A Tension Between Ideas About Basic Rights

Can the state guarantee all citizens gender equality and give preference, through policy and law, to specific ways of interaction between genders?

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Abstract

This thesis explores whether a state can guarantee its citizens gender equality and give preference, through policy and law, to specific ways of interaction between genders. Abstracted from the phenomenon of femonationalism, civic integration policies in the Netherlands are examined under the framework of public reason as a means of doing so. To grasp the way in which these policies came to be, a historical embedding is given, which includes notable events and policies as well as pivotal figures in the political shift of the Netherlands to the right. To demonstrate the problematic nature of the civic integration policies and programmes, which may not appear, prima facie, as insidious, the notion of the culturalization of citizenship is presented. By explaining public reason - via John Rawls, Jürgen Habermas and Akeel Bilgrami - in contrast to civic integration policies, the policies are shown to be unjust. However, through the case of Shirin Musa, the benefits of state intervention are illustrated, with the complexities shown through Rawls and his comments on the family. In conclusion, this thesis finds that states can only guarantee citizens gender equality to the extent that they can prove that, should there be forms of gender discrimination, they are involuntary. Should values of a comprehensive doctrine - religious or irreligious - clash with fundamental tenets of a state, those values should be placed second, such as gender equality in the face of gender discrimination. As illustrated through civic integration policies and programmes, this thesis contends that the Dutch state does attempt to give preference, through policy and law, to specific ways of interaction between genders. The result of this is a violation of the idea of public reason, insinuative of the implementation of unjust policy.

Introduction

The primary aim of this thesis is to explore the political philosophy query as to whether states can guarantee all citizens gender equality and give preference, through policy and law, to specific ways of interaction between genders. As such, it explores a tension that exists between ideas about basic rights, and where a state should (and should not) intervene concerning these rights, with a specific focus on the Netherlands. The idea of *femonationalism*, a term coined by the sociologist Sara Farris (2017), is discussed in its "reference to both the exploitation of feminist themes by nationalists and neoliberals in anti-Islam (and anti-immigration) campaigns, and to the participation of certain feminists and femocrats in the stigmatisation of Muslim men under the banner of gender equality" (Farris, 2017: 4). This phenomenon details how Western European right-wing parties and neoliberals attempt to advance racist and xenophobic politics under the guise of calls for gender equality. Simultaneously, it also captures the involvement of various feminists and 'femocrats' in the (current) framing of Islam as a fundamentally misogynistic religion and culture (Farris, 2017: 4). Farris' book, *In the Name of Women's Rights, the Rise of Femonationalism*, identifies three specific political actors and agendas. Namely, nationalist right-wing parties, a number of "prominent feminist intellectuals and politicians (as well as women's organisations of femocrats), and neoliberal policies that target non-western migrants - most tangibly implemented through civic integration policies (CIPs). It is through these policies that the femonationlism is 'narrowed down'. In CIPs, emphasis is placed on promoting Dutch (Western), 'progressive' values. The progressiveness of what is apparently

mainstream Dutch culture is juxtaposed with the purported backwardness of Muslim immigrants. Most specifically, the Muslim male, who consitutes the form of the hostile *'Other'*- acting as the threat to Western progress. As CIPs are not inherently problematic, Duyvendak, Hurenkamp & Tonkens' (2010) *Culturalization of Citizenship* (2010 & 2016) is introduced, and defined as, "a process in what is meant to be a citizen is less defined in terms of civic political or social rights, and more in terms of adherence to norms, values and cultural practices" (Tonkens, E., and Duyvendak, JW., 2016: 2). This portrays the extent to which these policies and programmes seek to mould migrants hoping to gain citizenship into a static, essentialised version of culture, and in doing so highlight their problematic nature. In other words, CIPs are problematic because they serve to impose certain cultural norms and values without allowing for any contribution from those seeking 'membership'.

To evaluate the fairness of CIPs, the political philosophy perspective of public reason shall be presented, primarily alongside the framework as detailed in *The Idea of Public Reason Revisited* (Rawls 1997), in order to examine what this thesis contends to be the imposition of a comprehensive doctrine - which includes systems of religion, political ideology or morality. Most substantially within this, is Rawls' renowned proviso - which calls for, "in due course political reasons - and not reasons solely given by comprehensive doctrines - are presented to support whatever the comprehensive doctrines are said to support" (Rawls 1997: 784). This makes reference to constitutional essentials and the formal language used in law, as well as by members of parliament, and is thus directly relevant to the discussion surrounding CIPs. Rawls' address to 'the family' (a fundamental part of the basic structure), is explored as a main area of analysis pertinent to the case study at hand. This is juxtaposed with Jürgen Habermas' *Religion*

in the Public Sphere (2006), where he advances certain extensions and criticisms of the idea of public reason. An apposite example is his "requirement of translation": "a cooperative task in which the non-religious citizens must likewise participate, if their religious fellow citizens are not to be encumbered with an asymmetrical burden" (Habermas 2006: 11). The concept of ensuring that citizens of a polity mutually encumbered will be related to the CIPs via the lens of the culturalization of citizenship, and act as a means of further demonstrating the inequity of the policies at hand. Throughout, Akeel Bilgrami (in *Secularism, Identity and Enchantment*, 2014) will be intertwined, as a means of both reinforcing and highlighting different ways of approaching the problem. Notable are his approaches to 'truth' (in stark contrast to Rawls) as well as his (theoretical) policy of lexicographical ordering, which insists on a need for political ideals to be placed before religious (ideals) in a secular polity, *if* the two value systems should clash (Bilgrami 2014: 12). This need for ordering is also addressed by Rawls through his explanation of the proviso, although the language used differs starkly between the two philosophers. The extent to which a comprehensive doctrine should influence society is something that is abstracted from all three sources. The result of this is that there is a fine line between doing what is just and right, and coercing a (group of) people to adopt a particular view or position.

Concerning the research question, "Can the state guarantee all citizens' gender equality and give preference, through policy and law, to specific ways of gender interaction?", it becomes evident that, if a comparison is made between different approaches to behaviour of the sexes with religious freedom, the answer could well be 'no'. This could be taken as the equivalent of a state granting preference to one religion over another, and as such, to be unjust. However, certain

feminists seem to pose the argument that preference *should* be given, as the issue of preference touches on basic or fundamental rights. Contrastingly, religious groups may say that this is a matter of choice or interpretation. Therefore, through the (theoretical) implementation of public reason in light of Rawls, Habermas and Bilgrami, this thesis aims to clarify the issue regarding state intervention in matters of interaction between genders. As a case study, the Netherlands and the historical timeline through which the CIPs came to be enacted shall be detailed, as shall the phenomenon of femonationalism itself. Secondly, the culturalization of citizenship will be explored with respect to civic integration policies. Thirdly, the framework of public reason is presented, alongside a brief example of *marital captivity*, to analyse the justness of these policies as well as demonstrating the advantages of state intervention. In conclusion, this thesis finds that the answer to the question is two-fold. Firstly, it can be argued that a state can use policy and law in order to guarantee all citizens gender equality - a justification being the protection of inalienable rights. However, the manner in which this interaction 'between genders' is regulated is another matter, and further complicates the influence of the state. This is shown most clearly through the extent to which a state can interfere in the internal life of the family as commented on by Rawls.

Methodology

Through placing contemporary sociological studies in light of political philosophical theory, this thesis carries out a qualitative research analysis. The subsection, 'Understanding Femonationalism: a Historical Embedding' lays the 'ground-work' for a broader understanding of the historical socio-political landscape crucial to this study and analysis. Through a framework

of public reason - presented via a theoretical interplay between Rawls, Habermas and Bilgrami - civic integration policies are analysed, and consequently, so too is the phenomenon of femonationalism. By extrapolating examples from the body of literature presented, a more concise means of analysing the problematic process of civic culturalization is posed.

A main advantage to this methodology is that it provides a detailed picture concerning the case study presented: under what socio-political circumstances did the civic integration policies (and subsequent programmes) come to be? Through a historical embedding of the matter, depth and detail is provided, allowing the reader to understand the conditions that fostered the environment under which the convergence of femonationalism has taken place. Individual actors are commented on (e.g. Pim Fortuyn, Rita Verdonk), so as to give the reader a sense of the political landscape and important figures shaping it. This extends beyond a contextualisation of femonationalism. Concerning public reason, a broad framework is introduced, narrowed down via seminal political philosophers. Through examining the theory of public reason alongside CIPs, the reader is able to see and validate through the information presented whether these policies - as well as circumstances of state regulation - are just.

Regarding the limitations of this qualitative analysis, a primary aspect to address is the fact that, due to initial time and language considerations, this data was not collected by myself. As this thesis relies on secondary data, it can be said that this presents another limitation in establishing the reliability of the data. This is mainly necessary with regard to Farris. However, by cross-checking her narrative of the trajectory of the Dutch political landscape with others, it can be said that the possibilities for this limitation to weaken the strength of the argument are mitigated. Admittedly, the transferability of public reason to the CIPs is another potential

limitation. However, by interpolating examples set forth by (e.g.) Rawls (via the family), Habermas (via his notion of a requirement of translation) and Bilgrami (via the compelling idea of lexicographical ordering), the relevance of the political philosophy presented in light of the subject matter becomes evident. The fact that, as a white European male writing a thesis on a topic inherently pertaining to women's rights whilst largely basing an analysis on two white European males, it may be said that there are certain biases that are unavoidable. A point of justification is advanced that - as regards public reason - the political philosophers drawn from are recognised as having studied in depth issues pertinent to this thesis.

Understanding Femonationalism:A Historical Embedding

Important to comprehend when attempting to grasp the notion of femonationalism, is the historical context under which it has occured, and continues. Sarah Bracke writes on the "civilisational era of Dutch politics": the "historical conjuncture in which the clash of civilisations between supposedly progressive, liberal Western values and the backward Islamic world has become a major topic of the political and economic agenda", of which she lists three main phases (Bracke, 2012, as cited in Farris, 2017, 29). The first begins with the fall of the U.S.S.R, and the Dutch politician Frits Bolkestein's subsequent speech. Bolkestein - an MP at the time for the *Volkspartij voor Vrijheid en Democratie* (People's Party for Freedom and Democracy, VVD) - declared multiculturalism to be "unviable as a project for Dutch society", remarking on the growing number of immigrants - "especially from Morocco and Turkey" - who permanently resided in the Netherlands as posing a danger for Western progressive values (2017: 29 & 192). It is worth noting that, at the time Bolkenstein gave his speech (1991), the

largest number of immigrants in fact came from former Yugoslavia seeking asylum (Meeteren, Van de Pol, Dekker, Engbersen, Snel, 2013, 116). Whilst Bolkenstein's perceived 'threat' emanated from Islam, it was only until the end of the 1990s that focus shifted from 'the East' and "the hierarchy of backwardness became more layered", with Muslim women "relegated to the lower echelons of the emancipation league table" (2017: 24). Antecedent to this, media and political discourse focused on the threat from the Eastern male immigrant (2017: 11). It was also in this period (1998), that the Dutch government acknowledged its status as a "country of migration" (Meeteren et al., 2013, 114). This insinuates that, regardless of the "mass-migration surplus" of the 1960s, official policy considered immigration as 'temporary' (Meeteren et al., 2013, 114).

