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## Introduction: Between Culture and Equality

Paul Kelly

### 1. The Claims of Groups and the 'Circumstances of Multiculturalism'

'Multiculturalism' is a recent phenomenon in political and social theory: the standard works are no more than twenty years old (see Kymlicka 1989; Young 1990). Yet the issues that are loosely grouped together under the heading of 'multiculturalism' – including group representation and rights, the rights and status of immigrants, the recognition of minority nations and the status of new social movements (with the possible exception of the latter) – are familiar long-standing problems of political theory and practice. Self-consciously multicultural societies may well be a recent addition to political experience but the phenomena of diversity and group difference are features of almost all but the most insulated political societies. All modern states face the *problems* of multiculturalism even if they are far from endorsing multiculturalism as a policy agenda or official ideology. They do so because they face the conflicting claims of groups of people who share identities and identity-conferring practices that differ from those of the majority in the states of which they are a part.

The causes of these differences are manifold and complex. All of human history has seen the movement of people across the face of the earth, but only in relatively recent times has this movement been characterized as 'border crossing', immigration, emigration or even colonization. In more recent human history we are able to trace that movement and its causes with greater precision and classify it with concepts that distinguish between types of, and reasons for, the movement of populations. We can see the emergence of movements to colonize supposedly empty territories and establish new empires and states. Colonization, as we know,

not only involved the influx of 'white' European immigrants into the so-called 'new worlds' of North and South America and Australasia, as well as into the much older worlds of Africa and Asia; it also involved the movement of non-white populations within those empires in order to serve the economic needs of colonial overlords. In itself, it usually followed on from a form of internal colonization that has always been part of the process of state building, with its emphasis on uniformity. Immigration from the Indian sub-continent into Africa and South Asia, as well as Pacific Islands such as Fiji, are well recorded, and the source of many subsequent political problems. With the retreat of European empires, first with the independence of the Americas and, much more significantly, with the collapse of the old European empires following the Second World War, there has been a transformation of that earlier colonialist legacy. In the United States the retreat of the European powers in the late eighteenth and early nineteenth century began a process that opened up the 'new world' as not merely a 'multi-nation' state (including all the various original first nations) but also a genuinely polyethnic state (including significant Catholic, Orthodox and Jewish communities as well as the original largely Protestant European settlers), as groups of immigrants from all over Northern, Southern and Eastern Europe came and settled in what had been the preserve of the British, French and Spanish. The first significant democratic republic was, from its very inception, a 'multicultural' state in practice even if not in terms of political self-understanding. European states – especially the old colonial powers such as Britain, France, Holland, Belgium and, to a lesser extent, Spain and Portugal – became multicultural states as a consequence of colonial retreat. The economic consequences of that retreat, as well as the ties established between the various component populations of the empires, created the idea of transnational and cultural ties which became easy to exploit in times of labour shortages, such as those faced in Britain in the immediate postwar period. In the British case, the retreat from empire began a process by which immigration from former colonies transformed the country into a multiethnic and multiracial society. The character and colour of British cities (immigrant populations remain largely congregated in cities) and public life has been immeasurably improved by immigration, as indeed have our public services, which have come to depend on a disproportionate number of recent immigrants and their offspring to sustain them. That said, this process has not been without its problems and costs, not least to the immigrant communities themselves and subsequent generations of racial and ethnic minorities who have found their welcoming host to be rather less welcoming than originally thought. Racism and discrimination have become a major problem in Britain as well as in many other 'liberal' democratic societies with significant immigrant communities. Regrettably, the issue of racism is too easily excused by those who see immigration as a threat to the distinctive character of our national culture (see Alhibi-Brown 1999 and 2000). Whilst this might have been expected (although not excused) as part of the adjustment to 'retreat from empire' in states such as Britain and France, it is also a problem in societies that have always been 'immigrant' or 'polyethnic',

such as Canada and Australia (at least since their 'discovery' by Europeans – the indigenous populations were of course never lost), and which, at least in the Australian case, have seen its politics dominated by issues of racism, multiculturalism and identity.

We should not, however, see these problems as unique to the experience of the liberal democratic states of Western Europe and their former colonies. With the fall of the Berlin Wall, the collapse of Soviet Communism and the retreat and internal collapse of the old Russian Empire, similar problems of group and cultural difference have emerged with renewed vigour and often violent results. The issue of national minorities is particularly acute in the states of Eastern Europe, such as those of the Baltic, where the legacy of conquest and forced settlement has left national minorities that actually form the majority in some cities, and where many amongst the political elite have come to see parallels between their own political experience and that of other multicultural and multinational states (for a thorough discussion, see Kymlicka and Opalski 2001).

