

MULTICULTURALISM AND INDIVIDUAL RIGHTS

(A CRITICAL EXPLORATION OF SOME THEORETICAL ISSUES)

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This is to certify that the dissertation titled "Multiculturalism and Individual Rights : A Critical Exploration of Some Theoretical Issue", submitted by Praveen Kumar in partial fulfilment of the requirements for the award of the degree of Master of Philosophy is an original work and has not been submitted so far, in part or full for any other degree or diploma of any university.

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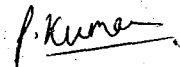
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INTRODUCTION

Diverse ways of lives, each equally authentic, each equally respectable to all should be the basic norm along which a culturally plural society should be constituted from the perspectives of 'Multiculturalism'. Multiculturalism has stood against any attempt to discriminate against any cultural group simply because its followers are in numerical minority or it has lagged behind in attaining the same level of material development which others have already achieved. It has been emphasized that diversity is not only important for the society but different cultures are equally valuable. Since hardly any society (political entity) can be shown as homogeneous and diverse societies are not marked by a complete numerical balance between different categories, the liberal democratic state is obliged to see that the diverse are 'justly' represented in the 'mainstream' of the public life. Multiculturalists allege that this has not happened and that is why they have argued for special consideration for the 'minority cultures'.

Arguments have been made on this perspective that simply by granting political equality to individuals (citizens) the liberal democratic state has not been able to accord social and economic equality to its members. The need of the hour, instead, according to them, is to give effect to social equality where different cultural groups are equally valued. This would mean that the state would have to take into consideration different person's backgrounds while formulating its policies and implementing them.

This would have the effect of treating the cultural groups, to which the individual is a member with equal respect. Emphasis, this way, is on inter-group equality. Since the individual would be treated in her cultural capacity as well it is held that politics of equal dignity should be replaced by, what Charles Taylor has called 'politics of difference' (Taylor 1994). This, in turn, would require that the state needs to consider the individual's capacity deeply rooted in her cultural background .

Rise of multiculturalism has been seen as a movement against the policies of 'Monoculturalism' followed in the countries of Western Europe and the USA (Goldberg 1994). The emphasis on the value and validity of plurality of cultures in the last quarter of twentieth century strengthened the multicultural ethos and put a great question mark on what Bhargava has called the 'unicultural' policy (Bhargava 1999). It was argued that the 'melting pot theory' had, in fact, resulted in another form of inequality. By expecting the minorities to be assimilated through 'blending' or 'cultural admixture' (Parekh 1994), in fact, resulted in the suppression of the minorities. The idea of assimilation was aimed at creating a homogeneous society where the state would not be seen differently from the nation. It was not realised that different nations, in fact, cohabit in a state. This way nation and the 'state' was mistaken to be the one and the same thing. This eventually gave way to the dominance of the majority culture in the public realm of life (Sheth 1999). Political community is constituted of cultural communities (Dyke 1995, Kymlicka 1989, 1995) and the

'difference-blind' policies of the nation-state, which vowed to remain neutral among different conceptions of good life, pushed the minorities further to the margins.

Multiculturalists hold that this way subtle discrimination has been done not selectively against different individuals but to the group as a whole. This way different groups, excluded from the mainstream of the society, have suffered 'systematic disadvantage' (Young 1990). Kymlicka would put it another way by contextualising it in terms of the minorities and hold that the latter have suffered disadvantage due to their 'historical position' (Kymlicka 1989, 1995). Hence special rights have been argued for the oppressed groups (Young 1990) or 'group differentiated rights' for the minority cultures (Kymlicka 1989, 1995, 1995a). Arguments for minority rights have been supported by Chandhoke (1999, a, b & c) Mahajan (1998, 1998 a, 1999), (Carens 1997, 1999), Parekh (1994a, 1997, 1997a, 1998, 1999) and Taylor (1994) among others. Multiculturalism, this way, has been seen both as a 'fact' as well as value. By locating cultural identity as a source of discrimination in society, it has contributed reformulating and re-forming concepts such as democracy and non-discrimination (Mahajan 1999a).

Different scholars have tried to capture the 'essence' of Multiculturalism in their own way. To Raz, it is one of the three ways in which liberalism has tried to respond to the problems of diversity. The other two ways according to him were the 'attitude of toleration' and

providing individuals with 'nondiscrimination rights' (Raz 1994). The first one left minorities to live by its own and it resulted in 'restriction of the use of public spaces and public media by the minority'. The latter goes beyond the first and under this regime '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' (Raz 1994).

Multiculturalism or 'liberal multiculturalism' as Raz calls it, aims at cultural and material prosperity in the industrial or post-industrial society and is, in fact, a condition for freedom and human dignity. It is a requirement to prevent liberal values to degenerate into what Raz calls 'super-market liberalism'. He feels that multiculturalism is suitable in those societies in which there are several stable cultural communities both wishing and able to perpetuate themselves. In a country which receives many migrants from diverse cultures but which do not wish to keep their separate identity, to such countries this concept does not apply. Also, multiculturalism should not be pursued regarding cultural groups that have lost their ability to perpetuate themselves (Raz 1994).

Chandhoke has treated multiculturalism with the collapse of grand vision - that of culturally homogenous state. She holds that it is an 'umbrella concept' which best captures culture, diversity, pluralism and politics of recognition and its presupposition being cultural diversity and valuing this diversity (Chandhoke 1999). Supporting the idea of cultural diversity,

Carens has suggested application of the policy of 'evenhandedness' in the cultural affairs (Carens 1999). To Bhikhu Parekh, 'central insight' of multiculturalism are three. First, human beings are seen as culturally embedded. They grow up and live within a culturally structured world and organise their lives and social relations in terms of a culturally derived systems of meaning and significance. They are deeply shaped by it. Human beings are able to overcome only some of its influences but not all of it. They 'necessarily view the world from within a culture, be it the one they have inherited and uncritically accepted or reflectively revised, or in rare cases, one they have consciously adopted' (Parekh 1999). Chandhoke has also argued along the same lines when she talks of 'cultural capital' of human beings which provides them with evaluative resources (Chandhoke 1999a). Taylor has also emphasized the importance of culture in shaping individual tastes, desires and aspirations (Taylor 1994, 1985).

Secondly, different cultures are seen as representing different systems of meaning and visions of good life. No culture would be perfect, hence diverse cultures are seen as supplementing each-other in their understanding of good life. Thirdly, every culture is internally plural and capable of interacting with other cultures (Parekh 1999). Apart from defining multiculturalism in various other ways, some authors have even attempted discussions on various 'forms' of multiculturalism. Peter McLaren has called them conservative or corporate multiculturalism, liberal multiculturalism and left-liberal multiculturalism (McLaren 1994). He holds these forms as ideal types 'meant to serve only as a "heuristic" device

for the purpose of explanation and definition.

'Corporate' or 'conservative' multiculturalism had been the typical characteristic of the colonial discourse. Diverse were treated as unequals and the way of the Black majority, different from the dominant way was treated as inferior. Culturally superior White race was seen as naturally endowed to rule over the barbarian Black. 'Liberal' multiculturalism is based on the perspective of the intellectual 'sameness' among different races. It argues that a natural equality exists among different categories. It recognises the inequality that exists due to different groups 'identity and advocates for 'modification' or 'reformation' in order to realize equality. The 'left-liberal' multiculturalism essentializes cultural differences but it ignores the historical and cultural 'situatedness' of difference. Difference is seen as removed from social and historical constraints. 'There is a tendency to ignore difference as a social and historical construction' and it treats difference as an 'essence' that exists independently of history, culture and power' (McLaren 1994).

Rajeev Bhargava has identified different 'moments' in what he calls 'the broader dialectic of multiculturalism' (Bhargava 1999). The first one is called by him the moment of 'particularized hierarchy'. Here 'difference' is characterised by dominant-subordinate relationship. The second one is the moment of 'universalistic equality'. Here cultural difference is denied and persons are treated as equals in their individual capacity. The third one is called by him as the moment of 'particularized equality' where

people are different but equal. Not only cultural membership is considered important but different cultural communities are also seen as maintaining equal relationship. 'Egalitarian multiculturalism' has been seen by him as a condition where different cultural groups would be worthy of equal treatment and each would be treated with equal respect. The dominant-subordinate relationship between different groups is simply rejected. He holds that 'the recent demands for a multicultural society constitute a plea for 'egalitarian multiculturalism' (Bhargava 1999). Within egalitarian multiculturalism, he has distinguished 'liberal multiculturalism' from that of authoritarian multiculturalism. The former recognizes different cultural groups with equal respect but at the same time requires that it should be compatible with the requirements of basic individual liberties and perhaps with individual autonomy. The latter 'affirms equal recognition of all cultural groups including ones that violate freedom of individuals' (Bhargava 1999).

Our project, at best, has taken the line of 'liberal multiculturalism'. We go neither against the 'objectives' set forth by the multiculturalists nor against the 'essence' of the basic philosophy of multiculturalism. We believe in the equality of different cultural groups and at the same time freedom of minorities to pursue their ways of lives. This way, emphasis on inter-group equality should be seen as a positive development. What we have underlined is the inadequacies of the multicultural discourse in which intra - group equality has not been given due attention. Equality of different cultural groups and rights to the minority cultures have been

so treated as if they being blindly spread to cover any group and any of their right. We have shown that treating minority right as a 'blanket term' would have the potential of effecting individual lives and their liberties adversely. For example, traditional caste hierarchies in India or the Nazi culture. To emphasise the 'sacredness' of individuals and importance of individual freedom and rights, we have used the arguments made by such theorists as Kukathas and Haksar (Kukathas 1992, Haksar 1998).

We have found the suggestions made by Chandhoke and Mahajan valuable in this regard. Chandhoke while putting forth her idea of 'individual-in-community' has pointed out to the importance of individual autonomy (Chandhoke 1999a). Mahajan has suggested that we need to look into carefully the idea of preservation of cultures and cultural practices. Ignoring intra-group equality might do terrible harm to individual members (Mahajan 1998a, 1999a). We have not argued against the idea of minority rights as such. In certain circumstances they are, in fact necessary to give effect to equality of human beings, for example, reservation in jobs and representative institutions for the vulnerable sections of society. We have only added that while considering minority rights, we need to be careful as minority groups as a right-bearing entity would have the tendency to behave like a close group and it might lead to what Bhargava has called 'authoritative multiculturalism' (Bhargava 1999). Chandhoke's suggestion to see the whole question of minority rights from the vantage point of democracy and equality seems to be reasonable (Chandhoke 1999).

For our purposes we have not tried to work out a sociological definition of culture. We have taken cultures to mean what Chandhoke means by 'community in the first instance' (Chandhoke 1999a) or Kymlicka's definition in which he sees culture neither in a narrow sense nor in a broad sense (Kymlicka 1995) (see end notes of Ch.III). To show that multiculturalism and individualism are not exclusive and one in fact can be used as a remedy of the other as Walzer holds (Walzer 1994), We have relied on the review of literatures.

We have started with the fact that why liberalism has given primacy to individual rights. This was supposed to be a way in which discrimination based on ascriptive identities was sought to be removed. In the second chapter we have pointed out the inadequacies of the liberal theory which does not accord due importance to cultural diversity. In the third chapter we have focused on 'why' group rights have been advocated by multiculturalists and 'what' are those rights which have been argued for. In the fourth chapter we have taken a critical look of the 'theory of minority rights' and inquired into what way individual lives and liberty might be adversely affected. We have concluded by saying that any liberal theory of minority rights without giving due place to individual rights, her autonomy and dignity would be insufficient in itself.

Chapter I

PRIMACY OF INDIVIDUAL RIGHTS IN THE LIBERAL TRADITION

Rights to the individuals have been defended most ardently by the advocates of liberal democratic polity. Everyone should have equal rights is the concern of the latter. This requires that the state should treat individuals equally. Just treatment, on this account, means that the laws of the state would be applicable to everyone in an equal manner and opportunities in the state would not be denied to anyone on the grounds of social differences. This not only rules out the traditional social hierarchies but also privileges attached to birth. A nobleman was a 'nobleman' and is no longer a nobleman and the 'serf' is not a serf in the eyes of the laws. All are equal individuals. For example, the courts, while adjudicating, would award the same punishment for the same offence to the culprits. It would not consider the person's background, that is, whether she belonged to a rich family or a poor family or still, whether she is a White or a Black. If the state calls for elected representatives or allows appointments in its offices then everyone would be entertained, whoever would qualify for them. Equality before law, equal protection of law and equality of opportunity, thus, have formed the core norms of such a society.

I

Democratic polity seeks to uphold individual equality in order to negate social differences of the past. Division of societies into different categories

of castes, classes, races, religions and cultures have proved to be sources of discrimination and injustice. Besides, biological difference between men and women has also been used to discriminate against the fair sex.

Group differences were used to maintain unequal relationships in the pre-modern period. Some were dominant and strong because they belonged to the group, which enjoyed the privileged status. The weak and the marginalised were condemned to be so because they were born like that. Individual's background and her 'identity', in this way, was the reason for the unfair treatment meted out to her by the society or the political community which did not value democratic norms. A Catholic or a Jew in the British society was excluded from public and political life because her identity was different from the Protestants. Similarly, an untouchable in Indian society was denied the status of a Brahmin or Kshatriya because she belonged to the Caste of Shudras. Seen other way, the Protestants were in the helm of public life and political life because they were Protestants and the Brahmins enjoyed higher status because they were Brahmins.

The liberal tradition has stood against organisation of societies along such differences. Prevailing social difference is held to be the reason behind individual inequality. Individuals were not free to realize their capacity in societies, which was marked by differences based on ascriptive identities. Their group membership, in fact, was a restriction to act freely in a manner they would choose to. Choices were restricted simply by birth. A Black in a pre-modern American society could not have thought of becoming an administrator or a judge or a legislator.

Democratic polity has refused to accept 'group-based exclusion' in the socio- economic and political processes (Mahajan 1998). It holds that the traditional division of society into various groups was based on inequality. This inequality was used as a ploy to confer rights in the political community on those who had enjoyed dominance. The same discourse was applied to deny the weak and the marginalised from having similar rights. Denial of rights on the basis of group- based inequality and its extent can be seen the way traditional Indian society has operated in different walks of life. Dalits' did not have the rights to enter the temple and offer prayers. It was the sole preserve of higher caste Hindus!

II

To overcome the injustices of the group based inequality, reorganization of communities was suggested. Advocates of liberal democratic polity held that a 'neutral' category should be applied, which would take care of social differences. A society to be liberal as well as democratic, would be so organised as to ensure equality of individuals and at the same time to deny privileged treatment to erstwhile dominant groups. The 'liberal' aspect would allow individuals to be 'free' to pursue their own ends and democracy would lead to 'equality'.

Representative character of democracy made it imperative to find a common category, which would be applicable to everyone equally. This was the category of equal citizenship. Every individual was to be treated as citizen by the political community and every citizen would have equal rights. Even if the political community called for certain restrictions then it would also be applicable equally.

Equality came to be regarded as equal rights to individuals. Human beings were equals and granting of equal right to them was construed to mean equality. It was this way that different marginalized groups sought inclusion in the mainstream of the society. Struggles such as American civil war and French Revolution invoked the principle of human equality to gain equal treatment by the society and the state.

Human beings should have equal rights because they are equals. Why should individuals be treated equally was answered on the philosophical plane. It ranged from the natural equality of mankind to a common reference point of 'humanity'. Philosophers such as John Locke and Thomas Paine believed in the natural equality of mankind. Locke held that certain rights were given to men by nature itself. He maintained that these were right to life, liberty and property. Even the state was denied the power to violate these rights (Locke 1998). Inability of the political society to protect these rights means its eventual dissolution.² Paine used the idea of 'equal rights to challenge differences rooted in birth and status'. He carried forward the Lockean argument of natural rights. He made natural rights as the foundation of civil rights. Men to him have those natural rights, which are not injurious to the natural rights of others. This man has in his capacity as human being. He illustrated these rights as 'intellectual rights, or the rights of mind, and also those right of acting as an individual for his own comfort and happiness'. On the other hand civil rights to him meant those rights of men which he has as a member of society. Ridiculing Burke, he held that everyone was entitled to have these rights (Paine 1998).

Arguments for natural equality of mankind have a clear message. Certain rights are human rights. These rights human beings possess because they are human beings. Other rights may flow from different sources, but their reference point will always be natural rights or contractual rights. These rights are well evident and does not require any other proof. These rights are valid for all times and all places. These may be regarded as 'core' rights (Chandhoke 1999 a & b).

There is certain minimum agreement on what human rights are. Philosophers and theorists have proposed many other rights to be human rights³ but, rights such as to life, equality, freedom and the right to assert these rights find universal acceptance. For Chandhoke these rights constitute core rights. There can be no disagreement on these rights. She has argued that we can rather disagree on 'conditional rights' which are needed to concretize core rights. They are conditions required for core rights. The former may vary in terms of place or time or both, but the latter remain unchangeable. For example, right to life may require material entitlements. For a society right to freedom as a core right may need right to property or right to welfare as conditional rights(Chandhoke 1999a). The last two may conflict but both support the system of freedom.

When equal rights are taken to mean equality, they also mean equal respect to human beings. Kantian arguments can be invoked to further strengthen this point. Individuals should be treated with equal respect because they all belong to the same category of humanity. No one is less human. Everyone possesses what Kant called the 'same human potential'. Individuals

have dignity. By dignity he meant that no human being can be treated as means to further some other goal of ends. Every individual is an end-in-itself. Human beings are, thus, sacred. They have their own purposes to fulfil. This needs right kind of environment. It should be of such kind as every individual has freedom to develop herself.

III

Liberals have claimed that the political community, which is liberal as well as democratic, provides such kind of environment. It upholds equality because everyone is granted equal right by the state. Freedom is the basic characteristic of this society. Individuals are free to choose their goals and set their priorities. They are equally free to work towards its achievement. At the time it sees to it that human beings do not obstruct each-others development. If someone wants to write poetry then no one is allowed to interfere with. If someone wants to be a singer then she is not stopped to be so. Laws of the state assure the condition that individuals are not exploited by other individuals or groups. Masters are, thus, not allowed to use slaves for the development of their faculty⁴. At the same time individuals remain within their respective spheres of freedom. This also means that they respect each - others spheres of freedom.

Individuals to have their own ends realised need not to be restricted by other ends - of other individuals or community. This way absence of any socially imposed barrier also means absence of any socially imposed values or ends. This will assure the individual to live her own way of life. No particular way of life is posed as perfect by the liberal democratic society.

This is so because every individual is interested in leading what Kymlicka calls not a good life, but a life that is good (Kymlicka 1989). This is their highest order interest. Equality in such circumstances will not permit favouring certain interests or putting hindrances to others.

Liberal democratic principle allows pursuit of different visions of good life. Individuals can have preferences of their own and different preferences of different individuals are equally valuable. This way different versions of good life carry equal weight and the liberal democracy is obliged to pay equal consideration to all of them. This is done by accepting the principle of equal freedom. Since every individual wants to see her interest as right, freedom of one's own way of good life can ensure just treatment to all of them.

