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The Politics of Multiculturalism

1. The Curious Political Success of Multiculturalism

As we have seen in this book, a number of multiculturalist policies have been adopted in countries such as the United Kingdom, the United States and Canada. How are we to account for the success of the multiculturalist cause? One obvious answer would be that it is a cause that finds favour with the public and that politicians respond to its popularity by enacting multiculturalist legislation. The trouble with this explanation is that the evidence fails to support any such claim about the state of public opinion.

Of the three countries that I have mentioned, only one has a practice of direct voting on ordinary legislation, as against constitutional issues or international treaties. In the United States, a number of States (especially in the western part of the country) have a provision for referenda by popular initiative. One such referendum, in 1998, 'abolished almost all bilingual education programs in public schools' in California.[1] The majority in favour was 61 per cent, and among ethnic minority voters the measure was supported by 37 per cent of Hispanics and 57 per cent of Asians.[2] With that exception, we have to rely on survey data. Here, a noteworthy finding was provided by a public opinion poll conducted in Canada in 1993, which showed 'nearly three quarters of respondents rejecting the idea that Canada is a multicultural nation'.[3]

This result is especially striking because it amounts to a direct repudiation of the Canadian Multiculturalism Act which was passed in 1988.[4] When we

examine the wording of this Act, we immediately notice that it exemplifies a phenomenon on which I commented in chapter 2: the tendency among the proponents of multiculturalism to use the term equivocally. Thus, in section 3 (1) of the Canadian Multiculturalism Act, clause (a) says that it is government policy to 'recognize and promote the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society'.[5] Here, 'multiculturalism' must refer to a set of policies. For it is described as 'reflecting' a condition of diversity, and a reflection cannot be identical to the object reflected. This interpretation is confirmed by the rest of the clause, according to which 'multiculturalism ... acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage'.[6] Thus, the claim being made in clause (a) is that the appropriate way in which to respond to 'cultural and racial diversity' is to pursue multiculturalist policies. This claim is contestable – and I have been contesting it – but it is at any rate intelligible. Clause (b), however, switches the meaning of 'multiculturalism' by committing the government to 'recogniz[ing] and promot[ing] the understanding that multiculturalism is a fundamental characteristic of the Canadian heritage and identity and that it provides an invaluable resource in the shaping of Canada's future'.[7] Here, 'multiculturalism' makes sense only as a synonym for what in the previous clause was called 'cultural and racial diversity'. The result of this legerdemain is to make it conceptually impossible to acknowledge the fact of diversity while rejecting the policies advanced under the name of multiculturalism. We can therefore be confident that the three-to-one majority of Canadians who rejected the proposition that they 'lived in a multicultural nation' were rejecting the entire tenor of the Canadian Multiculturalism Act five years after its passage.

Will Kymlicka has conceded in his recent book *Finding Our Way* that 'more and more Canadians themselves are disillusioned with the basic institutions and principles that underlie the Canadian model'.[8] This, he complains, puts him in 'a paradoxical position ... and an increasingly untenable one'.[9] For it means that he has been put 'in the position of trying to encourage foreign audiences to take seriously a set of practices and principles that are increasingly dismissed and derided at home'.[10] What deepens the paradox for Kymlicka is, he says, that '"the Canadian model" of ethnocultural relations' offers 'one area' in which 'Canada is an internationally recognized leader, in terms not only of specific public policies, but also of the judicial decisions and [he adds modestly] academic studies that analyse and evaluate these policies'.[11] Kymlicka goes on to comment, rather wistfully, that, in contrast to the chilly reception of multiculturalism in Canada, 'audiences in other countries – whether the US, Britain, Australia, the Netherlands, Spain, Italy, Austria, Latvia, or Ukraine – seem genuinely interested in Canada's successes in this area'.[12] The seeming paradox can

easily be dissolved by noticing that Kymlicka is not comparing like with like. I have no doubt at all that these 'foreign audiences' to which he has presented the 'Canadian model' were composed in the same way as his audiences in Canada: of academics, lawyers, politicians, civil servants and officials from think-tanks and quangos. I should be very surprised if either in Canada or abroad Kymlicka has ever roused a large public gathering to enthusiasm for multiculturalism.[13]

Multiculturalism in Canada is sustained by 'a fluid interchange of talent and legal resources among... governmental agencies [advocating legal reform and sponsoring test cases], the law schools, and private rights advocacy organizations'.[14] Among the activities of this tightly knit group are efforts to change public opinion towards greater acceptance of the policies that they are engaged in pursuing. Thus, Kymlicka's *Finding Our Way* originated in five short papers that were commissioned by 'officials at the Department of Canadian Heritage of the federal government'.[15] They invited Kymlicka to write about what 'debates among political theorists could tell us about public policy in Canada', and specifically public policy with respect to multiculturalism.[16] Since these officials must have been aware of Kymlicka's role as a tireless promoter of Canadian multiculturalism, they can hardly have been surprised if his version of the debate had the multiculturalists coming out on top. *Finding Our Way* itself is, Kymlicka says, intended in part 'to provide a kind of reality check'.[17] This claim rests on the patronizing assumption that the unpopularity of multiculturalism stems from a lack of information: if Canadians had a better sense of reality they would change their minds. More likely, it is precisely because the Canadian public is, by international standards, familiar with both the theory and practice of multiculturalism that it is so markedly hostile to it.

As far as practices are concerned, Canada may have gone further along the path of multiculturalism than Britain or the United States, but if so there is not an enormous amount in it. The really significant difference is that neither Britain nor the United States has anything corresponding to the Canadian Multiculturalism Act. The consequence of the Act is that in Canada multiculturalism as a whole approach to politics is established as a topic in the public domain, and specific policies promoting the multiculturalist agenda can be seen as aspects of a larger strategy. Contrast this with the position in Britain and the United States, where there is no public debate about the general idea of multiculturalism because there is no focus for such a debate. It is true that there has been a lively (and at times rancorous) debate in America about the content of school textbooks in history and social studies, and this is (as we saw in chapter 6) identified by some Americans with the entire issue of multiculturalism. To the extent, however, that this dispute concerns the substance of a common curriculum intended for all the children in the public schools, it is irrelevant to 'the politics of

difference', which is defined by the demand that different people should be treated differently in accordance with their distinctive cultures. Outside the network of academics, lawyers and officials directly involved, it is doubtful that many people in Britain or the United States are aware of multiculturalism as a challenge to the whole idea that equal treatment means treating people in the same way. The result is that there is nothing around which the diffuse discontent with specific multiculturalist policies can coalesce.

Sebastian Poulter argued in the concluding chapter of his book on ethnicity and the law in England that 'some considered thought should be given to the adoption of a clear public agenda for promoting the future of a plural society in Britain, perhaps culminating in the enactment of a Multiculturalism Act', but warned that 'considerable opposition can be expected, as the Canadian experience demonstrates'.[18] Precisely for that reason, it can be predicted with confidence that the policy community committed to the multiculturalist cause in Britain will not be pressing in the foreseeable future for any such 'clear public agenda'. On the contrary, this is the last thing they would wish to see. Adrian Favell has pointed out that adopting 'a formal minority rights structure' in Britain 'would entail scrapping the complex arrangements that currently exist'.[19] He adds that the crisis precipitated by the publication of *The Satanic Verses* led not to the conclusion that such a formal structure was needed but rather to a resolve to hang on at all costs to the existing arrangements. 'Political actors involved on all sides – politicians, religious and cultural representatives, the race relations lobby – were in fact at pains, after the Rushdie case, to re-establish the merits of the existing mechanism for managing ethnic diversity.'[20] You bet they were! Among the 'political actors' enumerated by Favell, one set is conspicuously lacking: anybody representing the interests of the wider public. The Rushdie affair threatened to blow open the cosy circle constituted by these managers of ethnic diversity. It is scarcely surprising that, faced with the risk that multiculturalism might become a subject of public debate, they closed ranks.

It is not simply that debate on the general principles of multiculturalism is strenuously avoided. In addition to that, the specific fixes that constitute practical multiculturalism are negotiated behind closed doors. The public at large is kept in the dark, and even organizations that might rock the boat because they do not belong to the multiculturalist club are excluded from consultation. A perfect example of this process of multiculturalism by stealth is provided by the case of ritual slaughter. As I recounted in chapter 2, the government's own advisory committee, the Farm Animal Welfare Council, issued a report in 1985 recommending that kosher/halal butchery should be prohibited on the ground that it inevitably entails unnecessary animal suffering. I want to focus here on what happened next. Was the report regarded by the government as an ideal opportunity to initiate a wide-ranging public debate on a matter of legitimate concern to all citizens? The answer will

come as no surprise. The government could not avoid any response at all to the Council's report. But it gave it in the form least likely to attract public attention: a prepared ministerial reply to a planted parliamentary question.

The matter of the government's response was even more remarkable than its manner. The government, it ran, had 'had an opportunity to consult Jewish and Muslim leaders in great detail on the question'.[21] It had not, be it noted, taken the opportunity to consult any of the organizations concerned with animal welfare, let alone invited any input from the general public. The substance of the reply simply retailed the objections to the Council's report made by these religious leaders. They 'rejected the Council's assessment of the welfare implications of religious slaughter', the government reported.[22] To give this as a reason for rejecting the Council's recommendation was tantamount to conceding that the government had abandoned all canons of rational decision-making. What else could be said about a reason for inaction that consists of citing the fact that the scientific basis of the proposed action was disputed by people who could be counted on without fail to dispute it? It might be argued, indeed, that the Jewish and Muslim leaders consulted by the government would have been guilty of negligence in the pursuit of their constituents' interests if they had refrained from disputing the evidence. Since, however, these leaders had an entrenched position based on religious belief and no credentials as scientists, their objections should have been dismissed. The government also reported the claim by the Jewish and Muslim leaders that 'their slaughter requirements are fundamental obligations'.[23] Here, the government might have pointed out that eating meat is not a religious obligation or that kosher butchery has been declared not to be a religious obligation in countries that have made it illegal. Merely citing the objection as if it were decisive was, in effect, to turn the powers of government over to a pressure group.

Poulter, in the course of recounting the growing opposition to ritual slaughter in Britain, led by bodies such as the RSPCA, the Humane Slaughter Association and Compassion in World Farming, mentions that 'by 1983 a National Opinion Poll revealed that 77 per cent of respondents were altogether opposed to religious slaughter'.[24] It could, of course, be argued that this very large majority rested on lack of information, and that if there had been full public debate on the issue more than one-third of those opposed to religious slaughter would have changed their minds, producing a majority in favour of retaining the exemption. The only way of testing this speculation would be actually to have such a debate. For what it is worth, however, my own impression is that (outside the ranks of those already committed for religious reasons) greater knowledge of the facts intensifies opposition to ritual slaughter.

