Citizenship and the accommodation of cultural minorities

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Abstract

The concept of citizenship can be said to be historically linked to rights associated with membership in a political community. These include civil, political and social rights. However, in the context of cultural diversity, these rights are arguably insufficient for cultural minorities, who by virtue of their membership in a minority group are disadvantaged. Therefore, the challenge is how to remedy this disadvantage and secure equal citizenship for cultural minorities. This thesis considers the work of three contemporary theorists who have provided innovative responses to this challenge: Will Kymlicka, Bhikhu Parekh and Brian Barry. Kymlicka and Parekh are both multicultural theorists whose general aim is to protect the integrity of minority groups via the notion of group-differentiated rights. However, Kymlicka's framework focuses on the promotion of individual autonomy, which is problematic in lieu of the fact that culturally diverse societies will contain groups that do not attach primacy to liberal principles. Parekh's framework fares better because it focuses on the value of cultural diversity and recognises that in the context of genuine diversity, establishing fair terms of justice for different communities involves intercultural dialogue. However, Parekh's framework is let down by an implicit association with liberal values and a vague conception of how intercultural dialogue should proceed during hard cases of disagreement. An alternative to the multiculturalist approach is the work of Brian Barry who dismisses the notion of group-differentiated rights altogether as he believes the universal conception of citizenship will suffice in accommodating minority groups. However, Barry's framework misses the mark because he fails to understand the significance of culture to its adherents and moreover, his position is arguably closer to the multiculturalist position than he concedes. To secure equal citizenship for disadvantaged cultural minorities, this thesis argues that a contextual approach to intercultural dialogue constitutes the most plausible response to hard cases of disagreements between majority and minority communities, and, furthermore, it argues that a contextual approach to intercultural dialogue can give rise to a common set of values and commitments that can underline an overarching British identity.

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Part I

Chapter 1. *Introduction: A brief history of citizenship*

Since the end of the Second World War (WW2) in 1945, it can be said that the cultural fabric of Britain has changed dramatically. Severe shortages in the labour force due to the devastating effects of WW2 saw Britain plug this gap by recruiting migrant workers from various parts of the world including northern Africa, the West Indies and southern Europe. It was this strategy that signalled the start of mass migration. The next fifty years following the end of the war saw mass migration arguably make a discernible difference to the British population in terms of the diversity of ethno-cultural groups. As a result, new debates have emerged and a core concern of politicians, activists and theorists is how modern democratic societies should cope with this diversity in terms of addressing the needs that minority groups have, tackling racial prejudices and discrimination, promoting racial equality, and creating a united and cohesive society where various minority groups can live in harmony with their majority neighbours.

Generally speaking, debates have focused on whether minority groups should be granted special rights to help preserve their way of life and whether they should be exempt from existing legislation that conflicts with their practices and beliefs. One example is the compulsory wearing of the turban in Sikh culture, which can conflict with a school uniform policy that requires boys to wear a cap and a law requiring motorcyclists to wear a protective helmet. Another example is the halal and kosher method of animal slaughter and whether Muslim and Jewish communities should be exempt from existing animal slaughtering legislation. These issues have given rise to lively debates and a variety of responses and policy recommendations. For example, the Runnymede Trust established the Commission on the Future of Multi-Ethnic Britain to consider the challenges associated with cultural diversity and produced a controversial

report published in 2000 entitled *The Future of Multi-Ethnic Britain*, better known as *The Parekh Report*. Other notable government initiatives include two reports published by the Commission on Racial Equality (CRE) - *Citizenship and Belonging: What is Britishness?* (2005) and *The Decline of Britishness: A Research Study* (2006). However, despite long-standing debates and various policy initiatives, the position of minority groups in Britain remains contentious and the very notion of multicultural politics is highly contested.

In this context the question of how to secure equal citizenship for minority groups has been central to recent debates. While multicultural theorists such as Bhikhu Parekh and Will Kymlicka have argued in favour of a differentiated conception of citizenship, which grants members of minority community's group-specific rights, critics of multicultural politics such as Brian Barry contend that such an approach cannot be reconciled with a liberal commitment to equality. This chapter seeks to explore the background to these debates by considering the general hallmarks of citizenship in liberal democracies. In this context, the chapter will explore the work of T.H Marshall, whose seminal book *Citizenship and Social Class* (1950) explores the civil, political and social facets of citizenship in modern liberal democracies. The chapter will argue that Marshall's discussion of the social barriers to equal citizenship can be seen as a precursor to recent debates regarding the status of cultural minorities. First though, the next section of this chapter will look at the link between democracy, liberalism and citizenship. Historical trajectories suggest that citizenship is intimately linked to membership in a political community, thus suggesting an affiliation with democracy and liberal values. However, there is also arguably a range of prima facie tensions between democracy and liberalism. Debates regarding social and cultural

rights can be seen as attempts to resolve some of these tensions and thus secure equal standing and effective democratic participation for all citizens.

Democracy, liberalism and citizenship

Historically, citizenship has been linked to rights associated with membership in a political community, one in which those who enjoy a certain status are entitled to participate on an equal basis with their fellow citizens in making collective decisions that govern society. What makes the citizen distinct is that he joins with others to make decisions and then subsequently respects the authority of these mutually established decisions (Pattie et al: 2004: 5). Essentially, this concept of citizenship is linked to political participation in some form of democracy. In contemporary modern-day societies, the benefits and privileges of "democratic citizenship" are essentially the minimum that members should expect considering they live and participate in one. Such benefits and privileges include the equal status as citizens and the right to equal standing before the law.

In the context of this thesis, democracy itself denotes many intrinsic values which are synonymous with the values of citizenship and core liberal values. For example, democratic procedures embody the idea of autonomy by allowing citizens to collectively determine their own affairs. Citizens may possess their own moral principles, thus a political system that maximises the scope for citizens to decide their own laws and institutions would further enhance this autonomy. It also embodies the idea of equality by allowing each citizen a free and equal say in law-making. In addition, democracy secures the dignity and self-respect of all citizens by acknowledging their equal status through political participation. However, while the values and virtues inherent in a democratic citizenship are in many regards mutually

supportive, there are arguably also some significant prima facie tensions between the two concepts. Three long-standing worries, already captured by de Tocqueville in his influential book Democracy in America, continue to be significant: (1) worries regarding the "tyranny of the majority"; (2) tensions between the liberal regard for individualism and the democratic concerns with the common good; and (3) potential conflicts between the liberal respect for the freedom of individuals to form sectional associations and the democratic concern for a unified and cohesive citizenry.

As de Tocqueville already noted, when he referred to the dangers inherent in the "tyranny of the majority", the democratic commitment to majority rule carries with it the risk of restricting the freedom of the minority should a minority find itself consistently outvoted. In a contemporary context this has given rise to concerns that in modern pluralist democracies, a commitment to simple majority rule may give rise to rules and regulations that favour the cultural traditions of the majority at the expense of the needs of minority cultural groups. Such marginalisation may not only leave minority groups with a lack of resources, but may also lead to a decrease in the political participation by members of minority cultural groups. As Yash Ghai (2003: 5) points out, minority groups all too often become alienated from the mainstream political process because they believe they cannot influence outcomes due to their status as minorities. For example, while minorities may have the right to participate in the political process, whether by running for office or voting in elections, their capacity to exercise that right is often restricted by the dominance of the majority. As a result, minorities may feel less inclined to participate.

In addition, de Tocqueville feared that the spread of individualism in modern liberal-democratic societies would lead to an erosion of social bonds and civic virtue. He claims that individualism is a "mature and calm feeling, which disposes each

member of the community to sever himself from the mass of his creatures and to draw apart with his family and friends..." (de Tocqueville: 1998: 205). In other words, individualism promotes selfishness and is a threat to society because it encourages people to believe in their own sense of self-worth, to view themselves as self-sufficient and to neglect their public duties. De Tocqueville (1998: 206) feared that the conditions of individualism would create more people who have gained or earned enough to keep on sustaining themselves without taking any interest in their neighbours, therefore resulting in people losing their sense of connection with society. While de Tocqueville is correct to highlight the danger of excessive individualism, individuals must arguably enjoy a degree of freedom to pursue their own interests without being subjected to discrimination and prejudice. If individuals are prevented from pursuing their interests because of social sanctions or the imposition of excessive social costs, they are arguably disadvantaged. This can take several forms. Being forced to conform to the interests of and views of the majority not only undermines the individual's ability to freely shape their own life, but also undermines their sense of individual identity. A person's individual identity is important as it can be tied up with membership in a cultural or religious community and the distinctive values and practices associated with it. If a significant aspect of the person's culture is undermined, that person's sense of identity may also be threatened. Furthermore, when citizens are in principle free to pursue their own interests, they may none the less be constrained by a lack of resources to, for example, build a suitable place of worship within their neighbourhood. Other disadvantages also stem from the impact of the dominant norms within society that reflect majority interests. For example, public holidays in the UK such as Christmas and Easter are recognised and celebrated nationwide thus reflecting the majority preferences while other cultural celebrations such as Eid and Rosh Hashanah are not. In the context

of contemporary debates regarding cultural diversity and multicultural politics, these concerns have given rise to a lively debate on how to balance the need for social cohesion and civic virtue with the right of minority communities to pursue their own distinctive way of life.

This point also serves to highlight potential conflicts between the liberal respect for the freedom of individuals to form sectional associations and the democratic concern for a unified and cohesive citizenry. While de Tocqueville reminds us that sectional associations can play a vital role in safeguarding individuals from the "tyranny of the majority" by giving a voice to minority concerns, sectional associations also carry with them the risk of undermining citizens' commitment to the common good of the polity as a whole as citizens promote the interests, values and concerns of their particular group at the expense of the well-being of the wider political community.

While in the context of contemporary debates some theorists have defended group-differentiated rights for cultural minorities as an aspect of the liberal commitment to freedom of association, critics of multicultural politics such as Barry have highlighted the risks to unity and social cohesion associated with a desire to respect and recognise the distinct traditions of minority communities, by granting these communities group-differentiated rights designed to maintain and safeguard the cultural values and traditions of minority groups.

The social dimension of citizenship

The above section has highlighted several tensions regarding the civil and political aspect of citizenship. The first is the inherent dangers of a democratic citizenship where majority interests take precedence over minority interests. The second is the contentious nature of individualism. Although excessive individualism can be detrimental to social

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unity, individuals must enjoy a degree of freedom to pursue their interests, especially if it is tied up with their identity or membership of a cultural or religious community. Furthermore, it also highlights the difficulties in achieving a balance between the well-being and cohesiveness of the wider society and the well-being of minority groups.

Another set of considerations significant to any discussion of minorities and citizenship is the "social dimension" of citizenship. Here, T.H. Marshall's influential essay *Citizenship and Social Class* constitutes a useful starting point. Published in 1950 (though all references here refer to the 1992 edition), Marshall articulated the concept of citizenship as a "three-legged stool" comprising of civil, political and social rights. According to Marshall, civil rights emerged first in the eighteenth century followed by political rights in the nineteenth century. The civil component consists of rights necessary for individual freedom including freedom of speech, the right to own property, the right to justice and all necessary rights governed by the courts of justice (1992: 8). The political element of citizenship is comprised of the right to participate in the exercise of political power as a member of a body invested with political power or as elector of the members of such a body. The institutions responsible here are parliament, local councils and government (1992: 8). The concept of social rights emerged in the twentieth century. For Marshall, these rights can help facilitate the effective exercise of civil and political rights. The social element of citizenship for Marshall includes the right to economic welfare and security, health care, education and the institutions relating to this, namely educational systems and social services (1992: 8).

Marshall's concern at the time of writing was the exclusion of the working class from the dominant culture due to the negative impact of capitalist market forces. Since their exclusion was based on their social status, he attempts to show how social rights

can alleviate the inequalities of social class through the redistribution of material resources and also how it provides the basis for shared identities and social unity through a common membership (Kymlicka: 1995: 179-180). Marshall defines social rights as "...the whole range from the right to a modicum of economic welfare and security to the right to share to the full in the social heritage and to live the life of a civilised being according to the standards prevailing in the society" (1992: 8). He believes all citizens should be entitled to a basic minimum standard of living which includes income, educational opportunities and healthcare. He analysed, for example, how free health care can promote a minimum standard of living, in the sense that those who cannot afford health care can still access it, while those who can afford it are free to spend their money on other things (1992: 33). However, it must be noted that although Marshall's primary concern is the exclusion of the working class, his aim was not to achieve equality of income. For Marshall basic minimum state services give rise to a:

> ...general enrichment of the concrete substance of civilised life, a general reduction of risk and insecurity, an equalisation between the more and the less fortunate at all levels - between the healthy and the sick, the employed and the unemployed, the old and the active, the bachelor and the father of a large family. (1992: 33)

Essentially, he believes that the development of social rights will remove disadvantages that may prevent or restrict citizens from taking full advantage of their civil and political rights. For Marshall, social rights constitute the "third leg" in the "three-legged stool" of citizenship and without the "third leg", it would be difficult to prop up the "first" and "second" leg (civil and political rights respectively).

In terms of citizenship, Marshall's analysis remains important because he brings clarity to an ambiguous concept. It establishes a clear criterion as to what full

citizenship requires – civil, political and social rights. In addition, although it has not been completely eradicated, there is evidence to suggest that social rights, to an extent, have narrowed the gap in terms of inequalities (Kymlicka: 1995: 180). It is also important because the aim of this thesis is similar to Marshall's, which is to ensure that all citizens are treated as a full and equal member of society. Marshall's focus was on the politics of redistribution when he devised the concept of social rights as a response to the exclusion of the white working-class population from the national culture. The politics of redistribution arguably continue to play an important role in contemporary debates. Where ethnic and cultural divisions overlap with class divisions, individuals may well face a double disadvantage on account of both class and cultural status. For example, a 2002 survey found that Muslims from Pakistani and Bangladeshi groups were two-and-a-half times more likely to be unemployed and three times more likely to be on a lower salary than their white counterparts (Peele: 2006).

In contrast, there are suggestions that Marshall's framework lacks relevance in modern-day society. Generally speaking, his model ignores the distinct peoples (Scottish, Welsh and Northern Irish) that make up the United Kingdom, instead focusing on the English (Turner: 2009: 69). In the context of contemporary citizenship, his framework shows no awareness of ethnic and racial problems in relation to citizenship as it is more or less based on a homogenous society in which cultural and ethnic divisions play no part in his analysis (Turner: 2009: 69). As a result, his framework is inadequate for the needs of minority groups as differences based on their cultural identity are now becoming common and therefore it limits their ability to exercise their citizenship rights as defined by Marshall. While Marshall views social rights as a means of eliminating the problems of social class, ethnic and racial minorities do not see their differences as a "problem" to be eliminated so that they can

become just like the majority. They typically see their differences as something that they wish to cherish, to be recognised by the majority; furthermore, they see their differences as something that can be complementary to their roles as citizens, not barriers. This arguably impacts on the manner in which minorities experience their civil and political rights. For example, civil rights are a key component in the protection of individual freedom from government, private parties, employers and citizens alike. A Rastafarian utilising his freedom to follow the Rastafarian culture would have his civil rights infringed if he was rejected for a job because a company insisted its employees had short neat hair even though the wearing of dreadlocks, a key component of Rastafarian culture, has no bearing on whether or not they can adequately perform the job. Question marks over whether individuals from minority groups experience full political rights also come into the equation here. Using an earlier example, Ghai (2003) believes minority groups all too often become isolated from the mainstream political process because they are of the view that due to their status as minorities, it will be impossible to influence the outcome. On the surface, there is an element of truth in that view, but in order to counter it, the voice of minority groups must be heard loud and clear so that they can articulate their concerns and aim to seek their desired outcomes through the necessary political channels. This is vital in the interests of justice when it can be said that the state accounting for the rights of its citizens must take into consideration minority groups and not just the majority. Sustained engagement in participation can effectively prevent a sense of alienation among minority groups thus creating a sense of belonging to the state.

While de Tocqueville's analysis of a democratic citizenship highlights concerns regarding political equality, Marshall's analysis highlights the link between social status and civil and political rights. He identified that England was divided in terms of social

class and the lack of material resources made it difficult for the working class to participate in the dominant culture. Lack of material resources made it difficult for civil and political rights to be properly utilised and he proposed the development of social rights such as health care, education and welfare benefits to narrow this inequality. By narrowing the inequality gap, the working class would be able to participate on an equal footing and integrate into the dominant culture and hence generate a sense of loyalty and solidarity (Kymlicka: 1995: 180). However, because Marshall's analysis was made in a particular context, that of working-class England, it is bound to have limited applicability in contemporary debates.

Post-war migration has drastically altered the cultural homogeneity of Britain to one that is more ethnically and racially diverse and this in itself raises questions that Marshall's framework cannot answer. Social rights do not answer concerns relating to cultural and religious matters such as, animal slaughter and the wearing of the turban and niqab. These matters are of great significance to cultural minorities and since social rights such as health care, education and economic welfare do not meet the integration and cultural needs of minority groups, it suggests that Marshall's concept of citizenship ought to be expanded from the "three-legged stool" to a "four-legged chair" via the development of a range of minority rights.

Outline of the thesis

Part I of this thesis will draw on the work of Kymlicka (Chapter 2), Parekh (Chapter 3) and Barry (Chapter 4) to explore the notion of minority rights. Chapter 2 begins by highlighting Will Kymlicka's core thesis: minority rights help to secure the individuals' ability to live autonomous lives and expand their range of options in terms of living the good life. In other words, minority rights foster liberal principles such as individual

freedom and autonomy. Chapter 2 argues that because Kymlicka views culture primarily in instrumental terms, he fails to take into account other worthy reasons to cherish cultures. The thesis argues that an alternative framework is required to capture these factors. To this end, Chapter 3 explores Bhikhu Parekh's notion of the intrinsic worth of cultural diversity as a collective good. He believes that since individuals are culturally embedded, daily interaction and exposure to the beliefs and practices of different cultures is essential to expand our intellectual horizons and also to deepen our understanding of our own culture. To co-exist peacefully and achieve a balance between diversity and unity, it would be mutually beneficial to engage in dialogue to establish just and fair terms for the relationship between different cultural communities. Although Parekh's framework offers key insights, Chapter 3 will contend that his framework remains problematic on three counts: (a) his concept of intercultural dialogue remains vague; (b) despite arguing that his framework transcends liberal boundaries, the political structure he advocates remains rooted in a liberal trajectory; and (c) his conception of a national identity grounded in politico-institutional characteristics reflects the liberal tendency to draw an unduly sharp distinction between the public and private realms of society. Chapter 4 explores a radical alternative to the works discussed in Chapters 2 and 3 by looking at the work of Brian Barry. As a staunch egalitarian liberal, Barry opposes group-differentiated rights that are based on an attachment to culture or religion. He believes that members of cultural communities do not need to be protected by such rights, and that the rights associated with a unitary conception of citizenship will suffice to accommodate minority claims. However, Chapter 4 will argue that ultimately Barry misses the point in his critique of multiculturalism because he fails to understand the significance of culture to its

adherents. Moreover, it will argue that despite his disdain for multicultural policies, his own position is actually closer to the multiculturalist position than he concedes.

Part II proffers an alternative framework that this thesis believes can accommodate the needs of a genuine multicultural society. It is centred on the belief that a contextual approach to intercultural dialogue constitutes the most plausible response to hard cases of disagreements between majority and minority communities. While Parekh's conception of dialogue is too vague, it nonetheless implies a contextual approach to dialogue, and it is to this end that Chapter 5 seeks to develop the idea of intercultural dialogue within the context of debates in contemporary Britain.

To achieve this, Chapter 5 examines the concept of "Britishness" via the use of sociological data produced by the Equality and Human Rights Commission, then known as the Commission for Racial Equality (CRE). Although the findings indicate a decline in the notion of "Britishness", the data also highlights factors shared by the participants. This thesis believes this is indicative of the bigger picture in that there are overarching factors that bind the people of Britain together. Chapter 5 will outline how intercultural dialogue can nurture these overarching factors into an overarching British identity that can sustain unity yet is sufficiently flexible to accommodate diversity. The idea is that a clear and comprehensive framework of values and commitments will emerge during the dialogical process, and what makes this framework unique is that it is derived by the citizenry itself which will command further legitimacy. Furthermore, these values and commitments can then serve as the backdrop to a contextual approach to hard cases of disagreements between majority and minority communities. It will conclude by arguing that this conception of dialogue can give rise to a framework of values that is thicker than the framework advocated by Parekh and hence stands a better chance of sustaining

unity within a genuinely multicultural society. The final chapter reiterates the need for a

contextual approach to intercultural dialogue.

Chapter 2. *Kymlicka's multicultural citizenship*

In the quest for disadvantaged groups to be treated equally, it can be said that following on from civil and political rights, Marshall perceived the development of social rights as constituting the "third leg" in the "three-legged stool" of citizenship rights. Marshall's concern was for the working-class population as they were excluded from the dominant culture due to the negative impact of capitalist market forces. In effect, they were excluded because of their social status and the development of social rights was to help them participate in the dominant society. In the face of cultural diversity, it can be argued that group-differentiated rights constitute a natural follow-on from social rights and that these rights constitute the "fourth leg" thus creating the "four-legged chair" of citizenship. In the context of this thesis, group-differentiated rights usually refer to rights that seek to protect cultural communities and ethnic and religious groups. How or whether the concept of group rights is justified has given rise to considerable debates. One important and influential debate is rooted in the work of Will Kymlicka, whose work is renowned for attempting to develop a liberal theory of group-differentiated rights. He believes the justification for group-differentiated rights can be found in an appeal to liberal commitments to equality and autonomy. This chapter will argue that this justification gives rise to merely an instrumental defence of group-differentiated rights, which ultimately fails to capture the value many cultural minorities attach to cultural membership. In particular, it will highlight three major concerns regarding Kymlicka's liberal framework: (a) worries regarding Kymlicka's sharp distinction between national and ethnic minority groups and their rights; (b) concerns regarding his emphasis on the promotion of individual autonomy; and (c) his failure to appreciate cultural diversity on its own terms. The chapter concludes by arguing that Kymlicka's instrumental framework should be rejected in favour of a framework that endorses the

intrinsic worth of cultural diversity, a framework supported in the work of Bhikhu Parekh.

