LIBERALISM AND THE CHALLENGE OF MULTICULTURALISM : WILL KYMLICKA ON MINORITY RIGHTS

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CERTIFICATE

This is to certify that the dissertation entitled **"Liberalism And The Challenge Of Multiculturalism : Will Kymlicka On Minority Rights "** submitted by David L. Lungtau in partial fulfillment of the requirement for the award of **MASTER OF PHILOSOPHY** has not been previously submitted for any other degree of this or any other university.

We recommend that this dissertation be placed before the examiners for the evaluation.

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Introduction

An urgent political issue, which faces a number of states today concerns negotiating the multiple claims for political recognition made by different groups in the society. Minority groups often view such recognition as a defense against the kind of marginalisation, sometimes victimization or exclusion, which they have experienced in the society within the state. In different societies citizens are demanding not only equal rights of citizenship but also recognition of their identity claims and protection for the continued reproduction of the groups with which they identify. In Canada, Australia and United States of America, multiculturalism is the preferred term and policy for the protection of such minority cultural groups. In India too, similar issues have been discussed in the debates regarding secularism. The issue of whether communities and groups should be acknowledged as political actors by the state and how individual and groups rights can be reconciled, is a major problem that preoccupy most political theorists, mostly the liberals today.

This study is about the increasing importance of multiculturalism in shaping social and political change in today's world. The primary problem of democratic countries all over the world after two centuries of unprecedented growth is the way they recognize, accommodate and institutionalize ethnic, religious or cultural differences. This study examines the ethnic and racial diversity of societies, and the increasing connection among these societies. These increased connections have

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raised the issues of identity and rights to the forefront in social movements, individual experiences, and in public policy.

This study begins with the emergence, and increasing importance of multiculturalism as a policy to accommodate social diversities. In particular, I focus on the liberal challenge to multiculturalism by discussing one of the most prominent liberal multiculturalist, Will Kymlicka. My analysis is theoretical in that I consider his views on the nature of the individual and of culture; the meaning of freedom, liberty, the good life; the connection between the individual and culture, groups and society; and the nature of society as a whole. Kymlicka develops a theoretical framework that leads to policy implications and to implications for the way we look at others, and ourselves and how we as individuals, and in groups and in society, relate to each other. In societies that will be increasingly diverse in terms of ethnicity in the next century, these are especially important issues to consider.

Theoretical background

It is often argued that liberalism, as a political philosophy has been primarily concerned with the development and protection of the autonomy and freedom of the individual; the relationship between the individual and the state; and limiting state intrusions on the liberties of the individual citizens. However, political theory, in recent decades has been undergoing tremendous transformation. The need to address

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questions of ethnicity and minority cultural rights captured much of the discussion in political theory, especially liberal political theory.[1]

Liberals find it difficult to engage the state in the lives of any particular group or community. Further, the liberals also favor the absence of common ends in the public realm because it allows individuals the freedom to pursue their diverse ambitions and goals.[2] The liberals always want to ensure that the autonomy of the individual is being protected. This autonomy gives the individual the freedom to live in accordance with his own beliefs and norms. The liberals in some way fails to acknowledge the fact that the belief that laws are value neutral and allow individual to make their own choices brings into the surface the presence of cultural group differences in society. It hides the way in which law favors some groups and their way of life. Therefore, Bhikhu Parekh argues that a morally neutral state, making no moral demands on its citizens and equally hospitable to all human choices is logically impossible.

Liberalism operated with the belief that protecting the autonomy of the individual would be the best way of preserving diversity and dismantling structures of discrimination. Therefore, on the issue of cultural differences the liberals assumed that cultural heterogeneity would follow logically from the liberty granted to the individuals to

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1. For a discussion on the liberals writing on minority cultural rights and how liberalism responded to such kind of cultural pluralism see liberal writers such as; Will Kymlicka (1989), *Liberalism, community and Culture*, (Oxford: Clarendon Press); (1995*); Multicultural Citizenship*; (Oxford University Press: Oxford); Kymlicka and Norman, (1999), *Citixenship in Diverse Societies* (Oxford University Press: Oxford) Bhikhu Parekh (2000), *Rethinking Multiculturalism*, (Palgrave; Clarendon) Brian Barry (2001), *Culture and Equality*, (Cambridge, Polity Press).
2. See Gurpreet Mahajan (1998), *Identities and Rights: Aspects of liberal Democracy in India* ' (New Delhi: Oxford University Press) p.1-2.

pursue their own way of life. However, this trend of looking at differences has not been able to set up the table of difference negotiation.

Rawls' *A Theory of Justice* generated a huge literature, much of which focused subsequently on what has come to be termed as ' Liberal – Communitarian' divide or debate. The liberals on the one hand prioritized the freedom of choice and autonomy of the individual. On the other hand were the communitarians who argued that a broader communal socialization in a historically rooted culture was necessary to enable the preconditions of such individualism. In the early 1990s the liberal – communitarian controversy transformed into a more particular debate about how to accommodate cultural and ethnic claims onto a broadly liberal political theory. Will Kymlicka's (1989) *Liberalism, Community and Culture*; and (1995) *Multicultural Citizenship: A Liberal Theory of Minority Rights* became significant texts in making this shift. These writings has been able, to a large extend transform liberalism towards a modern concept.[3] As Kymlicka argued, 'liberalism, as a political philosophy is not only concerned with the relationship between the individual and the state, and with limiting state intrusions on the liberties and freedoms of the individuals, but, implicitly or explicitly, liberalism also contains a broader account of the relationship between the

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3. Classical liberalism failed to give adequate response to moral and cultural diversity. Classical liberals such as Locke, JS Mill were greatly influence by the moral monism. Moral monism refers to the view that only one way of life is fully human, true, or the best, and that all others are defective to the extent that they fall short of it. This kind of thinking was attached to the classical liberals such as; Locke and Mill. For details see Parekh (2000) *Rethinking Multuralism* (Palgrave:Oxford University Press) especially the Chapter on 'Monism'. See also Locke, J. (1961) *Two treatise of Governments*, Ed. P. Laslett (Cambridge: Cambridge University Press); Mill, J.S. (1964) *'Utilitarianism, Liberty, Representative Government* (London: Everyman's Library)

individual and society, and in particular, of the individual's membership in a community and culture.[4]

Minority communities have continuously justified their claims by challenging the liberal ideal of homogeneous citizenship and replacing it with the idea of multicultural policies of the state, rather than the numerical vulnerability of the minorities in the political process. Theorists of multiculturalism do not argue that minorities are subordinated or discriminated because of their numerical size, instead they maintained that the cultural practices and orientation of the nation – state are the sources of discrimination and cultural marginalization. Consequently, minority demands for a right to self-government rights or autonomy of administration against the state.

Kymlicka suggests two principles on which the claims of minority group rights be based. They are *'External Protection'* principle and *'Internal Protection'* principle. The external protection principle argues that minority cultural groups should be given necessary rights, so as to enable them to defend or protect themselves from unfair competition by the majority or dominant groups. On the other hand, the internal protection demands that all groups, minority or majority, should desist from coercing individual members within their cultural fold. On the basis of these two principles minority groups may demand three types of rights. First, there are rights to do with government, including special representation rights, devolution and national self-determination. Second, there are rights that seek to accommodate a variety of distinct cultural practices within larger states. These include both exemption rights and

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4. See this line of argument in Will Kymlicka's *Liberalism, Community and Culture '* (Oxford: Clarendon Press, 1989) p.1.

cultural rights, which give special assistance to disadvantaged minorities, such as affirmative action programs. Third, there is a category of demands that pertain to collective rights such as; public holidays, dress code, public policy, national anthems, cultural symbols, etc.[5]

While dealing with minority rights careful judgments have to be made on the nature of the rights that a minority group may claim. This is because, if minority and dominant majority cultural groups are allowed to have competition on an equal basis, then the former will not be able to make headway in their claims and therefore it is quite legitimate if restrictions are placed on the cultural inroads of the dominant groups into a minority group. However, if individuals within the group are restricted on the plea that their exercise of freedom is likely to endanger cultural identity, then such freedom violate core liberties. Curtailing individuals from making their choices including the choice to exit from their community would be a violation of the right to freedom and consequently affects the construction of the self.

Thus, the individuals requires an 'adequate array of options', made possible by ' secure cultural pluralism', and that the state could ensure this without violating the requirements of neutrality. Culture is valuable because it is the context of choice, and also because it makes these options meaningful. Cultures are not valuable in and of themselves, but because it is through having access to a societal culture that people have access to a range of meaningful options. Thus, Kymlicka insists citizens have obligations to culture; its survival is not guaranteed, where it is threatened with debasement or decay, we must act to protect it.[6]

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5. For further understanding on liberal terrorizing of minority rights see Will Kymlicka, Op. Cit. (1995).
6. See Op. Cit. Kymlicka (1989) & (1995) p.81 & p.83 respectively.

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Minority rights issues in India have a long distinct history, and are markedly different from the way they are being discussed in contemporary Western liberal societies. In Western liberal democracies collective group rights are being justified at a time when community have, to a considerable extent, disintegrated. Further, the philosophical defense of minority rights is being offered when the basic rights of citizenship have been extended to communities that were previously excluded from the political process. Thus, the contemporary Western discourse on minority rights is concerned overwhelmingly with the cultural rights of communities.[7]

Within liberal democracies the defense of cultural community rights is predicted on the belief that culture is a primary good. It forms the context of individual choice and experience, and defines the identity of the person. Since culture is seen to constitute personal identity, it is valued for itself and respect for individuals entails respect for their distinct ways of life. Some advocates of minority cultural rights such as Will Kymlicka, to take it just for example, argue that liberals should be concerned about the fate of diverse cultures because cultures provide real alternatives to choose from. That is, cultures offer concrete options and, individuals can make effective choices only when there are diverse life-worlds to choose from. Consequently, a conscious effort must be made to preserve the heterogeneity of cultures; and, for these advocates of collective rights should try to ensure that communities have the right to protect and promote their culture.

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7. See Gurpreet Mahajan & D. L. Seth (eds), (1999) *Minority Identity and the Nation State* (Oxford University Press, New Delhi).

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Justifications for collective cultural rights emphasize the value of cultures for the individuals as well as the entire society. But, very often minorities draw attention to their disadvantaged and subordinate status in society. Some minorities claim special privileges on grounds of being under-represented in social and political life. They maintain that in a democracy governed by majority will, their numerical strength is a source of disadvantage. Hence, to compensate for their smaller size they seek group representation or special quotas in various public institutions. There are other minorities who protest the homogenizing policies of the nation-state. The state, in its effort to unite diverse groups within its territory into a single whole, evolves a national culture. It adopts a national language, interprets its history, specifies academic curricula and medium of instruction, declares public holidays, selects national heroes, and adopts certain rituals for ceremonial occasions as symbols of its national identity. However, this national culture, which the state tries to inculcate in all its citizens, is not entirely neutral. It tends to express the culture of the dominant community. Minorities argue that the ethnic character of the state, expressed in its national ethos, places them at a disadvantage. To the extent that it does not reflect the culture of the minorities, it marginalizes them in the public domain and devalues their cultural practices.

Methodology and Purpose of the study

This study looks at the theoretical aspects of multiculturalism and its importance in shaping social and political change in today's world. Because multiculturalism has mostly appeared as a questioning of key

tenets of liberal societies and states, it is appropriate to start an interrogation by examining the writings of one of its main proponents, Will Kymlicka. Kymlicka's main argument is to make multiculturalism compatible with liberalism by attacking the orthodox liberal view of the right of states to determine who has citizenship within their territories. In this study I do not attempt to review all of his work but rather concentrate on certain themes that are pertinent to the Indian context.

Kymlicka's writings are very influencial in the debates on nation-states, culture and minority rights in India. The reason is that some of the questions raised in his writings have been relevant to the Indian case. When does a group qualify for membership in a multicultural group? What are the criteria that determine which group is more and less entitled to claims? Which are the rights to be accorded to minority groups? In India as the net widens the whole process trivializes the legitimate claims of many minority groups.

The purpose of this research is to understand cultural diversity and the challenges that cultural diversity inflicted to liberal democratic societies, and liberal response to it. The problem of negotiating cultural differences has led many political theorists to try to solve it.[8] Several questions are at the heart of this debate, which remains unanswered. Should group rights trump individual rights? Should the common good prevail over individual self-interest? What role do communities play in shaping the values of their members? What obligations, if any, do individuals owe to

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8. Many thinkers such as Vico, Montesquieq, Herder are main leading thinkers who addressed cultural diversity in their account of human beings, but inadequately. They propagated that human beings were born within and profoundly shaped by their cultural communities, and that different cultures differently reconstituted the shared human nature. For details one can look into Parekh (2000) who discussed each of these thinkers in more detail manner.

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their cultural communities? Does government have any legitimate part to play in promoting community values, and how should government respond when individuals and communities come into conflict? In the words of Geoffrey Brahm Levey; does liberal equality require that public be blind to cultural identities, treating individuals as equals only in terms of their common citizenship? Or should cultural groups sometimes be given certain privileges and right to particular circumstances? If so, what are the circumstances and what benefits should follow?[9] These are some of the questions I will address.

My primary concern in this work is to analyze how liberalism accommodates cultural minorities within the framework of multiculturalism, given that liberalism primary concern is for the protection of the autonomy and freedom of the individual. I will concentrate on the philosophical works of Will Kymlicka who argues that liberalism can accommodate certain group-differentiated minority rights, and who defends a modern concept of liberalism which is sensitive to the way our individual lives and moral deliberation are related to, and situated in, a shared social context[10]

Commitment to individual autonomy is the basic principle of liberal political theory. Since the good life requires that individuals should be able to live according to their beliefs without fear of punishment, hence the liberals insists on civil and personal liberties and freedom of conscience. Individuals should also have the opportunity to acquire about

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9. See Levey, Geoffrey Brahm; 'Equality, autonomy, and Cultural Rights': *Political Theory*, Vol. 25, April. 1997.

10. Here, when I discuss Will Kymlicka in particular it does not mean that other writers who share the same idea are being neglected. I am giving more interest to Kymlicka because he is arguably the most influential liberal multiculturalism, whose writings and theory has given precise and practical orientations in the field of minority rights.

different ways of life and the ability to examine them critically, and hence the liberal concern for education, freedom of expression, freedom of the press etc. According to Kymlicka, human beings are cultural creatures in the sense that cultures are essential for their development as human beings for two reasons: firstly, cultures define and structure their world, help them make meaningful judgments about what is valuable, suggest them with worthwhile roles, provides them with meaningful options, guides their decisions concerning how to lead their lives in the best possible way, and provides a secure context of choice.[3] Secondly, culture gives individuals, a sense of belongingness or identity, facilitates mutual co-operation, and promotes social unity and trust. In this way Kymlicka gives importance to cultural diversity and protection of vulnerable cultures. He recognizes the importance of each individual role and embeddedness in one or the other social roles and support for the protection of cultural minorities and argues that culture provides the individuals with a secure context of choice.[11]

It is also my interest in this study to analyze how far can liberalism endorse the principles of social Justice towards cultural and group differences within the limits of liberal principle of Justice. How far Kymlicka is consistent in his argument; the argument that liberalism is sensitive to the way our individual lives and our moral deliberations are related to, and situated in, a shared social context. The individualism that underlies liberalism isn't valued at the expense of our social nature or our shared community. It is an individualism that accords with, rather than opposes, the undeniable importance to us of our social world. And this

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11. For details see Kymlicka Op. Cit., (1989) *'Liberalism, community, and culture'* (Clarendon Press: Oxford)

way of viewing our communal relationships and our relationship to our culture is more in line with our self-understanding than the available alternatives.[12]

The different views on multiculturalism examined in this study have not been completely resolved but the contribution of this study is to show the considerable distance that this intellectual quest has gone and where it can continue most fruitfully into the future.

Given these concerns, in the first chapter I discuss how cultural diversity created the need to arrive at a kind of multicultural policy in which the state recognizes that the dignity of individuals is linked to the collective dignity of the cultural community to which individuals belong. The main argument in this chapter is that multiculturalism is about respecting different ways of life, values and interests embedded in culture. It is a democratic policy that endorses equal respect and value to different cultures inhabiting the same political community. Multiculturalism is learning to think and accept that our societies are a cluster of, not only of majority and minorities, but also of plurality of cultural groups. In the second chapter I discuss how multicultural policies were implemented in Canada and Australia. By comparing multicultural policies in these two societies I show that as a systematic and comprehensive response to cultural and ethnic diversity, multiculturalism as a state policy differs from one country to another. This is because a socio-political history differs from state to state. Therefore, any effort to formulate policies of managing ethnically and culturally diverse societies needs to consider not only the specific programs and practices but also the social context and the objectives of the State and its citizens.

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12. See Ibid. pp. 2-3.

Successful management of multiculturalism and multiethnic societies requires not only a democratic polity, but also the struggle against social inequalities and exclusion.

