Human beings have a right to culture—not just any culture, but their own. The right to culture has far-reaching implications for the liberal conception of the state. A culture essentially requires a group, and the right to culture may involve giving groups a status that contradicts the status of the individual in a liberal state. The right to culture may involve a group whose norms cannot be reconciled with the conception of the individual in a liberal society. For example, the group may recognize only arranged marriages and not those resulting from the free choice of the partners. Protecting cultures out of the human right to culture may take the form of an obligation to support cultures that flout the rights of the individual in a liberal society. And this is not the only difficulty—there is also the problem that this right may be used to protect cultures within a state which reject the “civil religion,” the “ethos,” the “narrative” or the “meta-narrative,” or any other appellation you may choose for the shared values and symbols of the state’s citizens. But these shared values and symbols are meant to serve as the focus for citizens’ identification with the state, as well as the source of their willingness to defend it even at the risk of their lives.

A central problem for the liberal society’s protection of the right to culture—especially if the culture involved is not itself liberal—is that protecting it often requires the state to use
illiberal means. For example, granting a particular cultural
group the opportunity to preserve its cultural homogeneity in
a given region under certain circumstances may exact the price
of preventing outsiders from living there, even if they are
willing to pay the going price for homes in that area. Another
problem is posed by the prevalent view among liberal thinkers
that the state must be neutral with respect to its citizens' way of
life. The right to culture demands that the state abandon its
neutral position and actively assist needy cultures, even when
these cultures preach their own view of the good life which
conflicts with other views within the state. In our opinion, the
right to culture in a liberal state permits the state to be neutral,
if at all, only with respect to the dominant culture of the
majority, on the assumption that the dominant culture can take
care of itself. But a liberal state may not be neutral with respect
to the cultures of minorities, especially those in danger of
dwindling or even disappearing. The state is obligated to
abjure its neutrality, in our view, not for the sake of the good
of the majority, but in order to make it possible for members
of minority groups to retain their identity.

Kymlicka's discussion of the rights of minority groups in a
liberal state has become well-known (Kymlicka, 1989). One of
the reasons this discussion is so powerful is that it uses the
concrete example of native Canadians. We, too, will use two
concrete examples to illustrate our principled discussion—two
minority cultural groups in Israel: Israeli Arabs and Ultra-
Orthodox Jews. Both of these groups are comprised of Israeli
citizens living within the borders of Israel proper. We are not
discussing the case of the Palestinian Arabs who have been
living under Israeli occupation since 1967 and are not Israeli
citizens. This group of nearly two million people living against
their will under military occupation presents a much harder
problem for Israel's aspiration to being a liberal state.

Some background information about the Ultra-Orthodox is
in order: Ultra-Orthodox culture is essentially anti-liberal.
There is no aspect of its members' lives in which it does not
actively interfere, sometimes to the extent of compulsion. This includes aspects that are considered prototypically private in liberal societies, such as having a television set in one's home, which is forbidden in Ultra-Orthodox society. Similarly, there is a ban on reading any newspapers other than those published by the community itself. The community may even react with violence against individuals who violate its rules. In some Ultra-Orthodox communities there are "morality squads" that follow, report on, threaten, and sometimes act violently against members whose "morality" does not accord with the community's extreme puritanism. In short, the Ultra-Orthodox way of life is rigidly enforced by the community and its institutions. The members' economic dependency on the community is almost absolute, so that any deviance can be punished by boycott, leading to the loss of one's livelihood. This society also makes "illiberal" demands on the conduct of outsiders in their public space. People walking in certain Ultra-Orthodox neighborhoods are categorically requested to wear "modest dress," which means, for example, that women may not wear sleeveless or even short-sleeved clothing. Since driving a vehicle is forbidden on the Sabbath by Orthodox Jewish law, anyone riding in a car in an Ultra-Orthodox neighborhood on the Sabbath—or even on a public road which the Ultra-Orthodox consider part of their public space—is liable to be greeted by shouts or even a hail of stones thrown at them (Margalit, 1989).