I: Kymlicka's position

Traditionally, it could be said that the concept of group-differentiated rights is incompatible with the liberal commitment to autonomy and equality. However, Kymlicka disagrees and believes that the justification of group-differentiated rights can be grounded in liberal principles such as autonomy and equality. For Kymlicka, autonomy and cultural membership are inextricably linked. For individuals to be autonomous, firstly they must be able to lead their life from the inside in accordance with their beliefs about what constitutes the good life and secondly, since individuals are fallible, they must be able to question and revise their beliefs in light of new experiences and circumstances and hence must have the necessary conditions to acquire knowledge of the different conceptions of the good life (Kymlicka: 1995: 81). Kymlicka contends that the exercise of these conditions is only possible within a secure cultural context that promotes autonomy (Kymlicka: 1995: 80, 85).

The secure cultural context in question is what Kymlicka terms a "societal culture". According to Kymlicka (2001: 25), most nation states, including liberal democracies, have surfaced as a result of deliberate and sustained processes of nation-building with a focus on promoting a "societal culture". A societal culture "…provides meaningful ways of life across the full range of human activities, including social, educational, religious, recreational and economic life" (Kymlicka: 1995: 76). In addition, such societal cultures are territorially concentrated, based on a shared language and are institutionally embodied in schools, media, the economy and the government (Kymlicka: 1995: 76). In this context, cultural membership is inextricably

tied up with autonomy in that, a societal culture provides individuals with various and valuable options which allow them to make rational and meaningful decisions. It is a societal culture that provides the social environment from which individuals can make choices and pursue their beliefs about the good life. Given its importance for the exercise of choice and freedom, having access to a secure societal culture is imperative because not only does it provide the range of options, but it also makes these options meaningful (Kymlicka: 1995: 82-83). This means that the social practices we choose to pursue are based on our beliefs about the value and meaning of these practices. According to Triadafilopoulos (1997: 269), to have a belief about one's practice is in turn a matter of understanding the meanings attached to it by his or her culture, and understanding the meanings requires an understanding of the shared language.

However, because the nation state effectively cultivates a dominant societal culture, comprised of a common language and shared institutions, Kymlicka believes it will inevitably create benefits and burdens, benefitting those who share the dominant culture and burdening those who do not. Those benefitting will be the majority population as they effectively receive the "goods" associated with a societal culture for free. Those being burdened will be minority communities whose practices and beliefs are significantly different from the dominant societal culture and who effectively have to spend their own resources to maintain aspects of their own societal culture. In this context, without a secure societal culture, cultural minorities may be disadvantaged because the context in which they understood and pursued their meaningful options no longer exists. In other words, a lack of a secure societal culture can undermine the ability to pursue an autonomous life. For example, since English is the official language used in, say, British schools and other public services, it would disadvantage newly-arrived immigrants who have a different mother tongue. To adapt, they are expected to

integrate into the dominant societal culture which involves learning English, and this, according to Kymlicka (1995: 85), can be a costly and arduous process that can occur across generations. For example, it can depend on the age of the person and the gradualness of the integration process (Kymlicka: 1995: 85). If immigrants wish to keep their minority language alive because it is an important feature for their community, they will need to spend their own resources, for example, funding weekend or evening schools, while at the same time, the majority receive their linguistic heritage for free. In these circumstances, group-differentiated rights are regarded as measures to remedy such an unfair disadvantage (Kymlicka: 1995: 113).

Kymlicka argues that because liberals support measures mitigating the effects of unequal outcomes which arise through no fault of the individual, they ought to support group-differentiated rights for minorities in the same circumstances (Kymlicka: 1989: 186). For example, individuals born into poverty or with a physical disability are arguably disadvantaged when it comes to living a fulfilling life. Therefore, they should be given resources that can afford them a fulfilling life because they did not choose to be born into poverty, nor did they choose to be born with a disability (Kymlicka: 1989: 186). Using the same principle, since minority communities often find themselves at a disadvantage in terms of preserving the integrity of their societal culture, they should be compensated because it is through no fault of their own that the dominant societal culture promotes the interests and needs of those other than their own. Group-differentiated rights can be regarded as the measure for addressing these disadvantages as not only do such rights promote fairness between minority and majority communities, but they also ensure measures are in place for autonomy to thrive. From this perspective, if liberals are committed to the promotion of autonomy and equality, they should also endorse group-differentiated rights for minority communities.

Kymlicka also distinguishes between the types of claims minority communities may make. In general, minorities may make a claim for internal restrictions and external protections. The former generally refers to the group seeking the use of state power to limit the freedom and liberties of its members in the name of solidarity (Kymlicka: 1995: 36). However, restricting the freedom of individuals is inconsistent with any system of group rights that endorses individual autonomy (Kymlicka: 1995: 153) and groups cannot reasonably expect their claims to be accommodated if their practices are in violation of this principle. Conversely, external protections refer to the group seeking to protect itself from the decisions of the larger society (Kymlicka: 1995: 35-36). Because a liberal view requires equality between minority and majority groups, external protections should be endorsed because such measures promote fairness between groups by putting minority cultures on a level standing with the dominant majority culture (Kymlicka: 1995: 37).

For Kymlicka then, secure membership of a cultural community is key to promoting autonomy. However, Kymlicka believes the right to membership of a cultural community does not belong to all minority groups equally. This is due to the distinction he makes between national and ethnic groups, with the former accorded more rights than the latter. For Kymlicka, national groups are historical communities that occupy a given territory or homeland, share a distinct language and culture and despite their involuntary incorporation into the larger polity, retain a sense of nationhood that distinguishes them from the majority culture (Kymlicka: 1995: 10-11). With their own language and distinctive culture, national minorities may struggle to survive given the pressures towards the creation of a single common culture and, consequently, they will in all probability be marginalised from major political and social institutions (Kymlicka: 1995: 80). As a result, minorities often demand various

forms of self-governing rights to run their own affairs. He gives the example of Quebec, a French-speaking province of Canada, which enjoys extensive devolved powers over issues that are significant to the survival of the French culture including education and language (Kymlicka: 1995: 28). Ethnic groups, in contrast, are groups who voluntarily leave their original homeland thus leaving behind the set of practices that made sense to them (Kymlicka: 1995: 78). They possess their own distinct cultural beliefs which they hope to preserve while wishing to be integrated into the larger society and be accepted as full and equal members in it. As Kymlicka (1995:11) puts it, "While they often seek greater recognition of their ethnic identity, their aim is not to become a separate and self-governing nation alongside the larger nation but to modify the institutions and laws of the mainstream society to make them more accommodating of cultural differences". Moreover, ethnic groups tend to lack a fully developed societal culture. Kymlicka therefore believes it is necessary to accord ethnic groups the rights that help them to express and preserve parts of their cultural heritage while facilitating their integration into the wider society. Exemptions from laws that disadvantage minority groups and public funding of cultural practices including arts and festivals are examples of measures that can achieve this (Kymlicka: 1995: 31).

II: Critique

Kymlicka's conception of citizenship certainly constitutes an innovative attempt to demonstrate that the notion of group-differentiated rights is compatible with liberal principles such as individual autonomy and equality. He rightly identifies that group-differentiated rights can aid the process of integration rather than hinder it, and he also correctly identifies that while the traditional model of citizenship, which encourages a single culture and a common identity through the implementation of basic social rights, has been successful in terms of integrating the working-class population into the

national culture, it does not constitute a viable model for integrating ethnic and cultural minorities (Kymlicka: 2002: 328). Hence it is necessary for group-differentiated rights to be accorded to minority groups. Moreover, in addition to remedying the disadvantages minority groups may suffer, it could also be argued that group-differentiated rights can help to cultivate a shared sense of belonging to the wider community. This is because denying minorities the right to exercise their beliefs is more likely to undermine social cohesion since it makes it less likely that minority groups will participate and interact with the dominant wider society.

However, there are doubts as to whether Kymlicka's conception of group-differentiated rights and indeed his notion of multicultural citizenship can accommodate the needs of a genuinely multicultural society. Critics have identified three potentially significant worries regarding his defence of group-differentiated rights: (a) an unduly sharp distinction between national and ethnic minority groups and their respective rights; (b) an undue emphasis on the promotion of individual autonomy; and (c) a failure to appreciate cultural diversity on its own terms. The rest of this chapter will explore and highlight these concerns.

a) *Distinction between self-governing and polyethnic rights*

Recall the distinction Kymlicka draws between national minorities and ethnic groups and the subsequent rights accorded, self-governing and polyethnic rights. National minorities are historical communities with a distinct culture and language who were typically incorporated into the state involuntarily. Hence Kymlicka believes they should be accorded self-governing rights that deal with specific issues relating to the national minority, such as education and language issues. In contrast, ethnic groups tend to be immigrant groups who voluntarily leave their homeland to join a new society. They

typically wish to preserve aspects of their cultural practices while wishing to integrate into the wider society. Consequently, Kymlicka believes polyethnic rights are intended to help ethnic groups express their cultural heritage without restricting their efforts to participate and compete in the dominant wider society.

The first issue to note is that the distinction between national and ethnic minorities is too sharp, as is the distinction between self-governing and polyethnic rights (Carens: 1997: 35-47; Kukathas: 1997: 406-427; Mason: 2000: 125; Parekh: 2006: 103; Young: 1997: 48-57). Making such a sharp distinction is problematic in several respects. The first is that it cannot accommodate all cultural minorities as acknowledged by Kymlicka himself. For example, he argues that African Americans do not fall into the ethnic group category because they are descendants of slaves brought involuntarily to a new land by force and they do not fall under the national minority category because they do not have a common language or territory (Kymlicka: 1995: 24). Similarly, refugees do not fall under either category because they do not come to a new land voluntarily (Kymlicka: 1995: 25) and instead come because they are escaping war zones or persecution (Kukathas: 1997: 413). Other than refugees and African Americans, who he regards as a unique case, he fails to recognise that there may be other cases of groups that do not fall into either category. Kukathas identifies that the "involuntarily" aspect which Kymlicka ties to national minorities and the "voluntarily" aspect that he ties to ethnic groups is problematic. This is because the "involuntarily" aspect can also be applied to ethnic groups and the "voluntarily" aspect can be applied to national groups. For example, in terms of the "voluntarily" aspect, Kukathas notes that many Quebecois are in a position to live either as French-Canadians or Canadians but they voluntarily choose to hold on to their French heritage. In terms of the "involuntarily" aspect, Turkish immigrants in Germany can be regarded as involuntarily

members of their group because even though they wish to be regarded as members of the wider society ("German"), they are regarded as foreigners (Kukathas: 1997: 413). Therefore, national minorities and ethnic groups cannot be as easily distinguished as Kymlicka suggests, especially if voluntariness of membership in the community or wider society is the common benchmark (Kukathas: 1997: 414).

Another consequence deriving from Kymlicka's sharp distinction is that it indicates that he privileges the cultures of national groups over all other minority groups. Due to the nature of their struggles, he regards national minority groups as the more deserving of rights since he accords them a full set of rights that allows them to govern their own affairs, while groups such as ethnic minorities are accorded the fewest (Parekh: 1997: 62; 2006: 108). Kymlicka asserts that since ethnic minorities voluntarily leave their country of origin, they also forgo their right to their societal culture, whereas since national minorities tend to be communities that are involuntarily incorporated into the wider society, they should be allowed to maintain their societal culture. This is difficult to fathom given that Kymlicka also stresses the importance of culture and the role it plays in individual lives. Echoing a point Carens makes, if people's societal cultures are so important, immigrant groups should be on a par with national minorities in that they should also be allowed to recreate their societal cultures (Carens: 2000: 55). Therefore, it is difficult to see why only national minority groups are granted the full set of rights.

It could be said in Kymlicka's defence that the aim was not to favour national minorities over immigrant groups, but instead to differentiate the types of claims based on their needs. Since national minorities such as the Quebecois tend to occupy a given territory, possess their own distinctive culture, language and relevant institutions, and are involuntarily incorporated into a larger society, Kymlicka believes they can

typically sustain a viable societal culture, whereas immigrant groups lack the institutional foundation to build a societal culture. In this context, it is fair for national minorities to engage in their own programme of nation-building, by cultivating their own societal cultures and as part of this process, they may legitimately demand self-governing rights. On the other hand, because they lack the institutional foundation, and due to their status as voluntary migrants who typically wish to participate in the dominant society, immigrant groups can legitimately claim polyethnic rights as a way of securing better chances of integrating due to the cost and difficulties they may endure. However, this is questionable. As Parekh points out, immigrant groups may well be able to sustain a societal culture, given that sometimes they can occupy a given territory, and given the right resources, can develop the institutions necessary for a societal culture (Parekh: 1997: 62). Therefore, Kymlicka's assertion that self-governing rights should be allocated to national minorities alone is misguided as immigrant groups also possess the necessary capabilities to recreate their societal culture.

Moreover, Kymlicka's defence of polyethnic rights for ethnic groups is in itself inadequate. This is because Kymlicka ends up undermining his own argument as he tries to emphasise the inability of the state to be culturally neutral and hence argues for polyethnic rights on the basis that it would be unfair not to grant these, believing that immigrant groups will be burdened by the dominant societal culture. At the same time, he insists that immigrant groups have voluntarily consented to join the societal culture of their new homeland, which is a confusing point because why should immigrant groups be granted rights to preserve their cultural heritage if they have consented to join a new societal culture (Carens: 2000: 57)? This shows that making a distinction is unnecessary and actually undermines Kymlicka's intended argument, which is simply to differentiate the types of claims based on needs.

It could also be argued that the distinction between self-governing and polyethnic rights is too sharp and therefore fails to recognise that in some cases, the former set of rights may be more appropriate for immigrant groups while the latter set of rights may be more appropriate for national minorities. Demands by aboriginal groups in Canada (a national minority) for self-governing rights to control public institutions with regard to the aboriginal people are arguably akin to demands by Muslims in western societies (an immigrant minority) to control faith schools (Carens: 1997: 36). Regarding the latter, the language rights enjoyed by French-Canadians outside of Quebec, such as the right to use French in federal courts, fall under the category of rights Kymlicka identifies as polyethnic rights (Carens: 1997: 37). If polyethnic rights can be extended to national minorities and self-governing to immigrant groups, it shows that a clear-cut distinction cannot be easily made. Therefore, as Young puts it, it would be more appropriate "…to think of cultural minorities in a continuum, or perhaps in a set of continuaa" (Young: 1997: 50-51). She states that if we were to think of cultural minorities in a continuum, we can think of differences among cultural groups as a matter of scale and degree rather than simply the types of differences (Young: 1997: 51). For example, if cultural minorities were viewed in a continuum, the debate on whether particular cultural groups have a viable societal culture becomes a matter of degree, rather than the either/or distinction Kymlicka makes (Young: 1997: 51). In addition, whether a cultural community resides within a larger society due to the voluntary actions of its members is also a matter of degree, as is the degree to which they integrate into and separate from the larger society (Young: 1997: 51). What Young is claiming is that Kymlicka's distinction draws an unnecessary contrast between national and ethnic groups and as a result, certain groups are only entitled to certain rights. Young's suggestion therefore is to "soften" the distinction

Kymlicka makes as justice for minorities entails considering specific issues at stake, which means taking into account the specific circumstances of the group in question, such as the history of the group and how it became a minority in the first place (Young: 1997: 52).

On the whole, Kymlicka's sharp distinction between national and ethnic groups gives rise to several problems. One is that not all cultural minorities are capable of being accommodated as they do not fall under one of Kymlicka's categories. The involuntarily/voluntarily distinction is particularly unhelpful given that some migrants are not voluntary migrants, such as African Americans. There is also no scope for national minorities to be accorded rights that are earmarked for ethnic groups and vice versa. This is problematic because there are potentially legitimate cases of such rights being demanded as identified by Kukathas. It also privileges the cultures of national minorities over all other minority groups. This is worrying and confusing considering the importance of cultural membership to individuals and the role it plays in their lives. Rather than distinguishing between groups and the subsequent rights that can be accorded, this thesis believes we should consider cultural communities from the perspective of Young in that we should view them in a continuum and assess each claim within its distinctive context.

b) *The undue emphasis on the promotion of individual autonomy*

A second major concern regarding Kymlicka's framework is that it is too grounded in liberal values, in particular the promotion of individual autonomy. Defending group-differentiated rights on the basis that they promote individual autonomy raises the concern of whether his framework is capable of meeting and appreciating the needs of a genuinely culturally diverse society. A genuinely culturally diverse society will take

into account the needs of all cultural communities irrespective of whether they adhere to liberal principles or not. Contemporary multicultural societies contain within them values and belief systems from all walks of life. Some of these values and belief systems may be liberal in nature and some may not. Some may hold certain principles in a higher regard than others. Therefore a framework governing such a society must take this into account. This thesis argues that Kymlicka's autonomy-based framework does not meet this criterion, and that non-liberal minorities or minorities that fail to uphold the principle of autonomy will be further marginalised. This section aims to highlight that an autonomy-based approach is flawed because not all cultural communities attach the same value to autonomy as liberals do and, also, some cultural communities view their culture as a context of identity, as opposed to a context of choice.

Recall briefly that it is a societal culture that promotes autonomy, which involves leading a life according to one's own beliefs and convictions and also having the ability to revise and question those beliefs in light of new information. In addition, Kymlicka's distinction between external protections and internal restrictions also lends weight to his belief that autonomy, rather than tolerance, is liberalism's fundamental principle. To value culture solely because it can create an extended range of options is flawed because it overlooks the multitude of ways in which cultural minorities relate to their culture. In simple terms, there is more to culture than fostering autonomy. First of all, not all individuals value their culture simply because it can provide them with meaningful options and the ability to revise these options. There are some cultural communities that view their beliefs as sacrosanct and do not see them as something that can be revised and questioned (Cassatella: 2006: 83-84). Such cultural communities tend to base their claim for group rights on such factors (Cassatella: 2006: 97). This

may apply to religious groups who prefer to live their lives according to their respective doctrines. For example, Muslims do not see their cultural beliefs as something that can be readily questioned or revised (Cassatella: 2006: 83). Moreover, communities such as Hindus and Orthodox Jews view their culture as something to be inherited and passed down to future generations out of loyalty to their ancestors, while other groups like the secular Jewish community see their cultural background as constituting part of their identity (Parekh: 1997: 59). These are just some of the various ways in which minorities view and relate to their culture. It is also apparent that these ways of relating to culture are different from Kymlicka's overtly autonomy-based approach.

Giving undue emphasis to the promotion of autonomy is problematic because it does not give due weight to the importance of individual identity. In actuality, an argument based on expanding the choice sets of individuals is not particularly relevant for a genuinely multicultural society given that there is more to culture than autonomy. Indeed, cultural minorities tend to base their demands on the fact that their culture serves as a "context of identity" regardless of the range of options it provides (Courtois: 2008: 36). This point is echoed by Parekh who believes that individuals are culturally embedded in the sense that their behaviour and values are deeply shaped by their membership of a cultural community (Parekh: 2006: 120; 155). For Parekh, culture is constitutive of an individual's identity because it structures the personality of individuals:

> They learn to see the world in a particular way, to individuate and assign certain meanings and significance to human activities and relationships, and to conduct the latter according to certain norms. They also acquire particular habits of thought and feeling, traits of temperament, inhibitions, taboos, prejudices, and musical, culinary, sartorial, artistic and other tastes. They build up a body of sentiments and memories, acquire love of certain kinds of sounds, smells and sights, heroes, role models, bodily gestures, values, ideals, and ways of holding and carrying themselves. Since all these are often acquired unconsciously and in the course of living within a more or less integrated way of life, they strike deep

roots and become an inseparable part of their personality. (Parekh: 2006: 155-156)

In his critique of Kymlicka, Forst argues that it is not culture as a "context of choice" that is important, but rather culture as a "context of identity" in the sense of the "historically grown, particular meaning a culture can confer to individuals as a member of that group" (Forst: 1997: 66). Only if we view culture as a specific social environment in which individuals are raised and identities are formed can a persuasive case be made as to why national minority groups should be allowed the opportunity to recreate their societal culture (Courtois: 2008: 36). In contrast to Kymlicka's autonomy-based argument, there is no reason to believe that members of a minority require access to their own particular culture as any culture that fosters autonomy should suffice. Therefore, an argument based on culture as a "context of choice" is insufficient whereas the argument based on culture as a "context of identity" is more compelling given the significance and value individuals place on their culture. Moreover, an argument based on the "context of identity" can also espouse the intrinsic value of cultures and indeed cultural diversity as a whole. As Courtois (2008: 37) notes, only the intrinsic worth of culture can adequately explain the deep bond and attachment individuals may have to their culture.

In essence, Kymlicka's assertion that we need our own culture to exercise autonomy is misguided because it is possible to show that a culture can simply be a "…means among others…" to exercise autonomy (Courtois: 2008: 37). In this respect, to justify the protection of cultures as a "context of choice" is not necessary because individuals do not have to grow up in their own culture in order to exercise their capacity for autonomy as it could very well be exercised in a cosmopolitan society (Courtois: 2008: 37).