The second phase, according to Bracke, is placed between 2002-2004, and is dominated by figures such as the assassinated Pim Fortuyn - "among the first right-wing politicians in the country to establish a clear connection between the feminist and anti-Islam struggle, thereby paving the way for the contemporary forms of femonationalist ideology in the Netherlands" (2017: 190); Ayaan Hirsi Ali (a Dutch-Somali politician for the VVD); Rita Verdonk (the Minister for Integration and Immigration for the VVD at-the-time), as well as the murdered film-director Theo van Gogh. The rise of populist Dutch politicians coupled with the events of (September) 2001 saw the "deepening of resistance" in Dutch public opinion regarding immigration, with slogans such as, "the Netherlands is full" and, "multiculturalism has failed" becoming commonplace (Meeteren et al., 2013, 118). Throughout this period, gender and gay-equality were stated as being "mainstays" of Dutch culture and its social contract, with its primary threat being a misogynistic and homophobic Islam (Farris, 2017: 29).

2002 marks the year that, "for the first time in Dutch political history", issues of immigration and integration played a dominant role in the political landscape of the country (Meeteren et al., 2013, 118). It was this same year that Pim Fortuyn founded the *Pim Fortuyn List,* a political party with fierce anti-immigration and anti-Islam propaganda in the name of women's rights, redesigning the Dutch political landscape and the manner in which non-Western women would be framed. Thus, he initiated the mobilisation of gender equality against the apparently violent patriarchy of Islam. Fortuyn posed the need for the emancipation of Muslim women (particularly of Turkish and Moroccan descent) to be an "urgent problem". This resulted in Fortuyn being deemed an "ally" of Dutch feminists by the chief editor of a Dutch feminist magazine, *Opzij*, Dresselhuys, as well as Ayaan Hirsi Ali - who claimed "authentic knowledge" and thus whose "enunciation was protected from critique" (2017: 42 & 43).Whilst Fortuyn's political campaign achieved great success, the same year he was murdered[1], which only stoked the proverbial fire of support with regard to his anti-Islam and anti-immigration campaign in the name of women's rights. The following year, 2003, saw the establishment of the Commission for the Participation of Ethnic Women (*Participatie van Vrouwen uit Etnische Minderheidsgroepen:* PAVEM), created in-part by R. Verdonk, as well as a document co-authored by MP's Geert Wilders and Hirsi Ali, which called for a "liberal jihad" against Islam (2017: 30).

The third and last phase - 2004-2012 - was inaugurated by the murder of the Dutch director, Theo van Gogh, shortly after the release of his film, *Submission, Part 1*, written by Hirsi Ali and controversial in its islamophobic message. This "signified a dramatic shift of the

[1] by a Dutch animal rights and environmentalist activist.

political axis towards the nationalist right" (2017: 29). This phase also marks the emergence of the right-wing nationalist and islamophobic politician, Geert Wilders. The following year - 2005 - PAVEM released a plan that would come to constitute the gender aspects of the integration program in the Netherlands, whilst subsidies pertaining to (Dutch) women's organisations stopped. It was entitled, *Emancipatie: Vanzelfsprekend, maar het gaat niet vanzelf!"* ("Emancipation, of course, but it does not happen by itself!"). According to this plan, migrant women would have to 'play catch-up' with Dutch women, "particularly in the area of work and social participation" (2017: 45). State-sponsored commissions for women's equality in the Netherlands were turned into agencies for the education and assimilation of minority and non-Western migrant women into "proper Dutch models of womanhood" (2017: 45). The notion that it is solely non-Western migrant women (especially Muslim) that need to be aided insinuates that gender inequality among white Dutch women has been eliminated, and reinforces the 'backwards culture' that these Muslim women purportedly come from.

In 2006 Wilders, who had left the VVD two years prior in protest at the party's consideration of Turkey joining the EU, founded the *Partij voor de Vrijheid* (The Party for Freedom, from here on, PVV). This was immensely inspired by Fortuyn's xenophobic politics - the primary objective being a campaign against non-Western migrants and Muslims in the name of the "Western values" of freedom and gender equality. Additionally, the PVV released a manifesto: "*Een Nieuw-Realistische Visie"* (A New Realistic Vision). This boasted of its goal to cure multiculturalism (i.e. the "excesses of liberal freedom"), with Islam being targeted as the single-largest threat to the liberal Western lineage of democracy and the values that come with it (2017: 30). In 2008, Wilders released the film *Fitna* (a theological term meaning 'strife' or

'rebellion' in Arabic), which stirred much controversy, and built on from the murder of van Gogh four years prior. This presented gender inequality and violence as inherent to Islam, coupled with images of the 9/11 attacks, Muslim fundamentalists cheering on Nazism and the killing of Jews, and the murder of Theo van Gogh. In short, the film portrayed Islam as a political ideology intent on ruling the world and having "gay people killed, women stoned to death and children turned into terrorists" (2017: 31). By the time the general elections came in 2010, Wilders was considered the most controversial and discussed politician in the Netherlands. The PVV's focus largely centred around multiculturalism and Islam (namely the 'inherent' misogynistic and homophobic characteristics of it), as well as anti-immigration. The results were positive for the PVV: 15.4% of the votes were won (an almost 10% increase from the 2006 election), making the PVV a "key force" in the constitution of the new government.

In 2012, the VVD withdrew its support from the *Rutte 1* government, thus ending the coalition and spurring another general election. Herein, the PVV engaged their familiar anti-Islam rhetoric in the name of gay and gender equality. Evident were the ambiguities with which the party fought to address gender issues. The party mocked EU directive quotas for women to be in the upper echelons of companies, as well as remained silent on 'traditional' gender equality issues - such as the pay-gap or women's participation in the public sphere - and intervened on the matter of women's equality solely with regard to immigration and Islam (2017: 32). This can be seen through a proposal in their 2012 program: "to limit child benefits to families with *no more* than 2 children" (emphasis added). As immigrant families have, on average, larger families than Dutch, this is a brash attempt at exclusion. Additionally, the PVV proposed to tax women who wore the headscarf. Contrary to their 2010 success, they lost 5

percentage points as well as 9 seats, although remained the third party in the Netherlands. In 2013, on International Women's Day - March 8th - the PVV released a document devoted to violence against women under Islam (*Geweld tegen Vrouwen binnen de Islam*). This focused on gendered violence amongst Muslims in the Netherlands, with statistical honour killings in Turkish and Moroccan communities contrasted with domestic violence in Dutch households. While domestic violence among Dutch people was most often seen as "unpremeditated", the violence occurring among Muslims was purported to be "inextricable" from their culture (2017: 32). The justification here being that, due to a lack of meditation/increase of impulse (from the side of the Dutch), the actions were less reprehensible, but remained socially unacceptable.

It is evident that the debates within the political sphere of the Netherlands (from 1991-2013) regarding Islam - and immigration more generally - are fraught with tension, and it is within this simplified historical 'timeline' that the convergence of femonationalism has come to be. Born out of and, in part, the cause of this "fundamental tension and contradiction", the convergence that results in femonationalism may be perceived as a Gordian knot: between the non-emancipatory forces of Islamophobia and racism on the one hand, and against sexism and the patriarchy on the other.

Femonationalism: A Brief Definition

Within this historical context, Farris places great emphasis on the convergence that femonationalism represents: "both the exploitation of feminist themes by nationalists and neoliberals in anti-Islam (and anti-immigration) campaigns, and the participation of certain feminists and femocracts in the stigmatisation of Muslim men under the banner of gender

equality" (2017: 4). Debate among certain feminists concerning Islam is split, there is a fundamental disagreement as to whether gender relations in the West are more advanced and must be taught to Muslim women. The notion that Muslim women are 'passive objects' that need teaching is dismissed by Farris. Whilst this very same debate leaves femonationalism (as a real, tangible phenomenon) fragile, so too does it reinforce it: "privileged insiders" - such as Ayaan Hirsi Ali - give weight to the convergence, and further add to its complexity.

Farris labels femonationalism an "ideological formation" (2017: 12). The two most pertinent reasons for this are as follows: firstly, it permits us to observe the common conviction that underpins it - the West over the Rest. Secondly, as it operates through "discursive regularities". This is due to the fact that, in order to "mobilise feminism" to promote anti-immigration (thus anti-Islamic) policies, a mass media apparatus is needed. This can be seen through Western media following the 9/11 attacks. As will become evident, there exists a "conclusive association" between gender violence and Islam - one that is purposefully utilised to the benefit of right-wing politicians within the Netherlands. Finally, the contemporary femonationalist ideological formation, "has been constructed and nourished particularly by the depiction of Islam as inherently misogynistic, and of Muslim men as fundamentally unable to respect women's rights" (2017: 111). Put simply, there is a manipulative mobilisation of women's rights and gender equality placed within a nationalist framework.

The Culturalization of Citizenship & Civic Integration Policies

(A) The Culturalization of Citizenship

Until the 1960s, the Netherlands was considered one of the most liberal countries in the West, and is today looked at as one of the most secular. It was until this period that Dutch society was organised through denominational 'pillars'. These pillars were religious and humanist structures, composed of their own schools, media, political parties and social and cultural institutions (Tonkens & Duyvendak., 2016: 9). However, following the 1960s, a period of 'de-pillarization' followed, wherein there was a break from the old "paternalistic" and "oppressive structures" that the pillars were portrayed to represent. A result of the 'long-1960s' was a society that came to "look askance" at all forms of moral traditionalism, and as such, religion was depicted as "out of sync" with the "progressive secular morality" that the Dutch majority came to embody (2016: 9). For example, the percentage of Dutch who believe that 'homosexuality is normal' is the highest in the world. Duyvendak et al., write how "progressiveness has become part of national mythology" (2016: 9). It is through this narrative that Joan Scott writes on "sexularism" (Scott, J., 2009 as referenced in Tonkens & Duyvendak, 2016: 10), wherein "secularism, sexual liberties and sexual democracies merge with Orientalist discourses of 'the Muslim' and 'backward' other who is deemed sexually repressed and incapable of respecting the social and political equality of women and sexual minorities" (2016: 9). Rather than acknowledge that the cultural revolution of the 1960s and the feminist movements of the 1970s and 1980s were enacted against the Dutch mainstream culture, it has instead been appropriated by it. Women's and gay rights are traced

back to the 'Judeo-Christian roots' of the country, as opposed to the result of a struggle against doctrines informed by conservative Christian morality (2016: 9).

Duyvendak et al. (2010), argue - albeit contentiously - that the Dutch policies of the 1970s demonstrate how the Netherlands was never truly multicultural, despite the multiculturalist discourse. Reference is made to policies which ensured the maintenance of cultural identity, which were in fact intended to encourage migrants' return to their countries of origin. More recent policies insist that migrants adjust to Dutch culture, norms and values, so as to avoid the danger of "insufficient social cohesion" (2010: 2). Since the process of de-pillarization, the majority of Dutch society has become more culturally homogenous, agreeing on matters of family, gender and sexuality - comprising an "enlightened moral majority" (2010: 4). What merits attention is the fact that such a progressive society dictates the requirement for conformity from migrants, or from those whose views are not 'progressive'. Although this "progressive cultural consensus" has given a platform to Muslims protesting matters of misogyny, homophobia and a lack of freedom of speech in their own religious traditions, so too has it resulted in a value gap between some Muslim groups and the majority population that is larger than most other countries (2010: 6).