The most important value in Ultra-Orthodox society is the study of Torah (the body of law and wisdom contained in the Jewish Scriptures and its sacred commentaries), and so it is not surprising that they consider education an issue of central importance. The school curriculum is controlled exclusively by the community, and there is a clear discrimination between the education of girls and of boys. Not only are they taught different subjects, but girls generally complete their education by the age of 18-19, while the education of males continues in some sense throughout their lives. Except for some elementary
arithmetic, boys are taught almost no secular subjects. Their instruction is very intensive, but it is radically limited to religious subjects.

The two groups discussed here together constitute more than a quarter of the citizens of Israel (18 percent Arabs and about 7–10 percent Ultra-Orthodox). In comparison, Canada's native population constitutes only one percent of the whole. It might seem that these numerical data are not important for a principled discussion of the proper attitude of liberal societies towards cultural groups, since principles are principles regardless of the number of people to which they apply. But if we want to learn from the way states actually treat groups of their citizens, the size of the groups is liable to have an effect.

Another fact that is no less important than the size of a group is its territorial concentration. This can lead groups to demand the right to determine the form of their public space. Both Ultra-Orthodox Israeli Jews and Israeli Arabs live in territorial concentrations: the Ultra-Orthodox Jews in neighborhoods in Jerusalem and Bnei Braq (a town near Tel Aviv), and the Arabs in the Galilee and an area known as the "Triangle" in the center of the country.

_The Israeli National Anthem_

_Story One_

We have been at a demonstration in Tel Aviv, which was organized jointly by Peace Now, the central Israeli peace movement, and the Committee of Arab Councils, the central political group of the Israeli Arabs. The demonstration was intended in part to express outrage at the terrible mass murder at the Machpela Cave in Hebron. Peace Now demonstrations always end with the singing of "Hatikva," the Israeli national anthem, but the demonstration following the Hebron massacre ended with a minute of silence instead. The feeling of many participants was that a national anthem
intended solely for Jews could not be sung at a joint
demonstration of Jews and Arabs following an outrage of this
sort. Not everyone felt this way, however. There were a
considerable number of people who protested bitterly against
the decision to avoid singing “Hatikva,” which was originally
the anthem of the Zionist movement. This is a song about the
Jews’ two-thousand-year-old hope to return to their homeland,
the land of Zion and Jerusalem, and to be a free nation there
once more after their long exile. It is exclusively Jewish. The
national anthem of the State of Israel is one that 18 percent of
Israeli citizens do not and cannot share.

Story Two

About a year ago a ceremony was held to dedicate a new
synagogue in the Old City of Jerusalem. This is a synagogue
belonging to the Sephardic Ultra-Orthodox community, and
the President of Israel was invited to participate. (The
Sephardic Ultra-Orthodox are less extreme than the Ash-
kenazi Ultra-Orthodox, who would not dream of inviting the
president of the “Zionist state” to a synagogue dedication.) At
the end of the ceremony, when the national anthem was
supposed to be sung, there was an embarrassing silence. The
president, in protest against the silence, sang the anthem in a
particularly loud voice, while the Chief Rabbi of the Sephardic
Ultra-Orthodox community pointedly turned the pages of a
religious book he was holding, as if to wash his hands of the
whole affair. The anthem speaks about the Jews’ hope of
becoming a free nation, and the Ultra-Orthodox community
interprets this as the hope for freedom from religion—an
expression of rebellion against religious tradition by establish-
ing an atheist Zionist state. The Ultra-Orthodox community
thus does not share Israel’s national anthem either.

The importance of national anthems should not be
exaggerated just because they are a central symbol of civil
religion. A national anthem can easily become a cliché, a symbol that no longer has any evocative power. When an anthem becomes a cliché, it is sung politely, if at all; many people do not even know the words, and it is left to the orchestra to play the tune. In the Israeli context, however, "Hatikva" is still an anthem with much evocative power. In general, it is not so important that some lines in any national anthem are liable to provoke opposition from some citizens. "God Save The Queen" might provoke atheists who object to the mention of God, anti-royalists who oppose the monarchy, and even Catholics who object to saving a queen who is the titular head of the Anglican church. The important question about a national anthem is not whether it contains phrases that have the potential of annoying some people, but whether it actually provokes opposition in practice. In other words, the question is not what the anthem says, but what it does, and especially who it excludes from belonging to the society of citizens. One problem illustrated by the two stories about "Hatikva" is the alienation of two cultural groups from Israel's civil religion.

