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THE MUDDLES OF MULTICULTURALISM

THE *FUTURE OF MULTI-ETHNIC BRITAIN*, better known as the Parekh Report, was published in the autumn of 2000.¹ It was the work of a 23-strong Commission set up by the Runnymede Trust under the chairmanship of the political theorist Bhikhu Parekh, recently retired from his chair at the University of Hull and elevated to the House of Lords as a working Labour peer. In his Preface, Parekh writes of his fellow commissioners that ‘the Report is entirely their creation, and I can only hope that the understandable but regrettable tendency to identify a report with a commission’s chair will be studiously resisted’. Different chapters, his account suggests, were prepared by different members of the commission, and then revised in the light of discussion. At the same time, Parekh’s sweeping disclaimer of any creative role in its preparation lacks plausibility. Much of Part One of the Report, around a third of the book, is hard-core political theory and, making allowances for simplification and abridgement, its content corresponds closely to Parekh’s own *Rethinking Multiculturalism*, published a few months before.²

A central theme in *Rethinking Multiculturalism* is the inadequacy of standard liberal principles (as embodied, for example, in international human rights documents) in the face of cultural diversity. Not only individuals but also communities need to have rights, Parekh argues. This idea plays a role in Part One of the Report, and occasionally surfaces later, as in the suggestion (in another section which, from internal evidence, was most likely written by Parekh) that the government should declare Britain to be a multicultural society. The advantages of this are said to include encouraging organizations ‘to devise policies that

promote diversity as well as equality'; and 'to stress that the country is both a community of citizens and a community of communities, both a liberal and a plural society'.³ (This catchphrase, 'a community of communities', borrowed from the English pluralists of the early twentieth century, crops up frequently in both *Rethinking Multiculturalism* and the Report.) Britain is undoubtedly a multicultural society—and has been since neolithic times—but it does not follow from this fact that there is any obligation on organizations to promote diversity, any more than there is an obligation on them to promote uniformity. If equal treatment is understood to include appropriate acknowledgement of cultural differences (a point to which I shall return), the amount of diversity that comes about as a result of the choices people make will be the right amount. Similarly, to say that Britain 'is both a liberal and a plural society' is to invoke the theoretical basis underlying special rights for groups. Pluralism, interpreted in this way, cannot simply be added to liberalism but is fundamentally in conflict with it, as Parekh himself emphasizes in *Rethinking Multiculturalism*. Yet this is, again, quite detachable from the fact that Britain is a multicultural society.

Principle of non-discrimination

It is striking, however, how little the recommendations in the substantive part of the Report require any departure from minimal liberal premises to support them. Most of them, indeed, rest on a very narrow basis: the principle of non-discrimination and the corresponding (weak) principle of equal opportunity. In other words, all we have to concede to sustain these proposals is that people who are similarly circumstanced in all respects except morally irrelevant ones, such as membership of an ethnic group, should not be treated differently by the police, have different employment opportunities, and so on. This principle of non-discrimination is less likely to be flatly rejected in contemporary Western societies than to be relegated to the status of a non-enforceable ideal. Thus, it may be said that it would be nice if the police were equally civil to all citizens, followed up all crimes with equal vigour, and so on, but

¹ *The Future of Multi-Ethnic Britain. The Report of the Commission on the Future of Multi-Ethnic Britain*, London 2000 (henceforward PR).

² Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, London/Cambridge, MA 2000 (henceforward RM). [See Gopal Balakrishnan, 'The Politics of Piety', NLR 7, Jan–Feb 2001.]

³ PR, p. 278.

that any attempt to enforce such norms is liable to ‘undermine morale’ and reduce overall police efficiency. Similarly, it may be said that, while employers should be encouraged to adopt codes of good practice for recruitment, subjecting them to potential legal penalties or loss of government contracts on the basis of the actual results of their recruitment decisions would be excessively burdensome and intrusive.

The Parekh Report is animated by the conviction that discrimination, defined by outcomes rather than intentions, is pervasive in all sectors of Britain’s society, economy and polity, and that it would be worth devoting a lot of resources and upsetting a lot of established ways of doing business to get rid of it. I am not saying that the entire Report can be reduced, in practical terms, to the claim that the future of multi-ethnic Britain would be pretty good if discrimination were rooted out; we would, however, encompass a remarkably large part of it by adding the often-made point that discrimination does not exist in a vacuum, so that its eradication can never be secure as long as the attitudes that support it continue to exist. Yet even confining ourselves to the principle of non-discrimination, we shall find very little in the chapters on the police, on criminal justice, on health and welfare, employment, immigration and asylum, that depends on any normative premise beyond this. Furthermore, the chapter on ‘Religion and Belief’, which might be expected to follow up Parekh-style ideas about the inability of standard liberal rights to accommodate the demands of religious communities qua communities, does none of this, but actually devotes almost all its space to the case for extending anti-discrimination legislation to cover religion. Of course, this requires taking account of cultural diversity, in as far as indirect religious discrimination consists of making demands (as a condition of employment, for example) that are disproportionately burdensome to some people in virtue of their religious beliefs or norms, and cannot be justified as necessary for the conduct of the business, school, public authority or whatever. But this is simply a necessary condition of implementing the principle of non-discrimination, and does not in any way conflict with the liberal principle of equal treatment that underlies anti-discrimination measures.⁴

⁴ For a more formal statement of the relevant principle of equal opportunity and its application to discrimination on the basis of religion, see Brian Barry, *Culture and Equality: An Egalitarian Critique of Multiculturalism*, Cambridge/Cambridge, MA 2001, chapter 2.

