below.

in the mainstream tradition of philosophical liberalism. On *any reasonably liberal view*, individuals must be allowed to act as they wish subject only to specific sorts of justified limitations. On the mainstream approach, these will include limitations necessary to not merely protect but also to *promote* autonomy. This is Cohen-Almagor's view as well; he often relies, after all, on Will Kymlicka's work on liberal multiculturalism and that is, arguably, the standard bearer for such accounts.

In the first section below, I spell out Cohen-Almagor's view about the need for interference with non-liberal groups within a liberal state while indicating my disagreement. In the second shorter section, I turn to what Cohen-Almagor calls the "democratic catch," which essentially indicates Cohen-Almagor's view about the need for limiting toleration of internal restrictions of non-liberal groups. Again, I explain Cohen-Almagor's view while indicating my disagreement.

Opting Into Non-Liberal Systems

To begin to see the biggest likely disagreement between Cohen-Almagor and I, consider this: "While the [Liberal] way of life may be appealing to most [Liberal-raised] people, it might not be appealing to all. Some of the [Liberal-raised] may wish to opt out" (215). The only alterations to this quote are the replacements of "Amish" with "Liberal" or "Liberal-raised." The question: would Cohen-Almagor be ok with those so wishing to opt out? If I read him correctly, he would be willing to accept it if and only if what those who wish to opt out of the Liberal way of life would be opting *into* would be a *Liberal-enough* system—one that treats "people as free and equal" (93) and upholds "the principles of non-repression and non-discrimination without which 'despotism over the mind' might take place" (214). Like Kant and Mill (99-100), Cohen-Almagor would rule out voluntary enslavement. Like many contemporary liberals, he would similarly rule out membership in a group wherein one is under the moral and political dominion of another, even when that membership is plausibly voluntary.

The claim that one cannot morally agree to be enslaved is common in the history of liberal thought, but deserves questioning. Imagine Sam knows she has a terminal illness that will kill her within two years, well before which she will live in pain. Imagine Sam has small children who will not have any resources available to them once she dies—there is no other parent, no

insurance for them, and not enough in savings. Sam is approached by Rich, a wealthy industrialist, who offers her ten million dollars to be his slave for a year. (The contract relies on a third party to monitor the situation to ensure the terms of the contract are not violated, including its conclusion in precisely one year. It also includes a clause indicating that should Sam die from her illness within the year, the terms of the contract will be deemed fulfilled.) It seems to me that Sam would be quite reasonable and rational in accepting the contract. She would be satisfying her own preference to guarantee that her children will have everything they need when she passes. For the same reason, I think it a mistake for a liberal state to prevent Sam from accepting the contract. Cohen-Almagor might wish to rule out the contract nonetheless, perhaps arguing that Rich should not be allowed to offer it. Imagine, though, that Rich is a perfectly nice person who will not mistreat Sam in any way (or any way not spelled out in the contract to which she, with full information, agrees). Imagine that Rich only offers this contract to Sam *because it is the only way* she would accept his help with her situation. Those who insist voluntary enslavement must be rejected will, obviously, reject such contracts. This is the standard view of those in the Rawlsian tradition to which Cohen-Almagor belongs. Absent a clear statement to the contrary—and consistent with what he does say—I think Cohen-Almagor would also insist that such a contract must be rejected. (By contrast, I believe the contract must be accepted as it is, by hypothesis, consensual and the only way Sam can satisfy her most cherished preference and provide for her children.⁴)

Most people, of course, do not wish to enter into an enslavement contract and I admit that there may also be good reasons to not change law allowing such contracts—even if they are morally permissible. Nonetheless, the issue is important because people often do wish to enter into all sorts of relationships that limit their autonomy. Priests and nuns enter into monastic orders where they consent to give up various rights and at least large elements of their autonomy. Other people become soldiers, forfeiting their right to leave their military assignments and do as they will. More concerning, though, are situations wherein individuals are born into a community and are raised to think of themselves as subservient to others. Such individuals—often women—might be thought to choose their subservient positions, but arguably only because of what Cohen-Almagor calls “internalized coercion” (102 ff). While I suspect internalized

⁴ For more on this, including discussion of how the harm principle plays into it, see my 2018, 113f.

coercion is likely generated by circumstances-based coercion rather than person-based coercion and so does not involve direct fault (91 ff), it is not clear Cohen-Almagor would say that and we can skip over the question. What matters here is that there are times when “a group (G) is enshrining norms that bring the group to believe that certain discriminatory practices against part of the group are legitimate and even necessary for the preservation of G” (102). Those who are taught to be subservient accept these norms and thus may *seem to consent* to their roles—but such “consent” may be the result of unjust methods of persuasion. Such “consent” may be nothing more than acquiescence. Just as those in the Rawlsian tradition reject voluntary enslavement, they would reject social systems wherein there is mere acquiescence to subservient roles.

