Explaining Multiculturalism’s Survival: Electoral Outcomes, Policy Design, and Veto Players

by

Arjun Tremblay

A thesis submitted in conformity with the requirements for the degree of Doctor of Philosophy

Department of Political Science
University of Toronto

© Copyright by Arjun Tremblay 2017
Explaining Multiculturalism’s Survival: Electoral Outcomes, Policy Design, and Veto Players

Arjun Tremblay
Doctor of Philosophy
Department of Political Science
University of Toronto
2017

Abstract

Multiculturalism, by which I mean the recognition and accommodation of cultural minorities borne out of individual and familial immigration, is a political project of the old political left, one that is logically inconsistent with the ideological positions of the political right. Due to this inconsistency, we should therefore expect multiculturalism to retreat following an ideological shift to the right in national level politics. However, this study shows that this does not always happen: sometimes multiculturalism survives an ideological shift to the right.

This study argues that the likelihood of multiculturalism surviving an ideological shift to the right in national level politics is affected by electoral outcomes, by policy design and by the actions of critical veto players. More precisely, it argues that multiculturalism is more likely to survive an ideological shift to the right in national level politics when (1) parties of the political right secure enough votes in national level elections to govern but not to decide unilaterally (i.e. when they fail to form a minimum winning coalition), (2) failing that, when multiculturalism policies have been written into formal rules, have multiple stakeholders, or are ‘locked-in’ and therefore immune to the vagaries of electoral competition and (3) if multiculturalism policies are either de-institutionalized, have a single stakeholder, or are ‘open’ to re-examination, when critical veto players intercede to maintain the status quo despite strong partisan opposition to
multiculturalism. Ironically, when the fate of multiculturalism rests in the hands of veto players their decisions to maintain the status quo seems to have little if anything to do with a genuine belief in the recognition and accommodation of cultural minorities.

This study’s hypothesis of multiculturalism’s survival is developed through a step-by-step comparison of recent policy developments in three immigrant-receiving countries: Canada, Britain, and the United States. These countries share three things in common. Firstly, they were all part of a vanguard of immigrant receiving countries that turned towards multiculturalism during the latter half of the 20th century. Secondly, they have each recently experienced an ideological shift to the right in national level politics resulting from the electoral victories of center-right political parties. Thirdly, each of these cases demonstrates that multiculturalism has survived, albeit to varying degrees and in different ways, following an ideological shift to the right in national level politics. Due to these similarities, we can control for a stimulus that should have, all things being equal, entailed multiculturalism’s retreat across the three cases and, in so doing, identify the factors that provide the basis for a plausible explanation of multiculturalism’s survival.
Acknowledgments

It is profoundly true that the writing of this dissertation would never have gotten underway, continued and reached completion without the inspiration, assistance and encouragement of many people. It is an honour and a pleasure to mention those who figured most prominently in this enterprise.

Accordingly, my thanks go to: Professor Jacques Bertrand, my supervisor, for pushing me to reach the next level at each stage of dissertation and for seeing me through to completion. I could not have asked for a better supervisor and I thank you, from the bottom of my heart, for deciding to take me on as a student. To Professor Neil Nevitte, for going above and beyond the call of duty in guiding my thinking and for challenging me to excel during my time at the University of Toronto. The core class in Comparative Politics of Industrial Countries that I took with you was an important turning point for me and I can’t thank you enough for all of your help. To Professor Randall Hansen, for the advice, corrections and recommendations that you have provided. To Professor Erin Tolley and to Professor Yasmeen Abu-Laban for the constructive feedback, comments and recommendations and for seeing me through the final stages of completion. To Professor Richard Iton, who provided great advice during the proposal stage of my dissertation, who sadly passed away before I could show him the finished product.

Au Professeur Alain-G. Gagnon. Quel coup de fortune d’avoir assisté à votre école d’été à Chapala en 2007! Je vous suis profondément reconnaissant pour m’avoir accueilli à la chaire de recherche du Canada en études québécoises et canadiennes (CRÉQC) et surtout pour votre soutien à travers les années. Je tiens aussi à remercier tous mes collègues à l’UQAM de m’avoir donné un si fort et utile coup d’épaule durant la rédaction de ma thèse doctorale, dont: Valérie Vézina, Paul May, Olivier de Champlain, Jean-Charles Saint-Louis, Mathieu Champoux, Étienne Schmidt, Félix Mathieu, Bachir Sirois-Moumni, Benjamin Pillet, Olivier Ritchie.

To Professor Csaba Nikolenyi and to all the faculty and staff in the department of Political Science at Concordia University. Thank you for providing a home for me at Concordia for three years and for being a constant source of support. I wish in particular to thank Professors Daniel Salée, Jim Kelly, Francesca Scala, Tina Hilgers, Jean-François Mayer, as well as Professors Kimberley Manning, Jason Ferrell, Harold Chorney, and Rick Bisaillon for their words of encouragement over the years.
To all my colleagues and friends at the University of Toronto and at Massey College. Thanks for all the good times, good conversations, for providing a spirit of friendly competition, and for being a sounding-board for me over the years. Thank you: Karlo Basta, Patricia Grieve, Sanjay Jeram, Marcin Kedzior, Nicolas Riegel, Geoffrey Little, Cliff van der Linden, Dubi Kanengissser, Melissa Levin, Mike Painter-Main, Rebecca Sanders, Alanna Krowlikowski, David Houle, Anthony Sealy, Seung Hyok Lee, Luc Turgeon, Jennifer Wallner, Gabriel Eidelman, Chris Cochrane, Steve White, Reuven Sholzberg, Merom Kalie. Special thanks go out to the great staff at the Department of Political Science at the University of Toronto: Louis Tentsos, Carolynn Branton, Joan Kallis, Sari Sherman, Elizabeth Jagdeo, and Mary-Alice Bailey.

I would also like to thank Massey College at the University of Toronto, the Ministry of Advanced Education and Skills Development (Ontario), the Thomas and Beverly Simpson Ontario Graduate Scholarship (OGS), and the Ethnicity and Democratic Governance Project (SSHRC) for funding my research at different stages.

I owe a debt of gratitude to the following people: Antranik Tovmassian, Gaetano Liberatore, Anat Rosenthal, Huy-Du Nguyen, Deb Thompson, Yonathan Kellerman, Nina Valiquette-Moreau, Luke Moreau, and Josh Nichols. What can I say? Thank you all for being my friends and for bringing me back into the real world when I most needed it.

Finally, I could not have completed this project without the help and love of Reeta and Michel Tremblay, my parents. Thank you mom and dad for being a constant source of support, encouragement and tolerance. I am proud to be your son and I am forever grateful that you are my parents.

My debt of gratitude is wide as well as deep and I apologize for the undoubted omissions in this abbreviated list.
# Table of Contents

Acknowledgments........................................................................................................ iv

Table of Contents........................................................................................................ vi

List of Figures and Tables............................................................................................ ix

## Chapter 1 - Introduction

1.1 Question, Context, and Content.............................................................................. 1

1.2 Logical Inconsistencies and Historical Precedent: Why multiculturalism shouldn’t survive an ideological shift to the right in national level politics ........................................... 4

1.3 Indicators of Multiculturalism’s Survival................................................................ 8

1.4 Explaining Multiculturalism’s Survival.................................................................... 15

1.5 Developing the Hypothesis: Methodology and Case Selection.............................. 19

1.6 Decisions and Clarification........................................................................................... 21

1.7 Outline of the Study.................................................................................................... 30

## Chapter 2 - Writing on Multiculturalism: Review of the Literature

2.1 Chapter Introduction.................................................................................................. 37

2.2 Normative-Critical..................................................................................................... 38

2.3 Empirical-Retreat...................................................................................................... 45

2.4 Unlikely Survival........................................................................................................ 52

2.5 Theoretical.................................................................................................................... 62

2.6 Points of Debate and Convergence in the Literature .................................................. 72
Chapter 3 - Electoral Outcomes and Multiculturalism's Survival: Evidence from the Canadian Case

3.1 Chapter Introduction .................................................................75
3.2 A New Conservative Party Governs ........................................78
3.3 Multicultural Discourse: “We Favour Multiculturalism” ............81
3.4 Canada’s Official Multiculturalism Policy ................................83
3.5 Official Multiculturalism: Implementation and Redeployment ..........90
3.6 Public Expenditures on the Multiculturalism Program: Increases and Decline .................94
3.8 The Ishaq Case: The Importance of Veto Players .........................101
3.10 Electoral Outcomes and Multiculturalism: A Preliminary Theoretical Proposition ........109

Chapter 4 - Policy Design and Multiculturalism's Survival: Evidence from the British Case

4.1 Chapter Introduction ................................................................115
4.2 From New Labour Governments to a Conservative-Liberal Democratic Coalition ..........117
4.3 Multiculturalism during the Cameron Governments ..................120
4.4 Institutionalizing Multiculturalism: A failed opportunity .............124
4.5 An Alternative Conception of British Society: the Cohesive Community ..........126
4.6 From Local Multicultural Education to Multiculturalism in the National Curriculum ....131
4.7 New Labour and the Tories: The two parties of Equality? ............135
4.8 Multiculturalism in Public Broadcasting ....................................138
4.9 Celebrating Diversity in the City of London ...............................142
4.10 Refining the Hypothesis: The Difference in Policy Design .............144
## Chapter 5 - Veto Players and Multiculturalism's Survival: Evidence from the American Case

### 5.1 Chapter Introduction

5.1 Chapter Introduction .......................................................... 147

### 5.2 The Language of the Federal Government

5.2 The Language of the Federal Government .......................................................... 150

### 5.3 The Spread of Official English at the Sub-National Level

5.3 The Spread of Official English at the Sub-National Level ...................................... 153

### 5.4 The Role of Veto Players: Orrin Hatch, the Senate Judiciary Committee and the failure of the Bill Emerson English Language Empowerment Act

5.4 The Role of Veto Players: Orrin Hatch, the Senate Judiciary Committee and the failure of the Bill Emerson English Language Empowerment Act .............................................. 160

### 5.5 The Reauthorization of Language Assistance in Voting

5.5 The Reauthorization of Language Assistance in Voting ........................................ 169

### 5.6 Language Accommodation in the Administration of Public Services

5.6 Language Accommodation in the Administration of Public Services ......................... 172

### 5.7 Federal spending on bilingual education

5.7 Federal spending on bilingual education .................................................................. 180

### 5.8 Assimilation: The End of the Bilingual Education Act

5.8 Assimilation: The End of the Bilingual Education Act ............................................. 187

### 5.9 Refining the Hypothesis

5.9 Refining the Hypothesis ......................................................................................... 190

## Chapter 6 - Conclusion

### 6.1 Chapter Introduction

6.1 Chapter Introduction ......................................................................................... 195

### 6.2 An Institutionalist Logic

6.2 An Institutionalist Logic .................................................................................... 197

### 6.3 Contributions to the Discussion on Multiculturalism

6.3 Contributions to the Discussion on Multiculturalism ............................................. 199

### 6.4 Extending the Argument

6.4 Extending the Argument .................................................................................... 201

Bibliography ........................................................................................................... 213

Appendices ............................................................................................................ 245
List of Figures and Tables

Figure A. Conditions under which multiculturalism is more likely to survive/retreat following an ideological shift to the right in national level politics

Table 2.1 Immigrant, National Minority and Indigenous MCPs

Table 3.1 Reform Party of Canada’s Position on Government Sponsored Cultural Accommodation

Table 3.2 Canadian Alliance’s Position on Government Sponsored Cultural Accommodation

Table 3.3 1971. Multiculturalism within a Bilingual Framework (Trudeau 1971)

Table 3.4 Multicultural Heritage (Canadian Charter of Rights and Freedoms 1982, S.27)

Table 3.5 The Canadian Multiculturalism Act of 1988

Table 3.6 Annual Reports on the Operation of the Canadian Multiculturalism Act: 1989-2015

Table 3.7 Federal Public Expenditures on Multiculturalism

Table 3.8 Multiculturalism Policy Index “Canada” (2015)

Table 4.1 Multicultural references and Community Cohesion references (2001-2002 to 2009-2010 Parliamentary Session) (MC = multicultural; CC = community cohesion)

Table 5.1 Congressional Sponsorship of Monolingual Bills (1980-2010)

Table 5.2 Serrano English Plus Resolutions

Table 5.3 McCain English Plus Resolutions

Table 5.4 Domenici Plus Resolutions

Table 5.5 Official English and Non-Official English States

Table 5.6 Federal Appropriations for the Design and Implementation of Bilingual Education Program
1.1 Question, Context, and Content

**Question:** Given that multiculturalism was a political project of the old political left and that it is inherently consistent with social democratic and reform liberal ideals, what hope does it have of surviving as the ideological pendulum continues to swing further to the right across liberal democracies?

This study is about multiculturalism, by which I mean the recognition and accommodation of cultural minorities borne out of individual and familial immigration. Therefore, the implementation of multiculturalism can entail acknowledging that a society is heterogeneous, consisting of different cultural groups, (i.e. recognition) as well as the adoption of measures meant to ensure the preservation of minority cultures and/or to ensure that members of minority cultural groups have equal access to public and private institutions (i.e. accommodation).

The first experiments with multiculturalism were implemented in long-standing liberal democracies during the latter half of the 20th century. At that time constituents in these democracies put their support squarely behind parties of the old political left. Just as multiculturalism was compatible with the policy agendas of the old left, the recognition and accommodation of cultural minorities remains, to this day, a political project that is inherently consistent with the social democratic and reform liberal ideals of left-wing and center-left
political parties. By contrast, the political right, including the far right as well as the center-right, tends to be the main source of opposition to multiculturalism in immigrant-receiving countries.

In recent years, attacks on multiculturalism from the political right have become increasingly more direct. For example, in 2010, Chancellor Angela Merkel, leader of Germany’s center-right Christian Democratic Union, had this to say about the German concept of ‘multikulti’:

“Oh course the tendency had been to say, 'let's adopt the multicultural concept and live happily side by side, and be happy to be living with each other'. But this concept has failed, and failed utterly.” (Translated from the German in Connolly, the Guardian, October 17th 2010)

The following year, during a security conference in Munich, David Cameron, then the newly elected head of a center-right government in Britain, weighed-in on the ostensible failure of the ‘multicultural’ doctrine of past Labour governments:

“What I am about to say is drawn from the British experience, but I believe there are general lessons for us all. In the UK, some young men find it hard to identify with the traditional Islam practiced at home by their parents, whose customs can seem staid when transplanted to modern Western countries. But these young men also find it hard to identify with Britain too, because we have allowed the weakening of our collective identity. Under the doctrine of state multiculturalism, we have encouraged different cultures to live separate lives, apart from each other and apart from the mainstream. We’ve failed to provide a vision of society to which they feel they want to belong. We’ve even tolerated these segregated communities behaving in ways that run completely counter to our values.” (Cameron, February 5th, 2011)

In addition to these calls for an end to multiculturalism and for the adoption of new modes of integrating immigrant minorities into their so-called ‘host-society’, the political right in many immigrant-receiving societies has long been the locus of anti-immigrant rhetoric. What this indicates is a general inconsistency between, on the one hand, the ideological positions of the
political right and, on the other, the recognition and accommodation of cultural minorities. Given these inconsistencies, one might therefore expect multiculturalism to retreat following an ideological shift to the right in national level politics. One of the main goals of this study is to show that this is not always what transpires: there is in fact evidence that multiculturalism has survived ideological shifts to the right in national level politics, albeit to varying degrees and in different ways.

In bringing this evidence to light, this study aims to develop a hypothesis of multiculturalism’s survival. More precisely, based on case studies of three immigrant-receiving countries – Canada, Britain, and the United States – that have recently experienced an ideological shift to the center-right in national level politics, this study argues that multiculturalism is more likely to survive these shifts when (1) parties of the political right fail to form a minimum winning coalitions, when (2) multiculturalism policies have been institutionalized, locked-in over time, and/or have multiple stakeholders and, failing that, when (3) critical veto players take action to maintain policies that entail the recognition and accommodation of cultural minorities. In brief, this study paints a cautiously optimistic picture of multiculturalism’s future prospects even as the ideological climate in many liberal democracies becomes increasingly inhospitable to the recognition and accommodation of cultural minorities.
1.2 Logical Inconsistencies and Historical Precedent: Why multiculturalism shouldn’t survive an ideological shift to the right in national level politics

By examining the survival of multiculturalism following an ideological shift to the right in national level politics, this study addresses a ‘puzzle.’ A ‘puzzle’ emerges when empirical observations defy or contradict theoretical or commonsensical expectations. Common sense tells us that multiculturalism should stand its best chances of surviving under center-left and left-wing governments. This should come as little surprise given that the decision to lower barriers for ethno-cultural participation in educational, economic and/or political realms strongly resonates with the reform liberal ideal of ensuring equality of opportunity along class lines (Tremblay et al. 2003, p.82-83). Additionally, multiculturalism is compatible with social democratic conceptions of the social order and the process of change. Given their belief that one of the main objectives of the governments is to ensure equality (ibid, p.101) social democrats should be more receptive to a governmental approach that, in seeking to integrate ethno-cultural minorities, acknowledges that an imbalance in power exists between the national majority and ethno-cultural minorities. In the second case, social democrats are open to radical change through democratic means and direct governmental intervention (ibid). Therefore, they should logically be receptive to designing and implementing public policies, such as multicultural public policies, that are intended to enhance the citizenship rights or ‘citizenization’ of immigrant minorities (see Kymlicka 2010a).
By contrast, one should expect multiculturalism not to survive an ideological under far-right or center-right governments. There are two main reasons for expecting that in actuality multiculturalism will *retreat* following an ideological shift to the right in national level politics, the first of which is that there are several *logical inconsistencies* between multiculturalism and the ideological positions of the political right. The most extreme of right-wing ideological positions are both ‘holistic’ and ‘historicist’ in that they envision an idealized version of society advocate the means to preserve this ideal (see Popper 1945). Therefore these ideological positions are a priori inconsistent with a political project that is based on the assumption that societies are ‘open’ to immigration and also mutable in their conception of nationhood and belonging.

There are also logical inconsistencies between, on the one hand, multiculturalism and, on the other, four mainstream public philosophies of the political right: classical conservatism, classical liberalism, neo-conservatism and ‘small government’. The main logical inconsistency between classical conservatism and multiculturalism is that the former has a “positive bias for the status quo” (Tremblay et al., 2003, p.86) whereas multiculturalism’s implementation entails a radical shift in away from past practices of cultural assimilation and cultural exclusion. The main inconsistency between classical liberalism and multiculturalism concerns the former’s emphasis on ‘negative freedom.’ From a classical liberal perspective, freedom is defined as “freedom from state interference” (ibid, p.82) whereas multiculturalism, particularly when it takes the form of employment equality policies, is distinctly rooted in the notion of ‘positive freedom,’ a reform liberal ideal that requires state intervention to remedy socio-economic disparities (ibid, p.82-83). And, the main inconsistency between neo-conservatism and multiculturalism concerns their interpretations of the fundamental units of democratic societies. Neo-conservatives differ from
classical conservatives in that they do not embrace an ‘organic’ view of society but instead espouse a strong “individualist” conception of society (ibid, p.87). This conception stands in direct opposition to the multicultural conception of society, one that argues that they are themselves composed of different ‘societies’ or cultural groups (see Parekh 1998). Finally, the conservative ideal of ‘small government’ (see Rudolph and Evans, 2005, p.662, footnote 1) is inconsistent with multiculturalism in that the latter can entail government spending in areas such as cultural activities and programs, language assistance programs, and bilingual or mother-tongue instruction programs.

The second main reason for expecting multiculturalism to retreat following an ideological shift to the right is that there is no real historical precedent of right-wing or center-right political party implementing a shift towards multiculturalism. Variants of official multiculturalism policies implemented during the latter half of the 20th century in Canada, Australia, New Zealand, Sweden and the Netherlands were all designed and implemented by center-left governments. The only real exception to this pattern took place in Canada during the late 1980s when the Mulroney Conservative government implemented the Canadian Multiculturalism Act of 1988, 17 years after the Trudeau Liberal government had implemented ‘multiculturalism within a bilingual framework.’ Although the ‘master narrative’ of multiculturalism holds that some former leftists have recently decried the recognition and accommodation of cultural minorities (Kymlicka 2010a, p.46), opposition to multiculturalism has come and continues to come primarily from the right-hand side of the ideological spectrum¹. In Murder in Amsterdam

¹ Vocal opposition to multiculturalism from the political left is rare. However, there are exceptions. For example, Trevor Phillips, former full-time chairman of the Commission for Racial Equality and its successor the Commission
(2006), an in-depth look into the sources and manifestations of the Netherlands’s ‘multicultural tragedy’, Ian Buruma succinctly describes the political left’s embrace of multiculturalism as well as an ideological dichotomy between support and opposition to the recognition and accommodation of cultural minorities:

“The Left was on the side of universalism, scientific socialism, and the like, while the Right believed in culture, in the sense of “our culture,” “our traditions.” During the multicultural age of the 1970s and 1980s, this debate began to shift. It was now the Left that stood for culture and tradition, especially “their” cultures and traditions, that is, those of the immigrants, while the Right argued for the universal values of the Enlightenment.” (Buruma, 2006, p.30).

In brief, for the two reasons mentioned above a shift to the right in national level politics should create environmental conditions that are unconducive to the survival of multiculturalism. Furthermore, it does not seem as if these environmental conditions will soon dissipate. If parties of the political ‘Left’ of the 1970s and 1980s were the unquestioned choice for constituents in immigrant-receiving countries, the issue of multiculturalism’s survival would be moot. However, times have changed. Since the early 1980s, there has been a proliferation of far-right and fascist parties across Eastern and Western Europe, several of which (i.e. the Australian Freedom Party, France’s National Front, the Danish People’s Party, Greece’s Golden Dawn, and the Sweden Democrats) have recently increased their share of the popular vote (see Mudde, the Washington

______________________________

for Equality and Human Rights during the Blair and Brown Labour governments, has derided multiculturalism as a “failed policy” (Barrett, the Telegraph, April 11th 2016). And, in Canada, Pauline Marois, former leader of the Parti Québécois, a social democratic political party in the province of Quebec, critiqued the policy of multiculturalism in announcing her party’s plan to institute a ‘charter of values’ stating that “In England, they whack each other on the mouth and send bombs because it’s multiculturalism and nobody can find a place for himself anymore in that society” (translated from the French by Wells, Maclean’s, September 6th, 2013).
Post, May 30th 2014) and made unprecedented inroads into mainstream politics. Furthermore, there is evidence of what is being called a “contagion from the right” in centrist political factions and mainstream political institutions in Europe, most notably in their adoption of anti-immigrant slogans (see Engelhart, Maclean’s, November 30th 2013). And, in countries with long-standing histories of multiculturalism, such as Canada, the United States, Britain, Australia and the Netherlands, center-right political parties have in the last two decades succeeded in reversing trends of center-left electoral dominance. Due to these and other developments, such as evidence of an increase in ‘nativist’ sentiment (Tatalovich 1995) and a rise in ‘anti-foreigner’ sentiment in immigrant-receiving democracies (Semyonov et al. 2006), conditions would seem to be increasingly propitious for a cross-polity retreat from multiculturalism. This study argues that, under certain conditions, this outcome is far from certain.

1.3 Indicators of Multiculturalism’s Survival

How do we know that multiculturalism has survived an ideological shift to the right in national level politics? Multiculturalism is complex concept that holds different meanings. It has been employed (see Hansen 2000) to describe a demographic diversification of a constituency resulting from a shift in long-standing patterns of immigration. It is sometimes used (e.g. Taylor 1992) to describe an emancipatory ‘politics of recognition’ or in reference (e.g. Sears 1994, Citrin et al 2001, Breugelmans et al 2009) to an ‘ideology’ or ‘attitude’ held by constituents in regards to the integration of immigrant minorities that can come in both ‘soft’ and ‘hard’ variants. The term ‘multiculturalism’ has also found its way into writing on classical antiquity.
For example, Eric Buzzeti argues that the Anabasis of Cyrus “can also be fruitfully read as a study in multiculturalism” (p.2), due to Xenophon’s (the author of the Anabasis) curiosity about the customs and traditions of non-Hellenistic tribes.

This study focuses on multiculturalism’s recent movement and directionality in public policy, which is fast becoming the prevailing way in which the term is employed both in governmental discourse and in social scientific research. Because public policy consists of “what governments say and do, and do not do” (Edwards and Sharkansky 1978, p.2), this study uses four indicators to highlight the ways in which governments have continued to recognize and to accommodate cultural minorities borne out of individual and familial immigration following an ideological shift to the right in national level politics. These indicators are drawn from a new and developing literature on multiculturalism, which will be explored in greater detail in the following chapter. The four indicators of multiculturalism’s survival in public policy used in this study are: (1) public expenditures on minority-oriented programs and activities, (2) changes to the design and implementation of official and unofficial multicultural policies, (3) references to multiculturalism in elite discourse, (4) and the non-adoption of assimilationist and integrationist policies.

- **Public Expenditures on minority-oriented programs and activities.** This indicator looks at the fiscal sinews of programs meant to recognize or accommodate the distinct customs, traditions and/or languages of minority groups. The funding of minority cultural celebrations is an indication that governments have decided to recognize cultural diversity and, in most cases, to promote it as a good in and of itself. The funding of language assistance programs, on the other hand, is intended primarily to facilitate the
integration of ethno-cultural minorities into the educational mainstream. This study deems that multiculturalism has survived if the level of public expenditure on ethno-cultural celebrations and on language assistance programs has either remained consistent over time or if there is evidence that it has increased diachronically following an ideological shift to the right in national level politics. This should indicate that a government is still committed to multiculturalism and that it is either continuing to celebrate cultural diversity and/or that is taking active steps to lower barriers to minority participation in the educational realm. By contrast, a net decrease in level of public expenditure or a proportional decline in budgetary allocations to multiculturalism is taken as a sign that a government has either decided against a multicultural approach or that it does not values multiculturalism’s importance as did its predecessors.

- **Official and Unofficial Multicultural Policies.** Official multiculturalism are rare developments. They have only been adopted in a handful of countries such as Canada, the Netherlands, Australia and Sweden. Where an official multiculturalism policy has been adopted, governments have established guidelines for public agencies to recognize, promote, and accommodate ethno-cultural diversity in order to effectively integrate ethno-cultural minorities into mainstream institutions. Consequently, tracing the implementation of official multiculturalism over time and across political administrations represents an ideal way of establishing whether center-right governments have maintained their predecessors’ approach to managing ethno-cultural diversity. The rarity of official multiculturalism does not, however, imply that overarching guidelines for the management of ethno-cultural diversity have not been proposed to governments. In some countries, proposals for the adoption of official multiculturalism have been made and
have been flatly rejected. This rejection is evidence not only of the absence of a prior national level commitment to multiculturalism but also of the continuity of an alternative approach for managing ethno-cultural diversity that values the recognition and promotion of a common cultural identity.

The way in which multiculturalism has survived an ideological shift to the right in national level politics can also be ascertained by examining what governments have ‘done’ in regards to the implementation of unofficial multiculturalism policies. The most recognized measure of unofficial multiculturalism policies are the three iterations of the ‘multiculturalism policy index’ (see Banting et al. 2006, Banting and Kymlicka 2013, and Queen’s University 2015). Taken together the three iterations of the ‘multiculturalism policy index’ highlight variance in levels of governmental policy commitments to multiculturalism across 21 OECD countries at four temporal intervals (1980, 1990 2000, and 2010). Countries are given a score at each of these temporal points based on whether or not they have adopted and/or the degree to which they have adopted multiculturalism policies or ‘MCPs’ that ‘respect and accommodate’ national minorities, indigenous peoples, and immigrant groups. In total, the ‘multiculturalism policy index’ traces the ebb and flow of governmental commitments to multiculturalism across twenty-three

---

2 The MCP index has implemented two ways of scoring policies over the years. In “Do Multiculturalism policies erode the welfare state? An empirical analysis” (Banting et al. 2006), policies that are “explicitly adopted and implemented” are given a full score of ‘1’, policies that are adopted “in an implicit, incomplete, or token manner” are given a score of ‘0.5’, and a score of ‘0’ is given to countries “if it did not have that policy” (see p.58). The more recent iterations of the MCP index implement a slightly different scoring system. More specifically, policies that receive a score of ‘0.5’ are deemed to have adopted and implemented a specific MCP in either a “limited” manner or “partially” (See Queens’ University 2015).
policy realms; six that apply to national minorities, nine that apply to indigenous peoples, and eight that apply to immigrant groups. Because individual and familial immigration is a feature common to most democracies, the ‘multiculturalism policy indexes’ can tell us a lot about multicultural policy commitments to immigrant groups even when no official multiculturalism policy is in place.

The ‘multiculturalism policy indexes’ provide an excellent starting point for providing a more extensive image of diachronic and synchronic multicultural variance. However, the indexes have two limitations. First, they only provide a snapshot of governmental commitments to multiculturalism at four specific temporal points and thus omit some of the significant changes to MCPs that have occurred between these points. Second, the range of immigrant MCPs examined in the indexes have a distinctly “Canadian flavor” (Entzinger 2006, p.188) which means that the indexes sometimes overlook the development and/or retrenchment of forms of multiculturalism that do not fit within the eight-fold typology of immigrant MCPs. In order to deal with this possible Canadian bias, this study also relies on case-specific literature to identify the main ways in which unofficial multiculturalism has manifested itself in other immigrant-receiving countries.

- **Elite Discourse.** Because public policy means not only what a government does but also what it ‘says’ this study employs an indicator of elite multicultural discourse in highlighting multiculturalism’s survival. While a policy indicator of multiculturalism’s survival based on multicultural governmental discourse lacks the empirical punch of MCPs and levels of public expenditure on multiculturalism, it nonetheless offers insight into the staying power of multiculturalism as an idea or as an ideal in governmental
decision-making and, in some cases, as evidence of elite beliefs about the value of recognizing the cultural heterogeneity of their society. In measuring variance in levels of elite multicultural discourse this study focuses primarily on governmental reports, speeches made by elected representatives, and on legislative records.

- **The Non-Adoption of Assimilationist Policies.** Because public policy also means what a government ‘does not do’ this study employs an indicator of multiculturalism’s survival that focuses on governmental decisions *not* to adopt policies of cultural assimilation. This measure draws upon evidence of the failure of anti-multicultural legislative proposals that emphasize cultural commonality and of overt decisions by governments not to endorse policies of cultural assimilation.

This should give us an indication of governmental resistance to cultural assimilation, the opposite of multiculturalism. According to Brubaker (2001) cultural assimilation comes in both ‘transitive’ and ‘intransitive’ forms. In its ‘transitive’ form, cultural assimilation seeks to eliminate axes of cultural difference (such as religious, linguistic, customary and traditional differences) by integrating minorities into a desired ‘end-state’ that embodies the culture of a national majority. In its ‘intransitive’ form, cultural assimilation does not envisage an ‘end state’ but instead tries to build a common culture out of the traits that are common to all members of a society. In either case, cultural assimilation differs from multiculturalism in that it neither recognizes nor sets out to accommodate cultural minorities. According to Hero and Preuhs (2006) continued governmental resistance to these types of policies can be seen, at the maximum, as evidence of a tacit openness to
multiculturalism and, at the bare minimum, as evidence of a decision not to preclude the possibility of the future adoption of ‘MCPs.’

The goal in using these four indicators is to demonstrate that multiculturalism’s movement and directionality is complex and sometimes quite contradictory. Just because a government says that it is implementing multiculturalism does not necessarily mean that it is doing anything to recognize and to accommodate cultural minorities. Likewise, just because elected representatives take a vocal stance against multiculturalism this does not necessarily mean that multiculturalism has retreated along other policy lines. In brief, by employing these four policy indicators we can observe evidence of multiculturalism’s survival even when it may appear that multiculturalism has retreated.
1.4 Explaining Multiculturalism’s Survival

In bringing this evidence to light, the purpose of this study is to develop a hypothesis on multiculturalism’s survival. The hypothesis developed in this study is sketched out in figure 1 below.

**Figure A. Conditions under which multiculturalism is more likely to survive/retreat following an ideological shift to the right in national level politics**

First, this study argues that multiculturalism’s survival can be explained by the outcome of elections that provide center-right parties with enough power to govern, but not to decide unilaterally. In order for a government to decide unilaterally it must form what Riker (1962) describes as a minimum winning coalition that “contains over half of the membership or votes or weight in the decision-making system” (p.256). However, elections do not always generate
minimum winning coalitions; for example, in the system of parliamentary democracies, at least a third of all parliamentary governments have been minority governments (Bergman 1993). Minority governments fall below the threshold of a minimum winning coalition because they control less than half of the parliamentary seats needed to make and implement decisions without the consent of other political parties. This study will show that multiculturalism’s retreat under center-right governments has been less severe under conditions of minority government. In other words, it will show that multiculturalism has survived when the political right has failed to form a minimum winning coalition.

However, even when and where the center-right has formed a minimum winning coalition there is evidence that some multiculturalism policies have survived. Thus, this study argues, secondly, that the survival of certain multiculturalism policies under a majority center-right government can be explained by their design features. For example, some multiculturalism policies have been institutionalized. Public policies and institutions are two different things. As noted earlier in this chapter a public policy is what a government does, says and does not do. The term ‘institution’, on the other hand, refers either to formal rules and procedures or to long-established norms and practices (see Hall and Taylor 1996). This distinction is generally overlooked in the literature on multiculturalism but it is particularly significant when it comes to the discussion on multiculturalism’s survival.

3 The failure to distinguish between policy and institution is most notable in discussions on official multiculturalism in the Netherlands which, according to most observers, consisted of two ‘policies’: The minderhedennota and the minderhdenbeleid. Although both are often referred to as policies, they are actually quite different one from another. The Dutch government adopted official multiculturalism in 1983 under the auspices the minderhedennota (1983), a governmental white paper otherwise known as the Minority Memorandum. In essence it established the Netherlands’ first real integration policy which, in three important respects, closely resembled the first iteration of Canada’s policy
Multiculturalism public policies are sometimes simply declarations made by governments or by public agencies about how they intend to conduct their business. As a result, the fate of these policies is wedded to the fortunes of the political parties and political actors that first articulated them. Other multiculturalism policies have been written into law, and are thus ensconced within formal rules and procedures, or have developed into societal norms over time. As a result of their institutionalization the fate of these multiculturalism policies rests in the hands of a number of political and societal actors who may or may not share the same preferences as governing political parties.

This study develops two additional arguments regarding policy design. First, this study shows that multiculturalism policies that have survived under center-right majority governments were implemented not only to serve the interests of cultural minorities but also to serve the interests of the national community writ large. It follows that these policies have a number of stakeholders of ‘multiculturalism within a bilingual framework’, the first iteration of Canadian multiculturalism. First, the Minority Memorandum re-conceptualized Dutch society as consisting of a majority group as well as of ‘cultural communities.’ More specifically, in this white paper, the Dutch government delineated fifteen minority cultural communities that would be the targets of its integrationist policy: Moluccans, Surinamese, Antilleans, Arubans, Turks, Moroccans, Italians, Spaniards, Portuguese, Greeks, Yugoslavs, Tunisians, Cape Verdians, Roma, Sinti and ‘caravan dwellers’ (see Guiraudon et al. 2005, 76). Second, in the white paper, the Dutch government formally committed to lowering the barriers for minority participation in Dutch society. It further specified that this commitment applied to all cultural communities “for whose presence the government feels a special responsibility (because of the colonial past or because they have been recruited by the authorities), and who find themselves in a minority situation” (minderhedennota 1983, p.12; translated from the Dutch by and quoted in Guiraudon et al., 76). Third, in the white paper, the Dutch government pledged to be active in remedying minority disenfranchisement much in the same way as had ‘multiculturalism within a bilingual framework’ promised that Canadian government would ‘assist’ minority communities. More precisely, the Dutch government pledged to ensure the fair and equal legal treatment of minorities, to aid in their “emancipation”, and to “[improve their] social and economic situation” (see Guiraudon et al.; 77).

Minderdenbeleid, a compound term that includes the word ‘minderheden’, the Dutch word for minorities, as well as the word ‘beleid,’ a term that is often but inaccurately translated in most works on Dutch multiculturalism as ‘policy.’ The word ‘beleid’ is in fact unique to the Dutch legal vernacular; it refers to an interpretation of existing laws that may, only under certain special circumstances, acquire ‘quasi-legislative’ status (Blankenburg 1998; 66). A ‘beleid’ is most often used in reference to a set of standard practices that a government has declared that it will follow and/or to a public declaration of the duties that public servants have in adhering to the government’s interpretation of the country’s legal framework (ibid, p.67).
that the governments run the risk of alienating if they choose to dismantle or abandon policies that recognize and accommodate cultural minorities. Second, this study also shows that some institutionalized multiculturalism policies have not only been written into the formal rules but that they have been ‘locked-in’ to these rules for pre-determined time periods. Thus their survival is all but been guaranteed as long as they are not ‘opened’ for re-authorization under when the center-right governs.

What happens when multiculturalism policies are de-institutionalized and/or have a single stakeholder? What happens when ‘locked-in’ policies are opened up for reauthorization when the center-right governs? Do these policies automatically retreat under a majority right-wing or center-right government? The third argument developed in this study is that when all else fails multiculturalism has survived due to the actions of veto players who have taken steps to preserve the multicultural status quo despite strong partisan support for anti-multiculturalism.

Veto players are “actors whose agreement is required for a change of the status quo” (Tsebelis 2002, p.34). In democracies, the decision-making process is complex, and changing the status quo often requires the consent or agreement of several veto-players, particularly those who have the singular authority to sign bills into law or to table legislation by deciding whether or not to hold discussions on proposed legislation. As this study will show, veto players have been critical in safeguarding multiculturalism against retreat under conditions of majority center-right government and when multiculturalism policies are de-institutionalized. What is more is that these critical veto players are, for the most part, elected official from center-right political parties.
Although these center-right veto-players have played an important role in safeguarding multiculturalism when the stars seem aligned for multiculturalism to retreat, it is beyond this study’s scope to explain precisely why they have chosen to support the status quo. However, by examining the content of judicial decisions, reports on policy decisions, and the prior political positions of policy-makers a pattern begins to emerge. Paradoxically, critical veto players often agree with the initial decision to curtail or limit minority rights however this preference is balanced by a keen awareness of the jurisdictional differences between branches of government and between national and sub-national governments in the realm of policy-making. In other words, there is evidence that veto players have interceded on behalf of multiculturalism not because of some firm belief in the recognition or accommodation of cultural minorities but because anti-multiculturalists have overstepped their jurisdiction and, at least in one, case because they exceeded the scope of their original mandate.

1.5 Developing the Hypothesis: Methodology and Case Selection

The hypothesis developed in this study is arrived at through a step-by-step comparison of three cases: Canada, Britain and the United States. These three cases are immigrant-receiving countries where recent policy developments in the realm of multiculturalism present us with a puzzle. The object of puzzle-solving in comparative politics is not to dismiss these expectations but to identify the mechanisms or factors that intervene between cause and effect that can explain an unexpected outcome (Grofman 2001, p.1). Thus the three cases under examination in this study were selected precisely because the trajectory that multiculturalism has followed under
center-right governments defies the commonsensical link between ideological shifts to the right and expected multicultural outcomes.

Due to the complexities involved in tracing multiculturalism’s movement and directionality, this study lent itself to a comparison of a small number of cases. There are several advantages to taking this approach, perhaps the most important of which is that “it facilitates the study of overtime data” (Mahoney 2007, p.126). This is crucial for the study of a complex phenomenon such as multiculturalism which can manifest itself in different ways and to different degrees across four policy realms. An examination of a small number of cases is also advantageous when it comes to studying a complex socio-political phenomenon because it aids in bringing to light the mechanisms that modify causal relationships and the proximate determinants of the phenomenon under consideration (Collier 1993, p.108). Although case study analysis cannot fully adjudicate between rival explanations of the phenomenon under consideration, it is ideal “for the purpose of developing more general theoretical propositions, which can then be tested through other methods, including large-N methods” (Levy 2008, p.5).

The objective of a step-by-step comparison is to develop a general theory through a sequential examination of cases (see Lim 2010, p.21). The first step entailed examining recent multicultural policy trends in Canada. This led to the articulation of a preliminary theoretical proposition, i.e. that multiculturalism is more likely to survive an ideological shift to the right in national level politics when the center-right gains enough power to govern but not to decide unilaterally. The second step entailed checking this theoretical proposition against the British and American cases, both of which recently witnessed the formation of majority center-right governments. Given that the preliminary theoretical proposition developed through a case-study
of Canadian multiculturalism, there should have been evidence of a full-scale retreat from multiculturalism in both countries. However, this is not what happened; instead both cases show evidence of a variation in policy outcomes under majority center-right government. As a result, the British and American case studies suggest two refinements to the preliminary theoretical proposition (1) that multiculturalism’s survival depends on the design of public policies, in particular their institutionalization and (2) failing that, multiculturalism’s survival then depends on the actions of critical veto players.

1.6 Decisions and Clarification

In developing this study’s hypothesis, decisions were made to omit two tightly-matched cases from analysis, regarding the focus on specific policy areas, the articulation of this study’s puzzle, to use a case that has been deemed ‘exceptional,’ and not to discuss an important minority group. The following pages clarify these decisions.

Two other cases, the Netherlands and Australia, closely match the profile of the three cases under examination in this study. Therefore it is important at this juncture to explain why they were excluded from the study.

The Netherlands and Australia, along with Canada, Britain and the United States, represent the vanguard of immigrant-receiving countries that turned towards multiculturalism during the latter half of the 20th century. In addition, both the Netherlands and Australia have recently experienced an ideological shift to the right in national level politics. Given these similarities,
the Dutch and Australian cases would seem to be ideal fits for a comparative study on multiculturalism’s survival.

The Dutch case was excluded because policy developments that occurred following a recent ideological shift to the right in national level are not at all puzzling. The Netherlands’ recent ideological shift to the right occurred in 2002 and lasted until 2012. It began with the formation of the first Balkenende Cabinet, a coalition government that included the center-right Christian Democratic Appeal, the conservative-liberal Volkspartij voor Vrijheid en Democratie, and the right wing, anti-immigrant Lijst Pym Fortuyn. After the formation of four subsequent center-right coalition governments (the Second, third and fourth Balkenende Cabinets\(^4\) and the first Ruute Cabinet\(^5\)), Dutch politics swung to the center-left following the 2012 general elections and the formation of a ‘purple coalition’ between the Volkspartij voor Vrijheid en Democratie and the Partij van de Arbeid, the Dutch Labor Party. By contrast to the three cases under examination in this study, multicultural policy outcomes that took place between 2002 and 2012 match commonsensical expectations. During this time period, the Dutch parliament passed the Civic Integration Abroad Act of 2006 and the Civic Integration for Newcomers act of 2007, compounding a retreat from multiculturalism that started in the late 1990s (Joppke 2004), ‘new-realism’ came to replace ‘multiculturalism’ as the dominant paradigm in political discourse


\(^5\) The first Ruute Cabinet (2010-2012) was established following the 2010 general elections. It was a coalition government between the Volkspartij voor Vrijheid en Democratie and the Christian Union, a socially conservative political faction.
(Prins and Saharso 2010) and, by the end of the first decade of the 21st century, the Netherlands’ immigrant multiculturalism policy score had reached a thirty-year low (see Tolley, 2011, p.69).