Not surprisingly, the chapters on education and the arts, media and sport have things to say that cannot be subsumed under the principle of non-discrimination, though they have a good deal to say about that as well. Some of these ideas are better than others—the section on the arts, for example, seems to me to rest too heavily on the assumption that members of ethnic minorities can enjoy only ‘their’ cultural products—but they do not involve any breach of basic liberal principles. They are largely addressed to the corollary of anti-discrimination: the need to overcome misconceptions and prejudices.

There are, indeed, points at which the recommendations put forward in the Report would appear to conflict with liberal individualist principles; however, to the extent that they do, it is not at all apparent how they could be supported in any other reasonable way. I express myself a bit vaguely here, because the authors of the substantive chapters tend to assume that the normative premises underlying their proposals are too obvious to need stating—a confidence that is not always well placed. Thus, for example, ‘spatial distribution’ is put forward as a reason for rejecting ‘colour-blind and culture-blind’ approaches to poverty, because ‘black, Asian and Irish people will not, of course, benefit from measures that target areas where they do not live.’⁵ Since this is a tautology, its truth is undeniable. But so what? If people concentrated in ethnic-minority areas and equally poor as those elsewhere were being left out of anti-poverty measures, there would obviously be an objection. But the objection would not then be that the policy failed to take account of ethnicity—rather, that it fell foul of the anti-discrimination principle, by treating members of ethnic minorities less well than others similarly situated in this respect.

To the extent that anti-poverty measures are effective, there is nothing wrong with the idea (criticized in the Report) that, in so far as members of ethnic minorities suffer from poverty, ‘they will automatically, and indeed by definition, benefit from anti-poverty measures’.⁶ No doubt, as the Report says, ‘poverty affects certain communities disproportionately’. But the implication that should be drawn is simply that those communities will benefit disproportionately (but fairly) from equally effective anti-poverty measures. None of this impugns the validity of the point, also made, that the same measures may be differentially effective.

⁵ PR, p. 84.

⁶ PR, p. 82.

(For example, improving job qualifications will have only limited value in improving employment among those subject to job discrimination.) But this is simply another application of the idea that (as with the prohibition of discrimination on religious grounds) equal treatment has to take context into account. It does not require any departure from the principle that the eradication of poverty has equally high priority regardless of the ethnic identity of those who suffer from it.

Grounds for quotas

Once we get past Part One, it is rare for more than a few pages to go by without a demand on some (public or private) body to start collecting, and publishing, statistics broken down by ethnicity. Once we ask what is supposed to be done with these statistics, we are again liable to run into some difficulties arising from the lack of guidance as to the normative premises at work. One important reason for collecting such statistics is to use them in conjunction with anti-discrimination measures. For example, unless employment discrimination is extraordinarily gross, it can be established only statistically, by comparing the racial composition of (say) the pool of qualified applicants with that of the successful ones. Similarly, if members of racial minorities disproportionately resign from (say) the police, this is *prima facie* evidence of a hostile working environment, which will support anecdotal evidence. Again, monitoring waiting lists in the National Health Service 'by ethnicity and religion', as is advocated, could be useful if it were employed as part of an effort to identify discrimination between people in medically similar situations. But what are we to make of the assertion that 'targets should not be colourblind' and that the data collected should be used 'to set targets'?⁷ It is hard to see this as anything other than a proposal for ethnically-based quotas, with the implication that waiting lists should be manipulated in order to stay within these quotas. This would conflict with the principle of treatment on the basis of medical criteria alone, without regard to ethnic identity. But from what remotely plausible normative premise could such a proposal be derived instead? Surely, ethnic groups cannot themselves be collective claimants on the resources of the NHS.

In other cases, the argument for group quotas of some sort can be made, but that argument needs to be spelt out and distinguished from one

⁷ PR, pp. 182–3.

based on anti-discrimination. Thus, the Report tells us that ‘a survey undertaken in early 1999 found that of over 2,000 people at [influential] levels in the daily and Sunday press, only 43 were black or Asian.’⁸ If the proportion were in line with that of blacks and Asians in the general population, there would be around a hundred instead, so there is *prima facie* evidence of discrimination, though the numbers themselves do not settle the issue. (If it takes twenty years in the job to become ‘influential’, we need to know about the applicant pool twenty years ago.) The reference to influence and the context of a ‘new code of ethics’ in which it is embedded suggests, however, that discrimination is hardly at the heart of the issue. Even if 5 per cent of influential people in the newspapers were black or Asian, would this be enough to make them sufficiently responsive to black or Asian sensibilities and perspectives? It seems unlikely. Maybe creating a critical mass would need 20 per cent or more. Here, I would suggest, the argument should be made in terms of fair treatment in the media, and not (or not exclusively) in terms of non-discrimination.

Making clear the normative basis of any proposal is important because its status connects with reasons for putting it forward. Discrimination, though it may be hard to prove in individual cases, is an injustice that is in principle amenable to and appropriate for legal remedy. By contrast, to say that journalism in Britain would be healthier if there were enough members of ethnic minorities to make a difference, and that something should be done about it, is to exhort those who own and run newspapers and to align the Commission behind existing advocacy groups pressing for change. It does not lend itself to legal enforcement and it does not have precise implications in terms of numbers. Furthermore, minority staffing is only incidental to the real concern of the Report, which is the editorial policies of the right-wing press. This emerges clearly in the chapter on politics and representation. Although this mainly focuses on the playing of the ‘race card’ by politicians, newspapers are included among the players. It is not hard to put names to the newspapers said to play this card as ‘part of a hand’ that includes ‘hostility to Europe, ridicule of political correctness, and punitive approaches to law and order.’⁹ If these newspapers have few members of ethnic minorities in influential positions, as the Report’s statistics show that they do, this is surely

⁸ PR, p. 171.

