

On Formal vs. Realistic Right of Exit and Voice

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1. Introduction

Groups have always had an important role in liberalism. The freedom of association and a vivid associational life are central features of liberal democratic societies. The versatile group life also brings normative challenges for the liberal democratic societies and political theorists to solve. Many groups organize their affairs illiberally. Their structure may be authoritative. They may not value independent thinking but stress loyalty to group traditions. Often not all of the practices of these groups are liberal but may even threaten the basic human rights and equality of the members. Many minority groups (such as aboriginals as well as religious, cultural and ethnic ones) have sought for and been granted some sort of autonomy or self-government especially in the name of protecting them from the oppression of the majority. For instance, they are given the right to decide on family law. (Eisenberg & Spinner-Halev 2005, 2; Song 2007, 3.)

Granting minority groups more autonomy to decide on their internal affairs may undermine the basic liberties of so called vulnerable members. By this term it is meant women, children, religious dissenters as well as sexual minorities. Especially feminists have pointed out that granting group rights often means that the position of women gets worse since many groups discriminate women. Political theorists disagree on whether and how to interfere in the lives of cultural and religious groups. The discussion quickly turns into a very basic one: whether and how should the liberal state interfere in the lives of groups? Should it react to breaches of liberal principles or demand the groups become more democratic or equal? If yes, when and how? (Weinstock 2005, 227.)

As Daniel Weinstock (2005, 227) states, the prominent view on the philosophical writing is that the liberal state should restrain from intervening in the internal affairs of groups as long as they provide their members a right of exit. If an individual could terminate her membership in a group that for outsiders looks like harsh treatment but she does not leave, the state should abstain from reacting. As long as the group does not forcibly make the

individual stay or impose sanctions on her, the state has no obligations towards her. Even though all liberal thinkers promote the right of exit, they disagree on its content. Is the state responsible for granting that the individual has the assets, as well as psychological capacities to exit? Especially many feminists have argued that many women and children do not have the capacities to leave which is why a formal right of exit does not help them. Many authors claim that the *formal* right of exit needs to be replaced by a more *realistic* one.

In this work, I will first concentrate on comparing and evaluating two strategies on exiting a cultural or a religious group. The first strategy is formulated by Chandran Kukathas (chapter 2). His article on the topic from 1992, "Are There Any Cultural Rights?" practically started the discussion in political philosophy. A central source for my thesis is Kukathas's book, *The Liberal Archipelago. A Theory of Diversity and Freedom* from 2003. Kukathas views the right of exit as what others have called a *formal* right of exit. He does not see that the liberal state or any other actor is responsible for helping the individual willing to exit. It is enough that there is a right of exit, that the individual willing to leave is not stopped. Kukathas stresses non-intervention in the life of groups. He argues for this non-intervention with claiming that this is how toleration and the liberty of conscience, central values in liberalism, will be respected.

In chapter 3 I present the ideas of in my view the most prominent author criticizing the formal right of exit strategy, Susan Moller Okin. In her article "Mistresses of Their Own Destiny? Group Rights, Gender, and Realistic Right of Exit" (2002) which is another key source for my work she defines a problem in the formal right of exit strategy that especially many feminist authors have later continued with. Largely by referring to empirical reality, she shows that leaving their cultural group is not a real option for many women and girls. She stresses the importance of capacities for exiting. In short, she promotes a *realistic* right of exit.

Whereas Kukathas supports non-intervention in the group life, Okin thinks the liberal state must enforce individual rights against groups that discriminate against or oppress women. Even though I find problems in Okin's stance, I will support it against Kukathas's theory.

The empirical obstacles of women and girls in exercising the right of exit that Okin brings out show that the formal right of exit does not give enough protection for all individuals against their groups. Neither are all individuals in equal position in exercising it. Leaving the onus of exit solely on the individual, as Kukathas does, is in my opinion not a legitimate decision in liberalism. Having a genuine right of exit seems indeed to depend on certain enabling conditions such as some degree of autonomy.

In chapter 4 I show that the debate on formal vs. realistic right of exit is part of a larger debate on the most important liberal value, namely between toleration and autonomy. In this chapter I go deeper into the importance of toleration for Kukathas's theory with the criticism against it presented by Will Kymlicka. In chapter 4 I also look at the topic of minors within minorities. I argue that the claims and the right of groups to educate their children should be considered critically, since education is crucial for autonomy development and not all of them support children to develop their capacities for autonomy in education. Capacities for autonomy are important for a person to possess a realistic right of exit.

Whereas some kind of right of exit is promoted by all liberal thinkers, not all are happy with only or mainly promoting it. If we only stress the importance of being able to exit, does this weaken the possibilities of the dissenters in the groups to express their views and try to reform their groups? Many writers stress that the *voice* option of dissenters must be supported in addition to their right of exit. In chapter 5 I discuss voice. Here as well my interest is in cultural and religious groups. I start by presenting the ideas of an economist Albert O. Hirschman on exit and voice as he expresses them in his book *Exit, Voice, and Loyalty* (1970) since they have been important for the debate on exit and voice in political philosophy. Later in the chapter I will give my own definition for voice and claim that everyone should have a right to it. However, I will point out there are no easy answers to conflicts of conflicting fractions in groups. My research question becomes twofold: Is the formal right of exit strategy enough for protecting the freedom of all individuals belonging to groups or should the real abilities to exit be considered as well, as the realistic right of exit strategy requires? Should everyone also have a right to voice?

2. Right of Exit in Kukathas's Theory

2.1. On Forms and Functions of Exit

Exit incorporates a wide array of ways in which a person leaves a group – in other words, exit takes various forms. First of all, exit can be voluntary or involuntary. A person may want to dissociate himself from a group or he can be excluded from it. By the *right* of exit it is meant that a person willing to leave is not stopped. In this kind of “voluntary sense” exit can mean, first of all, that he can leave behind the life in a group he belongs to, be the group a chess club, a religious community or a country. For instance, one can stop going to the meetings of Jehova's Witnesses, stop obeying the norms and principles of the religion and dissociate oneself from the community. Exit may include withdrawing from identification with a group as well as from rights and obligations of membership. (Newman 2007, 48.) For a Jehova's Witness, this might mean losing the right to participate in the group activities, as well as not having to fulfill the obligations of a group member, such as doing missionary work.

Right of exit can also mean that an individual is not (primarily) treated as a member of a particular group by the state. In this sense, exit is an ability to withdraw voluntarily from the jurisdiction of the group. Oonagh Reitman (2005, 190) calls this exit's *basic role*:

Here, a right of exit is essentially the opportunity for a member of a particular cultural community to be or become a member of a society in an unmediated manner, without going through the group and without becoming subject to its regulatory power.

The basic role of exit means that there is a direct regulatory link between the individual and the state. For instance, in Israel a person's religious group is decisive in the case of divorce. Jews are automatically subjected to the Jewish law. They do not have an exit option which Jews residing in, for instance, France have: the French Jews can decide to be submitted to the French law and get a secular divorce. (Reitman 2005, 190-191.) I think it can be useful to call certain situations where a person wants to continue being a member of a group but decides to “opt out” of certain aspect or practice of the group as *partial exits*, as Ayelet Shachar does. Choosing a secular divorce while still remaining a member of a religious

group is an example of this kind of exit. Seyla Benhabib touches this role of exit when claiming that all individuals should be allowed *voluntary self-ascription*: no one should be automatically assigned to any cultural, religious, or ethnic group by virtue of birth. (Shachar 2001, 60, 124-125, 139; Benhabib 2002, 19.)

One can differentiate between various roles of exit. Reitman states three of them. The first, exit's basic role, was already mentioned above. The second role Reitman calls exit's *protective role*. By it she means that exit is seen as a means to protect vulnerable members against potential oppression by their groups. Exit protects these members by enabling them to leave the group. The third role, exit's *transformative role* means the view that an individual may pressure the group to reform its oppressive practices by threatening to exit. The last two roles, exit's protective and transformative roles, are related in the sense that they both concern with curing the oppressive group practices. (Reitman 2005, 189.) To these three roles one can add one more formulated by Leslie Green: exit's *expressive role*. It means that an individual may criticize the group by leaving – in contrast to remaining in the group which is commonly seen as supporting it. (Green 1998, 171.)

A group a person is exiting can vary drastically from a hobby club to a political party or to a cultural or a religious community. Some groups one has chosen voluntarily whereas others one is born into. In the right of exit debate, by a group it is usually meant cultural and religious ones. These are all open-ended concepts. However, it is often claimed that the membership in a cultural or a religious group matters significantly to an individual, for his or her identity as well as for her life context. These aspects are captured well in Monique Deveaux's (2006, 1) description of cultural groups:

I use the term 'cultural groups' to cover a broad range of groups whose members share an identity based on ethnic, linguistic, racial, or religious characteristics, and for whom these aspects strongly shape the self- and ascriptive identification of individual members. Such collectivities are sometimes referred to as 'encompassing groups' or 'societal cultures' to indicate that they may shape not only the self-understandings of members but also their community contexts, opportunities, life choices, and so forth.

Naturally, the importance that the membership in a cultural or a religious group has varies from individual to individual. Because of this it is questionable whether these groups can be differentiated from other groups by claiming that they are more significant for a person;

that they are the primary “denominator” of his identity or that they are decisive for his opportunities of choices in life. As Jeff-Spinner Halev (2005, 163) notes, for example the degree to which people identify with their religion varies greatly so that in the contemporary liberal world the membership of a sports team may be more important for an individual than belonging to the church. Similarly, for a child learning to play the piano and later making a career in music a hobby group may turn out to be the most important group of her life. However, I think it is justified to claim that a person's cultural and religious groups are *often* among the key factors in his identity and that belonging to these kinds of groups *often* has a crucial impact on his life. Often one is born into and grown up in them. These are among the reasons why exiting these kinds of groups tends to be more problematic and painful than exiting for example hobby clubs. In addition, the leaders of cultural and religious groups are more often willing to extensively control the members' lives and limit their possibilities for exit than the leaders of sports clubs or political parties.

2.2. *Kukathas's View of Liberalism: a Liberal Archipelago*

Maybe the best known author discussing the right of exit is Chandran Kukathas. He wrote about it already in 1992 in his article “Are There Any Cultural Rights?”. Kukathas's formulation of the right of exit is based on his views on toleration, freedom of association and the liberty of conscience as the cornerstones of liberalism (Kukathas 2003, 39).

For Kukathas, toleration and the liberty of conscience are the central values in liberalism. He does not see toleration as a demanding virtue. It does not require respect or even empathy for other groups or individuals. Rather, toleration is resigned acceptance of difference and of dissent. (Kukathas 2003, 23-24, 39.) The need for mutual toleration between communities is connected to human diversity. Diversity also means disagreement, so that a regime of mutual toleration is needed for many different moral standards to be able to coexist peacefully. (Kukathas 2003, 30, 39.) According to Kukathas, liberalism accepts the fact of human diversity and responds to it by advocating institutions that permit different values, beliefs and ways of life to co-exist by trying to regulate rather than eradicate the diversity. (Kukathas 2003, 2, 23.)

Ultimately, toleration is so central for Kukathas because it protects the liberty of conscience

which is the fundamental human interest. Kukathas understands conscience as a sense of right and wrong – a sense of what ought or ought not to be done. Kukathas (2003, 25) writes:

Fundamental to the liberal standpoint is the conviction that individuals should not be forced to act against conscience – to act in ways they consider wrong. It is the value of liberty of conscience which lies at the core of the liberal ideal of toleration.

The liberty of conscience includes the idea that one should be able to disengage oneself from people and communities one no longer can associate with – otherwise one would have to violate one's conscience. This is why Kukathas so strongly supports the freedom of association and its counterpart, the freedom to dissociate. According to the principle of freedom to dissociate, people should be able to leave behind, in addition to persons and communities, also practices and ways of life they no longer want to be part of because they consider them to be wrong. Everyone has an interest in being able to do what he thinks is right. (Kukathas 2003, 70, 95-96.) In Kukathas's theory, the laws of a good, that is to say a free, society uphold the freedom of association (Kukathas 2003, 76).

In order to secure the realization of the liberty of conscience, Kukathas formulates one single fundamental right of an individual against his community, which is based on the principle of dissociation. This is the right of exit. It means the right to be free to leave. Individuals have an inalienable right to leave, alone or together with others, the community. In other words, leaving means renouncing one's membership in the community. Because of the right of exit, no individual or no community has the right to prevent anyone from leaving with force. (Kukathas 2003, 95-97; 1992, 116.)

Kukathas's formulation of the right of exit is a *formal* or a minimalist one. It means that the right of exit is an option open to all the members of minority communities as a citizen of a wider society. Formal right of exit is seen to be enough to ensure its effective exercise. In contrast, those advocating for a *substantial*, also called a realistic or a meaningful right of exit, claim that a formal right of exit is not enough. This is because the formal right of exit is claimed to ensure its effective exercise, since a person needs certain capacities (such as some form of autonomy) and resources (such as education and economical resources) to use it. In addition, there are various factors (such as material or psychological costs of

leaving the community) that may undermine its exercise, which the supporters of the merely formal right of exit do not take into account. (Reitman 2005, 189; Mertel 2007, 36.) I will come back to the criticism against the formal right of exit in the next chapter.

What is important to note is that Kukathas's idea of the liberal, free and good society is a very particular one. A liberal society is an “archipelago” of competing and overlapping societies, or jurisdictions, in a sea of mutual toleration. His ideal society is not a unified entity, nor does he value social unity. (Kukathas 2003, 8, 20, 22, 75.) A liberal society can also include illiberal communities. Kukathas's conditions for a liberal society are not too demanding. In order to a society count as a liberal one, the dissenters must have a place to go. Further, if the association of the members willing to leave denies them this right, that authority should not be recognized by the the legal and political institutions of the wider society. (Kukathas 2003, 24-25.)

A liberal society has two more central features: it can accommodate multiple authorities and its legitimacy rests on the acquiescence of its subjects. So, in a liberal society individuals are free to reject the authority an association in order to place themselves under the authority of another association. The liberalness of a society can be measured by checking to what extent the society tolerates the multiplication of authorities. Kukathas views tolerance as a yardstick for the liberalness of a society or a community: a society or a community is liberal to the extent it has tolerance. (Kukathas 2003, 24-25, 27.)

According to this view, the former Soviet Union was an illiberal society since a person could not place himself under a subsidiary authority but remain under the authority of the state because no other authorities are allowed by the state. Also an Amish society is an illiberal society since within it there is no space for toleration but the community dictates even personal property holdings. As in the former Soviet Union, there is no place for subsidiary authorities in an Amish society. Kukathas gives an example of a liberal society: the international society is kind of a liberal society since there are multiple authorities and mutual toleration among them. (Kukathas 2003, 27.)

As noted earlier, Kukathas argues that in a liberal society the dissenters must have a place to go, another association that will accept them (Kukathas 2003, 25). However, it seems problematic that since due to the freedom of conscience no group has a duty to accept

dissenters, there might be individuals with no association willing to take them. (Kukathas 2003, 25, 37.) Even though Kukathas is an advocate for a formal right of exit, in his article from 1992 he still saw the existence of a *wider society* open for people exiting their groups as crucial for the freedom to dissociate to have a “substantive bite”. Kukathas (1992, 134) gives further preconditions still: the wider society would have to be “one in which the principle of freedom of association was upheld, and this seems unlikely in a social order in which the other liberal freedoms were not valued”. This is why the wider society may necessarily have to have a liberal political culture. (Kukathas 1992, 133–134.) In his book from 2003 Kukathas is no longer concerned at all of whether the individual enjoys a substantial freedom to leave or specify, where the dissenters that no group refuses to accept end up. I agree with Jeff Spinner-Halev's (2000, 84) criticism that a right of exit only makes sense if one has somewhere to go.

How does Kukathas view the liberal state? He speaks for a *laissez-faire* state the functions of which are to be very limited. The state should act as an umpire which tries to uphold the framework of law and to preserve the order so that individuals and different groups can exist peacefully. The aim of the state is not to promote liberal equality, nor a just social order. The state should have no collective goals. Its sole purpose is liberty. This vision of the state is a very minimalist, libertarian one. (Kukathas 2003, 212–213, 249.) Kukathas very strongly opposes the view that the state took interest in the ways people live, including their lives in groups. Kukathas describes liberalism as a politics of indifference. (Kukathas 2003, 249–250.)

2.3. Denying Group Rights but Allowing for a Strong Group Authority

Kukathas (2003, 96) denies that groups have any fundamental rights. Collectives, such as groups or cultures, and their claims only matter if they contribute to the well-being of actual individuals now or in the future (Kukathas 2003, 86). By sticking to an individualist standpoint Kukathas is not claiming that individuals were natural or original but that the identity of the groups comes into being by the interaction of individuals (Kukathas 2003, 90). He defines groups as associations of individuals. Further, a society is a union of associations. (Kukathas 2003, 91-92.)