The reason for excluding the Australian case is different: the Australian case was excluded because it embodies an altogether different puzzle. According to Christian Joppke (2004) the ‘downscaling’ of Australian multiculturalism began with the release to the Fitzgerald Report in 1988. The Fitzgerald report drew a novel distinction between ‘multiculturalism’ as a defining characteristic of the Australian constituency and ‘Australian identity’ (Joppke 2004, p.246). Joppke argues that: “This downscaling responded to the logical necessity that an Australian core had to be defined separately from multiculturalism – otherwise Australia could not be distinguished, for instance, from Canada, where a similar multicultural self-description took hold almost simultaneously” (ibid). Paradoxically, and contrary to the expected relationship between ideology and multiculturalism, the articulation of an Australian ‘core’ identity took place under the Hawke Labor government, eight years before Australian politics shifted to the center-right under the Howard governments. Therefore the Australian case brings to light a puzzle that is the inversion of the one being examined in this study: it requires explaining why multiculturalism was ‘downscaled’ under a center-left government.

It should also be noted that the policy areas of public education and public broadcasting, both of which fall under the rubric of ‘multiculturalism policy’, have been excluded in the case study of Canadian multiculturalism although they are addressed in the case study of British multiculturalism. These important exclusions necessitate an explanation.

The area of public education was excluded from the Canadian case because as a general rule the focus of this study is on policy-making at the national level. In Canada, policy making authority
in the area of public education falls primarily under the jurisdiction of Canadian provinces, furthermore, “Canada does not have a federal department of education and is the only industrialized federation without direct means for direct federal involvement in elementary and secondary education overall” (Vergari, 2010, p.536). By contrast, in Britain, authority over the design and implementation of a national curriculum falls under the jurisdiction of the national government due to the enactment of the Elementary and Secondary Education Act of 1988. And, in the United States, control and administration over education is an implied ‘reserved power’ of the federal government and Congress can exert control over the implementation of educational programs through its control of federal purse-strings (ibid).

I have made one exception to this rule, when it comes to my examination of the funding of ethno-cultural activities in Britain. The funding of ethno-cultural activities in Britain has been undertaken by a variety of public agencies including inter alia the Arts Council of Britain, the Commission for Racial Equality, and the UK’s Big Lottery Fund (Tolley, 2011, p.103). This study, however, focuses on the funding of ethno-cultural festivals by the city of London during the two Cameron governments. The decision to focus on policy-making at the municipal level in Britain was made due to evidence of a history of antagonism between the Conservative Party and left-wing politicians in London. In the mid-1980s, the Thatcher government abolished the Greater London council which, according to Whitton (2014), was meant to reduce the spread of “municipal socialism” (p.8) and to curtail the Labour Party’s influence in local level politics (p.11). And, according to Rattansi (2011, p.26), the Thatcher government’s decision to centralize educational policy in the late 1980s was in large part a reaction to the use of multicultural educational platforms by local educational councils in London. Given, this history
of antagonism the continued funding of ethno-cultural festivals by the City of London during the Cameron governments represents an interesting puzzle.

The area of public broadcasting was excluded from the case study of Canadian multiculturalism due to considerations of parsimony. All Canadian federal institutions, including the Canadian Broadcasting Corporation (the CBC), are required to comply with the Canadian Multiculturalism Act of 1988. The Canadian Multiculturalism Act of 1988 is therefore the locus of governmental policy on multiculturalism in Canada. The federal government’s annual reports on the operation of the Act provide a focused measure of changes to and/or the continuity of multicultural public policy in Canada following the country’s recent ideological shift to the right in national level politics. Had this study focused exclusively on the Canadian case it would have included a discussion on individual federal institutions. However, due to this study’s comparative focus the decision was made to focus primarily on the Canadian Multiculturalism Act of 1988 and its implementation and administration by the federal government.

The public broadcasting policy area was excluded from the American case study because - by contrast to federal legislation on bilingual education, minority language voting assistance, and language accommodation in the administration of public services – federal policy on multicultural public broadcasting is deemed at best ‘partial’ (Tolley 2011, p.106). Moreover, the Corporation for Public Broadcasting is required to demonstrate its compliance with executive order 13166, which mandates that federal departments and federal agencies come up with Limited English Proficiency programs. The issue of departmental and agency compliance with executive order 13166 is addressed in chapter 4. However, the main focus in this chapter is on
the continued implementation of executive order 13166 during the two George W. Bush presidencies.

The logic behind addressing public broadcasting in Britain is two-fold. First, multicultural public broadcasting is one of the central issues discussed in contextual literature on British multiculturalism. Second, in 2006, the British Broadcasting Corporation (the BBC) adopted an explicit multi-faith and multicultural mandate. As a result, tracing developments in this policy areas provided an ideal way of assessing multiculturalism’s survival following an ideological shift to the right in national level politics following the 2010 general elections.

An explanation is also required for the decision to build a hypothesis with a case study of Canada, a country that is often invoked as an ‘exception’ to recent trends in studies of multiculturalism and immigrant integration. For instance, Banting and Kymlicka (2010) argue that Canada has ‘bucked’ “the widespread perception that multiculturalism has failed, and that it is time to pull back from the approach” (p.43). And, in “Understanding “Canadian Exceptionalism” in Immigration and Pluralism Policy” (2012), Irene Bloemraad argues that:

“In many transatlantic countries we find evidence of significant anti-immigrant sentiment and opposition to multicultural policies directed at immigrants and settled minority groups. Whether among the general public, as measured in opinion polls and votes for far-right parties, or articulated by elected leaders and other elites, such views are found across the political spectrum in Europe and the United States.

Against this backdrop, Canada is a striking outlier. Compared to the citizens of other developed immigrant-receiving countries, Canadians are by far the most open to and optimistic about immigration. In one comparative poll, only 27 percent of those surveyed in Canada agreed that immigration represented more of a problem than an opportunity. In the country that came closest to Canadian opinion, France, the perception of immigration as a problem was significantly higher, at 42 percent. The most widespread objections came from the United Kingdom, where 65 percent of
people surveyed saw immigration as more of a problem than an opportunity.” (Bloemraad, 2012, p.2)

Indeed, opinion polls show not only that anti-immigrant sentiment is low in Canada but also that Canadians are firm believers in cultural diversification and multiculturalism. According to recent IPSOS-Reid polls, 84% of Canadians surveyed agreed that “Canada’s multicultural makeup is one of the best things about this country” (Soroka and Robertson, 2011, p.3) and 61% of Canadians believe that multiculturalism “strengthens Canadian identity” (ibid). Moreover, survey data also demonstrates that most Canadians agree that the ethnic and cultural diversification of their society is a positive, that most Canadians believe that multiculturalism makes a society more tolerant, and that 75% of Canadians believe that it “is better for Canada to have a variety of people with different religions” (ibid, p.5).

Although Canada is ‘exceptional’ in several respects, one of the objectives of this study is to show that the Canadian case is also ‘non-exceptional’ along two important lines which justifies its inclusion in this study. First, Canada is not an exception in that, like several other immigrant-receiving countries, it experienced an ideological shift to the right in national level politics following the Conservative Party of Canada’s electoral victory in 2006. Moreover, policy positions taken by the Conservative Political Party are quite similar to those taken by parties of the political right in other countries, particularly the United States. For example, the Conservative Party of Canada supported “traditional family values” and the definition of marriage as a union between one man and one woman (Ditchburn, the Globe and Mail, August 26th, 2014), a policy position that is advanced by the ‘New Right’ in the United States (see Tatalovich and Daynes 1998). In addition, during the three Harper Conservative governments,
the federal government of Canada implemented a wide-range of cuts to social programs and federal departments that are consistent with the small-government approach embraced by Republicans in the United States (see Crichtlow 2009). This included millions of dollars in cuts to the operating budgets of the Canadian International Development Agency, the Aboriginal Affairs Department, Environment Canada (Whittington, the Toronto Star, December 9th, 2013).

Second, this study will show that Canada is not an exception when it comes to multicultural outcomes following an ideological shift to the right in national level politics. In brief, based on the policy indicators employed here, this study demonstrates that Canada experienced a temporary retreat from multiculturalism between 2011 and 2015, at which point in time the Conservative Party of Canada controlled enough parliamentary seats to form a minimum winning coalition.

Clarification is needed regarding the third puzzle under examination in this study which centers on the continuity of American multiculturalism in the form of one multicultural decision and one multicultural-non-decision. As we shall see, the genesis of several American multiculturalism policies can be traced back to the enactment of laws designed and implemented primarily to redress economic, electoral and educational disenfranchisement along racial lines. Despite the historical connection between culture and race, I have chosen to exclude African-Americans, the US’ largest racial minority, from my analysis and, accordingly, I have opted to overlook affirmative action policies in my operationalization of American multiculturalism.

One of the main reasons for this decision is that there is tendency in literature on multiculturalism to view racial emancipation and cultural recognition and accommodation as antithetical political projects. Another reason is that studies of multiculturalism also view
African-Americans as members of a distinct racial minority that has no real equivalent in any other developed democratic polity. The distinct nature of the US’ African-American minority is perhaps best explained by Will Kymlicka in *Multicultural Citizenship* (1996) wherein he brings to light the limitations of ‘national minority’ and ‘polyethnic’/immigrant groups as conceptual categories. Within this context he highlights the ‘distinct’ case of African-Americans, an exceptional “ethnocultural” group that defies his categorization:

“In particular, the situation of African-Americans is quite distinct. They do not fit the voluntary immigrants pattern, not only because they were brought to American involuntarily as slaves, but also because they were prevented (rather than encouraged) from integrating into the institutions of the majority culture (e.g. racial segregation; laws against miscegenation and the teaching of literacy). Nor do they fit the national minority pattern, since they do not have a homeland in American or a common historical language. They came from a variety of African cultures, with different languages, and no attempt was made to keep together those with a common ethnic background. On the contrary, people from the same culture (even from the same family) were typically split up once in America. Moreover, they were legally prohibited from trying to recreate their own culture (e.g. all forms of black association, except churches, were illegal)” (p.24).

Basing myself on Kymlicka’s argument about the distinct status of African Americans, I have also chosen to overlook affirmative action policies in my demonstration of the general continuity of American multiculturalism. This might seem like an odd choice given that affirmative action policies are important features of the growing landscape of multicultural decisions in Britain. Why then do I examine affirmative action in Britain and not in the American context? The answer to this question is that in Britain ‘positive action’ measures for ‘racial’ minorities, a variant of affirmative action, were intended principally to remedy the disenfranchisement of individual and familial immigrants from the West Indies and the Caribbean (who are otherwise
called ‘racial’ or ‘Black’ minorities in Britain) and from the Indian sub-continent. On the other hand, in the United States affirmative action policies were adopted primarily to redress the employment and educational inequalities of African-Americans (Hero and Preuhs 2006, p.130) and not of immigrant minorities.

Given that the focus of this study is on multicultural decisions and multicultural non-decisions relating to immigrants I therefore exclude both African-Americans and affirmative action from my analysis of American multiculturalism. Instead I equate American multiculturalism with multicultural decisions and multicultural non-decisions that have as their principal effect the recognition and accommodation of individual and familial immigrants from countries where English, the US’ lingua franca, is not the common tongue. In the US, the main target of these decisions and non-decision are Spanish-speaking immigrants from Latin America and Mexico, a post-immigration community, often referred to as the Hispanic or Latino community, that comprises “the largest segment of the non-English voting population” (Tucker 2006a, p.198).

1.7 Outline of the Study

**Chapter 1** provides a brief review of the new and developing literature on multiculturalism. Studies on multiculturalism fall in one of four main categories: (1) ‘normative-critical’, (2) ‘empirical-retreat’, (3) ‘unlikely survival’ and (4) ‘theoretical.’ **Chapter 1** delineates the major arguments made in each of these categories and brings to light the points of convergence and divergence within the new and developing literature on multiculturalism.
The review of the literature on multiculturalism pays special attention to the case of the Netherlands and, in particular, the survival of Dutch multiculturalism in the realm of private education. According to many observers, recent policy developments in the Netherlands point to an all-but full-scale retreat from multiculturalism. However, some observers have brought to light evidence that Dutch multiculturalism has also survived in the form of the government’s continued toleration of the establishment of denominational education at the primary, secondary and post-secondary levels. This phenomenon is perplexing given both the secular shift that has occurred in Dutch society (see Winter 2009) and the persistent backlash against Dutch Muslims following the murders of Pym Fortuyn and Theo van Gogh (see Buruma 2006). The explanation that Han Entzinger (2006) provides for this perplexing development (which is elaborated on in the literature review) serves as inspiration for one this study’s main theoretical propositions; that is to say that policy design affects the likelihood of multiculturalism surviving an ideological shift to the right in national level politics.

Chapter 2 examines the survival of Canadian multiculturalism following the Conservative Party of Canada’s electoral victory in 2006. Between 2006 and 2015, the Conservative Party of Canada formed three successive governments. Given the commonsensical link between ideological shifts to the right and multicultural outcomes, one might have expected Canadian multiculturalism to retreat during this 9-year time period. However, between 2006 and 2011, the federal government continued to implement multiculturalism and even augmented public expenditures on Canada’s multiculturalism program. It was only between 2011 and 2015 that Canada began to experience a real and overt retreat from multiculturalism. In explaining this diachronic variance, this chapter focuses primarily on the variance in electoral outcomes in 2006,
2008, 2011, and 2015 but also on the unique institutionalization of Canada’s official multiculturalism policy and the role of the courts as a critical veto player.

**Chapter 3** addresses recent policy developments in Britain. Following the Conservative Party’s electoral victory in 2010, public discourse has shifted away from multiculturalism and towards something called ‘muscular liberalism’ and the national curriculum has been modified to include an assimilationist component on ‘British values.’ However, this chapter will show that there are policy outcomes that defy this expected relationship. Paradoxically, multicultural policy reforms in the realm of public broadcasting, public funding and in positive action implemented during the Blair and Brown New Labour governments during the late 1990s and the first decade of the 21st century have survived under two Conservative governments. In explaining this contradictory pattern, this chapter highlights the different design features of British multiculturalism policies. In developing this explanation, Chapter 3 also re-evaluates New Labour’s multicultural legacy. As we shall see, several notable commentators argue that multiculturalism ‘retreated’ during the Blair and Brown New Labour governments. Based on the indicators of multiculturalism’s movement and directionality employed in this study, this chapter shows that British multiculturalism was actually revitalized and deepened between in the late 1990s and during the first decade of the 21st century.

**Chapter 4** examines a series of puzzling multicultural outcomes that have taken place in the United States. In the mid-1990s, the Republican Party regained majority control of Congress for the first time in fifty years. And, from 2003 to 2007, during the two Bush administrations, the Republican Party controlled both the executive and legislative branches of government leading to first unified Republican government in more than five decades. Given that opposition to
multiculturalism in the United States comes almost uniquely from the Republican Party and that most forms of American multiculturalism are de-institutionalized one might have expected to witness a full-scale retreat from multiculturalism. However, with one notable exception, multiculturalism in the form of policies of language accommodation for American immigrants survived this ideological shift. This chapter argues that the survival of American multiculturalism under these conditions can be attributed to the actions of veto players whose preferences regarding multiculturalism differed dramatically from their partisan cohort.

This study’s Conclusion does three things. Firstly, it highlights this study’s underlying argumentative logic, its main contributions to the study of multiculturalism, and its implications beyond the scope of multiculturalism’s survival. More specifically, the conclusion shows that there is an ‘institutional’ logic that undergirds the three case studies, that this study offers an empirical, conceptual and methodological contribution to the study of multiculturalism, and that the argument developed across this study should be applicable to explaining the survival of progressive social regulatory policies following an ideological shift to the right in national level politics.

Secondly, it provides the opportunity to briefly revisit some of the common themes that have emerged in the new and developing literature on multiculturalism. To be absolutely clear, it is beyond the scope of this study to fully adjudicate between rival explanations of multicultural outcomes\(^6\). However, the evidence presented in the case studies of Canadian, British and

\(^6\) The experimental and statistical methods are best suited to engage in this kind of comparative analysis (Collier 1993, p.106). Case studies and small-n comparative studies, where cases have been selected due to an observation of
American multicultural policy developments do bring into question some of the commonly held beliefs about multiculturalism’s movement and directionality and sheds light on the current direction of normative and explanatory research on multiculturalism.

Thirdly, it provides some preliminary speculations about the future course of multiculturalism in immigrant-receiving liberal democracies based on this study’s findings. There is evidence that the ideological pendulum is continuing to swing further to the right across immigrant-receiving countries, which means that the window for adopting new forms of multiculturalism policy may also be closing. How then can one ensure that these policies continue to be implemented by governments whose ideological positions are inconsistent with the recognition and accommodation of cultural diversity? The evidence presented in this study suggests that these policies not only be written into formal rules if possible but also that they be designed in such a way that they multiply the number of multicultural stakeholders. In brief, this would mean implementing a type of multiculturalism that is designed not only to aid in the integration of cultural minorities but that also caters to the needs, desires and ambitions of the national majority and other groups within society.

In sum, this study’s goal is not to develop an argument about the value of recognizing and accommodating cultural differences in modern democracies, although it is my firm belief that it is better for governments to acknowledge the multiplicity of customs, traditions, language and beliefs present in their societies than it is for them to impose cultural uniformity from above.

---

variance on the dependent variable, are best suited to engage in the process of “building and revising theories” (Geddes, 1990, p.149).
Rather, this study’s main goal is to contribute to the developing empirical discussion on multiculturalism’s movement and directionality.

Getting a handle on multiculturalism’s current and future prospects is important because it satisfies an innate human curiosity about the shape of our socio-political creations and the manner in which they evolve or regress over time. It is also critically important for historical reasons. In the late stages of the 20th century, it would not have been a reach to believe that the consolidation of democracy and the expansion of democratic institutions across the globe would in and of itself provide the fertile ground for multiculturalism to grow and hold root. However, recent developments challenge this belief. They also suggest that the revolutionary work undertaken by two generations of social scientists, philosophers, and policy makers to reconcile unity and diversity under the banner of liberal democracy may have been for naught.

What is perhaps most unsettling when evaluating multiculturalism’s current and future prospects is that the ideological climate under which multiculturalism first emerged no longer exists. If the public and economic philosophies of the old left still prevailed to this day the ideological conditions for multiculturalism to survive would still be propitious. But there has been a noticeable ideological shift to the right in the last three decades that casts doubt on multiculturalism’s continued implementation. Historical precedent and common sense tell us that if the ideological pendulum continues to swing to the right multiculturalism should be increasingly at risk.

Will governments continue to implement multiculturalism in an ideological environment that is becoming increasingly inhospitable to the recognition and accommodation of cultural diversity? This question is important and timely. Our answer to it will undoubtedly become clearer as the
study of multiculturalism continues to hone its observational tools and to refine its causal explanations. The object of this study is to aid in this process through a comparative examination of recent policy trends within and across three immigrant-receiving countries.
Chapter 2
Writing on Multiculturalism: Review of the Literature

2.1 Chapter Introduction

With increasing frequency, the term multiculturalism is being used to describe a phenomenon directly related to immigrant integration and/or to public policies that recognize and/or accommodate cultural minorities. The purpose of this literature review is to provide a brief overview of studies where multiculturalism is used in one or both of these senses. As this chapter will show, these studies fall into one or a combination of the following categories: (1) normative-critical, (2) empirical-retreat, (3) unlikely survival and (4) theoretical.

In brief, this chapter’s main goal is to show that there is an evolving discussion on multiculturalism’s value, on its current state of affairs, and on the causes of its movement and directionality that is complex and sometimes contradictory. This chapter’s concluding section highlights the main points of divergence and convergence within the literature. Although there is much disagreement within the literature there are nevertheless several common themes that have emerged, some of which will be brought into question by the evidence and arguments presented in this study’s subsequent chapters.
2.2 Normative-Critical

The normative-critical category of the literature comprises studies that critique liberal democratic multiculturalism, a theoretical model of cultural recognition and accommodation. As discussed below, studies that fall in this category bring to light a number of potential ill-effects of recognizing and accommodating cultural minorities within liberal democracies, ranging from multiculturalism’s deleterious impact on the ideals of liberal democracy to the consequences it has on feminist mobilization. Surprisingly, many critics argue that multiculturalism it should not be abandoned but that it should be ‘rehabilitated.’

Liberal democratic multiculturalism is a theoretical model most readily associated with the work of Will Kymlicka. In *Multicultural Citizenship: A liberal theory of minority rights* (1996) Kymlicka argues that most societies are culturally diverse albeit for different reasons. He argues that, in some societies, “cultural diversity arises from the incorporation of previously self-governing, territorially concentrated cultures into a larger state” (10), that in other societies “cultural diversity arises from individual and familial immigration” (10), while other societies are culturally diverse due to a combination of these two developments. Given that “virtually all liberal democracies are either multinational or polyethnic, or both” Kymlicka contends that it is incumbent on democracies to face “the challenge of multiculturalism” and, in so doing, to “accommodate these national and ethnic differences in a stable and morally defensible way” (26).

He outlines three ways of accommodating these differences: through the provision of ‘self-government rights’, through the provision of ‘polyethnic rights’, and through the provision of
‘special representation rights.’ In turn, the provision of these three sets of rights should be accomplished through the adoption of different sets of public policies, each of which serves a specific group-related objective (pp.27-33). Taken together, the provision of these three sets of rights forms the basis of Kymlicka’s original theoretical model of liberal democratic multiculturalism.

The theoretical model is refined in *Politics in the Vernacular* (2001), wherein Kymlicka defines multiculturalism specifically as the “fair terms of integration” for immigrant minorities into democratic societies. These “fair terms of integration” are intended to displace what Kymlicka calls an assimilationist model of “Anglo-conformity” (152). According to Kymlicka, the reason for shifting from the latter to the former is as follows:

“The underlying premise can be put this way: if western democracies are going to pressure immigrants to integrate into common institutions operating in the national language, then we need to ensure that the terms of integration are fair. To my mind, this has two basic elements: (a) we need to recognize that integration does not occur overnight, but rather is a difficult and long-term process which operates inter-generationally. Hence special accommodations are often required for immigrants on a transitional basis. For example, certain services should be available in the immigrants’ mother tongue, and support should be provided for those groups and organizations within immigrant communities which assist in the settlement/integration process; (b) we need to ensure that common institutions into which immigrants are pressured to integrate provide the same degrees of respect and accommodation of the identities of ethnocultural minorities that have traditionally been accorded to the majority group’s identity. Otherwise the insistence that immigrants integrate into majority-language institutions is tantamount to privileging the interests and lifestyles of the descendants of the original inhabitants or settlers.” (p.162)

The way to achieve conditions of ‘accommodation’ and ‘respect’ for immigrant communities in the integration process is, according to Kymlicka, through the implementation of governmental
‘reforms’ “that are often advanced under the rubric of ‘multiculturalism’” (p.163). For Kymlicka, these reforms are intended to aid immigrants in fully pursuing their life-chances within their receiving-society and not to aid in their eventual re-integration into their society of origin. He makes this distinction unequivocally clear by denouncing the use of the term ‘multiculturalism’ in Germany, where it was once deployed to describe a way of keeping Turkish children out of German-language classes in order to facilitate their eventual reintegration into to Turkish society. He declares that: “[this form of ‘multiculturalism’] was adopted precisely because these children were not seen as German citizens. It was a way of saying that these children do not really belong here, that their true ‘home’ is in Turkey. It was a way of reaffirming that they are aliens, not citizens. Multiculturalism without the offer of citizenship is almost a recipe for, and rationalization of, exclusion” (pp.170-171). Therefore one the distinct and characteristic features of liberal democratic multiculturalism is its goal to ensure ‘full citizenship’ for individual and familial immigrants (p.162).

Although Kymlicka has continued to define and defend liberal democratic multiculturalism, this theoretical model has been critiqued on a number of grounds. One major critique is that liberal democratic multiculturalism is based on false theoretical assumptions. For example, it has been argued that liberal democratic multiculturalism is founded on the misleading assumptions that individuals are in fact culturally different one from another and that they “must remain incomprehensible to one another” (Gitlin 1995, p.66) as well as on the assumption that liberalism itself is devoid of cultural connotations (Seth 2001, p.321). Liberal democratic multiculturalism has also been critiqued as an impediment to the realization of the ‘real’ goals of liberalism, which is to say, according to Brian Barry (2000), the creation of an egalitarian society with equal rights for all of its constituents. More specifically, Barry’s critique of liberal democratic
multiculturalism is that in prioritizing the enshrinement of group rights it prevents the full actualization of individual rights and, by consequence, the eventual reduction of socio-economic inequalities across the polity (pp.63-64).

A second major critique of liberal democratic multiculturalism is that its institutionalization threatens the persistence of national consciousness. This critique is dismissed by Kymlicka (2007) who argues that governments can choose to reify certain features of a majority cultures, such as a common national language, if and when they deem it necessary to do so (p.98). However, other observers see in multiculturalism a real and present danger to national consciousness. For some critics of American multiculturalism, the recognition and accommodation of minority cultures and languages poses the greatest challenge to the persistence of American identity. For example, multiculturalism has been described as the challenge to American ‘high culture’ (see Robbins 1991, pp.356-357), to a heretofore dominant European conception of reality (Schmidt 1997, Huntington 2004, Teasley and Tuson, 2007), to a distinctly ‘rational’ American academic tradition (Lee 2003), to the legacy of the American ‘melting pot’ (Myers 1993), and to the interactive process of assimilation that transforms different people into Americans (Diner 1993)7. These perspectives are also shared in some of the writing on European multiculturalism. For instance, some observers argue that the adoption of multiculturalism policies instills in national majorities of a sense of “western self-loathing”

(West 2005, pp.354-355) while others contend that multiculturalism has deleterious effects on social cohesiveness (Aggestam and Hill 2008) and on dominant conceptions of national citizenship (Dijkstra et al. 2001).

A third major critique liberal democratic multiculturalism concerns not multiculturalism’s impact on national consciousness but instead centers on its impact on ethno-cultural minorities. This critique may seem perplexing given that the implementation of multiculturalism often entails not only the formal recognition of minority cultures but also a promise to lower impediments to minority participation in social, political and economic arenas. Nevertheless, there are several ‘minority-oriented’ critiques of liberal democratic multiculturalism. One of these critiques is that multiculturalism essentializes minority cultures and that it boxes-in individuals into groups that they might not otherwise feel that they belong too (Bissondath 1994). Other ‘minority-oriented’ critiques of liberal democratic multiculturalism is that in codifying certain individuals as minorities it places on them the undue burden to adhere to certain cultural practices and ways of viewing the world that they may not believe in (Riemer 1999), that it forces individuals codified as minorities to believe that they are different from their co-citizens although they might feel otherwise (Chanady 1995, Payrow Shabani 2007), and that in distinguishing between majority and minority groups multiculturalism prevents the development new and complex identities (Gates Jr. 1994, Wagner 1994).

The fourth major critique of liberal democratic multiculturalism concerns its impact on anti-racism initiatives. Discussions on race and multiculturalism generally fall within the purview of scholarship on race relations in the United States. In this context, multiculturalism has been derided for its ‘dogmatic’ and divisive insistence on difference (Bernstein 1995, Welsh 2008)
and for implying that one’s life is determined by one’s “cultural genes” (Ravitch, quoted in Willie 1992, p.72). Another facet of the discussion on race and multiculturalism points to the ‘failure’ of multiculturalism policies and multicultural reforms. Some observers (Spencer 1993, Ali 2001, Kudnani 2002, Cervone 2010) contend that the implementation of multiculturalism in public policy and in public education has actually been counter-productive to bringing an end to racial discrimination. From this perspective, multiculturalism is viewed as an instrument that national majorities have used to subdue minority mobilization and to obfuscate ongoing discrimination along racial lines (see Kundnani 2002, pp.68-69). As a result, bringing multicultural political projects to an end is not always seen as a negative. For example, Kundnani celebrates what he calls the ‘death’ of British multiculturalism, a political project that he argues is not only an impediment to anti-racist activism but also “an ideology of conservatism, of preserving the status quo intact in the face of a real desire to move forward” (p.68).

The fifth major critique of liberal democratic multiculturalism is that it impedes class mobilization. From this perspective, it is argued that multiculturalism has a tendency to overlook class divisions within society (Harding 1995), that it downplays the importance of ‘radical politics’ to achieve social justice and equality (Griffin and Tempemis 2002), and that it “creates the impression that racial inequality can be overcome without any structural transformation of capitalism” (Platt 2002, p.44). According to some of these critiques, multiculturalism may also be reinforcing power imbalances between minority and majority groups although, paradoxically, one of its main objectives is, as stated in most official multiculturalism policies, to effectively achieve the opposite outcome. This paradox is laid out by Kopelowitz (1996) in his study on the implementation of multiculturalism, in the form of ‘liberal accommodation’, in Israel. He argues
that, ironically, “while liberal boundary standards and social interaction norms incorporate a significant diversity of particularistic cultural identity groups they also produce structured inequalities.” (Kopelowitz 1996, pp.374-375).

The sixth major critique of liberal democratic multiculturalism is that it is anathema to achieving gender equality. When it comes to issues of gender and cultural diversity, writing on multiculturalism offers three different perspectives, each of which highlights the potentially deleterious impact of publically recognizing and accommodating minority cultures. From one of these perspectives it is argued that processes of cultural recognition and cultural accommodation obviate gender discrimination in three realms: in society at large (Ralston 1998), in public institutions and within legal frameworks (Song 2005) and within minority communities themselves (Bannerji 2000). And, from a second perspective, the emancipatory goals of feminist and multiculturalist political projects are seen to be incompatible one with the other due to the patriarchal power-structures that are inherent to all cultural groups (Okin 1999). According to Phillips (2007) multiculturalism and feminism can therefore only be reconciled (1) if and only if the right of exit from a cultural group is protected, (2) if and only if culture is viewed as non-deterministic, and (3) if and only if individuals are given the right and opportunity to contest illiberal cultural practices from with the cultural groups itself.

In light of these critiques, it may come as a surprise that very few studies in fact advocate abandoning liberal democratic multiculturalism altogether. Rather the main thrust in the normative-critical facet of the literature is that multiculturalism needs to be rehabilitated. For example, Parekh (2000) argues that liberal multiculturalism must give way to a “dialogical multiculturalism” which is to say a model for managing diversity that (1) acknowledges
‘illiberal’ cultural strands in western societies and (2) that values public discussion over competing conceptions of what constitutes the ‘good life’ (p. 110). For Levy (2000), liberal democracies must implement a “multiculturalism of fear” that does not promote the equal value of all cultures differences but that entails the pragmatic toleration of certain cultural practices. Other variants of ‘rehabilitated’ models of liberal democratic multiculturalism include “prophetic pragmatism” (West 1993), “transformationism” (Burtonwood 1986), “critical multiculturalism” (Kincheloe and Steinberg 1997, Nye 2001), “polyglot multiculturalism” (Goodin 2006), “post-colonial multiculturalism” (Mclaren 1997), “cultural democracy” (Akinyela and Alridge 2003), cross-cultural exchanges through ‘border crossing’ (Giroux 1996), “democratic multicultural citizenship” (Torres 1998), and a ‘re-balanced’ multiculturalism that operates within the confines of a common civic identity (Sutherland 2008). Although these models differ in several respects none of them recommends throwing the baby out with the bathwater; instead their proponents argue that while multiculturalism is flawed in many ways it is still incumbent on liberal democracies to recognize and to accommodate cultural minorities in some way or another.

2.3 Empirical-Retreat

The empirical-retreat category of the literature consists of studies that point to a decline, retreat from or ‘backlash’ against multiculturalism. These studies tend to focus on recent developments in Western Europe, most notably in the realm of public discourse. The main gist of studies that fall in this category is that there has been a radical shift in the multicultural status quo and that we are now witnessing its pervasive disappearance across immigrant-receiving countries.
According to some of these studies a ‘retreat’ from multiculturalism is evidenced by changes in public discourse. For example, Grillo (2010a) contends that public discourse in some parts of Europe, as far as it concerns the accommodation and recognition of immigrant minorities, now generally condemns a so-called “excess of alterity” (p.20) whereas at one point in time it was more amenable to integration with a respect for diversity. According to Wessendorf and Vertovec (2010, p.1) there has been a ‘backlash’ against multiculturalism in public discourse across Europe following the September 11 attacks on the United States (p.1). They contend that, while it manifests itself in different ways country-to-country, the ‘backlash’ tends to revolve around seven “core idioms” (p.6): (1) it condemns multiculturalism for being ‘dogmatic’, (2) for “[stifling] debate”, (3) for “[fostering] separateness”, (4) for “[refusing] common values”, (5) for “[denying] problems”, (6) for “[supporting] reprehensible practices” (such as female genital mutilation and forced marriages), and (7) for “[providing] a safe haven for terrorists” (pp.6-11).

The discursive backlash against multiculturalism in the Netherlands has, according to Prins and Saharso (2010), come in the form of ‘new realism.’ ‘New realism’ is a public discourse that is directed towards the ostensible failures of the politics of cultural accommodation and religious recognition of immigrant minorities, primarily Muslims, who are viewed as having values and customs that fall beyond the liberal pale (Prins and Saharso 2010, p.78). More specifically, ‘new realists’ portray themselves as persons who are not afraid to speak the ‘truth’, as spokespersons for the average native-born citizen, as frank and unwavering in their beliefs, as decidedly ‘anti-left’ in their policy positions and as proponents of gender equality (pp.74-75). By the end of the first decade of the 21st century, ‘new realism’ had become the dominant discourse in the Netherlands regarding the management of ethno-cultural diversity. Nevertheless Prins and
Saharso contend that there is still “modest hope” of seeing a return in the Netherlands to a “matter-of-fact-like and tolerant attitude regarding cultural and religious difference” (p.89).

Other studies in this category of the literature argue that political parties are either indifferent to multiculturalism and/or they point to the emergence of strong political opposition to multiculturalism. For instance, Abu-Laban and Stasilius (1992) argue that in the early 1990s none of Canada’s major political parties fully embraced multiculturalism. They contend that the Progressive Conservative Party was fine with letting the policy “languish” (p.374), that the New Democratic Party failed to take an explicit stance against anti-multiculturalism (p.375), and that the Liberal Party’s position on official multiculturalism can best be described as being “taciturn” (p.376). They also note the emergence of overt opposition to official multiculturalism in the policy agenda of the Reform Party of Canada, a regionally-based conservative political faction, that promised to defund the policy (p.373-374). Political opposition to multiculturalism has, according to Holmes (2000), come in the form of “integralism.” This new ideological position, one that is most readily embraced in France by the Front National, emerged within the context of European integration and has been reinforced by the deleterious effects of “fast capitalism.” It seeks, Holmes argues, “to circumvent the alienating force of modernity by means of culturally based solidarities” (p.4) and it has proven to be an effective rallying point for the French far-right. Some studies of Australian multiculturalism advance the argument that political opposition to multiculturalism is evidenced by the Howard government’s reluctance to stand-up to anti-Muslim rhetoric post September 11 (Vincent 2001, p.9) and by this government’s concomitant appeal to “Anglo-Celtic constituencies” as a means to counteract broad-based immigrant support for the Australian Labour Party (Shekhar 2010, p.20).
Studies that fall in this category of the literature also point to decisions made by some
governments to preclude expressions of diversity in the public sphere. This has meant inter alia
the decision to ban ‘ostentatious religious symbols’ in public schools in France (Simon and Sala
Pala 2010, Wiles 2009) and decisions made in Belgium and Germany to ban the Muslim
headscarf (Editorial, Economic and Political Weekly, 2004, p.861). It has also meant, in the
United States, the adoption of what Hero and Preuhs (2006) term “anti-MCPs” - or ‘anti-
multiculturalism policies’ - that are “designed to overturn or pre-empt the adoption of
[multiculturalism policies]” (p.121). According to Hero and Preuhs the rise of “anti-MCPs” in
the United States is evidenced by the adoption of ‘Official English’ policies at the sub-national
level. These policies have made English the official language of government in more than 30
American states and, as Hero and Preuhs claim, they “represent a retreat from a stream of federal
and state laws, judicial decisions, and administrative regulations that had been largely
sympathetic to language rights from the 1960s into the 1970s” (pp.127-128). The main target of
‘Official English’ policies are American immigrants whose native tongue is not English and who
are ‘limited’ in their English proficiency (pp.132-133).

Studies that fall in this category offer two different takes on the future trends in diversity
management in liberal democracies. According to Rogers Brubaker (2000) we may now be
witnessing an “assimilationist turn” across liberal democracies. This “assimilationist turn” has
little to do with a return to the “ideal of Anglo-conformity” (p.533) nor with revisiting an
“organic” understanding of assimilation, meaning an immigrant’s “complete absorption” into a
pre-determined “end state” (p.534). Instead, according to Brubaker, the “assimilationist turn”
entails the emergence of an “intransitive” form of assimilation that shares a “normative and
analytical concern with the nature and extent of emerging similarities in particularities between
populations of immigration origin and ‘host’ populations” (p.535). Brubaker argues that the emergence of this new form of assimilation is a cross-continental phenomenon; in France it can be seen in the development of a new public discourse that promotes “droit a la resemblance” (the right to be similar), in Germany by the coupling of *jus sanguinis* and *jus soli* principles of citizenship acquisition and by a concomitant emphasis on the naturalization of immigrant populations, and, in the United States by a new scholarly focus on the ties that bind citizens together and that, in regards to assimilation, “is agnostic about its directions, degrees, and modalities, and ambivalent about its desirability” (p.540).

Other studies paint a bleaker picture of the current and future state of affairs. For instance, one study (see Silj 2010) claims that we are now witnessing a cross-polity return to an older politics of assimilation while others argue that that countries such as Britain and Canada were at one point in time seemingly open to the politicization and institutionalization of cultural diversity but are now experience the onset of a “white backlash” against British minorities (Hewitt 2005) and the “re-whitening of Canadian identity” (Arat-Koc, 2005, p. 32). And, in case studies of countries without a long-standing history of open-immigration, such as Denmark (see Hedetoft 2010) and Switzerland (see D’Amato 2010), the argument has been made that there is little to no hope that we will see any new multicultural developments in public policy given the current socio-political climate.

The bleakest picture of multiculturalism’s current state of affairs is painted in studies of Dutch multiculturalism, many of which focus on the country’s recent ‘civic integrationist turn.’ The Dutch government adopted the first civic integration act in September 1998. It was called (the Civic Integration for Newcomers Act) or WIN 1998 for short. In enacting WIN 1998, the Dutch
government required that all non-European Union immigrants to the Netherlands take a yearlong ‘integration’ course comprising 600 hours of “language and orientation” instruction (Klaver and Ode 2009, p.62). The “language and orientation” component of the course was divided into 500 hours for language training and 100 hours for “social and civic skills and labor market orientation” (Entzinger 2003, p.77). The 100 hours devoted to developing social and civic skills was intended as means to facilitate an immigrant’s access to socio-economic opportunities in the Netherlands by promoting “active citizenship” (Klaver and Ode ibid). An immigrant’s successful completion of the ‘integration’ course was made a requirement under WIN 1998 for obtaining or renewing both permanent and temporary residency permits (both permanent and temporary). For immigrants on the path to citizenship, successfully completing the ‘integration’ course meant they did not have to complete a naturalization test. Despite making it a legal requirement that all non-European immigrants to the Netherlands attend ‘integration’ classes, very few did so despite facing the prospect of not being able to obtain or renew a residency permit and being assessed a financial penalty of 2269 Euros (Entzinger 2003, p.77)

The Dutch government sought to address non-compliance with WIN 1998 in adopting the *Wet Inburgering Buitenland*, otherwise known as the Civic Integration Abroad Act of 2006. This amendment to the government’s civic integration policy outlined WIN 1998 made it mandatory for all applicants for temporary residency from outside of the European Union to pass an ‘integration’ test at a Dutch embassy before coming to the Netherlands. In 2007, the

8 See [http://www.degeschiedenisvaninburgering.nl/service/serv038.html](http://www.degeschiedenisvaninburgering.nl/service/serv038.html)
9 With some exceptions including Canadian, Americans, temporary students and holders of temporary work permits (Jacobs and Rea 2007).
government further amended its civic integration policy when it passed a second iteration of the *Wet inburgering nieukomers*, otherwise known as the Civic Integration for Newcomers act of 2007 or WIN 2007 for short. Under WIN 2007, the government made it a legal requirement that not only applicants for temporary and permanent residency pass an ‘integration’ test but also that all non-European Union foreign nationals, aged 18 to 65, currently residing in the Netherlands do so to. In WIN 2007, the government also imposed time limits for successful completion of the integration exam (5 years for asylum seekers and general applicants and 3.5 years for those who completed an examination prior to entry). In addition to these procedural changes, the content of the exam was also modified. The post-2006 civic integration exam now contains a component on Dutch “social manners, norms and values” in the “Knowledge of Dutch Society” section (Klaver and Ode p.68). This section seeks to inculcate typical Dutch modes of behaviour such as tolerance (of homosexuality), respect (for gender equality) and the capacity to be frank yet diplomatic. Typical “norms for successful behaviour” include inuring oneself to criticism, keeping one’s appointments, waiting one’s turn, not “harassing people with different (non-marital) arrangements” and knowing the major Dutch national holidays (see Klaver and Ode p.69).

In brief, the three civic integration acts adopted between 1998 and 2007 identify a clear ‘end-state’ to the integration process in the Netherlands, one that requires proficiency in the Dutch language and the acquisition of dominant Dutch values and commonly accepted Dutch norms. Although none of the civic integrationist acts explicitly state that immigrants to the Netherlands must abandon their customs, traditions, and/or languages all three strongly imply that there is an ‘autochthonous’ Dutch culture that takes precedence over minority cultures. Another, and far more nefarious, implication of the Dutch government’s decision to manage diversity through
civic integration is that it has tried to stem immigration to the Netherlands from countries where Islam is the dominant religion. Christian Joppke argues (2007a) that this is evidenced by the decision to include images of two men kissing each other and of top-less women in a preparatory video for the most recent iteration of the ‘integration’ exam. He contends that the government’s decision to include these images is but a thinly veiled attempt at whittling out practicing Muslims, whose values may not coincide with prevailing Dutch norms (15), from the pool of prospective immigrants to the Netherlands. According to Joppke (2007b), this decision when combined with the absence of facilities in non-European Union countries to prepare immigrants for the ‘integration’ exam means that the Netherlands has in essence adopted a “no-immigration policy” at least as it concerns immigration from countries where Islam is the dominant religion (p.250).