The third chapter exclusively deals with the liberal debate on the response to cultural diversity. Here, I critically examine the views of Will Kymlicka on minority rights, who strongly argue that liberalism accommodates certain group-differentiated rights. For a liberal theory of minority rights, Kymlicka argues that liberals can and should endorse certain external protections that promote fairness between groups, but should reject internal restrictions, which limit the right of group members to criticize and revise traditional authorities and practices.

The last chapter deals with the issue of minority rights vis-à-vis the project of nationalism. Here, the aim is to contexualise the western liberal discourse (based on the views of Will Kymlicka) on minority rights in the Indian debates on minority rights and nationalism or, in the context of the India. Unlike in the West, in India minority rights were granted to safeguard against the possibility of the state assimilating minority religious communities. Consequently, the concern for cultural diversity was translated as cultural autonomy; that is, special rights were provided to protect religious practices and to restrict state intervention in religious institutions. This restricted the project of homogenization (for example, the Hindutva ideology), but as Gurpreet Mahajan argues, it also hinders the process of democratization. My main argument is that the homogenizing policy, such as the Hindutva ideology, by the state severly threatens the existence of religious-cultural minorities in India. Hindutva ideology questions the basic rights of individual citizens, the right to

freedom of expression, faith and worship, as enshrined in the constitution of India.

In conclusion, I argue that multiculturalism is about equal respect for all cultures, if culture forms an important context in which individuals shapes and reshapes their lives. Multiculturalism is about giving equal value and worth to all cultures that shapes human lives. Culture is about shared beliefs, ways of life, ways of thinking and understanding the world around us, in which we reflect others and ourselves as different. However, multiculturalism is not about endorsing cultural difference per se, but about giving equal respect and worth to diverse values and beliefs that gives meaning to life. Therefore, the liberals need to adequately understand culture instead of viewing it as liberal and illiberal.

Chapter 1

The Emergence of Multiculturalism: Challenge of Cultural Diversity.

Liberalism is best at dealing with and accommodating individual differences but not so well with pluralism or cultural group differences. They are unable to tackle the problems of cultural differences – of diverse values, interests and different options of a good life. Therefore, the Liberals supported the neutrality of the state; that the state must not embody the values of any religious or cultural community, and that it remain neutral between different conceptions of the good life. The state, the liberals argued, must not be a moral agent or anything like a shared enterprise involving in the pursuit of a common good or ends. But human beings are composed of different cultures, values, interest and conceptions about the good life. This very fact of human diversity creates the need for a system where there should be a 'cultural public space'.

Multiculturalism is a democratic policy response for coping with cultural and social diversity in society. My aim in this chapter is to analyze the core issues raise by cultural diversity. Cultural pluralism or diversity raises the issues of social justice, equality, minority rights in society, which eventually led to the emergence of multiculturalism as a democratic policy to accommodate diverse values and interests given shape by cultural diversity.

Individual Autonomy and Cultural Diversity

I think it is necessary to make some clarifications as to why my interest lies in Liberalism in this study. Until the postcolonial period, say until the 1960s, adequate attention was not paid to minority rights – such as indigenous and non-indigenous minorities, cultural and ethnic, and other minority groups, and their claims to certain rights that they think are valuable and worthwhile for the development of the individual members and the group as a whole. It is also commonly argue that accommodating plural and diverse ways of life within the ambit of liberal ethos of respecting and safeguarding the liberty, freedom and autonomy of the individual is a problem that concerns most liberal societies and liberal thinkers. Cultural pluralism or diversity poses a challenge to liberals as to how to create a society where people of different ways live together, and how to accommodate the various demands made by different groups or sections of the society. People belonging to different groups have demanded 'recognition' not only of their claims to a just share of the social benefits, but, more importantly, recognition of their distinct identities as members of particular cultural and linguistic community within society.[1]

Secondly, by cultural diversity or pluralism I mean a system of beliefs, or commitment to, diversity or multiplicity; that is, the existence

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[1] For details about the politics of recognition see Taylor, Charles ' *The politics of recognition*; 'Philosophical Arguments' (Harvard University Press-2000)

of many things. It is about multiplicity over monism, and for diversity over uniformity or homogeneity. Pluralism as John Keyes[2] argues may be understood as the combination of four interrelated things: (a) there are many incommensurable values whose realization is required for living a good life; (b) these values often conflict with each other, and, as a result, the realization of some excludes the realization of others; (c) there is no authoritative standard that could be appeal to, to resolved such conflicts, because there is also a plurality of standards, consequently, no single standard would be always acceptable to all fully informed and reasonable; (c) there is no authoritative standard that could be appeal to, to resolved such conflicts, because there is also a plurality of standards, consequently, no single standard would be always acceptable to all fully informed and reasonable people; (d) there are, nevertheless, reasonable ways of resolving conflicts among incommensurable values.

Although there are a number of distinctive versions of liberalism, none of these took into account nation and culture as integral elements of their conceptual frameworks. Till recently, liberalism resorted to the principle of toleration, located in the conceptual spaces and distinctions of rights, the public – private spheres, civil society and state and limited and neutral state. Even today there are advocates who argue that liberalism cannot reach out to culture and therefore should remain indifferent to them.[3] Kymlicka also argued that, 'Liberals have never been very comfortable with the language of community or fraternity. The

[2] See Keyes, John ' Pluralism and the Value of Life' in Frankel, E et, al., (1990) Cultural Pluralism and Moral Knowledge (Cambridge: Polity Press).
[3] See Chandran Kukathas, Liberalism and Multiculturalism: The Politics of Indifference, ' Political Theory, Vol.26, No.5, October 1998. Kukathas strongly feels that ' Liberal polity be indifferent to such matters as cultural identity and group recognition.

reason for this is the fear that group differentiated rights will undermine the sense of shared civic identity that holds a liberal society together'[4]

Liberalism operated with the belief that protecting the autonomy of the individual would be the best way of preserving diversity and dismantling structures of discrimination. Therefore, on the issue of cultural differences liberals assumed that cultural heterogeneity would follow logically from the liberty granted to the individuals to pursue their own way of life. In the 'Enquires concerning the principles of morals' David Hume observed that, 'human nature cannot by any means subsist without the association of individuals.'[5] The statement signifies that we are constituted through others, which means that the way in which we conceived of ourselves, at least in part, owes much to how others conceive us. In the same vein Taylor in his 'Philosophical Arguments' stated that ' ...my discovering my own identity doesn't mean that I work it out in isolation, but that I negotiate it through a dialogue, partly overt, partly internal, with others. That is why the development of an ideal of inwardly generated identity gives a new importance to recognition. My own identity crucially depends on my dialogical relations with others.'[6]

Since cultural pluralism is both a fact and a norm it gave rise to the politics of recognition that modern liberalism has to address to. Our human world and indeed our society are a mosaic of cultures cutting across in terms of race, class, gender, ethnicity, religion, ideology, and other interpenetrating variables. Cultural pluralism or diversity of cultures raises the normative question of whether, or to what extend such

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[4] See Will Kymlicka (1995) *'Multicultural Citizenship: A Liberal Theory of Minority rights* (Oxford: Oxford University Press) p.173.

[5] See Hume, David *'Enquriries Concerning the Principles of Morals'* (see Para IV, p-165)

[6] See Op. Cit. Taylor, Charles.

identities should be recognized or even encouraged in policies concerning government, law, education, and other important areas of social concern. Therefore, we need to go beyond pluralism, towards the politics of multiculturalism.

Therefore, it can be argue that modern liberalism[7] can no longer ignore the plurality of human nature. Liberalism should be essentially a transformative ideology towards a co-operative pursuit of individuality from competitive individualism. Promoting the interest of all and securing equality and justice to all in the exercise of liberty and freedom that promotes the development of all. Liberalism should take into account the best way to reconcile and promote a harmonious relationship between the individual and the society, or in' other words, the private and the public.

Modern liberalism should be an articulation of the doctrine of social interest and the mutual stimulation of individualities; that the development of others is necessary to our own satisfaction and development. In a plural and culturally diversified society liberalism should be transformative and negotiable to the diversity of interests.

Thus, modern liberalism should be a commitment to the value of equal rights of human beings. Human beings should have the equal rights to freedom to lead a good and valuable life of their choice. They should also, besides enjoying the good life should be free to live their chosen values of life from the inside, that is, in accordance with their beliefs

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[7] Here, by Modern Liberalism I mainly refer to the kind of liberalsm, which gives importance and value to cultural diversity of human beings. Liberalism which is sensitive to the way our individual lives are embedded in some kind of social roles and relationships, or in other words to our shared culture. For modern liberals writings see especially Charles Taylor, in Amy Gutman (ed) (1994), *Multiculturalism and the politics of Recognition* (Princeton: Princeton University Press); Will Kymlicka (1989; 1995; 2000); Bhikhu Parekh (2002).

about what gives value to life. They should also be free enough to question themselves rationally. Liberalism cannot remain with the notion of neutralism and the individualistic way of conceptualizing human society. Therefore, equality of freedom and equal rights in the public spheres; such as equal participation in the representation in public policy, and equal access to, and equal benefits from public institutions. Therefore liberalism cannot over look the rights based demands of minority groups-indigenous and non-indigenous community, which represents the individual's membership. Liberalism needs to be transforming towards a more inclusive doctrine.

Liberalism, Cultural diversity and Social Justice

The basic principle of liberalism is that individuals should be free to decide for themselves about the kind of life they wish to live. The protection and the development of individual autonomy and freedom is the prime objective of Liberalism. Cultural pluralism or diversity poses a challenge to liberals as to how to create a society where people of different ways live together and how to accommodate the various demands made by different groups or sections of the society. Recognizing the claims of diverse interests in the society while taking into consideration the claims of the state on the other side is the paradox that liberalism faces.

According to Bhikhu Parekh and Will Kymlicka,[8] modern state and societies exhibits the following forms of cultural diversity in general. Firstly, the *indigenous peoples*- such as the Amerindians, the Maories, the Aborigines, the Inuits, and the like, whose main aim is to preserve their distinct and largely their pre-modern ways of life. Although they once enjoyed independence, which they later lost to white colonizers, they do not generally seek to form themselves into independent states; their main concern is to recover or retain their land and to be left alone to lead their traditional ways of life within the framework of the existing state.

Secondly, their *territorially concentrated and politically self conscious communities* who wish to preserve their distinct languages and cultures, if possible within the existing states, if not by becoming independent. The Franco phones in Quebec, the Basques, the Bretons, the Tamils in Sri Lanka and the Muslims in Kashmir fall within this category. These groups, the Francophones in Quebec, for instance did not out rightly negate the modern industrial way of life of the wider Canadian society. But they have a distinct linguistic and cultural identity, which they are always anxious to preserve it. They feel that they cannot do so within the existing framework of the traditional federalism of Canada. They therefore, demand the right to control immigration, to impose measures designed to protect the French language, culture and ethos, and to remain a distinct society within the Canadian state.

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[8] See for details Bhikhu Parekh (2000), '*Rethinking Multiculturalism*' and Will Kymlicka (1989), *Liberalism, culture and Community*' (Clarendon Press): 1995, ' *Multicultural Citizenship: A Liberal Theory of Minority Rights*

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Thirdly, there are *territorially dispersed but culturally distinct groups* who wish to preserve their ways of life: these groups includes such as immigrants, indigenous ethnic minorities and religious communities. They are not secessionists in their demands. They demanded social equality and justice within the larger society so as to have a cultural space to develop and transmit their ways of life to their children and seek an opportunity to make their distinct contribution to the society or the collective life.

Finally, different claims to social justice and equality also come from minority groups of men and women sharing in common a self-chosen life style. They constitute *groups such as gays, lesbians, Gypsies*, and the like. They demand not only toleration but also respect for what they consider to be leading their chosen way of life, and as constituting a kind of sub-culture.

The politics of pluralism and the existence of diverse ways of life in modern society question the very basis of liberal concept of justice and equality. Since liberal idea of justice and equality is strongly grounded on the notion of rights enjoyed by individuals, they are skeptical towards any kind of rights based on inscriptive identities. So, the liberals are critical towards groups or minority rights because they fear that group rights may override the rights of the individual. On the other hand, more and more claims of group rights are coming from different groups of the society: that when these group rights are being neglected, the groups feels that they are not treated equally and justly. Therefore, the question that needs addressing by the liberals is 'how can individual rights and collective rights be reconcile in order to create a society free of inequalities and injustices'?

Multiculturalism is a policy to address to the problems of social injustice, inequality, and cultural based discrimination given shaped by cultural diversity. Therefore, the emergence of multicultural policy in liberal democratic societies as a state policy towards cultural diversity can be analyze through the debates that have been engaging the liberals with issues relating to social justice and equality.

Liberal Response to Cultural Diversity

Liberalism has responded to the phenomenon of cultural diversity in three ways. However, my greater concern lies with the third response. The first two approaches have proved to be inadequate in dealing with, and in accommodating cultural diversity.

Toleration

First was the attitude of toleration towards diverse ways of lives, values and interests. Liberal toleration consists in letting minorities conduct themselves as they wish without being criminalized, so long as they do not interfere with the culture of the majority. Two types of argument are commonly advanced to support toleration. First, principled reasons for restricting the use of coercion: the Harm principle, for example, prescribes that people may not be coerced except in order to restrain them from causing harm to others. Arguments of the second type appeal to considerations of public peace, social harmony, and the legitimation of the system of government, all of which may be

jeopardized by the resentment of minorities that are not allowed to continue with their religious and cultural activities.

Non-discrimination

The second liberal policy towards minorities was based on the assertion of an individual right against discrimination on national, racial, ethnic, or religious grounds, or on grounds of gender or sexual orientation. This Nondiscrimination right approach was considered a step beyond the policy of toleration. Nondiscrimination rights have far reaching consequences that affect the way the majority community leads its own life. Usually nondiscrimination rights are interpreted to allow each community control over certain institutions. But under a regime of scrupulous nondiscrimination a country's public services, its educational system, and its economic and political arenas are no longer the preserve of the majority, but common to all its members as individuals.

Multiculturalism

The two approaches employed by the liberals in dealing with cultural diversity seem to be inadequate in dealing with diverse values and cultures, and this raised the need to go beyond mere toleration. The third liberal approach to the problem of minorities is the affirmation of multiculturalism. According to Joseph Raz, while endorsing nondiscrimination rights, multiculturalism emphasizes the importance to political action on two evaluative judgments. First, the belief that individual freedom and prosperity depend on full and unimpeded

membership in a respected and flourishing cultural group. Secondly, a belief in value pluralism and in particular, in the validity of the diverse values that are embodied in the practices of different societies.[9] Multiculturalism recognizes that cultural groups are not susceptible to reductive analysis in terms of individual actions or states of mind. A liberal case for multiculturalism emphasizes culture as a factor that gives shape and content to individual freedom. Individual freedom and well-being depend on unimpeded membership in a respected and prosperous cultural group.

Recent strands in multiculturalism

There are mainly three strands of multiculturalism as conceptualized by liberals such as Charles Taylor, Bhikhu Parekh, and Will Kymlicka.[10]

According to Taylor, cultural communities deserve protection because they provide their members with the basis of their identity. The cultural communities in which we are nurtured and live determine who we are. Cultural communities provide the moral and social frameworks we use to describe who we are, how we see others, and our relations with others. Thus Taylor argues that the political recognition of cultural communities

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[9] See Joseph Raz, ' Multiculturalism: A Liberal Perspective.' *Dissent,* winter, 1994; p.69.

[10] I take these three liberal multiculturalists because they are among the first liberals to comprehensively address to the politics of multiculturalism. They have contributed much debate on liberalism and multiculturalism. However I do not mean to disregard the other liberals who have contributed much literature on multiculturalism. For details account of liberalism and multiculturalism see Charles Taylor, ' *The politics of Recognition* ' in Amy Gutman *(ed)* (1994), *Multiculturalism and the politics of recognition' (Princeton: Princeton Univrsity* Press); Bhikhu Parekh, '*Rethinking Multiculturalism* (MacMilian,2000); 'Discourse on national identity', *Political Studies,* 42,3 (1994)p-492-504. ' Cultural pluralism and the limits of Diversity' *Alternatives* 20, 43 (1995)p-431-57. And Will Kymlicka, *'Liberalism, community and culture* (Oxford; Oxford university Press 1989);' *Multicultural citizenship: A Liberal Theory of Minority rights* (Oxford: Clarendon Press 1995).

is justified because membership of these communities is the precondition of human agency and selfhood. As Sasja Tempelman argued, Taylor's real recognition implies that cultures are not merely assisted in their survival, but also that they are affirmed as worthy.[11] We show our respect for other cultures by presuming that they have something important to say to all human beings, by allowing them to defend themselves and by being prepared to transform our standards through public conversation. Thus, in Taylor's view a liberal democracy should only recognize cultures that respect diversity, especially concerning those who do not share its goals, and that offer adequate safeguards for basic human rights, such as rights to life, liberty, freedom of religion and expression. Liberalism is a 'fighting creed': it does not tolerate cultures that undermine its moral boundaries.[12]

Like Taylor, Parekh believes a liberal state should recognize cultural differences in its symbolic, educational, legal and other public spheres. Following Taylor's notion of cultural membership, Parekh also supports membership in a cultural community because it conditioned a meaningful and worthwhile life. However Parekh stresses that *identity* in a particular cultural community is not necessarily fixed or shared: 'a community's identity is not a substance but a cluster of interrelated and relatively open-ended tendencies and impulses pulling in different directions and capable of being developed and balanced in different ways.[13] Therefore multiculturalism, according to Parekh, is not about differences and

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[1] See Sasja Tempelman, 'Constructions of cultural identity: Multiculturalism and Exclusion', *Political Studies*, 1999 p-20.
[2] See Taylor, *Multiculturalism and the politics of recognition* in Op. Cit., Gutmann, Amy eds. (1994) pp. 9-62.
[3] See Op. Cit. Tempelman, p. 23.

identity per se but about those that are embedded in and sustain by culture; that is, a body of beliefs and practices in terms of which a group of people understand themselves and the world and organize their individual and collective lives. Multiculturalism is about cultural diversity or culturally embedded differences.[14]

The third type of liberal multiculturalism, which I will be dealing in more detail entails the work of Will Kymlicka, who argues that liberal societies should protect minority communities, not because these form a defensible way of life, or because they provide the basis of individual identity, but because their continued existence is a necessary condition for the autonomy of their individual members.

