

THE POLITICAL THEORIES OF AUSTRALIAN MULTICULTURALISM

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I INTRODUCTION

Australia's experiment with multicultural policy began almost 30 years ago. One might imagine that this would be enough time for the policy goals to be absorbed into Australian life. To a large degree, this is so. Yet 'multiculturalism' remains one of the most politically controversial words in contemporary Australia. Whenever issues of religion, ethnicity, and cultural difference hit the headlines, the country's commitment to multiculturalism is invariably questioned. As *The Sydney Morning Herald* recently put it, '[i]s Australia truly a multicultural nation, or does it just pay lip service to an outdated policy that only politicians and bureaucrats ever took any notice of?'.¹ In the year in which we celebrate the centenary of Federation and the *Australian Constitution* ('Constitution'), it is appropriate to take stock and examine precisely what multiculturalism in Australia stands for, and whether it is worthy of our continued endorsement.

Being a recent term and political theory, multiculturalism does not expressly figure in the Constitution. However, two of its underlying ideas – namely, differentiated citizenship and group recognition – are implied. Section 51(xxvi) grants the Commonwealth Parliament the power to make laws regarding '[t]he people of any race, for whom it is deemed necessary to make special laws'. In practice, federal governments have generally declined to exercise this power, whether it be to grant special rights, or to deny common rights, to cultural communities. In August 1999, the Parliament passed a law proposing to alter the Constitution by inserting a preamble that included significant cultural recognition – Aborigines and Torres Strait Islanders as the nation's 'first people', and the diverse cultural backgrounds of the Australian people.² A referendum held on the preamble (and on whether Australia should become a

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1 Editor's preamble to Andrew Stevenson, 'A Question of Identity', *The Sydney Morning Herald* (Sydney), 26 September 2001, 13.

2 Constitution Alteration (Preamble) 1999 (Cth).

republic) later in the year failed to win the required support. The controversy over Australian multiculturalism is an extra-constitutional one.

II THE ISSUES

There are two broad debates in Australia over multiculturalism. One is the immigration debate about the social and cultural composition of the society. This debate raises the ugly concerns about 'race' as well as concerns about unemployment, environmental sustainability, ethnic enclaves, and the loss of the traditional Australian ways of life. The other debate is over how best to respond to or manage cultural diversity, where the disquiet is over governmental efforts to accommodate and support cultural minorities. Both debates obviously touch deeply on questions of national identity. In these remarks, I shall mainly dwell on this second debate. Even if further immigration were halted, we would still have to decide how to deal with our current cultural diversity.

Multiculturalism developed in Australia as a series of tentative ideas and piecemeal reforms sponsored by successive Labor and Liberal Coalition Federal Governments. Although initially focused on migrant absorption, its ambit has been broadened to include 'all Australians' and its terms have been progressively elaborated and refined. These have enjoyed broad bipartisan support and now inform a multitude of institutions and processes at the federal, State or Territory, and local levels of government, as well as many private sector organisations. The terms of Australian multiculturalism are contained in two overarching policy statements presented in Parliament, the *National Agenda for a Multicultural Australia* (1989) ('*National Agenda*') launched by the Hawke Labor Government, and *A New Agenda for Multicultural Australia* (1999) ('*A New Agenda*'), launched by Howard's conservative Coalition.³ I intend to focus on these documents in order to clarify and evaluate the political thinking implicit in Australian multiculturalism.

While criticisms of multiculturalism cut across the political spectrum, a few tend to emanate from particular quarters. From the right, we often hear that multicultural provisions undermine the unity and character of the nation or that they are unfair and an affront to equal citizenship rights.⁴ From the left, we often hear that they haven't gone far enough and are really a fraud, a kind of 'fig leaf'

3 Office of Multicultural Affairs, Department of the Prime Minister and Cabinet, *National Agenda for a Multicultural Australia* (1989); Department of Immigration and Multicultural Affairs, Commonwealth of Australia, *A New Agenda for Multicultural Australia* (1999).