The fact of pluralism in the sense of the intermingling of national, ethnic and religious cultures through group migration has created what might be called the 'circumstances of multiculturalism' – that is, the context within which the problems raised by group differences arise and in which the issues addressed by multicultural theorists can be located. Many of those active in the field of group politics or the politics of multiculturalism are responding to general issues of discrimination and disadvantage faced by minorities within societies characterized by the 'circumstances of multiculturalism'. These issues are often stark ones of racial discrimination and violence. They pose problems and expose injustices that all should be concerned about. It is for this reason, perhaps, that the debates between multiculturalist theorists and their philosophical critics can become so fraught with mutual incomprehension. This is further exacerbated by the multiculturalist debates cutting across familiar ideological boundaries between left and right. The political left (both liberal and radical) is generally hostile to the kinds of 'nationalist' arguments offered by political conservatives against immigration. The anti-immigration movement, from Enoch Powell in late 1960s Britain to Pauline Hanson in 1990s Australia, have been movements of the right, deploying versions of an argument from culture to defend 'white' nations against the decadence of coloured immigration. The left's denial of culture in this case has, however, been accompanied by a failure to comprehend the group claims of immigrants, first nations and ethnic minorities in a way that has been seen to endorse an alternative form of racism or cultural discrimination. The refusal to recognize group difference in order to assert the equality of all individuals and deny discrimination on the basis of race or belief is accompanied by a similar charge that this in itself supports inequality by denying groups the recognition and status that is derived from their beliefs and practices. In this respect the left can be culturally dominating through its use of universalist claims, whereas the conservatives and those on the right, who are more comfortable with the language and discourse of identity, authority and culture, can be seen as more attuned to the claims of

groups, especially when this involves accommodating traditional practices and hierarchies. Hence, confusion arises between left and right. Is being in favour of multicultural policies the natural response to rejecting group discrimination, racism and bigotry, or is it to fall prey to a subversive conservatism that endorses hierarchy, tradition and the denial of opportunity? (For a feminist perspective on this confusion, see Okin 1999.) The familiar language of left and right, it is often argued, is simply not helpful as a guide. Thus, natural political allies can and often do find themselves on opposite sides of the debate; this results in a shared incomprehension of the notion of ‘multiculturalism’ so that to one side it is a term of contempt, to the other a badge of honour.

But what does multiculturalism mean? If we stick to the ‘circumstances of multiculturalism’, it seems to mean little more than the fact of societies with more than one culture in the public realm. The claims of these cultures may conflict and the holders of one may find themselves subordinated to another culture, but the point is merely that there is more than one. In this sense, multiculturalism is largely uncontroversial, as it is a fact; but clearly that is not what is at stake. After all, one possible response to the fact of group difference is coerced uniformity – this is precisely the policy adopted within states during the process of state building, where a single national language is enforced at the deliberate expense of the local languages and dialects. Where the problem of multiculturalism arises is with the claim that the ‘circumstances of multiculturalism’ challenge the ability of traditional ideological forms or political theories to accommodate themselves to these circumstances. For some, the ‘circumstances of multiculturalism’ simply require a robust application of egalitarian or libertarian principles of justice and rights such that the consequences of group difference and conflict – for example, discrimination and racism – can be dealt with. For others, these familiar forms of argument are inadequate to face the problems of difference thrown up by ‘circumstances of multiculturalism’. To respond to these new circumstances, it is argued, we need to rethink our categories and values and offer a new form of theoretical language or ideology. (By ideology, I simply mean a political theory that is rooted in political practice and experience and not any technical or philosophical claim about the cognitive or epistemological status of political concepts and discourse.) In this latter sense multiculturalism is a new ideology or political theory – it is the latest ‘ism’. It is primarily in this sense that we will be discussing multiculturalism in this book. It is as a new ideology or form of political theory that multiculturalism has become the focus of such heated debate. That said, even within the respective camps of both theoretical or ideological multiculturalists and anti-multiculturalists there are also heated debates about which particular public policies are best suited to deal with the issues of group recognition, integration or accommodation. These will not be our direct concern in this book. What can be said with some authority is that, notwithstanding the claim of Will Kymlicka that on the issue of the inherent justice of minority rights ‘the debate is over and the defenders of minority rights have won the day’ (Kymlicka 2001a: 33), the debate is far from over, and that, depending upon what one means

by ‘minority rights’, it is far from clear that the defenders have won the day. Indeed, it is the task of this book to consider whether multiculturalism is, as Brian Barry suggests, a dead end, and if it is not, how it can overcome the challenges he raises.