According to Kymlicka, individual autonomy, the capacity to choose one's own idea of the good life, depends on the freedom to form and revise life plans and on self-respect, the sense that one's life plan is worth carrying out. These conditions can only be attained through membership in stable cultural communities. The narratives and structures of our cultural grouping determine the beliefs which give meaning and purpose to our lives and by which we confirm the value of our choices. They provide us with the options available to us, and the relative values assigned to them, and they offer a secure sense of belonging that we call upon in confronting questions about personal values and projects.[15]

In short Kymlicka's theory of multiculturalism holds the view that cultural identity or membership in a particular community does not signify that individuals are freedom bound within the group. Minority groups often face cultural discrimination from the majority cultural

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[14] See Op. Cit. *'Rethinking Multiculturalism'* p-3-4.
[15] See Op. Cit. Tempelman, p-26.

group, or minorities are often forced to assimilate into the larger dominant culture. Minorities, however, face the difficult choice of assimilating into the majority culture or trying to maintain their own cultures at a considerable cost. Kymlicka believes that liberal states have a duty to support the cultures of minorities, but in cases where individuals are deeply attached to their cultures, where this culture is capable of providing them with a viable structure for their freedom, and where the costs of integrating them into the dominant culture is high.

Multiculturalism: A Challenge to the Neutral Nation-State

The definition of national boundaries, which has resulted from independence from the colonial powers, has failed to coincide with territorial-ethnic boundaries and has tended to include diverse tribal groups into two or more pieces by placing them on different sides of political boundary. These groups and their claims to group rights often see liberal ethos of individual freedom, liberty, and autonomy as being challenge. Liberalism always wants to insist that individual should be free to decide on his or her own conception of good life, and supported the liberation of individual from any ascribed or inherited status. They argue that the individual is morally prior to the community or group: the community matters only because it contributes to the well-being of the individual who compose it. So, when cultural minority groups wanted to claim certain rights that they see are important for their development, liberalism on the other side felt being threaten. The liberal conception of the 'autonomous individual' or 'monistic moralism' is being strongly contested. For these critics, individual are embedded in particular social roles and relationships.

Such embedded selves do not form and revise their own conception of the good life; instead they inherit a way of life that defines their good for them. They rejected the notion that the interest of the communities can be reduced to the interests of their individual members.

Multiculturalism as a democratic policy raised the issue of culture-based discrimination in society. Indeed, culture-based discrimination may persist even after equal rights are granted to all persons in their capacity as citizens. The idea that cultural differences are also a source of disadvantage and discrimination in society is the unique contribution of multiculturalism to democratic theory.

The most distinctive feature of contemporary multiculturalism, as it has been theorized in the West, is that it locates the issue of cultural discrimination in the context of the nation-state. Most of these theories focus on discrimination that minority community faces on account of the cultural orientation of the nation-state. The policies of the nation-state, especially on language, education, public holidays, religious and cultural festivals, privilege the majority culture and simultaneously disadvantage the minorities. The discriminations that minorities suffer as their cultures are excluded from the public domain and the pressures that these communities face to assimilate into the majority culture forms the core western discourse on multiculturalism. Indeed it defines their conception of cultural discrimination.[16]

The singular emphasis on the majoritarian cultural biases and the homogenizing policies of the state thus structures the concept of culture-

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[16] See Gurpreet Mahajan (2002) *The Multicultural Path: Issues of Diversity and Discrimination in Dmocracy* (Sage Publication, New Delhi) p.199.

based discrimination. For instance, the nation-states in Europe and America played a critical role in constructing an ethnic majority; at the same time, they excluded and systematically marginalized populations that failed to endorse the cultural identity of the nation-state. Thus, in these societies the public the public space was for a long time monopolized by the constructed majority. The endorsement by the nation-state of the culture of the majority and the accompanying policies of assimilation are almost always sources of minority discrimination.

Most theorists of multiculturalism advocate group-differentiated rights for identified minority communities in order to correct the majoritarian cultural biases of the nation-state and create space for minority cultures in the public domain. Rights claiming exception, assistance, recognition, or even separate representation, are defended for the sake of minimizing discrimination. As Gurpreet Mahajan argue that when cultural identities are the basis on which majority groups target specific minorities, what is often required, as a minimum condition for fairness, is an unequivocal defense of the rights of individuals as citizens. Unless the state takes the responsibility of protecting the basic rights of all its citizens and punishing those who violate them, discrimination of this kind is bound to persist. Consequently, the state has to be pressured to uphold the universal rights of citizenship as a condition for equal treatment of all cultures and communities.[17]

Multiculturalism also led to the problem of nation-building in most of modern democratic societies. I will discuss how multiculturalism created modern nation building a difficult task. I will examine the following challenges.

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[17] See Ibid. Mahajan, p.203.

Diversity of Language and Religion

Diversity of language is one of the challenges that modern nation-building project is facing. A rough typology of language policies can be used to classify responses to cultural diversity at given points in a country's history. The first category includes countries, which are essentially monolingual and favors monolingual language policies, including in education.

The second category of countries are those which hold a monolingual national language policy and a monolingual educational policy, with limited recognition of their multilingual nature, derived from regional languages and immigrant populations. France is a good example of this category. Since the French Revolution, it has perceived a monolingual approach as essential to nation building, but also in terms of maintaining a centralized approach to education. At the same time, the teachings of regional languages are allowed. The children of immigrant populations born in France have also a chance to learn the language of .their parents; this is achieved through bilateral manpower agreements between partner governments. The learning arrangements almost exclusively take place outside school hours at the expense of the country of origin. The possibility of learning the language of origin at secondary level depends exclusively on the presence of that language in the programme of the school or by special arrangements negotiated on a case by case basis in which students can make use of distance education, for example, to study the languages of their parents to high school examination level.

A third category of countries is somewhat similar to the French case. Here the language of the majority is the dominant one, but it has no constitutional or official status and there is some scope within the school system for bilingual education on a transitional basis (i.e. use of the mother tongue in order to better accede to the dominant language at a later stage). The United States is an interesting example in this category, in that there is no official status to English, although it is unquestionably the dominant language. Attempts by States of this federal system to render English official and restrict use of minority languages in public services, including education have been declared unconstitutional by the Supreme Court, as impinging on the civil rights of citizens. Thus, the point of entry for respect for linguistic diversity in the U.S. is respect for civil·rights rather than an outright policy to promote linguistic diversity. A large debate continues to take place around what is called " official English ". Generally speaking, virtually all intervention to promote transitional bilingual education is geared to assisting non-English speakers to obtain equal educational opportunity and accede to English as the major language of instruction.

A fourth category of countries includes Nation-States, which give some institutional recognition to their multilingual character without truly promoting diversity. Indeed, these countries, also federal in nature, have argued that national unity depends on strict respect for linguistic diversity, but only in terms of specific territorial boundaries. This category includes, Belgium and Switzerland, where language boundaries coincide with distinct populations, and triple and even quadruple administrations exist to respect that diversity. Nonetheless, in Belgium for instance, there is no strict obligation for French-speaking Walloons to become fluent in Flemish, or

vice-versa, within their territorial jurisdictions. Immigrant populations are also in a similar situation to those described in France. The interesting aspect of this policy response to diversity is that some form of institutionalized recognition of linguistic diversity is considered as essential to national unity.

Canada represents the fifth category, as a country which has two official languages but which recognizes the possibility of schooling in other languages including native languages. The Canadian case is particularly complex with certain provinces possessing specific provincial language requirements. Quebec's Bill 101, for example, requires that the children of immigrants to Quebec go to French language schools. To further illustrate the complexity of language and education, in 1988 the Supreme Court of Canada ruled that the Quebec linguistic policy of limiting access to public schooling in English to only the original English Quebec minority, was against the Canadian Charter of Rights and Liberties. The Quebec legislation had been devoted to protect the francophone community in the Province from a strong Anglophone immigration, which could eventually assimilate the French and reverse the power relationship between the two linguistic communities in the province. The guarantee of the linguistic rights of the Anglophones, the minority in Quebec but the majority outside the Province, could represent a serious threat to the tiny francophone community.

A sixth category which has had a precarious history includes those federal States which have attempted to develop linguistic diversity as well as promote the use of a single language of wider communication. The ex-Soviet Union and the ex-Yugoslavia have been outstanding examples of the use of the generous policies regarding linguistic diversity and the most fragile in times of social crisis. Initially, to convey the new ideas of the

revolution, the early Soviet policy included the creation of some 50 alphabets to give written form to languages some of which were on the verge of extinction. The mass literacy campaigns which took place first in the Soviet Union and later served as models elsewhere, were based on the assumption that socialization to the new revolutionary ideas depended primarily on education in the mother tongues and, at a later stage, the learning of Russian as the language of national cohesion. Similarly, the ex-Yugoslavia developed educational models with a high degree of respect for diversity within individual territories, including that of language minorities. Since the breakdown of these States, conflicts arose, which appear to be based on various forms of particularizes, which may have been repressed, or ill-addressed, in the preceding period.

Decisions regarding linguistic diversity are closely linked to prevailing political priorities. During the International Literacy Year, in 1990, countries such as Australia and Canada were the scene of interesting stages of advocacy in this respect. While international years declared by the United Nations are essentially used to promote awareness of certain issues, they can also serve to highlight specific groups or nation's priorities at that time. It is interesting to note that the Australian approach at that particular period was to promote a form of multilingual recognition, which went under the policy position of " English guaranteed for all ", rather than the earlier move towards institutional recognition of linguistic diversity. At the same time, the Northwest Territories of Canada declared six other languages official, beyond the first two languages of wider communication. In both countries, it was considered timely, expedient and appropriate to take these different stances. The impact of these policies today, in the face of global

diversity concerns, would need to be measured in terms of actual resources applied to promoting bilingual or multilingual education in the case of Canada, and improvements in the quality of education offered to non-native English speakers in the case of Australia.

In much of the developing world, the issues are similar. In the African continent, linguistic diversity may mean more than 80 languages within the territory of a State. While a number of African States have opted for one or the other of the various categories discussed above, others are experimenting with use of local languages as essential building-blocks to effective learning, with a transition to languages of wider communication at higher stages of education. The debate concerning nation building is even more complex to the extent that language groups cross national boundaries, and political instability and economic crisis have an overriding impact on attempts to develop a coherent social policy and promote general well being, let alone respect for diversity.

The relationship of religion to ethnicity and to pluralism remains one of the most controversial matters. There are numerous examples of ethno-cultures based on, or buttressed by, religion, such as the Armenian, Jewish, Tamil, Sikh and Serb -Croat and Bosnian cases. But it is unclear what happens to an ethnic culture when faced with modernization (i.e. the process of secularization). On the one hand, it can be argued that the ethnic culture disintegrates, as the religious matrix on which it is based weakens; on the other, as religion weakens, an ethnic identity focus, a kind of secular religion, serves as a substitute cement of collective consciousness of the minority group. Moreover, where religion maintains itself, the communities based on it tend to become less " primordial " more permeable, and less

distinguishable from " functional " communities. In fact, religious and ethnic minority communities in industrial societies are not so inclusive, as is sometimes argued by Jacobin intellectuals. This is particularly the case where several religious communities coexist and where such coexistence is sanctioned either by a formal separation of religion and state (as in the United States and France) or by an official " co-legitimating" of several religions (as in Germany and Great-Britain). Such contexts often contribute to the transformation of ethno-religious communities from monastically to pluralistically oriented ones, as in the case of various religions in the Netherlands, and the United States.

The need to address to minority rights base on ethnicity, culture, religion, language and other forms of groups' right by modern nation-states have led many liberal thinkers to criticize the modern state underlying the issue of nationalism and citizenship. These critics condemn the very idea of minority rights vis-à-vis citizenship right to equal well-being. For instance, people like Miller, Walzer and Gilbert argued that if there is no longer a shared common heritage or way of life by reference to which citizens' rights can be defined, how are we to arrived at the conception of social justice that defines citizenship.[18] They also asserted that like any other community, a political community needs to, and as a rule tends to, develop some idea of the kind of community it is, what it stands for, how it differs from others, how it has come to what it is; in short, a view of its collective or national identity. They see minority rights as constituting a threat to nationalism and to the idea of common citizenship. There are on the other hand people who

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[18] see Miller, David 'Pluralism and Citizenship'; *Political Studies*, 1995; Walzer (1992), and Gilbert (1998)

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advocated a multiculturalist approach, such as Parekh, who strongly argue that if national identity or citizenship is to serve a valuable purpose it needs to meet certain conditions: firstly, the identity of a political community should be located in its political structure and not to the widely shared personal characteristics of its individual members, in what they share publicly and collectively as a community not in what is common to them as individuals but in politico-institutional rather than ethno-cultural terms, in terms of the institutions, values, mode of public discourse and so on that all citizens can be expected to share as members of a community rather than their habits, temperament, attitude of life, sexual practices, customs, family structures, body language and hobbies. Secondly, members of multicultural society belong to different ethnic, religious and cultural groups, and these identities deeply matter to them. National identity should allow for such multiple identities. There should be a sufficient space for other identities within the larger national identities.

Thirdly, the national identity of a community should be defined in such a way that it is inclusive for all its citizens and makes it possible for them to identify with it. Finally, the definition of national identity should not only be inclusive but also accepting all citizens equally irrespective of their membership in a particular group.[19] Therefore the politics of identity vis-à-vis the process of nation building should be in a manner that defines different identities within the larger national identity. When a majority nationality defines itself as a nation and seeks to monopolize the state, it provokes its minorities to define themselves as a nation or ethnic groups as a defensive reaction against the majoritarian nationalism.

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[19] See for details Parekh (2000) *Rethinking Multuculturalism* (palgrave: Oxford University Press).

Multiculturalism: Group Rights and the Issue of Gender

According to the Feminist theorists the most striking inadequacy of multiculturalism is that it addresses the issues of inter-group equality but remains more or less indifferent to issues of intra-group equality. Indian pluralists such as Zoya Hasan argue that minority rights in India constrained the authority of the state to intervene in religious affairs of minority groups while the state continue to intervene in the affairs of the Hindu community. The state initiated legal reforms in the Hindu community, including the right to divorce, abolishing child marriage, and legally recognizing inter-caste marriages. This reform is limited only to the majority community and was not extended to the religious minorities. Therefore, in such case the idea of inter-group equality is neglected by the state.

The basic problem is that if the state could intervene to provide equal rights to women of one community, i.e., the majority community, then, what was the ground for not doing the same for others? Therefore, minority rights, argues Hasan presents several problems in a multicultural polity like India.[19] Multiculturalism like liberalism, discusses the issues of justice with reference to the inequalities that exist in the public domain, but discrimination that occurs in the private domain, or the sphere of the family, remains a non-issue within the frame of multiculturalism. One concrete manifestation argues Mahajan, is that multiculturalism deals with discrimination of minority communities that we witness in the public

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[19] See Zoya Hasan, 'More Equal but still not Equal? State and Inter-Group Equality in Contemporary India', in Imtiaz Ahmad at. Al (ed.), *Pluralism and Equality: Values in Indian Society and Politics* (Sage Publication, New Delhi 2000)

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domain but the subordination of some groups within the community remains relatively unattended.[20]

These things occur when multiculturalism presents operating practices in a particular community as collectively valued, endorsed by community members and sanctioned by tradition. For instance, the practice of *Sati* (the practice of self-immolation by a wife on the funeral pyre of her husband) among Hindu women is viewed as a traditional cultural practice defining the Hindu way of life, and then preserving the practice becomes the rallying point for the community. The practice of Sati brings about intra-group discrimination against Hindu widow. The customary practice of Sati undermines the freedom of individuals, such as the women under this custom.