4 See, eg, Geoffrey Blainey, *All for Australia* (1984); Frank Knopfmacher, 'The Case Against Multiculturalism' in Robert Manne (ed), *The New Conservatism in Australia* (1982); Stephen J Rimmer, *The Cost of Multiculturalism* (1991); and, more recently, the positions associated with Pauline Hanson and her One Nation Party. Another frequent criticism is that multiculturalism was (or is) simply a Labor Party policy designed to woo the 'ethnic vote' (see, eg, Paul Sheehan, *Among the Barbarians: The Dividing of Australia* (1998)). This, to my mind, is the weakest of all the criticisms. Not only does it ignore that multiculturalism has enjoyed bipartisan support since its inception, but it wrongly attributes importance to partisan motivations behind public policies. What matters is the public justification of policy, and whether this withstands scrutiny.

for continued white Anglo-Celtic supremacy.⁵ Interestingly, these diverse reactions have their counterparts in contemporary political philosophy, with some theorists arguing that state recognition and support of people's cultural identities violate fundamental liberal principles,⁶ and others arguing that liberalism in fact supports a vast array of cultural rights or degree of cultural toleration, the likes of which far exceed anything known in Australia.⁷

My contention is that there is genuine innovation and justified moderation in Australian multiculturalism. It primarily rests on two political theories, one individualistic and rights-based, and one collectivist (or republican) and pragmatic. Both of these are not only compatible with liberal values, but further realise our own best liberal democratic traditions.⁸ At the same time, there are some crude nationalistic elements to Australian multiculturalism that sit awkwardly with its fundamental features *and* with Australian democracy. These elements ought to be excised. However, for all its contentiousness, multiculturalism as presently instituted serves Australians well. It creates a political framework within which our rights to cultural expression and non-discrimination are honoured, cultural diversity is valued as a public good, and the big question of what it means to be an Australian is largely left up to us all, individually and collectively, to answer.

The place of Indigenous Australians within this discussion should be clarified. Although official multiculturalism now applies to Aboriginal and Torres Strait Islander peoples, it also, to its credit, recognises that 'their distinct needs and rights [should] be reaffirmed and accorded separate consideration'.⁹ Indeed, the background considerations as well as many of the issues involved in the political and legal recognition of Indigenous peoples – land rights, self-government, treaties, political representation, customary law, symbolic recognition – are, I believe, quite different from those of other cultural groups.¹⁰ Accordingly, this discussion of Australian multiculturalism is directed toward the situation of *non-Indigenous* Australians.

5 See, eg, Ghassan Hage, *White Nation: Fantasies of White Supremacy in a Multicultural Society* (1998); Jon Stratton, *Race Daze: Australian Identity in Crisis* (1998).

6 See, eg, Brian M Barry, *Culture & Equality: An Egalitarian Critique of Multiculturalism* (2001); Chandran Kukathas, 'Liberalism and Multiculturalism: The Politics of Indifference' (1998) 26 *Political Theory* 686.

7 See, eg, Will Kymlicka, *Multicultural Citizenship* (1995); Bhikhu Parekh, *Rethinking Multiculturalism: Cultural Diversity and Political Theory* (2000); Yael Tamir, *Liberal Nationalism* (2nd ed, 1995); and also Chandran Kukathas, 'Cultural Toleration' (1997) 39 *Nomos* 69.

8 By 'liberal' values, I mean those associated with a political order based on limited and accountable government, the rule of law, protected individual rights, and church-state separation. Central is respect for the individual, and for the individual's freedom and responsibility.

9 Department of Immigration and Multicultural Affairs, above n 3, 5.

10 Among these issues, none is more urgent, perhaps, than symbolic recognition in the form of an official apology. See Geoffrey Brahm Levey, 'Reconciliation and the "Banality of Evil"', *The Australian Financial Review* (Sydney), 6 July 2001.