Even if we concede that multiculturalism is a new ‘ism’ and not merely a way of referring to the fact of pluralism and diversity in modern societies, we are still left with the variety or diversity of theories that can be described as multiculturalist. As we shall see in the subsequent chapters in this book, multiculturalism, even when it is actively endorsed as a self-description, by no means indicates a single and uncontroversial perspective. That said, we can identify two fundamental components of multiculturalist arguments.

## 2. Multiculturalism

Whatever else it is that the immigrant communities, ethnic minorities, first nations or new social movements want, what multiculturalist theorists defend is the equal recognition of culture. What that involves and what either culture or equality means provides a good way of explaining the differences between different multiculturalist theories. To characterize the different components of multiculturalism as an ideology or theory and to provide a useful overview of it, we can start by assessing the role of each of these two concepts in multiculturalist theories.

### Culture

That culture plays a central role in multiculturalist arguments is so obvious that it hardly needs stating, but what that precise role is and what we mean by ‘culture’ are of course much more controversial issues. Defenders of multiculturalism, as we shall see in this volume, are far from agreed about the role and significance of culture and why it matters. However, it is possible to identify a broad pattern of argument within which variations can be located.

The concept and value of culture is essential for multiculturalists for a number of overlapping reasons, but despite this overlap, we can nevertheless distinguish two significant roles that culture plays in multiculturalist arguments. The first is methodological and parallels the arguments that are used by communitarians with regard to the nature of the ‘self’ or the ethical subject. The second role is less ‘communitarian’, in that it is employed by political liberals (Raz 1986 and 1994; Kymlicka 1995) in order to provide a foundation and context for liberal values such as autonomy. That said, many thinkers who have been described as ‘communitarians’ would endorse this latter view of the role of culture.

Let us look at the methodological issues first. Many critics of John Rawls’s resurrection of liberalism and the social contract tradition drew on the familiar arguments employed by contractarians concerning the ‘atomistic’ and ‘asocial’ nature of the person or moral subject (Sandel 1982). Rawls used the idea of a

choosing subject behind a veil of ignorance, which denies that subject of knowledge of crucial aspects of her identity, as a way of justifying his two principles of justice (Rawls 1971). Communitarians such as Michael Sandel, Charles Taylor (1985) and Alasdair MacIntyre (1981) criticized this conception of the person on the grounds that it employs a narrowly atomistic approach. By this, they meant that it presupposes that the person or self can be detached from all the contingent aspects of personality provided by society, history, culture and family without undermining its capacity to choose its ends or the rules that should govern its interactions with others. This conception of the self presupposes the idea of a pre-socially individuated conception of the person, who can contribute to the artificial construction of social relations. Anti-contractarians since at least Hegel have denied the plausibility of this idea of pre-social individuation on the grounds of its logical incoherence and its historical and psychological implausibility. In contrast, ‘communitarian’ critics of Rawlsian and contractualist liberalism have argued that the idea of personality and the individual is a social creation. Persons become persons in a social context and as such are not pre-socially individuated. Consequently, communitarians are seen to challenge the narrow individualism of political and philosophical liberals and to put in its place the primacy of community – this is the ‘social thesis’. The methodological point is a renewal of a perennial debate in social theory about the priority of the individual or the collective. Communitarians, however, favour the concept of community over the collective because of the unfortunate association of collectivism with the discredited (since 1989) politics of ‘really existing’ socialism. Despite Will Kymlicka’s claim that drawing attention to the connection between multiculturalism and communitarianism is increasingly unhelpful (2001b: 338), it nevertheless remains the case that this methodological communitarianism does explain the appeal of the multiculturalist case across such a broad spectrum of philosophical and social theories. We can see this especially in the case of two otherwise very different multiculturalist theorists, Iris Marion Young and Bhikhu Parekh.

Iris Marion Young is a radical democratic theorist who has become a major figure in the political theory of multiculturalism. She argues (1990) that social groups provide the contexts within which our identities are shaped, and consequently that the way those social groups are treated has a bearing on the treatment of individuals who carry those group characteristics. Young is keen to distance herself from those who wish to assert an ‘essential’ identity for women or members of other social groups based on race or ethnicity. Her argument is that identity is a wholly social construction and that in modern pluralistic societies that construction takes place in complex overlapping contexts. People do not simply inhabit single homogenous social groups, but are constituted by membership of overlapping groups, no one of which has an automatic precedence over any other. Although Young speaks of social groups having a distinct culture, she is ambiguous about the form and content she wishes to attribute to that idea in the context of the constitution of a person’s identity. Having a culture is part of what distinguishes social groups from each other. The identity of that con-

ception of culture need not concern us here; what is important is that whatever culture is, it forms part of the context out of which identities are constructed and, as such, Young endorses the primacy of the social over the individual.

