



Introduction

Author(s): Richard A. Shweder, Martha Minow, Hazel Rose Markus

Source: *Daedalus*, Vol. 129, No. 4, The End of Tolerance: Engaging Cultural Differences (Fall, 2000), pp. V-IX

Published by: The MIT Press on behalf of American Academy of Arts & Sciences

Stable URL: <http://www.jstor.org/stable/20027661>

Accessed: 04/04/2009 11:45

Your use of the JSTOR archive indicates your acceptance of JSTOR's Terms and Conditions of Use, available at <http://www.jstor.org/page/info/about/policies/terms.jsp>. JSTOR's Terms and Conditions of Use provides, in part, that unless you have obtained prior permission, you may not download an entire issue of a journal or multiple copies of articles, and you may use content in the JSTOR archive only for your personal, non-commercial use.

Please contact the publisher regarding any further use of this work. Publisher contact information may be obtained at <http://www.jstor.org/action/showPublisher?publisherCode=mitpress>.

Each copy of any part of a JSTOR transmission must contain the same copyright notice that appears on the screen or printed page of such transmission.

JSTOR is a not-for-profit organization founded in 1995 to build trusted digital archives for scholarship. We work with the scholarly community to preserve their work and the materials they rely upon, and to build a common research platform that promotes the discovery and use of these resources. For more information about JSTOR, please contact support@jstor.org.



The MIT Press and American Academy of Arts & Sciences are collaborating with JSTOR to digitize, preserve and extend access to *Daedalus*.

*Richard A. Shweder, Martha Minow,
and Hazel Rose Markus*

Introduction

THE TITLE “THE END OF TOLERANCE” has several meanings: the aim of tolerance, the scope of tolerance, the limits of tolerance, the possibility of going beyond “mere tolerance,” and, of course, the discontinuation of tolerance. The essays in this issue of *Dædalus* are concerned with the end of tolerance for cultural differences in all of those senses. How are Western democratic legal systems responding to increasingly diverse populations, and how should they respond? Growing numbers of people from Asia, Mexico and Latin America, and parts of Africa seek to emigrate because of better labor market opportunities abroad or persecution or political conflict at home. The first notable legal response by the United States and other Western democracies to rising emigration rates has been the establishment of relatively open borders. Yet not everyone celebrates the result. Residents of countries such as the United States, Austria, Germany, Norway, France, and England currently express a range of views in response to public opinion poll questions that ask: “Do you think there are too many foreigners around?” Indeed, on the global scene these days, the image of a world made up of “multinational corporations” and “multicultural states” with relatively open borders competes with various forms of “cultural nationalism.”

The public and legal responses to immigrants are closely tied to the more general issue of what shape multiculturalism should

*Richard A. Shweder, Martha Minow, and Hazel Rose Markus are guest editors of
and contributors to this issue of Dædalus.*

VI *Shweder, Minow, and Markus*

take in tolerant societies that are also committed to advancing liberal human rights, including commitments to gender equality and neutrality toward religion and race. In multicultural settings where majority and minority populations may bump into each other's beliefs and practices with some antagonism, anthropologists, legal scholars, and psychologists find they can no longer avoid the issue of cultural analysis and assessment. Family-life practices, including discipline, sex role differentiation, marriage selection, and coming-of-age ceremonies, appear at the heart of recent controversies about the limits of tolerance in modern pluralistic societies. Those who study family life are increasingly called upon not only to describe and explain but also to judge when a West African father living in England inscribes tribal identity markings on the face of his nine-year-old son; or when a Mexican mother living in Houston, Texas, finds it perfectly natural to leave her three-year-old at home in the care of a preadolescent sibling; or when a South Asian father—now residing in Chicago, Illinois—grabs his disobedient son by his ear and drags him out of a store. In each instance, other residents may call the police or child protective services and charge child abuse. How should public agencies respond, and should legal authorities ever recognize a defense to child abuse—or other charges—if framed in terms of cultural practice or religious belief? The prevalence of this question reveals how coming to terms with diversity in an increasingly multicultural world has become one of the most pressing public policy projects for liberal democracies in the new millennium.

The essays collected here explore patterns of migration; the variety of legal arrangements used to govern populations across lines of religion, culture, race, and gender; the scope and limits of pluralism in liberal democracies; and the strategies used by individuals and groups both to evade conflict with formal legal regimes and to prompt state involvement when it seems advantageous. As a strategy to evade legal scrutiny, some religious and cultural leaders have discerned ways to alter or hide their practices to avoid direct collision with public norms. As a strategy to prompt state involvement, some immigrant teens have become quite savvy about how to trigger state investigation and

action amidst conflict with parents when the family moves to a nation where child protection is a public responsibility.