III ARRIVING AT MULTICULTURALISM

The term multiculturalism entered Australian parlance in 1973 following its introduction some years earlier in Canada. Whereas Canadian thinking revolved around bilingualism and long established cultural communities, multiculturalism in Australia developed as a response to immigration. From Federation until World War II, the nation ignominiously defined herself by the White Australia Policy and as an outpost of the 'British race'. These restrictive categories were progressively loosened until 1973, when the Whitlam Labor Government ended all remaining vestiges of a racially discriminatory immigration policy.¹¹ The associated transformation of Australian society has been remarkable. Today, almost one in four Australians were born overseas, coming from more than 150 countries. Australia is now even more immigrant-rich than the other major immigrant democracies of Canada and the United States ('US').¹²

Like Canada and the US, Australia explicitly managed its cultural diversity up until the mid-1960s through assimilationist policies of 'Anglo-conformity'. Government documents claim that a new period of 'integration' followed, where the settling and servicing of large numbers of migrants were emphasised, rather than the loss of their original language, culture and identity. The multicultural model is said to operate from 1973.¹³ It is useful to juxtapose this historical account with a more general one. Joseph Raz charts three sequential liberal responses to cultural diversity.¹⁴ Toleration, which largely leaves minorities to live as they please as long as they do not interfere with the dominant culture. Non-discrimination, which protects the individual rights and liberties of all citizens by outlawing discrimination on the basis of race, religion, ethnicity and other group characteristics. In this, it seeks to ensure that the common citizenship rights of liberalism are truly common. Finally, the affirmation of multiculturalism, which, Raz says, 'rejects the individualistic bias' of the non-discrimination model, recognises the value of cultural diversity, and actively assists groups to maintain their distinct cultures within the larger society.¹⁵

Both of these synoptic accounts fail to capture key aspects of the Australian case. The long-standing White Australia Policy and emphasis on assimilation and Anglo-conformity suggest that *intolerance* was in fact the initial dominant response in Australia. Assimilation was clearly anticipated in the so-called 'integration' measures of the mid-1960s.¹⁶ Unlike Canadian multiculturalism,

11 The measures taken included legislating to make all migrants, of whatever origin, eligible to obtain citizenship after three years of permanent residence; ... policy instructions to overseas posts to totally disregard race as a factor in the selection of migrants; and ratify[ing] all international agreements relating to immigration and race.

See Department of Immigration and Multicultural Affairs, *The Abolition of the 'White Australia' Policy*, Fact Sheet No 5 (2001) 2.

12 Australian Bureau of Statistics, *Migration*, Cat No 3412.0 (1999-2000) 93.

13 See, eg, Department of Immigration and Multicultural Affairs, *The Evolution of Australia's Multicultural Policies*, Fact Sheet No 8 (2001).

14 Joseph Raz, *Ethics in the Public Domain: Essays in the Morality of Law and Politics* (1994) 157-8.

15 Ibid 159.

16 John Kane, 'The Australian Path to Multiculturalism' (1997) 39 *Nomos* 542.

which emphasised linguistic and cultural maintenance from the start, Australian multiculturalism took shape during the 1970s and early 1980s as a program of migrant absorption and integration.¹⁷ But most important, for present purposes, is that Raz's distinction between non-discrimination and affirmative multiculturalism, although helpful, needs to be recast in locating Australian multiculturalism. As we will see, Australian multiculturalism:

- (1) explicitly incorporates the traditional principle of non-discrimination;
- (2) extends this principle and the individualistic bias of liberalism more generally to embrace cultural identity; and
- (3) affirms the value of cultural diversity, but again only on the basis of individualism.

IV THE NATIONAL AGENDA

In the *National Agenda*, the Commonwealth Government identifies the following three dimensions of multicultural policy:

- *cultural identity* – the right of all Australians, within carefully defined limits, to express and share their individual cultural heritage, including their language and religion;
- *social justice* – the right of all Australians to equality of treatment and opportunity, and the removal of barriers of race, ethnicity, culture, religion, language, gender or place of birth; and
- *economic efficiency* – the need to maintain, develop and utilize effectively the skills and talents of all Australians, regardless of background.¹⁸

The significance of the cultural identity principle should not be underestimated. People are free to express their distinct cultural identities, in the public and private domains, without hindrance and with substantial help by government. The right to cultural identity constitutes a real and radical departure from both assimilationism and mere non-discrimination. Of course, the right is quickly qualified by being subject to 'carefully defined limits'.