According to the Feminist theorists, women should have the same rights and the same opportunities as men. Public institutions should be open to women and they must have an equal opportunity to participate in the public domain. The nineteenth century Feminists appealed to the ideal of formal equality to challenge the exclusion of women from political and professional life.[21] Feminists' writings continue to address and affirmed the 'politics of difference' and maintained that having the same rights as men could never be the basis of women's emancipation in society. Women would always remain disadvantaged in a framework that expects them to be the same as men in the public domain. Most feminist writers use the politics of difference both to critique and to alter the norms that shape the public realm. They emphasized the principle of difference point to the distinctions of

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[20] See Op. Cit. Mahajan, *The Multicultural Path* p.130-31.
[21] See for details Harriet T Mill and John S. Mill *'Papers on women's Rights'* in Gurpreet Mahajan (ed), (1998) *Democracy, Difference and Social justice'* (New Delhi: Oxford University Press).

women's experiences, capabilities and perspective. They underline the need to focus on the socially constructed differences between men and women. More importantly, they point to the limits of the principle of formal equality. In their view, formal equality fails to see the ways in which the male-dominated intellectual and political heritage has suppressed and subordinated women. It has also failed to attend to the specificity of gender difference. In fact, as Gurpreet Mahajan argues that multiculturalism endorses the politics of difference and the claims foe special group rights that are strongly voiced within feminism. Both multiculturalism and feminism speak of the continued exclusion and marginalisation of some groups from the public domain.

Despite the shared commitment to the value of difference, some feminist writers such as Susan Moller okin maintain that multiculturalism is bad for women or feminism. Okin argued that 'when minority cultures win group rights, women lose out'[22] Okin's argument is that women occupy a subordinate position in most minority cultures. This way of picturing minority cultures as discriminatory to women is misleading and unjustified. It should be acknowledge that majority cultures are not devoid of patriarchal domination. Gender discrimination exists even in the cultures of the majority, and women in liberal societies are also victims of unequal treatment.

Thus for Iris Marion Young, politics ' requires not principles that apply to all people in the same way, but a nuance understanding of the particularities of the social context, and the needs that particular people have

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[22] See Okin, Susan Moller, ' Feminism and Multiculturalism: some Tensions', *Ethnics*, 108, 1997, p.661-84.

and express within it'.[23] James Tebble argue that Young seeks, on the basis of her claim that group perspective are marginalized by the way methodology of the liberal imperialists project, to relocate the process of normative justification from political theory to political practice. We do not and should not abstract away from our particular group-differentiated traits to derive principles of justice but, rather, must attend to that particularity via a political discourse in which all perspective participate to ensure that any principles so derived are justified.[24]

Conclusion

In conclusion, I will argue that multiculturalism is about respecting different ways of life, values and interests embedded in culture. It is a democratic policy that endorsed equal respect and value to different cultures inhabiting the same political community. Multiculturalism is learning to think and accept that our societies are a cluster of, not only of majority and minorities, but also of plurality of cultural groups. In the words of Sasja Tempelman, 'multiculturalism refers to the doctrine that cultural diversity should be recognized as a permanent and valuable part of political societies'.[25] Multiculturalism is about cultural diversity or culturally embedded differences, which speaks about equality of cultures and argues that in a democracy, all cultural communities must be entitled to equal treatment in the public domain.

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[23] See Iris Marion Young (1990) *Justice and the Politics of Difference* (Princeton, NJ: Princeton University Press) p.96.

[24] See Adam James Tebble, 'What is the Politics of Difference?', in *Political Theory*, vol.30. No.2. April 2002, pp-259-281.

[25] See Op Cit. Tempelman, p. 17.

Though the fundamental idea of multiculturalism is to encourage communities to sustain their own diverse cultures, and that different communities should enjoy their fair share of opportunities and resources to maintain and develop their cultures in their own way, it is not oppose to change. Multiculturalism also insists that members of the different groups should appreciate and respect the other cultures in the society. Multiculturalism is not about protection of cultural diversity per se; it is also about giving individuals the right and freedom to decide their conceptions of a good and valuable life. If multiculturalism is about conceding cultural rights to groups, equally important, it is also about giving members the right to freely choose between different cultures. In a democracy, cultural differences must not be a source of discrimination or marginalization in the public domain. Cultural differences should be seen as part of democratic ethos and spirit. Cultural differences can also promote democratic values because differences in beliefs, language, values, lifestyles etc. adds to the individual fabric of freedom of expression and equality.

Chapter 2

Multiculturalism: Adoption of the Policy in Canada and Australia

Thus far, I have been dealing with the factors that constitute the groundwork for necessitating the politics or the policy of multiculturalism, as a democratic policy response to diversity of human identities base on cultures, language, religion, ethnicity and the like. Now we shall look at its development as a state policy by states such as Canada, Australia and the United States, as these states are, compared to others the initiators of multicultural policy. However, I will focus only on Canada and Australia.

Although Australia and Canada have adopted this approach, it is important to point out that not all groups in the two societies were favorable to this decision. Additionally, a major difference between them which affects the evolution of multiculturalism is that Australia is composed of one indigenous population - the Aborigines - one founding population - English - and was later populated by waves of immigrant populations. Canada, however, has several indigenous or First Nation populations, and two founding populations: one English, one French (with the French having arrived about 100 years before the English). This split between the French population, concentrated in Quebec and the English population, dispersed among the other provinces, has had enormous political implications in the discourse on multiculturalism in Canada. In particular, the phrase multiculturalism was seen in the late 1960s and 1970s by the French-speaking population as an English majority tactic for reducing the founding

status of the French to the same political significance as that of late immigrant settler populations.

Canada

Western Canadians devised the term multiculturalism to protest continuing hegemonic ambition by the Anglophones and francophone of Central Canada. The subsequent federal government policy of multiculturalism and official bilingualism established in Canada set off two decades of political change, leading to a new Constitution, a charter of rights and a referendum on separation.

Multiculturalism as a policy has become a serious concern since the early 1970s first in Canada and Australia and then in the USA, UK, Germany, France and elsewhere. Two fundamental features marked the historical foundations of Canadian self-government, and the advent of the British American Act (hereafter BNA) in 1867. First, the plurality of identity was acknowledged and second, a federal solution was regarded as a means to achieve unity. Before the enactment of the BNA Act, two lines of cleavages marked the landscape of identity within the British Dominion of North America. The colony was divided into several distinct politico-administrative units, which fostered particular regional bases of allegiance – the province of Canada, Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland. Additionally two distinct socio-cultural groups – the English and French-Canadians were distinguished by language, ethnic origin and religion. The position of the Aboriginal nations was not considered. As the cleavage deepened it supplanted the distinction between English and French Canadians.

Under the constitutional Act of 1791 was enacted and the two communities were separately recognized by dividing the province of Canada into Lower and Upper Canada, the French controlling the Lower Canada. Though a system of representative government was to be made operational, the British authorities denied the French communities the principle of responsible government, depriving them of the political and economic power to which they would have access in a non- colonial relationship. This situation, along with the economic crisis, culminated in the French – Canadian Rebellion of 1837-38. With the failure of the uprising, the British authorities reacted swiftly to assimilate the French-Canadian population. As a result English became the sole official language of Canada and the legislative assemblies were merged and accorded the same number of parliamentary seats, leading to a situation of under representation for the more populated French-Canadians.[1]

The BNA Act of 1867 proved itself to be lacking on the linguistic front. Article 133 of the provision, which dealt with Bilingualism, was limited in its application. The ambiguity and failure of the Act created conflict regarding the nature of federalism and its relation to constituent identities, leading to fragmentations and disunity rather than a unified Canadian nation.

Pierre Elliott Trudeau was one of the most outstanding figures in Canadian politics with the deep conviction to reform Canada.[2] After becoming the Prime Minister of Canada in 1968, Trudeau had the strong

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[1] See Alain G. Gaguon, 'Canada: Unity and Diversity', in *Parliamentary Affairs*, Vol.53, 2000, pp-12-26.
[2] Pierre Elliott Trudeau is arguably the most important figure in the history of Canadian Federalism. He is the Co-founder of 'Cite Libre' in Canada. He became the Prime Minister of Canada in 1968 from the Liberal Party.

motive of redefining Canadian Federalism and to reform the BNA Act. Trudeau accepted the idea of universalism as the ideal upon which to construct Canadian Federalism. He considered any form of nationalism based on emotion, as reactionary and detrimental to the openness of universal values. As a political theorist Trudeau defended the principles of universalism and reason, as the just bases of organization for states. While acknowledging the sociological sense of the idea of a 'nation', Trudeau considers the allegiance which it generates, that is, emotive and particularistic as contrary to the idea of cohesion between humans and as such creating fertile ground for the internal fragmentation of the nation-state.

To achieve his universalistic notion Trudeau adopted a policy of Pan-Canadian nation building. As such, he rejected any allegiance based on particularistic, collective status founded on historical, cultural or territorial legitimacy. Trudeau strongly believed in a just society based on individual liberty and the equality of opportunity necessary for the exercise of individual's freedom. The ideal of individual autonomy was to be guaranteed from coast-to- cost by the state invested with a sense of moral righteousness in the framing of citizenship status.[3]

As early as 1969 Trudeau disregarded the report of the commission on Biculturalism and sought to foster 'national unity' by adopting a policy of Bilingualism at the Pan-Canadian level. Trudeau considered Biculturalism as a threat to national unity. The recommendations on Bilingualism reflected Trudeau's vision of rationalism, individualism and universalism. He stated in 1968 that ' if minority language rights are entrenched throughout Canada

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[3] See P.E. Trudeau, *'The values of a just society'* in T.S axworthy and P.E Trudeau (eds) (1990) *Towards a just society,* the Trudean years, (Viking Publication).

then the French-Canadian nation would stretch from Maillandville to the Acadian community on the Atlantic coast.[4]

The Canadian official languages Act, 1968 adopted French and English as the two official languages in Canada. The English-Canadians reacted negatively, so also many Frnco-Quebecers came to believe that nothing short of territorialisation of language regime and the recognition of particular status of Quebec as an autonomous collectivity or as a sovereign nation would allow them to survive and flourish.

The term 'multiculturalism'gained currency after it was recommended in the 1965 Report of Canada's Royal Commission on Bilingualism and Biculturalism to replace the bicultural policy based on the British and French Charter groups in terms of which ethnic diversity in Canadian society had been conceptualized for over a century. Trudeau government adopted a policy of 'multiculturalism' in Canada as its state policy in 1971 and constitutionally endorsed in 1982 in section 27 of the Canadian Charter of Rights and Freedoms. The dominant view of multiculturalism has been that it should assist and encourage the integration (but not assimilation0 of all immigrants. One can choose how one wants to live (in Canada) and there is no need to be assimilated. It is a matter of integration.[5]

The prime objectives of multiculturalism Act, 1971 in Canada were:
a) To 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

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[4] See Op. Cit. Alain G. Gagnon, p-19.

5   See John C. Harkes, 'Integration before Assimilation: Immigration, multiculturalism and the Canadian Polity.', *Canadian Journal of Political Science*, Vol.30,1997, pp-711-736.

their cultural heritage; b) to 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; and c) to ensure that all individuals receive equal treatment and equal protection under the law, while respecting and valuing their diversity.[6]

Australia

Multiculturalism, as Australia's official policy towards ethnic diversity is only two decades old. It replaced earlier policies of assimilation and, briefly, integration. The latter betokened a policy, which envisaged that while individuals might retain cultural traditions in their private lives, they would in other respects accommodate to the national culture and public institutions of Australia. Al Granby, the first Minister for Immigration of Prime Minister Whitlam's Governments, first criticized the Anglo-centric assimilation policies of the 1940s, 50s and 60s.[7] This Government is also known for having established the EA ethnic radio in June 1975. The incoming Fraser Liberal Government (1975-1983) continued promoting Australia as a multicultural society through a number of policy initiatives, including the establishment of the Special Broadcasting Service in 1978, designed to oversee EA ethnic radio and later multicultural television introduced in 1980. According to R. Patterson (1990), Australia has a main body of ethnic press comprising 80 ethnic newspapers and periodicals

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6 See Donald E. Waterfall, 'Multiculturalism policy in Canada', in Kushal Deb (ed) (2002) *Mapping Multiculturalism* (Rawat Publications, Jaipur and New Delhi).
7 See Patterson, R. "Development of Ethnic and Multicultural Media in Australia", *International Migration*, Vol.28, No.1, 1990.

appearing at least monthly in at least 25 languages. The readership attains approximately 500,000 people. All ethnic press is privately owned.

Multiculturalism in Australia has evolved through several phases, in the short period of two decades. A characteristic of all the phases was that it necessitated a far more pro-active governmental response than required by earlier policies where it was assumed that, while there might be a few delays and disruptions along the way, ultimately, ethnic homogeneity would ensue so that no specific institutional change was required. A major impetus for the changes in policy was the emergence of an ethnic rights movement including articulate and politically active immigrants from non-English speaking backgrounds and grass roots workers in a range of welfare areas, education, health and social services, concerned about the disadvantages faced by many non-English speaking background immigrants. The 1972 elections of a non-conservative reformist government committed to social welfare provisions and overcoming social disadvantage was responsive to changes addressing class related disadvantage and the potential contribution of ethnicity.

In the first major phase of Australian policy, when the target group were newly arrived immigrants of non-English speaking background, the main focus was on the provision of linguistically and culturally appropriate services with the longer term acceptance that cultural maintenance, especially involving language diversity, should be supported. Funding of the nationwide Telephone Interpreter Service, and of welfare and health services for specific ethnic groups were a major initiative, which continues. Other major initiatives in this period included the development of " community " language programs and, to a much lesser extent, bilingual education in schools as well as government funding of after-hours ethnic community

language schools and the setting up of government radio and television networks broadcasting in languages other than English.

In the second phase of the policy the focus of concern shifted from cultural maintenance to concerns about inequity and social disadvantage and, subsequently, to community relations and racism. Contributing to this shift was the perception that cultural maintenance and cultural pluralism were insufficient to overcome structural inequities confronting many of those of non-English speaking backgrounds, even if not themselves immigrants. The response was not, however, to set up parallel institutional structures but to move towards deep change in the major institutions, especially those bureaucratic institutions associated with the delivery of government services. The term " mainstreaming " was used to refer to the strategies involved in changing the essentially monocultural bureaucracies. Programmatic-political multiculturalism had already resulted in a variety of Federal and State agencies to oversee policy development and implementation, but the shift now was towards changing the way general government agencies operated. These changes intended to remove structural barriers to social participation and were enunciated in the 1989 National Agenda for a Multicultural Australia. They were part of the government's broader agenda for promoting social justice and ensuring equitable access to government programs and services for a range of groups perceived as disadvantaged, including Aborigines and Torres Strait Islanders, the disabled and women as well as those of non-English speaking background.

Practical outcomes of the National Agenda included improvement of the procedures for recognizing overseas qualifications; a campaign to improve community relations; a strengthening of the government's access

and equity strategy; extension and improvement of multicultural broadcasting; the extension of English language teaching programs and support programs; a commitment for continued support for second language learning and reviews of law and administrative decision-making.

The Australian National Agenda is significant for the way in which it heralded the shift from multiculturalism as a policy for specific targeted groups to being a broader policy for all Australians. In this way, the programmatic -political definition of multiculturalism shifted from an ethnic group model to what has been described as a 'social-democratic concept of citizenship for an ethnically diverse nation'[8] The National Agenda identified three dimensions of multiculturalism for all Australians. These were the right to cultural identity, the right to social justice and the need for economic efficiency, which involved the effective development and involved the effective development and utilization of the talents and skills of all Australians. These dimensions were seen as exercised within limits which included a primary commitment to Australia; an acceptance of the basic structures and principles of Australian society including the Constitution and rule of law, tolerance and equality, parliamentary democracy, freedom of speech and religion, English as the national language and equality of the sexes, and the obligation to accept the rights of others to express their views and values.

Comparing Canada and Australia

In Canada, multiculturalism was proposed as a means of giving representation to those groups, which belonged to neither the British, nor the

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[8] See Castles, S "Australian Multiculturalism: Social Policy and Identity in a changing Society" in G. Freeman & J. Jupp (eds) (1992) *Nations of Immigration: Australia, The United States and International Migration* (Melbourne: Oxford University Press) pp-184-201.

French Charter groups upon whom the Canadian nation was based. In Australia, the situation was somewhat simpler in that there was no question about the dominant role of the Anglo-Celtic majority. This continuing significance in Canada of the British-French dualism for national identity, especially given major regional variations in the settlement of the various groups, has been, until recently, a less significant focus both in Australian policy development and in the discourse on multiculturalism.

In Australia, the role of education in cultural maintenance has been supplemented by attempts to minimise the extent of structural disadvantage and the structural barriers to equity in a manner, which appears to have been developed less extensively in Canada where education has been a major area for change. In areas of cultural pluralism such as the media Australia's commitment to multiculturalism has differed from the Canadian where the provisions for French and English broadcasting have taken priority.