Kukathas also argues against giving rights to groups with certain practical considerations.

Firstly, groups or communities are historically mutable. Secondly, there are important differences and conflict of interests within them between subgroups in a larger society as well as between masses and elites. Kukathas sees no reason in giving rights to groups since this would restrict the opportunities of the minorities of the group to reshape the cultural community. (Kukathas 2003, 88-89.)

Put shortly: Kukathas gives no rights to groups. On the other hand, there are no requirements on the communities to be communities of any particular kind. They might not even value human freedom. What matters is that individuals recognize as legitimate the terms of their associations, as well as the authority that upholds them. The needed evidence of the individual's acceptance of these terms is that he does not leave the authority. This means that the community to which an individual belongs to is given a great deal of authority. (Kukathas 2003, 96.) So, the only requirement that Kukathas states for groups is that they allow their members to exit.

The group can have a strong authority also in defining what kind of life a member can live and what kind of rights he can have. Kukathas claims that a community should be able to exclude a member who might even be born to it. In the name of the liberty of conscience for example Pueblo Indians can restrict or deny the freedom of belief of its members by deciding that an individual cannot for instance become a Christian. (Kukathas 2003, 137.) In general, those members who want rights recognized by the wider society but not by their community or culture should have to leave. Kukathas stresses that the freedom of dissociation should be given primary recognition. (Kukathas 2003, 103.)

2.4. *Allowing for Oppression*

Okin (2005, 227) notes that Kukathas's argument against group rights is explained by his liberal attachment to individual rights. The right to not be captive in a group one wishes to leave, the right to exit, is a fundamental among them. In addition to Kukathas's commitment to individual rights, the right of exit plays an important role in his theory in justifying the toleration for the non-intervention into the lives of groups, even when their practices are considered as illiberal.

Kukathas (2003, 135) admits that his theory even allows for oppression: since also illiberal

practices of groups are tolerated, practices such as clitoridectomy and denial of blood transfusions in life-threatening circumstances are to be accepted as part of the life of groups. Will Kymlicka is among the critics who have opposed Kukathas's view of tolerating illiberal practices and communities in what he claims to be a liberal theory. Kymlicka claims that a liberal theory that does not give substantial civil rights to all "is severely deficient from a liberal point of view" (Kymlicka 1992, 144).

However, Kukathas strongly opposes rights of the established authorities (which I understood to include states) to intervene even in "terrible practices" or to demand that also internal minorities should respect certain minimal civil rights. First, the question of why not to intervene: Kukathas gives several reasons for this. First of all, he notes that the larger society might as likely oppress the minorities as the minorities their members. Secondly, the power of the established authorities is easily abused so that minorities are demonized in order to justify their persecution. (Kukathas 2003, 135-136.) I think that Kukathas has a point in noting that the interventions in the lives of minorities do have risks and that the power of the state should be controlled. However, I do not see that the claim of the possibility of the outsiders to oppress the minorities justifies non-intervention.

Thirdly, Kukathas prefers persuasion to force. This is preferable morally, as well as it is often more effective than using force to impose new moral notions. Persuasion is also not as damaging to the group life as invasion by an external power. (Kukathas 2003, 136-137.) I think Kukathas could be clearer in when he speaks of intervening. It does not have to only mean intervening with force, as Kukathas wants to formulate it. Rather, it is the question of whether the outside society or the state should be concerned of the (possible) oppression within the minorities in the first place and to take *some kind of* action. Naturally, it is very hard to say what kind of action and in which cases.

Kymlicka also discusses the topic of intervention in the lives of minorities. After noting that even though all restrictions on the civil rights of group members by groups is inconsistent with liberal principles of freedom and equality, he stresses that liberals are not allowed to impose their principles on groups that do not share them. He is unwilling to grant the authority to force compliance with the individual rights to any agency both in the international and national arenas. He gives various reasons for this. Firstly he notes that

both foreign states and national minorities are their own political communities with their own claims to self-government. Secondly, when liberal principles are imposed by force, they are often viewed as a form of aggression or colonialism. Thirdly, imposing liberal principles by force often backfire. (Kymlicka 1995, 165, 167.)

Kukathas criticizes Kymlicka of being inconsistent. Namely, Kymlicka only allows for intervention by force in the affairs of foreign states or national minorities in the case of systematic and gross abuse of human rights, such as slavery or genocide. Kukathas asks what happens to Kymlicka's commitment on liberal principles, especially autonomy if groups can do whatever, except for murder and enslavement, to their members. (Kymlicka 1995, 169; Kukathas 1997, 420-421.)

I will now turn to the other issue that I mention earlier: why, according to Kukathas, should the state not demand the minorities to respect certain minimal civil rights? Kukathas gives again three replies. Firstly, the demand for all groups to respect minimal civil rights presupposes the existence of an ultimate moral authority. Kukathas opposes this kind of view because in a society marked by diversity and various moral standards, a unitary moral system is not desirable. Further, this ultimate moral authority could also persecute dissenters. (Kukathas 2003, 137.)

A second reply is based on the value of the liberty of conscience. In the name of it people should be free to remain loyal to their traditions or practices. Kukathas sees that instead of demanding them to give up of their traditions (which might be in contrast with the civil rights), those members who no longer can live with those traditions should leave. In a third reply Kukathas claims that a list of basic civil rights does not necessarily further a moral dialogue and a moral inquiry. On the contrary, it can limit these processes for example by eventually closing down the voice of the group majority. (Kukathas 2003, 137.)

As noted earlier, Kukathas's formulation of the right of exit is formal. The only conditions he sets on this right are that dissenters have somewhere else to go, and that groups should not be legally authorized to prevent their exit. Kukathas makes it clear that third parties have no obligations on helping individuals to leave their groups. Individuals wanting to leave have no right to any support from the wider society except for the fact that the wider society should not recognize the denial of their right of exit. (Kukathas 2003, 25, 97.)

Kukathas (2003, 97) writes: “ -- neither has an individual any fundamental claim upon others to ensure that he has the capacity to *join* a particular group or community, to *remain* within that group, or to *leave* it”. This view that neglects the capacities to exit has led to many criticisms (Okin 2002, Shachar 2001). I will discuss Susan Moller Okin's and Andrew Fagan's criticism in the next chapter.

3. Criticism on Formal Right of Exit

In this chapter I will introduce the view of one of the best-known feminist critic on the formal right of exit, Susan Moller Okin. Referring to the reality of many women and girls, she calls for a realistic right of exit and for equality in the ability to use it. The capacities that Okin sees as crucial for the right of exit to be realistic are in my view all related to individual autonomy. (Okin 2002.) I will claim her criticism on the formal right of exit strategy successfully shows that all people are neither able nor in a broadly similar situation to exercise the right of exit. This should give sufficient reason to reject the formal right of exit strategy.

Okin turns out to base her liberalism and her right of exit strategy on the value of autonomy. I will also support autonomy-based exit strategy. I will also note that despite Okin does not discuss the topic of conditions for a realistic rights of exit, the realistic right of exit requires certain conditions which call for a set of negative and positive rights. Lastly, I will discuss the topic of costs of exit. I will focus on the categorization of costs by Brian Barry, which I think to be problematic but somewhat useful.

3.1. Okin's Criticism on Formal Right of Exit

Susan Moller Okin claims in her article “Mistresses of Their Own Destiny? Group Rights, Gender, and Realistic Right of Exit” (2002) that leaving their cultural group is not a real option for many women and girls. Okin calls for a realistic right of exit instead of a merely formal one for all group members regardless of their sex, but further notes that even having a realistic right of exit may not be a satisfactory solution for culturally related gender discrimination. She tries to show, largely by referring to empirical studies on women's reality mostly in non-Western countries, that especially women and girls cannot often use

the right of exit because of certain cultural factors. In my reading, these factors work as barriers to certain capacities, conditions either psychological or of knowledge, needed for exiting. These capacities relate closely to individual autonomy. (Okin 2002.)

Okin wants to draw attention to the resources that women lack, resources needed for leaving a community. There are three central cultural factors, based on patriarchal gender roles, which put women into a worse situation compared to men in relation to exiting, and which often prevent them from leaving their community. First of these is education: in many cultures girls are educated less than boys or are given an education that makes them to accept a subordinate role in relation to boys and men. Secondly, early or involuntarily arranged marriages also affect negatively girls' ability to decide upon their lives. Especially in an unequal marriage a woman has difficulties in making decisions about her life, as well as getting a divorce or a testimony of her children. Thirdly, the overall socialization into gender roles and gender hierarchies makes girls accept an unequal relation to men. The socialization process also undermines girls' self-esteem which weakens their possibilities to choose a different kind of way of life than the one they were born into. Okin links the lack of self-esteem with being even unable to imagine exit. Okin (2002, 220) writes: “– – without a cultural context that allows one to develop a sound sense of self, it is difficult to imagine a woman being able even to conceive exit as an option”. All in all, she claims many women are less able than men to exercise the right of exit. (Okin 2002, 206, 216-220.)

Okin criticizes Kukathas's idea of a formal right of exit strongly. She does not accept the idea that exiting the community should be left to the responsibility of the individual. This is because certain – such as the above mentioned ones – cultural practices nullify or severely restrict the right of exit of many women. In the case of many women, the right of exit is not a *realistic* one. The second reason is that even what Okin calls a realistic right of exit is not always a satisfactory solution to culturally reinforced discrimination against women. (Okin 2002, 223.)

I leave the second point for later. First referring to the cultural factors: Okin (2002, 228) criticizes Kukathas for ignoring the capacities to leave the community that many women

lack. In my view, Okin is highly concerned of women's autonomy¹. She stresses the importance of capacities for exiting, all of which contribute to what I would call “autonomy building”: being aware of alternatives to one's current way of life, having the ability to assess these alternatives and to take advantage of them. Okin claims many fundamental religious schools, for instance, socialize children into strict sex roles and sex hierarchies so that the ability to be aware of different ways of life and the ability to choose a different way of life are endangered. (Okin 2002, 226.)

Kukathas accepts that socialization can make it very hard to consider leaving a community that teaches that its way of life is the only right one. The socialization process may condition a person to have a preference of contesting to her subordination in the group, in other words, to make her accept her unfreedom. In this way Kukathas clearly agrees that the socialization process may affect a person's capacity to leave her community. (Kukathas 2003, 109.)

But the conclusions Kukathas makes from this regarding the possible shortcomings of the formal right of exit strategy differ from Okin's. Kukathas claims that a person's preferences have nothing to do with she is or is not free. Freedom is not about what kind of preferences she has but whether she can act in accordance with them. If she is not forced to stay in her community, she is free. (Kukathas 2003, 109.) So, Kukathas is not interested in the mental process of deciding whether or not to leave (Weinstock 2005, 232). This is why the obstacles that the socialization process by the group create for an individual do not form an issue for further concerns for the liberal state in Kukathas's view. The formal right of exit is enough to protect the individual freedom.

Okin's worries on the lack of women's and girls capacities to exit are, to my view, mainly concerns over their autonomy and agency. Being autonomous can be defined as being a self-governed agent, to have the authority over one's own actions (Buss 2008). As a liberal egalitarian feminist, Okin stresses that autonomy depends heavily on certain enabling conditions – such as the above mentioned ones of education and overall socialization into

¹I follow here Rob Reich (2002, 46) who defines autonomy as “a person's ability to reflect independently and critically upon basic commitments, desires and beliefs, be they chosen or unchosen, and to enjoy a range of meaningful life options from which to choose, upon which to act, and around which to orientate and pursue one's life projects”.

gender roles. Okin also sees it as the task of the liberal state to improve women's and girls' situation in their communities, including their abilities to exit by promoting autonomy-supporting policies. She does not state this directly in the article "Mistresses of Their Own Destiny? Group Rights, Gender, and Realistic Right of Exit" but it can be read in her criticism against William Galston. (Okin 2002, 225-226.) I will come back to the issue of autonomy, which I consider as one of the most crucial controversies in the whole right of exit debate, in the next chapter.

Referring back to the second reason of why Okin thinks the right of exit should not be left on the responsibility of the individual: Okin argues that the right of exit put individuals who would like to stay in their communities but would also want to have a fair share of influence that they are lacking in it, in an undesired situation. People oppressed in their groups but nevertheless attached to their cultures should have possibilities to try to change the oppressive aspects of their cultures. This is why Okin does not think that even a realistic right of exit was always a satisfactory solution to culturally related gender discrimination; even a realistic right of exit cannot justify illiberal practices. (Okin 2002, 223, 226-227.)

Okin especially argues against (at least) certain kinds of involuntary exit, in other words, exclusions from the community. She gives as an example the case of a woman who lost her job as a teacher in a fundamental religious school based on a religious belief that women with young children should stay at home. Okin thinks it would be a task of the wider society to address this kind of treatment, which she calls discrimination. She asks for the liberal state to enforce individual rights against groups that discriminate against or oppress women and to encourage to cease discriminatory practices. In a footnote, Okin proposes the denial of tax-exempt status of those groups that discriminate women, such as the Catholic Church and Orthodox Judaism. (Okin 2002, 212, 229-230.)

3.2. *Evaluating Okin's View*

As noted, Okin claims what is needed is not a formal right of exit that Kukathas supports but a realistic one. Okin (2002, 206) argues that individuals should be not only formally but also substantially, as well as more or less equally, free to leave their religious or cultural communities.

What is questionable here is, first of all, that she does not try to formulate the standard of substantial. When is the right of exit a realistic one? I believe Okin would include at least the following substantial conditions for a realistic right of exit listed by Sarah Song (2007, 162) as “freedom from abuse and coercion; access to decent health care, nutrition, and education; and the existence of genuine alternatives among which to make choices; including a real access to a mainstream society to exit to”. A second problem related to the substantial conditions of a realistic right of exit is who is to decide when the conditions are met? Each liberal state on its own citizens or perhaps an international authority?

Secondly, Okin does not define what she means by equality or the standard of equality she is after. Thirdly, there is a question of the relation between substantial and equal: what is the hierarchy between the two? I believe she would choose a situation where both sexes had good possibilities for exiting but men had slightly better, if compared to a situation where both sexes had equal but bad possibilities. However, she does not discuss these issues which I find to be a flaw in her article.

Another criticism towards Okin is the issue of agency. By stressing that leaving their community is often not possible or even imaginable for women because they do not have the capacities to leave is according to many feminists an argument denying the agency of women, especially non-Western women whose plight Okin focuses on in her examples. Anne Phillips, for instance, states that exiting should not be turned into a “test of agency”. By this she refers to the research by Martha Mahoney among women who had faced domestic violence. Mahoney claims that it is questionable to state that if women do not leave their abusive partners their situation is not really that bad or that they are so subordinated that they could not leave. Phillips criticizes Okin of doing the latter. (Phillips 2007, 149–150.)

Phillips raises a counter-argument to Okin which I find to be important. The results of socialization are never secure, so that girls who are subjected to an oppressive and gender discriminating upbringing *do* challenge their parents and community. In general, people actually do leave their communities also after facing severe cultural barriers; in addition, these people are often the ones conceived as the most vulnerable ones of their communities. People often do not lose their agency even in when the circumstances are highly

discriminating or oppressive. I agree with Phillips that realistic right of exit is a matter of degree, and that Okin does indeed seem to be too stark on her formulations on the results of socialization. (Phillips 2007, 143, 148.)

Despite the flaws of Okin's theory, I think her criticism on Kukathas is highly valuable: she reminds of the real obstacles of a large number of people in exercising their right of exit. The removal of these obstacles seems to need the interventions by the liberal state even in the private lives of its citizens, such as in the ways people bring up their children. For instance educating girls in a gender discriminatory way that hinders them significantly from choosing another way of life poses a constraint on the exercise of the right of exit. Kukathas is aware of the fact that his vision leaves many group members in plight and even subjects them to oppression. Nonetheless, he is against the state intervening in groups' lives and is not concerned of actual obstacles that complicate the exercise of the right of exit. (Kukathas 2003, 135.)

So, the right of exit is not real – for *all* individuals. As Fagan (2006) states, formulations of the right of exit usually assume that all individuals have a broadly similar, if not equal, capacity for choosing to exit. This is also the assumption of Kukathas. In my view, Okin successfully shows, by giving empirical examples, that this assumption is incorrect.

I also think that Okin's focus on autonomy as the key to the ability for exercising the right of exit is insightful. In order to be able to leave a community one is deeply attached to she needs a certain degree of agency, an ability to steer one's own life. Lack of education, being forced to marry on a very early age or undergoing socialization into subordinate gender roles surely affect the ability to be the agent of one's life. This is due to the obstacles on the ability to reflect and/or change one's situation. One of the key differences between Okin and Kukathas is indeed their opposite views on the value of individual autonomy. Kukathas does not see individual autonomy as a fundamental liberal values, where as Okin does. I will discuss the topic of autonomy more carefully in the next chapter.