Just treatment on this perspective requires fulfilment of two purposes. First is the freedom for the individual to pursue her conception of good life. Second is the freedom from any restriction, which can be imposed in the name of promoting alternative conceptions of good life⁵. This on the other hand required that individual should have enough safeguards in case either is violated. At the same time she is also obliged not to restrict similar freedom of others.

IV

Liberal democratic society provides these two conditions by upholding the principle of ' fairness'. Each member of society is provided with an ' inviolability founded on justice'. This can not be overridden even on the consideration of welfare of everyone else. Rights of individuals so obtained

are not subject to 'political bargaining or the calculus of social interest'. Justice this way denies that the loss of freedom of some is made right by greater good shared by others (Rawls 1971)⁶

Secondly, any violation of the individual freedom to pursue her good is restricted by invoking the 'original position'. This pertains to the acceptability of persons to the principle of equal liberty in 'justice as fairness', Since the principles of rational choice and the criteria of deliberative rationality is not chosen at all, persons choose without a knowledge of their more particular ends. This leaves the person free not only to plan her life but also to differ from others in significant way in her conception of good. Others, even the majority preference have no weight if the act of the person is in conformity with the principle of justice. Priority of right secures this (Rawls 1971)..

This way, conception of good is adjusted with the what the principles of justice require. At least claims which directly violate them can not be pressed for consideration. Hence in 'Justice as Fairness ' one dose not take men's propensities and inclinations as given, whatever they are, and then seek the best way to fulfil them. To quote Rawls, " Rather "their desires and aspirations are restricted from the outset by the principles of justice which specify the boundaries that men's systems of ends must respect. We can express this by saying that in justice as fairness the concept of right is prior to the concept of good. Rawls further writes, "A just social system defines the scope within which develop their aims, and it provides a framework of rights and opportunities and the means of satisfaction within and by the use of which these ends may be equitably pursued" (Rawls 1971).

V

The 'fairness' aspect of liberal democracy also promotes 'social justice'. In the first place equality is assured by granting equal rights to all categories of people. Individual is free not only to form 'rational plans' of her life but she is also free to use her capacity to revise such plans. This is because what she considers her 'highest order interest' at one point of time may be inadequate in the fulfilment of her future goals. What she had been considering a good life hitherto may not be the life, which is actually good for her. If she finds this, she is free to revise her priorities.

Secondly, equal opportunity to exercise those rights and freedom is also available to the individual. This is done by taking care of the 'least advantaged' in the society. If 'self is prior to ends' as we have seen in Rawlsian arguments then how it can be done? This would, rather mean that individuals are primarily concerned with the pursuit of their self-interest. Rawls would argue that society would take care of the 'worst-off' because it is in the advantage of rational individuals. Original position of the rational agents ensures them with the most extensive liberty. This prevents the society from sacrificing individual good for maximizing greater good shared by others. At the same time co-operation is also an important aspect of society.

By not accepting what is 'naturally given' as the fair basis of society Rawls has further clarified his arguments. He holds that 'inequalities of birth as well as natural endowments, talents and skills' are not meant for the distribution of goods in the society (Rawls 1971). Rather, they must be pooled together and then redistributed according to the principle of 'fairness'.

Since the principles of fairness is collectively arrived at, individuals take part as the members of that collectivity. To put it another way, individual actions take place in, what Kymlicka has referred to as 'societal context'. Hence aspects; relevant from this point of view can not be overlooked. The 'least advantaged' are an integral part of this context. Moreover rational plans of life are formed by individuals within this context and the freedom which liberalism values is best exercisable through social interaction.⁷ Kymlicka makes the point that Rawls did give importance to societal roles in shaping individual's interest and desire (Kymlicka 1989). Social aspect of individual life, this way, makes rational agents to contribute their best in minimizing inequality and enhancing equality of opportunity. Social Justice this way becomes an inseparable part of liberal democratic society as individuals will not like to see the parts of their own collectivity as the least advantaged.

Rawlsian tradition seeks to found liberal democratic polity on the basic premise of 'equal liberty' to individuals to shape their own lives. It also admits that it should be so consistently done as liberties of different individuals do not conflict with each other. This presupposes mutual adjustment and readjustment of the interests of different individuals. That would in turn admit of a condition where individuals have to live their lives in common. This confirms Kymlicka's contention that individual life can not be conceived without societal context. It also departs ways from the tradition of classical individualism, which rather treated individuals as atomised human beings.

Justice in such a society is 'social justice'. It takes care of equality. Those who are left behind in the process of development are taken care

of by the society. This way it concedes proactive role for the state. The state apart from ensuring equal liberties to all also undertakes 'redistribution of goods' in the society. These goods are considered necessary for the 'self-development' of individuals. This way liberal democratic state enjoins upon itself the task of creating conditions under which individual can decide of her choices. If some changes are necessary in the social set up, so that the individual can enjoy liberty then it is considered to be the responsibility of the state to bring about those changes. 'Distributive justice' this way becomes an inseparable part of the liberal democratic tradition.

VI

This is to say that no one should be deprived of her liberty of choice simply due to her socio- economic conditions. The liberal tradition this way has transformed itself to strike a right balance between liberty and equality. This idea finds its expression in Dworkin's statement that 'equality is an important concern for liberals'. Not only that, liberal society also reiterates its commitment for 'equality of opportunity' (Dworkin 1998).

Equality of opportunity overcomes the defects of 'the principles of rough equality'. It concedes that everyone can not be treated in the same manner in all circumstances. Sometimes treating people unequally, in fact, amounts to equality. For example, a limited amount of emergency relief for two equally populous areas affected by a natural calamity has to be so distributed as more seriously devastated area gets more aid. In this case valuable funds can not be and should not be distributed equally.

Equality as an 'ideal' which supposes neutrality is a necessary condition

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but not sufficient in itself. This, of course, demands a neutral framework, as far as the state is concerned. Political decisions on this account should be independent of any particular conception of good life. This would allow individuals to pursue their conceptions of good life. This is insufficient, as this will not take into consideration other differences- inequality of wealth or talents or natural disabilities. For example, the person who inherits huge fortunes as patrimony will start with more wealth than the person who did not. Those affected by natural disabilities have special needs because they are handicapped. This not only disables them from the better available choices but also incapacitate them from simple opportunities available to an average person. Such persons need more than those who are not handicapped to satisfy identical ambitions. The kind of equality Dworkin suggests makes room for the consideration of such factors (Dworkin 1998).

This way liberalism is an improvement upon its traditional ethos. It not only argues against the legal enforcement of any private morality, but also is based on equality. It does not demand from an individual sacrificing her 'virtue' without which she would lose her equal moral worth. For example, 'no self-respecting atheist can agree that a community in which religion is mandatory is for at reason finer and no one who is a homosexual that eradication of homosexuality makes the community purer'. At the same time it also insists on 'an economic system in which no citizen has less than an equal share of community's resources just in order that others may have more what he lacks' (Dworkin 1998).

This implies that individual initiative and advantages accruing out of her

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merit and hard work are not suppressed. Simultaneously market allocations are corrected by the state undertaking redistributive responsibilities.⁸ This is to ensure that people do not have different amounts of wealth just because they have different inherent capacities to produce what others want or are differently favoured by chance.

Such a concept of equality no way relies on equality of results. It does not impose equality on those who are unwilling to work for it despite their capabilities. 'Deliberately chosen inequality', what we may call it, does not find its place in liberal tradition. At the same time those, who deserve to be unequal after ensuring minimum equality for everyone are allowed to be so (Rawls 1971)⁹. For example, if an able-bodied young just wastes away her time and prefers not to do anything creative then the state and society are not responsible for her condition. The state would be obliged to ensure the minimum required condition so that she could pursue her conception of good life. On the other hand if, after fulfilling her obligations as agreed to in her 'original position', an individual would be able to have more goods¹⁰ than others in the society, she is entitled to have. It is this kind of 'equality' which the liberal democratic polity stands for.

A just society, this way, should ensure equality of individuals. The state's role is to lay down the just framework. The outcome of this framework would be just. For this the state maintains an elaborate system of rights. These rights are granted to the individual against the state as well as any other individual or the group which may seek to jeopardize her life as a human being. Individual can assert her equality against any deliberate discrimination

by invoking her rights. She is as free as anyone else to choose her way. Rights have the most vital role to play in the making of the individual development. They are inseparable part of individual life to live as human beings. The state exists to guarantee it. Democratic character of liberal polity makes it possible. Liberal democracy is also fair. It undertakes redistribution for the vulnerable and the weak to enable them to enjoy their rights. This way maintenance and safeguarding of and improvement upon individual rights is the prime concern of the liberal democratic polity.

Rights are important for individuals to exercise the freedom of choice. This also places her in the same category to which everyone belongs. That is to say that as the member of the same (political) community her worth is equal to any other member. Her value is equal to anyone else not simply as citizen; that is the member of the political community but also as a human, that is as the member of the category of humanity. Her life is irreplaceable. No other human being can be 'her'. In liberal political theory individual rights are given prime importance due to these aspects of human life. It is due to these factors that providing individuals with rights, where they were not available, their protection, and maintenance and safeguarding has remained of prime importance in the liberal democratic order. Since some may deny equal treatment to others arbitrarily and the state was not considered as an exception, equal rights to individuals was the way to ensure equality. In case of discriminatory treatment, the same can be invoked to enforce equality. Importance of the defence of individual rights, this way, lies in the fact that human being can be made equal to ensure justice.

Defence of individual rights has been argued differently by the liberals. Consensus exists that a required minimum must be granted to every person. The desired restriction for the creation of proper environment for the enjoyment of those rights is also the part of liberal democratic project. Freedom for all and licence for none is sought to be upheld. At the same time there is also disagreement over various issues related to individual rights.

Among those aspects, important for our purpose is the way 'grounds' of individual rights have been justified. This in other words, means justification of why individuals are rights bearing entities. A part of this we have already discussed. Here we would concentrate on some of the contemporary views regarding rights of the individuals.

Waldron is of the view that arguments for rights have been given by theorists (liberal) on three different grounds¹¹. Firstly, they have been taken as particular important interest. Here individual rights are important but in certain circumstances they can be outweighed. This can be done on utilitarian or welfarist consideration. For example, restrictions on individual rights may be sought for promoting similar matching interest of the larger number or more important interest of the community.

The second defence of individual rights is based on their 'lexical superiority' over other interests. This kind of defence may be attached to Rawlsian arguments. On this argument rights are protected and promoted before other interests are even taken into consideration. Third argument comes from theorists like Nozick. Here rights to individuals require constraints on actions of others, other individuals or groups or even the state. Boundaries

of practical deliberations are defined. For example, the right 'not to be tortured' requires that it is wrong even to contemplate torturing.

Defence of individual rights, this way, has some practical difficulties. This has been pointed out by Waldron also. For example, whether a person is naturally entitled to have these rights. Can she have rights against her own community? The 'aim' or 'goal' towards these rights are headed to. Consequences of the actions accruing out of individual rights. What should be the best plausible action if by violating rights of one, rights of many can be saved? Waldron has given the example of a terrorist who demands that the sixth person must be tortured, if lives of five people are to be saved. What would be the proper action in such cases? (Waldron 1984).

The fact that different theorists have invoked different arguments in defence of individual rights and some among them may be logically inconsistent; this in itself does not make the whole discourse of rights invalidated. The working of liberal democratic polity has made it amply clear that functioning of rights can be adjusted and readjusted in the interest of individuals as well as the society. No one has been given the right to torture other human beings. No one can do that. No one can even disagree that one should not torture others. On the other hand, a terrorist can rightly be coerced to divulge the details regarding where he had hidden a bomb to kill other innocent people.

No reasonable theory of rights, at present, talks of all rights to everyone in every circumstance. Minimum rights are guaranteed to all. Above that reasonable differences can be made. For example the children or women

or the vulnerable section should have more than minimum. Dworkin has shown this by comparing rights to trump cards. They are defended for the sake of political independence or moral independence. Maximisation of 'goods' or 'happiness' to Dworkin, in a society has to be balanced with the rights of those who remain distinct. This is required for 'just' treatment. Even if the substantial part of a community decides in favour of someone or something then those who remain out of that have right to get their preferences weighed (Dworkin 1984). This is also agreed that rights are not unqualified and for eternity. In case individuals try to deprive others of their rights, and that too without sufficient reasons, they themselves lose the right to rights. In the above mentioned example, since the terrorist has chosen to deprive the innocents of their lives, he can rightly be deprived of his rights by the state.

Unrestricted advancement of individual's personal goals or self-interest is adjusted to the larger needs of the society. Strict moral individualism, based on, what Raz calls 'narrow morality' is not consistent with humanism (Raz 1984). A liberal theory which seeks to strike a balance between individual dignity and individual rights does not take the latter to be the sole base of all moralities. Raz is right in pointing out that morality contains every other value and it should not be restricted to rights alone (Raz 1984).

The presence of dynamism in liberal theory makes revision of different views possible. Incorporation of different views for the changing needs of the circumstances makes this theory more practical. The problem arises, when it comes to giving a practical shape to views given in the vast arena of liberalism. Being a working philosophy of democracy, the theory must be

reflected in the working of the state which swears by those principles. As we have seen, the present day liberal democratic polity stands on four pillars of rights, liberty, equality and justice. These pillars draw their strength from continuous broadening of their base. The existing strata is mended, repaired and reshaped.

This is very much necessary that liberal aspect of human life should not be rigid. This helps in weeding out the existing inadequacies present in the idea of an ideal society. Since no idea is perfect and can not be perfect, doors should always remain open to changes. At certain stage, the society keeping up with the existing norms strives for the betterment and the latter require changes in ideas and their application. The same is true with the concepts related to liberal democratic polity as well.

The liberal society has argued for and stood for equality and equal rights, as we have seen. Does it really provide with equality and equal rights to every individual? Equality of opportunity as Dworkin has talked about has prime place. Is it really available ? Even if it is claimed that it is, does every individual enjoy it? Granting rights is one thing. Important is their enjoyment. Unless I enjoy what is given to me, the 'given' remains non-available.

Another important aspect is non- desired and unintended consequences of ideas and principles. Related to it are deficient results accruing out of the application of certain principles. Equality may be declared to all by the political community. Application of equal treatment has also to be taken care of. So, equality in principle has to be made consistent with enjoyment of

equal treatment. Similarly, claims of social justice have to be made so effective as justice is both, seemed to be done and also really done.

A critical look at oneself and also critique by others makes any theory or practice better. Same is true with liberalism as well. When it talks of freedom of choice is this available to everyone? Or, despite its presence, some feel forced not to exercise those choices. This issue has come in a big way in the liberal political theory. This has, in fact, inseparable link with the way society is seen to be constituted. Problems have been raised when the political community views itself constituted of only individuals. It has been pointed out that there are other aspects of life, which a human being lives. For example culture, religion, groups, caste and class among others. They have their bearing on individual's life.

Has the liberal democratic polity completely ignored them? If it has considered them, what remain lacking? What wrongs have been done due to this policy of 'equal treatment to individuals' to the lives of persons? What changes have been suggested for the concurrence of rights and their enjoyment, if persons are unable or made unable to do so? Does it need the revision of basic categories-liberty, equality, justice and rights? Or, the foundations of liberal democratic order itself needs revision? Would it be all right to introduce some intermediate categories between the direct interactions of individuals as citizens and the state? What these could be? Should culture be accepted as a dominant intermediate category? These are some of the issues which are being discussed in the realm of recent political theory. Our task is to see the corresponding changes, when individuals are seen as culturally embedded.

It has been emphasised in the multicultural discourse that liberalism has mainly concerned itself with the 'liberal' way of life. It has remained indifferent to, if not intolerant to diverse ways of lives. In its effort to maintain 'neutrality' among diverse ways of lives, it has, in effect, promoted a uniform way of life-life according to the principles of liberalism. Fairness principle has been allowed to be swayed away by the dominant ethos. It is being alleged that policies of the state best serve the interests of those who belong to the dominant group or the majority.

This has happened, according to multiculturalists, because treating individuals in their capacity alone has not amounted to equality. Only when diverse cultural groups, which the individual is born into, are treated with equal respect, real equality would be possible. The (traditional) liberal polity by giving primacy to individual life and her preferences has been unable to pay adequate attention to the 'inequality' resulting from the unequal capacities of diverse cultural groups. Task of the liberals, according to them, is to ensure inter-group equality so as to achieve substantial equality.

Multiculturalists have advocated for 'group rights' to achieve this end. The weak and vulnerable cultures should be preserved so that diverse ways of life can be preserved. In order to argue for minority rights, importance of diversity has been emphasized. In this process the position which 'diversity' and 'cultures' have been accorded to has been pointed out . Arguments for 'diversity' and minority rights in the multicultural discourse have its own limitations, as the way 'individualists' can be accused of ignoring community life, the same way multiculturalists can be seen giving inadequate attention

to individual life. On the other hand, they can be seen making the democratic project richer by placing the rights of vulnerable categories in the forefront for debate. The point has been made that different approach may be applied to tackle the problem of inter- group equality and renegotiate the relationship between the groups at the margins and the dominant groups vis-a-vis the state. Their arguments have acquired increasing importance in the wake of rising ethnic conflicts and demands for secession by different ethnic groups.

END NOTES

1. Traditionally Indian society was divided into four Varnas of Brahmins, Kshatriyas, Vaisyas and Shudras. Dalits belonged to the category of Shudras who were treated by other three varnas as untouchable.
2. Although Locke maintained that men were equal by nature, yet he did not include women and propertyless classes in his scheme of things. See editor's note in Mahajan, Gurpreet (ed.) (1998), *Democracy, Difference and Social Justice*, Delhi, OUP.
3. We have seen what constituted natural rights for Locke and Paine. Jefferson held life, liberty and pursuit of happiness to be human right. This was echoed in the American Civil War. The French Revolution upheld the principle of liberty, equality and fraternity. On the other hand some philosophers have ridiculed the very notion of natural rights. For example, Jeremy Bentham. He called such rights 'nonsense'.
4. Aristotle had upheld the master-slave relationship of traditional society in ancient Greece. For him only masters were supposed to cultivate 'virtue'. Maintaining that human beings were naturally unequal he viewed slaves as means to an ideal society. In his opinion it was in the slave's benefit as well. This way a slave was able to gain, what he called ' derivative excellence'.