An undue emphasis on the promotion of individual autonomy is also problematic on the grounds that it fails to take the needs of non-liberal communities seriously. This gives rise to the worry that Kymlicka fails to appreciate cultural diversity on its own terms. According to Cassatella (2006: 83), Kymlicka, with his emphasis on the core liberal values of autonomy and equality, fails to recognise that a genuinely multicultural society requires a framework that can adjust itself to plural understandings of culture. A framework grounded in liberal principles, in particular individual autonomy, carries little relevance for groups who do not endorse such principles. Some groups may be liberal, part-liberal or non-liberal, and values that are shared may not be ascribed the same importance as in other cultures. However, Kymlicka does not recognise this in his framework and seems to dismiss the needs of non-liberal groups as evident in his response to how liberals should respond to non-liberal groups – we should seek to liberalise them (Kymlicka: 1995: 94).

This response is flawed for several reasons. One is that there is an inference that Kymlicka does not value non-liberal communities because their cultures are not realistic options (Parekh: 2006: 165) in the sense that it would be difficult for outsiders to engage and participate in the culture. The Amish community is a perfect example because given that the character of the community is to avoid contact with outsiders, it would be difficult to engage and interact with them. With the Amish community isolating itself and thus difficult to interact with, it could be assumed that their culture is not a realistic option for non-members. Since connecting with the Amish culture is not a realistic prospect, Kymlicka's defence implies that there is no reason to engage or cherish their community (Parekh: 2006: 165). To supplement Parekh's argument, Kymlicka's theory would give us no reason to appreciate the Maori culture from a

devout Catholic perspective because there is no realistic prospect of becoming a member. To expect non-liberal communities to liberalise themselves internally so that their culture can be regarded as a realistic option for others highlights Kymlicka's failure to appreciate cultures in themselves. Moreover, it indicates that if non-liberal communities do not relate to their culture from a liberal perspective, it will be difficult to secure justice for these groups (Cassatella: 2006: 83).

Perhaps the main retort to Kymlicka's answer is the sincerity and genuineness in the liberalising process. In simple terms, if non-liberals are to liberalise, what is the motivation considering Kymlicka's defence is largely based on core liberal values. Cassatella raises this issue and argues that two scenarios can occur. One is that non-liberals can accept and endorse autonomy for "prudential" reasons (Cassatella: 2006: 89). The problem with this is that if non-liberals were to endorse autonomy for "prudential" reasons, it would be difficult to imagine they were doing so sincerely and actually hold these beliefs from the inside as Kymlicka demands (Cassatella: 2006: 89). For example, a group whose language is a pivotal part of their culture may request special rights or assistance in passing on their language to future generations, such as funding for weekend schools. However, the group in question may be non-liberal in the sense that it assigns a particular standing to women that is considered to be lower than that of men. This may manifest itself in the group restricting women to life at home meaning they are unable to experience the opportunities that male members have, such as economic opportunities and higher education. However, if the group wishes to secure funding that will ensure the future of their language for future generations, according to Kymlicka's suggestion, they must "liberalise" or the state should seek to liberalise them. Since the language is a pivotal part of their culture and the group believes it will help the community to thrive, the group agrees to undergo this "liberalisation" process

and therefore "lifts" the restrictions it had previously placed on its female members. As a result, the women are now allowed to work and attend university if they desire. Using Cassatella's logic, the group only lifted the restrictions on its female members to secure a pivotal part of their societal culture. They did not do so because they sincerely believe women should have the opportunity to work and attend university. This may have a negative effect in that once women are working and are in further education, they may face discrimination from male members of the group for pursuing roles that are traditionally considered for men only, or they may face subtle pressure to retain their traditional roles within the group.

The second scenario that Cassatella envisages sees non-liberals being "motivated" to accept autonomy via education and persuasion so that their beliefs do indeed come from the inside (Cassatella: 2006: 89). The problem with this is that it is difficult to envisage how non-liberal groups such as the Amish can be motivated to take part in a liberal education to value autonomy (Cassatella: 2006: 89). Cassatella argues that a liberal education can either be "gently imposed" or offered as an option. The former is challenging because it is not evident how autonomy can play a role in "starting" to motivate such groups to take part; the latter is problematic because since it is a choice, it remains exactly that – a choice – and it is therefore unlikely that a non-liberal group would freely take the choice (Cassatella: 2006: 89). This shows that as well as autonomy being problematic from a philosophical perspective, it is also problematic from a practical perspective. Kymlicka freely assumes the liberalisation process to be simple and straightforward and does not consider the potential implications of such a process.

From a philosophical perspective, Kymlicka's strategy of liberalising non-liberal groups is also problematic. This thesis believes such a strategy is incompatible

with genuine diversity as it involves profoundly changing the very qualities that make the group culturally distinct in the first place. Using the Amish as an example, it would mean members being given the opportunity to sample life outside their community. Sampling life outside the Amish community may involve new opportunities to do things they could never do before, such as using modern technology and dating people outside their community. Instead of using traditional methods such as a horse-drawn carriage, members are presented with the opportunity to drive a car, and instead of dating a fellow Amish they can date an African American. Such moves would be in accordance with the autonomy argument Kymlicka gives because a member is now presented with more "options". Members sampling life outside their community now have an extended range of options in terms of what constitutes the good life and now have the capacity to form new beliefs and values about the good life. Such moves are consistent with the promotion of autonomy because a member can then decide what is best for him – driving an automobile or a horse-drawn carriage or dating a fellow Amish or dating someone who is non-Amish. Although consistent with the autonomy argument, such moves risk taking away the community's distinct character. This is because the inherent "character" of the Amish community is essentially non-liberal if compared to core liberal values. The character of a group, according to Kymlicka, consists of the culture's "norms, values and attendant institutions" (Kymlicka: 1989: 166). Since the "norms" and "values" of the Amish community are to use traditional methods of the horse-drawn carriages and only marry within the community, "liberalising" the community by allowing members to sample life outside the community would dramatically alter the inherent "character" of the group. In other words, Kymlicka would be willing to change the character of a cultural community into something it is not.

Moreover, the consequences of Kymlicka's willingness to liberalise non-liberal communities is that it can take away diversity. A multicultural society may be multicultural due to the diverse beliefs and practices, but structurally speaking, it becomes "homogenous" in the sense that they are all liberal in nature. A genuinely culturally diverse society contains communities from across the whole spectrum including liberal and non-liberal communities, and to insist on the liberalisation of the latter is to take away diversity.

From this perspective, there is an implication that Kymlicka fails to appreciate cultural diversity in its own terms. That is to say, Kymlicka fails to recognise that since culture is valuable to its adherents, this is enough to justify the protection of that culture regardless of whether or not it promotes autonomy. Genuine diversity will inevitably involve an eclectic mix of communities from all backgrounds, whether they are liberal or non-liberal. However, Kymlicka's instrumental approach implies that minority groups who endorse liberal standards are to be supported, while minority groups who do not are to be denied, unless they conform to liberal ways. Therefore, Kymlicka fails to give due recognition to the plurality of cultural diversity and essentially believes the inherent character of cultural diversity should be liberal.

To appreciate cultural diversity in its own terms necessitates reflecting on the values and deficiencies of our own culture, a view that is echoed in the work of Bhikhu Parekh. He states that the diversity of cultures interacting in a multicultural society can be beneficial in the sense that other cultures can help us to reflect on our own culture and subsequently, we can ascertain its strengths and inadequacies (Parekh: 2006: 167). Cultural diversity from this perspective enables the enrichment and expansion of cultural knowledge and access to a broad spectrum of cultures is an important constituent of human freedom (Parekh: 2006: 167). In other words, this can help

individuals to appreciate and build on their existing cursory knowledge of cultures. It can help individuals to consider a different viewpoint and put themselves in the shoes of minorities in order to understand the various ways in which culture is valuable to minority communities. Parekh's definition of culture essentially conveys the intrinsic value of cultural diversity. It has significant value to the adherents of that particular culture and that in itself is enough justification to warrant protection, as opposed to cultures being protected to ensure the promotion of autonomy. Parekh argues that while Kymlicka appreciates culture on one level, he rebuffs it on another level in that a liberal theory of culture lacks appeal for non-liberal minorities and hence is not sufficiently sensitive to the demands of a genuinely multicultural society (Parekh: 1997: 60). To fully appreciate the needs of a genuinely multicultural society involves a plural understanding of culture. However, Kymlicka's conception seems to be based on a liberal understanding of culture.

Conclusion

With the increasing presence of cultural diversity in contemporary liberal societies, Kymlicka was the first major theorist to attempt to develop a set of minority rights from a liberal viewpoint and also attempted to endorse a set of minority rights that follows on from Marshall's concept. However, ultimately, Kymlicka's instrumental framework remains problematic. He makes an unduly sharp distinction between national and ethnic minority groups and the subsequent rights they are accorded. Some cultural minorities do not fall within either category and hence Kymlicka's framework is not capable of delivering justice to these groups. It is also unhelpful given that it is possible for national minorities to be accorded rights specifically designated for ethnic groups and vice versa. In addition, the emphasis on the involuntary/voluntary incorporation distinction is unhelpful because it implies the cultures of national minorities are more

deserving of protection than the cultures of ethnic groups. Because of his undue emphasis on the promotion of individual autonomy, Kymlicka also fails to take into account the genuine diversity of cultures within contemporary multicultural societies. Ultimately, the liberal model he advocates fails to take into account the needs of cultural communities who are non-liberal in nature. This implies non-liberal cultures are not valuable since they do not foster autonomy. Since non-liberal cultural communities are not valued because they do not endorse autonomy or do not regard autonomy as a primary good, justice is to be denied to these groups.

In the final analysis, Kymlicka fails to appreciate and understand culture in its own terms. Cultures can be valued and treasured because they can encompass a whole range of values including autonomy. Another implication of an autonomy-based approach is that by restricting his defence to autonomy, Kymlicka overlooks the multitude of ways in which individuals identify and relate to their culture. For example, some value their culture because it constitutes part of their identity in that their identity is tied up with the values, traditions and practices of a community and for this reason, it is difficult to relinquish; some value their culture out of a religious duty to obey their doctrine; some regard their cultural beliefs as something that cannot be revised or questioned; and some value their culture out of loyalty to their ancestors or of a desire to pass it down to future generations. As an alternative, there needs to be an account of the intrinsic value of cultural diversity. Kymlicka's account of the value of cultural diversity is inadequate as it only values cultures as potential choice sets in living the good life.

In contrast, framework of Bhikhu Parekh is worth considering as a credible alternative. As mentioned earlier, Parekh's approach is to convey an intrinsic worth of cultural diversity where culture has value in itself, and also promote and manage the

relationship between the diverse cultures in a given society. For Parekh, the interaction between diverse communities allows individuals to be exposed to different values and belief systems which can expand and enrich the human condition. In simple terms, it opens the door to a variety of cultures that individuals may not have access to. The following chapter aims to explore this further.

Chapter 3. *Bhikhu Parekh's value of culture*

Chapter 2 focused on Kymlicka's conception of minority rights and whether it can constitute the fourth set of citizenship rights, following on from Marshall's civil, political and social rights. It also highlighted the flaws of a liberal framework that is centred on the promotion of individual autonomy. Not all cultural communities view the promotion of individual autonomy as paramount. Although Kymlicka's framework may capture the significance of cultural membership to individual well-being, it does not highlight the importance of cultural diversity as such. One theorist who does attempt to capture this is Bhikhu Parekh. For Parekh, multiculturalism is about the relationship between different cultural groups who all possess their own distinct and significantly meaningful practices and traditions: his theory centres on the institutionalised process of dialogue between these cultures (Parekh: 2006: 14). What underpins his commitment to an institutionalised process of dialogue is his belief that individuals are culturally embedded in the sense that their behaviour and values are deeply shaped by their membership of a cultural community.

This chapter focuses on Parekh's insights regarding the value of cultural diversity. It will argue that despite putting forward a persuasive case for the value of cultural diversity, his overall argument is undermined by a tacit association with liberalism. While Parekh highlights the limitations of a liberal framework and claims his overall framework transcends this, further analysis shows that Parekh's approach remains rooted within the liberal trajectory. For example, firstly, the dialogical process he proposes as a solution to resolving contentious claims resembles a liberal outlook. Secondly, Parekh believes that every political community needs to develop a shared national identity. However, his conception of a national identity is grounded solely in politico-institutional terms, which reflects the common liberal approach of drawing a

sharp distinction between the public and private realms of society. In addition, because it is located solely in the political structure, this grounding may not be strong enough to sustain a genuine sense of belonging among the members of the polity.

While the chapter will explore the difficulties inherent in Parekh's position, it will also defend Parekh's belief that in order to treat individuals equally, it is at times necessary to treat them differently. While this constitutes the bedrock of Parekh's formulation of equality of opportunity, Parekh's position has been criticised because a) his formulation renders culture a powerful force that dictates all actions of individuals and b) it advocates the notion of differential treatment as opposed to uniform treatment. This chapter will take this defence of Parekh to further emphasise the importance of cultural diversity and the importance of culture to individuals. It will conclude that despite conveying several key insights about the value of cultural diversity as a whole, the framework that he proffers ultimately remains problematic and rooted within a broadly liberal trajectory. The next section will begin with a brief look at the concept of value pluralism, as it underpins Parekh's approach to the politics of multiculturalism.

I: Value pluralism

Recall Kymlicka's attempt to develop a liberal theory of group-differentiated rights based on the promotion of liberal values, in particular individual autonomy. This liberal-minded approach is in stark contrast to the views of Parekh, who believes a multicultural society cannot be constructed on liberal principles alone. Since multicultural societies consist of multiple cultures and minority communities each with their own conception of the good, Parekh (2006: 13) believes a framework based on a particular set of principles is problematic. According to Parekh, a liberal set of principles can, at best, provide the conditions for liberal groups to flourish but not for

non-liberal groups or groups that do not attach primacy to liberal principles. While liberalism may be hospitable to some forms of cultural diversity, it remains too monistic and culturally specific. Ultimately, a liberal framework endorses a particular way of life that is perceived as morally "better" than others (Parekh: 2006: 14). According to Parekh, liberalism tends to universalise itself in terms of how to live the good life and thus uses its own standards to judge other cultures and their conceptions of the good life. In simple terms, while multiculturalism is often seen as an extension of liberalism and liberalism tends to define itself as the theory of multiculturalism, Parekh believes liberalism to be one conception of the good life among many others. As a result, Parekh endorses a position where liberalism is no more dominant than the other conceptions of the good life. Therefore, the principles of justice governing a multicultural society cannot involve liberal values alone, for this would exclude the presence and deny the legitimacy of non-liberal cultures (Parekh: 2006: 14). Instead, the principles of justice governing a multicultural society must contain principles that go beyond liberalism in that it should "…rise to a higher level of philosophical abstraction" (Parekh: 2006: 14).

Parekh's position here is underpinned by a commitment to value pluralism, which holds that "…fundamental human values are irreducibly plural" (Crowder: 2002: 2) meaning there is no single conception of the "good life" but rather a variety of competing and equally legitimate ideas. The argument that human values are irreducibly plural therefore suggests that complete harmony among all values is impossible. People are bound to deviate in their views over what constitutes the good life as it is not possible to show the superiority of one conception over another (Heywood: 2007: 324). Therefore, it can be said that differing conceptions of the "good life" are "incommensurable" and cannot be compared (Crowder: 2002: 49). The idea behind this is that there are some things that are so distinct and different that there is no

common benchmark for individuals to ponder their worth or worthlessness. For example, a chair is distinctly different from a car and therefore values such as the sturdiness of the chair and the visual appeal of the car cannot be measured using a common benchmark. The same principle can apply to cultures. For Parekh, comparing cultures is logically incoherent because they each represent a unique conception of the good life, although he does acknowledge that we can compare specific aspects (Parekh: 2006: 173). For example, we can show that the literary qualities of one culture are richer than another and we can show the spirituality of one is deeper than another (Parekh: 2006: 173). As Gray (2000: 34) notes, such comparisons may highlight differences in the interpretation of values in that one culture may hold a certain value in a higher regard than another culture or "...what some praise as virtuous others may condemn as a vice".

As a result, members of a multicultural society are likely to disagree about what constitutes the good life because it is not possible to show the moral superiority of one culture over another. For example, while liberals would like to ban or at least discourage the practice of arranged marriage because it violates the values of personal autonomy and choice, those who engage in the practice may argue that it is an integral part of the Asian way of life (Parekh: 2006: 275). If one endorses values such as individual autonomy, then one could say the liberal culture in question is "better" than the Asian culture because it promotes individual autonomy, but this does not mean that it is on the whole "better". In this instance, the concept of arranged marriage is being compared to see whether it meets the liberal standard of autonomy and because it does not, liberals are inclined to oppose the concept. According to Parekh, this is indicative of the current problems faced by minority groups - the morality of other cultures is being understood within a contextual background of liberal western ideas on how life

should be lived. For instance, a problem with discrimination and racism is that those who are the perpetrators often assume that their culture and the characteristics associated with it are the norm and anybody who deviates from this norm is deemed to be deviant. A tradition that may seem peculiar in one culture may actually tend to be the norm in another. For example, the social practice of bowing one's head when greeting another person is a well-established practice in Japan. However, this may seem peculiar in western cultures where the traditional meet-and-greet convention is to shake the other person's hand.

However, in a liberal multicultural society, how should minority practices that are deemed offensive be handled? This question is central to Parekh's approach to multiculturalism and group-differentiated rights, which seeks to combine a typically liberal emphasis on equal respect for diverse cultures with the promotion of genuine cultural diversity. Culturally diverse societies contain both liberal and non-liberal communities and these groups are likely to come into conflict. For that reason and to establish fair terms of justice, a rational debate is required in the form of intercultural dialogue. Parekh believes that through intercultural dialogue it is possible to come to a concrete resolution that suits all parties.

Parekh believes such dialogue should take place within a set of "operative public values". This, according to Parekh, constitutes the basic moral structure of society in that it consists of a set of values and rules that all individuals adhere to because society cherishes them, encourages its members to live by them and judges its members' behaviour in terms of them (Parekh: 2006: 269). It constitutes a moral code that all individuals are expected to abide by. In simple terms, it could be described as "this is how we do things here". In addition, they are "…regulated by a body of civic values and practices and constitute society's civic culture" (Parekh: 2006: 269). Thus

the "operative public values" constitute the society's common culture. Parekh stresses that these values are general in nature but nevertheless provide an acceptable starting point for public debate between the majority and minority because people's initial judgements are based on these values (Parekh: 2006: 270). Furthermore, these values are not inviolable and are open to the possibility of revision themselves, especially if the resulting dialogue yields a mutual consensus (Parekh: 2006: 270). In essence, Parekh sees the "operative public values" as a framework within which genuine diversity can be accommodated because it allows minorities to present their case to the majority regarding contentious issues. For Parekh, a "good" multicultural society does not derive its principles from a pre-determined set of principles. Instead, principles must be dialogically constituted to meet the realities and challenges of a multicultural society. In addition, it should "…nurture a climate in which it can proceed effectively, stretch the boundaries of the prevailing forms of thought, and generate a body of collectively acceptable principles, institutions and policies" (Parekh: 2006: 340). Such a dialogically constituted society retains the spirit of liberalism and the value of cultural diversity.

Examples of such dialogue could include issues such as animal slaughtering and arranged marriage. The Jewish and Muslim method of slaughtering animals has long been the subject of debate due to the supposed cruel nature of the way in which the animal is slaughtered. However, if subjected to intercultural dialogue, both sides of the argument is given in that the majority are enlightened as to why such a method is important to their respective cultures and the Jewish and Muslim communities are enlightened as to why kosher and halal methods of slaughter are perceived by the majority to be wrong. On this particular topic, both the Jewish and Muslim representatives may argue that although the animal is not stunned prior to death, this

does not necessarily mean the animal is subjected to horrific pain as the pain suffered is at best "minimal" and in general does not violate the "operative public values" of western liberal societies (Parekh: 2006: 274). In the dialogue regarding the practice of arranged marriages, the problem is that there is unease with the concept due to the perceptions of liberals that it violates personal autonomy and choice (Parekh: 2006: 275). Parekh refutes this by arguing that it is interlocked with other practices, is an integral part of the Asian way of life, means a great deal to its adherents, and marriages are likely to be happier and last longer if parental consent is involved (Parekh: 2006: 274-275). Another fact that supports the concept of arranged marriages is that romantic love as the basis for marriage has only existed since the nineteenth century and prior to then arranged marriages were the norm and actually served society well. On the view that it violates personal autonomy, Parekh notes that if those involved are happy to go through with it or have had a say in the decision then they have chosen to do so and therefore their choices should be respected (Parekh: 2006: 275).

II: Culture and cultural diversity

Parekh contends that because it is difficult to show that one culture is morally superior to another, the principles of justice governing a multicultural society should be based on the value of cultural diversity and should nurture an institutionalised dialogue between different cultural communities (Parekh: 2006: 13). Therefore, the politics of multiculturalism, for Parekh, is about managing the relationship between different cultural communities and trying to establish just and fair terms. Before moving on, it would be sensible to outline what Parekh defines as culture. He defines culture as a "…historically created system of meaning and significance or, what comes to the same thing, a system of beliefs and practices in terms of which a group of human beings

understand, regulate and structure their individual and collective lives" (Parekh: 2006: 143).