The problem of the national anthem is only a symptom of the gap between these groups and the state. Much more important is the fact that the members of these two communities, the Ultra-Orthodox and the Arab, do not serve in the army. The Israeli army is a central social institution, both in creating the ethos of the state and in its crucial influence on people's way of life. We are not aware of any society at any time in history where army service (including both regular service and reserve duty) continues for so many years.

It is impossible for the children of either of these communities to go to the same schools as the majority of Israelis. For example, they could not be taught the same history lessons, since there is profound disagreement in this area. What Israeli Jews consider the War of Independence, the formative event of the state, is the story of a terrible
catastrophe for Israeli Arabs. The Ultra-Orthodox community's opposition to the "Zionist state" is based on the fact that it has led to the secularization of the Jewish people, changing its historical identity from a religious to a national one. The problem of Israeli Arabs is the difficult dilemma of divided loyalty: they are citizens of the State of Israel in which there is a Jewish majority that is involved in a continual war with their Arab brothers (particularly the members of their own people, the Palestinian Arabs). On the one hand, they are required to be loyal to the State of Israel, yet, on the other, they need to be loyal to their brothers who are at war with Israel.

The two groups we have presented constitute a challenge to Israel's aspiration to be a liberal society: the Arab community mainly because it is not included in Israel's civil religion; the Ultra-Orthodox community mainly because it is a society with an illiberal culture within a society that aspires to be liberal. Moreover, the Ultra-Orthodox community is also alienated from Israel's civil religion, while the Arab community in Israel is also a traditional society which in many important respects cannot be described as having a liberal culture.

The Right to Culture

What concept of culture is involved in the right to culture? It is the concept of culture as a comprehensive way of life. The Ultra-Orthodox way of life, which covers all aspects of human existence, constitutes an outstanding example of what we mean by culture. This concept is a divisive one in the sense that it is used to distinguish one group from another. What we call a way of life is something that can only exist in a group, in contrast to a life style, which may characterize the particular manner in which individuals lead their lives.

The right to culture in this sense does not mean that people have a right to be cultured, that is, to have a "high culture." There may be such a right, but it is not the one we are
discussing here. The subject of the present essay is culture as the way of life of an encompassing group, such as an ethnic, religious, or national group (Margalit and Raz, 1990). A group of carpenters today is not in this category; a carpenters' guild in medieval times was perhaps such an encompassing group.

The culture of an encompassing group covers various important aspects of life: it defines people's activities (such as Torah study in Ultra-Orthodox culture), determines occupations (such as circumciser), and defines important relationships (such as marriage). It affects everything people do: cooking, architectural style, common language, literary and artistic traditions, music, customs, dress, festivals, ceremonies. Although no one of these characteristics is necessary, they are all typical of encompassing cultures. In the case of the two cultures we are using as examples, nearly all of these characteristics actually do exist. The culture influences its members' taste, the types of options they have and the meaning of these options, and the characteristics they consider significant in their evaluation of themselves and others.

Three issues are important in explicating the right to culture: What is the content of the right? Who has the capacity for this right? What is the justification for this right? Only after these issues have been clarified can we consider how to apply the right to culture in specific cases, such as the two that have been the focus of our discussion.

What Is the Content of the Right to Culture?

There are various levels of the right to culture. The first one is the right to maintain a comprehensive way of life within the larger society without interference, and with only the limitation of the harm principle. The second level includes the first and adds the right to recognition of the community's way of life by the general society. This may be expressed, for example, in opportunities for this way of life to appear in the
general media (as in the special “gay” programs on Britain’s Channel Four) (Raz, 1991). The third level includes both the previous levels and adds the right to support for the way of life by the state’s institutions so that the culture can flourish. In our example of Ultra-Orthodox culture this means financial support for Torah institutions and Torah scholars, which is a crucial condition for this culture’s flourishing.

The question of the level at which the right to culture exists is very important for understanding the right itself, and not only its political application as made possible by the activity of the cultural group as a pressure group. Due to the pivotal position of the Ultra-Orthodox political parties in Israel, the culture of Ultra-Orthodox society is not only permitted to exist but is also able to flourish, as it is given massive financial support by the government. The culture of Arab society, in contrast, is allowed to exist but not to flourish and is given only partial recognition.