As noted, partially as a result of the events of 2001 and 2002, right-wing populist/nationalist politicians and parties posited migrants as a threat to social cohesion and national identity. When the *Pim Fortuyn List* took second place in elections whilst touting Islamaphobic rhetoric it, "...did not fit the Netherlands' global image… as a wealthy, tolerant and perhaps excessively liberal society" (2010: 2). This debate is shrouded in an "ahistorical, reifying notion of culture". A closed, timeless and conflict-free cultural whole, borne by citizens carrying

the same beliefs, norms and traditions. This approach to culture is restorative: the product of a timeless consensus needs protection from the Muslim minorities that are "potential harming influences on society" (2010: 1). Religious symbols such as the call to prayer and the headscarf are presented as a threat to gender equality and to Dutch culture. As indicated in the name, not only does this notion of culture need protecting, but so too does it require restoration, done through reference to historical canon. It is to this restorative culture that migrants must show their loyalty.

The notion of "full citizenship is two-fold (2016: 2). Firstly, it concerns the legal rights that a migrant gains when granted citizenship. Secondly, they also gain "symbolic access to national belonging", and as such are recognised as co-citizens (2016: 2). To obtain this full status has become more difficult in recent years, with second or third generation immigrants unable to garner symbolic recognition, a result of a static and essentialized understanding of culture, reinforced through a process of citizenship that has culture at its core. The culturalization of citizenship takes place within this rigid notion of culture. Duyvendak et al., write on 'emotive culturalization' (2010), which "concerns issues such as how, where, with whom, and under what circumstances citizens feel at home, feel they belong, feel respected, and feel there is room for them". These are labelled 'feeling rules' (2010: 8). As such, this is bound to the ways in which citizens show their feelings of attachment, belonging and loyalty to their country of origin. Needless to say, these feelings are not necessarily easy to decipher in strangers. Hence, certain actions can be taken as symbolic of such feelings - e.g. (not) having dual nationality (2016: 3).

Requiring a degree of cultural adaptation is not, per se, racist. Indeed, it can assist migrants' socio-economic success. However, setting a priori cultural norms that give access to

citizenship which newcomers must simply adopt is problematic, as it "claims a monopoly over what culture means and what "our" cultural values are" (2016: 6). Rather than viewing culture as something set, it ought to be taken as evolving, given and ongoing, and formed by internal clashes and power struggles, as the feminist movements of the 1970s-1980s are a testament to. Compelling immigrants seeking to gain citizenship to portray their loyalty (or feelings) to their new country could result in people feeling ostracized and disingenuous - an act, rather than actual allegiance to (in this case) the Netherlands. Consequently, the culturalization of citizenship is a process by which increased meaning is placed on cultural participation (in terms of norms, values, practices and traditions), in addition to citizenship as rights and socioeconomic participation (2010: 7). In conclusion to analysing the problems posed by this approach, the culturalization of citizenship results in 'secularism' and 'freedom' being conflated to the point that 'freedom' implies a submission to Dutch culture (2016: 10).

(B) Civic Integration Policies

The establishment of civic integration policies was preceded by "ethnic minority policies", or *Minderhedennota,* of the 1980s (viewed as the basis of Dutch multiculturalism). Integration (a "process of emancipation") was seen as something which took place in institutions funded by the Dutch government, such as religious schools, and not in Dutch society at large. The sole integration policies existing at the time were for Dutch nationals returning from the colonies (e.g. courses for ethnic Dutch women on "domestic arrangements and proper Dutch housekeeping") (Farris, 2017: 85). The 1990s not only heard the death knell of the viability of multiculturalism, but also saw integration assuming a new meaning; stress was now placed on knowledge of the

Dutch language. In 1998, the same year the Dutch government admitted to being a "country of migration", a law was passed making it compulsory for all newcomers to participate in a language course.

The political shift to the right in the early-2000s enabled harsher immigration policies to be passed. Between the period of 2005-12, the Netherlands adopted a series of guidelines concerning immigration policy, advised by the European Council (EC)[2]. Labelled by Farris as "the most concrete and sinister form of the institutionalization of femonationalism" (2017: 20), civic integration policies can also be taken as a clear demonstration of the process through which the culturalization of citizenship occurs, formulated and enacted in a time when the zeitgeist was that of xenophobia and nationalism. In 2005, Common Basic Principles (CBPs) were introduced in order to "assist member states in formulating integration policies"[3]. The first CBP frames integration as a "dynamic two-way process of mutual accommodation by all third country nationals and residents of member states" (2017: 83). Rather than a "dynamic two-way process", CIPs prescribed the individual as she who bears the responsibility concerning social cohesion, as well as the capacity to be a productive member of the polity, thus placing the blame on the individual (immigrant) should there be 'insufficient' social cohesion. Whether the onus of responsibility should rest on the shoulders of those seeking citizenship is a point that will be examined in relation to the discussion on public reason.

CIPs are a tangible way to address state's idiosyncrasies regarding policies of immigration and integration, as it becomes clear how a state defines its institutional and moral pillars of society. The Netherlands was the first country to place gender equality and women's

[2] Which would shape the philosophy of integration policy at a continental level.

[3] Through a document released by the EC, entitled, *A Common Agenda for Integration - Framework for the Integration of Third Country Nationals in the European Union.*

rights as tenets of their most important nationally-shared values - something that had been a contested matter merely 20 years prior. Additionally, they enacted pre-integration procedures; i.e. integration programs in migrants' countries of origin, reinforcing the idea of culture - viewed as a central component of citizenship - as something fixed, and which one should 'learn' beforehand[4]. With these programs, integration was changed from a process occurring over time, to an a priori condition, with integration considered a precondition for admission. This was applicable to all, but especially to a certain type of migrant - those "unfit" for Dutch society because of their "averse" characteristics - with the most noteworthy groups being marriage migrants from Turkey and Morocco (2017: 86). Family members from Western nations, Western nationals and "migrants occupying a privileged position on the transnational labour market" were not required to go through these programs. In 2019, the self-study kit migrants are compelled to buy to study for the pre-integration exams cost €150; reinforcing the exclusive nature of the process (*Naturalisatiedienst*, 2019).

Passed in 2007[5], entitled *Wet Inburgering* - the Civic Integration Act - aimed at strengthening the aforementioned 1998 law, created another adjustment of the 'definition' of integration. Participation in a language course was no longer sufficient, integration needed to be demonstrated through exam results (2017: 86). Once passed, migrants could apply for permanent residency and thus citizenship. With reference to 'full citizenship', this would only achieve gaining "one part": legal status. Hence, CIPs became legally enforceable, with nonobservance punishable via financial penalties or the denial of a legal residency permit (2017: 91). Through

[4] This came in the form of the Civic Integration Abroad Act (2006), which requires non-European/non-Western immigrants seeking to migrate to the Netherlands for either family reunification or religious purposes to demonstrate basic knowledge of Dutch language and society.

[5] Detailing that, only once applicants have passed the Civic Integration Abroad Act may they then travel to the Netherlands, but have to take a follow-on exam within 3 ½ years to gain permanent residency

CIPs it can be deduced that not only is integration an individual affair, but is indicative of a restorative version of culture - one which migrants must learn about before coming into contact with Dutch society, and de facto have no say in the creation of when they do.

Through engaging a critical discourse analysis, Farris writes that CIPs depict a "narrative of rescue targeting Muslim women according to a nationalist register" (2017: 82). This claim is supported through reference to the Civic Integration Abroad Act, in preparation for which, applicants must watch a film - *Naar Nederland* (Going to the Netherlands). Emphasis is placed on the difficulties of integration (thus, the importance of migrants' goodwill), and there are frequent demonstrations of social equality (a pillar of the Dutch social contract): women sunbathing topless, or pictured in bikinis, and men carrying out chores in the kitchen. "Culture based" forms of behaviour that are forbidden by law are stressed, such as domestic violence or female genital mutilation (FGM). Regardless, research carried out by the Pharos Knowledge Center and the Erasmus Medical Center in Rotterdam estimated that the number of young women living and circumcised in the Netherlands to be 41,000, and that - should no action be taken on the matter - 4,200 more are likely to be circumcised within the next twenty years (*NOS,* 2019).

One of the main goals of the CIPs is the 'emancipation of migrant women'. However, throughout civic integration programs, migrant women are portrayed as culturally oppressed and with an emphasis on women as mothers (Kirk, K & Suvarierol, S., 2014: 241). Women who could be assisted in becoming good 'Dutchified' parents were perceived as being "key mediators" in the influencing of second generations, with the existing second generations' poor work and educational outcome thus blamed on their mother's "poor societal integration" and

Muslim background. This is suggestive of 'evidence' of second generation immigrants who are still not yet seen as fully 'Dutch', although they may be born and raised in the country, and may speak the language fluently. With reference to the Civic Integration Act of 2007, a central part of the examination can be evaluated based on a portfolio of 'evidence collection'; proof of the loyalty migrants have unto their new country: feeling rules. Although free to choose, often applicants are pointed in a certain direction concerning the focus of the portfolio. Most frequently, it is women who complete the portfolio, *Onderwijs, Gezondheid & Opvoeding*, or Education, Health and Parenting (OGO), which covers 'good parenting' models, and requires proof attesting to the fulfillment of good parenting tasks. The portfolio seemingly prepares migrant women to assume their roles as mothers, reinforcing the way in which they are perceived: as mothers, not autonomous actors (2017:95).

Farris, using critical discourse analysis, argues that, in part, this is because non-Western & non-European women (especially Muslim) are seen to be "cultural reproducers of the nation" (2017:102). Their apparent need for rescue is all the more pressing due to their being "carriers" of a non-Western culture, and as such in need of education in Dutch (pre-determined) cultural values, so as to make them "allies" in the West's struggle against the oppressive practices of non-Western communities, passing these lessons onto the next generation. This generation does not get full citizenship merely as a result from being born in the country, having citizenship and speaking the language. As such, Farris argues that migrant women are representative of a "Trojan horse", and may be used as "vectors" for integration, "bearers" of the collective", and "bridges" between the hosting and hosted communities (2017:103). Through this, one could derive that national idiosyncrasy and religion must be disregarded by non-European - and

particularly Muslim - women, if ever they are to be regarded as women *qua* women. Regarding the culturalization of citizenship, it can be assumed that there is a fixed culture that migrants must learn to fit into, or not gain citizenship in the first (legal) sense. If they are to gain full citizenship, more than language must be acquired; the very culture the migrants are refused a part of must be embraced, and their loyalty to it proven. As asserted by Farris, CIPs are a means of projecting a stereotypical image of Muslim women in particular (i.e. submissive, oppressed and in need of rescuing), and mould them into mothers with Western values in order to negate their being bearers of non-Western cultures. Through the information presented, it becomes evident that CIPs can be taken as an example of the culturalization of citizenship, compelling immigrants to abandon their cultural values and adopt those of the (Dutch) nation-state.