Another merit of Okin's article is that she notes that even granting a realistic right of exit does not necessarily mean that there are no worries of injustice for liberals. An involuntary exit related to gender discrimination is, as Okin notes, a serious problem from a liberal point of view. So, Okin makes an important claim against solely relying on the right of exit

in trying to solve the normative dilemmas in the relations between individuals, groups and the liberal state. Even granting people an individually perfectly satisfactory right of exit does not eradicate the problems that arise when there are group members who would like to stay but also have a greater share of influence in the group, or those who would like to stay but are excluded from their groups. (Okin 2002, 223, 226–227.)

All in all, Okin questions Kukathas's theory aptly. If we are concerned of protecting the freedom of all, his formal right of exit strategy does not seem satisfactory. A formal right of exit does not concern neither the real abilities of people to exit, neither equality in using it. Individuals may have to involuntarily stay in groups that even oppress them since they do not have the capacities to leave. In short, it does not give enough protection to all group members. Crucial here is that Kukathas is not interested in the mental process relating to leaving, such as an up-bringing in a fundamental religious community that makes a girl believe that the life outside her religious community leads to hell.

What I find necessary – but not sufficient – for the legitimacy of the formal right of exit strategy is that Kukathas could convincingly argue why mental coercion is not as great of an obstacle as physical coercion. For example brainwashing or threats of physical violence as a price of leaving, in my view, should be considered as capable of limiting the right of exit as much as physical force. Considering the case of honor related violence: in a situation where a young woman wants to leave her cultural community of origin and to marry someone outside the group, her male relative threatens the life of her or her partner. Now, if one follows the logic of Kukathas, an outsider is allowed to intervene only when the violence, maybe even a murder, has already taken place.

So, leaving the onus of exit solely on the individual, as Kukathas does, is in my opinion not a legitimate decision in liberalism. It does not offer individuals enough protection *vis-a-vis* their groups. Having a *genuine* right of exit seems indeed to depend on certain enabling conditions such as some degree of autonomy, as well as some substantial conditions Okin does not discuss. I see it as a duty of the liberal state to provide these substantial conditions and cultivate the capacity for autonomy of all its citizens as a means to eliminate oppression. As Okin and Reitman ask, why should the duties of the state stop in eliminating oppression if the people belong to a particular religious or cultural community? (Okin 2002,

229; Reitman 2005, 206.)

I agree with Okin that the liberal state should protect and promote individual autonomy of its citizens, as Okin (2002, 226) implicitly claims. This is both because autonomy has *intrinsic* value as a constitutive element of a good life in the sense that a person can be the author of his life (Mertel 2007, 24) as well as *instrumental* value in a way that an autonomous person has better abilities to take use of basic liberties, such as the right to leave, in comparison to a non-autonomous person. The ability to take advantage of one's liberties is because autonomous persons are less likely to obey an authority unquestionably and more likely to be making authentic choices regarding their life, such as leaving a community they were born into or choosing to stay after a critical reflection. Since autonomy is a capacity that must be developed in order for the individual to be able to exercise it, it needs support, such as education. (Reich 2002, 51, 117, 119).

I think Okin's criticism gives sufficient reason to reject the formal right of exit strategy and to favor the realistic right of exit in the name of protecting the individual freedom of all. However, it is hard to say how far a liberal state can legitimately go in its interventions in the name of enabling people to exit their groups before it violates the freedom of association and conscience. It is also difficult to say when the state has done enough in order to provide realistic rights. The controversiality of what is the content of "realistic" is indeed a great problem in the realistic right of exit strategy.

However, I think Sarah Song's (2007, 162) above mentioned list captures the key substantial conditions for a realistic right of exit: "freedom from abuse and coercion; access to decent health care, nutrition, and education; and the existence of genuine alternatives among which to make choices; including a real access to a mainstream society to exit to". The "genuine alternatives among which to make choices" that Song lists is a crucial substantial condition of a realistic right of exit, for which I think a person needs a specific kind of education. I come back to this topic in the next chapter.

In addition to education, what is clear is that for a realistic right of exit one needs various other liberties: both positive (e.g. health care and nutrition) and negative (e.g. freedom from abuse and coercion). One notice should be made: if we commit ourselves, as I do, to an autonomy-based liberalism, it is clear that the commitment on the value of autonomy in

itself brings negative and positive liberties, as Leslie Green (1998) notes. Indeed, the conditions (in the form of a set of negative and positive liberties) for the exercise of autonomy are largely similar to the conditions needed for exercising the realistic right of exit (Mertel 2007, 33-34). This is why I think the right of exit in itself cannot liberate the liberal state from intervening in the affairs in the lives of groups. When the group threatens or breaches the basic liberties of its members, the liberal state must act. It is out of the scope of this work to state when exactly and how.

3.3. *On Costs of Exit*

Leaving a group often generates some kind of losses for the individual. These can be economical as well as socio-psychological. An often given example of the economical losses is given in the context of a Hutterite community. In a community with a strict communal property an individual leaving the community does not have assets to start a new life outside the community. This is why Jeff Spinner-Halev has proposed that communities with communal property, like the Hutterites and the Amish, should set up an “exit fund” to compensate for the loss of money and resources for those leaving. The amount of it should not be big enough to encourage the exit but to enable the ones planning to leave to exit. There is a wide acceptance for the exit fund among the political theorists. (Spinner-Halev 2000, 77-78; Phillips 2007, 146.)

The socio-psychological losses relating to exit can include (a fear of) ostracism by family and friends, the potential loss of identity or a general fear of the future after the exit (Phillips 2007, 138). Naturally leaving a group does not *have to* generate losses for the individual but usually when a person considers something beneficial or valuable for him, losing it comes with (a sense of) a loss. A religion or a culture usually is “something valuable”, so that I agree on Jacob T. Levy's (2000, 112) observation: “To have a culture whose exit is entirely costless – – is to have no culture at all”.

The losses relating to exit are called “costs” in the right of exit debate. In the form of costs, the debate has got a new topic. After discussing what makes exit real, whether people *can* leave in some particular situations, it is now also asked in what circumstances exit is *fair*. Further, it is discussed *if* and *what kind of* costs should be compensated for the leaving individual and *by whom*, usually the state or the group. (Phillips 2007, 144, 146.) This

debate is by and large about whether there is a need for a public intervention in the affairs of a group or not – and if, when and how.

Kukathas takes a strict stand on costs. He admits that exit may be costly and that costs may strongly affect the decision of whether or not to exit. But the magnitude of the cost does not, in his view, affect the freedom of the individual. He gives an example: He is offered a billion dollars *not* to leave his position as a chief executive officer to become a professor. In this case, exit has become extremely costly – but he thinks he is as free to leave as he ever was. According to Kukathas, all costs are “opportunity costs”. (Kukathas 2003, 107.)

Anne Phillips thinks Kukathas's example denies that freedom can have differing contents. Phillips gives an example of someone profoundly bound up being Catholic who is faced with the choice of aborting a child or keeping it. She sees this case, because of the importance of the group for the identity of an individual, very different from the billion dollar offer which is “only” about money. Only the Catholic aborting a child would have to struggle with changing your sense of who you are. She is indeed free to choose an abortion but the cost does have a more severe impact on her freedom to choose than refusing the billion dollars. The cost makes a person somewhat unfree to take a decision against one's identity. (Phillips 2007, 144.)

I agree with Phillips on the claim that freedom is open to gradations. With his example, Kukathas seems to almost mock the unfreedom of those individuals who are not faced with a pleasant choice of whether or not to refuse a billion dollars offer. Consider the case of (mostly Muslim) immigrants girls residing in Western countries. These girls are faced with even a so-called “honour killing” if they refuse to follow other people's (probably mostly male family members' and group leaders') expectations on their lives. Is their choice really similar to Kukathas's deliberation on whether or not to accept a billion dollars? In my mind Kukathas is free in a way the immigrant girl is not.

So, Kukathas detaches costs from the freedom to act. Because of this the question of *who* should compensate and how for the costs never arises for him. However, there are other theorists who have discussed the topic in more detail. I will next introduce and evaluate the stance of Brian Barry.

3.4. ***Barry on Costs of Exit***

Brian Barry tries to find cases where a public intervention in the affairs of the group was needed even though he, as Kukathas, generally opposes the liberal state intervening in groups' affairs. Barry has come to the conclusion that the state should compensate for *certain kinds* of costs of exit. He has created a categorization of three kinds of costs: intrinsic, associative and external costs. Barry tries to find cases where a public intervention in the affairs of the group was needed even though he generally opposes the liberal state intervening in groups' affairs. The intrinsic costs the state cannot ameliorate. Barry gives an example of intrinsic costs members of the Roman Catholic Church who are excommunicated. The church must have a right to exclude members, even though this might mean that, depending on a person's beliefs, the costs can be defined as infinite for the one excommunicated. The excommunication should not be altered by the liberal state or any other actor, because the freedom to dissociate must be extended so that the churches can decide their members. (Barry 2001, 150-151.)

Associative costs are as well costs the liberal state cannot do anything about. They arise from decisions by group members in relation to the persons exiting (or in Barry's example, rather strangely actually those who are being excommunicated), decisions like breaking up social relations with them. The state cannot for instance force parents to talk to their child if she decides to marry against their will by taking a husband with a different religious background. In contrast, the state can and should take action in relation to external costs. External costs may not be legitimately imposed by the group. Barry mentions religiously based job discrimination as an illegitimate cost. The employer has no right to fire an excommunicated member unless it can prove at the court that the job must be done by a member of the church for some particular reason. Barry also disapproves a boycott: if members of the group a person is excommunicated from launch a boycott against his business, and if the boycott would drive the victim out of business, it is might appropriate to ask them to pay certain kind of compensation to the victim. (Barry 2001, 151-153.)

Jacob T. Levy notes Barry's classification is question-begging, especially in the separation between associative and external costs. Levy thinks some external costs are legitimate, where as others, for example submitting to a bodily violence as the price of leaving, are not.

(Levy 2005, 176.) I also think it is difficult to say why it would be legitimate to break up social relations but illegitimate to stop shopping at someone's store. Is boycotting not a natural factor of not socializing? If the difference between legitimate and illegitimate costs is about money, and one claims on this basis that boycotting means economical hardship for a person leaving a community and is therefore an illegitimate cost, one is bound to ask – what about losing one's income because of depression that is a consequence of people breaking up social relations?

Levy also agrees with Barry. He claims there are necessarily inherent costs whenever people have serious commitments. They should not be seen as an injustice a state should repair. Levy refers to Okin who gives an example of a 17-year-old Fijian girl who struggles with the demand of her parents to marry her, which would mean she could not finish high school. She does not want to act in contrast to her parents' wish but would not want to marry. Okin (2002, 222) calls the situation the girl is in a threat of a coerced marriage. Levy notes this girl does not face the threat of excommunication (she would remain Muslim even after declining the marriage) but severe associational costs, namely the threat of rejecting (and in my understanding, being rejected by) her parents. He stresses that the liberal state cannot force the parents to look at their children's religious or marital choices with indifference. It is not the right of the liberal state to radically transform religions. Levy himself claims the liberal state should “only” offer the dissenters a safe, free and just place to exit, a liberal society. He claims the liberal society (he prefers liberal *cities*) should be different enough from the communities one is exiting from in their laws. Okin, in contrast, does not give a policy solution to the case but claims exit is unthinkable and unavailable for the girl, even though she has a formal right of exit. (Levy 2005, 176-177, 183-184.)

I think Okin is wrong in claiming exit was unthinkable to the girl. She surely can imagine another option – if not, she would not feel to be in a situation where her hopes were dragging her to two different directions. Exit is also available to her *if* she has some assets and somewhere else to go and no one is forcing her to stay. In this case, the marriage is not coerced: what one means by coerced can naturally vary but I think having an ability to ponder upon the choice of not marrying and in addition having somewhere to go with some minimal assets does not count as coerced. However, I only partly agree with Levy that despite the severe associational costs, the state cannot do anything in this case. Providing

assets and somewhere to go, for example in the form of a subsistence subsidy and a safe house, is in my view a duty of a liberal state in the name of realizing everyone's basic rights, including life, liberty, and security (safe house), as well as social and economical ones (subsistence subsidy). The case was different if the girl was really coerced to a marriage. Then it would surely be the duty of the liberal state to intervene in order to protect her freedom.

I value Barry's effort of trying to formulate different costs very empirically. He realizes the various stances the group members can take regarding the person wanting to exit; there are gradations from boycott to job discrimination and to bankruptcy. Unfortunately, he is unable to give convincing arguments on what grounds to categorize certain costs as legitimate and others as illegitimate. But defining which costs are excessive, in other words, what kind of costs the group may not impose, is difficult. As Kukathas (2003, 111) notes, Barry does not say in the end *how* we decide which costs are excessive. Violating bodily integrity and submitting to mental coercion seem clear to me. Problematic is that in these cases the compensation does not help at all or only little, where as in the case of a boycott or destroying the property of a person willing to leave it can compensate the loss in a totally satisfactory way.

Anne Phillips claims that Barry mixes the topic of whether exit is realistic with the *unfairness* of exit, so that topic moves from prior constraints on exit to “afterwards calculations” about compensation. She does not see Barry's theory helpful in defining whether exit is a realistic option. (Phillips 2007, 147.) There is indeed a difference in viewpoint between Okin and Barry: Okin lists things the state must provide in advance for the exit to be real where as Barry concentrates on the afterplay. However, there may be a link between an exit being realistic and an exit having no excessive costs. Exit seems more realistic if an individual *knows* some kinds of costs are *considered as* excessive by the state. If the individual considering leaving knows that the state helps him after a boycott (by making the group compensate for the boycott or by guaranteeing his subsistence in another way), his exit can be seen as more realistic than if he knows the state will not help him. In a similar line, a *fear* of a cost might make exit unrealistic, for example if one is afraid of not making a living after the boycott.

All in all, Barry's categorization of costs is in the end somewhat useful. He shows that there are different kinds of costs and that some of them surely are not to be compensated by the state. The clearest examples of these are what Barry calls associative costs that are born out of the group members no longer willing to socialize with someone who has left a group. Socio-psychological costs include other kinds of costs as well, such as feelings of fear of change and sorrow relating to exit. In my view, there is not much that the state could do and no duty for the state to ameliorate or compensate for these kind of costs. However, offering psychological help for those exiting could be seen as a task for the liberal state.

Neither do I see it as the duty of the groups as a collective or as individual members to alleviate the socio-psychological costs of the ones exiting. It is surely very sad that many relations brake when one exits. Sometimes the parents are even encouraged or pressured by the group authorities to break up their relations with their children but I see this as their right.

4. On Autonomy and Realistic Right of Exit

In this chapter I continue with the topic of autonomy. First I claim that the differences between Kukathas and his critics on the right of exit are largely based on their opposing views on the universal value of individual autonomy. Secondly, I discuss minors within minorities, for whom I see exiting as more difficult than for adults. This leads into the discussion on what kind of education is needed for the right of exit to be realistic or meaningful. I will argue that having an autonomy supporting education is an important condition for a meaningful right of exit. More specifically, I agree with Rob Reich that children should be given a specific kind of education in order to foster their autonomy. In the end, I discuss the topic of tacit consent.

4.1. *Autonomy and Tolerance*

The concept of autonomy is central for liberalism. There is, however, a wide disagreement among liberals on the content and the universal value of autonomy – as well as on the value of toleration of diversity. William Galston (1995) discusses this debate in his essay “Two

Concepts of Liberalism” as calling the two strands of liberalism, from a historical point of view, the Reformation Project and the Enlightenment Project. Both strands of liberalism are said to value cultural diversity as one of the most fundamental liberal principles, as well as toleration as the precondition to advance the peaceful coexistence of this pluralism.

However, their interpretations on the requirements of toleration differ. Galston formulates two models of free association based on these two projects: the diversity model and the autonomy model. (Kuosmanen 2008, 43; Galston 1995, 533.)

Jaakko Kuosmanen interpretes Galston's formulations in the light of the right of exit debate. According to him, the “reformation liberals” call for as wide cultural diversity as possible and see that the liberal neutrality means also the toleration of ways of life that do not value autonomy. According to them, the absence of physical barriers in the right of exit is a sufficient condition for toleration of diverse groups. (Kuosmanen 2008, 44.)

In contrast, for the enlightenment liberals, the public support for autonomy as the condition for toleration and cultural diversity is crucial, which means restrictions to non-liberal communities. As Galston notes, for the advocates of the autonomy model (in other words, the enlightenment liberals), the freedom of association is conditioned so that the practices and the internal structure of all groups must meet the requirements of individual autonomy. (Kuosmanen 2008, 44; Galston 1995, 533.)