5. Rawls has maintained that good of some can not be overridden in the name of aggregate welfare. Obviously, taking a critical view of classical utilitarianism, he holds that it is against the 'principle of fairness', that loss of freedom for some is made right by a greater good shared by others. See Rawls, John (1971), *A Theory of Justice*, Oxford, Oxford University Press.
6. Rawls holds that this is consistent with the principle of deontology. It neither specifies good independently from the right nor interprets the right as maximizing the good. See Rawls, John (1971), *A Theory of Justice*, OUP Oxford
7. In fact, Kymlicka argues that 'societal roles' in shaping individual interests and desires was not ruled out in liberal philosophy from Mill to Rawls. This is because abstract individualism or atomic conception of individual presumes interests and desires as pre-social. See Will Kymlicka (1989, 1991), *Liberalism, Community and Culture*, Clarendon press, Oxford.
8. One stream of thought in the contemporary liberalism argues for the contrary. Known as libertarians, they have argued for the minimal role of the state. According to them the state should not undertake any artificial correction of the market through regulation. Redistribution of goods, on this view, amounts to inequality. Berlin, Hayek, Nozick and Friedman have argued along these lines. They oppose distributive justice.
9. Rawls has argued that 'primary goods' such as rights and liberties, powers and opportunities, income and wealth etc. should be distributed justly. Apart from that any special reward for extraordinary ability and effort to any individual can be treated as just only if it results in the greatest benefit of the least advantaged. This he calls difference principle. See, John Rawls (1971), *A Theory of Justice*, OUP, Oxford.
10. Rawls envisages 'original position' following the tradition of social contract. This treats individuals abstracted from their particular social and economic circumstances. See Rawls, *ibid.*
11. See Waldron, J (ed.) (1984), *Theories of Rights*, OUP, Oxford.

Chapter II

LIBERALISM, DIVERSITY AND CULTURE

Liberal democratic polity claims to secure best for its members the conditions needed for their self-development. No single criterion is applied to measure what really is called 'self-development.' It is the developers themselves, who should decide by doing what or by following what they would fulfil themselves. For this an all-accepted and all-acceptable basic norm, conducive to liberal principle is, of course, applied and its application does not exclude anyone. For this, liberal democratic order sees itself constituted in certain way. This has been described as viewing the society through 'difference blind' and 'colour blind' perspective.

This has required that every member should be treated as if they are equal in every aspect. Differences of caste, colour, creed, sex, religion and place of birth are not relevant criteria for political judgements. The persons are treated in their individual capacity and their presence in other capacities is ignored. Imparting justice, this way, needs treating society as a homogenous entity and overlooking diversity.

I

Overlooking diversity meant exclusion of any other preference, which an individual can have, apart from those which the political community recognizes. It would consider only those aspects of lives which is common to all. If persons have opted for or born in a particular culture then it should form their private realm of life. Diverse views regarding ways

of lives should not enter political arena. If they would have a bearing on political decisions, it might lead to conflicts. Besides, different claims of good life might be equally good in the eyes of their followers. If the state would try to prefer any one of them, it would amount to injustice.

The state would, thus, do right, if it remained neutral in not deciding 'good' for its citizens. This kind of state has been described by Sandel as 'procedural' republic.¹ In such kind of society the state supports only a fair framework and particular ends are not affirmed. This is done so that members of the political community have different ends to pursue and 'self is prior to ends' as Rawls suggested. By upholding such view of individuals, Sandel points out, the deontological principle does not take other factors into consideration likely to influence individual life (Sandel 1984, 1984 a).

Culture can be one of the most important factors which influences individual's way of living since her birth. The individual is born into a particular culture. She remains in that until she chooses otherwise. The liberal framework by treating individuals as if self is independent of its ends, purposes and goals, in fact, treats them as unsituated. Sandel has described such conceptions of individual selves as unencumbered selves (Sandel 1984, 1984a).

Is the 'procedural republic' correct in considering its members as 'unencumbered selves' only? Individual's freedom to realize her capacities is universally recognised. Is this capacity unlimited and individual really free to exercise her capacity? If unlimited faith in individual's capacity alone is accepted and other influences are not taken into account then

it would present lop sided view of the self. Different forms of collective life and their role in shaping and reshaping the self would be undermined. Role of families, educational institutions and individual's socio-cultural background in the development of the self can not be denied.

Secondly, if self is unencumbered only, it can not pursue collective ends. Individual can not have common end with others. The social life of individuals point towards another way. They have their self-interest to pursue, which may even be the predominant end. They have also other aspects of lives which they can pursue only with others. For example, cultural life. Persons belonging to the same culture form the collectivity. They have many views regarding ways of life which are held in common. They decide collectively cultural functions, dress-codes, inter-personal relationships, inter-group relationships, rituals to be performed on different occasions and also in certain circumstances how to act together to safeguard certain interests in the political arena..

Thirdly, different individuals do not start with the same capacities. Their natural capacity such as talent, intelligence, physical fitness, and instrumental capacity, that is the resources available to them vary widely. Not only that, the collectivity to which they belong to also may have different capacities. The numerical majority obviously would be in a better position to exert pressure to get its ends fulfilled. The English speaking Canadians have better chances to get their voice heard than the French speaking Canadians. Also, the more resourceful has better means to serve its ends. In the caste hierarchy in the Indian society the upper caste

Hindus are much better positioned than the lower castes.

It is true that modernity and modern liberal values have endeavoured to correct the injustices of the past, grounded in social differences (Mahajan 1998). It asserted that subjective criteria should not be applied to become a source of discrimination. Policies of the state, at least in theory, were so formulated as it did not favour a particular cultural group or discriminate others. This prevented the state as well as other groups to invoke the background of individuals for discriminatory treatment. Status and dignity could not be claimed on the basis of ascriptive identities. None was superior or inferior due to criterion based on birth. Every individual was a human being and hence individuals were equal individuals.

Individual life is just one aspect of various facets of human life. Individuals take part in different capacities in different activities. As mentioned above, he is a member of cultural group as well as various other associations. Membership to some of these groups may be voluntary, but to some it can not be voluntary. For example, the religion of the individual or the culture to which she belongs to.

It is a reasonable fact that individuals are expected to have their ends pursued consistent with the norms of the society. It also depends on their capacity to develop themselves that this end can be realised. Above all, she can not be and should not be a means to an end, either of other individuals or groups or even the state. At the same time this is also a fact that the individual is not a self-sufficient unit in herself. She can not be independent of her surroundings. Nor can her goals and aims remain

unaffected by the life of the collectivity to which she belongs to. Individual to be an end-in-herself must seek means in her surroundings to attain her end. This fact was ignored by the 'moral individualists'

Now in the light of above arguments, the principles which liberal democracy seeks to uphold can be reconsidered. Different individuals have different capacities and their surroundings also can be differently made up. The latter's role in shaping individual's life is widely and universally recognised. Then is it alright to treat individuals 'equally' in their individual capacity ? Are they really equal? The laws in the court are applied equally. This also depends on capacity of pleading one's case. If a Tamil is required to plead for herself in a court which recognizes either English or Hindi as the language of the court then she would not be able to plea for her case as forcefully and clearly as a person, who knows Hindi or English would do.

In the above mentioned example, the laws are in principle being applied equally. But justice may not be done. This is not because the principle of equality has been ignored. This would be due to the fact that the person's (Lingual) background has not been taken into consideration. Also, the person has been given equal right to plead for her case. Despite that, the person is unable to exercise that right effectively. Here rights and equality are equally given but the result is not the enjoyment of rights and equality of treatment. Thus, instead of treating individuals equally, the application of policies of liberal democratic state end up treating individuals 'uniformly' and 'identically'. In such circumstances, principally

freedom of choice can be there, but this choice would be hardly exercisable (Parekh 1998, Mahajan 1998).

II

Influence of enlightenment rationality was manifest on liberal political thought as well. This could be seen the way 'One' way of life was projected to be the 'universal' way of life (Bhargava 1999). The role of the political community was restricted to see that different ways of life did not 'subvert' the functioning of the society. Diversity this way was so taken as to produce conflicting claims over the concepts of 'good' life. The attainment of 'general good', this way, was thought to be possible only when diversity was kept at margins.

The projection of the only way of 'good' life and the assertion that its application was universal had harmful impact on the society. Firstly, this 'universal' was manifestly West European in the first instance and American in the second instance. The lead had been taken by these two in the field of science, technology and economy. The kind of development they found suitable for their society was also taken to the standard mode or development (Goldberg 1994). Those who differed any way were supposed to seek the guidance of proper living for them. This was considered to be the moral duty of the advanced to carry it out².

Secondly, The level of scientific and economic progress was linked with the way of life. Achievement in the former field was construed as better way of life. Hence, the more advanced a society was in the field of the former, the more 'cultured' it was considered. Rest of the society,

on this view, were lagging behind and to attain the level of cultural development the West had attained, they had to follow the path trodden by the latter, (Goldberg 1994).

Thirdly, certain culture, language, knowledge and race was declared to have 'intrinsic' value. This was to be universally recognised. The locals and particulars had no place in that kind of society (Mahajan 1995). The value of knowledge so recognised and the people bearing this knowledge together helped decide what constituted 'good' for the society. This good was a general good and the things which did not have demonstrable evidence, related to metaphysical world were 'myth'

Fourthly, it had a natural tendency to produce hierarchies in different walks of life. Since 'non- Western' and 'non-European' was characterised as the same as backward, a superior - inferior relationship was imposed. The Western and the European were to be at the top and others formed the bottom of the hierarchy. Anything, related to the latter was taken to be non existent. To exist, this way, meant to conform to the 'reality' established and found by the 'advanced'. In moving upward on the ladder the valuable guidance was to come from outside by the 'advanced' culture and without such guidelines they were projected to remain as backward, uncivilized and uncultured (Parekh 1994, Mahajan 1995, Miri 1999, Madan 1999).

Fifthly, anything related to the tradition was rejected as invaluable. The 'diverse' and the different were unnecessary. It was thought that it would be for the lasting benefit of mankind, if the diversity gave way

to homogeneity. The small and the weak at margins were required to submit to the dominant belief, way of life and other practices (Goldberg 1994, Sheth 1999). In the process the groups which differed from the dominant way could rightly and justly be absorbed by the latter. Even colonialism was justified for such purposes.³ Mill supported such a view. In his opinion, the Bretons and the Basque would be greatly benefited, if absorbed into the French nation and the Welsh and the Scottish Highlander would be similarly benefited, if absorbed into the British nation (Mill 1971).

Parekh has taken a critical view of the idea that the weak and the marginalised should be assimilated. On the above view, assimilation of the different and the 'diverse' was perfectly alright through 'blending' or 'cultural admixture' into what was considered to be superior. Parekh alleges that liberalism and the liberal way supported this idea. Liberalism, Parekh holds, saw itself as the opposite, the antithesis of 'tradition bound non-European ways of life' (Parekh 1994). Diversity on arguments such as this, was valuable, if it was multiple manifestation of individuality. This would rule out traditional and customary ways of life as well as those centred on community and ethnic ways.

Assimilation of those, who differed from the dominant way of life, into one single culture became the defining feature of modern nation state. It was claimed that every one was being pushed into the single category. This would rule out any disparity between human being as all would belong to a single nation. Did it really happen? Sheth has pointed out to the same drawback in the working of a 'nation-state' system. He holds that

the European 'nation state' in its evolution treated the state and the nation as a single category. Although it tried to define minorities only the space occupied by the majority was seen as constituting the 'mainstream' of the national life. In that process, the homogenising project of the nation state came to the forefront and the political space was dominated by the majority (Sheth 1999). Even if an individual from a different cultural category assimilated herself to a single category of nation, was she at par with others, particularly with the dominant? Was the assimilation without any harmful effects?

Valuable points have been made by the advocates of diversity. It is pointed out that judging other cultures from outside and from the vantage point of the majority and / or the dominant is not proper. Imposing of a way of life which is considered alien has done a great harm to the community life of the people. German historians had resented characterization of other societies from the point of view specific to the dominant way of life, for example the French or the British (Mahajan 1995).

Herder, among them, held that history of humankind presented a succession of heterogeneous cultures. Diverse societies and cultures were incommensurable. Each was complete in itself with its own set of values and cherished goods. Herder also held that mankind creates its own world in its unique way. On the other side, Herder did not rule out, inter-cultural communication (Madan 1999).

Not only ways of life, but human nature also can not be the same.⁴

This point was made to send the message that each human being has its own way to being human and it is her's. It could neither be an imitation nor be measured through other's yardstick. It would be, what Herder called the original way of that particular being. This way she would also be defining herself (Taylor 1994).

Diversity and particularity was asserted, thus, two levels, at the level of human beings as well as at the level of community life. To be different was asserted as an important attribute of human nature. On this argument no two humans can be expected to cherish same set of values, be similar in attitude and have same kind of behaviour. The same criterion applies at the level of community life as well. The liberals have considered only the former. The latter is being emphasized by the multiculturalists.

If the aforesaid statement is true at the community level then compelling the other, the different and the vast majority to conform to the set standards in every possible way, save colour and sex was in fact suppression. That this did not amount to equality was obvious in the treatment meted out to the others by the majority and the state.

Acceptance of dominant view was often marked by compulsion and not willingness. Creation of homogeneous society, thus, would have been and act based on force and not on consent or will of human beings. The presence of inherent heterogeneity means that early attempts of the nation-state to homogenize was unfair and unjust. This point is well taken by the multiculturalists. In the case of assimilation, the gap between the majority's way of life and that of those who got assimilated was quite

manifest. This would establish that the society being made of different elements, the different should be treated differently.

Lastly, the influence of the enlightenment rationality was reflected in 'functioning' of the liberal democracy. The working principle of 'majoritarianism' would obviously manifest the majority way of life (Kymlicka 1989, Sheth 1999). Moreover, the procedural republic considers no identity other than the unencumbered self. Policy formulation and their implementation would not cater the particular needs of those who differ from the dominant view. These particular needs may relate to art, religion, culture, habits, behaviour etc., that is to say that the way of life particular to a particular community. Parekh has cited an example from the British society. Being predominantly Christian, Sunday is declared as the official holiday in Britain. Christians can both enjoy their holiday as well as offer prayer as per their religious rites. In such a society, a minority like Muslim would be required to attend to its duty on Friday, which being the day on which Muslims offer their weekly prayer. In this case uniform application of laws is giving way to unequal treatment (Parekh1994a).

Working of the liberal democracy, this way, has shown the gap between ideals and reality. What was desirable and what came out simply did not match. The continuous progress of human society has proved this fact that diversity is not only one of the important aspects of human life but they are also desirable. Secondly, the diverse ought not to be vertically arranged. Diverse are in fact equals. The hierarchical relationships in any form, based on cultural identity is not justifiable. The claim of superior

race to justify imperialism was ill founded. The dignity of human beings would never approve such a discourse.⁵

III

In the present day discourse of social relationships critique of enlightenment rationality has been put forth by the postmodernists. This, in turn, has also provided valuable guidelines for the more efficient functioning of liberal democracy. The idea taken is that of heterogeneity, their presence and their importance in the field of thought, expression, knowledge, history culture and the functioning and progress of society itself.

The presence of the 'one' and the universal is refuted. Anything can be intrinsically valuable so that its value can have universal acceptance is misleading on this account. No single phenomenon can be projected as reality existing out there, independent of human mind. The reality is not 'out there' to be discovered but is the creation of human mind. It is to be made. This way the world which we see can have diverse interpretations and each could be equally authentic. Pointing out to the importance of diverse interpretations Rorty held that nothing could have firm foundation. No universal rules could be applied to adjudicate between different forms of symbols, meanings or language games (Rorty 1989).

Applied to the constitution of the liberal democratic polity it would imply that no single language, race, way of living, religion, culture, form of knowledge etc. should be projected as absolute standard. Different languages, forms of knowledge, culture, religion and people can have and should have their own existence and all should be accepted as equally

authentic. No single form in any of these fields should dominate over others. As has been noted by Mahajan in the context of postmodernism that free play in different fields are accepted where diversity and plurality are the core norms (Mahajan 1995), the same should be applied to the working of human society as well.

The predominance and the idea of all-pervasiveness of one single culture or way of life is, this way, antithetical to the working of the liberal democratic polity. There should be enough space for 'others' be it culture or language or religion. Diverse forms of life and ways of organising politically are equally valid. That is to say that if the French have their own way of being French then the Bretons and the Basque are so in similar way. Apart from that relative validity of choices should have required space in every field.

The diverse and heterogeneous can stay together as what Laclau has called 'rainbow coalition' (Laclau 1990). Diverse and heterogeneous can support each other. Parekh has shown that this can happen as the best of different would, in fact, find common acceptance (Parekh 1994b, 1997, 1998). This, in turn, would serve the cause of democracy, which would be liberal as well as radical. This way definition of self in terms of single identity has been found severely limited and the voice of the repressed 'others' have been authenticated. Not only that, struggles of different groups, at the margins for their due place in the mainstream have also got legitimized (Mahajan 1995).

IV

If difference is equally important then diverse needs can not be catered by a single norm of rights. Individual needs to be fulfilled in different capacities require assertion of different identities which she has. That means to say that individual identity is not the sufficient ground for the assertion of rights. Other identities such as membership to a particular community could be equally valid ground for rights.

Liberal democracies have not considered other grounds valid for rights, as it would amount to unfair procedure. It only thought providing conditions for equality its responsibility and did not pay attention to the end results, whether they amounted to equality in essence or not. On its part is treated individuals equally, they were equals or not was not its concern. Rights were thought to be primarily protection and safeguards. States role was mainly confined to its protection and maintenance.

Seen positively rights are not only against someone or something they are also 'for' someone or something. Role of the state is not simply maintenance and protection but also promotion of rights. For this the state would have to consider such aspects of human life as to fulfil her diverse needs. Certain elements have to be so introduced as to give legitimacy and acceptability to difference and heterogeneity. This should be done not to follow the example of per-modern society. This should be done, instead, to promote social justice. The marginalised and/or the minor would need something more than simply rights as individuals.

Liberal democracy has always hesitated in considering 'groups' as right bearing entities. One reason we have seen the way it feels it is constituted of unencumbered selves. Others being that first, It would be violative of difference-blind principle and secondly, the uncertainty of intra-group equality if groups are right and duty bearing entities. The third reason might be it would have a bearing on the direct relationship between the state and the individuals.

Functioning of the liberal society has proved it beyond doubt that groups have, in fact, acted as dominant and powerful over other groups who are weak, placed at margins and are even in minority in the case of cultural groups. Equality to individuals, in principle, did not work out inter-group equality. To ensure the latter fundamental changes in the foundations of liberal democracy have been suggested. This is to say that 'Majority-Minority' and 'weak -strong' relationship is to be so adjusted and corrected as everyone has its legitimate share in the available resources and opportunities.

This takes into consideration deprivation of individuals in their capacity as member of a particular cultural group. The point made being the deprivation of individuals is the reflection of the deprivation of their cultural group. Individuals are born into a culture which is not chosen by them. The inability of the cultural group to make use of available resources would inable the members to avail themselves of the available choices. It is not because the members are weak that the cultural group is at margins but it is because the group is at margins that the members

are deprived. The deprivation of individuals is, thus, in their collective capacity and not in individual capacity. This way the members of political community who belong to the groups at margins have been unable to enjoy even those rights which are guaranteed and protected by the nation-state.

Within the political community and outside their cultural groups, the dominant identity for individual is her group identity . In Canada Quebecois are better known as French speaking Canadians that is by their lingual identity. In India within the Hindu fold, caste identity remains the dominant one. Deprivation in socio-political and economic fields is accounted for their membership to a particular community that is identity different from equal citizenship. To admit this is to admit that in a democratic set up groups mediate between the state and the individuals at an intermediary level.

