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Multiculturalism and the Fetish of Diversity

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Executive Summary

When it first emerged as an official policy in the 1970s, multiculturalism was a response to the legacy of the White Australia policy. Multiculturalism continues to enjoy broad popular support, with Australians broadly accepting of reasonably high levels of immigration and the benefits of cultural diversity in society.

For example, the 2012 Scanlon Foundation's Mapping Social Cohesion report showed a steady support of between 67% (2007) and 65% (2012) for immigration in Australia. The 2013 report showed that our support for multiculturalism, and appreciation of its benefits, remains high (84%).

But there are disturbing trends in this success story. Multiculturalism is raising important questions about the way public policy promotes the peaceful coexistence of diverse people in a single polity.

In its 'soft' form, multiculturalism simply named that traditional willingness of Australians to tolerate cultural and ethnic diversity and make newcomers reasonably welcome.

But then it began to give way to a new, 'hard' form of multiculturalism. This form was fuelled by a determination to eliminate racism and a fear that unless carefully managed, diversity would cause intolerance and racist prejudice to flourish among Anglo-Celtic Australians.

'Hard' multiculturalism may have been well intentioned to begin with. However, over time, concern about protecting diversity has turned into a determined drive to promote it as both a moral and political end.

The proponents of 'hard' multiculturalism argued that unless diversity was managed by the state, the 'fair go' would not be extended equally to all Australians.

This determination to promote diversity has become an obsession that has driven 'hard' multiculturalism beyond a concern to eradicate racial discrimination; it has begun to cast doubt on the very legitimacy of the notion of a core national culture.

Diversity has come to be seen as not just a policy outcome but a moral objective that must be promoted as an end in itself.

This narrow focus on promoting diversity threatens individual liberty by promoting the interests of particular groups over those of the individual. In doing so, it diminishes the liberty of every citizen.

It is time for the fetish of diversity to end, and the advance of hard multiculturalism checked. In pursuing a vested notion of social justice, the demand for equal recognition should not trump the demand for liberty.

The fairest way to accommodate differences is not by eradicating perceived inequality as a matter of public policy. Freedom of the individual is the only acceptable basis for a healthy, descriptively multicultural society.

Once the rule of law determines the extent of permissible behaviours, the state should get out of the business of supporting or maintaining the cultural, ethnic or religious components of identity.

Introduction: The meaning of 'multiculturalism' in 2013

Multiculturalism makes ethnic origin into destiny.

— John Hirst¹

At the beginning of the 2013 election campaign, then Opposition Leader Tony Abbott spoke at a dinner hosted by Auburn Council in the heart of western Sydney's Muslim community. He used the speech to praise the achievements of Australian multiculturalism.

[Our] multiculturalism is a beacon of hope to a troubled and divided world. People from all around the four corners of this Earth have come to this country of ours to be welcomed by us and to build a better life in freedom, for themselves and their children.²

Some years previously, Abbott had observed that as a descriptor, the word 'multiculturalism' emerged as:

... a new term to describe what had always been Australia's social reality: that significant numbers of people from quite different backgrounds were assimilating into Australian society in their own way and at their own pace.³

Over the last 60 years, since the commencement of Australia's post-World War II immigration program, and certainly since the formal abolition of the White Australia policy in the early 1970s, the population of Australia has become one of the most ethnically diverse in the world. Indeed, by 2010, Australia had become the third-most culturally diverse nation in the world after Singapore and Hong Kong. When Australians with one or both parents born overseas are included, 45% of the population have a close overseas connection.⁴ Over the last decade, the proportion of the population born overseas has risen from 23% in 2001 to 24% in 2006 and 26% in 2011. Since 2006, net overseas migration (NOM), or the net gain of immigrants arriving less migrants departing, has been the biggest component of population growth in Australia. NOM accounted for 66% of growth in 2008–09 and 53% of growth in the 12 months to 31 June 2011. In 2011, an estimated 46% of the population comprised first or second generation Australians. Former CIS researcher Oliver Hartwich notes:

The largest share of Australia's overseas-born population came from Europe (47%), followed by Asia (28%) and Oceania (11%).⁵

Recent research suggests that Australians remain broadly accepting of these levels of migration and the benefits of cultural diversity. The Scanlon Foundation's 2012 Mapping Social Cohesion report found that agreement for the proposition 'accepting immigrants from many different countries makes Australia stronger' remained steady between 67% (2007) and 65% (2012).⁶ The 2013 report asked, for the first time, questions on multiculturalism and found that:

- 84% of respondents agreed that multiculturalism 'has been good for Australia'
- 75% agreed that multiculturalism 'benefits the economic development of Australia'
- 71% agreed that multiculturalism 'encourages immigrants to become part of Australian society.'

Over the last 60 years, the population of Australia has become one of the most ethnically diverse in the world.

Only a small minority said multiculturalism weakens the Australian way of life.⁷ The Mapping Social Cohesion report does not define ‘multiculturalism’ but the term is almost certainly to be understood to describe the ethnic and cultural diversity of the population. If that is correct, there is a strong indication that most people who support multiculturalism in principle, whatever they think it means, firmly accept people from varied backgrounds and the contribution migrants make to Australian society. Everyday use of the term ‘multiculturalism,’ as probably understood by respondents to the 2013 Scanlon Foundation survey’s open-ended question, suggests little more than the multiplicity of ethnic backgrounds in Australian society. Used in this ‘soft,’ adjectival sense, ‘multiculturalism’ is unexceptional, although terms like multiracial or multi-ethnic are more accurate descriptors.

Promoting diversity as a social goal

However, multiculturalism has become much more than an adjective. As University of Melbourne academic Bronwyn Hinz says, multiculturalism now refers to an entire policy framework designed to manage ethnic and cultural diversity; foster social inclusion; and secure within a legal framework maximum social, cultural and economic opportunities.

Multiculturalism was, and remains, a corrective to the previous and unfeasible policy of assimilation which demanded all newcomers relinquish their cultural differences and become indistinguishable from the rest of the population.⁸

By 2013, the infrastructure for supporting this policy framework, dedicated to promoting and preserving diversity, had grown to include an independent not-for-profit adviser; Diversity Council Australia (formerly the Council for Equal Opportunity in Employment) founded in 1985; the Australian Human Rights Commission established by an Act of federal Parliament in 1986; the Australian Multicultural Foundation founded as part of the bicentennial celebrations in 1988; and the Australian Multicultural Council, launched by Prime Minister Julia Gillard in 2011. Of course, advocates of this policy framework, such as Hinz, argue that Australia’s successful brand of multiculturalism would never have been possible without this supporting infrastructure. It’s a point of view not attested by the results of the 2013 Scanlon Foundation survey.⁹

The adjectival, descriptive use of ‘multiculturalism’ has been conflated with a more specifically prescriptive use that proposes ethnic diversity as an essential attribute of a fair and just society itself. This report calls that prescriptive form ‘hard’ multiculturalism (a term coined by the historian John Hirst). Mere recognition of the fact of the ethnic or cultural diversity of Australia’s population is no longer enough for hard multiculturalism; perceived inequalities between members of society—whether arising as a result of language, religious belief, or culture—must be eradicated. Advocates of this hard multiculturalism are fuelled by the conviction that lack of affirmation of diversity—whether in the lecture theatre, the workplace, or the community association—is a barrier to social and economic cohesion. Recognising diversity is promoted as a public policy in programs run by government-funded agencies such as the Australian Multicultural Council and not-for-profit groups such as Diversity Council Australia. This conflation has been largely unremarked upon but it needs to be noted because as political scientist Brian Barry has observed:

What makes the conflation of the descriptive and prescriptive uses of words such as ‘multiculturalism’ intellectually corrupting is that it can license an unargued shift from the one to the other.¹⁰

Multiculturalism now refers to an entire policy framework designed to manage ethnic and cultural diversity.

In other words, recognising the fact of diversity *does not* entail commitment to programs promoting diversity.

The emergence of hard multiculturalism—which conceives of the nation as a collection of ethnic and cultural groups, each deserving of equal treatment and respect—represents a significant shift in meaning. As Barry explains:

[Multiculturalism] does not stress that the law should uphold the rights and liberties of citizens to associate freely and to live according to their own customs and beliefs insofar as this does not threaten or endanger others. Rather it emphasises the need for action to modify or change social attitudes, and to alter the distribution of economic resources, and indeed the distribution of political influence.¹¹

Hard multiculturalism, which is well developed in the United Kingdom and European countries such as the Netherlands, is still jockeying for greater influence in Australia and has been promoted, in particular, through the work of academics such as Bronwyn Hinz and Dr Tim Soutphommasane, the award-winning Race Discrimination Commissioner of Australia.¹²

Multiculturalism raises important questions about the ways in which public policy promotes the peaceful coexistence of diverse people in a single polity. The hard multiculturalists' preoccupation with diversity and the promotion of cultural difference in the name of tolerance and anti-racism threaten to inflict a grave distortion upon the liberal polity. For far from enhancing the liberal ideal of individual freedom within the framework of the rule of law, their agenda is to promote the interests of the group over those of the individual. But in doing so, they threaten to diminish the liberty of every citizen. The rights of the group and the rights of the individual are incompatible in liberal theory, and in practice in a liberal polity.

This report argues that the fairest way to accommodate differences is not by eradicating inequality as a matter of public policy. Rather, it is best achieved by upholding a cardinal principle of liberal social and political thought, that is, the equal treatment of all people under the rule of law.

The promotion of cultural difference in the name of tolerance and anti-racism threatens to inflict a grave distortion upon the liberal polity.

The pursuit of cohesion: From soft to hard multiculturalism

It surely cannot be the purpose of multicultural policy that Australians elect to disengage from our society for religious, cultural or ethnic reasons.

— Scott Morrison MP¹³

A fair go, mate?

Reflecting upon some key ideas articulated by Donald Horne in his 1964 book, *The Lucky Country*, journalist Nick Cater remarks that the egalitarian promise of antipodean social and political democracy runs through Horne's account of the Australian character.

The sentiments summed up by the expression 'fair go, mate' were, to Horne, as powerful as the French ideals of *liberté, égalité, fraternité* ... Australia was, and remains, one of the freest countries on Earth ... There are no institutional barriers to success.¹⁴

In other words, individual opportunity is not limited by class or creed, and the promise of Australian democracy is that all are treated equally and are free to rise according to their merit. When these principles are applied to extending the 'fair go' to all ethnically diverse contemporary Australians, freedom, equality and cohesion

are promoted not by advancing special rights for groups based on ethnic origins but by upholding the rule of law and its equal application to all citizens.

When my father settled in the United Kingdom in the late 1940s, he yearned for just such a life in a free country governed by the rule of law where the law was applied fairly to all and with favour to none. He had no interest in seeking public recognition of his cultural or ethnic identity. Refugees from Nazism, he and his sister had escaped the Holocaust by being sent away from their homeland; their parents, who remained behind, were murdered. By the time he got to post-war Britain, displacement, dislocation and a narrow escape from genocide had given my father little appetite for state-sanctioned affirmations of cultural identity. This accounted for his emphatic insistence upon assimilation and the minimising of differences, an insistence that shaped my early years.

When I arrived in Australia as a migrant nearly 20 years ago, being the son of a refugee and immigrant I think I bore a certain family-bred disposition to assimilate. I already enjoyed the advantage of speaking English, but even so, it was important for me not to assert my cultural distinctiveness but learn the mores of Australian life and join in the game as well as I could. It was quickly apparent that Australia comprised people from all corners of the Earth trying to do the same.

Origins and evolution of Australian multiculturalism

The official policy of Australian multiculturalism that arose in the 1970s was motivated by a well-intentioned desire to enhance a spirit of respect and tolerance by addressing forms of social exclusion experienced by migrants and their descendants. It was intended to rid the country of what many considered to be the stain of the 'White Australia' policy, which was ended only in 1973. As Hirst has remarked, for many Australians 'multiculturalism' was simply a new name for 'the traditional tolerance of difference and the willingness to accept migrants into their lives.'¹⁵

The shoots of the new policy of multiculturalism began to emerge in the late 1960s among academics, social workers and political activists in response to migrants arriving under the country's post-war immigration program. Proponents were deeply committed to eradicating all forms of racism and racial discrimination in Australian society. Their position described a society marked by ethnic, religious and racial diversity and by a commitment to core institutions and values. However, although its gestation is explained by a sincere desire to eradicate racism, a commitment to such core notions as the supremacy of Australian values, the primacy of the English language, and even to the rule of law are no longer principal concerns of those who promote hard multiculturalism.

Multiculturalism first emerged in its hard form—as both political project and public policy—during the first Whitlam government. The policy speech *A Multi-Cultural Society for the Future*, delivered by Immigration Minister Al Grassby in August 1973, set out a program for settling migrants, providing welfare, and developing multicultural policy intended specifically to maintain diversity.

Our prime task at this point in our history must be to encourage practical forms of social interaction in our community ... The social and cultural rights of migrant Australians are just as compelling as the rights of other Australians.¹⁶

Grassby's use of 'multiculturalism' was inspired by the Canadian experience of cultural diversity, which had begun with the recognition of rights secured by French-speaking Canadians. As other minority groups pressed for recognition, multiculturalism was the term adopted to acknowledge the mix of diversity in Canadian society. Grassby's statement on multiculturalism was followed over the next few years by a range of initiatives promoting the new policy. These included the founding of the Ethnic Affairs Council in 1977 and the Australian Institute of

The promise of Australian democracy is that all are treated equally and are free to rise according to their merit.

Multicultural Affairs (an early forerunner of the Australian Multicultural Council) in 1979, both under the Fraser government following a review that resulted in the 1978 Galbally report.¹⁷

Historian Mark Lopez says whatever intellectual appeal multiculturalism enjoyed in Australia, popular appeal lagged. Perhaps Australians did not think their cultural disposition to hospitality needed supplementing by state-funded projects. The 1988 Issues in Multicultural Australia Survey found 81% of respondents agreeing very much that 'No matter whether Australians were born here or come from overseas they should all be given equal opportunities,' and 62% agreeing very much that 'So long as a person is committed to Australia it doesn't matter what ethnic background they have.'¹⁸

Hence, to secure public acceptance of the new policy, 'It was necessary for the multiculturalists to vigorously and strenuously promote it, often in the face of indifference or sometimes stiff opposition from those who supported other approaches.'¹⁹ The alternative approaches, which tended to emphasise the importance of integrating migrants and ensuring their cultural compatibility with core Australian values, were condemned as racist to emphasise the need for a policy dedicated to advancing cultural diversity. CIS Research Fellow Jeremy Sammut has remarked that the emphasis on integration went against the grain of a key assumption of hard multiculturalism, which was that migrants had the right to keep their cultural identity as a way of promoting diversity. Critics who warned of the danger of encouraging cultural divisions were often condemned as racists yearning for the homogeneity of the White Australia era.²⁰

The other side of this persistent and pervasive belief in Australian racism, and another key factor driving hard multiculturalism, was a fear that diversity would inevitably become the seedbed of social intolerance and prejudice in a 'racist' country. While diversity appeared to be welcomed and encouraged by most Australians (hence, the bipartisan political support for ending White Australia), proponents of hard multiculturalism nevertheless maintained that the state must use its powers to ensure that minorities were afforded group-differentiated special protections against the winds of intolerance. This view of how the state should regulate race relations was imbedded in our national life when the *Racial Discrimination Act* became law in 1975, and introduced new legal procedures and penalties designed to purge the evils of racial prejudice and bigotry from Australian society.

Hard multicultural policy treats the nation as a collection of separate ethnic groups that are only able to coexist thanks to managed responses to diversity and standards of tolerance legally enforced by the state. Yet diversity is a fact in many human societies, and the population movements that have accompanied globalisation and the dismantling of trade barriers have tended to accelerate this development. They have also become more diverse societies.

Migrants to Australia have been welcomed and afforded every opportunity to integrate and enjoy the opportunities this country has to offer.²¹ The diversity of Australian society has increased accordingly. However, where they see increased diversity, hard multiculturalists also see increased inequality, which they argue, makes it harder for migrants to establish themselves in this country. They might use the 2013 Scanlon Foundation survey to support their position: The survey found that the percentage of migrants agreeing or strongly agreeing with the statement 'I see myself as an Australian' has declined sharply from 73.5% for those who arrived in 1990–99 to 51.5% for those who arrived in 2000–10. According to the hard multiculturalists, diversity needs to be managed, or better still, eradicated by the authority of the state. Diversity is seen as not just a policy outcome but a moral objective that must be accommodated and promoted as an end in itself.²²

A commitment to such core notions as the supremacy of Australian values, the primacy of the English language, and even to the rule of law are not the principal concerns of hard multiculturalism.

Multiculturalism and the right to an identity

As the doctrine of tolerance began in the 1960s to turn into a morality of acceptance and inclusion, it also began to make claims about reality, and turned into multiculturalism, the belief that all cultures are equal in value.

— Kenneth Minogue²³

Unlike the earlier forms of multiculturalism that merely sought to promote equal rights and the eradication of racial discrimination, the harder form of multiculturalism questions the legitimacy of the notion of a core national culture. One way it is done is by arguing that full cultural tolerance, in the name of diversity, requires space to exercise cultural or religious practices even though those practices may contravene either Australian norms or Australian laws, or both.

The most controversial of these practices, still prevalent today and which arise within Islam, affecting the rights of women, are female genital mutilation (FGM), or female circumcision, and the forced marriage of underage girls.²⁴ Both practices are illegal in Western countries such as Australia and the United Kingdom but have nonetheless become pressing issues, especially in the United Kingdom. In that country, despite sections of the print media such as *The Independent* and the *Daily Mail* reporting regularly and systematically upon the incidence of such practices, there often appears to be a lack of political and legal will to tackle these forms of mistreatment of young women.²⁵

In its report *Inquiry into Migration and Multiculturalism in Australia* (2013), the Australian Parliament's Joint Standing Committee on Migration stated that in none of the submissions it received did any Islamic organisation indicate that support for Islamic law would override the rights of women or other members of the community under Australian law. At the same time, the inquiry found that representatives of the Islamic community prefer these matters were not raised at all.

Although concerns about cultural practices in some Islamic communities were noted, submissions from the various Islamic community representatives indicated a high degree of stress has been generated by discussion of Shari'ah within this context.²⁶

Asha Bidal of the Islamic Women's Welfare Council of Victoria went so far as to suggest that the questioning of distinct cultural and religious practices only fuels the shift to ideological conservatism in Islamic communities.²⁷ In other words, those who question such distinct practices have only themselves to blame for the upsurge of conservative Islam. Proponents of hard multiculturalism who remain committed to the primacy of diversity can be slow to speak out against mistreatment meted out in the name of cultural or religious practices lest they appear insensitive to minorities—or even seem racist. By casting doubt on the notion of an overarching set of national values by which all citizens must live, regardless of their cultural, ethnic or religious orientation, they favour minority identities over common citizenship. Indeed, their zeal for minority identities is so great that proponents favour reworking or even wholly redefining our civic concepts of nationhood, citizenship and identity.

Speaking of the impact that hard multiculturalism has had in Great Britain over several decades, the United Kingdom's former Chief Rabbi Jonathan Sacks says:

The real danger in a multicultural society is that every ethnic group and religious group becomes a pressure group, putting our [sic] people's interests ahead of the national interest.²⁸

Critics who warned of the danger of encouraging cultural divisions were often condemned as racists yearning for the homogeneity of the White Australia era.

Sacks went on to argue that far from assisting attempts to forge an overarching national identity, the hard model of multiculturalism prevalent in Britain has actually frustrated those attempts. Sacks says multiculturalism has run its course and that it is time to move on.

Rethinking citizenship

Australian Race Discrimination Commissioner and ardent supporter of hard multiculturalism, Tim Soutphommasane, who was appointed for a five-year term in July 2013, advocates a public policy commitment to retain cultural identity as a means of promoting diversity.²⁹ ‘Any social reality of cultural diversity seems to be hollow without there also being a public policy of multiculturalism,’ Soutphommasane says. And not just a policy; there needs to be a bureaucracy, too, which, most recently, has included the Australian Multicultural Council and a Multicultural Affairs Minister in the Rudd-Gillard-Rudd Labor governments, all funded by taxpayers ‘to ensure that multicultural issues [continue to be] placed at the heart of government policy formation.’³⁰

Soutphommasane is quick to resist any questioning of this publicly funded policy of multiculturalism by ‘mainstream’ Australians, and does so in the name of waging a vigilant campaign against all forms of racism.

While we are fond of saying that diversity is now a part of everyday Australia, there is a danger of premature self-congratulation. Multicultural policies have been successful in ensuring a well-integrated national community, but have they done enough also to transform hearts and minds in Australian society? Have they done enough to transform our national institutions? The extent to which racism exists will speak volumes about the precise scale of the Australian achievement.³¹

In other words, racism in any form can only ever be eradicated by the efforts of a vigilant state. Hence, the only way to check the behaviour of policy sceptics is for the state to be empowered to act, to reinvent, to correct, and to educate. However, the 2013 Scanlon Foundation report found that ‘the core level of intolerance [and rejection of cultural diversity] in Australia is close to 10% of the population.’³² This suggests that if Soutphommasane’s prescription is adopted, the resources of the state will be directed to a relatively small proportion of the population.

In his book *Don’t Go Back To Where You Came From*, Soutphommasane does acknowledge the overwhelming success with which Australia has integrated many generations of immigrants without widespread social disruption. He also accepts the existence in a liberal democracy of overarching civic values such as the rule of law, the sovereignty of parliament, and a common national language. These are values that, he says, create the wider civic culture in which all Australians live, and define ‘the limits of Australian national identity.’³³ However, Soutphommasane also firmly believes that Australian citizenship no longer demands the social and cultural assimilation of an individual.

Fair and equal but not identical?

Soutphommasane’s version of multiculturalism goes well beyond the descriptive sense of the presence within Australia of distinct cultural groups living more or less in harmony. Rather, he says that at the heart of multiculturalism lies the idea of liberal citizenship—by which he seems to mean a form of cultural accommodation by the state. This, he says, ‘involves some set of group-differentiated rights or policies targeted at minority groups who have traditionally been excluded from the nation state.’³⁴

According to the hard multiculturalists, diversity needs to be managed, or better still, eradicated by the authority of the state.

According to Soutphommasane, this means the state must be called upon to judge the relative values of cultural identities, perhaps even when cultural practices such as female genital mutilation or forced marriage are said to be an expression of those identities.

A multicultural state isn't bound by the idea that laws must be applied without any differentiation between members of a community, as a matter of impartiality. After all, to what extent can any state ever be neutral?³⁵

This is an odd thing to say. States do not seek to be neutral about values. The values of a state, and the judgments it makes about relative values, are generally expressed in its code of law. It is not neutral treatment from the state that the citizen should seek, but rather, *equal* treatment under the law. Law defines a set of choices and that set is the same for every citizen.

Soutphommasane's conception of the multicultural state is illiberal and perplexing because it inverts the fundamental liberal tenet that all citizens of a state are entitled to equal and undifferentiated treatment before the law. He insists that multiculturalism does not entail cultural permissiveness because a right to express one's cultural identity must always be set within the wider context of Australian civic culture, which includes the rule of law and the principle of parliamentary democracy. Yet he also says, 'Fair and equal treatment by the state doesn't mean *identical* treatment (emphasis in original).'³⁶ Even though this runs completely against the grain of the very civic culture undergirded by the rule of law that Soutphommasane purports to affirm, he sees no incompatibility between strong multicultural identities and a strong national identity.

For Soutphommasane, then, multiculturalism is about allowing those distinct groups to determine their own ways of belonging to a national community, even to the extent of admitting sources other than English-speaking democratic authority to any conversation about the principles of Australian parliamentary democracy. Of course, hard multiculturalists are slow to admit the tangled complexity they face in calling for funding from the public purse to dethrone the dominant political and social culture while promoting revised notions of national allegiance and democratic national citizenship.

Multiculturalism and the presumption of equal value

A culturally diverse society cannot be conceived as one in which everyone is trying equally hard to achieve the same goals. The prizes to be won have different value for different people.

— Brian Barry³⁷

Political proponents of hard multiculturalism, such as the Australian Greens, are undeterred by the inherent tension in theory and practice between minority autonomy and national sovereignty. In its 2013 election platform document, the Greens affirmed Australia as a 'proudly multicultural society' where 'all people ... should have equal rights,' but then decided to promote religious and cultural diversity as factors shaping the development and implementation of public policy. The document indicated that when an overarching national political or constitutional culture was deemed a 'formal' barrier 'to active participation in society,' that culture must give way to the values of minority groups.³⁸ The Greens neither acknowledged nor attempted to resolve the tension between the values of the majority and those of minorities.

By casting doubt on the notion of an overarching set of national values by which all citizens must live, hard multiculturalists favour minority identities over common citizenship.

One writer, however, who eloquently defends the intentional recognition of minority cultures and tries to resolve the tension between the values of the majority and those of minorities, is Canadian philosopher Charles Taylor. In a celebrated essay published in 1994, Taylor argued that 'the discourse of recognition' is founded on the view that recognition is an important component of the modern notion of identity.³⁹ Since recognition is grounded in networks of relationships and social exchange, he argues that to withhold recognition can amount to a form of oppression. Taylor argues that the development of this notion of identity has, in turn, given rise to two forms of politics.

On the one hand, the politics of universalism emphasises the equal dignity of all citizens, each of whom enjoys the same bundle of rights and immunities, for example, freedom of association and freedom of speech. On the other hand, the politics of difference emphasises the distinctness of every group and individual as a counter to assimilation to the dominant identity. The problem is both these forms of politics are in some tension. Whereas 'difference-blind' treatment is required by the politics of universal dignity, particular treatment is demanded by the politics of difference.

Where the politics of universal dignity fought for forms of non-discrimination that were quite blind to the ways in which citizens differ, the politics of difference often redefines non-discrimination as requiring that we make these distinctions the basis of differential treatment.⁴⁰

In other words, the latter position can be reproached for violating the principle of non-discrimination while the former can be reproached for negating identity by 'forcing people into a homogeneous mould that is untrue to them.'⁴¹ On the face of it, these positions appear irreconcilable, but Taylor attempts to navigate his way through the tangle.

He does so by drawing on the distinction Ronald Dworkin makes between the 'substantive' and 'procedural' moral commitments of a liberal society, that is, of a society in which the interests of the individual take precedence over those of the group. The former concerns such moral issues as the nature of the good life and the *telos*, or goal, of life. The latter concerns the ways in which we deal with one another and the ways in which we order society. According to Dworkin, a liberal society adopts no particular substantive view about the ends of life but restricts itself to strong procedural commitments ensuring that citizens deal fairly with one another and that the state deals fairly with all.⁴² A liberal society, Dworkin says, is one that is suspicious of substantive, collective goals.

While Taylor adopts these categories, he does so to deploy them against Dworkin. He argues that a liberal society can indeed formulate public policy around a substantive commitment to a certain view of the good life, specifically in situations where the nature of the good requires that it be sought in common. He takes as an example Canadian public policy concern for the preservation of francophone society in Quebec. In this case, the importance of the collective goal of preserving francophone culture, the pursuit of which might require restrictions on the use of languages such as English, can outweigh conventionally liberal principles of uniform treatment. It is important, he argues, to overcome the 'rigidities of procedural liberalism' as they pose a particular problem in plural societies that attempt to impose some cultures upon others.

In formulating a substantive conception of a liberal society, Taylor proposes a distinction between fundamental rights and what he calls 'privileges and immunities that are important, but that can be revoked or restricted for reasons of public policy.'⁴³ In going far beyond the principled neutrality of procedural liberalism, Taylor argues that a liberal society is wholly compatible with a society that has strong collective cultural goals. The essence of Taylor's liberal society lies in

'Any social reality of cultural diversity seems to be hollow without there also being a public policy of multiculturalism,' and a bureaucracy.

Political proponents of hard multiculturalism are undeterred by the inherent tension in theory and practice between minority autonomy and national sovereignty.

its capacity for respecting the rights of those who do not share those goals. This capacity for respect is to be grounded on a presumption that as all cultures have provided a framework of meaning for many people over time, they have something important to say to human beings, and thus, all should be deemed of equal worth.⁴⁴

Taylor concedes that the presumption is 'by no means unproblematic, and involves something like an act of faith.'⁴⁵ However, the reason for adopting the presumption is the pragmatic one that there are many cultures and that somehow we have to manage to live together peacefully in society. If one accepts Taylor's earlier proposition that recognition is an important part of identity, then the politics of respect would appear to demand support for the presumption of the equal worth of all cultures. Withholding the presumption amounts to withholding recognition, and thereby diminishing identity. It is, Taylor suggests, perhaps a moral issue.

We only need a sense of our own limited part in the whole human story to accept the presumption. It is only arrogance, or some analogous moral failing, that can deprive us of this. [What] the presumption requires of us is not peremptory and inauthentic judgments of value, but a willingness to be open to comparative cultural study of the kind that must displace our horizons in the resulting fusions.⁴⁶

The blind reverence of diversity

The problem with the presumption of equal value is that an appreciation of the comparative value of other cultures does no more than describe what other cultures actually hold to be of value. Appreciation of equal value is certainly not an adequate basis for the liberal principle of equal treatment. Local norms may be understood and even valued, but this can form no basis for their legal imposition. A more serious philosophical problem is encountered in moving from appreciating all other cultures to affirming them, for it is logically impossible to affirm all cultures simultaneously.

People are allowed to believe in the worth of their own culture, including the beliefs and values that it embodies, yet they are also required to believe that others' cultures, embodying different and conflicting beliefs and values, are of no less worth. How can we expect people to embrace that absurdity?⁴⁷

Proponents of hard multiculturalism have tied themselves in these knots of absurdity because of their blind and obsessive reverence for diversity. This reverence has emerged from the philosophy of 'identity politics,' a fuzzy zone informed by the experiences of injustice shared by members of certain social groups frequently defined by gender, race or sexual orientation. Identity politics attempts to describe the methodologies by which members of those groups perceive their distinctiveness to secure for themselves a greater degree of self-determination. Thus 'identity politics rests on unifying claims about the meaning of politically laden experiences to diverse individuals.'⁴⁸

Of course, one doesn't have to go all the way with Taylor to accept that being recognised is a healthy and desirable component of personal and social identity. After all, it does feel good to be recognised, but whereas recognition may be important, diversity is rendered a circumstantial and largely uninteresting feature of human society. However, the difficulty that identity politics creates is that by defining an individual or a group in opposition to wider society, it invests the unexceptional existence of diversity with the potential to be a factor for both social division and the diminution of liberty. By emphasising points of grievance, identity politics promotes a deeply divisive culture of victimhood. The liberal regard for human dignity does not translate into a right to be well regarded or respected. 'People do not

win respect by insisting on the right to be respected. Respect is earned: that is what makes it respect.⁴⁹

Those who persist in advocating the express commitment of public policy to the protection of diversity invariably want society to recognise the legitimacy of difference, especially those differences they believe constitute their very identities. However, it is the pursuit of these two incompatible goals—the protection of liberty and the protection of diversity—that generates the friction between liberalism and multiculturalism. The former goal is about the rights of individuals, the latter about the rights of groups. As Jonathan Sacks has observed:

Liberalism and multiculturalism privatize identity: one by attributing it to the individual; the other to the ethnic or religious community. But there is, intentionally, no overarching structure of meaning to hold it all together.⁵⁰

Submissions to the Joint Standing Committee on Migration, such as that from the Dealing with Diversity Conference (DDC), argued that an overarching structure of meaning must be preserved and that identity must not be attributed to groups. For example, the DDC ‘emphasized that Islam is acceptable as long as it remains a personal rather than a culturally assertive expression of faith.’⁵¹ Forced marriages of underage girls is just the kind of cultural assertiveness the DDC had in mind.

A liberal critique of hard multiculturalism must weigh carefully the impact of the preoccupation with diversity and ensure that in pursuing some notion of social justice, the demand for equal recognition does not trump the demand for liberty. At the same time, such a critique must demonstrate that to uphold the freedom of the individual entails neither the denial of rights nor the traducing of identity.

Liberal society and the rule of law

Being human is about accepting chance and complexity, not attempting to impose rigid plans and fantasies on the world. Liberty enhances our experience of life, fitting the world into a mould impoverishes it. This is a point that liberals should never tire of making.

— Greg Melleuish⁵²

Unease about the impact of hard multiculturalism continues to grow in countries such as Canada, Australia, the United Kingdom, and other European countries, notably the Netherlands. Once upheld as an ideal that supported and protected minority groups, critics now regard hard multiculturalism as having led to segregation, not integration. This is because a policy emphasis on preserving diversity can encourage members of religious and ethnic minority groups to eschew wider social integration in favour of segregation.

British writer David Goodhart is concerned about the extent to which hard (or what he calls ‘separatist’) multiculturalism has taken hold in the United Kingdom. He argues that one of the consequences of this more assertive form of multiculturalism is that minority leaders have increasingly demanded a separate slice of power and resources rather than the means to create a common life. The danger of allowing separatist forms of multiculturalism to flourish is that it fosters what Goodhart calls ‘reverse discrimination,’ whereby ‘the minority wants the majority society to shift its norms, values and laws to better suit the minority.’⁵³

In its extreme form separatist multiculturalism even ... turned a blind eye to practices that were the opposite of the liberalism that inspired it: forced marriage, female genital mutilation, the hounding of gays.⁵⁴

**Whereas
‘difference-blind’ treatment
is required by
the politics
of universal
dignity, particular
treatment is
demanded by
the politics of
difference.**

By emphasising points of grievance, identity politics promotes a deeply divisive culture of victimhood.

Goodhart thinks ‘common sense would surely suggest that minority autonomy and feelings of national solidarity pull in different directions.’⁵⁵ He searches hard for evidence that indicates otherwise but doesn’t find any.

Indeed, this sort of pulling by a minority seeking to shift the values of the majority does occur. When it does, it can lead to the kind of social tension seen recently in Britain at the Birmingham Metropolitan College. The college overturned its earlier ban on the *nigab* in the wake of a huge media campaign, thereby reversing a policy of not allowing students to attend the college if their faces were covered. Local MP Shabana Mahmood commended the college for its ‘wise decision’ to allow veils ‘for a group of women who would have potentially been excluded from education and skills training at the college had the ban been enforced.’⁵⁶ Of course, these women had not been prevented from enjoying an education by Birmingham Metropolitan College but by the requirements of their religion. The original position of the college, as explained by the principal Dame Christine Braddock and subsequently reversed, required *any* enrolled student to simply keep his or her face visible when on campus to allow ease of identification.

Such consequences are somewhat rare in Australia. The 2012 Scanlon Foundation report found that overall support for government helping ethnic minorities maintain their customs and traditions had increased from 32% in 2007 to 36% in 2012. In broad terms, the 2012 national survey reported a large measure of stability in Australian society although there was a hardening of strong disagreement about government support suggesting that there was a growing resistance to the programs of hard multiculturalism.⁵⁷ Indeed, the 2013 Scanlon Foundation report found that barely 50% agreed with the proposition that multiculturalism ‘encourages immigrants to become part of society.’⁵⁸ The situation in European countries such as the United Kingdom and the Netherlands is markedly different. The consequences of giving pre-eminence to diversity have been unexpected, unforeseen, and to a growing extent, unwelcome. Hence, rather than regarding diversity as a value to be pursued, liberal critics of multiculturalism deplore the preoccupation with diversity, and instead, view it as the source of the problem to which liberalism offers a solution.

Chandran Kukathas rejects the idea that liberalism’s foremost concern must be protecting diversity. ‘Liberalism,’ he argues, ‘is an account of how different moral standards can coexist rather than a set of substantive moral commitments by which all communities should be required to abide.’⁵⁹

Two principle freedoms

Proponents of multiculturalism argue that diversity in moral, religious and social points of view is to be accounted for by differences inherent in human nature. The liberal position advanced by Kukathas, on the other hand, is that it can be accounted for simply by the different circumstances of human social life that produce diverse practices and beliefs. In other words, diversity is circumstantial rather than essential. This marks an important shift in perspective. Kukathas’ position isn’t distracted by diversity, but rather, having admitted the variability of human society, seeks merely to describe the principles of the political order necessary for ensuring that citizens are free to flourish in a diverse society. He says there are two principles, each of which must be undergirded by the rule of law: freedom of association and freedom of conscience. Freedom of association allows for the freedom to disagree, while freedom of conscience affords the freedom to choose for oneself what to think or believe and not to have to live against the dictates of one’s conscience.

The idea of freedom of association gives expression to the conviction that people differ in their assessments of what is good and true ...

[It] reveals a recognition that we cannot agree; but we can, and should, agree to disagree.⁶⁰

Of course, freedom of association also entails the freedom to dissociate from those whose beliefs or ideas one does not share. This is why Kukathas links the two freedoms so closely—the degree of diversity of association in a society indicates the extent to which the twin freedoms of association and conscience flourish, and therefore, of the extent to which that society is free. After all, diversity occurs precisely, and naturally, because people differ and hold different moral points of view. It is not something to be fashioned by a society’s legal and political institutions. Nor does a society that upholds the freedoms of association and conscience need to offer additional entitlements to special rights or protections other than those derived from those freedoms. For it is not groups that enjoy moral and political primacy in such a society but individuals whose interaction forges the identity of the groups.

A landscape of actors freely associating and dissociating, and tolerating disparate and conflicting ideas, suggests that a free society is characterised by conflict and competition, and indeed, Kukathas embraces this view.

The human condition is one of conflicts. There is nothing in history that suggests that it has ever been otherwise: and there is no plausible social theory that explains how it might ever be different in the future.⁶¹

In developing a liberal critique of multiculturalism, it is crucial to remember that liberalism is a doctrine for articulating individual freedom in a world of diversity and disagreement. Indeed, unlike Taylor, who aims to promote recognition, liberalism has no interest in the business of recognition. Beyond affording its citizens the principal freedoms, the liberal state has no concern for the attachments or interests they develop. ‘Its only concern ought to be with [sic] upholding the framework of law within which individuals and groups can function peacefully.’⁶² Thus the kind of social agreement pursued by a liberal society is not agreement about belief, identity or justice; rather, it is agreement to abide by norms that tolerate disagreement.

Although these norms must function under the rule of law, there is no need for them to be enshrined discreetly in statute. In fact, Kukathas offers a minimal, devolved account of the function of law in a liberal society and does so to secure a wide dispersal of authority. For it is not for the state to establish agreements between individuals but for individuals themselves to forge ways of working together to resolve conflicts about using common resources. Kukathas argues that over time, these agreements come to be accepted as basic norms governing social relations, and the social arena becomes a commons of civility that acquires the character of a public square. These norms are not governed by law imposed by the state. Instead, they become, shift and evolve as points of convergence in the public realm. Furthermore, the boundaries of the state do not define the boundaries of the commons.

The free society described by liberalism is not a stable social unity created or upheld by a shared doctrine. It is, rather, a collection of communities associated under laws which recognize the freedom of individuals to associate as, and with whom, they wish.⁶³

The liberal archipelago

The shifting pattern of agreements in the public realm envisaged in Kukathas’ account of the liberal polity is a far cry from the state-imposed ordering of lives proposed by hard multiculturalism, which pursues the goal of enforced social unity. For Kukathas, the common life is not regulated by force of law or policed by bureaucrats but shaped by persuasion, negotiation and the shared experiences of

To uphold the freedom of the individual entails neither the denial of rights nor the traducing of identity.

interaction. No special privilege is afforded to any group, nor is there to be a central, authoritative standpoint from which such privilege can be formulated, let alone enforced. Diversity is neither enforced nor managed as a collective project of the state but is simply there, woven into the fabric of social life along with the inequalities consequent upon the freedom to associate or dissociate. Furthermore, any attempt to suppress inequality will obviously result in suppressing the right of people to live freely. After all, equality of opportunity must inevitably mean equality of opportunity to become more unequal.

Kukathas resists the idea that the role of the state is to set down rules or parameters of behaviour—he cannot see how the state can possibly determine the best interests of individuals. His view is that liberal society is formed not by the determination of the state but by a series of overlapping groups and associations—a liberal ‘archipelago’—the individual members of which all enjoy freedom of association and dissociation. In a freely associating, tolerant society, conformity to wider social and moral standards will be induced by what Kukathas calls ‘the pressures of civil association.’ He concedes that the standards of such a society may not always be humane or civilised, and that this might appear to provoke a weakening of the moral coherence of society; nonetheless, he insists, ‘This may still be less dangerous than conferring greater powers upon the state on the assumption that it can only do good.’⁶⁴ For the state is not a group in the way that other associations are. As such, the claims it can make extend only to the terms of association among different groups and not its own claims as a group. After all, as noted earlier, Kukathas holds that liberalism is an account of tolerant coexistence rather than a comprehensive ideal for regulating the lives of associations.

However, Kukathas’ minimalist, devolved account of authority has unsettled critics such as Barry who worry that this arrangement could allow power to be devolved to such an extent that it would place any group beyond the reach of public sanction, and so provide no check on ‘cultural’ practices such as forced marriage or female genital mutilation. Does a liberal state, committed to upholding the norms of tolerance, need to exercise tolerance in the face of such practices?

Equal treatment, unequal impact

Although the values of individual autonomy and cultural diversity are important, Barry aligns with most liberal thinkers in holding that the state has no business inculcating either. Thus the freedom to associate must afford individuals discretion to accept or reject the authority of those groups to which they belong. Those groups, in turn, must have the freedom to organise their affairs. But while it is true that individuals often obtain a sense of belonging and fulfilment from their membership of groups, they must be afforded protection from possible exploitation by the group. Barry argues that imposing limits on the freedom of groups will not compromise the liberal commitment to individual liberty. Indeed, that commitment could well be compromised if the state fails to act against groups but instead makes concessions to groups, for example, by allowing them to adopt certain cultural practices. It requires little imagination to see how liberal rights for individuals can be undermined by concessions whose intention and effect is to strengthen groups against their members.⁶⁵

Any limits on the freedom of groups are to be imposed by the state. Whereas Kukathas questions the capacity of the state to determine the best interests of the group, preferring to leave it to those ‘pressures of civil association’ he has identified, Barry insists there are situations in which the state alone has both the authority to intervene and the obligation to do so to protect the interests of the individual. Thus, the rule of law is to be applied equally to all members of society without extending any exemption to members of minorities, thereby allowing them to opt out of the obligation to obey the law. However, advocates of hard multiculturalism argue

Reverse discrimination occurs when ‘the minority wants the majority society to shift its norms, values and laws to better suit the minority.’

that universal application of the law by the state without regard to minority sensitivities is a form of unequal treatment. Justice, they say, requires accommodation.

But as Barry argues, correctly, the unequal impact of a law is not a sign of unfairness. The laws prohibiting female genital mutilation in every Australian state and territory obviously have an unequal impact since they only affect those intent upon pursuing the practice. ‘The essence of law is the protection of some interests at the expense of others when they come into conflict.’⁶⁶ Equal application of the rule of law does not entail equal impact.

As discussed, female genital mutilation is one example of a cultural practice that evokes great concern in Western non-Muslim countries such as the United Kingdom, Canada and Australia. Every Australian parliament has expressed its view about the practice, which almost all people in this country consider barbaric. Nonetheless, critics of the state’s determined stand against the practice such as Khadija Gbla, who addressed the Australian 2013 National Summit on Female Genital Mutilation, insist that the term ‘mutilation’ shows a lack of respect and only conjures horrible images instead of helping people to understand the cultural context in which the procedure continues to take place.⁶⁷ Rather than use the language of judgment, Khadija says the language of understanding is more appropriate to empower perpetrators of female genital mutilation to abandon the practice. But it is difficult to comprehend, let alone accept, practices such as female genital mutilation. Enhanced cultural sensitivity, which might then extend to making carefully defined exemptions to the law, threatens to muddy the legal and social boundaries of the wider culture of Australian civil society.

Compromise is not always a liberal value

Some hard multiculturalists argue that an outright ban on cultural or religious practices without regard for the values of a particular group can be highly insensitive or even racist. While Soutphommasane is certainly no defender of female genital mutilation, he does observe that ‘multicultural citizens should be free to reject some practices as incompatible with a broader civic culture without lapsing into a form of “cultural racism”—*provided the judgement is arrived at through a process of collective dialogue or deliberation*’ (emphasis added).⁶⁸ It appears that any ban imposed without consultation or dialogue could amount to an act of ‘cultural racism.’ Was it ‘culturally racist’ for all Australian parliaments to ban female genital mutilation without community consultation? If pressed, Soutphommasane might say it was, although he does accept that judgments of cultural incompatibility are not necessarily acts of cultural racism.⁶⁹ Despite Soutphommasane’s wooliness on this point, Barry counters it effectively by saying freedom of religion does not entail the right to exemption from rules. Religious freedom is not a licence to do whatever one likes. Rather, says Barry, it simply means that adherents of a particular religion should not be penalised for changing their minds about the values of their current religious commitments.⁷⁰

Multiculturalism’s fetish of diversity elevates the expression of minority, cultural or religious identity to the status of an end in itself. It also represents this end as the only credible alternative to what it regards as liberalism’s renunciation of difference. However, liberalism not only acknowledges difference and diversity but says they matter. A liberal approach to diversity is distinguished from a non-liberal approach not by its acknowledgement of diversity but by resisting the creation of group-specific policies intended to promote diversity as an ideal. Furthermore, true liberalism holds that the fairest way to accommodate those differences is by affording equal standing to all citizens under the rule of law. It is the rule of law, applied without exception to all citizens, that provides the best way for members of a liberal society to maintain the diversity of their ethnic and religious identities. This is a liberal value

It is not for the state to establish agreements between individuals but for individuals themselves to forge ways of working together to resolve conflicts about using common resources.

Liberal rights for individuals can be undermined by concessions whose intention and effect is to strengthen groups against their members.

over which liberals must not compromise. The pursuit of a polity in which every minority group demands exemptions from laws that apply to everyone else will serve not to strengthen but to weaken the liberal state.

Tolerance as political virtue or moral value?

Tolerance in the name of relativism has become its own intolerance. We are commanded to respect all difference and anyone who disagrees shall be shouted down, silenced or slandered as a racist. Everyone must be tolerant. And that's an order.

— Patrick West⁷¹

Proponents of hard multiculturalism argue that tolerance can best be fostered in a society if public policy is directed both to securing group-differentiated special protections and to changing the way the citizenry thinks about the 'other.' Soutphommasane is unequivocal in his demand that the state act to promote tolerance; he would even like to see this commitment to tolerance expressed in a Commonwealth Multicultural Act. 'Prejudice, bigotry and racism thrive in the absence of public policies that affirm the freedom of citizens to express their different cultural identities,' he says. In Soutphommasane's opinion, the objective of multicultural policymaking is to ensure a fair go for all and the strengthening of the Australian nation.⁷²

Liberalism also seeks to promote the strength of the nation. It too holds that tolerance is one of the key normative principles of that complex of freedoms, rights, common commitments, and procedures for peaceful dispute resolution known as 'civil society.'⁷³ But the liberal commitment is to tolerance as a political virtue rather than as a moral value. As Sacks has noted, the two are not the same and a failure to distinguish between them leads to confusion.⁷⁴

Civil society can be thought of as an arena where people associate voluntarily to agree on a balance between the interests of the individual and the needs of the communal.⁷⁵ As such, it will be an arena always marked by a degree of tension between pursuing individual interests and securing the common good. Indeed, the health of a liberal democracy can be gauged by the extent to which civil society is able to strike a balance between the public and the private spheres of communal life. On the one hand, an unduly enthusiastic concern on the part of the state to preserve the shared, common sphere can frustrate and even stifle individual endeavour. On the other hand, aggressive individual action can frustrate the pursuit of the shared sphere of common life. 'The ends of men are many,' as Isaiah Berlin once observed, 'and not all of them are in principle compatible with one another.'⁷⁶ Tolerance is the means whereby society mediates between two characteristic commitments of civil society: commitment to the rights of the individual, and commitment to the common good.

It was the emergence of the idea of 'the ends of men' in the early modern era that gave rise to the modern notion of 'tolerance.' Martin Luther insisted on the right of personal religious belief free of ecclesiastical control as long as civil order was neither disturbed nor disrupted. Thinkers throughout the sixteenth and seventeenth centuries defended this right as a way to secure the harmonious coexistence of different religions within the same society. As Bruce Sievers notes:

With the rise of the idea of individual conscience as a challenge to a single, state-imposed belief system, toleration became a way of reconciling radically divergent concepts of human community.⁷⁷

Tolerance and the common life

Used in this sense, Sacks defines tolerance as:

The [political] virtue of refraining from exercising one's power with regard to others' opinions or actions even if they deviate from one's own view over something important and even if one morally disapproves of them.⁷⁸

The liberal political virtue of tolerance does not legislate for morality. Instead, it separates law from morality and allows for freedom of conscience and action. Of course, exercising the political virtue of tolerance requires the expression of strong moral conviction. If something is tolerated, it is allowed to be—even though it may be considered objectionable or undesirable. Despite its badness, the thing we tolerate should be left alone.

However, the form of tolerance demanded by hard multiculturalists is not tolerance as a political virtue but as a moral value. In fact, they do not demand tolerance but rather neutrality. As Sacks notes, 'The belief that I am (morally) right to do anything I have a (legal) right to do is not tolerance but moral relativism.'⁷⁹ When tolerance is conflated with neutrality, standards of belief or habits of behaviour are placed beyond public appraisal and become entirely subjective. Any moral judgment about behaviour is quickly deemed intolerant and it becomes impossible to exercise moral judgment about civic common life.

By contrast, liberal critics of the multicultural project insist that if we are genuinely committed to the pursuit of individual freedom, we cannot avoid talking about a 'common life.' A multicultural society allows cultures complete freedom to develop regardless of conformity to what the English philosopher Roger Scruton calls the prevailing 'root standards of behaviour.' Scruton argues that critics of multiculturalism are not racists but 'trying to remind people that we in the "West" enjoy a single political culture, with the nation-state as the object of a common loyalty, and a secular conception of law, which makes religion a concern of family and society, but not of the state' (emphasis in original).⁸⁰ The idea, then, is of a shared and common life within which cultural diversity is wholly acceptable.

Proponents of hard multiculturalism are often confused about what protects common life. For instance, Geoffrey Levey argues that Australian multiculturalism protects the shared values of our common by preventing one form of life from dominating.

Australian multiculturalism aims to extend liberty and equality to all ... within the same liberal democratic limits and so allow all Australians the same opportunities and sense of belonging.⁸¹

But Levey has got it the wrong way round: It's not multiculturalism that sets the boundaries of a common way of life but the rule of law.

Australian society does have the ability to tolerate divergent opinions or behaviour because it is founded on a territorial jurisdiction that regards the sovereignty of the state as the source of law. The exercise of tolerance must always depend upon a commitment to uphold a *common* way of life, a commitment that can only be grounded in a common political and legal culture.

Defying the dictatorship of virtue

The proliferation of special interests fostered by multiculturalism is conducive to a politics of 'divide and rule' that can only benefit those who benefit most from the status quo.

— Brian Barry⁸²

Enhanced cultural sensitivity threatens to muddy the legal and social boundaries of the wider culture of Australian civil society.

The pursuit of a polity in which every minority group demands exemptions from laws that apply to everyone else will serve not to strengthen but to weaken the liberal state.

Just before he was due to leave Canberra, Yuval Rotem, Israel's outgoing ambassador to Australia, reflected on his time here, remarking on the way 'the diverse population shares a truly laudable spirit of respect and tolerance for "the other". To me, as an outsider, Australia is something of a miracle.'⁸³ In his article in the *Weekend Australian*, Rotem went on to observe that 'by and large, people relate to each other as individuals, not as groups, not as categories, not as stereotypes.'⁸⁴ Rotem identifies what Hirst has described as a core value of Australian culture.

It is the belief that there should not be poisonous divisions between people; that this can be a new and better land but only if old-world disputes are kept out of it. The Australian style is to keep differences quarantined and not let them rampage in the world at large.⁸⁵

Multiculturalism was embarked upon in Australia for generous reasons. There was a sincere desire to address the alienation frequently experienced by migrants and their descendants who arrived from many different backgrounds to forge a new life alongside one another in a new country. Multiculturalism represented an ideal for Australian society; the commitment to this ideal was well expressed in a submission to the Joint Standing Committee on Migration by the Department of Immigration and Citizenship: 'Australia's successful multicultural society and democracy are built around shared rights and responsibilities that are fundamental to living in Australia, as broadly enshrined in the citizenship pledge.'⁸⁶ This appears to be a genuine and well-intentioned affirmation of the contribution that multiculturalism, as a means of promoting inclusiveness and cohesion, has made to Australian society. Indeed, the joint standing committee declared that multiculturalism 'has contributed to the transformation of Australia from a small, insular community with a colonial mindset to a sophisticated and cosmopolitan nation that can engage with the region and the world on its own terms.'⁸⁷

It is easy to endorse both that transformation and the many benefits that have flowed from it through the diverse communities of this country. However, issue must be taken with the hard multiculturalism that has evolved from the unexceptional, descriptive form. This hard form has been more explicit in committing the resources of the state to promote diversity and dilute an overarching national identity. Hard multiculturalism has a mostly counterproductive impact on society because it promotes the importance of group identity, emphasises difference, and fosters greater segregation. In the words of Kenneth Minogue, hard multiculturalism has imposed 'nothing less than a dictatorship of virtue upon a previously free people.'⁸⁸

Unfortunately, this dictatorship of virtue has only made it harder, not easier, to voice concerns about the impact of hard multiculturalism. The voices of tolerance are alarmingly intolerant of contrary points of view and quickly label them judgmental, discriminatory or racist. Yet critics persist in voicing their concerns. In an interview in *The Sunday Times* in 2004, the author V.S. Naipaul, who was born in Trinidad to Indian parents, was emphatic that migrants to the United Kingdom must acknowledge the host culture.

A person can't say, 'I want the country, I want the laws and the protection, but I want to live in my own way.' It's wrong. It's become some kind of racket, this multiculturalism. Jobs for the boys.⁸⁹

Proponents of hard multiculturalism argue that the diversity of populations of Western, liberal countries such as Australia, Canada and the United Kingdom must be acknowledged in public policy. Soutphommasane insists that hard multiculturalism (he doesn't use that expression, of course) updates an outmoded view about the assimilation of immigrants into a majority culture. But hard multiculturalism is more accurately to be understood as an exercise in cultural relativism where all cultures

are deemed of equal merit and deserving of equal respect. Thus, for instance, and as discussed earlier, a campaign to permit students to wear the *niqab* on campus forced Birmingham Metropolitan College to reverse its earlier policy. In Australia, academic institutions are increasingly willing to accept Islamic practices even when these practices are incompatible with the contemporary liberal culture of the rest of the country.

The University of Melbourne was already ahead of its Birmingham counterpart in embracing cultural relativism but flipped in the opposite direction: The university had been permitting gender segregation at campus events organised by Islamic organisations and only reversed its position in the face of an embarrassing exposure and outcry.⁹⁰ It remains to be seen whether the University of Sydney will face similar protests after the university's Muslim Students' Association hosted an event in October 2013 at which the audience was segregated by gender. The university's vice-chancellor, Michael Spence, said gender segregation 'represented a cultural matter that required sensitive understanding,'⁹¹ and in this instance did not amount to sexual discrimination because there was no preferential treatment.

The Islamic Council of Victoria remains committed to promoting Islamic practices (even when they affect the rights and freedoms of women), and uses the language of multiculturalism to advance its argument. In a submission to the Joint Standing Committee on Migration, the council contended that in a 'tolerant and multicultural' society, 'one should be able to observe Halal, wear the *burqa*, and build places of worship without hindrance (subject to the law of the land).'⁹² Of course, hard multiculturalists insist on using the (anti-discrimination) law of the land to secure precisely those kinds of 'cultural' rights. When a modern liberal culture is considered of equal value to a culture in which the freedom of women is so restricted, it diminishes the defining characteristic of that liberal culture as the defender of individual liberty. Clearly, the non-judgmental, tolerant freedom of expression Soutphommasane defends is a circumscribed form of freedom.

It's not multiculturalism that sets the boundaries of a common way of life but the rule of law.

Conclusion

Australia has clear values and strong institutions. One key value is an openness to all comers—provided they are willing to abide by our way of life. The result is a great model for the world—a prosperous, multicultural society of people living together in peace and freedom.

– Rupert Murdoch⁹³

The Coalition government voted into office this year has shown a distinct disinclination to emulate the previous government's hard multiculturalism. The position of Multicultural Affairs Minister was not filled, and responsibility for multicultural affairs and settlement services was moved from the Department of Immigration to a new Department of Social Services with specific responsibilities being managed not by a minister but a parliamentary secretary (Senator Concetta Fierravanti Wells).

These steps suggest that the Abbott government is taking a more measured approach to multiculturalism, one that does not eschew the primary significance of the Australian national culture. The tone of this government's approach was foreshadowed by Scott Morrison, then Shadow Minister for Immigration and Citizenship, in a speech to the Menzies Centre for Australian Studies.⁹⁴

Morrison was reluctant even to use the term 'multiculturalism,' which he believed had accrued so many possible meanings that it risked polarising the debate. Rather, since all but the first Australians have been 'adopted into this land,' our national identity needs to be distinguished from factors like race, ethnicity or religion,

'A person can't say, "I want the country, I want the laws and the protection, but I want to live in my own way." It's wrong.'

thereby 'disarming what is often a volatile and potentially negative combination.' Although those factors are important, the adoption of Australian identity requires that they play no part in determining the responsibilities and loyalties that flow from citizenship. Cultural tolerance and respect for diversity cannot provide licence for closed communities, he declared.

Citizenship is the proclamation of our commitment to embrace our adoption as sons and daughters of this land, to honour the legacy and heritage of those who have gone before us and to strive to protect the freedoms and values that they have paid forward. It should never be given away lightly.

A liberal democracy such as Australia must resist demands for public policy recognition of cultural practices and values at odds with the liberal democratic tradition. The moral strength of the liberal tradition, which has at its core the principle of individual freedom, must not allow itself to be weakened by the cultural relativism and political correctness advanced by hard multiculturalism.

The debate about hard multiculturalism concerns the weight it is deemed appropriate to afford cultures other than the prevailing Australian one. Neither the size nor the makeup of the Australian population, nor the remarkable richness which cultural and ethnic diversity has conferred upon our country, is at issue, something confirmed by the findings of the Scanlon Foundation Mapping Social Cohesion reports in 2012 and 2013. Rather, the form of multiculturalism criticised in this report is a doctrinal opposition to integration that pursues a program of cultural diversity intolerant of any divergent points of view.⁹⁵

Making a fetish of diversity threatens the liberty of the individual, and it is time for the fetish to end. The only acceptable basis for a healthy, descriptively multicultural society is freedom of the individual under the rule of law. Once the rule of law determines the extent of permissible behaviours, the state should get out of the business of supporting or maintaining the cultural, ethnic or religious components of identity.

Endnotes

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- 7 As above, 34–35.
- 8 Bronwyn Hinz, 'Big or small? Multicultural or multi-racial?' in Tim Wilson, Carlo Carli, and Paul Collits (eds), *Turning Left or Right: Values in Modern Politics* (Ballarat: Connor Court, 2013), 44.
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- is the sixth in the series designed to investigate social cohesion in Australia and to understand the social impact of Australia's increasingly diverse immigration program. The survey used a dual-frame sample methodology comprising randomly generated landline and mobile telephone numbers. The sample blend was 62.5% landline numbers and 37.5% mobile numbers. For this year's survey, the sample size was reduced from 2,000 to 1,200 and is expected to yield a maximum sampling error of plus or minus three percentage points. The Melbourne-based Social Research Centre administered the survey, which was conducted from 3 July to 4 August.
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 - 16 A.J. Grassby, 'A Multi-Cultural Society for the Future' (Canberra: Australian Government Publishing Service, 1973), 9.
 - 17 Ian McAllister, 'Public Opinion, Multiculturalism, and Political Behaviour in Australia,' in Chandran Kukathas (ed.) *Multicultural Citizens: The Philosophy and Politics of Identity* (Sydney: The Centre for Independent Studies, 1993), 52.
 - 18 As above, 57.
 - 19 Mark Lopez, 'The Politics of the Origins of Multiculturalism: Lobbying and the Power of Influence,' delivered at the 10th Biennial Conference of the Australian Population Association—*Population and Globalisation: Australia in the 21st Century* (Melbourne: 2000).
 - 20 Jeremy Sammut, 'Hummus, Hamas and the Hopeless Naive,' *Quadrant Online* (17 October 2012).
 - 21 In 2011, the OECD compiled the 'Better Life Index' to rate its 34 country members in 11 categories. The categories were given equal weight, and Australia was ranked first in the cumulative score at 7.4 ahead of Sweden (7.3) and the United States (7.1). The most recent World Values Survey of 57 countries conducted between 2005 and 2008 ranked Australia second in terms of pride in nationality (69.3%), behind Canada (69.9%) and substantially ahead of the United Kingdom (54%) and Germany (21.8%). When the 2003 International Social Survey program tested for attitudes in 17 countries to levels of immigration, Australia and Canada ranked highest with over 60% of respondents supporting the existing immigration intake or its increase. The lowest levels of support were recorded in the United Kingdom (22%) and Russia (18%).
 - 22 Scott Morrison, 'Australia: The Land of Our Adoption,' as above.
 - 23 Kenneth Minogue, 'Multiculturalism: A Dictatorship of Virtue,' in Patrick West, *The Poverty of Multiculturalism* (London: Civitas, 2005), vii.
 - 24 See, for example, Soeren Kern, 'Britain's Underage Muslim Marriage Epidemic' (Gatestone Institute, 15 October 2013).
 - 25 See, for example, Brian Brady and Paul Cahalan, 'Female genital mutilation—unreported, ignored and unpunished,' *The Independent* (6 January 2013); Mario Ledwith, 'Clerics at 18 mosques are caught agreeing to marry off girls of 14: Four imams investigated after undercover operation,' *MailOnline* (6 October 2013); Chris Pleasance, 'More than 1,500 women victims of genital mutilation in shock statistics compiled by ONE hospital ... and most are from Somalia,' *MailOnline* (18 September 2013).
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 - 27 As above, 4.48.
 - 28 'Rabbi Sacks on Multiculturalism's Dangers,' *Commentary Magazine* (8 June 2013).
 - 29 This section draws on material previously published in *Policy* 29:3 (2013), 60–62.
 - 30 Tim Soutphommasane, *Don't Go Back To Where You Came From* (Sydney: Newsouth, 2012).
 - 31 As above, 82.

- 32 Andrew Markus, *Mapping Social Cohesion: The Scanlon Foundation Surveys National Report 2013*, as above, 44. Ten per cent represents only the core level of intolerance. Markus goes on to say: 'Using a broader definition (incorporating both the strongest negative and next negative response), levels of intolerance and rejection of cultural diversity are probably in the range of 25% to 30% of the population.' However, political factors such as asylum policy and the impact of Islam on Australian society are likely to account for this higher figure.
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- 34 As above, 49.
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- 54 As above, 197.
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- 62 As above, 249.
- 63 As above, 22.
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- 72 Tim Soutphommasane, *Don’t Go Back To Where You Came From*, as above, xii.
- 73 Bruce R. Sievers, *Civil Society, Philanthropy and the Fate of the Commons* (New England: Tufts University Press, 2010), Kindle edition, 1.
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- 75 This section draws on material previously published in Benjamin Herscovitch, Peter Kurti, and Jeremy Sammut, *After the Riot: The Meaning for Multicultural Australia*, Issue Analysis 135 (Sydney: The Centre for Independent Studies, 11 October 2012).
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- 77 As above, 41.
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