

CONTESTED MEANINGS : MULTICULTURALISM, MINORITY RIGHTS AND CITIZENSHIP

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CERTIFICATE

This dissertation entitled "**CONTESTED MEANINGS: MULTICULTURALISM, MINORITY RIGHTS AND CITIZENSHIP**" submitted in partial fulfilment for the **Master of Philosophy** degree of this University has not been previously submitted for any other degree of this or any other university and is an original work.

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

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*Dedicated to
My Family*

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CHAPTER I

INTRODUCTION AND SCOPE OF THE STUDY

The prestige of political philosophy is becoming increasingly high for the last three decades. It is my contention that this is because of increasing social pressure to practically realise Enlightenment ideals of equality, liberty, and fraternity. True, philosophical principles reside at a distance from the real world, even so they are realistically unavoidable. Our practices and institutions are embodiments of theories. To engage in those practices (social, cultural, economic and political) is already to stand in relation to theory. This is why political philosophy attracts the attention of sociologists, historians, economists and other members of the literati. No doubt there is always a gap between theory and practice. Nonetheless, this would not rebut outrightly our engagement with it.

Multiculturalism is a problem at present and for the foreseeable future - a problem for politics, morality, and for the ethics of politics. There are few societies in the world today that are not marked by multicultural heterogeneity of one kind or another. Almost every modern society consists of different cultural (ethnic, racial, national, religious, linguistic) groups whose ways of living are different from one another as well as from that of the majority community. Since different

minority groups harbour and cherish varied conceptions of the good life, and some of their practices and values differ and even affront those of the wider society, the fact of putting multiculturalism to work becomes critical. This is why contemporary societies that are democratic are concerned deeply about minority rights and practices. In this dissertation I shall attempt to understand the issues that multiculturalism poses in the context of the principles of the Enlightenment. My principal question is whether liberalism as a political philosophy is able to address contemporary problems of multiculturalism effectively. In this process my endeavour will be to explore the implications of liberal political philosophy for the way contemporary democracy should deal with this problem. However, my espousal of liberalism here is not devoid of some important caveats and conditions. The proclamation of liberalism in a multicultural setting demands some modifications.

There are two major motivations propelling me to embark on this project on multiculturalism. The first is a discomfort with the communitarian constructions and interpretations of culture and community, and with the kinds of reproaches they have made against liberalism. The second is an uneasiness with the way liberals have responded to the questions of collective rights of minority cultures.

I hope to execute the following steps in the pages to follow. In chapter two, I explore the discourse of multiculturalism at some length. The relative usefulness and shortcomings of various strands of multiculturalism have been discussed in an effort to conceptualise a position on the debate over multiculturalism. In chapter three, I have delved into the liberal-communitarian debate over the meaning and conceptualisation of individual, community, and culture as well as the implications of all these for the practice of multiculturalism in contemporary democratic societies. Chapter four deals with the Indian predicament. The focus has been here on the discourse of secularism in India, but not without reference to the western experiences. Where religious and cultural practices are, more or less, indistinguishable and inseparable, the politics of multiculturalism assumes the form of the politics of secularism; hence a plea for secularism in this work.

Methodology

Methodology here does not merely refer to concrete practices of research. It means the logical, theoretical and philosophical questions and issues that the research process including such concrete practices presuppose. At least three things need to be stated clearly, that is, the purpose, context, and the conceptual framework of research. The context of my study shall be contemporary societies, that is modern

liberal democratic societies. Theocratic or undemocratic societies would have little relevance here. Theological cultures may have to seek religious justifications for upholding their values of equality or hierarchy which is not the concern of this study. The purpose shall be to review and assess the legitimacy of minority group rights. These rights are being claimed by numerous marginalised or disadvantaged groups through various social movements in the face of rejection of first-order discrimination in accordance with the right to equality or equal protection as propounded by social thinkers and political philosophers, and laid down in various constitutional amendments. The first-order discrimination refers to the discrimination against Hindus, Muslims, Jews, Blacks or Women, on grounds that they are different, or viewing them as inferior. Lastly, the conceptual framework shall be that of modern liberal theory. However, the whole work is based on secondary sources like books, and articles published in various journals, magazines and newspapers. No empirical study has been conducted in this work. Thus the present exercise is primarily a theoretical analysis.