2.4 Unlikely Survival

Studies that fall within the unlikely survival category paint a far more optimistic picture of multiculturalism’s current state of affairs. Many of them begin with the premise either that ‘retreat’ from multiculturalism has been overstated or that there is evidence of a counter-intuitive persistence of multiculturalism as a policy option or as a policy outcome. For example, In “The rise and fall of multiculturalism? New debates on inclusion and accommodation in diverse societies” (2010), Will Kymlicka argues that the demise of what he calls “experiments in multiculturalism” while evident has been grossly exaggerated (p.33). In making this argument, Kymlicka defines multiculturalism as a set of twenty-three multiculturalism policies/policy
reforms that “[contribute] to a process of democratic citizenization – that is, turning the earlier catalogue of hierarchical relations into relationships of liberal-democratic citizenship, both in terms of the vertical relationship between members of minorities and the state, and the horizontal relationship amongst the members of different groups” (p.36). Although these policies differ, depending on whether they are intended to enhance the “citizenization” of indigenous peoples, national minorities, or immigrant groups, they nonetheless share, according to Kymlicka, two main features: (1) their implementation is designed “to help build fairer and more inclusive democratic societies” (p.37) and (2) “to challenge the sorts of traditional ethnic and racial hierarchies that have been discredited by the post-war human rights revolution” (p.39).

Based on this definition of multiculturalism, Kymlicka argues that its continued implementation is evidenced by the adoption of and expanded remedial reach of “multiculturalism policies” for indigenous and national minorities (pp.40-42). It is only in regards to immigrant-centered multiculturalism that, according to Kymlicka, we have seen any form of multicultural ‘retreat’ (p.42). However, Kymlicka contends that this phenomenon is evidenced in only four countries: the Netherlands, Britain, France and Germany (ibid).

Studies that fall in this category of the literature also provide a different interpretation of the current state of affairs of British multiculturalism. For example, Nye (2001) highlights the recent rise of ‘Krishna consciousness’ which has succeeded in securing forms of religious accommodation at the municipal level in Britain and Buettner (2008) points to the mainstreaming of South Asian cuisine across Britain as evidence of the emergence of at least a “skin deep” (p.898) form of cultural tolerance. According to some observers, contemporary British multiculturalism is evidenced by the adoption of multicultural pedagogical approaches in
ethnically diverse educational catchments (Bleich 1998, Modood and May 2001) and by the government’s decision to include Islamic civil society organizations in tackling radicalization (Brighton 2007). In their assessment of contemporary British multiculturalism, Meer and Modood (2009) contend that we are simply witnessing a “civic re-balancing” (p.484) of multiculturalism that has resulted from the combination of cultural recognition and cultural accommodation, on the one hand, with an increased emphasis on the citizenship responsibilities and duties of newcomers to Britain (p.485), on the other.

Studies that fall in the unlikely survival category of the literature also provide an alternative take on the current state of French multiculturalism. To be sure, the decision to ban the headscarf does seem to be a clear indication of France’s ‘retreat’ from multiculturalism. However, as Simon and Sala-Pala (2010) also note this decision did not put an end to all discussions on cultural and religious accommodation. Rather, they show that there is an ongoing debate over the place of diversity and difference in the French public sphere and national policy making which also includes discussions on (1) the acknowledgement of the country’s colonial past, (2) the effective means to deal with violence in the Parisian banlieue, and (3) the use of “ethnic statistics” in employment (pp.98-105). And, Sabbagh (2011) shows that, in recent years, a general aversion to the delineation of racial difference in France has not prevented a shift towards cultural accommodation highlighted by the “indirect affirmative action” policies adopted by some of les Grandes Écoles.

Difference in opinion about the current state of affairs extends to the case of Australia. In response to claims that the Howard government retreated from multiculturalism, Peter Wall (2006) highlights the Howard government’s re-commitment to Australia’s policy of official
multiculturalism in a white paper titled “New Agenda for Multicultural Australia: Strategic Directions for 2003-2006.” According to Wall, the white paper effectively challenges Australia’s longstanding Anglo-Celtic “identity myth” (p.25) and signals that the “mono-cultural ‘way of life’ consciousness is no longer relevant” in Australia (p.26).

Australian multiculturalism may also be experiencing a form of ‘re-balancing’ at the sub-national level following the adoption of the West Australian Charter of Multiculturalism. Jayasuryia (2008) argues that the Charter captures the essence of official multiculturalism in that it recognizes axes of cultural and religious difference. However, she also argues that the Charter differs from Australia’s national level official multiculturalism policy, which she describes as a type of “culturalist multiculturalism” (p.27), in that it downplays the politicization of identities and sets out to redress the “marginalization of the culturally different in the public domain” (p.28). Akin to the civic ‘re-balancing’ of British multiculturalism the West Australian Charter of Multiculturalism recognizes difference as well as ‘civic ideals’ and citizen ‘participation’ (pp.28-29).

This category of the literature also includes studies that focus on recent multicultural developments in Latin America, East Asia and South Asia. One Large-n study (Van Cott 2006) shows that, following their democratic transitions, sixteen Latin American countries enshrined collective land rights for indigenous peoples, twelve affirmed the distinct status of indigenous peoples and two (Brazil and Columbia) instituted affirmative action policies for indigenous peoples (Van Cott 2006, p.274). However, the multiculturalism that has emerged in Latin America in recent decades is viewed to be distinctly different from its North American, Australian and European manifestations. It is defined as a ‘neoliberal’ multiculturalism (Hale
2006, Cervone 2010) which fuses the formal recognition of indigenous identities with a drive for rapid economic development and urbanization.

Case studies of China argue that multicultural developments are evidenced by the government’s toleration of minority cultural practices, such as the Dai minority’s daily practice of “water splashing” (McCarthy 2009), and by the slightly higher salaries provided to Muslim public sector employees in compensation for religious dietary requirements that prohibit the purchase of state-subsidized pork products (Magid 1998, pp.14-15). In Korea, by contrast, multiculturalism has ostensibly emerged in the form of social integration policies for female marriage immigrants (Yun and Park 2011, p.143). Case studies of Japan point to the emergence of multiculturalism in the development a journalistic interest in issues of cultural difference (Hammond and Hein 1992, p.146) and by new societal, literary and academic challenges to the traditional dichotomy between the *uchi* (i.e. the heterogeneous outside world) and the *soto* (i.e. the ostensibly homogenous Japanese identity) (see Graburn et al. 2008).

Studies that focus on Asian multiculturalism highlight additional important differences in the way in which multiculturalism has developed in the Global North and the Global South. For instance, in India, although multiculturalism has developed primarily in the form of cultural celebrations, the dynamics underlying the celebration of diversity are quite unique. By contrast to celebrations of diversity in the Global North, which are meant to mainstream different religious practices, it is argued (see Rajan 1998 and Ali 2000) that the celebration of cultural diversity in India is distinctly secular in nature and that it has been directed as a response to the Bharatiya Janata Party’s ethno-national political agenda that is largely based on reifyinga Hindu national identity. Furthermore, the sequence in which multiculturalism has emerged in many
parts of the Global South stands in stark contrast with the North American and Western European experience with the politics of recognition. Rather than emerging well after democratization, as it did in North America and in Western Europe, multiculturalism has generally emerged in East Asia, Southeast Asia and South Asia either apace with a democratic transition or prior to the transition to democracy (see Kymlicka and He 2005, p.10).

When it comes to assessing recent multicultural developments in the Global North, the cornerstones of this category of the literature are the three iterations of the ‘multiculturalism policy index’ (2006, 2013, and 2015). Taken together the three iterations of the ‘multiculturalism policy index’ highlight variance in levels of governmental commitment to multiculturalism across 21 OECD countries at four temporal intervals (1980, 1990 2000, and 2010). Each country is given a score at each of these temporal points based on their ‘explicit’ adoption, ‘implicit’ adoption, or ‘non-adoption’ of MCPs ‘respect and accommodate’ national minorities, indigenous peoples, and immigrant groups (see Banting et. al, 2006, p.58). In total, the ‘multiculturalism policy index’ traces the ebb and flow of governmental commitments to multiculturalism across twenty-three policy realms; six that apply to national minorities, nine that apply to indigenous peoples, and eight that apply to immigrant groups. These policies are listed in the table below.
Table 2.1 Immigrant, National Minority and Indigenous MCPs

| (1) Constitutional, legislative or parliamentary affirmation of multiculturalism, at the central and/or regional and municipal levels | (1) federal or quasi-federal territorial autonomy |
| (2) the adoption of multiculturalism in the school curriculum | (2) official language status, either in the region or nationally |
| (3) the inclusion of ethnic representation/sensitivity in the mandate of public media or media licensing | (3) guarantees of representation in the central government or on constitutional Courts |
| (4) exemptions from dress codes, Sunday closing legislation etc. (either by statute or by court cases) | (4) public funding of minority-language universities/schools/media |
| (5) allowing dual citizenship | (5) constitutional or parliamentary affirmation of ‘multinationalism’ |
| (6) the funding of ethnic group organizations to support cultural activities | (6) according international personality (e.g. allowing the substate region to sit on international bodies, or sign treaties, or have their own Olympic team)¹¹ |
| (7) the funding of bilingual education or mother-tongue instruction | (7) constitutional or legislative affirmation of the distinct status of indigenous peoples |
| (8) affirmative action for disadvantaged immigrant groups¹⁰ | (8) support/ratification for international instruments on indigenous rights |

The evidence provided in the multiculturalism policy indexes suggests that multiculturalism has survived but with a few notable exceptions in the realm of immigrant-centered multiculturalism. Moreover, the latest iteration of the index (2015) provides evidence that the ‘retreat’ from immigrant-centered multiculturalism is a highly localized phenomenon limited to four countries: France, the Netherlands, Italy and Denmark. Ironically, the evidence provided in the latest iteration of the multiculturalism policy index contradicts the claim made by Kymlicka (2010a)

¹⁰ Banting et al. (2006) pp.56-57
¹¹ Banting et al. (2006) p.60
¹² Banting et al. (2006) p. 62
that multiculturalism has also retreated in Britain and in Germany even though both studies define multiculturalism as an aggregate of 23 multiculturalism policies.

The most paradoxical evidence of multiculturalism’s survival is presented in studies of primary and post-secondary education in the Netherlands, a country that is generally perceived as having ‘retreated’ from multiculturalism. Primary schools in the Netherlands fall principally in one of three categories: public, Protestant Christian and Roman Catholic (Driessen and Merry 2006, p.203). In the last three decades, though, Hindu and Muslim minorities in the Netherlands have also established private primary educational facilities that are partially funded by the state. The first Islamic primary schools were established in 1988 in Rotterdam and Eindhoven (ibid, p.204). Studies of denominational education in the Netherlands estimate that, in the mid-2000s, the number of Islamic primary schools that were up and running in the country was either 41 (Merry and Driessen 2005, p.417) or 46 (Driessen and Merry 2006, p.201) depending on the study. Based on the lower of these two estimates, Islamic primary schools accounted for, in 2005, only 0.6% of the total number of public schools in the Netherlands\(^\text{13}\). The ethnic composition of their student bodies was largely Moroccan and Turkish, with small number of children of refugees and asylum seekers (Merry and Driessen 2005, p.417). Although the number of Islamic schools is relatively small, demand for Islamic education is high amongst the Netherlands Muslim cultural communities (Denessen, Driessen, and Sleezers 2005, p.364). The reasons for why parents prefer Islamic education rather than non-denominational education are debated. According to one study (Denessen, Driessen, and Sleezers 2005), the preference is based simply on a parents’

\(^{13}\) In the mid-2000s there were roughly 7000 operational primary schools in the Netherlands (see Merry and Driessen 2005, p.417).
desire that their children maintain their culture (p.360) and in schools that are “considerate of their religion” (p.364). By contrast, another study (Driessen and Merry 2006) concludes that this preference is based on the religious training and gender segregation offered by Islamic schools (p.205) and by the desire amongst Dutch Muslims to see the establishment of an ‘Islamic pillar’ in Dutch society (ibid).

In addition to Islamic primary schools, there are also two Islamic universities in the Netherlands: the Islamic University of Rotterdam and the Islamic University of Europe. The Islamic University of the Rotterdam was founded in 1997; its “anthological synthesis” is that a student learn to “live as a Muslim and as a responsible citizen of the Dutch society” (Islamic University of Rotterdam, “History”). By 2004, the Islamic University of Rotterdam had 247 full time students (van Veen 2011, p.37). However, the university was not recognized by the state for the first thirteen years that it was operating. State accreditation was withheld given that the main language of instruction was Arabic and that the quality of the curriculum fell below acceptable standards (ibid). It was only at the end of the first decade of the 21st century that the only two programs that it offers were accredited; in 2010, the university’s masters’ program in Islamic Spiritual Care was accredited and then, in 2013, the university’s bachelors in Islamic Theology was also accredited. In completing the bachelors in Islamic Theology, the Islamic University of Rotterdam promises that its students “will have a strong foundation in Islamic theology and [that they will] easily be able to explain to others” and, moreover, that they will be “officially an Islamic Theologian” (ibid, “Bachelor Islamic Theology NL”). The masters’ in Islamic Spiritual Care is a two-year, 120-credit program designed to “[prepare] students for jobs in a variety of sectors, including mosques, hospitals, schools, advisory organizations, government institutions (such as prisons of Ministry of justice, police, army) and non-governmental organizations” (ibid,
“Master Islamic Spiritual Care NL”). Arabic is no longer the main language of instruction at the Islamic University of Rotterdam. Instead Arabic language courses are now permanent modules of the BA and MA programs. The Netherlands’ other Islamic university, the Islamic University of Europe, was founded in 2001 by a splinter group from the Islamic University of Rotterdam (van Veen 2011, p.37). It is to this day uncredited.

Islamic education has also been sponsored by the Dutch government at several public universities designed to rival the religious instruction offered at the Islamic University of Rotterdam. In 2001, the Dutch government began funding a program for training imams at the Amsterdam Free University that offered “intense language and [Dutch] cultural training” (Haddad and Balz 2008 p.227). In 2005, the government provided 1.8 million euros in funding for the creation of BA and MA programs in Islamic theology at the Amsterdam Free University in order to sway prospective students away from the Islamic University of Rotterdam and, furthermore, “to ensure that all imams be trained in the Netherlands by the year 2008” (ibid). In 2005 and 2006, the Ministry of Integration invested 400,000 euros for the creation of an imam training program at Hogeschool InHolland, a university of applied sciences in Amvelsteen (van veen 2011, p.40). In 2006, the University of Leiden received 2,350,000 euros from the Dutch government to create a bachelors in Islamic theology and an English masters’ in Islamic theology (ibid, p.73). In addition the University of Leiden also established an ‘imam-training course.’ In 2011, however, the course was discontinued and, in 2013, the Amsterdam Free University also discontinued its imam-training program (Berger 2014, p.183).
2.5 Theoretical

Studies that fall in the theoretical category of the literature are those that provide explanations of multicultural outcomes in public policy, which includes theoretical propositions on the causes and facilitating factors of multicultural developments in public policy as well as explanations both of multiculturalism’s retreat and multiculturalism’s survival. Most of the studies that fall in this category of the literature are comparative in nature. However, some develop theoretical propositions through cross-national comparisons while others theorize on the conditions and causes of multiculturalism’s movement and directionality by examining within-state variance.

Will Kymlicka’s writing on multiculturalism offers several contributions to this new and developing category of the literature on multiculturalism. In the conclusion of Multicultural Citizenship (1996), Kymlicka states his hope that group-differentiated rights for national minorities and for ethno-cultural groups will catch-on in liberal democracies. Furthermore, he intimates that there may be a connection between democratic consolidation and sustainable multiculturalism by stating that where democracy is only beginning to take hold “the fate of ethnic and national groups...is in the hand of xenophobic nationalists, religious extremists, and military dictators” (p.195). In Politics in the Vernacular (2001), Kymlicka also hints at the connection between democratic consolidation and multiculturalism by pointing to a growing consensus amongst academics that ‘liberal culturalism’ (as opposed to republicanism and postmodernism) is the only acceptable model for citizenship in modern democracies (pp.44-45). In the introduction to Multicultural Odysseys (2007), a study on multiculturalism’s global development, Kymlicka draws an unambiguous link between democratic consolidation and multiculturalism’s development. Here, he writes that “to state the obvious, liberal
multiculturalism is easier to adopt where liberal democracy is already well established, and where the rule of law and basic human rights are well protected” (p.8).

However, the majority of studies in this category of the literature focus on multiculturalism’s movement and directionality in countries where liberal democracy is already well established. In one of his more recent studies on multiculturalism, Kymlicka (2010a) argues that there are, what he calls, “preconditions for a sustainable model of democratic multiculturalism” (Kymlicka 2010a, p.43). The first of these preconditions, according to Kymlicka, is the ‘desecuritization’ of ethnic relations which is only met when governments no longer perceive immigrant minorities as a ‘fifth column’ that poses a security risk to the constituency writ large (pp.43-44). The second precondition for “a sustainable model of democratic multiculturalism”, according to Kymlicka, is only met when governments no longer perceive immigrant communities as ‘islands of tyranny’ where illiberal values predominate (pp.44-45). In brief, Kymlicka contends that multiculturalism’s retreat occurs when these two preconditions have not been met and thus when governments perceive immigrants as “both disloyal and illiberal” (p.46).

Christian Joppke’s oft-cited “The Retreat from Multiculturalism in the Liberal State: Theory and Policy” (2004) provides another theoretical account of the causes and facilitating factors of multiculturalism’s retreat. In it, Joppke attributes recent anti-multicultural developments in Australia, the Netherlands and Britain to three factors: (1) a decline in public support for multiculturalism, (2) the re-assertiveness of the liberal state and (3) the failures of multiculturalism policies to engender the full integration of ethno-cultural minorities.

There is good reason to believe that the conditions that he identifies can and should cause governments to retreat from multiculturalism. For one, given that public opinion is one of the
main drivers of policy-making and that elected representatives have strong electoral incentives to adhere to majority public opinion if they wish to be re-elected, it is entirely plausible that multiculturalism’s fate should be intertwined with the beliefs and values of the majority and that government’s should retreat from multiculturalism when there is evidence that a majority of the public has soured on it. However, studies on attitudes towards multiculturalism in the Netherlands (e.g. Breugelmans et al. 2004, Breugelmans van de Vivjer 2009) show that the Dutch are either indifferent to the recognition and accommodation of cultural minorities and/or that they somewhat support multiculturalism policies. Survey evidence of Dutch attitudes towards multiculturalism has in fact led Breugelmans et al. (2009) to conclude “that the changes in Dutch immigration and multiculturalism policies are not a reflection of substantial differences in the general opinion with regard to multiculturalism” (p.664)

Although it is not immediately clear what it is that Joppke means by the ‘re-assertiveness of the liberal state’ one can assume that he is here noting the recent adoption of civic integrationist policies. Civic integrationism is a type of ‘intransitive’ assimilationist policy that differs from multiculturalism in two significant ways. First, civic integrationism emphasizes the overarching importance of building and maintaining national unity rather than recognizing and accommodating cultural diversity. Second, civic integrationism shifts the burden of ensuring immigrant participation in economic, political and educational institutions from the state to immigrants themselves. More precisely, under a civic integrationist policy it is an immigrant’s

---

14 This is the conclusion that Vertovec and Wessendorf (2010) also draw in their analysis of Joppke’s arguments. See pp.17-18.
responsibility to demonstrate his or her fluency in the lingua franca of their receiving-society as well as demonstrate his or her familiarity with this society’s dominant social norms.

The third part of Joppke’s explanation of multiculturalism’s ‘retreat’ implies that the implementation of multiculturalism has a direct, and generally negative, effect on the integration of immigrant minorities. However, in a comparative study of seven European immigrant-receiving countries, Koopmans (2008) shows that multiculturalism’s effects on the integration of immigrant minorities are mitigated by the type of welfare state regime that exists. Additionally, other studies argue that the adoption of official multiculturalism, even in a generally symbolic fashion, has generally positive effects on immigrant integration. For example, Banting and Kymlicka (2010) contend that the adoption of official multiculturalism in Canada has helped to lower barriers for immigrant participation in economic and political spheres. And, in a comparative study of the United States and Canada, Bloemraad et al. (2008) draw a correlation between the implementation of symbolic multiculturalism and an increase in levels of immigrant naturalization, which effects both levels of immigrant political participation as well as the overall health of democracy (p.668). In brief, the issue of multiculturalism’s impact on immigrant integration is still undecided and we are now at juncture when the study of multiculturalism is turning its attention to establishing typologies of multiculturalism public policy which, according to Bloemraad et al. (2008), will “help social scientists evaluate what effect, if any, the degree of multiculturalism has on particular outcome” (p.161)

The role of electorates is also one of the central themes in the theoretical literature on multiculturalism. For example, Koopmans et al.’s (2012) examination of immigrant citizenship regimes – which encompasses many of the multiculturalism policies delineated in the
multiculturalism policy indexes – in Western Europe points to the possible importance ‘minority electorates’ in determining multicultural outcomes. Koopmans et al contend that the “optimal scenario for liberalization” of an immigrant citizenship regime is one where right-wing populist parties are weak and, more importantly, where the immigrant electorate is ‘sizeable’ (pp.1234-1235).

The size of an immigrant electorate is, according to Koopmans et al., important in determining the inclusiveness and/or liberalization of immigrant citizenship regimes for two reasons (pp.1235-1237). First, they argue that a ‘sizeable’ minority electorate prevents the rise of right-wing populist parties, thus preventing anti-immigrant factions from gaining political and administrative power needed to restrict citizenship rights. Second, and following from the previous point, they also argue that a ‘sizeable’ minority electorate incentivizes major political parties to cater to a large segment of voters that, presumably, would be happy to see a deepening of their citizenship rights.

However, two other studies point to an inverse relationship between the size of a minority electorate and multicultural outcomes. Deborah Schildkraut’s (2001) study of the rise of ‘official English’ policies at the sub-national level in the United States demonstrates that while this form of ‘anti-multiculturalism’ has been adopted in states with low percentages of foreign-born population as well as in states where the foreign-born population is sizeable. In explaining this second pattern, Schildkraut points to the presence of instruments of direct democracy (the ‘citizens’ initiative’) that allow small civil society factions to pressure elected representative to adopt anti-multicultural legislation even when the foreign-born population is sizeable. And, Van Cott’s (2006) study of the emergence of multiculturalism in Latin America demonstrates that a
sizeable minority electorate may actually be counterproductive to the development of multiculturalism. Based on a cross-national comparison of 16 Latin American democracies, she shows that “countries with relatively small indigenous populations adopted the most extensive regimes of multiculturalism policies (Colombia, Venezuela, Panama), while countries with relatively large indigenous populations (Bolivia, Guatemala, Mexico, Peru) adopted more restrictive regimes” (pp.278-279).

The most common theoretical proposition advanced in studies of multiculturalism (e.g. Alund and Schierup 1991, Runblom 1994, Roy 1995, Bleich 1998, Koopmans and Statham 1999, Howard-Hassmann 1999, Jennings 2000, Imam Faisal Abdul Rauf 2005, Netto 2008, Winter 2009, Banting and Kymlicka 2010, Wiles 2010, Ley 2010, Hedetoft 2010, Foner 2010, Simon and Sala-Pala 2010) is that multiculturalism’s fate is determined by a country’s past experience with immigration and immigrant accommodation. Studies that advance this historical logic tend to draw two interrelated conclusions. First, that multiculturalism is generally persisting in ‘settler states’, such as Canada, Australia and the United States, while it has been declining in Western and Central Europe. And, second, that multiculturalism’s continued implementation in these ‘settler states’ suggests that multiculturalism stands a better chance of surviving if a society lacks a foundational national myth and/or where governments have had sufficient enough experience in dealing with diversity that they have learned to avoid past mistakes of cultural assimilation and cultural exclusion.

Elke Winter’s (2009) comparative study of multicultural policy trajectories in Germany, the Netherlands and Canada provides another possible explanation of multicultural outcomes. According to Winter, a history of ethno-cultural cleavages is important in explaining why
multiculturalism emerged in Canada and the Netherlands but not in Germany. However, she also contends that what is absolutely important in understanding why multiculturalism has declined in the Netherlands but generally survived in Canada is the erosion of intra-majority differences in the former and the persistence of inter-majority antagonism in the latter.

According to Winter, inter-majority antagonism in Canada is evidenced by the different national projects of Anglophone and Francophone Québécois majority groups. On the one hand, the Anglophone national project is federalist in nature, seeking to ensure to continued cohesion of a Canadian polity marked by regional, provincial, cultural and linguistic diversity. On the other hand, the Francophone national project is based on “separatism” and “ethno-nationalism” (p.178). Due to this difference in national projects and to the “exacerbation of the conflict between Canada’s so-called founding nations” (p.180) Winter contends that multiculturalism has served a strategic purpose in rallying immigrants to the federalist cause in order to subvert Québécois nationalism.

This category of the literature also includes discussion on international and transnational factors. For instance, Faist et al. (2004) argue that the development of dual citizenship rights, a type of immigrant-centered multiculturalism policy, is due to “a decoupling of rights and identities linked to the citizenship status...and the increasing salience of rights to personhood” (p.922). It was this ‘decoupling’, according to Faist et al., which led to the adoption of the first modern dual nationality rights (primarily for women and children) which, in turn, set policy making on self-reinforcing path that has led to the further expansion of dual citizenship rights (p. 916).

Multicultural outcomes have also been attributed to economic and cultural globalization. On the one hand, globalization has been causally linked to the emergence of multicultural rhetoric in
Japanese media (Hammond and Hein 1992), to the Chinese government’s decision to tolerate public displays of ethnic difference (McCarthy 2009), and to the upsurge of diversity-oriented mobilization in France (Saffran 2003). On the other hand, in regards to countries with long-standing histories of minority recognition and accommodation, it has also been argued that globalization – in the form of the spread of neoliberal economic philosophies – has led to the commodification of ethnic identities in Britain (Buettner 2008) and to the hollowing-out of institutional promises to redress minority disenfranchisement in Canada (Abu-Laban and Gabriel 2002).

European integration and global terrorism are also seen as drivers of multicultural outcomes. For example, Holmes (2000) contends that the rise of ‘integralism’, a form of discursive backlash against multiculturalism, is largely a response to institutional fusion within the European Union and Gordon Betts (2002) views European integration as the cause of the international expansion of a multicultural ideology that threatens, in the United Kingdom, the persistence of a dominant Christian identity. And, when it comes to discussions on terrorism and multiculturalism, some studies of British multiculturalism (e.g. Kundnani 2002, 2007, Jupp 2007, Joppke 2014) argue that 07/07 terrorist attacks on London were the precipitating cause of a public backlash against the practices of cultural recognition and cultural accommodation.

But history shows that the inverse also happened. In the wake of a train hijacking and the hostage taking in Bovensmilde, both of which took place in 1977, the Dutch government launched a public investigation into the issues and problems concerning Moluccan integration into Dutch society. The results of this investigation were released in 1978 in a governmental report titled “The Problem of the Moluccan Minority in the Netherlands.” The recommendations
issued in this report might seem paradoxical nowadays given the societal and political backlash that some immigrant communities have faced in the years following the terrorist attacks on New York, London and Madrid. Rather than viewing cultural difference as problem that needed to be overcome, the report recommended that the government take steps to preserve Moluccan identity in order to ensure the community’s social and political participation in the Netherlands (van Amersfoort 1982, p.125). One of the report’s specific recommendations was to provide Moluccans who had not acquired Dutch citizenship with municipal voting rights. According to Jacobs (1998) this recommendation signaled that the Netherlands had finally accepted that its society comprised both native-born citizens as well as “non-nationals” and that the Dutch were ready to repay a historical debt that it believed it owed to Moluccan expatriates (p.364). According to several observers of Dutch politics (e.g. Vermeulen and Penninx 2000, Prins and Saharso 2010), the release of “The Problem of the Moluccan Minority” also marked the first significant step of the Dutch government towards the adoption of official multiculturalism in the late 1970s and early 1980s.

Finally there is one study in the literature that touches upon the possible importance of policy design as a determinant of multicultural outcomes. In his description of the “rise and fall” of Dutch multiculturalism, Han Entzinger (2006) points to the persistence of an educational multiculturalism policy in the form of the government’s decision not to prevent Dutch Muslims from establishing their own private schools. Entzinger finds this particularly puzzling given that “many Muslim schools are looked upon with growing suspicion” (p.188). In explaining this puzzle he speculates that the Dutch government has been reluctant to abandon this form of multiculturalism because it would require a constitutional amendment that would also impact the
rights of Dutch Catholics and Dutch Protestants (ibid). His suggestion seems to be that this form of multiculturalism is immune to ‘retreat’ due to its particular institutional foundation.

This right is protected under section 5 of Article 23 of the Dutch constitution. According to section 5 of Article 23 the government maintains overall authority to regulate school standards but also restrict its regulatory power in regards to private education by requiring that it pay “due regard, in the case of private schools, to the freedom to provide education according to religious or other belief” (The Constitution of the Kingdom of the Netherlands 2002). Bringing this form of multiculturalism to an end would require that a government successfully amend the Dutch constitution, something that is very difficult to accomplish. Based on the Dutch amending formula any proposed change to the constitution must overcome three hurdles. First it requires majority approval from both chambers of the States General. Then, the House of Representatives is dissolved and new elections are held. Finally, the proposed amendment must then be supported by a two thirds majority in both the Senate and the House of Representatives. Due to the Netherlands’ proportional electoral system, which tends to produce minority governments and to give rise to a range of ideologically-opposed political parties, gaining majority support for a constitutional amendment is an arduous task entailing significant electoral risks.

The continuity of this facet of Dutch multiculturalism brings to the surface a potentially important, yet generally overlooked, distinction between the institutional foundations of multiculturalism policies. On the one hand, the Netherlands’s ‘educational multiculturalism’ policy is constitutionally embedded and has persisted against all odds. On the other, the Netherlands’ policy of official multiculturalism policy is now a thing of the past. This policy
was, by contrast, never written into law and was simply an addendum to parliamentary proceedings. In sum, the difference in multicultural policy outcomes that have recently taken place in the Netherlands not only that the institutional foundations of multiculturalism policies matter in shaping their fate but also that de-institutionalized multiculturalism policies may be more at risk following an ideological shift to the right in national level politics.

2.6 Points of Debate and Convergence in the Literature

The foregoing review of the new and developing literature on multiculturalism shows that there is an evolving discussion on multiculturalism’s normative value, on its current state of affairs and on the causes of multicultural outcomes. Critiques of liberal democratic multiculturalism are wide-ranging but mainly they center on one critical issue: the possibility that the recognition and accommodation of cultural minorities may be counter-productive to the full realization of equality within liberal democracies. However, most critics of liberal democratic multiculturalism recommend that multiculturalism instead be rehabilitated rather than abandoned.

The literature review also shows that there is a debate over multiculturalism’s current state of affairs. In recent years, the study of multiculturalism has moved beyond its traditional normative parameters to the empirical examination of its movement and directionality within and across modern democracies. There is a growing consensus amongst observers that multiculturalism constitutes an array of policies that recognize as well as promote, tolerate and/or accommodate the cultural diversity borne out of individual and familial immigration and that multiculturalism’s
movement and directionality can be traced by examining public policy. However, this is where the consensus ends. According to one of the narratives of this new and developing literature, one that uses mainly public discourse as indicator of multiculturalism’s movement and directionality, multiculturalism is now in full-blown retreat. According to another narrative, one that tends to employ ‘MCPs’ as indicators of multiculturalism’s movement and directionality, worries about multiculturalism’s current and future prospects are overstated.

Taken together, studies that fall in both empirical categories of the literature employ a series of policy indicators of multiculturalism’s movement and directionality that reflect a traditional understanding that public policy comprises “what governments say and do, and do not do.” Nevertheless, studies of multiculturalism tend to use only one policy indicator at a time and, as a result, draw different conclusions about multiculturalism state of affairs. For example, in the empirical-retreat category of the literature, comparative examinations of European politics demonstrate that there has been in a shift in what governments ‘say’ about diversity and difference by pointing to changes in public discourse. However, in the unlikely survival category of the literature, large-N studies of OECD and Latin American democracies provide evidence of what governments have ‘done’ in regards to implementing multiculturalism policies.

The literature review also brings to light an evolving theoretical discussion that is rife with different explanations of multicultural outcomes. Depending on what operational starting point is employed in these studies, multiculturalism’s patterns of change and continuity can be attributed to a number of factors. These include temporal and synchronic variance in public opinion, the presence of absence of a long-standing tradition of diversity politics, and the degree to which national majorities are culturally uniform to name but a few.
Furthermore, most studies that fall in the theoretical category of the literature point to the emergence of distinct national trajectories in multicultural policy making and, in turn, set out to identify systemic and societal causal differences between immigrant-receiving countries that can explain this variance. In turn, several of these studies advance a binary account of contemporary multicultural patterns; more precisely, one that presupposes that multiculturalism is faring better in North American settler states than it is in Western and Central Europe.
Chapter 3
Electoral Outcomes and Multiculturalism’s Survival: Evidence from the Canadian Case

3.1 Chapter Introduction

Although this study’s main goal is to contribute to the ongoing theoretical discussion of multicultural outcomes, it takes a different explanatory approach: it focuses on cases where multiculturalism has survived, albeit in different ways and to varying degrees, an ideological shift to the right in national level politics, something that should not have happened. Based on the logical inconsistencies between multiculturalism and the ideological positions of the political right, one might have expected to witness a full-scale retreat from multiculturalism in Canada between 2006 and 2015.

The outcome of the 2006 federal elections resulted in the formation of the Canada’s first Conservative government since the early 1990s. However, this Conservative government differed from any of its previous iterations. In the early 2000s, the remnants of the Progressive Conservative Party fused with the Canadian Alliance, a fiscally and socially conservative political faction, to form the Conservative Party of Canada. As a result of this fusion, the Conservative party that began to govern encompassed not only a fiscally conservative political faction (the Progressive Conservatives) but also a socially conservative political faction (the Canadian Alliance), one that itself drew its roots from the only federal political party (the
Reform Party of Canada) that had promised to defund Canada’s national level policy of official multiculturalism.

What happened to Canadian multiculturalism between 2006 and 2015? This chapter will show that prior to 2011 the federal government continued to implement many of Canada’s multiculturalism policies, including the country’s policy of official multiculturalism, and that Prime Minister Harper even lauded official multiculturalism as the most successful policy of immigrant integration in the lead up to the 2011 federal elections. However, this chapter will also show that after 2011, Canada began to experience a more overt retreat from multiculturalism that entailed inter alia the paring down of two major multiculturalism policies, the redeployment of official multiculturalism to serve anti-multicultural objectives, the downscaling of public expenditures on the multiculturalism program, and the implementation of public policies that targeted Muslim Canadians.

What explains this diachronic variance in multicultural outcomes? Why did multiculturalism survive under a center-right national government between 2006 and 2011? Why did multiculturalism begin to retreat overtly only after 2011? These questions can be answered when one takes a closer look at the outcomes of the federal elections in 2006, 2008, and 2011. As a result of the 2006 and 2008 federal elections, the Conservative Party of Canada secured enough parliamentary seats to form a minority government; which means that it was able to govern but not to decide unilaterally. As a result of the 2011 federal elections, however, the Conservative Party of Canada secured enough parliamentary seats to form a minimum winning coalition. In brief, this chapter argues that variance in the outcomes of the 2006, 2008, and 2011 federal
elections can help to explain why multiculturalism both survived and retreat under a center-right national government between 2006 and 2015.

To be sure, electoral outcomes are not the only factor that is important in explaining multicultural outcomes in Canada. The Canadian case also brings to light the importance of the courts as a critical veto player that safeguarded multiculturalism against retreat even after the Conservative Party of Canada secured enough parliamentary seats to form a minimum winning coalition in 2011. This chapter also shows that, when one examines the outcome of the 2015 federal elections, the Canadian case also brings to light the potential importance of the electoral victory of the center-left in revitalizing federal level commitments to multiculturalism and, indirectly, the possible importance of the design of Canada’s official multiculturalism policy as a safeguard against multiculturalism’s retreat.

Before proceeding with this chapter’s case study of Canadian multiculturalism, two brief clarifications are required. First, Canada underwent an extensive period of nation-building during the 1970s and early 1980s that entailed not only major institutional changes but also a ‘multicultural’ redefinition of the Canadian national ethos, one that is in the popular imagination tied to the Trudeau Liberal governments of the 1970s and 1980s. Therefore, this chapter also includes as a measure of multicultural retreat recent attempts by the Conservative government to re-invent Canadian nationhood. Second, and from a conceptual perspective, some additional clarification is needed about the use of the term multiculturalism in the Canadian political vernacular. As we shall see, the term multiculturalism is employed in Canada both in reference to a national level public policy as well as to a demographic reality.
3.2 A New Conservative Party Governs

The Conservative Party of Canada that governed between 2006 and 2015 was the product of a strategy to ‘unite the right’ in the early 2000s. The strategy to ‘unite the right’ was devised for two main reasons. First, Canada’s political right was dealt a devastating blow in the early 1990s when the Progressive Conservative Party was ‘virtually annihilated’ (Clarke et al. 2005, p.247) as a result of the losses it suffered during the 1993 federal elections. Second, despite the Progressive Conservative Party’s decline, first, the Reform Party of Canada and, subsequently, the Canadian Alliance started to gain increasing popular support in Western Canada showing a relative strong “seats-to-vote ratio” during federal elections in the 1990s and early 2000s (Lusztig and Wilson 2005, p.110, Footnote 3).

In the late 1990s, the Reform Party of Canada morphed into the Canadian Alliance. In early 2003, the Canadian Alliance and the Progressive Conservative Party began merger negotiations and on October 16th of that same year the two parties joined together to form the Conservative Party of Canada. In uniting the right the Conservative Party of Canada thus incorporated two political parties that had previously opposed government sponsored cultural accommodation, albeit in different forms. As one can see in table 3.1, below, the Reform Party of Canada had promised to defund the Canadian Multiculturalism Program and to abolish the Department of Multiculturalism. Although the Canadian Alliance did not take an overt position on official multiculturalism, as one can see in table 3.2 below, the party nevertheless opposed affirmative action which, according to the multiculturalism policy index, is an ‘MCP.’
Table 3.1 Reform Party of Canada’s Position on Government Sponsored Cultural Accommodation

<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>A. The Reform Party stands for the acceptance and integration of immigrants into the mainstream of Canadian life. The Reform Party would focus Federal Government activities on enhancing the citizenship of all Canadians regardless of race, language or culture.</td>
</tr>
<tr>
<td>B. The Reform Party of Canada opposes the current concept of multiculturalism and hyphenated Canadianism pursued by the Government of Canada. We would end funding of the multiculturalism program and support the abolition of the Department of Multiculturalism.</td>
</tr>
<tr>
<td>C. The Reform Party supports and shall uphold the principle that individuals or groups are free to preserve their cultural heritage using their own resources.</td>
</tr>
</tbody>
</table>

Table 3.2 Canadian Alliance’s Position on Government Sponsored Cultural Accommodation

<table>
<thead>
<tr>
<th>“No More Affirmative Action Quotas” (Canadian Alliance, A Time for Change, 2000 p.23)</th>
</tr>
</thead>
<tbody>
<tr>
<td>For seventy years the federal public service hired on the basis of merit. But in 1995 the Liberals introduced a system of preferential hiring based on gender, race and ethnicity quotas. Such practices run counter to the values of fairness and equality cherished by Canadians. A Canadian Alliance government will hire on merit and will repeal the Liberals’ quota legislation. At the same time, we will preserve programs ensuring equality of opportunity for the disabled so they can compete with other Canadians on a level playing field.</td>
</tr>
</tbody>
</table>

The strategy to ‘unite the right’ paid immediate dividends. In 2004, the Conservative Party of Canada won 99 parliamentary seats, an increase of 27 total seats from the combined results of the Canadian Alliance and the Progressive Conservative during the 2000 federal elections. As a result of its electoral success, the Conservative Party of Canada formed the official opposition in parliament to Paul Martin’s Liberal government.

By 2005, the Martin government was on its heels, facing declining popular support as it dealt with the fallout from the findings of the Commission of Inquiry into the Sponsorship Program and Advertising Activities. The Commission had been established two years earlier following the release of a report by the Auditor General on the federal government’s administration of the
sponsorship program that the Chretien and Martin Liberal governments had implemented for the purposes of counter-acting Quebec’s nationalist movement through advertising.

In light of the Commission’s findings, which pointed to widespread fiscal mismanagement within the federal government, the House of Commons passed a motion of no confidence on November 28th 2005 which effectively led to the dissolution of parliament and to a new round of elections. During the 2006 federal elections, the Conservative Party of Canada ran on an electoral platform that promised “a sweeping plan to clean up government” and to ensure accountability at the highest levels of government (Conservative Party of Canada, 2006, p.8).

After the results of the 2006 federal elections rolled in, the Conservative Party of Canada had increased its share of parliamentary seats by nearly 7% and formed a minority government with control of 124 of 308 parliamentary seats.

Following the 2006 federal elections the Conservative administration faced repeated threats of confidence votes from opposition parties. And on August 27th, 2008, Prime Minister Stephen Harper asked the Governor General to dissolve parliament and to call an election. The gambit worked, and the Conservative Party of Canada increased its share of parliamentary seats from 124 to 143 running on a three-pronged policy platform that promised job creation, a tougher position on crime and an increased emphasis on national unity (Conservative Party of Canada, 2008, p.2). However, the Conservative Party of Canada continued to govern with a minority of parliamentary seats.

The next federal election was held in 2011 when the House of Commons passed a motion of non-confidence after the Liberal Party, the New Democratic Party and the Bloc Quebecois, who combined held a majority of parliamentary seats, rebuffed the Conservative government’s
proposed budget. The Conservative Party of Canada’s 2011 electoral platform lauded the effects of its Economic Action Plan and denounced the Liberal Party, the New Democratic Party and the Bloc Quebecois for calling “an unnecessary and opportunistic election” (Conservative Party of Canada, 2011, “message from Stephen Harper”). When the votes were tallied, the Conservative Party of Canada had increased its share of parliamentary seats from 143 to 166. As a result, for the first time in 23 years, a federal conservative party held enough parliamentary seats to form a majority government. The Conservative Party of Canada maintained this majority until suffering significant losses during the 2015 federal elections, at which point the Liberal Party of Canada won enough parliamentary seats to form a strong majority government.

3.3 Multicultural Discourse: “We Favour Multiculturalism”

In the lead-up to the 2011 federal election, Stephen Harper, the then Prime Minister of Canada, articulated his strong support for the ideal of multiculturalism. During the leaders’ debate held in Montreal on April 11\(^{th}\), 2011, Gilles Duceppe, leader of the Bloc Quebecois, and Stephen Harper, took very different positions on Canadian multiculturalism. Duceppe argued that multiculturalism was failed model for managing diversity and that it had led to the creation of ethnic ghettos. He further remarked that while multiculturalism may work for the rest of Canada, it was not an appropriate policy for his home province of Quebec. He made these remarks when he was asked to weigh-in on the ongoing debate over Quebec’s policy of ‘reasonably accommodating’ religious differences in the public sector and on the integration of immigrants into their host society.
“I think that is a very good question, we have quite a debate in Quebec on that issue, and a commission named Taylor Bouchard [sic], and the conclusion of that commission is that the multiculturalism system in Canada doesn’t fit with Quebec. Because we think that we have to integrate the immigrants, respecting them because they’re modifying our society and that’s a plus. My grandfather was a home child, my mother was a (indistinguishable words), when I go to Canada a lot of the time I say I’m a bloke who turned black. I don’t have anything against immigration, but the multiculturalism doesn’t fit with Quebec where only 2 percent of Francophones within North America, largest Hispaniphone [sic] and Anglophone, we have to integrate the immigrants, and build a society where a Quebecker is a Quebecker is a Quebecker is a Quebecker without any exception.” (Gilles Duceppe, April 11th 2011, youtube)

Offering his response to the same questions, Stephen Harper praised Canadian multiculturalism.