Of course, as Cohen-Almagor realizes, in any culture (including liberal culture), there will be people who accept the norms the culture enshrines and others who do not. When some of the group’s members who would be treated as subservient according to the norms of the culture do not accept those norms—who wish, rather, to opt out—the group may use what Cohen-Almagor calls “designated coercion” to “bring them back to their community” (103). “This form of coercion,” Cohen-Almagor tells us, “is unjustified and the state is warranted to interfere” (104). The interference he allows is, on my own view, too extensive.

Cohen-Almagor gives extensive attention to cases involving Pueblo Indian Communities in the U.S. He discusses, in particular, the United States Supreme Court Case of *Santa Clara Pueblo v Martinez* (1978). The basic facts of the case are straightforward: like other Pueblos, the Santa Clara Pueblo excluded from full membership—which entails “property rights, shares in the profits of tribal industries and certain paying jobs on the Pueblo” (184-5)—children of women who married outside the tribe. It did not exclude children of *men* who married outside the tribe. This amounts, on Cohen-Almagor’s view, to a form of “non-liberal constitutionalism”—i.e., one that is, of course, “unjust from the point of view of liberal principles” (186). The Supreme Court, however, sided with the Pueblo, “guaranteeing strong tribal autonomy” rather than protecting women and children (185). For Cohen-Almagor, this is not reasonable because “Reasonableness consists in equitableness whereby an individual respects other persons’ rights as well as her own” (186). The women and children in such cases do not

seem to be treated equitably, with their rights respected. He claims “they were denied basic rights” (185)⁵ and, on his view, liberal democracies must “secure human rights for all” (104).

We can now approach the question I asked above: Would Cohen-Almagor be willing to accept that some raised in liberal societies might choose to opt out of liberal society? In particular, would he accept—allow that society should be set up to respect—the choice to opt into another society *or a group within liberal society* that held to a non-liberal constitution and did not require that all persons in the group were accorded the same respect and human rights? I suspect not. To see this, first note that he opposes the SCOTUS decision in *Pueblo*, siding with Justice White’s dissent and noting that “The non-liberal constitutionalism of the Santa Clara Pueblo is unjust from the point of view of [what he claims are] liberal principles” (186). Of course, the relevant parties in *Pueblo* were not consenting members of the non-liberal community; they were children (or adults who entered the community as children), some of whom at least acquiesced to their roles therein.

Cohen-Almagor is unlikely to accept that an individual who grew up in a non-liberal group and merely acquiesced to remaining there as an adult should have that acquiescence respected. He claims “The state should provide education, minimum income and healthcare for all” (187). On his view, protecting individuals entails providing them what they need to live a good life—as determined by a liberal democratic multiculturalist. Should they not think such a life good for themselves and prefer a life without those goods, so much the worse for them. At least this would be the case until they have been educated enough to make a more informed choice. Until that point, he would think they could only acquiesce, and that because of the internalized coercion. Whereas he does indicate some uncertainty regarding whether such coercion is reasonable (102) and he does talk of evaluating situations on a case by case basis (179), he ultimately thinks internal coercion is “overbearing” (103).

The question of interest at this point is “when is the particular party in a condition such that they can genuinely consent to a non-liberal constitutional social system?” Liberal thinkers would presumably accept that all moral agents must have their choices, at least when fully informed and rational, be respected. Determining when that is, I admit, is difficult. I think Cohen-Almagor would agree. Indeed, he realizes that these sorts of cases must be “delineated

⁵ The Court seems to have disagreed, claiming that any such rights were subsidiary to “tribal autonomy” (185).

with great caution” (103). Nonetheless, he seems clearly willing to interfere, noting that “Gender equality and mutual respect *should be promoted* as vital values” (187, emphasis added)—whether or not all or most of the members of the community accept them. Rejection of the value of gender equality, perhaps particularly by women, would, I admit, likely be due to internalized coercion. Nonetheless, thinking that allows for interference requires further argument. After all, if all or most members of a particular community, upon as much reflection as they are willing to engage in about the issue, oppose gender equality, imposing it upon them would be a coercive venture, thereby limiting the liberty of those in that community. This may be done with a straightforward goal of liberalizing said community, but would be done with illiberal—i.e., coercive—means. Limiting liberty *now* to promote liberty *later* is still limiting liberty.