CHAPTER II

MEANING AND CONTENT OF MULTICULTURALISM

A number of demands in contemporary politics revolve around the demands for equal but separate status for cultures. Different groups or communities claim different kinds of rights in the name of autonomy and authenticity. The demand comes to the fore in a number of ways: on grounds of minority rights, or indigenous ways of life, or protecting disadvantaged groups. Putting together, all of these can be subsumed under the rubric of the politics of 'multiculturalism'. In order to explore some of the issues that have arisen within the discourse of multiculturalism, I would first look at how this discourse came to seem familiar, or at least readily understandable, to us.

Its Origin and Growth

The origin and growth of the politics of multiculturalism can well be traced to two significant changes in history. These two changes have made the contemporary preoccupation with identity and recognition, autonomy and authenticity, in the form of the politics of multiculturalism inevitable. The first is the collapse of social hierarchies of ancien regimes and the emergence of modern notions of dignity [see Taylor 1992: 26-27]. Central to pre-modern social hierarchies was the notion of 'honour' which is intrinsically linked to inequalities. As Taylor

tells us, in earlier times, one's position in the social hierarchy was the basis for honour. To have honour in this ancient sense means that not everyone should have it. This is the sense in which Montesquieu used it in his description of monarchy. He maintained that "honour is intrinsically a matter of 'preferences'" [cited in *ibid.*: 27]. In contrast to this notion of honour, the modern notion of 'dignity' is used in a universalist and egalitarian sense. What is implied here is the inherent dignity of all human beings. As Peter Berger puts it, when we talk of 'dignity' in contrast to 'honour' the underlying premise is that "everyone shares in it" [Berger 1983: 172-181, cited in Taylor 1992: 27]. It is with the move from the ancient notion of honour to the modern notion of dignity that the politics of universal equality came into existence. This politics of equality emphasises equal dignity of all citizens, and entails equal rights to all without any regard to race, ethnicity, caste, religion, and so forth.

The second major change came at the end of the eighteenth century with a new emphasis on what Charles Taylor calls "individualised " identity, Lionel Trilling terms "authenticity", Herder "originality" [see Taylor 1992: 28]. Herder was perhaps the main articulator of this notion of authenticity. He puts forward the idea that "each of us has an 'original' way of being human" [cited in *ibid.*: 30].

This idea has penetrated very deep into modern consciousness. Before the late eighteenth century, no one had thought that the differences between human beings would have this kind of moral significance. The idea is very new. It implies that “there is a way being human; this is my own way; being true to myself means being true to my own originality” [see Taylor 1992: 30-31]. Herder applied this conception of originality both to individuals as well as to the community. So just like individuals, a ‘Volk’ should be true to itself, that is, to its own culture. Hence the European colonialism ought to be turned back in order to give the Third World peoples their chance to be themselves. It is this modern notion of authentic identity that gave impetus to the politics of difference. The politics of difference demands that everyone should be recognised for his or her unique identity. The politics of difference has gained substantial strength from the French Post-Structuralist thought and the Civil rights movement in the USA [see Geyer 1993: 513]. Undoubtedly, these two forces have shaped most popular mobilisations for equal but separate recognition, representation and participation which are at the kernel of the contemporary debate on multiculturalism.

In this connection we confront two kinds of politics – the politics of universal equality and the politics of difference. With the politics of

equality, what is established is universally same for all; whereas with the politics of difference, what we are asked to recognise is the atypical (distinct) identity of an individual or group and their distinctiveness from everyone else. Hence, conflicts crop up today around the politics of multiculturalism. Below we shall explore the conflicting claims made from these two varieties of politics.

Contentious Claims: Autonomy, Authenticity or Both?

According to Taylor, the politics of equality emphasises the inherent dignity of all human beings. He understands dignity to consist largely in 'autonomy', that is, in the power or capacity of each person to determine for himself or herself [Taylor 1992: 57]. Thus, Taylor associates, rightly, the politics of equality with 'autonomy'. Nonetheless, he fails to notice that the politics of equality does provide or embody a space for authenticity within itself. By guaranteeing equal rights and protection of individual freedoms, it gives scope to the individual to accomplish or actualise his or her life in his or her 'own' way, that is, his or her 'original'/'authentic' way. In the second place, Taylor associates the politics of difference with the ideal of 'authenticity', whereby each individual or group is thought to have a distinct identity, an original way of being human, to which she or he must be true [ibid.: 38]. Similarly again, Taylor failed to see that in the

pursuit of 'authenticity', the politics of difference demands nothing but 'autonomy' of the group or community from the state. To my mind, both the politics of equality as well as the politics of difference involve the duo - authenticity and autonomy simultaneously. Nevertheless, they have, I think, different dimensions. That is, whereas the politics of equality advances its demand at the individual level, the politics of difference puts forward its argument at the community level.