While in both countries· there is a tendency to perceive multiculturalism as being under threat from its opponents who refer to such matters as its potential for divisiveness, in Canada, the far greater potential for divisiveness tends to be seen as resulting not from the newer multiculturalism, but, instead, from strains associated with the older French-English dualism.[9]

Conclusion

Given the significance of historical factors in ethnic relations, Australian multiculturalism should be viewed as somewhat unique. Certainly

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[9] See Abu-Laban, Y & Stasiulus, D (eds) Ethnic Pluralism Under Siege: Popular and Partisan Opposition to Multiculturalism, in Canadian *Public Policy Politique, Vol.18, 1992, pp- 365-386.*

there are differences when compared with Canada. This highlights the need to consider the transferability of policies to manage cultural diversity from one state to another. While there is always the possibility of transferring specific practices or programs from one society to another, the outcomes in the new location may differ from that in their home environment, not least because of the importance of the socio-political context in shaping the society.

Multiculturalism, as a systematic and comprehensive response to cultural and ethnic diversity, with educational, linguistic, economic and social components and specific institutional mechanisms, has been adopted by Australia and Canada. Any effort to formulate policies of managing ethnically and culturally diverse societies needs to consider not only the specific programs and practices but also the social context and the objectives of the State and its citizens. Successful management of multiculturalism and multiethnic societies requires not only a democratic polity, but also the struggle against social inequalities and exclusion.

Chapter 3

Kymlicka On Minority Rights: A Liberal Response To Cultural Diversity.

In the previous chapters I have discussed issues raise by the politics of cultural pluralism or the politics of multiculturalism in modern societies, especially in the societies of modern liberal democratic ones. I also argued that the issue on the rights of minority cultures and groups has become a challenge to the liberal notion of the nation-states as a homogeneous entity respecting the interests of all the citizens equally. But the very fact that most contemporary states are multinational and multicultural, the homogeneity of the nation-state is no longer feasible. In the words of Nathan Glazer, 'we are all multiculturalist now', and therefore the demand that a state should reflect one national culture or one way of life entails harsh implications for members of minority groups.

My primary concern in this chapter is to explore how can liberalism accommodate or defend the rights of minority cultures or groups, given that liberalism's primary concern is for the autonomy and freedom of the individuals. My arguments are built around the works of Will Kymlicka, who believe that liberalism accommodates certain group-differentiated rights.

Over the last two decades political theory has been engaging itself over the debates between liberals with their emphasis on protecting individual rights and freedoms, and their communitarian challengers who

stress the importance of community values and interests. Several questions are at the heart of this debate: should group rights trump individual rights? Should the common good prevail over individuals' self-interest? Or what role do communities play in shaping the values of their communities? And does government have any legitimate role to play in promoting community values, and how should government or state respond when individuals and communities came into conflict with regard to rights and identities? These and other related questions are engaging the liberals a lot. The liberal response to these questions of plurality or cultural diversity will be discuss as I go on analyzing the views of kymlicka on minorities and their rights.

All these issues and a lot more give rise to a series of important questions, especially to the liberal societies that are culturally and ethnically diverse. Minorities and majorities' increasingly clash over such issues as language rights, regional autonomy, political representation, education curriculum, land claims, immigration and naturalization policy, even national symbols, such as the choice of national anthem or public holidays. Therefore finding morally defensible and politically viable answers to these issues is the greatest challenge facing liberal democratic societies.

Kymlicka's liberal theory of minority rights is strongly grounded in his conception of a modern liberalism. Therefore, to understand kymlicka's theory of minority group rights it is imperative to understand his concept of modern liberalism.

Concept Of Modern Liberalism

In presenting Kymlicka's concept of modern liberalism one cannot ignore the underlying propositions made against liberalism that eventually

engaged kymlicka in arguing against these propositions and building on a modern concept of liberalism. There are at least three claims or arguments made against liberalism upon which kymlicka builds his counter arguments in defense of liberalism.[1]

The first claim is made by Michael Sandel in his work '*Liberalism and the limits of Justice* (1982)', in which he argued that liberals have misconstructed or misinterpret the relationship between the self and its social roles and relationships: that liberals exaggerate our capacity to distance or abstract ourselves from the social roles and relationships, and hence exaggerate our capacity for, and the value of, individual freedom of choice.

The content of this communitarian critique of liberalism is that the liberals view of the self is empty; it violates our self-perception; it ignores our community or social embeddedness and practices; it ignores the necessity for social confirmation of our individual judgments and it pretends to have impossible universality or objectivity. They strongly argue that the liberal notion of the autonomous free individual is abstract and empty. The liberals over emphasize the autonomy, liberty and freedom of the individual or the self is prior to the community. So, to the communitarians, the unencumbered self of the liberals is baseless and empty. Charles Taylor and MacIntyre[2] argue that the liberal's construction of the self vis-à-vis the community is misleading and empty. Absolute self-determination or absolute freedom accredited to the individuals, argues Taylor and Macintyre can logically lead to a kind of nietzschean nihilism. Taylor argues that true freedom must be situated. The desire to subordinate all the presuppositions

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[1] For a detail account on these claims and Kymlicka's response to these claims, see Kymlicka, *Liberalism, community and Cultur* (1989); Clarendon Press, oxford; especially Ch-1,4-6.

[2] See for detail account of the communitarian challenges to liberalism in MacIntyre,1982; Taylor, 1985.

of our social situations to our rational self-determination becomes indeterminate; it cannot specify any content to our action outside of a situation, which sets goals for us, and give shapes to our rationality and provides an inspiration for creativity.

These arguments, according to Kymlicka are misconstructions about the role that freedom plays in liberalism and argues that the liberal defense of freedom rests precisely on the importance of those tasks and projects in life that are worth pursuing and worth fulfilling. These projects, argues Kymlicka are the most important things in our lives, but since our lives have to be led from the inside, in accordance with our beliefs about value, we should have the freedom to form, revise, and act on our plans and conceptions about the good life. Freedom of choice, then, is not pursued for its own sake, but as a precondition for pursuing those projects and practices that are valued for their own sake.

Secondly, both MacIntyre and Sandel[3] criticize liberalism that it ignores the way individuals are embedded or situated in a certain kind of social relationships and roles. Our social attachments and relationships are not merely a matter of choice but rather we find ourselves in them: our goods and ends come not by choice but by self-discovery. But, in the views of Kymlicka liberalism is sensitive to the individual's embeddedness to social roles and relationships. According to Kymlicka cultural membership has a more important status in liberal thought then is explicitly recognized. That is, the individuals who are an unquestionable part of the liberal moral ontology are viewed as individual members of a particular cultural community, for whom cultural membership is an important good. Minority

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[3] See for detail account of Sandel's criticisc of liberalism in Sandel, Michael (1982), *Liberalism and the Limits of Justice* (Cambridge University Press, Cambridge).

cultural communities may face particular kind of disadvantage with respect to the good of cultural membership, disadvantage whose rectification requires and justifies the provision for minority rights. For Kymlicka individuals should have the necessary condition for the exercise of their freedom and liberties. These conditions are provided by cultural membership. The individuals' freedom to form and revise our beliefs about what gives value to life is a crucial precondition for leading a good life. Therefore, the individuals' capacity to form and revise about beliefs they thought are worth pursuing is an essential interest for the liberals.

The decision about how to lead our lives must ultimately be ours alone. But this decision is always a matter of selecting from a range of possible options, which provides us with different conceptions of the good life. This range of options, according to Kymlicka is provided by cultures. Cultures form the various possible range of options for the individuals as 'context of choice'. Therefore, cultural membership is of importance to liberalism and rightly fits into its concept of free and self-reflective individuals.

Thirdly, many critics of liberalism such as communitarians, Marxists, and Feminists argued that the liberal emphasis on justice and rights presupposes, and perpetuates certain kinds of conflictual relationships, relationships that would not exist in a true community. This argument according to kymlicka is misleading in the sense that liberal theory of justice and rights does not create cleavages between the individuals and groups in the community. Taking on the Millian understanding of liberalism, Kymlicka asserted that liberal justice and rights is a viable political morality for the governing of our political institutions and practices. It recognizes the equal standing of the members of the community, through an account of

justice, without forcing people to exercise their entitlements at the expense of the people or projects that they care about. The individualism that underlines liberalism, argues Kymlicka, is not valued at the expense of our social nature, or of our shared community. Rather it seeks to recognize the value of each person's life in the community, and promote that value in a way that the person involved can consciously endorse. It is an individualism that accords with, rather then opposes, the undeniable importance of us of our social world. Many of the political institutions in liberal democracies have been shaped by a concern for the implementation of this conception of justice, and of just community[4]

A Liberal Theory of Minority Rights

Most societies are culturally and ethnically diverse which signifies that modern liberal societies are either multinationals or polytechnic or both. In almost all liberal democratic societies different forms of minority groups – such as national minorities, indigenous groups/cultures, ethnic minorities, refugees, immigrants, etc. are demanding different kinds of group-differentiated rights, which the state could not simply ignore. Minorities, argues Kymlicka may demand mainly three kinds of group rights; self-government rights, polyethnic rights, and special representation rights.

According to Kymlicka to develop a distinctively liberal approach to minority rights we need to lay out the basic principles of liberalism, and then see how they bear on the claims of ethnic and national minorities. The basic principles of liberalism are principles of individual freedom. Liberals can only endorse minority rights in so far as they are consistent with respect for

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[4] See Op. Cit. Kymlicka (1989), p-127.

the freedom and autonomy of the individuals. To Kymlicka, a liberal theory of minority t rights tries to show that minority rights are not only consistent with individual freedom, but can actually promote it. In other words, a liberal theory of minority rights aims at establishing a consistency between forms of group – differentiated rights and liberal principles of freedom, equality and justice.

In most multination states, argues Kymlicka, national minorities are inclined to demand some form of political autonomy or territorial jurisdiction, so as to ensure the full and free development of their cultures and the best interest of their people. Polyethnic rights are mainly demanded by ethnic groups and religious minorities who constitute the 'immigrant minorities' within a particular territory of a nation-state, so as to enable them to express their cultural particularity and belongingness without which they thought that there are vulnerable to the economic, social and political decisions of the larger society or culture. Through this polyethnic rights ethnic minorities hope to included in the mainstream society with a difference by challenging the assimiliationist policy like that of the 'Anglo-Conformity' model of immigrant.[5]

Ethnic and non-ethnic groups who are marginally disadvantage in social, political and economic life often may demands special representation rights. Kymlicka argues that one way to make a democratic society more representative is to make political parties more inclusive, by reducing the barriers which excludes women, ethnic minorities, or the socially and economically deprived from becoming representative to their members

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[5] Before the 1960s most liberal western societies such as Australia, Canada and the United States adhered to this 'Anglo-Conformity' model, which demanded that immigrants to these countries should abandon all aspects of their ethnic heritage and assimilate to the already existing cultural norms and customs in the new land or state they migrated to. See Kymlicka, (1995) Op. Cit., pp.14-30.

through participation in politics. This calls for more proportional representation.

Therefore, in constructing a liberal theory of minority rights three forms relationships needs to be adequately address. Firstly, the relationship between individual rights and collective/community rights. Second is the relationship between liberal principles of individual freedom and culture. Third is the relationship between minority rights and the liberal principles of equality and justice. A liberal theory of minority rights argues Kymlicka is to show that these three relationships are not in conflict but are inconsistent to each other.

Individual rights and collective rights

Many liberals are skeptical about group rights or collective rights of the minority cultural groups. This is because, the liberals fear that the collective rights demanded by ethnic and national minority may undermine individual rights. For instance, the former Canadian Prime Minister Pierre Trudeau, in his explanation about his opposition to self-government rights for Quebec said that he believed in 'the primacy of individual', and that 'only the individual is the possessor of rights'[6]

This kind of a misconception about collective rights vis-à-vis individual rights is misleading. According to Kymlicka, there are two kinds of rights that ethnic and national minority can claim and which need distinction. The first involves the claim of a group against its own members. This right is intended to protect the group from the destabilizing impact of

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[6] See for further reading Kymlicka (1995), *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford: Clarendon Press) p-35 & P. E Trudeau, '*The Values of a Just Society*' in T. S. Axworthy & P.E Trudeau (eds) (1990) *Towards a Just Society: The Trudean Years*' (Vicking Publication). P.363-4.

internal dissent (e.g. the decision of individual member not to follow traditional practices or customs). The second involves the claim of a group against the larger society. This right is intended to protect the group from the impact of external decision (e.g. the economic or political decisions of the larger society). The first form of right is termed as, in the words of Kymlicka, 'internal restrictions' and the second as 'external protections'.

These two forms of collective rights raise very different issues. The right to internal restrictions concerns mainly intra-group and not inter-group relation. Under these restrictive rights, the ethnic or national minority group may seek the use of state power to restrict the liberty and freedom of its own member in the name of group solidarity. In such situation individual rights face the danger of being undermine and·oppress.

External protections on the other hand concern inter-group relations. That is, the ethnic or national minority group may seek to protect its distinct existence and identity by limiting the impact of the decisions of the larger society. This raises the dangers –˙ not of individual oppression within a group, but of injustice or unfairness between groups. There is always the danger of one group being marginalized or segregated in the name of preserving another group's distinctiveness.

According to Kymlicka, there are various conceptions about the claims to group rights, which lead to different conception about minority rights, and therefore it is important to determine what sort of claim a group is making. For a liberal theory of minority rights, Kymlicka argues that liberals can and should endorse certain external protections that promote fairness between groups, but should reject internal restrictions, which limits the right of group members to criticize and revise traditional authorities and practices.

Group differentiated rights such as self-government rights, polyethnic rights, and special representation rights that minority groups may claim can promote both the internal restrictions and external protections in the following ways: a) Special group representation rights within the political institutions of the larger society make it less likely that a national or ethnic minority will be ignored on decision that are made on a country wide basis. b) Self-government rights devolve powers to smaller political units, so that a national minority can not be outvoted or outbid by the majority on decision that are of particular importance to their culture, such as issues of education, immigration, resource development, language, and family laws. c) Polyethnic rights protect specific religious and cultural practices, which might not be adequately supported through the cultural market space (e.g. funding immigrant language programmes of arts groups), or which are disadvantage by existing legislation (e.g. exemptions from Sunday closing legislation or dress codes legislation that conflict with religious beliefs).

According to Kymlicka, each of these three forms of group-differentiated rights helps reduced vulnerability of minority groups to the economic, social and political pressures and decision of the larger society. There is therefore, no necessary conflict between the collective or community right to external protections and the individual rights of the group member. But, there are some ethnic and some national minority group demanding some internal restriction rights. These groups sought the legal power to restrict the liberty of its own members so as to preserve its traditional religious practices. They may be seeking to establish or maintain a system of group differentiated rights which protects communal practices, not only from decisions made outside the group, but also from internal

dissent, and this often requires exemptions from the constitutional or legislative requirement of the larger society[7]

Thus, the assumption that group differentiated rights or collective rights are inimical and in potential conflicts with the liberal principles of individual rights and freedoms should not be exaggerated. The fact is that all forms of collective rights are not in conflict with individual rights and freedom. Many forms of group-differentiated rights are in fact exercise by individuals. Group differentiated rights can be accorded to the individual members of a group, or to the group as a whole, or to a federal state/province within which the group forms the majority.

Individual freedom and culture

To establish a distinct liberal approach to minority rights one need to endorse to the basic principles of liberalism such as the freedom or autonomy of the individuals. In the words of Kymlicka, liberals can only endorse minority rights in so far as they are consistent with respect for the freedom, liberty and equality of the individuals. Therefore, it is important to understand the relationship between individual freedom and their rights to culture as member of a particular cultural group. A liberal theory of minority rights is about acceding to the demands of minority cultural groups without undermining the individual right to freedom of choice. This calls for a link between cultures that corresponds to individual freedom.

According to Kymlicka, our modern world is divided into 'societal cultures', whose practices and institutions cover the full range of human activities, encompassing both public and private life. Culture, to Kymlicka is

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[7] See Ibid; Kymlicka, p-42.

a societal one. It is a societal culture that is, a culture that provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious, recreational, and economic life, encompassing both public and private spheres. Individual freedom is intimately tied up to these sorts of cultures and hence individual membership to these cultures is a liberal one[8]

Societal cultures involve not just shared memories or values, but also common institutions and practices. It should reflect a kind of a common culture and solidarity, promoting a strong sense of common identity and common membership as citizens within modern democratic state. As Kymlicka argues, the sort of solidarity essential for a welfare state requires that citizens have a strong sense of common identity and common membership, so that they will make sacrifices for each other, and this common identity needs to be facilitated by a common language and history. The whole argument Kymlicka establish is that: for a culture to survive and develop in the modern world, given the pressures towards the creation of a single common culture in each country, it must be a societal culture. Societal cultures are important to people's freedom. Liberal conception of individual freedom involves making choices amongst various options, and our societal culture not only provides these options, but also makes them meaningful to us. Societal cultures form the context, upon which individual can exercise their freedom and autonomy of choice.