In the core of the enlightenment liberalism is the Socratic ideal of critical consciousness. Kant and J.S. Mill later developed this strand of liberalism. They both stress the universal value of individual autonomy. (Kuosmanen 2008, 44.) Kant and J.S. Mill view autonomy as the rational self-government of an individual agent (Gray 1986, 58). A contemporary liberal author, Seyla Benhabib, whom I also count to clearly belong to the strand of enlightenment liberalism, defines liberalism by resting on the value of individual autonomy, “on allowing individuals to make free and informed choices about their lives” (Benhabib 2002, 65-66).

Autonomy is indeed crucial for the debate on the right of exit. Two opposite views on the topic can be found on the views on Kukathas (arguing for reformation liberalism) and Will Kymlicka (arguing for enlightenment liberalism). I will first introduce Kymlicka's arguments.

Kymlicka places great importance for autonomy. He views it as a form of individual

freedom and as forming a precondition for a good life. According to Kymlicka, every individual must be able to lead his life in accordance with his beliefs about what gives value to life. For this certain resources and liberties are needed. In addition to this kind of “living from inside”, person must be free to question those beliefs: he must therefore have the necessary conditions “to acquire an awareness of different views about the good life”. Certain liberties, such as the freedom of association, enable in this examining and revising ways of life. (Kymlicka 1995, 81.) So, for Kymlicka autonomy includes both the knowledge of alternative options and the ability to take advantage of them.

Kymlicka stresses the equal importance of these two preconditions for a good life in a liberal society. A liberal society gives people access to information about other ways of life through freedom of expression and endorses mandatory education for all children. (Kymlicka 1995, 82.) People should not only be given the legal rights to assess values and ways of life but also social conditions that enhance this capacity – such as liberal education (Kymlicka 1995, 92).

4.2. *Kukathas's Criticism on Kymlicka*

Kukathas notes that Kymlicka supports the kind of liberal view stemming from the writings of Mill. Kymlicka regards human beings as rational agents who have a capacity to choose their ends. This rationality is also the basis for having rights. Kymlicka states that a good life is a chosen life and it is because of this that people have an interest in being able to revise their conceptions of the good. (Kukathas 2003, 56-57.) Indeed, Kymlicka (1995, 152) stresses that liberalism is committed to the freedom and capacity of persons to question and revise the practices of their communities. For Kymlicka, freedom is essentially freedom of choice.

Kukathas supports another kind of liberalism. He claims the liberal stance by Kymlicka concentrates too much on the importance of choice in human rationality (Kukathas 2003, 58). Kukathas argues that there is no basic interest in being able to assess one's ends. He states that it is also a mistake to claim that being able to assess and revise one's ends are more important than being able to pursue them. He gives many reasons to support his view. Many of our most important activities, for instance, are not the result of careful consideration or choice but rather random selection. Moreover, placing much importance

on examining one's life is harmful because it takes time from living but also it may create frustration and bitterness. Kukathas also rejects that for the good life an awareness of alternative possibilities is needed. The unexamined life may well be worth living. (Kukathas 2003, 59-60.)

Mertel criticizes Kukathas for mixing the intrinsic and instrumental value of autonomy and claims that Kukathas wrongly clings on the latter. Exercising autonomy can naturally lead to bad choices but it should not be mainly the consequences we should concentrate on. Mertel notes that liberals supporting autonomy as a key value stress its intrinsic value. They claim that if individual is lacking autonomy, there is something important missing in their life. Depriving one's autonomy negatively affects his life. Moreover, leaving an unexamined life may well be worth living but there is something missing in it. (Mertel 2007, 24.)

Kukathas claims that if there are basic human interests, instead of autonomy, liberty of conscience is the most probable one. Every human being has an interest in living in accordance with the demands of conscience. People want to live according to their understanding of what is right because it is tied to one's life's meaning. (Kukathas 2003, 55.)

Kukathas argues against the ideal of the individual autonomy also by referring to actual ways of life. He notes that some cultures, such as an Australian Aboriginal society, do not accept the idea that *individual* projects provide any standard of value. This is why personal projects should not be seen as fundamental to human nature. (Kukathas 2003, 102.)

Kukathas can be given a counter-argument relying on the actual human practices: there are plenty of people who seem to value many other things more than their liberty of conscience, money or power, for instance. I think Kukathas might be overestimating the importance of the liberty of conscience when claiming that it is a basic human interest, shared by all.

Kukathas does not give value to choice in human life. He claims that the good life for a human being is, instead of the chosen life or a life with opportunities for choice, one that he can live in accordance with this conscience. (Kukathas 2003, 64.) Kukathas's (2003, 55) definition for conscience is "one's understanding of what is right". Instead of emphasizing

the importance of decisions being voluntary, Kukathas (2003, 112) stresses their not being forced.

In this context Kukathas gives an example of a Muslim woman called Fatima. She is a mother and a wife living in community which reinforces her view that her life should be governed by her religion and by her duties as a mother and a wife. She does not desire to live elsewhere. Kukathas asks whether Fatima is free. He answers “yes” because she may leave if she wants. Her freedom is not defined by her being autonomous or her life being chosen by her. It is defined by her liberty of conscience. (Kukathas 2003, 112-113.)

Kukathas (2003, 113) sums up:

Fatima is free because she may live a life she has not rejected and is not forced to live a life she cannot accept. She is, in a sense, free because she enjoys a certain 'inner freedom'; however, that inner freedom is not autonomy or self-direction. It is liberty of conscience.

I see Kukathas's way of denying the link between conscience and autonomy questionable. If we view autonomy as the ability to assess and revise one's existing ends, as Kymlicka (1995, 158) does, and conscience as Kukathas (2003, 55) does as one's understanding of what is right, I think it is legitimate to ask – is there really no link between the two? Does the basic interest of doing what is right not include assessing one's ends? I think autonomy and conscience do seem to have a link. It is somehow a faint kind of idea of conscience that does not include assessing one's ends.

Kukathas also gives an example of a devoted Muslim fisherman from Kelantan. He has little knowledge of the world outside his community. He considers his life to be good. Kukathas argues the fisherman has no interest to revise and assess his conceptions of the good. Would it not be better to claim he had interest to insulate himself from the foreign influences which could damage his worldview? (Kukathas 2003, 59.) Kurt Mertel gives two counter-arguments which I find insightful. Surely the man can have what he considers as a good life but one is bound to ask, good in comparison to what? Maybe if he could critically reflect his values and way of life, he would choose differently. Secondly, by self-reflection the fisherman could also come to think the life he has *is* the best for him. He would maybe appreciate it more after learning about the outside world and other ways of life. His choice could be well described as authentic. I agree with Mertel that if one is deprived of

autonomy, there is something missing in one's life. (Mertel 2007, 24-25.)

Kymlicka also sees liberty of conscience as valuable. He defends autonomy partly exactly because it defends liberty of conscience. (Kymlicka 1995, 158.) However, as I have showed, Kukathas brakes the connection between autonomy and liberty of conscience. The latter is a universal value, while the former is not. He also gives examples of cases where the protection of individual autonomy of a member of a group clash with the liberty of conscience of the other group members. In these cases, liberty of conscience should prevail. For example, when an individual revises her beliefs and practices of her group, in accordance with her autonomy, she can come to the conclusion that in good conscience she cannot give up her revised beliefs. However, her group members' liberty of conscience should also be respected since claiming that the majority must act against conscience is not less illiberal as making the minority to do so. Kukathas notes that no party of the conflict has a right to bind each other's conscience. (Kukathas 2003, 36-37.)

So, Kukathas and Kymlicka have very different views on the value of choice and autonomy for a human being. For Kymlicka there are in the essence of the liberal theory, where as for Kukathas not. According to Kymlicka, a liberal cannot accept what he calls “internal restrictions” in any community. These restrictions endanger the basic civil or political liberties of group members. They can take the form of gender discrimination, for instance. (Kymlicka 1995, 152-153.) According to Kymlicka, all groups must respect certain liberal norms, especially autonomy. Kymlicka also strongly argues that the liberal society should value autonomy more than toleration. While he views toleration as a fundamental liberal value, according to him, the liberal tolerance is always committed to autonomy, meaning that persons should always be free to assess and revise their ends. (Kymlicka 1995, 154, 158.)

As I noted in the beginning of this chapter, there is a wide debate among liberals on which is the fundamental value in liberal theory, autonomy or tolerance (Kymlicka 1995, 154). Kukathas and Kymlicka stand on the opposite ends on the question of whether the liberal theory is more committed to tolerance or autonomy. Instead of autonomy, Kukathas (2003, 165) sees the core liberal value to be tolerance. It is important since it checks our moral certitude and also gives our judgments worth (Kukathas 2003, 126). He criticizes among

others Kymlicka as seeing the liberal public sphere as one in which there is a common established standpoint. This makes the case for tolerance impossible, since the principles of the established standpoint restrict the differing views – they are only tolerated in the limits of those principles. (Kukathas 2003, 128.)

According to Kukathas (2003, 131-132), the liberal public realm is rather an area of converge of different moral practices. The political society should not be seen as a moral community (Kukathas 2003, 135). Kukathas (2003, 134) admits that this kind of vision of the society gives the possibility for communities which denies education and medical care to their members, and which allows for cruel punishments.

Even though Okin does not explicitly write on the topic of autonomy in her article from 2002, I do think she belongs to the same side with Kymlicka on the debate on autonomy vs. toleration as the central value in liberalism. There is a clear likeness in Kymlicka's ideas with those of Okin. As I noted earlier, Okin's worries on the lack of women's and girls' capacities to exit are mainly concerns over their autonomy and agency. The criticism of Okin on the manner of the cultural groups, such as the fundamental religious ones, to discriminate girls in education, as well socializing them into strict gender roles and marrying them on an early age, are all criticism against depriving them of autonomy supporting capacities. (Okin 2002.)

4.3. *Minors within Minorities*

The topic of children living in groups poses special concerns for liberals discussing the right of exit. A key issue in the discussion on minors within minorities concerns the education of children, since (a specific kind of) education is often seen as crucial for a meaningful right of exit. The debate on autonomy and tolerance is also present in this discussion. (Reich 2005, 210-211.) Before I focus on the topic of education and right of exit, I will briefly make short remarks on the general exit barriers for children which are due to children's strong dependence on their guardians.

Leaving their community can be harder for children than for adults on the grounds that children at least partly lack the right to decide on their lives. In many cases a child's wish to leave his community of origin is unheard or silenced in the name of the parental authority

or because he is treated as a non-autonomous agent. For a child still in the process of identity formation and only becoming autonomous the psychological constraints of exit are also often very heavy. Many children cannot imagine leaving their community because it would mean a life without contact to their families, or are unwilling to leave because they feel they were letting their parents down. I agree with Rob Reich who claims that because children are dependent for the care of their families, it is unlikely that they leave. The costs of exit are too great. (Reich 2002, 63.)

For children, having for instance the economical capacities to leave a community is harder than for an adult. Consider a case where two minor Finnish girls are on what they believe to be a holiday in the country of origin of their parents with their relatives. They found out that the real purpose of the trip is to marry them. Resisting the idea, the girls decide to get help from the Finnish Embassy. But in order to get there from the village they're living, they need money that neither of them has. This kind of obstacles, lack of a little money, that usually pose no problems for adults, can make the right of exit for a child out of reach.

Next I will focus on the link between education, autonomy and a meaningful right of exit. Members of religious and cultural groups naturally want to transmit their values to their children, often through educating their children based on their own values, outside public schools and with exemptions from the educational requirements. If autonomy is seen as being “an author of one's life”, then parents’ right to bring up their children as they see fit may seem like a natural consequence of autonomy (Spinner-Halev 2005, 171). However, if the up-bringing hinders children's capacities to exit when they are older, it turns into a problem for those advocating a meaningful (or realistic) right of exit. This is because they generally see autonomy as the kind of capacity that is crucial for exercising the right of exit. Parents' and children's autonomy can be in tension. (Reich 2005, 215-216.)

Rob Reich is among the authors who have stressed the importance of children's right to develop the capacities for exiting by education for autonomy – even if this threatens the integrity of groups. For him, right of exit clearly presupposes autonomy. Reich fears that if for example illiberal religious groups are allowed by the state to educate their children according to their religious values, children's autonomy can be impaired so that they grow up not having a choice but to remain in the group. Other capacities needed for exit that

Reich mentions are certain civil virtues, such as tolerance and civility that the liberal education promotes. (Reich 2005, 211, 216.)

Essential in autonomy for Reich is the capacity for critical reflection, as well as the condition of having an adequate range of meaningful options to choose from. Reich (2002, 46) formulates autonomy as

A person's ability to reflect independently and critically upon basic commitments, desires and beliefs, be they chosen or unchosen, and to enjoy a range of meaningful life options from which to choose, upon which to act, and around which to orientate and pursue one's life projects.

Reich gives the Ultra-Orthodox Jews as an example of a group that promotes an education that is not satisfactory from the liberal point of view: they, for instance, allow boys to study only a very narrow set of subjects (including almost nothing secular) and limit the education of the girls greatly (to the age of 20). Reich thinks the education the Ultra-Orthodox Jews get does not create conditions where a person is capable of revising or rejecting their religious attachments. (Reich 2005, 213, 215.) As for Kymlicka, choice is crucial in Reich's view of a good life. It is important that one's life is chosen. For Reich, it is only those members who have had the capacity to reflect and revise their way of life that can be claimed to have chosen to stay in their group. (Burtonwood 2006, 95-96.)

Reich suggests that the liberal state should have the regulatory authority over schooling and that it should offer an education that promotes the development of autonomy and certain civic virtues of a child. Reich's claims can be formulated as claims for positive rights for children, for rights to be assisted to develop certain capacities. In contrast, Kukathas and advocates of formal right of exit claim that a negative right is enough: the exit right of an individual corresponds with a negative duty of others not to prevent him from leaving. (Reich 2005, 226; Spiecker et al 2006, 314.)

As Okin, whose ideas I discussed earlier, Reich demands an effective exercise of the right of exit. They both believe that autonomy is crucial for a meaningful right of exit, as well as on the matter that education plays an important role in the development of autonomy. In other words, Okin and Reich both support a public support of autonomy development. They are not alone: advocates for a meaningful right of exit in general view autonomy as crucial

for the exercise of the right of exit. However, there exists a disagreement among them on the degree of autonomy needed for the effective exercise of the right of exit, and on the kind of education best suited to achieve it. Mertel divides the theorists into three groups on this matter: the civic or autonomy “minimalism” of diversity liberals, the more robust “minimal” autonomy view, and lastly, the civic/political model that I will not discuss. Briefly put the last model sees the development of civic virtues necessary for citizenship in a liberal-democratic society. In this model, the civic virtues trump both the parental authority and the development of personal autonomy. (Mertel 2007, 38.)

The first view, autonomy minimalism, gives the parents a considerable authority to decide on the education of their children in order to protect diversity. Theorists in this group include the already mentioned theorist William Galston who argues on this basis that a liberal state must promote for wide parental rights and a non-autonomy-based system of public education. Advocates of this view recognize that children have interest in some choice over their lives but define the cognitive requirements for autonomy minimally. (Mertel 2007, 38; Galston 1995, 529.)

Even though Galston is a strong advocate for diversity, he does not share Kukathas's view that the wider society has no right to demand particular standards or systems of education within groups. Galston thinks that it is a legitimate and compelling interest of the liberal state to ensure children to have the cognitive tools and virtues which prepare them for their future role as citizens in a liberal state. Tolerance, which is the most fundamental virtue in liberalism for Galston, requires at least minimal awareness of the existence and nature of the ways of life different from one's own. This is why the liberal state may formulate educational guidelines for meeting the goal of tolerance. However, Galston (1995, 529) states it may not “prescribe curricula or pedagogic practices that require or strongly invite students to become skeptical or critical of their own ways of life”. The state must also help individuals to gain capacities to be able to perform as members of the liberal society, economy and polity. Galston notes that it is not unproblematic to tell what kind of reach this requirement has. (Galston 1995, 529.)

Galston strongly defends parents' right to raise their children as they see fit, in a manner consistent with their “deepest commitments”. If this means that they want to discourage

their children from critical reflection of different ways of life in educating them, this is to be accepted by the state. As noted already, the state only has a right to require a rudimentary knowledge of alternative values, beliefs and ways of life. If the states demands an education that encourages a critical evaluation of ways of life, it means it has overstepped its rightful authority and is forcing all citizens to comply with an autonomy-based idea of the good life. This kind of endorsing a liberalism committed to autonomy is something that Galston opposes. (Galston 2002, 102; Corngold 2009, 6.)