Another crucial limitation is that the right to cultural identity is ascribed to and assertible by individuals, not by groups corporately. The phrasing used throughout the *National Agenda* is deliberate: it is 'all Australians' – that is, each individual Australian – who have this or that right. Lest there be any ambiguity, the *National Agenda* goes on to state that '[f]undamentally, multiculturalism is about the rights of the individual'.¹⁹ Cultural minorities *qua* groups have no entitlement. This qualification is of the utmost importance. It means that Australian multiculturalism remains committed to the liberal idea that

17 On the development of Australian multiculturalism, see James Jupp, *Understanding Australian Multiculturalism* (1996); Mark Lopez, *The Origins of Multiculturalism in Australian Politics 1945-1975* (2000).

18 Office of Multicultural Affairs, above n 3, vii.

19 Ibid 15.

the ultimate unit of moral worth is the individual, and it avoids one of the traditional liberal concerns about group and cultural rights; namely, that the interests and rights of the individual may be jeopardised in the interests of the group. In this, Australian multiculturalism follows closely the terms and reasoning of art 27 of the *International Covenant on Civil and Political Rights* ('ICCPR')²⁰ – to which Australia is a signatory – which states, in part, that 'persons belonging to [ethnic, religious, or linguistic] minorities shall not be denied the right ... to enjoy their own culture' (emphasis added).

In practical terms, individuals acting individually or jointly might exercise the right to cultural identity. In the former case, it might, for example, entitle an individual to wear his or her traditional garb or headgear even where standard uniforms are required. It might entitle individuals to observe certain rituals, such as traditional holidays or the special preparation of foods. When jointly exercised, the 'cultural identity' provision might include a right to establish a parochial school or to a duly recognised customary marriage. The difference is that while the interests of individuals are still being served in these cases, a community of members is required to give effect to the practice and to impose a duty of recognition on others. In contrast, the right to cultural identity offers no basis for granting powers or authority to cultural groups *qua* groups.²¹ It seems to rule out group rights in the sense of political and legal autonomy that would enable cultural communities to be self-governing, and which would complicate, if not jeopardise, the common citizenship status of the members of these communities.

While the right to cultural identity represents a radical departure from earlier practices of liberal democracies (assimilationism, toleration, non-discrimination), it conforms to the moral ontology of liberal individualism. It does not so much break from liberal democratic norms as reinterpret and extend them. We can see this innovation also in the second policy dimension – social justice. A traditional reading of the 'right to equality of treatment and opportunity' would understand it to mean that people should not be denied offices and opportunities on the basis of their group characteristics, which is to say, on the basis of direct and invidious discrimination. Such a principle of non-discrimination simply affirms, of course, the traditional liberal rights of citizenship, and has nothing *per se* to do with cultural distinctiveness or maintenance.

Recognising direct discrimination leads, however, almost ineluctably to recognition of *indirect* discrimination as well. According to the *National Agenda*, this kind of discrimination is 'unwitting and systemic' and 'occurs when cultural assumptions become embodied in society's established institutions and processes'. Or as the *Racial Discrimination Act 1975* (Cth) puts it, indirect discrimination occurs when a 'practice or policy appears to be fair because it treats everyone the same, but it actually disadvantages more people from one

20 Opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976).

21 On the distinction between individual, collective, and corporate rights, see Peter Jones, 'Human Rights, Group Rights, and Peoples' Rights' (1999) 21 *Human Rights Quarterly* 80.

racial or ethnic group'.²² The second part of the social justice dimension addresses this concern through the removal of various group barriers. Like the right to cultural identity, the right to social justice can sustain a wide array of claims in which cultural attachments and convictions are at stake. And like the right to cultural identity, it more fully realises, rather than breaches, liberal democratic norms and common citizenship rights. Thus, one finds even the US, which does not have a declared government policy of multiculturalism, endorsing similar provisions. For example, Title VII of the *Civil Rights Act of 1964*, 42 USC s 2000e, together with the 'Guidelines on Discrimination Because of Religion' of the US Equal Employment and Opportunity Commission²³ have been used as instruments for accommodating religious dress and time off for religious holidays.