He stated that:

“We favour multiculturalism. What Canadians need to understand and what we understand of multiculturalism is that people who make the hard decision to leave countries where they have established for centuries or millennium come here first and foremost want to belong to this country. That’s why they come, that’s why they’re here. They also at the same time will change our country and we show through multiculturalism our willingness to accommodate the differences so they’re more comfortable. That’s why we’re so successful integrating people as a country, I think we’re probably one of the most successful countries in the world in that regard.” (Stephen Harper, April 11th, 2011, youtube)

In stating that ‘we favour multiculturalism’, Prime Minister Harper echoed a line of rhetoric that most aspirants for political power at the national level in Canada have taken since the federal government embraced official multiculturalism in the early 1970s. However, Prime Minister Harper’s words belied the onset of a far different policy reality. Despite praising Canadian multiculturalism during the leaders’ debate in Montreal, policy changes were to come after the Conservative Party of Canada secured a parliamentary majority in the 2011 federal elections and
Stephen Harper was sworn in, for the third consecutive time, as Prime Minister of Canada. Between 2011 and 2015, the federal government began to retreat from multiculturalism and at that in rapid and overt fashion. All of this strongly suggests, contrary to what Prime Minister Harper had stated, that policies of multiculturalism had, by then, fallen out of favour with the government.

3.4 Canada’s Official Multiculturalism Policy

Some background is needed on Canada’s official multiculturalism policy before proceeding. Canada is one of a handful of countries along with Sweden, New Zealand, the Netherlands, and Australia with what is commonly referred to as an official multiculturalism policy. By contrast to the official multiculturalism policies implemented in these other countries, which were codified either in a single policy document or in a single law, Canada’s multiculturalism policy developed over the course of two decades and comprises three main features.

The policy originated in Canada on October 8th, 1971 when then Prime Minister Pierre Elliot Trudeau addressed the House of Commons and articulated the government’s official response to the final report of the Royal Commission on Bilingualism and Biculturalism (otherwise known as the Laurendeau-Dunton Commission or the ‘Bi and Bi’ Commission). The commission had been tasked in 1963 with outlining the contours of a new conception of the Canadian confederation based on equality between the country’s ‘founding’ Anglophone and Francophone ‘races’ (Canada a; xxi). It had also been tasked with providing recommendations, which it outlined in its final report, on how to ensure the continued contributions to Canadian society of
Canada’s ‘other’ cultural communities (ibid). When Prime Minister Trudeau presented the government’s response to the commission’s findings and recommendations he encompassed both the country’s ‘founding races’ and ‘cultural communities’ under the ambit of a new policy that he termed ‘multiculturalism within a bilingual framework’ (Trudeau, 1971).

Table 3.3 Multiculturalism within a Bilingual Framework (Trudeau 1971)

<table>
<thead>
<tr>
<th>Objective Number</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The government of Canada will support all of Canada's cultures and will seek to assist, resources permitting, the development of those cultural groups which have demonstrated a desire and effort to continue to develop, a capacity to grow and contribute to Canada, as well as a clear need for assistance</td>
</tr>
<tr>
<td>2</td>
<td>The Government will assist members of all cultural groups to overcome cultural barriers to full participation in Canadian society</td>
</tr>
<tr>
<td>3</td>
<td>The Government will promote creative encounters and interchange among all Canadian cultural groups in the interest of national unity</td>
</tr>
<tr>
<td>4</td>
<td>The Government will continue to assist immigrants to acquire at least one of Canada's official languages in order to become full participants in Canadian society</td>
</tr>
</tbody>
</table>

When Trudeau defined ‘multiculturalism within a bilingual framework’ in the early 1970s he not only established what the government would do to redress imbalances in power between majority and minority groups, he also argued that the policy would have a beneficial impact on Canadian society in general. Before detailing what ‘multiculturalism within a bilingual framework’ comprised he declared that: “national unity if it is to mean anything in the deeply personal sense, must be founded on confidence in one's own individual identity; out of this can grow respect for that of others and a willingness to share ideas, attitudes and assumptions. A vigorous policy of multiculturalism will help create this initial confidence” (Trudeau, 1971).
That Trudeau invoked ‘national unity’ in detailing ‘multiculturalism within a bilingual framework’ speaks to the historical context within which the policy was designed and implemented. In the Early 1960s, the province of Quebec began to undergo what is commonly referred to as the ‘Quiet Revolution.’ This revolution led to a dramatic shift in the locus of power within the province of Quebec from the Catholic Church to the state and to the emergence and mainstreaming of a new political movement that had as its main goal Quebec’s independence from Canada. It is in this context that the Laurendeau-Dunton commission was established to provide a plan for accommodating Canada’s ‘two founding races’ (an Anglophone ‘race’ and a Francophone ‘race’) within the context of Canadian confederation. The Laurendeau-Dunton commission’s mandate to provide recommendations on accommodating ‘bilingualism and biculturalism’ eventually mutated into the articulation of ‘multiculturalism within a bilingual framework’, but as evidenced by Prime Minister Trudeau’s statement on ‘national unity’ the federal government’s goal remained the same.

The federal government deepened its commitment to official multiculturalism following Quebec’s first referendum on national sovereignty, which was held in 1980. During the lead up to the referendum Prime Minister Trudeau declared that the federal government as well as the Premiers of other Canadian provinces would take a vote against national sovereignty to mean that the people of Quebec had given them “a mandate to change the Constitution, to renew federalism” (Trudeau, 1980). Following through on this pledge, the Trudeau government began the process of repatriating the Canadian constitution from the jurisdiction of the British parliament after the ‘No’ vote prevailed during the 1980 referendum. In 1982, the Canadian Constitution Act achieved royal assent both in the Canadian parliament and in Britain. The Canadian Constitution Act of 1982 resulted not only in the patriation of the Canadian
constitution, it also codified and enshrined a bill of rights for Canadians under the Charter of Rights and Freedoms. The Charter provided for a variety of individual rights as well as for the protection of group linguistic rights, most notably those of New Brunswick’s francophone minority. When the Canada Act achieved royal assent in 1982 and with it the Charter, the new Canadian constitution conferred upon Canadians the right to the preservation and enhancement of their ‘multicultural heritage.’ This right was outlined under section 27 of the Charter of Rights and Freedoms 1982.

Table 3.4 Multicultural Heritage (Canadian Charter of Rights and Freedoms 1982, S.27)

<table>
<thead>
<tr>
<th>Charter Section</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.</td>
</tr>
</tbody>
</table>

The next stage in the development of Canada’s multiculturalism policy took place six years later when the Mulroney Progressive Conservative government passed the Canadian Multiculturalism Act of 1988. David Crombie, the then secretary of state for Canada and the minister responsible for multiculturalism, once again invoked the importance of national unity as one of the main reasons for adopting the Canadian Multiculturalism Act. But, in his comments, Crombie also stated that multiculturalism was also one of the main pillars of ‘Canadian identity’:

“Dear fellow Canadians, I am pleased to introduce a Bill, which upon passage, will become the world’s first national Multicultural Act. It contains the government’s new policy respecting multiculturalism, an essential component of our Canadian identity...Its intention is to strengthen our unity, reinforce our identity, improve our economic prospects, and give recognition to historical and contemporary realities...Multiculturalism has long been fundamental to the Canadian approach to nation-building...Canadians are coming to realize that substantial social, economic and cultural benefits will flow from a strengthened commitment to multiculturalism.”

(Quoted in Mitchell 2004, p.104)
The third main feature of Canada’s official multiculturalism policy was adopted in 1988 when the Canadian Multiculturalism Act of 1988 achieved royal assent. The Canadian Multiculturalism Act of 1988 entailed the creation of the Department of Multiculturalism and the position of Minister of Multiculturalism. It also brought three major changes to Trudeau’s policy of ‘multiculturalism within a bilingual framework.’ First, the Canadian Multiculturalism Act of 1988 rechristened ‘multiculturalism within a bilingual framework’ as the ‘multiculturalism policy of Canada’ and detailed the duties of the federal government regarding the policy’s implementation. Second, the Canadian Multiculturalism Act of 1988 also detailed the duties and responsibilities of federal institutions concerning the implementation of the federal government’s policy of official multiculturalism. Third, the Canadian Multiculturalism Act of 1988 established the Department of Multiculturalism and outlined the tasks of the newly created position of Minister for the Department of Multiculturalism. The specifics of these three major changes are outlined in the table below.
Table 3.5 The Canadian Multiculturalism Act of 1988

<table>
<thead>
<tr>
<th>Federal Government</th>
<th>Federal Institutions</th>
<th>Duties of Federal Ministers</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.1(A) Recognize and promote the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1(B) Recognize and promote the understanding that multiculturalism is a fundamental characteristic of the Canadian heritage and identity and that it provides an invaluable resource in the shaping of Canada's future.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1I Promote the full and equitable participation of individuals and communities of all origins in the continuing evolution and shaping of all aspects of Canadian society and assist them in the elimination of any barrier to that participation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.1(D) Recognize the existence of communities whose members share a common origin and their historic contribution to Canadian society, and enhance their development.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2(A) Ensure that Canadians of all origins have an equal opportunity to obtain employment and advancement in those institutions;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2(B) Promote policies, programs and practices that enhance the ability of individuals and communities of all origins to contribute to the continuing evolution of Canada.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2I Promote policies, programs and practices that enhance the understanding of and respect for the diversity of the members of Canadian society.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2(D) Collect statistical data in order to enable the development of policies, programs and practices that are sensitive and responsive to the multicultural reality of Canada.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2I Encourage and promote exchanges and cooperation among the diverse communities of Canada.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.2(F) Generally, carry on their activities in a manner that is sensitive and responsive to the multicultural reality of Canada.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1(A) The Minister, in consultation with other ministers of the Crown, shall encourage and promote a coordinated approach to the implementation of the multiculturalism policy of Canada and may provide advice and assistance in the development and implementation of programs and practices in support of the policy.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1(B) Encourage and assist individuals, organizations and institutions to project the multicultural reality of Canada in their activities in Canada and abroad.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1I Undertake and assist research relating to Canadian multiculturalism and foster scholarship in the field.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1(D) Encourage and assist the business community, labour organizations, voluntary and other private organizations, as well as public institutions, in ensuring full participation in Canadian society, including the social and economic aspects, of individuals of all origins and their communities, and in promoting respect and appreciation for the multicultural reality of Canada.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1(I) Encourage the preservation, enhancement, sharing and evolving expression of the multicultural heritage of Canada.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1(E) Facilitate the acquisition, retention and use of all languages that contribute to the multicultural heritage of Canada.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1(G) Assist ethno-cultural minority communities to conduct activities with a view to overcoming any discriminatory barrier and, in particular, discrimination based on race or national or ethnic origin.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1(H) Provide support to individuals, groups or organizations for the purpose of preserving, enhancing and promoting multiculturalism in Canada.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.1(I) Undertake such other projects or programs in respect of multiculturalism, not by law assigned to any other federal institution, as are designed to promote the multiculturalism policy of Canada.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.2 The Minister may enter into an agreement or arrangement with any province respecting the implementation of the multiculturalism policy of Canada.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.3 The Minister may, with the approval of the Governor in Council, enter into an agreement or arrangement with the government of any foreign state in order to foster the multicultural character of Canada.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.1 The ministers of the Crown, other than the Minister, shall, in the execution of their respective mandates, take such measures as are necessary for the implementation of the multiculturalism policy of Canada.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>respect</td>
<td>they consider appropriate to implement the multiculturalism policy of Canada</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>respecting and valuing their diversity</td>
<td>6.2</td>
<td></td>
</tr>
<tr>
<td>4.1(F) Encourage and assist the social, cultural, economic and political institutions of Canada to be both respectful and inclusive of Canada’s multicultural character</td>
<td>A minister of the Crown, other than the Minister, may enter into an agreement or arrangement with any province respecting the implementation of the multiculturalism policy of Canada</td>
<td></td>
</tr>
<tr>
<td>4.1(G) Promote the understanding and creativity that arise from the interaction between individuals and communities of different origins</td>
<td>7.1 The Minister may establish an advisory committee to advise and assist the Minister on the implementation of this Act and any other matter relating to multiculturalism and, in consultation with such organizations representing multicultural interests as the Minister deems appropriate, may appoint the members and designate the chairman and other officers of the committee</td>
<td></td>
</tr>
<tr>
<td>4.1(H) Foster the recognition and appreciation of the diverse cultures of Canadian society and promote the reflection and the evolving expressions of those cultures</td>
<td>7.2 Each member of the advisory committee shall be paid such remuneration for the member’s services as may be fixed by the Minister and is entitled to be paid the reasonable travel and living expenses incurred by the member while absent from the member’s ordinary place of residence in connection with the work of the committee</td>
<td></td>
</tr>
<tr>
<td>4.1(I) Preserve and enhance the use of languages other than English and French, while strengthening the status and use of the official languages of Canada</td>
<td>7.3 The chairman of the advisory committee shall, within four months after the end of each fiscal year, submit to the Minister a report on the activities of the committee for that year and on any other matter relating to the implementation of the multiculturalism policy of Canada that the chairman considers appropriate</td>
<td></td>
</tr>
<tr>
<td>4.1(J) Advance multiculturalism throughout Canada in harmony with the national commitment to the official languages of Canada</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
3.5 Official Multiculturalism: Implementation and Redeployment

As one can see in table 2.5 above, under section 7.3 of the Canadian Multiculturalism Act of 1988 the chairperson of the advisory committee to the Minister in charge of coordinating and implementing Canada’s official policy of multiculturalism is required to submit a report at the end of every fiscal year. As evidence of multiculturalism’s survival, we can see in table 3.6 below that, between 2006 and 2015, the federal government issued an ‘annual report on the operation of the Canadian multiculturalism Act.’ However, when one takes a closer look at annual reports issued during this nine-year period, we can observe two subtle changes in the federal government’s understanding of the main objectives of Canada’s official policy of multiculturalism.

<table>
<thead>
<tr>
<th>Report</th>
<th>Subtitle</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014-2015</td>
<td>“Building a Diverse and Inclusive Canada”</td>
</tr>
<tr>
<td>2013-2014</td>
<td>“Building on Diversity”</td>
</tr>
<tr>
<td>2012-2013</td>
<td>“Building an Integrated, Socially Cohesive Society”</td>
</tr>
<tr>
<td>2011-2012</td>
<td>“Promoting Integration”</td>
</tr>
<tr>
<td>2010-2011</td>
<td>“Promoting Integration”</td>
</tr>
<tr>
<td>2009-2010</td>
<td>“Promoting Integration”</td>
</tr>
<tr>
<td>2008-2009</td>
<td>“Promoting Integration”</td>
</tr>
<tr>
<td>2007-2008</td>
<td>“Promoting Integration”</td>
</tr>
<tr>
<td>2006-2007</td>
<td>“Promoting Integration”</td>
</tr>
<tr>
<td>2005-2006</td>
<td>None</td>
</tr>
<tr>
<td>2004-2005</td>
<td>None</td>
</tr>
<tr>
<td>2003-2004</td>
<td>“Canada’s Diversity: Respecting our Differences”</td>
</tr>
<tr>
<td>2002-2003</td>
<td>“Canada’s Diversity: Respecting our Differences”</td>
</tr>
<tr>
<td>2001-2002</td>
<td>“Canada’s Diversity: Respecting our Differences”</td>
</tr>
</tbody>
</table>
One of these subtle changes is evidenced in the subtitles given to the annual reports. As we can see in table 3.6 above, reports issued between fiscal year 1988-1989 and fiscal year 1991-1992 were not subtitled. Between fiscal year 1992-1993 and fiscal year 1995-1996, however, reports were given one of two subtitles: “Diversity: Meeting the Government Commitment” and “Multiculturalism: Meeting the Government Commitment”. And, reports issued between fiscal year 1997-1998 and fiscal year 2003-2004 were subtitled “Canada’s Diversity: Respecting our Differences.”

Following the Conservative Party of Canada’s electoral victory in 2006, the subtitles given to the annual reports suggest a change in the federal government’s interpretation of the main goals and objectives of official multiculturalism. According to the subtitles of the annual reports on the operation of the Canadian Multiculturalism Act issued between fiscal years 2006-2007 and 2012-2013, the federal government no longer saw the respect of diversity or difference as official
multiculturalism’s main objective. Rather, the policy was meant to ‘promote’ or ‘build’ integration or to ensure ‘social cohesiveness’, neither of which objective is outlined in the duties of the federal government in the Canadian Multiculturalism Act of 1988. To be sure, reports issued for fiscal years 2012-2013 and 2014-2015 include references to diversity. However, the references to diversity are made in the context of building it or building upon it rather than in terms of ‘respecting’ it.

Further evidence of a shifting interpretation of the goals and objectives of official multiculturalism is revealed in the introduction to the first annual report on the operation of the Canadian multiculturalism Act issued during the Conservative Party of Canada’s first term. This change concerns the federal government’s take on Section 4.1 (E) of the Canadian Multiculturalism Act of 1988, which requires that the federal government “promote the full and equitable participation of individuals and communities of all origins in the continuing evolution and shaping of all aspects of Canadian society and assist them in the elimination of any barrier to that participation” (Canadian Multiculturalism Act of 1988, Section 4.1 (E)).

Full and abridged versions of the text of section 4.1 (E) can be found in the introduction of most of the annual reports on the operation of the Canadian Multiculturalism Act that were issued between 1988-1989 and 2005-2006. However, the introduction to the annual report on the operation of the Canadian Multiculturalism Act for fiscal year 2006-2007 makes no mention of section 4.1(E) Instead, in the introduction to the annual report for fiscal year 2006-2007 the then Minister for Citizenship, Immigration and Multiculturalism, states that “[the federal government] encourage[s] communities to participate fully in Canadian society by enhancing their level of economic, social, and cultural integration and we will continue to promote integration in order to

The added reference to ‘social cohesion’ may be innocuous, given that it has been used in governmental parlance under previous governments. For example, during the Chretien Liberal government, the Standing Senate Committee on Social Affairs, Science and Technology issued a report examining the effects of globalization and technology on ‘social cohesion’ in Canada (see Standing Senate Committee on Social Affairs, Science and Technology, 1999, Final Report on Social Cohesion). In this context, ‘social cohesion’ is used to refer principally to the reduction of economic disparities between citizens (see Beauvais and Jenson, 2002, p.8) However, ‘social cohesion’ appears to have had different meaning for Jason Kenney, the then Minister for Citizenship, Immigration and Multiculturalism and for the Harper Conservative governments. In addressing the government’s decision to ban the niqab during citizenship ceremonies several years later (this decision is discussed later on this chapter) Kenney defended this decision, stating that “to allow [someone] to hide their faces, to hide their identity from us precisely when they are joining our community is contrary to Canada’s commitment to openness and to social cohesion” (Kenney, 2011, December 12th 2011). In brief, Kenney’s use of the term ‘social cohesion’ seems to be more indicative of civic integrationism, given that it is employed in the context of a distinction between an immigrant on the path to citizenship and ‘our community.’
3.6 Public Expenditures on the Multiculturalism Program: Increases and Decline

Since the implementation of ‘multiculturalism within a bilingual framework’ in 1971, the federal government has also funded civil society organizations in order to aid in the development of cultural groups (objective 1 of ‘multiculturalism within a bilingual framework) as well as to facilitate the full participation of cultural communities in Canadian society (objective 2 of ‘multiculturalism within a bilingual framework). From 1971 to 1988, public funding of civil society organizations was administered by the Multiculturalism Directorate, a non-ministerial governmental office. After the Canadian Multiculturalism Act of 1988 achieved royal assent, funding duties for civil society organizations were assumed (in order) by the Department of Multiculturalism, the Department of Canadian Heritage, and, most recently, by the Department of Citizenship, Immigration and Multiculturalism. Available data on public expenditures made by the Multiculturalism Directorate and by the aforementioned Departments is summarized in table 3.7 below.

Table 3.7 Federal Public Expenditures on Multiculturalism

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Subtitle of “Multiculturalism Program”</th>
<th>Total Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014-2015</td>
<td>Inter-action projects (IAP) and Inter-action events (IAE)</td>
<td>$3,900,000 ($2,300,000 for IAP + $1,600,000 for IAE)</td>
</tr>
<tr>
<td>2013-2014</td>
<td>Inter-action projects (IAP) and Inter-action events (IAE)</td>
<td>$5,000,000 ($3,500,000 for IAP + $1,500,000 for IAE)</td>
</tr>
<tr>
<td>2012-2013</td>
<td>Inter-action projects (IAP) and Inter-Action events (IAE)</td>
<td>$7,900,000 ($6,700,000 for IAP + $1,200,000 for IAE)</td>
</tr>
<tr>
<td>2011-2012</td>
<td>Inter-action projects (IAP) and Inter-action events (IAE)</td>
<td>$9,506,979 ($7,658,378 for IAP + $1,848,601 for IAE)</td>
</tr>
<tr>
<td>Year</td>
<td>Program</td>
<td>Amount</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------------------------------</td>
<td>-------------</td>
</tr>
<tr>
<td>2010-2011</td>
<td>Inter-action projects (IAP) and Inter-action events (IAE)</td>
<td>$14,079,165 (13,177,592 for IAP + 901,753 for IAE)</td>
</tr>
<tr>
<td>2009-2010</td>
<td>Grants and Contributions Program</td>
<td>$4,000,000</td>
</tr>
<tr>
<td>2008-2009</td>
<td>Grants and Contributions Program</td>
<td>$4,500,000</td>
</tr>
<tr>
<td>2007-2008</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2006-2007</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2005-2006</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2004-2005</td>
<td>Grants and Contributions Program</td>
<td>$8,200,000</td>
</tr>
<tr>
<td>2003-2004</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2002-2003</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>2001-2002</td>
<td>N/A</td>
<td>$6,888,304</td>
</tr>
<tr>
<td>2000-2001</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1999-2000</td>
<td>Grants and Contributions Program</td>
<td>$16,000,000</td>
</tr>
<tr>
<td>1998-1999</td>
<td>Grants and Contributions Program</td>
<td>$16,700,000</td>
</tr>
<tr>
<td>1997-1998</td>
<td>Grants and Contributions Program</td>
<td>N/A</td>
</tr>
<tr>
<td>1996-1997</td>
<td>Grants and Contributions Program</td>
<td>N/A</td>
</tr>
<tr>
<td>1995-1996</td>
<td>Grants and Contributions Program</td>
<td>N/A</td>
</tr>
<tr>
<td>1994-1995</td>
<td>Grants and Contributions Program</td>
<td>N/A</td>
</tr>
<tr>
<td>1993-1994</td>
<td>Grants and Contributions Program</td>
<td>N/A</td>
</tr>
<tr>
<td>1992-1993</td>
<td>Grants and Contributions Program</td>
<td>$25,792,651*</td>
</tr>
<tr>
<td>1990-1991</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1989-1990</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1988-1989</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1987-1988</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1986-1987</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1985-1986</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1984-1985</td>
<td>Grants and Contributions Program</td>
<td>$13,436,455*</td>
</tr>
<tr>
<td>1983-1984</td>
<td>Grants and Contributions Program</td>
<td>$10,820,405*</td>
</tr>
</tbody>
</table>

Given that the federal government continued to fund civil society organizations between 2006 and 2015, there is further evidence that multiculturalism survived an ideological shift to the right in national level Canadian politics. However, we can also observe two diachronic changes in the administration of public funds for civil society organizations that point to a subtle form of

multicultural retreat. First, as we can see in the middle column of table 3.7, the federal government changed the title of the program under which public expenditures on civil society organizations is subsumed.

Prior to fiscal year 2009-2010, the federal government listed these expenditures on multiculturalism as parts of the “grants and contributions” component of what it termed the “Multiculturalism Program.” However, from fiscal year 2010-2011 to fiscal year 2014-2015, public expenditures on civil society organizations were directed towards two streams: “inter-action projects” and “inter-action events.” According to the 2010-2011 Annual Report on the Operation of the Canadian Multiculturalism Act of 1988, the inter-action projects stream “provides funding for multi-year community development of engagement projects to promote integration” while the inter-action events stream “provides funding for community-based events that foster one or more of the following: intercultural or interfaith understanding, civic memory and pride, and respect for core democratic values” (Annual Report on the Operation of the Canadian Multiculturalism Act of 1988 2010-2011, p.17).

The language used to describe the second stream is particularly interesting given the usage of the term ‘intercultural’ in scholarship on Quebec politics. Gagnon and Iacovino (2004) and Karmis (2004) view ‘multiculturalism’ and ‘interculturalism’ as fundamentally different approaches to managing diversity. They contend that the ‘multiculturalism’ is based on a conception of equality between all cultural communities that exist within the nation-state, while ‘interculturalism’ acknowledges that minority communities exist within a majority national cultural community whose liberal values, language and customs they must adhere too and internalize. To be sure, the use of the term ‘intercultural’ by the Conservative government may
suggest an attempt to appeal to Quebec voters. However, this also means that the government decided to use a term that amongst party leaders in Quebec is employed to repudiate official multiculturalism (see footnote 1 in introduction for example).

Another diachronic change that can be observed is a fluctuation in levels of public spending on civil society organizations after 2006. When taking a closer look at table 2.5, we can see that the federal government increased its expenditures for the implementation of the “Multiculturalism Program” in the early 1990s but that federal expenditures on the ‘Grants and Contributions Programs’ declined precipitously in fiscal year 2008-2009 and fiscal year 2009-2010. We can also see that, during the first year the federal government directed funding towards the two ‘inter-action’ streams, public expenditures on civil society organizations increased by $10 million dollars from the previous fiscal year. From that point on, however, public expenditures on civil society organizations subsequently declined year-to-year, bottoming out at $3.9 million dollars for fiscal year 2014-2015.


The preceding sections demonstrate pointing to a subtle retreat from multiculturalism in the administration and application of official multiculturalism that began in and around 2011. When we take a look at three other policy developments this retreat becomes more apparent. One of the signs of Canada’s retreat from multiculturalism was the federal government’s decision to promote a new conception of Canadian nationhood. This new conception of Canadian
nationhood differed dramatically from the multicultural identity myth envisioned by Pierre Elliot Trudeau (Forbes 2007, p.27) and backed by all subsequent Liberal governments as well as by the Progressive Conservative governments that governed from the mid-1980s to the early 1990s. It was built on two main pillars: (1) Canada’s past as a British colony and (2) Canadian military victories in the War of 1812 and the First and Second World Wars.

This new identity myth is evidenced in part by the government’s decision in 2011 to re-introduce the “royal” prefix to Canada’s army and navy. It is also evidenced by the government’s commemoration of the bicentennial of the War of 1812, a conflict fought between the United States and the British Empire’s remaining North American colonies in Canada in 2012. The federal government invested 28 million dollars in public funds to commemorate the War of 1812, the majority of which was directed towards the production of a one-minute television ad titled “Fight for Canada” (Geddes, Macleans, July 29th, 2013). The ad, which was thematically patterned after the 2010 action film the Expendables (Chase and Leblanc, Globe and Mail, April 27th 2013), pointed to the heroic deeds of ‘Canadians’ and cast Americans as villains who had “invaded our territory” but who had ultimately been repelled. According to one observer, the sole purpose of the ad campaign was to promote a “small-c conservative alternative to the established Liberal narrative about Canada” (Taber, Globe and Mail, September 10th, 2012).

The federal government’s retreat from multiculturalism is also evidenced by a series of policy changes implemented in the realm of unofficial multiculturalism. The latest iteration of the multiculturalism policy index provides an account of implicit and unofficial multiculturalism’s development in Canada between 1980 and 2010. As we can see in table 3.8 below, Canada is assessed a cumulative immigrant-centered score of 5 at temporal point 1980 while at temporal
points 1990 and 2000 Canada is given cumulative scores of 6.5 and 7.5, respectively.

Furthermore, according to the second iteration of the ‘multiculturalism policy index’ Canada achieved a near perfect commitment to immigrant-centered multiculturalism between 2000 and 2010.

Table 3.8 Multiculturalism Policy Index “Canada” (2015)

<table>
<thead>
<tr>
<th>MCP</th>
<th>1980</th>
<th>1990</th>
<th>2000</th>
<th>2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutional, Legislative, or Parliamentary Affirmation of MC</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>School Curriculum</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Ethnic Sensitivity/Representation in Media</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Exemptions from Dress Codes</td>
<td>0.5</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Dual Citizenship</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Funding of Ethnic Group Organizations or Activities</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Funding of Bi-lingual Education or Mother-tongue Instruction</td>
<td>0.5</td>
<td>0.5</td>
<td>0.5</td>
<td>0.5</td>
</tr>
<tr>
<td>Affirmative Action</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total Score</strong></td>
<td><strong>5</strong></td>
<td><strong>6.5</strong></td>
<td><strong>7.5</strong></td>
<td><strong>7.5</strong></td>
</tr>
</tbody>
</table>

Also according to the index, the only major flaw in Canada’s commitment to immigrant-centered multiculturalism is that it has consistently achieved a score of 0.5 is only in the realm of ‘bi-lingual education and mother tongue instruction’ which indicates a ‘tokenistic’ adoption of multiculturalism along this policy line. The reasoning behind the scoring is that there is no formal national level mechanism in place in Canada for the funding of bi-lingual education and mother-tongue instruction which means, according to the indexes’ decision-rule, that the government’s commitment to this ‘multiculturalism policy’ was at best implicit or half-hearted by 2010 (Multiculturalism Policy Index 2015, “Canada”).

However, there is evidence that the federal government retreated from multiculturalism along two multiculturalism policy lines after 2010. For one, in 2011, the federal government
implemented a ban on face coverings during citizenship ceremonies, which indicates a decline along the ‘exemptions from dress codes’ multiculturalism policy axis specifically as it concerns the accommodation of Muslim women. The ban came into effect in 2011 when Jason Kenney, the then Minister of Immigration, Citizenship and Multiculturalism, announced that the federal government would heretofore ban face coverings during citizenship ceremonies, which included the wearing of the niqab. In making this announcement, Kenney stated that the citizenship ceremony was a “public declaration that you are joining the Canadian family and it must be taken freely and openly” and declared that it was “frankly, bizarre” that a woman be permitted to veil her face when taking the oath of citizenship (Payton, CBC Online News, December 12th 2011).

Also in 2015, the federal government implemented a policy change that is indicative of violations of the spirit of the dual nationality multiculturalism policy. This policy change came about as a result of parliament passing Bill C-24, *an Act to amend the Citizenship Act and to make consequential amendments to other Acts*. Section (J) of Bill C-24, which is otherwise known as the Strengthening Canadian Citizenship Act of 2015, provides “for the revocation of citizenship of dual citizens who, while they were Canadian citizens, engaged in certain actions contrary to the national interest of Canada, and permanently [bars] these individuals from reacquiring citizenship.” Although Canadian citizens are still allowed to hold more than one passport, Bill C-24, according to its critics, created a ‘two-tier citizenship regime’ in Canada (Black, The Toronto Star, August 20th 2015): the first tier comprising Canadians who cannot be deprived of their Canadian citizenship (i.e. Canadians with only one official nationality) and the second tier consisting of Canadians who can be deprived of their citizenship (i.e. Canadians with more than one official nationality).
3.8 The Ishaq Case: The Importance of Veto Players

In 2014, three years after the federal government implemented a ban on wearing a face veil during citizenship ceremonies, lawyers for Zunera Ishaq launched a court case against the Minister of Citizenship and Immigration in her home province of Ontario. One of the arguments they made (see Ishaq v. Canada) was that the policy also failed to live up to paragraphs 3(2)(i) and 3(2)(f) of the Canadian Multiculturalism Act which requires that “state that federal institutions should enhance respect for the diversity of Canadian society and be sensitive to Canada’s multicultural reality” (paragraph 29).

This argument was dismissed by the court. In his decision, Justice Thomas Boswell found that the federal government’s policy to ban face veils was not in violation of the Canadian Multiculturalism Act. Instead he argued that it was entirely justifiable under the provisions laid out in subsection 6(1). His justification was as follows:

“I disagree with the Applicant on this point. The CMA cannot be interpreted so broadly that any government policy must be invalidated if it in any way might derogate from the objectives of section 3(2). On the contrary, when it comes to specifically implementing the policies set out in the CMA, subsection 6(1) says that “ministers of the Crown, other than the Minister, shall, in the execution of their respective mandates, take such measures as they consider appropriate to implement the multiculturalism policy of Canada”. In this case, the Minister did not consider allowing women to wear niqabs while taking the oath of citizenship to be an appropriate way to implement multiculturalism policy and, in my view, that does not infringe the CMA.” (paragraph 65).

However, the court agreed with the argument that the ban on face veils violated provisions of the Canadian Citizenship Act. Ultimately, Justice Boswell ruled in Ishaq’s favour and decided to
overturn the federal government’s ban on wearing a face veil during citizenship ceremonies. In his ruling, he argued that it was the Governor General, Canada’s titular head of state, and not the government that had jurisdiction over citizenship ceremonies. More precisely, Justice Boswell found that the federal government had violated paragraph 27(1)(h) of the Citizenship Act of 1985 which delegates authority over citizenship ceremonies to the Governor in Council and not to the federal government itself (2015 FCA 194, Ishaq Appeal, paragraph 3). Although, the federal government immediately challenged the ruling, it was upheld by the Federal Court of Appeal which effectively put an end to the ban on wearing a face veil during citizenship ceremonies.

Justice Boswell’s ruling is important for two reasons. First, it shows that decisions over the fate of multiculturalism public policy does not rest solely in the hands of the government even when the political right forms a minimum winning coalition. Second, it demonstrates that the reasoning behind maintaining a form of multiculturalism, in this case a dress-code exemption, need not necessarily have anything to do with the inherent value of recognizing and accommodating cultural diversity.

3.9 The 2015 Federal Elections: Issues, Outcome, and Policy Changes

On August 2\textsuperscript{nd}, 2015, Prime Minister Stephen Harper asked the Governor General to dissolve parliament and federal elections were then set for October 19\textsuperscript{th} 2015 setting off an 11 week electoral campaign, the longest in modern Canadian history. In the lead up to the elections, campaigns from opposition parties began to center on several main issues, one of which was the Harper government’s so-called ‘war on science.’
In 2006, the Harper government introduced a new federal communications policy designed “to ensure that communications across the Government of Canada are well co-ordinated, effectively managed and responsive to the diverse information needs of the public” (Government of Canada, August 1st 2006, “Policy Objective”). In implementing this policy, the federal government required that government scientists obtain pre-approval before addressing Canadian or international media and, in more than one instance, government scientists were denied permission to address the media (Manasan, CBC News Online, May 20th, 2015). In addition, the Harper government also dismissed more than 2000 federally employed scientists (The Fifth Estate, January 10th, 2014) and planned to cut 2.6 billion dollars in funding for federal ministries and federal departments with a science-based portfolio (Chung, CBC News Online, October 20th, 2014). In 2013, there were nationwide protests against these cutbacks, including a mock ‘funeral for science’ held on Parliament Hill. In overt defiance of the Harper government’s media-coordination policy, Tony Turner, a researcher employed by Environment Canada, released a song titled ‘Harperman’ that poked fun at the Prime Minister and his policy positions. After Turner was subsequently suspended by the government, ‘Harperman’ became a smash hit on youtube (May, the National Post, September 1st, 2015). In the lead up to the 2015 federal elections, ‘Harperman’ sing-alongs were held nationwide, including one in the capital that attracted more than 1000 participants (CTV News Ottawa, September 17th, 2015).

Another issue in the lead up to the 2015 federal elections was the Harper government’s decision to pass bill C-51, otherwise known as the Anti-Terrorism Act, 2015. Prime Minister Harper justified the adoption of Bill C-51, as well as anti-terror laws in general, stating that: “Over the last few years, a great evil has been descending upon our world, an evil which has become more and more powerful: violent jihadism, motivated by extremist distortions of Islam” (Browne,
Although Bill C-51’s main provision (covered under part 1) was designed to facilitate exchanges of information between government agencies it also contained provisions (covered under part 4) that granted new powers to the Canadian Security Intelligence Service (CSIS). These powers were left unspecified save for the mention that “If there are reasonable grounds to believe that a particular activity constitutes a threat to the security of Canada, the Service may take measures, within or outside Canada, to reduce the threat” (Part 4, section 42, subsection 12.1 (1)).

In light of the ambiguity over what exactly constituted “reasonable grounds” and what “measures” CSIS was allowed to take to disrupt terror plots, a number of academics and civil society organizations condemned the Conservative government and parliament’s adoption of the Anti-Terrorism Act, 2015 (Payton, CBC News Online, February 27th, 2015). Opposition party leaders also criticized Bill C-51 both as an affront to personal liberties and as part of a growing perception that the Conservative Party was governing without the consent of the people. Thomas Mulcair, leader of the New Democratic Party, pledged to repeal Bill C-51 in its entirety while Justin Trudeau, who had initially supported Bill C-51, declared that the Liberal Party of Canada was “committed to bringing in reforms and repealing the sections of the Anti-Terrorism Act that cause so much concern for so many Canadians” (Clark, the Globe and Mail, June 18th 2015).

A third major issue of the 2015 federal elections was the government’s decision to ban the niqab in citizenship ceremonies. Early on in 2015, well before the federal election campaign had begun, Justin Trudeau denounced the ban as well as the Conservative Party’s use of anti-Muslim rhetoric to stoke fear in the immigrant other (Taber, Globe and Mail, March 9th, 2015). The issue then came to a head several months later during the French-language leaders’ debate, held in
Montreal on September 24th, 2015. During the debate, Trudeau was asked whether or not he believed that the federal government should require prospective citizens take their oath of citizenship “à visage découvert” (Macleans.ca, September 25th, 2015). Trudeau’s answer reaffirmed the position that he had taken in the months leading up to the election: “Ma position est très claire, vous la savez tous, vous la connaissez tous. Je crois que si un homme ne peut pas imposer sa volonté... [concernant] comment une femme s’habille, on [ne] devrait pas avoir un état qui impose comment une femme [ne] devrait pas s’habiller” (ibid). By contrast, Prime Minister Harper, in response to the same question, reasserted the federal government’s position on the ban: “Notre position depuis longtemps est quand on se joint à la famille canadienne... on ne devrait pas cacher l’identité. Et c’est la raison pour laquelle... on croit que des nouveaux citoyens doivent prêter serment à visage découvert” (ibid).

Four days later, during the debate held at the University of Toronto, Harper and Trudeau once again butted heads, this time over Bill C-24 and the creation of a ‘two-tier citizenship regime’ in Canada. When asked to address Bill C-24 and the federal government’s decision to revoke the Canadian citizenship of Zakaria Amara, who had been convicted for plotting a terrorist attack in Toronto, Prime Minister Harper provided the following rhetorical response: "why would we not revoke the citizenship of people convicted of terrorist offences of this country?" (Gollom, CBC News Online, September 29th, 2015) Trudeau, on the other hand, offered a reply which has since become the unofficial slogan for the current Liberal government. Trudeau declared that “a Canadian is a Canadian is a Canadian” and that in adopting a two-tier citizenship regime “you devalue the citizenship of every Canadian in this place and in this country when you break down and make it conditional for anybody” (ibid).
In the late September, without explanation, the Conservative Party dismissed Jenni Byrne, their lead campaign manager. Byrne had managed the Conservative Party’s successful 2011 electoral campaign and was a self-described “a believer in debt reduction and tax cuts” (Wherry, Maclean’s, April 4th, 2011). Rumors quickly began circulating that the Conservative Party of Canada had retained the services of Lynton Crosby, a campaign strategist who had made a name for himself by advising parties of the political right to adopt a strong anti-Muslim stances (see Payton, Maclean’s, September 10th, 2015, Fitz-Morris, CBC News Online, September 14th, 2015, and Barber, the Guardian, October 1st 2015). Although Crosby later denied any direct involvement in the Conservative Party of Canada’s 2015 electoral campaign (Bradbury, Sydney Morning Herald, October 21st 2015), the fact remains that in the weeks leading up to the 2015 federal elections, the Conservative Party of Canada opted to make religious identity and cultural difference an election issue.

In the late stages of campaigning, the Conservative Party of Canada re-iterated its stance against ‘barbaric cultural practices.’ This stance was first articulated when parliament passed Bill S-7, An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts. When Bill S-7 achieved royal assent, it brought about two major changes to the citizenship process. First, the Immigration and Refugee Protection Act was amended such that evidence of polygamy would now make permanent residents inadmissible for citizenship and provide grounds for the federal government to ban foreign nationals. Second, it amended the Civil Marriage Act establishing “legal requirements” for married individuals on the path to permanent residency to show that their union was the result of “a free and enlightened consent to marriage” (part 2).
Three weeks before the 2015 federal elections, the Harper government re-iterated its stance by announcing that it would establish a ‘hotline’ for citizens to report ‘barbaric cultural practices.’ The announcement was made by Chris Alexander, the then Minister for Immigration and Citizenship, and by Kellie Leitch, the then Minister Responsible for the Status of Women on October 2\textsuperscript{nd}, 2015. The proposed hotline was decried, with some critics stating that it was “really just another way for the Conservative government to be targeting Muslim communities” (Gee, Globe and Mail, October 26\textsuperscript{th} 2015) as well as evidence of the implementation of an electoral strategy “meant to prey upon fear and prejudice” (Khan, Globe and Mail, October 7\textsuperscript{th} 2015). Despite this criticism, the federal government promised to implement of a four-point plan to “end barbaric cultural practices overseas and in Canada”, see table 3.9 below, following the 2015 federal elections.

Table 3.9 “The Plan” (Conservative Party of Canada)

| 1. We will establish a new targeted program to prevent child and forced marriage in the world’s conflict zones, particularly among refugee girls who have been displaced by war and who are at risk of forced marriage. The program will cost $12 million over 4 years and the first year of funding will be targeted at preventing child and forced marriage among girls impacted by the conflict in Iraq and Syria. |
| 2. An RCMP tip line will be established that citizens and victims can call with information about incidents of barbaric cultural practices in Canada or to notify authorities that a child or woman is at risk of being victimized. |
| 3. RCMP integrated units will also be created in Canada’s major cities – including Calgary, Montreal, Toronto, Winnipeg, and Vancouver – to enforce the changes made to Canadian laws under the Zero Tolerance for Barbaric Cultural Practices Act and to support victims. This is addition to a new $8 million commitment to establish integrated RCMP anti-human trafficking teams in those same cities. |
| 4. We will invest $20 million to renew the Human Trafficking Action Plan for an additional 5 years. |
The Harper government never got the chance to carry out this plan. After the votes were tallied on October 19th, 2015, the Conservative Party of Canada had dropped 60 parliamentary seats and was therefore relegated to the position of official opposition to a newly elected Liberal majority government that had won 184 parliamentary seats. Shortly thereafter, Stephen Harper stepped down as leader of the Conservative Party of Canada and on November 4th, 2015, Justin Trudeau was sworn as Prime Minister.