⁹ PR, p. 225.

more a symptom than a cause of an editorial slant that exploits the xenophobia and paranoia of their readers.¹⁰

Lost opportunities

One self-inflicted weakness of the Report, as an action-orientated attempt to change the course of public policy in Britain, is its failure to establish any hierarchy among its recommendations. Instead, we get a final 'Checklist of Recommendations', presented one after another in the order in which they happened to occur in the text. Given twenty-three people, each of whom no doubt came to the Commission with an agenda (either their own or that of an organization already in the field), it is understandable that the easiest way to gain a consensus was simply to aggregate all the proposals, without any attempt to establish priorities among them. But what Aneurin Bevan said of socialism—that its religion was the language of priorities—could be said equally of any political programme.¹¹ Even at the expense of some ruffled feathers, it would surely have been worth showcasing a handful of key proposals and grouping the others around them, no matter where they originally appeared. For example, the Report recommends setting up two new statutory bodies: an Equality Commission (incorporating and possessing stronger powers than the Commission for Racial Equality) to oversee the operation of a new Equality Act, comprehensively outlawing discrimination; and a Human Rights Commission 'the functions of which would include the review of legislation, scrutiny of draft legislation, the provision of advice and assistance to individuals and guidance to public authorities, the conduct of investigations and inquiries, and the general promotion of human rights culture.'¹² These proposals both occur in the penultimate chapter, so they are tucked towards the end of the 'Checklist of Recommendations'. Yet they would surely, if implemented, go a long way towards the permanent institutionalization of the work of the Commission that drew up the Report. Much of the specific content of the Report could then be seen as drawing attention to matters to be dealt with in the Equality Act and suggesting ideas for the work of the two proposed Commissions.

¹⁰ PR, p. 171.

¹¹ Anthony Jay, ed., *The Oxford Dictionary of Political Quotations*, Oxford 1996, p. 40.

¹² PR, pp. 312–3.

This lack of strategic thinking in the presentation of the Commission's specific proposals might perhaps help to explain why press coverage paid relatively little regard to them; but we still have to look elsewhere for an explanation of the huge amount of coverage the Report received from the right-wing press, all of it unremittingly hostile. As I have pointed out, the Report gives hostages to fortune by propounding a theory of multiculturalism as pluralism that is almost entirely dispensable as a support for its specific recommendations. Criticism from this angle would have been understandable. The actual focus of criticism, however, was on the claim that British national identity has to be construed in an inclusive way, and in particular not 'racially coded' so that only whites can qualify.

Racism and the British press

It would be possible to argue about the extent that being British (or English, for that matter) is currently taken to be a racially exclusive prerogative, and it is worth observing that the Report does not offer any evidence for its view that this is widespread. But the basic point that a racially or ethnically restricted conception of nationality is a recipe for first and second class citizenship (*de facto* even if not *de jure*) can scarcely be gainsaid. In *Rethinking Multiculturalism*, Parekh had a much more extended discussion of national identity, but its main point was that 'the identity of a political community should be . . . defined in politico-institutional rather than ethno-cultural terms, in terms of the institutions, values, mode of public discourse and so on that all citizens can be expected to share as members of a community rather than their habits, temperament, attitude to life, sexual practices, customs, family structure, body language and hobbies.'¹³ Notice, however, that this does not make membership in the national community an automatic consequence of citizenship: it requires that citizens do actually share in the 'institutions, values and mode of public discourse' that make up the 'politico-institutional' order. It can be argued—and I shall argue it in the second half of this commentary—that the Report fails to make enough of the expectations that minority ethnic communities can be held to, and that the lack of any discussion of the conditions of inclusion in the nation illustrates this. But the press criticism of the Report was not nuanced in this way, to say the least.

¹³ RM, pp. 231–2.

I am inclined to think that it would be a mistake to over-interpret the fuss about a couple of pages, because the entire Report was bound to be anathema to the right-wing press. The sad fact is that what I have described as the heart of the Report—its stand on racial and ethnic discrimination—is precisely what would have led to a determination to do it in. If we start from there, we may say that it is almost accidental what the pretext was. The Report itself already includes in it all the evidence we could need for this claim in its discussion of the reception of the Macpherson Report. Published in 1999, this report on the failure of the police to pursue the perpetrators of the racist murder of a boy, Stephen Lawrence, in south London in 1993, cast a long shadow over the Parekh Report. The whole chapter on policing is built about its recommendations and, more broadly, the Report takes over from Macpherson the concept of ‘institutional racism’ as a property of an organization’s *modus operandi* that, whether intentionally or not, produces systematically unequal treatment of clients.¹⁴ A relatively benign example would be a practice of filling jobs in an organization by word of mouth, which will tend to reproduce the existing composition of the workforce.