On the Influence of a Comprehensive Doctrine on Society

In the following section, the extent to which a comprehensive doctrine should influence (a) society shall be investigated through the idea of 'public reason', which dictates that "the moral or political rules that regulate our common life be, in some sense, justifiable or acceptable to all those persons over whom the rules purport to have authority", and as such act as a standard for assessing rules, laws, institutions and the behaviour of individual citizens and public officials (Quong, J., 2017). Through the lens of public reason - explained through Rawls (1997), Habermas (2006), and Bilgrami (2014) - the justness of CIPs and the consequent culturalization of citizenship will be further scrutinised. This thesis contends that the policies discussed above as well as the general process in itself can be taken as a means of imposing a form of a comprehensive doctrine - religious, philosophical or moral - on those who seek to gain

citizenship in the Netherlands, and in so doing attempt to interfere in something far too complex for any generalised approach to be taken. This is shown most explicitly through Rawls and his discussion on the family (1997: 787-793). Beforehand, the topic of marital captivity in the Netherlands shall be introduced - spotlighted through the case of Shirin Musa - as a simple and concise example of the benefits of state intervention in light of public reason.

Marital Captivity in the Netherlands: the case of Shirin Musa

Marital captivity, put simply, is the "dire situation of women whose husbands will not give them a religious divorce" (The Economist, 2017). In the Netherlands, the law dictates that a religious wedding cannot take place unless a civil union has also been contracted. Although Dutch laws may terminate civil marriages, women can be forced to remain informally married "either under the law of their religion or under the civil family law of their country of origin" (Femmes for Freedom, 2019), as a Dutch civil court cannot nullify a religious marriage (or one that took place in another country). Marital captivity is found within Islamic, Jewish, Catholic and Hindu communities in the Netherlands, and "leaves women vulnerable to extortion, manipulation and abuse" (Femmes for Freedom, 2019). Generally speaking, when a woman wishes to end her religious or foreign marriage, the cooperation of her husband is often of paramount importance.

It is the refusal of cooperation on the part of the husband which leaves a woman trapped in a marriage, placing her in a precarious position; "a position from which they experience negative consequences both in their religious community in the Netherlands and in their country

of origin" (Femmes for Freedom, 2019). While tied to a religious marriage, a woman lacks independence, and "is hampered in her emancipation, self-determination and participation in Dutch society" - whether having already gained citizenship (on paper) or in the process of doing so, this is something that mars the potential for (general) social cohesion. Among religious societies - be it in the Netherlands or elsewhere - if a woman starts a new relationship or remarries according to civil law but without a religious divorce, she could be considered "adulterous… which could lead to honour based violence and a prosecution in Islamic countries" (Femmes for Freedom, 2019). In a majority of Islamic countries, Shari'a-based family law is in place, which rejects 'secular' (civil) divorce, and therefore classifies the couple as married.

In 2018 an amendment was made in the Dutch Civil Code, which compels both partners to cooperate to enable the dissolution of a religious marriage. The case of Shirin Musa - a Dutch citizen and founder of Femmes for Freedom - saw Dutch courts intervening on behalf of a woman in a state of marital captivity, and was pivotal in the development of legislation to protect women in similar situations. Ms. Musa was unhappily married to a man from her native Pakistan, when she ended the marriage under (Dutch) civil law in 2009, her husband would not grant an Islamic divorce; "although she lived in a secular Europe, this refusal mattered. If she remarried, she would be considered an adultress under Islamic law and risk punishment if she returned to Pakistan" (The Economist, 2017). Ms. Musa pursued the case through the Dutch courts, gaining a "landmark judgement" in 2010: (her spouse) "would be fined €250 ($295) a day, up to a maximum of €10,000 ($11,795), as long as he refused to cooperate" (Economist 2017). Needless to say, the matter was promptly resolved.

Public Reason

Proponents of public reason present the idea as something that inherently conceives of persons as free and equal (e.g. Rawls, 1997: 767) - one is free insofar as they are not subjected to others' moral or political authority. There is an assumption that, as a result of the normal functioning of human reasoning, there will be a "deep and intractable disagreement amongst some people" (Quong, 2017). This is also a feature of 'reasonable pluralism' - a basic aspect of democracy and the outcome of freedom and equality - wherein a "plurality of conflicting reasonable comprehensive doctrines, religious, philosophical, and moral, is the normal result of its culture of free institutions" (Rawls, 1997: 766). Due to the understanding that, as a result of "irreconcilable comprehensive doctrines", citizens are unable to "even approach mutual understanding", public reason serves as a pertinent means of avoiding such deep-set contradictions in certain matters (1997: 766). Under the assumption that there will be disagreement among citizens, public reason allows for deliberation and discussion of certain matters on equal footing. For instance, those who claim that Muslim men are "fundamentally unable to respect women's rights" (Farris 2017: 111), as well as those who would resolutely discredit this statement; regardless of the stance one takes, under public reason, both parties would engage in a process of deliberation and discussion on the matter at hand.

The question concerning how certain moral or political rules can be rightly imposed on all - especially considering these deep disagreements - is answerable via public reason through the fact that these rules are only 'rightly' imposed when they can be justified by appealing to ideas of arguments that those persons endorse or accept. Therefore, in order to replace

comprehensive doctrines of truth or right, public reason seeks to ensure that the idea of the politically reasonable is addressed to citizens as citizens (1997: 766): as free and equal persons. Regarding questions of gender equality, if one were pushing for their religious comprehensive doctrine on, say, gender-unjust religious family law, it would have to be stated in a way that appealed to arguments that those whom you were trying to convince could plausibly accept. Saying that a law should be in place as it is commanded by God, would not hold, as it makes reference to a comprehensive doctrine as a sole means of justification. Extending this to the aforementioned case of Shirin Musa, one can take the refusal of her at-the-time spouse to be one that was grounded in religious doctrine, and did not consider Ms. Musa as a free and equal person; thus going against public reason.

Whilst this theory is applicable to both moral and political rules, so too is it a standard by which individual behaviour may be assessed: *because* of the fact that we make moral and political demands of one another, if we are to comply with the idea of public reason, we must "refrain from advocating or supporting rules that cannot be justified to those on whom the rules would be imposed" (Quong, 2017). Rather, we are compelled to support/advocate for rules which we sincerely believe can be justified by appeal to widely shared considerations - e.g. by appealing to freedom for all. As such, as opposed to appealing to "religious arguments or other controversial views over which reasonable people are assumed to disagree", we should seek that which we can reasonably assume that other people could also reasonably endorse. This stands in stark contrast to the discourse promulgated by politicians such as Wilders, an example being the call for a "liberal jihad" against Islam. The apparent 'value gap' between certain Muslim groups

and the majority population (of the Netherlands) - which is larger than most other countries, demonstrates just how successfully these 'arguments' (in the form of policy) are endorsed.

Public reason does not aim for either consent nor truth[6]. Indeed, the "zeal to embody the whole truth in politics is incompatible with an idea of public reason that belongs with democratic citizenship" (1997: 767). Instead, as mentioned above, it demands the justification of our moral and political principles - a justification that must be reasonably acceptable to those whom the principles are meant to apply. Public reason can be thought of as a 'middle ground' between truth and consent (Quong, 2017). The assumption that there be certain deep and intractable disagreements between people is a primary part of the rationale for public reason; without it, it becomes difficult to describe why our moral or political principles need to be justifiable or acceptable to others, rather than merely true or correct. Within this framework, there exists a community, or a 'civic friendship' (Rawls, 1999: 771). This is bound to a 'criterion of reciprocity' that comes into existence when people are willing to propose and abide by fair principles of cooperation acceptable to others, provided that those others are likewise willing (Rawls 1996: 49-50, as cited in Quong, 2017).

A role for the criterion of reciprocity is to "specify the nature of the political relation in a constitutional democratic regime as one of civic friendship" (Rawls, 1997: 771). Public reason allows for - at the deepest level - the basic moral and political values that are to determine a constitutional democracratic government's relationship to its citizens and their relation to one another. Put simply, it looks to determine how the political relation of free and equal citizens is to be understood. As indicated by the "culturalization of citizenship", it can be argued that the

[6] Although there is an idea that the truth matters. This can be taken through policies that are determined by the natural sciences - e.g. climate change - which would also fall under public reason.

nature of civic integration programs is centred around assimilation, rather than integration; insinuative of an inherently one-sided relationship - thus a violation of civic friendship. The 'Other' must assimilate into the dominant culture, ignoring the criterion of reciprocity. From this perspective, the 'Other' needs to assimilate according to public reason - regardless of how liberal the public reason may be - and thus to share a predetermined notion of reciprocity, at odds with the 'Other's' situatedness (i.e. culture, knowledge, rationality etc.).

For citizens to engage in public reason, they must "think of themselves as if they were legislators", and in doing so, "repudiate government officials and candidates for public office who violate public reason" (1997:769). This both reinforces the process of deliberation (pivotal to Rawls' notion of a deliberative democracy) and allows for citizens to enact their citizenship - both by adhering to public reason and by holding officials accountable to their actions and standards set. Rather than making this legally binding - which would be incompatible with freedom of speech - this is an "intrinsically moral duty", and extends to the duty of civility. In other words, this duty of civility imposes the aforementioned moral obligation on civilians to explain to one another how, regarding constitutional essentials and matters of basic justice, the political positions they advocate and vote for can be supported by the political values of public reason (Rawls 1996: 217, as cited by Quong, 2017). For Rawls, it is this moral obligation that allows one to fulfil their duty of civility. This contrasts with the CIPs, which have an "obligatory nature by law, with a nonobservance punishable via financial penalties or even the denial of a legal residency permit" (Farris 2017:91).

Again, by thinking of themselves as if they were legislators, citizens would hold both themselves as well as public officials to the 'right' standard. This moral duty reinforces the idea

of public reason, reiterating the need for one to genuinely believe in the arguments they put forward, as well as their ability to be reasonably accepted by others. This is detailed in the duty of civility, wherein lie two forms of discourse - declaration and conjecture (1997: 786). In the first, one's comprehensive doctrine is given, as well as arguments as to why one could be expected to adopt it. In the latter - which must be "sincere and not manipulative" - we try to conjecture what we believe to be others' basic doctrines, trusting that, despite their own comprehensive doctrines, they are still able to endorse an alternative reasonable political conception, implicit of a mutual respect and deliberation. Viewed from the perspective of public reason, it becomes clear that the duty of civility is yet further violated by the CIPs. The first aspect of discourse could be said to be, in part, fulfilled: the comprehensive doctrine being the completion of necessary steps to gain citizenship. Calling for migrants to learn the language of their 'host' country is not uncouth. Indeed, it serves obvious practical purposes. If the arguments given as to why one should adhere to CIPs conform to the idea of public reason is another matter.

Whether there is any satisfaction of 'conjecture' is even less plausible. Recall that one of the main goals of the CIPs is the emancipation of migrant women. Yet, "throughout civic integration programs, migrant women are portrayed as culturally oppressed and with an emphasis on women as mothers" (Kirk, Suvarierol, 2014: 241). Although (social) equality is declared as central to Dutch culture, through the portfolio of evidence collection (which serves as proof of loyalty migrants have to their new country: feeling rules) relating to Education, Health and Parenting (*Onderwijs, Gezondheid & Opvoeding*), the majority of migrants who complete this portfolio are women. As noted, applicants are free to choose what they do, but are in fact

influenced as to the topics. Whilst promulgating the notion that gender equality is a fundamental tenet of Dutch society, integration policies seek to reverse this very same thing. This approach contrasts starkly with the 'protection' of Shirin Musa - a Dutch citizen - and the consequent safeguarding of the very same tenet.