Galston has also formulated four conditions for a substantive right of exit, which he thinks the liberal state should protect. Two first of them deal clearly with the liberal education for autonomy. According to his *knowledge* condition, a person must at least be aware of ways of life other than one's own. According to a *capacity* condition, one must possess the necessary intellectual capacities to critically assess one's tradition in light of these alternatives. The third condition is a *psychological* condition, which refers to the fact that one must be free from severe forms of psychological coercion in order to make a critical assessment of one's group. Finally, a *fitness* condition requires one to be able to function and participate in alternative ways of life in the wider society, should one decide to leave. (Galston 1995, 533-534; Mertel 2007, 42.)

As Burtonwood (2006, 94) aptly notes, it is difficult to see how these conditions can be met without education for autonomy. Galston (1995, 534) himself admits that “-- the protection of meaningful right of exit -- brings us back some distance towards policies more typically associated with autonomy concerns. Some distance, but not all the way down.” He next notes that he is not able to make convincingly the difference between the policies he advocates and the autonomy-based ones (Galston 1995, 534). In the end, I agree with Mertel (2007, 5) who argues that while Galston rejects the value of autonomy in favor of tolerance, the condition that he gives for a meaningful right of exit imply a commitment to autonomy. In a similar line, Reich (2002, 54) asks a question answering which Galston seems to be in difficulties: how can critically assess one's tradition in light of alternatives (Galston's capacity condition) if one is not already exercising some degree of autonomy?

The theorists of the second group, the “minimal” autonomy view, to which Mertel also

includes Reich², give autonomy explicitly a more important role than the first group. They are committed to developing the capacities for critical reflection in children. This means that interest of parents of groups cannot trump the interest in achieving a minimal autonomy. In other words, parental authority is limited for the development of child's autonomy. The debate among liberals on autonomy and diversity that I discussed in the previous chapter is the main divider between Galston and Reich: Reich does not accept Galston's view that diversity should override autonomy. Reich tolerates diversity but only on the grounds that it does not compromise autonomy. As we can see, the debate on education needed for exiting comes back to the question of whether autonomy-based right of exit strategy is to be favored over a non-autonomy based one. (Mertel 2007, 38-39; Olssen 2005, 2.) However, to me it seems Galston's and Reich's views come close to each other on the implications for education: they both seem to advocate for autonomy-supporting education.

4.4. *Liberal Multicultural Education as Promoting Meaningful Exit*

Kuosmanen argues against Galston's and Kukathas's views on education by claiming that they entail an idea of a “cultural goodwill”. The right of exit is in danger of being dependent on this cultural goodwill of the groups if the liberal state leaves it up to the groups to decide what the capacities to exit include and how to support those capacities. Illiberal groups will not generally offer their members the kind of education which helps them to develop tools for critical reflection needed for evaluating one's way of life and for comparing it to the ones outside the community. (Kuosmanen 2008, 46.)

Kuosmanen reminds that among the main interests of the community is its survival against the pressures from the outside society. If groups are let to educate their children quite freely there is a strong pressure by the group authorities for making the children to adopt certain cultural roles. This hinders their possibilities for assuming autonomy building capacities and for making autonomous choices regarding their goals in life. He claims it is absurd to think that all illiberal groups would offer the kind of education that would help them develop tools for critical thinking – tools with which individuals could systematically assess the practices and values of his community and compare them to life in other

² Contrary to the categorization by Mertel, Reich (2005, 226) himself calls his view a “minimalist autonomy”.

communities. (Kuosmanen 2008, 46.)

I agree in this with Kuosmanen. If one believes his ideas and considers the vision he forms as unwanted, as I do, I think one should support another kind of view of autonomy and education than Galston and Kukathas – one which is more demanding on the public support on autonomy development. For Galston Kuosmanen's argument on the lack of cultural goodwill of groups in education does pose a challenge, at least to a certain degree, since he advocates the conditions for a meaningful right of exit, including the psychological condition (in particular, freedom from brainwashing) and fitness condition (ability to participate in alternative ways of life). Indeed, if one formulates the criticism against wide parental authority based on claim that the education that for instance fundamental religious groups offer lack the conditions needed for a meaningful right of exit, Galston has to argue either in the favor for the demand of meeting the conditions, or for the demand of the wide parental authority in education. However, if one formulates the counter-argument against wide parental authority based explicitly on the lack of *autonomy* supporting education, as Kuosmanen actually does, Galston can easily reject it by noting he is not in favor of it in the first place. All in all, as I noted earlier, Galston's view is incoherent in that he explicitly rejects autonomy but implicitly seems to advocate for it.

For a reformation liberal like Kukathas, who is not committed to an autonomy-based exit strategy, nor to a meaningful right of exit of any kind (in contrast to Galston), the possible lack of cultural goodwill in education of communities is even less a problem: actually, it is *not* a problem. As noted earlier, what is required of the groups, according to him, is that they do not physically force people to stay. (Kukathas 2003, 96.)

I claim that in order for the person to exercise a realistic right of exit, some degree of autonomy is needed and this is why education is indeed a crucial topic for the right of exit debate. Rob Reich's (2002, 46) conception of autonomy is well formulated:

A person's ability to reflect independently and critically upon basic commitments, desires and beliefs, be they chosen or unchosen, and to enjoy a range of meaningful life options from which to choose, upon which to act, and around which to orientate and pursue one's life projects.

A child needs assistance to develop his capacity to autonomy which creates certain

conditions for a meaningful right of exit. I agree with Galston's above mentioned conditions all of which, in the end, relate to being autonomous, an agent of one's own life: being free from mental coercion, being aware of ways of life other than one's own, having the intellectual capacities to assess one's tradition and being able to function and participate on alternative ways of life (Galston 1995, 533-534). These conditions also meet with Sarah Song's (2007, 162) last condition for a meaningful right of exit that I mentioned in the previous chapter, namely having “genuine alternatives among which to make choices”.

But what kind of education is enough for meeting these conditions? I agree with Reich on his worries that having a lacking education or an education with a curricula that is very narrow poses a severe constraint on the ability of the children to critically revise and then either to endorse or to reject the way of life of the group. I also think having a contact with group outsiders is important for this ability. Due to these reasons I think giving wide parental rights on education to groups should be considered carefully. The education in many fundamental religious schools, such as the Orthodox Jews, seems to fairly raise the previous worries. It seems to me that children who are educated at least partly at the schools of the liberal state are generally in a better position to develop their capacities for autonomy in comparison to children who are educated in non-liberal groups, be it at home or other institutions.

Naturally, the education given by the liberal state can also fail to meet the goal. Autonomy promoting education has to be an education of a specific kind. I think Reich's liberal multicultural education captures the crucial aspects of autonomy supporting education. He advocates an education the most important aspects relate to the curricula and to learning with others. The multicultural education teaches the children about the histories and the values of various cultural groups and makes the children associate with children from different cultural groups.

How does this kind of education support autonomy? Reich (2002, 132) mentions two aspects: by “creating and enhancing the possibility of critical and independent reflection” and by making vivid different kinds of cultural values and practices, which can turn into real choices for the children to choose and pursue. I agree with Reich that for critical reflection and evaluation of one's way of life one needs the knowledge of various

alternatives. In order to have meaningful life options and to take advantage of them, one needs to also learn to consider different kinds of life options available for oneself. As Kuosmanen notes, letting the groups quite freely to educate their children, there is a danger the children will be brought up to end up having an education that does not promote critical reflection but rather pressures them to cultural roles – roles that can be very strict and very narrow. This is why I think the liberal societies should carefully ponder whether the groups should be allowed to educate their children quite freely. (Reich 2002, 131-135; Kuosmanen 2008, 46.)

5. Voice

Anne Phillips notes that the literature on exit discusses two main set of difficulties with exit. The first one is the debate I have dealt with previously: when is exit realistic, in other words, what substantive conditions should be met for an exit right to be realistic? The second set of difficulties relates to Albert O. Hirschman's theory on exit and voice. Especially feminist authors have raised the concern that when concentrating only on the possibilities of exit, the incentives for an internal change can be discouraged, which many see as unwanted or unjust for the so called minorities within minorities or internal minorities. Often mentioned internal minorities are women and homosexuals. Also deliberative democrats have promoted giving voice to minorities within minorities, such as women. The common view of the supporters of voice seems to be that the right of exit should be supplemented by giving voice to the members who are in a minority in their group. (Phillips 2007, 138-140; Bader 2005, 335.)

When internal change takes place, power relations in the group no longer remain the same. Internal change may seem necessary and justified for people who have been silenced in their groups. The need for an equal right of expression seems clear in a liberal framework. But why should the opinions of internal minorities change the group that has been formed to keep alive certain traditions and certain values? Does the will of the “majority” or the “conservatists” matter less than the will of internal minorities or “reformers”?

I will first introduce Albert O. Hirschman's theory after which I will give an example of

voice in practice, namely a law reform in India for more gender equal family law. Then I will introduce the ideas of Dwight G. Newman on exit and voice. He claims both realistic rights and voice can be limited for the sake of group integrity to pursue their collective interests. I will oppose both of his claims and defend later the idea that everyone should have a right to voice. However, the reactions by the group to someone exercising his voice may lead to even exclusions from the group. Is this justified? For these kinds of consequences there are no easy answers. I try to formulate some guidelines for what the group is and is not allowed to do to individuals exercising their voice, to look for certain kind of legitimate and illegitimate costs of voice. I will also consider whether it is a legitimate consequence to exclude members due to their reformist opinions. In these questions, I do not have a definite say. However, I will try to formulate limits or guidelines to how the group cannot behave unless it threatens individual rights.

The topic of voice relating to right of exit is yet unfortunately little discussed. This is why Newman's article is important, as well as for the reason that he gives a definition for voice, which is not typical in the debate. I will give my own definition based on his and Hirschman's ideas. I will claim that voice, as an exercise of one's freedom of expression, is profoundly linked to the freedom of thought and freedom of association – and that this should also be the case in the lives of individuals living in a groups. They should have their rights guaranteed by the liberal state.

5.1. *Exit and Voice in Hirschman's Theory*

The terminology of exit in political philosophy is partly based on the work by an economist Albert O. Hirschman. Hirschman wrote a book called *Exit, Voice, and Loyalty* in 1970. In his book he examines the responses individuals take when they face decline in firms, organizations, and states. I will next introduce some of Hirschman's core ideas.

According to Hirschman, in the case of an absolute or comparative deterioration of the quality of product or service, the customer is faced with three options: stop buying the product or leave the organization (*exit*), make an attempt to change the situation by expressing his dissatisfaction to management or to anyone who cares to listen alone or together with others (*voice*) or stay a customer out of *loyalty* hoping the firm will improve its performance in the future. Exit and voice are important mechanisms for the firms or

organizations to detect they have failed. (Hirschman 1970, 4, 30, 38.)

Hirschman (1970, 15-16) claims exit is most typical in economical affairs where as voice, its exact opposite, is the main strategy in politics. Hirschman discusses in his book mostly the interplay between voice and exit and makes comparative analysis of them. He sees voice and exit as contrasting but not as mutually exclusive. (Hirschman 1970, 4-5, 15.)

There are certain general characteristics of exit and voice which differentiate the two. In general, Hirschman (1970, 15-16) believes exit to be less demanding on the individual than voice, since exit is impersonal and indirect in contrast to voice. Exit is also usually less costly than voice. Voice always entails costs: a person must spend time and money in trying to achieve changes in a firm or an organization, be the means an individual or a collective petition to the management, an appeal to the higher authority or action aimed at the mobilization of public opinion. This is why exit can atrophy voice. People do not learn how to use it because exit is easier and less costly. (Hirschman 1970, 30, 39, 43.)

Why would one then end up using the voice strategy? In certain type of organizations exit is “unavailable”, so voice is practically the only option. Hirschman mentions such basic social organizations as the family, the church and the state. (Hirschman 1970, 33.) Here Hirschman is not very clear since he later notes that from such primordial communities as family, church or state exit is “ordinarily unthinkable, though not always wholly impossible” (Hirschman 1970, 76).

However, besides being the only option, voice can also be an alternative to exit. In which conditions will voice be preferred to exit?³ If an agent chooses voice over exit, he ordinarily wants to do something about the declining service or the product. He also believes he can make an impact and that he can exert this influence only by staying a customer or a member. Moreover, the product or service must be important for him and he must think the costs involved using the voice strategy are worth it. Most agents choosing voice also believe the product or service of their firm or organization will recover its original

³ It is to be noted that Hirschman is here comparing a product A to a product B. Hirschman (1970, 37) claims the question of in which conditions exit will be preferred to exit can also be formulated more precisely as: “If a competing or a substitute product *B* is available at the same price as the normally bought product *A* and if, because of the deterioration of *A*, *B* is now clearly superior from the point of view of *A*'s customers, under what conditions will customer of *A* fail to go over to *B*?”

superiority to the alternative product or service they could change to. (Hirschman 1970, 38-40.)

The concept of loyalty plays an important role in the relation between exit or voice. Loyalty not only decreases the incentive to exit but also increases the likelihood of voice. Loyalty raises the cost of exit so that it pushes the agents to engage in creative action, to voice. In this way loyalty postpones exit.⁴ In addition to postponing exit and encouraging voice, loyalty is a key concept in the interplay of exit and voice in another way, too. Loyalty implies disloyalty, in other words, exit. When voice is backed up by the threat to become disloyal, to exit, it becomes more effective. The threat to exit gives the individual more influence to affect the course of events. Hirschman claims that the effectiveness of voice is strengthened by the possibility of exit. However, if exit is too attractive or too easy, the individual will choose it instead of voice. (Hirschman 1970, 77-78, 80, 82-83.)

On the other hand, the organization also has an important asset against the threat of exit of its member. If it can make the exit costs high for the member, he will probably decide neither to exit nor to threaten with exit in the fear of sanctions and losses. This means that both exit and voice are repressed. The same result can take place even if there is no external penalty but when the individual feels exiting entails a high price, in other words, when he has internalized the penalty. Hirschman gives the loss of life-long associations and even loss of life as examples of the “price” of exit, and the deprivation of livelihood and excommunication as examples of intermediate penalties. (Hirschman 1970, 96-98.)

However, the above said of the repression of both exit and voice only holds true for certain “modern” organizations which have high costs of both entry and exit. Hirschman separates 1) “*traditional*” groups such as a family, a religious community or a nation to which one belongs by birthright (no entrance costs) and from which one cannot exit (or exiting is almost impossible) and 2) such *modern organizations* as gangs or totalitarian parties which have both high entrance and exit costs. In the first kind of groups there is (almost) no

⁴ According to Keith Dowding et al, Hirschman has been heavily criticized for his concept of loyalty. They claim he seems to mix two kinds of loyalty: *brand loyalty* which is according to Dowding et al. (2000, 476-477) “psychological resistance to change, or a conservative attachment to one’s accustomed product” and *group loyalty*. In the latter loyalty depends on the identification with the group such as a family or a tribe, not with the product. (Dowding et al. 2000, 476-477.)

possibility to exit and therefore, no possibility to threaten with exit. In these groups the voice may be stimulated with the absence of the option to exit. It seems to me Hirschman would say the effective exercise of voice either takes place in a traditional group where the possibility to exit does not exist so that the only option, voice, is stimulated, or in a group in which one can threaten with exit and the exit costs are neither very low (otherwise one would easily choose to exit) nor really high (one is afraid to threaten to exit because of the severe sanctions). (Hirschman 1970, 96-98.)

In the contemporary debate on multiculturalism and exit in political philosophy, the groups that are discussed are typically those kinds of groups that Hirschman calls traditional, such as religious or cultural communities. This is why I think there are difficulties in trying to apply his theory on the debate on right of exit. Maybe one could even say the theory becomes somewhat void in regard to the contemporary discussion. However, this does not mean that the concepts he introduces and discusses could or should not be examined in the light of exiting cultural or religious groups. Solely Hirschman's observation that there are various strategies – exit, voice and loyalty – that a person can take is crucial for the right of exit debate. Since people often are attached to their communities and would not be willing to leave them but would like to change some aspects of them gives us also a normative duty to see if the voice option should be encouraged in addition to exit. Also some specific ideas that Hirschman considers, such as the power of threat of exit, are important for the exit debate. I will next concentrate on it.

Reitman calls the power of threat to exit the “transformative potential” of exit. She notes that some of the contemporary authors in the right of exit debate also believe in it. Among them are Kukathas and Shachar who think that the mere possibility of exit may force the oppressive culture, for example, to a progressive cultural reform. In discussing traditional leaders of patriarchal minority groups, Shachar claims they are more motivated to listen to the needs and interests of the women of the group if the women are able to exit. This is because the leaders want to avoid mass exit which jeopardizes the existence of the group. Shachar believes this way the balance of power in the group can change profoundly for the benefit of the less powerful. (Reitman 2005, 196-197; Shachar 2001, 123.)