Institutional racism in the police is a lot less benign than that, and amounts to a pattern of discriminatory policing. Yet the Report gives quotations from the *Sun*, the *Daily Telegraph* and the *Daily Mail* (twice) simply ridiculing the concerns of the Macpherson Report, and suggesting (on the lines I have already mentioned) that any attempt to introduce norms of professional conduct in the police is bound to lead to a crime wave. The Report makes the rather anodyne remark that ‘media comment such as this [‘silly’, ‘stupid’, ‘wild’, ‘witchhunt’, ‘fixation’] affects the climate of opinion within the police service, as well as the assumptions and expectations of people with whom the service comes into contact.’¹⁵ More robustly, the Report might have said that what its quotations illustrate is the impossibility of getting any kind of rational discussion within a large section of the British press of the whole range of issues to which the Macpherson Report was addressed. In as far as the Parekh Report was a generalization of the Macpherson Report (and I have argued that this is quite largely so), we do not need to look any further for the refusal to take it seriously.

¹⁴ PR, pp. 69–75.

¹⁵ PR, p. 113.

It should be added that the Government moved quickly to distance itself from the Report, emphasizing its unofficial status. This might be said to exhibit its reflexive pusillanimity in the face of the right-wing press. But we would, again, be naive to disregard the Government's genuine grounds for having reservations about the Report. Although it gets credit for a number of initiatives, it takes a tremendous hammering—all perfectly justified—on immigration and asylum. In particular, the Report can hardly have endeared itself to its number one addressee, the Home Secretary, by quoting him as saying in 1995: 'We should not allow so much as a cigarette card to come between us and the Tory Government over immigration.'¹⁶ What this meant was, of course, that in this whole area policy-making would be handed over to the Conservatives. As the Report comments, the 'race card' was not played in the 1997 election only because the Labour Party had neutralized it by adopting a 'me too' position.

An alternative critique

The Parekh Report makes large claims for its analysis of cultural diversity and the right response to it in a country such as the United Kingdom. 'The need for both equality and difference, and to respect the rights of both individuals and communities, appears to be beyond the compass of existing political vocabularies. The debate about British multiculturalism needs to pursue these long-term questions. It has hardly begun. This Report, we hope, will be a valuable resource for it.'¹⁷ Given the hostile reception that the Report received for what is most irreproachable in it—the proposals for strong steps against discrimination—there is a natural temptation to withhold criticism of claims such as the one I have quoted. Quite apart, however, from the idea that not concealing what one believes is the academic equivalent of the Hippocratic Oath, there are still two reasons for suppressing any such scruples. One is that the line taken by the Report is liable to be harmful to women and children in minority communities and to those within them who deviate from their prevailing norms. The other is that the Report's position on basic issues in political theory weakens its most valuable aspect—its emphasis on the need for more and better anti-discrimination measures.

¹⁶ PR, p. 226.

¹⁷ PR, p. 37.

As a way of stimulating thought about the complex politics of multiculturalism, let me take as my text a story run by the *Daily Mail* a few weeks after the Report was published. This concerned guidelines issued by the Lord Chancellor's Department for the use of immigration adjudicators 'who rule on asylum bids rejected by the Home Office' specifying 'the additional ways women and homosexuals can be persecuted compared to heterosexual men.'¹⁸ They were 'told to recognize', for example, that women 'are often persecuted because they "fail or refuse to conform to behavioural norms"', and that 'homosexuals may be victims of persecution because of their sexual orientation. Social norms may force them to marry members of the opposite sex—a breach of their right to a private sexual life.' (This is presumably to be understood as a universal human right since it is, *ex hypothesi*, not a positive right established in the place of origin of those seeking asylum on this basis.) The article concluded by quoting 'Tory MP Gerald Howarth' as saying: 'This is just further evidence that this Government, despite its rhetoric, is soft on immigration and asylum. What we have here is an attempt to impose on the adjudicators a code of political correctness so that they are instructed to see as persecution things which the rest of us rightly perceive to be cultural issues.'

It would be absurd to parse this comment as if it were a contribution to political philosophy. It is instructive, however, to examine it as an intervention in public discourse concerning ethnic and cultural minorities in Britain. Clearly, the remarks quoted are far too brief to permit the development of an original argument—or any argument, indeed. They are designed to press buttons already in place, bypassing the higher thought-centres of the brain and going straight to the hypothalamus. Two obvious ones are 'soft on immigration and asylum' and 'code of political correctness'. I need say no more about these, because they fit in so precisely with the remarks about the 'race card' quoted earlier from the Report. What is worth attention in the context of the politics of culture, however, is the third point—the suggestion that, if some phenomenon can be categorized as 'cultural', this necessarily precludes its also falling under the description of persecution. I am not sure what readers of the *Daily Mail* were intended to make of this proposition. What it seems to imply, anyway, is that there are no universally valid principles on the

¹⁸ Michael Clarke, 'Immigration Guide to Make Staying Easier', *Daily Mail*, 6 December 2000, p. 7.

basis of which we can say that gays or women are being treated in morally unacceptable ways if they are constrained to conform to local norms decreeing heterosexuality or the subordination of women.

Universal and cultural norms

The most radical argument against the possibility of criticizing cultures is to say that ideas of right and wrong are themselves entirely cultural artifacts. On this view, if we say that some society with a different culture from ours treats women or homosexuals unjustly, all we are doing is pointing out that it would be unjust to treat them in this way in our society. Every cohort of undergraduates includes some adherents of this view, who often believe that nobody has ever thought of it before them. Among those who think about these things for a living, however, it would be hard to find one who does not maintain the absolute wrongness of slavery and genocide, which are the subjects of special United Nations conventions. At the same time, even those who would carry universality very much further than that are prepared to concede that some norms are culturally variable. Contrary to Mr Howarth, I would regard the treatment of women and gays as subject to universally applicable standards. But I would argue that norms about what constitutes unacceptably antisocial behaviour have a certain irreducibly conventional element in them. Is it an unreasonable imposition on the neighbours to keep chickens, pigs or goats in your back yard, for example? There is no answer to this question that is valid for all times and places—even holding constant the size of the yard. Local custom must play an important part in answering it.¹⁹

Since virtually everybody agrees that there are some universal standards and also that there are some matters that are subject to culturally variable norms, it is not very informative to say that somebody is an adherent of both propositions. The question is, where does one end and the other take over? Where do Parekh and the Report fit into the spectrum of possible positions? We already know that both of them play up the importance of accommodating cultural diversity. This inevitably means that the scope of universalism must be limited. But just how limited do they take it to be?