Bilgrami on 'Truth'

As opposed to Rawls, Bilgrami (2014) raises the idea of 'truth' through the discussion of deep disagreements over values. The acknowledgement of the existence of another 'other' truth weakens the strength of a state, as it has to consider that each different person/group, and the substantive values they hold, may plausibly have a degree of truth to that which they state/claim. It is because of this that, "a state has to manage these different true standpoints" (2014: 37). In Rawlsian jargon, it could be taken that these "true standpoints" are similar to comprehensive doctrines, as each maintains its 'rightness' over the others. Whereas, for Rawls, the claim of complete truth is not merely problematic, but rather utterly "incompatible with the idea of public reason", for Bilgrami, it would be better to do away with this notion, and assume the "default position" (2014: 43). To understand this position, we must address the distinction between internal and external reason. The former can be explained as, "reasons that rely on specific motives and values and commitments in the moral psychologies of individuals (or groups)". These reasons are not justifiable on purely rational grounds, able to convince all. Instead, they may persuade those who "hold the same substantive values to which those reasons appeal and on

which those reasons depend" (2014: 7). The latter: reasons that someone is supposed to have independent of his/her substantive values or commitments (2014: 7).

The default position, "says that when there is an intractable value-disagreement between two parties, history may always inject, in one of the parties, the sort of internal conflict necessary for the other to provide internal reasons to it" (2014: 43). In so saying, Bilgrami argues that the default position allows one to make no concessions to a "possible right or truth or correctness on the side of one's opponent in cases of interesting and deep moral and political dispute" (2014: 44). Rather than accept the potential truth that others offer, something emphasises the need for justification to one's "opponent", Bilgrami ascertains that, through taking a "higher-order evaluative stance"[7], a "secular liberal can express the confidence that disputes in identarian contexts with illiberal tendencies need not ever produce the despondency of saying that perhaps both sets of principles may have their own sort of right on their side" (2014: 44).

This "higher-order evaluative stance" can in part be taken from Rawls - albeit in less explicit language - who details the need for values to be ordered, and for political reasons to be divorced from secular or religious reasons (which are accepted by individuals and groups). Relating this to, for example, FGM in the Netherlands, this approach could result in conclusive action towards the problem: there would be no need to concede any degreee of 'truth' whether it is a harmful, gender-unjust practice or not. However, this is not without its problems, as it allows for one - in the illustration given above, the 'secular liberal' - to dismiss any arguments that differ from their own. Whilst certain practices could be taken, prima facie, as discriminatory, so

[7] i.e. the default position, which assumes the course of history to inject some sort of internal conflict in one of the conflicting parties which will allow for them to provide internal (substantive) reasons to them and thus 'see' the other side of the argument.

too could there be beliefs that ought to be respected and discussed - the distribution of work in the household being a case in point, and discussed below.

Bilgrami argues that refusing to accept that there be different 'truths' is a form of humanism: "When one is in a moral dispute with another, even if it is a bitter and vexed dispute, it is far better to be (sic) have an attitude of *inclusiveness* toward one's foe that makes one strive to share the truth as one sees it with him, rather than to adopt an *excluding* attitude and say that he may have his own sort of truth or right on his side" (2014: 45). As such, taking the stance of Rawls, in the framework presented by Bilgrami, is exclusive. It is to say that "you can never be my brother", because of the truth that he holds, which "you" grant him as possibly right. What Rawls considers as "a mutual respect and deliberation", would to Bilgrami seem as a lesser respect than the one he puts forth. Instead, of "you can never be my brother", one must say, "you must be my brother", and in so doing, you, "refuse to allow him his own truth and to strive to convince him of the truth as you see it and judge it… to show the requisite attitude of inclusiveness towards him" (2014: 45). This is indicative of the degree to which one cares for their foe as well as the truth.

The respect that is shown, according to Rawls, through listening and deliberating with one another, on the knowledge and assumption that all involved are willing to change their opinions based on the reasons presented, is, to Bilgrami, exclusivist. Rather, by not allowing another their own truth, you are showing (them) a sign of great respect, "including him in humanity, that you deeply want him to believe what you believe to be the truth rather than grant him as a truth (*his* truth), what you take to be deeply false" (2014: 46). Put into (theoretical) practice, if one were to take certain religious laws (e.g. religious marital law), this approach

regarding truth would not grant any (relativistic) truth to them. There would be no concession regarding "exclusive truth", or questions concerning the commitments of a state in light of its basic rights and liberties. Although this resembles the process of the culturalization of citizenship, wherein a "progressive society dictates the requirement for conformity from migrants…" - indicative of the impermissibility of other points of view as regards the truth (concerning certain value-judgements) - so too can it be taken in a different way. In light of the basic rights and liberties pertaining to gender, an example can be seen through marital captivity: rather than permit the "exclusive" truth of a religious marriage - i.e. that the husband must agree to a religious divorce - the state (or, in the case presented, the courts), in light of the value the Netherlands placed on women's rights and gender equality, could instead implement measures that ensure the religious divorce is concluded - whether it recognises religious marriages or not. As such, no truth is ceded: women are granted equal rights as men.

What makes reason public, and to whom does it apply?

Rawls lists five different aspects in the structure of public reason: the fundamental political questions to which it applies, the persons to whom it applies (government officials and candidates for public office), its contents as given by a family of reasonable political conceptions of justice, the application of these conceptions in discussions of coercive norms to be enacted in the form of legitimate law for a democratic people, and the citizens check that the principles derived from their conceptions of justice meet the conception of reciprocity (Rawls, 1997: 767).

In addition to this, Rawls lists three ways in which reason is made public. Firstly, as a result of the reason belonging to free and equal persons, it is the reason of the public. Secondly, its subject is the public good concerning questions of fundamental political justice (pertaining to questions of two kinds: those of constitutional essentials - principles that structure the government and political process - and matters of basic justice). Finally, "its nature and content are public", which is expressed in public reasoning by a "family of reasonable conceptions of political justice reasonably thought to satisfy its criteria of reciprocity" (1997: 768).

As such, the idea of public reason only applies to the discussion of questions in the public political forum, which Rawls divides into three parts: the discourse of judges; government officials and legislators; and that of candidates for public office. To clarify, the public political forum is the arena wherein fundamental political principles and institutions are shaped and debated, and where political power is most directly exercised. When engaged in discourse in this 'arena', "officials must refrain from appealing to religious or other comprehensive doctrines over which reasonable persons are assumed to disagree, and instead make arguments that appeal to our shared political values" (Quong, 2017). Rawls distinguishes between this and the 'background culture' (i.e. the culture of civil society) - something which bears relevance to discussions amongst/within private associations, family members, universities or religious institutions (Rawls 1996: 220, as cited by Quong, 2017). Applying this approach to CIPs demonstrates that they seek to interfere with the background culture through attempts to enforce certain cultural practices in immigrant families.

Justice: a Means of Justification

A citizen engages in public reason when she deliberates within a framework of what she "sincerely regards as the most reasonable political conception of justice, a conception that expresses political values that others, as free and equal citizens might also reasonably be expected to reasonably endorse. Each of us must have principles and guidelines to which we appeal in such a way that this criterion is satisfied" (1997: 773). The ways in which we can reach these principles and guidelines are numerous, and as such the content of public reason is given by "a family of political conceptions of justice, and not by a single one" (1997: 773). Due to there being a "family of political conceptions", there are thus many forms of public reason. The singular limiting feature of these forms of the criterion of reciprocity - "viewed as applied between free and equal citizens, themselves seen as reasonable and rational" (1997: 774). There are three features that characterise these conceptions. In the first place, there is a "list of certain basic rights, liberties and opportunities" (e.g. freedom of speech, or gender equality). Secondly, there is "an assignment of special priority to those rights, liberties and opportunities, especially with respect to the claims of the general good…". Finally, there are measures in place which ensure that all (citizens) have the adequate means to "make effective use of their freedoms" (1997: 774). Each liberalism endorses the idea of citizens as free and equal and as society as a fair system of cooperation over time. As mentioned, CIPs can be said to violate this 'singular limiting feature', and as such fall out of this family of political conceptions of public reason.

To illustrate the inherent political nature of public reason, Rawls turns to the concept of justice, a criterion that grounds the idea of public reason in something that we can consider fair and 'just': a common point of view. Indeed, public reason "proceeds entirely from a political conception of justice" (1997: 776). Therefore, by showing how certain principles can be the subject of public reason, attributable to an idea of justice, is how we can judge that these terms regulating our political institutions are fair. However, if our political principles were justified by appealing to a reasonably contested moral, philosophical or religious doctrine, then the terms of our public life would not be fair (Quong, 2017). Taking as an example the Dutch 'burqa ban' of 2019 - called for by Geert Wilders in 2005 and deemed by the UN Special Rapporteur on racism, Tendayi Achiume, as a law that has "no place in a society that prides itself in promoting gender equality"[8] (Al Jazeera, 2019): if one were to declare, based *solely* on moral, philosophical or religious doctrine, that all women should wear the burqa in public, or if one were to declare the illegality of the burqa, based *solely* on moral, philosophical or religious doctrine, then neither of these declarations would be considered 'fair', as both appeal to contested comprehensive doctrines.

As Rawls states, "the aim of justness as fairness… is practical: it presents itself as a conception of justice that may be shared by citizens as a basis of a reasoned and informed and willing political agreement" (1996: 9, as cited in Quong, 2017). Justice - "the first virtue of social institutions" - is therefore something that can be endorsed by all, a (supposedly) relatively uncontentious basis for public reason. The liberal political principles and values, as specified by

[8] Interestingly, as reported by the Guardian, the burqa ban was "rendered largely unworkable on its first day in law after both the police and Dutch transport companies signalled an unwillingness to enforce it." (Guardian, 2019)

liberal political conceptions of justice, are that which grant the content of public reason. These principles:

(1) Apply to basic political and social institutions (i.e., the basic structure of society),

(2) Can be represented independently of comprehensive doctrines of any kind (both religious and irreligious), but may be supported by a reasonable overlapping consensus of such doctrines and[9],

(3) Can be worked out from fundamental ideals as seen as implicit in the public political culture of a constitutional regime (for example, as all citizens as equal) (Rawls, 1997: 776).