In the case of the exemption to the crash helmet law that was introduced in 1976 to accommodate turbanned Sikhs riding motorcycles, the government

of the day formally abdicated responsibility and adopted an officially neutral attitude to a private member's bill. 'Curiously, the bill was never debated on the floor of the House of Commons itself, partly for obscure procedural reasons, but there was full discussion in the relevant Standing Committee and subsequently in two short debates in the House of Lords.'[25] Given that a piece of primary legislation was involved, it would have been impossible to stifle informed public debate of an important road safety issue more effectively than to relegate debate to two bodies guaranteed to produce paralysing boredom in the public: the House of Lords and a committee of the House of Commons. Once again, however, the only opinion poll evidence offered by Poulter (which was cited in the House of Lords) suggested that 69 per cent of respondents were opposed to a special exemption for Sikhs.[26] It could be argued here too that a full public debate might have induced a big shift in sentiment. My own view is, however, that the more one thinks about the question the less convincing the case for a general rule with a special exemption becomes, for the reasons that I laid out in chapter 2.

Other concessions to demands made on religious and cultural grounds take place even more out of the public eye. Thus, it appears from occasional newspaper items (supported by anecdotal evidence from schoolteachers) that schools all over Britain are acceding to demands by parents that their children should be withdrawn from central parts of the curriculum: the example most commonly mentioned is permission for Muslim girls to be excluded from biology lessons. Left to their own devices, it is hardly surprising if head teachers opt for a quiet life and accommodate parental demands, however educationally harmful they may be. In Britain, the incentives facing head teachers are further skewed by the quasi-market in the state school system introduced by the Conservatives and developed further by Labour, which forces schools to compete for pupils in order to avoid bankruptcy. In the absence of any authoritative ruling, schools that do not give in to educationally deleterious demands face the threat that dissatisfied parents will shift their children to schools that are more accommodating. It is, clearly, the job of public authorities, accountable to the wider public that has a legitimate stake in the education received by all children, to take a position.

For the reasons that I put forward in chapter 6, I do not believe that a policy of allowing parents to pick and choose among subjects in the core academic curriculum could withstand public scrutiny. As far as I am aware, no local authority in Britain has formulated and defended publicly such a policy explicitly; exemptions take place on an *ad hoc* basis in a policy vacuum. In the United States, we know from the *Mozert* case (discussed in chapter 6) about one county's educational authority that refused to allow parents to withdraw their children from part of the school curriculum. It appears from the record of the case, however, that a number of schools in

Hawkins County had acceded to parental demands like those of the *Mozert* parents and would no doubt have continued to do so if the School Board had not acted to pre-empt the schools' discretion by taking the decision that precipitated the case. It may well be that schools all over the United States are yielding to similar pressures from parents to circumscribe their children's education, in the absence of an authoritative ruling prohibiting them from doing so.

The jewel in the multiculturalist crown in America has been bilingual/bicultural education. This too has tended to be adopted by collaboration among elites – advocacy groups, judges and educational bureaucrats – rather than as a result of broad public support. I mentioned in chapter 6 that, in New York State, compulsory bilingual education was imposed by the courts at the behest of a Puerto Rican lobbying group. I may add that, since this group's activities were financed by the Ford and Rockefeller Foundations, it did not even need broadly based support among Puerto Ricans. If we go right back to the early days of the Federal Government's involvement with bilingual/bicultural education, we discover bureaucrats and judges making policy between them, and in the process creating something that was far from the kind of scheme called for by the covering legislation. 'The Bilingual Education Act was created in January 1968 as Title VII of the Elementary and Secondary Education Act [as] a small, exploratory measure aimed at "limited English-speaking" pupils who were falling badly behind in school or dropping out altogether.'[27] The rationale was explicitly that the money was to be used to experiment with alternative ways of helping these children learn English, so that they could join 'mainstream' classes conducted in English. Transitional education in their mother tongue was one, but only one, of the methods whose efficacy was to be investigated.

In the event, however, the implementation of the Title VII programme, which expanded rapidly, was totally at odds with the rationale that the Congress had accepted. Thus, a study carried out in 1974 by the Congressional Accounting Office found that 87 per cent of the programmes funded under Title VII were dedicated to maintaining a minority language and were not designed to enable students to move into an English-speaking environment to complete their education.[28] Even if students in bilingual educational programmes did learn enough English to be able to function in classes taught in English, it was found by another study that '86 per cent of the Title VII project directors interviewed said that they had a policy of keeping students in [Spanish-speaking] classes after they could learn in English'.[29] Even more remarkably, the study by the Congressional Accounting Office found that 'many Title VII programs were made up largely of English-dominant students of Hispanic origin'.[30] The schools were thus maintaining the ancestral language of these students but not their actual language. In any case, such students had no place in any Title VII programme, under the

official rationale, because this was intended exclusively for students whose English was deficient. We can understand why the objectives of the programme were subverted by the agency appointed to implement it when we discover that it was headed at this stage by somebody who had previously testified to Congress that he foresaw the United States following Canada in having two official languages – in the American case, English and Spanish.[31]

Parallel to this use of the carrot in the form of special funds dedicated – in practice – to linguistic and cultural maintenance programmes, the Office of Civil Rights (OCR) wielded the stick by threatening to withdraw all federal school aid from 334 school districts unless they introduced bilingual education programmes.[32] These moves, and others along similar lines, had no legislative basis. The OCR claimed that its policy was licensed by the Supreme Court's decision in the case of *Lau* v. *Nichols*. But this case, which originated in San Francisco, simply held that throwing Chinese-speaking children into an English-speaking classroom with no preparation did not constitute 'equality of treatment'.[33] The Court explicitly eschewed any prescription of the means that should be employed to educate these children, leaving open the options of transitional instruction in Chinese, an intensive course in English, or indeed a properly managed 'immersion' programme. However, a 'task force' assembled by the OCR drew up so-called 'Lau remedies' that ignored the Supreme Court's focus on the rights solely of children who could not speak English, and decreed that school districts with more than twenty students whose native language was not English must put them in bilingual programmes, regardless of the adequacy of their English.[34] This clearly turned *Lau* into a mandate for maintaining children in 'their' language as an end in itself. The objectives of the 'task force' become manifest when we observe that they also prescribed bicultural education (an issue that the Supreme Court did not even address), in the obnoxious form of a special curriculum for each ethnic group, reflecting its own 'contributions' to American history.[35] This is, again, a clear case of successful bureaucratic politics in pursuit of a goal other than that mandated by the Congress or the courts.

2. Multiculturalism versus Democracy

That multiculturalist policies continue to be pursued in the face of a high degree of public hostility is a remarkable tribute to the effectiveness of the elites who are committed to them. Should we be concerned about this? If the premises supporting multiculturalism are well founded, the kind of behind-the-scenes manipulation that I have been describing needs no apology. For these premises have strongly anti-majoritarian implications. Many multiculturalists (as we saw in the previous chapter) maintain that each cultural

group within a polity constitutes a source of values for its members, and that the values of different groups are incommensurable. On this view, a society with a single set of rules applying to all its members is bound to be oppressive to cultural minorities, because the rules will simply reflect the culture of the majority. The very possibility of arguing that some rules have more to be said for them than that they articulate majority values is simply dismissed in advance as a piece of sophistry. Not all multiculturalists subscribe to this brand of moral nihilism. But even those who are prepared to accept that it makes sense to talk about the right policies to pursue are still likely to accord only very little legitimacy to majoritarian decision-making. For the whole point of the 'politics of difference' is to assert that the right answer is for each cultural group to have public policies tailored to meet its specific demands. It is plausible that this can be achieved only by ensuring that members of cultural minorities are able to control public policies affecting them, either by having political power devolved on them or by being granted some kind of special status in relation to the process by which policies are formulated.

The 'politics of difference' thus rests on a rejection of what we may call, in contrast, the politics of solidarity. On this alternative conception of politics, sketched in chapter 3, citizens belong to a single society and share a common fate. Political disagreements, according to this approach, stem from differing ideas among citizens about the direction to be taken in future by their society. We may expect them to disagree on the policies that will most effectively further the common good and most fairly distribute the benefits and burdens arising from the working of their common institutions. If we conceive of political conflict as predominantly taking this form, we have a clear prima facie case for resolving disputes by adopting the policy favoured by the majority. In matters of common concern, it is hard to see why each person should not have an equal say in the outcome. Where a minority is constituted out of those who are on the losing side in a disagreement about the future of the institutions they share with the majority, there appears to be no case for building in special protections for the minority. It would surely be absurd to say that a minority defined in this way should have a veto on the policy favoured by a majority, or that its members should be able to demand that the policy with which they disagree should not apply to them.

This way of looking at politics is altogether different from the one characteristic of multiculturalists. For them, there is 'no such thing as society' – not in the sense intended by Margaret Thatcher (who added that there were only individuals and families) but in the sense that a society is to be conceived of as a fictitious body whose real constituents are communities. We saw in chapter 5 how the English pluralists in the early years of the twentieth century argued that communities were a valid source of authority and should share sovereignty with the state. Prior to that, in chapter 3, we

came across Horace Kallen, the opponent of the 'melting pot' ideal who maintained in the 1920s that ethnically defined communities were destined (apparently by biology) to go on reproducing cultural differences into the indefinite future, and drew from this the conclusion that they should be seen as the building-blocks of society. Throughout the book, we have seen these ideas echoed in the work of contemporary multiculturalists, for whom group identities and group loyalties have primacy over any broader, society-wide identity and loyalty. Bhikhu Parekh, whose ideas I discussed in chapters 2 and 3, is an excellent example. Similarly, Iris Young has suggested that 'in the twentieth century the ideal state is composed of a plurality of nations or cultural groups, with a degree of self-determination and autonomy compatible with federated equal rights and obligations of citizenship'.[36] (But maybe things should be different in the twenty-first?)