I should make clear that I believe gender equality, mutual respect, and autonomy *are* “vital values.” I believe, in fact, that there are good arguments to be made in defense of these as vital values. I also believe, though, that it is of the utmost importance that we treat all individuals with respect *as they are*. That is an important claim that distinguishes what I mean by respecting others from what Cohen-Almagor (following Rawls and Kymlicka) apparently means by respecting others. In the Rawlsian framework, it is common to think of citizens *as if* they are free and equal (see, e.g., 47) and to treat them as such—even if they are not. That is, in the framework from which Cohen-Almagor writes, we simply assume all citizens are autonomous or capable of being autonomous. This is why “human beings are set apart and treated in special ways” (120). Autonomy is “inner” for each and the “source” of our dignity (120). When a being is autonomous, it should not be coerced in any way that is avoidable (see all of chapter 4). This is right. However, as Cohen-Almagor realizes, there is a familiar liberal mistake (he calls it a “fallacy”) “that perceives all people as rational and autonomous beings who are capable of deciding for themselves and of carrying out their life plans as they desire” though, in fact, “this is not the case” (93).

Despite realizing that many liberals mistakenly assume all people are rational and autonomous, Cohen-Almagor seems to fall prey to the same mistake. He insists that “In a liberal democracy, people have a capacity to form and revise their conception of the good” and demands that “the power of religious communities over their own members must be such that individuals can freely and effectively exercise that capacity” (193). He is prepared, it seems, to use state

power to ensure that “the Pueblo cannot run a sub-state that is religiously exclusive” (187). Perhaps in some ideal liberal democratic order all individuals can “form and revise their conception of the good,” autonomously choosing to accept or reject religious and cultural beliefs (I am skeptical even of that), but in the real world, there are many who cannot. There are people who are not capable of “deciding for themselves and of carrying out their life plans as they desire”—because they do not have “a capacity to form and revise their conception of the good.” Given this, what we should say—consistent with respecting each *as they are*, even if not as the liberal democratic multiculturalist would prefer—is that individuals must be free “to form and revise their conception of the good” *if they have that capacity*. If they do, they must be free to decide for themselves and to carry out their life plans as they desire, without being prevented from such by their group or others. Perhaps paradoxically, though, this means respecting their choices even if they choose to enter subservient relationships.

Importantly, treating an individual as having a capability when they do not is far too likely to result in that individual suffering. Treating someone as capable of carrying two hundred pounds when they can’t lift more than one hundred, for example, may leave them developing a hernia. Treating someone as capable of reading German when they cannot, for another example, may lead them to have legal troubles if they are in Germany. Similarly, treating someone as capable of living autonomously when they are not, can lead them to making life-altering (and diminishing) mistakes. Faced, for example, with trying to determine whether to buy a house in one location, to rent there, to buy in another location, or to rent *there*, they may be too likely to make the financially worst choice. Faced with deciding to marry a particular suitor, for a different example, they may make the worst decision for their welfare. We should recognize that respecting individuals *as they are* entails respecting possible choices to be subservient and not insisting they are autonomous when they are not.

If some individuals are simply not capable of developing autonomy—whether because of culturally “internalized coercion” or some other reason—treating them as autonomous or as free and equal may have disastrous results.⁶ Some individuals—those who would wish to opt out of

⁶ While some who are incapable of living autonomously may suffer some form of mental disability, I do not think that need be the case. Autonomy is something we develop just as is the ability to comprehend legal (or any) jargon, or understand higher order mathematics, science, or philosophy. While many seem to claim that all humans are equally capable of these things, that claim flies in the face of evidence we see all the time. This does not mean that

the multicultural liberal order Cohen-Almagor defends—may be such that if their parents or society try to raise them to be autonomous, they will make one bad life choice after the other, thus leading a worse life than they could if they were allowed to live heteronomously, accepting some degree of subservience under another who may be in position to lead them to have good lives. Cohen-Almagor and I might both wish that such people were able to lead good lives as autonomous individuals, but there is no good reason to think this is possible for all human persons. Indeed, I suspect we all know people who cannot do this. Importantly, though, we should nonetheless respect such individuals as persons—that is what it means to respect them *as they are*. Treating them as if they were autonomous when they are not fails to do this.⁷