If so, then the disadvantaged culture would have members lacking resources to have access to opportunities available in the social-political and economic field. To say that individual is a dignified human being is insufficient in itself unless the belongings of the individual is also defined in a dignified way. The uneven intercultural relationship makes it difficult. Besides, the relationship of the political community vis-a vis different cultural groups also adds to make it more difficult. Different cultural groups, this way, are open to unequal treatment. To remove this drawback it would be imperative to respect every culture equally and at the same time not to demean or degenerate any culture. For this different cultures need to be recognized duly

The neutral framework while upholding the difference-blind principle did not treat individuals as situated. In doing so, the group placed at margins could not get their due recognition. This happened because the liberal democratic state was able to give effect to only rough equality⁶, and not what Chandhoke says 'substantial equality'(Chandhoke 1999a). Since different cultural groups start with different resources-material as well as non-material⁷ their capacity to realise their goals also differ. The corresponding capacity of individual members will also differ. The individual from a well off cultural group would have better chances to get her end realised than the member of a group at the margins. For example, the Black would find it difficult to compete with the White due to lack of resources. This will happen even if equality of opportunity is upheld in principle.

V

Treating an individual in her capacity can be a necessary condition for the distribution of goods, services and recognising her worth as a human being. This is not a sufficient condition. For the treatment to give equality in result, consideration of 'who' has to be supplemented with 'where.' This means that for proper recognition who an individual is has to be supplemented with where she has come from. Identity of an individual, this way, is her identity plus her background. The latter is formed by a dialogical process, that is groups vis-a-vis other groups and not monologically (Taylor 1994).

Not only individual is inseparable from her background, the latter

is a valuable resource for her. Individuals shape their desires, tastes and options and aspirations in the background of their identity. Simply by considering individuals and ignoring their background identity would have an uneven effect. This can be seen the way groups placed at margins in the historical context found it hard to get proper recognition for them.

Secondly, those who had the advantage of being in majority and / or dominant not only tried to imposed their own way of life on the weak, the minor and the marginalised, but also tried to misrecognise them. Indian society illustrates it the best. The lower castes were not only expected to conform with the life styles of higher castes but they were also demeaned as untouchable. They were characterized as 'impure,' worthy only of living a life of animals. In the historical context, the Western people (White) not only considered themselves as superior people but also characterized the non-White and the rest as barbarians⁸.

Misrecognition by the reflection of confining or demeaning or contemptible picture inflicts severe harm or as Taylor called it would be a form of oppression. This damages human beings morally. The picture or image imposed this way gets internalized and the individual herself starts looking at her the way her image is projected. Since the state would remain neutral, the end result would be reflection of one hegemonic culture throughout the political community. In a subtle way, thus, the minority and the suppressed cultures are discriminated against (Taylor 1994).

Individual dignity will have meaning seen only in the light of their respective cultural backgrounds. Her dignity is inseparably linked to her

cultural background. An individual can not be treated respectfully at the same time when her community or culture is either discriminated against or disrespected. Since the self can choose in her cultural background the paradigm of equal treatment⁹ needs to recognise difference-based practices (Kymlick 1989). The cultural background gives individuals valuable insight to decide for themselves good and moral. The latter can be distinguished from bad and immoral only on the basis of what culture has taught them (Chandhoke 1999b, Kymlicka 1989, 1995). The politics of equal dignity, hence, should give way to politics of difference. Alongwith universal human potential, 'universal group potential' should also be recognised.

Not-discrimination, this way, would be redefined to incorporate differential treatment. Treating individuals in their capacity would be supplemented by the treatment in their cultural capacity. This would require the state to see that who require more than minimum. The group based inequality would be the criterion of this distribution. Different groups would be so treated as the weak and those at margins get what they require to attain the level where good life would become a reality for them. This would mean real equality as equals would be treated equally and unequals unequally (Parekh 1997). Implementing agenda of equal citizenship by the nation-state through homogenisation treated unequals equally and this resulted in discriminatory treatment (Mahajan 1998). This also produced a feeling of subordination in the minority community.

Treating the political community as if made of equal citizens and homogeneous population assumes the political community to be made of

the same cultural community. In reality diverse cultural communities form the political community. French speaking Canadians and English speaking Canadians both constitute Canada. Protestants, Catholics, Jews, Muslims and Asian migrants together form Britain. Christians, Whites, Blacks and migrants among others form America. Hardly any political community can be shown to be made up of the same cultural community. If the cultural factor is left out then, as Dyke has pointed out, 'group basis' of political life is ignored by projecting the political community as a nation-state' (Dyke 1995).

The preservation of basic ethos of the nation state was the supreme criterion to decide for the single norms of rights for everyone. Exercising such rights and benefiting from them required a certain kind of environment and culture constituted its important factor. The Sikhs wear turban and as per their cultural requirements they can not put on headgear. If to be employed as a civil engineer at construction sites, putting on headgear is a must then this opportunity for Sikhs is already lost. Although equality of opportunity is applicable in principle but the result is not to be so. This way, environment for the exercise of choices becomes most suitable for the members whose cultural requirement are not different from that of the general requirement. This means, the majority is invariably most suited to exercise the available choices.

The single norms of rights has missed out another important dimension of collective life of people-'immigration' or 'refuge.' This has given rise to scores of question, which as Parekh points out, the liberal democratic state

has been unable to answer. For example, what kind of life they would have in the political community in which they have migrated or in which they have sought asylum,? Are they to abandon their own way of life altogether? Will they be allowed diverse religious practices ? What if they want to use different language games and are to use different dress codes? What the majority culture and the state expect from them if they and their generations to come want to find some place for themselves in Public sphere ?

The emphasis has been placed on inter-group equality. Groups at the margins, due to numerical considerations or lack of resources or still different in set up, are to be so treated as to be at par with the dominant and the majority. This is expected to be done by the application of different norms in granting rights (Shet 1999). In certain fields the group as a whole would be provided with rights. In certain aspects the members of the deprived group would be given preferential treatment to attain the level required for socio-economic development. The former may relate to preservation of certain ways of life, not otherwise to be detrimental to human freedom, life and dignity. For example, use of dress codes, particular to a cultural group. The latter may relate to policies such as providing benefits of reservation in educational institutes and government jobs to the members of the deprived sections.

It has been suggested by writers such as Kymlicka, Taylor, Parekh, Carens, Chandhoke, Mahajan and Madan among others that since group has been the basis of discrimination, the same should be taken as a category

for equality of treatment. Different ways have been suggested in which this can be done. Different rights to different groups have been argued for. Our task is to see what important rights, among others, have been talked about? Are they possible within the framework of liberal democracy? Would they be able to fill the void left out by what multiculturalism calls traditional liberalism? What bearing this shall have on individual life? Would this require renegotiating the role of the state?

END NOTES

- 1 Sandel has pointed out that in such kind of communities rights are prior to good. He has associated such views with the followers of Kant. Deontology, as existing in the writings of Rawls and Dworkin, in not taking any pre-conceived notion of good life treats individuals as atomized. See Michael J. Sandel (ed.) (1984), *Liberalism and its Critics* and 'The Procedural Republic and the Unencumbered Self' in *Political Theory*, Vol. 12 no.1, February 1984 pp (81-96).
- 2 T. N. Madan has argued that the cultural difference was put on a continuum and grades were applied to see the social evolution or even mental endowment of mankind. Citing E.B. Taylor, he states that different cultures were arranged between Europe and America on the one end and savaging tribes on the other. The closer a way of life to that of European and later American, the more cultured it was considered. See, T.N. Madan 'Perspectives on Pluralism' *Seminar* 484, December, 1999.
3. Alvares has argued that modern scientific knowledge served the cause of violence and the policies of the imperialists. See, Alvares Claude (1988), 'Science

Colonialism and Violence : A Luddite View' in Ashish Nandy(ed.) *Science, Hegemony and Violence*, Tokyo UNU

4. That human nature is the same (everywhere) was based on the idea of natural law. See T.N. Madan. Of Cit.
5. The after effects of colonialism, in fact, remained in the post-colonial societies. Their presence was characterised by what Nandy has called colonial psyche. See, Nandy, Ashish (1988), (ed.) *Science, Hegemony and Violence*, Tokyo, UNU
6. See, Dworkin R (1998), 'Liberalism and the Concept of Equality' in G. Mahajan (ed.) *Democracy, Difference and Social Justice*, Delhi, OUP.
7. By non-material we refer to all other things which help produce a good human life. This may relate to recognition, dignity, identity or other such things related to moral upliftment of human beings.
8. Frantz Fanon argued that imposition of an image of the colonised on the subjugated people was a major weapon of the colonisers. This was an instrument through which the vast majority was kept under subordination. To overcome this Fanon suggested violent action. See Frantz Fanon (1961), *The Wretched of the Earth*, Paris Maspero
9. In the Modern period the colour-blind and difference-blind treatment was meant to provide equal treatment to individuals. This was done to remove segregation based discriminatory practices meted out to say the Black or the women. See Kymlicka, Will (1989, 91), *Liberalism, Community and Culture*, Clarendon Press, Oxford.

Chapter - III

MULTICULTURALISM AND GROUP RIGHTS

“The right to free speech does not tell us what an appropriate language policy is; the right to vote does not tell us how political boundaries should be drawn, or how powers should be distributed between levels of government; the right to mobility does not tell us what an appropriate immigration and naturalisation policy is” (Kymlicka 1995:5). Drawing upon such kinds of difficulties with the (traditional) liberal theory of rights, Kymlicka has argued that the minority cultures are the worst affected by the ‘difference-blind’ and ‘colour-blind’ policies of the liberal democratic polity. They have faced disadvantage in almost every field due to their position in the historical context. To have a proper place in society they need, what Kymlicka calls ‘group differentiated rights’

It has been suggested that culture and cultural practices can be a valid ground, with individual rights for the policy making process and its implementation by the liberal democratic state. By viewing the policies of the state as if independent of all cultural aspects of the society has done no good to the minority groups. Instead it has done severe harm to the minority cultures. They have not only been placed at margins but also expected to play roles of a subordinated people. Acceptance of cultural differences and group differentiated rights would be helpful in striking a balance between equality and freedom, enjoyment of rights and social justice. Life to be meaningful for everyone and peaceful co-existence of different groups within the same political community requires such a shift in the liberal democratic principle.

I

Liberal democratic principle accepts individual freedom to choose a life which she considers good for her. It does not strictly separate individual from her community life (Kymlicka 1989, 91). What it emphasises is, the individual might find something worth doing in common with others. Individual, this way, has the freedom to pursue some common goal is not entirely ruled out. For example the kind of government the community wants to have and economic policies to be pursued among others.

At the same time it does not give adequate importance to community life. Individual's good and community's good, in general, need not be separated from each other in water-tight compartments. Organisation of a community along a particular conception of good life is possible. Members of such communities do feel satisfied by observing certain practices together. For instance, observing non-violence by the Jain community. Seen in a different way, an individual member of the Jain community observes 'non-violence' because her community has taught her to do so. Individual's conception of a good life, this way, is shaped and guided by the community's conception of good life (Taylor 1994, Sandel 1983).

Individuals are not born as 'atomised' individuals. They are born into a particular cultural community¹, the importance of which on individual's life has been emphasised by the multiculturalists. This cultural community has identity of its own. Member's identity is shaped by the community but community's identity is not reducible to the identity of its members. Individual's well being and self respect is closely and inseparably tied to that of the community. These are, what Chandhoke calls, 'community in the first instance' (Chandhoke 1999a). If the community is devalued and degraded self-image

of the members would also suffer. The symbolism and meaning which the community provides evokes deep sentiments of identification and belongingness among the individual members.

Cultures this way are important, in the first instance, because they provide individuals with an identity. Individuals are identified as situated in the particular culture for the purposes of intra-cultural as well as inter-cultural interactions. We can take the example of a particular linguistic group. A Maharashtrian can easily be made out as Marathi speaking in the neighbourhood of Andhra Pradesh. Similarly an Andhraite would carry Telugu-speaking identity with her.

Secondly, the culture provides the individual with the background. This gives her the feeling of belongingness or rootedness. It offers a sense of security to the individuals. If the culture is threatened, members feel insecure. Conversely, strong cultural background gives a sense of self-confidence to the individual. A Jew in the British society would naturally feel more secured, if the Jews in general are protected from any undesirable act. This also means that in the times of adversity, the individual has something to fall back upon. A migrant in a new place feels a great comfort, if she happens to be among her compatriots.

Thirdly, cultures provide the human beings with what Chandhoke says 'evaluative resources'². It helps making sense of the world. It provides 'cultural capital' to think with. It helps understanding and interpreting the world. The traditions and shared systems of meaning provided by the community supply modes of evaluation and hence cognition. Culture attaches values to things and identity³ (Chandhoke 1999, 1999a, 1999b).

Fourthly, individual's tastes, desires and choices are shaped in the background of her identity (Kymlicka 1995, Taylor 1994). The cultural practices tell her

to choose from the available opportunities. This would be based on a conception of 'good' and 'moral', which the community has taught her. Her ability to leave out immoral and bad also depends on her 'cultural capital'. For example, it is the tradition which tells us to respect values such as humanity and peaceful coexistence. Inflicting harm on others, with no sufficient reason, is immoral has been taught to us by the tradition. Had the community not shaped out thought such a way as to grasp what constitutes opportunity, we would fail to do so. A community which values science and technology naturally helps the members to develop a scientific temper. Moreover, it is always easier to be inspired by someone from amongst us.

Culture, this way, is an important human necessity. The need for identity and culture is the basic need in the same sense as what Rawls feels about 'primary goods' for human beings (Chandhoke 1999a). However, the policies of the liberal democratic state does not fully recognize it's importance. At best it claims not to secure any undue advantage for any cultural group. This way it might be possible to follow neutrality in abstraction but not in reality. Different cultural groups are not equal to start with. Their resources differ. A minority Sikh community in Canada is not at par with the native Canadians to start with. In such circumstances the neutrality would, in fact, amount to 'benevolent neglect'. Lacking in resources, the weak and the vulnerable might get eliminated through the gradual process of domination. To prevent this they might need what has been described as 'group differentiated rights' or simply 'group rights' or 'collective rights' (Kymlicka 1989, 1993, 1995, 1995a; Taylor 1994; Parekh 1994a, 1997, 1997a, 1998; Carens 1997, 1999; Chandhoke 1999, 1999a, b & c; Mahajan 1998, 1998a, 1999, 1999a).

II

Group Differentiated Rights have been advocated not to bestow favour to minority cultures. They have been argued for to provide them with equal respect, best available to other cultures. They are the conditions necessary for their members to fulfil themselves. This is to provide them with what has been due to them. This policy/gesture is fully consistent with the principles of liberalism. Even history provides precedence of such minority rights as would be needed to safeguard the interest of the minorities (Kymlicka 1989, 1995). The pre-World War-II period in particular saw such developments. For example, Germany and Poland, each had agreed to protect the other's national on its territory through a bilateral treaty. League of Nations also recognised the rights of minorities.

Secondly, cultures are one of the basic human needs, as suggested above, then they are equally valuable for all human beings, be they are from the weak and the vulnerable community or from the dominant and the majority. Background to the individual is given in the first instance. Forming an identity as an individual act can take place only at a later date. So, the possibility of choosing a culture is limited for her. It is due to this reason that weak cultures should be protected from dying out through 'benevolent neglect'. This can be done through the measure of minority rights. Otherwise 'varieties' of good life will vanish and we would have, what Parekh has called 'uniform mass culture'. This will ultimately restrict the individual's capacity to choose from the alternative conceptions of 'good' life (Parekh 1994a, 1998). Kymlicka's argument for 'societal culture'⁴ and Taylor's 'social thesis'⁵ support this line of thinking (Kymlicka 1995, Taylor 1985).

Thirdly, the functioning of the liberal democratic polity often reflects the dominant ethos. These are generally related to the culture of the majority (Sheth

1999). Moreover, the majoritarian principle leaves little room for the minorities to articulate their views. Through minority rights space can be created for the cultural groups at the margins. Proper representation, through this instrument can be assured to the minorities at different stages of policy making. This way political community can be said to be deriving legitimacy from all people, including the minorities. Pushed further, this way equal treatment to individuals in a polity can be ensured (Mahajan 1999).

Fourthly, every culture has to be seen in a particular context. They are valuable to the members, but they are not complete in themselves. At the same time every culture may have something valuable which might prove equally valuable for other cultures as well. For example, a small decaying tribal culture might have been preserving certain plant or animal as valuable not out of any scientific reason but by tradition. It may be found that that plant or animal has great medicinal value or is greatly valuable for environment. Or, certain form of dance or music may be found so attractive as to be adopted and cherished by different cultures. Folk dance and music from different parts of the world have proved this point. Hence, in helping survive a decaying culture through special measures, we might be preserving the 'attractive' and 'meaningful' in the surviving culture which can be adopted and incorporated to enrich other cultures (Parekh 1994a, 1998).

Fifthly, and it is related to the preceding argument, by preserving a culture, a way of life is preserved. Certain aspects of the weak culture can come in handy if the dominant ways of life have either been found insufficient or they have been exhausted. They are this way 'savings' on which in times of emergency can be fallen back upon. The much advanced western society is in fact, drawing upon non-dominant ways of life. Respect for the values not conventional to

the modern ways are being adopted. This can be seen in dress-codes, life styles and food habits. This way, it would help offer what Kymlicka calls alternative models of social organisations (Kymlicka 1989).

Sixthly, minorities have their own way of conducting affairs related to language, education, land use and other cultural practices. The functioning of the liberal democratic state has run counter to those of minorities in these matters. They have often resulted in devaluation and disintegration of minorities (Mahajan 1999, Kymlicka 1995). For example, encroaching activities of the state into the tribal lands have resulted in their uprootedness. Demands have been made to leave the tribes to their lands. Similar demands have been put forth by the Aborigines in Australia and Canada.

Seventhly, many cultures were assimilated involuntarily into certain political boundaries. That they did not choose to be assimilated but were made to be, entitles them to observe and preserve certain ways of life. Had they not been integrated to the dominant way, they would have been fully free to conduct their affairs. Now that they have been, their autonomy in certain matters can be best preserved through minority rights. For example, incorporation of New Mexicans or Texas in the USA was involuntary. They have been federated into the US polity with special powers of self governance and rights regarding language and land use (Kymlicka 1995).

Eighthly, the law would recognise certain reasonable group practices through minority rights. For example, the Sikh migrants in Britain have got recognition for wearing turban. On that basis they have been exempted from helmet laws or compulsory wearing of helmets on construction sites. This has twofold effect. Firstly, it is recognised that Sikhs put on turbans and they are free to use their cultural symbols. Secondly, by easing law for them the state has widened available

avenues for them, that is, for the whole group. Otherwise uniform application of helmet laws and cultural requirements of the Sikh would have clashed. Ultimately it would have meant that the Sikh could neither ride motorbikes nor could be employed on construction sites in Britain.