The outcome of the 2015 federal elections has not only led to the formation of a new Liberal government it has also resulted in numerous policy changes. For one, the federal government plan to establish a hotline on barbaric cultural practices has been abandoned and its main architect, Chris Alexander, lost his bid for re-election. Secondly, John McCallum, the current Minister for Immigration, Refugees and Citizenship, has promised to amend the citizenship guide which he finds to be “a little heavy on the military” (Hopper, the National Post, February 29th, 2016) and, on February 25th 2016, he introduced a bill in parliament that will repeal provisions allowing the government to deprive Canadian dual citizens of their Canadian citizenship (Media Relations, Communications Branch, Immigration, Refugees and Citizenship Canada, News Release, April 25th 2016). And, thirdly, one of the more significant steps that the new government has taken in restoring a more traditional vision of Canadian identity has been to relocate the administrative jurisdiction for official multiculturalism back to the Department of Canadian Heritage. According to one observer this has meant that multiculturalism will now promote “social inclusion” rather than “social cohesiveness” (May, Ottawa Citizen, October 26th, 2015).
It is unclear whether the 2015 federal elections have had an impact on the Conservative Party of Canada too. In recent months, some Conservative Party members of parliament have begun the process of defining a new image for the CPC. Rona Ambrose, the Conservative Party of Canada’s interim leader, has come out and stated that she did not support the proposed hotline on ‘barbaric cultural practices’ (Wherry, Macleans, November 19th 2015) and has promised to temper the Party’s tone, ensuring that it is “strong but not angry” (Fitz-Morris, CBC News, November 19th, 2015). The most startling reversal in positions has come from Kellie Leitch, one of the main architects of the hotline on ‘barbaric cultural practices.’ Several months after the 2015 federal elections, a repentant Kellie Leitch acknowledged that announcing the hotline had been a mistake. More specifically she apologized for the mixed message that it had sent to Canadians: “We weren’t talking about race, we were talking about kids. But that message was completely overtaken and I regret that, and I regret that it occurred, and it shouldn’t have been done” (Zimonjic, CBC News Online, April 21st, 2016). However, Leith has since thrown her hat into the Conservative Party’s leadership race and in so-doing has advocated that prospective immigrants be screened for “anti-Canadian values” (Kingston, Maclean’s, September 23rd, 2016).

3.10 Electoral Outcomes and Multiculturalism: A Preliminary Theoretical Proposition

What conclusions can be drawn from the Canadian case? Given the logical inconsistencies between ideological positions of the right and multiculturalism and the Conservative Party of
Canada’s historical lineage, one might have expected Canada’s federal government to retreat from multiculturalism between 2006 and 2015. Yet, there is clear evidence of a diachronic variance in multicultural outcomes following the 2006 and 2008 federal elections, on the one hand, and the 2011 federal elections on the other. Based on this evidence, we can draw the following preliminary conclusions:

- Multiculturalism can survive under a minority center-right government.
  Following the 2006 and 2008 federal elections, the federal government actually increased funding for the implementation of the federal ‘multiculturalism program.’ And, in the run-up to the 2011 federal elections, then Prime Minister Stephen Harper even took a public stand lauding the values of Canada’s official multiculturalism policy by stating unequivocally, during a nationally televised leaders’ debate, that “we favour multiculturalism.” The only evidence of any real change to Canada’s multicultural status quo during this time period was the federal government’s decision to re-conceptualize the Canadian Multiculturalism Act of 1988 as a tool designed not to “recognize diversity” but as one meant to “promote integration.”

- Multiculturalism retreats under a center-right minimum winning coalition.
  By contrast, following the 2011 federal elections there are clear signs that the federal government began to retreat from multiculturalism in an increasingly overt fashion. During this time period, federal spending on the multiculturalism program plummeted to an all-time low. The Canadian Multiculturalism Act of 1988 was once again re-conceptualized this time as a tool designed to promote social cohesiveness and to “build” upon rather than to “recognize” diversity. Also during this time period, the federal
government began to promote a new conception of Canadian nationhood that had nothing to do with cultural diversity but that promoted Canada’s military victory in the War of 1812, at which point Canada was still formally a British colony. The clearest evidence of Canada’s retreat from multiculturalism during this time period, though, were a series of policy decisions made by the federal government that effectively ‘securitized’ immigrants and that were designed, either explicitly or implicitly, as remedies for the “bizarre” and “barbaric” cultural practices of Muslim Canadians.

- **The electoral success of the center-left can revitalize multiculturalism.** There is also evidence that electoral outcomes have played an important role in safeguarding Canadian multiculturalism from further retreat. As a result of the 2015 federal elections, the Conservative Party of Canada has been relegated to the position of official opposition in parliament and the new Liberal government has taken steps to set Canadian multiculturalism back on course and to ensure that there is no formal distinction between the cultures of majority and minority communities in Canada. Instead the new government has embraced a traditional multicultural notion of Canadian identity as evidenced by Prime Minister Justin Trudeau’s declaration that “a Canadian is a Canadian is a Canadian.”

- **Veto players (definitely) matter.** The Canadian case raises the questions about the potential importance of veto players and policy design in ensuring multiculturalism’s survival even when a center-right party forms a minimum winning coalition. As the Ishaq case shows, the courts played a critical role in overturning the ban on the niqab although they sided with the government’s interpretation of the Canadian
Multiculturalism Act of 1988’s directive to recognize cultural diversity. What mattered in the court’s eyes was that the federal government had overstepped into the Governor General’s jurisdiction over citizenship ceremonies.

- **Policy design (might) matter** The Canadian case also suggests that the design of Canada’s official multiculturalism policy may have immunized it to retreat. As a result of the Conservative Party’s electoral victory in 2011, there should have been few if any significant institutional impediments for a major change in the status quo had the government decided to repeal the Canadian Multiculturalism Act of 1988. Yet the federal government opted to operate within its confines rather than to displace it with a policy of social cohesion. Why did they choose this strategy?

  The design of official multiculturalism as policy intended to recognize and accommodate ethno-cultural minorities as well as to promote national unity suggests an answer to this question. Due to this particular design feature, all Canadians, be they newly arrived immigrants or so-called ‘old stock’ Canadians, are stakeholders of official multiculturalism. Had the Conservative Party of Canada opted to repeal the Canadian Multiculturalism Act of 1988, they would presumably have faced significant opposition from the Canadian constituency writ large.

  The effects of Canada’s official multiculturalism were detailed by Will Kymlicka in a report that was commissioned by the Multiculturalism and Human Rights Branch of the Department of Canadian Heritage to assess the “current state of multiculturalism in Canada.” In situating Canadian multiculturalism within a broader context of a ‘backlash’ against immigrants and multiculturalism in Western Europe, Kymlicka’s report states that
“we have witnessed not only growing evidence of Canada’s comparative advantage in the integration of immigrants, but also growing evidence that the multiculturalism policy has played an important role in this comparative success” (Kymlicka, 2010b, p.5). He goes on to explain why Canada’s multiculturalism policy has been so successful:

“So multiculturalism serves as a link for native-born citizens from national identity to solidarity with immigrants and minorities. And conversely, multiculturalism provides a link through which immigrants and minorities come to identify with, and feel pride in, Canada. From their different starting points, there is convergence on high levels of pride and identification with a multicultural conception of Canadian nationhood” (pp. 9-10).

What this suggests is that in institutionalizing official multiculturalism and linking it with Canadian nationhood, the Trudeau and Mulroney governments created “not just formal rules, procedures or norms, but [also] symbol systems, cognitive scripts, and moral templates that provide the ‘frames of meaning’ guiding human action” (Hall and Taylor 1996, p.947).

In brief, several preliminary conclusions can be drawn from the puzzle of multiculturalism’s survival in Canada. While veto players and policy design may be important in safeguarding multiculturalism, the clearest theoretical conclusion that can be drawn from the Canadian case is that multiculturalism’s survival is affected by the center-right’s degree of success during national level elections. More precisely, recent policy developments in Canada strongly suggest that multiculturalism’s survival depends, at least in a parliamentary system, on whether or not the political right is able to form a minimum winning coalition. The role of policy design and veto
players as safeguards against multiculturalism’s retreat will be brought into clearer focus in the following two chapters.
Chapter 4
Policy Design and Multiculturalism’s Survival:
Evidence from the British Case

4.1 Chapter Introduction

Recent multicultural policy developments in Britain present us with a puzzle on two levels. After 13 years (1997-2010) of consecutive New Labour governments, Britain experienced an ideological shift to the right in national level politics following the formation of a Conservative-Liberal Democratic coalition government in 2010. Given the logical inconsistencies between multiculturalism and the ideological positions of the political right one might have expected multiculturalism to have retreated in Britain after 2010. However, there is evidence that British multiculturalism has bifurcated since then; on the one hand, there are clear signs that some British multiculturalism policies have been pared down or abandoned in favour of assimilationist alternatives but, on the other hand, some British multiculturalism policies have survived under center-right governments during the second decade of the 21st century.

Multicultural policy outcomes in Britain since 2010 are also puzzling because the political right secured enough parliamentary seats in the 2010 and 2015 general elections to form a minimum winning coalition. In light of the preliminary theoretical proposition developed in the preceding chapter, the parties of political right that have governed Britain over the last six years should have been, for all intents and purposes, unfettered in their decisions regarding the recognition
and accommodation of cultural minorities. Yet, the bifurcation of the trajectories of British multiculturalism policies since 2010 suggest that national level policy-makers have in some way or another been constrained in their ability to decide the fate of multiculturalism.

What explains the bifurcation of British multiculturalism since 2010? Why have some British multiculturalism policies survived a shift to the right in national level politics while others have retreated under the same partisan and administrative conditions? In answering these questions, this chapter brings to light a heuristic distinction in the design of British multiculturalism policies that have survived an ideological shift to the right in national level politics and those that have retreated following this shift. In brief, British multiculturalism policies that have survived post-2010 have one of the following design features: (1) institutionalization, which is to say that multiculturalism is written into the rules, (2) lock-in, which is to say that the policy has been intentionally immunized to the vagaries of political competition and party turnover for a predetermined period of time, and (3) multiple stakeholders, which means that it is not only immigrant minorities but other non-cultural groups that have a stake in the fate of policies that recognize and accommodate cultural minorities.

In bringing these design features to light, this chapter also discusses the design features of British multiculturalism policies that have retreated following the recent ideological shift to the right in national level politics. As this chapter will demonstrate, Britain’s policy of ‘official multiculturalism’ is a de-institutionalized policy which means that its fate rests solely in the hands of elected officials. It will also show that the adoption of the Education Reform Act of 1988 has turned the design and content of public education into a single stakeholder policy which, in the context of the current discussion, means that the fate of multicultural educational
platforms is determined solely by the national government. In conclusion, the evidence presented in this chapter suggests a refinement to the theoretical proposition developed in the preceding chapter: i.e. that the likelihood of multiculturalism surviving an ideological shift to the right in national level politics is affected by the design of multiculturalism policies.

This chapter also provides a new account of the movement and directionality of multiculturalism during the Blair and Brown New Labour governments. Will Kymlicka (2010b) argues that “the New Left has largely abandoned its commitment to multiculturalism” and Beck et al. (2002) contend that Blair government initiated a retreat from multiculturalism. The evidence presented in this chapter shows that these assessments are only partially accurate. To be sure, the Blair government rejected a recommendation that it adopt an official declaration on cultural diversity. Yet, at a time when New Labour held a strong parliamentary majority, legislators showed an increased openness to describing Britain as a multicultural society (see appendix A) and the government also implemented a series of policy reforms that resulted in a deepened commitment to the recognition and accommodation of cultural minorities.

4.2 From New Labour Governments to a Conservative-Liberal Democratic Coalition

The main descriptive focus of this chapter is on multicultural outcomes that have occurred following an ideological shift to the right in national level politics in 2010. However, this chapter’s explanatory focus deals with multicultural policy developments that took place prior to
the 2010 general elections. Most of these developments occurred during the Blair (1997-2007) and Brown (2007-2010) New Labour governments. Therefore this part of the chapter provides a brief historical account of both the resurgence of a ‘new’ Labour Party in the late stages of the 20th century and the electoral victories of the Conservative Party in the 2010 and 2015 general elections.

The Labour governments of the late 1990s and the first decade of the 21st century differed significantly from previous Labour governments. Labour reinvented itself as New Labour in the mid-1990s following nearly two decades of poor electoral results. Labour’s misfortunes began in 1979 when the Conservative Party swept electoral districts in the Midlands and the South of England and went on to form a majority government with control of 339 of 635 parliamentary seats. Subsequently, the Conservative Party would go on to secure parliamentary majorities in the 1983, 1987 and 1992 general elections. However, in 1997 a ‘New’ Labour Party garnered 43.2% of the popular vote and won 418 out of 659 parliamentary seats in the largest parliamentary majority since the Baldwin Tories won 470 parliamentary seats in the 1931 general elections.

When New Labour swept into power in 1997, it was on the wings of a policy platform that bore little resemblance to past Labour platforms. In its 1997 election manifesto, *Because Britain Deserves Better* (1997), New Labour promised to adopt a new “approach” to politics “one that differs from the old left and the Conservative right.” The Party’s new “approach” to politics comprised equal commitments to justice and to enterprise. This meant *inter alia* that a New Labour government would be “tough on crime and tough on the causes of crime” and that it would “promote personal prosperity for all” and, in so doing, that it would also “help create
successful and profitable businesses.” In devising this new approach to politics, New Labour adopted what it called “a new centre and centre-left politics” and pledged not to change “the things the Conservatives got right.”

New Labour fared nearly as well in the 2001 general elections as it had in 1997, winning 413 parliamentary seats to form its second consecutive strong majority government. New Labour’s 2001 election manifesto, *Ambitions for Britain* (2001), lauded five “achievements” of the Labour government’s first four years in power which included a 10% reduction in crime, “the best ever results in primary schools,” and a low inflation rate. The 2001 election manifesto also outlined New Labour’s “ten goals for 2010” which ranged from ensuring economic prosperity and stability at the domestic level to dealing with international issues such as global poverty and climate change.

Following the outcome of the 2005 general elections, New Labour secured its third consecutive parliamentary majority. However, New Labour also lost 47 parliamentary seats while the Tories and the Liberal Democrats gained 33 and 11 parliamentary seats respectively. New Labour’s losses in the 2005 general elections were to be expected according to then Prime Minister Tony Blair due to his government’s decision to participate in the Iraq War and to how divided Britons were over this issue (see BBC News Online a, Friday May 6th, 2005).

On May 10th 2007, only two years into his third mandate as Prime Minister, Tony Blair announced his resignation. In his resignation speech, Blair spoke of the progress that Britain had made under New Labour but said little about his reasons for stepping down only that “sometimes the only way you conquer the pull of power is to set it down” (see BBC News Online b, May 10th, 2007). In the immediate wake of Blair’s resignation, the Liberal Democratic Party
introduced a motion calling for the dissolution of parliament and a snap election (Tempest, The Guardian, May 10th 2007). The motion was defeated and on June 27th Gordon Brown, who had been Chancellor of the Exchequer since 1997, was sworn in as Prime Minister. However, Gordon Brown’s tenure as Prime Minister proved to be short lived.

In the 2010 general elections the Conservative Party gained 97 parliamentary seats giving it a total of 306, twenty short of the total needed to secure a majority in the House of Commons. On May 12th, nearly a week after the polls had closed, the Conservative Party formed a coalition with the Liberal Democrats, who controlled 57 parliamentary seats. With a majority of parliamentary seats in hand, control of government passed from New Labour to a Conservative-Liberal coalition. Shortly thereafter David Cameron was sworn in as Britain’s New Prime Minister. The Conservative Party fared even better five years later in the general elections held on May 7th, 2015. As a result of these elections, the Conservative Party secured 330 parliamentary seats, giving them a 4-seat majority in the House of Commons.

4.3 Multiculturalism during the Cameron Governments

What has happened to British multiculturalism following the Conservative Party’s return to power in 2010? As one might expect, Britain has exhibited definite signs of multicultural retreat since the Conservative Party has been in power. One of the most obvious signs of multicultural retreat is David Cameron’s declaration that ‘the doctrine of state multiculturalism’ had failed and that his government would pursue a policy of ‘muscular liberalism.’ Prime Minister Cameron made this declaration during a security conference held in Munich in 2011 in the context of a
general discussion on terrorism, radicalization and religious extremism. When addressing the radicalization of young British Muslims, he argued that “under the doctrine of state multiculturalism, we have encouraged different cultures to live separate lives, apart from each other and the mainstream” and that “we have failed to provide a vision of society to which they feel they want to belong” (Cameron a, February 5th, 2011). He then outlined a two-pronged approach to dealing with religious extremism and the radicalization of Muslim youth. The first prong would require “confronting and undermining [extremist ideology]” (ibid). The second prong would entail “[building] stronger societies and identities at home” (ibid). More specifically, this meant a shift towards a “muscular liberalism” that promotes common democratic values, a common language, a common culture, a common curriculum (ibid). According to one prominent observer, Cameron’s articulation of ‘muscular liberalism’ dispels any notion that multiculturalism is surviving in Britain and instead confirms that the country’s retreat from multiculturalism is “real” (Joppke 2014, p.287).

The national curriculum was updated in 2014, at which point the government decided that primary and secondary schools would heretofore actively promote ‘British values.’ This decision was made in the wake of a governmental investigation into allegations that primary and secondary schools in Birmingham, one of Britain’s largest and most ethnically diverse cities, had been subject to an “Islamist takeover” (BBC News Online c, June 10th, 2014). The government’s investigation was conducted by the Educational Funding Authority, the Office for Standards in Education, Children's Services and Skills, and by the Birmingham City Council. In addition, Michael Gove, the Secretary of State for Education, appointed Peter Clarke, the former head of the London Police Service’s Counter Terrorism Command, to analyse the investigation’s findings (BBC News Online d, April 14th, 2014).
Clarke’s report found no evidence “of terrorism, radicalisation or violent extremism in the schools of concern in Birmingham” (Clarke 2014, p.12) but that “there has been co-ordinated, deliberate and sustained action, carried out by a number of associated individuals, to introduce an intolerant and aggressive Islamic ethos into a few schools in Birmingham (ibid, p.14). In response to Clarke’s report, Michael Gove announced in June 2014, that primary and secondary schools would be required henceforth “to promote the fundamental British values of democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs” (Sparrow and Adams, The Guardian, June 9th, 2014). The shift towards the inculcation of British values has been widely criticized. One observer declared that it means that a “muffled retreat has been staged from the policy of multiculturalism” (Fisher, the New Statesman, June 10th 2014) and, during a recent summit, the National Union of Teachers passed a motion declaring the teaching of British values “inherent cultural supremacism, particularly in the context of multicultural schools and the wider picture of migration” (Espinoza, The Telegraph, March 28th, 2016).

After the Conservatives returned to power in 2010, the national government initially downscaled its fiscal commitment for the implementation of ‘equality assessments’, an integral component of the administration of the Equality Act of 2010 (BBC News Online e, November 19th 2012). However, in 2015, David Cameron announcement “that the Conservatives have become the party of equality” and that the party was committed “to ending discrimination and finishing the fight for real equality” (Cameron b, October 26th, 2015). Cameron’s re-imagining of the Conservative Party as the party of ‘equality’ is significant in three major respects. First, Cameron drew an implicit link between the Conservative Party and legislative advancements in the realm of anti-discrimination, even though two of these laws (i.e. the Race Relations Act of 1965 and the Race
Relations Amendment Act of 1976) were passed by Labour governments. Second, he subsequently declared that his government would institute new transparency rules requiring universities, police forces, and the army to report on “course, gender, ethnicity and socio-economic background” even though he decried the use of quota systems (Ross, the Telegraph, January 31st, 2016). Third, his pledge to end discrimination suggests that his government has chosen to achieve this goal effectively is an endorsement of the Equality Act.

There is also evidence that multiculturalism has survived in the realm of public broadcasting. Since 2011, the BBC has continued to offer a wide-array of diversity-oriented programming and also committed to diversifying its staff and to reach equality and diversity objectives in recruitment and hiring along six lines: age, ethnicity, disability, gender, religion/belief and sexual orientation (BBC Trust, 2012, p.11). In addition, the BBC has committed to reaching the goal of 12.5% black and minority ethnic backgrounds in the compositions of its staff (BBC Trust, 2013, p.29).

Perhaps the most striking example of multiculturalism’s survival is the City of London’s continued commitment to fund ethno-cultural celebrations and to recognize constituent diversity. In its 2010-2011 annual budget, the Greater London Authority set aside a total of £590,000 for the funding of the Notting Hill Carnival, the London Mela, and other ethno-cultural celebrations such as Diwali, Eid, South America Day, and Chinese New Year (City of London a, 2010). The Mayor’s cultural strategy for 2014 pledged continued support for Eid celebrations and for Shubbak, what the Mayor’s cultural strategy for 2014 describes as “festival of contemporary Arab arts and culture” (Mayor of London, 2012, p.12). Furthermore, Sadiq Khan, London’s mayor elect, has affirmed that he will: “Continue to back major cultural festivals to celebrate
London’s religious and racial diversity, and ensure Pride continues to be a fantastic, community-led showcase of all of London’s LGBT+ communities” (Khan, 2016).

4.4 Institutionalizing Multiculturalism: A failed opportunity

In light of David Cameron’s declaration that his government would pursue a policy of ‘muscular liberalism’ in lieu of a policy multiculturalism it may come as a surprise that the British government has been historically reluctant to adopt an official policy of multiculturalism requiring that governmental institutions and public agencies design and implement policies that recognize the diverse cultural heritages present in the country. In fact, New Labour rejected the Parekh Report’s recommendation that the government adopt an official policy of multiculturalism. The Parekh Report was the culmination of a two year investigation conducted by the Commission on the Future of a Multi-Ethnic Britain (CMEB) which the privately-funded Runnymede Trust had tasked with “[analyzing] the current state of multi-ethnic Britain and to propose ways of countering racial discrimination and disadvantage and making Britain a confident and vibrant multicultural society at ease with its rich diversity” (Runnymede Trust 2008; viii).

The Parekh Report (named after the CMEB’s chair Lord Bikhu Parekh) provided a slew of recommendations based on its investigation, one of which was that the government adopt a “Canadian-style” declaration of official multiculturalism (ibid, p.277) or what it termed a “declaration on cultural diversity.” The Parekh Report argued that there were four major ‘advantages’ to adopting a declaration on cultural diversity.
The four advantages of a “declaration on cultural diversity”

“First, it would have great symbolic significance, for it would recognise the inescapable reality of cultural diversity and the country’s collective commitment to cherish it. Second, it would send out an appropriate message to public and private organisations and would encourage them to devise policies that promote diversity as well as equality. Third, it would help to stress that the country is both a community of citizens and a community of communities, both a liberal and a plural society. The new Human Rights Act recognises and reinforces the UK’s liberal character and nurtures a culture conducive to the rights of individuals. A declaration on cultural diversity would recognise the country’s multicultural character and emphasise the value of communities. Fourth, it would challenge the conventional view of the UK as a broadly homogenous society, and acknowledge that cultural diversity is not new, simply the consequence of postwar immigration, but a central fact of the country’s long history and a continuing source of creativity.” (ibid, p.277, par. 19.18)

Upon its release on October 11th 2000, the Parekh Report was overwhelmingly condemned by the mainstream conservative press. It was castigated inter alia for being leftist propaganda, for being anti-British, and for being divisive in advancing the notion that Britain was not a community but instead a “community of communities” (see Hickman et al. 2012, Ali 2016). Although the government had initially supported the CMEB when its investigation was launched in 1998 (source) it took an altogether different position when the Parkeh Report was released. Rather than accepting the Parekh Report’s findings and recommendations, the government denounced the CMEB and its investigatory committee. The report’s most vocal opponent was Jack Straw, the then Home Secretary, who declared himself “proud to be British” and chastised the CMEB for its divisive rhetoric and for its lack of patriotism (BBC News Online, October 11th, 2000). Ironically, it was Straw who had been present in an official capacity as a government liaison when the CMEB launched its investigation and who had at that time lauded its mission and goals. In the end though no action was taken on the proposed “declaration on
cultural diversity” leading one observer to note that, at the turn of the millennium, Britain had moved “beyond” multiculturalism to an alternative model for managing diversity (see Kundnani 2007).

4.5 An Alternative Conception of British Society: the Cohesive Community

Shortly after rejecting the Parekh Report, the government began to implement a seemingly assimilationist policy paradigm termed ‘community cohesion.’ This new paradigm was articulated in the wake of a series of so-called ‘race riots’ that took place during the summer of 2001 in the ethnically diverse boroughs of Bradford, Oldham and Burnley. The exact cause of the ‘riots’ is unclear: According to the Ritchie Report (2001) they were the by-product of economic factors; according to the Clarke Report (2001) they were the spillover of confrontations between rival gangs. Whatever their exact cause, the ‘riots’ pitted South Asian

16 The Ritchie Report (2001) highlights three underlying causes of the riots in Oldham. First, Oldham’s over-reliance on a single staple industry, wool, produced a large low-skilled and low-paid workforce. Second, national economic growth allowed many ‘old’ Oldhamers to transition away from nightshift work, the most onerous facet of the wool industry. Third, the nightshift then became the central source of employment for ‘new,’ primarily South Asian, Oldhamers. These factors limited initial contact between old and new Oldhamers and were reinforced over time by the development ethnic neighbourhoods (in Glodwick and Coldhurst/Westwood), an evident difference in ethno-linguistic traditions, a lack of inter-marriage between ‘white’ and Asian communities, the de facto development of ethnic and white educational systems, and the entrenchment of ethnic and nativist ‘myths.’ These forms of separation were buttressed by a series of factors - urban decay, the absence of youth facilities, competing over scarce public resources, poor strategic leadership, pervasive health issues, biased media reporting, and the increased popularity of the BNP – that lay the groundwork for a divided community ready to erupt.

17 The Clarke Report (2001) identified two ‘immediate causes’ for the Burnley riots: criminality and preparedness. According to the Task Force, the eruption of violence can be attributed to the ‘criminal elements’ of Burnley and can be traced back to separate confrontations involving White and Asian drug dealers on June 22nd. The subsequent
youths against the police and entailed millions of pounds in damages and resulted in over two hundred arrests\textsuperscript{18}. In their wake, Ted Cantle and Jon Denham were tasked with establishing a policy solution to inter-ethnic conflict. Both the Cantle (2001) and Denham (2001) reports reached the same conclusions: the object of national and municipal level policy should be directed towards implementing “community cohesion” policies where the white majority and ethnic minorities were living parallel lives\textsuperscript{19}.

In implementing “community cohesion” policies the main goal is not to initiate a return to a “mono-cultural” past but to ensure that individuals of different cultural backgrounds rally together in defense of “some common local interest” (Cantle, 2001, p.14) in the hopes of transforming local solidarity into a stronger sense national solidarity (p.70). In accomplishing

racially motivated attack on an Asian cab driver in the early hours of the 23rd created a feeling “that something was going to happen” and provided Asian and White youths and Asian and White gangs with an impetus for mobilization. The major violence on the 23rd and 24th, involving the petrol bombing of a ‘white’ pub and the vandalizing of Asian owned businesses, was thus in large part due to “elements within both the white and Asian communities that were prepared for the confrontations that took place” (p.35-37).

\textsuperscript{18}The ‘riots’ took place in Oldham (May 26-28), Burnley (June 23-25), and Bradford (July 7-9). In Oldham the clashes involved Pakistani, Bangladeshi and White youths (Staff and Agencies, the Guardian May 28th, 2001), National Front and BNP agitators (Gadher, Sunday Times, May 6th, 2001), and the police. Burnley, a town where the BNP “scored one of its major successes” in the 2001 general elections (Cole and Peachy, The Independent, June 25th 2001), witnessed a relatively smaller confrontation between Asian and White youths and the police (Chrisafis and Lomax, The Guardian, June 25th, 2001) that was sparked by an attack on an Asian cab driver (BBC News June 24th, 2001). The largest riot took place in the second week of July in Bradford and was seemingly triggered by a confrontation between Anti Nazi League demonstrators and National Front supporters (Millar, Irish Times, July 9th, 2001) and the fire-bombing of a social club. This lead to large-scale confrontations between the police and a mob, consisting primarily of South Asian youths, resulting in 200 police officers injured (McQuillan, The Herald, July 11th, 2001), 27 million pounds in damages (Dodd, The Guardian, January 30th, 2003), 297 arrests and 200 jail sentences (BBC News Online, December 21\textsuperscript{st}, 2007).

\textsuperscript{19}The Denham Report hammers in the need for eventual governmental action on community cohesion as well as the delineation of values and the development of local and national level debates on the content of British citizenship. The Denham Report states that the national government should “take the lead in promoting such a debate” (Denham Medium and Long-term Actions section 3.11 p.20). This turn towards greater national level leadership also entails the government “[providing] a lead in articulating a vision” (section 3.2 p.18) of community cohesion, a “shared sense of belonging based on common goals and core social values” (ibid), and the rights and responsibilities of citizenship (ibid).
these tasks, “community cohesion” policies target five “domains”: (1) the development of common values and active citizenship, (2) civility and the lack of threats to the “existing social order”, (3) redistributive politics, the equitable allocation of resources and the enshrinement of ‘helping others’ as a social obligation, (4) civic engagement and the concomitant “easy resolution of collective action problems” and (5) a strong linkage between ‘personal’ identity and ‘place’ identity (ibid p.70).

To be clear, community cohesion is not explicitly articulated as an alternative to official multiculturalism. However, this seems to be the gist of things based on Ted Cantle subsequent elaboration (2005) on the principles of community cohesion. According to Cantle, the preservation of minority identities as a transitory step in the enshrinement of core values. In addition to the formalization of shared societal values, Cantle suggests that adopting “equality targets,” “positive action measures,” and “positive discrimination” (synonymous with American style affirmative action) might be necessary to ensure the effectiveness of community cohesion (Cantle 2005, pp.162-165). However Cantle sees cultural accommodation as a transitory means to achieve the long-term establishment of “core values.” Tellingly, Cantle argues that the equalities agenda is only good in so far as it does not “instrumentalise” identity or promote difference at the expense of commonality (p.165). The primacy of communal values over the enshrinement of diversity is evident in Cantle’s argument for the valuation of diversity, which is the “second principle” (emphasis added) of the overarching community cohesion agenda. Cantle argues that the promotion of diversity is important to ensure that individuals get over their fear of other cultures. But he also proposes a shift from the “multiculturalist” emphasis on promoting and celebrating diversity in order to “[boost] the confidence” of a minority community towards making ethno-cultural differences accessible to the mainstream and trying to coax out
commonality from difference. As we can see table 3.1 below, legislators began to employ community cohesion with increasing frequency during the first decade of the 21st century.

**Table 4.1 Multicultural references and Community Cohesion references (2001-2002 to 2009-2010 Parliamentary Session)**

<table>
<thead>
<tr>
<th>Parliamentary Session</th>
<th>Bills</th>
<th>Command Papers</th>
<th>House of Commons Papers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>MC</td>
<td>CC</td>
<td>MC</td>
</tr>
<tr>
<td>2001-2002</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>2002-2003</td>
<td>0</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>2003-2004</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>2004-2005</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>2005-2006</td>
<td>0</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>2006-2007</td>
<td>0</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>2007-2008</td>
<td>0</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>2008-2009</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>2009-2010</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
</tbody>
</table>

Between 2001 and 2010, the government also implemented a series of policy reforms across a range of policy realms designed to hit community cohesion’s targets. The most relevant of these reforms as it concerns this study’s discussion on ethno-cultural diversity was the inclusion of an “activity condition” in the naturalization process. The roots of the “activity condition” were established in *The Path to Citizenship: Next Steps in Reforming the Immigration System* (Border

---

20 Data on multicultural references and references to community cohesion collated from a key word search of the terms “multicultural”, “multi-cultural” and “community cohesion” in bills, House of Commons Papers, and Command Papers using the House of Commons and Parliamentary Papers (HCPP) database.
and Immigration Office, 2008), the Home Office’s white paper on immigration reform. In it, the Home Office suggested the possible inclusion of an “active citizenship” requirement in the citizenship acquisition process due to its potential “benefits to community cohesion” (p.30, par.181). In 2009, the “activity condition” became an integral component of the naturalization process when The Borders, Citizenship and Immigration Act of 2009 achieved royal assent. The Act established, under Section 41 subsection 4b.3, that the qualifying period for naturalization could be reduced from 8 to 5 years if a candidate for citizenship demonstrated their active citizenship by participating in some form of volunteering, including fundraising and charity work (see Kostakopoulou, 2010, p.834)\(^{21}\). Although this reform can hardly be seen as a punitive measure, it is nonetheless indicative of the government’s adherence to a policy paradigm that would not, as the Parekh Report had recommended, require that public and private agencies henceforth “devise policies that promote diversity as well as equality.” In other words, this decision meant that the Conservative government was effectively unconstrained in its decision to promote muscular liberalism which, by all appearances, is a derivative of community cohesion.

\(^{21}\) The act does not spell out what actually constitutes an ‘activity condition’ and the government has yet to specify what someone on the path to citizenship must do to fulfill the ‘activity condition.’
4.6 From Local Multicultural Education to Multiculturalism in the National Curriculum

Due to policy decisions made under the previous government, the national government also has the power to decide the fate of multicultural education. During the 1970s and early 1980s, local educational authorities had sole authority in designing their curricula. As a result, local educational authorities in ethnically diverse educational catchments tended to employ educational platforms that reflected the diverse ethnic composition of their student bodies.

In the mid-1980s, the Swann Report, otherwise known as *Education for All* (DES 1985), proposed the adoption a multicultural educational platform for public education across the country. The Swann Report was the culmination of a five-year investigation into the levels of educational attainment of children of immigrants, focusing specifically on the children of West Indian and Asian immigrants. It concluded that levels of educational attainment of Asian students were relatively on par with those of white students but that West Indian children had underachieved (paragraph 8.1, p.89). This phenomenon was attributed to the relative economic deprivation of the West Indian community (paragraph 8.3, p.89) and to prejudice and discrimination against immigrants in the educational system and in society at large (paragraph 8.4 p.90). In order to deal with these problems *Education for All* proposed an overhaul of the public education system entailing the adoption of an educational framework for “all children” (Part V, paragraph 3.1(a) p.769). More specifically it advocated the adoption of a “pluralist approach to the curriculum” (paragraph 4.2, p.770), ethnic minority language instruction where there was demand (paragraph 5.10, p.772) and, most importantly, the design of a national...
curriculum where multiculturalism would “permeate all aspects of a school’s work” (paragraph 3.1(f), p.769).

Shortly after the Swann Report was released, the government passed the Education Reform Act 1988 (ERA 1988). The ERA 1988 established a standardized curriculum and measures of assessment for state schools. The new national curriculum covered three ‘core subjects’ (Math, English and Science) and six ‘foundation subjects’ (History, Geography, Technology, Music, Art and Physical Education) (3.1.a, 3.2.a p.2). Its stated objectives were to “[promote] the spiritual, moral, cultural, mental and physical development of pupils at the school and of society” and to prepare them for life as an adult (section 1.2.a and 1.2.b). To be absolutely clear, the national curriculum did not include pluralism, minority language instruction or multiculturalism under the banner of any of its ‘core’ or ‘foundation’ subjects. However, inculcation of multiculturalism and cultural diversity was encouraged by the government under the banner of citizenship education which, at the time the ERA was adopted, comprised a non-statutory component of the national curriculum.

It would take ten more years before multicultural education became a statutory component of the national curriculum. The process that led to this development began in 1997 when New Labour issued its first white paper on education. The white paper, titled “Excellence in Schools”, promised a wide range of reforms to the education system amongst which was the government’s proposal to make education for citizenship a statutory component of the national curriculum (DEE 1997). The government defined education for citizenship broadly as a means to shape young people into active participants in democracy by making them aware of the duties and responsibilities that they held towards one another (p.68). Although “Excellence in Schools”
made no mention if multiculturalism as an educational objective, it was the drive towards citizenship education that opened up a circuitous pathway for the education of ‘identities and diversity’ to emerge as a component of the national curriculum in 2007 under the fourth strand of mandatory citizenship education at the secondary level.

The process of bringing education for citizenship into the national curriculum began shortly after the release of ‘Excellence in Schools’ when on November 19th, 1997, David Blunkett, the then Secretary of State for Education and Employment, established the Advisory Group on Citizenship, with Sir Bernard Crick as its chair, and tasked it with delineating what “good citizenship education in schools might look like” and with establishing the “aims and purposes” of citizenship education (QCA 1998, p. 4). In regards to the specifics of the citizenship curriculum, the Crick Report recommended delivering citizenship education within three major strands – social and moral responsibility, community involvement, and political literacy – that were to be underpinned by four ‘essential elements’ - concepts, values and dispositions, skills and aptitudes, and knowledge and understanding (pp.39-44). In regards to the aims of citizenship education, the report stated that education for citizenship should both provide education in regards to civic society and the duties of citizenship and also develop well rounded individuals well aware of their rights and responsibilities as constituents of a democracy (p.17). However, the advisory group also established a ‘broader’ aim of citizenship education in response to emerging ‘worries’ about the nature of national identity within a context of growing cultural diversity (ibid).

In order to address these ‘worries’, the Crick Report advanced citizenship education as an instrument that “creates common ground between different ethnic and religious identities” (ibid)
and, more importantly, stated that the citizenship curriculum should enable students “to gain an understanding of the diversity of community and society and an awareness of equal opportunities issues, national identity and cultural differences” (p.19). These multicultural educational objectives were then included in the national curriculum under the ‘skills and aptitudes’ element of the citizenship curriculum when ‘education for citizenship’ became a statutory subject for key stages 3 and 4 of the national curriculum (i.e. for students aged 11-16) in 2002.

The scope of multicultural education in the citizenship curriculum was broadened when in 2006, Alan Johnson, the then Secretary of State for Education and Skills, launched the Diversity and Citizenship Curriculum Review with Sir Keith Ajegbo as its chair. The review was launched in the wake of the London Underground attacks (Osler 2008) and against the backdrop of an increasingly heated debate over the effectiveness of education on “race, religion, culture, identity and values” (DES 2007, p.16). Within this context, the review was given the remit to examine the current state of the teaching of ethnic, religious and cultural diversity and, concomitantly, to determine whether the teaching of “modern British social and cultural history” should be introduced as a fourth strand in the citizenship education curriculum (p.14).

In fulfilling the second part of their remit the review articulated the need to teach students about Britain’s identity and diversity. The review came to this conclusion after its investigation revealed that the term ‘British’ held different meanings for different people (p.8) that ranged from a civic to a multicultural understanding of national belonging (p.90). Thus, rather than addressing the two aspects of its remit separately, the curriculum review opted to draw a “link” between the citizenship curriculum and what it termed “education for diversity” (p.21). In turn, they recommended that the new fourth strand of citizenship education be called “Identity and
Diversity: Living together in the UK” and that this new strand combine three conceptual components which included “critical thinking about ethnicity, religion and ‘race’” (p.97). Alan Johnson welcomed the reviews findings (BBC News Online, January 25th, 2007) when its report was released in January 2007 and the fourth strand of the citizenship curriculum was launched at the beginning of the 2007-2008 school year.

4.7 New Labour and the Tories: The two parties of Equality?

Despite David Cameron’s admonition of ‘state multiculturalism’ and recent changes brought to the national curriculum, there is evidence that multiculturalism has survived the ideological shift to the right in national level politics across three other policy realms: the Equality Agenda, public broadcasting, and the funding of ethno-cultural celebrations. As we shall see, in the following sections, these forms of multiculturalism

The Equality Agenda encompasses both anti-discrimination measures as well as positive action measures, the British variant of affirmative action. Positive action for ethnic minority communities was first adopted in 1976 when the Race Relations Act was amended to encourage the private sector to recruit and train actively underrepresented racial minorities. Under section 37 of the Race Relations Act of 1976, the government emulated “reverse discrimination” provisions that had been outlined a year earlier under sections 47 and 48 of Sex Discrimination Act 1975, a law designed to increase the recruitment of women and to reduce wage imbalances along gender lines in the workforce. However, in contrast to the “reverse discrimination” provisions outlined in the Sex Discrimination Act of 1975, the Race Relations Act of 1976 did
not explicitly require employers to maintain data on the racial or ethnic composition of their workforce nor did it oblige employers to redress imbalances in in the composition of workforces by fulfilling minority hiring quotas. Rather, race-based positive action measures they permitted private sector employers to offer “specific training” to “members of racial groups” and to offer non-whites “specific opportunities” in employment (section 37(1)(a) and (b) of the Race Relations Act of 1976).

The remedial scope of positive action measures for racial minorities was expanded to include the public sector in the late 1990s. This decision was made following the release of the Macpherson Report (Home Office 1999) in 1999. The Macpherson Report pointed to a botched investigation into the murder of Stephen Lawrence, a black youth who was killed by neo-Nazis, and to pervasive institutional racism in Greater London’s Metropolitan Police Service (paragraph 6.39). Basing itself on the Macpherson Report’s recommendations, the government drafted an amendment to the Race Relations Act in the year 2000 meant to extend the remedial scope of positive action measures to include public authorities such as the police and government agencies. Two years later, in April 2002, the Race Relations (Amendment) Act 2000 came into force thus allowing both private and public agencies to redress employment imbalances by providing specific training and employment opportunities to racial minorities.

Perhaps the most remarkable multicultural development that occurred under New Labour was the gradual shift away from the limited understanding of diversity as ‘racial’ difference and the subsequent incorporation of religion and belief as a characteristic protected under the scope of public sector positive action remedies. In 1997, New Labour promised in its manifesto to adopt stricter laws against racial discrimination and racial hatred (Labour Party 1997; “Disorder”).
This was a pledge to enshrine non-discrimination measures but not to extend positive action measures. A year later, parliament adopted the Crimes and Disorder Act 1998, which not only criminalized racially aggravated offenses but also made illegal “hostility based on the victim’s membership (or presumed membership)...of a religious group” (Crimes and Disorder Act 1998, Part II, Section 28(1)(a)). And, in 2003, the government took its first step towards implementing religious based positive action when the Employment Equality (Religion or Belief) Regulations were instituted.

These regulations were a piece of secondary legislation - that is to say they were adopted by the government and not codified by act of Parliament - that were meant to ensure Britain’s compliance with European Union directives on anti-discrimination in the workforce. In adapting British law to EU directives, the regulations also inherited features of Britain’s existing race-based positive action measures and, as such, allowed private sector employers to adopt the positive action remedies in regards to accommodating religion and religious belief. Although these regulations extended the scope of positive action to include religious minorities, they did not as yet offer the same types of protections for religious minorities that they offered for racial minorities.