If part of Australian multiculturalism is individualistic and rights-based (ie, the rights to cultural identity and non-discrimination), then the other key part turns on the collectivist idea that cultural diversity is a public good that serves all Australians. We see this idea implied, albeit clumsily, in the third policy dimension of economic efficiency. Thus, for example, the retention of foreign languages by migrants is to be encouraged so as to assist Australians and Australia to compete in the global marketplace. The bald instrumentalist terms of the economic efficiency dimension might be taken to mean that the interests of individual citizens are ultimately subservient to the national project that is 'Australia'. The *National Agenda* goes on to state, for example, that '[a]ll Australians should be able to develop and make use of their potential for Australia's economic and social development'.²⁴ However, the policy statement clarifies elsewhere that the ultimate value resides in the individual:

By seeking to improve the management and use of our human resources, and thereby to contribute to a sustained improvement in our standard of living, multicultural policies serve the interests of us all.²⁵

The immigration debate has particular relevance here. One of the great fears expressed about multiculturalism is that the large influx of migrants will rob established Australians of their jobs and diminish Australia's prosperity. The economic efficiency dimension transparently seeks to allay some of these concerns by stressing the entrepreneurial and socioeconomic advantages of a culturally diverse workforce and society.

An interesting question is how the principles of Australian multiculturalism relate to three cultural rights claims often discussed by political theorists: the symbolic recognition of cultural minorities in official emblems, anthems, flags,

²² *Racial Discrimination Act 1975* (Cth).

²³ Title VII of the *Civil Rights Act of 1964*, 42 USC s 2000e; US Commission on Civil Rights, *Religion in the Constitution: A Delicate Balance*, Clearinghouse Publication No 80 (1983) 43.

²⁴ Office of Multicultural Affairs, above n 3, 1 (emphasis added).

²⁵ *Ibid* 26.

public holidays, and the like; the public subsidisation of ethnic festivals, media, and traditions; and special representation in the legislature.²⁶

Australian governments provide information to the public in many languages, either directly or via interpreter and translator services, and multilingual explanations appear on electoral ballots, census forms, and so on. While these measures might help to sustain linguistic and cultural distinctiveness, they are best understood as attempts to integrate new Australians from non-English-speaking backgrounds and to fairly and effectively administer the business of government. Australia has rightly, I think, stopped short of symbolic recognition of minority cultures. Such a cultural right would presumably also apply to the dominant majority, and so some additional argument is required to explain why, in such circumstances, an established majority should not prevail at the symbolic level. Cultural rights theorists typically frame this additional argument in terms of respecting equality.²⁷ But, as a practical matter, it is not clear how one can include the images, stories, languages, festivals of all or even most minority groups in the official paraphernalia of states. How many images can reasonably appear on a flag? How many languages can be squeezed into a letterhead? How many cultural groups' festivals can be recognised as public holidays? To include just a few is tokenism, not the fulfillment of equality. Symbolic recognition is one of those areas where Conor Cruise O'Brien's wry observation that 'sometimes the only right a minority seems to want is the right to become a majority' seems especially apt.²⁸

The idea of cultural rights to public subsidisation also has little currency in Australian multiculturalism. Federal, State, Territory, and local governments have engaged in extensive funding programs of minority cultural groups and traditions. There is even, in the *National Agenda*, perhaps the slightest suggestion of a moral entitlement to public funding: 'All Australians should enjoy equal life chances and have equitable access to and equitable share of the resources which governments manage on behalf of the community'.²⁹ Nevertheless, the general rationale for government funding of SBS, ethnic festivals, community needs, and the like seems to be, not that cultural minorities have a right to such funding, but rather that it serves the interests of *all Australians* (or all residents in a State, Territory, or municipality). That is, the public funding programs reiterate the 'cultural diversity as public good' idea. The underlying moral justification is the presumption that *everyone* benefits from the policy of state cultural subsidisation – not only the minority members who happen to receive the assistance (as in minority rights arguments); not only the majority of a political community (as in some utilitarian justifications); and not only an abstract entity such as 'the nation' (as with national corporatism).