Liberalism, as Kymlicka argues ascribes certain fundamental freedom to each individual. In particular, it grants people a very wide freedom of choice in terms as of how they lead their lives. It allows people to choose a conception of the good life, and allows them to reconsider that decision, and

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[8] See Ibid; p-76-77.

adopt new and hopefully better plan of life. So, liberalism should according to Kymlicka provide the precondition to individuals for leading a good life and argues that there are two preconditions for leading a good life.

The first is that we lead our life from the inside, in accordance with our beliefs about what gives value to life. Individuals must have the resources and liberties needed to lead their lives in accordance with their beliefs about value, without fear of discrimination or punishment. Hence, the traditional liberal concern with individual freedom or privacy, and opposition to 'the enforcement of morals'. The second precondition is that we be free to question those beliefs, to examine them in light of whatever information, examples, and arguments about our culture can provide. Individuals must therefore have the conditions necessary to acquire an awareness of different views about the good life, and an ability to examine these views intelligently. Hence the equally traditional liberal concern for education, and freedom of expression and association. These liberties enable us to judge what is valuable, and to learn about other ways of life[9]

Therefore the above arguments show the connection between individual freedom of choice and culture. Relaying heavily on Rawls and Dworkin and added that cultures are valuable, not in and of themselves, but because it is only through having access to a societal culture that people have access to a range of meaningful options. Connecting the individual freedom of choice with culture provides, according to Kymlicka, the first step towards a distinctively liberal defense of certain group-differentiated rights. For individual choice to be possible, individuals need not only access to information, the capacity to reflectively evaluate it, and freedom of expression and association. They also need access to a societal culture.

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[9] See Ibid; p-80-81.

Group-differentiated measures that secure and promote this access may therefore, have a legitimate role to play in a liberal theory of justice[10] (Ibid; p-83-4; see also Rawls, 1980; Dworkin, 1985).

Thus, according to Kymlicka liberal freedom of choice rest upon individual's access to a secure context of cultural membership. For Kymlicka, individual's membership to a particular culture is a precondition good for individuals to actualize their freedom of choice. Liberals should recognize the importance of people's membership in their own societal culture, because of the role it plays in enabling meaningful individual choice and in supporting self-identity. While the members of a liberalized nation no longer share moral values or traditional ways of life, they still have a deep attachment to their own language and culture. Cultural membership provides us with an intelligible context of choice, and a secure sense of identity and belonging, that we can call upon in confronting questions about personal values and projects.

Justice and Minority rights

As Kymlicka argues above, the first principle for a liberal theory of minority rights is that of establishing a relationship between individual freedom of choice and his attachment to a particular culture. The individual's access to a particular societal culture is essential for individual freedom. Therefore, any form of group-differentiated rights that protects minority cultures is seen, not only as consistent with liberal values, but as actually promoting these values.

There are some critics who argue that the common rights of citizenship adequately protect people's interest in cultural membership, and

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[10] See Ibid; p-83-84; see also Rawls (1980); Dworkin (1985) Op. Cit.

that any further measures to protect this interest are illegitimate. They supported and propagated a kind of neutrality on the part of the state policy or the policy of 'benign neglect'. They supported a strict separation of the state and ethnicity or culture and denied people's deep bond to their own culture. They argue that a system of universal individual rights already accommodates cultural differences, by allowing each person the freedom to associate with others in the pursuit of shared religious or ethnic practices. Freedom of association enables people from different backgrounds to pursue their distinctive ways of life without interference. Every individual is free to create or join various associations, and to seek new adherents for them, in the cultural market place.

On this view giving political recognition or support to particular cultural practices or associations is unnecessary and unfair. It is unnecessary, because a valuable way of life will have no difficulty attracting adherents. And it is unfair, because it subsidizes some people's choices at the expense of others. Therefore they argue that claims for group-differentiated rights are simply an attempt by one group to dominate and oppress another.

Arguing against these claims, Kymlicka asserted that this way of looking minorities and their right to some form of group-specific or differentiated rights as a form of injustice is incorrect and incoherent with liberal principles of justice. Some form of group-differentiated minority rights actually eliminates, rather than creates, social injustices. He argues that some groups are unfairly disadvantage in the cultural market-place, and political recognition and support rectify this disadvantage. For instance, national minorities may be undermined by economic and political decisions made by the majority. They could be outvoted or outbid on resources and policies that are crucial to the survival of their societal cultures.

Therefore to Kymlicka, the idea of 'benign neglect' is not in fact benign. It ignores the fact that the members of a national minority face a disadvantage, which the members of the majority do not face. In any event, the idea that the government should be neutral with respect to ethnic and national groups is patently false. Therefore the whole idea of benign neglect is incoherent and, and reflects a shallow understanding of the relationship between states and nations. In the areas of official languages, political boundaries, and the division of powers, there is no way to avoid supporting this or that societal culture, or deciding which groups will form a majority in political units that control culture-affecting decisions regarding language, education, and migration. Thus, in the words of Kymlicka, we should aim at ensuring that all national minorities and groups have the opportunity to maintain themselves as a distinct culture, if they so choose. This ensures that the good of cultural membership is equally protected for the members of all national groups. Kymlicka further argue and asserted that, in a democratic socirty, the majority nation will always have its language and societal culture supported, and will have the legislative power to protect its interests. Group- differentiated self-government rights compensate for unequal circumstances, which put the members of minority cultures at a systematic disadvantage in the culture market place, regardless of their personal choices in life. This is, argues kymlicka, one of the many areas in which true equality requires not identical treatment, but rather differentiated treatment in order to accommodate differential needs.

The value of cultural diversity and the individual's attachment to cultures, argues Kymlicka, forms a necessary condition for group-differentiated minority rights. Cultural diversity is said to be valuable, both in the quasi-aesthetic sense that it creates a more interesting world, and

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because other cultures contain alternative models of social organization that may be useful in adapting to a new circumstances.

Thus, the individual freedom of choice is dependent on social practices, cultural meanings, and a shared language. Our capacity to form and revise a conception of the good is intimately tied to our membership in a societal culture, since the context of individual choice is the range of options passed down to us by our culture. Minority cultures in multination states need protection from the economic or political decisions of the majority culture if they are to provide this context for their members. While these group-differentiated rights may be seen as discriminatory at first glance, since they allocate individual rights and political powers differentially on the basis of group membership, they are in fact consistent with liberal principles of equality. Thus, Kymlicka insisted and argue that liberals should endorse certain group-differentiated rights for ethnic groups and national minorities upon two fundamental liberal conditions.

First, a liberal conception of minority rights will not justify minority group claims to 'internal restrictions', that is, the demand by a minority culture to restrict the basic civil or political rights and liberties of its own members in the name of group or culture solidarity. Liberals should be committed to supporting the right of individuals to self decision-making regarding the kind of cultural context in which they wish to live. As Kymlicka argues liberalism is committed to the view that individuals should have the freedom and capacity to question and possibly revise the traditional practices of their community, should they come to see them as no longer worthy of their allegiance.

Secondly, liberal principles are more sympathetic to demands for 'external protections', which reduce a minority's vulnerability to the

decisions of the larger society. However, liberal justice cannot accept any such rights, which enable one group to oppress or exploit other groups. External protections are legitimate only in so far as they promote equality between groups, by rectifying disadvantages or vulnerabilities suffered by the members of a particular group. In short a liberal theory of minority rights requires freedom within minority group and equality between the minority and majority groups. A system of minority rights, argues Kymlicka should correspond with these liberal values of freedom and equality.

Conclusion

Among the modern liberals Kymlicka's theory of multiculturalism seems to be the most elaborative and most sophisticated representative of the modern liberal cultural theory. His insights and arguments for protecting minority cultures have some of the soundest moral foundations. This is because, Kymlicka places issues ‘of freedom, fairness and equality an important place in his understanding of cultures. His theory is precise and practical towards public policy. But Kymlicka's theory also suffers from some limitations and inadequacies. He over emphasizes about the freedom and autonomy of the individual. As Brian Walker argues that Kymlicka builds on the idea that our belief in autonomy should lead us into a deep concern for our cultural background conditions.[11]

Kymlicka also institutes some kind of hierarchical classification between cultural groups. He differentiates between liberal and illiberal cultures, and suggested that liberal cultures are qualified for protection while

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[11] See Brian Walker, 'Plural Cultures, contested Territories: A Critique of Kymlicka' *Canadian Journal of Political Science*, June 1997.

illiberal ones are not. The claims of nations and national minorities are privileged above those of ethnic, religious, linguistic or other cultural groups, which are not organized in the same territorial, encompassing and closely knit fashion. The aim of liberals should not be 'to dissolve non-liberal nations (or cultures), but rather to seek to liberalize them through a system of dialogue, education, and financial incentives.[12] Kymlicka's theory seems to be illogical in the sense that these minority groups are vulnerable and disadvantaged groups who need special protection more than national minorities.

Kymlicka's multiculturalism also excludes every one and everything that does not fit into liberal principles. National minorities have the right to maintain themselves as culturally distinct societies, but only if, and in so far as, they are themselves governed by liberal principles.[13] This exclusion of non-liberal cultures restricts the scope of his theory to Western liberal societies and justifies the imposition of a single and homogeneous liberal culture on these societies. It further violates the integrity of cultures that do not stress liberal values of pluralism, and autonomy and it draws liberal societies unable to interfere in other cultures.

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[12] See Kymlicka, *Multicultural Citizenship*, pp.163-70. What Kymlicka suggest is that any culture can be liberalized without violating its integrity. He is also suggesting that culture is not rigid or static but capable of change and transformation. To assume that any culture is inherently illiberal, and incapable of reform, is ethnocentric and ahistorical'.
[13] See Ibid, p.153.

Chapter 4

Minority Rights and Nationalism: Contexualizing Kymlicka

In the preceding chapters I discussed that the politics of multiculturalism became a great challenge to the liberals, and how liberalism responded to such a challenge by proposing certain group-differentiated rights such as; self-government or self-determination rights, polyethnic rights, and special representation rights on the one hand, and on the other hand safeguarding and promoting the freedom and autonomy of the individual. This chapter will focus on the challenges that national minorities poses to the nation-state, especially in the case of India by contexualising Will Kymlicka's theory of minority rights.

Nationalism based on ethnicity or (minority nationalism) has become a challenge in the process of liberal 'civic' type of nation building. Almost all democratic societies around the globe are facing this nationality problem. National minorities are consistently battling against the liberal 'civic' or ' assimilationist' model of nationalism. National minorities are demanding the state peacefully or violently political representation, language rights, self-government, control over resources, and internal migration.

Many liberals who advocated minority rights claim that the policies of the nation-state subordinated and disadvantaged the members of minority communities. Minorities are expected to conform to the national ethos, which does not reflect their cultural orientation. Against this homogenizing

policy of the nation-state, minority rights issue introduced a certain flexibility and cultural sensitivity in the actions of the state.

In India, minority rights issue came with the formation of the nation-state. In India, where 'multiculturalism' has no grip on the national imaginary and 'secularism' is the charged name for managing ethno-religious conflicts. The concern for equality and cultural diversity was translated as ' autonomy for cultures'. While this restricted the homogenizing tendencies of the nation-state, it simultaneously empowered communities and hinders the process of democratization.[1]

Many liberals, therefore, consider minority nationalism illiberal and unjust in their ideal type of nationalism firmly based on the assimiliationist doctrine. These liberals try to equate nationalism with the concept of equality or the idea of commonality base on common culture, language, religion, culture etc. They thought that common culture would provide the most expected form of nationalism and stability. But this liberal concept of nationalism needs to be reconsidered. Living in the era of multiplicity of lives and culture, we need also to develop a multinational approach to nation - building or nationalism. This is the kind of argument that I want to develop in this chapter.

Minority Rights and two concepts of Nationalism

According to Hans Kohn, nationalism developed from the eighteenth century and was divided into two opposing ideologues - western and eastern. This distinction keeps reappearing in slightly different dress in contemporary

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[1] This line of argument has been strongly given by Gurpreet Mahajan in her co-edited volume with D L Seth (1999) *Minority Identities and the Nation-State* (Oxford University Press, New Delhi). See especially Chapter on *'Contexualizing Minority Rights'* pp- 59-72.

debates on nationalism.[2] From the last few decades since the end of the world wars, and the collapse of the Soviet Union, the terms 'civic nationalism' and 'ethnic nationalism' are use to refer to the two opposing ideologues of nationalism referred by Kohn.[3]

The 'civic' western type of nationalism is based on the enlightenment values of reason and universalistic humanism, aimed at a more open, plural, outward-looking society. It is (was) closely link to democracy. This kind of thinking was closely attached to Condorcet's[4] enlightenment theory of Progress, which held the view that progress is the emancipation of individuals from ascribed roles and identities. Individuals should be free to decide for themselves, in the light of their own reasoning and experience, which traditional beliefs and customary practices are worth maintaining. They held the strong believe that modernity liberates people from fixed social roles and traditional identities, and foster an ideal of autonomous individuality that encourages individuals to choose for themselves what sort of life they wish to pursue.

The 'ethnic' type, which is also called the eastern type, was more overtly authoritarian and conservative, closed, inward looking, particularistic, pathological, and xenophobic. The reconciliation of these two strains of nationalism with some form of more socially responsive liberalism is the project that besieges the modern liberals.

Some liberal theorist argues that there is a distinction between liberal 'civic nations' and illiberal 'ethnic nations'. According to the liberal 'civic' sense of nationalism, nationalism means those political movements and

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[2] See Kohn, hans; *idea of nationalism* (New York, 1994).
[3] See for instance, Michael Ignatieff (1993). *Blood and Belonging: Journeys into the New Nationalism* (New York).
[4] See Condorcet Quoted in Kymlicka's *Politics in the Vernacular*' (2001) pp-203-208.

public policies that attempt to ensure that states are indeed 'nation-states', in which the state and nation coincide. It is not just a happy accident that nation-states happen to exist; rather, it is legitimate to use certain measures to try to bring about a greater coincidence of nation and state. The liberal nationalism adopted various 'nation-building' policies aimed at giving citizens a common national language, identity and culture; on the other hand, Ethnic nations consider the development and reproduction of their distinct ethno-cultural identities and their culture within the larger state as their main goal. Civic nations, by contrast, are 'neutral' with respect to the ethno-cultural identities of their citizens, and define national membership purely in terms of adherence to certain principles of democracy and justice.[5] Therefore, minorities' claim to certain rights, on this view, is a radical departure from the ideal liberal state. These two type or concepts of nationalism seems to be in conflict, a conflict between the liberal ideal of 'state nationalism' and the ethnic or minority nationalism.

The assumption generally shared by both defenders and critics of minority rights is that, on the one hand, the liberal state, in its normal operation abides by a principle of state neutrality towards ethnocultural groups. That is, the state is 'neutral' with respect to the ethnocultural identities of its citizens, and treat culture in the same way as religion i.e. as something, which people should be free to pursue in their private life, but which is not the concern of the state. For instance, Michael Walzer argues that liberalism involves a sharp distinction of state and ethnicity. The liberal state stands above all the various ethnic and national groups in the country, 'refusing to endorse or support their ways of life or to take an active interest in their social reproduction'. In the United States, for instance, the neutrality

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[5] See for a fuller understanding of the liberal views of the state in Pfaff, 1993; and Ignatieff, 1993.

of the state is reflected in the fact that the state has no constitutionally recognized official language.[6]

In most of the liberal states, the government have tried to dissolve the sense amongst national minorities that they constitute distinct people and culture and constitute a distinct nations, by eliminating their previously self-governing political, social and educational institutions, and by insisting that the majority language be used in all public forums. However, over the past few years, many political and social theorists, especially from the liberal side have been challenging this kind of view or project of nationalism. They argue that national cultures and polities provide the best context for promoting enlightenment values of freedom, equality, and democracy. As Kymlicka asserted that the debate is not between liberal civic culture or nation and illiberal ethnic culture or nation, but rather it iq a debate between liberal cosmopolitanism and liberal nationalism.

Cosmopolitans are not happy or do not accept the idea of privileging certain national cultures and identities in political life, and reject the principle that political arrangements should be ordered in such a way as to reflect and protect national minorities. They hold the strong view that as more and more individuals explore the options available outside their group, and as cultural membership thereby became purely voluntary and optional, ethnocultural identities would gradually lose their political importance, replaced by a more cosmopolitan identity. Smaller cultural groups will slowly assimilate into the larger national culture, and eventually all cultures will merge into a single cosmopolitan society. Most of the eighteen-century Enlightenment theorists, nineteenth-century socialists and twentieth-century

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[6] See Walzer 1992, p-100-1, and 1992b.

modernization theorists shared this assumption. But, this has been decisively disproved in our age of nationalism.

Yael Tamir, a recent liberal nationalist note that ' underlying nationalism is a range of perceptive understandings of the human situations, of what makes human life meaningful and creative.... Liberals are challenged to accommodate those worthy elements'.[7] For a social democratic liberal like David Miller, the nation can be defended as a self-sufficient and worthy object of allegiance and ' one that is subject to rational control'. Nations, for him, share common traits. The nation is 'constituted by mutual belief, extended in history, active in character, connected with a particular territory, and marked off from other communities by its members' distinct traits. These features seem to distinctguish nationality from other collective sources of personal identity.