In addition, every culture is fluid and hence is a complex system with no defining identity that encompasses the moral life (Parekh: 2006: 145). In other words, cultures are not constituted by a fixed set of values and beliefs. Instead, cultures are constantly evolving and developing over time and it is this that structures the moral life. For Parekh, the moral life is concerned with what kind of life is worth living, what activities are worth pursuing and what form of human relations are worth cultivating (2006: 144). This bears a similarity to Kymlicka's belief that we should lead life from the "inside". Since cultures are constantly developing over time, they are constantly open to question and subject to change (Parekh: 2006: 148). For Parekh, therefore, culture plays an important role in the pursuit and revision of our conception of the good life. In order to choose our conception of the good life, we must form beliefs about the values of social practices; it is the culture that we live in that helps individuals to shape their beliefs. Furthermore, as cultures are constantly developing and open to question, cultural context and the conceptions of the good grounded in these contexts are open to revision. On the whole, Parekh sees culture as a vital component for human life because of the manner in which it structures all aspects of moral life. Furthermore, he argues that because human beings are culturally embedded and are deeply shaped by their communities (Parekh: 2006: 120), culture is indicative of who we are in that it affects and shapes our personalities and all aspects of moral life. It is therefore no surprise to find that Parekh regards a policy of assimilation as impossible. For Parekh, assimilation involves unviable views of a coherent and unified cultural structure and often fails in its promise of "full and unqualified acceptance" (Parekh: 2006: 197-198). There are two points to this. The first is that assimilation presumes a society where there is a fixed

cultural and moral structure, which contrasts with Parekh's belief that cultures are not fixed and are constantly developing. The second is that even if individuals assimilated into the wider culture, there is always the danger of their past background being used as the basis for discrimination by the wider society (Parekh: 2006: 198).

This view is also constitutive of Parekh's commitment to value pluralism because assimilation essentially argues for minorities to abandon their culture: to abandon one's culture is to relinquish all of one's core beliefs and values and adopt the norms of the dominant majority. In contrast, Parekh's commitment to value pluralism rests on the belief that there is no single conception of the good life that is superior to others. Indeed for Parekh, diversity of ways of life is in itself valuable.

The value of cultural diversity arguably constitutes Parekh's key contribution to the debate on multiculturalism. While, just like Kymlicka, Parekh endorses the use of group-differentiated rights and entitlements for minority groups, Parekh values cultural diversity in itself, whereas Kymlicka believes culture is valuable because it is conducive to autonomy. Parekh argues that a viable framework for a multicultural society must take into account the value of cultural diversity as a whole. He identifies several arguments that are often used to render diversity a desirable trait. Echoing Kymlicka's position, one is that diversity expands freedom of choice and increases the available range of options (Parekh: 2006: 165). Although important, Parekh maintains that this argument is restrictive in that there is no good reason to value other cultures if they are simply options. After all, there is no good reason to value other cultures if one is perfectly content with one's own. Another argument is that since individuals are culturally embedded, they have a right to their culture and therefore cultural diversity is inescapable. This argument is flawed because it shows why membership of one's culture is important, but not why cultural diversity is valuable (Parekh: 2006: 166).

Another argument is that diversity creates a "rich, varied and aesthetically pleasing and stimulating world", but Parekh believes that although this may be true, it is too vague to carry the moral burdens placed on it (Parekh: 2006: 166). By this, he means that cultures and cultural diversity cannot be justified simply because they offer a stimulating and aesthetically pleasing world. Instead, making the case for diversity involves recognising that cultures are moral systems that contain within them the ability to shape and influence the lives of their members.

Parekh's approach to the value of cultural diversity is different. He believes that although the above arguments have merits, we should regard cultures as valuable in themselves regardless of whether they are options for us, because this can remind us of the limitations of our own culture and can expand our intellectual horizons (Parekh: 2006: 167). Reflecting his commitment to value pluralism, he argues that since human values are liable to conflict, every culture realises a limited range of potential values. Hence no culture can embody all that is valuable and, therefore, different cultures can correct and complement each other and also expand each other's intellectual horizon (Parekh: 2006: 167). In other words, a diverse multitude of cultures can engage in a mutual process of adaptation and change. For Parekh (2006: 168), cultural diversity creates an environment where different cultural communities can engage in a mutually beneficial dialogue. This ensures that the various cultures can learn from each other and can generate different perspectives and ideas that, on the balance of probability, would not occur in a culturally homogenous society (Parekh: 2006: 168).

Furthermore, cultural diversity is an important constituent and condition of human freedom in that individuals cannot step out of their own culture unless they have access to another and it is this diversity that allows individuals to do so (Parekh: 2006: 167). He argues that "unless human beings are able to step out of their culture, they

remain imprisoned within it…" and imagine "it to be the only natural or self-evident way to understand and organise human life" (Parekh: 2006: 167). The presence of various diverse cultures therefore allows individuals to view their culture from different perspectives, to identify its strengths and weaknesses and to deepen their understanding (Parekh: 2006: 167).

Parekh also addresses an obvious potential criticism of the value of cultural diversity: one may be perfectly happy with one's culture and see no reason for wanting access to an extended range of cultures as options. In other words, he is referring to the claim that a culturally homogenous society can offer just as much as, if not more than, a culturally diverse society. For Parekh, a culturally diverse society is better for individuals than a culturally homogenous society in terms of its principles and his case for cultural diversity is based on these foundations. Four arguments are put in favour of this. The first is that while a culturally homogenous society can promote solidarity and facilitate a sense of community among its members, it tends to become closed, intolerant and even oppressive (Parekh: 2006: 170). As a result, it lacks the conditions for its members to develop their intellectual capabilities, openness, tolerance and sympathy for other cultures (Parekh: 2006: 170). In other words, a culturally homogenous society is likely to be more hostile and intolerant towards individuals from minority backgrounds because members of the former are not exposed to other cultures on a daily basis therefore leading to a "fear of the unknown".

The second argument Parekh makes in favour of a culturally diverse society over a culturally homogenous society is that the former can reproduce all the desirable traits of the latter while the latter cannot reproduce all the desirable traits of the former (Parekh: 2006: 171). For example, a culturally homogenous society cannot reproduce the features of an intercultural dialogue though there is no reason to suggest that a

culturally diverse society cannot recreate the desirable characteristics of a culturally homogenous society such as solidarity and a sense of community (Parekh: 2006: 171).

The third argument is that as a result of globalisation and the changing nature of modern society, a culturally homogenous society is irrelevant in terms of coping with the demands that diversity brings and is unrealistic if it thinks it can resist external influences (Parekh: 2006: 171) With money, people and ideas moving freely across the world and new technology coming of age, the introduction of new forms of thought and life is inevitable (Parekh: 2006: 171) Furthermore, as most societies are already characterised by cultural diversity, Parekh believes we should attempt to take advantage of the benefits diversity has to offer rather than attempt to create homogeneity. Besides, such an attempt constitutes an unrealistic solution given that it involves an unacceptable degree of internal repression, limited contact with the outside world, bans on foreign literature and travel and so on (Parekh: 2006: 171). The fourth argument Parekh makes is that cultural diversity recognises that the good life can be lived in a variety of ways including those that can be culturally homogenous. Therefore, although cultural diversity has more to offer than cultural homogeneity, we should respect the decisions of those who freely decide to live within a homogenous community because multiculturalism is "not committed to the view that only the culturally open way of life is best" (Parekh: 2006: 172): we can have culturally homogenous communities with a multicultural society.

III: Parekh's political structure

Parekh argues that in the quest to foster unity and diversity, different multicultural societies have to devise their own common principles that together comprise society's political structure (Parekh: 2006: 206). He offers his own interpretation of what

common principles should be employed in devising a political structure but stresses that this should be viewed as merely a "navigational device" (Parekh: 2006: 206). These are: structure of authority; justice; a common culture; a multicultural education; a national identity; and collective rights. To stay within the context of this thesis, only two will be highlighted – common culture and national identity.

Common culture

At first glance, the endorsement of a common culture would appear to be at odds with Parekh's commitment to cultural diversity. While the idea of a common culture appears to imply uniformity and homogeneity, a commitment to diversity entails tolerance of a diverse range of values.

Parekh, however, believes that a multicultural society can sustain unity and diversity. To achieve this, unity should be derived from encouraging its communities to establish an overarching common culture via interaction and dialogue (Parekh: 2006: 219). It is through this process of interaction between different cultures that a multiculturally constituted overarching culture will develop (Parekh: 2006: 221). Since it evolves through the interaction between different cultures, it is internally plural and both unites and respects diversity. It is this common structure that not only holds society together and secures social unity, but it also embodies diversity in the sense that it is inclusive of all and is created by the interactions of different cultural communities (Parekh: 2006: 221). In other words, the development of a multiculturally constituted overarching culture is indicative of the balance between unity and diversity. Moreover, it is indicative of accepting differences as an integral feature of society. Since different cultural communities have helped to create this overarching common culture, they are also able to identify with and develop an emotional attachment to this culture.

Additionally, a multiculturally constituted culture forms a common sense of belonging among citizens and provides a basis of overlapping values that is derived from, and sustained by, a dialogue between them (Parekh: 2006: 224). This can be related back to the idea of "operative public values", the very rules and values that bind a community of people together and embody a shared way of life. Because a multiculturally constituted common culture fosters a sense of belonging among citizens and provides a basis of overlapping values, it also fosters the development of the operative public values that underpin dialogue between communities. In essence, what Parekh has in mind here is a thin overarching structure that sustains and holds society together.

National identity

A multicultural society should also endorse a pluralistic and inclusive view of national identity because, for Parekh, it is vital to establish a common sense of belonging among citizens. He believes a political community needs to develop an idea of the kind of community it is, what it stands for and how it differs from others (Parekh: 2006: 230). The purpose of such an identity is to communicate to citizens the reasons why they belong and form part of a single community. It should tie its members to a common self-understanding of what it is that they share in common and inspire them to live up to the collective perception of the community (Parekh: 2006: 232). He notes that a national identity can be a source for division in that it can fragment sections of the population because every definition of a national identity can be selective in what it promotes or the definition itself can belong to a particular group thus marginalising others (Parekh: 2006: 231). For example, debate continues about whether a British national identity is centred on Britain being a predominantly white and Christian society. This notion arguably marginalises minorities and alienates them from feeling they are legitimate members of society. Therefore, it is vital that a national identity is

conceived in a way that incorporates all members of society and not just members of a particular group (Parekh: 2006: 231). For Parekh, there are several strands to developing an effective national identity. First, he believes the identity of the political community should be located in the political structure of the society and not in the common interests and behaviour of its members. It should be defined in politico-institutional terms (i.e. institutions, values and modes of public discourse) rather than ethno-cultural terms (Parekh: 2006: 231). Secondly, because members of a multicultural society can belong to various religious, ethnic and cultural groups, multiple identities should be recognised without incurring costs. For example, Parekh believes one can be both Scottish and British, Basque and Spanish and so on (Parekh: 2006: 232). Thirdly, a national identity should be defined in a way that includes all of its citizens and makes it possible for them to associate themselves with the identity. Parekh argues that minority groups cannot feel part of the community if its self-definition excludes them and treats them as outsiders (Parekh: 2006: 232). Finally, not only should national identity be inclusive but it should also accept all citizens as legitimate and equal members (Parekh: 2006: 233).

Parekh's position here stems from his conception of equality. For Parekh, once we take cultural differences into account, treating people equally may at times require differential treatment. For example, in matters concerning equal opportunities, the opportunity in question should be accessible to all and to truly make it accessible to all, it needs to be interpreted in a culturally sensitive manner. For Parekh, an opportunity is only an opportunity if the individual possesses the "cultural disposition" and the necessary "cultural knowledge" to acquire it. This means that if a cultural aspect restricts an individual from acquiring an opportunity, then it was never an opportunity in the first place. For example, a Sikh male, in principle, possesses the opportunity to

send his son to a school that prohibits the wearing of turbans. However, because the Sikh religion requires its male adherents to wear the turban, the Sikh male, in practice, no longer possesses that particular opportunity because he lacks the "cultural disposition" to utilise the opportunity (Parekh: 2006: 241). Now, remove the rule banning turbans and the Sikh does have the opportunity to send his son to the school – the Sikh does possess the "cultural disposition". However, it is not always as clear-cut as this. In certain circumstances, the cultural aspect that restricts one from acquiring the opportunity can be overcome with ease by reinterpreting and revising the cultural practice in question. For example, a Rastafarian with dreadlocks may be regarded as untidy in their appearance due to the nature of their hair. In a working environment where employees must be formally presentable and neat, the Rastafarian may be disadvantaged. To adapt to the requirement that all employees are presentable and neat, without getting rid of the dreadlocks, the Rastafarian can tailor the style of the dreadlocks to one that is presentable. In cases such as this, Parekh believes the minority should bear the cost involved in revising and reinterpreting the cultural practice. However, if it cannot be easily overcome and the practice is actually constitutive of the individual's identity and would result in a deep sense of moral loss for the individual, then the state should bear most of the costs. Parekh argues that how costs should be distributed can be established through intercultural dialogue (Parekh: 2006: 241).

IV: Critique

On the whole, Parekh makes a worthy attempt to construct a framework that is capable of meeting the needs of contemporary multicultural societies. He gives several valuable insights. One is that we should regard cultural diversity as intrinsically valuable, as opposed to the instrumental benefits endorsed by Kymlicka. His view that diversity

stimulates and enables us to expand our cultural horizons and also offers a fresh perspective as to how we view the world is certainly insightful. However, there are some areas of Parekh's framework that remain problematic. While Parekh argues that the ability of liberalism to accommodate genuine cultural diversity is limited because liberalism itself constitutes a comprehensive conception of the good, Parekh's own framework ultimately remains grounded within liberalism. This has far-reaching implications for Parekh's conception of intercultural dialogue because the conditions and principles governing dialogue also seem to resemble the outcomes of a liberal-based dialogue.

Another worry centres on Parekh's conception of a national identity. As Parekh recognises, the concept of identity is a complex process and there are a multitude of ways in which individuals identify and define themselves. For example, some derive their identity from their religious, ancestral or ethnic background. Some may even derive their identity from frivolous characteristics. For example some individuals may ground their Scottish identity in an affiliation with the Scottish national football team, or the Scottish banter. The same can be said of the English and Welsh identity. This thesis will argue that despite his acknowledgement of the complexity of constructing a national identity, Parekh's view that it should be defined purely in politico-institutional terms may prove to be challenging, given that statistics compiled by the CRE show that many citizens attach great significance to the very characteristics he believes are contentious: ethno-cultural characteristics.

Although most of the remainder of this chapter is devoted to a critique of Parekh's approach, the chapter will conclude with a defence of Parekh's formulation of equality of opportunity. While critics such as Phillips (2007: 112) and Barry (2001: 34) have accused Parekh of advocating an overly deterministic view of culture, which

leaves little room for individual autonomy, this chapter will argue that such criticisms are based on a misrepresentation of Parekh's conception of culture. Indeed, in practice, there are notable similarities between Parekh's approach to particular controversial cases and that of Barry.

Liberalism

Recall Parekh's argument that liberalism advocates a specific way of life and hence cannot provide an unbiased framework that accommodates all cultures (Parekh: 2006: 14). Furthermore, although we live in a liberal society, the values of liberalism are on a par with other conceptions of how life should be lived (Parekh: 2006: 14-15). Essentially, the thrust of the argument here is that there is a danger that liberal values are being regarded as the de facto conception of the good life, especially in the west, and we must rein this in if we are to establish a fair and just multicultural society. Instead, Parekh believes an appropriate framework must be grounded in the principles of dialogue.

Despite a worthy attempt to move to a higher philosophical vantage point than liberalism, critics have noted that Parekh's framework ultimately resembles the very values that he is trying to diverge from (Kymlicka: 2001a: 132). For example, Kymlicka argues that the procedural aspect of Parekh's dialogical framework is essentially the same as the liberal account of dialogue (Kymlicka: 2001a: 132). Parekh states that dialogue requires certain preconditions such as freedom of expression, basic ethical norms, equal rights, an accountable structure of authority and the empowerment of citizens (Parekh: 2006: 340). These, according to Kymlicka, are the key features of a liberal democracy. Moreover, according to Kymlicka, Parekh's belief that a dialogue requires an education that promotes knowledge of other cultures as well as intellectual

curiosity and self-criticism, bears a marked resemblance to an education that is liberal in nature (Kymlicka: 2001a: 132-133). Kymlicka is also critical of the suggestion that Parekh's approach differs from a liberal model because it allows religious minorities to offer religiously based arguments rather than secular reasons, and because non-liberal groups can challenge public norms that are liberal in character (Kymlicka: 2001a: 133). Kymlicka believes these so-called differences between Parekh's model and the liberal model are mistaken because advocates of the latter model do not deny that individuals can advance such claims. Kymlicka argues that freedom of speech – a key liberal value - essentially guarantees the right for citizens to make claims grounded in non-secular and religious reasons. The difference is that in a pluralistic society, these reasons are unlikely to carry any real weight in public discourse because of the public/private distinction that is prevalent in liberal societies. Thus from a liberal perspective differences related to, for example, ethnicity and religion are "private" matters and are irrelevant to "public" life.

Kymlicka also believes the likely outcomes of Parekh's dialogical framework greatly resemble those of the liberal model. For example, the outcomes of a Parekhian style dialogue regarding arranged marriages resemble those of a liberal model (Kymlicka: 2001a: 133). Under a liberal model of dialogue, claims and arguments will be rejected if the group in question denies the status of their members as free and equal citizens, their capacity to form their own conception of the good life and their own sense of justice – all of which reflect Parekh's principles for dialogue regarding contentious issues such as polygamy, female circumcision and arranged marriage (Kymlicka: 2001a: 133). This is a valid point. In Parekh's discussion of polygamy, he imagines that during dialogue, a recurring concern would be that this practice violates the principle of gender equality, or "principle of the equality of the sexes" as he calls it

(Parekh: 2006: 284). To violate the principle of gender equality is to deny citizens their status as free and equal citizens, thus resembling the liberal model. Crowder echoes a similar sentiment stating that gender equality seems to be an ideal that has emerged out of a distinctively liberal perspective and to conclude that gender equality should prevail over sexist practices is surely to side with liberalism (Crowder: 2009: 13).

Dialogue

Recall Parekh's principles governing intercultural dialogue. He says dialogue ought to take place under certain conditions, most notably under a set of "operative public values". He defines "operative public values" as the basic moral structure of society, that is, a set of values all individuals understand, relate to and adhere to because society cherishes them and judges its members behaviour in terms of them (Parekh: 2006: 269). The objective of such dialogue is to allow minorities to voice the reasons for the practice in question and for the majority to voice their reasons for condemnation. Moreover, such dialogue will trigger "bifocal" dialogues that discuss not only the merits and demerits of the practice in question, but also call into question the validity of the operative public values (Parekh: 2006: 271). In the end, if both sides cannot come to a mutually satisfactory conclusion, Parekh states the operative public values ought to prevail (Parekh: 2006: 273). This effectively means the practice in question is prohibited and liberal values will take priority.

According to Schuster (2006), if dialogue is as clear-cut as Parekh makes it out to be, then contentious practices such as female circumcision and the wearing of the headscarf would have previously been resolved. Parekh gives an example of how a dialogue would play out concerning female circumcision in children, giving reasonable and rational arguments for and against the practice. In the end, he concludes that it

needs to be banned. If both sides give legitimate arguments to defend and oppose the practice, then logically speaking, it would be difficult to see how one side would prevail. That is to say, if equally legitimate reasons are given for the continuation and outlawing of the practice, then it would appear an impasse has been reached, to which Parekh gives no guidance as to how to proceed. This undermines his position because, generally speaking, how can a practice be allowed to continue if compelling reasons are given against it and how can a practice be outlawed if equally compelling reasons are given in support of it? Moreover, because Parekh states that the operative public values would prevail in the event of both sides remaining unmoved on the matter, the minority practice in question would be banned and the minority community would lose out.

This has several implications. It implies that, all things considered, the minority community would find themselves in a no-win situation, even if the rationale for engaging in the practice is acknowledged. That is to say, the majority may acknowledge and understand the reasons given by the minority yet remain adamant that the minority are in the wrong hence, the minority will lose out. Parekh states that a society has no obligation to accommodate a way of life at the expense of its own, especially if it remains unconvinced of the minority's rationale (Parekh: 2006: 273). This is exemplified in Parekh's discussion of female circumcision as he gives several arguments in favour of the practice and also gives several arguments against, with the conclusion that the practice should be banned because, among a number of reasons, it offends basic moral and universal values as well as the "operative public values" (Parekh: 2006: 276).

Furthermore, because minorities are likely to lose out in such dialogue, it could potentially call into question their future participation. As Schuster (2006) points out, adherents to cultural practices will always remain unconvinced of the reasons behind a

ban. This raises the question of when one side will decide whether there is any point in engaging in a dialogue if the other side cannot be persuaded (Schuster: 2006). For example, if Parekh's form of intercultural dialogue were to occur in its current form, minorities may feel there is no point in participating if the majority cannot be convinced of their rationale and the practice would be prohibited under the society's "operative public values". A refusal to participate can then have damaging implications for social unity. The minority community may feel less inclined to participate in the wider society and be less inclined to integrate into the wider society. In addition, because the wider society has prohibited an integral part of their culture, the minority may feel that their culture has been undermined and their cultural identity has been disrespected. If minorities feel undervalued and disrespected, they will feel that their presence in society is unwelcome. Therefore, they will have no desire to participate and integrate in a society where they are not wanted. Furthermore, they have no reason to develop a belonging to their homeland. This may give rise to a less unified and more fragmented society.

Schuster (2006) also points out that as long as intercultural dialogue consists of the give and take of reasons, the final outcome will not reflect the supposed aims, such as remedying the inequality between cultures and highlighting the importance of culture. If a dialogue is simply about one side trying to justify a contentious practice, the other side trying to justify its ban, with the "operative public values" to prevail if no mutually agreed consensus is reached, it loses sight of the original purpose, which is to promote respect for cultural differences.