Lastly, minority rights help recognising certain community based practices, symbols and meanings. This makes understanding or individual's behaviour from a minority community easier and sympathetic. For example, the Nigerian children have scar mark on their cheek. This is done to keep up with the cultural practices. Now, the British law would do good if the family is not punished for inflicting harm on the children. In fact, Parekh has cited such a case. The British court convicted a mother for scarring the cheek of her child. She was not punished as the court took the sympathetic view of her cultural practices. In that case, Parekh holds, law of the land was upheld alongwith the recognition of the cultural practices of the minorities (Parekh 1994a).

We can take another example to substantiate this argument. Womenfolk in certain cultures have been so brought up as not to look into the eyes of others, particularly male members. It would be but natural that appearing at an interview can not bring about a sudden change in this behaviour. Now, it was found out that many of the Black women were not considered for certain jobs because they did not look into the eyes of the interviewers directly. Psychologists concluded that they were shifty and unreliable. This amounted to losing of job opportunities for many of them. Lack of understanding of culture-based practices in this instance and several others has amounted to injustice. On the other hand if group practices get legitimacy, the group would be free to observe its practices without difficulty and assert its right to do so. Simultaneously, others will not feel that what they are doing is strange.

Minority rights are considered to be the much required weight to balance the unequal relationship between the dominant and / or the majority and the cultural groups at the margins. This is to assert that the minorities as well are capable of cultivating what Raz has called 'autonomous self'⁶ (Raz 1986). To make it a special features of 'liberal' and the Western society was unjustified. Parekh has accused Raz of taking a narrow view of 'non-liberal' ways of life. He further holds that writers such as Raz confuse 'liberal' ways of life with 'western' one and equate 'non-liberal' ways of life to be illiberal one. It is, in fact lack of proper conditions to avail themselves of the opportunities that the cultural groups at margins are unable to develop themselves. The equality principle does not apply equally and Raz has tried to impose Western model on the non-Western societies (Parekh 1994).

Rights of the minority culture are considered to be safeguarding their sense of security. They are supposed to infuse a kind of confidence for meaningful life. Multiculturalists argue that this would make the dreams of minorities realisable within the same political boundary. They would give a second thought to have separate political entity. Equal dignity and equal respect for the identity of minorities at par with any other culture will have 'real' equality as the end result.

Group rights are also seen as giving strength to social justice and common sense of belongingness. Declaring everyone as equal citizens does not produce feeling of attachment to a particular political community. Citizenship is about what Parekh has called 'status and rights' but belongingness needs 'acceptance feeling welcome and a sense of identification'. Examples of African-Americans in the USA and Asians in Britain show that 'citizenship rights and feeling of outsider may go hand in hand (Parekh 1999).

Granting minority rights has been considered as a better alternative. It holds alternative answers of 'cultural laissez-faire' and 'assimilation' as impractical and undesirable. Former was advocated by John Gray. He suggested that different cultures should be free to compete with each other in the 'cultural market place'. In the process the 'strong' and the 'worthy' would survive and the weak and less 'capable' would be eliminated (Gray 1993). The latter was suggested by Joseph Raz. He held that it would be for the benefit of the migrants and the minorities that they got themselves assimilated in the dominant way of life. This would enable them to develop 'autonomous self' and the working of liberal democracy would this way go smoothly (Raz 1986). It is to counter such arguments and eliminate the effects of such policies that minority rights have been suggested. It is held that by providing 'cultural context' as a relevant category for the political discourse 'flexibility' and 'cultural sensitivity' would become a part of state policies (Mahajan 1999).

It is thus plausible to argue that the liberal (traditional) understanding of the 'individual' and the 'self' was mistaken. The state functioning along such an understanding would naturally produce 'undesirable' and 'unintended' consequences. Community life is an inseparable part of human beings and 'overlapping selves' is the characteristic feature of such a life. Individuals are situated in relatedness and their interests, lives and their life-plans are inextricably inter-linked (Parekh 1994a). In fact, the multiculturalists are right in pointing out that to expect the minority and the weak to be either assimilated or absorbed in the dominant culture or to be dead, as Raz does (Raz 1986) would mean to be extremely intolerant to diverse ways of lives. This would also mean to be selfish as it entails what is not 'ours' and belongs to the

other should be non-existent. The way, individuals are placed in the community life, as has been argued, then any threat to the community life, including assimilation will have its effect on the individuals. To put it differently, it is the community which will be threatened and it will be the individuals who will have to bear the consequences. In such a situation the claim of granting equality and providing the individual with the dignified life by the state would be a mere rhetoric and it would never be realisable to the self. Hence, group rights are considered necessary so that minorities would experience the 'feel home' environment and would be able to enjoy the fruits of 'freedom' and 'equality of opportunity'. Exercising the equal rights by individuals would be a real possibility then.

III

Requirements of different groups are different. So are their demands. Any single criterion for the rights of the minority culture would be insufficient in itself. The nature of the minorities, their position vis-a-vis the dominant culture and the state and their needs are the important considerations for the advocacy of such rights. All these things are also have to be balanced against the bearing they shall have over the society and the polity as a whole.

Ted Gurr has discussed about four important types of groups. First are large and regionally concentrated. They live within the boundaries of one state or of several adjacent states. They have some kind of organised leadership. They have been called by Gurr as 'Ethnonationalists' and the movement carried on by them as 'micronationalism'. He puts French Canadians, Basques, Kurds and Tibetans in this category (Gurr 1994). To the second category belong to groups found in North and South America, Australia, Scandinavian Saami and Maori

of New Zealand among others. They are descendants of the original inhabitants of the conquered or colonised region. Their traditional way of living was interrupted by conquest.

This second category has been described by Gurr as 'indigenous peoples'. Although they are divided among many separate clans and tribes, discrimination and exploitation by more technologically advanced people who control them have been major causes of their growing sense of common identity and purpose.⁷ Almost all of them have lost their traditional lands and resources to settlers and developers. 'They want to protect their language and ways of life from ethnocide or cultural genocide and they seek to regain as much control as possible over their lands and resources' (Gurr 1994).

The third kind has been described by Gurr as 'communal contenders'. They are among a number of culturally distinct groups in plural societies that compete for a share of political power. They are cohesive and culturally distinct groups. For example, the Chinese in Malaysia. Fourth are, what Gurr calls them, 'ethoclasses'. They want equal rights and opportunities to overcome the effect of discrimination resulting from immigrant and minority status. For example, the Turks in Germany. They came as immigrant labourers. Now they are permanent residents of Germany but without full citizenship. (Gurr and Harff 1994).

Kymlicka considers that the category of 'minority rights' is relevant to, by and large, most societies witnessing ethnocultural conflict. Broadly they can be put in two categories - multinational and polyethnic. Pluralism in these societies is 'multinational' when they are the outcome of either voluntary integration of 'nation'⁸ such as in the USA, Canada and Australia. Kymlicka notes that historical preference of national minorities has been autonomy and not independence (Kymlicka 1995).

The second category of pluralism is referred to by Kymlicka as 'polyethnicity'. This is the result of immigration. USA, Canada, Australia and Britain belong to this category. Kymlicka does not consider them as a nation. They are not even a problem in national integration in the sense that they are not a threat to the political community. Canada is, in his view, both 'multinational' as well as 'polyethnic'. Multiculturalism is used by him to include these two categories only.⁹ The issue of rights to the minority culture in his view is related to such groups only. Issues raised by other groups - lesbians, gays, women etc. cut across the ethnic and national lives. They can be tackled on a different plane by different communities (Kymlicka 1995).

Parekh has identified four different groups which have been struggling for separate and distinct identity. His classification overlaps with both Ted Gurr and Kymlicka. In the first category are 'indigenous peoples' such as Amerindians, the Maoris, the Australian Aborigines, the Inuits and other original nations. They want to preserve distinct and largely pre-modern ways of life. They are generally bound up with the land. They want to live with their traditional ways of life within the framework of existing states. In the second category are territorially concentrated and politically self-conscious communities. Francophone in Quebec, the Basques, the Tamils in Sri Lanka and Muslims in Kashmir belong to this category according to him. They wish to preserve their distinct languages and cultures, if possible within the existing states, if not, by becoming independent. Territorially dispersed but culturally distinct groups, e.g. immigrants, indigenous ethnic minorities and religious communities belong to the third category. To the fourth category belong to groups of men and women sharing in common a self-chosen life style. For example gays, lesbians among others. They have evolved distinct sub-cultures within the framework of shared common culture.

(Parekh 1998). Parekh has concentrated on the first three categories for the purpose of minority rights.

Among different rights to the minority culture, right to have proper recognition of identity finds broad acceptance. Almost every upholder of diversity has emphasised this point (Chandhoke 1999, Kymlicka 1995, Taylor 1994, Parekh 1997, 1998, Mahajan 1998, 1998a, 1999, Carens 1997, Madan 1999). Not only minorities should have equal dignity and respect, best available to other existing cultures, they also should not be demeaned or degenerated. In case the latter happens, it can be treated as a form of oppression (Taylor 1994). To this can be added the right to assert that identity if it is being threatened.

Secondly, the right of communities to regulate certain internal matters can be recognised as legitimate. These pertain to what effects the community as a whole and can not have a bearing on the lives outside the community. The rationale behind this argument being 'overlapping selves', which is the characteristic feature of community life, have inextricably linked interests and life plans. They have been taking decisions on matters such as related to marriage, occupation, residence and so on collectively. This might be, what Parekh calls less individualistic and liberal than Western societies but they are more co-operative and democratic (Parekh 1994). This right is not conceded as absolute and unqualified. Their adjustment to basic human rights and freedom and state's role in this regard is considered reasonable.

Thirdly, weak and vulnerable cultural groups may have 'right against extinction'. The practices, if they do not have obvious and identifiable harmful impact over others or themselves, should not be allowed to go extinct. This can be done the way we preserve rare botanical or zoological species. They

would come in handy if prevalent liberal way of life faces difficulties. They would be the resources from which new inspirations and strength can be drawn. It would also be prudent that we do not dissipate the inherited cultural capital and invest all our hopes in one cultural enterprise (Parekh 1994a, 1997). Cultural difference being a valuable national asset they need to be preserved.

Fourthly, the minorities may be provided with the 'recognition' to certain practices particular to the group. This would entail laws which could accommodate differences. Treatment to individuals would require taking their background into consideration. Requirement of laws which could accommodate differences is also needed for equal treatment and not identical treatment. Equality of opportunity would become meaningful then. For example, imposition of strict dress codes in educational institutions and in working place may in fact deprive the minorities to avail themselves of the available choices. Allowing them to continue with the traditional dress-codes will have neither adverse effect on performance nor on the overall environment. In addition to that the minorities will have the satisfaction that they are equally free to use their cultural symbols, albeit in a different manner and their cultural identity is not threatened by majority practices.

Parekh has cited different cases. In one of these cases, a Punjabi was denied, in one of the British stores, job as a sales girl because she insisted on putting on Salwaar-Sameej. The store owner insisted that she should put on shirt and skirt as other sales girls do. In its decision, the court held that she should be allowed to work with her traditional dress but the colours should match to those of the dress of other sales girls. In the second case, one of the Muslim girls was denied admission in one of the schools as she was unable to put on skirt as school dress. As this would expose her body which her cultural practices do not allow, she should have lost the opportunity of getting education in one

of the educational institutes of her choice. By allowing her to carry on with her traditional dress with matching colour to that of the school dress, she was able to avail herself of this opportunity (Parekh 1994a, 1997).

In these and similar other cases just by allowing little flexibility, not only culture is allowed to flourish but equality also becomes effective. Enjoyment of rights is within the reach of minority by introducing little change in the environment. Space is created for the groups at margins so that they could be accommodated at the right place.

Related to this is the correct understanding of certain culture based practices. The scar mark on the cheek of the Nigerian child is not with the intention of inflicting harm. The state has otherwise every business to prevent the drug abuse. But the use of Peyote and Marijuana by the Amerindians and Rastatarians on their cultural festivals can not be put in the same category. Moreover use of such drugs is not frequent. Similarly, if a Muslim girl uses head scarf in school then it should not be looked upon as harmful to secular ethos as had been done in France. To take one more example, not looking into the eyes of the interviewers by a Black women does not mean that she would be shifty and unreliable. This may be due to the way she has been brought up. In such cases by not understanding culture based practices correctly, the application of uniform treatment would amount to injustice. (Parekh 1998).

Fifthly, the states role in formulating its immigration policy and also population policy keeping in mind the socio-economic structure is well founded. Strict immigration law for the purpose of 'cultural engineering' has been resented by the minorities. This has the effect of dissociating immigrants from their immediate families and community. The demand has been made that the immigrant should be free to choose their spouses keeping up their cultural practices. The immigration

laws should be properly made to accommodate the different and diverse needs of the communities concerned. Association with the socio-cultural ties is precious for overall development.

Sixthly, a changed education policy to cater the diverse needs of different minorities is emphasised as the need of the hour. Single education curricula and particular view of a subject like history is assailed as discriminatory. The materials taught should have link with those who study them. Certain changes in the curricula to accommodate the minority's view is emphasised. Minority's history, its culture and its educational needs should be taken into account.

Related to this is the language policy of the state. Quebec provides the example that to what extent a cultural group may feel alienated if its lingual needs are not fulfilled. Language is considered not simply a mode of communication. It is an inseparable part of culture. It is the vital cultural need. It is the identity of a particular group. It is a feeling of belongingness and emotional attachment. Any single language policy is seen as a threat to all such links between language and human beings. Although states like India and Canada have language policies in tune with their diversity, need is asserted that free hand should be allowed to manage the linguistic affairs of the groups. Imparting education in mother tongue is also considered an inseparable part of this. This constitutes the seventh element of group rights.

Eighthly, the different cultural groups' right to perform their religious rites is considered only a reasonable demand. Also, observing their cultural practices publicly like Holi or Diwali by Hindus in a Christian or Muslim majority societies, Id by Muslim in Christian or Hindu majority societies and Christmas by Christians in a Hindu or Muslim majority societies etc.; should be allowed without any

hindrances or prejudice. Offering of prayers on their weekly days should be so adjusted as to accommodate their cultural needs with job requirements. A flexibility on the part of cultural communities as well as the state has been suggested.¹⁰

Apart from the kinds of rights as could be made out from writings of multiculturalism, policies of the state have been asked to be so adjusted as to fulfil aspirations of different groups as discussed above. Certain groups may want rights over traditional lands or certain groups may assert to be at par with the rest of the community. Kymlicka has talked about different rights of the minority culture. Keeping conformity with his classification of plural societies into polyethnic and multinational, he has constructed a theory of minority rights¹¹, which he calls 'liberal theory of minority rights' (Kymlicka 1989, 1993, 1995).

The first among those rights Kymlicka has talked about is 'self-government rights'. These relate to groups like Aboriginal people and Quebecois. In certain key matters such groups want certain powers of self-government to ensure full and free development of their cultures and the best interest of their people¹². Under the system of federal arrangement Quebec was conferred upon powers at par with other provinces. The issue is whether this is sufficient? Quebecois feel that the need is 'asymmetrical federalism' which would grant Quebec powers not given to other provinces to cater their particular needs¹³ (Kymlicka 1993, 1995).

At the second place, public support and legal recognition of the cultural practices of the minorities has been described by Kymlicka as 'multicultural rights'. These rights include acts such as funding of bilingual education and ethnic studies in schools and exemptions from laws that disadvantage them, given

their religious practices. Jews and Muslims demand of exemption from Sunday closing or animal slaughtering legislation and Sikhs' demand of exemption from motorcycle helmet laws and from the official dress-codes of police forces belong to this category of rights (Kymlicka 1993, 1995). These rights aim at providing the minorities with pride in their cultural particularity and ensure their success in economic and political field¹⁴.

Third kind of rights discussed by Kymlicka is 'special representation' rights. This is to remove the unrepresentative character of political process due to its majoritarian principle. This is suggested to be done through making political parties themselves more inclusive or by proportional representation. A more acceptable idea of reservation for the marginalised and the disadvantaged groups has emerged. Unlike the first two rights, this right is seen as a temporary measure¹⁵ which should go after ensuring effective representation to the marginalised and weaker sections.

Group representation rights have been defended by writers like Young as a response to some systematic disadvantage. It is thought that they face some barrier in the political process which makes it impossible for the group's view and interests to be effectively presented. Young has argued that such rights should be extended to what she calls 'oppressed groups'. She holds that by adopting general view point and expecting that 'particular affiliations and experiences' of persons should not count, only make the perspective and interests of the privileged to dominate. The 'oppressed groups'¹⁶ are in the process either marginalised or silenced (Young 1990). Special representation rights are seen by Young as institutionalised means to correct the historical disadvantage of the oppressed groups. The measures would include public funds for advocacy

groups, guaranteed representation in political bodies and veto rights over specific policies that effect a group directly.

Kymlicka has noted that Young has made her observations in the American context and defended her theory of special representation rights on the basis of a 'theory of oppression'. Situation in Canada is different as of the three forms of group differentiated rights Kymlicka has talked about and discussed above, only the last one is defended in terms of groups oppression. First two are seen as permanent¹⁷. The three kinds of group differentiated citizenship which Kymlicka has talked about are not mutually exclusive. They can overlap in the sense that some groups can claim more than one kind of group rights. For example, Aboriginal people may demand both special representation rights as well as self-governing rights. But these rights need not go together. An oppressed group, like the disabled to Kymlicka, may have no basis for claiming either self-government or multicultural rights. Similarly, an economically successful immigrant group may seek 'multicultural rights', but have no basis for either claiming special representation or self-government (Kymlicka 1993, 1995).

Kymlicka's defence of group differentiated rights has been conceded by Carens in essence. Although he disagrees with Kymlicka at many places in terms of conceptual clarity¹⁸, he agrees with him that group differentiated citizenship is justified for safeguarding the interest of the minorities. He also finds them, as Kymlicka does, in conformity with the liberal commitment to equality and freedom. He suggests 'recognition rights' as a better term instead of polyethnic rights. The latter in his views blurs the distinction between immigrants and ethnic groups. This would, in his view, reflect the functions right would perform. This is to provide public recognition of and support for certain minority cultures and practices or forms of identity. Since such rights are related to members

of ethnic groups as well as members of religious groups and national minority, it is not right to simply call them polyethnic rights as Kymlicka does (Carens 1997).

Although Carens has tried to critique Kymlicka, in substance he has agreed with him. He also suggests measures to broaden the area of rights suggested by Kymlicka. For example, Kymlicka's conception of self-governing rights cited in the context of Canada, Belgium and Switzerland and the indigenous peoples in North America, can be extended to cover Aborigines of Canada, Muslims in Britain and Hispanics in South - Western USA (Carens 1997).

Related to these arguments is Arendt Lijphart's idea to safeguard minority's interests. He has advocated 'consociational democracy'. This has been defined in terms of its four elements. First and the most important is 'government by a grand coalition'. In this political leaders of all significant elements of the plural society participate. The second being mutual veto or 'concurrent majority' rule. This serves as an additional protection of vital minority interest. Third feature of such an arrangement would be proportionality. This would be maintained not only in different representative bodies but also in civil service appointments and allocation of public funds. Fourth aspect would be a high degree of autonomy for each segment to run its own internal affairs (Lijphart 1982).