Bhikhu Parekh is also a radical, but his conception of culture is much less fluid than Young’s. Whereas Young’s conception of culture can be extended to include such things as ‘gay’ culture, Parekh wishes to confine the term to ‘a way of life’ with a normative authority that is thought to be binding upon a community (1999: 163). In so doing he distinguishes culture from self-chosen practices or lifestyles in a way that Young would regard as dangerously essentialist. However, despite this difference, the commonality of their respective positions is revealed by the similar endorsement of the communitarian ‘social thesis’ – namely, that individual identity is shaped by and provided through membership of groups, of which cultural groups are perhaps the most important. Parekh’s endorsement of cultural groups as an exemplar of the communitarian ‘social thesis’ is important because it illustrates the way in which culture offers an identity-conferring association that is more proximate than that offered by the increasingly distant nation-state, but which nevertheless has a structure and institutional manifestation which is lacking in other sorts of voluntary groups and associations. As such, ‘culture’ provides our identities with thick contents, which we may attempt to reject, but which we cannot simply ignore or deny. It is for this reason that attacks on culture or its denial constitute an attack on the persons of the bearers of that culture. Parekh famously uses this kind of analysis in his criticism of political liberalism’s failure to grasp the genuine hurt felt by the Islamic world with the publication of Salman Rushdie’s *The Satanic Verses* and the subsequent fatwa. For Parekh, those who failed to grasp why the publication of this book could cause such hurt had an inadequate and atomistic conception of the person, as much as an ignorance of Islam.

Young and Parekh are only two possible examples from the enormous literature on multiculturalism that show why culture matters. They argue that culture as part of the context from which our identities are shaped is inseparable from who we are as persons. If you attack my culture, you attack me, in a way that I cannot avoid and which goes to the heart of who I am. Both theorists extend the communitarian’s ‘social thesis’ by applying it to culture as a significant identity-conferring association, but both follow that thesis to the extent that they see group membership as prior to our individual identities. Consequently, both reject the voluntarist individualism of Rawls and those who follow him. Even Will Kymlicka advances a version of the ‘social thesis’ in his defence of the role and significance of culture. He simply denies that this is a significant concession to communitarianism, as this ‘social thesis’ is perfectly compatible with holding liberal political values such as the primacy of autonomy (Kymlicka 1989 and 1995). What is distinctive about Kymlicka’s position is that he regards the ‘social thesis’ and the significance of culture in particular to be perfectly compatible with endorsing liberal values. Thus, multiculturalism is not merely the prerogative of ex-Marxists and the collectivist left.

This brings us to the second role that culture plays in multicultural arguments. As well as providing the context from which personal and moral identity is constructed, multiculturalists such as Kymlicka see culture as providing a moral resource. Kymlicka follows Raz in being a perfectionist liberal, at least to the extent that liberalism is about autonomy. For Kymlicka and Raz, the concept of autonomy is the key liberal value, and the task of political liberalism is to encourage and defend the value of autonomy. Perfectionist liberals reject the narrow neutralism of Rawls and Barry as an inadequate basis for the defence of liberal values (Barry 1995). Liberals are supposed to be neutral between differing conceptions of the good life, or what people consider to make their life go well. There are various explanations for why liberals should be so sensitive to the life choices of individuals. The perfectionist explanation sees the value of a good life in terms of its being something that manifests the freedom and equal status of the moral subject by not being something that is coerced from the outside and endorsed from the inside. What makes a person's life go well is ultimately that it is something that can be endorsed from the inside by the person whose life it is, and if this is so then that person is entitled to have their choices protected from the external coercion of others or of the state.

We can see in this way that the value of autonomy provides only the form of a good life; it tells us what the minimal conditions of a good life must be regardless of whatever else it may consist of. In so doing, the perfectionists are not making a wholly empty or formal claim; the endorsement constraint requires the endorsement to be reasonable, informed and uncoerced, a requirement that rules out quite a lot. That said, the endorsement of autonomy does not give content to a good or worthwhile life. It is here that Kymlicka argues that culture must play a crucial part, for it is culture that provides the resources out of which an autonomous and valuable life can be constructed. Culture in this sense is a moral resource, as it provides the lived structure of values, beliefs and obligations that we need in order to make autonomy possible. Without a context of choice there would be nothing from which we could make an autonomous choice about the good life. Autonomy is always situated in a thicker ethical life, and this is what is provided by culture.