Most liberal democratic societies of late twentieth-century face the paradox of nationalism or nation building. This is due to the new forms of nationalism or identitarian movements coming from national and non-national minorities within the larger state. Minority nationalism questions the basic structure of the state, i.e. national identity. The propensity of minority nationalism is seen in those countries that are aspiring for a transition from conservative or traditional national societies to democratization. As Kymlicka puts it 'the conflict between state nationalism and minority nationalism remains the most powerful dynamic in the newly democratizing countries of post-communist Europe. And even in the well-established western democracies, minority nationalism has been intensifying, not diminishing, in Quebec, Scotland, Catalonia, Flanders, and

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[7] See Tamir (1993) *Liberal Nationalism* (Princeton University Press: Princeton) p-6-10.

Puerto Rico.[8]National minorities are ethnically distinct groups that have a deep and strong sense of belonging to one nation, distinct culture, language and way of life within a larger state. Confronted with state nationalism, these national minorities have · typically resisted pressures to assimilate into the majority nation, and have instead mobilized along minority nationalist lines to form their own self-governing political community, either as an independent state or as an autonomous region within the larger state. Thus, in the last few decades, efforts from the liberal democrats to try to reconcile this kind of dichotonomy prevailing in the study of nationalism developed. These liberals are called 'liberal nationalists'[9] who seeks to explain the link between liberal democracy and nationhood.

Recent liberal nationalists such as David Miller believe in equality and justice in the society can best be promoted through welfare functions. To promote welfare functions needs mutual trust and sacrifice through the process of reciprocality. Social justice can prevail in the mutual exchange of trusts and sacrifices. Liberal nationalists argue that national identity has provided this common identity and trust, and that no other social identity in the modern world has been able to motivate ongoing sacrifices beyond the level of kin groups and confessional groups.[10] Second, social justice requires the commitment to equality of opportunity, equal access to training and jobs. They supported the nationalization of public educational systems. National system of education, providing standardized public education in a common language, can be an integrating force for the backward regions and the

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[8] See Kymlicka (2001) Op. Cit., p-223.
[9] These liberal nationalists are proponents of liberal nationalism. The more influencial thinkers are Yael Tamir (1993); Joseph Raz & Margalit (1990); David Miller (1995); Charles Taylor (1992).
[10] See for deatails David Miller, 1995; Canovan, 1996.

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working class into a common national society, and made it possible for children from all regions and classes to gain the skills needed to compete in a modern economy.

In the process of democratization also the liberal nationalists argue that like social justice, deliberative democracy requires a high level of mutual trust. People must trust that others are genuinely willing to consider one's interest and opinions. They argue that this is possible only in a common national identity. They further argue that collective political deliberation is possible only, if the participants understand one another, which requires common language. For the liberal nationalist, national political forums with a single common language form the primary locus of democratic participation in the modern world, and are more genuinely participatory than political forums at higher levels that cut across language lines.

However the liberal nationalists find it hard to explain the relationship between individual autonomy and national culture. For them, participation in national culture, far from inhibiting individual choice, is what makes individual freedom meaningful. People make choices about the social practices around them based on their beliefs about the value of these practices. One's national culture not only provides these practices, but makes them meaningful. Avishai Margalit and Joseph Raz argue that 'membership in a national culture provides meaningful options, in the sense that 'familiarity with a culture determines the boundaries of the imaginable'. Hence if a culture is decaying or discriminated against, 'the options and opportunities open to its members will shrink, become less attractive, and

their pursuit less likely to be successful.'[11] Thus, the liberal nationalists argue that people's sense of individual freedom and meaningful autonomy is tied up with participation in their own national culture.

Thus, the liberal arguments on the question of nationalism and identity can be summed up as follows. The individual identity is socially embedded and much of the material in which it is embedded is national culture. Individual identity is deserving of respect. Since national culture is constitutive of individual identity it deserves respect. Constituents of individual identity, which are valued, like freedom, if promoted by the national culture add substance to the case of respect for national identity. Institutional or political arrangements, which embody and foster national culture and maximize the conditions of individual self-development also deserves respect. If free self-determination by the individual is valuable, then free self-determination by a nation is also valuable, as long as the nation-state is promoting individual self-determination. If the individual has a right to self-determination and the constituents of the embedded individual are made up of from elements of national culture, then the nation state also has a right to self-determination.

From the above arguments we can see that liberals have been engaging in state building process by following an assimilationists' policy towards the minority national groups. They argue that liberal democratic values of social justice, deliberative democracy, and individual freedom and autonomy can best be achieved in a nation-state, representing the interests of all the citizens equally. They envision a state base on one common national identity, culture, and language. But they are not really able to give the answer to the minorities when the later demands social justice and equality.

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[11] See for details Margalit and Raz, (1990). Op. Cit.

Therefore the liberal nationalists are unable to solve the problem of national minorities. The liberal nationalists project of nationalism seems to fail due to the fact that in many countries, especially in Eastern Europe the problem of nationality is not reducing, rather assertions of ethno cultural identity continue to capture the politics of this region.

In theorizing nationalism, one of the failures of the liberal nationalist is that they failed to acknowledge the distinction between pragmatic and ethical or moral nationalism. Pragmatic and principled ethical acceptance of nationalism should be distinctguish as both reflects entirely a different thing. It is a very difficult thing on the one hand, to accept nationalism with some reluctance, pragmatically, as a pervasive form of group loyalty, and, on the other hand, to bestow some ethical significance upon it. As Vincent argues that 'human beings are constituted by many and diverse forms of group and association. Brutal families, religious fanatics, criminal associations and large business corporations also have a constituting role. However, although realizing that it is very difficult, most of the time, to do anything but control the peripheries of such entities, we certainly would not accord them any ethical importance per se, simply because they are social entities which have a constitutive role. Such entities will not disappear and will not be eliminated. We have to live with them, but we do not necessarily have to like them or approved of them.

Minorities and Nation-building: The Indian Case

Minority nationalism questions the very basic structure of the state, i.e., national identity. Minorities have typically resisted pressures to assimilate from the majority nation. To address the problems of ethnic and

national minorities, and the challenge inflicted upon the larger nationalism or nation building, Kymlicka argues that we need to allocate two important things. First, it is important to see that the moral and ethical grounds of minority rights: whether minorities are being treated according to the principle of fairness and justice on the part of the majority, representing the state. Secondly, it is also important to look at the security impacts that can, and may be inflicted upon the state as the minorities enjoy certain rights.

India is a multi-cultural, multi-ethnic, multi-religious and multi-lingual and presents a picture of the most complex societies in the world governed by modern nation-state. The Constituent Assembly, representing different identities and interests prevailing in the society, framed the Constitution of India, which was adopted in January 1950. In it, India was conceived as a sovereign, democratic nation-state. The Constitution established such rights as maintenance of cultural identities and pursuit of religious freedoms by cultural and religious minorities as fundamental rights and civil liberties of all individual citizens.

Unlike the communities in the west, which are self-created, communities in India are conceived as products of a long enduring historical continuity. That is, they are continuous communities in the sense that they spontaneously renew themselves to be what they have been. In the west, persons or individuals retain their autonomy within the community with a strong attachment to individual autonomy and freedom. The communities are open to critical evaluations by the individual members (see for e.g., Kymlicka 1995). Communities in India, on the other hand, demand total absorption to the community. These communities act like collective personalities. As such there is little private sphere available to individuals within these continuous communities.

The point is that some communities do not allow individuals even the right of exit; and the right to exit is of crucial importance under these conditions if a regime of rights is to be secured on a firm foundation. Many communities press claims for a right to a way of life, culture, social customs, practices and rituals, etc. as something inalienable for them. But these communities would not allow individuals within their fold to exercise their rights to choose his/her way of life or even to express an opinion which goes against decisions arbitrarily arrived at by the community.

Nation building was viewed mainly as a state-driven process of economic development and social transformation. In this process the multiethnic character of the society was seen as a passive historical context; rather than as representing an active principle that interrogated the idea of citizenship rights and the induction of cultural pluralities into the democratic process of open and competitive politics would evolve new, civic equations among ethnic communities and between them and the state.[12]

This concept of nation building has been challenge and is sought to be redefine in more aggressive and exclusivist terms in recent years by the movement of *Hindutva*,[13] launched in unison by various cultural and political organization of Hindu nationalists. These Hindu nationalists, by articulating *Hindutva* explicitly as an ideology of 'cultural nationalism', seek to divest the established concept of national integration of its secular, and egalitarian content. According to C. P Bhambhri the Bharatya Janata Party

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[12] See D L Seth; *The Nation-State and Minority Rights* (1999) in Gurpreet Mahajan & D L Seth (eds.) *Minority Identities and the Nation-State* (Oxford University Press, New Delhi) pp-33-34.

[13] '*Hindutva*' is an umbrella term used by hard core Hindus, representing different Hindu organizations such as the Rastriya sevam Shevak Sangh (RSS), Vishvu Hindu Parishad (VHP), Bajrang Dal (BD). The fundamental ideologues of Hindutva is that 'India is a Hindu Nation and Hindus have the right to demand loyalty from other minority groups like Muslims and Christians. It tries to create a Hindu Rastra (Hindu Nation) and Hindu Raj (Hindu State). See for further accounts of Hindutva in Parlay Kanngo (2002) *RSS Tryst with Politics: from Hedgewar to Sudarshan* (Delhi, Manohar) and C P Bhambhri (2003) *Hindutva: A challenge to multicultural Democracy* (Shipra Publications).

(BJP) and the fraternity of Sangh Parivar has devoted all its efforts in creating an anti-minority political culture in India. The BJP had defined itself as a 'Party with a difference' but in actual practice it has proved that its only difference from other practices is that it is committed to polarize India into Hindu majority.[14] According to Hindutva philosophy and political practice, a Hindu is one who is ready to fight any non-Hindus militantly, particularly in the cultural sphere, as an alien presence in India, who poses a threat to the self of the Hindus. Hindutva, by following its hegemonic philosophy seeks to impose monolithic conceptions of nation and culture in India. The Hindutva forces obstruct the fostering of democratic public space in India. They radically interpret democracy trying to equate it with majority rule. Democracy no doubt, means a majority rule but the reality lies in the fact that democracy means a majority that is constantly made and remade. It has nothing to do with permanent majorities of a given ascriptive kind.

The Hindutva forces and the way they talk and conceived of secularism in India is another point that reveals the undemocratic, sectarian, anti-unity and hegemonic nature of the Hindutva ideology. They rejected secularism on the ground that it is an alien concept for India. In trying to impose Hindu religion as the state religion, Hindutva interprets Indian secularism as 'pseudo secularism'. To them true secularism lies in being 'fair' to the Hindu majority which indeed depicts their only pseudo-ness.

Equality of citizens is not accepted to the forces of Hindutva. The Sangh Parivar is engaged in the establishment of *Hindu Rastra* (Hindu nation) and *Hindu Raj* (Hindu state) by rejecting and liquidating plural cultural traditions of India. This is against a *Republican, democratic and secular* Constitution of India. Hindutva integrates Hindu religion-based

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[14] See Op. Cit. C P Bhambhri, 2003.

culture with political power to create a polarized society based on the concept of the 'other' and 'social exclusivism'. To sum up, the Sangh Parivar is fully engaged in exercising state power for the purposes of establishing Hindu nation.

The framers of the Indian Constitution assumed that the religious-cultural community was the context of individual experience, shaping individual perception and defining personal identity. Since the self was considered to be a necessary component of citizenship. At one level, religious-cultural identity was considered to be a valued good in itself as it was an aspect of individual identity. As Kymlicka argue that culture is an important good as it forms a context for the exercise of individual freedom of choice. Therefore, at another level, pragmatic considerations were offered for protecting the cultural identity of minorities. The discourse on minorities in India has been dominated by this concern for protecting the autonomy and cultural identity of minorities. On the one hand, minority rights protected community cultural and religious practices; and, on the other, placed the state under an obligation to respect a community's way of life.

A common and well-known problem that the Indian State face is the concept of minority that is closely link to identity. In order to categorize the population into discrete communities, it privileges one identity. That identity may be that of religion, region, language, caste or tribe over all others. At the time of drafting the Constitution of India, religion was taken as the most significant indicator of personal identity. Accordingly, minorities were identified on the basis of religious identity.

One of the core principles governing Kymlicka's theory of minority rights is that minority group rights are not intended to undermine individual rights. Kymlicka is very skeptical about groups undermining the individual's

machinery of development and prosperity; that is, the individual's freedom and expression. Therefore, according to Kymlicka, there are two kinds of group rights. The first involves the claim of a group against its own members. This right is intended to protect the group from the destabilizing impact of *internal dissent* (e.g., the decision of individual member not to follow traditional practices or customs). The second involves the claims of a group against the larger society. This right is intended to protect the group from the impact of *external decision* (e.g., the economic or political decisions of the larger society). The first is termed as *"Internal Restriction"* and the second one *"External Protection"*.

Of the two forms of right that minority group may enjoy Kymlicka is very skeptical about the first kind. To him, internal restrictions are decretory for individual members within the group. For instance, in India the practice of *sati* as a custom of some lower Hindu community is undermining individual rights. Hindu Women who are under this customary practice are being constrained of their rights in the sense that the practice of *sati* does not allow self-criticism, right to freedom of expression etc.

Therefore, the crucial question that needs to be address is: can the right to a way of life be claimed on behalf of a community when the exercise of the same is denied to the individual? If a community's right to a way of life cannot be questioned on democratic grounds then perhaps it can be asked to justify and defend what it enjoins on the individuals as obligatory. To foster a democratic public space it is necessary that democratic options to different alternatives in life be made available.The Indian Constitution focus primarily on the demands and concerns of religious minorities. Consequently it provided rights that assured freedom to observe community practices without any interference from the state. Absence of state

intervention was seen as a necessary condition for protecting religious minorities within the nation-state. However, in contrast to the demands made by religious and linguistic minorities the state did not seek cultural autonomy. To counter their specific form of disadvantage these minorities wanted active state intervention and protection.

Minority rights according to Kymlicka are best suited for preserving cultures and identities rather than countering the process of merginalization. In India the concerns of linguistic minorities within the nation-state were addressed by reorganizing the boundaries of regions or provinces. This process created new minorities and, as such, failed to overcome the disadvantages that stem from being a minority. In other words, transformation of minority into a majority allowed for the survival of the recognized regional language. This is significant because in the discourse on multiculturalism, preserving one's cultural identity is often seen as a way of countering the marginalization faced by minorities in the nation-state. But, in India protecting cultures and diversities has not been an effective way of halting the process of marginalization. Thus, the Indian experience reveals the difficulties associated with the identification of a minority, and shows that a minority is almost entirely context dependent. Further, since minority rights generally seek to preserve cultures and community practices, they are often insensitive to the democratic need for creating a public sphere in which freedom and equality are the operative norms. Chatterjee argues that in a multicultural society like India, which has granted minority rights to minority religious communities in its constitution, secular liberalism is powerless to cope with the need for personal reform. Therefore, he proposes that we should extend the notion of democracy and its representative

institutions to intra-community sites, opening up thereby the possibility of internal reform of personal law.[15]

Conclusion

Thus, minority rights and accommodating them is a problem that besieges the project of nation building or nationalism in most liberal democratic societies, and India is one among these. The demands for a right to self-government right or autonomy of administration by the minority national groups in a state are often due to the pressures coming from the majority's project of nationalism. That is, how do the majority national groups, who reflects and represent the state or the larger nation engage itself in, or defines nationalism or citizenship. Are the minorities adequately represented in the state machineries, or are the minorities being undermined? That is, how do the majority national groups, who reflects and represent the state or the larger nation engage itself in, or defines nationalism or citizenship. Whether the minorities are adequately represented in the state machineries, or are the minorities being undermined or being excluded from the mainstream economic, social and political life of the state. Given these problems liberals needs to focus more on democratic accommodation of minorities.

Nationalism, apart from developing a sense of common national identity, should also develop a stronger sense of democratic nationalism among citizens. Liberals need to be more accommodating towards national minorities and multiple ethnic identities. Nationalism should be

[15] For more details on this view see Partha Chattergee, 'Secularism and Toleration', in *Economic and Political Weekly*, 9 July, 1994.

'depoliticize' so that culture, ethnic, or such other ascriptive and inherited identities does not become the determining factors of our political community. For instance, in the Indian case, minority rights were granted to safeguard against the possibility of the state assimilating minority communities (e.g., the homogenizing policy by the Hindu fundamentalist and their concept of a nation not in terms of language, territory, economy, culture and classes but on the basis of religion threatens the existence of other religious minorities). National minorities will not feel secure, no matter how strongly their individual civil and political rights are protected, unless the state explicitly renounces any intention of engaging itself in these kinds of state nation-building policies. This means that the state must renounce forever the aspiration to become a 'nation-state', and accept instead, the fact that it is multicultural, multiethnic and multinational. Therefore, if liberal nationalism is to find any moral base, it should be base on the principle of freedom and justice.