Through these liberal political principles of justice we are able to introduce into public political culture at any time our own comprehensive doctrines, *provided that we give properly public reasons to support the principles and doctrines our comprehensive doctrine is said to support* (italics added, Rawls, 1997: 776). It is at this point that Rawls' Proviso can be raised: an injunction to present properly political reasons whenever introducing something into the public political forum. Importantly, proper political reasons are independent of comprehensive doctrines, although may be partially derived from them. Rawls details this as the "wide view" of public political culture. This 'wide view' is something that is reinvigorated through the concept of an "overlapping consensus" (of comprehensive doctrines): "it means that all of these doctrines, both religious and nonreligious, support a political conception of justice underwriting

[9] Defined as "a consensus on some policy that is aimed at by people with very different moral and religious and political commitments, who sign on to the policy from within their differing points of view, and therefore on possibly very different grounds from each other" (Bilgrami 2014: 8). Bilgrami contends that the idea of an overlapping consensus negates that of the 'original position', for "if one did not know what one's substantive position in society is, one presumably does not know what one's substantive values are" (2014: 8).

a constitutional democratic society whose principles, ideals, and standards satisfy the criterion of reciprocity" (Rawls, 1997: 801).

In theory and light of public reason, concerning the aforementioned example on the burqa, if one were to declare - based on proper political reason derived from religious doctrine - that women should have the (voluntary) right to wear a burqa in public, justified through reference to certain fundamental or constitutional rights - e.g. Article 19 of the Universal Declaration of Human Rights: the right to freedom of opinion *or expression* (United Nations, 1948) - one could justly make the claim that, based on the right to freedom of expression (in this case expressing one's religion through their clothing), (Muslim) women have the right to wear a burqa in public. Similarly, one could make the reverse claim, so long as it was grounded in a political conception of justice underwriting a constitutional democratic society whose principles, ideals, and standards satisfied the criterion of reciprocity, and not merely based on a comprehensive doctrine; secular or religious.

Whilst it is imperative that the proviso be carried out in good faith, "the details about how to satisfy the proviso must be worked out in practice and cannot feasibly be governed by a clear family of rules given in advance. This is "determined by the nature of the public political culture and calls for good sense and understanding" (1997: 784). Therefore, both "religious and secular" (comprehensive) doctrines may be introduced into public political culture, on the basis that the proviso is met. Thus, a comprehensive doctrine may be introduced, if it is justified on certain constitutional essentials, and under the honest belief that those to whom it is to apply may reasonably endorse it. Concerning the process of the culturalization of citizenship, it is

imperative that the demands made can reasonably be expected to be endorsed by those seeking citizenship. Thus, a value such as gender equality - be it raised through contentious matters such as a gender-unjust balance of work within a home, FGM, the compulsory wearing/banning of religious clothing or marital captivity - ought to be something considered by those imposing the policies (i.e. the state) can reasonably expect migrants to endorse.

Through such a process, no voices are silenced, as all can introduce what they wish into the public political forum, so long as they present proper political reasons (in good time) to justify their statements. The nature and content of the justification in public reason itself must be given in terms of a family of reasonable political conceptions of justice (1997: 784). Notably, the proviso separates background culture - the culture of civil society - from the public political forum, via an injunction to present proper political reasons when introducing any comprehensive doctrine - religious or nonreligious - into the public political culture. In other words, one's political identity as a citizen is more decisive than cultural backgrounds (be it of the self, family, group or nation). As previously indicated, by interfering in the background culture, CIPs violate the proviso.

Bilgrami agrees with Rawls regarding "a list of basic rights, liberties and opportunities" that a state should start with - ideals that do not mention religion or an opposition to religion - although believes that, once this is done, it is important to "move on to talk of political and institutional arrangements invoking the role of the state and its stance towards religion" (Bilgrami 2014: 11). As such, he presents a framework through which these rights and liberties may be protected, which he refers to as "lexicographical ordering", which lies under his idea of "(S)", which he labels a "minimal and basic characterisation" of secularism. He defines (S) as

and in light of the fact that: "should we be living in a religiously plural society, secularism requires that all religions should have the privilege of free exercise and be evenhandedly treated, *except when a religion's practices are inconsistent with the ideals that a polity seeks to achieve* (ideals, often, though not always, enshrined in stated fundamental rights and other constitutional commitments) *in which case there is a lexicographical ordering in which the political ideals are placed first"* (Bilgrami 2014: 12). Using this framework, values fundamental to a state - the "pillars" of its society, the basic rights and principles - are placed before the practices of a religion that could clash with them. It is when certain practices of a religion clash with "the ideals and goals (formulated without reference to religious or anti-religious elements) that a society has adopted, that a state can take an "adversarial stance" (2014: 4, 12-13) towards religion. Importantly, this is not "because of the particular, cultural sensibilities of majorities" (Tamimi Arab, 2019), but because the priority rests with the ideals adopted by the nation-state.

Lexicographical ordering assures and dictates that these values can coexist with other (comprehensive) doctrines, so long as they do not clash. If, as in Rawls, the rights, liberties and opportunities were devised of a neutral stance (i.e. neither pro-religion nor against it), the purpose of (S) and thus the need for lexicographical ordering would not be to 'target' religion - it would not seek to "polemically remove it root and branch from public life" (2014: 13). This is because Bilgrami is making reference to secular*ism*, a political doctrine, and as such, is merely concerned with religion insofar as it affects the polity. Recall the case of Shirin Musa, as well as the importance gender equality and women's rights have as a shared value in the Netherlands. In this example of marital captivity, a (religious) comprehensive doctrine clashes with tenets of nationally-shared values; gender equality and women's rights. Through compelling Ms. Musa's

ex-spouse to cooperate with the religious divorce proceedings, the courts - which fall under the public political forum - ensured that the pillar of gender equality and women's rights was placed before that of religious marital law. This can be said to be in line with Bilgrami's lexicographical ordering, as well as an example of the assuming of an "adversarial stance", and a clear demonstration of the benefits of state regulation.

Now some light has been shed upon the framework under which public reason resides, the question pertaining to comprehensive doctrines may be more concretely addressed: to what extent should one influence a society? Rather than declare outright that comprehensive doctrines should be eliminated, Rawls argues that citizens should be able to draw from their own (personal) comprehensive doctrines, so long as when they engage in the public political forum, they are able to justify and explain their reasons to others, and in a way that it is such a basic matter of justice that there is no way around it[10]. As such, it can be said that Rawls would argue for the restriction of comprehensive doctrines generally. However, this does not imply the dismissal of comprehensive doctrines entirely (see footnote). If one justifies their comprehensive doctrine via appeal to 'properly political reasons' - i.e. political values and ideals that are the very conditions for a democracy, such as citizens as free and equal - and finds expression

[10] To illustrate, Rawls gives the example of Abdullahi Ahmed AnNa'im, who attempted to justify the following of an earlier (Mecca) period of interpreting Shari'a - Islamic divine law - via the claim that Shari'a supported constitutional democracy:

"In particular, the earlier Mecca interpretation of Shari'a supports equality of men and women, and complete freedom of choice in matters of faith and religion, both of which are in accordance with the constitutional principle of equality before the law. An-Na'in writes: The Qur'an does not mention constitutionalism, but human rational thinking and experience have shown that constitutionalism is necessary for realizing the just and good society prescribed by the Qur'an. An Islamic justification and support for constitutionalism is important and relevant for Muslims. Non-Muslims may have their own secular or other justifications. *As long as all are agreed on the principle and specific rules of constitutionalism, including complete equality and non-discrimination on grounds of gender or religion, each may have his or her own reasons for coming to that agreement*." (Italics added, Abdullahi Ahmed AnNa'im, in his book Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law 52-57, as cited by Rawls 1997: 873, footnote 46).

To Rawls, this is a "perfect example" of overlapping consensus. One where comprehensive doctrines are appealed to, but in light of a constitutional democracy with certain inalienable rights that all must agree to, regardless of personal belief.

through the constitutional principles to which citizens are bound in liberal democracies, religious or irreligious comprehensive doctrines may be included. This stands so long as, "in due course proper political reasons - and not reasons given solely by comprehensive doctrines - are presented that are sufficient to support whatever the comprehensive doctrines introduced are said to support" (Rawls 1997: 784)

The Family - a Part of the Basic Structure

Rawls lists the family as a part of the basic structure of society - which "we enter only by birth and exit only by death" (1997: 769), and is the arrangement of society's main institutions into a unified system of social cooperation over time (1997: 769, 788). This is because one of the primary roles of the family is "the basis of the orderly production and reproduction of society and its culture from one generation to the next" (1997: 787). A value which features prominently throughout the process of culturalization of citizenship, as illustrated through the CIPs. As 'the family' "raises and ensures the moral development of children into the wider culture" (1997: 788), the interest of the state to attempt to ensure that the children/future generations 'learn' that which would see them 'fitting in' to Dutch culture. This insinuates a rejection of their respective cultures; the imposition of one doctrine over the other. Since public reason is a matter of political justice, it must also apply to the family, ensuring equal justice for women and their children.

Importantly - and specified by the proviso - principles of public reason are intended to apply directly to the basic structure, but not to that of the internal life of the communities that reside within them (i.e., it cannot apply to the internal workings of a family). However, this does

not mean that equality - e.g. between men and women in the house - cannot be ensured (1997: 789). Principles of justice impose certain "essential constraints on the family as an institution and so guarantee the basic rights and liberties, and the freedom and opportunities, of all its members" (1997: 789). This is done by viewing members of a family as citizens, and as such ensuring that, because the family is a part of the basic structure, these freedoms cannot be violated. However, there is a distinction to be made, cautiously, on how we balance this means of protecting members of a family as citizens in a polity, and meddling with the internal life of a family: "we wouldn't want political principles of justice… to apply directly to the internal life of the family" (1997: 790). For Rawls, these (political) principles "cannot tell one how to raise their children", and parents are not required to raise children according to political principles. Whilst parents should follow some conception of justice in the treatment of their children, there is a limit. Aspects such as abuse and the neglect of children is to be constrained, and thus a "vital part" of family law. However, society has to "rely on the natural affection and goodwill of the mature family members" (1997: 790). This calls into question the idea of good "Dutchified parents" - "key mediators" in the influencing of second generations - to what extent can this be a model that is enforced by the state? Insinuating that Dutchified parents (i.e. parents who follow a Western European notion of what the family is) are better than 'other' parents, thus negates Rawls' idea that there should be a degree of reliance on the natural affection of the family.

Rawls raises the philosopher J.S. Mill when writing on "the family as a school for male despotism". This is explained through the fact that it, "inculcated habits of thought and ways of feeling and conduct incompatible with democracy" (1997: 790). As such, this acknowledges the danger of the family, if not monitored to an extent. A fear borne out of the limits to which a state

can influence a family comes in the shape of the potential for the subjugation of women. It is in light of this that Rawls introduces an important and markedly relevant point: when political liberalism distinguishes between political justice (i.e. that which applies to the basic structure), and other conceptions of justice (which apply to the various institutions within that structure), "it does not regard the political and the nonpolitical domains as two separate, disconnected spaces, each governed solely by its own distinct principles" (1997: 791). In so saying, the principles of justice see the members of a family as equal citizens first and foremost, and thus may impose these certain essential constraints upon them[11]. The decision of the courts to protect the rights of Shirin Musa is a case in point.

