

Equality and the Rights of Religious Minorities

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1. Introduction

Traditionally, liberal egalitarians have favoured so-called difference-blind rights. Difference-blind rights are insensitive to cultural and religious differences between people. More precisely, they are not ascribed to — or withheld from — people on the basis of their membership of cultural or religious groups. And indeed, some of the most important and spectacular achievements in eradicating discrimination and inequality have consisted in granting to all rights that were hitherto reserved for a privileged group. Think, for instance, of the introduction of women's right to vote and the abolition of racial segregation in the United States and South Africa.

With growing confidence, however, political theorists have argued that difference-blind rights are insufficiently sensitive to cultural differences between people. This is perhaps unsurprising coming from conservatives and communitarians, but the doubts have also been raised by theorists who identify themselves as liberal egalitarians.¹ What these egalitarians and other multiculturalists suggest is that difference-blind rights should be supplemented by group-differentiated rights — that is, rights that are assigned to some but withheld from others depending on membership of cultural or religious groups.

Such rights might include a holiday for Muslim students at *Eid al-fitr* (the end of the Ramadan), an exemption for Muslims and Jews from a prohibition against ritual slaughter, an exemption for Sikhs from the requirement to wear safety helmets on construction sites and crash helmets when riding motorbikes (so that they can wear a turban instead), or financial and other support for religious and cultural minorities who find it difficult to maintain their religion or culture. The point of such rights, of course, is to try to accommodate religious and cultural differences between citizens in a fair

¹ See, e.g., Kymlicka (1995).

manner.

Not all liberal egalitarians have accepted the need to grant group-differentiated rights, and in this paper I want to consider a liberal egalitarian argument for the view that difference-blind rights should not be supplemented by group-differentiated ones. This argument, due to Brian Barry, is based on a distinctively liberal conception of equality of opportunity. I shall argue that, ultimately, it should be rejected.

Barry's argument, however, is not always easy to follow (which is somewhat uncharacteristic of Barry's work). This is partly because he says little about what he takes equality of opportunity to consist in. Thus Barry's critics have been confused over what his argument really amounts to,² and Barry himself has recently acknowledged that it should have been put more clearly.³ In view of this, I shall spend some time interpreting Barry's argument before I move to an assessment of it.

Barry concentrates on religious rights. I shall follow him in this, but my observations can be generalised to cover other cultural rights.⁴

2. Difference-blind rights

I have defined difference-blind rights as rights are not ascribed to — or withheld from — people on the basis of their membership of cultural or religious groups.⁵ Thus if Sikhs are exempted from a requirement to wear safety helmets on construction sites, the requirement is not difference-blind, because it exempts a religious group. In fact, the notion of a difference-blind right can be understood in a number of importantly different ways, but the definition I have offered has at least two virtues. First, it nicely captures the point that proponents of difference-blind rights are hostile to culture-based exemptions from universal rules. And second, it implies that the ideas of difference-blind rights and state neutrality are quite distinct. This is because a

² See Mendus (2002), Miller (2002), Kelly (2002) and Caney (2002).

³ Barry (2002), p. 214.

⁴ This is not, however, an uncontroversial claim. Some will hold that there are relevant differences between religious and cultural rights, and perhaps even that there are no rights of the latter kind. I shall not go into this here.

⁵ The term 'difference-blind rights' derives from Charles Taylor's critical discussion of what he called 'difference-blind liberalism' in his pioneering article on multiculturalism, "The Politics of Recognition"; see Taylor (1994), p. 62.

rule may well be universal in the sense that it applies to everyone, irrespective of culture and religion, and yet not be neutral because it is based on a particular conception of the good. Consider, for instance, a rule granting a holiday to everyone at Christmas because Christmas is an important occasion for celebration for Christians. This rule assigns a difference-blind right to everyone, because everyone has that right irrespective of his or her cultural commitments, but it is hardly compatible with state neutrality.

Note that even if a right does not differentiate between individuals *on the basis of* culture and religion, it may nevertheless differentiate between cultural and religious groups. Suppose, counterfactually, that all Christians are rich and all Muslims are poor. If this were so, a right to a certain level of income could imply that Muslims, but not Christians, have a right to economic compensation. This is nevertheless a difference-blind right, because it does not differentiate between individuals on the basis of religion, but rather on the basis of income.

It is also important, of course, to note that, as the case of the right to a certain level of income reminds us, Barry and other traditional liberal egalitarians are not *in general* committed to rights that are blind with respect to differences between individuals. Thus, few of the rights favoured by liberal egalitarians are assigned to non-human animals, and many are not even assigned to all human beings. For instance, the right to vote is withheld from children, and in some cases from people with severe mental disabilities. Also, some rights find application only within specific states, nations, or other geographically or politically defined boundaries. Furthermore, many liberal egalitarian rights are restricted to individuals who satisfy certain physical, social or economic conditions, e.g. are disabled, unemployed or retired, or have low income or have children.

It is with respect to specifically *religious* and *cultural* differences between individuals that some liberal egalitarians adopt a difference-blind stance. Because of this, the term ‘difference-blind rights’ may seem to have an unsuitably wide scope. Nevertheless, since it is the term that is usually used, and since Barry himself accepts the epithet for the position he defends,⁶

⁶ Barry (2001), p. 64.

‘difference-blind’ is the term I shall use.

3. An egalitarian argument for difference-blind rights

According to Barry, there is a close connection between difference-blind rights and equality of opportunity. He writes:

From an egalitarian liberal standpoint, what matters are equal opportunities. If uniform rules create identical choice sets, then opportunities are equal. We may expect that people will make different choices from these identical choice sets, depending on their preferences for outcomes and their beliefs about the relation of actions to the satisfaction of their preferences. Some of these preferences and beliefs will be derived from aspects of a culture shared with others; some will be idiosyncratic. But this has no significance: either way it is irrelevant to any claim based on justice, since justice is guaranteed by equal opportunities.⁷

Thus, if a certain rule applies equally to everyone and gives them identical choice sets, then people have equal opportunities. This, of course, does not guarantee that they will end up being equally well off or having equal shares of money or other resources. But according to Barry this should not worry us, because what matters is equality of opportunity, not equality of outcome: laws prohibiting rape affect the interests of women and of would-be rapists differently, but this is hardly unfair.⁸

It has been complained, about difference-blind rights, that they tend to disadvantage religious and cultural minorities. For instance, it has been said that laws prohibiting ritual slaughter unjustly disadvantage Jews and Muslims. Likewise, some maintain that laws requiring motorcyclists and construction workers to wear helmets unjustly disadvantage Sikhs. In these contexts, justice requires exemptions for the religious minorities.

Resisting this, Barry argues that people who choose not to make use of

⁷ Barry (2001), p. 32.

⁸ Barry (2001), p. 34.

a particular option nevertheless have the option — they simply choose not to make use of it. Jews and Muslims are not denied the opportunity to eat meat even if ritual slaughter is prohibited. And while such a law may well have an unequal impact on people, it does not restrict the options of some but not others.⁹ Difference-blind rights are compatible with the sort of equality that ultimately matters, namely equality of opportunity.

Barry nevertheless allows that religious and cultural minorities should be exempted from a general rule in some cases. He concedes, for instance, that Sikh construction workers in Britain should perhaps be exempted from the requirement to wear safety helmets. But this concession is triggered, not by consideration of justice, but rather by a utilitarian balance-of-advantage argument that invokes, among other things, the high number of Sikhs working as construction workers in Britain.¹⁰

Now, what Barry claims is that “if uniform rules create identical choice sets, then opportunities are equal”. Of course, he cannot claim that universal rules *always* create equal opportunities. He allows, for instance, that equality of opportunity requires people with certain disabilities to be compensated because they have fewer opportunities than others. If, say, everyone has a (uniform) right to an equal income, some people with disabilities will have fewer opportunities than others, so uniform rules do not guarantee equality of opportunity. I take it that this is why Barry cautiously says: “*If* uniform rules create identical choice sets, *then* opportunities are equal” (my emphasis).

Nevertheless, *if* uniform rules give individuals identical choice sets, *then* they have equal opportunities. However, this does not establish that uniform rules are the only way of achieving this kind of equality. Indeed, Barry’s claims here are compatible with the claim that group-differentiated rights can give rise to equal opportunities — to put it another way, the claims do not show that difference-blind rights are *necessary* for equality of opportunity.

Does Barry think that difference-blind rights are sufficient, then? That is, do difference-blind rights *guarantee* equality of opportunity? Barry cannot think this. The mere fact that a rule does not differentiate between individuals

⁹ Barry (2001), p. 37, Barry (2002), p. 216.

¹⁰ Barry (2001), p. 49.

on the basis of their culture does not guarantee that it gives them equal opportunities. One reason for this is that such a rule may unfairly differentiate between them on the basis of other of their properties or circumstances, such as race or class.

Furthermore, even if we restrict ourselves to religious and cultural rights, we cannot plausibly claim that difference-blind rights are sufficient for equality of opportunity. Consider, for instance, a rule requiring everyone to be a member of the Catholic Church (and to have no other religious affiliation). While this is indeed a difference-blind rule, it is obvious that it does not give people equal opportunities in the relevant sense. Rather, it provides an opportunity for Catholics that Protestants, Jews and Muslims lack — namely, the opportunity to practice their religion in a religious community.

Barry's argument, then, establishes neither that difference-blind rights are necessary for equality of opportunity nor that such rights are sufficient for equality of opportunity. But, this being so, how is the argument supposed to make an egalitarian case for difference-blind rights against those multiculturalists who seek to favour religious and cultural minorities by various forms of special treatment, including group-differentiated rights?

I think the answer to this question lies in Barry's account of equality of opportunity. Barry clearly thinks that there is a relevant difference between providing extra resources for the disabled and accommodating claims for special treatment from religious and cultural minorities; and the former is necessary in order to ensure equality of opportunity, whereas typically the latter is not.

Egalitarian multiculturalists will of course argue that, just as a disability can diminish an individual's opportunities, so can her religion or culture. Or, as they may prefer to put it, certain laws, policies and social practices diminish opportunities for members of particular religions and cultures (just as they may diminish opportunities for people who have disabilities). For instance, the option of being a construction worker is not a *real* option for a Sikh if the law requires that he must give up his turban. Along such lines, Bhikhu Parekh argues that "opportunity is a subject-dependent concept in the sense that a facility, a resource, or a course of action is only a mute and passive possibility

and not an opportunity for an individual if she lacks the capacity, the cultural disposition, or the necessary knowledge to take advantage of it”.¹¹

As we have seen, Barry will have none of this. A Sikh has the opportunity to give up his turban and undertake construction work even if his cultural background disposes him not to do so. So the question is how, more precisely, we are to construe ‘opportunity’ in the ideal of equality of opportunity.

4. Equality of opportunity

What, then, is the basis for Barry’s distinction between disabilities and religious or cultural dispositions? While Barry is quite explicit in his endorsement of equality of opportunity, he does not say much about what precisely he takes this ideal to amount to. This is unfortunate because there are indeed many different notions of equality of opportunity floating around, and they have importantly different implications.¹²

What Barry *does* say about his preferred notion of equality of opportunity is that it concerns the distribution of rights, resources and opportunities. Thus, if two individuals have an equal claim on society’s resources and indeed have equal income, one of them cannot complain that he derives less satisfaction from his income than the other: “What is fair is that our equal claim translates into equal purchasing power: what we do with it is our own business”.¹³ In other words, Barry takes the relevant unit of egalitarian concern to be resources rather than, say, welfare. Of course, however, this does not yet amount to a full-blown theory of equality of opportunity, because amongst other things, we have yet to be told *what it takes* for two individuals to have an equal claim on society’s resources.

Replying to some of his critics, Barry refers approvingly in various places to Ronald Dworkin’s theory of equality of resources.¹⁴ So let us look at the implications of Dworkin’s theory for the issue of difference-blind versus group-differentiated rights. In a classic article, Dworkin argues, roughly, that a

¹¹ Parekh (2000), p. 241.

¹² See, e.g., Cavanagh (2002), p. 1.

¹³ Barry (2001), p. 35.

¹⁴ Barry (2002), p. 215, 218, 219.

distribution of resources is equal if it would result from an auction in which individuals have equal purchasing power — unless they are victims of the natural lottery (as are, for instance, the congenitally disabled), in which case they should have extra resources to compensate for their misfortune.¹⁵ Equality of resources, then, has the attraction that it compensates victims of the natural lottery and simultaneously holds individuals responsible for their choices (and hence qualifies as a version of equality of opportunity).¹⁶ If someone wants to spend a large proportion of her money on, say, a Ferrari or to buy leisure, that is her choice, and so she should not be compensated even though she will have less resources in the future than (some of) those who spend their time and money more productively.

Likewise, equality of resources implies that if, say, Muslim immigrants find it difficult to raise enough money to build a Mosque whereas Protestants can easily pay for their Churches, the state has no reason to help out Muslims, or at least no reason that derives from justice.¹⁷ Of course, Muslim immigrants might be underpaid, and if they are this should be rectified, but the fact that it is more difficult for them than for the cultural majority to express their religion is no concern of justice. After all, this is just an effect of what individuals choose to do with their equal resources. In particular, the fact that preferences are distributed so that some find it easier to satisfy them than others cannot justify compensation.

The requirement of equal resources may also explain a number of the judgements about particular cases that Barry makes. If ritual slaughter is prohibited, and Jews and Muslims then choose not to eat meat, this does not detract from their fair share of resources, although there are, of course, certain things they cannot spend their money on. I should qualify these last remarks. Clearly, Dworkin's auction is incompatible with arbitrary restrictions on the resources that individuals can acquire. Thus, if the auctioneer were to transform all the available resources into a very large stock of plover's eggs and pre-phyloxera claret for which people could bid, then this would hardly

¹⁵ Dworkin (1981). Reprinted in Dworkin (2000) as chapter 2.

¹⁶ Kymlicka (2002), p. 75.

¹⁷ See also Dworkin (2000), p. 155.

result in a fair division of resources.¹⁸ If, however, there were an appropriate *reason* for a certain restriction, people could not reasonably complain that the relevant resource was not available to them. For instance, paedophiles cannot reasonably complain that child pornography is unavailable, nor should they be compensated for this. Likewise, if there are good reasons for imposing a ban on ritual slaughter, then equality of resources implies that this ban does not treat Muslims and Jews unfairly.

In fact, Barry himself seems to allude to the point that equality of resources rules out compensating individuals who are disadvantaged by a restriction if there is an appropriate reason for imposing that a restriction. He claims that “what unites the elements of the egalitarian liberal position, as I understand it, is that the imposition of demands on people — either through the criminal law or from employers and educational institutions — should be justifiable. If these demands are justifiable, then in neither case have those who are disadvantaged by them any legitimate complaint of unfair treatment”.¹⁹ So, according to Barry, there are good reasons for imposing a ban on ritual slaughter, and this partly explains why such a ban does not treat people unfairly.

The case of safety helmets and Sikhs is a bit more complicated. Equality of resources implies that individuals are entitled to an equal share of resources and should bear the costs of their choices from this platform of equality. Justice, then, requires Sikhs to have an initially equal share *quite independently of what choices they make*. Therefore, if Sikhs cannot obtain their initially equal share of resources, including income, if the rules on helmets prevent them from working on construction sites, it would seem that these rules do in fact deny them their fair share. If, on the other hand, other jobs or state benefits are available that would enable them to obtain a fair income, the rules will not be in conflict with the requirement of equal resources, assuming that there is indeed a good reason for imposing this requirement.^{20 21}

¹⁸ Dworkin (2000), p. 67.

¹⁹ Barry (2002), p. 219.

²⁰ One way of securing this initially fair share to everyone (including Sikhs) that would be compatible with the helmet requirement would be by a scheme of basic income; see e.g. van Parijs (1991).

²¹ Alternatively, Barry’s case for the helmet requirement may be based, not on equality of resources, but a more narrow conception of equality of opportunity that relates specifically to employment. Thus at one point

Equality of resources can also be invoked to explain Barry's reply to an objection made by David Miller. Miller suggests that equality of opportunity requires the costs to individuals of taking advantage of opportunities to be equalised.²² Thus, if it is more costly for Muslims to express their religion than it is for Protestants — say, because fewer Muslims than Protestants can pitch in to build an appropriate place of worship — then justice requires Muslims to be compensated. Equality of opportunity means responding in an even-handed way to the preferences individuals actually have.²³

Rejecting the suggestion that equal opportunity requires costs to be equalised, Barry refers to Dworkin's point that it is a brute fact, and bad luck for wine aficionados, that good wine costs more than, say, beer, but not something that requires compensation²⁴. Like preferences for beverages, religious beliefs may impose different costs on people, but it is reasonable to require people to bear those costs themselves, from a platform of equal resources that is.

Thus equality of resources explains why, in a number of cases, difference-blind rights cannot be challenged on the basis of egalitarian justice. Universal rules that prohibit ritual slaughter and require safety helmets on construction sites do not unjustly disadvantage Jews, Muslims and Sikhs. Likewise, if the state declines a request for help with a Mosque's construction costs, it does no injustice to Muslims.²⁵

This, then, is Barry's egalitarian case for difference-blind rights. A

he says: "the concept of equality of opportunity is a difficult one, and has to be interpreted differently in different contexts. Thus, in its most general signification, equality of opportunity may be characterized as equality of choice-sets. In the context of employment, however, it requires a narrower definition ... What equality of opportunity means in relation to employment is that those who are equally well qualified to do a job have an equal chance of getting the job"(Barry (2001), pp. 54-55). This, of course, gives us a less unified account of equality of opportunity and its implications for minority rights.

²² Miller (2002), p. 46.

²³ Miller (2002), p. 46.

²⁴ Barry (2002), p. 218. See Dworkin (2000), p. 298.

²⁵ Interestingly, even though Kymlicka argues that equality of opportunity requires group-differentiated rights, his favoured conception of equality of opportunity seems to be equality of resources; see Kymlicka (1995), pp. 108-115, and Kymlicka (2002), pp. 75-87. Thus Barry and Kymlicka arrive at opposing conclusions with respect to group-differentiated rights from the same egalitarian platform. G.A. Cohen (1999) argues that Kymlicka's multiculturalist conclusions are incompatible with this framework and are much better accommodated by equality of opportunity for welfare. I agree with Cohen on both points. I have already argued that equality of resources seems to be at odds with a number of multiculturalist claims, and I shall turn to the issue of how equality of opportunity for welfare better accommodates such claims in Section 7.

universal rule cannot be shown to be unjust simply by pointing out that it renders people with different cultural and religious commitments unequally well off (or something to that effect²⁶).²⁷ In order to be unjust, the rule must lead to an unequal distribution of resources. Before I begin to assess this case, however, I want to briefly consider a few issues that are relevant to Barry's conception of equality of opportunity.

First, there is the issue of the *scope* of equality. Barry talks about rules that "have the effect of *impinging* on members of different cultures differently",²⁸ or "have a different *impact* on different people",²⁹ and he considers the issue of whether "equal treatment entails equal *impact*" (my emphasis).³⁰ In fact, there are two issues here that we need to keep apart. One is the issue of the relevant unit of egalitarian concern. When Barry says that equal treatment does not require equal impact, what he means is that it does not require equal impact *in respect of welfare* (and the like). Equal treatment may very well require there to be an equal impact on resources.

But there is also the independent issue of whether, when assessing a rule, we should focus merely on the (in)equality that this rule will *produce* (its impact) or more generally on the (in)equality that will *exist* if it is implemented. Suppose, for instance, that citizens have a right to an equal sum of money. This rule does not *produce* inequality in resources, but it may well maintain (or even increase) such inequalities, as it would if some people have disabilities that require them, uniquely, to spend a certain proportion of their income on medicine. Likewise, even if equal income does not produce inequality, it may well maintain (or increase) inequalities between members of different religious groups because some groups will be able to acquire an appropriate place of religious worship whereas others will not.

Barry would of course deny that this inequality between religious groups matters, but presumably he would do so on the grounds that inequality

²⁶ The qualification 'or something to that effect' is meant to capture alternative suggestions as to what the relevant unit of egalitarian concern might be, such as equality of opportunity for welfare (Arneson (1989)), equality of access to advantage (Cohen (1989)) and equality of capabilities (Sen (1995)).

²⁷ See also Barry (2002), pp. 213-214.

²⁸ Barry (2002), p. 214.

²⁹ Barry (2001), p. 34.

³⁰ Barry (2001), p. 35.

of welfare does not matter — not because inequality of outcome is irrelevant. In fact, in considering what equality of resources implies with respect to compensating people with disabilities, I shall ascribe to Barry the view that, when we assess a rule, equality applies to entire outcomes (although he mostly speaks only of ‘impacts of rules’).

The other issue I wanted to raise is whether equality of opportunity applies to *particular* opportunities or to *total sets* of opportunities. Imagine an opportunity that other people have but Marweh lacks — say, the opportunity of expressing one’s religious commitments in a place of worship appropriate to one’s religion. Does this mean there is an unjust inequality between Marweh and others? If we are concerned with equality of resources, it does not. While Marweh may lack the resources necessary to have this particular opportunity (since she and her fellow Muslims may lack the resources necessary to build a Mosque), she may yet have resources that provide her with opportunities other people do not have because they have spent a sizeable proportion of their resources on a Church. Hence her bundle of resources may yet equal that of others. What this means is that even if there are opportunities that some people have but others lack, this does not automatically show that the people involved lack equal opportunities in the relevant sense.

I have now outlined what I take to be Barry’s argument for difference-blind rights. In the next section I shall present a criticism that is internal to Barry’s argument in the sense that it relies on assumptions he himself makes. In the following section, turning to external criticisms, I shall question some of these assumptions.

5. Internal criticism: religion and education

Barry does not hold that universal rules can never be challenged on the basis of equality of opportunity. As we have seen, the requirement of equal resources is incompatible with a universal right to equal income. More importantly, in the present context, Barry claims that universal rules preventing Muslim women from wearing a headscarf to work and Sikh

students from wearing a turban to school violate equality of opportunity.³¹ In fact, he seems prepared to grant Sikh students an exemption from this school uniform rule because it would, if universally applied, deny Sikh boys equal educational opportunity.³²

This, however, raises the question why a Sikh boy who cannot wear a turban to school, unlike a Sikh man who cannot wear a turban at a construction site, is rightly described as being denied an equal opportunity.³³ In both cases Barry grants that there is a reason to impose a universal rule; in both cases this rule forces a person to choose between wearing a turban and doing something he wants to do and indeed finds valuable; and in each case there is a relevant alternative to complying with the rule (finding a different school and finding a different job, respectively). The contrast here is particularly surprising because Barry claims that “there are some matters — paradigmatically education *and* employment — where there is a presumption of equal opportunity” (my emphasis).³⁴

More fundamentally, we may wonder why Barry thinks a concession should be made to multiculturalists in the case of education in the first place. It would seem that Sikh students and non-Sikh students face identical choice-sets even if the school bans turbans. Again, how is the exemption for Sikh boys supposed to follow from equality of resources? Why is not the school’s ban on turbans just another case of a rule that imposes different costs on different people in light of their differing religious and cultural commitments (and, in particular, heavy costs on Sikh boys)? Barry *does* claim that the exemption for Sikh boys is integral to his conception of equality of educational opportunity, but it is not clear why he thinks this.³⁵

Another worry about Barry’s argument here is that we may wonder what is so special about education and employment. That is, why should we respond differently to the religious and cultural obstacles individuals face in

³¹ Barry (2002), p. 217, Barry (2001), p. 59.

³² Barry (2002), p. 217.

³³ As you may remember, I pointed out in Section 3 that Barry might be prepared to grant Sikhs an exemption from the requirement to wear helmets at construction sites. But, and this is the crucial bit, the exemption is not based on equality of opportunity but on a utilitarian balance-of-advantage argument. The exemption for Sikh boys in schools, on the other hand, *is* based on equality of opportunity.

³⁴ Barry (2002), p. 219.

³⁵ Barry (2002), p. 217.

the sphere of education than we should, say, to similar obstacles in the sphere of leisure? If being naked before strangers is incompatible with the religious or cultural commitments of some Muslim women, why does not equality of opportunity favour the provision of special bathing facilities for these women at sports arenas?³⁶ Of course, in certain cases it may be too costly, but that is a different matter.

Perhaps Barry can invoke equality of resources to explain why education is special. One possibility, of course, would be simply to stipulate that education is a resource to be equalised along with income and health. However, mere stipulation will not do the trick. Furthermore, I doubt Barry wants to claim that people should be compensated if they have less education, beyond what their lower income (or worse health, for that matter) may entitle them to.

In fact, I can think of only two reasons why a proponent of equality of resources would assign special significance to education. One is that education is an important source of resources and, in particular, income. But this does not really explain why we should respond differently to religious and cultural obstacles to educational activity than to similar obstacles to leisure activity. This is not just because, like education, sports can be a source of income, but also, more importantly, because we have yet to see why, on the basis of equality of resources, a concession should be made to multiculturalists in the case of education in the first place. After all, just like Sikh construction workers, what prevents the Sikh boy from complying is religious belief. So even *if* education is an important source of resources, it would seem that insofar as Sikh boys *choose* not to go to a particular school in reaction to a school uniform requirement, equality of resources is not violated.

The other reason why a supporter of equal resources might attach special significance to education has to do with the value of liberty. In a later article, Dworkin expanded on his original account of equality in order to explain how liberty is in fact part and parcel of equality of resources.³⁷ He

³⁶ In Denmark, bathing facilities in sports arenas, schools and public swimming pools do not in general accommodate the wish of some to bath where others cannot see them. This may, of course, be different in other countries.

³⁷ Dworkin (1987); reprinted in Dworkin (2000) as Chapter 3.

argued that when people bid for bundles of resources at his hypothetical auction, they must do so against a background of fixed liberties. This is because people cannot assess how valuable different resources are to them unless they know what their ownership entitles them to do with these resources.³⁸ Now, since the auction is supposed to reflect people's preferences, goals and ambitions as accurately as possible, people should in principle be free to use the resources they acquire in any way they wish.³⁹ Furthermore, Dworkin argues that it is essential that people are enabled not only to pursue their goals, ambitions, commitments etc. in the auction (and afterwards), but also that they are enabled to question and review them.⁴⁰ And education, of course, may be considered an important aid to any effective reviewing of this sort.

If, then, we assume that education is indeed an important source of the liberty necessary for equality of resources, we may argue that, everything else being equal, no one should be denied education on the basis that their religion or culture prevents them from conforming to universal educational rules. This is because access to education helps people to critically assess their goals and commitments and makes it meaningful for others to hold them responsible for their choices. Thus we cannot claim that a Sikh boy's preferences reflect his real commitments unless he has (real) access to education; nor can we hold him responsible for his choices unless he has such access. Access to sports, on the other hand, plays no role of this kind in the formation of critically examined preferences.

This seems a more promising account of the special significance of education when it comes to exemptions to general rules motivated by religious and cultural beliefs. Nevertheless, I am somewhat sceptical. First, given the account, we need to be told why equality of resources does not require similar exemptions to be made for, say, Christian fundamentalist creationists who do not want to learn about Darwin's theory of evolution. Perhaps this can be explained satisfactorily. However, second, it is far from clear to me that certain leisure activities, including sports, do *not* play a role in the creation of

³⁸ Dworkin (2000), p. 146.

³⁹ Dworkin (2000), p. 152.

⁴⁰ Dworkin (2000), p. 159.

critically examined preferences. For many immigrants in Europe and the US, sport is a valuable source of integration, and indeed a source of exposure to the sort of critical thinking generally valued by liberal egalitarians.

Finally, to the extent that critical belief formation has a bearing on when we should hold people responsible for their choices and commitments, what matters is not *access* to education but rather, simply, education. If lack of education is a reason not to hold people responsible for their choices, then surely it makes no difference if a person who lacks education has *chosen* not to have any. After all, this choice is itself made against a background of poor education. Moreover, if what matters for responsibility is *actual* education, we shall get a little more than we (or rather Barry) bargained for. This is because we now seem committed to the view that, everything else being equal, we should *quite generally* refrain from holding religious and cultural minorities responsible for their choices when they lack education. And so if a certain poorly educated minority chooses not to use sports facilities unless they have access to special bathing arrangements, equality of opportunity will require that, everything else being equal, such arrangements should be provided for them.

6. External criticism: the social lottery

In the last section I pretty much took Barry's resource egalitarian framework for granted. I now want to challenge that framework. My point of departure is Rawls' so-called intuitive argument for equality. As Rawls points out, people do not deserve the genes with which they are born, so they be cannot said to deserve the benefits or harms they reap from them. More generally, they do not deserve their lot in the natural lottery. Indeed, this is why we should compensate victims of the natural lottery — for instance, those born with severe disabilities. This argument plays a crucial role for most liberal egalitarians.⁴¹

Furthermore, just as we participate in a natural lottery, we also participate in a social lottery. We are born into a particular social class by

⁴¹ Strictly speaking, there are different versions of the argument, some focusing on desert and others on responsibility. The point is that just as people cannot be said to deserve their lot in, say, the natural lottery, they cannot be said to be responsible for it either.

parents who may be more or less caring and so on, and just as we do not deserve our lot in the natural lottery, we do not deserve our lot in the social lottery or the benefits (or harms) we reap from it. Thus, if we believe that people should be compensated for their misfortunes in the natural lottery, we should also believe (for the same reason) that people should be compensated for their misfortunes in the social lottery.⁴²

The intuitive argument is relevant for the sort of multicultural issues we are now discussing because just as an individual's social class (or the social class into which she is born) is part of her lot in the social lottery, so is her religious and cultural environment. Thus, if people should be compensated to the extent that the social environment into which they have been born affects them for the worse, they should also, presumably, be compensated to the extent that their religious and cultural environment has a similar effect.

Now most liberal egalitarians do not accept this, at least not without further qualification. As we have seen, Barry denies that religious and cultural minorities are entitled to compensation just because their religious and cultural commitments render them worse off in some particular social and legal setting. T. M. Scanlon suggests that people should not be compensated for disadvantages that are due to their religious beliefs and suggests that this is indeed a reason to prefer resource egalitarianism to welfare egalitarianism.⁴³ Rawls claims that it is only insofar as individuals are worse off with respect to a particular kind of resource, namely social primary goods, that they are entitled to compensation.⁴⁴ And Dworkin seeks to equalise only resources, not welfare.

Equality of resources is compatible with even substantial inequality of welfare. Hence if, say, Sikhs are worse off than everyone else because they have to either give up what they take to be a central part of their religion or give up doing the construction work for which many of them are trained, this is really of no consequence where justice is concerned. But why not, given that Sikhs do not just choose to have Sikh commitments? Their religious

⁴² Rawls (1971), pp. 74-75; incidentally, for a nice account of Rawls' argument (which Barry apparently endorses), see Barry (1989), pp. 217-225.

⁴³ Scanlon (1986), pp. 116-117.

⁴⁴ For Rawls' account of social primary goods see, e.g., Rawls (1982).

commitments are part of their lot in the social lottery and something from which they cannot easily distance themselves.