¹⁹ I have discussed the limits of universalism more systematically in *Culture and Equality*, pp. 284–91.

In one way or another almost everything in Parekh's *Rethinking Multiculturalism* bears on the question of the limits of universalism, whereas in the Report it is taken up explicitly only in a few pages of Part One. It therefore makes sense to focus first on *Rethinking Multiculturalism*, and then follow through the ideas in the Report. Just how sceptical Parekh is about universal values is not altogether clear. Thus, in the course of an argument about the ethnocentricity of contemporary liberal political philosophers, he says that John Rawls's theory of justice makes false claims of universal validity in as far as 'his belief that our natural talents are undeserved rests on a particular comprehensive doctrine. For the Hindus, the Buddhists, the Jains and others, they are products of the agent's meritorious deeds in his or her past life, and hence amply deserved.'²⁰ Notice that the question here is not whether or not deploying natural talents can legitimately be a basis for deserving whatever rewards may accrue from doing so. Rather, the question is one that goes to the heart of even the most minimal form of universalism: the notion that human beings are in some fundamental sense of equal worth.

The doctrine of *karma* to which Parekh is adverting is misleadingly described by him as being concerned with the distribution of natural talents, for this implies that someone born into a low caste who displayed unusual natural talents would be thought of as having been exceptionally meritorious in a previous existence and thus worthy of advancement to a higher ritual status. Instead, the only evidence of prior good or bad deeds is taken to be the fact of being born into one caste rather than another (and also perhaps as male or female): even a dim Brahmin is still a Brahmin. The entire system of structured inequalities—religious, social, occupational and political—of traditional Indian society is built on this idea that human beings are inherently of unequal worth in virtue of their birth. If those who reject this are taken to be subscribing to just one 'comprehensive view' among others, then no conception of equal human rights, however basic, can have any claim to universal validity.

Elsewhere, however, Parekh says that it is 'possible to arrive at a body of moral values which deserve the respect of all human beings'.²¹ How is this possible? According to Parekh, there should be 'cross-cultural dia-

²⁰ RM, pp. 86–7.

²¹ RM, p. 133.

logue' leading to 'a cross-cultural global consensus'. Nice work if you can get it, of course, but it is hard to imagine how it can have much content if we are prepared to scuttle claims about universal moral standards on the basis of those who believe that good or bad deeds in previous lives entitle people to massively unequal rights from birth in this one. However, Parekh cuts the Gordian knot by briskly announcing that 'arguments for [some values] are stronger and more convincing than those for their alternatives.' Thus, he says that 'we can offer powerful arguments for the equality of the sexes and races', though these are 'unlikely to be conclusive and uncontroversial'. More generally, he says, human beings have 'equal dignity and worth'.²² If the criterion for an argument's being convincing is that it actually convinces everybody, we are back at the need for global consensus, from which this move was intended to rescue us. But if all we can say is that we are convinced, though others are not, is this an adequate basis on which to demand that those others should conform to our convictions? Presumably, some arguments are objectively convincing, as it were.

Be that as it may, Parekh says that 'the 1948 United Nations Declaration of Human Rights provides a useful starting point.' But by the time he has finished explaining what is wrong with its 'liberal bias', not much of its content would seem to be left with universal validity. He endorses the Bangkok Declaration that human rights should be 'defined and applied in the light of local "history, culture and religious backgrounds."' In its defence, he then proceeds to denigrate just about every actual institutional embodiment of human rights as appropriate only to 'liberal' societies. Thus 'East Asian societies' can 'enforce' a 'consensus on the nature of the good life' on the basis of 'respect for both the integrity of their way of life and the wishes of the majority.'²³ Without free speech and competitive politics (neither of which is required by universal values, according to Parekh) any government's claim that there is a 'consensus' for illiberal policies is unprovable and inherently suspect. To the degree, however, that the content of an alleged consensus is drawn from (some interpretation of) traditional norms and religious beliefs, it is virtually guaranteed to underwrite unequal treatment based on ethnicity and sex. This is true of every society's traditions, including those of Britain, and I shall return to this point later.

²² RM, p. 132.

²³ RM, pp. 136–8.

