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The Politics of Multiculturalism

1. The Curious Political Success of Multiculturalism

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In the event, however, the implementation of the Title VII programme, which expanded rapidly, was totally at odds with the rationale that the Congress had accepted. Thus, a study carried out in 1974 by the Congressional Accounting Office found that 87 per cent of the programmes funded under Title VII were dedicated to maintaining a minority language and were not designed to enable students to move into an English-speaking environment to complete their education.[28] Even if students in bilingual educational programmes did learn enough English to be able to function in classes taught in English, it was found by another study that '86 per cent of the Title VII project directors interviewed said that they had a policy of keeping students in [Spanish-speaking] classes after they could learn in English'.[29] Even more remarkably, the study by the Congressional Accounting Office found that 'many Title VII programs were made up largely of English-dominant students of Hispanic origin'.[30] The schools were thus maintaining the ancestral language of these students but not their actual language. In any case, such students had no place in any Title VII programme, under the official rationale, because this was intended exclusively for students whose English was deficient. We can understand why the objectives of the programme were subverted by the agency appointed to implement it when we discover that it was headed at this stage by somebody who had previously testified to Congress that he foresaw the United States following Canada in having two official languages – in the American case, English and Spanish.[31]

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

2. Multiculturalism versus Democracy

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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