Inescapable Tensions : Equality or Difference?

The politics of equal dignity claims that we should treat people in "difference-blind" fashion [Taylor 1992: 40,62]. That is what most of the usual liberal multiculturalists argue [see *ibid.*, also McLaren 1994: 51-53, Giroux 1994: 336]. The liberal multiculturalists essentialise sameness or equality while very often undermining the historical contextualisation and the prevailing structure of power relations in society. They fail to take a serious note of the fact that certain racial and ethnic groups are overwhelmingly over-represented among poor, illiterate, and unskilled workers as well as among other vulnerable categories owing to a variety of historical reasons. These could be racism, apartheid, gender discrimination and so on. For them, various redistributive programmes, affirmative action, and special opportunities offered to certain populations (even to repressed groups) would seem a

betrayal of or a simple negation of the old cherished principle of equality. Thus, the proponents of the politics of equality reprehend the advocates of the politics of difference that they infringe the principle of non-discrimination.

The politics of difference does also have certain counterclaims against the politics of equality. I shall consider here two such important claims as its advocate would like to put forward. The first claim is related to certain kind of preferential treatment that is temporary in nature; for example, provision of seats reservation in various economic, political, and educational institutions. Such reverse discrimination measures provide people from previously disadvantaged groups a competitive expediency or favour for jobs or places in various institutions and universities. Though reverse discrimination is a departure from non-discrimination, it could be justified as a fugitive or transient measure that will finally level the ground and permit the old "blind" rules to resume in toto so that it does not disadvantage anyone.

Moreover, demand has also been made by minority groups for enlargement and change in the curriculum to include information about other cultures [see Hymowitz 1992, Cheney 1993, Siegel 1991, Glazer 1991, Ravitch 1990, Asante 1991]. As Hymowitz shows, minority

children have not fared so well in the past; the schools, like society as a whole, have been dominated by an Anglo-European cultural perspective. Americans whose pedigree is not European are slighted and despised, and as a result suffer from an impoverished self-image that impedes their motivation [see Hymowitz 1992: 24]. The reason for these proposed changes is not merely that all students may be missing something important through the exclusion of certain races, gender, or cultures, but also that women and students from the hitherto excluded groups are given, either directly or by omission, a demeaning picture of themselves, as though all creativity and worth inhered in white males of European provenance. It is assumed that if minority children are given lessons in/about their own culture, these children would then feel a sense of pride or self-esteem that would in turn lead to greater academic success as well as greater personal authenticity. One can hear an echo of Rousseau and possibly Dewey here: "Education must cultivate the child's natural self - read authentic ethnic identity - not constrain him or her in an artificial mould - read Anglo-European identity" [cited in *ibid.*, emphasis original]. Thus, enlarging and changing the curriculum is essential not only for a broader culture for everyone, but also, more importantly, in order to give due recognition to the hitherto excluded. The more important background premise of

these demands is that recognition forges identity, particularly in its Fanonist application. Frantz Fanon, in *The Wretched of the Earth*, contends that the major weapon of the colonisers is the imposition of a demeaning image on the subjugated [see in Taylor 1992: 65-66]. Therefore, the struggle for freedom and equality must pass through a correction of this image. Multicultural curricula are meant to help in this process of correction.

However, despite these arguments, the minority groups often have taken an exaggerated position, where the curricula have been changed from one kind of 'uniculturalism' or 'anticulturalism' (e.g. Eurocentrism) to another one (e.g. Afrocentrism) [see Lefkowitz 1993]. It should be noted that multicultural curricula should include the study of many different cultures, not the replacement of one by another. The Afrocentrists cannot claim to be multicultural if they include only African study to the exclusion of European study.

Another demand of the politics of difference is, more or less, permanent in nature. Perhaps this is, it seems to me, most crucial to the debate over multiculturalism. The goal of this demand has been not to bring the minority groups back to an eventual 'difference-blind' social space but, on the contrary, to maintain and cherish the distinctiveness not just now but for ever. The politics of difference

reprimands its counterpart that it negates identity by forcibly assimilating people into homogeneous mould that is untrue to them. Further claim is made that the seemingly neutral set of difference-blind principles of the politics of equal dignity is in fact a reflection of one hegemonic culture. Let us examine these complaints in a little more detail.