National identity

It is worth recalling that for Parekh, the development of a common culture is vital to sustain the social unity of society. This common culture is to be derived from interaction and dialogue between communities. Furthermore, the dialogue and interaction takes place under a set of operative public values, which basically is a set of moral rules that binds its citizens together, to which they are expected to adhere, and which constitutes the society's civic culture.

Parekh believes that the national identity of a given society should be derived solely from the political structure of society, including the values, institutions and modes of public discourse. According to Parekh, ethno-cultural characteristics, such as habits and mannerisms, should be excluded from the concept of a national identity because they are too contentious and are not shared by all citizens. Instead, Parekh believes that the national identity should be grounded in the established political institutions and fundamental political values that all citizens are expected to share as members of a community.

However, there are arguably several flaws in this conception of national identity. The first issue to note is that Parekh's strategy here is commonly used by liberals in response to the questions posed by cultural diversity. Like liberals, Parekh appears to draw a sharp distinction between the public and private sphere. This adds credence to the notion that Parekh is ultimately a "closet liberal". The second issue to note is that locating the concept of a national identity solely in the political structure of society is too restrictive and potentially too thin to sustain a genuine sense of belonging. It is restrictive in the sense that it requires a separation of culture and politics (Modood: 2005: 176). As Modood notes, Parekh's account would, for example, rule out the

French and Welsh language as part of the French and Welsh national identity (Modood: 2005: 176). The same logic could be applied to the English language in terms of a British national identity. However, the data collected in the CRE reports highlights the ability to speak the English language as a key factor in uniting the British people (CRE: 2005: 30). This may well suggest that English could be a key aspect in the construction of a British identity. Yet, under Parekh's criteria, the English language would not be incorporated despite it being one of eight key themes of Britishness, as identified in the CRE report. The other themes include national symbols such as the Union Jack and the Houses of Parliament, the British people, the geographical features of Britain, citizenship, British achievements, values and attitudes and British cultural habits and mannerisms. All these themes featured prominently in the responses of the participants to the CRE surveys. This gives rise to the worry that Parekh's conception of formulating a national identity may in practice be too thin to sustain a genuine sense of belonging to a British identity. In other words, Parekh's conception of a national identity may prove to be too narrow because it does not factor in any of the prominent themes of Britishness other than the political institutions and political values.

Equality of opportunity

The final line of critique this thesis wishes to explore relates to Parekh's view regarding equality of opportunity. Phillips (2007: 112) and Barry (2001: 34) have criticised Parekh's conception of equality of opportunity because they believe it implies that individuals are so deeply embedded in their cultural background that it will invariably dictate their future actions. Although Parekh may at times give this impression, this thesis believes this is not the case. Rather than compelling individuals to act in accordance with their cultural norms and beliefs, this thesis believes Parekh is simply

conveying the message that minorities hold their beliefs and practices in high regard and place a significant amount of value on these.

First, recall that, for Parekh, an opportunity is subject-dependent in that it only exists if the individual possesses the "cultural disposition" to take advantage of it. If an individual does not possess the "cultural disposition" then the opportunity is not actually available to that individual. For example, Sikhs may lack the "cultural disposition" to utilise the opportunity to send their child to a school that prohibits the wearing of the turban. However, Parekh attempts to qualify this view by insisting that this lack of "cultural disposition" may be overcome by revising the practice in question. Only if the revision of the practice involves a deep emotional and moral loss should the state bear the cost (Parekh: 2006: 241). On the whole, what Parekh is trying to say is that equality properly understood involves taking into account similarities and differences. If the latter are relevant, differential treatment as opposed to identical treatment is required, and if it is not relevant then equal treatment in the sense of uniform treatment is justified (Parekh: 2006: 240).

This view has attracted attention because in the eyes of his critics, his description implies that culture has such a strong hold that it undermines the capacity for autonomous decision-making. Anne Phillips (2007: 112), for example, argues that Parekh's approach is misleading because it suggests the culture in question is compelling individuals to act in a certain way or the culture is bound up with one's identity to such an extent that the ability to make autonomous decisions is severely lacking. In other words, individuals cannot make "culture-free" decisions or engage in "culture-free" actions because the decisions that they make or the actions that they engage in are all dictated by their cultural background. Phillips believes that in an attempt to make his argument hold weight, Parekh presents religious and cultural

beliefs as something that can incapacitate people with regard to making autonomous decisions. On Phillips' reading, Parekh employs this cultural dependency to justify legal exemptions for minorities (Phillips: 2007: 108-109). If we are to extend equality of opportunity to the "cultural disposition" of individuals, it raises the contentious issue of just how much sway a culture has over an individual (Phillips: 2007: 108).

Brian Barry also objects to Parekh's formulation of equality of opportunity. The objection is that all laws and policies burden some people more than others and Barry believes it is absurd to say that those who are burdened are unfairly treated and deserve some kind of special treatment (Barry: 2001: 34). Instead, Barry believes that if we are to grant exemptions, we need to establish that the reasons behind the exemption are compelling enough to show that the law itself was deficient in the first place. Like Phillips, Barry rejects the idea that culture compels individuals to act in a certain way. Part of the worry here appears to stem from the rise of so-called "cultural defence" cases. Barry claims that theorists of multiculturalism have actually abused culture to justify illegal or immoral actions by arguing that cultural membership predisposes or even forces people to behave in certain ways and to commit actions that violate liberal values. However according to Barry, to attempt to justify an action simply by reference to one's culture fails to adopt a moral perspective (Barry: 2001: 253). For example, turkey is the most commonly consumed meal on Christmas Day. If A asks B "why are you having turkey on Christmas Day?" and B replies "it is tradition to have turkey on Christmas Day", B's answer essentially reflects what Barry said about failing to adopt a moral perspective. However, if B had answered something along the lines of "because I want to", or "it is delicious", B would still be engaging from a moral perspective. However, if B bases his answer solely on the assertion that "this is part of my culture", B is not arguing from a moral perspective because the justifications for the act are not

based on autonomously held reasons, such as "because I want to", or "because I choose to". Yet, Barry misses the point. Since he does not regard culture as valuable, he fails to see the significance and profound effect it can have on individuals who hold their culture in high regard. If after careful deliberation and reflection an individual still believes in upholding a cultural tradition because it is important to the culture's way of life and its members, then an argument grounded in "it is tradition" will still be morally valid. For example, if B now replies, "yes I have thought about it and my answer remains the same. I have eaten turkey every Christmas with my family and friends since I can remember. It reminds me of many happy memories and I genuinely think Christmas Day would not be the same without a turkey dinner", then the answer appeals to tradition but at the same time still engages a moral perspective because the answer was determined after careful and rational thinking.

Both Barry and Phillips present Parekh's argument as culture compelling individuals to act in certain ways and this thesis believes that this reading misses the nuanced nature of Parekh's argument. This thesis believes that Parekh is trying to convey the message that individuals are culturally embedded in the sense that culture constitutes an important part of who we are as individuals. It plays an influential role in shaping the identity of individuals and also the beliefs and convictions individuals hold in leading the good life. However, at the same time, Parekh tries to convey that individuals are not culturally determined. That is to say, the significance and value of culture does not compel individuals to act in certain ways. Individuals are capable of adapting and revising cultural practices if need be. However, change is associated with costs and if the costs are substantial, the argument becomes a debate about who bears these. On the one hand, if one regards culture as a product of individual choice, which Parekh does not, and Barry does, the minority community in question bears the cost. If,

on the other hand, one accepts the significance of cultural membership, as Parekh does, then it would be unfair to expect minorities to bear the very substantial costs associated with changing the practices and beliefs that are fundamental to the community's way of life. Therefore, compensation is required to alleviate the burdens associated with this cost, which may be in the form of exemptions and differential treatment. Furthermore, Parekh does not accept that we should accommodate every claim for cultural accommodation, which Phillips' and Barry's critiques imply he does.

Earlier, this thesis highlighted that in certain circumstances, Parekh believes the cultural aspect that restricts an individual from taking an opportunity can be overcome by reinterpreting or revising the practice. If the practice cannot be revised without a deep sense of emotional loss, the state should bear the cost. Therefore Parekh should not be taken to argue that culture compels us to act in certain ways, but should be seen as defending the more common claim that individuals are culturally constituted and that individual identities are shaped by their membership of a particular culture.

Furthermore, as Parekh notes, his multicultural position is not all that different from the position defended by his critics. In a direct reply to Barry, Parekh argues that their positions on particular contentious issues are actually similar, even if their reasoning differs. For example, should Sikh children be allowed to wear turbans in schools that require a school uniform? According to Parekh, multicultural theorists would say yes on the grounds of equal opportunity and respect for differences and Barry's answer would also be yes partly because of equal opportunity and partly because turbans do not affect the effective functioning of the school (Parekh: 2002: 147). Should French schools allow Muslims to wear headscarves? Parekh says multicultural theorists would say yes because it does not undermine French secularism, shows respect for diversity, cultivates mutual tolerance; and because French schools

allow Christian symbols to be displayed (Parekh: 2002: 147). Barry also agrees that Muslim girls should be allowed to wear the headscarf for the first and third multiculturalist reasons, and also because the headscarf does not affect the effective functioning of the school (Parekh: 2002: 147). As Parekh points out, the interesting thing to take from this is that despite their consensus on such matters, the reasons for their positions are different (Parekh: 2002: 148). Parekh argues, for example, that multicultural theorists would refer to the principle of respect for diversity as the basis for exemptions from general rules whereas Barry would not. In contrast, Barry justifies exemptions on considerations of justice. Take the case of the Sikh schoolboy and the school prohibiting turbans on the basis that it does not comply with the dress code. To Parekh, and other multicultural theorists, the school is wrong for not exempting the Sikh child as all children should have the equal opportunity to attend their preferred school, and since their preferred school effectively bans turbans and thus imposes a restriction on the child that others are free from, he is treated unequally. If the school were to exempt the child, he would not be restricted and therefore would be treated equally (Parekh: 2002: 148). In contrast, Barry's reason for exempting the child is that the turban does not interfere with the effective functioning of the school, and therefore to prohibit those with religious headgear from attending a school with a uniform policy is to deny them access to utilising their equal opportunity to attend that school. This reason is based on consequentialist grounds rather than respect for diversity.

As a whole, this thesis endorses the differential approach over the universal. The latter may be prima facie appealing because it appeals to the ideal of universal treatment where individuals are treated equally regardless of their race, gender, cultural background and so on: however, once the approach of universal treatment is scrutinised, it is clear to see it disadvantages minority groups, hence the need for a differential

approach. The universal approach regards exemptions as one of "…utilitarian calculations, which are inherently inconclusive, which is contingent, patronising and creates the impression that those involved are being privileged or pampered" (Parekh: 2006: 356). However, this thesis believes this is a misleading way to view exemptions. Because the default culture of society is that of the dominant majority group, the universalist approach privileges the dominant majority group and disadvantages cultural minorities. In other words, the minority culture is viewed as "deviant" and somehow less than "normal". Consequently, minorities are disadvantaged because their cultural background is not reflected in the norms of the dominant culture, or in Kymlicka's terms, the societal culture. Only a differential approach which takes cultural factors into account can ensure that minorities are placed on an equal footing with the majority. Parekh gives the example of a British Asian girl who had asked for her marriage to be annulled on the grounds of duress because she had been threatened with ostracism by her family (Parekh: 2006: 248). After initially declining, the court voided the marriage because it took the view that although acute social pressure did not amount to duress for a British white girl, it did so for her Asian counterpart due to the fact that ostracism virtually amounts to social death in Asian society (Parekh: 2006: 248). Equality therefore requires that actions should be equal in relevant circumstances. By applying the same judgment in both cases, the British Asian girl was left at a disadvantage. By applying a differential approach, the British Asian girl was put on an equal footing with her white counterpart. It therefore suggests a contextual approach is necessary because certain actions and situations will have different meanings and consequences which need to be interpreted delicately, as demonstrated in the example above.

<u>Conclusion</u>

While the previous chapter highlighted how Kymlicka's instrumental approach to culture can help to realise values such as autonomy, it also explored the limitations of his approach. For example, it does not convey the message that a culture can be valuable in itself. Given that modern societies contain within them a variety of cultural minorities with distinct beliefs and practices, Kymlicka, on the one hand, only advocates the worth of cultures who live up to liberal standards. Parekh, on the other hand, seeks to show that culture is valuable in itself. Thus Parekh seeks to give all cultures their due worth, whereas Kymlicka's framework only attaches value to cultures that live up to certain standards. Parekh argues that the exposure to other cultures and beliefs not only expands our knowledge, but also gives us the chance to evaluate our own cultural practices and alter any misconceptions we may have. For Parekh, cultural diversity matters because no one culture can embody all values. Via a climate in which cross-cultural interaction is the norm, different cultures can learn from each other in that they can criticise and complement each other while expanding their intellectual knowledge.

Underlying this is the idea of value pluralism. Using value pluralism, Parekh attempts to convey the idea that there is no one culture that is morally superior over another because the "good life" can be lived in a number of ways. Different cultures possess many different values and beliefs and more often than not interpret these values and beliefs differently. This means that there is no one standard to determine which one culture can be shown to be superior to another. It is possible to compare specific aspects of a culture using a common benchmark, for example, one can compare the Sikh culture to the Jewish culture in terms of autonomous capabilities. However, if it is found that

one fares better than the other on this specific dimension, it does not mean that this culture is "better" overall.

Despite Parekh's useful insights into the value of culture, his framework for governing the relationship between the majority society and minority communities remains flawed. He claims his approach proffers a higher philosophical vantage point than liberalism, but in reality it resembles a liberal framework in several respects. For example, equal rights and freedom of expression are core liberal values and yet Parekh employs these as a precondition for dialogue. Moreover, in dialogues regarding issues such as polygamy, Parekh envisages gender equality as the core principle at stake here and argues that to violate such a principle would be to deny individuals their status as free and equal citizens. Finally, in cases where the parties cannot reach agreement, Parekh argues that established operative public values must prevail, thus the minority will lose out and liberalism will prevail.

Moreover, stemming from the classic liberal strategy of drawing a distinction between the public and private realms of society, Parekh's grounding for a national identity could prove to be demanding in practice, considering he locates it exclusively in the political structure. Given that survey data shows citizens attach great meaning and importance to ethno-cultural characteristics, the same characteristics he believes are too contentious and divisive to carry forward in composing a national identity, the idea of a political-based overarching identity does not appear to be realistic. Government data compiled by the CRE suggests that Parekh's conception of national identity will fail to sustain a genuine sense of belonging due to the restrictive content his concept is based on. For example, the CRE identified eight predominant themes of Britishness indicating that to base the concept of a national identity solely on the political structure

is exceedingly restrictive if it is to foster a sense of common belonging among citizens and retain the spirit of a culturally diverse society.

While critics such as Barry and Phillips have accused Parekh of an overly deterministic conception of culture which leaves little room for individual autonomy, Parekh's conception is arguably far less rigid than critics suggest. Indeed Parekh stresses that when it comes to contentious cultural practices, it is the minority who should adapt and revise. Only where such adaptation would result in deep moral loss for the individual should the state carry the majority of the costs through the provision of group-specific minority rights. Indeed, as Parekh notes, the specific resolutions he proposes for a range of issues are essentially similar to those advocated by Barry. While Barry and Parekh differ in terms of the justifications they offer in favour of the resolutions they propose, this chapter has argued that ultimately Parekh's rights-based approach is more desirable than Barry's approach. The following chapter will consider the extent to which a liberal account grounded in an appeal to universalism can respond to the issues raised in Parekh's account. To do so, the chapter will explore Brian Barry's critique of multiculturalism.

Chapter 4. *Brian Barry's universal citizenship*

So far, this thesis has examined the concept of citizenship via the works of Marshall, Kymlicka and Parekh. Via the works of Kymlicka and Parekh, it was highlighted that in the context of cultural diversity, their works remain problematic because the former is grounded in the promotion of autonomy, while the framework of the latter resembles a liberal conception despite claiming it goes beyond it. Marshall's conception of citizenship establishes the foundations of what is required to fulfil equal citizenship. It consists of civil, political and social rights. Marshall believes equal citizenship and socio-economic inequalities cannot be readily reconciled and focuses on alleviating these inequalities through the redistribution of resources. This position is similar to that of Brian Barry. For instance, Marshall emphasises the importance of social rights and how minimum provisions such as health care and education can eliminate the impact of differences in social status. More significantly, Barry believes that the increasing awareness of cultural diversity and multiculturalism are starting to take precedence over the issues he considers more important such as economic justice, equality of opportunity and the politics of redistribution in general. His aim is to show how the position of an egalitarian liberal is incompatible with the promotion of cultural and group rights. Furthermore, the increasing limelight on culture has led theorists such as Kymlicka and Parekh to propose multicultural programmes in order to deal with the issues raised and it is these programmes Barry has a real disdain for.

The next section begins with a brief overview of Barry's position. As an egalitarian liberal with a fundamental commitment to equality and universal rights, he seeks to defend such principles due to his belief that they are being eroded by the growing demands of multicultural politics. That is to say he opposes attempts to replace

the liberal conception of citizenship with a model that gives group-differentiated rights to certain cultural communities. Barry dismisses the worry that a liberal conception of citizenship does not give due weight to the needs of cultural minorities and argues that equal treatment means uniform treatment.

This chapter will argue that Barry's approach to managing cultural diversity is inadequate because it is guided by a failure to appreciate the significance and compelling nature of culture. Not only is Barry mistaken in viewing cultural and religious beliefs and identities as products of individual choice, but also his response to the rule-and-exemption approach favoured by multiculturalists such as Parekh is problematic on two counts: (a) where Barry concedes that exemptions are justified, he arguably misrepresents the grounds for such exemptions; and (b) even based on Barry's own criteria, exemptions can be justified more frequently than he acknowledges. The chapter will conclude that a liberal framework based on universalism cannot sustain a genuine multicultural society because it fails to recognise that equality properly understood will mean that it may be necessary to go against the principle of uniform treatment and treat individuals differently.

I: Barry's position

Barry's position on multiculturalism can be derived from two main sources: a fundamental commitment to equality and universal human rights and an argument against group rights that is entrenched in liberal egalitarianism. The focus of his attacks is advocates of multiculturalism whose general argument includes:

> ...the conception of equal citizenship embodied in equal rights needs to be replaced by a set of culturally differentiated rights (Barry: 2001: 9)

> that failure to offer special treatment is in some circumstances itself a kind of unequal treatment. For, it is said, the same law may have a different

impact on different people as a result of their religious beliefs or cultural practices. Thus, the liberal claim that equal treatment is generated by a system of uniform laws is invalid (Barry: 2001: 34)

Barry claims these arguments are wrong. To refute these claims, he outlines and defends the liberal credentials he believes multicultural theorists seem to reject. For example, traditionally, liberalism has been committed to a notion of universal citizenship rights. Equal rights as citizens mean the inclusion of all in the political community. Discrimination on the grounds of race, gender, social class and so on is to be avoided by treating everyone equally (uniform treatment), a principle advocated passionately by Barry. Barry therefore favours a unitary conception of citizenship. This notion of citizenship is entrenched in the liberal ideal of a distinction between the "private" and "public" sphere. Differences between and among people that are related to, for example, ethnicity and religion are viewed as "private" matters, and thus are irrelevant to the status of a person in the "public" sphere. For Barry, cultural-based activities are private choices that individuals make and any cost deriving from these activities should be borne by the individual. This stems from the egalitarian liberal view that justice requires equal rights and opportunities, but not necessarily equal outcomes (Barry: 2001: 92). For example, if two people have the same amount of resources and opportunities and one chooses to utilise them differently from the other, the end result would still be justified regardless of whether or not one comes off worse than the other due to the fact it was down to choice. This constitutes a version of "luck egalitarianism". Generally speaking, "option luck" refers to how deliberate and calculated risks might turn out. This refers to the possibility of benefitting or losing out as a result of anticipation and analysis of an action (Dworkin: 2000: 73). Whether an individual benefits or loses is justified provided the decision was consciously made to go through with the action. In contrast, "brute luck" represents outcomes that occur

through no fault of the individual in the sense of "...not being the product of deliberate gambles" (Dworkin 2000: 73). Furthermore, Dworkin believes that individuals should be compensated if they suffer as a result of "brute luck" but not if they suffer as a result of "option luck" (Dworkin: 2000: 287). For Barry, cultural and religious beliefs are best viewed as "option luck". This is because he believes the practices and beliefs of a particular culture are choices that individuals consciously and freely make. Therefore, if an individual is restricted by the requirements of their culture, any costs that arise should be carried by the individual.

Barry believes that it is these costs that are now seeping into the "public" domain. That is to say, cultural matters usually regulated in the private domain are now beginning to clash with the public domain and this is the issue that has caused tensions between Barry and advocates of multiculturalism. The latter, such as Parekh, believe that in some cases, cultural commitments fall under the category of "brute luck". For Parekh, in some circumstances, equality properly understood means cultural backgrounds must be taken into account, given that individuals are culturally constituted. For example, the Sikh requirement to wear the turban clashes with the law that requires motorcyclists to wear a crash helmet. Parekh interprets this case as akin to "brute luck" and argues that because their religion requires them to wear the turban, Sikhs are culturally disadvantaged by the law and an exemption would relieve this disadvantage. Barry, however, disagrees because he believes in the strict application of the law on the grounds of health and safety and that nobody is bound to ride a motorcycle (Barry: 2001: 44-45). Furthermore, he generally believes that following the practices of a given culture is a product of individual choice. For Barry, debates surrounding such legal exemptions are indicative of the manner in which questions of

culture are beginning to dominate political theory at the expense of a focus on more important socio-economic issues (Barry: 2001: 9).