Cohen-Almagor, as I've noted, seems willing to use state power to ensure groups “cannot run a sub-state that is religiously exclusive” (187). While he believes the state (or any agent) seeking to prevent a religiously exclusive sub-state ought to begin with communication (86), he concludes that “if the leaders of the community are not open to debate and persuasion,” “we should resort to action that is deemed necessary to end abuse and preserve basic human rights” (189).⁸ It thus seems clear that even if some members—whether capable of revising their conception of the good or not—choose to remain in a group that treats them abusively, Cohen-Almagor would have the state intervene. In this, he opposes what he sees as Chandran Kukathas's greater concern “with speculative future consequences of oppression than the here-and-now tangible oppression” (189). The *purely philosophical* concern for what is the overall

individuals incapable of these things lack what makes them due respect. People who find themselves incapable of understanding the claim that the universe has more than ten dimensions, as required by string theory, for example, are nonetheless due respect. The same is true of those incapable of autonomy. John Stuart Mill, of course, worried about something like this when he noted that “He who does anything because it is the custom makes no choice. He gains no practice either in discerning or in desiring what is best. The mental and moral, like the muscular, powers are improved only by being used” (56). I suspect autonomy is a scalar notion. If that is right, a liberal society that seeks to respect all citizens must take this seriously and be set up such that people that have different degrees of autonomy can lead good lives. This entails, I think, that none should be prohibited from gaining more autonomy but also that none should be forced to *gain* more autonomy.

⁷ For more on this view, see my 2018, 85 ff.

⁸ Cohen-Almagor generally believes “The way to deal with people who wish to leave the community is through deliberation, not coercion; through compromise and mutual respect, not by showing contempt” (193). Imagine, though, Sammy The Sadistic Satanist who is hell-bent on destroying the liberal democratic order of his country. Cohen-Almagor would presumably not worry about showing Sammy contempt.

best political arrangement is not Cohen-Almagor's concern.⁹ His concern is, rather, allowing the liberal state to intervene to eradicate cases of oppression ("end abuse and preserve basic human rights") here-and-now in order to attain liberal multiculturalism.

It is true that in Cohen-Almagor's text the insistence that intervention is warranted is about protecting those who wish to leave the non-liberal community. While I certainly agree *those* people ought to be protected in their quest, absent clear recognition that people can choose to stay in a community where their "basic human rights" are *not* provided for or where they are *not* treated as equal, the worry that such choices would not be respected—likely with a claim that no one could rationally choose that way so such choices *must be the result of unjust internalized coercion*—seems all too plausible.

The Democratic Catch, aka The Paradox of Liberalism

Cohen-Almagor's concern is with groups using internal restrictions in ways that hinder individuals, perhaps via "designated coercion." Consider a group of Satan worshippers that has an internal restriction against entering any building with a hanging crucifix. Should one of the Satan worshippers enter a Catholic Cathedral, they would be subject to punishment by the group.¹⁰ Should one of them wish to opt out of the group and into the Catholic Church, they would be subject to designated coercion. Here Cohen-Almagor might insist that we must "acknowledge the 'democratic catch'" (188) which means recognizing that people must have "freedom to advance themselves, to develop their capacities, to enrich their world, to self-govern" *but not so much freedom* that would "destroy the system" and, presumably, their own freedom (40). On this view, one can't consent to the internal restriction just sketched (nor, seemingly, others Cohen-Almagor considers throughout JRM). Doing so would mean *not having* "freedom to advance themselves, to develop their capacities, to enrich their world, to self-govern" because it includes individuals deciding not to "promote and advance" their own

⁹ He notes that "Kukathas' arguments might be convincing in the realm of philosophy *alone*, not in reality" (189, emphasis added).

¹⁰ See my 2018, 167 ff.

autonomy and perhaps even allowing that others should be in positions to hurt them—against what Cohen-Almagor insists is the point of liberalism (40).