This changed when, in May 2004, the Department for Trade and Industry released ‘Fairness for all’ (DTI 2004), a white paper that recommended the creation of a Commission for Equality and Human Rights (CEHR). The Report recommended that CEHR be tasked with ensuring the fair and equitable treatment of all British citizens including “people of different religions or beliefs” (p.32) as well as those “who do not have a religion or belief” (ibid).
Following through on the white paper’s recommendations, parliament passed the Equality Act 2006, which effectively dissolved all existing equality commissions (the Equal Opportunities Commission, the Commission for Racial Equality, and the Disability Rights Commission) and subsumed their functions under the ambit of the Equality and Human Rights Commission (or EHCR). In 2010, the government adopted the second iteration of the Equality Act. As a result, all existing legislation on anti-discrimination and positive action (covered under 22 acts and regulations) were amalgamated under a single act. This had the effect of fusing primary legislation covering public sector positive action for sex, disability and race with secondary legislation covering positive action for religion and belief in employment. In turn, positive action remedies for religion and belief as well as eight other protected characteristics (outlined in sections 158 and 159 of the act) were to be undertaken by wide array of public authorities including the Greater London Authority, all government departments (with the exception of the Security Service, the Secret Intelligence Service and the Government Communications Headquarters), and all Ministers of the Crown (Equality Act 2010, Part 1, Section 1).

4.8 Multiculturalism in Public Broadcasting

There is also evidence that multiculturalism in the realm of public broadcasting has survived the ideological shift to the right in national level politics. In 1965 the BBC decided to create an ‘Immigrant Programme Unit’ and to broadcast Hindustani language programs (Briggs 1995; 1044). Twenty-six years later, in 1991, the BBC made a more explicit commitment to diversity-oriented programming by establishing a ‘Multicultural Programmes Department’ committed to
producing television and radio programs oriented towards the country’s major immigrant communities and reflective of the country’s growing cultural diversity (Cottle 1997; 32).22

The BBC formalized its commitment to diversity-oriented programming in 2006, three years after the Department for Culture, Media and Sport (DCMS) launched a round of public consultations into the design and goals of the BBC’s Royal Charter as part of a decennial Charter review. Tessa Jowell, the then Home Secretary of the DCMS, declared that the first BBC review to be held in the 21st century was “arguably the most complex and significant in the history of public service broadcasting” (DCMS 2003, p.3) given that it was taking place against the backdrop of the “changing face of British society” and in the context of a digital age that had brought about unprecedented competition from the private sector (ibid).

In regards to the changing face of British society, the DCMS was interested to see if the BBC’s founding values - to educate, inform and entertain – were still relevant. Accordingly, the DCMS asked respondents whether they still valued the BBC’s “role in fostering communities through services in Scotland, Wales, Northern Ireland and the English regions, minority services and programming, including the role of local radio” (p.9). When it came to the onset of the digital

---

22 These types of programs have also been produced by Channel 4 in response to its remit. Although Channel 4 is technically a private broadcaster, its remit, as outlined in the Broadcasting Act 1981 (BA 1981), nevertheless falls under parliamentary control meaning that its programming choices are in an indirect way dictated by parliament. As part of its parliamentary ascribed duties, Channel 4 is to provide programming choices not covered by ITV, Britain’s other non-state broadcaster (BA 1981, section 11(1)(a)), to ensure that a “suitable” number of programs were devoted to educational purposes (BA 1981 section 11(1)(b)), and “to encourage innovation and experiment in the form and content of programmes” (BA 1981 section 11(1)(b)). Although Channel 4’s remit does not explicitly endorse the recognition of cultural diversity, its heads interpreted the mandate to ‘innovate’ and ‘experiment’ as a recommendation that they develop and broadcast programs for Britain’s minority cultural communities (Malik 2002). In 1999, the heads of Channel 4 took a more explicit stance on minority-oriented broadcasting by committing to provide at least 3 hour of “multicultural programming” per week and by requiring that all programs pitched to any Channel 4 department entail some connection to the recognition of cultural diversity in Britain (Malik 2002; 71).
age, the DCMS’s main concerns were the impact of the widespread use of the internet, a rapid increase in the number of private television broadcasters, and the evolution of home entertainment technology, all of which had helped to greatly diminish the BBC’s television audience share (from 45% in 1996 to 35% in 2003) (p.11). In turn, the DCMS asked the public for recommendations as to how it should “respond to the development of new technologies and to changing viewing and listening habits?” (p.13).

After two years of public consultations (conducted through opinion polls, focus groups, public meetings, and web-based surveys), the DCMS released its findings in a green paper titled “A strong BBC, Independent of government” (DCMS 2005). While public consultations had revealed that the BBC was “liked and trusted by millions” (p.2), they also brought to light evidence that: many Britons felt that programming was out of touch when it came to engaging young people and people “from diverse cultural backgrounds” (ibid) and commercial broadcasters felt that the BBC’s broad remit limited the scope of potential competition from the private sector (ibid). In consequence, the DCMS stated that it would “sharpen” its remit acknowledging that other broadcasters were now fulfilling some part of its traditional mission (to ‘inform, educate and entertain’) (p.5). In so doing, the DCMS stated that the BBC would be embracing five new ‘distinctive’ broadcasting purposes: sustaining citizenship and civil society, promoting education and learning, stimulating creativity and cultural excellence, representing the UK, its Nations, regions and communities, and bringing the UK to the world and the world to the UK (p.5).

When expanding on the fourth and fifth purposes (captured under the heading “Reflecting the UK’s Nations, regions and communities”), the DCMS recommended an array of new
programming objectives that included, in relation to multiculturalism, “[reflecting] modern Britain’s diversity through the on-air portrayal of ethnic minorities” (p.40) and “[providing] a range of programming reflecting different religions and other beliefs that is appropriate to multi-faith Britain” (ibid). These recommendations were reiterated and confirmed in 2006 when the Secretary of State for Culture, Media and Sport presented a proposal to Parliament for making the BBC competitive in the ‘digital age’ (pp.18-19). They were then directly incorporated into the wording of the 2006 BBC Agreement with the Secretary of State.

Following the adoption of the new agreement, the BBC increased its commitment to producing multi-faith programming under the scope of its ‘purpose’ to represent the UK’s nations, regions and communities. In its 2006/2007 statements of programme purposes, the BBC Trust pledged to broadcast 170 hours of programming “covering the broad range of faiths” (BBC Trust 2006, p37). The following year, the BBC Trust stated that it would commission a documentary on the origins of reggae that would explain the main tenets of the Rastafarian faith (BBC Trust 2007, p.46). In 2008, the Trust reiterated its promise to produce 170 hours of faith-based programming (BBC Trust 2008, p. 35) and BBC radio Cymru adopted a programming priority to produce output that reflected cultural and religious diversity in Wales (p.68). By the time of New Labour electoral defeat in the 2010 general elections, the BBC had accepted the ‘challenge’ of “emphasizing both differences and similarities” in its children’s programming division (CBeebies) by commissioning “Let’s Celebrate”, a series of special programs that introduced young viewers to multi-faith and cultural festivals from around the UK (BBC Trust 2010, p.37).
4.9 Celebrating Diversity in the City of London

Multiculturalism has also survived in Britain's largest city, as evidenced by the continued implementation of the Mayor of London’s cultural strategy. In its 1997 election manifesto, New Labour made a broad electoral promise to make municipalities more responsible and accountable to their citizenry (Labour Party 1997; “Good Local Government”). This promise meant *inter alia* that the Party would re-instate the position of Mayor of London, which had been abolished during the Thatcher government, and establish an elected city government in order to ensure greater responsibility and accountability for issues of “economic regeneration, planning, policing, transport and environmental protection” (see Labour Party 1997, “London”).

The Plan to devolve political authority to the City of London was outlined in a white paper titled “A Mayor and Assembly for London” (DETR 1998). According to the white paper, the lack of “strategic direction and leadership” (p.8) at the municipal level following the Thatcher government’s decision to abolish the position of Mayor had led to a city “beset with problems of congestion, pollution and social deprivation” (ibid). New Labour’s major proposals to reverse these trends entailed amalgamating all 32 of London’s boroughs under the jurisdiction of a single authority - the Greater London Authority - and creating two executive branches of municipal governance, the Mayor of London and a 25-member Assembly, both to be directly elected by Londoners (pp.8-11). These proposals received overwhelming public approval when a city-wide referendum on creating the positions of Mayor of London and the Assembly was held in 1998 (BBC News Online, May 8th 1998) and, in the following year, Parliament adopted the Greater London Authority Act of 1999 which enshrined London’s new executive and established its duties and responsibilities.
At close to five hundred pages in length and containing 423 sections and 29 schedules, the Greater London Authority of 1999 is one of the most detailed acts of parliament produced during latter half of the 20th century. Within this lengthy document are two sections covering the executive’s responsibilities regarding tourism and culture. Under section 375, the City of London was first required to create a cultural Strategy Group (Greater London Authority Act, Section 375). This group was then required to “formulate and submit to the Mayor a draft strategy containing proposed policies with respect to culture, media and sport in Greater London” (Section 376(1)). Upon receiving the group’s report, the Mayor is then required to publish his or her “culture strategy” (Section 376(2)) outlining municipal policy covering eight specific ‘cultural’ realms: (a) the arts, tourism and sport, (b) ancient monuments and sites, (c) buildings and other structures which are of historical or architectural interest or which otherwise form part of the heritage of Greater London, (d) museums and galleries, (e) library services, (f) archives, (g) treasure, and antiquities of a movable nature, and (h) broadcasting, film production and other media of communication (Section 376(5)). While these requirements say nothing about promoting multiculturalism, they have been interpreted as multicultural directives by the cultural strategy groups during the tenures of Ken Livingstone (2000-2008) and Boris Johnson (2008-2010) as mayor.

At the turn of the millennium, Ken Livingstone, the Labour MP from Brent East, won London’s inaugural mayoral elections. Livingstone had been the head of the Greater London Council between 1981 and 1986 during which time his socially progressive ideals had earned him the ire of conservatives and the center-left alike (BBC News Online, November 17th, 1999). During his term in office (2000-2008) he loosely interpreted his mandate to produce cultural related public policies to also mean a duty to recognize of cultural diversity. For example, among the 12 policy
proposals outlined in the Mayor’s cultural strategy for 2004, ‘London Cultural Capital’, two bore a direct relation to increasing the visibility of London’s cultural communities. Regarding the Mayor’s ‘tourism’ policy, Livingstone promised that the city would “promote cultural products and initiatives which reflect London’s diversity, for example, Asian London publication and Black Heritage Tours” (Mayor of London 2003; 208). And, in regards to enhancing the profile of London’s cultural communities he promised to assess the current state of London’s “Black and Asian cultural infrastructure” (p.203) and also to support the Noting Hill Carnival (p.58). The cultural strategy group appointed by Boris Johnson (2008-2016) promised to maintain this commitment and also to fund “many” of the festivals that “represent the distinct cultures of London’s communities” (Mayor of London 2012, p. 157).

4.10 Refining the Hypothesis: The Difference in Policy Design

Given that New Labour lost the 2010 general election and that, since then, the Conservatives have formed a minimum winning coalition, one might have expected to witness a full-scale retreat from multiculturalism in Britain. However, this has not happened; British multiculturalism has bifurcated, entailing both a retreat from two multiculturalism policy streams and the survival of three multiculturalism policy streams. The argument developed in this chapter is that this bifurcation can be explained by the different designs of British multiculturalism policies. These differences are summarized below:
• **Official Multiculturalism: A de-institutionalized policy.** By rejecting the Parekh Report and by avoiding the use of multiculturalism in the language of bills introduced in parliament, Britain’s policy of ‘state multiculturalism’ remained effectively de-institutionalized prior to the 2010 general elections. As such, its continued implementation rested solely in the hands of the national government following the formation of a Conservative-Liberal Democratic government.

• **Multicultural Education: a single stakeholder policy.** The adoption of the Education Reform Act in 1988 not only created a national curriculum it also removed from Local Educational Authorities the power to design diverse educational platforms and placed the fate of the content of public education in the hands of a single stakeholder: the national government.

• **The Equality Agenda: a multiple stakeholder policy.** By contrast, the adoption of the Equality Act of 2010 has increased the number of stakeholders that fall under the ambit of the Equalities agenda. By fusing all existing anti-discrimination and positive action legislation, New Labour effectively bound the fate of a diverse groups of societal groups together.

• **Multiculturalism in Public Broadcasting: a locked-in policy.** When the BBC decided to incorporate a multicultural and multi-faith mandate into the BBC Agreement 2006, a public duty to recognize and to accommodate cultural minorities was effectively immunized from the vagaries of political competition and party-turnover for a ten-year period.
Multiculturalism in the City of London: an institutionalized policy. The enactment of the Greater London Authority Act of 1999 has allowed the City of London to decide the fate of multiculturalism policy making on its own, albeit in a very restricted sense given that the municipality’s policy making competence is limited to funding and promoting festivals. As opposed to their national level counterparts, London’s mayors have a statutory duty to promote ‘culture’ which they have taken to mean not only promoting the arts and letters but also London’s cultural diversity.

In brief, there are several clear distinctions between British multiculturalism policies that have retreated post-2010 and those that have survived in an inhospitable ideological climate. What these differences demonstrate is that the design of multiculturalism policies places their fate in the hands of different actors: those that were either de-institutionalized or that had a single stakeholder retreated following an ideological shift to the right in national level politics whereas those that were either written into the rules, locked-in or that had multiple stakeholder survived this shift. Therefore, based on the evidence presented in this chapter we can add another dimension to the theoretical proposition developed in chapter 2: in sum, policy design can mitigate the effects of a strong ideological shift to the right in national level politics.
Chapter 5
Veto Players and Multiculturalism’s Survival: Evidence from the American Case

5.1 Chapter Introduction

The conclusions drawn in the preceding chapter raise a question: Can multiculturalism policies survive an ideological shift to the right in national level politics when they are de-institutionalized, open for reauthorization in an ideologically inhospitable climate, and/or when their fate rests in the hands of a single stakeholder? In answering this question, this chapter turns to an examination of recent multicultural policy developments in the United States, a country known more for its commitment to cultural and linguistic assimilation that nevertheless has an extensive network of policies that recognize and accommodate immigrants who, due to their distinct national origins, are limited in their English language proficiency.

The recognition and accommodation of language minorities has come mainly in the form of three multicultural decisions. Two of these decisions – minority language assistance in voting and in the delivery of public services – are indicative in some way or another of the ‘MCPs’ that “[provide] certain services to adult immigrants in their mother-tongue, rather than requiring them to learn English as a precondition for accessing public services.” A third multicultural decision - the adoption of federal policy on bilingual education - is a clear example of the implementation of an MCP that entails the “the funding of bilingual education.” American multiculturalism is
also evidenced, albeit implicitly, by the federal government’s unwavering decision not to adopt English as the country’s official language despite continued legislative demands that it do so and the proliferation of ‘Official English’ laws at the sub-national level.

As one can see, in table 5.1 below, which summarizes sponsorship records for monolingual and multilingual bills introduced in Congress between 1980 and 2010, opposition to American multiculturalism is distinctly partisan in nature.

Table 5.1 Congressional Sponsorship of Monolingual Bills (1980-2010)\textsuperscript{23}

<table>
<thead>
<tr>
<th>Policy</th>
<th>Number of Bills</th>
<th>Number of Sponsors and/or Cosponsors</th>
<th>Partisan Preferences</th>
</tr>
</thead>
<tbody>
<tr>
<td>Official English Bills</td>
<td>74</td>
<td>565\textsuperscript{24}</td>
<td>15% Democratic</td>
</tr>
<tr>
<td>Anti-Language Assistance in Voting Bills</td>
<td>29</td>
<td>339</td>
<td>8% Democratic</td>
</tr>
<tr>
<td>(Voting Rights Act Repeals)</td>
<td></td>
<td></td>
<td>92% Republican</td>
</tr>
<tr>
<td>Anti-Bilingual Education Bills</td>
<td>11</td>
<td>178</td>
<td>3% Democratic</td>
</tr>
<tr>
<td>(Bilingual Education Act Repeals)</td>
<td></td>
<td></td>
<td>97% Republican</td>
</tr>
</tbody>
</table>

\begin{flushright}
\footnotesize
\textsuperscript{23} Data was collated through the use of “Thomas”, the online congressional database. Search was conducted for all bilingual education, official English, English plus, and VRA language assistance bills introduced in Congress between 1980 and 2010.

\end{flushright}
Given the partisan nature of anti-multiculturalism in the United States, one might have expected to have witnessed a full-scale retreat from multiculturalism in the United States between 1995 and 2007. In 1995, the United States experienced a dramatic shift to the right in national level politics. At this point in time the Republican Party gained majority control of both the upper and lower chambers of Congress for the first time in nearly five decades. And, from January 3rd, 2003 to January 3rd, 2007, both the legislative branch and the executive branch of government were under majority Republican control.

What happened to American multiculturalism between 1995 and 2007? The evidence presented in this chapter will show that, akin to what happened in Britain post-2010, American multiculturalism bifurcated, which is to say that it both survived and retreated after the Republican Party increased its share of power in government. On the one hand, during this time period, advocates of Official English, a form of linguistic assimilation, failed to enact legislation to make English the official language of the federal government, provisions for language assistance in voting were re-authorized for 25 years, and a new federal policy on language accommodation in the administration of public services implemented by President Bill Clinton via executive order 13166 was maintained and expanded upon. On the other hand, federal expenditures on bilingual education programs came to a screeching halt and the Bilingual Education Act of 1968 was gutted and replaced by the No Child Left Behind Act of 2001.

What makes this bifurcation even more puzzling is that no American multiculturalism policy has design features that should, theoretically, immunize them from retreat following an ideological shift to the right in national level politics. What then explains the bifurcation of multicultural policy outcomes between 1995 and 2007? Why did some American multiculturalism policies
survive this ideological shift to the right even though their design features should have made them subject to retreat? In answering these questions, this chapter brings to light the actions of critical veto players, such as Senator Orrin Hatch, Senator Jim Sensenbrenner, and President George W. Bush. Due to the particular institutional arrangement of American governance, these political actors were able to trump dominant partisan preferences regarding the recognition and accommodation of cultural minorities. But why did they decide to do so? The evidence presented in this chapter suggests that reach of policy proposals and public policies played an important role in their decision-making; more precisely, that veto players supported multicultural policies that were limited in scope and reacted against anti-multiculturalism policy proposals that set out to do too much. This chapter’s concluding section brings this into clearer focus by examining the different outcomes of two forms of American multiculturalism. What it will show is that even long-standing proponents of multiculturalism can be swayed to take anti-multicultural actions if there is evidence that national level policy makers have overstepped their jurisdiction and have overreached into the jurisdiction of private actors and other public authorities.

5.2 The Language of the Federal Government

Akin to Britain, the United States does not have an official national level multiculturalism policy. By contrast to Britain, though, there have been no serious attempts at persuading the federal government to adopt a formal declaration on cultural diversity based on the belief that the polity is a ‘community of communities.’ Instead, in the United States, the main focus of recognizing
and promoting cultural difference has been limited to culture’s linguistic dimension and to ensuring the preservation of the English language ‘plus’ minority languages.

Between 1980 and 2010, there were 11 bills introduced in Congress that contained ‘English Plus Resolutions’ that in one way or another advocated the affirmation of English as the country’s common language as well as concomitant recognition and promotion of multilingualism. During this time period, ‘English Plus Resolutions’ were drafted and introduced by three members of Congress: Jose Serrano (Democrat – Representative for New York’s 16th District), John McCain (Republican – Senator for Arizona) and Pete Domenici (Democrat – Senator for New Mexico). Although the specific content of the Serrano (table 5.2), McCain (table 5.3) and Domenici (table 5.4) ‘English Plus Resolutions’ differs to some degree these resolutions nonetheless converge in their insistence that the federal government recognize linguistic diversity and take steps to encourage the development of multilingualism under the ambit of a unifying common language.

Table 5.2 Serrano English Plus Resolutions

| (1) Encourage all residents of this country to become fully proficient in English by expanding educational opportunities and access to information technologies |
| (2) Conserve and develop the Nation's linguistic resources by encouraging all residents of this country to learn or maintain skills in languages other than English |
| (3) Assist Native Americans, Native Alaskans, Native Hawaiians, and other peoples indigenous to the United States, in their efforts to prevent the extinction of their languages and cultures |
| 4) Continue to provide services in languages other than English as needed to facilitate access to essential functions of government, promote public health and safety, ensure due process, promote equal educational opportunity, and protect fundamental rights |
| (5) Recognize the importance of multilingualism to vital American interests and individual rights, and oppose “English-only” measures and other restrictionist language measures. |

---

Table 5.3 McCain English Plus Resolutions

(1) Support and encourage the U.S. people to master the English language plus other languages of the world;

(2) Recognize the importance of English as the unifying language of the United States, and the importance of English fluency for individuals who want to succeed in U.S. society;

(3) Recognize that command of the English language is a critical component of the success and productivity of U.S. children, and should be encouraged at every age;

(4) Recognize that a skilled labor force is crucial to U.S. competitiveness in a global economy, and the ability to speak one or more languages in addition to English is a significant skill;

(5) Recognize that knowledge of Spanish, in particular, is vital for building future cultural and economic bridges to Latin America;

(6) Support literacy programs, including programs designed to teach English, as well as those dedicated to helping U.S. people learn and maintain other languages in addition to English;

(7) Develop U.S. linguistic resources by encouraging U.S. citizens to learn and maintain Spanish, French, German, Japanese, Chinese, Italian, Korean, Vietnamese, Farsi, African languages, sign language, and the many other languages of the world, in addition to English.

Table 5.4 Domenici Plus Resolutions

(1) support literacy programs, including programs designed to teach English, as well as those dedicated to helping Americans learn and maintain languages in addition to English;

(2) recognize the importance of English as the unifying language of the United States, and the importance of English fluency for individuals who want to succeed in U.S. society

(3) recognize that command of the English language is a critical component of the success and productivity of U.S. children, and should be encouraged at every age

(4) recognize that a skilled labor force is crucial to U.S. competitiveness in a global economy, and the ability to speak one or more languages in addition to English is a significant skill

(5) recognize the benefits, both on an individual and a national basis, of developing the Nation's linguistic resources

Despite receiving some support from other members of Congress, no ‘English Plus Resolution’ has made it past the initial stage of the legislative process. As a result, there is no overarching official federal policy on the recognition and promotion of multilingualism. However, this does not mean that the federal government has not recognized the multilingual nature of the American constituency nor that it has not taken steps to accommodate linguistic minorities. Paradoxically, the federal government has instituted policies on language assistance in voting, linguistic

---

accommodation in the administration of public services, and, between 1968 and 1999, it funded the design and implementation of bilingual educational programs under the auspices of the Bilingual Education Act. In addition, the federal government resisted the push for the officialization of the English language at the federal level.

5.3 The Spread of Official English at the Sub-National Level

The earliest official English laws served to distinguish the United States from its colonial roots and from its geopolitical enemies. Nebraska and Illinois were the first two states to adopt modern official-English laws. According to Tatalovich (1995, p.45) the three Nebraska official English language laws (adopted in 1919, 1920,1921) were products of post-war “Americanization.” The laws entailed the banning of foreign language instruction in primary schools (Wiley 1998, p.232), prohibiting public assembly conducted in languages other than English (Barron 1990, p.143) and imposing the “American language” as the official language of the state and public proceedings (Tatalovich 1995, p.35). The Supreme Court struck down the most restrictive elements of the most restrictive iteration of the three language laws (1921) – preventing foreign language instruction in a public and private schools – as a result of the Meyer v. Nebraska case in 1923.

The Nebraska laws embody, according to Barron (1990), an anti-foreign sentiment that sought to weed out “the harmful effects of non-American ideas inculcated through the teaching of foreign languages” (p.142). This anti-foreign sentiment directly targeted Germans (Tatalovich 1995, p43-44), for whom language was seen as both a cultural and racial demarcator from Americans
and other Europeans (Wiley 1998, p.235). This perceived ethnocultural difference compounded the suspicion that German-Americans were a non-American group capable of disloyalty and spying and from whom the state should “[demand] public patriotic demonstrations of loyalty” (ibid, p.224).

The Illinois law (1923) is seen as a manifestation of “Anglophobia” (Tatalovich 1995, p.69). The law enshrined the American language, rather than the English language, in an attempt to further distance the United States from its British roots. The justification for the law was couched in vituperative “Brit-bashing.” The British and, more specifically, American anglophiles were seen as agents set against American republicanism that “foster racism and defeat the attempts of American patriots to “weld the racial units into a solid American nation” (Barron 1992, p.39). The American language, on the other hand, was seen, by advocates of the law, as inextricably linked with the American flag as twin symbols of the American nation (source). The law was amended in 1969 to change the American language to the English language. In sum the Nebraska laws and the Illinois law of 1923 both cast the other as a disloyal and potentially subversive agent.

Unlike the pre-1980 laws, the first wave of modern English language laws emerges as responses to cultural accommodationist policies. Laws adopted in Virginia (1981), Indiana (1984), Tennessee (1984), Kentucky (1984) are rhetorically framed primarily as responses to the fiscal

---

28 The association between Anglophobia and the establishment of an American language dates back to the immediate post-revolutionary period. Noah Webster (1789) argued that Federal English homogenization should be a part of the revolutionary experience, unifying a people under the ambit of a single language and eventually distancing Americans from their English ancestors. Webster saw the establishment of official English as an integral part of the enlightenment process, separating Americans from the “[the nations of the Eastern Continent] whose knowledge and intercourse are embarrassed by differences of language” (Webster, 1992, p.35).
burdens of implementing federal bilingual legislation and, to a lesser degree, the specter of an encroaching ‘second’ culture (see Tatalovich 1995 pp.195-205). By the late-1980s, this secondary component was brought to the forefront as the language debate began to focus more on the societal products of bi-lingual and bi-cultural legislation and Hispanic demands for cultural accommodation.

From 1986 to 1988, four states – Florida (1988), California (1986), Arizona (1988) and Colorado (1988) – with large Hispanic minorities (ibid, pp.196-197) adopted official English. Debates leading to the adoption of the legislation centered on the limits of cultural accommodation and entailed confrontations between proponents of the legislation and, primarily, Hispanic-rights organizations. Despite each state’s multi-ethnic population, the debate does not focus on the promotion and institutionalization of *multiculturalism*. Rather the focus is on bi-lingualism and bi-culturalism, highlighting a perceived dichotomy between an American language and culture and those of an increasing Hispanic minority. Remedies to the problems of bi-culturalism and bi-lingualism entail the assertion of a collective and unifying culture.

In Florida, the Repeal of a 1973 bi-cultural and bi-lingual ordinance in Dade County in 1980 sparked a heated 8-year battle over the adoption of a common public language. The debate pitted “native Americans” against Haitian and Cuban Spanish-speakers and official English organizations such as U.S. English, the Citizens of Dade United, and the Dade Americans United to Protect the English Language against Hispanic-rights organizations like SALAD (the Spanish American League Against Discrimination) and the Hispanic National Bar Association. The Florida debate ended with the adoption of official English at the state-level in 1988 and the rescinding of the Dade County 1980 anti-bilingual ordinance in 1992 following a shift in the
ethnic composition of Dade county commission from predominantly white to predominantly Black and Latino.

The passing of Official English in California (1986) is the culmination of a series of challenges in the late 1970s and early 80s against the use of bi-lingual ballots during municipal elections. The debate that lead to the passing of Proposition 63, establishing English as the state’s official language, involved confrontations between U.S. English, a national level organization committed to the federal enshrinement of English, and a coalition of Hispanic rights organization (MALDEF, LULAC, NCLR) and, to a lesser degree, Chinese, Japanese, Korean and Armenian organizations (Tatalovich 1995 pp. 114-115). Pro-proposition arguments framed the necessity of official English as a means to combat the polarizing impact of Hispanic “ethnic solidarity” and to preserve the melting pot from the attempts to institutionalize ‘cultural pluralism’ (ibid, p.119, p.122).

The focus on a developing second culture is reiterated in the Arizona and Colorado official English debates. Supporters of official English in Arizona highlighted the state’s proximity to the Mexican border (ibid, p.136) and the Hispanic community’s “vested interest” in encouraging segregation and the development of “language ghettos” (ibid, p.132) as reasons for the adoption of the legislation. The state’s English language amendment, adopted in 1988, was ruled unconstitutional in 1990 (Draper and Jimenez 1992, p.93). The ELA was re-adopted in 2006, under the ambit of a series of measures dealing with illegal immigration (Lynch, The Tribune (Mesa, AZ) November 8th, 2006). Representative Steve Pearce, one of the ELA’s primary sponsor, argued that, in adopting official English, the state would acknowledge that “Government has an obligation to promote and enhance English...to help people assimilate"
The Colorado Official English debate reflects the developments in the aforementioned cases. The language law is seen as a response to “a flood of immigration from Latin America” (150) and as a way to prevent the development of “two languages, side by side, with equal status” (p.153).

States that have adopted official English since 1990 reflect trends established in the first post-1980 legislative wave. Some official English bills were framed as cost-cutting measures, such as those introduced in the Utah (May, The Salt Lake Tribune, October 4th, 2000) and Montana (New York Times, April 3rd 1995) state legislatures. Support for laws passed in Alabama (Wilkerson, 2004, p.271), New Hampshire (Buckley Jr., Buffalo News, September 11th, 1995), Alaska (Rosen, the Christian Science Monitor, September 15th, 1998), and Kansas (St-John, McClatchy-Tribune Business News, January 18th, 2007) evokes a belief that official English measures are needed to preserve the core features of the American nation. However, with the exception of the Texas official English debate29, the Hispanic or Latino other is rarely mentioned overtly. Rather recent debates construct the other in much broader terms as non-English speaking immigrants. The laws of Idaho, Iowa, and Missouri, were, according to their main advocates, passed in order to facilitate immigrant integration (Gamache, McClatchy-Tribune Business News, March 21st, 2007) and as way of “[uniting] social groups and [nurturing] civic responsibility” (Gribbin, 2002, p.29). In New York official English is seen as a means for immigrants to live the “American Dream” (Spencer, Hartford Courant, December 15th, 2006), in

29 To get a sense of the toxic tone of the debate, one need look no further than Leo Berman’s comments on official English. Representative Berman (R) has been of the most outspoken advocates of English-Only policies which he justified as one of a series of measures to curb illegal, read illegal immigration to the state: "You don't have to round up 20 million illegal aliens," Berman said. "Stop the two free benefits you're giving them -- free health care and a free education -- and they'll go back across the Rio Grande." (Corpus Christi Caller, April 29th, 2008). He
Pennsylvania it provides access to employment and a way for immigrants to “fit in” (US Federal News Service, September 13th, 2007), in Maine official monolingualism represents fiscal common sense (Shileds, Bangor Daily News, March 12th, 1999) and in Ohio English-only provisions area meant to turn native Ohioans and immigrants into “more productive and involved citizens (Kovac, Daily Record Wooster, April 27th, 2008).”

The constitutions of Hawaii and Louisiana enshrine, respectively, procedural and cultural bilingualism. Article XVI, section 4, of the constitution of Hawaii states that “English and Hawaiian shall be the official languages of Hawaii, except that Hawaiian shall be required for public acts and transactions only as provided by law” (Hawaii Constitution, article XVI, section 4). The linguistic rights of Louisiana’s Cajun and Creole minorities are protected, albeit indirectly, by Article XII section 4 – Preservation of Linguistic and Cultural Origins – of the state constitution. It ensures that “The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origins is recognized” (Louisiana Constitution, Article XII, section 4). In addition to these two state-level laws, the 1951 constitution of Puerto Rico allows for the use of Spanish as an official language of government. In sum, just prior to 1980, states with large ethnocultural minorities adopted constitutional provisions to protect their language and cultural heritage. No state has constitutionally enshrined a second official language since 1980. The late 1980s and early 1990s also witnessed a counter-mobilization to the adoption of official English. In response to the growing push for the adoption of official English policies, English Plus, otherwise known as EPIC (the English Plus Information Clearinghouse), an organization that favours the primacy of English and the promotion of multilingual education, has managed to convince four states – Washington (see Zavodny, 2000, p.430, footnote 3), New Mexico (see Saumyajit, 2007, p.242), Oregon (ibid) and Rhode Island (ibid) - to adopt non-
binding resolutions to not declare English as their official language and to promote second language acquisition. State Level commitments to official English, two official languages and English Plus resolutions is summarized in table 5.5 below.

Table 5.5 Official English and Non-Official English States

<table>
<thead>
<tr>
<th>Official English</th>
<th>No Official English</th>
<th>Two Official Languages</th>
<th>English Plus Resolutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Connecticut</td>
<td>Hawaii</td>
<td>New Mexico</td>
</tr>
<tr>
<td>Alaska</td>
<td>Delaware</td>
<td>Louisiana</td>
<td>Oregon</td>
</tr>
<tr>
<td>Arizona</td>
<td>Maine</td>
<td></td>
<td>Rhode Island</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Maryland</td>
<td></td>
<td>Washington</td>
</tr>
<tr>
<td>California</td>
<td>Michigan</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Colorado</td>
<td>Minnesota</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>Nevada</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Georgia</td>
<td>New Jersey</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Idaho</td>
<td>New York</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Illinois</td>
<td>Ohio</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indiana</td>
<td>Oklahoma</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iowa</td>
<td>Pennsylvania</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kansas</td>
<td>Texas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kentucky</td>
<td>Vermont</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Massachusetts</td>
<td>West Virginia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mississippi</td>
<td>Wisconsin</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Missouri</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montana</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nebraska</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Hampshire</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Carolina</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>North Dakota</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Carolina</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Dakota</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tennessee</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Utah</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wyoming</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

---

30 Article XV, section 4, of the constitution of the state of Hawaii states that “English and Hawaiian shall be the official languages of Hawaii, except that Hawaiian shall be required for public acts and transactions only as provided by law.”

31 Creole and French are not explicitly recognized official languages in Louisiana. However they are implicitly recognized under Article XII section 4 (Preservation of Linguistic and Cultural Origins) of the state constitution which ensures that “The right of the people to preserve, foster, and promote their respective historic linguistic and cultural origins is recognized.”
5.4 The Role of Veto Players: Orrin Hatch, the Senate Judiciary Committee and the failure of the Bill Emerson English Language Empowerment Act

Despite the rapid spread of official English at the sub-national level and an increased push to enshrine a national language at the national level, the federal government continues to conduct its business in more than one language. Since the early 1980s, legislators primarily from within the Republican Party introduced a series of bills which, had they been enacted, would have made English the sole language of the national government and of the national public administration. They succeeded only in advancing symbolic measures that indicated Congress’ ‘sense’ that English be made the official language of the United States. However, their attempts at advancing non-symbolic official English bills beyond the initial stage of the legislative process were blocked by Democratic controlled congressional committees. In turn, federal agencies continued to deliver multilingual services in an ad hoc and unsupervised manner. It was only in late 1996, during the second session of the 104th Congress (1995-1996), that the continuity of multilingualism in the national public sphere and the national public administration faced its first real, non-symbolic, threat.

The threat came in the form of the Bill Emerson English Language Empowerment Act of 1996, which was discharged by the House Committee on Economic and Educational Opportunities on July 23rd 1996 (as the English Language Empowerment Act of 1996) and was voted through on passage eight days later in the House of Representatives. At this point in time, the stage seemed set for the enshrinement of an official English bill: Republicans had regained control of both
chambers of the national legislature in 1995 and thus held majority control of all congressional committees. Moreover, the bill had passed through the initial committee stage and was voted out of the House along strictly partisan lines. Thus the procedural impediments to a highly partisan anti-multicultural project appeared to no longer exist. Yet multilingualism in the national public sphere persisted when the Republican controlled Senate Judiciary Committee tabled the Bill Emerson English Language Empowerment Act of 1996.

The circuitous path to multicultural persistence in 1996 began during the first session of the 104th Congress. On January 4th 1995, Bill Emerson, a Republican from Missouri, introduced in the House of Representatives the Language of Government Act of 1995, otherwise known as House Resolution 123 or “An act to amend title 4, United States Code, to declare English as the official language of the United States government”. The act differed from its symbolic official English predecessors in that it required upon its enactment both that the federal government and its representatives conduct their official business (meaning, inter alia, the publication of official documents, income tax forms and ‘informational materials’) in English and that naturalization ceremonies be conducted entirely in English. It outlined the purpose of official English as a means “to preserve unity in diversity, and to prevent division along linguistic lines” (section 2(s), subsection 4) and “to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States” (section 2(a) subsection 6). Shortly after its introduction, the act was referred to the House Committee on Economic and Educational Opportunities and to the Subcommittee on Early Childhood, Youth and Families where it overcame a procedural hurdle that had put an end to all previous attempts at enshrining official English.
Up until the 104th Congress no official English bill had passed out of the initial committee stage of the legislative process. The closest any official English bill had ever come to passing this necessary step on the path to legislative enactment was during the 98th (1983-1984) Congress when the Senate Subcommittee on the Constitution held hearings on Senate Joint Resolution 167, which proposed that the constitution be amended to make English the country’s national language. Although hearings were held on Senate Joint Resolution 167, the Subcommittee on the Constitution ultimately refused to discharge the bill and refer it back to the legislature, thus putting an end to the drive for official English in the early 1980s. The situation changed dramatically for the national level official English movement on July 23rd 1996, when the House Committee on Economic and Educational Opportunities discharged the Subcommittee on Early Childhood, Youth and Families from further consideration on the Language of Government Act of 1995 and ordered, by a vote of 19 to 17, that an amended version of the bill to be reported back to Committee of the Whole.

In its final report, released on July 30th, the House Committee on Economic on Educational Opportunities justified its favorable recommendation, of what was now referred to as the English Language Empowerment Act of 1996, on three major grounds. First, it opined that the Act would help to fulfil the United States’ “historic tradition as a melting pot” by binding Americans together under the auspices of a unifying language. Second, it pointed to the economic inefficiency and unfairness in providing government documents and services in a select few of the country’s 320 languages when tax-payers could be spared any additional expense and all Americans could be treated equally by ensuring that the government conduct its business in English only. Third, and more directly, the committee argued that the enshrinement of official
English simply made “good common sense” as it would empower immigrants of diverse ethno-linguistic backgrounds to effectively participate in arenas of economic and civil competition.

The Committee’s favorable recommendation was made along strictly partisan lines. Without exception, the committee’s eighteen Democratic members urged the House of Representatives to reject the English Language Empowerment Act of 1996 and declared that “We Democrats share a commitment to English language learning and also to multilingualism” (p.35). However, this represented the committee’s ‘minority opinion’. The committee’s majority opinion – that the House vote in favor of the English Language Empowerment Act of 1996 – was delivered by 19 of the 24 Republicans sitting on the committee most of whom (15 out of 19), including William Goodling, the committee’s chair, had endorsed official English bills in past congressional sessions. The majority opinion stood and on August 1st, 1996, the English Language Empowerment Act of 1996 was sent back to the House of Representatives for final consideration where it was, to William Goodling’s surprise, transformed into a punitive measure against bilingual voting ballots.

In a sharp turn of events, the act underwent a radical last-minute make-over which sowed the seeds for the persistence of multilingualism in the national public sphere. The make-over entailed not only the act’s re-christening as the Bill Emerson English Language Empowerment Act of 1996 but also its transformation from an official English bill to a punitive measure against bilingual ballots. These changes were made possible by the adoption of an amendment, House Resolution 499, prior to the act’s final reading in the House. The amendment effectively allowed the legislature to discard the text of the English Language Empowerment Act of 1996 as it had been favorably recommended by the House Committee on Economic and Educational
Opportunities and to substitute it with the text of another official English bill. Ironically, this other official English bill, House Resolution 3898, had been introduced earlier in the year but had failed to be reported back to the House of Representatives by the Subcommittee on Early Childhood, Youth and Families.

Despite its earlier failure, House Resolution 3898 came to replace the original text of the English Language Empowerment Act of 1996. This radical transformation began at 12:54 pm, on August 1st, 1996, three minutes before it was to be read for the final time in the House of Representatives. At this point in time, the House of Representatives approved house resolution 499 (by a vote of 236 to 178) which allowed for House Resolution 123 (i.e. the English Language Empowerment Act of 1996) to be considered under a modified closed rule. This meant not only that debate over House Resolution 123 would be limited to one hour but also that the House could consider passing House Resolution 3898 in lieu of the official English bill that had been reported back by the House Committee on Educational and Economic Opportunities. House Resolution 3898, which had been introduced by Randy Cunningham on July 25th 1996 and had been tabled shortly thereafter, shared many of the same features of House Resolution 123, yet it differed in one significant respect. In addition to requiring that English be made the official language of the federal government and that naturalization ceremonies be conducted entirely in English, H.R. 3898 also required that section 203, subsection f, of the Voting Rights Act of 1965 be repealed, thus lifting the prohibition on states from providing unilingual ballots. The decision to adopt House Resolution 499 effectively tasked the House of Representatives with considering two versions of official English: one that would make English the country’s national language and another that would also eliminate a long-standing form of linguistic accommodation.
When final consideration for the English Language Empowerment Act of 1996 began at 12:57 pm, it became clear that the House would be considering the latter rather than the former. William Goodling, in his introductory remarks for House Resolution 123, made a point of this in stating that in adopting the closed rule motion “the American people may have gotten confused as to what legislation is before us, because much of what was said has nothing to do with the bill that came from our committee” (Congressional Record, August 1st, 1996, p.9738). As the proceedings continued, the discussion over official English veered completely towards the adoption of House Resolution 3898. Lincoln Diaz-Balart, the Republican member from Florida’s 21st district, pointed to this change when he addressed the chair of the Committee of the Whole in the final minutes of debate allowed under the modified closed rule:

“Let us not be confused, Mr. Chairman, with regard to what this bill is doing. People have often, speakers before us, have referred often, time and time again, to bill 123. What we have before us is bill 3898.” (ibid)

Despite this confusion, or perhaps due to it, the text of House Resolution 3898 was eventually adopted in lieu of the text of the English Language Empowerment Act of 1996 as it had been recommended, discharged and referred by the House Committee on Economic and Educational Opportunities. The bill – which had started off as the Language of Government Act of 1995 and had been subsequently re-titled the English Language Empowerment Act of 1996 – was finally re-christened the Bill Emerson English Language Empowerment Act of 1996, in honor of its primary sponsor who had died of cancer two months earlier. It was then passed out of the House by a vote of 259 to 169, with 223 Republicans voting aye and 160 Democrats voting nay.
This marked a significant, yet short-lived, victory not only for proponents of official English but also for opponents of bilingual voting rights. This secondary anti-multicultural movement had never been able to bring its legislative project to a vote let alone hope to see a repeal of bilingual voting rights pass out of either chamber of the national legislature. The movement’s fortunes changed when the Bill Emerson English Language Empowerment Act of 1996 was voted through on passage. In its final form, the act required, under title 1, that the federal government conduct its business in English only and that naturalization ceremonies be conducted entirely in English and, under title 2, that bilingual voting requirements, enshrined under section 203 (f) of the Voting Rights Act of 1965, be repealed. In the end, it would seem that this second provision facilitated the persistence of the federal government’s non-decision regarding the official language of government after the Bill Emerson English Language Empowerment Act of 1996 was referred to the Senate Judiciary Committee. It was there that the fate of official English during the 104th Congress was placed in the hands of a strong proponent of bilingual voting rights.