The rest of our discussion is focused on the third level of the right to culture.

Who Has the Capacity for the Right to Culture?

We began this essay with the declaration that human beings have a right to culture. The clear meaning of this declaration is that this is a right possessed by each and every individual—in other words, it is the individual who has the capacity for this right. Yet, we presented the content of the right to culture as the right to maintain a way of life. And since we defined a way of life as an attribute of a group rather than an individual, the right to maintain it seems prima facie available only to a collective and not to individuals. The last of the Mohicans does not seem to be someone with the right to a Mohican way of life since by assumption there are no other Mohicans, and the Mohican way of life requires a group. Thus, the only way to fulfill the last of the Mohicans’ right to culture would be to
force other people to become Mohicans and, thus, abandon
their own culture and identity for this purpose—obviously an
absurd demand.

Joseph Raz proposes a definition of a right which is the best
we have encountered (Raz, 1986). The gist of this definition
is that X has a right if X's interests constitute a sufficient
reason to place other people under some obligation. This
definition makes it clear that the individual cannot have the
capacity to be a bearer of the right to culture, since the
interests of one person cannot constitute a sufficient reason for
placing others under the obligation to help him or her
maintain his or her culture, and culture in the sense of a way of
life requires a group. It is the requirement of a sufficient
reason in Raz's definition that leads one to deny the
individual's right to culture, assigning it to the collective
instead.

We now intend to adapt Raz's definition of the concept of
right so as to make it possible for the individual to be
considered the bearer of the right to culture. Our adaptation
of this definition suggests that even though the individual's
right to culture does not provide a sufficient reason to place an
obligation on others, it is an important and sometimes even a
necessary component of a reason which is sufficient for
obligating others to help maintain a culture.

In order to demand its right to culture that constitutes a
sufficient reason for obligating others, a group must pass some
numerical threshold of right-bearers. The Mohican com-
unity, for example, can be divided into a number of groups each
of which is large enough to pass this threshold. Let us now
focus on the right to culture of one particular Mohican,
Hawkeye. Hawkeye alone cannot pass the threshold, but let us
assume that he is joined by a certain group of Mohicans which
demands the right to culture and is large enough to pass the
threshold. In this particular claim, Hawkeye's right is a
necessary but not sufficient component of the reason to impose
an obligation on others, while the entire group's claim is
The group's claim is not necessary because the claims of other Mohican groups could serve the same purpose.

But what happens when of all the Mohicans only Hawkeye remains—"the last of the Mohicans?" He clearly has no partners in his claim for the right to culture who could make this claim sufficient to impose an obligation on others. But the fact that only the last of the Mohicans has survived does not mean that he has no right to culture. It simply means that this right is not effective—it cannot by itself impose any obligation on others. But this is true of all rights: there are always accompanying conditions that must be fulfilled to make any right an effective one—that is, a justification for obligating others. In the case of the right to culture, the accompanying condition is the existence of a sufficient number of other people demanding the right to the same culture.

**What Justifies the Right to Culture?**

The question of who has the capacity for the right to culture is intimately related to the question of what justifies this right. Since this is the right that determines the "ontology" of the liberal society, in a certain sense, one cannot ask who has the capacity for this right independently of the right itself: it is the culture that determines one of the important senses of the term "individual."

The point is that the central term we have been using freely, "the individual," is systematically ambiguous between the concept of the metaphysical individual and the concept of the anthropological individual—between "person" and "personality." The criterion for what constitutes personal identity over time is different from the criterion for the features constituting personality identity. The same person can undergo a radical change in personality yet remain the same person, while the converse is not the case. Culture plays a crucial role
in shaping the personalities of individuals, especially in those aspects that they and their environment consider central for constituting their personality identity. Ultra-Orthodox culture determines that the attribute of being a Torah scholar is central to the personality identity of men in that society, while Israeli Arab culture determines that speaking Arabic is central to the personality identity of individuals in Arab society.