Bearing semblance to Bilgrami's lexicographical ordering, regardless of the institution or association that a citizen is involved with (be it as part of a family or a religion), a citizen's rights can never be violated. The defining principles of the equal basic liberties of citizens (e.g. of all as free and equal) hold true regardless of the 'domain'[12]. Thus, Rawls writes, "if the so-called "private sphere" is alleged to be a sphere exempt from justice, then there is no such thing" (1997: 791). Therefore, the equal rights of women and children are inalienable, and certain gender distinctions that may limit those rights (which may exist within a family, be it a part of their adhered to (religious or irreligious) comprehensive doctrine or otherwise) are to be excluded from the equation. Put into the context of the process of culturalization of citizenship as demonstrated through the civic integration policies, the state can interfere/intervene in the internal workings of a family so long as it is to ensure that the basic rights of its citizens are safeguarded. To illustrate, if the women in a family were subjugated (be it through gendered

[11] Which Rawls calls their "basic position" (1997: 791)

[12] Which is defined as, "simply the result, or upshot, of how the principles of political justice are applied, directly to the basic structure and indirectly to the associations within it." (1997: 791)

divisions of labour, marital captivity, or FGM), the state could (and should) intervene. However, on matters of raising children, the state cannot involve itself - to do so would be a coercive use of power.

Noted by Rawls, is the fact that the family is a major part of the "system that produces a social division on labour based on gender over time", but that a liberal conception of justice may have to allow for some gendered division of labour within families. The example given is one of a division based on religion. To a liberal conception of justice, this would be acceptable only if this division was voluntary, and did not lead to injustice (1997: 792)[13]. This further complicates state involvement in a family; how can one know whether a "gendered division" is voluntary or not? In some cases, the subjugation of women within a family could very much be "at play", and yet at the same time no one would admit it, for multiplicitous reasons. The division of labour based on gender generally cannot be banned, because the division of labour is connected with basic liberties, and this includes the freedom of religion (1997: 792).

Involuntary divisions of labour could be banned, but the complexity of doing so has already been touched upon. Although a primary cause of women's inequality consists in their doing the majority of bearing, nurturing and caring for children, "in the traditional division of labour with the family", and that steps need to be taken to make equal their burden in some way or another, this is not something that is to be done through political philosophy, and as such not something that the state can too heavily interfere with (1997: 792). Assuming otherwise would be to violate public reason, and thus the pivotal principles of justice. Values such as "the freedom

[13] "To say that this division of labor is in this case fully voluntary means that it is adopted by people on the basis of their religion, which from a political point of view is voluntary, and not because various other forms of discrimination elsewhere in the social system make it rational and less costly for husband and wife to follow a gendered division of labor in the family." (1997: 792)

and equality of women, the equality of children as future citizens, the freedom of religion, and finally, the value of the family in securing the orderly production and reproduction of society and of its culture from one generation to the next" all see the provision of public reason for all citizens (1997: 793). As citizens, they maintain their inalienable rights, which cannot be violated - thus sharing a deep-set similarity with Bilgrami's lexicographical ordering. The extent to which the state can interfere is something that calls for close scrutiny, but is not, de facto, something purely negative, as illustrated through the case of Shirin Musa, who, as a result of pressure from Dutch (civil) courts, was liberated from the burden of marital captivity.

An Extension of Public Reason via Habermas

Similarly to Rawls, Habermas gives the example of Martin Luther King (MLK) and the US Civil Rights Movement (Habermas, J. 2006: 5)[14], which appealed to constitutional values - e.g. human rights - in light of a comprehensive doctrine. Undoubtedly, such a movement has not had a negative influence on US society, and has seen to an increased affirmation of the constitutional principles that such a nation supposedly holds dear. By drawing on Christianity, MLK was able to promote equal civil rights - drastically altering race relations in the USA - but simultaneously doing so *regardless* of Christianity. It can thus be said that Habermas accepts the Rawslian proviso concerning political deliberation in the formal public sphere. However, Habermas differs from Rawls with regard to the requirement of "providing corroborating non-religious reasons in political deliberations in the informal public sphere whenever such reasons are not available"

[14] Although mistakenly poses this as something that Rawls does not do.

(Lafont, C. 2009: 131). This is because, amongst other things, "A devout person pursues her daily rounds by *drawing* on belief" (Habermas, 2006:8). Through this, Habermas means to say that, if one is truly religious, then this is not something that a person can just turn on and off whenever there is a need to engage in the public political forum - true faith is more than just a comprehensive doctrine, it is a lived experience which is "not… about *something other* than their social and political existence" (Weithmann 2002: 157, as cited by Habermas 2006: 8). Regarding, for example, justice, those who are truly devout turn to their religiously grounded concept of justice to tell them what is politically correct or incorrect. As such, Habermas considers it to be 'unjust' to "expect of *all* citizens that they also justify their political statements independently of their religious convictions or worldviews"; this demand can only be made of those who hold public office or are candidates for such (2006: 8), and a concise example may be extrapolated through the case of Shirin Musa. Thus, concerning comprehensive doctrines, it can be said that Habermas takes a more instrumentalist view on what (religious) traditions can offer.

A result of this point of view, is that Habermas believes, in the same vein as Rawls, that comprehensive doctrines can be introduced into the public political forum (so long as proper political reasons are given in due course), and that religious citizens who participate in political advocacy in the public sphere can offer *exclusively* religious reasons in support of the policies they favour, in the hope that they may be translated into non-religious reasons (Lafont 2009: 138). While there is a requisite institutional separation of religion and politics, this does not mean that it must be something that turns into a mental and psychological burden for those of faith. It is not solely the duty of religious citizens to ensure that this 'translation' happens - something the Rawlsian approach is more likely to endorse. Instead, this "requirement of

translation must be conceived as a cooperative task in which the non-religious citizens must likewise participate, if their religious fellow citizens are not to be encumbered with an asymmetrical burden" (2006: 11). In order to avoid placing an "undue" (psychological) burden on religious citizens, secular citizens too must share the burden, as it were. In essence, Habermas adds to Rawls' proviso, insofar as while religious citizens "may make public contributions in their own religious language", this is subject to the proviso that these get translated (with assistance from secular citizens). In a sense, this requirement of translation can be taken as something that strengthens Rawls' 'civic friendship'.

Habermas' requirement of translation could be further expanded to that of the integration of citizens: rather than calling for those who seek citizenship to have sole responsibility for the success of their integration, there should be a greater equilibrium between them and current citizens. Again, this would help to prevent placing any undue psychological burden on citizens, regardless of the comprehensive doctrine they adhere to. This may be extended to the idea of the gaining of the two-fold notion of 'full-citizenship'. The legal rights a migrant gains upon being granted citizenship is one aspect, and can be completed should the migrant 'tick' all the right boxes during the process. However, the demand for cultural assimilation should migrants wish to gain "symbolic access to national belonging" is another matter. Currently placed on the shoulders of those seeking to gain citizenship, their ability to be recognised as 'co-citizens' (and as such, as equal) has become, "in recent years...more difficult" (Duyvendak et al., 2016: 2) - the result of a static and essentialized understanding of culture, reinvigorated by a process of citizenship (i.e. civic integration policies) that has culture at its core. Should emphasis be placed on (full) citizens to assist in the process itself (e.g. through ensuring that their moral duty of

civility is enacted and reinforced through the assurance that migrants are able to integrate into Dutch culture as well as have their voice 'translated' should it be necessary), it could be argued that this unjust burden be altered.

Additionally, secular citizens must "open their minds to the possible truth content of those presentations and enter into dialogues from which religious reasons then might well emerge in the transformed guise of generally accessible arguments" (Habermas, 2006: 11). This sees a more equal distribution of cognitive burdens among citizens - for one thing, religious citizens (like all citizens) must accept the neutrality of the state, and thus accept that only non-religious reasons count in determining coercive policies with which all must comply. For another, secular citizens (like all citizens) must 'even out' the (psychological) burden of translation (from religious to non-religious reasons). To do so, all citizens must take religious reasons seriously, and not deny potential truth from the outset (Lafont 2009: 138). This is what is meant for secular citizens to "open their minds to the possible truth content"[15]. To ensure the success of this "requirement of translation" is to ensure that the "polyphonic complexity of public voices" is not reduced - something that the liberal state has an interest in, for "it cannot know whether secular society would not otherwise cut itself off from key resources for the creation of meaning and identity" (Habermas 2006: 10)[16].

Comprehensive doctrines (religious or otherwise) can indeed see to the betterment of society. An illustration of this can be seen through the US Civil Rights Movement. This is because constitutional/fundamental values were appealed to - such as all persons as free and equal - as derived from a religious doctrine The case of Shirin Musa grants one a different

[15] Notable is the fact that Habermas goes on to refer to this "possible truth content" as "profane" (2006: 17)

[16] Here, Bilgrami would agree insofar as his notion of secularism - (S) - goes. The intent is not to remove it from public life, and thus not to "silence" any, but rather to see to a more cohesive polity.

perspective: here, should the comprehensive doctrine that bound Ms. Musa to her religious marriage be allowed to influence the society in which she lived - i.e. the Netherlands - she would have been 'stuck', with certain 'inalienable' freedoms rejected. However, by the state taking an (adversarial) stance, the rights of Ms. Musa were protected (i.e. the rights as a citizen placed above those of as a wife bound by Islamic marital law). In the case of marital captivity, the argument appealing to the courts to assist in the favour of she who is bound - in protection of the violated value of gender equality - merits the interference of the state. Raising Habermas' caution of an undue psychological burden, the actions of the courts can be taken as a fulfillment of the requirement of translation. As only civil marriages exist in the eyes of the Dutch state, one could argue that it makes no difference whether or not the religious marriage was terminated or not. However, by doing so, the courts not only ensure the protection of a citizen's rights, but also that they are not unduly psychologically burdened. By fining her ex-husband for each day he refused to cooperate to nullify the religious marriage, the courts chose to act in a language that all would understand, and consistently with political reason.

Whilst Bilgrami talks on secularism - a comprehensive doctrine intended to safeguard the ideals of a polity independently of religion - he makes it abundantly clear that this is only necessary in certain contexts. Rather than a "necessity" in modern societies around the world[17], it could be found that the values a polity holds dear - and thus placed first in the lexicographical ordering - are actually promoted and protected by religious practices. In this case, there would be no need for secularism. Perhaps taking the Habermasian caution regarding the silencing of religious voices in the public domain, Bilgrami comments that, "In an ethos where religion

[17] A notion tackled by Habermas

comes to be seen as the source of the problem; new goals (i.e. goals beyond merely toleration and pluralism) emerge, and these new goals (although defined independently of religion - e.g. freedom of speech or gender equality) turn their scrutiny on religion and focus on how religions in particular thwart the pursuit of these goals" (2014: 31). Gender equality would not be seen in its generality, but instead in the face of certain discriminatory and misogynistic religious practices - such as marital captivity. Bearing in mind the influence a comprehensive doctrine should have on society, it seemingly remains imperative for Rawls, Habermas and Bilgrami that religion (and arguably, any comprehensive doctrine) not be unscrupulously attacked[18]. However, should the values of a religious doctrine come into conflict with the values of a polity, they should be placed second, as illustrated through Bilgrami's lexicographical ordering.