The Bill Emerson English Language Empowerment Act of 1996 was read twice in the Senate and on August 2nd, 1996, it was referred to the Senate Judiciary Committee for final consideration. The Senate Judiciary Committee refused to hold hearings on the bill before the end of the 104th congress which effectively put an end to the drive for official English and preserved the federal government’s non-decision regarding the official language of government. In refusing to hold hearings on the bill, the Senate Judiciary Committee did not provide an explanation as to why it blocked the passage of official English into the final stages of the legislative process. However, there is evidence to suggest that while this decision may have had something to do with a disjuncture between Senate and House Republican preferences over
official English and it was more likely due to the personal politics of Orin Hatch, the committee’s chair.

In contrast to their counterparts in the House Committee on Economic and Educational Opportunities, Republicans on the Senate Judiciary committee were ambivalent, agnostic and even opposed to the entrenchment of official English. Some committee members, such as Alan K. Simpson and Chuck Grassley, had co-sponsored official English bills yet had voted against a 1982 symbolic motion declaring Congress’ “sense” that English be recognized as the country’s official language. Two other Republican Senators on the Committee (Hank Brown and Fred Thompson) had not endorsed official English bills in the past and two others (Mike DeWine and Spencer Abraham) would in fact lend their support in 1999 to an ‘English-Plus’ senate resolution which required that the state encourage Americans “to learn and maintain Spanish, French, German, Japanese, Chinese, Russian, Arabic, Italian, Korean, Vietnamese, Farsi, African languages, sign language, and the many other languages of the world, in addition to English” (see S.RES.106, introduced 5/24/1999). It is unclear what the committee’s chairman thought of official English: in 1989 Orin Hatch withdrew his sponsorship of an official English bill that asked for the constitution to be amended however, in 2006, he voted in favor of an official English amendment to the Comprehensive Immigration Act of 2006. What is clear though is that Hatch was a vocal proponent of bilingual voting rights.

In 1992, Hatch broke with party rank and file and took a stand against a proposed legislation that would have repealed the Voting Rights Act of 1965. He argued that minority language assistance provisions in voting were “an integral part of our government’s assurance that Americans do have access (to the ballot box)” (Hatch, 1992, S. Rep. No. 315, 102d Cong., 2d Sess., 1992 at
Moreover, Hatch saw bilingual voting rights as means to effectively integrate immigrants into the arena of political competition and, more importantly, as something compatible with the preservation of English as the country’s national language:

“Far from threatening the primacy of English in America, it is precisely tools such as Section 203 which facilitate the integration of immigrants into the diverse culture of this nation. Bilingual elections do not promote cultural separatism, but instead help to integrate non-English speaking citizens into our system of democracy.” (ibid)

It follows that the prospect of endorsing an official English bill that repealed the Voting Rights Act could not have sat well with Hatch. As chair of the Senate Judiciary Committee, it fell to him to decide whether hearings would be held on any prospective legislation sent to the committee. Although Hatch has refrained from commenting on his decision not to hold hearings on the Bill Emerson English Language Empowerment Act of 1996, congressional records demonstrate that he did indeed use his discretionary power to block its passage. I submit that his outspoken stance in favor of maintaining bilingual voting rights suggests that this decision was in large part the result of the decision to couple official English with the repeal of Section 203 of the Voting Rights Act of 1965.

In sum, by the end of the second session of the 104th Congressional session, the federal government’s non-decision regarding the language of the national public sphere had survived its first concrete challenge. The persistence of this national level multicultural non-decision was by all appearances facilitated by the last minute decision to couple official English with a punitive measure against the Voting Rights Act of 1965. The outcome might have been quite different had the Senate Judiciary Committee been tasked with considering the English Language
Empowerment Act in its original form. But this was not the case and the multilingual diversification of the national public sphere deepened in the following years. It was only in 2006, when the official English regained its footing by employing a new legislative strategy, that the federal government was once again tasked with deciding to make English the national language. Although this new strategy paid off in the short term, the official English movement set itself up for failure by once again coupling the drive for an English public sphere with an altogether different political project.

5.5 The Reauthorization of Language Assistance in Voting

Multicultural continuity in the United States is evidenced in part by the federal government’s decisions in 1965, 1975, 1982 and 2006 to provide language assistance in voting for non-English speaking constituents. The first iteration of these decisions was included under the ambit of the Voting Rights Act of 1965, a law whose main purpose was to enfranchise African-American voters in the American south by prohibiting the use of discriminatory voting practices, procedures and standards. In the Voting Rights Act of 1965 the federal government also prohibited states from adopting voter qualifications that would abridge the rights of voters on account of their “inability to read, write, understand, or interpret any matter in the English language” (Section 2(e)(2)). At this point in time, however, these provisions were limited in scope having been designed primarily to enfranchise Spanish-speaking New Yorkers of Puerto Rican extraction.
It was in 1975, when the Voting Rights Act of 1965 was amended for the second time (the Act was also amended in 1968), that other American states were indirectly tasked with taking positive measures to remedy potential disenfranchisement based on an individual’s limited English language proficiency. These positive measures were implied under the “minority language assistance provisions” covered under section 203 (c) of the 1975 Voting Rights Act. The provisions prohibited states, whose constituency comprised a certain percentage of voters who were limited in their English proficiency, “from providing English-Only “voting material” in any election” (Tucker, 2006a, p. 215). This meant effectively that states falling under the Act’s section 4 triggering mechanism (i.e. with an eligible electorate of which more than 5% were “members of a single language minority group”, see Tucker 2006a, p. 208) were henceforth required to provide voting in more than one language.

The federal government ratified its decision to support minority language assistance in voting in 1982 and 2006 despite having had, at both moments in time, the opportunity to reverse course. In 1982, the Voting Rights Act of 1975 was up for reauthorization at which point its provisions could have been revised or altogether abandoned. It was nevertheless reauthorized in 1982 and at that point in time the minority language assistance provisions covered by the section 4 triggering mechanism of the 1975 Voting Rights Act were reauthorized by Congress for another 25 years. This meant that in the middle of the first decade of the 21st century, once the provisions had once again lapsed, the federal government could have yet put an end to a multicultural decision which by that point that had persisted for over four decades. This did not happen. Instead the federal government’s minority language assistance provisions, outlined in 1975 and reified in 1982, were reauthorized for an additional 25 years. This occurred after Congress passed the Fannie Lou Hamer, Rosa Parks, And Coretta Scott King Voting Rights Act
Reauthorization And Amendments Act of 2006 and President George W. Bush signed the Act into law on the White House’s South Lawn on July 27th, 2006. Consequently, language assistance in the voting process will be in continue to be implemented at least until the third decade of the 21st century.

In explaining this most recent development Jonathan Tucker (2006b) and Nathan Persily (2007) highlight the critical importance of individual political actors. More specifically, they contend that the reauthorization of minority language assistance provisions in 2006 was due primarily to the actions of Senator James Sensenbrenner (Republican-Wisconsin) and President George W. Bush.

By all appearances Senator Sensenbrenner was unlikely advocate of minority language assistance provisions, having voted in favor of official English policies in the 1980s and 1990s. However, on July 10, 2005, it was he who pushed for the reauthorization of these provisions a year before they were set to expire. The main reason behind this decision, according to Persily (2007), was that Sensenbrenner was set to be replaced in 2006 as chair of the Senate Judiciary Committee by another Republican (Lamar Smith) who strongly opposed aspects of the Voting Rights Act as well as language assistance writ large (pp.180-181). Given that it was the Chair of the Senate Judiciary Committee who decided whether or not to hold hearings on any bill proposing the reauthorization of the Voting Rights Act, Sensenbrenner had at this point in time the power to usher the minority language assistance provisions through the initial stages of the legislative process. Sensenbrenner thus acted quickly to ensure that his replacement would not seal their fate and proceeded to guide the Senate Judiciary Committee to approve their reauthorization. Persily contends that “one cannot overstate” the importance of Sensenbrenner, a
man who “wanted the reauthorization of the Voting Rights Act to occur on his watch, and, consistent with his leadership style on other issues, nothing was going to stand in his way” (pp.180-181).

The leadership of President George W. Bush was also, according to both authors, critical in ensuring the reauthorization of the VRA and with it the continued implementation of minority language assistance provisions in voting. His support was deeply political: his advisor Karl Rove had a master plan for bringing Latinos permanently into the Republican column. Thus, in contrast to many other Republicans, George W. Bush supported some forms of linguistic accommodation in the public sphere. As Governor of Texas, he had opposed the adoption of official English legislation (Tucker, 2006b, pp.210-211) and, as President, he publically endorsed executive order 13166, issued under the previous administration, for the provision of language assistance by federal agencies, federal departments and by recipients of federal financial assistance in the administration of public services (p.211). In 2006, when the reauthorization of minority language assistance provisions in voting were being debated in Congress, he made his support for this form of American multiculturalism amply clear in a speech he delivered to the NAACP (Persily 2007, p.185). According to Persily, President Bush thus employed a “presidential “stick” (p.186) to ensure that Senate Republicans who opposed the VRA towed the line and voted in favor of the reauthorization of the Voting Rights Act (p.186).

5.6 Language Accommodation in the Administration of Public Services
Multicultural continuity in the United States is also evidenced by the development of federal policy on language accommodation in the delivery of public services. The ground work of
federal policy on language accommodation in the delivery of public services was laid by the Carter administration on May 1st, 1980 during an event that had little if anything to do with the recognition, support or respect of language minorities. On that day, President Carter addressed the annual meeting of the President’s Committee on Employment of the Handicapped and promised to do more to protect the civil rights of disabled Americans. In order to achieve this objective, President Carter announced that he was drafting an executive order that would vest the Attorney General with the authority to effectively coordinate and enforce prohibitions against discrimination relating to the interactions between the disabled and federal agencies and federally assisted programs (Carter 1980). President Carter’s primary objective at the time was to ensure the effective implementation across agencies and departments of section 504 of the Rehabilitation Act of 1973\(^{32}\). Yet when he issued executive order 12250 (see appendix B for full text) a few months later, thus following through on the promise he had made to the Committee on Employment of the Handicapped, he had by then decided to do more than simply protect the civil rights of disabled Americans.

In a statement outlining the provisions of executive order 12250, President Carter declared that his promise to the President’s Committee on Employment of the Handicapped had “afforded an excellent opportunity to strengthen across the board implementation of statutes banning discrimination based not only on handicap but also on race, color, religion, national origin, and sex in federally assisted programs” (Carter 1981; 2652). Accordingly, President Carter delegated

---

\(^{32}\) Public Law 93-112, Section 504, Nondiscrimination Under Federal Grants “No otherwise qualified handicapped individual in the United States, as defined in Section 7(6), shall, solely by reason of his handicap, be excluded from the participation in or be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”
authority to the Attorney General acting under the Department of Justice (D.O.J.) to coordinate, enforce and effectively implement non-discrimination measures covered not only under section 504 of the Rehabilitation Act of 1973 but also those covered under all federal non-discrimination laws and statutes. This meant that the D.O.J. would also now be tasked with coordinating, enforcing and implementing Title VI of the Civil Rights Act of 1964 (CRA 1964) which prohibits discrimination on the grounds of race, color, and national origin.

The D.O.J.’s new duties regarding Title VI of the CRA 1964 were outlined under Title 28 of the Code of Federal Regulations (C.F.R.). The C.F.R. is a clearinghouse publication which delineates all enabling legislation and regulations for the implementation of federal statutes and presidential orders falling within the D.O.J.’s jurisdiction. After it was updated following the issuing of executive order 12250, the C.F.R. outlined (under Part 42, Subpart F of title 28) the D.O.J.’s new mandate as it related to Title VI of the CRA 1964. In order to effectively coordinate and enforce Title VI, the D.O.J. would now require that federal agencies, departments and recipients of federal financial assistance publically disseminate information on Title VI’s rules, procedures and remedies (28 C.F.R. 405(a)). *It also required that they do so in languages other than English.* More precisely, the D.O.J. now required all recipients of federal financial assistance to provide Title VI information in more than one language (28 C.F.R. 42.405 (d)(1)) while it tasked federal agencies and departments with taking “reasonable steps to provide, in languages other than English, information regarding programs subject to title VI” (28 C.F.R. 42.405(d)(2)). Although these requirements were deeply embedded in a regulatory document they nevertheless represented a significant shift in how the federal government would heretofore conduct its business.
At the turn of the millennium, the federal government expanded the scope of language assistance provided by federal agencies and departments and by recipients of federal financial assistance. This change was brought about directly by President Bill Clinton when, on August 11th 2000, he issued executive order 13166 (see appendix C for full text) thus offering up his personal interpretation of the unstated goals and objectives of Title VI of the Civil Rights Act of 1964.

The President’s motives in issuing the order have been debated. The most straightforward explanation of this decision is that it was driven by increases in immigration from Latin America and by the evidence that American’s of limited English proficiency faced near insurmountable barriers in accessing public services (see Clemens-Cope and Kenney 2007 and Lee et al. 2008). A far more subtle explanation, one that resonates partially with normative accounts of multicultural survival, is that President Clinton was compelled to issue the order as a result of the United States’ decision to ratify the International Covenant on Civil and Political Rights (ICCPR) in 1992. Because the ICCPR required that its signatories ensure that their citizens have full access to public services, President Clinton was, according to Aka and Deason (2011), faced with a “constitutional dilemma” due to the sub-national adoption of official English policies and to their potentially deleterious effects on citizens of limited English proficiency. It was ostensibly in response to this ‘dilemma’ that President Clinton decided to issue executive order 13166.

What is clear, though, is that executive order 13166 was meant “to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency” (Executive Order 13166; introduction). As a result of executive order 13166, federal agencies and departments and recipients of federal
financial assistance were tasked not only with disseminating public information on non-discrimination measures in more than one language but also with taking “reasonable steps” to provide “meaningful access” to their services and programs for persons of limited English proficiency (Section 1, “Goals”). In a follow up to Executive Order 13166, the Department of Justice clarified that these public entities were required to develop Limited English Proficiency Plans (LEP plans) that detailed the steps they were taking to provide both written and oral multilingual services to their respective minority clienteles (Department of Justice, 65 Federal Register 159, p.50125).

In a series of memoranda issued by the Office of the Assistant Attorney General and the Department of Justice, the scope and reach of executive order 13166 was clarified during the first year of George W. Bush’s presidency. First, the Assistant Attorney General asked federal agencies and departments to solicit public input on the design and implementation of their respective LEP plans (Office of the Assistant Attorney General, January 11th 2002). Second, the Department of Justice clarified that executive order’s remedial reach included the administrative adjudications conducted by recipients of federal funding and the activities conducted either in a “voluntary” or “contractual” manner by organizations supporting federal agencies (Department of Justice, June 18th 2002). Third, the Assistant Attorney General then further clarified that executive order 13166 applied specifically to all ninety-five federal agencies and it founded the Interagency Working Group which would act as a clearinghouse for all materials related to the design and implementation of these agencies’ LEP plans (Office of the Assistant Attorney General, July 8th 2002). Fourth, the D.O.J. created new ‘tools’ to ensure the effective implementation of multilingual oral and written services by federal agencies and departments and by recipients of federal financial assistance. Two of these tools – a brochure for federal
agencies and departments and a brochure for recipients of federal funding – were to be used as outreach documents while a third tool – a self-assessment document – was to be used by agencies and departments and by recipients of federal financial assistance to evaluate their compliance with executive order 13166 (Office of the Assistant Attorney, General November 12th 2002).

Despite the creation of these tools, compliance with executive order 13166 has been uneven. At the sub-national level, many state courts were found to have violated D.O.J. guidelines on the accommodation of language minorities in the administration of public services (see Office of the Assistant Attorney General 2010). The most egregious of these violations were the courts’ use of bilingual interpreters in major proceedings but not in minor proceedings (2), their decision to make appellants and appellees bear the costs of interpreter services (2), their use of bilingual services in courtrooms but not in court-managed offices (3), and their failure, in some cases, to provide language assistance in citizen dealings with court-appointed personnel (3). At the national level, most federal agencies, departments and recipients of federal funding eschewed the deadline for the adoption and implementation of their L.E.P. plans that had been set for November 22nd, 2002.

In recent years the federal government has taken steps to ensure full compliance with executive order 13166. In a memorandum issued by Attorney General Eric Holder in 2011, department and agency heads were reminded of their “language access obligations” and of the work that lay ahead to “transform policy into practice and make the Executive Order's mandate a reality” (Office of the Attorney General, June 25th 2010). In a second memorandum, issued a few months later, Holder reiterated the federal government’s commitment to linguistic
accommodation in the administration of public services (Office of the Attorney General, February 17th 2011). He also, at this time, tasked each federal agency with establishing a ‘Language Access Working Group’, which would be responsible for assessing their responsiveness to limited English proficiency populations, and with publishing their L.E.P. plan on a newly created online clearinghouse, LEP.gov. These directives seem to have had a positive effect; as of February 19th, 2014, twenty-one federal agencies and departments had complied with the Attorney General’s command by publishing their LEP plans on LEP.gov\(^{33}\).

It is difficult to get a clear sense of the government’s position on multilingualism in the United States due to existence of three branches of government, each of which is involved in some capacity or another in the policy making process. Between 1980 and 2010, the executive branch either tacitly or overtly endorsed multilingualism. During this period of time, no president officially endorsed ‘official English’\(^{34}\) and Presidents Bill Clinton and George W. Bush took unprecedented steps to publically affirm the value of multilingualism in the United States, the former by speaking out on the inherent importance of linguistic diversity and bilingual education and the latter by delivering the first ever presidential address in a language other than English.

---

\(^{33}\) They are: the Department of Agriculture, the Department of Education, the Department of Energy, the Department of Health and Human Services, the Department of Homeland Security, the Department of Housing and Urban Development, the Department of Justice, the Equal Opportunity Employment Commission, the Federal Deposit Insurance Corporation, the Federal Trade Commission, the National Aeronautics and Space Administration, the National Council on Disability, the National Credit Union Association, the National Endowment for the Arts, the Office of Management and Budget, the Public Benefits Guaranty Corporation, the Railroad Retirement Board, the Social Security Administration, the US Commission on Civil Rights, the US Consumer Product Safety Commission, and the US Office of Special Counsel. See “Federal Agency LEP Programs” \(https://www.lep.gov/guidance/fed_plan_index.html\) accessed 07/26/2016.

\(^{34}\) Bob Dole is the only presidential candidate in the last thirty years to promise to make English the official language of the United States if elected (see Caldas, 2006, p.10).
The judicial branch of government’s position on multilingualism between 1980 and 2010 is perhaps best described as ambivalent. This position is evidenced by the Supreme Court’s ruling in Alexander V. Sandoval (issued on April 24th, 2001). The Sandoval ruling was the culmination of a three-year long court battle that had pitted the state of Alabama against Martha Sandoval, an immigrant of Mexican national origin, in a dispute over linguistic accommodation in the administration of state driver’s examinations. At issue was the decision made by James Alexander, the then Director of the Alabama Department of Public Safety, to implement English-only driver’s examinations in accordance with the state’s ‘official English’ language amendment which had been adopted by the state legislature in 1990 (Sandoval V. Hagan 1998, “Introduction”, p.1243). In 1998, the United States District Court for the Middle District of Alabama, Northern Division, ruled in the favor of Sandoval finding that the Department of Public Safety’s ‘English-only’ examinations violated the nondiscrimination provisions covered under Title VI of the Civil Rights Act of 1964 (ibid, p.1315).

The state of Alabama then appealed to the United States Court of Appeals for the 11th District claiming that Section 602 of Title VI of the Civil Rights Act of 1964 did not contain an implied private cause of action allowing an individual to seek redress against disparate institutional treatment based on linguistic status. The Court of Appeals sided with Sandoval and affirmed the lower court’s decision, stating that the CRA did indeed allow for a private cause of action35, yet nevertheless issued a writ of certiorari asking the Supreme Court to examine the issue further.

---

35 Sandoval v. Hagan, 1998, paragraph 78 “Section 602 of Title VI creates an implied private cause of action to obtain injunctive and declaratory relief under federal regulations prohibiting disparate impact discrimination against statutorily protected groups”
The Supreme Court decided, on the one hand, that it had not been Congress’ intent, in the design of Title VI, to confer a new individual right allowing Americans to seek redress against the disparate effects of institutional action or design\textsuperscript{36}. On the other hand, the Supreme Court upheld that the federal government did have the right to prevent unintentional forms of institutional discrimination by withholding funding for recipients of federal financial assistance and for local and/or state agencies\textsuperscript{37}. Consequently, the Supreme Court decided that the states and the federal government were permitted to pursue different language policies but that American citizens had no legal right to demand linguistic accommodation in the delivery of public services.

5.7 Federal spending on bilingual education

On the flipside, federal spending on bilingual education came to a screeching halt in the late 1990s. Federal policy on bilingual education originated in the late 1960s as a result of an amendment brought to the Elementary and Secondary Education Act of 1965 (ESEA). The ESEA was one of the cornerstones of the Johnson administration’s ‘war on poverty\textsuperscript{38}’ which also included the Food Stamp Act of 1964, the Economic Opportunity Act of 1964 and the Social

\textsuperscript{36} Alexander v. Sandoval, 2001, p.288 “It is immediately clear that the “rights-creating” language so critical to the Court’s analysis in Cannon of §601, see 441 U.S., at 690, n. 13, is completely absent from §602.”
\textsuperscript{37} Ibid, p. 289 “Section 602 empowers agencies to enforce their regulations either by terminating funding to the “particular program, or part thereof,” that has violated the regulation or “by any other means authorized by law,” 42 U.S.C. §2000d–1.”
\textsuperscript{38} Shortly after assuming the Presidency, following the assassination of John F. Kennedy, Lyndon Johnson lauded Congress on the steps it had taken during the first session of the 88th congress (January 9th to December 30th 1963) to declare an “all-out war on human poverty and unemployment” (Williams 2011, p.63) He promised to do even more and, accordingly, proposed an overhaul of a variety of institutions and federal programs in order to enhance the life chances of economically disenfranchised Americans (ibid, pp.63-64).
Security Act of 1965. It outlined a new national policy intended to address the “special educational needs” of children in low-income areas by providing financial assistance to local educational agencies serving these areas the government hoped that they would “expand and improve their educational programs by various means” (Section 201, The Elementary and Secondary Education Act of 1965, Public Law 89-10). In order to achieve this goal, the ESEA set aside federal monies for the design and creation of new educational programs for a period of three years.

This meant that the continuity the ESEA’s provisions hinged on its reauthorization during the 1967-1968 congressional session. During deliberations on the ESEA’s reauthorization, Senator Ralph Yarborough (D-Texas) introduced an amendment to the ESEA titled the Bilingual American Education Bill of 1967. Yarborough presented Congress with evidence of a wide gap in levels of educational achievement between Spanish-speaking students and both the majority population as well as other minority populations within low-income areas (Rossell 2000; 216). His main objective in introducing the Bilingual Education Bill was to reduce this achievement gap through temporary forms of linguistic accommodation and not, in his words, “to keep any specific language alive” (Quoted in Peladino Porter 2001; 129).

In 1968 the bill passed out of both chambers of the legislature and its provisions were incorporated under Title VII of the ESEA as the Bilingual Education Act of 1968 (BEA). Under the BEA 1968, the federal government broadened its definition of students with special needs to include “the large numbers of children of limited English-speaking ability in the United States” and it enlarged the goals of federal policy regarding public education to now include the provision of “financial assistance to local educational agencies to develop and carry out new and
imaginative elementary and secondary school programs designed to meet these special needs” (Section 702 The Elementary and Secondary Education Amendments of 1967, Public Law 90-247). Accordingly, the federal government recommended that local educational agencies use federal monies to accomplish two major tasks at the elementary and secondary levels.

First, local educational agencies were encouraged to use federal monies to provide pre-service training for educators to master more than one language of instruction (Section 704(b)). Second, the federal government strongly encouraged local educational agencies to use federal financial assistance to create and administer both “bilingual education programs” (Section 704(c)(1)) and “programs designed to impart to students a knowledge of the history and culture associated with their language” (Section 704(c)(2)). Both of these recommendations signaled that the federal government formally recognized an important axis of linguistic difference within the American constituency. More importantly, they evidenced a shift towards multiculturalism in the realm of public education in that public schools were now encouraged to accommodate linguistic difference in order to facilitate the integration of immigrant children into the English mainstream.

Between 1968 and 1994, the Elementary and Secondary Education Act of 1965, and with it the Bilingual Education Act of 1968, was reauthorized on five occasions: in 1974⁴⁹, 1978⁴⁰, 1984⁴¹, 1988⁴² and 1994⁴³. On each of these occasions, federal policy on bilingual education underwent

---

³⁹ As The Education Amendments of 1974, Public Law 93-380
⁴⁰ As The Education Amendments of 1978, Public Law 95-561
⁴¹ As The Education Amendments of 1984, Public Law 98-511
⁴² As The Elementary and Secondary School Improvement Amendments of 1988, Public Law 100-297
⁴³ As The Improving America’s Schools Act of 1994, Public Law 103-382
a series of changes procedural and administrative changes. In addition, the federal government modified its fiscal commitment to the design and implementation of bilingual education programs. As we can see in table 5.6 below, federal appropriations for Title VII of the Elementary and Secondary Education Act increased dramatically in 1974 before dipping in 1978 and 1984. However, in 1988 and 1994, the federal government set aside unprecedented sums of money for bilingual education.
Table 5.6 Federal Appropriations for the Design and Implementation of Bilingual Education Programs

<table>
<thead>
<tr>
<th>Iteration of Bilingual Education Act</th>
<th>Total Appropriations for Duration of Act (millions of dollars)</th>
<th>Breakdown of Appropriations per fiscal years (millions of dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1968</td>
<td>$85</td>
<td>$15 FY 1968&lt;br&gt;$30 FY 1969&lt;br&gt;$40 FY 1970&lt;sup&gt;44&lt;/sup&gt;</td>
</tr>
<tr>
<td>1974</td>
<td>$710</td>
<td>$135 FY 1974&lt;br&gt;$135 FY 1975&lt;br&gt;$140 FY 1976&lt;br&gt;$150 FY 1977&lt;br&gt;$160 FY 1978&lt;sup&gt;46&lt;/sup&gt;</td>
</tr>
<tr>
<td>1984</td>
<td>$70</td>
<td>$10 FY 1985&lt;br&gt;$12 FY 1986&lt;br&gt;$14 FY 1987&lt;br&gt;$16 FY 1988&lt;br&gt;$18 FY 1989&lt;sup&gt;47&lt;/sup&gt;</td>
</tr>
<tr>
<td>1988</td>
<td>$200 +</td>
<td>$200 FY 1988&lt;br&gt;“such sums as may be necessary” for FY 1989 to FY 1993&lt;sup&gt;48&lt;/sup&gt;</td>
</tr>
<tr>
<td>1994</td>
<td>$215 +</td>
<td>$215 FY 1995&lt;br&gt;“such sums as may be necessary” for FY 1996 to FY 1999&lt;sup&gt;49&lt;/sup&gt;</td>
</tr>
</tbody>
</table>

<sup>44</sup> Public Law 90-247 – JAN.2, 1968, Section 703  
<sup>45</sup> Public Law 93-380 – AUG. 21, 1974, Section 702 (b)(1)  
<sup>46</sup> Public Law 95-561 – NOV. 1, 1978, Section 751 (3)(c)  
<sup>47</sup> Public Law 98-511 – OCT. 19, 1984, Section 702 (b)(2)  
<sup>48</sup> Public Law 100-297 – APR. 28, 1988, Section 7002, Policy Appropriations Subsection (b) AUTHORIZATION.  
– (1) For the purpose of carrying out the provisions of this title, there are authorized to be appropriated, subject to paragraph (6), $200,000,000 for the fiscal year 1989 and such sums as may be necessary for the fiscal year 1990 and for each succeeding fiscal year ending prior to October 1, 1993.”  
<sup>49</sup> Public Law 103-382 – OCT. 20, 1994, Section 7103 Authorization of Appropriations. “In General.—For the purpose of carrying out this part, there are authorized to be appropriated $215,000,000 for the fiscal year 1995 and such sums as may be necessary for each of the four succeeding fiscal years.”
All of this came to an end during the second Clinton administration (1997-2001) when two legislative attempts at reauthorizing the ESEA, both of which were titled the Educational Excellence for All Children Act of 1999, failed to pass out of Congress. As a result, neither the ESEA nor the BEA were reauthorized and, for the first time in over three decades, Congress had failed to approve the set aside of federal monies for the administration and implementation of bilingual education programs and teacher training.

Federal policy on bilingual education emerged in the late 1960s as an amendment to the Elementary and Secondary Education Act of 1965 or ESEA. This meant that the fiscal fate of bilingual education, in the form of federal appropriations for the creation and administration of bilingual educational programs, was inextricably linked to that of the ESEA. The ESEA is a peculiar piece of legislation with one glaring idiosyncrasy: its time limit. That is to say the ESEA was by design intended to be revisited, reviewed and, if American legislators so decided, reauthorized for a period of no longer than five years. This time limit has meant that, every few years, a new education bill would have to be introduced in and pass out of the national legislature in order to ensure the continued allocation of federal financial assistance to local educational authorities for the purposes of improving levels of academic achievement in low income areas. The time limit has also meant that, at every new temporal interval, the continued implementation of the ESEA, as well as bilingual education policy, would be exposed to a new political landscape and would rest in the hands of a different partisan alignment in Congress.

In 1994, five years prior to its initial decline, partisan conditions were propitious for the renewal and expansion of bilingual education policy: Bill Clinton, an outspoken proponent of transitional
bilingual education and multiculturalism, was President and the Democratic Party held majority control of both the upper and lower chambers of the legislature. Within this ‘unified’ governmental context, Democrats faced little opposition in their attempt to reform and reauthorize the Elementary and Secondary Education Act. In a few months the Improving America’s Schools Act of 1994 was voted on passage in Congress and was signed into law at which point ESEA as well as the BEA were renewed for an additional five years. It was this temporal limitation that opened up an ‘opportunity’ in 1999 for a new partisan alignment to block the ESEA’s reauthorization and to effectively seal the BEA’s fate. By the time that the ESEA was once again up for reauthorization in 1999, the federal government was at that point ‘divided’: President Clinton was concluding his second term in office but the Republican Party now held majority control in both the House and Senate. Although the stars seemed misaligned for House and Senate Democrats to introduce any piece of legislation along strictly partisan lines, they nevertheless chose to do so and failed in their two legislative attempts at reauthorizing the ESEA.

A speech given by Clinton to the Congressional Hispanic Caucus Institute gives a sense of his feelings on bilingual education and multiculturalism: "And I want to just say a word in that context about bilingual education. Of course, English is the language of the United States. Of course it is. That is not the issue. The issue is whether children who come here, while they are learning English, should also be able to learn other things. The issue is whether American citizens who work hard and pay taxes and are older and haven't mastered English yet should be able to vote like other citizens. The issue, in short, is not whether English is our language; it is. The issue is whether or not we're going to value the culture, the traditions of everybody and also recognize that we have a solemn obligation every day in every way to let these children live up to the fullest of their God-given capacities. That's what this is about." (Clinton 1995)

In the American Presidential system, a ‘unified’ government refers to a context in which the same political party controls both the executive and legislative branches of government. In contrast a ‘divided’ government exists one control of the executive and legislative branches of government is split between parties.
5.8 Assimilation: The End of the Bilingual Education Act

The federal government’s position on bilingual education during the 20th century was then reconceptualised when the No Child Left behind Act of 2001 (NCLB) became public law on January 8th, 2002, during the first W. Bush administration. The NCLB encapsulated the Republican Party’s plan for a five-year reauthorization of the Elementary and Secondary Education Act of 1965, although with a major re-envisioning of federal and local responsibilities over public education. Upon its enactment, the NCLB also brought about a subtle yet significant change to the government’s position on the instruction of immigrant children of limited English proficiency.

This change was evidenced by three modifications to the ESEA covered under Title III of the NCLB. The first modification was the subsuming of the Bilingual Education Act of 1968 under a new educational act called the English Language Acquisition, Language Enhancement, and Academic Achievement Act (Title III, Section 3001, Part A). The second modification entailed the rechristening of The Office of Bilingual Education, formerly responsible for the supervising the administration of bilingual education programs, as the Office of English Language Acquisition, Language Enhancement, and Academic Achievement for Limited English Proficient Students (Section 1072, Subsection 220(b)). The third modification provided parents of children of limited English proficiency with the option of removing them from classes dedicated to multilingual instruction and/or to temporary instruction in a language other than English (Section 3302(a)(8)(A)(i)). Although these modifications might seem to be primarily aesthetic, they effectively meant that, for the five-year duration of the NCLB’s provisions, public schools would no longer be encouraged by the federal government to develop bilingual educational programs.
but instead to promote the rapid transition of limited English proficiency students into the English mainstream.

The NCLB’s provisions expired in 2007, meaning that the Elementary and Secondary Act of 1965 was once again up for reauthorization. However, during the second W. Bush administration (2005-2009) no major changes were brought to federal policy on public education. It was only during the first Obama administration (2009-2013) that the federal government proposed a reauthorization of the ESEA and with that a return to some of the older notions of bilingual education policy. This proposed return was outlined in a document that President Obama presented to Congress on March 13th, 2010 titled *A Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act* (U.S. Department of Education 2010). The Blueprint offered an alternative to the NCLB, an act that Democrats had declared a ‘failure’ (2008 Democratic Party Platform) and that President Obama had himself promised to replace (Obama, State of the Union Address 2011).

In the forward to the *Blueprint for Reform*, President Obama justified revisiting the ESEA by pointing to the decline in college completions during the first decade of the 21st century and to statistical evidence that strongly suggested that America was no longer “the best educated nation in the world” (U.S. Department of Education 2010; 1) Accordingly, he promised to remedy low levels of academic attainment and achievement by creating a new partnership between the federal government, parents, the public sector and the private sector (2). A major component of this new partnership required changes to elementary and secondary education in order to better serve the educational needs of language minority students, whom he referred to as “English language learners” (2). This meant that that local educational agencies would be encouraged to
implement activities, such as dual-language programs and transitional bilingual education (20), which had been cornerstones of the last iteration of bilingual education policy adopted during the first Clinton administration (1994-1998) in 1994. Remarkably these proposals have not been realized despite the fact that the No Child Left Behind Act’s provisions lapsed in 2007 and that an opportunity has opened up for the federal government to revisit, re-imagine and reauthorize the Elementary and Secondary Education Act of 1965.

When it was voted through on passage in the House of Representatives it received the backing of 197 Democrats and 186 Republicans (Govtrack 2015d); it was then sent to the Senate where it was voted on passage by 47 Democrats and 44 Republicans (Govtrack 2015e). Had the No Child Left Behind Act of 2001 (NCLB) not received the support of Democrats, who at the time controlled only 210 of the 433 seats in the House of Representatives and held a slim one seat majority over Republicans in the Senate, there is no way that it would have passed out of the legislative branch of government and to the final stage of enactment.

What then motivated Democrats to take this novel policy position and to vote with their Republican counterparts? The House Committee on Education and the Workforce’s final report on the NCLB (U.S. House of Representatives Rept. 107-63) provides a potential answer to this question by pointing to the two ways in which federal policy on bilingual education was seen to be defective. First, the committee argued that the federal government had imposed limits on the allocation of funds for the implementation on ‘alternatives’ to bilingual education programs that had prevented states from effectively transitioning limited English proficiency students into the English education mainstream (324-326). Second, the committee argued that federal policy on bilingual education was too much of a centralized “federal solution” to the education of linguistic
minorities that had heretofore failed to provide states with enough flexibility to better serve their distinct LEP populations (324). In brief, both arguments suggest that opposition to federal policy bilingual education was rooted in a belief that the federal government had over-reached and encroached on governance at the sub-national level.

5.9 Refining the Hypothesis

The overall survival of American multiculturalism following an ideological shift to the right in national level politics in 1995 can be explained in large part by the actions of individuals who controlled critical veto points and who used their veto power to trump anti-multiculturalist actions. However, there are two underlying factors that are important in fleshing-out this explanation. These two factors are brought to light in this concluding section.

- **The Rules of the Game.** Paradoxically, the federal government’s commitment to multiculturalism both expanded and declined during the tail-end of the Clinton administration, a point in time at which the executive branch was controlled by the Democratic Party while the legislative branch was controlled by the Republican Party, the main source of opposition to American multiculturalism.

Under these conditions of ‘divided government’ the federal government deepened its commitment to offering multilingual accommodation in the delivery of public services and at the same time federal policy on bilingual education failed to be reauthorized for the first time in 30 year. The first part of this divergent outcome can be explained by the
existence of an informal rule that allows presidents to make policy through the issuing of executive orders, which allowed President Clinton to circumvent opposition to multiculturalism in Congress. The second part of this divergent outcome can be explained by the Democratic Party’s decision to introduce reauthorization legislation for bilingual education that was sponsored solely by Congressional Democrats in a Republican controlled Congress.

The rules of the game in the United States also provide Congressional Chairs with the power to prevent the holding of hearings on proposed legislation thus bringing the legislative process to a grinding halt. The continued use of this informal veto power is evidenced by the systematic failure of the official English movement that, with the exception of four official English bills, has been unable to advanced laws that would have made English the official language of government and/or that would have rescinded executive order 13166 past the initial stages of the legislative process. While these rules have undoubtedly been critical in preventing the adoption of official English, the exercise of informal veto power by Congressional chairs also points to a split in attitudes towards multiculturalism within the Republican Party.

- **Policy Reach.** The motivations of veto players have been alluded to in the foregoing discussion. In addition to those addressed above, another possible motivation for Republican support for as well as opposition to multiculturalism may rest in their interpretation of the scope or reach of linguistic accommodation. Based on the divergent trajectories of federal policy on bilingual education and executive order 13166 it would
seem that their different fates were linked to the degree to which they reached into sub-national governance. Not all federal policies have encroached on sub-national governance; by design federal policy on language accommodation was meant *not* to affect state-level decision-making. The limits of this federal multicultural public policy were outlined under section 5 of executive order 13166 which declared that it was meant “only to improve the internal management of the executive branch” and that it did not create in and of itself an individual “right or benefit” (Executive Order, Section 5, “judicial review”). The policy’s remedial ambit was further clarified by the Supreme Court in its ruling on Alexander V. Sandoval which it issued on April 24th, 2001. The federal government, according to the Supreme Court’s ruling, only had the right to prevent unintentional forms of institutional discrimination by withholding funding for recipients of federal financial assistance and for local and/or state agencies if they were found to have violated Title VI of the Civil Rights Act of 1964 (Alexander v. Sandoval, 532 U.S. 275 (2001); p.289).

The policy’s narrow reach was subsequently reaffirmed by the Department of Justice in 2001 shortly after House Republicans introduced a bill - “H.R.969 - To provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes” - that sought to declare executive order 13166 null and void. The bill signaled that a large enough faction within the Republican Party - the bill was sponsored by 70 House Republicans (Govtrack 2015f) - sought an end to the language assistance provided by federal agencies and by recipients of federal funding. However, the motive behind H.R. 969 was dismissed by the Department of Justice in a memorandum issued shortly after the bill was introduced (Office of the Assistant Attorney General October
26th, 2001) wherein it pointed to the Supreme Court’s ruling in Sandoval v. Alexander and to executive order 13166’s limited applicability to the administration of national level public services.

The policy’s limited reach was then invoked to quell Congressional opposition to language accommodation in the administration of public services during a congressional debate on an amendment brought to the Comprehensive Immigration Reform Act of 2006. On May 17th, 2006 Senator James Inhofe (R-OK) introduced an amendment to the bill that sought to repeal executive order 13166 by declaring “there shall be no right or entitlement to services or materials in languages other than English” (Senate Amendment 4064). Although the amendment was voted through on passage (Govtrack 2015g), it was quickly taken to task by Senator Ken Salazar who accurately pointed to the fact that executive order 13166 had not created a private right or entitlement to language accommodation (Congressional Record 109th Congress; S4752). More importantly, he dismissed Inhofe’s amendment on the grounds that the federal government had limited language accommodation to the management of the executive branch and that the decision to make English the only language of government should, as it was according to the existing legal framework, be left to the states (S4758). Salazar then introduced another amendment that declared English the “common and unifying language of the United States” (Senate Amendment 4073, section 161) but that also stated that its enactment would not diminish existing ‘law,’ including those made by executive orders (section 162). The Salazar amendment was voted through on passage effectively depriving the Inhofe amendment of any substantive impact (U.S. Senate Record Vote 132 109th Congress - 2nd Session).
In brief, the survival of American multiculturalism between 1995 and 2007 brings to light the importance of veto players, institutional arrangements and, quite probably, the reach of policy proposals and implemented policies following an ideological shift to the right in national level politics. The American case also allows us to further refine the theoretical propositions developed in the preceding chapters. When electoral outcomes and policy design place multiculturalism in a precarious position, this does not guarantee that multiculturalism will retreat. What the American case shows is that multiculturalism can still survive under these conditions if critical veto players use their veto power to trump anti-multiculturalism policy proposals. Why these veto players have chosen to act in the defense of multiculturalism can only be surmised at this point. However, the evidence strongly suggests that veto players in the United States have decided to way in favour of multiculturalism when anti-multiculturalist demands have an expansive jurisdictional ambition and/or when they promise to do too much. Likewise, as evidenced by the decline of federal policy on bilingual education, veto players also appear to have reacted to the intrusion of multiculturalism into sub-national governance and the personal choice of parents. Consequently, this chapter suggests two further refinements to the theoretical propositions developed in the preceding chapters: (1) that multiculturalism’s survival also depends on the actions of the critical veto players and (2) veto players are more likely to support multiculturalism when it is limited in scope and/or when anti-multiculturalism policy proposals exceed their jurisdictional scope and/or when they try to throw the baby out with the bathwater.
Chapter 6
Conclusion

6.1 Chapter Introduction

This study has developed a hypothesis of multiculturalism’s survival which has been arrived at through a step-by-step comparison of recent policy developments in three immigrant-receiving countries: Canada, Britain, and the United States. These countries share three things in common. Firstly, they were all part of a vanguard of immigrant receiving countries that turned towards multiculturalism during the latter half of the 20th century. Secondly, they have each recently experienced an ideological shift to the right in national level politics resulting from the electoral victories of center-right political parties. Thirdly, each of these cases demonstrates that multiculturalism has survived, albeit to varying degrees and in different ways, following an ideological shift to the right in national level politics. Due to these similarities, we can control for a stimulus that should have, all things being equal, entailed multiculturalism’s retreat across the three cases and, in so doing, identify the factors that provide the basis for a plausible explanation of multiculturalism’s survival.