The right to culture is, thus, not only the right to identify with a group but the right to secure one's personality identity. The individual in the personality sense has no less a moral and political role than the individual in the metaphysical sense. Thus, for example, the statute of limitations on criminal prosecution can be justified by the assumption that the criminal's personality has changed over such a long period of time, and so today's personality should not be prosecuted for acts performed by the long-gone criminal personality. On other issues, such as abortion, the key concept is the person rather than the personality. In short, both concepts of the individual play an important role in human life, and the liberal society needs both of them. But, beyond our social interest in these two concepts, it is clear that all persons are supremely interested in their personality identity—that is, in their ability to preserve the attributes that are seen as central by them and the members of their group. The right to culture is not, in our opinion, a special case of the right to freedom of expression in the liberal society. On the contrary, freedom of expression is a special case whose principal justification is the right to culture.

The Right to One's Own Culture: Comparison with Kymlicka

At the beginning of this essay we mentioned Kymlicka's use of the example of native Canadians as lending force to his discussion and serving as a model for our own use of the examples of Israeli Arabs and Ultra-Orthodox Jews. We would now like to directly compare our view of the right to culture
with Kymlicka's in order to elucidate the distinction between his and our concepts of the individual. Basically, he claims that an individual has a right to a culture; we claim that an individual has a right to his or to her culture.

Kymlicka deals with the question of how the classic liberal view—as represented by Rawls and Dworkin—can be reconciled with the privileges granted to native Canadians. These rights, which are granted to the native Canadian tribes as groups, restrict the individual freedom of the whites to buy land or to vote in elections in those areas where the tribes are concentrated. Kymlicka, unlike other liberals such as Trudeau, does not want these privileges to be abolished. Yet, on the other hand, he does not want to abandon the classic liberal position that does not recognize the group as an intermediate between the state and the individual and does not accept the privileges intended to protect the existence of a particular culture—privileges that restrict the rights of individuals who are not members of that culture.

To extract himself from this dilemma, Kymlicka develops the following argument: the right to culture is actually part of the right to freedom and is, therefore, profoundly in accord with liberal values. For Kymlicka, the right to freedom is tied to the recognition that every person has a basic interest in being able to evaluate her goals and loyalties rationally and to change them when she believes them to be mistaken. In Kymlicka's view, individuals can have a variety of options from which to choose, as well as the ability to evaluate these options, only if they are part of a cultural context. The culture creates a considerable number of both the options to choose from and the criteria to be used in judging the value of the various options. No freedom is possible without cultural affiliation. Thus, the importance of social affiliation in the liberal view is derived from the more primary value of freedom. Kymlicka thus adds another condition to the accepted individualist conception of liberalism—the condition of cultural affiliation.
permiting the possibility of liberalism's central value as Kymlicka understands it.

The link Kymlicka forges between cultural affiliation and freedom has important implications for the scope of the right to culture and the conditions under which it is justified to grant political and legal privileges in order to preserve a minority culture. In Kymlicka's view, a minority's right to culture is not the right to preserve its particular culture with its traditional content, but the right of the individual members of the minority group to have some sort of cultural affiliation—not necessarily their original one. If the native Canadian minority were to assimilate successfully, even if unwillingly, into the white majority and become part of its Western, Anglo-Saxon culture, it would lose its justification to keep the privileges that have been granted to it. Kymlicka justifies the preservation of demographic majority of the native Canadians within their own territory by restricting the right of others to buy land there not because the existence of a white majority in the native Canadians' territory would lead to the loss of their particular culture, but because experience has shown that this minority is not capable of assimilating into Western culture, and so it would be left without any cultural affiliation at all. Without their special privileges, the members of the minority would be left in a state of "anomie" and, thus, would lack the capacity to choose, since this capacity depends on having some sort of a cultural context.

Kymlicka's interpretation of liberalism, therefore, protects the right to a cultural context but not to a particular culture. If the native Canadians' culture were destroyed by the presence of a white majority in their territory, but the individual members of the minority were able to assimilate, albeit against their will, into the white culture, then Kymlicka would not see any reason to grant this minority any privileges. This is because their assimilation into the majority culture guarantees them what is important in a culture from Kymlicka's point of
view—the ability to evaluate and choose among various life options.