Young devotes a chapter of *Justice and the Politics of Difference*, entitled 'The Ideal of Impartiality and the Civic Public', to trashing 'the Enlightenment ideal of the public realm of politics as attaining the universality of a general will that leaves difference, particularity, and the body behind in the private realms of family and civil society'.[37] Young's conception of 'the ideal of impartiality' and of 'the civic public' is the caricature of the Enlightenment typical among multiculturalists that I criticized in chapter 1.[38] She suggests that political theorists such as Benjamin Barber, who wish for a reinvigoration of democratic decision-making, are 'call[ing] for a reinstitution of a civic public in which citizens transcend their particular contexts, needs, and interests to address the common good'.[39] But nobody is proposing that 'particular contexts, needs and interests' cannot be advanced in democratic decision-making. On the contrary, the substance of debate in a democratic society should be, precisely, about the way in which differences of these kinds are to be dealt with by public policy. Indeed, Young herself accurately paraphrases Barber's own view in a way that actually undermines her conclusions about its import: 'The pursuit of particular interests, the pressing of the claims of particular groups, all must take place within a framework of community and common vision established by the public realm.'[40]

Eliminating an element of hyperbole which is not present in Barber's text, what this comes down to is the claim that political life presupposes citizens who think of themselves as contributing to a common discourse about their shared institutions. But this public debate must, of course, address itself to the 'particular contexts, needs and interests' of different people. It does not require, as Young suggests, 'the submerging of social differences'.[41] Let me pick up again an example that I used in chapter 1. Saying that there ought to be a uniform system of taxation within a country simply means that everyone should face the same set of rules; it does not imply that everybody should pay the same amount of tax. The rules themselves can

be as differentiated as you like to accommodate claims for special treatment. The point is that all such claims have to be couched in terms of publicly defensible conceptions of equity and efficiency. What is not admissible is to argue that you should get special treatment in virtue of your belonging to a minority (whether culturally defined or not) that has different ideas about the right system of taxation from the ideas of the majority.

In contrast to this conception of politics as a society-wide conversation about questions of common concern, Young posits 'the ideal of a heterogeneous public, in which persons stand forth with their differences acknowledged and respected, though perhaps not completely understood, by others'.[42] The implications of this picture of a society made up of groups whose demands may not even be mutually intelligible are, needless to say, strongly anti-majoritarian. It therefore comes as no surprise when Young suggests later that 'oppressed or disadvantaged' groups should have special representation and 'group veto power regarding specific policies that affect a group directly'.[43] The only two examples of this veto power that she offers are of radically different kinds: one is 'land use policy for Indian reservations'; the other is 'reproductive rights policy for women'.[44]

As far as the first is concerned, it is hard to see that a power of veto over generally applicable public policies has much relevance. What Native Americans presumably want – and, in fact, have – is autonomous decision-making authority over land use within the territory comprising the reservation.[45] It is also puzzling that Young talks about a veto in cases involving generally applicable public policies. For a veto (as in the Security Council) simply blocks change, thus perpetuating the status quo. Since the groups to be granted veto power are, by stipulation, 'oppressed or disadvantaged', having a veto would enable them only to prevent changes that would be deleterious to their perceived interests. Veto power would do nothing to put them in a position to insist on measures to improve their lot. It may be that Young did not feel comfortable about demanding the right of 'oppressed or disadvantaged' groups simply to decide what public policy should be in matters that 'affect them directly'. If the object is to give them a chance to escape from their disadvantaged condition, however, nothing less makes any sense.

Whether groups are to have a veto on policies that affect them directly or are to be granted stronger powers, Young's proposal can be implemented only if we have an answer to a prior question: who is to determine what matters affect groups directly, and on what criteria? Consider Young's own example of 'reproductive rights policy'. She does not explain what she has in mind when she claims that this policy should be controlled exclusively by women. I surmise, however, that she intends to refer primarily to abortion, because other matters falling within the realm of 'reproductive rights policy', such as the terms on which fertility treatment and contraception are to be

available, are less plausibly seen as ones in which only women have a legitimate stake. Even if we make the presumption that 'reproductive rights policy' means policy on abortion, though, the example still illustrates what is wrong (or at any rate one of the things that is wrong) with Young's proposal. For the terminology of 'reproductive rights' already takes for granted one view of what is at issue: that abortion is entirely a question about the right of a woman to control her fertility. Moreover, it is only on the basis of this presupposition that abortion can be classified as a matter that exclusively affects women, so that they should have the exclusive power to decide public policy about it.

Whether or not some issue affects only the members of a certain group is itself normally a matter of controversy, and that controversy is itself one on which everyone can properly take a position. Thus, for example, there are not many people who would regard it as axiomatic that public policy on the withholding of life-saving medical treatment from children by their parents should be decided by a vote in which only Jehovah's Witnesses and Christian Scientists have an opportunity to participate. Similarly, few would accept that public policy on female genital mutilation should be turned over to a vote among those for whom it is a culturally prescribed norm.[46] Why is it that not everybody is likely to agree that these are 'specific policies that affect a group directly', and that in consequence the members of the group in question can properly demand the sole right to determine their content? Obviously, reluctance to delegate such decisions to religious or cultural minorities stems from a conviction that all citizens have a stake in public policies affecting the physical well-being and the lives of children, and a suspicion that the parents are not in cases like these trustworthy guardians of their children's interests.

I argued along the same lines in chapter 6 against the view that parents are the only people with a stake in their children's education. All the members of a society, I suggested, have a legitimate concern for the way in which the next generation turns out. On the basis of this, I took exception to the current rule in Britain that confines the right to vote on secondary school reorganization to the parents of children in the secondary schools within an area or attending primary schools within the catchment area of the secondary schools. My account in the previous section of the British government's decision-making process with regard to kosher/halal butchery can also be brought to bear here. *De facto*, if not *de jure*, the government followed the procedure recommended by Young, in that it treated Jews and Muslims as the 'directly affected' groups and took the opposition of the representatives of those groups to the recommendations of the Farm Animal Welfare Council as constituting a veto. But this simply ignored the legitimate interest that the general public has in the protection of non-human animals from excessive suffering.

The upshot of this discussion is that it is a mistake to think of Jehovah's Witnesses, Christian Scientists, Jews and Muslims or parents of children in the state educational system as having special interests that need to be constitutionally protected against majoritarian oppression. Rather, we should conceive of collective decisions about the treatment of children and non-human animals as ones in which all citizens are entitled to participate. Those who wish, on the basis of minority religious beliefs or cultural norms, to engage in practices that would be illegal in the absence of a special exemption should be free to join in the public debate and do their best to convince as many of their fellow citizens as they can of the merits of their case. There is no reason for expecting them to 'transcend their particular contexts, needs and interests', as Young suggests. At the same time, however, they should not be regarded as having some kind of privileged status in relation to decision-making on 'their' issues. It is scarcely necessary, perhaps, to spell out the relevance of these examples to Young's chosen case of abortion. For it is surely clear that her assumption that women have an exclusive interest in public policy on abortion, and should therefore be the only people with a say on what the policy is to be, simply presupposes the falsity of the view that a foetus (or 'unborn baby', as pro-life advocates like to describe it) is worthy of legal protection. It is not necessary to agree with that view to accept that there can be no justification for creating a system for deciding public policy on abortion that is at the outset built on the assumption that it is false.

Women are, of course, related to the question in a different way from men, in that it is their pregnancies that either are or are not terminated. But that does not turn them into a special interest group with a distinctive group policy preference – which Young assumes will be in favour of 'reproductive rights'. That women are involved with abortions in a way that men are not does not in itself entail that women will support liberal abortion laws disproportionately; a priori it is just as likely that women will put a greater emphasis on the value of motherhood, and on the strength of that be more antagonistic to abortion. In practice, women tend to be more active than men on both sides of the issue, and surveys suggest that the distribution of opinion among women and men tends to be quite similar.[47] This is consistent with the proposition that the degree (if any) to which the law should protect foetuses is a question on which people can and should deliberate in their capacity as citizens. It is worth insisting again, however, that Young is quite wrong to suggest that this precludes women from making arguments that derive from their distinctive perspective as the half of the human race capable of bearing children. What it does mean is that they make these arguments in the public forum – and, by the same token, that men can make arguments reflecting *their* distinctive position as the half of the human race that is not capable of bearing children.

It would be absurd to suggest that majorities are incapable of oppression, and I have no intention of suggesting it. But minorities are capable of oppression, too: how else are we to describe the withholding of life-saving medical treatment from children by their parents and the infliction of genital mutilation on young girls at the behest of their parents? The best safeguard against the unjust use of political power is not to parcel it up among minorities committed to practices abhorrent to the majority, but to put some questions beyond the reach of ordinary decision-making procedures. Thus, anti-discrimination provisions such as those imposed by the European Court of Justice on states within the European Union can be highly effective in preventing public policy from treating people unequally on the basis of characteristics such as age, gender and sexual orientation. It has to be conceded that judicial enforcement of equal treatment does not meet the demands of multiculturalists. For the whole point of the 'politics of difference' is that different groups should be treated differently. But the logic of my argument is that, if cultural minorities are to be granted exemptions from generally applicable laws, this should come about as a result of a decision-making process in which all citizens are entitled to take part on equal terms.

3. If Multiculturalism Is the Answer, What Was the Question?

In the course of this book, I have criticized multiculturalism on a variety of counts. I shall not attempt to summarize these criticisms here. The ideas and policies that come under the multiculturalist umbrella are far too heterogeneous to permit my objections to them to be condensed into a few pages. There is, however, one pervasive flaw in multiculturalism that goes a long way to accounting for its irrelevance to most of the problems that members of minority groups characteristically face in contemporary western societies. I have drawn attention to it on a number of separate occasions, but I believe that it is sufficiently significant to warrant some systematic attention in this concluding chapter. The error that I have in mind, which underlies the multiculturalist diagnosis and therefore invalidates its proposed cures, is the endemic tendency to assume that distinctive cultural attributes are the defining feature of all groups. This assumption leads to the conclusion that whatever problems a group may face are bound to arise in some way from its distinctive cultural attributes. The consequence of this 'culturalization' of group identities is the systematic neglect of alternative causes of group disadvantage. Thus, the members of a group may suffer not because they have distinctive culturally derived goals but because they do poorly in achieving generally shared objectives such as a good education, desirable and well-paid jobs (or perhaps any job at all), a safe and salubrious

neighbourhood in which to live and enough income to enable them to be adequately housed, clothed and fed and to participate in the social, economic and political life of their society.

Before entering into my bill of particulars, let me introduce the discussion by giving an example of what I have in mind. One of the most serious mistakes made by multiculturalists is to misunderstand the plight of American blacks. As Kwame Anthony Appiah has said,

> it is not black culture that the racist disdains, but blacks. There is no conflict of visions between black and white cultures that is the source of racial discord. No amount of knowledge of the architectural achievements of Nubia or Kush guarantees respect for African-Americans. No African-American is entitled to greater concern because he is descended from a people who created jazz or produced Toni Morrison. Culture is not the problem, and it is not the solution.[48]

The scope of Appiah's remark can, I suggest, be extended beyond its original context. Sometimes, indeed, culture is the problem and culture is the solution. But this is a much more rare occurrence than one would gather from the work of the multiculturalists.