For Kymlicka, culture is uniquely suited to provide the moral context for autonomous lives because it is 'an intergenerational community, more or less institutionally complete, occupying a given territory or homeland, sharing a distinct language and history' (1995: 18). In this way, culture provides the content to conceptions of moral personality which are the subject of autonomous endorsement. Autonomy is not then to be contrasted with culture, but, rather, autonomy is that which transforms the fact of a lived moral experience into a genuinely valuable life.

As a liberal perfectionist, Kymlicka is not committed to endorsing all the rules and practices of all existing cultures. In this way he draws more strongly liberal conclusions than someone like Parekh, who certainly endorses a similar view about the relationship between culture and the good life. Liberals are not required

to endorse everything, but equally for Kymlicka, liberals have a duty to respect and, where necessary, to promote those cultures from which people can derive good and worthwhile lives, especially where these are threatened by the homogenizing tendency of mass consumerism and the globalization of trade. Whilst emphasizing that not all cultures are autonomy facilitating, and therefore deserving of liberal protection, the liberal multiculturalist is more likely to begin with a working assumption of the equal value of cultures (Tully 1995). So the perfectionist view shows not merely how culture plays a role in what it is to lead a good life, it also shows how culture can form the basis of claims for group rights and the duty of the wider state to protect cultures from external threats.

Kymlicka presents us with a complex moral picture in which culture does not provide a self-sufficient ground for value claims in that they need to satisfy the test of autonomous endorsement. But equally, autonomy does not provide a sufficient account of ethical life without the necessary input or structured moral communities and roles which are made possible by cultures as intergenerational communities. The liberal perfectionist and liberal multiculturalist case for the significance of culture extends beyond the communitarian 'social thesis' even though it partly relies upon it. This is because the liberal multiculturalists are concerned with the nature of values and not simply with the sources of personal identity or self-hood or a with social theorist's concern with the proper method for analysing social phenomena.

The significance of culture, therefore, can be based on either a methodological presupposition, the 'social thesis', or on an account of the values that make possible those things which we can regard as good or worthwhile lives. In most multicultural theories these two approaches overlap. They are, however, also coupled with a further concept – equality – in order to give rise to the distinctive family of theories we call multiculturalism.

## Equality

The significance of culture is not sufficient to identify a theory as multiculturalist. Various forms of relativism, particularism or conservatism might attach significance to the concept. One might regard one's own political culture as having a particular and overriding claim of obligation but regard the cultures of others as of no value or moral concern. It does not follow from the fact that my culture is a source of value that your culture must be a source of value to me or people like me. Indeed, this is an important issue raised by those who use arguments similar to those of multiculturalists to defend the idea of 'nationality'. Does my commitment to my culture entail any kind of commitment to recognize the culture of anyone else? One could, for example, make arguments, such as are made by those on the extreme right, which use the language of culture in order to enforce uniformity or to deny rights to immigrants of ethnic minorities.

Multiculturalists tend to distinguish themselves (more or less explicitly) from other theorists who use the concept of culture by also claiming to be egalitarians.

The respect for culture entails a duty to recognize the standing and claims of other cultures. And clearly, given the circumstances of multiculturalism, multiculturalist theorists and politicians extend this to accommodating the claims of minority cultures and nationalities rather than imposing uniformity. In the previous section we saw two broad general grounds for why multiculturalist theorists think that culture is an appropriate subject for equality of concern and respect. However, equality plays as complex a role in multiculturalist theories as does the concept of culture. Again, one can identify two broad strands of argument that connect the concepts of culture and equality.

Liberal multiculturalists such as Kymlicka are egalitarians in the Dworkinian sense of accepting the idea of equality of concern and respect as the basis of any viable moral and political theory (Dworkin 2000). This underlying intuition does no more than identify the terrain of argument and still leaves open the question of ‘equality of what?’. What is it that should be distributed equally in order to secure for each person equality of concern and respect? Dworkin, Rawls and most liberals are not concerned with overall equality of outcomes. They accept the view that equality is a distributive criterion that applies to the distribution of such things as rights, welfare or resources, which shape equal opportunities. As agents exercise their opportunities in different ways, they will result in unequal outcomes. However, as long as these outcomes are the result of a fair distribution, with sufficient compensation for those who as a result of natural bad luck are disadvantaged, then any differences in outcome will not in the relevant sense be a concern for egalitarians. In this way, egalitarianism encompasses other values such as freedom.