26 I discuss the issues of symbolic recognition, public subsidisation, and other cultural claims in detail in Geoffrey Brahm Levey, 'Equality, Autonomy, and Cultural Rights' (1997) 25 *Political Theory* 215; and 'Liberal Nationalism and Cultural Rights' (2001) 49 *Political Studies* 670.

27 See, eg, Kymlicka and Tamir, above n 7.

28 Conor Cruise O'Brien, 'What Rights Should Minorities Have?' in Ben Whitaker (ed), *Minorities: A Question of Human Rights?* (1984) 11.

29 Office of Multicultural Affairs, above n 3, 1.

Claims for special minority representation, such as dedicated parliamentary seats, are more complicated. While, in Australia, special political representation has been discussed mainly in relation to Indigenous peoples,³⁰ some scholars have made the case in relation to a plethora of identity groups.³¹ Such representation can take a number of forms. It might be arranged much in the manner of affirmative action policies, where virtually any individual member of the group is eligible for selection or, in this case, election to a reserved seat. The aim of this arrangement is simply to have the legislature better reflect the social composition of the population. The group is given a 'voice' in the legislature only in the highly derivative and contingent sense that the minority members who are elected may be more sensitive to the concerns and interests of their group and may express, in their own way, those concerns. While this arrangement has been little discussed in Australia, a non-rights-based variation of it has been suggested. This involves encouraging political parties to run Indigenous people in a certain number of winnable seats.³² Because both these arrangements essentially entail a right and/or privilege held by individuals who happen to be members of a particular group, it theoretically conforms to the individualistic terms of Australian multiculturalism.

Dedicated parliamentary seats might be filled by minority members who are authorised to represent the minority. This model is found in a number of liberal democracies that emerged out of the consolidation of various territorially concentrated ethnic and national groups (eg, Belgium), or which entered into agreements with their Indigenous peoples (eg, New Zealand), and has been entertained by some Australian Indigenous bodies. Among other procedures, the minority's representatives might be nominated by the leadership of the minority whose names are then ratified (or rejected) by the legislature, or they might be elected directly by members of the minority. Whatever the procedure, the compatibility of this form of representation with the philosophy of Australian multiculturalism is an open question. The special status and needs of Indigenous communities mean that, for them, the issue should be decided on grounds other than multicultural policy. Dedicated parliamentary representation for other ethnic and cultural communities has not been an issue in Australia.

V THE LIMITS OF TOLERATION

This brings us to the three official, 'carefully defined limits' of Australian multiculturalism. The first limit asserts a narrow and overbearing nationalism. It states: 'multicultural policies are based upon the premises that all Australians should have an overriding and unifying commitment to Australia, to its interests

30 See, eg, Council for Aboriginal Reconciliation, *National Strategy to Promote Recognition of Aboriginal and Torres Strait Islander Rights* (2000).

31 See, eg, Iris Marion Young, *Justice and the Politics of Difference* (1990).

32 See, eg, Parliament of New South Wales Standing Committee on Social Issues, *Enhancing Aboriginal Political Representation: Inquiry into Dedicated Seats in the New South Wales Parliament*, Report No 18 (1998).

and future first and foremost'. Section 17 of *The Australian Citizenship Act 1948* (Cth) prohibits adult Australian citizens acquiring dual citizenship, although some exceptions have been allowed. Migrants or permanent residents who acquire Australian citizenship may, however, hold dual or multiple citizenship. Parliament presently is considering a Bill that would make dual citizenship generally available to Australians.³³ One wonders what a presumption of overriding allegiance to Australia could turn on.