Minorities and 'operative public values'

So far I have been discussing Parekh's views on the morally legitimate range of variation between different states. How does this carry over to the legitimate range of cultural diversity within a single polity? We might expect Parekh to argue, along parallel lines, that cultural minorities should be able to organize themselves, as far as is feasible, to live in accordance with their own norms and beliefs, subject only to the proviso that these do not violate universal values—which, as we have seen, is not much of a constraint. And, indeed, in the attack on Rawls from which I have already quoted, Parekh says that his theory 'takes little account of the cultural aspirations of such communities as the indigenous peoples, national minorities, subnational groups, and the immigrants. Although these groups make different demands, they all seek cultural autonomy in one form or another, and hence some departure from the conventional preoccupation with a homogeneous legal and political structure.'²⁴ Cutting through this rather prejudicial way of putting the issue (as if 'homogeneity' were some sort of end in itself), what this means is that indigenous peoples with political authorities may want to violate basic principles of liberty and equality by, for example, discriminating on the basis of religion, giving power to males exclusively, or operating membership rules that are sexually discriminatory. Religious minorities (e.g. Muslims in India) may want to impose personal laws that give unequal rights to men and women. (That these laws are discriminatory is not controversial: every state that incorporates Muslim personal law has entered reservations to the Convention on the Elimination of All Forms of Discrimination against Women that effectively gut the document.) And so on.

Is it an objection, as Parekh says it is, that Rawls's theory is not accommodating to cultural diversity when it takes forms such as these? If the practices in question fell foul of internationally recognized human rights, that could justify a state in suppressing them—indeed any state that failed to do so would be derelict in its duty to uphold human rights. Parekh dismisses this as 'the standard human rights approach' which is, he says, 'largely irrelevant' to the actually controverted issues posed by demands of cultural minorities. Universal values, he says, are 'too thin

²⁴ RM, p. 89.

and few' and 'deal with the most basic aspects of life about which there is generally little serious disagreement.'²⁵

We might therefore expect Parekh to conclude that, where universal values are silent, states would be unjust and oppressive if they failed to provide cultural minorities with the maximum feasible amount of autonomy, by letting them have their own personal laws (covering marriage, divorce, inheritance, and so on), and providing them with exemptions from the law wherever possible to enable them to follow their own customs and beliefs. In fact, Parekh does not in the end take this line at all. In a surprising twist in his argument, he writes: 'We start and cannot but start with what I shall call society's operative public values, which provide the context and point of orientation for all such discussions.'²⁶ And a 'society' for this purpose is clearly to be understood as corresponding to a polity. This would be unproblematic if these operative public values were simply to guide decisions that have to govern the common life of people living in a certain geographical area. Such values would then correspond to the content of the common civic nationality that the Parekh Report said any society needed to integrate all its members. But what *Rethinking Multiculturalism* is proposing is that the operative values of a society should be ultimately decisive in settling precisely the kinds of issue that would lend themselves to special treatment for cultural minorities: Parekh gives a long list which includes all the usual topics such as female circumcision, polygamy, kosher and halal butchery, ritual scarring, Sikhs and motorcycle helmets or hard hats and withdrawal of children from schooling. The operative public values are open to 'intercultural dialogue' and may thus change over time. But in the end, Parekh says, 'if the majority remains unconvinced' of the minority's defence of some practice and the practice is 'morally unacceptable, the operative public values of the wider society should prevail.'²⁷

Even in advance of 'intercultural dialogue', Parekh tells us what he thinks is the right answer on some of these, and in every case broadly supports the status quo in Britain: no to female circumcision and polygamy, yes to turbans and to Jewish and Muslim slaughter. But what he does not succeed in doing is to explain, given everything he has said up to this point in the book, why the operative public values should trump the values of the minority communities. Parekh offers three arguments,

²⁵ RM, n. 1, p. 353 and p. 266.

²⁶ RM, p. 267.

²⁷ RM, p. 272.

none of which suffices to establish the moral authority of operative public values. The first and second can be taken together: these values, he says, 'are woven into [the wider society's] institutions and cannot be revised without causing considerable moral and social disorientation'; and a society has no obligation to accommodate a minority way of life 'at the cost of its own'.²⁸ Bear in mind that we are talking about practices that *ex hypothesi* have the following two characteristics: they are not interdicted by universal values and there is no societal consensus on them (otherwise the issue of accommodation would not arise). I cannot understand why Parekh's animadversions on Rawls should not be brought to bear by him here. For in saying that Rawls's theory 'does not leave space for diversity' he does not appear to be saying merely that it is not universally valid, but that it is not valid at all: it is simply wrong in that it imposes liberal norms on everybody. To the extent that a society's operative public values lead it to suppress minority cultural practices that do not violate universal values, why should they not be criticized as unjust and oppressive? The claim that the operative values are woven into the institutions could be met by saying that the majority should distinguish between the institutions into which its values can legitimately be woven and those that should accommodate cultural minorities. And the claim that such accommodation is a cost to the majority's own values could be given the reply that this is only so if the majority fails to limit their application to their legitimate sphere.

Parekh's third argument is that immigrants 'need to appreciate that since they are unfamiliar with the wider society's way of life, they should defer to its judgement in contentious matters. They also need its support to counter the resentment their presence generally provokes among some sections of society, and are more likely to secure it if, after making their point, they gracefully accept its decision.'²⁹ The first point here might have some relevance to recent immigrants, but can scarcely have much application in Britain, where most immigrants arrived over a quarter of a century ago and a large proportion of members of minority communities were born and grew up in the UK. The second point undoubtedly picks out a quite common attitude, often expressed along such lines as 'If they aren't prepared to fit in with the way we do things here, why don't they go back to where they came from?' But if that is taken to be the last word on the matter there would

²⁸ RM, p. 273.

²⁹ RM, p. 273.

seem no point in bothering to erect an elaborate apparatus for thinking about the right response to demands by cultural minorities. I would have imagined that *Rethinking Multiculturalism* should be conceived as an attempt to challenge such thinking theoretically, with the Parekh Report as an intervention in the course of public debate to promote the same ideas more widely.