There is some truth, I think, in these complaints. They are not entirely without substance. As Bhikhu Parekh points out, western liberal culture has always remained assimilationist: "others must become like us, my present is your future" [Bhabha and Parekh 1989: 27]. It has always remained profoundly fundamentalist and individualist. Usually the politics of difference is a response by the repressed groups to an effort launched from the outside to coercively incorporate them into some larger entity. Czarist Russification, the American 'melting pot,' and the universalist programme of some other nation-states are obvious examples of efforts of this sort [see Walzer 1994a: 5]. Viewing other cultures and knowledge as inferior and irrational, the so-called modern rational Europe and America pursued justification of universalisation and homogenisation in the name of a civilising, enlightening, or modernising mission. J. S. Mill justified, as Homi Bhabha mentions, despotic colonial rule by saying that there are

certain cultures which need to be educated into modernity and civility [see Bhabha and Parekh op. cit. 27]. It was Herder who advanced the theory of relativism as the corrective to the ethnocentric universalism [see Pantham 1996: 212, Taylor 1992: 30]. He advanced an organic conception of the cultural (national, ethnic, linguistic or religious) community. He wrote that each nation has "its own centre of happiness within itself" [see Pantham op. cit. 212]. That is, each community should be given the chance to seek their own way of happiness. Hence, Germans should not try to be derivative and inevitably second-rate Frenchmen, as Frederick the Great's patronage seemed to be encouraging them to be [see, for example, Taylor op. cit. 31]. Michael Walzer rightly points out that "the politics of difference begins when a group of people, previously invisible, repressed, and fearful, insists on its value as a group and on the solidarity of its members, and demands some form of public recognition" [Walzer 1994a: 4]. He states that it is the old and unjust incorporations that precede the politics of difference and make it necessary [ibid.: 7]. Empires incorporate captive nations; dominant or hegemonic cultural establishments dominate and seek to assimilate minority groups. The articulation of differences shatters these ancient patterns, and negotiation replaces them with their liberated dissociated pieces. If it

goes well, the negotiating process will tend over time to broaden its horizon reaching towards multiculturalism, group representation, affirmative action, and new forms of citizenship in democratic society. These would be, ideally at least, non-repressive modes of incorporation - different modes for different cases.

One might ask here what is gained by articulation of difference if the subsequent negotiations continually break down, sometimes turning into a kind of armed diplomacy and intermittent war fare? Nevertheless, the repression of difference (as in totalitarian or imperial regime) has its own characteristic brutalities, and it was necessarily, and inherently, anti-democratic [ibid.: 16]. Thus, articulation of difference can be the beginning of democracy, not its suppression.

The politics of difference however is not quite right on its own, particularly the radical or exaggerated version of relativism, what McLaren would call left-liberal multiculturalism [see Pantham 1996: 218, McLaren 1994: 51-52]. Today all societies are becoming increasingly multicultural, while at the same time becoming more porous. At this juncture, some proponents of politics of difference, like left-liberal multiculturalists, tend to exoticize 'otherness' in a nativist retreat that locates 'difference' in a primaeval past of cultural authenticity. They are essentialising culture as the property of an

ethnic group, while putting them beyond the reach of critical analysis. It is precisely because they conceive culture only as a natural or organic growth rather than as "human or social practice" [Pantham op. cit. 218]. They fail to notice, what Charles Taylor calls the "dialogical" character of human life [Taylor op. cit. 32]. Whereas Taylor's focus is on dialogue with the "significant others" (G. H. Mead's formulation) of a particular cultural group, my emphasis would (also) be on dialogue across cultures. That dialogue with, and learning from other cultures have been constitutive of all living cultures and traditions does not receive due recognition in their hands. They fail to notice that what they call natural cultural identities are in fact the outcome of people's trans-cultural dialogues, conversations, engagements, learnings, and widening of horizons. This is why there is the danger of reifying 'difference' and celebrating it to the exclusion of common humanity. Hence, this strand of politics of difference has some anti-emancipatory or anti-transformatory implications; it denies any common humanity to peoples across cultures and territories. As it erects insurmountable barrier, even if, between the oppressed and the oppressor, it is regressive in its basic nature.

Towards An Unorthodox Multiculturalism

Having stated these contentious claims, we shall now turn to the question of identifying a defensible strand of multiculturalism. Before that a brief examination of various positions held within the discourse of multiculturalism will be undertaken. Here our effort should be understood only as an initial attempt at mapping out a viable notion of multiculturalism, or what I would like to call “unorthodox multiculturalism”.