The Canadian political philosopher, Will Kymlicka, exposes the more general overstatement of allegiance that is involved:

An Australian who commits some of her time and resources to helping people in developing countries, or in her country of origin, or who pushes Australia to increase its foreign aid budget, may not be putting Australia's interests 'first and foremost', but she is not doing anything wrong.³⁴

What is so striking about the first limit to Australian multiculturalism is that it clashes with the other two. These reaffirm the individualistic and collectivistic foundations of the affirmative policy dimensions:

- multicultural policies require all Australians to accept the basic structures and principles of Australian society – the Constitution and the rule of law, tolerance and equality, Parliamentary democracy, freedom of speech and religion, English as the national language and equality of the sexes; and
- multicultural policies impose obligations as well as conferring rights: the right to express one's own culture and beliefs involves a reciprocal responsibility to accept the right of others to express their views and values.

Whereas the first limit demands an *overriding* commitment to a nation state, the second and third limits require Australians to honour the basic obligations of liberal democratic citizenship in Australia. The latter are altogether appropriate and are the corollary of our enjoyment of individual rights and liberties in community with others. They represent a serious commitment to one's fellow Australians and to the values and institutions of the country. However, liberal democratic institutions, such as the freedoms of speech and worship, entitle citizens to determine, for themselves, what their overriding commitments are. Liberal democracies may, on occasion, ask their citizens for their overriding allegiance; war being the obvious example. They may also, to a considerable extent, seek to inculcate nationalistic sentiment in their citizenry. But they cannot, without compromising liberal democratic values, legislate or demand overriding allegiance as a matter of course. The *National Agenda's* insistence upon an abstract commitment to Australia 'first and foremost' oversteps what Australian liberal democracy, let alone multiculturalism, itself stands for.

33 Australian Citizenship Legislation Amendment Bill 2001 (Cth).

34 Will Kymlicka, *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship* (2001) 173.

VI A NEW AGENDA

This regrettable nationalistic element has been de-emphasised, but not entirely eliminated from *A New Agenda*. In this latest statement of Australian multiculturalism, four policy dimensions replace the previous three, and into which the limits have now been incorporated:

- *civic duty* – which obliges all Australians to support those basic structures and principles of Australian society which guarantee us our freedom and equality and enable diversity in our society to flourish;
- *cultural respect* – which, subject to the law, gives all Australians the right to express their own culture and beliefs and obliges them to accept the right of others to do the same;
- *social equity* – which entitles all Australians to equality of treatment and opportunity so that they are able to contribute to the social, political and economic life of Australia, free from discrimination, including on the grounds of race, culture, religion, language, location, gender or place of birth; and
- *productive diversity* – which maximises for all Australians the significant cultural, social and economic dividends arising from the diversity of our population.³⁵

Although *A New Agenda* was formulated at the behest of the Howard Government, John Howard himself has treated multiculturalism with ambivalence, even avoiding the word. *A New Agenda* seems to reflect some of this concern. The first dimension now reads as a statement of obligations of citizenship rather than of cultural rights. Similarly, even though the second dimension retains the notion of individual cultural rights, it is highlighted as 'cultural respect'; that is, a response to cultural difference, rather than as 'cultural identity', an assertion of such difference. These changes follow the Howard Government's emphasis on tolerance and 'living in harmony', and are of little consequence.

The same cannot be said of the third dimension, which now links the right to equality of treatment and non-discrimination to an ability to 'contribute to the social, political and economic life of Australia'. This smacks of a misplaced consequentialism. Australians should be entitled to enjoy the basic right of freedom from discrimination on the basis of race, religion, ethnicity or culture *regardless* of their capacity to contribute to the social, political, and economic life of the country. Such a right is not forfeited, for example, by becoming an invalid, a long-term hospital patient, or even a prison inmate.

The fourth dimension, in contrast, represents an apparent improvement over its 1989 counterpart. Apart from substituting the lovely sounding 'productive diversity' for the harsh language of 'economic efficiency', it also makes very clear that the intended beneficiaries of this productivity are 'all Australians', and not an abstract, corporate entity like 'project Australia'. However, this

35 Department of Immigration and Multicultural Affairs, above n 3, 6.

improvement is mitigated by the preamble to *A New Agenda's* statement of multicultural dimensions, part of which reads:

Australian unity in ... diversity is based on such moral values as respect for difference, tolerance and a common commitment to freedom, *and an overriding commitment to Australia's national interests*.³⁶

So the peculiar endorsement of fundamental liberal freedoms, alongside and always subject to an absolute allegiance to unspecified and open-ended 'national interests', remains a defining and unfortunate feature of official Australian multiculturalism.