This brings us back to the Report. I said at the beginning of this article that, making allowances for simplification and abridgement, its political theory corresponds closely to that of *Rethinking Multiculturalism*. I shall spare my readers the tedium of a detailed comparison, and confine myself to observing that ‘moral universalism’ is again said to be inadequate, because ‘universal values . . . are too abstract to guide decisions in particular cases, for they need to be related to, and interpreted in the light of, a society’s traditions and history’.³⁰ Polygamy and the wearing of turbans by Sikhs are given as examples of issues that cannot be settled by appeals to universal values. Once again, the solution is said to lie in an appeal to ‘common values’, which seem to correspond to the ‘operative public values’ of *Rethinking Multiculturalism*. Having faithfully followed Parekh’s line, however, the Report then goes on to say that the content of (at any rate some of) these common values is ‘embodied in international human rights standards’ and these are said to make it ‘legitimate to ban female circumcision, forced marriages, cruel punishment of children, and repressive and unequal treatment of women, even though these practices may enjoy cultural authority in certain communities.’³¹ Recalling Parekh’s defence of ‘Asian values’ and their like against criticisms based on human rights, this looks like a shift of position. However, the chapter entitled ‘Building a Pluralistic Rights Culture’ retreats again, repeating from *Rethinking Multiculturalism* that ‘human rights need . . . to be interpreted and applied in a culturally sensitive manner’ and that a ‘widely shared conception of collective wellbeing’ has to be brought in to give them content in any particular society.³²

Where there are disagreements, the Report tells us, ‘consensus reached through deliberation is frequently the only effective solution’. This is reminiscent of the solution to international differences offered in *Rethinking Multiculturalism*: ‘global consensus’, reached through ‘global dialogue’. In both, consensus is conceded to be unattainable in practice.

³⁰ PR, p. 52.

³¹ PR, p. 54.

³² PR, p. 91.

The crucial difference between the treatment of residual disagreement in the two cases is this: in the international case, there were said to be certain conclusions that were in some sense objectively convincing even if they did not convince everybody; but the same cannot be said of the conclusions that the majority finds convincing and the minority does not. For here, to repeat, we are *ex hypothesi* dealing with disagreements that cannot be disposed of by an appeal to universally valid standards. The Report thus reproduces the fundamental weakness of *Rethinking Multiculturalism*—the failure to explain why the majority’s imposition of its values on a minority is anything more than an application of the doctrine that might makes right.

Repatriating anti-universalism

The notion that universal moral standards are, if not totally bogus, too ‘thin’ to be of much avail in settling any real question of politics is not, of course, original to Parekh. It received its most elaborate statement at the hands of Hegel, and all contemporary communitarian theorists owe a debt to him, whether they acknowledge it or not. But it has deep roots in Britain. Samuel Johnson, in *Taxation No Tyranny* (published in 1775) struck the authentic note by describing the universal principles advanced by the American colonists as ‘the unmeaning clamour of the pedants of policy, the delirious dream of republican fanaticism’.³³ What the editor of his *Political Writings* calls his ‘distrust of grandiose *a priori* theory and dogma as the basis for political action’ was carried forward by Edmund Burke in his parallel attack on the universal principles put forward in France following the Revolution.³⁴ In the middle of the twentieth century, Michael Oakeshott repatriated anti-universalism after its sojourn on the continent, making Hegel palatable to English tastes by leaving out the metaphysics, and deriding what he called ‘rationalism in politics’. The American Declaration of Independence and ‘similar documents of the French Revolution’ are described as ‘the inspiration and pattern of many later adventures in the rationalist reconstruction of society.’³⁵ That was published in 1947, so the United Nations Declaration of Human Rights was still a year in the future, but it is easy to imagine the contempt with which Oakeshott must have greeted it. It is impor-

³³ Donald Greene, ed., *Samuel Johnson: Political Writings*, New Haven 1977, p. 428.

³⁴ *Ibid.*, p. xxix.

³⁵ Michael Oakeshott, *Rationalism in Politics*, London 1962, p. 28.

tant in understanding Parekh to realize that the obverse of his belittling of Rawls is an enormous admiration for Oakeshott. I do not think anybody could read, especially, his inaugural lecture at the LSE, 'Political Education', without recognizing the influence on Parekh of Oakeshott's ideas about the crucial role of traditional ways of doing things as a political resource and the uselessness of general principles as guides to action. 'Freedom, like a recipe for game pie, is not a bright idea; it is not a "human right" to be deduced from some speculative concept of human nature . . . And the freedom which we wish to enjoy is not an "ideal" which we premeditate independently of our political experience, it is what is already intimated in that experience.'³⁶

It would be curious to know how many members of the Commission were aware that they had signed up for this legacy. My guess is that most of them were mainly interested in the concrete recommendations, or a subset of them, and were willing to treat the political theory as a sort of mood music. I believe, however, that they should have been worried about the bearing that this political theory has on the standing of their recommendations. Changes of the kind that the Report proposes have not come about in the past by reflecting on 'intimations' but by appeal to abstract universal principles of the most crassly rationalistic kind. The abolition of slavery in the British colonies and some decades later in the United States did not arise out of some kind of evolutionary process in which small changes are made in response to perceived inconveniences. Rather, it was a catastrophic change that was impelled by abstract universalistic ideas about human equality. The transformation of the legal status of women in Britain and elsewhere in the past century and a half did occur in stages, but it was driven at each stage by a further appeal to the universal principle of equal treatment. Again, Southern whites in the United States could say with complete accuracy that the civil rights legislation of the 1960s challenged their way of life. The response that carried the day, and produced grudging compliance at least, was that these changes were required by universalist promises contained in the Declaration of Independence and the Constitution whose fulfilment had been denied too long.