Commitment to equality and universal treatment

As a staunch egalitarian liberal, Barry advocates the principle of equality and the underlying theme of equality means that liberals should not ignore the disparities between, for example, the rich and poor and the highly literate population and illiterate population. Barry believes such issues are products of social circumstances and injustices, rather than consequences of individual choice as he does regarding culture. He believes liberalism is not culturally relative and any notion that liberal rights are dependent on public acceptance of the equal value of cultures is misguided. He is more concerned with principles such as distributive justice and equality rather than cultural differences because the former principles are applicable to all citizens; consequently he would prefer to focus on narrowing the gap between the rich and poor and raising literacy levels. For Barry, culture and religion are choices individuals make and hence individuals are responsible for the costs they may incur as a result of these choices.

Barry is also committed to the notion that groups of people are likely to be similar in terms of human nature and that people of all groups, regardless of differences, can share the same goals and objectives. The crucial point is that differences should not have an impact on citizen's standing in the public realm. Therefore, it is important that all people are treated equally regardless of their culture as he believes uniformity of treatment is predominantly superior to privileging individuals or groups on the basis of their culture (Barry: 2001: 10). Barry also notes that the current unitary model of citizenship was developed in response to the wars of religion that made Europe such a living hell in the sixteenth and seventeenth centuries and argues that because it brought

an end to those wars, there is no reason to suggest it cannot do the same for religious and cultural differences today (Barry: 2001: 21). This relates back to his belief that liberal conceptions of citizenship are universal. Thus every individual is to be treated the same, namely with equal citizenship rights. He states "[i]n a liberal society, common legal status as a citizen should, ideally, be translated into equal treatment..." (Barry: 2001: 269).

Equality of opportunity

According to Barry, equality of opportunity requires that individuals have the same choice sets in life and it is what one does with these that matters. Within the boundaries set out by the choice sets, people are free to choose and live by the decisions they make. If the decisions made lead to unequal outcomes, the state has no role in attempting to remedy the inequality suffered because, in Barry's eyes, as long as the range of opportunities is available to all, there is no injustice involved (Barry: 2001: 92-95). For example, participants may leave the starting blocks at the same time, but not all are expected to finish the race at the same time; it is precisely the "equal start" to the race that makes unequal outcomes just (Heywood: 2004: 289). Barry believes those who are equally qualified to do a job should have an equal chance of getting the job and those who are equally qualified but are denied an equal chance of getting the job are discriminated against (Barry: 2001: 55). Furthermore, Barry makes a crucial distinction between the range of opportunities available and the choices made within that range because he believes multicultural theorists such as Parekh obscure this fact. If an individual has the ability to carry out an action but chooses not to do it because their cultural background is prohibiting them from doing it, then it must not be forgotten that that person still had the opportunity to carry it through. This is in contrast to Parekh's conception of opportunity. As described in Chapter 3, Parekh believes an opportunity is

a subject-dependent concept and having an opportunity also requires that the individual has the cultural disposition to take advantage of it. In other words, Parekh believes the idea of equal treatment involves taking into account similarities and differences. Where differences are relevant, a due regard for equality requires differential treatment (Parekh: 2006: 240).

Barry's opposition to group rights

Barry's opposition to group rights stems from his belief that culture is a matter of individual choice and therefore we as individuals are responsible for any costs incurred. This position is in stark contrast to Parekh and Kymlicka. Parekh believes culture, and indeed cultural diversity, is valuable because human beings are culturally embedded and the culture we are raised in deeply shapes and structures our whole lives. Kymlicka believes culture to be valuable in that it not only provides us with a background for choices, but also helps us make meaningful decisions.

Barry is opposed to group rights because he believes such rights tend to benefit particular individuals rather than the group as a whole (Barry: 2001: 113). Therefore, in Barry's opinion, group-differentiated rights produce inequalities. How this tends to manifest itself is in the form of public policies – negative and positive – with the former tending to provide relief from the burdens imposed by a law and the latter tending to create beneficial advantages for individuals belonging to a culturally defined group that are not available to others (Barry: 2001: 17). Barry rejects such policies because he believes that in practice they tend to benefit the least disadvantaged individuals belonging to minority groups. For example, he notes that on the whole, American blacks are disadvantaged yet there is a rise in the number of flourishing middle-class Blacks and it is their children who tend to be the main beneficiaries of policies such as

preferential admissions to universities (Barry: 2001: 115). This is because the children of flourishing middle-class Blacks tend to go to the best schools and achieve the highest test scores, hence they are the least disadvantaged. Thus these children benefit unfairly when in actual fact they should be competing within the general competition (Barry: 2001: 115). For Barry, "What equality of opportunity means in relation to employment is that those who are equally well qualified to do a job have an equal chance of getting the job" (Barry: 2001: 54-55). Therefore if an individual were to unduly benefit as a result of some form of group-differentiated right or policy, it makes a mockery of equality of opportunity.

In terms of laws, the rule-and-exemption approach is a feature of multicultural politics that particularly irks Barry. Best exemplified in the work of Parekh, the rule-and-exemption approach is the view that equality requires differential treatment for cultural minorities and that in some cases, minorities should be exempt from existing laws because the law in question disadvantages them because of their cultural beliefs or practices (Barry: 2001: 33). Barry's objection to this line of reasoning is that all laws burden some people more than others and it is absurd to say that those who are burdened are unfairly treated and deserve some kind of special treatment (Barry: 2001: 34). For example, laws banning smoking in public places and speeding will hinder those who like to smoke and drive fast (Barry: 2001: 34), and this in itself is not a justifiable reason for exemptions. According to Barry, the same principle applies to cultural minorities: the fact that a law may hinder an individual because of their cultural status is not a justifiable reason to grant an exemption. Barry argues that in contrast to the approach advocated by multiculturalists, the reasons for exemption must be compelling enough to both override and retain the original law. In other words, the general rule and the exemption must be justified. However, this he believes will be rare

and that on the whole it is difficult to justify the rule-and-exemption approach (Barry: 2001: 42). For example, he supports the exemption case of the turban-wearing Sikh boy who was refused admission to a private school on the basis that he failed to comply with the school uniform policy (Barry: 2001: 61-62), while arguing against the exemption allowing Sikhs to ride motorcycles without a crash helmet. On the one hand, while a school uniform may promote a sense of identity and community among the pupils, the dress code is not essential to the school's task of educating children.

Motor cycle crash helmets, on the other hand, are essential to enhancing road safety. This is central to Barry's objection to the exemption allowing Sikhs to operate motorcycles without a crash helmet. The law that requires one to wear a crash helmet is made and applied in the name of safety measures and Barry is of the opinion that any interference with religion is justified in the name of safety (Barry: 2001: 44) because the turban is not an adequate substitute for a crash helmet. Moreover, he points out that Sikhs are prevented from riding a motorcycle because of the requirements of their religion rather than the actual legal requirement to wear a crash helmet (Barry: 2001: 45). This should not be confused with denying them the equal right to operate a motorcycle. Lord Widgery's remark "No one is bound to ride a motorcycle" is important for Barry because he believes that the remark effectively dismisses claims that the law requiring all those who operate a motorcycle to wear crash helmets actually infringes upon the guarantee of religious freedom enshrined in the European Convention of Human Rights (Barry: 2001: 44). This view reflects Barry's claim that culture and religion are a matter of choice and that individuals should be responsible for the costs they may incur as a result. Furthermore, with regard to the illegal act of carrying a knife and other sharp objects in a public environment, the Criminal Justice Act of 1988 allows Sikhs to carry their kirpans in public places on the grounds of

religious freedom (Barry: 2001: 38). Again, according to Barry, unequal treatment is involved here as Sikhs are immune to punishment from what seems to be a perfectly legitimate law. Bhikhu Parekh seems to endorse this legal exemption arguing that this constitutes equal treatment and is not discriminatory because the religious requirements of non-Sikhs have not been ignored and non-Sikhs do not suffer adversely as a result of the law respecting the religious requirements of the Sikhs (Barry: 2001: 38). However, Barry criticises this view and argues that if the law's underlying principles and logic are sound, there is no reason to grant exemptions. Barry believes that the concerns with road safety in the case of the motorcycle crash helmets and the protection of unarmed citizens in the case of the kirpan provide sufficient justification for the laws in question. He also criticises Parekh's view of the inequalities generated as a result of such laws. Parekh states that on the surface, there are inequalities in that Sikhs can do what others cannot. However, this inequality arises out of the "different demands of the same basic right to religion and does not confer a new right on the Sikhs" (Parekh: 2006: 249). However, Barry does not care for Parekh's reasons and believes the inequality of rights is real (Barry: 2001: 38). If one person is allowed to perform an act that others cannot, it constitutes an inequality.

II: Critique

This critique section aims to highlight the flaws inherent in Barry's position regarding multicultural policies. Ultimately, it will highlight three overlapping points: (a) where Barry conceives of equality as same or identical treatment within the context of cultural diversity, such a conception of equality benefits the majority society and burdens cultural minorities; (b) Barry's conception of culture as a product of individual choice is misleading; and (c) Barry's own account of the rule-and-exemption approach is far more accommodating to claims for exemptions than he acknowledges.

Is universal citizenship appropriate for cultural minorities?

Barry's notion of citizenship involves individuals being accorded identical rights regardless of one's race, gender, disability, age and so on. This notion is rooted in liberalism portraying itself as "difference-blind", in the sense that secondary features such as race, gender, disability, age and so on are irrelevant to a citizen's standing in the public sphere. What matters the most is the primary feature that all citizens share, their core identity as citizens of a polity, where all citizens are treated in an identical fashion. Such an approach is to be governed by the principle of cultural neutrality, which means the state cannot favour the beliefs, practices and values of a particular culture or religion over another.

However, in the context of a multicultural society, this notion of citizenship is problematic. Because a society's norms reflect the preferences of the dominant majority group, identical or same treatment privileges those who subscribe to the majority norms. Consequently, minority groups are liable to feel marginalised because they cannot take full advantage of their formally equal status as citizens. As highlighted earlier, in a multicultural society, cultural neutrality is not viable in practice because the state cannot avoid endorsing one particular culture over another. Take language for example. The state has to deliver its education system in a common language and this common language will invariably reflect the language of the majority societal culture. As highlighted in Chapter 2, a societal culture is centred on a shared language and state institutions, and when the state decides which language is to be used in state practices and institutions, it is inevitably providing what Kymlicka identifies as the most important form of support needed by a societal culture (Kymlicka: 1995: 111). As a result, cultural minorities will be worse off because their language needs are not being provided for, while the majority has its language needs met for free. This also links

back to Barry's endorsement of "luck egalitarianism". On Barry's account, if individuals suffer adversely as a result of a freely made choice, then they should bear the consequences. If individuals suffer as a result of "brute luck", then they should be compensated. In this context, if cultural minorities are worse off because their language does not match that of the dominant culture, it arguably constitutes a case of "brute luck", given that being a member of a minority group is not voluntary. Therefore, on the basis of Barry's framework, they should be compensated in the form of differential treatment.

This would indicate that contemporary notions of citizenship must involve a "differential" approach to take into account the needs of particular cultural communities, and a "differential" approach inevitably involves the notion of differential treatment via group-differentiated rights. As highlighted in the previous chapter, in the relevant circumstances, differential treatment is a necessity if justice is to be served. Since cultural minorities are at a disadvantage in relation to the wider society, the principle of equality properly understood requires that cultural factors are taken into account to ensure minorities are put on an equal footing with the majority. However, for Barry, the idea of a differential approach that takes cultural factors into account is illogical due to his belief that culture is a product of individual choice. This will be explored further in the following sections.

Culture: product of individual choice or product of cultural embeddedness

The most significant area of disagreement between Barry and multiculturalists focuses on the question of whether culture is a product of individual choice or cultural embeddedness. Barry subscribes to the view that culture is a product of individual choice whereas multiculturalists such as Parekh believe individuals are culturally

constituted. While multicultural theorists such as Parekh refer to respect for diversity as the basis for exemptions from general rules, Barry emphasises our common human nature, and argues that it is not unreasonable to assume that there are certain universal needs that have to be met to live the good life, such as access to food and water (Barry: 2001: 285). In other words, since we are all human beings, it is not absurd to assume that there is a single best way to live the good life.

Multicultural theorists like Parekh, however, take the opposite view. As already highlighted, multicultural theorists such as Parekh believe that human beings are culturally embedded and that their behaviour and values are deeply shaped by their membership of a cultural community (Parekh: 2006: 120). Thus cultural membership is constitutive of an individual's identity and does indeed matter as it is tied up with our inner emotions such as self-respect and identity (Parekh: 2006: 120, 350). Therefore, it is essential that culture is regarded as a primary good. Consequently, a commitment to equality may require treating individuals differently in cases where individuals would otherwise be disadvantaged on account of their cultural membership. In contrast, Barry believes that to treat everyone equally is to treat everyone identically. Exemptions can only be granted provided there are compelling enough reasons to grant the exemption and there are compelling enough reasons not to abolish the original law, conditions which he believes will be rarely satisfied.

On the whole, Barry's view of culture as a product of individual choice is not persuasive. While values and practices may well be open to critical reflection and revision, there is no "culture-free" perspective from which we "choose" our preferences. Since Barry views cultural commitments as akin to an expensive taste, he appears to believe that there is a neutral standpoint from which individuals can freely choose their cultural values and practices. This misrepresents the role and the

significance of culture. Instead, this thesis takes the Parekhian view that individuals are culturally constituted in the sense that their behaviour and values are deeply shaped and moulded by their membership of a cultural community. Culture then is constitutive of an individual's identity and serves as the basis on which minorities value their culture. It is on this basis that one's culture should be accorded respect and recognition (Parekh: 2006: 8). For minorities, recognition is important because it acknowledges the worth and legitimacy of their culture, which then contributes to the notion that their presence is valued and that they are accepted as equal members of society. By the same token, failure to accord respect and recognition denies the legitimacy of one's identity. As Charles Taylor aptly puts it, "non-recognition or misrecognition can inflict harm, can be a form of oppression imprisoning someone in a false, distorted, and reduced mode of being" (Taylor: 1994: 25). In this context, recognition is a vital "human need" (Taylor: 1994: 26). Therefore, failure to recognise identity-related differences amounts to an injustice for minorities, and since we have come to accept that culture matters to individuals and that their self-esteem and worth is bound up in the recognition and respect by others (Parekh: 2006: 8), this should, if necessary, be reflected in political practice via the granting of group-differentiated rights. Moreover, recognition of many distinct cultural identities in a multicultural society partly reflects the disposition of Parekh's framework. Since a genuine multicultural society inevitably draws attention to the differences between communities, recognition is vital because it gives minority communities the confidence to know that their input and views are going to be genuinely acknowledged when they engage in intercultural dialogue to resolve these differences.

Does Barry really oppose exemptions?

Barry's failure to recognise the compelling nature of culture also renders the way in which he constructs his argument for the rule-and-exemption approach ineffective. Recall what Barry terms the rule-and-exemption approach: laws to which all citizens must adhere, with the exception of cultural minorities if it burdens them because of their beliefs or practices (Barry: 2001: 33). According to Barry, multicultural theorists believe such an approach should be more common, while egalitarian liberals like him believe exemptions should only be granted if the rationale behind the exemption is compelling enough to both override and retain the original law. Barry argues that these two criteria will rarely be met (Barry: 2001: 42). Barry's position in this regard is contentious on two grounds: (a) where he concedes that exemptions are justified he arguably misrepresents the grounds for such exemptions; and (b) even on Barry's criteria, exemptions can be justified more frequently than he acknowledges.

While Barry concedes that in the case of the Sikh school boy an exemption is justified because the wearing of the turban does not affect the duty of the school to educate its pupils, equality properly understood implies that the exemption should be granted because of the Sikh school boy's right to equality. Whereas Barry bases his reasoning in this case on consequentialist considerations, the exemption should be grounded on an appeal to the right to equality. As Parekh states, equality properly applied means that all children should be given an equal opportunity to attend the school of their choice, and if a school takes away that opportunity by imposing a dress code that bans the wearing of headgear, it imposes a burden that others are free from. Since this constitutes unequal treatment, an exemption is justified (Parekh: 2002: 148).

Furthermore, despite Barry's disdain for the politics of multicultural theorists, his own position is actually not too dissimilar to those he attacks, because the criteria he employs for his own positions suggest the rule-and-exemption approach is more justifiable than he acknowledges. According to Barry, an exemption is justified if (i) there is a good argument for having a certain rule (ii) there is a good reason for exempting some from a rule and (iii) the reason relates to some and not to all and hence the law should be retained (Caney: 2002: 84). As Steve On (2006) notes regarding the case of the Sikh boy and the school uniform policy, Barry had argued that the wearing of a turban did not interfere with the effective functioning of the school nor did it pose a risk to the public. With children's educational opportunities at stake, On believes that despite his avid displeasure for it, an exemption is essentially what Barry was arguing for (2006: 186).

Simon Caney also picks up this line of argument. On the subject of multicultural politics, Caney believes that Barry's work in general "…is not so much 'an egalitarian critique of multiculturalism' as an egalitarian statement of which measures put forward in the name of cultural justice are acceptable and which are not" (Caney: 2002: 84). Caney argues that even using Barry's own criteria, cultural-based exemptions can be more readily justified than Barry acknowledges. The example he gives involves Muslim students being exempt from sitting examinations on days that clash with their religious holidays such as Eid. He states that because Eid falls on different dates each year, it would be reasonable to allow Muslim students to sit the examinations at a later date if the two were to clash, as is recommended by the Department for Education and Employment (Caney: 2002: 85-86). After all, if it is regarded as unfair to ask Christians to sit examinations on Christmas Day, it is also unfair to ask Muslims to sit examinations during Eid. Caney then suggests a scenario

where end of semester examinations are due to take place at the same time as Eid and he argues that it is reasonable for Muslim students to be exempt. Using the criteria for the rule-and-exemption approach, the examination meets condition (i) which is the rule, that students must attend examinations; Muslims have a reason for being exempt in that it leaves them unable to take part in a religious celebration hence meeting condition (ii); and the reason only applies to Muslims and not any others hence meeting condition (iii).

Another example Caney gives is the case of Ahmad v. ILEA (1978) and Ahmad v. UK (1981) where the employers of Mr Ahmad, a Muslim, refused to alter his teaching timetable so that he could attend Friday prayers (Caney: 2002: 86). Caney believes it is reasonable for the school to arrange his teaching timetable so he could attend Friday prayers. In addition, teachers in general have five free periods a week so it would not be too difficult to organise a timetable that would leave Fridays free for Mr Ahmad (Caney: 2002: 86). In contrast, Barry would probably argue that since the conventional school week is Monday to Friday, one wishing to enter the teaching profession must recognise that it involves teaching on all school days so for Mr Ahmad to think otherwise is wrong. However, applying the criteria for the rule-and-exemption approach would see the exemption being granted because the rule that teachers will teach Monday to Friday meets condition (i); to teach on a Friday imposes a burden on Muslims hence meeting condition (ii); and it only pertains to Muslims hence condition (iii). As, Caney's examples demonstrate, based on Barry's own criteria, exemptions are more readily justifiable than Barry seems to suggest.

<u>Conclusion</u>

Barry argues that a universal conception of citizenship will suffice to accommodate the needs of cultural minorities and that any attempts to redefine this model of citizenship by granting group-differentiated cultural rights will undermine core liberal values. However, his arguments to support such a view are ultimately not persuasive and his overall approach to the issues of cultural diversity remains problematic. While Barry argues that a commitment to equality requires uniform treatment, in the context of a multicultural society, such an approach will inevitably disadvantage cultural minorities. Therefore, the idea of differential treatment, as advocated by multiculturalists, as a means of achieving equality for cultural minorities is required by justice.

Not only does Barry miss the mark in relation to equal treatment, but he also misses the mark regarding the influence and, subsequently, the value of culture. For Barry, cultural beliefs and practices are products of individual choice, and he regards it as something more akin to an expensive taste. However this is misleading because of the significance of culture and the important role it can play in the lives of individuals. For some communities, their culture is not a product of individual choice, but more a duty to obey and follow the teachings of their religion. For some cultural communities, their culture is indicative and constitutive of their identity. The practices and beliefs of cultural communities form a major part of their way of life and cannot easily be relinquished without giving rise to some kind of structural disorientation or emotional loss. Furthermore, he also misses the mark in relation to the approach many multiculturalists adopt: the rule-and-exemption approach. Generally speaking, he believes such an approach is misguided because all laws will hinder some more than others and disputes any notion that suggests this hindrance amounts to an injustice for cultural communities. He accepts though that there will be the rare occasion where an

exemption can be justified if there is a compelling reason for it in the first place, and a compelling reason to retain the original law. However, as demonstrated in Caney's critique, Barry's criteria allow more room for exemptions than he acknowledges. For example, in the case of the Sikh school boy, while multiculturalists refer to respect for diversity and the right to equality as grounds for an exemption, Barry would refer to the consequentialist reason that the turban does not affect the school's task of educating children. This shows that Barry's egalitarian liberal position is more receptive to exemptions than he would like to acknowledge, and that his position is arguably closer to multiculturalists than he concedes.

Nonetheless, given that Barry's framework does not recognise or appreciate the significance of culture, a universal conception of citizenship is arguably not suited to meeting the demands of genuine cultural diversity. What is required is a framework that adopts a contextual approach to intercultural dialogue in cases of hard disagreement. Such a framework is better suited because it seeks to resolve disagreement on a case by case basis, whereas a universal approach does not. To this end, Part II seeks to explore how such a framework can be developed within the context of debates in contemporary Britain.