VII WHAT DOES IT MEAN TO BE AN AUSTRALIAN?

Many people worry that multiculturalism disunites Australian society. They argue that an immigration program that admits too much cultural diversity and/or a domestic policy of cultural recognition fragments the nation and undermines an identity that Australians share in common. The two manifestos of Australian multiculturalism clearly speak to these concerns by setting limits based on core values and common institutions – reciprocity, tolerance and equality (including of the sexes), freedom of speech and religion, the rule of law, the Constitution, parliamentary democracy, and English as the national language. These values are genuinely demanding and provide, I think, quite a 'thick' identity joining all Australians. Nonetheless, it is a civic identity that is being proposed, and many believe that this kind of national identity is not 'thick' enough: it fails to 'meet the human need for warmth and belonging' and is not distinctively Australian.³⁷

The architects of Australian multiculturalism have undoubtedly presented a bold approach to the question of national identity. Except for the insistence on English as the *lingua franca*, they have avoided all reference to traditional Anglo-Celtic or Australian dimensions of culture. As the *National Agenda* stresses,

colour or language, style of dress or mode of worship, are no indication of the degree of personal commitment to the future of our nation. Being an Australian has nothing to do with outward appearance.³⁸

The architects of Australian multiculturalism have done for Australians what the framers of the *Constitution of the United States of America* did for Americans. They have made being a member of the nation a matter of accepting a political creed. Such a device has worked famously for the US, and most Americans (Native and African Americans being notable exceptions).³⁹ Can it also work for we, the people of Australia? Is it enough?

According to John Hirst, Chairman of the Commonwealth Government's civics and citizenship program in schools, a civic identity would be appropriate

36 Ibid 6 (emphasis added).

37 John Hirst, 'Aborigines and Migrants: Diversity and Unity in Multicultural Australia' (2001) 228 *Australian Book Review* 32.

38 Office of Multicultural Affairs, above n 3, 15.

39 Michael Walzer, 'What Does it Mean to be "American"?' (1990) 57 *Social Research* 591.

if 'we were truly a very diverse society, with a number of distinct ethnic groups each maintaining its own culture'.⁴⁰ Because modern Australia is not such a place, he argues, but rather substantially a 'melting pot', with high intercultural marriage rates and so on, there is much more Australians might agree on. Yet, it seems to me that even though Australian society is highly integrative, it would be a mistake for *government* to try to define Australian national identity in anything other than civic terms. Hirst's own suggestions seem to confirm this. His school curriculum includes a 'series of lessons on how Australians have over the years answered two questions: who is an Australian and what sort of nation is Australia to be?'.⁴¹ The material includes Aboriginal Dreamtime stories, Henry Lawson's tales, Fred McCubbin and Sidney Nolan paintings, Weary Dunlop's wartime courage, and Paul Keating's speech on the burial of the Unknown Soldier.

This much is welcome and to be expected. Every liberal democracy should speak in its own idiom, and rehearse the manifold parts of its history. For too long in Australia, well before multiculturalism, our school curricula were derelict in these respects. The history we learnt was almost anyone's but our own. However, Hirst's 'answer' to what we might further agree on is actually to frame two *questions* about who we are. His nominated case studies are wide-ranging (although conspicuously thin on stories from the migrant experience) and inconclusive. His survey of responses on Australian national identity offers us nothing definite about which we might further agree. But this is just to say that Australian national identity is, as it has always been, a work-in-progress. Multicultural Australia – or better, multiculturalism Australian-style – is simply another chapter in the story, albeit with one important difference. It rightly recognises that it is not the business of government to close the conversation and complete the definition of what it means to be an Australian.

40 Hirst, above n 37, 32.

41 Ibid 32.