Based on a step-by-step comparison of these three case studies, this study argues that the likelihood of multiculturalism surviving an ideological shift to the right in national level politics is affected by electoral outcomes, by policy design and by the actions of critical veto players. More precisely, it has argued that multiculturalism is more likely to survive an ideological shift to the right in national level politics when (1) parties of the political secure enough votes in
national level elections to govern but not to decide unilaterally (i.e. when they fail to form a minimum winning coalition), (2) failing that, when multiculturalism policies have been written into formal rules, have multiple stakeholders, or are ‘locked-in’ and therefore immune to the vagaries of electoral competition and (3) if multiculturalism policies are either de-institutionalized, have a single stakeholder, or are ‘open’ to re-examination, when critical veto players intercede to maintain the status quo despite strong partisan opposition to multiculturalism. Ironically, when the fate of multiculturalism rests in the hands of veto players their decisions to maintain the status quo seems to have little if anything to do with a genuine belief in the recognition and accommodation of cultural minorities. Instead it seems to have more to do with national/federal government’s decision to overreach and to extend its authority into policy realms not immediately under its jurisdiction.

This conclusion sets out to do three things. First, it addresses this study’s underlying argumentative logic, its main contributions to the study of multiculturalism, and its implications beyond the scope of multiculturalism’s survival. Second, it briefly addresses some of the common themes that have emerged in the new and developing literature on multiculturalism in the context of the evidence presented over the preceding chapters. Third, it provides speculations about multiculturalism’s current and future prospects. In so doing, this conclusion offers some preliminary recommendations about the design of multiculturalism policies in order to ensure their long-term survival. In brief, this study recommends that, if and when the opportunity avails itself, multiculturalism policies should be written into formal rules, ‘locked-in’, and, perhaps most importantly, that they be articulated as projects designed not only to recognize and to accommodate cultural minorities but also to cater to the needs and desires of the national majority.
6.2 An Institutionalist Logic

In brief, this study develops a hypothesis that can explain multiculturalism’s survival following an ideological shift to the right in national level politics. This hypothesis brings to light the importance of electoral outcomes, policy design and veto players as buttresses against a retreat from multiculturalism. It is also undergirded by a new institutionalist logic.

The new institutionalism is a paradigm that brings to light the effects of formal and informal rules and standard operating procedures in politics. One of the central conclusions of the new institutionalism is that “institutions shape politics” (Putnam 1993, p.7). According to Putnam (1993) this conclusion implies that “outcomes are not simply reducible to the billiard-ball interaction of individuals nor to the intersection of broad social forces. Institutions influence outcomes because they shape actors’ identities, power and strategies” (p.8).

Two of the components of the argument developed in this study speak to this assertion, specifically as it regards the effects of formal rules and standard operating procedures on political actors’ power to determine policy outcomes. For instance, the rules governing the legislative process in the United States create multiple veto points which have heretofore provided individual legislators with the power to decide the fate of multicultural and anti-multicultural legislation even in opposition to dominant partisan preferences. Additionally, there is also evidence across the three cases that free and fair elections held at regular temporal intervals, the “central procedure” characteristic of any democracy (see Huntington 1991, p.6), influences the ability of ideological factions to determine the course of multiculturalism. On the one hand, in all three cases, elections have provided ideological opponents of multiculturalism
with access to the instruments of decision-making and, in turn, precipitated moments of multicultural decline. On the other hand, as is particularly evidenced in the Canadian case, the 2015 federal elections stifled a further move away from multiculturalism and have reset Canadian multiculturalism on a more traditional course under the current Liberal government.

The argument developed in this study also evokes the notion of path dependence. Path dependence, according to Margaret Levi (1997), “has to mean, if it is to mean anything, that once a country or region has started down a track, the costs of reversal are high. There will be other choice points, but the entrenchments of certain institutional arrangements obstruct an easy reversal of the initial choice” (p.28). Although path dependent arguments traditionally focus on formal institutions, the general notion that initial choices influences the prospects for continuity have also been applied to the study of policy phenomena (see Howlett and Ramesh, 2003). The central component of the argument developed in this study, that policy design determines multicultural outcomes, is path dependent in that it implies that the initial policy choice made by a government to recognize and/or accommodate cultural minorities effects the long-term prospects of that policy’s chances of surviving an ideological shift to the right in national level politics. To put it in ‘path dependent’ terms, this study in effect argues that the ‘costs of reversing’ a multicultural policy increase with the number of policy stakeholders and that ‘choice points’ for reversing a policy decision diminish if a multicultural policy is written into formal rules and/or if it is temporally ‘locked-in’ and thus immune to the vagaries of political competition.

Finally, the distinction between the designs of multiculturalism policies, which inferred through this study’s case study of British multiculturalism, can also help to explain the cross-national
survival of official multiculturalism in Canada in contrast to the decline of official multiculturalism in the Netherlands. As noted in chapter 2, Canada’s official multiculturalism was both written into law and constitutionally enshrined. In addition, it is a policy that is meant to protect the ‘multicultural heritage of all Canadians’ meaning that it has multiple stakeholders. By contrast, when the Dutch government implemented official multiculturalism (i.e. the minderhedennota) in the early 1980s it was simply in the form of an addendum to parliamentary proceedings, and thus never institutionalized. Furthermore, the main stakeholder of the policy were Dutch immigrant groups (fifteen in total) but not the entirety of the Dutch constituency. Based on these differences, we can therefore also infer that ‘initial choices’ in the implementation of multiculturalism is consequential to its long-term survival. In brief, due to the ‘initial choice’ in implementing official multiculturalism ideological opponents of multiculturalism in the Netherlands have faced fewer impediments (i.e. controlling the legislative apparatus and fulfilling the conditions of a constitutional amendment) than have their Canadian counterparts.

6.3 Contributions to the Discussion on Multiculturalism

What contributions does this study offer to the ongoing discussion on multiculturalism? This study contributes to the ongoing discussion on multiculturalism in three ways, the first of which is empirical in nature. The two dominant empirical trends in the literature on multiculturalism paint contrasting pictures of the current state of affairs of immigrant recognition and accommodation: according to one of these trends, multiculturalism is in decline and on the way
of disappearing (i.e. the empirical-retreat trend) whereas, according to the other trend, multiculturalism is persisting as a policy option across immigrant-receiving countries (i.e. the empirical-survival trend). By contrast to these two dominant trends, the evidence presented across this study’s three case studies demonstrates that multiculturalism has periods of ebb and flow and that it also follows paradoxical trajectories during the same time period and under the same ideological conditions. Therefore this evidence suggests that the current state of multicultural affairs in other immigrant-receiving countries may be far more complex than previously assumed.

Secondly, and from a conceptual perspective, this study demonstrates that reliance on a single indicator of multiculturalism can provide a misleading picture of multiculturalism’s movement and directionality. For instance, if one focuses solely on elite discourse the British case would seem to provide strong evidence of a recent retreat from multiculturalism given David Cameron’s articulation of ‘muscular liberalism’ as an antidote to ‘failed multiculturalism.’ This in fact the conclusion that Christian Joppke (2014) arrives at in the “The Retreat is Real – But what is the alternative? Multiculturalism, Muscular Liberalism and Islam”. However, if we look not only at what governments or leaders ‘say’ but also what they ‘do’ and ‘do not do’ we can see that there is clear evidence that British multiculturalism survived during the two Cameron governments and despite the former Prime Minister’s aversion to the term ‘multiculturalism’ itself.

Thirdly, this study contributes to the ongoing discussion on multiculturalism by employing a novel methodological approach to building a hypothesis of multicultural outcomes. Traditionally, theoretically inclined studies of multiculturalism’s movement and directionality
employ a ‘most-similar systems design.’ This methodological approach is based on the logic that cases that are strikingly similar should exhibit the same variance on the dependent variable (Dickovick and Eastwood 2013, p.14). The artifice of this methodology is that the researcher actually sets out to examine cases that are strikingly similar along a number of important lines but that actually exhibit variance on the dependent variable. Based on this anomalous outcome the goal is then to identify an inter-systemic difference across cases that has not been immediately observed. This is the standard approach (most often used implicitly) in comparative studies of multicultural policy trends. Its application has resulted in the identification of a number of possible explanations for multicultural outcomes that include the degree to which liberal democracy is entrenched (see Kymlicka 2007), whether or not a country is a ‘settler state’ or not (see Ley 2010), and the degree of inter or intra majority conflict present in a polity (see Winter 2009). By contrast, this study’s application of a case-by-case analysis of three puzzles combined with comparative checking brings to light an explanation of multicultural outcomes that centers on three factors: electoral outcomes, policy design and veto players. In brief, this approach helps to shift the explanatory dimension of the discussion on multicultural outcomes from hypotheses centering on broad cross-national differences to one that highlights the interstices between ideology and policy outcomes.

6.4 Extending the Argument

Is it possible to extend the hypothesis developed in this study to explain the survival other types of public policies? At a preliminary level, I would argue that this hypothesis can help to explain
the survival of policies particularly when it comes to examining policy developments during the ‘social regulatory’ era of a post-industrial society. Based on his study of policy-making during the United States’ period of industrialization, Theodore Lowi (2009) argues that policy-making follows an evolutionary process entailing four phases or eras: “constituent” policy making, “distributive” policy-making, “regulatory” policy-making, and “redistributive” policy making (pp. 68-79). Tatalovich and Daynes (1998) contend that there is a fifth, post-industrial phase of policy-making is now taking place in the United States. They call this the “social regulatory” phase. During this phase, according to Tatalovich and Daynes, citizens, social movements, elected representatives and policy-makers have shifted their focus to the design and implementation of social regulatory policy which they define as “the exercise of legal authority to affirm, modify, or replace community values, moral practices, and norms of interpersonal conduct” (p.xxx). The drive for new or increased forms of social regulation is a bottom-up political project that is caused by one of two main factors: “(1) disharmony between existing normative standards and actual social conditions and (2) real or apparent loss of wealth, power, or prestige by groups.” In turn, the drive for social regulation can dovetail into two distinct categories: the design and implementation of public policies meant to adapt legal frameworks to new normative standards and the design of implementation of public policies meant to reassert or affirm older normative standards.

Multiculturalism, gay rights, affirmative action, language accommodation, and gender equality fall within the first category of policy types and their advocates tend to be “change-oriented groups who attack the normative status quo” (p.xxxi). By contrast, proponents of ‘traditional’ definitions of marriage, restrictions on women’s reproductive rights, the institutionalization of majority languages, anti-pornography and anti-obscenity laws and bans or restrictions on
affirmative action advocate the design and implementation of public policies that fall within the second category. In the United States, advocacy for these types of policies, which entail either a reassertion or affirmation of older normative standards, falls exclusively within the purview of a broad-based “New Right issue agenda” (p.xxxii) that is gaining increased public support across the United States. Therefore, given this confluence of policy issues, it is not impossible to imagine that affirmative action, gender equality, and gay rights policies among others can and will face the same kind of risks following an ideological shift to the right. If they do survive these shifts, then the hypothesis developed in this study can provide a basis for explaining other counterintuitive policy phenomena

6.5 Multiculturalism’s Future Prospects

In sum, the object of this study has been to develop a reasoned prediction for multiculturalism’s movement and directionality following an ideological shift to the right in national level politics.

52 It must be noted that there are also examples of parties of the political right in other countries that have adopted progressive positions in other social regulatory policy areas other than multiculturalism. For example, conservative political factions in other post-industrial societies that have opposed multiculturalism have in fact embraced other normatively progressive policies; the Lijst Pym Fortuyn and the Libertair, Direct, Democratisch, Dutch and Belgian right-wing anti-immigrant parties respectively, both “[supported] equal pay and the labour market participation of women without espousing neo-traditional views on the family or gender issues” (Lange and Mugge, 2015, p.11). In countries like Canada and France, attempts to ban Islamic customary and religious practices have in fact been articulated as means to ensure gender equality. And, in the Netherlands, the civic integration test adopted in the mid-2000s advertises acceptance of homosexuality as a Dutch norm that prospective immigrants must embrace. In brief, these instances point to a possible concomitance between right-wing ideological positions and policy areas that are primarily the causes of the “New Left” (Tatalovich and Daynes 1998, p.xxxii) in the United States. However, the evidence presented in chapter 2 of this study demonstrates that policy positions of the political right vary in regards multiculturalism alternate in response to electoral results. Therefore, it is not beyond the pale to imagine that far-right and center-right political parties will alter their policy positions regarding other social regulatory policy areas if and when they form a minimum-winning-coalition.
However, this study also serves two additional objectives. Based on the evidence presented in the preceding chapters we can briefly revisit two of the major points of convergence in the literature on multiculturalism, the first of which is the contention that multiculturalism needs to be rehabilitated. To be absolutely clear, this study’s goal has not been to develop an argument about the value of recognizing and accommodating cultural differences in modern democracies. Nevertheless, in showing that multiculturalism has survived and retreated following an ideological shift to the right in national level politics, this study provides a empirical perspective on questions concerning multiculturalism’s normative value.

First, it shows that the link between the ‘success’ and ‘failures’ of multicultural experiments, on the one hand, and the reconfiguration or ‘rehabilitation’ of multiculturalism policies is unclear at best. For example, the case study of recent multicultural policy developments in Canada demonstrates that a center-right government redeployed and downscaled official multiculturalism after the Prime Minister of Canada lauded the policy as the most successful integrationist policy in the World. Second, and following from the previous point, the evidence presented in the preceding case studies also suggests that the question of multiculturalism’s survival may be moot if and when center-right political parties acquire enough votes during elections not only to govern but also to decide unilaterally. Third, the evidence presented in this study strongly suggests that certain types of multicultural policy design may immunize certain multiculturalism policies from being rehabilitated even if this is what is required. By contrast, the inconsistencies between ideological positions of the political right and multiculturalism also means that governments may fail to recognize and to accommodate cultural minorities even where there is high demand that they do so.
The evidence presented in this study also shows that variance in multicultural outcomes occurs both across and within liberal democracies and that threats to multiculturalism’s survival and evidence of multiculturalism’s retreat is not a sui generis European phenomenon; in fact, multiculturalism has retreated even in ‘settler states’ where there is a longstanding tradition of diversity politics. Therefore, what is perhaps most notable when evaluating multiculturalism’s current and future prospects is that the ideological climate under which multiculturalism first emerged no longer exists. If the public and economic philosophies of the old left still prevailed to this day the ideological conditions for multiculturalism to survive would still be propitious. But there has been a marked ideological shift to the right in the last three decades across liberal democracies that casts doubt on multiculturalism’s continued implementation. If historical precedent and common sense tell us anything, it is that when the ideological pendulum swings to the right multiculturalism should be increasingly at risk in these democracies.

One need only look to the United States and to the discursive tone of the 2016 presidential campaign to witness the full extent of this transformation. After the Civil Rights movement and the end of ethnic quotas in immigration in the mid-1960s, it would have been unthinkable that a candidate for elected office in the United States could hope to rise to the highest ranks of power without speaking of the good that diversity brought to the economy, to the community, and to the vitality of democracy. Fast forward to 2016 and Donald Trump became the Republican nominee for the presidency in large part by pointing his finger at diversity in its many forms.

During his campaign for the Republican nomination, Trump called immigrants from Mexico ‘rapists’, he promised to build a wall on the United States’ southern border, he repeatedly made the (disproven) claim that thousands of Muslims in New Jersey celebrated the attacks on the
World Trade center, and he has pledged to impose a temporary ban on ‘Muslim immigration’ in some form or another. Whether or not Donald Trump truly believes all that he is saying is a matter of debate. What is clear though is that a large part of the American constituency backed Trump’s plan to ‘make America great again’ and that his rivals for the Republican presidential nomination made similar attacks on American diversity. All in all, presidential candidates on the right-hand side of the American ideological spectrum appealed to nativist sentiment in an unprecedented fashion and, for the most part, they had very little if anything good to say about American diversity or about the main sources of American cultural diversification.

What is happening in the United States is not a sui generis phenomenon. In the last two decades, candidates for political office from the right and the far-right have ridden the anti-diversity hobby horse with success that would have seemed unimaginable at the end of the 20th century. In Greece, the Golden Dawn, an extremist right-wing party that uses Nazi iconography in its logo, rode a wave of anti-immigrant sentiment to capture 21 seats in the Hellenic parliament at the 2012 elections. In 2014, the Front National had mayoral candidates elected in 12 French municipalities, obtained nearly 5 million votes in the 2014 European Parliament election and, in 2015, placed first in 6 of 13 regions during the first round of French regional elections. In Britain, the ultranationalist British National Party made inroads into mainstream politics in the early 2000s when it had several representatives elected at the municipal level and, in the late 2000s, when Nick Griffin was elected as the European Parliament representative for North West England. And, as but another example of the success of an anti-diversity discourse, the far-right Danish People’s Party has consistently increased its share of the popular vote in Denmark during the last two decades with a policy platform that promises decreases in immigration and the aggressive cultural assimilation of newcomers.
In many democracies, left-wing political parties have moved closer to the ideological center and have embraced a policy agenda that combines elements of social democracy as well as the normative and economic objectives of the right. The political left was shut out of politics during the 1980s and 1990s in many democracies. During this period of time constituents rebelled against the state-spending and state-capacity-building policies of the left and put their support squarely behind parties of the right. These parties embraced new paradigms such as the ‘new public management’ and ‘corporate governance’ that led to the downsizing of state bureaucracies and the re-conceptualization of the public sector as a business geared towards efficiency and driven by a market-oriented logic. In countries such as Britain, Canada and the United States, where electoral institutions compel political parties to converge towards median voter preferences, these distinctly neo-liberal philosophies have become part of the policy agendas of the political left. More recently, following the 2008 financial crash, austerity has become the *mot d’ordre* for many governments. Although a handful of far-left parties have met with some success with their anti-austerity platforms, center-left parties have incorporated austerity measures in their platforms and center-left governments have implemented austerity measures. Barring the cross-national success of the far-left, the ideological convergence between the political right and the center-left should not be conducive to multiculturalism.

The prospects of multiculturalism’s survival dim even more when one considers that the global political and economic developments that were conducive to the rise of the anti-diversity agenda are also creating the conditions for its continued success in the foreseeable future. The terrorist attacks on New York, London, Madrid, Paris and Brussels point, in the minds of many, to the existence of an immigrant fifth column that has declared war on western societies and on the liberal values of their citizens. In the wake of these attacks, a suspicion of dark-skinned
foreigners and of their alien customs and traditions has been revitalized and it would not be surprising if this suspicion only intensifies as the violence continues. The financial crash of 2008 is also kindling for an anti-diversity agenda. As people lose their homes and jobs or persist in failing to find full-time employment and if the income gap continues to increase, the facile image of the immigrant ‘other’ living high off the hog on government assistance will continue to be a target for the economically depressed classes and for populist leaders and political entrepreneurs, like Donald Trump, looking to capitalize on their misery.

If a return to older ideas and ideals of diversity is unfeasible and if the ideological shift to the right continues, what hope does multiculturalism have of developing in this day and age? This question dovetails into two major concerns, the first of which relates to fear that once open western societies may eventually become closed societies and that long-standing closed societies will fail to open. This fear is legitimate considering the degree of immigrant-bashing that is taking place, quite publically, in countries that once prided themselves on their immigrant-receiving traditions. It is also legitimate in light of the generally hostile response in western democracies to the Syrian refugee crisis. To be sure, Germany is shedding its image as a deeply closed society by welcoming more than a million refugees from war-ravaged Syria. But this response is beginning to stand out as an exception. In the United States, the immigrant society par excellence, 29 state governors have issued statements to the effect that will not allow Syrian refugees to settle in their state. And, in what is perhaps one of the more egregious displays of anti-refugee hostility, the Danish government recently passed a pay-to-play bill that allows officials to seize the assets of refugees hoping to settle in Denmark. All of this suggests that the
question of multiculturalism’s sustainability may also be moot if immigrant-receiving societies decide to close their borders\textsuperscript{53}.

The second concern relates to the possibility of developing multiculturalism policies in a climate that is becoming increasingly inhospitable to immigrants and to the recognition and accommodation of cultural diversity. In other words, what kind of multiculturalism can we expect to emerge under these conditions?

Historical precedent tells us that under these conditions governments may continue to accommodate immigrants but without the underlying goals of ensuring their ‘citizenization.’ For example, under the Kohl governments of the 1980s and 1990s Germany implemented mother tongue instruction programs for the children of guest workers from Turkey. However, these policies were not designed to enhance the citizenship rights of the children of Turkish immigrants. Rather it “was a way of saying that these children do not really belong here, that their true ‘home’ is in Turkey” (Kymlicka, 2001, p.171). According to Will Kymlicka (2001), this shows that multiculturalism can sometimes also be used as “a rationalization for exclusion, rather than a means for improved integration” (ibid, p.153).

The mainstreaming of xenophobic attitudes is also problematic for the emergence of multiculturalism as ‘fair terms of integration’ but this does not necessarily mean that

\textsuperscript{53} Settler ‘countries’, such as Canada, where a majority of constituents advocate increases in immigration levels may be immune to a reduction in immigration levels. For instance, the total annual number of permanent residents in Canada actually reached a new high 2010 under the Harper Conservative government. In 2010, Canada received 280,687 permanent residents. This surpassed the previous high of 262,242 set in 2005, the last year of the Martin Liberal government (Statistics Canada Facts and figures 2014 – Immigration overview: Permanent residents).
assimilation, the antithesis of multiculturalism, will become the dominant model for managing diversity in immigrant-receiving countries. According to Verkuyten (2007) assimilation is the preferred integrationist option for members of a majority group: he argues that “for minority groups, multiculturalism offers the possibility of maintaining their own culture and obtaining higher social status in society. Majority group members, on the other hand, may see ethnic minorities and their desire to maintain their own culture as a threat to their cultural dominance and group identity” (Verkuyten, 2007, p.284). It therefore follows, according to Guimond et al (2010) that the preference for assimilation should be highest amongst members of the majority group with a high ‘social dominance order’ which indicates an extreme prejudice against immigrants and foreigners (p.643). However, Guimond et al. show, in a survey of attitudes towards Muslim immigrants France, that individuals with a high social dominance order are generally averse to immigrant assimilation and prefer that immigrants maintain their own identities (p.648).

The implications of these findings is that racism and xenophobia may in effect be consistent with policies that affirm differences between cultural groups. Nevertheless, there is a clear difference between, on the one hand, a xenophobic preference that immigrants maintain their culture in order to affirm a social order and, on the other, a belief that cultural recognition and cultural accommodation is necessary for an immigrant to fully integrate into their host-society.

Another problematic issue for the future development of multiculturalism is evidence of a recent cross-partisan ‘contagion’ when it comes to advocacy for restrictive immigration policy, particularly in Eastern and Western Europe (see van Spanje 2010). What hope then does multiculturalism have of emerging if the center-left adopts far-right policy platforms? The
development of multiculturalism during the Blair and Brown New Labour governments provide a potential answer to this question. New Labour has been critiqued (see Beck et al. 2002) for having adopted a restrictive position on immigration during the Blair government. Furthermore, the Blair government rejected official multiculturalism (i.e. in the form of a “declaration on cultural diversity”). Yet Britain also deepened its commitment to multiculturalism across a number of policy realms between 1997 and 2010. Each of these new multicultural developments shared one thing in common: they were implemented to achieve policy objectives that had little if anything to do with the recognition and/or accommodation of cultural differences, such as ensuring the competitiveness of the BBC in the digital era and enhancing levels of civic participation among young Britons. If these developments are indicative of a more general trend, then minority rights activists and proponents of diversity politics may have an incentive to define the recognition and accommodation of cultural diversity as ‘means’ and not as an end in and of itself.

In order to ensure its long-term survival, it may also be necessary to not only institutionalize multiculturalism but also to multiply its stakeholders. This would require reconceptualising the project of multiculturalism from one that serves the needs of the few, i.e. minorities, to a one that serves the needs of the many, i.e. the constituency writ large. This might seem like an odd suggestion given that the ‘politics of recognition,’ as multiculturalism is most commonly understood, is a political project that was meant to ensure the survival of the customs, traditions, religions and languages that are at risk of disappearing through processes of homogenization and exclusion. However, times have changed and the current socio-political climate in many parts of the western world is decidedly anti-immigrant and anti-diversity. Under these conditions, those that believe in the value of cultural recognition, preservation and accommodation (I include
myself in this group) may be tilting at windmills if they seek to achieve their goals through the adoption of policies that ask societies to fundamentally re-conceptualize their roots, histories and founding myths and that are perceived by the opponents of multiculturalism as the project of an outmoded and ‘illiberal’ 20th century public philosophy. They may, on the other hand, be better served in demonstrating that multiculturalism is a tool, and a vital one at that, which not only redresses past injustices committed against cultural minorities but that also promotes national unity and equality for all.

Finally, the evidence presented in this study allows for another recommendation for proponents or advocates of the recognition and accommodation of cultural minorities: do not attempt to overreach. Given the current anti-immigrant climate and erosion of the diversity agenda, it is tempting for those of us that believe in multiculturalism to wish for a rapid return to older ideals of cultural recognition and cultural accommodation, one that will pervade all levels of society and politics. However, as evidenced by the failure of the Parekh Report in Britain, resistance to these ideals is strong and, given the prevailing ideological climate in many longstanding liberal democracies, the hope of seeing official multiculturalism policies adopted at the national level is slim to none. The push to implement multiculturalism in this day and age must be incremental and done with the hope that small victories will add up in the end.
Bibliography


Aggestam, Lisbeth and Christopher Hill. 2008. “The Challenge of Multiculturalism in European Foreign Policy” International Affairs, Vol. 84, No. 1, 97-114


Immigration and Refugee Protection Act and to make related and consequential amendments to other Acts. Statute of Canada 2015, c.20. 41st Parliament, 2nd Session.

Bill S-7, An Act to amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to make consequential amendments to other Acts. Statute of Canada 2015, c.29. 41st Parliament, 2nd Session.


216


Buettner, Elizabeth. 2008. ““Going for an Indian”: South Asian Restaurants and the Limits of Multiculturalism in Britain” The Journal of Modern History, Vol. 80, No. 4, 865-901


Chong, Dennis. 2006. “Free Speech and Multiculturalism in and out of the Academy” Political Psychology, Vol. 27, No. 1, 29-54


Clarke, Peter. 2014. Report into allegations concerning Birmingham schools arising from the ‘Trojan Horse’ letter. Williams Lea Group on behalf of the Controller of Her Majesty’s Stationery Office.


Crimes and Disorder Act 1998. An Act to make provision for preventing crime and disorder; to create certain racially-aggravated offences; to abolish the rebuttable presumption that a child is doli incapax and to make provision as to the effect of a child’s failure to give evidence at his trial; to abolish the death penalty for treason and piracy; to make changes to the criminal justice system; to make further provision for dealing with offenders; to make further provision with respect to remands and committals for trial and the release and recall of prisoners; to amend Chapter I of Part II of the Crime (Sentences) Act 1997 and to repeal Chapter I of Part III of the Crime and Punishment (Scotland) Act 1997; to make amendments designed to facilitate, or otherwise desirable in connection with, the consolidation of certain enactments; and for connected purposes. 1998 c. 37


Department of Education and Science. 1974. Cmnd.5720, Educational disadvantage and the educational needs of immigrants: observations on the report on education of the Select Committee on Race Relations and Immigration.


Equality Act 2010. An Act to make provision to require Ministers of the Crown and others when making strategic decisions about the exercise of their functions to have regard to the desirability of reducing socio-economic inequalities; to reform and harmonise equality law and restate the greater part of the enactments relating to discrimination and harassment related to certain personal characteristics; to enable certain employers to be required to publish information about the differences in pay between male and female employees; to prohibit victimisation in certain circumstances; to require the exercise of certain functions to be with regard to the need to eliminate discrimination and other prohibited conduct; to enable duties to be imposed in relation to the exercise of public procurement functions; to increase equality of opportunity; to amend the law relating to rights and responsibilities in family relationships; and for connected purposes. 2010 c 15


Executive Order 12250, 3 CFR 298 (1980)


Govtrack. 2015f. “Cosponsors” H.R.969 – “To provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes.”


Greater London Authority Act 1999. An Act to establish and make provision about the Greater London Authority, the Mayor of London and the London Assembly; to make provision in relation to London borough councils and the Common Council of the City of London with respect to matters consequential on the establishment of the Greater London Authority; to make provision with respect to the functions of other local authorities and statutory bodies exercising functions in Greater London; to make provision about transport and road traffic in and around Greater London; to make provision about policing in Greater London and to make an adjustment of the metropolitan police district; and for connected purposes. 1999 c. 29.


H.R. 3898 (104th): English Language Empowerment Act of 1996, an Act to declare English as the official language of the United States, and for other purposes.


Hale, Charles R. 2006. Mas que un Indio (More than an Indian): Racial Ambivalence and Neo-Liberal Multiculturalism in Guatemala. Santa Fe, NM; School of American Research Press.


Hawaii Constitution, Article XVI, Section 4. 1978.


Howard-Hassmann, Rhoda E. 1999. ““Canadian” as an Ethnic Category: Implications for Multiculturalism and National Unity” Canadian Public Policy, Vol. 25, No. 4, 523-537


Ishaq v. Canada (Citizenship and Immigration), 2015 FC 156 (CanLII), http://canlii.ca/t/ggc86 accessed 07/24/2016


Louisiana Constitution, Article XII, Section 4. 1974.


Mahoney, James. 2007. “Qualitative Methodology and Comparative Politics” Comparative Political Studies, Vol. 40, No.2, 122-144


230


Race Relations Act 1976.


Ralston, Helen. 1998. “Race, Class, Gender and Multiculturalism in Canada and Australia” Race, Gender and Class, Vol. 5, No. 2, 14-29


Sutherland, Peter D. “A Golden Mean Between Multiculturalism and Assimilation” Studies: An Irish Quarterly Review, Vol. 97, No. 385, 73-86


The Constitution of the Kingdom of the Netherlands. 2002. The Ministry of the Interior and Kingdom Relations, Constitutional Affairs and Legislation Department, in collaboration with the Translation Department of the Ministry of Foreign Affairs

The Education Reform Act 1988.
The Education Reform Act 1988. An Act to amend the law relating to education. 1988 c. 40
The Race Relations Act 1976.


U.S. Constitution art. 2, sec. 3, cl. 5. Print.

U.S. House of Representatives H.R.969 – “To provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes” 107th Congress, First Session.

U.S. House of Representatives Rept. 107-63. “Report of the Committee on Education and the Workforce House of Representatives on H.R.1 together with additional and dissenting views (including cost estimate of the Congressional Budget Office” 107th Congress, 1st Session

U.S. Senate 106th Congress S.RES.106, “A resolution to express the sense of the Senate regarding English plus other languages” (Introduced 05/24/1999)

U.S. Senate Record Vote 132 109th Congress - 2nd Session.


Vincent, Andrew. 2001. “The War Against Terrorism and Multiculturalism: Australia’s First War of the New Millennium” AQ: Australian Quarterly, Vol. 73, No. 6, 8-10


Appendix A: Multicultural as Descriptor of British Society

In the decade prior to the Conservative Party’s electoral victory in 2010, legislators employed the term ‘multicultural’ with great regularity as a descriptor of British society. This pattern is evidenced in table 3.1, below. It highlights the number of multicultural references made in Bills, Command Papers, and House of Commons Papers from the 1996-1997 parliamentary session (when the first official reference to multiculturalism was made in parliament) to the 2009-2010 parliamentary session.

Table 3.1 Multicultural References (1968-1969 to 2009-2010 Parliamentary Session)54

<table>
<thead>
<tr>
<th>Parliamentary Session</th>
<th>Bills</th>
<th>Command Papers</th>
<th>House of Commons Papers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1968-1969</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>1969-1970</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>1970-1971</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>1971-1972</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>1972-1973</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>1973-1974</td>
<td>0</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>1974-1975</td>
<td>0</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>1975-1976</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>1976-1977</td>
<td>0</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>1977-1978</td>
<td>0</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>1978-1979</td>
<td>0</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>1979-1980</td>
<td>0</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td>1980-1981</td>
<td>0</td>
<td>1</td>
<td>29</td>
</tr>
<tr>
<td>1981-1982</td>
<td>1</td>
<td>3</td>
<td>11</td>
</tr>
<tr>
<td>1982-1983</td>
<td>0</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td>1983-1984</td>
<td>0</td>
<td>0</td>
<td>7</td>
</tr>
</tbody>
</table>

54 This data was collated through a key word search of the terms ‘multicultural’ and ‘multi-cultural’ on the House of Commons and Parliamentary Papers (HCPP) data base for the time period beginning in 1900 and ending in 2010.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0</td>
<td>3</td>
<td></td>
<td></td>
<td>6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1985-1986</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
<td>22</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1986-1987</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1987-1988</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1988-1989</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1989-1990</td>
<td>0</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1990-1991</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1991-1992</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1992-1993</td>
<td>0</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1993-1994</td>
<td>0</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1994-1995</td>
<td>0</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1995-1996</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1996-1997</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1997-1998</td>
<td>0</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1998-1999</td>
<td>0</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1999-2000</td>
<td>0</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2000-2001</td>
<td>0</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2001-2002</td>
<td>0</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2002-2003</td>
<td>0</td>
<td>5</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2003-2004</td>
<td>0</td>
<td>7</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004-2005</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2005-2006</td>
<td>0</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2006-2007</td>
<td>0</td>
<td>3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2007-2008</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2008-2009</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2009-2010</td>
<td>0</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The two earliest multicultural references are to be found in House of Commons Paper 58-vi where legislators argued that teacher training should entail instruction on how to address “the problems of a multi-cultural society” (Select Committee on Race Relations and Immigration, 1969, p.169) and in House of Commons Paper 304 where legislators deemed that Community Relations Commission, created as a result of the enactment of the Race Relations Act of 1968, should have as an objective “the promotion through education of a multi-cultural society” (Report of the Community Relations Commission, 1970, p.17). Two of the earliest multicultural references in command papers entail the declaration that “[the] Government attach importance to the advancement of harmony between the races in this country’s multi-cultural and multi-racial
society and believe that such harmony must be based on mutual understanding and respect” (Department of Education and Science, 1974, p.4) and that “ours is now a multiracial and multicultural society” (Secretary of State for Education and Science and the Secretary of State for Wales, 1977, p.4). More recent references to multiculturalism in Command Papers and House of Commons papers are unequivocal affirmations of British ethno-cultural diversity. For example, in Command Paper 7744 (Lord Chancellor and Secretary of State for Justice, 2009, p.14) legislators stated that “Britain today is a multicultural nation” and in House of Commons Paper 72 (2009-2010) they describe modern Britain as “our multicultural society” (Business, Innovation and Skills Committee, 2009, p.143).

Although the frequency of references to multicultural and multi-cultural increased between 1997 and 2009, the table above demonstrates that during this time period most of these references were made in proto-legislative documents. In fact, only two bills tabled in parliament between 1968 and 2010 have made overt multicultural references. It must be noted, however, that neither bill employed the term ‘multicultural’ or ‘multi-cultural’ as a descriptor of the British constituency writ large. The first of these two multicultural references was included in Bill 43 Canada (a bill to give effect to a request by the Senate and House of Commons of Canada). Bill 43 was the accompanying legislation for the enactment of the Canadian Constitution Act of 1982 and thus employs the term ‘multicultural’ in reference to section 27 of the Canadian Charter of Rights and Freedoms. The second multicultural reference can be found in the “minutes of evidence” section of Bill 83 (1995-1996) - Welfare of broiler chickens (a bill to protect the health and welfare of broiler chickens kept in indoor husbandry systems). Here ‘multi-cultural’ is used in describing the nature of a potential conflict between credit unions and Sikh culture. In brief, neither bill spoke directly to British ethno-cultural diversity: in the first case ‘multicultural’ refers to a statute
adopted in another country and, in the second case, ‘multi-cultural’ is a vague reference to the distinct religious practices of Britain’s Sikh community. What this demonstrates is that legislators have been reluctant to formally recognize British society as culturally diverse.
Appendix B: Executive Order 12250

Leadership and Coordination of Nondiscrimination Laws

November 2, 1980

By the authority vested in me as President by the Constitution and statutes of the United States of America, including section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), and Section 301 of Title 3 of the United States Code, and in order to provide, under the leadership of the Attorney General, for the consistent and effective implementation of various laws prohibiting discriminatory practices in Federal programs and programs receiving Federal financial assistance, it is hereby ordered as follows:

1-1. Delegation of Function.

1-101. The function vested in the President by Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1-102. The function vested in the President by Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682), relating to the approval of rules, regulations, and orders of general applicability, is hereby delegated to the Attorney General.

1-2. Coordination of Nondiscrimination Provisions.

1-201. The Attorney General shall coordinate the implementation and enforcement by Executive agencies of various nondiscrimination provisions of the following laws:

(a) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(b) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).


(d) Any other provision of Federal statutory law which provides, in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

1-202. In furtherance of the Attorney General's responsibility for the coordination of the implementation and enforcement of the nondiscrimination provisions of laws covered by this Order, the Attorney General shall review the existing and proposed rules, regulations, and orders
of general applicability of the Executive agencies in order to identify those which are inadequate, unclear or unnecessarily inconsistent.

1-203. The Attorney General shall develop standards and procedures for taking enforcement actions and for conducting investigations and compliance reviews.

1-204. The Attorney General shall issue guidelines for establishing reasonable time limits on efforts to secure voluntary compliance, on the initiation of sanctions, and for referral to the Department of Justice for enforcement where there is noncompliance.

1-205. The Attorney General shall establish and implement a schedule for the review of the agencies' regulations which implement the various nondiscrimination laws covered by this Order.

1-206. The Attorney General shall establish guidelines and standards for the development of consistent and effective recordkeeping and reporting requirements by Executive agencies; for the sharing and exchange by agencies of compliance records, findings, and supporting documentation; for the development of comprehensive employee training programs; for the development of effective information programs; and for the development of cooperative programs with State and local agencies, including sharing of information, deferring of enforcement activities, and providing technical assistance.

1-207. The Attorney General shall initiate cooperative programs between and among agencies, including the development of sample memoranda of understanding designed to improve the coordination of the laws covered by this Order.

1-3. Implementation by the Attorney General.

1-301. In consultation with the affected agencies, the Attorney General shall promptly prepare a plan for the implementation of this Order. This plan shall be submitted to the Director of the Office of Management and Budget.

1-302. The Attorney General shall periodically evaluate the implementation of the nondiscrimination provisions of the laws covered by this Order, and advise the heads of the agencies concerned on the results of such evaluations as to recommendations for needed improvement in implementation or enforcement.

1-303. The Attorney General shall carry out his functions under this Order, including the issuance of such regulations as he deems necessary, in consultation with affected agencies.

1-304. The Attorney General shall annually report to the President through the Director of the Office of Management and Budget on the progress in achieving the purposes of this Order. This report shall include any recommendations for changes in the implementation or enforcement of the nondiscrimination provisions of the laws covered by this Order.

1-4. Agency Implementation.

1-401. Each Executive agency shall cooperate with the Attorney General in the performance of the Attorney General's functions under this Order and shall, unless prohibited by law, furnish such reports and information as the Attorney General may request.

1-402. Each Executive agency responsible for implementing a nondiscrimination provision of a law covered by this Order shall issue appropriate implementing directives (whether in the nature of regulations or policy guidance). To the extent permitted by law, they shall be consistent with the requirements prescribed by the Attorney General pursuant to this Order and shall be subject to the approval of the Attorney General, who may require that some or all of them be submitted for approval before taking effect.

1-403. Within 60 days after a date set by the Attorney General, Executive agencies shall submit to the Attorney General their plans for implementing their responsibilities under this Order.

1-5. General Provisions.

1-501. Executive Order No. 11764 is revoked. The present regulations of the Attorney General relating to the coordination of enforcement of Title VI of the Civil Rights Act of 1964 shall continue in effect until revoked or modified (28 CFR 42.401 to 42.415).

1-502. Executive Order No. 11914 is revoked. The present regulations of the Secretary of Health and Human Services relating to the coordination of the implementation of Section 504 of the Rehabilitation Act of 1973, as amended, shall be deemed to have been issued by the Attorney General pursuant to this Order and shall continue in effect until revoked or modified by the Attorney General.

1-503. Nothing in this Order shall vest the Attorney General with the authority to coordinate the implementation and enforcement by Executive agencies of statutory provisions relating to equal employment.

1-504. Existing agency regulations implementing the nondiscrimination provisions of laws covered by this Order shall continue in effect until revoked or modified.

JIMMY CARTER

THE WHITE HOUSE,

November 2, 1980.
Appendix C: Executive Order 13166

Improving Access to Services for Persons with Limited English Proficiency

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, are limited in their English proficiency (LEP), it is hereby ordered as follows:

Section 1. Goals.

The Federal Government provides and funds an array of services that can be made accessible to otherwise eligible persons who are not proficient in the English language. The Federal Government is committed to improving the accessibility of these services to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. To this end, each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Each Federal agency shall also work to ensure that recipients of Federal financial assistance (recipients) provide meaningful access to their LEP applicants and beneficiaries. To assist the agencies with this endeavor, the Department of Justice has today issued a general guidance document (LEP Guidance), which sets forth the compliance standards that recipients must follow to ensure that the programs and activities they normally provide in English are accessible to LEP persons and thus do not discriminate on the basis of national origin in violation of title VI of the Civil Rights Act of 1964, as amended, and its implementing regulations. As described in the LEP Guidance, recipients must take reasonable steps to ensure meaningful access to their programs and activities by LEP persons.

Sec. 2. Federally Conducted Programs and Activities.

Each Federal agency shall prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons. Each plan shall be consistent with the standards set forth in the LEP Guidance, and shall include the steps the agency will take to ensure that eligible LEP persons can meaningfully access the agency's programs and activities. Agencies shall develop and begin to implement these plans within 120 days of the date of this order, and shall send copies of their plans to the Department of Justice, which shall serve as the central repository of the agencies' plans.

Sec. 3. Federally Assisted Programs and Activities.

Each agency providing Federal financial assistance shall draft title VI guidance specifically tailored to its recipients that is consistent with the LEP Guidance issued by the Department of Justice. This agency-specific guidance shall detail how the general standards established in the
LEP Guidance will be applied to the agency's recipients. The agency-specific guidance shall take into account the types of services provided by the recipients, the individuals served by the recipients, and other factors set out in the LEP Guidance. Agencies that already have developed title VI guidance that the Department of Justice determines is consistent with the LEP Guidance shall examine their existing guidance, as well as their programs and activities, to determine if additional guidance is necessary to comply with this order. The Department of Justice shall consult with the agencies in creating their guidance and, within 120 days of the date of this order, each agency shall submit its specific guidance to the Department of Justice for review and approval. Following approval by the Department of Justice, each agency shall publish its guidance document in the Federal Register for public comment.

Sec. 4. Consultations.

In carrying out this order, agencies shall ensure that stakeholders, such as LEP persons and their representative organizations, recipients, and other appropriate individuals or entities, have an adequate opportunity to provide input. Agencies will evaluate the particular needs of the LEP persons they and their recipients serve and the burdens of compliance on the agency and its recipients. This input from stakeholders will assist the agencies in developing an approach to ensuring meaningful access by LEP persons that is practical and effective, fiscally responsible, responsive to the particular circumstances of each agency, and can be readily implemented.

Sec. 5. Judicial Review.

This order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers or employees, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
August 11, 2000.