

Contents

<i>Preface</i>	<i>page xi</i>
1 Introduction	1
Accommodating differences and respecting rights: an unattainable marriage?	4
An exploration of the institutional issues surrounding multicultural accommodation	8
Outline of the book	10
The road ahead	15
2 The perils of multicultural accommodation	17
Standard citizenship models	20
Citizenship: the bond between the individual and the state	21
The missing third component	22
Why we need a multicultural conception of citizenship	22
Potential conflicts: group, state, individual	25
Strong and weak versions of multiculturalism	28
Three types of group response to assimilation pressures	33
Full assimilation	33
Limited particularism	34
Reactive culturalism	35
The inevitable inside–outside interaction	37
Against “non-intervention”	37
The “domestic impunity” fallacy	40
Summary	42
3 Family law and the construction of collective identity	45
Incidental vs. systemic in-group violation	47
The anatomy of family law	49
Family law’s demarcating function	51
Family law’s distributive function	54
Cultural preservation, multicultural accommodation, and women’s in-group subordination	55
Women’s heightened responsibility and heightened vulnerability	55
The <i>agunah</i> test case	57
Reactive culturalism and multicultural accommodation	60
Summary	61

4	State vs. <i>nomos</i> : lessons from contemporary law and normative theory	63
	Two theoretical responses to the paradox of multicultural vulnerability	64
	The re-universalized citizenship option	65
	The unavoidable costs approach	68
	Transcending the either/or framework	70
	A critique of current legal approaches	71
	The secular absolutist model	72
	The religious particularist model	78
	The insufficiency of current theoretical and applied legal models	85
5	Sharing the pieces of jurisdictional authority: mapping the possibilities	88
	The joint governance approach	88
	Mutually re-enforcing rights and <i>nomos</i>	89
	The plurality of joint governance	90
	Jurisdictional solutions	91
	Variants of joint governance	92
	Federal-style accommodation	92
	Temporal accommodation	96
	Consensual accommodation	103
	Contingent accommodation	109
	Summary	113
6	Transformative accommodation: utilizing external protections to reduce internal restrictions	117
	Principles of transformative accommodation	118
	Allocating jurisdiction along “sub-matter” lines	119
	The “no monopoly” rule	120
	The establishment of clearly delineated choice options	122
	Transformative accommodation vs. other variants of joint governance	126
	Decision-making across jurisdictional boundaries: tensions and possibilities	128
	Family law revisited: fostering change “from within”	131
	Dividing demarcation from distribution	132
	Breaking the property–status extortion cycle	135
	Empowering the once vulnerable	138
	Harnessing group survival instincts	140
	Summary	143
7	Conclusion	146
	Appendix: How transformative accommodation works in different social arenas	151
	<i>References</i>	166
	<i>Index</i>	187