Nation-states differ in their constitutional treatments of the relationships between religion and state, in their willingness to recognize group rights, and in their ideas about what is public and what is private. Each of these arrangements affects the room left for “differences” and the occasions for and treatment of norm conflict between mainstream populations and minority groups, between formal law and informal norms, and between immigrant parents and their children. At the same time, emigrating communities endorse and uphold beliefs, values, and practices that make them seem more or less foreign to the dominant cultures in the receiving societies. Understanding why some features seem foreign requires intense examination of the extent to which a particular legal system implicitly presupposes, codifies, and inculcates the substantive beliefs and values of a cultural mainstream or majority.

The authors in this issue participated in the activities of an interdisciplinary working group on “Ethnic Customs, Assimilation, and American Law” (<http://www.ssrc.org/fcom9.htm>). Supported by the Russell Sage Foundation and organized by the Social Science Research Council, the legal scholars, anthropologists, social psychologists, and political theorists who compose the group have examined the “free exercise of culture”—how free is it, and how free ought it to be? Some of the essays published here seek to discern the grounds upon which a given cultural practice is deemed tolerable within particular contemporary societies that embrace democratic values. Others try to articulate the circumstances under which a liberal, democratic order should treat certain practices as intolerable. They seek to understand precisely what it is about an emigrating community’s beliefs, values, and practices that makes them seem foreign to the normative culture and laws of the United States and other Western democracies, and alien to the ethical intuitions and special versions of common sense of particular mainstream populations. Of equal concern is documenting how individuals and groups negotiate coexistence and how specific contemporary societies debate issues of accommodation and assimilation across lines of difference.

VIII *Shweder, Minow, and Markus*

Although the authors differ in their own disciplinary frameworks and even normative visions, they share respect for comparative study in three senses. Comparing how different nations, and different communities within nations, respond to issues of group difference affords deeper understanding of the common challenges of diversity and the range of potential legal and social responses to multicultural life. In addition, comparing how societies respond to new immigrants where there are preexisting lines of social difference (such as the racial line in the United States) helps bring into focus the deep values of particular societies and the legal resources available for dealing with these differences. Finally, comparing detailed examinations of particular group experiences with theoretical approaches to norm conflict can sharpen both kinds of inquiries.

In a rapidly “globalizing” world, conflicts over culture are as likely to come from immigrant groups rejecting the norms they encounter in a new society as from the resistance of majority groups to minority practices. It is our hope that these essays will spark further attention to how much legal orders can and should make room for cultural variety—as well as how individuals can achieve legal respect as individuals and how varied paths toward meaningful lives can be valued in a quickly changing world.

The eleven essays published here are a sample of a larger collection of papers developed in the context of the activities of the Russell Sage Foundation/Social Science Research Council Working Group. The full set will be published subsequently in a book titled *The Free Exercise of Culture: How Free Is It? How Free Ought It To Be?* Considered as a whole, these contributions address one or more of six questions: 1) Which aspects of American (or Norwegian or German) law impact on ethnic minority customs? 2) To what extent does the law presuppose, codify, and hence inculcate the substantive beliefs and values of a cultural mainstream? 3) How much cultural diversity in family-life practices ought to be permissible within the moral and constitutional framework of a liberal pluralistic democratic society? 4) How strong are the implications of citizenship for the way people in countries such as the United States, Norway, Germany, India, or South Africa marry, ar-

range a “family,” discipline and raise their children, conceptualize gender identity, and so on? 5) What does it mean for an ethnic custom or practice to be judged “un-American”? 6) How do ethnic minority communities react to official attempts to force compliance with the cultural and legal norms of (for example) American middle-class life?

We are deeply indebted to Frank Kessel, Social Science Research Council program director for the working group on Ethnic Customs, Assimilation, and American Law. A creative scholar, psychologist, and administrator, he helped structure and develop a series of activities at SSRC informally known as the “pluralism project.” We also wish to express our thanks to Julie Lake, program assistant for the working group, for the meticulous and timely production of this manuscript. Stephen Graubard brought his learning, wisdom, and probing questions to several meetings of the working group and to the essays that emerged. We would like to express our gratitude to him and special thanks that this work could begin before his remarkable tenure at *Dædalus* came to an end. This project would not have been possible without the support and vision of Eric Wanner, president of the Russell Sage Foundation. Under his inspiring leadership the foundation has become a leading center for research on the lives and well-being of immigrant and nonimmigrant minority groups in the United States and a forum for serious debate about public policy issues.

The preparation of this manuscript took place while Richard Shweder was a fellow at the Wissenschaftskolleg zu Berlin (The Institute for Advanced Study in Berlin, also known as WIKO). Special thanks to Wolf Lepenies, Jürgen Kocka, Joachim Nettelbeck, and the staff of WIKO for creating and sustaining one of the greatest intellectual centers in the world for scholarship in the social sciences and the humanities.