There are a number of ways in which this conception of opportunity egalitarianism might give special protection to culture. First, individuals might use their rights and opportunities to constitute cultures as a significant common project. Although cultures are not the artificial construction of individuals pooling their rights and resources, we can nevertheless use a liberal discourse of rights, liberty and opportunity to show why cultures should be accorded respect. In this way cultures enjoy a derivative normative status – although they may enjoy a primary status on terms of social theory – but this derivative status is still enough to show why we have grounds for respecting cultures and, importantly in the arguments of Will Kymlicka, for creating group rights within liberal theories. The debate between Kymlicka and Kukathas over whether there are any genuine group rights, turns on the significance one attaches to this derivative quality. For Kukathas (1992), there are no group rights as such, there are only individual rights; however, he goes on to argue, properly understood, this liberal view of freedom of association is all that is necessary to provide quite robust defences of culture and group practices.

A further argument used by liberal multiculturalists is that justice is achieved by the distribution of certain primary goods such as income and wealth, civil and political rights and the bases of self-respect. This is an extension of Rawls’s argument for the primary goods in his theory of justice. The denial of any of these

primary goods, or their unequal treatment, constitutes an injustice because it denies the equal claim or moral status of each person. If one’s culture is a condition of one’s self-identity – and following the ‘social thesis’ considered above this is a widely held view – then one can argue that the denial of one’s culture is a significant injustice and departure from equal treatment as long as that denial is not premised on some equal protection of the person or status of others. To illustrate this point we might consider the issue of symbolic representation in the public sphere through military or police uniforms. If a member of the resident cultural minority of a society is denied access to career or other opportunities because the uniform code of that society precludes some aspect of traditional dress, such as wearing a turban as opposed to a Stetson hat by the Royal Canadian Mounted Police, and if changing the uniform would not undermine the public function of the military or cause danger, then we can argue that the denial is a case of unequal treatment, because it imposes a burden of cultural denial on, for example, the Sikh community which is not imposed upon others. In this case we might argue that extending equal opportunities or equal protection of the laws involves making group-specific exceptions to accommodate cultural differences. The rationale for not simply ignoring these cases (sometimes called benign neglect) and instead regarding them as issues of unequal treatment is that culture and its manifestation is something that goes to the heart of a person’s identity. For a Sikh, a turban is not merely a hat that can be exchanged for any other kind of headgear; it is instead an expression of religious and cultural identity and therefore something that goes to the heart of the conditions of that person’s self-respect. Parallel arguments might be made with respect to language recognition in the public sphere. The conditions of self-respect are an important component of equal treatment, but they can result in differential outcomes. But again, the issue of cultural recognition is seen to follow from the prior obligation to treat persons as equally worthy of concern and respect.

Not all multiculturalist theorists are satisfied with the liberal egalitarian reliance on equality of opportunity. For radical multiculturalists such as Iris Marion Young or Nancy Fraser (Fraser 1997) the turn towards group or cultural recognition follows from the false neutrality of liberal distributive norms. Indeed, these radical theorists argue that it is liberalism’s failure to take seriously the extent to which opportunities reflect unequal power relations which creates the need for a genuinely multicultural theory. That is one that accommodates the differences in power between social groups.

Young’s egalitarian argument can be seen as a direct critique of the liberal egalitarianism discussed above. The point of her argument, and of similar radical theorists, is that it places concern for social and cultural groups in the wrong place. The problem is not simply one of distributing rights and resources to groups and cultures in order for their members to be regarded as ‘equal’; the problem is with the underlying social norms that constitute opportunities in the first place. In other words, Young is not concerned with what additional resources are needed by social and cultural groups to access the opportunities that others have on an

equal footing; rather it is with the norms that structure those opportunities in the first place. This matters for Young, because not all relevant denials of equal recognition take the form of overt discrimination. For example, one can discriminate against women in the workplace by not opening up job opportunities to them – for example, by reserving all senior management roles for men. Such discrimination did for many years disfigure the workplace and has been removed by changes in the law that now offer equal protection. However, these changes have not necessarily been accompanied by greater access by women to such positions in business or government. The reason for this is that the opportunities themselves, although open to all talents, nevertheless reflect wider patterns of social and gender expectations. Women are still seen as more likely to become the primary carers of pre-school children and therefore less committed to a career, whatever choices individual women might have made about their lives. Similarly, many opportunities reflect cultural expectations which may not be universally shared and which may systematically disadvantage certain social groups. A simple example is provided by statutory rest days which privilege the Christian Sunday over Friday and Saturday, thus disadvantaging Muslims and Jews. Even when the legislation may not have been based on any religious arguments about Sunday observance, the mere fact of a convention, the origin of which is no longer considered, can still bring with it culturally based expectations that do not fall equally on all. The point here is that opportunities are never neutral but are always social constructions that carry with them inequalities of power and relations of domination and subordination. The opportunities are the issue, and not merely access to them.