On another plane, the problem of diversity has been sought to be tackled by suggesting corrections in the nature of the nation-state itself. This has been done by Tamir. She notes that cultural neutrality prevents the modern welfare state from acknowledging the disadvantages suffered by minorities. The need to ensure them special rights and protection is also not conceded. On the other hand, the cultural essence of the state comes to the fore in its political institutions,

official language, as well as in the symbolic sphere, in the selection of rituals, national Heroes, and the like. Tamir emphasises that no national group should be forced to live as a minority. Finding it difficult that all nations can have their own state, she suggests that all nations are entitled to a public sphere in which they constitute the majority. To her "the ideal of the nation-state should therefore be abandoned in favour of another, more practicable and just". This would be to keep the principle of what she calls liberal nationalism. Due place for different nations in such an arrangement would be ensured (Tamir 1993).

Such measures have been suggested as the minorities could be treated equally in relevant aspects. This would, as multiculturalists suggest, provide them with proper recognition, give them their due place in socio-political and economic spheres and infuse in them a sense of dignity to be on equal terms with any other group, be it the majority or the dominant. The emphasis is to incorporate the politics of difference so that the differentials do not suffer injustice due to their cultural membership. But, attempts, such as this aim at safeguarding interests of the minority as the collectivity. Majority - minority relations are seen as relations between what Sheth has called 'politically equal cultural collectivities'. In the discourse of multiculturalism, groups are taken as the unit and not individuals (Sheth 1999). The emphasis has been given more on inter-group equality. What about intra-group equality? What way the members would negotiate their relationship with their group? What way the members would negotiate their relationship with their group? What limits would be accepted as far as the role of the state is concerned? What will have the overall bearing on individual's life if changes suggested by the multiculturalists have been carried out?

Seen other way, arguments for group rights have rather been made uncritically. Only minority's position vis-a-vis the majority and / or the dominant has been

seen. Such rights for the minorities have been advocated as what the group needs for itself. The overall effect of 'minority rights' have not been examined. For example, if the self-governing rights have been argued for, how the 'selves' are to be governed has not been considered. The question is minorities need rights for 'whom' and for 'what'? Certainly it should be for those members who constitute the 'minority' and not for the 'minority' itself. The problem with the 'multicultural' discourse is it does not go beyond minority's rights. It does not examine 'what after' those rights.

The most important outcome of the rights of the minority culture would be the 'effect', it will have on the life of the individual members. Minorities would expect their members to be what their group wants them to be and not what the state wants them to become. Primacy of the claims of the community over that of individuals can not be a remote possibility. Individuals' claims may even be suppressed. Identity, choices, tastes and desires might become groups' prerogative alone. Groups would expect individuals to play the minimum role in deciding 'what constitutes good'. This way suppression of individual rights and sacrificing individuals' interest for that of the community can be perceived as the 'unintended' consequences of group rights. Various question have been raised in this connection. Would it mean treating groups more sacred? Would individual's importance be minimised? Would the group treat individuals as means to achieve its end? Would the group suppress individual's right in order to preserve its identity and cohesiveness? Should every culture and every practice be preserved? Could every cultural activity be valuable for ever? Would the individual be free to exit a particular culture to which she belongs to? What if she acquires a new identity? These and some related questions have been raised in the context of groups and her members, if the kinds of group rights multiculturalists talk

about becomes a reality. Individual's life has been of prime importance in liberal democratic polity. Would accepting minority rights mean abandoning this framework? Our task is to look into the individual relationship with her group in the context of minority rights.

END NOTES

1. Cultural community has been taken by the multiculturalists as those groups, individual membership to which is involuntary. They are born into that culture. For example, the way a Welsh is born as a Welsh and a French speaking Canadian is born as a Quebecois. Kymlicka holds that in the multicultural framework, understanding of culture is neither commonsensical, nor in the widest sense. On the former 'culture' refers to the distinct customs, perspective or ethos of a group or association. On this account, even the most homogenised group would be multicultural. On the latter virtually all modern societies share the same culture. If it is said, for example, that western democracies share a common culture, it refers to the civilization of the people. Kymlicka has used the term 'culture' to refer to multinational and polyethnic groups. The former refers to the presence of different nationalities within the same political boundary and the latter is the product of immigration. See Will Kymlicka (1995), *Multicultural citizenship : A Liberal Theory of Minority Rights*, Clarendon Press, Oxford.
2. What Chandhoke means by providing evaluative resources to individual is not the 'final meaning' or the interpretation of a world or a phenomenon. It only provides the members with the 'potential' to find out the meaning and interpretations. It allows communications between and among its members. The members may disagree on the final outcome, but what a member say - symbols, signs, gestures - can be understood by other members. See, Chandhoke, Neera (1999a), *Beyond Secularism; The Rights of Religious Minorities*, Delhi OUP.

3. Chandhoke differs with Kymlicka's views on culture. She holds that Kymlicka's argument is based on the consideration of 'institutional embodiment' alone. She concedes that Kymlicka's definition is for the purpose of 'multicultural rights', communities so conceptualised are on the basis of what they mean to their members or how they influence their perceptions and understanding and not in terms of structures, institutions and services. What is taken into account is 'what cultures do for their members and not what members do to their cultures' (p. 245). Human beings this way are taken as 'passive consumers of cultures'. See Chandhoke, Neera, *ibid*.
4. Kymlicka has defined 'societal culture' as 'a culture which provides its members with meaningful ways of life across the full range of human activities, including social, educational, religious and economic life, encompassing both public and private spheres. These cultures tend to be territorially concentrated, and based on shared language' (p. 76). See Kymlicka, Will (1995), *Multicultural citizenship : A Liberal Theory of Minority Rights*, Clarendon, Oxford.
5. Taylor's 'social thesis' holds that autonomy can only be developed and exercised in a certain kind of social environment. See Taylor, Charles (1985), *Philosophy and the Human Sciences*, Cambridge, Cambridge University Press.
6. Raz has considered 'autonomous self' as the characteristic feature of Western liberal society. He refused to accept that the immigrants and non-White were capable of prospering. By the latter he means material success as well as sense of well being. See Raz Joseph (1986), *The Morality of Freedom*, Clarendon Press, Oxford.
7. Gurr and Harff have, in fact, noted that this common sense of identity is giving their struggle a global outlook. World Council of Indigenous people being one of such forums for struggles. It was established in 1975. The United Nations Working Group on Indigenous population is another such forum. The latter, in fact, prepared a draft Universal Declaration of Indigenous Rights that should eventually become a part of International law. See Tedd Robert Gurr and Barbara Harff (1994), *Ethnic Conflict in World Politics*, Westview Press, Boulder, San Francisco, Oxford.
8. Kymlicka has defined nation as 'a historical community, more or less institutionally complete, occupying a given territory or homeland and sharing a distinct language and

- culture' (p. 11). See Kymlicka, Will (1995), *Multicultural Citizenship : A Liberal Theory of Minority Rights*, Clarendon, Oxford.
9. Kymlicka concedes that to some groups the categorisation of 'multinational' or 'polyethnicity' does not apply. For example, African Americans. They do not have or want to have a distinct national identity but want only to be seen as full members of the US community. This also applies to the refugees or immigrants who came voluntarily but only because they had been promised that they would be allowed to recreate their own separate and self-government community. See Will Kymlicka, *ibid.*
 10. Parekh has cited a case where a devout Muslim, Ahmed was asked either to work as a part time teacher or to leave the job. He had demanded weekly off on Fridays to offer Namaz to fulfill his religious requirement. He has observed that Ahmed was at disadvantage as Christians could both enjoy their holidays and offer prayers as Sunday is the official holiday in Christian majority Britain. See Parekh, Bhikhu (1994a) 'Equality Fairness and Limits of Diversity' *Innovation*, Vol. 7, NO. 3; (1997), 'Equality in Multicultural Society'; (1998), 'Cultural Diversity and Liberal Democracy' in G. Mahajan (ed), *Democracy Difference and Social Justice*, Delhi, OUP.
 11. While discussing about minority rights Kymlicka has 'Canadian Society' in his mind. He feels that such policies can be equally applicable to every society what can be characterised as 'multinational' or 'polyethnic'.
 12. Kymlicka notes that these groups claim the demand that pertains to those powers which were not relinquished by these groups. Federation to the larger federation was also involuntary. See, Kymlicka, Will (1993), 'Three Forms of Groups Differentiated Citizenship in Canada'. Paper on 'Democracy and Difference, Yale University, April 16 - 18' and (1995), *Multicultural Citizenship : A Liberal Theory of Minority Rights*, Clarendon Press, Oxford.
 13. Devolution of powers along such lines has taken place in Canada. Self government claims are not seen as temporary measures. These rights have been described as 'inherent' and so permanent. The national minorities seek to get such rights entrenched at constitutional level. See Kymlicka, *ibid.*

14. Even this right is seen as permanent. These rights are supposed to promote integration into the larger society and not self-government. See Kymlicka, Will, *ibid.*
15. In the Indian Constitution, Art. 334 provides for reservation of seats in the Lok Sabha and Legislative Assemblies of states for the Scheduled Castes and the Scheduled Tribes (depressed classes). Art. 331 and 333 provide for nomination of two and one members from Anglo Indian Community (minority) in the Lok Sabha and Legislative Assemblies of the states respectively by the President and the Governors concerned.
16. Young has included Women, Black, Native Americans, Chicanos, Puerto Ricans, gays, lesbians, the poor, disabled and physically and mentally disabled among 'oppressed groups'. See I.M. Young (1990), *Justice and Politics of Difference*, Princeton University Press, Princeton.
17. Kymlicka has sought this distinction to be important for two reasons. Firstly the self-governing rights and multicultural rights are seen permanent and hence the effort is made by the groups to get them constitutionally entrenched. Secondly, it would prevent group leaders from establishing a perception of disadvantaged to get special treatment. See, Kymlicka, 1993, 1995, *idem.*
18. For example, he points out that Kymlicka takes up the cultural and religious differences between Muslim immigrants and the majority population in Western states. "But Muslim immigrants come from many different parts of the world. Their languages and customs vary considerably. The use of the term 'Polyethnicity' has the effect of constructing Muslims as an ethnic groups, which is misleading at best". See, Carens Joseph H. (1997), 'Liberalism and Culture', *Constellations*, Vol. 4, No. 1, Blackwell, Oxford.

CHAPTER - IV

MULTICULTURALISM AND INDIVIDUAL RIGHTS

Arguments in favour of group rights have been often treated with suspicion by the liberals. That diverse practices should co exist have been accepted by them. This is also accepted that individuals have certain goals to be pursued in common. Individuals do, in fact, pursue certain 'goods' collectively.. What is not accepted as desirable is the good of the 'community' should be concurrent with the good of the individual. To put it another way, the community may have certain conceptions of good life but the individual may not consider it good for her as well. To say it is not to deny that organisation of community along certain concept of 'good' is possible.¹ This is to emphasise the point that individual is free not to accept what has been projected as 'good' for her.

I

The point made is, by granting collective rights, would the groups acquire personality of their own? By seeing the groups as right-bearing entities, are we going to treat the group more sacred? What about individual freedom and rights? It is interesting to note that Kymlicka himself admits that possibility of suppressing individual rights and freedom cannot be denied in the scheme of 'multiculturalism'. Although he throws the weight behind 'collective rights', he does that not on some substantial basis. This has more to do with the vagueness in which collective rights can be wrapped. He holds that collective rights need not conflict with individual rights because 'they do not by themselves

tell us anything about the power of the ethnic group over its own members' (Kymlicka 1993).

Kymlicka has distinguished between two kinds of collective rights - internal and external. The former he has defined as the power of the group to stabilize itself against the impact of internal dissent. This pertains to intra-group relations. The latter is intended to protect the community from the impact of external pressures. This pertains to inter-group relations and grants right to the group against the larger society. Kymlicka holds that the kinds of 'group differentiated rights' he has talked about are intended to protect both. 'However, they are primarily intended to protect external rights and are quite compatible with the liberal values' (Kymlicka 1993, 1995). He further holds that possibility of individual suppression by the group is less likely because such external rights tell us about the relationship between the majority and the minority communities; it does not yet tell us about the relationship between the ethnic group and its own members.

If the scope of such rights has not been defined clearly, their operation is certainly going to be faulty. If the relationship of the members of the group and the power of the latter over the former is not told, different groups would define and interpret these two things in their own way. This would certainly be in conformity with what is required by the group to preserve its own ways of life. The aspects related to individual's own preferences and choices would be given only the secondary importance. Ways and methods adopted to keep the 'culture' going would be justified as an internal matter of the community.

Demand for exemption from the general law of the land in the pretext of minority rights is always a possibility. Some Quebecois and Aboriginal leaders in Canada have, in fact, sought exemption from the Canadian Charter of Rights and Freedoms in the name of self-government.² Interpreting group rights in such way in fact aims at exclusion from the mainstream of the society. Protecting distinctiveness of a particular group would have the effect of allowing it to behave like a closed group. It will not see itself only as different but also separate from the rest of the society.

Two more concerns of the liberals regarding minority rights have been sought to be allayed by Kymlicka on the ground that the groups would not like to oppress their members. This forms a weak argument as far as the position of women in the traditional minority societies and women and children in immigrant groups are concerned. Liberty of women in the communities in the name of cultural practices is sought to be restricted.³ Certain practices in the name of culture, which otherwise is considered to be based on sexual discrimination, may be sought to be justified. For example clitoridectomy or arranged marriages. It has been observed that insistence of immigrants to continue with the traditional methods of education may in fact deprive their children of the kind of instructions needed to live with a new kind of environment. It is also pointed out that immigrants' children are deprived of the 'proper' education because there are chances that they would leave the community. Many cultural groups even follow the tradition of confining girls within the home. Girl child's right to education would be the worst affected in such cases.

Tradition of 'women form the home' has another disturbing effect. Generally

minority communities would not like to see their female members to be a part of the working population. There have been instances of wife beating in societies following traditional ways by husbands because they did not like their wives to take a job outside the home. When the case came up before the Court they pleaded that wife assault is an acceptable practice in their culture. Undersiable individual acts, this way, may be sought to be justified by using the cultural pretext as a legal defence.

Muliculturalism taken to its logical extreme could justify allowing each ethnic group to impose its own legal traditions on its members. The reach of general law and the policies of the state would be restricted to the 'larger society' alone. State's action will either be absorbed by the cultural groups or they will have a very little effect on the individual members of the society. Even if the cultural groups would accept state's directions, the latter would only be expected to play a subordinated role. Minority rights, taken to be unqualified, would treat the cultural group as if an entity complete in itself.

Kymlicka takes the nature of minority groups for granted. He bases his arguments in favour of collective rights on the 'intention' that multicultural policies do not 'logically' allow oppressive practice. Unintended consequences have been overlooked by him. Once the community has been empowered, it would do every possible thing to maintain that power. The distinction between what a group is and what it ought to be has been blurred in his writings. That the group would not oppress its members simply because it says it would not do so has not been established by the historical examples. On the contrary, if a culture talks about development of its members and acquires all possible rights, there have been instances that the members have been oppressed

indiscriminately. Example of Nazi culture has been cited in this context.

II

Rights of the minority culture have been questioned both on philosophical grounds as well as the utility it would have for the member. The first point made in this context is regarding the identity of the individual. Individual's identity is not chosen. She is born into that. A Basque is born as a Basque and French is born as a French. The liberal position does not deny this fact. What is questioned is simply because the individual having born into a particular group or culture should give the moral claim to the latter over the former.⁴ This would also be a wrong step to establish political association along the claims made by such cultural groups.

An individual has 'identities'. Sometimes it becomes difficult to decide what identity should be taken into consideration for political judgements.⁵ At some point of time the individual can decide to acquire completely different identity. A person may be born as a Hindu. In the Hindu fold, her caste is her dominant identity and compared to other cultural groups; outside she would be recognised as a Hindu. At some point of time she decides to change her religion and converts to Islam or Christianity. Now she has acquired a completely new and different identity. She would be known as a Muslim or Christian. The instances are many. One recent, and which made great news is the case of conversion related to the literary personality of India, Ms. Madhavikutti. She has converted to Islam and now she wants to be recognised as Surayya.

To cite the above example is to make the point that the individuals' identity may have been shaped by her background, she is not bound by that identity

for ever. She can make herself independent of that identity at her will. The change of identity is true at the level of groups as well. Groups are not unchanging entities. They are formed and re-formed. They are associated as well as dissolved. They interact with the environment. The institutions may be shaped by the nature of the groups but the latter may not be prior to the former. Groups or cultural communities themselves are given shape by the legal and political institutions. This way, it is held that ethnic identity is not static, it changes with the environment (Horowitz 1985).

Not only change in the nature of the groups with the changing environment has been emphasised, it is also held that there is nothing 'natural' about the characteristics of ethnic groups⁶. As Horowitz says, ethnic identity has a contextual character. Group boundaries tend to shift with the political context (Horowitz, 1985). This argument can be supported by an example. Gujarat and Gujarati speaking people were formerly a part of the state of Bombay. As a result of the Bombay Reorganisation Act, 1960 the state of Gujarat was formed with predominantly Gujarati speaking people and the remainder formed the state of Maharashtra - predominantly Marathi speaking. Thus, the Marathi speaking and the Gujarati speaking have emerged as separate political entities. By another example it can be shown that a sub-group can have distinct group identity and it can form a separate cultural group quite altogether. Mahars are lower castes in the Hindu fold found in Maharashtra. A large number of them embraced Buddhism under the influence of Dr. Baba Sahab Bhim Rao Ambedkar, a prominent leader of India's freedom struggle and Chairman of the Drafting Committee, which drafted the Constitution.

In these examples and many others, not only the group identity as a whole has changed, the change itself has been brought about by a single individual. Also, previously Mahars were a part of the Hindu culture, the majority. After accepting Buddhism, they now belong to the minority⁷. That individuals are capable of establishing the whole new culture can be substantiated by the examples from history. Siddhartha, who came to be known as Gautam Buddha founded a whole new religion, Buddhism. Mahavira founded Jainism. Birth of Christianity is traced back to Jesus Christ and Prophet Mohammad was the sole source behind what came to be known as Islamic culture. In all these examples not only the group identity as a whole has changed but also a, what we can say, 'cultural shift' has taken place. Besides, in the present day world, they all are working and functioning with distinct political identity. This way, it can be said that for an identity to take shape, culture need not be a precondition. Horowitz makes the same point when he holds that 'culture is important in the making of ethnic groups but it is more important for providing post facto content to group identity than it is for providing some ineluctable prerequisite for an identity to come into being' (Horowitz 1985).

Secondly, and this point has been well elaborated by Kukathas, that the group can have its interest is accepted. It is also accepted that their interests are legitimate. That political institutions should be so formed as to serve group interests in the first instance is debatable. Group interests can be a product of particular historical circumstances or the former may have been shaped by political institutions themselves. Hence to consider group interest as if being a part of some natural order would be mistaken. It is for this reason that the liberal theory looks at fundamental political questions from the perspective

of the individual rather than that of the group or culture or community. The latter matter only because they are essential for the well being of the individual (Kukathas 1992).