Part II

Chapter 5. CRE reports and developing a framework of shared values and commitments

Stability and social unity are arguably vital to the well-being of individuals in any society. They can be grounded in various factors including common traditions, practices and a shared national heritage. These may be more commonly associated with societies that are culturally and racially homogenous, such as, for example, Iceland or Japan. However, managing social unity and stability in the face of cultural diversity seems to be more demanding. In the case of Britain, diversity seems to be a prevailing issue. Historically speaking, as a multi-nation society, comprising the English, Scottish, Welsh and Northern Irish, the United Kingdom has always been diverse. These groups co-existing together bring its own problems, primarily pertaining to national sentiment. However, a new source of diversity in the UK, and indeed elsewhere, has now emerged: ethnic and religious minority groups. It is this source of diversity that seems to be more demanding. For example, as highlighted in Part I, cultural minorities are at risk of becoming marginalised in terms of social justice, employment and other areas on account of their group status. Theorists such as Kymlicka, Parekh and Barry have all proposed resolutions to these issues, but their frameworks remain problematic.

It was argued in Part I that a contextual approach to dialogue between communities constitutes the most plausible response to the demands of cultural diversity. In line with Parekh's conception of intercultural dialogue, Part I endorses a contextual approach that seeks to resolve hard cases through intercultural deliberation on a case by case basis. However, as noted in Chapter 3, Parekh's own approach to intercultural dialogue remains too vague to provide concrete practical guidance and his conception of the overarching shared political framework too thin and abstract to

sustain a genuine sense of unity and stability. In light of these difficulties inherent in Parekh's approach, this chapter will seek to develop the idea of intercultural dialogue within the context of debates regarding citizenship within contemporary Britain.

This chapter uses sociological survey data to determine whether such a dialogical approach is viable. The data comes from the CRE, who in 2005 and 2006, produced *Citizenship and Belonging: What is Britishness?* and *The Decline of Britishness: a Research Study*, with the latter to be read in conjunction with the former. In general, the remit of the reports was to perform research on the ways in which British people of all ethnic backgrounds thought about the notion of Britishness and the role of Britishness in the integration process. The findings of these reports indicated a generic understanding of the notion of Britishness, but how the participants identified with the notion differed greatly across the board.

Sections (i) and (ii) will sketch some of the important findings of the two CRE reports, such as the recurring themes and elements of what constitutes Britishness and why the majority of participants believe the notion of Britishness is in decline. While section (ii) will identify some of the difficulties inherent in constructing an overarching British identity, section (iii) will argue that despite the declining notion of Britishness, there is cause for optimism because the findings of the data indicate that there are common values and attitudes shared between the majority and minority participants. The chapter will argue that these common values and attitudes are indicative of underlying factors that can help to bring the nation together. It will argue that such underlying factors can be developed and nurtured into an overarching national identity. How to develop this is the key question and this thesis will contend that the values and shared commitments that form the basis of a British national identity can be developed through intercultural dialogue. Subsequently, the values and commitments that are

derived from this dialogical process can serve as the backdrop to hard cases of disagreements.

The chapter will lay out how this thesis envisages the process of intercultural dialogue by highlighting the aim and purpose of this research: to develop a greater understanding and awareness of diverse practices and beliefs; to foster and encourage equality; and to nurture a coherent and peaceful society, all of which need to be underlined by a commitment to conditions such as equal participation, respect, openness and tolerance. While these are values and commitments commonly associated with liberalism, the principles of fair dialogue and the weighing of contrary arguments do not constitute uniquely liberal values, but are principles that are widely recognised. Indeed politics inevitably involves disagreements (Waldron: 1999: 102-103) and almost all societies have found it necessary to establish institutions and procedures for adjudicating conflicts, which involve fair weighing and balancing of contrary arguments (Hampshire: 2002: 637). Although the conditions of intercultural dialogue may prove problematic for some citizens, this thesis will argue that given the unavoidable need to resolve disagreements, intercultural dialogue constitutes the most promising avenue in finding a common resolution.

After highlighting the aim of dialogue and acknowledging its limitations, this thesis will explore how the process of dialogue may operate in practice. Dialogue in practice involves participation at grass-roots level, meaning it must begin with the ordinary citizen. It should begin with the ordinary citizen because collectively speaking they form the foundation of a political community. Therefore, if the values and commitments that form the make-up of an overarching British identity are derived from the citizenry itself, it commands legitimacy and authenticity. Moreover, the values and commitments that sustain the unity of society can serve as the backdrop to a contextual

approach to hard cases of disagreements. The chapter will conclude that this process of nurturing a shared overarching identity will lead to a thicker framework of values than Parekh's politico institutional-based framework and stands a better change of sustaining unity within a genuine multicultural society.

(i)   The CRE reports – *Citizenship and Belonging: What is Britishness?* (2005)
        The Decline of Britishness: A Research Study (2006)

The CRE commissioned ETHNOS Research and Consultancy[1] to carry out research on the ways in which British people of all ethnic backgrounds thought about "Britishness". This research resulted in two reports by the CRE, *Citizenship and Belonging: What is Britishness?* and *The Decline of Britishness: A Research Study*, with the latter to be read in conjunction with the former. Published in 2005, the aim of *Citizenship and Belonging: What is Britishness?* was to investigate the notion of "Britishness" and to bring society closer to answering the question "what is Britishness?" (CRE: 2005: 9-10). It aimed to ascertain whether and how Britain's multicultural society can truly be integrated, cohesive and successful, and what values and loyalties, if any, must be shared by communities and individuals all over Britain (CRE: 2005: 10). To do this, ten focus group discussions with participants representing various sections of the British population were asked to discuss the notion of "Britishness" via word associations and group discussions.

The findings indicated there were eight themes that represented the make-up of "Britishness" (CRE: 2005: 19-31). These included:

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[1] ETHNOS Research and Consultancy specialise in research with people from minority backgrounds. They work with organisations to develop their services to better reach ethnic minority communities.

Cultural factors:

- the adoption of certain values and attitudes including the upholding of human rights, tolerance, fairness and respect for the rule of law;

- the display of certain habits and behaviour such as queuing, politeness, engaging in certain sports and the consumption of certain foods such as curries, Yorkshire puddings and fish and chips;

- speaking the English language;

- national symbols such as the Union Jack flag, the Royal Family and Houses of Parliament.

Historical factors:

- the celebration of achievements in the past – historical, political, technological and sporting.

British people:

- three conceptions of who the British people are – English, Scottish and Welsh people; white English people; people of diverse ethnic origin.

Legal identity:

- the possession of a British passport officially recognises those as a British citizen.

Geography:

- the geography and landscape of the UK in general

(ii)　　　Concerns - *The Decline of Britishness: A Research Study*

Participants in the initial report, *Citizenship and Belonging: What is Britishness?*, were asked to discuss the elements that constituted "Britishness". However, researchers found that instead of discussing "Britishness", the majority of white participants spontaneously changed the topic slightly to talk about a perceived "decline" of Britishness (CRE: 2006: 4). Furthermore, ethnic minority participants, in particular British Muslims, also felt there was a decline in the notion of "Britishness", but for different reasons. Hence, the CRE believed it was important to analyse this claim of "perceived decline" further and a second report, *The decline of Britishness: A Research Study*, was published in 2006.

The picture painted by many white participants was of a general feeling of unhappiness. They felt the "Britishness" that they grew up with no longer exists due to the visibly increasing presence of people from different ethnic and religious backgrounds; that ethnic and religious minorities do not share many of the values, habits and behaviours associated with Britishness; that minorities receive preferential treatment over the "natives" in terms of welfare support; that they cannot express their discontent without being labelled racist; and that the values and lifestyle associated with Britishness no longer constitutes the "moral norm" (CRE: 2006: 9-13). The final point is a pertinent one in terms of the bigger picture because such a picture may indicate that intercultural dialogue, the very feature this thesis endorses, may prove to be challenging. If the white majority regard their way of life as the "moral norm", it renders the concept of dialogue with minority groups moot, because the former would want the latter to change their ways in order to align themselves with the majority way of life. This implies a sense of arrogance in that it dismisses the cultures of minorities by assuming minorities have a duty to adapt their ways in order to fit in. It also runs

counter to Parekh's belief that no one culture is morally superior to another, because it is not possible to show that this is the case using a common benchmark. Instead, there are various conceptions of the "good life" that are just as legitimate as others and it is through dialogue and daily interaction that we can learn from each other.

In terms of ethnic minority participants, in particular British Muslims, the picture painted was also one of general unhappiness. Their grievance is that even though they experience a close connection with Britishness, many felt the white British majority did not accept their presence in society and many felt that they were not accepted as legitimate British citizens. Many British Muslim participants felt that they were unfairly being asked to "choose between being British and being Muslim" by the white majority and they regarded this as absurd because the two are not mutually exclusive (CRE: 2006: 16). This stirs up resentment among Muslims who may regard a questioning of their loyalties as indicators of their religion and identity being looked down upon and viewed with suspicion by the majority society. Consequently, such feelings may lead Muslims to isolate and distance themselves from participation in the wider society. By isolating and distancing themselves, British Muslims are less likely to develop a strong sense of attachment to the wider national community and furthermore, it is a recipe for social instability in the sense that British Muslims may retreat behind the boundaries of their religious identity and focus on the interests of its adherents, giving rise to a "them" and "us" mentality.

Can an overarching identity prevail?

Based on these findings, the construction of an overarching identity grounded in Britishness would appear problematic. First of all, the data throughout showed that many English participants unconsciously switched between "Englishness" and

"Britishness", indicating there was no was distinction between the two terms. Furthermore, participant statements also indicate that of the four home nations that make up the United Kingdom, England, and in particular white English people, were most strongly associated with "Britishness" (CRE: 2005: 22). This is problematic because "Britishness", in the context of constructing a common framework to accommodate all citizens, cannot belong to the English alone. In other words, a distinction must be made between the two terms if Britishness is to incorporate not only cultural minorities, but also the four nations that constitute the UK. The aim of reworking Britishness is to make the notion more inclusive so that citizens from all backgrounds can identify with it. If "Englishness" and "Britishness" are to be thought of as the same, it runs the risk of excluding, for example, Scottish-based cultural minorities and white Scottish individuals.

Secondly, it would appear that as things stand, the relationship between white participants and ethnic minorities, in particular British Muslims, has reached an impasse, with both majority and minority participants complaining that their identities are not given proper recognition. This makes the construction of an overarching identity based on "Britishness" more challenging.

Thirdly, in order to address these problems, part of the CRE strategy was to rethink the national story and identity. In this context, it suggests that Britain needs to rethink its national story to counteract the assumption of past social harmony and its subsequent decline, and moreover, it suggests a need to reformulate the national identity in order to not only make diversity normal but to counter the assumption of white homogeneity (CRE: 2006: 30). This strategy embodies the aim of this thesis: it sets out to mould Britishness into an overarching concept that embodies diversity, seeks to create an identity that is inclusive of all, and aims to make diversity the norm.

However, this thesis recognises the inherent difficulties in such a project because it involves challenging existing dominant conceptions of the national story. While most of the ethnic minority groups discussed the state of Britishness in contemporary terms, for example, focusing on issues such as racism and Islamophobia (CRE: 2006: 8), a large proportion of white participants discussed the state of Britishness in past terms, for example, focusing on an idealised and traditional conception of Britain. This "traditional" sense of Britishness can be associated with British success, where past achievements constituted a key role in Britishness. In the same context, the national story derives its nature from this success and it is this success that many white participants were proud of. In the survey data, it was found that historical and political achievements were seen as positive indicators of Britishness, but only among white participants, while ethnic minority participants did not see these achievements in the same positive light (CRE: 2005: 32). The following participant statements seem to back this up:

> *Britain hasn't done anything recently since the wars to relate to, to take hold of and be proud of. When I think of British things, I do tend to think of what went on years ago, when they fought for freedoms, when we were a great industrial nation, when we ruled the world. But we are no longer a great nation.* (White Welsh, Cardiff)
>
> *Question: What kinds of things do you associate with being British?*
>
> *Participant 1: "I think of colonies"*
>
> *Participant 2: "Colonialism"*
>
> *Participant 1: "Yeah, the British empire"*
>
> *Participant 2: "Exploitation!* (Black Africans, Glasgow)
>
> (CRE: 2005: 31-32)

The statement from the white Welsh participant is indicative of how many white participants feel about their past achievements. Essentially it refers to the nostalgic view of Britain being a hugely influential and successful figure around the world, which they are proud of as it constitutes a large part of Britain's national heritage.

The Parekh Report

Since the national story of Britain currently predominantly reflects the heritage of the white population, and is thus engrained in the mind-sets of the population and is reflected in daily life, the suggestion that it should be modified to incorporate cultural minorities is liable to draw an adverse reaction. This has already proven to be the case as another government initiated report, *The Future of Multi-Ethnic Britain*, better known as *The Parekh Report*, was widely criticised for suggesting the national story should be retold and also that the term "Britishness" possessed racial connotations. It stated that "Britishness as much as Englishness, has systematic largely unspoken, racial connotations" and this was due to its association with white supremacy, white privilege, imperialism and its historical position at the centre of British political and cultural life (2000a: 38).

Consequently, *The Parekh Report* received widespread condemnation from the media. In terms of broadsheet coverage, the *Daily Telegraph*, as cited in Pilkington (2003), led the way in criticising the report with negative reporting including headlines such as "Straw wants to rewrite our history". From a tabloid perspective, the *Daily Mail*, as cited in Pilkington (2003), drew up a related headline reporting that "British is racist". In addition, some of the media coverage did not portray the true purpose of the recommendation and was rather inaccurate in its portrayal. For example, the *Daily Telegraph* substituted "racist" for "racial" in the quote suggesting the word British has

racist connotations which gave the impression that the report was insulting its readership (Pilkington: 2003: 272). The same paper also took things out of context regarding Britain's history and its reinterpretation. It claimed that the report wanted to rework the history giving the impression that the latter were a group of despots wishing to rewrite history to suit their needs (Pilkington: 2003: 272).

The Parekh Report also highlighted that the reluctance to change originates from a mentality that sees white Britain as a superior race, which stems from the achievements of the British Empire. This highlights not only the immense feeling of pride the majority place on their history and heritage, but also a reluctance to scrutinise the history and heritage to ascertain whether change is needed. Pilkington noted that change seemed to be a taboo notion for the majority of Brits as the bulk of the criticism of *The Parekh Report* stemmed from the fact that Britain needed to fundamentally alter its ways (Pilkington: 2003: 273). A real reluctance to change suggests that one sees nothing fundamentally wrong and this would substantiate the view that a substantial proportion of the white population holds a rigid and static conception of Britishness and that there is a lack of desire from the white population to incorporate minority groups into the make-up of Britishness.

This thesis believes that the response to *The Parekh Report* epitomises the general sentiment of the white participants in the CRE survey data. In other words, the backlash to *The Parekh Report* for suggesting major change should fall predominantly on the majority in terms of reworking the national story resonates with the concerns of the white participants of the CRE report.

(iii)   Room for optimism

While these worries identify significant obstacles, this thesis believes there is an aspect of the CRE report that indicates some cause for optimism in the construction of an inclusive overarching identity. The report identified that all participants regardless of their background regarded values and attitudes such as tolerance, respect for the rule of law, fairness and speaking the English language as crucial elements of Britishness. This thesis believes these findings are indicative of the bigger picture, that is, British citizens do indeed share a range of underlying values and commitments that binds them together and defines them as British. How this is conceived is the key question. This thesis believes part of its conception can be cultivated through intercultural dialogue. By engaging in dialogue, the prospect of an overarching national identity capable of embodying all citizens can seem more realistic because, echoing Parekh's claim, cultural diversity creates an environment where different communities can engage in mutually beneficial dialogue. In this context, engaging in dialogue can encourage us to debate and to determine the parameters of an overarching British identity. Moreover, an overarching British identity can provide a framework of values for the resolution of hard cases of disagreement. This echoes the Parekhian notion of "operative public values", which constitutes the moral code of society and provides an acceptable starting point for dialogue. This thesis believes that the common values highlighted in the survey data could constitute the acceptable starting point for a contemporary conception of Britain's "operative public values".

The following section will highlight how this thesis envisages the process of intercultural dialogue and the role it can play in developing a shared overarching identity. It begins by outlining how each individual has their own unique way of identifying and relating to a community, and why therefore an overarching identity

cannot be a fixed concept. The section will argue that in the face of diversity, intercultural dialogue constitutes the most promising avenue to arrive at a consensus regarding a shared overarching framework of values and commitments. Here, it will outline the conditions and principles governing dialogue, and what it may look like in practice. Finally, the CRE findings identified various elements that constitute the make-up of Britishness. This thesis believes the dialogical process will reflect, and perhaps even go beyond, these findings because the CRE research effectively constitutes a platform for the ordinary citizen to express their beliefs regarding the conception of "Britishness". In this context, the framework of values and commitments produced by the dialogical process will be suitably thicker than Parekh's, whose notion for a shared national identity is based on shared political values. Such a framework can therefore serve as the backdrop to hard cases of disagreement between majority and minority communities.

Constructing an overarching identity

This thesis believes that a key approach in developing a national identity is via dialogue and discussion. This is because it recognises that, much like individual identity, identifying with and relating to a particular political community can be a complex and difficult process. It can be complex and difficult because not all individuals will identify with and relate to it in the same manner. As each individual is unique, they will identify and relate to it in their own unique way and some might be similar to others and some may widely differ from others. For example, one may derive their sense of national identity from the political institutions of society such as the Houses of Parliament and the Royal Family, both of which incidentally were identified as core themes of Britishness in the CRE survey data. Some may derive their national identity via ethno-cultural characteristics, such as supporting their national football or rugby team.

Incidentally, the CRE report identified that engaging in sport was a British thing to do and that when it comes to major sporting tournaments, the notion of a British identity is even more in the mind-set of people (CRE: 2005: 29). Ethno-cultural characteristics such as these are not enough to hold society together, as Parekh identifies, but the fact that they featured highly in the data disputes the Parekhian claim that a national identity should be based purely on the political values of society, such as the justice system, democracy and modes of public discourse that all citizens can be expected to share as members of a political community. To fully establish what binds the people of Britain together, this thesis believes the process of intercultural dialogue can generate a deeper and more comprehensive conception of the core values and commitments that define a British identity.

- *Aim of dialogue*

Before considering what the process of dialogue may look like, it would be prudent to outline the main aims of intercultural dialogue and the necessary conditions regulating the process. This thesis believes the aim of intercultural dialogue is to open up and engage in discussions between individuals, communities and organisations with different cultural perspectives. Engaging in such dialogue can promote a greater understanding and awareness of diverse practices and beliefs. As the term "intercultural" implies, it fosters equal and open participation between various groups. In addition, intercultural dialogue can promote equality and respect in the sense that it promotes equal worth among citizens. The dialogical process affords citizens the opportunity to express their views, with the principle that the view of one citizen is just as important as the next. A society that nurtures equal and open participation in the dialogical process is a society that can give rise to greater equality and respect for their

fellow citizen. It encourages participants to listen to others and to take on board new perspectives in life. Moreover, participants in the dialogical process must recognise that, especially in hard cases of disagreements, they are not there simply to convey their point of view in the hope that the other party will change its mind. The point of dialogue is to engage and move forward on a particular matter, and this may mean having to engage in adaptation and revision. When coming to the table, participants must be aware that no particular viewpoint is superior and they must articulate their position if they wish to advance their viewpoints. In this context, genuine dialogue must not involve presumptions on either side. That is to say, participants must be willing to work together in the hope of achieving a positive outcome and to nurture a better society.

While equal participation, respect, openness and tolerance are vital if intercultural dialogue is to be successful, it could be argued that these conditions are very demanding. Not all participants in the dialogical process will be reciprocal and open-minded to the views of others. Some participants may simply wish to state their viewpoint in the hope that the other side will change their mind, or they may believe that their viewpoints are superior to others and no amount of dialogue will change that. In this context, a shift in the mind-set is required if the conditions of dialogue outlined previously are to be satisfied.

A positive process of intercultural dialogue requires that participants possess a certain mind-set and attitude that is characterised by respect, openness and tolerance of others from a different cultural perspective from one's own. This thesis believes a strong multicultural education system can promote such a mind-set. A strong multicultural education system is not only important for instilling the proper mind-set for dialogue, but also for social unity as a whole because it is important that citizens

feel at ease with one another despite their various differences. Echoing a view of Parekh, a strong multicultural syllabus can cultivate a climate where individuals are open and receptive to other cultures and ways of life, and can provide individuals with the knowledge and awareness required to be tolerant of practices and beliefs that are substantially different from one's own (Parekh: 2006: 14-15). In addition, a strong multicultural syllabus should foster an awareness of the inevitability of disagreements in genuinely multicultural societies, and to recognise that fair and equal dialogue constitutes the best vehicle for resolving these disagreements. Over time as the multicultural syllabus is implemented, it can arm a generation of citizens with the necessary knowledge and mind-set required to co-exist peacefully with their diverse neighbours. With this knowledge and mind-set, individuals are more likely to subscribe and adhere to the conditions of intercultural dialogue, and therefore are more likely to achieve a positive outcome.

- *Conditions of dialogue*

While the emphasis on equal participation, respect, openness and tolerance undoubtedly are values and commitments commonly associated with liberalism, this is not to say that this thesis seeks to endorse a liberal conception of the good life. The principles of fair dialogue and the weighing of contrary arguments do not constitute uniquely liberal values, but are principles which are widely recognised. Indeed politics inevitably involves disagreements (Waldron: 1999: 102-103) and almost all societies have found it necessary to set up institutions and procedures for adjudicating conflicts, which involve fair weighing and balancing of contrary arguments (Hampshire: 2002). Thus while Kymlicka's position rests on a substantive commitment to fundamental liberal values, which give rise to typically liberal outcomes, the framework for intercultural dialogue advocated in this thesis is purely procedural. In other words, it endorses principles that

are conducive to fair dialogue. As such, it does not rule out that the participants in intercultural dialogue will find ways of accommodating non-liberal ways of life, provided these can be reconciled with a shared conception of Britain's "operative public values".