We disagree with Kymlicka’s view of the right to culture and, thus, also with his suggested restrictions on this right, which are derived from the justification he gives to it. In our view, the individual’s right to culture stems from the fact that every person has an overriding interest in his personality identity—that is, in preserving his way of life and the traits that are central identity components for him and the other members of his cultural group. Mainly, we consider the best formulation of the right to culture to be internal to the viewpoint of the members of a particular culture. In contrast to what Kymlicka defines as the reason for the importance of culture—the fact that it gives people alternatives from which to choose—the members of a particular culture consider it important because the particular content of the culture gives their lives meaning on a variety of levels. People who speak a particular language, for example, consider it important to preserve their language not because giving it up would mean giving up the use of language altogether, but because their culture is phrased in terms of this language, and they find particular linguistic treasures in it which they could not find in any other language. This is also the case with other aspects of culture. If we consider the example of the native Canadians, their attitude to their natural environment and to interpersonal and intergenerational relationships is very different from that of the surrounding white culture. These areas are particularly significant in their culture, and they are willing to make considerable sacrifices in order to preserve them.

Kymlicka’s interpretation of the importance of social culture as giving individuals alternatives for choice does not agree with the viewpoint of the culture-bearers themselves. In this sense, the notion of an abstract cultural context lacks all value for members of a particularist group unless they happen to be liberals of Kymlicka’s sort for whom the supreme good is the ability to examine and change one’s way of life, which can be
granted by any sort of culture that offers alternatives for choice. But apart from this minority of liberals, people who belong to particularist cultures, especially those of the native Canadian community or the Israeli Arab and Ultra-Orthodox communities, the ability to choose has little if any value and certainly does not constitute the entire value of the particularist culture to which they belong.

Should Minorities Be Granted Special Privileges?

Whether the right to culture is justified by the right to identity or by the right to freedom has important implications for the scope of this right and the conditions under which it is legitimate to grant particular privileges to make a full cultural life possible. Thus, we also disagree with Kymlicka on the question of when to grant privileges for the sake of preserving the culture of a minority group. In our view, which links the right to culture with identity rather than freedom, every person has the right to her own culture and not merely to culture in general. This right is basic and primary, and so it is not restricted to cases in which an unprotected minority would be left without any culture at all but is applicable even in cases where the members of the minority group would lose their own culture and be compelled to assimilate. Moreover, the right to culture and to the privileges needed to protect it exists not only in cases where the culture is in danger of disappearing entirely. It is also applicable when it would be difficult for the minority group to maintain specific aspects of its culture without these privileges, or when it would have to spend a disproportionate amount of resources to preserve its culture.

In the case of the Ultra-Orthodox minority in Israel, for example, this group would be able to continue observing the Sabbath, one of its primary values, even if the streets in its neighborhoods were not closed to all vehicular traffic on this holy day. After all, Sabbath observers have confronted and
survived much more difficult tests in the past. However, the Sabbath atmosphere would be tainted, and it would lose its public quality. Likewise, in the case of the Israeli Arabs, if this minority were not given massive assistance by the Israeli government, and if Arabic were not recognized as an official language in Israel, this group might eventually make Hebrew their principal language. Nevertheless, the government is still obligated to help them actively in preserving Arabic as their main language through direct assistance for Arabic education and recognition of Arabic as an official language alongside Hebrew.

The Ultra-Orthodox community, as we have described it, is dependent on the general public for the maintenance of Sabbath observance on the level it prefers. Another important area in which this community is dependent on the general public is the area of dress. As mentioned earlier, the sexual morality of the Ultra-Orthodox require women to dress "modestly," and this requirement is extended to anyone visiting their neighborhoods. The question here is whether this minority has the right to impose its standards in this area on a public that does not accept these standards. In our opinion, as long as there is a neutral public space that exists alongside the Ultra-Orthodox public space, it is justified to grant the Ultra-Orthodox community some degree of control over entry to the area in which it constitutes the majority. Closing the streets in Ultra-Orthodox neighborhoods to traffic on the Sabbath is thus justified. The requirement that tourists or passersby wear modest clothing in Ultra-Orthodox neighborhoods even during the hot summer days of Jerusalem and Bnei Braq is likewise justified. Similarly, both the Ultra-Orthodox and the Arab minorities should be assisted in maintaining their educational institutions and their judicial autonomy in marital and family matters as long as their courts do not impose their norms on other Israeli citizens.