Barry himself would acknowledge that, at the most fundamental level, religious and cultural commitments are not chosen. This emerges in a reply he makes to an objection raised by Susan Mendus. Mendus suggests that Barry thinks that disabilities (often) diminish opportunities whereas religious and cultural dispositions (typically) do not, because he considers religious and cultural beliefs to be matters of choice and so, unlike disabilities, not a basis for egalitarian redistribution. She then observes that multiculturalists such as Parekh hold the opposite view — namely, that religious and cultural beliefs are matters of chance and so (in this respect) similar to disabilities.⁴⁵

However, it seems fair to say that Barry does not consider religious and cultural beliefs or preferences to be a matter of choice rather than chance. He claims that even though we may attempt to change our tastes, beliefs and preferences, “choice cannot ... go all the way down”.⁴⁶ And in a later response to Mendus, he says: “I explicitly reject the notion that either beliefs or preferences are in general a matter of choice”.⁴⁷

It remains true that, like Dworkin, Barry wants to hold people responsible for their choices, including those influenced by deep religious and cultural commitments. This, of course, is part of the very motivation for equality of resources. Individuals should have equal shares of resources, and what they then choose to do with these shares is up to them, even if some people derive more welfare from their resources than others. And according to Dworkin, holding people responsible for their choices in this manner makes most sense of the moral commitments we in fact have. Both he and Barry illustrate this with a case of expensive tastes. We do not think that we should throw more resources towards those who require vintage claret and plovers’ eggs to be satisfied than towards those who can make do with sausages and beer.⁴⁸

However, I do not find this argument particularly convincing. The fact,

⁴⁵ Mendus (2002), p. 34.

⁴⁶ Barry (2001), p. 36.

⁴⁷ Barry (2002), p. 215.

⁴⁸ Dworkin originally raised this objection to welfare egalitarianism in Dworkin (1981a), reprinted in Dworkin (2000) as Chapter 1 (see pp. 48-59). See also Barry (2001), pp. 34-35.

if it is a fact, that we *do* want to hold people responsible for their choices, does not automatically support the requirement of equality of *resources*. Suppose we claim that individuals with lower levels of welfare than others should be compensated *only insofar as they are not themselves responsible for so being*. What we should then aim for is not equality of welfare, but *equality of opportunity for welfare*. Given this, there will be no justice-based reason to compensate people for expensive tastes they have themselves deliberately cultivated. Where, on the other hand, an expensive taste is not chosen but rather a product of one's circumstances, justice will in principle require us to provide compensation.⁴⁹

Dworkin has recently responded to this objection to equality of resources. He argues that the distinction between expensive tastes one is responsible for and expensive tastes one is not responsible for is illusory.⁵⁰ If there are certain expensive tastes one is not responsible for, because one did not choose the background tastes on the basis of which one cultivated these expensive tastes, then one is never responsible for one's expensive tastes — in which case equality of opportunity for welfare collapses into equality of welfare.

For two reasons, this fails to settle the issue in favour of equality of resources. First, it seems to me that the real driver in Rawls' intuitive argument is the notion that individuals do not deserve to be worse off than others when, and insofar as, their being worse off is a consequence of factors they cannot be said to deserve. And so if our expensive tastes and religious and cultural commitments as well as our abilities or propensities to change them are results of our lot in the (natural and) social lottery, we do not deserve to be worse off because of those tastes and commitments. Thus, what motivates us to be egalitarians in the first place may well favour equality of welfare (or, as I would argue, welfare prioritarianism).⁵¹ I am inclined to accept this line of argument, but in the present context, I want to focus on the ideal from which Barry takes his point of departure, namely, equality of opportunity.

The second reservation about Dworkin's response arises from the fact that equality of opportunity for welfare does not presuppose any particular

⁴⁹ Arneson (1989), p. 88, Cohen (1989), pp. 916-934.

⁵⁰ Dworkin (2000), p. 289.

⁵¹ For an account and defence of the kind of prioritarianism I favour, see Holtug (2005).

account of responsibility. Opportunity for welfare egalitarians may consider individuals responsible for their expensive tastes and for that reason refuse to compensate them for the welfare shortages to which these tastes give rise. Likewise, they may hold individuals responsible for some of their tastes and preferences but not others. In fact, whatever reason one gives for saying that an individual is, or is not, responsible for a certain decision, it seems that opportunity for welfare egalitarians can accommodate that reason. And they will then claim that, if the individual is responsible, no compensation is required, whereas if she is not, she should be compensated for her welfare shortage.

With this in mind, let us now consider what an egalitarianism that is sensitive to the value of people's options would imply with respect to difference-blind rights.

7. Equality of opportunity for welfare

I have suggested that justice requires us to be sensitive to the religious and cultural obstacles individuals may face even in cases in which these obstacles do not give rise to inequality of resources. Thus, if some Muslim women have religious or cultural commitments that are incompatible with their being naked before strangers, this fact may give rise to a justice-based reason to provide special bathing facilities for them in sports arenas.

We might, then, say that what justice requires is not equal opportunities in the sense of identical choice-sets, as Barry suggests, but rather equally *attractive* choice-sets. That is, it requires individuals to have choice-sets which, in a suitable sense, have *equal expected value*.⁵² On one interpretation this would require choice-sets to hold equal expected welfare: that is, it would require 'equality of opportunity for welfare'.

I want to distinguish equality of opportunity for welfare from a suggestion Miller makes in response to Barry's argument for difference-blind rights. Miller objects to Barry that equality of opportunity requires responding in an even-handed way to the aims and ambitions that people actually have.⁵³

⁵² Vallentyne (2002), pp. 538-543.

⁵³ Miller (2002), p. 46.

It is not enough for people to have identical choice-sets,⁵⁴ since the costs of taking up an opportunity should also be equalised.⁵⁵ Even if the Sikh boy *could* choose to go to school without a turban, the costs to him of doing so may be substantial, and from the point of view of justice this is significant.

Equality of opportunity for welfare differs from this suggestion in at least two respects. First, the fact that opportunities have different costs for people is only part of the reason why identical choice-sets will not suffice. Consider the fact that, in Denmark, students have a holiday at Christmas and Easter, but none at *Eid*. According to equality of opportunity for welfare, the problem with this is not so much that it is particularly costly for Muslims to have a holiday at, say, Christmas, but rather that there are other opportunities they do not have, chiefly that of having a holiday at *Eid*. What should be equalised, then, is not really the cost of taking up opportunities but rather the *expected value of the choice-sets people have*.

Second, Miller suggests that we should respond in an even-handed way to the aims and ambitions people actually have. These aims and ambitions, however, need not correspond to people's interests.⁵⁶ Thus, I may have the ambition of becoming prime minister, although, if that ambition were to be fulfilled, I would be permanently stressed and perhaps face premature death. So equality of opportunity rather requires that we equalise the *expected welfare value* of people's choice-sets.