How this affects the issue of multicultural politics in practice is more complex than in the case of liberal egalitarianism, as it does not merely involve some ‘stuff’ such as rights or resources which are distributed in order to equalize access to opportunities. Instead, the radical egalitarian is less likely to be concerned with the distribution of resources as a primary task and more likely to be concerned with issues of group representation and proportionality. For example, Young regards the absence of group proportionality of outcomes as evidence of structural group disadvantage which must be compensated for. We cannot merely explain away the disproportionate absence of, for example, black males in certain professions on the grounds that there were no cases of direct discrimination and that this difference in outcome is merely a function of different choices. Young’s argument and those of similar radical egalitarians are more likely to regard the lack of group proportionality as a ground for affirmative action programmes which target resources at groups in order to bring their levels of representation into line with those of other social groups. This does not mean that all black men should be brain surgeons or rocket scientists, but it does mean that the proportion who are should be broadly in line with those from other social groups. We can make similar kinds of arguments regarding all sorts of social groups, for example the representation of Catholics in the police service of Northern Ireland, or Jews in the military, or women in professorial posts in British universities. All

of these cases of lack of group proportionality will require different and targeted political responses. What will not be sufficient is the equal distribution of rights or resources, although this may be part of the solution.

Although Young’s radical egalitarian theory is not designed simply to support the claims of the traditional hierarchies of ethnic and national cultures, her arguments do assist those who wish to defend cultural difference by providing a way of defending group rights and group exemptions on the basis of egalitarian arguments. As with Kymlicka, the protection of culture is a secondary outcome of her egalitarianism of social groups (not all of which are cultural). That said, her argument, like Kymlicka’s, places the idea of group membership at the centre of thinking about egalitarianism.

By combining culture and egalitarianism, multiculturalism, despite its inherent diversity, attempts to challenge the dominant position of liberal egalitarianism as the only way to respond to the circumstances of multiculturalism. It is precisely this interweaving of respect for culture and the claims of egalitarianism that Brian Barry wishes to distinguish in his book *Culture and Equality* (2001).<sup>1</sup>

### 3. Culture versus Equality

Brian Barry’s book attempts to examine the connection between the commitment to the value and role of culture and its compatibility with an equal commitment to egalitarianism. In a complex and wide-ranging discussion, which covers rival theorists, parliamentary and Supreme Court decisions and philosophical presuppositions, he advances the robust claim that culture and equality are fundamentally incompatible commitments and that the ‘multiculturalist’ turn in political theory and practice, advocated in different ways by Kymlicka, Young, Tully, Parekh and Kukathas, is ultimately a dead end. His primary concern is to provide a robust defence of egalitarian liberalism and to show how this is incompatible with a commitment to cultural protection and group-specific rights and exemptions. This is all the more striking as Barry offers this challenge from the liberal left rather than from the familiar source of many rejections on the political right. The multiculturalist preoccupation with culture is a distraction from the real sources of unequal treatment and injustice. The primacy attached to culture obscures the fact that what minority groups really want are the rights and resources enjoyed by those in positions of dominance and power, rather than the protection of cultural hierarchies that benefit those who enjoy the position of cultural entrepreneurs. Thus he does not see the critique of multiculturalism as an assault on those groups and individuals who are denied rights, opportunities and resources. The argument is about whether a new form of political theory is necessary or whether these claims can be covered by reference to liberal egalitarian norms.

In order to sustain the argument that respecting and giving rights to cultures is incompatible with a commitment to equality, Barry sets about attacking the

presuppositions and outcomes of multiculturalist arguments. His primary task is to show that the appeal to culture either does no more work than a direct appeal to equality or else it does work but at the expense of equal or fair treatment. *Culture and Equality* is divided into three sections.