I shall illustrate my thesis by drawing on the writings of Iris Young and Will Kymlicka. They are especially suitable for my purposes because they are exceptionally explicit in 'culturalizing' groups. I am confident, however, that all the advocates of multiculturalism discussed in this book could be shown to rely on a similar kind of analysis, which gives rise to similar policy prescriptions. I shall begin with Young, and I can make what I have to say fairly brief because I have already laid the groundwork in chapter 3. 'Among others', it may be recalled, the oppressed include 'women, Blacks, Chicanos, Puerto Ricans and other Spanish-speaking Americans, American Indians, Jews, lesbians, gay men, Arabs, Asians, old people, working-class people, and the physically and mentally disabled.'[49] This implies that about 90 per cent of Americans are oppressed.[50] It is, she says, 'new social movements in the United States since the 1960s' that claim these groups to be oppressed; but she adds that her aim is 'to systematize the meaning of the concept of oppression as used by these diverse political movements, and to provide normative argument to clarify the wrongs the term names'.[51]

I am concerned here not with Young's concept of oppression but with her concept of a group. (I discussed her concept of oppression in chapter 3.) Although she says that oppression takes different forms, her analysis is compromised from the outset by her definition of a group as 'a collective of persons differentiated from at least one other group by cultural forms, practices, or way of life'.[52] This makes the possession of a distinctive culture the feature that defines somebody as a member of any group. Yet we can

identify people as women, blacks or gays without having to know anything much about their culture. Even if we want to say that there is a women's culture, a black culture or a gay culture, the extent to which members of the group identify with such a distinctive group culture varies greatly from one member to another. And discrimination may well be based on sheer identity as a woman, a black or a gay rather than on any associated cultural attributes. There are also those groups whose members suffer discrimination or other disadvantage but are not marked by any common cultural characteristics at all. Thus, the physically disabled suffer from the unavoidable effects of their disability, plus unfair job discrimination, and the failure of institutions to adapt to their needs. If, however, we leave aside the special case of the deaf (and in particular those who are profoundly deaf from birth, as against those who lose their hearing later in life), there is no 'disabled culture'. On the contrary, what most disabled people want is to be integrated into society and treated as normal members of it. Similarly, there are the inherent disadvantages of growing older, and there is without doubt serious job discrimination on the basis of age, but there is not an 'old culture'.

It is not clear that all the groups listed by Young suffer from oppression at all. Whether or not being Jewish in the United States is necessarily associated with distinctive 'cultural forms, practices, or way of life', I would question Young's assertion that Jews as a group are subject to oppression in any sense, though I concede that my impression is drawn from having lived in the three largest cities. These, however, contain a large proportion of the American Jewish population in America. Along similar lines, the extraordinary success of Asians (especially in California) must make it doubtful that they are, considered as a group, oppressed. Moreover, it is surely clear that 'Asians' do not constitute a group at all, on Young's definition of a group, since there is nothing in the way of 'cultural forms, practices, or way of life' common to all and only Asians.

None of this, to repeat, is intended to deny that there are groups whose members lack the resources (including human capital) necessary for full participation in their society's institutions. Nor is it to downplay the extent to which group members may be subjected to systematic ill-treatment by police and other public officials. And it is certainly not to slight the importance of group-based discrimination as a source of disadvantage in education and employment. My point is simply that the source of bad or unfair treatment may well be group membership as such, identified by skin colour, ethnic descent, sex, and so on. In terms of the distinction introduced in chapter 2, we are talking here about direct rather than indirect discrimination. Indirect discrimination, it may be recalled, exists where there are rules set out in neutral terms which, nevertheless, render compliance more costly for members of some group in virtue of their distinctive culture, and cannot be justified as necessary for the conduct of the school, firm, government

service, and so on. We saw in chapter 2 that indirect discrimination is a real possibility, and that anti-discrimination legislation needs to cover it as well as direct discrimination. My complaint is that the 'culturalization' of groups inevitably leads to the conclusion that all disadvantage stems from the 'misrecognition' of a group's culture. This way of thinking leads those who indulge in it to be blind to the most important causes of group disadvantage, as I shall seek to show later in this section.

I turn now to Will Kymlicka's book *Multicultural Citizenship*. The first point to notice about this is that, despite its title, it has virtually no overlap in subject-matter with Young's book. Kymlicka concedes – unwisely, if I am right – that 'there is a sense in which gays and lesbians, women, and the disabled form separate cultures within the larger society'.[53] But he goes on to say that 'this is very different from the sense in which the Québécois form a separate culture within Canada', and tells us that he 'will not describe all of these groups as "cultures" or "subcultures" '.[54] In a footnote directed specifically at Young, he adds that 'some advocates of a "politics of difference", whose focus is primarily on disadvantaged groups, obscure the distinctive demands of national groups.... While [Young] ostensibly includes the demands of American Indians and New Zealand Maori in her account of group-differentiated citizenship, she in fact misinterprets their demands by treating them as a marginalized group, rather than as self-governing nations.'[55] Kymlicka will not, he tells us, 'use "multiculturalism" as an umbrella term for every group-related difference in moral perspective or personal identity'.[56] What then is multiculturalism, on his conception? We can see at once from the terms in which the issue is posed that 'multiculturalism' is going to be defined in a way that makes it refer to some (alleged) facts about the existence of group-related differences. Thus, we can say that the word 'multiculturalism' is not going to be used to refer to a political programme. What forms of cultural diversity, then, are to be included within Kymlicka's conception of multiculturalism? He tells us that he is 'using "a culture" as synonymous with "a nation" or "a people" – that is, as an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history'.[57]

What this means is that Kymlicka is simply equating nationhood and cultural distinctiveness by definitional fiat: there is no way of challenging the assumption that what makes a nation is primarily a culture common to its members but not shared by others. The idea that a nation is defined by its culture arose as a reaction in Germany against Enlightenment universalism, as we saw in the previous chapter. Later in the nineteenth century, the doctrine spread to the Balkans and Central Europe, where it underwrote internal repression in pursuit of national unity and external aggression in pursuit of irredentist claims. Meanwhile, Bismarck deployed it to marginalize the forces of liberalism within Prussia and then the German Empire,

and it was invoked by German nationalists to legitimate the seizure of Alsace after the Franco-Prussian war of 1870. In the twentieth century, it underwrote Hitler's *Anschluss* with Austria and his demand for control of the Sudetenland. Bearing in mind the history of romantic nationalist doctrine, it is scarcely surprising that Kymlicka's attempt to found an allegedly liberal theory on it is unsuccessful. Liberalism is not a theory of politics that is applicable in all possible worlds. (Nor is any other political theory.) If the presuppositions of romantic nationalism were correct, there would be no place for liberalism. Fortunately, they are not.

I have already mentioned more than once in this book the way in which the discussion of multiculturalism has been skewed by (one interpretation of) the Canadian case. Thus, Kymlicka writes that 'Quebec sought exclusive jurisdiction over culture' in the negotiations that led up to the Charlottestown Accord, a proposed constitutional settlement whose failure to gain acceptance I shall analyse below. Kymlicka explains that Quebec's demand is 'understandable' because 'possessing a societal culture is the essence of sociological nationhood, and the reproduction of that societal culture is one of the essential goals of nationalism'.[58] This universal claim is simply an unfounded generalization from the particular case of Quebec. If there are any essential goals of nationalism, the preservation and reproduction of a distinctive societal culture is certainly not one of them. I am inclined to think that the only thing shared by nationalist movements is a demand for some kind of control (which may fall far short of sovereign statehood) over the collective affairs of those who are said to belong to the nation. But there is no one purpose that all those who make such a demand must wish to pursue, and it is not necessary that in every case there must be any specific purpose behind the demand for a degree of national autonomy.

It is not, therefore, surprising that Kymlicka is unable to come to terms with the United Kingdom. (In what he does say about it, he treats 'England' and 'Britain' as interchangeable and does not refer to Scotland or Wales at all.[59]) For the United Kingdom is without doubt a multinational state, but one in which national identifications have a very low cultural component. In particular, Scottish nationalism is a well-established phenomenon whose political success is indicated less by the vote for the Scottish National Party than by the Labour Party's reluctant electoral commitment to a referendum in Scotland on devolution and the large majority in favour of Scottish devolution in that referendum.[60] Yet the key to the pervasiveness of national sentiment in Scotland has been the way in which Scottish identity has been carefully detached from any distinctive language and customs. To be a Scot in good standing it is not necessary to speak Gaelic (or even regret the inability to do so), to wear a kilt or to enjoy the music of the bagpipes. Of course, those who buy into Kymlicka's idea that a nation must be characterized by a distinctive language and culture may attempt to make it true even if

it is not, so that Croats purge Serbo-Croat of allegedly Serbian encroachments and invent a national character for themselves that distinguishes them from Serbs, while Serbs return the compliment. The point is, however, that this is a product of a sense of national identity and is not constitutive of it.

Having defined 'a culture' as 'a nation' or 'a people', Kymlicka goes on to define a state as 'multicultural if its members either belong to different nations (a multination state), or have emigrated from different nations (a polyethnic state), and if this fact is an important aspect of personal identity and political life'.[61] I shall take up in turn these two aspects of a multicultural state (as defined by Kymlicka), beginning with the first. We have already seen the way in which Kymlicka's 'culturalist' conception of nationality skews his analysis of the phenomenon. His whole approach is shaped by the debate about Quebec within Canada, and in this debate he is strongly committed to one side. Thus, he denounces with vigour the Constitution Act of 1982, which incorporated Pierre Trudeau's vision of 'a pan-Canadian identity based on equal citizenship rights'.[62] Integral to Trudeau's project was the Canadian Charter of Rights and Freedoms, and Kymlicka quotes another writer as saying that 'at the popular level in English-speaking Canada, Trudeau's attempt to make the Charter the acid test of Canadian nationality had succeeded'.[63]

This is precisely the kind of 'liberal constitutionalism' that, as we saw in the previous chapter, is the object of James Tully's ire. Kymlicka, too, regards it as wholly inappropriate to Canadian conditions. Instead, he supports the demand for Quebec to be recognized as a 'distinct society' within the Canadian federation, and on the strength of that to be granted extensive home rule powers in addition to those enjoyed by any of the other provinces – 'asymmetric federalism'. These demands are legitimate, he says, because 'for national minorities like the Québécois, federalism implies, first and foremost, a federation of *peoples*, and decisions regarding the powers of federal subunits should recognize and affirm the equal status of the founding peoples'.[64] According to Kymlicka, 'asymmetrical federalism follows almost necessarily from the idea that Canada is a multination state'.[65] What Quebec nationalists want is not simply more power for Quebec, if that arrangement simply forms part of 'some decentralizing formula applied to all provinces'.[66] What they demand is more power than the other provinces have, however much that may be: they 'want asymmetry for its own sake, as a symbolic recognition that Quebec alone is a nationality-based unit within Canada'.[67] (This is rather reminiscent of the diva who said she did not mind how much she was paid for appearing in an opera as long as it was more than anybody else got.)