Thirdly, this is not to say that individuals exist in abstract. Individuals do form the part of the collectivity where they exist in relatedness, to other individuals as well as other interests. Even the interests are not taken to mean abstraction. Communities may have character or nature different from and not reducible to that of its members. The moral claims of the community matter only to the extent that they will have an effect on the lives of the individuals. This way groups can have no special moral primacy over individuals. On the arguments made by the liberals they are association of individuals. They are 'mutable historical formations whose claims are open to ethical evaluation' (Kukathas 1992).

Fourthly, culture and cultural practices do not exist in a vacuum. It is the membership, which forms a particular culture. It is the members who by observing and preserving certain practices keep the culture alive. If the members decide to observe certain other practices and not to follow some, the former would flourish and the latter would gradually vanish. To say that cultures should be protected from dying would mean that what should be protected is culture as an entity in itself and all the ways and practices related to it. In this case, culture would be taken to be kept intact, that is, it should remain as it is. Purdah system has been resented to by the women in many of the cultures. If certain culture declares it to be an integral part of that culture, should it be preserved? Would the members be free to adopt their own ways of life in such circumstances?

Fifthly, it has been pointed out that minorities themselves are hardly a homogeneous entity. There are different sub groups among which differences and conflicts of interests exist (Kukathas 1992). Scots are a minority nation within the United Kingdom and the Gaelic speaking are a minority among the Scots (Green 1995). Internal difference may be minimized over the period of time. Does it mean that small sub-groups within a cultural community should be provided with rights in the same way in which rights have been argued for the latter. Chances of oppression of minorities within the minorities, what has been called by Green as 'internal minorities' (Green 1995) remain a possibility. For example the position of an English speaking Quebecois is expected to be vulnerable in the French speaking Canadian society. Preventing such oppression would be possible only by appeal to the larger society or ultimately to the state. It is for this reason that liberals argue for direct communication between the state and the individual.

Sixthly, as Kukathas has also pointed out, another aspect of internal division in the minority community is the difference that exists between the 'elites and the masses. Interests of both do not coincide. The elites are influenced by the modern developments and aim at those facilities which are closer to the elites of the larger society. For example, better jobs, urban amenities and modern education for their children. The elites may not only further their own interests but also manipulate the ethnic sentiments in pursuits of their career aspirations. On the other hand, the masses also may see its elite separate from itself and closer to that of dominant society⁸. Decision-making and the policies decided for the minorities may be seen as 'succumbing' to the patronage of the dominant society. In this way gap exists between

the interest of the masses and those of the elites.

Besides, share in the political power of the 'minority elites' and their involvement in the political process of the nation brings them closer to the educated elites from other minorities and from the dominant society. In this process, interest of the masses are further removed from their elites⁹. As Kukathas points out, 'the masses may be more interested in jobs and economic progress whereas the elites, who already enjoy these material benefits, have a greater interest in symbolic traditionalism' (Kukathas 1992).

It is for all these reasons, that liberals hesitate to make groups the basis of moral claims over individuals. By giving primacy to individual choice creation of permanent majority and minority is avoided. Gaps between the elites and the masses are existing as has been shown above. By viewing minorities as distinct entity, different pockets of gaps would be created. Minority elites would acquire more and more power and any intervention on the part of the state or larger society may be opposed as interference in the internal matter of the community. Hence, liberals do not view community as natural and their existence as something their right to be respected. The cultural groups are instead seen as the product of individuals' freedom to associate, to form communities and her right to abide by the terms of those communities. Conversely, it also grants the individuals the right to dissociate. If her rights are violated, freedoms are restricted, she has the 'right to exit'.

III

Kymlicka has argued that individual needs culture to 'exercise meaningful choice'. Individual becomes free to choose from a range of options only due

to her cultural heritage. It is according to him, within the culture that through 'examples and stories' we come to learn the kind of life it is possible to lead and to distinguish meaningful from the meaningless. Culture is important, this way, because they provide the context of choice (Kymlicka 1989). Hence, he argues, the minority cultures should be protected. Taylor has also argued that cultures are important because individual's tastes, desires and aspirations are shaped in the background of her (cultural) identity (Taylor 1985).

We can argue that the above argument has limited acceptability and by citing examples from different cultures it can be shown that not every culture allows exercising freedom of choice. This way we intend to see the individual vis-a-vis the cultural community, if the latter as a minority has been granted minority rights. The first thing which we may take up is whether culture really shapes individual tastes, desires and aspirations. The importance of the process of socialisation cannot be and should not be denied. Culture does play a role as context of socialising. It does influence individual thought, behaviour and way of living. To this extent we can accept the role of culture. But the same role is also played by the family, the Church, the school and other associations, of which individual is a member.

To say that culture alone shapes the desire, tastes and aspirations of the individual it to stretch the point too far. This has been done by Kymlicka and Taylor simply on the basis that the individual is born into a culture. Seen differently, if we accept the role of culture as the sole factor in shaping individual's tastes, desires and aspirations, we treat the individual as the prisoner of her culture. Her capacity to reflect on the environment is overlooked. To argue the way Kymlicka or Taylor does is to say that individual's capacity

to see anything beyond her culture is limited. She can do or learn only such things as her culture has taught her. On this account, no development should have taken place in any of the existing cultures on this earth. The cultures should be as it was and as it is. Since the culture shapes members and members form culture the nature of the members as well as the culture should remain unchanged over the period of time. We can illustrate it from an example of the present day Iranian society. The spiritual head of Iran, Ayatollah Ali Khamenei and conservatives are doing their best to justify their acts on the basis of cultural practices. Changes in different walks of life have been resisted by them. Should we endorse their acts because they are doing what their culture has taught them? On the other hand, the liberal President of Iran, Mohammad Khatami and his colleagues have been supporting such changes as the Iranians want. They relate to freedom of thought and expression, modern scientific ways of education and betterment of the position of women among others. So, do we hold the acts of Mohammed Khatami as surprising because he and his liberal colleagues are looking beyond the teachings of their culture!

Pushing the above example a bit further, it is easier to see that if cultural practices are allowed to operate on their own they would restrict individual freedom. Freedom of thought and to express one's view form one of the basic values of the liberal democratic society. This is not only necessary for the development of human personality but also for the betterment of the society.¹⁰ Different ideas and different values suit different societies in its different stage of development. The same way of life and same cultural practices should be valid for all time is the interpretation of what one means by saying 'culture enables human beings to exercise meaningful choice'. The liberal Press in Iran

has been ordered to close down or to face blasphemy laws. Their views are taken as a challenge to the established order and not the exercise of meaningful choice. Seen from a liberal perspective, this is a positive development as it involves 'change of order' because it would help create better and healthy environment for the development of human personality.

There are examples of various cultural practices present in different societies including the 'indigenous peoples', which work against the individual's freedom to choose her ends. Individual and her interests are expected to come only next to that of the community. The members are also expected to accept uncritically the long standing practices of the cultural group. Any deviation from those practices either result in punitive sanctions or loss of membership. The benefits derived from the membership of the culture are also no more available. The example of the lower caste converts to Christianity in the Indian context has been discussed in the end note no. 5. Kymlicka himself has noted that 'if goal it to ensure that each person is equally able to lead their chosen life within their own cultural community, then restricting religion no way promotes that' (Kymlicka 1989). Although he has given this view regarding those Pueblo Indians who continued to demand share of the community resources after converting to Christianity,¹¹ it makes sense that to promote good life sticking to some cultural practices is not necessary.

Not only individual's freedom can be restricted by the cultural practices, individual can be prevented from exercising her choice by involving cultural norms.¹² Indian caste system is an example. Instead of allowing the individuals to exercise meaningful choices, it excluded the majority from exercising any choice. As per the practices of the caste system, only a few were allowed

to exercise the available choices. Choices as well as persons with their caste background were graded. Only a person from a particular caste was allowed to avail of certain opportunity. Education was supposed to be the sole preserve of higher caste Hindus and of Brahmins in particular. Administration and justice had nothing to do with the lower castes. Different rules were applied to look into the cases belonging to different castes. Punishment was meant only for the lower castes and for them, in fact, severe punishments were recommended. Things have changed and laws have been made to treat everyone equal. This could be possible only after rising above cultural practices.

To say that the culture and cultural practices alone shape individual's tastes, desires and choices or even they only should be allowed to do so is to treat the cultures as closed groups. This would mean that neither the culture nor its members are influenced by or influence the outside world. The continuous interaction and exchange of not only ideas but ways of life also form an important part of not only our individual life but social life as well. This is because no idea or way of life is perfect in itself. The culture also is not necessarily self-sufficient to show the individual the way to good life. As we have seen, it may compel, instead, many to lead an unimaginative life. Individual, at some point, after realising the wrong done to her takes a critical view of practices prevalent in the society. This may be because she has been endowed with the power of thinking and take a critical look of the things around. Or, she has been influenced by the practices and ideas of the outside world. The point may be reached when many like her take a critical view of the surroundings.

This way a shift may take place in the overall aspect of the culture itself. This cultural shift is due to the fact that the contact between the minority

culture and the larger society is inescapable. Changes, brought about by this contact is gradual and there are many cultures who have adopted the liberal norms over a great period of time. To expect a culture to be born with liberal norms and if not then to 'make' it liberal, as Kymlicka advocates¹³, is itself against the norms of liberal practices. Untouchability is wrong as well as immoral was realised by Mahatma Gandhi among others. The example was further followed by many. Now, the Indian Constitution itself declares untouchability illegal and its violation would invite severe punishment. Although the progress in this direction is still to reach the level of what is desirable, the Indian society more or less as a whole has come to accept that caste oppression and inequality based on caste identity is against the basic norms of a civilized society.

Special rights or treatments based on special consideration need not be grounded in culture alone. This is because cultural minorities alone are not specially disadvantaged.¹⁴ Other groups, say those who are born physically or mentally disabled also face disadvantage that is not the result of their choice. Demand for special treatment by them and the grant of such demands in certain circumstances is irrespective of cultural membership. Moreover, all the members of the minority community do not face the same inequality and the amount of inequality faced also cannot be equal. If there are the worst off then there are some well off as well who belong to the minority community. Conversely there are the worst off among the majority community as well. Can we or should we grant special rights to the latter? Even if we concede that they should be, then certainly the ground is not the cultural membership.

To argue this way is to reassert the point that progress of the society

and the betterment of the disadvantaged needs the theory which can look beyond the culture. Society has progressed or is progressing not because it has confined itself to the culture. It has been able to attain the present level of development because it has moved with the culture where possible and without it where necessary.¹⁵ This is not to deny the importance of culture for the human beings or for the society. This is also not to say that individuals should be decultured completely. Also, this does not mean that culture has not played any role in the development of society or human beings. This simply means that culture is and should be for human beings and society and not vice-versa.

IV

That groups should be right-bearing entity also raises the tendency of inviolability among the groups. The arguments of 'moral holists' is invoked to make the point that groups are sacred. Individuals matter only to the extent that they help serving the ends of the group. This is a tendency which can not be avoided in the groups which is placed at the margins. It has to show itself as a cohesive group. The identity should remain intact. Intra-group relationships is to be so maintained and regulated as not be 'tregress' the traditional norms. Any act of the individual will not be allowed to blur the line which maintains its distinctiveness from the larger society. For example, inter-group marriages. Individual's freedom to choose her spouse can be exercised only at the 'cost' of her cultural membership. Sometimes even adopting of practices from other culture is also taken as a threat to identity. For example, way of dressing and food habits. It has been observed among Inuits and Pueblo Indians.¹⁶

The groups can not be treated as an end-in-themselves. They are not sacred in the first instance. It is not the groups which are an end-in-themselves but it is the individuals who are an end-in-themselves due to their irreplaceability.¹⁷ Individuals possess, what Haksar has called, 'irreducible consciousness'. They have no equivalent and they have no price. Groups can at most be derivatively sacred. They cannot be treated as unitary beings. However, each person is a separate subject of consciousness. She is a separate moral unit. If groups are treated as separate moral units then it is the need and necessities of different groups which would matter and not of different individuals. Agreement or disagreement would be accounted for on the basis whether groups agree or disagree (Haksar 1998).

Shared practices and common forms of life do make individuals to have a feeling of collectivity. When in the group individuals may even behave differently from the way they would if they were on their own. The group can have its own successes and failures which is independent of individual efforts. For example in a football match, individual effort has to be adjusted to the effort of the collectivity, that is of the whole team. The team wins or loose the match and not individual players. This way 'group activities have their own intrinsic value. This in itself does not give enough reason to treat the groups as if it has consciousness of its own. It is the individual and not the group that has irreducible consciousness' (Haksar 1998).

Cultural groups this way can be treated as intrinsically good. They provide the environment in which individual may be different from what she would be in her capacity alone. This would not, in turn, make the culture sacred. This is because the possibility of replacing the present culture with a better

one is always there. For example, the replacement of 'tribal culture'. We can take an aspect of it or the culture as a whole. The only criterion should be whether human beings cohabiting in that culture are being made better off or worse off. The tribal system has its own ways of living, education, medicine and the like. If modern ways of education and revolutions in the field of medical sciences can be used to make the life of the tribes better then the culture is being replaced but the individual is going to be better off. It would be irresponsible on the part of the larger society if the traditional methods are not interfered with to cure such diseases as tuberculosis and pregnancy is allowed to take a high toll simply because the tribal community has its own way of giving birth to the child. It is safe to argue, this way, that the ultimate justification of the existing culture or its certain practices has to be done in the light of its effect on the human beings who make the culture.

Generally, the arguments in favour of minority rights do not seem to differentiate between the rights the minorities may need to combat direct or latent discrimination and those that are needed to preserve their culture. As Mahajan has pointed out, if cultural diversity is taken to mean non-discrimination then possibility of interference in any way with the existing cultural practices diminishes. This, in turn, would encourage the groups only to emphasize on inter-group equality and not intra-group equality (Mahajan1999a).

Preservation of group life can, in fact, lead to violation of human rights. This can not be compared with the way in which individual rights are sought to be preserved. Individuals have rights and they are expected to respect each-other's rights. Cultures can not be right-bearing entities on the same ground. Even if cultures may respect the rights of other cultural groups, they can do

terrible things to members. Haksar has given the example of Nazi culture. If the said culture does not violate other cultures' rights, should we accept that it has the right to exist and flourish ? (Haksar 1998).

Here we should, of course, distinguish between the right of a culture itself to exist and the right of a group to have its culture. This would make our task easier to see that whether 'cultural shift' takes place. If the right of the 'culture' to exist is accepted then the group would be inseparable from its culture. The culture in its present form would continue to exist in the time to come and for the generations to come. No change or exchange with other ways of life can be expected. On the other hand if the group has the right to culture then changes over a period of time would be a possibility . It can accept the ways of life which it considers better and allow changes to be made in its culture if members agree to. It, In this latter case group's right to culture also means that both the group as well as culture are important but both have only derivative value. They can not be sacred the way human beings are.

Individuals do enjoy certain rights which is due to the fact that they are the part of the collectively. That is to say that there are certain rights which belong to the group and not to the individual members. Such rights are not reducible to individual rights. For example, the right enjoyed by a disadvantaged group to get the benefits of reservation in jobs or representative institutions. Here not any one individual has the right to job but to all members of the group as a whole. In this case also, we can argue that although the group has the benefit of reservation but it is the members who avail themselves of the right It is not the group which gets itself appointed to a particular

job for elected to a particular seat in a representative institution. Rather, it is its members who enjoy such rights. To say this is to make the point that the group is important as it secures benefits for the collectively. This in turn, does not give it any moral claim over individuals. This is because the members can not be made worse off.

There is another way in which collective exercise of right by the group can be shown. The exercise of such a right depends not on individual or individuals but the group as a whole. Raz has shown it by giving the example of national self-determination. He has observed that in the case of Palestinian state one person, be it the leader, Yassar Arafat does not have the right to (Palestinian) self-determination. Being a Palestinian he has an interest in self-determination of the Palestinian people. This may be based on the feeling he has as a member of the Palestinian community. He identifies himself with that community and is able to express his views in public as a part of the group. But, the right to self-determination would have far reaching effect on the whole community. Hence, this right belongs to the Palestinian people as whole and not to Yasser Arafat alone. Self determination, seen this way, is a collective good. Raz holds that " Collective rights are typically rights to collectives goods" (Raz 1986)

Raz has established the relationship between the collective good and collective rights and has held that a right, for example, the right to self-determination, would be a collective right if it serves the collective good. To him rights to qualify as collective rights should fulfil three conditions. Firstly, it should form a duty for others. Human interest requires it. Secondly, interests are of individuals as members of group in a public good. That is individual

interests are served as members of the group. Thirdly, one person's interest would be insufficient to justify holding another person to be subject to a duty. Raz is of the opinion that collective rights can be accepted if they serve individual interest. In this sense collective interests are a more a facon de parler. They are a way of referring to individual interests which arise out of the individual's membership in communities (Raz986)

Collective rights seen this way are grounded in other rights. That is they are seen as serving individual interests. Individual right¹⁸ can be seen as not to be dependent on rights of other individuals or any group Hence, the individual rights can be defined as core rights or non derivative one. Collective rights can be seen as what Raz means by derivative rights. Collective rights, seen this way can be 'instrumentally valuable'. This is seen as deriving its value from the consequences it will have on the lives of the individuals or the consequences it would likely do have or the use it can be put to produce such consequences. Raz has made the point that "not everything which is intrinsically valuable is also of ultimate value." (Raz 1986). To apply it to the cultural groups, they can be of intrinsic value The ultimate value belongs to the individuals. Raz's example of the relationship between the pet and the master¹⁹ can be borrowed to prove this point. Individual's life may become richer and better because of her culture. So, the latter can have intrinsic value It cannot be ultimate because culture derives its value from the contribution it makes in the overall well being of the individual. Hence culture can be intrinsically but derivatively valuable.

We hold that by not treating the group or culture or collective right as sacred or of ultimate value we do not deny either their importance or

their existence. They are important but they need to be important for human beings. Their existence is necessary, but this existence has to be justified in terms of the existence of human beings. They should have their right place, but they should not encroach upon the area which the rational individuals feel is their right to occupy. Less vital interest of an individual or a few individuals can be allowed to be overridden by a more vital interest of the larger number or the collectively. It would not be justified, on the other hand, if more vital interest of the individual would be overridden by a less vital interest of the collectivity. For example, any reasonable theory would agree that basic need of as many as possible should be fulfilled first before a few should indulge in luxury. At the same time can not support the view that a culture which believes in human sacrifice for the spiritual and material benefits of the community should be allowed to continue with that. Is it not our moral duty to stop cannibalism or should we allow it to be preserved as a 'culture'?

Any argument for group rights has to take into consideration what Haksar has called, the cumulative interest of the relevant individuals. If certain action by a particular group would have harmful impact on the cumulative interest of individuals then its restriction would be justified. Cumulative interest is not only regarding the benefits one section will have out of an action or a policy but also the harm feared to be done on the other side Haksar has shown that the Kashmir issue can not be seen in isolation from the rest of India (Haksar 1998). Similarly, individual actions have also to be weighed against the cumulative interest of the relevant individuals. Freedom of expression does not entitle individuals to say or write anything about a particular group

which the latter would feel defamatory Members of the groups would feel hurt by such remarks.