The “democratic catch” is what some of us call the paradox of liberalism—more about liberalism itself than democratic politics. Cohen-Almagor may rename the paradox because he believes democracy is essential for liberalism (see, e.g., xv and 17-19). This is yet another point of disagreement between us. Here, Cohen-Almagor has Henry Shue on his side—and I admit the argument is persuasive.¹¹ The worry is that without democracy, a leader (e.g., a monarch that is entirely committed to liberalism) could simply change his mind and completely undermine whatever liberal policies he had previously enacted. That is surely a worry, but it should be abundantly and unfortunately clear that *any* liberal order can be undermined in time. One need only look at the world today and what were once the strongest democratic liberal orders to see such in decay. Of course, if one compares an ideal democratic liberal system with a non-ideal monarchic liberal system, one will certainly favor the former. If, though, one compares an actual democratic liberal system with an actual monarchic liberal system (if there were such), the difference might not be significant at all. Cohen-Almagor might respond by noting there are no actual monarchic liberal systems, but that would not alter what *should* be compared if one is to conclude that democratic liberal systems are best. There is, in my own view, no reason to think an ideal democratic liberal system better than an ideal monarchic liberal system. As ideals, both would provide maximal liberty, no matter how that is construed.

Returning to Cohen-Almagor’s conflict with Chandran Kukathas’s view, Cohen-Almagor thinks the paradox is as follows: in the name of treating all of our fellow citizens with respect, some might think we must stand aside while some treat others without respect, but that entails treating the latter (or allowing them to be treated) without respect when we must treat them with respect. He thus thinks respecting all of our fellow citizens is a good reason *not* to stand aside. Tolerance, he tells us, “should not provide carte blanche for abuse” (188). He adds that “it is an absurd proposition to suggest that we should tolerate the intolerant” (189). It is clear that he wants to protect people against their own intolerant groups—and, for reasons already discussed, this would seem to include protecting people even when they themselves do not want protection.

¹¹ See Shue’s *Basic Rights*.

I would suggest that Cohen-Almagor is correct in thinking that the liberal order has to protect itself, guaranteeing the liberal order. I would also suggest, however, that this entails accepting the broader toleration that Kukathas favors.

My own solution to the paradox, unsurprisingly, differs from Cohen-Almagor's. While he would use the power of the state to limit cases of groups using internal restrictions that limit the freedom of their members, I think (with Kukathas) that we need to tolerate more diversity, including even tolerating associations "that do not value freedom or abide by the principles of toleration, and that embrace seemingly intolerable practices" (188), at least where the members of such associations are consenting members.

So far as I can tell, the paradox of liberalism (a.k.a. the democratic catch) only seems problematic to those who assume that the desire to leave one's group—whether of Satan worshippers, of Old Order Mennonite or Amish, or Pueblo—is an autonomous desire of the individual group member while *membership in the group itself* is not. If the desire to be in the group is itself autonomous, then the internal restrictions of concern are rules the member consents to and, if we accept the *Volenti* principle,¹² we must conclude that the agent is not wrongfully harmed when subject to the consequence of violating them. The internal restrictions ought to be tolerated. In short, on my view, if the group member is such by consent, there is no justification for the interference Cohen-Almagor favors.¹³ They must be allowed to live the life they have chosen, even if they have chosen it non-autonomously. A state that forbids this is to that extent non-liberal in my view.

Of course, many members of groups—especially religious and cultural groups—are born into those groups and thus do not become members via consent. If the group is in a liberal state as we are assuming (many of the groups Cohen-Almagor considers are), all of its members would have a protected right to exit. This is, I suggest, how the liberal state should protect all individuals within its confines, regardless of the groups to which they belong: protecting the right to exit any group. I agree, then, with Cohen-Almagor, that "Opportunities for exit [from

¹² *Volenti non fit injuria*. Roughly, this is the jurisprudential principle that what one volunteers for or consents to cannot be considered an injury. For example, the boxer who consents to fight cannot complain about getting punched (assuming the other boxer abided by the agreed to rules of the game).

¹³ Again, see my 2018, 167 ff.

oppressive communities] should be made available for members who cannot develop their capacities and who feel at a loss within their present community” (191; I would say the same for *any* community—even a liberal community). The necessary protection that would be provided by exit rights is more limited, however, than Cohen-Almagor thinks acceptable. He tells us that “having an exit right is not in itself a sufficient guarantee for ... the most vulnerable members of a given community would find exit most difficult” (203). While I would not deny this, on my view, respecting people *as they are* entails that given a protected right to exit, if an individual chooses to remain within the group, we accept that she consents to its rules—in which case, as already noted, I find no justification for interference.