What, then, does equality of opportunity for welfare imply with respect to difference-blind rights? If justice requires not identical but *equally attractive* sets of options for people, it is unclear why the state should restrict itself to such rights. In order for people to have *equally good* choice-sets they need not have *identical* choice-sets. In fact, it may not even be possible to construct a choice-set that would be equally good for everyone.

What equality of opportunity for welfare implies in specific cases will, of course, depend on what people are responsible for. This egalitarian theory does not require us to compensate individuals whenever they are worse off

⁵⁴ Miller (2002), p. 47.

⁵⁵ Miller (2002), p. 46.

⁵⁶ Note that, whether we hold a hedonist, preference-satisfaction or objective list theory of welfare, this could be true.

than others, but only when their *options* are worse. Thus, what people make of their options is up to them and does not serve as a basis for compensation.

Are individuals, then, in general responsible for those of their choices that flow from their religious and cultural beliefs and preferences? It would be perfectly consistent for a proponent of equality of opportunity for welfare to answer 'yes'. Actually, in his pioneering statement and defence of this particular kind of egalitarianism, Richard Arneson suggested that if two individuals have equal welfare prospects and one of them then lowers his prospects by undergoing a religious conversion, we may well claim that this is a voluntary act and that he is therefore not entitled to compensation.⁵⁷

However, this case is rather special in that what Arneson may have in mind is an autonomous adult who undergoes a reason-based conversion. I take it that the typical cases in which religious and cultural beliefs and preferences exercise influence on an individual's welfare prospects are those in which these beliefs and preferences have been inculcated during childhood or youth. Arneson's suggestion does not seem to hold people *generally* responsible for those of their choices that flow from their religious and cultural commitments.

A suggestion that *would* do this runs as follows. An individual is responsible for a preference of hers and any disadvantage it imposes on her *unless* she would in fact prefer not to have the preference. This suggestion is actually part of Dworkin's equality of resources, but it is also available to the proponent of equality of opportunity for welfare. Dworkin compares a costly preference accompanied by a higher-order preference to get rid of it to a handicap, and he argues that just like the latter, the former may provide a basis for compensation.⁵⁸ Furthermore, since in general individuals identify with their cultural and religious preferences and would not prefer to get rid of them, people should be held responsible for these preferences and any consequent adverse impact on welfare. Call this the 'actual higher-order preference account of responsibility'.

However, this does not seem to me to be a plausible account of

⁵⁷ Arneson (1989), p. 85.

⁵⁸ Dworkin (2000), p. 82.

responsibility: it is plausible neither alone nor in a theory of equal opportunity for welfare. First, it cannot as it stands be a *complete* account of responsibility, since it deals only with responsibility for *preferences* and their impact. More importantly, in the present context, it cannot even be a complete account of responsibility for preferences. I have a preference for not being in pain. This is a preference I have no wish to lose, but surely I am not in general to be held responsible for disadvantages to which it gives rise.

Second, the actual higher-order preference account is biased towards individuals who are *reflective* enough to have appropriate higher-order preferences. Thus someone who is in the grip of a craving and therefore too unreflective to form an appropriate higher-order preference will not be entitled to compensation, whereas a more reflective but similarly situated person will be.⁵⁹

Third, an individual may prefer not to get rid of a preference simply because he knows this will be costly. It may well involve considerable sacrifice by the Sikh boy to abandon his commitment to wearing a turban, including sanctions from his family and religious community. Something similar goes for Muslim women wishing to wear headscarves. It would seem unreasonably harsh for an egalitarian to hold an individual responsible for a preference he has not chosen to have and can only get rid of at great cost.

Fourth, even if we were to say that the Sikh boy is responsible for his preference, it can hardly be said that he is responsible for the fact that his preference renders him worse off than non-Sikhs. At least, to a significant extent, what makes his preference costly is the fact that a school imposes a uniform requirement.⁶⁰

Fifth, just as we do not want to hold individuals responsible for all their first-order preferences, we presumably do not want to hold them responsible for all their higher-order preferences either. Like first-order preferences, higher-order preferences can be formed under conditions of deprivation or manipulation, and in some of these conditions it seems unreasonable to hold people responsible for preferences formed. For instance, it would seem

⁵⁹ Cohen (1989), p. 926.

⁶⁰ Cohen (1989), p. 927.

unreasonable to hold an individual responsible for being miserable as a result of being manipulated into a particular religion in her childhood even if she now prefers to maintain her religious preferences, say, because the mere thought of preferring otherwise fills her with a fear of burning in hell.

Finally, even where an individual does prefer not to lose a set of preferences — say, because they are religious preferences with which she identifies deeply — this is quite compatible with the claim that these preferences make her options worse than those of others (in a particular legal and social setting). Suppose two individuals have the exact same options, the only difference being that in one of these options one individual will have a frustrated religious preference. According to equality of opportunity for welfare, as I have characterised it, the two individuals do not have equal opportunities (assuming that the frustrated preference translates into a lower welfare).

A third suggestion, and one which — like the actual higher-order preference account of responsibility — would in general hold individuals responsible for their religious and cultural beliefs and preferences, is the following. An individual is responsible for something, X, that imposes a disadvantage on her if she would have chosen to have X had she been able to. This suggestion is due to Gerald Cohen, who developed it as part of a theory that is similar to equality of opportunity for welfare.⁶¹ He was responding to a case described by Scanlon in which an individual acquires a particularly guilt-inducing religion. Cohen feels that even if the religion was imposed on this individual as a child, and so was not chosen by her, she should not be compensated for its adverse effects if she would (hypothetically) have chosen the religion had she been able to. Call this the ‘hypothetical choice account of responsibility’.

It is arguable that this account solves three of the problems I have mentioned for the actual higher-order preference account (although ultimately I am not sure that it does). The account has wide scope in that it does not pertain to preferences only, and since it is based on hypothetical choice rather than actual preference, it is not biased towards reflective individuals: an

⁶¹ Cohen (1989), pp. 935-939.

unreflective individual might still be such that she would have preferred not to indulge in her cravings had she been more reflective. Moreover, it is arguable that if an individual would, hypothetically, choose a particular religion or cultural commitment, the fact that his preferences are costly to get rid of is his own responsibility (he should, hypothetically, have thought of that). Thus, assuming he would have chosen his religious commitments, the Sikh boy cannot later complain that it would be costly for him to give up his commitment to wearing a turban.