Rather than expect that "religious communities will not be able to withstand the pressures of some unstoppable cultural and social modernisation" (2006: 15), Habermas mentions the need for a "complementary learning process" (2006: 4), which allows for an ethics of citizenship which builds on the idea of mutual encumberment of (all) citizens. It is through this complementary learning process that both believers and non-believers involved in this complementary learning process can learn from one another. This learning process is cooperative, and the need to enact a translation (of religious reason into secular) demands from both 'camps': "the believer must seek publicly accessible arguments, whereas the non-believer must approach religion as a potential source of meaning, as harboring truths about human existence that are relevant for all" (Bohman, J. & Rehg, W., 2014). Through this, citizens can acquire "self-reflective attitudes" which the state cannot influence through its own law and

[18] A clear illustration evident through claims of the PVV (in the 2012 general elections) that (gendered) violence was inextricable from Islamic culture.

politics (2006: 4). Thus, for Habermas, there is a need for a shift from a "narrow secularist consciousness", which he neologizes as "post-metaphysical thought" (2006: 16) This hinders both overtly-secular policies as well as religious[19]. Habermas writes, "In short, post-metaphysical thought is prepared to learn from religion, but remains agnostic in the process" (2006: 17).

It is the ambivalence implicit in agnosticism that secular citizens must adopt if they are to learn something from discussion with their religious counterparts. This leads to an ethics of citizenship that leaves both the religious and irreligious alike mutually encumbered through a cooperative process of translation, and gives room to the "polyphonic complexity of voices", ensuring that all are able to communicate and engage within the public political forum, provided that they ensure the fulfilment of the ideal of public reason, and if they introduce a comprehensive doctrine (which they can do at any time), they are required to provide proper political reasons for doing so, and in so doing believe that others can reasonably endorse their policy. Thus, notably for Habermas, there is a need for a "change in epistemic attitudes", which must occur for the religious consciousness to become reflective and the secularist consciousness to transcend its limitations" (2006: 18). Habermas calls for something that precedes the proviso: that citizens (religious and irreligious alike) must be "prepared to embark on an interpretation of the relationship of faith and knowledge that first enables them to behave in a self-reflexive manner toward each other in the political public sphere" (2006: 20). Through this, Habermas adds weight to the idea inherent in public reason, that citizens are free and equal, and thus must show each other the respect to - at the outset - grant that there may be some truth to what the other is saying, regardless of what their own comprehensive doctrines may dictate.

[19] A concept which acknowledges the interplay between (world) religions and philosophies

Conclusion

This thesis has sought to illuminate the political philosophy query pertaining as to whether a state can guarantee all citizens gender equality and give preference, through policy and law, to specific ways of interaction between genders. To address this, a presentation and contextualisation of a 'case study' of the Netherlands was necessary. As such, the political shift of the Netherlands to the right was detailed, as were pivotal figures and events who shaped and continue to shape it - such as the murder of Pim Fortuyn (2002) and Theo van Gogh (2004), and politicians such as Rita Verdonk and Geert Wilders. Through doing so, the socio-political environment under which CIPs were formed and the convergence of femonationalism came to be is explained. To analyse this notion further, CIPs, as "the most concrete and sinister form of the institutionalization of femonationalism" (Farris 2017: 20), were focused on.

However, CIPs are not problematic because they demand that those seeking to gain citizenship understand the laws of the land, nor the language of it. They are problematic because they serve to impose certain cultural norms and values without allowing for any contribution from those seeking 'membership'. Compelling Muslim migrants to feel a certain way (and show these feelings to prove their loyalty: 'feeling rules') is contrasted with a constant derision of 'their' backwards culture - as depicted through CIPs. A concise example of this can be taken through the postulation that migrant women are portrayed as culturally oppressed and with an emphasis on women as mothers (Kirk, K & Suvarierol, S., 2014: 241). This has led to a 'value gap' in Dutch society. As noted in processes which have an essentialized notion of culture at

their core - something this thesis contends CIPs do - the difficulty for migrants to gain 'full citizenship' (i.e. symbolically as well as 'on paper') is shown. This idea is further reinvigorated through the amount of stress that is placed on the individual immigrant to integrate and ensure social cohesion - a value analysed through public reason.

Before engaging with the framework of public reason - a standard for assessing rules, laws, institutions and the behaviour of individual citizens and public officials (Quong, 2017) - a brief explanation of marital captivity, specifically the case of Shirin Musa, was given. This was done in order to give an example of the benefits of state regulation as regards gender discrmination. Through an analysis of public reason - under the works of Rawls, Habermas and Bilgrami - the extent to which a comprehensive doctrine should influence a society was used in order to analyse the justness of CIPs, as well as when the state should and should not intervene, specifically in matters relating to gender equality. Through detailing the political philosophy standpoint of public reason, the ways in which CIPs clashed with the values of public reason were shown in a number of ways. By analysing a 'primary goal' of CIPs - i.e. the emancipation of migrant women - Rawls' idea of conjecture, which must be "sincere and not manipulative" is negated. This is due to the fact that, although making this claim, CIPs encourage migrant women to fulfill their 'roles' as mothers: in many ways a non-emancipatory notion. Relating to the (moral) duty of civility, placed in comparison to CIPs, which have an "obligatory nature by law, with a nonobservance punishable via financial penalties or even the denial of a legal residency permit" (Farris 2017:91), values pivotal to public reason are once more ignored.

Through focusing on migrant women and their role within the family, CIPs violate the proviso itself. Specifically, the distinction it makes between the public political forum and the

background culture. As noted through Rawls, 'family' resides in the latter. However, this does not mean that a state cannot and must not regulate the goings-on in a family, particularly when the safeguarding of the rights of citizens. Whilst imperative that the rights of family members (as citizens, first and foremost) be protected - e.g. that women are not subjugated to forms of gendered discrimination, such as FGM or marital captivity - Rawls is a proponent of erring on the side of caution; "we wouldn't want political principles of justice… to apply directly to the internal life of the family (Rawls 1997: 790). As mentioned, political principles cannot demand the way in which certain members of the family act, implied through reference to the raising of children - something CIPs seek to directly interfere with, and, as such, violate the proviso. Examples of state intervention, such as calls for the elimination of gendered divisions of labour - e.g. a division based on religion - in the household, are shown to be complex. Such demands would only be just as regards to those who carried out such 'tasks' involuntarily: the question of how a state ascertains what is voluntary and what is not is another point of discussion, but evidently not a simple task.

In addition to this, by placing the onus of responsibility on the head of the (individual) immigrant to integrate, CIPs ignore the idea of 'civic friendship', a notion which is bound to the criteria of reciprocity which comes into existence when people are willing to propose and abide by fair principles of cooperation acceptable to others, provided that those others are likewise willing (Rawls 1996: 49-50, as cited in Quong, 2017). The political relation of free and equal citizens - that which public reason looks to allow - is seemingly dismissed. As indicated through the culturalization of citizenship, civic integration policies are centred around assimilation, rather than integration: insinuative of a one-sided relationship, thus a violation of civic friendship and

the principle of reciprocity that comes with it. The repercussions of such violations could be seen in increasing 'value gaps' in Dutch society, with a growing number of immigrants feeling ostracised.

This violation is reinforced through the Habermasian idea of mutual encumberment for all citizens (reinforced through the 'requirement of translation'). By placing the mantle of integration on the shoulders of migrants - a undue psychological burden - sensitivities that (secular Dutch) citizens should feel for their religious counterparts are ignored. Be it through the 'humanist' idea (as presented by Bilgrami), or respect of the potential truths that all who engage in the public political forum may hold, there is a need for a more level playing field. Thus, through placing CIPs (and hence the phenomenon of femonationalism itself) alongside the framework of public reason, the inequity of CIPs is exposed, as are the complexities of state regulation in matters relating to interaction between genders.

The case of Shirin Musa spotlights the benefits of state intervention. Here, the courts - a part of the public political culture - chose to safeguard the values of gender equality ignored by marital captivity. By placing the value of gender equality - a pillar of Dutch society - before that of religious law, this thesis contends that the courts acted within the realms of public reason when fining her at-the-time husband, until he agreed to cooperate with the divorce proceedings. In choosing to see Ms. Musa as an equal citizen before that as a woman in a religious marriage, the courts upheld the Rawlsian idea of a citizen's 'basic position', and the constraints placed upon the husband were thus just. Indeed, this case serves to act as an example of the benefits of the influence of a comprehensive doctrine unto society, as well as illustrate the potential disadvantages should the state not have acted (e.g. with Ms. Musa being deemed an adultress

should she seek to start a new relationship in certain communities in the Netherlands as well as in Pakistan). Not only does this example show benefits of state regulation in matters pertaining to gender equality and interaction, but also the fact that, although gender equality is used as a rhetorical tool in CIPs and Dutch politics generally, it is also a value protected by the Dutch state.

Through the case of the Netherlands, it is evident that the state *can* give preference (as illustrated through both CIPs and the case of Shirin Musa) to specific ways of interaction between genders (i.e. as equal), but that in doing so and without erring on the side of caution, may neglect certain complexities - as demonstrated through the (theoretical) example of demands for the abolition of gendered divisions of labour in a family; something that would effectively be the same as the imposition of one comprehensive doctrine over another. Should a state with to guarantee the equality of its citizens in a just way (as regards gender), it is of paramount importance that it does so cautiously, so as to avoid infringing upon the background culture and a consequent violation of the proviso (in one instance) - something that this thesis contends civic integration policies and programmes do consistently.

In conclusion, it can be said that, with the maintenance of 'just' policies, the extent to which states can give preference to certain ways of interaction between genders is limited: at what point does this become an imposition of one's own comprehensive doctrine concerning the way a state believes citizens should behave? It can be argued that this reinvigorates an idea of an essentialized culture, as those seeking to gain citizenship must 'fit in' to the structure (i.e., in this case concerning gender equality) that is already in place. Based on an analysis through public reason, this thesis contends that guaranteeing citizens gender equality is only possible if the

values that ensure citizens' rights are enshrined in the constitutional essentials of a state, independent and thus without mention of religion, nor a stance taken to it. The trust mentioned by Rawls pertaining to family members in the upbringing of children is something that should be given more credence.

Should religious practices contradict certain fundamental rights and values of a state - such as gender equality in the face of marital captivity - the state should intervene on behalf and as protector of its citizens. In line with Bilgrami's lexicographical ordering, this would ensure that citizens would be free to act as they saw fit - regardless of one's gender - so long as it is within accordance with the law. In other words, should certain cultural or religious values clash with the principles that a polity holds dear, then the state has the prerogative to place the clashing values second, ensuring the continued freedom of its citizens and their rights in a fair and just manner, in line with the principles of public reason. However, as indicated through civic integration policies and programmes, it becomes evident that state involvement is not merely a means of protecting the rights of its citizens. The value of gender equality, promulgated through civic integration policies and programmes, as well as in Dutch politics more generally, is shown to be something that is simultaneously derided - evidenced through attempts to encourage migrant women to 'take up' duties of motherhood that would be otherwise considered non-emancipatory - as well as protected by the state, i.e. the case of Shirin Musa. As such, whilst a state can guarantee its citizens gender equality, seeking to regulate the ways in which different genders interact with one another is limited, should the state wish to remain just and not impose one comprehensive doctrine over another. As illustrated through civic integration policies and programmes, this thesis contends that the Dutch state does attempt to give preference, through

policy and law, to specific ways of interaction between genders. The result of this is a violation of the idea of public reason, insinuative of the implementation of unjust policy.

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