Kymlicka concedes that 'the overwhelming majority of English-speaking Canadians reject the idea of a "special status" for Quebec'.[68] Indeed, he cites a poll 'showing 83 per cent opposition to special status'.[69] As usual, however, he attributes this opposition to 'confused moral thinking'.[70] The antagonism to the proposal 'to grant special rights to one province' stems, he claims, from the belief that this 'is somehow to denigrate the other provinces and to create two classes of citizens'.[71] While admitting that 'English-speaking Canadians view special status [for Quebec] as unfair', Kymlicka refuses to take this charge seriously.[72] Critics have, he claims, failed 'to identify the nature of the inequality – to determine who gained an unfair advantage, or suffered from some unfair burden, as a result of asymmetry'.[73] This is sheer bluff. Never once in the two chapters in which Kymlicka puts forward his defence of 'asymmetrical federalism' does he mention, let alone address, the obvious inequity inherent in allowing Quebec to opt out of institutions that operate in all the other provinces.[74] This is that representatives from Quebec take part in voting in the national parliament on issues that do not affect their constituents, because whatever legislation is enacted will not apply in Quebec.

This objection to asymmetry is known in Britain as 'the East Lothian question', because the MP for that constituency, Tam Dalyell, goes around asking – to the intense irritation of everybody else – why he should have a vote on matters that, under the provisions of Scottish devolution, do not affect his constituents in Scotland. The Scottish population is smaller in relation to that of the UK than that of Quebec in relation to the Canadian population, and the Scottish opt-out (at present, anyway) covers only a quite limited range of topics. Even so, Neil MacCormick has suggested that, because this 'anomaly' is 'highly visible', it 'seems unlikely to endure long as originally designed'.[75] Kymlicka clearly envisages that the powers to be transferred from the national government to Quebec should be massively expanded beyond their present level, and this would enormously exacerbate the Canadian equivalent of 'the East Lothian question'.

A natural suggestion to deal with the problem is that the representatives of Quebec should abstain from voting whenever an issue that does not affect their constituents comes up. But their abstention could easily result in a majority among the rest for a policy contrary to that supported by the government party or parties. To have two different majorities within the same legislature – one on issues that affected Quebec and another for ones that did not – would manifestly be a recipe for chaos.[76] This dilemma could be resolved if all the provinces except Quebec (Rest of Canada – ROC, in the usual vocabulary) had their own legislature and their own government resting on a majority of representatives within it. That is (as I shall argue in a moment) the true implication of Kymlicka's position, but it is quite different from the 'asymmetrical federalism' for which he argues. The model that he advocates has room for only one legislature, which has to take decisions both for the whole country and the country minus Quebec. The complaint, dismissed by Kymlicka, that asymmetry 'create[s] two classes of

citizens' seems to me completely valid. On one side, there are those citizens who determine their own affairs in some matters and in other matters play a part in determining the affairs of everybody else as well. On the other side, there are those citizens who determine their own affairs in some matters and in other matters are unable to determine their own affairs because some other people who have no business taking part in decisions on them have a right to do so. This looks to me like two classes of citizens with unequal rights, if anything does.

Suppose we follow Kymlicka in holding that Canada is the home of two nations – Quebec and ROC – and also adhere to his ideas about what nations can legitimately claim. We can then deduce three propositions. The first is that the Québécois should, as far as possible, determine their own future without interference from outsiders. The second is that ROC should likewise, as far as possible, be able to determine its own future without interference from outsiders. The third is that the remaining issues (presumably foreign policy, defence and some matters of macroeconomic management) should not be decided in a forum in which Quebec, as the minority nationality within Canada, can be outvoted. Rather, they should be settled by negotiation between leaders representing the two nations. For, according to Kymlicka, a 'function of the language of nationhood is to equalize the bargaining power between a majority and national minorities. . . . [B]y defining the minority as a nation, it converts superiority/inferiority into a co-equal partnership.'[77]

Of these three desiderata, 'asymmetric federalism' satisfies the first while failing miserably on the second and third. It subjects ROC to the illegitimate power of representatives of Quebec. At the same time it does not allow Quebec 'recognition' as a co-equal nation in determining Canada-wide public policy, since that is made by a legislature in which Quebec has only a quarter of the votes and by a government resting on the support of a majority of that legislature. As proof of the confusion shown by critics of asymmetry, Kymlicka says that 'some claimed that asymmetry gives Quebecers more rights than other Canadians, others argued that asymmetry would give Quebecers fewer rights than other Canadians, and yet others alternated between the two views'.[78] The right answer was, on Kymlicka's own premises, that both criticisms were well-founded: in one respect asymmetry gave Quebec more than equality and in another respect less than equality.

The country that most closely approximates the model pointed to by Kymlicka's premises – autonomy for two national groups plus bargaining over state-wide policies – is Belgium.[79] But the endless process of haggling that is Belgian politics is so nauseating to all concerned that it is widely thought that the country would already have broken up if it were not for the problem posed by Brussels – a Francophone enclave in Flemish territory

that is too big a prize for either side to be willing to relinquish. In the absence of this kind of problem, why should either side wish to maintain a vestigial Canadian state? It seems hard to resist the answer that there may as well be two countries, whose defence policies are co-ordinated by NATO and whose economic policies are co-ordinated by NAFTA and the WTO.

At the beginning of *Finding Our Way*, Kymlicka writes: 'I firmly believe that other countries can learn from our experience, and that we can help other peoples avoid unnecessary conflicts and injustices.'[80] If what I have just been saying is right, however, 'asymmetric federalism' is no more attractive than the rest of the multiculturalist programme. Here, as elsewhere, other countries would be unwise to take the 'Canadian model' as a blueprint. More than that, though, it seems clear that 'asymmetric federalism' is not even a good idea for Canada, especially in the very extensive form advocated by Kymlicka. Once the bulk of the decisions taken at a Canada-wide level did not apply to Quebec, it is hard to imagine that a system of government that gave representatives from Quebec a vote on these decisions could remain legitimate in the eyes of those living in the other nine provinces.

It may reasonably be asked how it is that Canada does as well as it does if its political class is as misguided as I am suggesting it is. One answer is that 'there is a lot of ruin in a nation', especially one whose land and coastal waters contain some of the richest natural resources in the world and whose history has been one of permanent peace with the only country with which it shares a land border. Another answer would appeal to precisely the phenomenon bemoaned by Kymlicka: the steadfast refusal of the Canadian citizenry to be persuaded by their leaders that they are headed in the right direction. Perhaps the best illustration of the way in which the electorate has saved the day is provided by the history of the Charlottestown Accord, the most recent of the ill-starred attempts to create a new constitutional settlement for Canada. The Conservative Prime Minister, Brian Mulroney, was so desperate to come up with an agreed formula that he made concessions to every interest group in sight, as well as giving in to the leap-frogging demands of the provincial premiers and the leaders of Native American groups.[81] Despite all this,

> by the time the [Accord] emerged as the product of demands (in some cases implicit) by interest groups and [provincial] premiers, it could not satisfy the final and most important challenger to mobilize: the general public in each province. . . . [D]espite virtually unanimous . . . support from members of the political élite – including all ten provincial premiers, both representatives of the northern territories, and the leaders of four prominent aboriginal organizations – most provinces produced a majority vote against the Charlottestown Accord.[82]

The integrity of the Canadian state was salvaged by the voters in the teeth of the best efforts of the politicians to destroy it.

So far, I have been addressing multiculturalism as multinationalism, where 'a multination state' is defined as one whose members 'belong to different nations'. We may recall, however, that Kymlicka distinguishes a second variety of multiculturalism in the form of polyethnicity, where 'a polyethnic state' is defined as one whose 'members have emigrated from different nations'.[83] Clearly, this definition makes sense only in relation to New World countries settled by Europeans from a number of different nationalities, thus defining a universe consisting of the United States, Canada and Australia – and the last two only for the past thirty or forty years. But it becomes even more parochial when we factor in Kymlicka's 'culturalist' conception of nationality. As we saw in chapter 3, ethnicity in the United States is not essentially a cultural phenomenon. From the mid-nineteenth to the mid-twentieth century, the most important function of ethnic identities was to constitute the building-blocks of electoral competition in the major cities: if the Irish could control the Democratic machine, they could monopolize the patronage that was at the disposal of City Hall; if the Italians organized to the extent that they had to be put on the Democratic ticket, they got cut in when the time came to share the spoils, and so on. But apart from whatever permits were required for parades on St Patrick's Day or Columbus Day, they made no demands on public policy based on cultural distinctiveness. Nor would they have had any reason for doing so. Thus, the politicization of ethnicity was an instrument in the struggle for more of the goods that are sought by almost everybody, such as secure and (in relation to the skills required) well-paid jobs. It was not about making demands on the polity to ensure the ability to pursue idiosyncratic goals generated by cultural peculiarities.[84]

The political situation in Canada was different from that in the United States, and this gave ethnicity a somewhat different flavour. There, politics was dominated, at the local as well as the national level, by the two 'founding peoples'. Even in the cities, therefore, ethnic coalition-building in pursuit of power had no place. As a consequence, the folkloric aspect of ethnicity was bound to loom larger in Canada by default. But there is another reason for the greater importance of the cultural component in ethnicity, and this is that in Canada there is money in it. Leaving aside minuscule funds allocated by the National Endowment for the Arts, there are no programmes in the United States for subsidizing the cultural activities of ethnic groups whose national origins are in Europe. In Canada, by contrast, governments at all levels provide financial support for ethnically based cultural manifestations. This means that people have a financial incentive to identify with their ethnic community. Even more (as I pointed out in the first section of chapter 6), the existence of those programmes creates a motive for ethnic entrepreneurs to

stimulate ethnocultural consciousness. For the bigger the group they can claim, the more money is likely to be forthcoming, even if the basis of allocation is not strictly pro rata. There is an important lesson to be drawn here. This is that multiculturalist policies are not simply a passive adaptation to an ineluctable fact of cultural diversity. Rather, multiculturalism actually creates the reality which is then, in a circular process of self-reinforcement, appealed to as a justification for a further extension of multiculturalist policies.