Reitman is sceptical on the transformative potential of exit. She gives the Jewish divorce,

which is seriously discriminating women, as an example of a case in which achieving a reform with the threat of exit fails. This failure is based on the fact that the cultural identity is constructed relationally. An important factor of the group identity is the marking off that what the group is *not*. Gender is a particularly important factor in this process. Reitman points out that it is very difficult to persuade the leaders of the Orthodox section of Judaism, who are crucial for reforms, to assent to more gender equal terms on marriage by relying on the threat of exit. Because the leaders view reform claims, which include feminist claims for more gender equal terms of divorce, as something that differentiates the Orthodox section from the other sections, they might resist the reformist ideology rather than try to avoid exit. In addition, losing the members who threaten the ideological purity may actually be positive from the leaders' point of view. (Reitman 2005, 197-199.)

Reitman also notes that the more progressive Judaic movements have in public comments differentiated themselves from the Orthodox but they still carry on abiding the traditional marriage regulation in private. She claims they act this way because they want to foster community cohesion. (Reitman 2005, 200.) I think this is an important aspect of the power of voice and the transformative potential of exit: if the community leaders whose views the opposition is trying to change notice that the opposition, despite of its official protests privately continuously agrees to the leaders' views, the probability to achieve reform seems to decrease. This is because the leaders do not have an incentive to change their actions.

I will first consider how Hirschman's (1970, 96-98) claim that the high cost of exit makes an individual stay in the community in the light of Reitman's article and then move on to the topic of the transformative potential of exit. In the case of the Jewish women facing divorce, Reitman discusses several material and socio-psychological costs that the more religious and communally affiliated members of the Jewish residing in France have to face if they decide to have a secular divorce instead of a religious one – in other words, if they choose to exit. The material costs can mean losing private wealth, where as the socio-psychological costs include fear of ostracism by family, friends and other community members, as well as loss of sense of belonging and rootedness in the community. Another important socio-psychological cost are formed by the alterations in one's sense of self when losing one's cultural membership. Reitman claims that because of these costs, the position of the religious and committed members of the community is broadly the same in Israel,

where women do not have the option to exit (to choose a secular divorce) and in France where they do have this option. Many women give up exiting because of the costs in France. (Reitman 2005, 193-196.) I think Reitman's remarks of the Jewish women support Hirschman's argument of the influence of the high costs diminishing the probability of exit.

I find Reitman's scepticism about the transformative potential of exit, based on the relational nature of identity, convincing. Still, I think the threat of exit by the Jewish women in relation to the Orthodox leaders would probably be hindered by another factor, as well. I think Hirschman is right in claiming that the fear of high costs relating to the exercise of the threat of exit probably diminishes an individual's willingness to threaten to exit. I believe it might be the case that many Jewish women living in France give up the threat of exit, namely threatening to choose a secular divorce if no reform for a more gender equal divorce was made in the Jewish law, because of socio-psychological costs (for example the fear of ostracism by family and other community members) in a similar line than they give up actually exiting. Through the diminished influence of their threat of exit, their exercise of voice in the community would probably neither be effective. Another example of high exit costs diminishing the probability of the influence of a threat of exit could be a married person who has a marriage settlement according to which he loses a lot of money if he wants to get a divorce. Probably in the eyes of the spouse, his threat of exit is less convincing than if the couple did not have the marriage settlement.

I do not see there is much that could be done in order to help these women that feel strongly attached to their communities and their practices. The costs of exit are high but as I noted earlier, it is not the duty of the state or the group to alleviate for the socio-psychological costs.

What I find difficult to understand is how Hirschman would interpret the case of the Jewish women and divorce – or actually any case involving a cultural or a religious group, since his stance of whether or not it is possible to exit one is not clear. Would he interpret these cases as “partial” exits, since surely he could not deny the fact that some women do choose the secular marriage? Or would he rather not use any exit related terminology when discussing these kinds of cases?

5.2. *Exercising Voice: a Case from India*

Gurpreet Mahajan (2005) has written on the decades-long reform efforts on the Personal Codes of the Indian religious communities, efforts pursuing for correcting the gender inequalities in the Personal Codes by making them fairer for women. I will introduce her work, since I think it can be read as an example of the exercise of voice.

The Indian Personal Code governs all the issues of family, including marriage, divorce and child custody. Every religious community has its own Personal Code. Mahajan explains that the uphold of the religiously-based Personal Codes have historically been supported by invoking the constitutional right to religious practice. The Personal Codes of all religious communities have seriously disadvantaged women and failed to treat them as equals to men. (Mahajan 2005, 104-105.)

In 1954, women's situation was improved when the state legislated the Special Marriage Act. If a woman decided to be married under this Act she was governed by the state law which was more gender equal than the Personal Laws of the communities. In this way, the state offered an exit option for the individual. (Mahajan 2005, 104-105.) In my view, this is an example of a “partial” exit where an individual can choose not to be treated primarily as a member of a particular community in relation to the judicial system. She can still continue identifying and being identified as others as a member of the group.

Mahajan notes several problems scholars pointed out relating to the way the Indian state offered an exit option. With legislating the Special Marriage Act, the state claimed to have met its responsibility towards women. However, often women were not even aware of this option or were so marginalized in their communities that they could not make choices upon their lives. The marginalization echoes the claims of Okin that I discussed in chapter three. Because of their “cultural constraints”, meaning the culturally related gender discrimination, these women could not be autonomous agents who determine the course of their life and this lack of autonomy and agency nullified their exit right. Another problem identified by Mahajan with the Special Marriage Act relates to the fear feminists have often noted in exit rights. Concentrating on exit rights might discourage internal change in the communities. After the Special Marriage Act there was no pressure on the communities to

reform their Personal Laws. (Mahajan 2005, 105, Phillips 2007, 139.)

How did the exercise of voice took place in the reform efforts on the Personal Code? In the Christian community, the initiative for the reform came from an Indian non-governmental organization, Joint Women's Programme. An organized women's movement continued fighting for women's rights throughout the complicated process that lasted for two decades. In addition to the organized women's voice, support from outside also fostered the reform. Women involved in the process had to master the religious texts in order to gain support for the reform. They had to negotiate and find compromises with competing schools of thought and churches. Even after consensus for the reform was formed in the community, women had to persuade the state. If one uses the terminology of Hirschman, the use of voice was for sure costly for the women who engaged in the reform process, since they had to put a lot of their time into the lobbying work. In 2000 and 2001 different sections of the Personal Code were finally changed by the Parliament. Mahajan notes that despite the reforms, the Christian Personal Code still entails unequal provisions. For instance, the husband has the right to dispose the joint property as well as the property of his wife. (Mahajan 2005, 108, Hirschman 1970, 39.)

Mahajan notices that the reform for making the law more fair to women was not equally successful in all of the communities. The reforms have been the most significant in the Christian community. In the Parsi community, some changes have been made, but strikingly, without the presence of any women in the process. The initiative for the reform was taken by liberal male members of the community. So it was not the voice of women that took place. In the Muslim community, women have been active in trying to push for a reform, but no notable change has taken place. (Mahajan 2005, 108-109.)

Mahajan makes three conclusions from the case of reform efforts of the Personal Codes. Firstly, she notes that a few lone voices do not get anywhere: a successful reform needs an organized group or voice. This happened in the case of the Christian community where the organized women's movement steered the reform process. Secondly, agents from outside, from the international community or outside the particular community may contribute to the change – this also happened in the Christian community. What Mahajan considers as maybe the most important factor are the relations between the state and the community:

how the community perceives the state and its own status in relation to it and how the majority views the community. For the Muslim community, in which the reform efforts failed, the state is the “hostile other” and the voice of the majority (Hindus). The majority, Hindus, also picture themselves by their differences with the Muslim community. Mahajan interprets these factors strengthening the religious identity of the Muslim community, as well as favoring the religious leadership and discourages any kind of change in the community. (Mahajan 2005, 109-110.)

This case shows not only that voice is possible but that it needs creative action, as Hirschman notes. The Christian women had to organize themselves, learn to master religious texts, negotiate with the churches and the state. The case also shows, as noted, that the use of voice is costly. Trying to exercise voice also easily leads to a failure, as happened in the case of the Muslim women. For the most successful group, the Christian women, the support from the outside was crucial. However, it could also have backfired. As Shachar notes, the leaders of cultural groups can also strictly adhere to group's norms and practices as a way to resist external forces of change. Shachar calls this “reactive culturalism”. (Hirschman 1970, 16, 80; Shachar 2001, 35.) There are numerous historical and contemporary examples of cases where external support has helped the dissenters or reformers but also of cases where the support of the outsiders has made things worse for the internal minority.

5.3. *Newman on Exit and Voice*

Dwight G. Newman has a very different kind of approach to exit and voice than the feminists who worry that concentrating on exit will lead into exit ruling out voice. Newman thinks both realistic rights of exit and extensive voice can be limited in order to protect integrity (and ability) of groups to pursue non-individualizable⁵, that is to say, collective interests. According to Newman, group rights can sometimes be as important as individual exit rights or individual's right to voice, which he defines as “an ability to influence those determining the group’s course of action by expressing one’s preferences” (Newman 2007, 48). Newman argues for context-specific calculations of whether voice or exit – or their

⁵ Newman (2007, 46) defines a non-individualizable interest as “one that cannot be enjoyed separately by one individual alone”.

combination – is the best solution when balancing the individual and collective interests at stake in conflict situations. (Newman 2007, 62, 65-67, 69.)

Newman stresses that groups are in themselves not valuable but only on the basis that they serve the interests of their members. To clarify his position, Newman (2007, 47) formulates a *service principle* which states “that groups are valuable insofar as they serve their members in a broad sense: this does not mean that every group must serve every member all of the time but that groups must, on the whole, serve their members”. It is the fulfillment of the service principle on the basis of which it should be decided whether the appropriate “instrumentality” that the individual should use in a given situation is exit or voice, or their combination. There are also cases where the group does not provide either but still complies with the service principle. Newman specifically opposes the view that all groups should promote their members' autonomy. Often individuals voluntarily join groups that limit their autonomy interests in order to contribute to their other interests, or some other aspects of their autonomy interests and they should be allowed to do this. (Newman 2007, 47-48, 52, 75.)

Newman notes that it is integral to some groups that they try to limit their members exit and voice options – and according to Newman, justly so. He gives the Hutterites, the Amish and certain Aboriginal communities as examples. In the case of these groups, not allowing them to limit the use of exit or voice of their members would mean debilitating their integrity by destroying or weakening their collective interests. As for the Hutterites, it is their crucial religious belief that people should not have private possessions. Requiring them to provide their members a realistic right of exit through establishing an exit fund, as Jeff Spinner-Halev has suggested, would thus be an unjust requirement, since it would ask the Hutterites not only to violate an article of faith but also to abandon the very end for which the group exists. The same holds true for the requirement on the Amish not to limit the education of their members outside the community in order to provide a realistic right of exit. The collective interest of the Amish at stake is their goal of being uncorrupted by certain values of the liberal secularist society, a goal that stems from their religious faith. (Newman 2007, 65-66.)

Newman does not define what he means by group integrity which I find to be problematic.

He writes about “the integrity of the group’s pursuit of its collective interests” (Newman 2007, 67), about “groups’ integrity and ability to pursue their non-individualizable interests” (Newman 2007, 62) and the dangers of exit or voice threatening “the integrity of some groups in a manner destroying or negatively affecting valuable collective interests” (Newman 2007, 65). But what is this integrity? When examining Newman's example of the Hutterites and the last quotation where the threat to the integrity of a group is linked with even the threat of the destruction of the group, it seems group integrity means (at least) the existence and the survival of the group. However, “the integrity of the group’s pursuit of its collective interests” sounds more like a *characteristic* of the group life he wants so protect, namely some sort of homogeneity of the group action.

The last example of the groups Newman gives when arguing for limitations on the individual members' use of exit or voice are Aboriginal groups. In a footnote, he refers to the Pueblo Indians. Newman claims certain Aboriginal groups should be allowed to limit their members' voice option by limiting their possibilities to question the group's interpretations of culture and spirituality because their cultures and religions are especially vulnerable due to long oppression. Newman considers not only the Aboriginal groups, but also the Amish and possibly also the Hutterites as long-oppressed groups, seemingly considering all of them to be uniquely vulnerable due to this oppression. (Newman 2007, 65-66.)

I will comment on the argument relating to the unique vulnerability of certain groups in the next subchapter but I find it important to note at this point that there are so far two reasons for the limitations on exit and voice that Newman states: first, the protection of group integrity and second, them being “already long-oppressed” (Newman 2007, 66). The latter argument seems to be meant to justify the non-interference in their group life, even if this means threats to the individual rights, such as using their freedom of expression by questioning the group norms of the members. Newman could have also argued that the group integrity is in danger *because of* the long oppression but he does not do this, at least not explicitly. There is also a third reason that that can justify limiting exit or voice which Newman lists, namely the threat of free-riding. For example, in some trade unions the realistic right of exit should be allowed to be limited by the consequence that one's job will be lost if leaving the union in the name of what Newman (2007, 65) calls integral pursuit of

collective interests. (Newman 2007, 66-67.)

Newman concludes that opposite to what most liberals claim, the right of exit of each individual of each group is not necessary. It cannot be necessary because firstly, it can undermine the collective interests of some groups and secondly, because it has substitutes, namely voice. (Newman 2007, 44, 46.) The first argument I have dealt with previously. I will later comment it in more detail. As for the second argument: Newman claims that in some situations, voice can act as a complete substitute for exit, depending on the function that the exit has. Newman discusses the protective role of exit where exit is supposed to protect the vulnerable members of a group against his group. Here exit functions as a form of self-defense for the individual members. He claims that voice can offer as great protection as exit if everyone has a veto against any action of the group. (Newman 2007, 51.)

I agree with Newman on his claim that a veto can offer as complete form of self-defense as exit. However, I think there are other reasons why exit is necessary. Exit has also other functions than offering protection which are valuable and not completely substitutable by voice. First of all, the general interest to dissociate cannot be met without a formal right of exit, a freedom to dissociate. Newman does not really discuss this interest which to me seems very basic and common.

Secondly, exit's basic role, that one is not primarily treated as a member of a group by the state, cannot be substituted by voice. For instance, if a Jew in Israel is automatically subjected only to the Jewish divorce law by the state, one cannot take advantage of the secular divorce law. Even if one could express one's preferences in order to impact the actions of the group, to use one's voice, this would not get one out of the jurisdiction of the Jewish law; there was no direct regulatory link between him and the state. For that one would need a right of exit with which one would be able to choose to subject oneself under the jurisdiction of the state, as is possible for example in France, as I have noted earlier.

Thirdly, neither can exit's expressive role be substituted by voice. An individual having, for instance, a veto on anything the group does is able to express his discontent or criticism towards the proposals being discussed in the group by vetoing them. Still, if he does not have a right of exit he cannot express his criticism by leaving the group. He can consider

this as harmful. For example, in a situation where a person wants to show to the outsiders that he is against the decisions of the group, leaving the group can be an important – and perhaps only – way for him to do this.

Newman does discuss exit's expressive role but actually mixes it up with exit's transformative role (with which an individual is pressuring the group to reform by threatening to exit, as I explained previously when discussing Hirschman's theory). This comes clear when Newman (2007, 49) discusses Green's formulation of the expressive function of exit:

Although Green does not describe it as such, this latter element would actually seem to be an example of a way in which exit and voice interact; the possibility of exit may effectively amplify voice by providing an explicit or implicit threat of exit as backing, – –.

Newman claims that sufficient group responsiveness for their members' voice would be a substitute for this function of exit rendering it unnecessary. I would agree with Newman that in regard to the *transformative* function of exit sufficient group responsiveness can make exit unnecessary. The threat of exit does not add any value if the group will adapt to one's interests anyhow. However, as said, he mixes up the two functions of exit. (Newman 2007, 49-50.)

I think Newman's argument about the exit right not being always necessary is not correct. I will deal with his two justifications separately. When claimed that exit is not necessary because it can be substituted by voice: it seems to be the case that exit is not necessary in *all its functions* at all times as I noted in the case of exit's protective and transformative functions. So, voice can indeed be a complete substitute for exit in these functions, where as it cannot substitute exit's basic or expressive roles, what Newman fails to recognize. However, for the general interest to dissociate exit is irreplaceable. This means that a person should always have a basic, or a formal right, of exit. Exit's expressive role should neither be bypassed lightly.