However, the three other objections I raised to the actual higher-order preference account apply equally to the hypothetical choice account. Even if the Sikh boy hypothetically chooses to be a Sikh, he has not chosen that this particular religion will be costly for him; and just as an actual preference can be formed under conditions of deprivation or manipulation, so can the preferences that form the basis of a hypothetical choice.⁶²

Finally, consider two individuals with equal options, the only difference being that only one of them has a frustrated religious preference in one of these options. Suppose also that he hypothetically chooses to have this preference. While the hypothetical choice account implies that his frustrated preference cannot give rise to a claim for compensation on his part, equality of opportunity for welfare implies that his options are worse than the other individual's and hence that he *is* entitled to compensation. Of course, some will say that this shows merely that my characterization of this egalitarian ideal is inadequate.

I will not consider any further suggestions as to why individuals should in general be held responsible for their religious and cultural beliefs and preferences. Rather, since such beliefs and preferences are often acquired in a manner that involves chance rather than choice, and since they are often costly to get rid of, I shall assume that, in the main, individuals are not to be held responsible for them. On this basis, it might be argued that religious and cultural minorities should sometimes be granted group-differentiated rights in order to ensure equally attractive options for everyone. Thus, equality of

⁶² For this and other objections to a hypothetical choice account of responsibility, see Hurley (2003), pp. 28-30.

opportunity for welfare gives us something that equality of resources fails to provide — namely, a justice-based reason for granting an exemption for Sikh boys from a school uniform requirement. Unless they are exempted, their options are worse than those of others, everything else being equal. Furthermore, group-differentiated rights may be warranted even if they involve devoting extra resources to minorities, as would happen in the case in which state support for a Mosque-building project is necessary.⁶³

Let me say something a bit more specific about the way in which cultural and religious beliefs and preferences affect the expected welfare of an individual's choice-set — the value of a person's options, that is. Roughly speaking, such commitments can affect the availability of outcomes, their probabilities and their values, so there are three dimensions in which an individual's cultural and religious commitments can prevent her from having options as good as those of others.

Let me expand, first, on the idea that cultural and religious commitments can affect which outcomes are possible. In fact, there are different kinds of impact to be considered here. An outcome could be unavailable to an individual because there is a rule that prevents her from realizing it (e.g. a rule preventing an individual from obtaining meat that has been slaughtered in accordance with her religious preferences). Alternatively, an outcome could be unavailable because the individual lacks the necessary external resources to secure it (e.g. it may be impossible for a group of Muslims to build a Mosque because they cannot afford it).

Clearly, also, an outcome might be unavailable because the agent lacks the necessary internal resources to secure it. Here the agent might be disabled or lack the necessary skills for other reasons. But perhaps, equally, she has religious or cultural beliefs and preferences that render it impossible for her to bring the outcome about. For instance, it may be impossible for a Sikh boy to bring himself to go to school without wearing a turban. Likewise, it may be impossible for a Muslim woman to bring herself to bath naked before strangers and so to make use of a public sports arena or swimming pool.

⁶³ For a similar argument to the effect that equality of opportunity for welfare supports a number of the claims usually made by multiculturalists, see Cohen (1999).

Of course, even if an individual *now* has less valuable options than others, this does not necessarily mean that she is worse off, in the relevant respect, in her opportunity for welfare. If a Muslim woman could have made a decision at some prior time that would have enabled her now to go to a public swimming pool, it may be said that this outcome should be counted as a possible outcome for her when we assess the value of her options.

Second, even where religious and cultural commitments do not make a particular outcome *impossible*, they may nevertheless affect its probability. Someone who is perfectly rational, well informed and blessed with a strong will is more likely to choose the best option than someone less rational who is ill-informed and weak-willed.⁶⁴ Similarly, religious and cultural beliefs and preferences may affect the likelihood that an agent will make a particular choice. Thus even if the Muslim woman *could* decide to use the public swimming pool, her psychological dispositions may make it more difficult for her than for most others and so may ensure that it is less likely that she will do so.

Finally, religious and cultural commitments can affect the benefit that will accrue to an agent if a particular outcome comes about. For instance, while both a Christian and a Muslim can go to a Church, the experience is likely to be more beneficial for the former than for the latter (of course, one can imagine exceptions). Furthermore, as we have already seen, it may be more costly for some than for others to make particular choices. The choice of going to school without a turban is likely to be more costly for Sikh boys than their Christian schoolfellows.

Before I conclude, let me just mention that there is conceptual space for versions of equality of opportunity for resources that differ from Dworkin's theory in that they do not hold individuals responsible for (most of) those of their choices that flow from their religious and cultural beliefs and preferences. Such versions may well incorporate concepts of responsibility similar to those deployed in various versions of equality of opportunity for welfare.

These versions of equality of opportunity will, of course, differ from

⁶⁴ Vallentyne (2002), pp. 541-542.

the latter group of theories in their aim to establish sets of options for individuals that are equally good with respect to resources rather than welfare. This means, I think, that various plausible multiculturalist claims are captured by equality of opportunity for welfare but not by equality of opportunity for resources. Consider, for instance, Iris Marion Young's point that cultural minorities may be as well off as everyone else with respect to resources and yet worse off in significant respects.⁶⁵ When cultural minorities are discriminated against, this does not always affect their resources, in any straightforward sense, at least. For instance, disrespectful remarks about a person's religion, race, culture or sexuality need not in any way affect (or reflect) her share of resources. This, however, does not prevent the remarks being hurtful, humiliating, shame-inducing and detrimental to self-respect.⁶⁶ More generally, such remarks have a significant negative impact on welfare; and so, unlike equality of opportunity for resources, equality of opportunity for welfare (and other welfare egalitarianisms) plausibly imply that there is a justice-based complaint to be made against such disrespectful behaviour.^{67 68}

⁶⁵ Young (1990), pp. 18-24.

⁶⁶ Actually, some resource egalitarian theories may accommodate some of these evils. For instance, self-respect figures on Rawls' list of social primary goods; see Rawls (1982), p. 162. However, Rawls' theory applies only to basic institutions and so not in general to interactions between citizens; and in any case the relevant remarks can be hurtful and have other detrimental effects without undermining self-respect.

⁶⁷ This is also why, in part, Young's more general point that *liberal egalitarianism* cannot really explain the badness of such acts and practices of discrimination, cultural oppression and the like is mistaken. For instance, equality of opportunity for welfare *does* account for the badness of such acts and practices.

⁶⁸ I would like to thank Linda Barclay, Claus Hansen, Kasper Lippert-Rasmussen, Sune Lægaard, and participants at the Conference on the Rights of Religious Minorities, University of Southern Denmark, 4-6 October 2004, for some helpful comments on an earlier version of this article.

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