I do not deny that exiting one’s group can be costly and detrimental to an individual.¹⁴ *Every choice has costs*. The liberal state can and should help alleviate those costs to some degree—guaranteeing the individual is not physically harmed or stolen from when leaving the group, for example. Perhaps the state can also provide assistance with housing and educational services so that the individual can restart her life. It should not be more extensive, however, as it can quickly become *promotion of exit*, rather than simple protection of the right to exit—and that would clearly be detrimental to the group.¹⁵ Not only do I think a liberal state should refrain

¹⁴ Nor do I deny that life is bad for women in a variety of cultural or religious groups. I am quite happy, for that reason, to encourage dialogue between those in the broader liberal culture and those within smaller more authoritarian groups. The Amish practice of Rumspringa (see 223 ff) seems to me one practice that allows this. That does not mean there is not abuse within Amish communities (see 219-222). Unfortunately, Cohen-Almagor does not give comparable stats in the broader liberal society, so it is unclear if the stats (and, in some cases, anecdotes) from within the Amish community demonstrate that it is significantly deficient by comparison. One can easily imagine what Amish people think of the depravities aired on television every day by the broader liberal community.

¹⁵ This is worth further discussion. We must admit some people will rationally want to exit their community and we may want to help them do so. Certainly, a liberal state ought to help if these individuals are genuinely victims of harm by the community. Cohen-Almagor seems to want more; he claims that the “rights violations..., the insufficient dispute resolution mechanism and the inability of individuals to leave the community if they so desire *without penalty* justify state intervention” (186, emphasis added). However, it is doubtful that the liberal state should seek to make it costless for the potential community emigrants—this may well be impossible in any case. I do not believe we ought to force the community to change so that the potential emigrant can stay but be in comfort. That response—which I think Cohen-Almagor would favor—imposes costs directly on the community instead of the potential emigrant. While a community that causes individuals harm should likely bear some of the costs of aiding emigration, some costs simply cannot be transferred. The community can do nothing, for example, to eliminate the emotional pain the emigrant is likely to suffer if she can’t maintain relationships she had in the community. Some might insist that this is why she should not have to leave at all and the community ought to be made to change. As I note next in the text, though, that would essentially change the community which means the potential emigrant could only stay in a changed community. Her desire might then go frustrated (indirectly bearing a cost she sought to avoid). Admittedly, she may prefer the changed community to the original; it’s unclear, though, why her preference

from imposing compromises “of common benefit” (203) when a group and one of its members are in some sort of conflict, I think in some cases seeking to do so—perhaps through “protection of basic human and civil rights ... applied equally to both genders” (203; see also 187)—would be the end of the group in question. A group with entrenched gender inequality would be fundamentally altered with gender equality—ceasing to exist as it was if required to adopt gender equality (a new group with the same members but different internal restrictions would emerge). Cohen-Almagor and I would likely both prefer that, but *our* preferences are not the issue and groups should not be altered or obliterated in order to make the world accord with our wishes, even if they are the correct liberal wishes. So long as all members of the group are in the group consensually—as evidenced by their choice to stay despite the protected right to exit guaranteed by a liberal state—the group should be left as it is, satisfying the preferences of its members.

Conclusion

Cohen-Almagor is unlikely to be convinced of what I have said. His view about state intervention to protect individuals is really a view about state intervention to *provide* individuals with what they need to be autonomous—education in particular (see 214 ff). As I’ve argued, though, if there are people who are not “rational and autonomous beings who are capable of deciding for themselves and of carrying out their life plans as they desire,” providing them education designed to make them rational and autonomous will only lead them to have lives worse than they might have. If that is right, we might succeed in creating a world fully in accord with our liberal preferences, but it would also be a world impoverished with less diverse ways of living, with fewer variations amongst groups (for example, Pueblos, Amish, etc., would all be forced to provide “women equal individual protections that every American citizen enjoys” (187)), and with more individuals leading lives less well than they could heteronomously. That is not the liberal ideal I subscribe to.

ought to take precedence over that of all of the other members of the community who do not want the change. (If she can convince them to change, whether from within or as an emigrant, then all will be well. Here, I agree with Cohen-Almagor (190) except that while he thinks this is merely preferable, I think it the only liberal response.) For more, see my 2018, 168 ff., including the discussion of Okin’s challenges on 169 ff.

REFERENCE LIST

Cohen-Almagor, Raphael. *Just, Reasonable Multiculturalism*. Cambridge: Cambridge University Press, 2021.

Mill, John Stuart. *On Liberty*. Elizabeth Rappaport, ed. Indianapolis: Hackett Publishing, 1978.

Shue, Henry. *Basic Rights*. Princeton: Princeton University Press, 1996.

MY 2018.