The upshot of what I have said so far might appear to be that Kymlicka's analysis of what he calls polyethnicity is valid for Canada, even though his claim that it has wider relevance must be rejected. This, however, would still be too favourable a judgement. The veteran British sociologist John Rex has put forward some reservations that seem to me apt about the applicability of the 'Canadian model' even within Canada:

> Canadians sometimes suggest that they have much to teach other countries who face severe problems of ethnic conflict. Perhaps, indeed, they do, but... they will have more to teach if they do not base their case on a somewhat simplistic model of the support of ethnic minorities on a purely cultural level. On the other hand, Europeans and Americans who have faced up to some of the difficult problems of intergroup relationships and who have experience in dealing with these problems may have discovered approaches highly relevant to the Canadian situation.[85]

What Kymlicka's analysis of ethnicity as a purely cultural phenomenon cannot accommodate, as Rex suggests, is any form of group disadvantage that arises from any source except the group's distinctive culture. As I have already argued in criticizing Iris Young's 'culturalization' of group identities, groups can suffer from material deprivation, lack of equal opportunity and direct discrimination, and there is no reason for supposing these disadvantages to flow from their possession of a distinctive culture, even where they have one (which in some cases they will not).

If we want an example of a group subject to deprivation, lack of opportunity and discrimination for whom 'culture is not the problem, and culture is not the solution', we can do no better than go back to the group to which Appiah's statement was originally intended to apply. Adrian Favell has pointed out that 'the culturally focused stress of Kymlicka's framework' entails that he cannot make sense of 'what is still the most important ethnic problem in the US: the ongoing classic "American dilemma" of the black population in the US'. For 'of all the cases Kymlicka mentions, the impossibility of fitting the non-indigenous but non-immigrant American blacks in his distinction between national and immigrant minorities is the most obvious. After some troubling with it, he leaves it aside as an extraordinary

exception.'[86] In fact, Kymlicka devotes one section of just two pages and a bit in *Multicultural Citizenship* to the topic of 'Racial Desegregation in the United States'.[87] In this he concedes that, where American blacks are concerned, it is appropriate to apply the principle that 'injustice is a matter of arbitrary exclusion from the dominant institutions of society, and equality is a matter of non-discrimination and equal opportunity to participate'.[88] Having got this over with in the first paragraph of the section, however, he devotes all the remainder of his discussion to the implications of his thesis that 'the historical situation and present circumstances of African-Americans are virtually unique in the world'.[89] It follows, he says, that 'there is no reason to think that policies which are appropriate for them would be appropriate for either national minorities or voluntary immigrants (or vice versa)'.[90]

According to Kymlicka, then, the notion that equal treatment means treating people in the same way has to yield to the 'politics of difference' in all cases except this one, because in all other cases complaints about unequal treatment can arise only if public policy has failed to recognize the claims of culturally distinct national minorities or culturally distinct ethnic groups. On the basis of this extraordinarily sweeping contention, Kymlicka condemns all attempts to extend the formula appropriate to the situation of American blacks – which defines equal treatment as non-discrimination plus equal opportunity – to any other group, either within the United States or anywhere else in the world. A moment's thought should be enough to reveal this for the nonsense it is. Let us for the sake of argument agree with Kymlicka that the history and current situation of American blacks is not precisely reproduced among other groups in the United States or in any other country. (At some level of analysis, this is probably true of the history and current situation of every group in every country.) It is an obvious fallacy to conclude that American blacks are the only group anywhere in the world whose members aspire to achieve the same educational and occupational goals as the majority but are held back by discrimination and exclusion or by lack of resources. Minority groups suffering these disadvantages may, in addition to pursuing mainstream goals, wish to maintain a certain degree of cultural distinctiveness. But this need not, where it does occur, lead to their making any special demands on the polity. Like the ethnic groups in America that I have just discussed, they may be quite happy to maintain certain cultural traits within families, churches and clubs. They may also choose to patronize shops, restaurants and performances that cater to their tastes. All of these opportunities can be pursued within the common legal framework of liberal equality.

The implication of this is that the kind of tough and enforceable anti-discrimination legislation pioneered in the United States should form an element in every country's response to the existence of groups differentiated by ethnicity or 'race'. And, as the quotation from Rex implies, there is no

reason for imagining Canada to be the one great exception. In fact, it is interesting to note that, in the four years between *Multicultural Citizenship* and *Finding Our Way*, Kymlicka seems to have come round to the view that there really is a problem of discrimination against blacks in Canada that is not reducible to a cultural issue. However, he still expresses the hope that, with a nudge in the right direction, black Canadians will follow the path of other immigrant groups and take their place as yet another element in the polyethnic mosaic. The title of the chapter in which he discusses the question is 'A Crossroads in Race Relations', and this 'ethnic' model of race relations is one of the possible directions in which he thinks things can go, the other apparently being one in which the issue of 'race' refuses to go away and perhaps becomes more salient.[91] But this analysis continues to miss the point, because Kymlicka's 'culturalist' understanding of ethnicity implies that, if they were free from discrimination, black Canadians would still suffer from unfair treatment unless public policy accommodated their distinctive culture.

Most Canadian blacks are, as Kymlicka says, Afro-Caribbeans, and there is no reason for supposing that they need to have all kinds of special provision laid on by the national or provincial government to ensure equality, any more than their counterparts in Britain do. Of course, if things are already set up so that every minority group can get money out of the government, it is only fair that they should get their share of whatever is going. But it remains true that 'culture is not the problem, and culture is not the solution'. Ill-conceived public policies can *make* culture into a problem, as here, by gratuitously turning it into a form of pork-barrel politics. But that is another matter, and it is one that I shall address, among others, in the next section of this chapter, which brings the book to a close.

4. Culture versus Equality

If not culture, what is the problem and what is the solution? In many cases, there is no problem in the first place, so no solution is called for. As far as most culturally distinctive groups are concerned, a framework of egalitarian liberal laws leaves them free to pursue their ends either individually or in association with one another. The problem is invented out of nothing by multiculturalists, who assume that equal treatment for minorities is merely an arbitrary point on a continuum between specially adverse treatment and specially favourable treatment, with neutrality having nothing in particular to commend it. Kymlicka explicitly argues along these lines in *Finding Our Way*. He first says that it became accepted, 'beginning in the 1970s' (in Canada, Australia and the United States), 'that immigrants should be free to maintain some of their old customs regarding food, dress, religion, and recreation, and to associate with each other for those purposes'.[92] I criticized

this passage in chapter 3, especially with regard to the United States.[93] If the descendants of immigrants from Italy were, as Kymlicka implies, not free before the 1970s to eat pasta, practise Roman Catholicism and play *bocce*, one can only say that they seem to have circumvented this lack of freedom pretty successfully.

Let us leave the truth of Kymlicka's statement on one side. What is of concern here is his next move. 'The demand for multiculturalism was a natural extension of this change. If it is acceptable for immigrants to maintain pride in their ethnic identity, then it is natural to expect that public institutions will be adapted to accommodate this diversity.'[94] The only way in which this progression might be regarded as 'natural' is by seeing it in the light of the maxim: 'If you think you're on to a good thing, there's no harm in trying to push it along.' Otherwise, it is simply a *non sequitur* to suggest that there is a 'natural' development from a regime of freedom to live within a framework of uniform laws to a regime in which every ethnic group demands, and gets, some special deal in the form of quotas, earmarked subsidies or exemptions from rules that apply to everybody else. Kymlicka's whole discussion of the issue rests, of course, on the assumption that ethnicity is primarily or exclusively a cultural phenomenon. I shall not repeat my criticisms of that. Let us, for the sake of argument, postulate a case in which there is a genuine cultural component in an ethnic group's identity. My point is that this fact does not in general give rise to valid claims for special treatment, because within a liberal state all groups are free to deploy their energies and resources in pursuit of culturally derived objectives on the same terms.

Another category of demands that should be resisted are those that would put the force of the state behind the infliction of physical injury (up to and including death, at any rate by omission) or behind systems of personal law that generate systematically unequal rights. Here culture is, indeed, the problem – in the sense that the demand arises out of some ethnocultural norm or religious belief – but culture is not the solution, because meeting the culturally based demand would require the state to violate its basic duty to protect its citizens from injury and to guarantee them equality before the law. Some examples of the things I have in mind here have already come up in this chapter. Thus, we saw in section 2 how the state might withdraw its protection from the children of some minority groups by permitting their parents to mutilate them with impunity or even fail to act when parents let their children die as a result of lack of medical care. In chapter 4, I discussed the proposal put forward by Chandran Kukathas that the multiculturalist solution should be generalized, so that the law would not punish any parents, with or without some warrant from their culture, who mutilated their children or allowed them to die preventable deaths. I quoted him there as saying that the consequence of his approach would be that 'significant

harms' could 'be inflicted (by the dominant powers in the group) on the most vulnerable members of a minority community – usually women, children and dissenters'.[95] This is an unusually frank avowal of the human costs of multiculturalism. In my view it is a decisive reason for rejecting the policies that create these costs.

So far we have been dealing with cases in which the state has negative responsibility for bringing about outcomes in that it fails to do its job of preventing people from bringing them about – at any rate to the extent that attaching legal sanctions to the acts resulting in those outcomes can prevent them from occurring. The other class of demands made in the name of culture that I claim should be rejected consists of demands for the incorporation into the law of the land of systems of personal law that offend against fundamental principles of equality before the law. I discussed in chapter 5 as examples of this the demands of some Jewish and Muslim leaders in Britain to have Jewish and Muslim personal law given legal effect, so as to form an alternative to the civil law valid for the rest of the population. As I pointed out there, the result of this would be to give effect to grossly inequitable rules regarding divorce. It would also permit a man to have any number of wives up to four, adding wives *ad lib* without having to obtain the agreement of the existing one(s).[96] In the case of Muslim personal law, it would also permit a parent or guardian to marry off a minor child without the consent of the child. I need not rehearse the arguments that can be made against these proposals. Suffice to say that acceding to such demands would be a wholly inappropriate form of deference to minority cultures.

If we rule out all the non-starters, what are we left with? Contrary to what one might gather from the writings of the multiculturalists, the answer is: not much. So far from finding every ethnic group making demands for some kind of special treatment, what we actually discover is that almost all demands arise in virtue of subscription to a non-Christian religion and focus in one country after another around the same handful of issues. Wherever Jews and Muslims are established in a country, they will predictably press for an exemption from humane slaughter laws to enable them to kill animals while they are still conscious. Sikhs will want exemptions from laws that prevent them from wearing turbans while riding motorcycles or working on construction sites. They will also want to be allowed to wear a *kirpan*, or dirk, even if everybody else is prohibited from carrying offensive weapons in public. Muslims, especially if they originate in conservative rural areas of their own countries, will want women to wear head coverings and perhaps other traditional garments in public, and this is likely to lead to demands on educational institutions and employers to accommodate this.