These examples could be multiplied. Thus, the Wolfenden Report, which successfully advocated the legalization of homosexual acts between con-

³⁶ Michael Oakeshott, 'Political Education', in *ibid.*, p. 121.

senting adults in private, did not argue that this was somehow implied by the development of British traditions. Instead it appealed to an abstract principle: the 'harm principle' enunciated by John Stuart Mill in *On Liberty*. To come to the point: discrimination on the basis of ethnicity is as authentically traditional as the roast beef of old England. The Report itself mentions earlier discrimination against Irish and Jewish minorities and overt racism in government documents discussing immigration from the non-white Commonwealth countries after the Second World War.³⁷ But it does not anywhere acknowledge openly the way in which the Race Relations Act has meant abandoning the traditional assumption that it is perfectly all right, perhaps even laudable, to favour your friends and relations—or more broadly your ethnic 'kith and kin'—in distributing benefits and burdens. This lack of generosity in the Report was tactically improvident and gave some credence to the impression given in the right-wing press that it had nothing good to say about the country's history. But it is a natural result of the political theory underlying the Report. For if public policy is controlled by 'common values', for which the values of the majority are a practical surrogate, change must presumably come about because most people want it; and people do not deserve credit for getting what they want.

The obvious problem with this is that it makes anti-discrimination policies a hostage to 'common values'. The Report cites a survey from 1997 'which found that 32 per cent of British people described themselves as very or quite racist'.³⁸ If this is the proportion of people who are prepared to acknowledge racism to an interviewer, it seems safe to guess that its actual incidence is higher. It is therefore doubtful that an extension of anti-discrimination measures, as advocated in the Report, could be justified on the basis of its own political theory. The alternative is to say that the principle of non-discrimination has universal validity, and should be implemented for that reason, whether or not it forms part of the local repertoire. In line with my more general analysis of change in accordance with universal standards of equal treatment, I would suggest that this is not only the justification for but also the explanation of the existing Race Relations Act and the European Convention on Human Rights. If I am right, those who argue that the activities of the European courts

³⁷ See especially chapter 5, 'Dealing with Racism'.

³⁸ PR, p. 227

are an intrusion in the traditional British way of life are quite right: their only error lies in regarding this as an objection.

Equal obligations

Introducing this descent into political theory, I gave two reasons for questioning the kind underlying the Report. One reason, to which I have just tried to give some substance, was that it undermines the Report's anti-discrimination recommendations. The other was that it was liable to be harmful to women and children in minority communities. I want to conclude by saying what I mean by this. If the correct description of the situation is that the majority community has had to make fundamental changes in its traditional way of conducting its affairs in order to conform to the demands of universal standards, and is being pressed by the Report to make a lot more, why should not minority communities also be pressed to reshape themselves to comply with these demands? It is hopelessly inconsistent to call upon universal values as the basis for demands on the majority and not to hold minority communities to the same universal standards. Parekh himself claims, as we have seen, that in the last analysis the majority can impose its values on the minority, even if it cannot claim any universalistic warrant for them. But it is not hard to see why one might feel queasy about this, and indeed I have suggested that queasiness would be in order. This may help to explain some otherwise curious silences in the Report—places where it stops when it might have been expected to go on.

Thus, for example, the Report says that 'in South Asian communities respect for traditional authority or religious leaders can be won at the expense of women forgoing their own life-chances in marriage.'³⁹ But it refrains from drawing any conclusion about what might be appropriate public policy interventions to offset these tendencies. Nor does it even engage in the kind of exhortation to change to which the majority community is subjected at every turn. Ironically, one of the members of the Commission has made a point elsewhere on the oppressive nature of some minority communities. In an article entitled 'Some of the Worst Prejudice Can Be Found Among the Ethnic Minorities', Yasmin Alibhai-Brown talked about the persecution to which gays and others who step out of line with traditional norms are subjected by their communities.⁴⁰

³⁹ PR, p. 28.

⁴⁰ *Independent*, 10 February 2000, p. 11.

This is as relevant to the future of multi-ethnic Britain as anything discussed in the Report, but it fails to get a mention.

Again, the Report remarks on the 'generally low [educational] attainment' of Gypsy and Traveller children and describes this as 'a matter of serious concern.'⁴¹ But its concern stops there. It neglects to mention that, in an ill-conceived example of deference to minority cultures, British law permits Gypsy children to attend school for only half as many days as other children are required to.⁴² Nor has it any suggestions about more effective enforcement of school attendance laws. It might be argued such enforcement would violate the provision in the Convention on the Rights of the Child that children belonging to cultural minorities should be able to enjoy their own culture. But must this culture be frozen in time forever? That Convention and other UN documents also contain 'the unequivocally expressed right of all children to education', and I would argue that parents should not be able to deny them such a right.

I have little doubt that all the members of the Commission will have applauded the revised guidelines for immigration adjudicators, instructing them to consider claims for asylum by women and gays who allege persecution by their home communities. But it is surely something of an embarrassment that women and gays belonging to minority communities in Britain might be able to qualify for asylum on the same grounds. The Tory MP who called these 'cultural issues' will have the last laugh unless the scope of cultural pluralism in Britain is constrained by internationally applicable criteria of persecution.

⁴¹ PR, p. 146.

⁴² For a discussion, see my *Culture and Equality*, pp. 238–41.