Part I focuses on the issue of equal treatment. In particular, Barry examines arguments for exceptions to equal laws on the grounds of cultural identity. Here, his argument is to challenge the point of exceptions to equal laws on the grounds that either there is a general interest in the equal application of the law, which makes no appeal to a distinct cultural practice, or else there is a reason for challenging the propriety of any regulation in the first place. The key point is that the appeal to culture does no additional work in this sort of public reasoning. A simple example which Barry discusses is the issue of whether there is public interest in regulating the slaughter of animals. If there is, then it is not merely the imposition of a majority's preference, so it follows that there is no ground for a culture-based exception. If the matter is genuinely indifferent, then there is no ground for the exception because there is no ground for the general rule in the first instance. Similarly, we might reject the argument for an exception to the prohibition of cannabis for Rastafarians who use it as part of ritual and worship. If there is a genuine issue of public health, then there is no ground for exceptions. If, on the other hand, there is no real public interest here, the solution is general decriminalization for all rather than merely for sacramental uses. As Barry goes on to argue, in many cases the imperative is not to accommodate groups through exemptions, but to accommodate groups through liberalization.

The second section of Barry's book focuses on issues of group rights. Here Barry discusses the grounds for group rights, in particular those advanced by Will Kymlicka and his followers, and the consequences of allowing groups to be fully self-regulating on matters that they regard as part of their culture. Barry explores a number of cases in the fields of religious freedom, education and parental rights over children to show how affording recognition to group rights denies the equal treatment of individuals. As examples of educational freedom, Barry looks at the case of *Wisconsin v. Yoder* which allows Amish parents to exempt their children from a full secondary education in order to make exit from their community more difficult, as well as at similar provisions under UK education acts which exempt 'traveller' parents from the obligation to send their children to school for the same length of time as other children. The point of these illustrative examples, as well as the many others discussed by Barry, is to show how the practice of group rights reinforces unequal restrictions on children and adults, because it makes the group the primary bearer of significance and not the individual person. Far from assisting individuals to seek equal recognition and protection of the law, group rights render the enjoyment of individual rights conditional on the good will of those who exercise power within a culture. Again, the argument is that the commitment to culture and equality pulls in different directions, and we must make a choice, for we cannot have both.

The final part of Barry's book examines multiculturalist arguments against the universalism of liberal egalitarianism. In particular, he addresses the various arguments for the significance and equal value of a culture and draws together some of the criticisms he has made earlier about the redundancy of appealing to culture. Furthermore, he makes explicit his argument that the cultural turn has actually distorted the real issues of injustice and discrimination that are posed by the circumstances of multiculturalism. In making these criticisms, Barry does not provide a fully worked-out alternative conception of egalitarian justice, although the argument is sketched in outline. The main task of *Culture and Equality* is a largely negative one, in that it is concerned with exposing the apparent incoherence of the multiculturalist position. Barry has outlined the foundation for his liberal egalitarianism in the first two volumes of his *Treatise of Social Justice* (1989 and 1995) and will develop his liberal principles of justice in subsequent volumes. However, many of the criticisms raised do not depend upon a particular liberal theory of equality of opportunity but rather on the inherent tension between the conflicting claims of cultural recognition and individual equality. Whatever multiculturalists argue to the contrary, Barry's claim is that multiculturalism replicates traditional problems about reconciling the claims of groups with the fundamental ethical status of the person. What multiculturalists have not been prepared to argue is that 'culture' as a set of beliefs and practices has a prior ethical and political claim to that of the person. Yet as the two often clash in politics, it is precisely this which must be addressed if multiculturalism is to provide a viable way of reconciling the plurality of claims that are posed by the circumstances of multiculturalism.

#### **4. Overview of Multiculturalism Reconsidered**

This does not of course give Barry the last word on the subject; indeed, the point of this volume is to examine and answer his claim that multiculturalism is inherently flawed. Although the contributors address their arguments to Barry's book, the primary focus of all of the responses is his general claim that culture and equality stand in opposition and that multiculturalism as a new approach to the politics of ethnically plural societies is mistaken.

This book begins with a chapter by Samuel Freeman, which provides a broadly sympathetic overview of Barry's liberal critique of multiculturalism. However, Freeman goes on to raise a number of issues discussed by Barry, arguing that the logic of the liberal egalitarian position should take him much closer to the claims of multiculturalists. This is followed by four chapters by Susan Mendus, David Miller, Paul Kelly and Simon Caney, all of which examine Barry's argument for equality of opportunity. Mendus argues that Barry's egalitarianism depends on a controversial distinction between inequalities that are the result of choice, and which therefore deserve no special treatment, and those that are the result of chance and for which individuals should not be expected to bear the