Therefore, national identity or nationalism should be defined in a broad and collectively acceptable manner. By including the minorities in the community's self definition and giving them official recognition makes it possible for them to be part of the larger society. When a majority community defines itself as a nation and seeks to monopolize the state, it provokes its minorities to define themselves as nations or ethnic groups. Minority ethnicity or nationalism is often a defensive reaction against majority nationalism.

Conclusion

This study analyses how liberalism or liberal democratic states accommodate the politics of multiculturalism. Cultural pluralism or diversity poses a challenge to liberals as to how to create a society where people of different ways live together and how to accommodate the various demands made by different groups or sections of the society. Recognizing the claims of diverse interests in the society while taking into consideration the claims of the state on the other side is the paradox that liberalism faces. I argued that multiculturalism, as a democratic policy raised the issue of culture-based discrimination in society. Indeed, culture-based discrimination may persist even after equal rights are granted to all persons in their capacity as citizens. The idea that cultural differences are also a source of disadvantage and discrimination in society is the unique contribution of multiculturalism to democratic theory.

Taking on the views of Will Kymlicka, I argued that liberalism is sensitive to individual's social roles and relationships. That is, liberalism is sensitive to our individual attachment to culture and community. I have also argued that multiculturalism is about respecting different ways of life, values and interests embedded in culture. It is a democratic policy that endorses equal respect and value to different cultures inhabiting the same political community. Multiculturalism is learning to think and accept that our societies are a cluster of, not only of majority and minorities, but also of plurality of cultural groups. Multiculturalism refers to the doctrine that

cultural diversity should be recognized as a permanent and valuable part of political societies. It is about cultural diversity or culturally embedded differences, which speaks about equality of cultures and argues that in a democracy, all cultural communities must be entitled to equal treatment in the public domain.

By comparing Canadian and Australian multicultural policies I highlighted the need to consider the transferability of policies to manage cultural diversity from one state to another. While there is always the possibility of transferring specific practices or programs from one society to another, the outcomes in the new location may differ from that in their home environment, not least because of the importance of the socio-political context in shaping the society. I argue that any effort to formulate policies of managing ethnically and culturally diverse societies needs to consider not only the specific programs and practices but also the social context and the objectives of the State and its citizens. Successful management of multiculturalism and multiethnic societies requires not only a democratic polity, but also the struggle against social inequalities and exclusion.

While accommodating minority rights Kymlicka argued that we need to be very careful because there are various conceptions about the claims to group rights, which lead to different conception about minority rights, and therefore it is important to determine what sort of claim a group is making. For a liberal theory of minority rights, Kymlicka argues that liberals can and should endorse certain external protections that promote fairness between groups, but should reject internal restrictions, which limits the right of group members to criticize and revise traditional authorities and practices.

But Kymlicka's theory also suffers from some limitations. He over emphasizes the freedom and autonomy of the individual. He builds on the idea that our belief in autonomy should lead us into a deep concern for our cultural background conditions.

Kymlicka also institutes some kind of hierarchical classification between cultural groups. He differentiates between liberal and illiberal cultures, and suggested that liberal cultures are qualified for protection while illiberal ones are not. The claims of nations and national minorities are privileged above those of ethnic, religious, linguistic or other cultural groups, which are not organized in the same territorial, encompassing and closely knit fashion. The aim of liberals should not be 'to dissolve non-liberal nations (or cultures), but rather to seek to liberalize them through a system of dialogue, education, and financial incentives.

Kymlicka's theory of minority rights also seems to exclude every one and everything that does not fit into liberal principles. National minorities have the right to maintain themselves as culturally distinct societies, but only if, and in so far as, they are themselves governed by liberal principles. This exclusion of non-liberal cultures restricts the scope of his theory to Western liberal societies and justifies the imposition of a single and homogeneous liberal culture on these societies. It further violates the integrity of cultures that do not stress liberal values of pluralism, and autonomy and it draws liberal societies unable to interfere in other cultures.

I also argued that the need to address the problems of minority cultural groups, and the requirement that minority rights should be protected led to a crisis or problem in nation-building. I argued that accommodating minority cultural rights on the one hand, and, on the other fostering a strong sense of national identity has become a paradox in liberal democratic states.

However there are differences in the nature and composition of minorities in different societies. For instance, in the case of India minorities are not immigrant populations or outsiders who need to be accommodated by the rest of society, but they are minorities within the state, who need protection from social, economic and political marginalization by the majority cultural group. In India minority rights are granted to safeguard against the possibility of the state assimilating minority religious communities. Consequently, the concern for cultural diversity was translated as cultural autonomy; that is, special rights were provided to protect religious practices and to restrict state intervention in religious institutions. This restricted the project of homogenization, but it also hinders the process of democratization. I argued that by de-politicizing nationalism our cultural, ethnic, or such other ascriptive and·inherited identities might not become the determining factors of our political community.

Thus, looking at the liberal discourse on multiculturalism and their response to minority rights, it seems to me that liberalism has not been able to adequately deal with cultural differences. This, to me, lies in the failure by liberalism to understand culture. The liberals were not really interested in exploring the essence of culture and its relation to human lives. Therefore, it is vital that we create a relationship between culture and liberalism, if liberalism is to become a grounding principle and a sustaining ideology in creating a free and equal society. As Kymlicka argues 'societal cultures are important to people's freedom, and that liberalism should therefore take an interest in the viability of societal cultures'.[1]

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[1] For further details on this argument see Kymlicka, *'Freedom and Culture'*, in Alan Finlayson's (ed), *Contemporary Political Thought* (Endinburg Press, 2003) pp. 496-506. A more detail work on this can be seen from Kymlicka's (1995) *Multicultural Citizenship: A Liberal Theory of Minority* Rights (Oxford University Press,1995).

The growing influence of the politics of difference has increasingly demanded that states have a duty to protect the cultural attachments of their citizens. Liberals find it hard to protect culture, since its commitment to individual freedom is usually assumed to involve restraining groups. Liberals such as Ronald Dworkin, John Rawls and Will Kymlicka suggest that culture or ethnicity are among the goods open to individuals to choose, or a context of choice, upon which the state should take no interest to protect a particular culture. But, there are certain cultures, which are at the verge of extinction, or being absorbed by the majority's assimilationist pressures. In such cases the state need to give protection.

Multiculturalism is about where the state actively protects cultures without discrimination. As Joseph Raz argues that freedom derives its value from the purposes to which it is put: "Autonomy is valuable only if exercised in pursuit of the good. Such pursuits, moreover, require "social forms' that are 'morally sound' and a government that protects and promotes the well being of people."[2] In the same way Christene Sypnowich also argues that 'if the social forms or resources for self-determination are found in one's culture, and that culture is a vulnerable, minority culture, then the 'value of culture' position naturally calls for state redress'.[3]

Kymlicka distinguishes between two kinds of cultures. Societal or national cultures on the one hand, and immigrant or ethnic cultures, on the other, and argue that national cultures are entitled to protection but

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[2] See Joseph Raz (1986) *The Morality of Freedom* (Oxford UK: Clarendon Press) p.381, and (1994) *Ethics in the Public Domain* (Oxford UK: Clarendon Press) p.104.
[3] See Christine Sypnowich, 'The Culture of Citizenship' *Politics and Society*, vol.28, no.4, December 2000, pp.531-555.

immigrants appear not to have a claim to cultural protection per se. However this categorization of cultures and privileging some cultures seems to be little misleading if one looks at from the equality argument.

Kymlica is arguably the most elaborative and most sophisticated representative of the modern liberal cultural theory. His insights and arguments for protecting minority cultures have some of the most moral foundations. This is because, Kymlicka places issues of freedom, fairness and equality an important place in his theorerizing of cultures. His theory is precise and practical. But, Kymlicka's theory also suffers from limitations and inadequately. He held the idea that our belief in autonomy should lead us into a deep concern for our cultural background conditions. Thus, he places the individual freedom and autonomy above cultures, which in the real world would give meaning to our individuality. Cultures, to him simply provides individuals with a secure context of choice, provides range of options, and therefore institutionally important for the individual's enjoyment of freedom and autonomy. However, this way of conceptualizing culture and its relationship to individual members is misleading. Cultures are an intrinsic worth and value to human beings because, it promotes and gives meaning and significance to the self-understanding of our positions in the society. Cultures does not only condition individual freedom and autonomy, it also creates and nature them. Freedom involves making choices amongst various options, and our societal culture not only provides these options, but also makes them meaningful to us.

Therefore, an important question that needs to be addressed, as Brian Walker puts it is; 'Do political theorists have the expertise to play cultural guardian? Or do they have the ethical rights to determine which cultures are vulnerable and that deserve protection and which do not? Human history is

precisely the history of the rise and fall of empires and cultures. So, as Walker puts it; 'the rise and fall of cultural communities is a natural part of history, and we can no more say which cultural groups deserve a boost in their attempts to stave off assimilation than we can say which religion communities deserve help in trying to maintain their membership.[4]

Liberal centralists such as Will Kymlica's understanding of culture is also limited in the sense that while trying to explain and understand cultural identity politics, he has interpreted cultural identities and suggests strategies to deal with the claims made by different cultural groups. He fails to explain how cultures are created and are .politically relevant. As Andre Lecourse argued that theorizing on cultural identities should begin with questions concerning their creation, transformation, politicization and mobilization, and this requires focusing on political institutions.[5] The other assumption that most liberal culturists have in mind is that cultural identities are inherenly, or have natural political consequences. For instance, Yael Tamir distinguishes between self-rule and self-determination, which refers to the cultural identity into the public sphere. Tamir's argument suggests that individuals naturally wish to be ruled by institutions informed by a culture they find understandable and meaningful.[6]

It can also be argue that Kymlicka's theory of minority rights favors the claims of nations and national minorities over those of ethnic, religious, linguistic or other cultural groups which are not territorially organized. However, considering the vulnerability of many of these groups, it is they who need special protection as followed in India. Kymlicka's

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[4] See this argument in Brain Walker's article 'Plural Cultures, Contested Territories: A Critique of Kymlicka', *Canadian Journal of Political Science, June, 1997.*

[5] See Andre Lecourse, 'Theorizing cultural Identities: Historical Institutionalism as a challenge to the Culturalists', *Canadian Journal of Political Science*, September, 2000, pp. 499-522.

[6] See Yael Tamir (1993) *Liberal Nationalism* (Princeton University Press, Princeton) p.72.

multiculturalism also excludes everyone and everything that does not fit into liberal principles. National minorities have the right to maintain themselves as culturally distinct societies, but only if, and in so far as they are governed by liberal principles. This exclusion of non-liberal cultures restricts the scope of the theory. Furthermore, it violates the integrity of cultures that do not stress liberal values of pluralism, and autonomy. Classifying liberal and illiberal cultures, and valuing the liberal as superior is also discriminating and misleading. Every culture, in one way or the other, carries liberal as well non-liberal values.

In India also there's a strong tendency that religious and cultural identities often inflict upon the individual's right to freedom of expression, faith and worship. For instance, the right to freedom of religion is, to me being interpreted solely as sticking to one's own religion. That is, once one decided to profess a particular religion then he or she is bound by that particular religion, howsoever discriminating to the person (as in the case of Hindu Dalits conversion to other religion). I think this kind of rigid freedom is not freedom in the real sense. Our culture and religion should not determine or dictate on our individual freedoms; but our individual freedom should form and transform our culture.

My argument is that there should be freedom of culture in the sense that culture should not undermine individual's rights and freedoms, but should be an arena where individual finds a space to exercise his or her freedoms and liberties. Liberalism should be essentially a transformative ideology towards a co-operative pursuit of individuality from competitive individualism, promoting the interest of all and securing equality and Justice to all in the exercise of liberty and freedom that promotes the development of all. Liberalism needs to be transformed towards a more inclusive doctrine.

Liberals should be committed to supporting the rights of individuals to self decision-making regarding the kind of cultural context in which they wish to live. Liberalism should aim and learn to co-exist with the members of its national minority groups. It need not necessarily impose or try to enforce its principles. Liberalism needs to acknowledge that it does not possess automatic or supreme power or right to impose their values on non-liberal national minorities. However, they should try to liberalize those illiberal ones by being a flexible liberalism, through a system of interactive dialogue, so that people of different cultures co-exist amicably.

Thus liberalism needs to learn to be more flexible and learn to co-exist with different cultures. It should not try to forcefully impose its principles upon others. Since every culture has its own worth and value to its members, cultures should be given equal respect and concern. If cultures form the context of individual freedom of choice, then every culture promotes and gives values to life although these values may differ from one culture to another. Therefore, it is morally unjust and ethically wrong to impose liberal values on non-liberal cultures. But, at the same time, cultures undermining the rights and freedom of its individual members are, equally unjust and wrong. Thus, liberalism need to struck a balance between protecting the freedom and autonomy of the individuals and the protection of minority cultures as context of choice. A flexible liberalism is needed through a system of interactive dialogue, in order that people of different cultures co-exist amicably.

Therefore, in conclusion I will argue that multiculturalism is a bulldoze concept that gathers variety of interrelated themes; it stress the need to have a stable identity, emphasizes the importance of cultural community to the fulfillment of this need and brings out the link between identity and

recognition and legitimizes the desire to maintain difference. Therefore, a new approach or framework of multiculturalism needs to be sought out to be more accommodating. A framework of democratic multiculturalism is to be focus that combines cultural and political communitarianism. Democratic multiculturalism argues Rajeev Bhargava, recognizes the importance of cultural identity, the need to maintain cultural difference and is committed to bringing these differences into the political domain. Since these differences frequently turn into conflicts, it is also committed to their resolution through dialogue, discussion and negotiation.[16]

In India also 'unity in diversity' is an oft-repeated aspiration that seeks to accommodate differences within a framework of shared basic values and common interests. Such a framework requires the conviction that unity is best fostered by tolerating diversity, that dissenting views should freely co-exist with the dominant values of society, and interaction among diverse peoples, ethnic and religious groups, cultures and sub-cultures. This positive force will create the space for creativity, innovation and change. This study hoped to offer several tentative generalizations about transformations of political and social systems in culturally diverse societies. These generalizations could be considered as hypotheses for further research on developing multiculturalism in India.

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[16] See this view held by Bhargava in his article 'Introducing Multiculturalism' in Rajeev Bhargava et. al. (ed), (1999) Multiculturalism, Liberalism and Democracy (Oxford University Press: New Delhi) pp- 48-49.

A Short note on Will Kymlicka

Professor in the Department of Philosophy, University of Ottawa and Research Director of the Canadian Centre for Philosophy and Public Policy. Kymlicka's writings are philosophical, but are also applied to current issues and debates. His *Liberalism, Community, and Culture* analyses communitarian writers and issues related to cultural membership. Kymlicka has written about citizenship issues and multiculturalism for the federal government. Among the other writers he discusses and uses are Rawls, Charles Taylor, Walzer, and Sandel. Kymlicka's work appears to be in the area of political theory, with his work being in the liberal tradition, attempting to defend and expand the liberal view of rights, and the individual and society.

He is the author of three books published by Oxford University Press: *Liberalism, Community, and Culture* (1989), *Contemporary Political Philosophy* (1990), and *Multicultural Citizenship* (1995), which was awarded the Macpherson Prize by the Canadian Political Science Assocation, and the Bunche Award by the American Political Science Association. He is also the editor of *Justice in Political Philosophy* (Elgar, 1992), *The Rights of Minority Cultures* (Oxford, 1995), and *Ethnicity and Group Rights* (NYU, 1997). He is currently Visiting Professor of Philosophy at both the University of Ottawa and Carleton University, and coordinator of SSHRC-funded research network on "Citizenship, Democracy and Identity in a Multiethnic State".

The arguments in *Multicultural Citizenship* are clear and well presented, with many Canadian examples - aboriginal peoples, Quebec, immigrant groups, and multiculturalism. Kymlicka's carefully reasoned arguments force the reader to rethink his or her approach to issues related to minorities and group rights, and deal with prejudice, misconception, and fuzzy thinking. Kymlicka's analysis is rooted in contemporary social analysis in that it examines the ethnic and racial diversity of societies, and the increasing connection among these societies (with modern forms of transportation and communication). These increased connections have raised the issues of identity and rights to the forefront in social movements, individual experiences, and in public policy. His analysis is theoretical in that he considers the nature of the individual and of culture; the meaning of freedom, liberty, the good life; the connection between the individual and culture, groups and society; and the nature of society as a whole (see pp. 80-81). He sets this analysis in the liberal tradition, one that is more clearly political than sociological. At the same time, much of sociological analysis can be considered to have emerged out of the liberal tradition, either positively (Durkheim, Weber, Parsons) or in reaction to some of the problems associated with liberalism (Marx). Kymlicka develops an analysis that leads to policy implications and to implications for the way that we look at others, and ourselves and how we as individuals, and in groups and in society, relate to each other. In societies that will be increasingly diverse in terms of ethnicity in the next century, these are especially important issues to consider.

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