Following my discussion of such cases in chapter 2 (and the auxiliary discussion in the context of the *Smith* case in chapter 5), I suggest that we

should draw a sharp distinction between cases in which what is being asked for is a waiver of the application of the criminal law and cases in which what is being asked for is relief from the demands made by educational institutions or employers, whether public or private. Cases of the second kind fall under a principle of non-discrimination. This principle is often given legal effect in a document with special status, such as the Canadian Charter of Rights and Freedoms or the European Convention on Human Rights. Alternatively, or additionally, the principle of non-discrimination may be embodied in ordinary legislation such as the Civil Rights Act in the United States or the Race Relations Act in Britain. Either way, courts are charged with adjudicating claims of discrimination, which may originate in some quasi-judicial body (such as an industrial tribunal or some kind of administrative review body) or come directly to them. What the courts are asked to do here is to decide whether people who are put at a disadvantage by some demand (by, for example, an employer) in virtue of their cultural norms or religious beliefs are suffering from unfair treatment or whether the demand is justified. In reaching its judgement, a court must exercise some discretion: it must decide, for example, if an employer can reasonably require those engaged in work of a certain kind to wear a hard hat, or if a school can reasonably demand that a boy wear the cap that forms part of the school uniform rather than a turban. But it is a bounded discretion. (I discussed such cases in chapter 2.)

In taking account of cultural norms and religious beliefs in such cases, courts are doing what they are required by the legislature to do if they are to carry out the law. In chapter 5, I quoted Justice Scalia's argument to this effect in his judgement in the *Smith* case. The context that he cited there was eligibility for unemployment benefits: 'The statutory conditions provided that a person was not eligible for unemployment benefits if, "without good cause," he had quit work or refused available work. The "good cause" standard created a mechanism for individualized exemptions.'[97] Only someone with strict sabbatarian beliefs could 'with good cause' refuse to do a job that sometimes required working on a certain day of the week (the *Sherbert* case), and only a pacifist could 'with good cause' quit his job when assigned to making gun turrets for tanks (the *Thomas* case). Hence, as Justice Scalia said, 'the Sherbert test... was developed in a context that lent itself to individualized government assessment of the particular circumstances behind an applicant's unemployment'.[98]

The point of Justice Scalia's remarks is that in cases such as these it is entirely appropriate to individuate the application of the law so as to give weight to an employee's idiosyncratic scruples about working on Saturdays or making parts for tanks. For this is precisely what the even-handed application of the law calls for. It was, he suggested, an unwarranted extension of these cases to found upon them a general presumption that anybody

who is discommoded by a generally applicable law should be able to gain a waiver from the courts in the name of religious freedom or equal treatment. This, he argued, would throw into the arms of judges decisions of a kind that were the proper province of legislatures. Courts, he said, should not create a situation 'in which each conscience is a law unto itself or in which judges weigh the importance of all laws against the centrality of all religious beliefs'.[99] An example of this kind of judicial usurpation that I gave in chapter 6 was the decision of the Minnesota Supreme Court that reflective silver tape outlining the back of a buggy would be an adequate warning of its presence on the road at night, in lieu of the reflective triangle normally required to be fixed to the back of a slow-moving vehicle. In doing so, the court simply substituted its own unsubstantiated opinion for the determination of the legislature that a reflective triangle was essential – a judgement which was based on the counsel of road safety experts and the testimony of drivers who had had close calls with Amish buggies in the dark.

There is no principle of justice mandating exemptions to generally applicable laws for those who find compliance burdensome in virtue of their cultural norms or religious beliefs. No contemplation of the concept of equal treatment will tell us whether ritual slaughter should be allowed or whether it imposes an unacceptable degree of suffering on the beasts subjected to it. No more will it tell us whether the paternalistic societal interest in preventing road deaths and injuries should or should not outweigh the desire of some Sikhs to ride motorcycles while wearing turbans. There are considerations of some weight on both sides and the only appropriate forum for casting up the balance is a publicly accountable one: a process in which the public at large is, ideally, consulted and (in the absence of compelling reasons for believing that the majority view rests on misinformation or prejudice) heeded. I have argued in this book that, with almost no exceptions, either there is a good enough case for having a law to foreclose exemptions or alternatively the case for having a law is not strong enough to justify its existence at all. I do not wish to insist on that conclusion here. Nothing in my larger argument turns on it. Even if there is more to be said for exemptions to accommodate cultural and religious minorities than I am inclined to believe there is, we should still resist being bullied by the multiculturalists into thinking that we are not entitled to form our own views about the pros and cons. There is no overriding demand of justice that preempts our decision.

The upshot of what has been said so far might seem to be that multiculturalism is a sideshow that should never have got the main billing. It is all of that, but the more substantial objection to it is that it actually directs attention away from more important problems. Let me return to the case of inner-city American blacks. As Adrian Favell writes,

> the issues involved need to be disassociated entirely from the problematic of multicultural citizenship, which wrongly raises the question in cultural terms when the significance of racial and cultural factors [is] in decline.... If it in fact proves to be socio-economic structural and class factors that are most significant in the integration failure of American blacks, it may well be harmful to their cause that the question has so often been merged in the great multiculturalism debate in the US, with inappropriate 'citizenship' issues raised more often by immigration or middle class campus politics.[100]

Thus, William Julius Wilson, to whom Favell refers here, has argued that the migration of jobs to the suburbs has made it physically difficult for the residents of the ghetto to get to them, especially if they do not run a car – and without a job in the first place there is no legal way of paying for one. Equally important is the way in which the social isolation of the ghetto means that its denizens are not in everyday contact with people who do have jobs. They are thus excluded from the personal networks through which many jobs are filled.[101] Moreover, changes in technology have made jobs for which the only requirement is physical strength increasingly scarce, yet the educational attainments of blacks have not kept pace with the demands of the economy.

There are several reasons for this lag in educational attainment. One is that funding for schools tends to be local, so that schools in poor areas are poorly funded. Another is that the multiple social pathologies of the ghetto are not conducive to steady application. Parental poverty itself is no doubt also a contributory factor, since it makes it unlikely that a child will have access to a quiet room in which to do homework or will be given the books and the computer that middle-class parents can come up with. But the help that middle-class parents are able to give their children is not just material. Parents who are themselves ill-educated are not well placed to give their children good strategic advice about courses of study or talk them through problems with their work. Indeed, the intergenerational transmission of educational disadvantage begins well before children start attending school. The cumulative tendency of recent research (such as that to which I referred in chapter 3) is to suggest that the most significant contributions that middle-class parents make to their children's preparedness to benefit from schooling is to deploy an extensive vocabulary with them. The scale of the disparity is illustrated by the finding in one study 'that 3-year-olds in families with professional parents used more extensive vocabularies in daily interactions than did mothers on welfare – not to mention the children of those mothers'.[102]

This is yet another instance in which the invocation of 'culture' would lead to a misdiagnosis of the problem. It is true that we could loosely describe the educational disadvantage of black children as arising from 'cultural

deprivation'. But this has almost nothing to do with the cultural differences that drive the multiculturalist agenda. There is 'no conflict of visions between black and white cultures' here, to refer again to my quotation in the previous section from Anthony Appiah. Rather, we are talking about a deficit that is more aptly compared to a physical disability or treated as equivalent to lacking a certain kind of non-material resource. Indeed, it was precisely this sort of disadvantage that I had in mind when I said earlier that some groups are short of both material resources and human capital. 'Like other forms of capital, [human capital] accumulates over generations; it is a thing that parents "give" to their children through their upbringing, and that children then successfully deploy in school, allowing them to bequeath more human capital to their children.'[103]

Thinking of the situation in this way prompts us to ask about possible methods for boosting human capital. Our attention will thus be directed towards strategies such as intensive pre-school education and after-school facilities that are attractive, well-equipped and well-staffed.[104] More radically, we might follow up the idea mooted by the head teacher of an inner-city school in Hartford, Connecticut 'that the Hartford schools should simply be shut down, and the children dispersed into the surrounding suburbs'.[105] The rationale of this is that, if an inner-city child interacts only with children like itself, it is simply going to reproduce the same self-defeating patterns.[106] More radically still, the families themselves could be provided with the resources to enable them to move to the suburbs. The most striking illustration of this strategy at work has been 'the famous Gautreaux experiment in Chicago, in which families were given subsidies to move from high-poverty neighbourhoods to the suburbs; studies have found that children in these families were far more successful academically than would have otherwise been predicted'.[107] These remedies are potentially relevant wherever there is an identifiable group whose members tend to transmit from generation to generation a lack of human capital. Thus, W. G. Runciman has written, with Britain in mind:

> If families are relocated from an inner-city area to a socially integrated suburb, the children may be less likely to drop out of school, fail to find employment, and become engaged in activities socially defined as 'delinquent'. Even if they go on living where they do but go to a school in a different area, their chances of individual intergenerational mobility may be increased.[108]

The alternative 'culturalist' diagnosis of the plight of those lacking human capital would be that what they need is the reinforcement of 'their culture'. This might include, in the American case, the recognition of 'black English' or 'ebonics' by the schools as a valid form of English, and in the British case the recognition of Afro-Caribbean English. No doubt both variants are, as

linguists insist, dialects with a consistent set of syntactical rules. But the fact remains that no employer in the mainstream economy would employ anybody in a capacity that required communication with the public who lacked a command of standard English. Like knowing only Spanish, being able to speak and write only in a non-standard form of English is a one-way trip to a dead-end job. This is not to say that schools should conceive it as their job to prevent children from speaking in the form of English used in their home or community, any more than it should be the job of the schools to prevent children from speaking Spanish. Their task should be to attempt to make their pupils fluent in standard English as well.

The notion that one can maintain two versions of the same language, and that these versions have different occasions for use, seems to be much more easily accepted by speakers of languages other than English. Perhaps the explanation is that in the case of other languages – German, for example – the variants tend to be regionally based, whereas in England (especially southern England) it is location in the class structure that is, in Orwell's memorable phrase, 'branded on the tongue'.[109] Similarly, to the extent that there is a distinctive black accent and syntax in the United States (though not, of course, one spoken by all blacks), it is a characteristic of a status group rather than a region. If I am right about this, the implication is that it is especially important here not to suggest that the non-standard variant is 'wrong' or inferior. But there is no escaping the conclusion that, if they are not to short-change their pupils, the schools should try to ensure that by the time they leave they are equipped with a command of the standard form of the language.

We can add the abuse of 'culture' I have just been discussing to those dissected in the previous chapter. On the basis of such an approach, the Indian government could defend itself from criticism for its failure to get the literacy rate above 50 per cent by saying that it is not 'part of the culture' of a large proportion of the population to read, and that it is carrying out its multiculturalist duty by arranging things so that they are able to maintain their culture of illiteracy. In case this sounds far-fetched, let me remind the reader that, in chapter 6, we saw Chandran Kukathas claiming in the name of 'cultural toleration' that gypsies should be free to keep their children illiterate. Kukathas's argument that even rudimentary formal education is not necessary to enable children to pursue the 'traditional' life of a gypsy could no doubt be said with equal validity of the requirements for living the life of a hereditary crossing-sweeper or night-soil collector in India.

What is conspicuously missing from all this is any concern for the interests of the children themselves. I argued in chapter 6 that states have an obligation both to the children and to the citizenry in general to ensure that as far as possible all children should leave school capable of doing a good job of raising children of their own, being gainfully employed in the mainstream

economy and protecting their legal interests in private transactions. I also suggested that schools should provide their pupils with the skills necessary for dealing with public officials and taking part in the public life of their society. I argued, finally, that we should conceive of access to the common heritage of humanity in the form of the arts and sciences as the birthright of every child. Parents should not be able to block their children's access to it by saying that bigotry or ignorance are 'a part of their culture', any more than they should be able to keep them in straitjackets or locked rooms.

'In my beginning is my end.'[110] I want to draw this discussion to a conclusion by returning to a theme that I first sounded in the first chapter. Pursuit of the multiculturalist agenda makes the achievement of broadly based egalitarian policies more difficult in two ways. At the minimum, it diverts political effort away from universalistic goals. But a more serious problem is that multiculturalism may very well destroy the conditions for putting together a coalition in favour of across-the-board equalization of opportunities and resources. To her credit, Iris Marion Young has recognized the existence of a problem. In an article written subsequently to *Justice and the Politics of Difference*, she acknowledges the case for 'universal public programmes of economic restructuring and redistribution', again citing the work of William Julius Wilson.[111] She clings, however, to the belief that 'a group differentiated politics' is also required to 'recognize the justice of group based claims of... oppressed people to specific needs [*sic*] and compensatory benefits'.[112] She adds that 'it is not obvious how both kinds of politics can occur'.[113] I have to say that after reading the article it is no more obvious to me than it ever was. It is easy to understand this lack of persuasiveness if we recognize that pursuing group-differentiated policies really is inimical to the pursuit of the 'programme of universal material benefits to which all citizens have potential access' advocated by Young.[114]

Let me first take up the less severe form of the tension between them. Suppose a certain pot of money is set aside for the support of minority cultural activities. This sets the stage for a struggle between ethnocultural entrepreneurs for a share of the funds, so that efforts that might have been devoted to more broad-based causes are dissipated on turf wars. Even where the pursuit of special group-based objectives does not have this zero-sum feature, the results are going to be similar. Cultural minorities might be non-competitive in getting publicly funded schools of their own or perhaps (*à la* Parekh) having other bits of public provision put under their control. But this kind of particularistic focus will still tend to make cultural minorities weak partners in endeavours to redistribute income from rich to poor across the board or to improve the quality of schools and other public services generally.

The more severe form of the conflict between group-based and universalistic policies arises where group-based policies split the potential coalition

for broad-based egalitarian reform down the middle. I pointed out in chapter 3 that a system of preferential admission to college for minorities tends not to displace the children of affluent whites whose children attend high-quality public schools or private schools. Rather, those who lose out are those whose scores and school records would just barely push them over the line in the absence of a preferential system, and these are likely to be the children of relatively unprivileged non-minority parents. I also argued that Orlando Patterson's proposal of a permanent system of preferences for the children of a minority consisting of the poorest parents would create, if it were adopted, a conflict between those whose children met the criteria for inclusion in the programme and those in very similar material circumstances who just failed to do so. Special preferences of either sort would have the effect of pitting against one another the potential constituency for universalistic policies aimed at benefiting all those below the median income.[115] The point about group-based preferences can be generalized. At best, all they can ever do is achieve a minor reshuffling of the characteristics of the individuals occupying different locations in an unchanged structure that creates grossly unequal incomes and opportunities. In Todd Gitlin's felicitous phrase, 'the politics of identity ... struggles to change the color of inequality'.[116] Not only does it do nothing to change the structure of unequal opportunities and outcomes, it actually entrenches it by embroiling those in the lower reaches of the distribution in internecine warfare.

Undoubtedly, a significant source of support for the multiculturalist cause has been despair at the prospects of getting broad-based egalitarian policies adopted. But it is a fallacy to suppose that the 'politics of difference' is any kind of substitute. Imagine for a moment that the wildest dreams of every supporter of the 'politics of difference' were realized – to the extent that their maximal demands are compatible with one another. Would this transform the lives of members of cultural minorities? I think the answer is that it would make a profound difference to the lives of many, but not in ways that they would all experience as liberating. The whole thrust of the 'politics of difference', as we have seen in one context after another, is that it seeks to withdraw from individual members of minority groups the protections that are normally offered by liberal states. Where a group qualifies as a national minority within a liberal state, multiculturalists commonly propose that it should be free to make its own laws, perhaps within a decision-making system that gives male elders a monopoly of power. These laws, they suggest, should not have to conform to the norms of 'liberal constitutionalism', and should be able to discriminate with impunity against women or adherents of religions other than that of the majority. As we saw in chapter 4, Will Kymlicka argues that the reasons for not invading Saudi Arabia in an attempt to improve its human rights record are equally valid in showing why Québécois or Native American groups should not be required to adhere

to basic liberal principles concerning such matters as freedom of religion or non-discrimination.

Even where the power of collective decision-making is not turned over wholesale to possibly illiberal groups, the point of multiculturalism is still to insist that liberal protections for individuals should be withdrawn wherever they interfere with a minority's ability to live according to its culture. Kukathas, as we have seen, concedes that the chief sufferers would be women, children and dissidents, as a consequence of the free rein that would be given to traditional patriarchal and authoritarian cultural norms. Children would be liable to mutilation, lack of medical care or education, and could be married without their consent. The traditional norms of religious and cultural groups would be incorporated into the laws governing marriage and divorce, and women who stepped out of line would be subject to sanctions imposed by (normally male) communal authorities. Again, many minorities are characterized by deep-seated hostility to homosexuality. 'In June [1999] a gay ball planned near Leicester by Asians had to be cancelled at the insistence of local community leaders.... The few clubs that cater for black and Asian homosexuals are secret places.'[117] The accommodation of 'deep diversity' among groups thus goes along with the suppression of diversity within groups. Woe betide anyone who has the misfortune to be a member of a minority whose behaviour contravenes the norms of an intolerant cultural minority!

The destruction of the 'myth of merit', as advocated by Iris Young, might seem at first glance more unequivocally beneficial to cultural minorities, or at any rate those whose members are disproportionately ill-educated or lacking in command of the established language of business and public life. But this becomes more doubtful when we bear in mind that, even among the population of working age (that is, leaving out those who are 'oppressed' in virtue of being either young or old), only about one-fifth are not members of oppressed groups, as defined by Young. She proposes that, in the politicization of the process of recruitment to desirable jobs, the non-oppressed should not be permitted to do favours for one another. But as far as everybody else is concerned, it is to be a free-for-all with no ground rules. The less-advantaged groups within the 80 per cent of the 'oppressed' population could easily be driven to the wall under this regime, and might well finish up worse off than they would be in a system that awarded jobs to those qualified to do them. Moreover, even though it might be gratifying to obtain a job for which one had no qualifications on the basis of a vote among the other employees, this would have to be offset against the drawback that the hospitals and the schools (and the universities), the banks and the shops, the firms and the public services would all be run by people who had got where they were without needing any qualifications. Under these conditions, the case for giving jobs to those qualified to do them might

perhaps come to look quite persuasive even to those who were themselves unqualified to do the jobs they were doing.

On rather similar lines, it is bound to be prima facie attractive to members of any given cultural minority to be able to indulge in antisocial behaviour if it is 'part of their culture'. But enthusiasm for such a regime may well be attenuated as a result of experiencing the uses made of the same privilege by members of other cultural minorities. While, for example, you may appreciate being able to cut the throats of goats in your back garden for culturally prescribed ritual purposes, you may be given pause if your next-door neighbour on one side has collected together the children of several relatives and allows them to run riot (as in the Western Australian case considered in chapter 7) and your neighbour on the other side follows the 'traditional' practice of breaking up old cars and burning the tyres and upholstery.

Again, it may at first blush seem advantageous (however obnoxious it may be from a liberal standard) to a member of a cultural minority for it to be illegal for anyone to disparage the beliefs or the way of life of anybody else. But most members of cultural minorities are strongly inclined to disapprove of the beliefs and ways of life of many other groups in their society. Unless they watch their tongues carefully in trains and buses, in restaurants and shops, and in streets and parks, they are liable to be hauled up before the Commissioners of Political Correctness. On reflection, calling off the Politically Correct Thought Police altogether may appear to be the better option.

I could go on, but I hope that what I have said is enough to suggest that the full implementation of the multiculturalist programme would be at best a mixed blessing even for its intended beneficiaries. Multiculturalists will no doubt complain that I have been unfair to them because nobody is in favour of every single element in the programme. But whether this is true or not is irrelevant. My purpose has been simply to suggest that, administered in doses of any strength you like, multiculturalism poses as many problems as it solves. And, to return to my theme for the last time, it cannot in the nature of the case address the huge inequalities in opportunities and resources that disfigure – and increasingly dominate – societies such as those of Britain and the United States.

Notes

Preface

1 Jo Ellen Jacobs, ed., *The Complete Works of Harriet Taylor Mill* (Bloomingdale, Ind.: Indiana University Press, 1998), p. 291; the text of the dedication is on pp. 291–2.
2 Ibid., letter on p. 472.
3 Ibid., letter on pp. 472–3.
4 Caroline Alexander, *Mrs Chippy's Last Expedition: The Remarkable Journal of Shackleton's Polar-Bound Cat* (London: Bloomsbury, 1997).
5 David Laitin, *Identity in Transition: The Russian-Speaking Populations in the Near Abroad* (Ithaca, NY: Cornell University Press, 1998).

Chapter 1 Introduction

1 Karl Marx and Friedrich Engels, *Manifesto of the Communist Party*, pp. 469–500 in Robert C. Tucker, ed., *The Marx-Engels Reader* (2nd edn, New York: W. W. Norton, 1978), p. 473.
2 Will Kymlicka, 'Introduction: An Emerging Consensus?', *Ethical Theory and Moral Practice* 1 (1998), 143–57, p. 147, emphasis suppressed.
3 Ibid., p. 148.
4 Robert Hughes, *Culture of Complaint: The Fraying of America* (New York: Oxford University Press, 1993); Todd Gitlin, *The Twilight of Common Dreams: Why America is Wracked by Culture Wars* (New York: Henry Holt, 1995).
5 Kymlicka, 'Introduction: An Emerging Consensus?', p. 149.
6 John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971).