Control over entry to a community's neighborhood is not an absolute right but rather a prima facie one, since it limits the rights of other individuals. The privileges granted to the
minority culture must be balanced against the restrictions they impose on others, and so they must not be granted in cases where the freedom of other individuals would be unduly restricted. But it is important to stress that this prima facie right does exist, and that the conflicts it gives rise to must be solved by balancing the importance of the minority rights against the nature and severity of the restrictions it imposes on other individuals. If, to use our Ultra-Orthodox example, closing this community’s streets to traffic on the Sabbath would block a major artery between two parts of the city that is vital for people who do not abide by the ban on driving on the Sabbath, then at least one such road must be kept open for traffic even if it passes through an Ultra-Orthodox neighborhood. But problems of this sort must be solved piecemeal and not by the a priori assertion that these rights do not exist.

Although we believe that minorities should be granted some control over entry to their public space in cases where this is linked to the preservation of their culture, the matter is entirely different where the right to exit is concerned. As we emphasized earlier, the right to culture is based on its contribution to the basic interests of individuals, and so this right cannot justify forcing a particular culture on other individuals in order to preserve the culture. Therefore, it cannot justify coercing those who wish to leave the culture to remain within it on the pretext that if people begin to leave, the culture will be destroyed. A cultural minority cannot be granted control over its members’ exit. Thus, the Ultra-Orthodox community does not have the right to force its members to remain Ultra-Orthodox, just as the majority culture does not have the right to prevent its members from going over to the Ultra-Orthodox community. This is also the case with respect to the Arab minority in Israel.

Another problem associated with the privileges granted to minority groups for the sake of preserving their culture is the apparent inequality engendered by giving the minority privileges that are denied to the majority. There is an apparent
paradox here in that the state is supposed to be neutral with respect to the majority culture while intervening substantially to assist minorities. But these seemingly nonegalitarian minority privileges are justified by the fact that the majority culture is able to maintain a more or less homogeneous environment even without privileges by virtue of its being the culture of the majority.

Moreover, in most cases the majority preserves its homogeneity by enacting immigration and citizenship laws for the state as a whole, which creates an unequal situation that needs to be balanced by granting privileges to the minority. Sovereignty, in this sense of control over entry, is not only a monopoly on the legitimate use of violence, as Weber defines it, but also a monopoly on entry to the state and the determination of the status of those entering as tourists, temporary residents, or citizens. The symbol of sovereignty is not only the weapons carried by soldiers but the rubber stamps wielded by clerks checking passports. It is, thus, no wonder that the most important bone of contention in the Israeli-Palestinian negotiations on the autonomy agreement, for example, was the arrangements for entry to the West Bank and the Gaza Strip and the question of who should determine the status of those entering, since this is where sovereignty is manifested.

To return to our example of the Israeli Arab minority, it is destined to remain a minority because the citizenship laws were enacted by the Jewish majority, which established the state's immigration laws. Among the immigration laws is the Law of Return, which grants automatic Israeli citizenship to any Jew who wants to live in Israel. The Law of Return guarantees in practice that there will always be a Jewish majority in the State of Israel, with the Arabs remaining a minority. We believe that this law is justified because the history of the persecution of the Jews necessitates a Jewish state that serves as a refuge—in other words, that it should not be possible to refuse any Jew who wants to live in the Jewish state. We also believe that the Palestinians' history of expulsion necessitates a Law of Return in
a Palestinian state for all the Palestinians in their diaspora. But since Israel's Law of Return grants a clear preference to the Jewish majority and its culture, thus determining the character of the Israeli public space without the need to give this majority any special privileges, it is also justified to grant the Arab minority the right to maintain an Arab majority in the areas in which the Arabs are concentrated in order to allow them a public space of their own alongside that of the Jewish majority.

We conclude that states, especially nation-states, must be neutral with respect to the majority culture yet assist minority cultures with special privileges. This conclusion is not paradoxical because states can afford to avoid intervening in their public space since they already determine its character through laws of entry to the state. Since the dominant culture is assured a majority by these laws, it can allow its public space to be shaped by free interaction among its citizens. The privileges we are willing to grant minorities for cultural preservation and creation—privileges that disturb the state's neutrality and seem to discriminate between individuals who are members of the majority or the minorities—are justified by the fact that liberal neutrality serves the majority culture. For if the matter were left to the forces of the market, the majority culture would soon take over the entire public space.

Bibliography: