



Critical Review of International Social and Political Philosophy

ISSN: 1369-8230 (Print) 1743-8772 (Online) Journal homepage: <https://www.tandfonline.com/loi/fcri20>

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To cite this article: Richard T. Ashcroft & Mark Bevir (2018) Multiculturalism in contemporary Britain: policy, law and theory, Critical Review of International Social and Political Philosophy, 21:1, 1-21, DOI: [10.1080/13698230.2017.1398443](https://doi.org/10.1080/13698230.2017.1398443)

To link to this article: <https://doi.org/10.1080/13698230.2017.1398443>



Published online: 30 Nov 2017.



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INTRODUCTION



Multiculturalism in contemporary Britain: policy, law and theory

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ABSTRACT

We start by surveying the different issues that fall under the umbrella of 'multiculturalism'. We then sketch the trajectory of British multiculturalism since 1945, and examine its broader legal and philosophical contexts. This narrative highlights the empirical and theoretical connections between multiculturalism and decolonisation, and that the conceptualisation of multiculturalism in political theory is more wide-ranging than in law or policy. This helps foreground neglected aspects of British multiculturalism in policy and law, and suggests we should widen the philosophical scope of multiculturalism even further. We then summarise the papers and draw out the connections between them. We argue that a deeper understanding of contemporary British multiculturalism inexorably leads us back to fundamental philosophical and practical questions regarding the structure and purpose of the British polity, and conclude that this indicates the need for greater polycentricity in governance.

KEYWORDS Multiculturalism; national identity; Britain; decolonisation; liberal democracy; polycentricity; pluralism

Modern Britain is multicultural. Since the Second World War the United Kingdom has seen an influx of immigration that has radically altered its nature. The population has changed from one that was overwhelmingly white, ethnically British and Christian, to one constituted by creeds, cultures and communities drawn from all over the globe. A degree of demographic diversity that would have been scarcely imaginable in the middle of the previous century now forms an inescapable part of British life. The term 'multiculturalism' invokes these demographic changes, the intersecting political, legal and theoretical debates over how to respond to them, and governmental attempts to accommodate and even promote cultural diversity. Yet the economic, political and security challenges of the new millennium have put pressure on official support for multiculturalism, with several prominent politicians and social commentators – including then Prime Minister David Cameron – repudiating key aspects of it. It is still uncertain

whether this rhetorical shift in the discourse of multiculturalism will translate into a full-scale retreat at the level of policy and law. Nevertheless, it is clear that British multiculturalism is undergoing a period of re-evaluation. It is also clear that the pressing practical and theoretical questions posed by multiculturalism in Britain remain unresolved.

This volume explores the interactions between debates in policy, law and theory regarding multiculturalism in contemporary Britain. It investigates political and legal controversies through a theoretical lens, applying philosophical arguments to concrete problems. It considers the ways in which theory and practice might fruitfully interact, pointing to novel ways of understanding and responding to British multiculturalism. This volume seeks to understand multiculturalism in contemporary Britain but also to test its discursive boundaries.

We start by surveying the different issues that relate to 'multiculturalism', providing a rough definition to help guide our analysis. We then sketch the trajectory of British multiculturalism from the Second World War until the present day, drawing out its distinctive form and nature. This narrative demonstrates that the remaking of the British nation and state during decolonisation both gave rise to and conditioned British multiculturalism, and that the implications of this are usually glossed over in contemporary policy debates. We then examine the legal and theoretical contexts for multiculturalism both in the UK and more broadly. These contexts help to frame the issues addressed by the papers in this volume, and also to reinforce the empirical and theoretical connection between multiculturalism and decolonisation. The broader scope of 'multiculturalism' in political theory highlights neglected aspects of the British case, which in turn suggests an even more radical application of some claims in political theory than is usual. We then summarise the papers in this volume before drawing out the connections between them at greater length. Overall, our analysis shows that a deeper understanding of contemporary British multiculturalism inexorably leads us back to fundamental philosophical and practical questions regarding the structure and purpose of Britain as a liberal-democratic polity.

What is multiculturalism?

'Multiculturalism' in contemporary Britain is multifaceted. It is implicated in a wide range of contemporary debates, including those over modes of dress, language policy, race relations, religious freedom, education policy, court procedure and immigration. The variegated nature of the relevant issues means that the term 'multiculturalism', and the debates in which it is employed, are difficult to encapsulate neatly. This is reflected in the literature on multiculturalism, which straddles popular and academic writing, and provides a meeting point for a variety of discourses, including politics, law, the social sciences and political theory.

The multifaceted and dynamic nature of multiculturalism makes systematic analysis of it difficult in both theory and practice. In the theoretical literature it is a commonplace that 'culture' should not be reified or reduced to a list of essential properties, and this cautions against any similarly rigid definition of the multiculturalism it underlies.¹ In political practice the meaning and application of the term 'multiculturalism' is also fluid, as it is frequently contested by different public actors (Meer & Modood, [in press](#)). Consequently, a key challenge for this volume is to find productive interactions between policy, law and theory without oversimplifying the empirical realities or applying an inappropriately monochromatic conceptual lens. This means we must guard against sacrificing empirical detail and analytic accuracy for a comforting and convenient, but ultimately misleading, definitional simplicity.

Nevertheless, it is possible to identify basic themes that run through the different 'multicultural' issues, which means the debates bear a family resemblance to one another. In most instances, the presence of members of a minority group presents a challenge to the understandings and practices of a previously dominant group. Therefore a 'multicultural' issue often involves a request for tolerance of behaviours that deviate from the norms widely accepted by the majority, especially if those norms have a disproportionate impact on members of minority groups. Multiculturalism is also linked to the idea that minority communities should be given distinctive rights, such as the protection of minority languages, or special forms of political representation. In addition, a range of government policies and programmes – in Britain, particularly those relating to education and immigration – are explicitly entangled in disagreements over the costs and benefits of a multicultural polity. Sometimes direct state support for minority cultural activities is sought, primarily through funding of community activities and promotion of intercultural dialogue.

A recurring feature of the different debates over multiculturalism is, therefore, a challenge by a minority to the implicit or explicit norms or practices of a majority. Most frequently, the claim is (or can be construed as being) that the neutrality of the state on a particular matter is illusory, and that the members of a minority culture are being harmed by the existence of a majority norm. This is usually accompanied by a request for an exemption from any law enforcing the norm (as with animal slaughter), or for its reform so as to accommodate the needs of the minority group (as with challenges to court procedure). Alternatively, the accusation may be that the majority norm or practice is so pernicious that it must be banned, as in the case of hate speech. Running through all of these instances is a desire for societal recognition of the existence and value of minority cultures through adjustments on the part of the majority (Taylor, 1992). This is evident in requests for the reform of public symbols or holidays, or calls to make public discourse and education more inclusive of the history and concerns of minority groups. More rarely, a parallel practice or institution is demanded, such as religious courts or local political autonomy.

Multiculturalism may therefore be implicated in debates regarding the basic structure and functioning of the polis, and these deeper questions of governance can occur even when there is no clear majority within a polity. Whether a particular issue is 'multicultural' in any of the above senses – or how useful it is to class it as such – is open to interpretation in any given instance. Nevertheless, our brief survey will help us identify multicultural issues and analyse what is distinctive about them.

Multiculturalism understood in these terms gives rise to dilemmas for polities such as the UK, which are committed to liberal democracy. Liberal democracy is based on political equality and traditionally safeguards the rights of individuals and minority groups. Yet it is also committed to some form of majority rule, and often uses the law to enforce common moral standards. The issues raised by multiculturalism therefore require public consideration of the potential tension between these different commitments. Additionally, fundamental doctrines of liberalism such as state neutrality and religious freedom may implicitly presume a background of broad cultural similarity within which a limited number of salient differences such as religion, race and gender can be managed.² Therefore, as the dominant narratives and practices of British liberal-democracy were developed in the context of a wider cultural homogeneity, they are directly challenged by the extent of modern cultural diversity.

This means we need more than an abstract definition of 'multiculturalism' which can be used to identify specific examples of it. To analyse modern British multiculturalism we must understand its historical background. There are two crucial contexts: first, the postwar British political landscape within which it arose and developed, and second, the wider discourses surrounding multiculturalism in the UK and beyond. Contemporary British multiculturalism was conditioned by the circumstances surrounding its emergence after the Second World War, yet the debates in the UK are not fully intelligible without some understanding of the parallel inter- and transnational discourses. Both contexts help to draw out the particular nature of contemporary British multiculturalism, suggesting that British policy discourses are unduly narrow and that this masks connections with broader philosophical and political issues. We shall start by examining the history of the British case before moving on to the broader discourses surrounding multiculturalism.

Postwar British multiculturalism³

What we think of as modern British multiculturalism arose with the influx of non-white migrants in the years following the Second World War. Yet its roots go much deeper, back to the creation of the multinational British state in 1707. Colley (1992) has shown that a distinctive understanding of Britishness was first forged during the struggle against France and the subsequent period of colonisation, which indelibly linked the very idea of Britain to its imperial role.

Decolonisation therefore posed a direct threat to Britain's understanding of itself and its place in the world, and it was the political response to this dilemma that created modern multicultural Britain.

Facing the prospect of decolonisation, the Attlee Government tried to preserve British identity and influence through legislation aimed at securing Britain's position at the head of a renewed Commonwealth sphere of influence (Ashcroft & Bevir, *in press*; Hansen, 2000). The British Nationality Act 1948 ('BNA 1948') granted a majority of individuals in the Empire and Commonwealth the right to immigrate to the UK. It also created a new form of British citizenship conferred on almost everyone who was not a citizen of an independent country (Hansen, 2000, pp. 45–49). These reforms were intended to be a primarily symbolic way of reasserting Britain's status as the 'mother-country'. Instead they led to an unexpected amount of non-white immigration, triggering public and political resistance to its scale and nature, including race riots in 1958. Nevertheless, commitments in both major parties to the Commonwealth vision, anti-racism and a citizenship enriched by the welfare state, combined to ensure that there was no significant immigration restriction until 1962 (Ashcroft & Bevir, *in press*). Even then it was politically and legally impractical to revoke the BNA 1948 in its entirety, and so the existing system had to be amended (Hansen, 2000, Ch. 5). The expansive definition of citizenship created by the BNA 1948 could not, however, be used as the sole criterion for limiting immigration. Therefore the new immigration restrictions grafted onto the existing regime had to be recast to operate on proxies of birth and ancestry rather than citizenship, which in effect meant race (Joppke, 1999, Ch. 4). The cumulative effect of legislation in 1962, 1968 and 1971 was thus to limit non-white immigration from the New Commonwealth whilst simultaneously leaving the door ajar for white 'British' immigrants from the Old Commonwealth (Hansen, 2000; Karatani, 2003, Ch. 5).

The price extracted by the Labour Party and the more liberal wing of the Conservatives for this racialised tightening of *external* immigration controls was the imposition of an increasingly potent *internal* race relations regime over the same period, with Acts passed by Labour in 1965, 1968 and 1976. These reforms were accompanied by a discursive shift in the mid-1960s away from cultural 'assimilation' to 'integration'. Integration was understood 'not as a flattening process of assimilation but as equal opportunity, accompanied by cultural diversity, in an atmosphere of mutual tolerance' (Jenkins, 1967, p. 267). The newly founded welfare state was seen as the primary mechanism for integration, supplemented by substantial funding and activism engaged with the needs of minority communities, and a series of exemptions from general laws for ethnic, racial and religious minorities. British multiculturalism is consequently often described as 'Janus-faced', with tough restrictions on outsiders cast primarily in racial terms, but substantial protections for internal cultural pluralism (Meer & Modood, *in press*). The unsuccessful attempt to secure the post-imperial Commonwealth vision immediately after the Second World War therefore created a political

and legal legacy that intertwined race, citizenship and immigration with the search for 'Britishness' after decolonisation. Part of this legacy was a distinctive bifurcated and bipartisan 'regime' of British multiculturalism.

One might expect Thatcherite control of central government in the 1980s and 1990s to have resulted in significant changes to British multiculturalism. In fact, the existing regime was broadly maintained in policy terms, although support was no longer entirely bipartisan (see Hansen, 2000, Ch. 9; Karatani, 2003, pp. 179–185). During this period, Labour engaged in an ever more activist anti-racism and valorization of difference through local control of most education and housing provision, which helped offset any attacks from central government. After their election in 1997 New Labour reinforced the bifurcated approach to multiculturalism, marrying a commitment to devolved governance with an emphasis on pluralism and a revitalised sense of citizenship and community (Ashcroft & Bevir, *in press*). This support culminated in the publication of the report by the Commission on the Future of Multi-Ethnic Britain in 2000, which is often cited as the 'high-water mark' of postwar British multiculturalism (Meer & Modood, *in press*). Yet the public and press reaction to this report was overwhelmingly negative and, along with 9/11 and race riots in the north of England in 2001, this triggered a re-evaluation of multicultural policy.

New Labour then began to emphasise the need for immigrant and minority communities to assimilate British values and traditions. They introduced a new nationality test, tightened immigration and asylum law, and introduced draconian anti-terrorism legislation. The security measures were linked explicitly to assimilative policies that problematically muddled together counterterrorism work with community relations, particularly in relation to Muslim groups (Meer, 2010, pp. 22ff). Policies and rhetoric in this vein were continued by the Cameron governments, with the then Prime Minister famously declaring that the 'state doctrine of multiculturalism' had failed, explicitly citing it as a cause of domestic terrorism, and calling for a 'muscular liberalism' in response (Cameron, 2011). Several pieces of 'anti-extremism' legislation have followed and there has been further tightening of immigration restrictions.

These changes in both tone and policy by New Labour and the subsequent Conservative governments have given rise to a perception that British multiculturalism is undergoing a 'crisis'. There is some truth to this assessment, but in its simplest form it ignores important continuities with 'traditional' British multiculturalism and obscures the nature of the breaks with it. The rhetoric post-2001 by both party leaderships has been suffused with a Whiggish British exceptionalism that is reminiscent of the immediate postwar years.⁴ Yet the precise nature of this appeal to 'unique' British values and traditions suggests a shift away from the integration that formed part of the postwar vision, towards assimilation. Paradoxically, however, such rhetoric and associated debates over immigration have frequently been accompanied by an emphasis on anti-racism and the diverse nature of modern Britain, which suggests a continuing commitment to

multiculturalism. It is therefore plausible to argue that recent policy changes are better understood as a ‘rebalancing’ of a distinctive British multiculturalism rather than a full-scale retreat (Meer & Modood, [in press](#)). Nevertheless, it is clear that public discourse regarding multiculturalism has taken a more nativist turn, even if rhetoric has – so far – moved further than practice. It is also undeniable that substantive policy changes in recent years have chipped away at some aspects of the distinctive British multicultural regime. It seems likely that these overall trends in the public discourse, policy and law relating to multiculturalism will be reinforced by the Brexit vote (Ashcroft & Bevir, [2016](#)).

In the Editors’ view, contemporary Britain is committed to being a ‘multicultural’ country. This multiculturalism is, however, understood primarily in terms of race relations rather than cultural difference. This may be problematic. The ‘social cohesion’ recently promoted by government is articulated through traditions, institutions and imagery developed and rooted in prewar Britain, which means the current bipartisan appeal to ‘British values’ is arguably monocultural in orientation even if it is multiracial in application. Widening ‘Britishness’ to include non-whites via a historically conditioned form of civic nationalism seems to grant racial inclusiveness at the price of cultural assimilation; or at least it must do if British national identity is to have any more substantive content than a pastiche of generic liberal-democratic values. In any event, even those more abstract values will clash with some minority cultural beliefs and practices. Contemporary British multiculturalism is, therefore, in our view not so much ‘Janus-faced’ as caught in two minds. Fears over the perceived threat of immigration to aspects of British national identity seem to have reinforced public resistance against the idea of multiculturalism (Ashcroft & Bevir, [2016](#)) even as the detail of much multicultural policy remains popular amongst political and intellectual elites (Uberoi & Modood, [2013](#)). Even then, political actors simultaneously reject and affirm ‘multiculturalism’ as a policy goal and set of practices, employing the rhetoric of an inclusive British multiculturalism alongside a ‘muscular liberalism’ that implicitly excludes some members of minority cultures. These tensions have rarely been acknowledged, let alone resolved.

Multiculturalism as policy, law and theory

The above historical survey of postwar British multiculturalism helps to contextualize current debates. These debates are comprised, however, of interrelated strands of policy, law and theory. Here we sketch these different aspects of multiculturalism in the UK and place them against related international discourses.

Policies addressing multiculturalism in Britain and elsewhere are necessarily entangled with the detail of legal and normative debates, but public discourse regarding policy towards cultural minorities is often conducted in narrower terms than in law or political theory. In contemporary Britain, Canada, Australia and New Zealand, multiculturalism has become primarily linked in the public

mind to issues of race, immigration, national identity and – more recently – security and Islam (Ashcroft & Bevir, [in press](#)). The term ‘multiculturalism’ is usually used in public debates to refer to both the social fact of cultural diversity and also multicultural policies, particularly those aimed at accommodating and integrating long-term minority ethnic immigrants. These policies include education, language, welfare and citizenship rights or requirements. In Britain the dominant conceptualisation of multicultural policy in terms of immigrant integration inevitably taps into anxieties regarding the UK’s role in a globalised world, and fears that the nature of ‘Britishness’ is under threat. Multiculturalism in policy debates is, therefore, entangled with public contests over national identity, even if the implicit role of Empire in ‘Britishness’ is rarely acknowledged.

We suggest that this narrow conceptualisation of British multiculturalism in terms of immigrant integration obscures important connections between multiculturalism and more fundamental issues in law and political theory. In order to flesh out this claim we will examine the legal and philosophical discourses relating to multiculturalism. An examination of the broader legal context reinforces our analysis of the importance of decolonisation for understanding British multiculturalism. This in turn highlights that the political theory literature, which on the surface has limited traction on the British case, will in fact help us engage key normative questions. In doing so, we will be forced to reconsider not only the ‘traditional’ policy boundaries of British multiculturalism, but also prominent ways of framing multiculturalism as a philosophical issue.

The domestic legal issues raised by multiculturalism in the UK are legion, and there is really no aspect of domestic law that has been left untouched. As discussed above, the immediate cause of multiculturalism as both a demographic fact and a policy regime was the postwar reconstitution of nationality law. This led to an influx of immigrants from the ‘New’ Commonwealth, which radically reconstituted the nation even as the creation of the postwar welfare state revolutionised the nature of citizenship (Joppke, 1999, Ch.s 4 and 7). This immigration has provoked claims for exemptions from general laws by minorities disproportionately impacted by them, particularly as they related to forms of dress, work and worship. For example, individuals have claimed exemptions from general laws relating to the slaughter of animals and the wearing of safety equipment (Joppke, 1999, pp. 233ff). Court procedures have also frequently been subject to multicultural challenges, ranging from the invocation of culture as a defence to criminal charges, to the manner, mode and admissibility of evidence (see Seglow in this volume). Multiculturalism has, therefore, affected British jurisprudence relating to procedure, substance and – through the legacy of the BNA 1948 – even the boundaries of the polis itself.

The ultimate background to British domestic multicultural law is the postwar founding of the United Nations and associated Human Rights instruments. During the heyday of European imperialism both domestic and international policy were often narrated through developmental histories that valorized

Enlightenment rationalism, tapping into assumptions regarding the moral, cultural, scientific and even racial superiority of the West. The catastrophic loss of life from two World Wars and the abomination of the Holocaust undercut beliefs regarding western superiority, causing a crisis in liberal theory and a transformation of the global order. Anti-racism and anti-colonialism were fundamental principles of the new international legal framework, with decolonisation and the plight of indigenous peoples taking centre stage (Fagan, 2017).⁵ These trends were reflected in the institution of anti-racism legislation and immigration liberalisation in most liberal-democracies at some point after 1945. During the 1970s and 1980s Canada, Australia and New Zealand broadened the scope of domestic multicultural law by declaring official state multiculturalism or biculturalism, which either explicitly or implicitly altered their constitutional landscape. The legal provisions relating to multiculturalism in Canada and elsewhere continue to raise questions of political autonomy and democratic legitimacy, although groups such as indigenous peoples and the Québécois have distanced their claims from those of immigrants (Eisenberg, *in press*). Multiculturalism beyond the UK is, therefore, linked not just to immigration, citizenship and nationality law, but also explicitly to constitutional resettlements and international treaties.

The international legal background is explored in more depth in this volume by Andrew Fagan. The key point here is that the regime of multiculturalism in the UK should not be seen as simply a domestic political and legal issue, but should be situated within the postwar restructuring of the global system. Decolonisation not only undercut key aspects of British national identity and created multiculturalism as a set of social facts and a policy framework, but was also part of a more general crisis in liberal-democratic governance. This suggests a direct theoretical (as well as practical) connection between contemporary British policy debates on immigrant integration and more fundamental questions regarding the workings of the liberal-democratic state.

Those sorts of questions are central to the literature on multiculturalism in the academy, where it is most closely associated with political theory. The trajectory of that literature has been shaped by Will Kymlicka, whose early work set out a general normative theory of multiculturalism (Kymlicka, 1989, 1995). He argued that state 'neutrality' in matters of culture was illusory and potentially harmful, advocating special cultural rights on the basis of the necessary role of culture in supporting meaningful individual choice and self-respect. Kymlicka utilised a typology of groups and rights that framed multiculturalism as an issue pertaining to both immigrants and 'national minorities' such as indigenous peoples or the Québécois. He only advocated, however, self-rule for national minorities. This framing clearly fits most neatly with the range of issues and groups facing settler colonies such as Canada, Australia and New Zealand rather than most European nation-states. Nevertheless, Kymlicka's theory and the typology central to it have dominated the theoretical literature, provoking a variety of philosophical reactions. These range from broadly sympathetic responses from

post-modern and neo-Hegelian forms of the politics of difference, through liberal-universalist and liberal-feminist criticisms, to a mixed reception from more conservative thinkers.⁶ The most recent multicultural theory in the UK and elsewhere has focused to a greater degree on particular cases in their immediate historical and political circumstances, reflecting the wider transition in Anglophone political theory from universalist to contextualist theorising.⁷ This has been accompanied by a greater concentration on the integration of minority ethnic immigrant groups, and the latest debates often revolve around radicalisation, feminism, intercultural dialogue, and post-colonialism.

In the British context, the most notable political theorists writing on multiculturalism have been Parekh (2000), Barry (2001) and Phillips (2007). Parekh endorses a form of multiculturalism based around intercultural dialogue between the different cultural groups that form a 'community of communities' within the UK. In contrast, Barry vociferously rejected multiculturalism on universalist liberal grounds in favour of a focus on redistribution. More recently, Phillips has called for a reconstituted feminist and non-essentialist 'multiculturalism without culture' which respects the agency of minority women. It should be noted, however, that none of these theorists advocate political autonomy for minority cultural groups to the extent that Kymlicka does, if at all.

This brief survey of the discourses relating to multiculturalism in policy, law and theory foregrounds several key points. For instance, it is clear that the scope of the groups and issues that fall under the umbrella of 'multiculturalism' varies. Political theory has the broadest understanding of multiculturalism, seeing it as applying to national groups, indigenous peoples and immigrants, and as involving claims for all manner of rights and accommodations, including self-rule. Multiculturalism in law also has an extensive purview, affecting the procedure and substance of domestic and international law, often at the most fundamental level. The legal issues affecting sub-national groups are not, however, always framed in terms of multiculturalism, even if they turn on similar normative issues. Policy discourse is clearly the narrowest, dealing almost exclusively with issues relating to the integration of immigrant groups. Also, the 'backlash' against multiculturalism seems primarily to have occurred within public and policy discourse, rather than law and philosophy, although the theoretical literature has narrowed its focus in recent years. And lastly, all three discourses of multiculturalism are related to postwar processes of globalisation, particularly decolonisation, anti-racism, mass migration and human rights.

Two further points crucial to this volume follow. First, all three discourses of multiculturalism are not just linked to postwar globalisation in a causal sense, but also at a theoretical level by the challenge decolonisation presented to traditional liberal governance and conceptions of the nation. Second, the narrowness of policy discourse may act as a restraint on the way particular issues are understood as 'multicultural' in both policy and law, which in turn may limit the potential solutions considered. Most importantly, political theory foregrounds

the connection between multiculturalism and claims for a radical remaking of the state, including grants of political autonomy to national minorities.

We argue that in combination these points clarify the nature of contemporary British multiculturalism, and point to potentially fruitful interactions between policy, law and theory. Contemporary policy debates in Britain conceptualise multiculturalism almost exclusively in terms of immigrant integration, yet this underplays the crisis in national identity posed not just by multiculturalism but by decolonisation itself. And whilst policy debates acknowledge that multiculturalism poses a challenge to particular liberal-democratic norms, they rarely acknowledge the possibility that it raises doubts about the basic structure of the British polity. This may be partly due to the fact that as the imperial metropole Britain did not have to accommodate indigenous peoples, unlike the settler colonies of the Old Commonwealth. It may also be because relations between the constituent nations of the UK are not usually seen as relating to multiculturalism. Policy and law may, therefore, have something to learn from political theory, potentially expanding the scope of British multiculturalism beyond current understandings.

It is the Editors' contention, however, that the political theory of multiculturalism may also have something to learn from the British case, given the historical peculiarities of the British nation, state and multicultural regime. For instance, under Kymlicka's theory, immigrants such as those from former colonies would not ostensibly be entitled to political autonomy. Yet many of the postwar immigrants do not fit his typology cleanly, as they already possessed the equivalent citizenship status to natural-born British citizens before they arrived. This suggests that claims to self-government on the basis of culture are not necessarily limited to peoples subject to colonisation, or to national groups such the Scots who can claim to be co-colonisers, but may also apply to immigrants from former colonies and other sub-national groups. Many debates not usually understood in multicultural terms may, therefore, have important links to it, and the papers in this volume flesh out this claim. We set out below the structure of the volume and summarise the content of the papers, before drawing together the different threads into an overall conclusion.

Structure and content

As we are interested in finding points of contact and synergy between different issues and disciplines rather than strict commonality, the papers are organised thematically. Each paper has closer connections to those around it than those further away, but nevertheless they all touch on the same themes. The volume starts with an examination of the challenges surrounding the social integration of 'multicultural' groups, then analyses the connections between nationalism, national identity and multiculturalism, and concludes with consideration of the issues surrounding the legal treatment of religion, culture and gender.

In the first paper, Andrew Mason provides a philosophical examination of the concept of integration and its relationship to multiculturalism. In recent political and public debates many actors have argued that multicultural policies in Britain discourage integration. Yet Mason's careful conceptual analysis demonstrates that the term can be given different meanings without any acknowledgement, often within the same documents and speeches. He shows that integration can be variously defined as a process of mutual adjustment, the acquisition of a shared national identity, or as participation on equal terms by members of different cultural groups in the major spheres of society. He argues that once the necessary distinctions have been drawn, it is far from clear that multiculturalism must be hostile to policies aimed at facilitating integration in any of the senses he identifies. Nevertheless, given that meaningful interaction between members of minority groups and the majority group occurs only in a limited number of spheres, Mason raises doubts about whether 'integration' is always desirable or practicable. He concludes that under non-ideal circumstances, a culturally diverse society such as Britain might be better advised to foster a form of collective identification that relies on a sense of 'belonging to a polity', rather than seeking to promote a shared national identity. This may entail institutions and practices that allow cultural minorities to separate themselves from the majority to some degree, as this may enable their members to acquire a more secure sense of their own identity, and help to sustain important social bases of their self-respect.

In the second paper, Varun Uberoi examines the relationship between cultural diversity, national identity and civic solidarity through the thought of Bhikhu Parekh. He argues that Parekh offers a distinctive and valuable account of these which is over-looked partly because it is spread across less well-known texts dating back to the 1970's. Exploring and expanding upon this material, Uberoi articulates Parekh's distinctive understanding of national identity and its relationship to multiculturalism. He argues that Parekh draws a distinction between personal and collective aspects of national identity, and between nations and polities. Parekh believes that members of a culturally diverse society will unavoidably have different conceptions of the polity because they interpret it using their own experiences and views. Parekh therefore thinks the government should promote a diverse and inclusive 'national identity' in order to help members of the polity interact across their cultural differences. These primarily educational policies must go alongside anti-discrimination and race relations legislation, and he therefore sees national identity as merely one of a number of means to help individuals in Britain see themselves as a group with common challenges and goals. Uberoi concludes that for Parekh national identities are not tied to a conservative or liberal nation per se, but rather can and should be used as an inclusive mechanism to help to achieve his 'vision' of multiculturalism. Parekh's account of national identity is therefore distinctively multiculturalist without being nationalist.

The paper by Richard Ashcroft and Mark Bevir builds on the previous two by exploring the connections between multiculturalism and debates over Scottish independence. Proponents of independence often foreground the claim that Scotland forms a democratically relevant and underrepresented community which would function better as an independent state. Such an argument casts the nation in cultural rather than ethnic or purely political terms, and thus draws on forms of both liberal nationalist and multicultural political theory. Ashcroft and Bevir argue that any plausible articulation of such a 'cultural nationalism' ultimately reduces to a series of interrelated claims about the nature and effects of culture, identity and meaning. An account of culture and identity as fluid, contested and overlapping demonstrates, however, that the cultural nationalist position is unsustainable. This analysis suggests that Britain is really constituted by multiple tiers of identities, communities and social structures. In turn, this directs us towards post-nationalisms such as political liberalism and cosmopolitanism, and Ashcroft and Bevir sketch their own distinctive form of 'cosmopolitanism'. They argue that rather than leading to universalism, some forms of cosmopolitanism might plausibly suggest a focus on more local attachments, and thereby support polycentric governance flexible enough to accommodate the fluidity of culture and identity. They conclude that a proper understanding of multicultural political theory post-Brexit supports a fundamental remaking of current constitutional arrangements and radical political devolution across the entire UK.

In the penultimate paper, Andrew Fagan explores the ramifications of decentralised forms of governance which would allow cultural minorities to separate themselves from the rest of society. He examines the argument that a right of exit from sub-national groups, associations and even families, would be sufficient to protect vulnerable members of minority cultures which have been granted a degree of political autonomy. He traces recent trends in British politics, liberal political theory and human rights law in order to demonstrate why the right of exit – made famous in the political theory of multiculturalism by Chandran Kukathas – may be able to mediate tensions between them. Yet Fagan argues that exit is an insufficient test for consent because some cultures may render some members incapable of effectively exercising their autonomy. In conjunction with a philosophical account of agency as fundamentally 'relational', he uses empirical evidence drawn from legal cases and social science to unpack this controversial claim. He argues that this account of agency and culture avoids both the liberal assumption of a sovereign self and cultural essentialism. Fagan posits that understanding agency in relational terms sheds light on precisely how oppressive culturally-permitted relationships can constitute some individuals' primary identities whilst also serving to harm those very same individuals. He suggests that for an individual to have the capacity to effectively use the right of exit they must be able to conceive of themselves as an agent, which

includes having a sense of their own moral worth and the ability to imagine the possibility of living a different kind of life.

After Fagan's discussion of deep-seated cultural and religious attachments in the context of the right of exit, in the final paper Jonathan Seglow examines the relationship of religious practice to multiculturalism in UK law. He surveys the law relating to religious accommodation, one of the most long-standing and salient aspects of Britain's distinctive regime of multiculturalism. Laws and rules in the UK are sometimes interpreted in such a way as to specifically accommodate the convictions of religious groups, but this is controversial as it contradicts the fundamental principle that there should be one law for all in a liberal society. Seglow outlines and illustrates five 'normative gaps' in current UK law, where the issues discussed by courts raise conceptual distinctions which could benefit from further analytical investigation. He starts by examining the difficulty in distinguishing between actions that manifest religious beliefs and those that are merely motivated by them, which connects to the problem of deciding which beliefs are central to the demands of religion or conscience. This leads in turn to an examination of different forms of discrimination and their relationship to religious accommodation, particularly in the workplace. All of these 'normative gaps' in the law refer him back to the fundamental issue of state neutrality, and the mechanisms by which the state may try to balance the costs and responsibilities between individuals and the community.

Multiculturalism and the remaking of Britain: policy, law and theory

The papers in this volume highlight the heterogeneity of the debates that constitute 'British multiculturalism', and show that the dilemmas it poses are still hotly debated. Nevertheless, multiculturalism in the UK seems primarily to be viewed in terms of the non-white immigration sparked by decolonisation. This conditioning obfuscates the fact that multiculturalism has profound ramifications for the future of the British polity, which can be seen by tracing the connections between the papers and drawing out their implications for policy, law and theory.

A stated aim of postwar government policy was to integrate rather than assimilate minority immigrants, and debates over integration form the most salient point of contact between these papers and public discourses regarding multiculturalism. Mason shows that integration is prey to conceptual confusion and rhetorical misappropriation; it can be seen as both central to multiculturalism and antithetical to it, sometimes as desirable but at other times a threat. The postwar paradigm of multiculturalism has led to a focus on the cultural integration of long-term immigrants, yet this obscures the fact that integration operates across multiple spheres, in many locales and on different groups. The fluidity of the concept, therefore, suggests that generalised calls for 'integration'

are problematic. In turn, this indicates that we should not valorize one sphere such as culture or national identity over others, and that policies and institutional structures which foster partial forms of integration may successfully serve purposes of justice or social stability.

The debate over integration and immigration is entangled with the issue of national identity. The demographic 'fact' of cultural diversity in modern Britain is a direct result of the struggle to define British national identity in a post-imperial setting. Yet no clear answer has been provided as to the content and function of 'Britishness' by politicians, lawyers or political theorists. The overarching goal seems to be to articulate an inclusive form of national identity that will help integrate a multicultural citizenry, and so the pressing theoretical question is whether non-exclusionary forms of identity can have the desired effects. Mason and Uberoi both acknowledge that typical liberal or conservative nationalisms may be problematically assimilative, arguing instead for thinner forms of group identity. Ashcroft and Bevir are sceptical, however, arguing that 'inclusive' accounts of the nation/polity in cultural or moral terms are unlikely to affect individual behaviour consistently in the ways that advocates presume. And all three papers acknowledge the potential disconnection between collective and individual understandings of national identity, which might cause further problems.

The contestable nature of national identity highlights the important role of rhetoric in constructing it, and in influencing public opinion. For example, the emotive nature of debates over 'Britishness' and immigration has arguably distorted the public perception of multicultural policy, contributing to the increasing political toxicity of 'multiculturalism'. The controversy surrounding multiculturalism and national identity may also obscure important links between different debates, perhaps by discouraging groups from framing their claims in multicultural terms. The issue of which groups and rights relate to 'multiculturalism' connects contemporary public debates to Kymlicka's influential early work, which allocates dramatically different rights to immigrants and national minorities. Typological separation of groups and claims risks, however, arbitrarily valorizing the role of culture for some groups over others, and obscures the wider implications of multiculturalism for governance. For example, claims for Scottish independence are not usually seen as related to multiculturalism, yet are ultimately grounded in an unstable cultural nationalism. Religious accommodation is focused narrowly on particular practices rather than connected explicitly to broader issues of state neutrality and democratic legitimacy. And consideration of the right of exit often glosses over the multiple and overlapping spheres between which movement and (re)integration may take place.

Actors in all of these debates rely explicitly or implicitly on accounts of the relationship between culture, democracy and identity. This links popular discourse to philosophical arguments over whether multiculturalism relies on a mistaken account of culture. The concern is that identifying and supporting

minority cultures necessarily involves attributing essential features to them, potentially imbuing them with an artificial aura of necessity which prevents their challenge and reform. This accusation is often levelled at Kymlicka's dominant theory of multiculturalism (Song, 2010). Yet all of the papers in this volume presume that culture is fluid, dynamic and overlapping, ruling out any theories or policies that rely on rigid accounts of it. For example, Ashcroft and Bevir argue that any non-essentialist account of culture implies that identities are also multiple, fluid and contested in much the same way. Such an account of culture and identity also supports Mason's contention that processes of integration take place in different ways and in multiple spheres, and that policies and political structures must be altered accordingly. And Uberoi's acceptance that national identity may be shaped to facilitate solidarity across different cultural groups also implies anti-essentialism in matters of national culture and identity.⁸ Fagan and Seglow, who ostensibly assume a greater solidity and centrality to cultural identity and its demands, nevertheless provide analysis that is non-essentialist on a deeper level. Both acknowledge that some individuals see their cultural identity as fixed and non-negotiable, but they do not claim that cultures have essential features or that individual identities are static.

Yet adopting an explicitly anti-essentialist account of multiculturalism seems to reject the very idea of fixed cultural identities, and thus obviate the need for 'multicultural' policies to protect them. This apparent paradox can be resolved once we foreground the connection of multiculturalism to fundamental issues of democratic governance and the role of the state. Whether culture and identity are fixed or not, some people will believe they are and will act accordingly, and some will not. This means any 'multicultural' regime of policy and law must be flexible enough to account for both. Ultimately, therefore, our examination of the policy, law and theory of multiculturalism forces us to reconsider the basic structure of British governance, and it is the Editors' view that reorganising the British state to make it more polycentric would be a fruitful response to the challenges of multiculturalism. Polycentric governance could accommodate both those who wish to privilege singular aspects of their identity and those who wish to embrace more cosmopolitan and fluid forms of identity and life. This would potentially help individuals, communities and the state negotiate between the different interests and identities that operate across the cultural, political and economic spheres.

All of the papers in this volume speak to this claim, although not all of our authors would necessarily make it as forcefully as the Editors, or even at all. Mason, Ashcroft, and Bevir explicitly support *some* form of decentralised governance, and arguably Uberoi does so implicitly through his broader endorsement of Parekh's vision of Britain as a 'community of communities'. Fagan's paper points to a potential problem, however. Polycentric governance must necessarily rely heavily on the right of exit as an effective and normatively justifiable mechanism for establishing consent, and he plausibly argues this right must

be treated with caution. Nevertheless, Fagan only qualifies the circumstances in which the right of exit may be used rather than excluding it completely. It is the Editors' belief that the problems with the right of exit are not insurmountable, and Ashcroft argues elsewhere that the nature of the right itself implies that the state must play a substantive role in facilitating exit, including meeting the basic welfare needs of those who utilise it (Ashcroft, [in press](#)). Whether the state really can be neutral towards different groups if it plays a role in enforcing rights (including exit) is a venerable issue in political theory, and is raised here by Seglow. Conclusively resolving the issue of state neutrality is beyond the scope of this volume, yet it seems likely that complete 'neutrality' in matters of culture is a chimera. It is also at least plausible that decentralisation of norms, rights and governance will prove *more* neutral – and more fruitful – than current arrangements. If the Editors are correct that polycentric governance is the key to accommodating the dynamic nature of cultural diversity, then the current British state is hampered by its relatively centralised form. Centralisation has been reduced to some degree by devolution, but the overwhelming weight of political power still resides in Westminster. Historically, this centralisation was mitigated by the bifurcated British multicultural regime of tough external immigration controls and internal policies that encouraged cultural pluralism. Yet we have seen that the pluralistic elements of this regime have been undercut by the backlash against multiculturalism, and may continue to be pressured by Brexit.

There is therefore an indelible link between postwar multiculturalism and questions regarding the role of nation and state in liberal-democratic theory and practice. The role of the nation in facilitating liberal-democracy is controversial, with some arguing modern democracies functionally require a shared culture and history. As this volume shows, however, these claims are problematic, and this dispute bleeds into unresolved arguments regarding the true nature of liberalism. Many theorists and political actors articulate liberalism as a substantive moral or political doctrine associated with centralisation and assimilation, but others advocate a form of liberalism based on a norm of toleration and devolution. Multiculturalism is at base, therefore, the latest manifestation of long-standing tensions at the heart of the Enlightenment project regarding the relationship of the individual to the community, the local to the central, and the particular to the universal.

The 'remaking' of the self, community, nation and state in the post-imperial era connects British multiculturalism to these fundamental philosophical issues. Yet it remains unclear how to build an inclusive but useful national identity in a modern and diverse Britain. Some papers in this volume are more sanguine that this can be done than others, but the Editors would question the very possibility of integrating the diverse groups in modern Britain into a single yet inclusive 'nation' or polity. Recent public declarations regarding the need to replace or supplement multiculturalism with 'muscular liberalism' or civic nationalism risk being exclusionary in and of themselves. And even if they are not inherently

exclusionary, they potentially tap into illiberal forms of nationalism that may prove difficult to control, as Brexit has shown. An inclusive British 'nation' that is compatible with multiculturalism must avoid both problematic cultural specificity and essentialism. This is challenging in both theory and practice, and clearly has not yet been achieved. We suggest that it is something that must be built from the bottom-up, rather than imposed from the top-down.

Conclusion

We started by surveying the different issues that fall under the umbrella of 'multiculturalism', before sketching the trajectory of British multiculturalism since 1945 and examining its broader legal and philosophical contexts. This narrative highlighted the empirical and theoretical connections between multiculturalism and decolonisation, and that the conceptualisation of multiculturalism in political theory is more wide-ranging than in law or policy. We then analysed the links between the law, policy and theory of multiculturalism in contemporary Britain by examining debates over the meaning and nature of integration, which in turn led us to consider the form and function of national identity. This pointed to the importance of rhetorical contestations over national identity and multiculturalism, and highlighted the implicit assumptions about the relationship of culture, identity and democracy that connect and inform these debates. This focused us on the philosophical issue of essentialism, which is addressed by the papers in this volume, all of which rely on non-essentialist accounts of culture. This finally led us to fundamental issues in governance, and to question the basic structure of the British polity.

Ultimately, therefore, a study of the law, policy and theory of contemporary multiculturalism indicates we are yet to negotiate the challenge posed by decolonisation to the British nation and state, or to mitigate parallel tensions at the heart of Enlightenment liberalism and democracy. This suggests even further decentralisation of our legal and political arrangements may be necessary if we are to respond adequately to the challenges of multiculturalism. Whether such reforms are politically plausible post-Brexit is unclear, but in the Editors' view they are normatively justified and desperately needed.

Notes

1. Essentialism is the view that a particular thing such as a concept or an object has a list of necessary properties that make it the thing that is in terms of identity or function. Reification is the act of treating something abstract or non-material such as an idea, word or belief as if it is a real concrete entity with independent existence.
2. This was the view of J. S. Mill (1861, Ch. 16) who argued for the necessity of common culture and nationality in a liberal state. More recently Miller (1995) and Kymlicka (1989, 1995) have made similar arguments.

3. For a fuller version of this narrative see Ashcroft and Bevir (*in press*), which is in turn indebted to Hansen (2000), Joppke (1999) and Karatani (2003).
4. For useful analysis of some of the rhetoric used see Pitcher (2009, Ch. 2). See also Ashcroft and Bevir (*in press*) for a fuller version of this argument.
5. Crawford (1988) and Sharp (1990) form a bridge between the legal literature on indigenous peoples and the early political theory literature on multiculturalism. See Anaya (2004) for a useful survey of law relating to indigenous peoples.
6. For useful introductions to, and summaries of, the political theory literature see Song (2007, 2010) and Laden and Owen (2007). The most notable interlocutors of Kymlicka have been Young (1990), Taylor (1992), Okin (1999), Barry (2001) and Kukathas (2003). Kymlicka's later work (2007) has also followed the contextual turn and become noticeably more empirical and comparative in orientation.
7. Song (2007) is an example of work on multiculturalism that reflects, but is not conditioned by, the contextualist turn. For more general contextualist theory see Carens (2000). For a useful overview in relation to multiculturalism see Levy (2007) and Song (2010). This has been accompanied by a greater concentration on the integration of minority ethnic immigrant groups, and the latest debates often revolve around radicalisation, feminism, intercultural dialogue, and post-colonialism. It must be noted, however, that post-colonial theorists such as Coulthard (2014), who are critical of mainstream multiculturalism in theory and practice, nevertheless advocate self-rule for groups historically subject to colonisation.
8. His account of the nature of culture and identity is therefore broadly compatible with Ashcroft and Bevir's, even if he may not advocate the same degree of political devolution in response.

Acknowledgments

The Editors would like to thank all of the participants at the workshop on British Multiculturalism at UC Berkeley which formed the basis for this volume.

Mr Ashcroft would like to thank Nathan Pippenger, Caitlin Tom, and Mark Fisher for their helpful written comments on an earlier draft of this Introduction. He would also like to thank Jo Woodfield and Kristi Govella for editorial assistance. His work on this volume was supported by the Center for British Studies at UC Berkeley and by the Institute for Humane Studies at George Mason University.

Disclosure statement

No potential conflict of interest was reported by the authors.

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