Coming back to Newman's first justification to restrict exit with the collective interests of the group (such as the Amish or the Hutterites): this can lead to individually hazardous consequences that in my view cannot be justified. In a case where an exit of a number of members would threaten the survival of a group that serves the interests of other group

members, those members may have to be forced to stay in the name of meeting the service principle – meaning that their formal right of exit was nullified in a way that contradicts liberalism's basic value of human freedom. It is hard for me to believe Newman would accept these sorts of limitations on human freedom but he does not rule out this kind of possibility as an unjustifiable result of trying to meet the service principle. Taken his commitment to the integrity of the group, and the fact that it can be understood (at least partly) as the survival of the group, my conclusion is that in some cases he is willing to “sacrifice” individual freedom for group survival is strengthened.

I disagree with Newman also on his view that religious groups (such as the Amish) should be allowed to restrict the education of their members outside the community in the name of a collective interest. On the contrary, I think the members should be granted an education that exposes them to variety of ways of life, so that their capacity for a critical reflection and their grasp to meaningful life options is enhanced – in other words, an education that promotes their autonomy.

One reason why commenting Newman is tricky is, first of all, that in his examples he discusses *realistic* rights of exit instead of the formal one. Still he seems to oppose them both. For example, he is ready to limit the Amish children's realistic right of exit in the form of having an education outside their religious community. It is one thing to say, as Kukathas does, that a realistic right of exit is unnecessary, and another to say, as Newman seems to claim, that a formal right of exit is unnecessary. Secondly, it is arguable what Newman (2007, 47) means by claiming that the groups should serve their members “in a broad sense” and “on the whole”. Does it, for example, allow for the sacrifice of an individual life if it is in the interests of the others? What are the collective interests of a group in the end? When could the individual interests to exit or voice weigh more than the collective interests?

For the last question, Newman offers some clarification when discussing the suitable “bundles” of exit and voice when trying to comply with the service interests. His general claim on the issue is that instead calling for general possibilities to exit or voice for individuals, the effects of exit or voice on the community should be considered case by case. If exit but not voice does not threaten the collective interests, it should be favored and

vice versa. However, the collective interests should not always trump the individual interests. In the case of protecting “weighty individual interests” either exit or voice can be morally required. (Newman 2007, 66-68.) Unfortunately, Newman's ideas on what those weighty interests are remains unclear.

As noted, Newman is also ready to restrict or nullify individuals' voice for the sake of collective interests. But if the members' voice option is limited or absent, it is hard to know what the members' interests are and thus, it is arguable whether the groups are able to serve their members, as Newman stipulates. Even more so if the members' right of exit is limited. Newman does concede the usefulness of voice for knowing the members' interests. He admits that voice is “generally highly desirable for reasons derivative of the service principle” (Newman 2007, 63). What remains unclear is how far Newman would go in allowing limitations on members' voice. Maybe some of these limitations would be justifiable, such as the limitation of an ordinary member of a parish to take part in the priests' meetings. However, other kind of limitations that Newman could promote could mean that a person could not express his interests regarding, for example, a religious sacrament that would be done to every member of the group, decided by the “group”. It is also questionable what the “group” whose interpretations of the culture and spirituality should be respected (Newman 2007, 65) is. Is it the majority of the group? Or maybe it is the most powerful?

I think Newman's vision is to be rejected. It could lead into situations where someone would have to stay in a group involuntarily and without the ability to express his discontent. He could even be subjected to oppression. A person needs a realistic right of exit in order to leave communities he no longer wants to be part of. He also needs to have some amount of voice in order to express his preferences.

How far everyone also needs to have voice, how is it to be promoted or realized and what kind of right(s) this creates for an individual are difficult questions. Expressing one's views is surely a crucial human interest. It is an intrinsic value, even though Newman questions this, and it manifests itself in a crucial liberal freedom, the freedom of expression. If one is a member of a group, one generally has an interest for voice, for trying express one's opinions and to influence the leaders of the group. (Newman 2007, 48, 62.) I agree with

Newman that this does not mean a person has a reason to express their preferences in every group they are a member of, or in every aspect of the actions by the group (Newman 2007, 62-63). I also think a person's decision to belong to a group that even heavily restricts this interest to express one's preferences should be respected. Having meaningful life options also means being able to be a member of a hierarchical community. So the state should be careful when deciding whether or not to intervene in people's life.

Having a voice does not and should not necessarily lead into democracy or egalitarianism. It is justified that for example in a religious groups there is a hierarchical structure, so that only some people can affect some matters. For example, the Catholics (currently) see it as a crucial aspect of their religion that only the Pope can speak with the ultimate religious authority on Earth. To claim the Catholics are violating the equality of persons because it does not treat all the people, including the Pope, in a similar manner, is a misunderstanding. Other examples from other religions were easily found. This is why I agree with Spinner-Halev who claims there are no liberal or egalitarian grounds to demand voluntary associations to be democratic or egalitarian. (Spinner-Halev 2005, 160, 165.)

5.4. *Defining Voice*

The discussion on voice should start from defining what one means by it. Strangely, Newman is an exception: it is not easy to find an explicit definition for voice among authors who discuss voice in the right of exit debate or otherwise relating to minorities within minorities, even if they say they are in favor of it. They are often democracy theorists or feminists.⁶ Instead of trying to offer a comprehensive definition of voice, I try to find a definition of it as an option for exiting a cultural or a religious group.

In my view, freedom of expression is a crucial part of voice in this context. What does the freedom of expression then mean? The essence of the concept can be found in the 19th article of the Universal Declaration of Human Rights: “ – – this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers” (Universal Declaration of Human Rights 1948). Exercising this right can take many forms, such as art or political action, and one

⁶ See for example Veit Bader (2005).

can use it individually or collectively. Article 19 of the Declaration is closely related to the previous article 18 which describes freedom of thought, conscience and religion: “This right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance” (Universal Declaration of Human Rights 1948). Further, the individual is granted the freedom to put his freedom of expression and freedom of thought, conscience and religion in practice with the freedom to non-compelled and peaceful assembly and association which are listed on the next article 20: “ 1. Everyone has the right to freedom of peaceful assembly and association. 2. No one may be compelled to belong to an association” (Universal Declaration of Human Rights 1948).

Now if one compares freedom of expression to Hirschman's or Newman's formulations, the overlap of voice and freedom of expression is visible but the difference between the concepts is also clear: voice attempts to a change in a group, where as freedom of expression necessarily does not. One can simply express his satisfaction with the current set of affairs. Hirschman (1970, 30) writes: “Voice is here defined as any attempt at all to change, rather than to escape from, an objectionable state of affairs”, and Newman (2007, 48) defines it as “an ability to influence those determining the group’s course of action by expressing one’s preferences”. It should be noted that only Newman's, not Hirschman's, definition is formulated in the right of exit debate, as an option for exit. I think in the definitions of both of them there is something that must be corrected but their formulations offer a good basis for my definition of voice.

Even though I view change as an essential part of voice, I do not see *attempting* a change as necessary for voice. It can also mean *resisting* a change. In intra-cultural conflicts for example over a possible reformation of a cultural practice or norm, there are usually diverse voices among the members: those who want reform and those who resist it. In addition, there are group leaders whose opinions can be for or against it. What I find crucial for voice is the goal of influencing the public opinion, the state or the group leaders', who often determine the group's course of action by holding the power in the end, by either promoting or resisting change.

There is another aspect of change that has to be mentioned. Since the attempt for or

resistance of change is necessary for voice as an option for exit, I would not define situations where one simply ignores a norm or a practice of a group but does not try by his action to affect the norms or practices of the group accordingly as an exercise of voice (or of freedom of expression). This would be the case if one would, for example, not dress according to the norms of the community but would not care much if one was stopped from doing so. Another example would be if one married against the norms of the groups and accept without protesting if one was sanctioned by the group by, for example, being ejected from the group.

The definitions by Hirschman and Newman rightly stress the *dynamic nature* of a process of voice, too: this process is a “work in progress” where people express their opinions, wait for the response of the leaders of the group, as well as of other members and often also outsiders who may all affect on the result – and one is ready to continue lobbying one's preferences. Voice can be acting but also reacting: resisting ideas put up by others, for instance. This dynamic nature I find to be a typical but not necessary feature of the process when people exercise their voice. Namely, as Hirschman (1970, 16) notes, voice often takes the form of political action such was the case also in the previously mentioned Indian reforms on Personal Codes. These kinds of processes are often long and include a complicated process of interaction. Still, voice does not have to be “too” dynamic: it can take the form of a trial, in which an individual files an application through which she tries to challenge her group leaders. This trial can be fairly simple, if she settles for the decision of the court.

Where Newman's and Hirschman's views differ is that the first sees voice only as a collective action, where as the latter considers also individual action as a possible form of voice (Newman 2007, 51, Hirschman 1970, 30). Still, whereas Hirschman notes that an individual can make a complaint alone in the first place, I think he also sees voice *eventually* as a collective process: after the complaint the management or the leaders of the group react somehow and other people get interested in the process. There are also cases where an individual acts in order to create a change but gets no response. Is this then a case of voice? I think it is, since he is still willing to engage in a collective process, whereas someone simply ignoring a norm, for example, is necessary not. So, the intention or motivation of the person is what matters.

Naturally, the attempt can also fail. This is why I think Newman's formulation of voice is incorrect. Voice is not an “ability to influence” the leaders of the group, rather than an ability to *try* to influence them. Influencing the leaders can be directed straight to them or via other members. Exercising voice can be also done in order to affect the public opinion or the state. For example the women's groups that fight for gender-equality reforms in patriarchal societies often want to catch the attention of the media, organizations and public in other countries. Individuals oppressed or discriminated in their groups often turn into the media and organizations also in liberal societies and ask the state to take action to help them against their group.

To recall, in the right of exit debate, voice is pictured as an option for exit for those who want to stay in their group but feel there are reasons (such as practices, norms and principles) that make them uncomfortable. After considering the definitions of Hirschman and Newman I come to see voice in this context as *an ability to try to influence those determining the group's course of action, the majority of the group, the public opinion, or the state by expressing one's preferences*. This can be done by promoting or resisting a change in the group life. Freedom of expression is a crucial aspect of it but for voice one may also need the freedom of association and the freedom of assembly, as is the case when people want to exercise voice collectively. The right to voice should be individual and everyone should be equally entitled to it.

5.5. From Right to Voice to Costs of Voice

In a liberal framework the importance of the freedom of expression is quite evident. It is after all one of the basic liberties stemming from a basic human interest to express oneself. People should have the right to express themselves, even though I agree with those theorists who claim this right is not absolute but can be restricted in the name of other rights. Freedom of expression should also hold true for people who belong to groups. But should everyone also have the right to voice? I think generally yes, similarly than everyone should have a right to freedom of expression. Everyone should be allowed to express one's preferences and to attempt or resist an internal change in their group, even by questioning the possible core beliefs of their group. I think they should also be able to do so without the fear of physical or mental repression. So, for example a Catholic should be allowed to

question whether the Pope really succeeds the Apostles (as it is claimed by the Catholic Church) without the fear of getting hurt or without being exposed to mental pressure.

Similarly, everyone should be allowed to assemble and form associations with the like-minded inside or outside the group in question. Within the religious groups such new associations are emerging all the time, due to their members' special interests (such as the youth, the missionary work, environmental issues etc.) but also due to their members' diverging opinions in what they take to be as religious matters. As regards the latter reason for new associations: sometimes the opinions are so divergent or the different sections for other reasons become to the conclusion that they need to go their separate ways. This can of course take place via a common decision or by the decision of the leadership.

But what to do when the exercise of voice does not lead into a peaceful reformation where the opinions of those previously silent are heard or into a peaceful emergence of new associations but to bitter quarrels between the so called reformers or minorities and the so called conservatives or majority (I use these terms for practical reasons knowing that both divisions are problematic). I think Hirschman (1970, 39-40) is right: it is a fact that just as exit, *exercising voice comes with costs* that anyone willing to use it has to bear with. The other group members and group leaders often react to an individual exercising voice in ways that cause harm to him. Some of the ways can be seen as legitimate where as others not. The topic of *how* the groups should be allowed to limit or sanction the exercise of voice of other members is very difficult and I cannot claim to be able to comprehensively answer to it. However, I want to try to formulate some guidelines to what the group should not be allowed to do. I will call these legitimate and illegitimate voice costs. Since in a liberal society the state has an important role in determining the relations between individuals and groups, I also have to look at the topic of how the liberal state should react even though I am only able to comment on it briefly.

To start formulating my position, I comment on Newman's ideas on the topic with which I do not agree. His above mentioned argument that due to some particular reason, for example because of their "unique vulnerability" due to their long history of oppression, certain groups should be given the right to limit voice (Newman 2007, 65-66). As noted previously, Newman would allow for example certain Aboriginal groups limit the exercise

of voice of their members “by taking decisions that limit the internal opportunity of members to challenge the group’s interpretation of culture and spirituality (which may be intertwined with culture)”. (Newman 2007, 66.) I find the argument based on the “unique vulnerability” due to the long oppression vague. Who is to decide which groups deserve that status? How much oppression is needed for it? Most importantly, why would past oppression justify current oppression that the groups could exercise by restricting the basic rights of their members, rights such as freedom of expression? As an answer to the last question, I think it should not. I do not find Newman's stance as acceptable in a liberal framework.

Will Kymlicka has not explicitly written on the costs of exit or voice, neither does he discuss Hirschman's theory. Still, one can find a relevant point on the topic of legitimate and illegitimate voice costs in his writings. Namely Kymlicka has famously called the kind of limitations that Newman is willing to accept as “internal restrictions”: situations where a group wants the right to decide on certain aspect of the life in the group in order to protect it from what Kymlicka (1995, 35) calls “destabilizing impact of internal dissent”. Kymlicka uses as an example of an internal restriction the same case than Newman, the Pueblo Indians leadership’s claim that one cannot both be a Pueblo and a Christian. Kymlicka states that liberals should reject internal restrictions since group members should be allowed to challenge the traditional authority and practices. Still, he is not clear at all in his opinions of how exactly the liberals should act when an internal restriction does take place, as I noted in chapter 2.3. He seems to be very reluctant in giving the liberal state a right to defend the individual freedom for expression (Kymlicka 1995, 35, 37.)

In general, I agree with Kymlicka that liberals should indeed be wary of internal restrictions. As I read him, he thinks people should have the right to challenge their groups' norms and practices by what I would call as exercising voice. But as Newman's, neither Kymlicka's standpoint is satisfactory when looking at individual rights. The right to question the group norms and practices – by exercising voice – is in the end empty without a state ensuring it.

5.6. *Legitimate and Illegitimate Costs of Voice*

What I want to note here before giving my own more specific guidelines for the legitimate

and illegitimate ways of reacting to individuals exercising their voice is that *the normative relations between the group leaders and the dissenters must be separated from the relations of ordinary members among themselves*. (I will later call the dissenters also as “reformers” and the other members as “conservatists” and as “minorities” and “majority” for practical reasons). Often when we discuss the will or the reactions of the group to an individual or a group of individuals exercising of voice, the leaders' and ordinary members' opinions and responsibilities in relation to the dissenters get mixed. It can be that the group *leaders* want to limit or sanction the expression formation, the exercise of voice, not the ordinary members.

Further, it can be that the group members are not punishing someone for his exercise of voice but the leaders are. Often the stance of the members of the organization towards someone exercising his voice is not even clear. For example, in the USA in a legal case between a homosexual Boy Scout and the Boy Scout organization, the Supreme Court has decided that the leaders of the Boy Scouts should be allowed to decide that one cannot both be a Scout and a homosexual, despite of the internal disagreement among the members (Phillips 2007, 155). The leadership often claim they represent the will of the group even they are not doing it. The organization may also lack clear leadership, in which case there are only members debating among themselves (and possibly with the outside society).

I will only look at the probably most classical case of internal disputes where there is an individual or their coalition that is exercising voice and group members who disagree with him. The case then is about the dissenters' freedom of conscience against the freedom of conscience of some of the other group members. Let us assume there are “reformer Catholics” who think that the fact that the Pope succeeds from the Apostles is questionable and due to that, the Pope should not be allowed to act as the ultimate religious authority in the Church but that he should give up his powers to for instance to a certain circulating committee. Now these reformers might exercise their voice by discussing the issues with other Catholics as well as with non-Catholics, by writing about the topic to Catholic journals – and if they succeed in gathering enough interest, they might organize a seminar on the topic. When looking back at my definition for voice in Chapter 5.4, the reformers can be seen as promoting a change in the group life. Their exact means to do this could be defined as *trying to influence those determining the group's course of action, the majority*

of the group as well as the public opinion by expressing their preferences. They might also be trying to influence *the state* for instance for not treating the Pope and the Catholics differently from other Churches.