To say that collective rights and the value of cultural groups are conditional is not to deny the minority ways of life. The latter in turn should be consistent with the democratic norms in such a way as to result in social justice. This would mean respecting individual rights in the first place. Secondly, it would require that any discriminatory practices should be corrected to result in inter-group as well as intra-group equality. Thirdly, the weak and the vulnerable should be given the required minimum for their betterment - material well as non-material. The redistribution of goods and services cannot be ruled out for this purpose this would not deny the individual's right to live with dignity and prosper. Claims of the weak and vulnerable can be seen as group-based as well as individually. This would be independent of the claim of the dominant and the better off. The latter, of course cannot be and should not be systematically disadvantaged. Group based claims does not exclude the reasonable claims of the minorities. Finally, role of the state as a universal institution to adjudicate between the claims of different groups and between the groups and the individuals should be accepted. All should be subjected to the norms of democracy, equality and social justice.

Parekh himself has conceded that claims of minorities for certain rights have not to be made on unreasonable grounds any they can not be independent and irrespective of the values and interest of the larger society. Parekh talks of Operative Public Values (OPVs). They are changeable and also can be different for different societies. They are those values which are basic to the ways of life of a particular society. Till the time they are changed and this change

is not forcefully brought about the minorities have to show respect for and commitment to such OPVs as prevalent in the society. This would involve no moral coercion. Minority practices may even legitimately be banned if it violates OPVs (Parekh 1998). Parekh's OPVs can be interpreted to mean that minority way of life cannot be left to its own in each and every aspect. Where it can be established that the interference is required the same can justifiably be done. The ground for such interference can be the securing of a dignified life of the individuals.²⁰ Parekh himself has observed while citing the example of Britain that how it responds to oath taking in courts ".....The very practice of taking an oath presupposes some conception of the sacred, of something one deeply values and cherishes. And only an individual can decide what is sacred for him or her" (Parekh 1994a).

Arguments for minority right have the tendency to justify it on the ground that they are good for the individual or they are in individual's interest. This argument has to be qualified. As White²¹ has pointed out that if interest alone can be the basis of rights? That is to say that if something is in the interest of someone, should that thing be a right-bearing entity? This has to be considered in the background of if something is in someone's interest is at the same time concurrent with whether the latter is also interested in former. White has supported his argument with examples. If an AC is in the interest of the individual should the AC be granted rights? Similarly simply someone's interest in something does not entitle that thing to qualify for rights. For example, it is considered acceptable that the dead should be buried decently. Does this qualify the dead to have the right of decent burial? Similarly simply by saying that culture is good for the individual does not entitle cultures to be right-

bearing entities. Cultures may be good for individuals the individuals should also consider culture good for themselves Rights do not exist in abstraction As White has observed 'rights are to be claimedrelated to and contrasted with duty. Only a person can have rights' (White 1984).

Recent literature in multiculturalism while arguing for group rights has given place to individuals in its scheme of things. They have made the point that the group may not have an inbuilt democratic character. In such circumstances intra-group equality tends to be overlooked. To balance the individuals claim vis-a-vis her community, Chandhoke has put forth her idea of individual -in -community Taking out the middle path between individualism and communitarianism, it takes care of the dualism of the self. It sees individual as culturally embedded and at the same time concedes individual autonomy Individual is accepted as not to be given with the end results She has made use of the cultural capital, instead, to reflect on the values she has acquired from her culture She can weigh from the category given by the culture or can gain a category by stepping outside through interactions. Thus, the culture which provides her the conditions to be reflective itself becomes the subject of evaluation (Chandhoke 1999a).

It is the possibility of subordination of individual interests to those of her community that intra-group equality has been emphasised with inter group equality. Every kind of diversity is not conducive to the protection or enhancement of individual liberty. Diversity can in fact, be insensitive to the pursuit of individual autonomy and liberty. Sometimes protection of cultural diversity may require defending cultural practices that neither treat all the members of the community equally not respect their freedoms as individual.

Hence, it has been suggested that the application of the term 'preservation of cultures' needs caution. (Mahajan 1998a).

Arguing for minority rights, this way, has to consider the point that the minority groups may indulge in non-democratic practices. Minority rights are not seen as independent and unqualified. For example, Jeff Spinner Halev has suggested by taking the three elements of land, culture and justice that the cultural groups have rights if they are not oppressive and such rights do not harm the polity as a whole He has used the term 'group recognition' to denote group rights. He has also suggested that different cultural groups need different rights and different considerations should be applied while deciding about rights to different minority groups. This means that no general criteria should be applied and rights to different minorities should be considered in its own merit. As Jeff Spinner himself has noted, 'The severity of the oppression, the degree of cultural difference and the amount the culture respects individual rights, and the concentration of a particular people on a particular piece of land, all contribute to the form and content of group rights and recognition The higher groups register on these scale the greater their case for group rights and recognition' (Spinner-Halve 2000).

We accept that strict moral individualism has limitations. Individuals are not simply atomised entities. They are culturally embedded human beings. Apart from their existence in their individual capacity, their situatedness in some cultural group and relationship with other individuals as well as to the group need to be recognised. The identity of individual this way should be given proper weightage. We also consider that the inferior-superior and dominant-subordinated relationship of the groups is not justified. Certain groups at the

margins and weaker sections may even have collective rights. What we add is that individuals and not cultural groups are sacred. Human beings are an end in themselves. Groups at best can be derivatively sacred. By this we do not mean that they do not have value. Their sacredness may be derivative but this need to be respected and respected equally by other groups as well as individuals (Haksar 19998). Projecting cultures to be right bearing entities has adverse effects as we have discussed. Culture and group right have value till they have potential to make human lives better. They have instrumental value and individual rights have ultimate value. Groups should not become oppressive to individuals. In case it happens we agree with Kukathas that individual needs to free to exit the group it hinders the development of her personality. She is also free to shape and reshape her identity. It is for these reasons that the group identity itself is not taken to be rigid by the liberals. Presence of the larger society and the liberal democratic polity are, this way, considered to be necessary in case individuals need to find a place apart for her group identity. Here exercise of meaningful choice would be irrespective of her background identity.

END NOTES

1. Taylor has taken this position. He holds that community's formation along certain conception of good itself is possible. See Charles Taylor (1994), *Politics of Recognition*.
2. Kymlicka himself has noted the concern of the Canadians in relation to such demands. The feeling prevails that it will weaken the protection of the rights of individual Quebecers. The feeling got intensified in the wake of inclusion of a "distinct society" clause in the Charlottetown Accord which would have qualified the Charter. The said clause suggested the Supreme Court to interpret the Charter in a manner that is consistent with the preservation and promotion of Quebec as a distinct society. Although the Accord was defeated it left a lasting impression that such demands would be made in the name of group solidarity or cultural purity and this in turn will have effect of eroding individual autonomy. See Kymlicka, Will (1993), Three Forms of Group Differentiated Citizenship in Canada, Yale University and (1995) *Multicultural Citizenship A Liberal Theory of Minority Rights*, Clarendon, Oxford
3. That minority rights may be discriminatory against the women was expressed on several occasions in Canada. During the Meech Lake Debate the point was made by the women groups. The Native Women's Association of Canada, in this context, demanded that the decision of Aboriginal governments be subjected to the Canadian Charter so that any violation of Women's rights could be prevented. It was expressed that women's right may be suppressed in the name of Aboriginal self-government. Kymlicka himself has taken note of such developments. See Will Kymlicka (1993), (1995), *ibid*.
4. Kukathas has observed in this context that the liberal theory does give primacy to the claims of the individual to that of the community. But this would be wrong to conclude that community itself has been neglected. See Chandran Kukathas (1992), 'Are There Any Cultural Rights' *Political Theory* Vol 20.

5. Indian Constitution grants reservation in jobs to the Scheduled Castes the Scheduled Tribes and the Other Backward Classes. There is not yet any provision for the Christians to avail themselves of such benefits. A great deal of controversy is going on whether the Scheduled Castes or Tribes who have converted to Christianity are eligible for the benefits of reservation. Some see that not the change in identity but the extent of backwardness should be the criterion of positive discrimination. For example Gail Omvaidt. Some see it the other way. They hold that identity in question is used as a political weapon to corner the benefits of reservation. Identity in such cases it is argued is not something intrinsically valuable or something that forms an inseparable part of individual life. It is, at best, an instrument to serve the individual interest in a particular situation.
6. That ethnic groups are natural has been argued by authors like Anthony D. Smith. He has criticised the views which hold nations and nationalism as modern phenomenon.
7. For the sake of definition, the Indian Constitution does not define Buddhists Jains and Sikhs as separate form Hindus. See Art. 25 of the Constitution of India
8. Aboriginal representatives of the National Aboriginal Consultive Committee established by the Australian Commonwealth Government were often suspected by their people of succumbing to white patronage.
9. Citing Mahathir bin Mohammed, Kukathas has observed that the cultural community and the elite may share a common interest, if both gain from the growth of collective 'self-esteem.' In such a case masses might welcome the success of the elite. This way masses are said to be deriving vicarious satisfaction from the success of the elites.
10. John Stuart Mill was a great champion of freedom of thoughts and expression. He was of the opinion the "freedom of expression" should be allowed to operate unhindered in the society. Even if opinion would be wrong or partially correct or correct or partially wrong and the holder of such an opinion be even one person, the person should be

allowed to speak his mind. In each of these cases the possibility of making the ideas richer is there. See J.S. Mill (1971), *On Liberty*, in three essays by J.S. Mill, with an Introduction by Millicent Garrett Fawcett, OUP London.

11. Kymlicka has responded this way to the problem of Pueblo Indians raised by Svensson. After conversion to Christianity some members of the culture had chosen not to participate in certain communal function. Others maintained that the converted had violated the Pueblo religious norms and hence were no more entitled to have a share in the community's resources. The Christian converts then objected to this treatment and appealed to the 'Indian Bill of Rights' for religious protection. Other Indians objected to the extension of this Bill to the pueblo as destructive of their traditions in which religion was an integral part of the community life. See Will Kymlicka, (1989) *Liberalism Community and Culture*, Clarendon press, Oxford.
12. Kukathas has commented that in cases such as related to Pueblo Indians, for the individuals to exercise meaningful choice, what is required is not cultural protection but cultural interference See Kukathas, Chandran (1992), 'Are There Any Cultural Rights' in *Political Theory*, Vol. 20.
13. Kymlicka has declared in his book *Liberalism Community and Culture* (1989), that for the cultures which are less capable of liberalising themselves the liberals should take it upon themselves to liberalise them. He also mentions that this should be done without destroying the cultural community. See this book by him (p. 170), Clarendon Press, Oxford
14. Kymlicka's argument is that since minorities are disadvantaged and face inequalities due to the result of circumstances rather than choice they should be granted with the group rights. See Kymlicka, Will (1989) 'Three Forms of Group Differentiated Citizenship' in Canada, Paper on Democracy and Difference, Yale University, April 16-18 and (1995) *Multicultural Citizenship*.
15. Contact with the larger society and with other political entities may transform particular

community completely. Kukathas has cited an example from Richard Mulgan's (1989) book *Maori, Pakeha and Democracy* Auckland OUP. The Maori society used to be a strictly non-individualistic community. Groups and their welfare were the prime values and individuals found their identity as part of the group, existing to serve collective ends. Individuals could justifiably be subordinated or sacrificed for the good of the community. The Maori society of today in New Zealand is much less collectively oriented. Maori identity has more become a matter of personal choice

16. It has been noticed that those who married outside the community had not only to lose their cultural membership but they were also disallowed to have a share in the community's resources. In certain societies endogamy is strictly followed to preserve the purity of the group. Any deviation from this practice invites punitive action. For example Indian caste groups are endogamous. Besides even within the community marital relationships are expected to take place only after the approval of the community. Sometime back Indian Newspapers had reported that a young couple was publicly hanged by the community because the relationship was of their choice!
17. Used in the Kantian sense of the term.
18. Raz has claimed that his definition of rights incorporates different views like that of Dworkin and Bentham. He has sought to include both the conditional aspect as well as the duty aspect. That is to say that firstly, one has rights if and only if one can have rights. Secondly in an equality of conditions X's interest makes an obligation of duty on others. Rights require what rights one has. Rights in his view are subject to both linguistic explanation as well as political, legal and moral arguments. See, Joseph Raz (1986), *The Morality of Freedom*, Clarendon, Oxford.
19. While showing the relationship between the dog and the man, man is taken as ultimately valuable and dogs can have no rights though we may have duties to promote their well-being. This way, those whose well-being is of ultimate value can have rights and so only interests which are considered of ultimate value can be the basis of rights. But, Raz holds that rights can be for the protection and safeguarding of others' interest

as well. For Example, rights of corporations. To take another example the right to free speech is based on speaker's interest, audience's interest and the third party's interest. Only the first interest is the interest of the right holder. Raz concludes that only those whose well being is intrinsically valuable can have rights. See Raz, Joseph (1986) *ibid*.

20. Elsewhere Parekh has argued that the society cannot function along ethnic and cultural ties alone. There has to be certain common tie which binds together different human beings. This can be, for example, the feeling of patriotism, as different from that nationalism. See Parekh Bhiku (1999), 'What is Multiculturalism', in *Seminar* 484, December.
21. White has pointed out that rights need consideration of whose rights. Rights are not an entity which can exist independently. It has to be in relation to or with some one or something See, White, Allan R. (1984), *Rights*, Clarendon, Oxford.

CONCLUSION

The multicultural discourse has put greater emphasis on cultural diversity. It has been pointed out that the importance of culture has not been given its due place in liberal political theory. This was, multiculturalists point out, due to the fact that only individuals were considered the primary unit for political judgements and not their background. Political community, thus, was treated as homogeneous and boundaries of political were taken to be the same as those of cultural. They are right in pointing out that the reality of human life is 'diversity' and 'heterogeneity' and not uniformity and homogeneity.

The emphasis that the state should not treat different individuals unequally simply because of their 'diverse' group identity is well taken. Multiculturalists have done only a good thing by focusing the light of the debate on the inadequacies of the liberal democratic project, which mistook the Western mode of development in the field of science, technology and economy to be the parameter of the cultural perfection of human kind. It has also been pointed out that liberals have only advocated for and promoted their 'own' way of life and in so doing the 'liberal way of life' was taken to be coterminous with and equal to the 'dominant' way of life, which eventually meant the way of living of the White people in the Western countries. Those who differed in their way of living were gradually pushed to the margins and discrimination took place against them in a subtle way. To overcome the harmful effects

of this discrimination 'rights of the minority cultures' have been advocated.

In arguing for group rights the multicultural debate has largely confined itself to the 'good' done by the cultures to their members. What cultures do or can do to their members and what culture is for the individuals has only been seen in positive terms. The negative aspects have generally been overlooked by the great advocates of minority rights like Kymlicka, Taylor and Parekh. Individual's contribution in bringing about 'cultural changes' and her capacity to realize her own ends has not been adequately considered. Culture has been treated as it is the sole contributor in 'shaping individual's tastes, desires and aspirations' and the only factor in enabling the individuals to 'exercise meaningful choice'. It is only in the recent literatures that individuals' life has been given some consideration.

That persons should find themselves so situated as not in a position to avail of the opportunities in the state simply due to their cultural background would amount to discrimination. This is a reasonable and acceptable fact. This should also be equally acceptable that minority ways of life should neither be demeaned nor suppressed. Also, creation of an environment where a member of the minority community would confidently find herself at par with the members of the dominant and/or majority is necessary can not be denied. This way social justice should be the defining characteristic of the liberal democracy, where enjoyment of rights, freedom and equality of opportunity ought to be available to all. To attain this end, in certain circumstances, based on merit, collective rights could also be granted to some vulnerable groups.

What we have argued for in this study is not to oppose group rights. We have pointed out that the objective set forth by the multiculturalists might be valuable but the means of 'minority rights' ; as suggested by them is full of inadequacies. The way culture has been shown important for individuals is also problematic. Cultures are not closed groups but they are open to interactions with other collectivities. They may be cultural and may not be. For example, the Hinduism for a person can be a religious and a cultural identity too. Over a period of time it has not only accepted and incorporated certain values from other religions but also ways of living. Western life style and the 'liberal' culture are not considered anti-Hindu, save orthodoxy . Moreover, the way minority identity has been taken as the ground for advocating group rights treats 'identity' as fixed and static, an un-influenceable entity. We have shown that not only individual identity but the identity of a group itself is liable to change. A group may change its cultural as well as its political identity. Individual's role in the change of group's identity has also been pointed out.

What we have pointed out is that in shaping her tastes, desires and aspiration and exercising meaningful choice; culture is not and should not be a restriction on human beings. She should be free to go beyond the boundaries of her culture and take a critical look of the group practices. It is the person who ultimately feels the effects of certain practices and it is she only who feels satisfied after realizing her goals and ends. Individuals might feel satisfied by realizing goals collectively but it would happen only when the individual would identify herself with that of collectivity. When

culture would be treated as the sole contributor in enabling individuals to exercise the meaningful choice, it would claim to be the only arbiter over the issues, which concern the lives of the individuals . We hold that individual is not free to harm the community, but she should not be forced to be a part of the collectivity. This would be a form of oppression.

Individuals are born into a particular culture. This is not their choice. Then it is but natural that cultural environment would have an influence over individual's life. What we emphasise is that individual's capacity to develop herself should not be overlooked. Individual's ability to develop her capacity and utilise that capacity towards the desired ends has to be accepted. If we consider otherwise then we would have to believe in Aristotle's statement that 'some are born to be slaves and some are born to be masters'. Had individual's capacity to rise above the resources provided by the culture not been duly emphasized, the Schedule Castes and the Schedule Tribes would never have been able to attain their present status in the Indian society. Higher castes would have simply demeaned them as inferior creatures and they must have accepted this position because the culture says so!

We have also underlined the fact that the arguments for minority rights have only talked about the existence or acquiring of the rights, how these rights are to be exercised have been left open ended. It has been emphasized in the multicultural discourse that these right should be guaranteed by the state and the majority and the dominant should agree to it. Whether the minorities have any obligation towards the state and the majority is again

left out. If the group is made a right bearing entity and is not made accountable for its actions to any other institution and also it has not been specified whether individuals can have rights against their own groups, then the group would have every tendency to behave as a 'totalitarian group'. History provides examples of such groups. In such circumstances, the group might choose to suppress individual freedom and rights to maintain its cohesiveness and compact identity.

Our point is that the way multiculturalists have alleged the (traditional) liberal democratic polity of ignoring cultural aspect of human life, same way they can also be blamed of ignoring individual aspect of human life. There ought to have some sort of balance between the needs of human beings in their individual capacity and the needs as a part of a collectivity. Liberalism has found the widest acceptance in different parts of the globe because of its adaptability to suit the changing needs of the circumstances. It is a practical philosophy. Any liberal theory of minority rights which does not give due place to Universal Human Rights would be inadequate.

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