A multicultural society will contain a wide spectrum of groups including liberal, non-liberal, part-liberal, conservative and religious minorities. Therefore, a suitable framework must take into account the complexity of managing a society with a wide spectrum of beliefs and practices. In this regard, the thesis endorses the Parekhian view that the politics of multiculturalism is about managing the relationship and establishing fair terms of justice between different communities. If this goal is to be achieved, dialogue must take place in a climate of tolerance and respect of other cultures and must encourage greater equality.

That is not to deny that the conditions of intercultural dialogue may prove burdensome for some citizens. Indeed these conditions may well be more burdensome for some than for others. However, this does not mean that they are fundamentally unfair. For example, a community whose group norms involve women being accorded a lower status than men may refrain from participating in an intercultural dialogue because the conditions underlying such dialogue endorses gender equality in the form of equal participation. They would obviously prefer to engage in dialogue under conditions that only allow men to participate. However, given the unavoidable need to resolve disagreements, widely recognised principles such as equal participation, respect, openness and tolerance are arguably vital if citizens are to find common ground. Therefore, a process of intercultural dialogue that is underpinned by such principles constitutes the most promising avenue to resolve hard cases of disagreement.

If minority groups still refuse to participate, perhaps the best that can be hoped for is to leave the door open to dialogue and negotiation. In other words, certain minority groups can choose not to participate if they feel it is for the best. The key idea of dialogue is that no viewpoint is assumed to be automatically superior and this can only be achieved if parties in the dialogical process see each other as equal participants and are willing to work together to nurture a better society. While the way of life of communities who refuse to participate in intercultural dialogue should be tolerated, and such communities should be able to pursue their way of life in the non-political private realm within the confines of the law of the land, such communities cannot expect public support or recognition. Should they wish to come back and engage in the dialogical process, they are free to do so as long as they participate in good faith and respect and uphold the principles governing dialogue.

- *Process of dialogue*

This thesis believes the process of dialogue must begin from the bottom-up. That is to say, dialogue must begin with the "average citizen" because, essentially, it is the "average citizen" who forms the bedrock of a united political community. Social unity cannot be fashioned from the top. In other words, the state cannot say that the framework of shared values that holds this particular society together are X, Y and Z. Values X, Y and Z must be derived organically: they must come from the citizenry itself. If values come from the citizenry itself, they will command more legitimacy and are more likely to foster a common belonging between citizens. Hence, intercultural dialogue can yield a more authentic conception of "Britishness" because it gives ordinary citizens the opportunity to collectively determine what binds them together. Moreover, it also gives the ordinary citizen the opportunity to develop and nurture their existing views of Britishness. Some ordinary citizens may possess abstract thoughts,

may be undecided or may not be able to articulate clearly what they regard as key elements of a British identity. Extensive discussions and the exchange of ideas can be used to nurture and develop the ability of ordinary citizens to articulate and convey the values and commitments that ordinary British citizens share. This is important because British citizens will believe that as citizens, they share characteristics and features with other citizens. Dialogue will give greater clarity to what these features and characteristics are.

To give an example of how intercultural dialogue may look in practice, a series of informal public meetings or functions may take place, where participants ranging from the "average citizen"; to minority community leaders; to advisory bodies; to government think-tanks; to academics, are invited to the city or town's municipal building to participate in discussions regarding what constitutes British values and what it means to be British and how to unite society and so on. Such an environment offers participants the opportunity to voice their opinion and to develop their understanding of how others derive their sense of national identity. In this sense, the values of Britishness are derived organically because they come from the citizenry itself. At a national level, central government can initiate the process by developing a statement of intent which can provide an initial focal point for such debates. In this context, the values highlighted in the CRE survey data such as tolerance, fair play, respect for the rule of law and upholding human rights can constitute a starting point for the development of a contemporary conception of Britain's "operative public values".

Although the CRE survey data essentially constitutes a one-off snapshot of what a small number of participants regard as the hallmarks of a British identity, it is arguably not unreasonable to assume that a nation-wide dialogical process would yield a framework that is broadly similar to the findings of the CRE. Assuming dialogue will

reflect findings similar to the CRE survey data, a clear and consistent framework of values would begin to emerge. For example, in the CRE survey, values such as the upholding of human rights, tolerance, fairness and respect were explicitly identified as constituting elements of a British identity by all participants. Fairness and respect were also implicitly identified in the form of an ethno-cultural trait: queuing (CRE: 2005: 29). In other words, being reserved and queuing can be seen as symbolic of Britishness. Even the act of being reserved is said to be indicative of respect and tolerance because it implies politeness and an unwillingness to cause offence. This would indicate a consistency in terms of the values and attitudes that British people share. Such values and attitudes could provide the foundation for a conception of society's "operative public values", which can be revised accordingly when dialogue is initiated to establish the elements of a British national identity. While Parekh's conception of a national identity is grounded in the political values of society, the elements identified in the CRE survey appear to go beyond that. In this context, the dialogical approach of this thesis is thicker than the Parekhian framework as it offers substantially more room to cultivate a sense of belonging. Consequently, a thicker framework can serve as the backdrop to hard cases of disagreement between majority and minority communities.

Hard cases of disagreement

The thicker framework of shared values all citizens can subscribe to, then, can constitute an appropriate backdrop in hard cases of disagreements. This is particularly important when adopting a contextual approach to dialogue in hard cases of disagreements. A contextual approach to dialogue is one that emphasises working on a case-by-case basis. In the context of this thesis, it involves examining the specific nature of the practice itself and the specific nature of the disagreement itself. Take, for

example, the issue of reworking the national story. Suppose that the dialogical process has resulted in a shared framework of British values that consists of X, Y and Z. The national story has been a contentious issue for many, for the debate centres on the fact that the existing story predominantly reflects the heritage of the white Christian population of society and should be changed to incorporate minority communities. Imagine, for example, that a particular group of citizens believes the national story to be adequate and sufficient and not in need of revision. Given that X, Y and Z constitute the contents and values associated with an inclusive and comprehensive British identity, the question that should be asked is whether the rationale for non-revision of the national story is consistent with X, Y and Z. Assuming the dialogical process that led to X, Y and Z incorporates citizens from all backgrounds, the values will be adequately inclusive. In other words, the values will be indicative of a culturally diverse society. Through dialogue a particular group of citizens who genuinely believe that the existing national story should not be revised to incorporate minority communities, can be shown that their position is inconsistent with values X, Y and Z. For example, in the dialogical process, it could be conveyed that with cultural diversity seeming to be a permanent trait, and considering the role minorities played in helping to restore Britain's economic health in the aftermath of the WW2, it is only natural that they be incorporated into the national story. Furthermore, Britain's "operative public values" partly include, for example, respect, tolerance and openness, and this would clash with a position that does not want to include minority communities in the national story. In the name of democratic justice, those objecting to the changes in the national story should be given the chance to articulate their rationale behind it. However, with the aim of dialogue to create a cohesive multicultural enterprise that is inclusive of all, the rationale should easily be refuted.

Moreover, the acceptance of the rationale to revise the story will indicate that the guiding values and principles that initially led to their decision not to revise the story was intuitively incorrect and therefore highlights the fact that a contextual approach to hard cases of disagreement is necessary if it can lead to adaptation and change. In other words, people's intuitions are not always correct. For example, it is not unreasonable to say the idea of universal citizenship, as endorsed by Barry, is intuitively the ideal form of citizenship because discrimination on the grounds of race, gender, social class and so on is to be avoided by treating everyone equally. Differences based on these elements are regarded as "private" matters and are irrelevant to the public status that one holds as an equal citizen. However, analysed further, one who endorses the virtues of universal citizenship may realise, through dialogue, that it burdens certain minority communities, such as, for example, the Sikh community in relation to the compulsory wearing of the turban and a school enforcing a uniform policy that includes a head cap. Intuitively, there is nothing insensitive about enforcing a school uniform policy that requires all boys to wear a particular garment of uniform, and it would seem unfair if one boy is exempt from this policy. However, once the situation is examined further, one can see that a Sikh boy would be significantly disadvantaged if the policy is applied to him. Therefore, the Sikh boy would have to be exempt from wearing a head cap in order to be treated equally. In this context, it is necessary to treat some people differently from the rest in order to treat them equally. The point is that people's intuitions are not always correct, and a dialogical approach based on context can help revise their intuition for the greater good.

Conclusion:

The findings of the CRE survey highlight a number of difficulties inherent in any attempt to create a strong overarching identity that is sufficiently flexible to accommodate diversity. These include the negative perception of ethnic and religious minorities among white participants. The latter believe the former do not share, and in some cases undermine, the values and characteristics associated with Britishness. It is for this reason that they attribute blame to ethnic minorities for the perceived decline in Britishness. This suggests a major difficulty in reworking Britishness and creating an overarching national identity that is inclusive of all. Moreover, the rebranding of Britishness in terms of its national history and heritage so that it incorporates ethnic and religious groups appears to be a sensitive issue for many white participants. For example, the recommendation by *The Parekh Report* to rework the national history and heritage caused considerable controversy and anger, much of which focused on the suggestion that Britain should alter its ways. This can be seen as indicative of a real reluctance to change. This reluctance to change seems to come from an entrenched sense of pride in past events such as the success of the British Empire and its implicit association with white supremacy, which has now seeped into everyday life. This makes change difficult and the chance of rebranding Britishness in a way that is inclusive of ethnic and religious communities more problematic.

Nevertheless, the CRE data highlights a genuine consensus regarding key values and commitments that define "Britishness". This is indicative of the bigger picture, namely British citizens do indeed share overarching values and commitments that bind them as British citizens. Interestingly, many of the common features identified by respondents extend beyond the purely political-institutional framework for a shared national identity advocated by Parekh. This chapter has argued that to clearly articulate

these requires a process of intercultural dialogue that is purely procedural. The contents that emerge from this dialogical process would be a clear and inclusive conception of the values and commitments that constitute a British identity, which could serve as the backdrop to a contextual approach to hard cases of disagreements.

How the process of intercultural dialogue is conceived is central to developing a thicker conception of a British identity. First, participants must embrace the spirit of dialogue. Thus participants must be respectful of other parties in the dialogical process, must recognise that they are there to develop and nurture a cohesive and peaceful multicultural enterprise, and that part of this process may involve mutual adaptation and revision. To nurture this process, a strong multicultural education system that fosters a climate of openness, tolerance and awareness of other practices and beliefs is important, especially for future generations. In addition, a strong multicultural education should prepare its students for the inevitability of disagreements that envelop multicultural societies. That way, they are more likely to recognise that they have to work with others to achieve a positive consensus and to work together means to engage in a process of dialogue that is characterised by equal participation, respect, openness and tolerance.

While the emphasis on equal participation, respect, openness and tolerance are undoubtedly values and commitments commonly associated with liberalism, this is not to say that this thesis seeks to endorse a liberal conception of the good life. The principles of fair dialogue do not constitute uniquely liberal values, but are principles which are widely recognised. The nature of politics means disagreement is inevitable and this means there inevitably is a need for institutions and procedures to adjudicate these disagreements. Given this need, a framework of dialogue based on principles such as fairness, openness and respect constitutes the most appropriate vehicle for finding a common resolution. These principles are arguably widely recognised and can be

endorsed by all groups regardless of the doctrine they subscribe to. Therefore, it does not rule out, in principle, the accommodation of non-liberal minorities, provided their practices can be reconciled with a shared conception of Britain's operative public values.

The dialogue must begin with the ordinary citizen because as a collective citizenry, they form the bedrock of the political community. Such dialogue can provide a basis for citizens to develop a coherent framework of overarching values that all citizens can endorse. For example, CRE survey data indicated that upholding human rights, respect, fairness and tolerance were values that were shared by all participants, and that certain habits and behaviours, such as queuing, were regarded as quintessentially British because they embody values such as respect and fairness. By helping to articulate shared values, dialogue can help to nurture an overarching British identity, which can provide an appropriate frame of reference in hard cases of disagreements. As the CRE data suggests, such dialogue is liable to give rise to a significantly thicker framework than Parekh's purely political-institutional conception of a shared national identity, and hence stands a better chance of sustaining unity within diversity.

Chapter 6. *Conclusion*

Throughout the course of Part I, this thesis has explored the notion of citizenship within the context of cultural diversity. Prior to the contemporary debates regarding the status of minority groups, it had been established that the concept of citizenship is linked to a set of rights associated with membership in a political community. According to T.H. Marshall's conception of citizenship, this set of rights consists of civil, political and social rights. Ultimately, the latter of the three was established to facilitate the first two. As the working class were socially excluded from the dominant culture due to the adverse impact of capitalism, the development of social rights enabled those excluded to exercise their claim to civil and political rights. It was therefore established that Marshall conceived of social rights as the "third leg" in the "three legged stool" of citizenship.

However, in the context of contemporary citizenship in a multicultural society, Marshall's analysis of citizenship is not enough. Contemporary debates regarding citizenship now centre on the claims of cultural minorities, who are disadvantaged by virtue of their membership in a distinct minority culture. How to remedy this disadvantage and secure equal citizenship for minorities has been the subject of contentious debate. One remedy includes expanding the "three-legged stool" of citizenship into a "four-legged chair", with group-differentiated rights constituting the fourth leg. Will Kymlicka's conception of multicultural citizenship constitutes one of the most influential attempts to expand the notion of citizenship in this fashion. Given that liberals emphasise the importance of the primacy of the individual, Kymlicka's work attempts to reconcile the liberal tradition with group-differentiated rights. His core thesis lies in the belief that group-differentiated rights can be justified because they foster individual autonomy and equality, and his entire argument is predicated on this

assumption. However, in the context of this thesis, Kymlicka's framework was found lacking because he fails to appreciate cultural diversity in its own terms. In other words, there is no appeal to the value of culture and cultural diversity as a whole. Furthermore, Kymlicka's undue emphasis on the promotion of individual autonomy is problematic in the face of genuine cultural diversity because not all cultural groups subscribe to autonomy in the same manner as liberals do. Consequently there is a risk that justice is to be denied to minority groups who do not attach the same primacy to autonomy as liberals. A genuinely multicultural society will contain an eclectic mix of cultural communities including liberal, part-liberal and non-liberal communities, and Kymlicka's overtly liberal framework does not give due consideration to the latter two.

A genuinely multicultural society requires a framework in which communities know their presence is valued and accepted and Parekh's framework helps to express this. Parekh's approach essentially involves emphasising the worth of cultures and cultural diversity as a whole. For Parekh, cultures are valuable regardless of whether they are realistic options for us. He believes that a culture has value not only for its own members, but also for members of other cultural communities. His belief is that other cultures help us to remain grounded and provides a standpoint from which individuals can identify the strengths and weaknesses of their own culture. Thus, the presence of diverse cultural communities expands our intellectual horizons and encourages us to explore beyond our own culture. Moreover, individuals are culturally constituted in the sense that culture shapes and plays a significant role in the development of one's individual identity and shapes one's conception of the good life. By recognising and appreciating the role cultures play and the profound impact they can have on individuals, we can begin to see that the politics of multiculturalism is ultimately about managing the relationship between different cultural communities via intercultural

dialogue. However, despite his insights into the value of cultural diversity, Parekh's framework remains problematic because his concept of intercultural dialogue is vague and the political structure he advocates remains rooted within liberalism. While Parekh claims his framework transcends liberal principles, in practice it reflects a liberal outlook. This is problematic given his overall position is underpinned by a commitment to value pluralism: the belief that there is no single conception of the "good life" but rather a variety of competing and equally legitimate conceptions. He argues throughout that liberalism should be seen as one conception of the good life among many others, and that the principles of justice governing a multicultural society cannot involve liberal principles alone. However, the framework that Parekh proffers seems to remain rooted in liberal values, which is evident in his grounding for a shared political identity and the values sustaining intercultural dialogue.

While the notion of group-differentiated rights for minorities has attracted considerable critical attention, even the most vociferous critic of multiculturalism cannot convey a suitable framework that secures equal citizenship for minorities. Barry emphasises the notion of universal citizenship throughout his critique of multicultural policies but ultimately misses the point because he fails to understand the significance of culture to its adherents. Moreover, despite arguing against the notion of group-differentiated rights such as legal exemptions and claiming cultures are a product of individual choice, his position regarding the claims of minorities is arguably closer to the multiculturalist position than he suggests. For example, Barry opposes exemptions in general but like the multiculturalist approach believes they should be granted when there is a compelling case for it. However, while multiculturalists ground their case for exemptions in an appeal to the value of culture and equality properly understood, Barry bases his argument on consequentialist considerations. In the case of the Sikh school

boy, Barry believes an exemption is justified because the wearing of the turban does not interfere in the school's ability to educate its pupils whereas the multiculturalist position is that the exemption is justified on grounds that it is consistent with the right to equality.

Drawing on Parekh's emphasis on the value of cultural diversity and his view that the politics of multiculturalism is essentially about managing the relationship between different cultural communities, this thesis has argued for a contextual approach to intercultural dialogue as the most plausible response to hard cases of disagreements between minorities and majorities. Such intercultural dialogue can provide the foundation for developing an overarching British national identity.

In this context the thesis endorses Parekh's notion that individuals are culturally constituted. A secure culture in which one grows up helps to shape one's beliefs and convictions and generally gives a sense of guidance to one's life. As a result, the absence of a secure culture can be detrimental and group-differentiated rights should be accorded to alleviate the burdens minorities may face. However, whether specific group-differentiated rights should be accorded is dependent on the circumstances, particularly in hard cases of contention, and therefore a contextual approach to dialogue is required. That is to say contentious issues should be decided on a case-by-case basis. This is because the guiding values and principles that initially determine the outcomes of hard cases may be intuitively wrong, especially if, in practice, it results in injustice and hardship for minorities. For example, at first glance, the concept of uniform treatment, where all individuals are treated equally regardless of race, gender, social class and so on may be regarded as the most appropriate form of citizenship. Therefore, our values and principles that are used to determine and deliberate hard cases of disagreements are influenced by our intuition that all individuals should be treated the

same. However, cultural diversity throws up many demanding circumstances that may well go against the values and principles of uniform treatment. For example, a school enforcing a uniform policy for its male pupils which includes a head cap does not seem unreasonable, but for a Sikh male it is highly problematic as the wearing of the turban conflicts with the wearing of the head cap. The Sikh child's family wishes that he attends that particular school but the school decides not to admit him on the grounds he cannot comply with the school uniform policy. A contextual approach to dialogue with the school would show that their decision is wrong. For example, it would be conveyed to the school that all individuals have the equal opportunity to attend their preferred school, and since the chosen school effectively bans the wearing of turbans by enforcing a uniform policy that includes the compulsory wearing of head caps, it imposes a restriction on the Sikh child that others are free from. Exempting the Sikh child would free him from this restriction and he would be treated equally along with the other children. Accepting this premise will mean that those running the school will have developed a new perspective and understanding in terms of how to uphold the principle of equality.

The point is that a contextual approach to dialogue generates different outlooks and ideas which would allow for re-evaluation of these guiding principles and values. Such intercultural dialogue can be beneficial for all parties and help to nurture an overarching common framework of values and principles. To this end, developing the process of intercultural dialogue is important, not only for the resolution of contentious issues, but also for developing an overarching British identity. From the outset, participants should recognise that the aim of dialogue is to foster greater awareness and understanding of diverse practices and beliefs, and to move forward in relation to hard cases of disagreement. Since genuine multicultural societies tend to throw up alternative

points of view, it is indicative of the nature of politics – the inevitability of disagreements. In this context, there is a need for a set of rules and procedures to manage this and the framework for intercultural dialogue proffered in this thesis is purely procedural. In the face of cultural diversity, this thesis believes that to be effective, intercultural dialogue must be underpinned by a commitment to principles that are widely recognised, such as equal participation, openness, respect and tolerance. While Kymlicka's framework is typically liberal and gives rise to liberal outcomes, the framework of this thesis is purely procedural and does not rule out that participants in the dialogical process will find ways of accommodating non-liberal ways of life.

Moreover, dialogue should begin with the ordinary citizen because collectively, they form the core values and commitments that bind together a stable society. The values and commitments that bind society together cannot be fashioned from the top. Instead, they should be derived by the people, and for the people. In other words, the values and commitments that bind society together will command more legitimacy and integrity if they come from the citizenry itself. What emerges is a clear framework of values and commitments that all citizens can endorse. The sociological data considered in chapter 5 suggests that in a British context, such a shared framework is liable to be significantly thicker framework than Parekh's framework for an overarching national identity, which is conceived primarily in terms of the political values of society.

From a British perspective, intercultural dialogue can give rise to a common set of values and commitments that underline a British overarching identity. It gives citizens a platform to express what they believe constitutes the values and commitments that make up a British identity. By ascertaining what these are, they can be nurtured and developed into an overarching British identity, one that is sufficiently strong to sustain unity and flexible enough to accommodate diversity. Recent sociological data compiled

by the CRE shows that the prospect of developing an inclusive overarching British identity is challenging given that there are several issues that need to be addressed, including the reworking of the national story and the declining relationship between white participants and ethnic minorities. However, given that the CRE data indicated the constant presence of common values and commitments by all participants, it would appear that the people of Britain do indeed share some sort of commonality. To establish and nurture this will involve a sustained process of intercultural dialogue, which this thesis believes can give rise to a common set of values and commitments that can bind the social fabric of British society together.

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