Now many of the “conservative Catholics” are probably pretty upset and resistant towards this reform. They might verbally oppose the “reformer” in person and in public by speech and writing. In the private sphere, they might stop associating with him. If he has a shop, they might stop attending it. They might ask his congregation leaders to condemn his stance. They might even ask him to be excommunicated of the Church. Are these actions legitimate? I think they probably are. Just as with exit, the exercise of voice comes with costs, as Hirschman (1970, 39-40) notes. The conservatives and the reformer have an equal right to their freedom of expression: the conservatives are allowed to write replies in the journals and to organize marches and seminars against the reform. Due to the freedom of conscience and freedom of association, the individual “conservatives” should be allowed to stop associating with the reformers as well as to ask their actions be condemned by the leaders. Even exclusion might be legitimate. (I will come back to exclusion more in detail later.)

When framing the principles of illegitimate actions towards a person or a group of persons exercising voice in a liberal society: first and most important of the actions the conservatives are not allowed to do is the use of violence. With physical violence the case is pretty simple: the reformers must keep their right to their bodily integrity. No physical violence or threat of it may be allowed. The case of mental violence is trickier even though I do think mental violence is to be condemned. The conservatives may not blackmail the reformers to keep silent or to leave the Church. I would say as a principle they may not libel (meaning exercising malicious or false speech or writing in public) him. Neither may they slander (meaning exercising malicious or false speech or writing in private) him. But with slander there is a gray area: speaking about another person in a negative way in private cannot automatically be a case for the state to intervene. It would be absurd and wrong that the state would intervene in people's private lives with the intention to find out whether they are being talking speaking ill of each other. It can be noted that regarding libel and slander, assessing voice costs gets one into classical legal-philosophical dilemmas relating to freedom of expression where it is not easy to draw the line between legitimate and

illegitimate action.

Brian Barry's classification of exit costs is one of the few explicit divisions into costs that are to be allowed and costs that need to be compensated for in the right of exit debate. Could it be helpful in deciding the legitimate and illegitimate actions of group members? Let us bring back his classification of costs relating to exit: intrinsic (a psychological harm of being excommunicated), associative (a psychological harm from others stopping associating with) and external (economical hardship for the dissenter due to boycott which brings the need for the group to compensate for the losses). I came earlier to the conclusion that the line between associative and external costs is not clear. The conservatives probably stop going to the reformer's shop due to not wanting to associate with him. Barry is right, they cannot be asked forced to associate with the reformer, but my claim was that they should be allowed to stop going to his shop as well as a natural consequence of not wanting to associate. Still he should probably get some sort of monetary support since otherwise he could be left without any subsistence, However, I do not see this case as Barry does, as a case of the conservatives to compensate, but as granting everyone some sort of subsistence. This is in my view the duty of the state to provide him. (Barry 2001, 153.)

So, I do not find Barry's classification useful in determining the legitimate and illegitimate voice costs relating to dissenter's and his group members' relations so far. A clearer case of illegitimate reaction of a conservative could be that he would use his position as an employer or maybe as a teacher in a discriminating way, by treating the reformer or his children in a worse way than other employees or pupils.

To sum up at this point: I have come to the conclusion that the conservative is not allowed to use physical or mental violence (even though the line between mental violence and ill will is somewhat blurry here) against the reformer. Neither may he discriminate against him in a public position. The same holds for the reformer. Exercising voice is illegitimate if it takes violent forms.

When looking at the legitimate relations between the group members, the topic of exclusion eventually comes up. I will briefly look into it. Some authors claim that promoting the right of exit is not the right strategy since it does not offer the dissenters enough possibilities to oppose their groups. Some even claim, as Phillips, that the individual must have the right to

stay in her group as well as to exit. Phillips (2007, 157) formulates her claim this way: “The right to leave has to be complemented by the right to stay”. Unfortunately she does not open up what this claim means for real life situations where internal conflicts tear communities in different directions. She does not tell us how to decide cases where there seem to be a conflict between freedom of conscience of two parties. It is crucial to understand that defending giving voice to minorities within minorities is different from promoting a general right to stay in a group, which is often, but not necessarily, corollary to supporting an internal change or freedom of expression for all group members.

I think commenting exclusion should start with understanding what is actually meant by it. Is it asking someone to physically leave the area of the group if it has one (as is the case with some indigenous people), denying them to take part on the practices and meetings of the group, or maybe deciding not to associate with them anymore? In general, for the freedom of conscience and freedom of association of the individual group members it is essential that the group members are able to decide who can become a member and belong as a member. Now, especially if the group democratically states or if the majority of the group thinks (which can of course be difficult to prove) that the dissenter's view is incorrect and that he should leave the group if he wants to hold his view, I think there are good grounds to say that the dissenter should leave. In this stance Kukathas (2003, 37) is right: the majority should not be forced to act against conscience in a liberal society any more than the minorities. For example, if a member of a group of Jehova's Witnesses starts to promote the idea that the Pope is the fundamental religious authority on Earth and that their association should be changed according to this belief, I find it difficult to understand why the group had no right to exclude him from the meetings of the group.

This is why I cannot agree with authors who claim that the individual must have a general right to stay in addition to the right of exit, as for instance Phillips (2007, 157) claims. In other words, there is *no duty* for the group to change in line with the dissenters' claims. The consequences were absurd: in any given situation, where an individual or a coalition of individuals were disagreeing with other group members, the group members' freedom of conscience and association were nullified and the group would become what the dissenters' want. With some means to check the majority will or having a democratic decision-making mechanism would make it easier to decide whether or not to exclude a person because he is

using his freedom of expression/voice.

However, if the right to belong to a group gives one a right to land, I think the situation becomes more difficult to judge. If a person loses his right to live in a certain area (as certain aboriginal tribes in the United States do) when excluded from their community as a consequence of exercising voice, the exclusion brings duties for the state that do not emerge when being excluded from a religious group to which one has decided to enter and ends up being excluded from. The state needs to take care of the dissenter's subsistence. This question brings one into the topic of group rights, which I will not discuss more profoundly. Still I must comment that they are in general problematic exactly due to the kind of examples as the one mentioned here: if a group gets a right to stay in an area what about when there is disagreement among the individuals?

To sum up the topic of voice, I want to note that the liberal state has notable possibilities in strengthening the abilities of the dissenters to exercise their voice. I think the emerging and dissolving of groups is more or a less an “organic” process where those ideas and reforms that get enough support, change the group accordingly. The liberal state must refrain itself from intervening in this process too much. However, it is the task of the state to ensure that its citizens can exercise their voice. Their equal rights of freedom of expression, freedom of association and freedom of assembly must be ensured by the state. If someone is physically or mentally violated, or threatened to be violated, because of exercising his voice, it is the task of the state to interfere: to stop and/or to punish. Individual who as a consequence of exercising his voice loses some benefits such as a job, should also be allowed to take his case to the state court.

Is there anything more that the liberal state can do for the voice of those (who feel they are) silenced or marginalized in their groups, the so called minorities within minorities? I think there is. By educating children to become aware of their rights and by strengthening their image of themselves as equal with all the others, state can give them tools to fight for their right to voice, even if they end up living in a group with strict hierarchy or even in oppression. This is why I support autonomy-supporting education that gives a person what Reich (2002, 46) as an “ability to reflect independently and critically upon basic commitments, desires and beliefs, be they chosen or unchosen, and to enjoy a range of

meaningful life options from which to choose, upon which to act, and around which to orientate and pursue one's life projects".

I also think that the liberal state is responsible for guaranteeing that the liberties relating to voice: the freedom of expression, freedom of association and freedom of assembly, are realized. When the group tries to limit these liberties it is the task of the state to intervene. To line when these interventions are legitimate is naturally a hard task and it is out of the scope of this work.

My answer for those who are afraid of concentrating on granting everyone the right to exit their group nullifies the possibilities for internal change is rather straight. For me it seems that what Reitman (2005, 189) calls exit's protective role, the possibility of the vulnerable members to escape the oppression in the group by leaving it, is primary to being able to change the group life. This does not mean that promoting realistic right of exit for and the ability to exercise one's voice could or should not be done at the same time.

6. Conclusions

Groups are an integral part of liberal democratic societies. Belonging to them might be very important for individuals. No one should be forced to stay in a group he no longer feels willing to be part of. Practically all liberal theorists claim that individuals should be free to leave; to have a right of exit.

However, liberal theorists disagree greatly on the content of the right of exit. In this work I have presented two different schools on right of exit. Whereas Chandran Kukathas supports a formal right of exit, Susan Moller Okin promotes a realistic right of exit which takes into account the fact that an individual needs certain capacities to be able to exit. Moreover, for Okin it is a task of the liberal state to fight against discriminatory practices and oppression in groups, where as in Kukathas's vision the liberal state should refrain from intervening in the affairs of the group (Kukathas 2003, 135-138; Okin 2002, 229-230).

When evaluating their views, I came to the conclusion that Okin's criticism on Kukathas is justified: the real abilities of group members to exit should be considered as important. The

formal right of exit strategy that Kukathas promotes does not give enough protection to the freedom of all group members and should therefore be rejected. I also claimed the disagreement between Kukathas and Okin is mainly about the fundamental value of liberalism, namely autonomy and toleration. Whereas Kukathas stresses the importance of toleration, Okin implicitly promotes autonomy over toleration.

In chapter 5 I discussed the topic of voice starting from presenting the theory on exit and voice by Albert O. Hirschman. I later proposed my own definition for voice, which I consider to be *an ability to try to influence those determining the group's course of action, the majority of the group, the public opinion, or the state by expressing one's preferences*. I noted that many authors discussing the right of exit and relations between individuals, groups and the liberal state have recently claimed that concentrating solely on the right of exit may discourage the incentives for an internal change in the group. I claimed that, first of all, for this discussion it is crucial that we knew what is meant by voice. Often the authors discuss voice without defining it. More clarity about it should be given by political philosophers, as well as more research on the topic.

My main claim relating to voice was that all individuals, including those that belong to groups, should have a right to voice. I also tried to formulate certain kinds of limits or guidelines to how the group cannot behave unless it threatens individual rights. The main limit is that it cannot use physical or mental violence against the reformer. The liberal state is responsible for realizing the liberties relating to voice for all: the freedom of expression, freedom of association and freedom of assembly. With autonomy-supporting education, it should also support children in exercising their voice later in life.

References

- Bader, Veit 2005. Associative Democracy and minorities within minorities. In Eisenberg, Avigail & Spinner-Halev, Jeff (ed.): *Minorities within Minorities: Equality, Rights and Diversity*. New York: Cambridge University Press, 319–339.
- Barry, Brian 2001. *Culture and Equality: An Egalitarian Critique of Multiculturalism*. Cambridge, UK: Polity Press.
- Benhabib, Seyla 2002. *The Claims of Culture. Equality and Diversity in the Global Era*. New Jersey: Princeton University Press.
- Burtonwood, Neil 2006. *Cultural Diversity, Liberal Pluralism and Schools*. London: Routledge.
- Buss, Sarah 2008. Personal Autonomy. Available at <<http://plato.stanford.edu/entries/personal-autonomy/>> 20th of July 2011.
- Corngold, Josh 2009. Autonomy-facilitation or autonomy-promotion? The case of sex education. Available at <<http://www.philosophy-of-education.org/conferences/pdfs/Corngold.pdf>> 20th of July 2011.
- Deveaux, Monique 2006. *Gender and Justice in multicultural liberal states*. Oxford; New York: Oxford University Press.
- Dowding, Keith et al 2000. Exit, voice and loyalty: Analytic and empirical developments. *European Journal of Political Research*, Vol. 37, Issue 4, 469–495.
- Eisenberg, Avigail & Spinner-Halev, Jeff 2005. Introduction. In Eisenberg, Avigail & Spinner-Halev, Jeff (ed.): *Minorities within Minorities: Equality, Rights and Diversity*. New York: Cambridge University Press, 1–15.
- Fagan, Andrew 2006. Challenging the Right of Exit 'Remedy' in the Political Theory of Cultural Diversity. *Essays in Philosophy*, Vol. 7, No. 1, January 2006. Available at <<http://commons.pacificu.edu/cgi/viewcontent.cgi?article=1219&context=eip>> 20th of July 2011.
- Galston William A. 2002. *Liberal Pluralism*. Cambridge: Cambridge University Press.

- Galston, William A. 1995. Two Concepts of Liberalism. *Ethics*, Vol. 105, No. 3, 516–534.
- Gray, John 1986. *Liberalism*. Milton Keynes: Open University Press.
- Green, Leslie 1998. Rights of Exit. *Legal Theory*, Vol. 4, No. 2, 165–185.
- Hirschman, Albert O. 1970. *Exit, Voice, and Loyalty*. Cambridge, MA: Harvard University Press.
- Kuosmanen, Jaakko 2008. Yhdistymisvapaus ja poistumisoikeus. *Niin & näin*, nro 58, syksy 3, 43–48.
- Kukathas, Chandran 2003. *The Liberal Archipelago. A Theory of Diversity and Freedom*. New York: Oxford University Press.
- Kukathas, Chandran 1997. Survey Article: Multiculturalism as Fairness: Will Kymlicka's Multicultural Citizenship. *Journal of Political Philosophy*, Vol 5, No. 4, 406–427.
- Kukathas, Chandran 1992. Are There Any Cultural Rights? *Political Theory*, Vol. 20, No. 1 (February), 105–139.
- Kymlicka, Will 1995. *Multicultural Citizenship*. New York: Oxford University Press.
- Kymlicka, Will 1992. The Rights of Minority Cultures: Reply to Kukathas. *Political Theory*, Vol. 20, No. 1 (February), 140–146.
- Levy, Jacob T. 2005. Sexual Orientation, exit and refuge. In Eisenberg, Avigail & Spinner-Halev, Jeff (ed.): *Minorities within Minorities: Equality, Rights and Diversity*. New York: Cambridge University Press, 172–188.
- Levy, Jacob T. 2000. *The Multiculturalism of Fear*. New York: Oxford University Press.
- Mahajan, Gurpreet 2005. Can intra-group equality co-exist with cultural diversity? Re-examining multicultural frameworks of accommodation. In Eisenberg, Avigail & Spinner-Halev, Jeff (ed.): *Minorities within Minorities: Equality, Rights and Diversity*. New York: Cambridge University Press, 90–112.
- Mertel, Kurt 2007. Toward a Substantive Right of Exit. A Master's Thesis. Department of Philosophy. Kingston, Ontario, Canada: Queen's University. Available at <<http://qspace.library.queensu.ca/handle/1974/702>> 20th of July 2011.
- Newman, Dwight G. 2007. Exit, Voice, and 'Exile': Rights to Exit and Rights to Eject.

University of Toronto Law Journal, Vol. 57, Number 1, Winter 2007, 43–79.

Okin, Susan Moller 2002. Mistresses of Their Own Destiny? Group Right, Gender, and Realistic Rights of Exit. *Ethics*, Vol. 112, No. 2, 205–230.

Phillips, Anne 2007. *Multiculturalism without Culture*. Princeton: Princeton University Press.

Reich, Rob 2005. Minors within Minorities: a problem for liberal multiculturalists. In Eisenberg, Avigail & Spinner-Halev, Jeff (ed.): *Minorities within Minorities: Equality, Rights and Diversity*. New York: Cambridge University Press, 209–226.

Reich, Rob 2002. *Bridging Liberalism and Multiculturalism in American Education*. Chicago: University of Chicago Press.

Reitman, Oonagh 2005. On exit. In Eisenberg, Avigail & Spinner-Halev, Jeff (ed.): *Minorities within Minorities: Equality, Rights and Diversity*. New York: Cambridge University Press, 189–208.

Shachar, Ayelet 2001. *Multicultural Jurisdictions. Cultural differences and Women's Rights*. New York: Cambridge University Press.

Song, Sarah 2007. *Justice, Gender, and the Politics of Multiculturalism*. New York: Cambridge University Press.

Spiecker, Ben et al 2006. Taking the right to exit seriously. *Theory and Research in Education*, Vol. 4, No. 3, November 2006 3, 313–327.

Spinner-Halev, Jeff 2005. Autonomy, association and pluralism. In Eisenberg, Avigail & Spinner-Halev, Jeff (ed.): *Minorities within Minorities: Equality, Rights and Diversity*. New York: Cambridge University Press, 157–171.

Spinner-Halev, Jeff 2000. *Surviving Diversity: Religion and Democratic Citizenship*. Baltimore: Johns Hopkins University Press.

Universal Declaration of Human Rights 1948. Available at
<<http://www.cirp.org/library/ethics/UN-human/>> 20th of July 2011

Weinstock, Daniel 2005. Beyond exit rights: Reframing the debate. In Eisenberg, Avigail & Spinner-Halev, Jeff (ed.): *Minorities within Minorities: Equality, Rights and Diversity*. New York: Cambridge University Press, 227–246.