Central to my understanding of “unorthodox multiculturalism” is the agenda of social, economic, and political transformation with a view to achieving greater social, political and economic equality. As Michael Walzer rightly notes, “Multiculturalism as an ideology is not only the product of, it is also a programme for, greater social and economic equality” [Walzer 1994b: 191]. Such a multiculturalism, as Manning Marable points out, would demand “new types of power sharing and the reallocation of resources necessary to great economic and social development for those who have been systematically excluded and denied” [Marable 1992: 13, cited in Giroux 1994: 338]. Imperative to such a task is a reworking of the relationship between culture and power as well as between culture and economy in order to avoid what Homi Bhabha has called “the subsumption or sublation of

social antagonism...the repression of social divisions ... and the representation of the social that naturalises cultural difference” [Bhabha 1992: 242, cited in Giroux 1994: 338]. Such a notion of unorthodox multiculturalism vehemently criticises the conservative position within the discourse of multiculturalism. For many conservatives, multiculturalism signifies only a disruptive, disuniting, and dangerous force in American society [see Giroux op. cit. 326]. The conservative multiculturalists, both in premodernist and (early)modernist forms, have pursued justifications of slavery, the subordination of women and other minority groups by insinuating natural laws of multiculturalism [see Robinson 1994: 388-389, McLaren 1994: 47-51]. Such conservative multiculturalists are yet to come out of their racial, ethnic, or gender prejudices, what to talk of carrying out the agenda of social transformation. The usual liberal strand of multiculturalism share a different kind of orthodoxy. The liberal multiculturalists have always remained profoundly individualist. They only talk about individual diversity and difference, never about group or ethnic diversity and difference. As Bhikhu Parekh rightly remarks, the liberals are “unable to ground individual choices and differences into a soil of ethnic differences and identity, where these choices have some sustaining political power” [Bhabha and Parekh 1989: 27]. They are

even unable to notice that the historical context and the specificities of relations of power privilege some groups, while oppressing others. They essentialise 'sameness', and that is why at the end of the day, they ended up creating an extremely uniform society. While liberals essentialise 'sameness', the left-liberal strand of multiculturalism essentialises the 'difference' [see McLaren 1994]. Though they set out to challenge the unculturalism or group particularism (e.g. Eurocentrism, white racism, etc.), they in fact only shift from one kind of particularism to another one [see Lefkowitz 1993]. They criticise whiteness as essential qualities, nonetheless they see blackness, femaleness, or Africanness as essential, unchanging qualities [see McLaren op. cit. 51-53]. These conservative, liberal, and left-liberal positions are, to my mind, essentially extremist in one kind and degree or another. Hence, the idea of unorthodox multiculturalism has to be advanced as corrective to these various forms of orthodox multiculturalism. Such a notion of unorthodox multiculturalism would affirm the existence and flourishing of various culturally (racial, ethnic, national, religious or linguistic) distinct groups within a society (usually nation-state). While it affirms cultural differences, it simultaneously refuses to essentialise and grant immunity to those groups that speak even from subordinate positions of power.

Hence, our goal ought to be to ascertain something analytically separate from the 'inauthentic and homogenising demand for recognition of equal worth,'¹ on the one hand, and the 'self-immurement within ethnocentric standards,'² on the other. There are various other cultures and we have to live together more and more both on a world scale and commingled in each individual society. However, to embrace particularity and appreciate otherness while insisting on universality and solidarity at the same time is not an easy matter. Yet the effort ought to engage the best of our humanity; else our worst could own the new millennium.

¹ This position can well be equated with 'cultural erosion' [see Rickard 1994].

² This is a radical illiberal approach that leads to or results in 'cultural ossification'.

CHAPTER III

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LIBERALS, COMMUNITARIANS, AND MINORITY CULTURE

A pressing problem that a number of states face today pertains to interceding the diverse claims for political recognition and self-determination made by different groups or communities in society. These groups view such recognition as an armour against marginalisation, sometimes, victimisation, which they have experienced (and some continue to experience). In different societies, different groups are demanding, in addition to the universal rights of citizenship, recognition of their group identity and protection for the continual reproduction of groups to which they belong. The most emphatic claims have been made by communities based on ascriptive criteria such as race, language, ethnicity, religion, or gender (that is, communities of *gemeinschaft* kind). Since claims made by different groups may conflict, the state's responsibility towards such groups (keeping its own values in mind as well) involves complex political responses. The issue of respecting socio-cultural diversity and trying to protect differences, while at the same time preserving a shared area of cooperation and rights, has become a pivotal concern of contemporary democracies in recent years. The problem is almost universal although it manifests differently in different societies. In the United States, a

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country of immigrants, multiculturalism is the preferred term, and it provides the framework within which such issues are discussed. In India, too, similar issues have been echoed in the debate regarding secularism, which we will discuss in the next chapter.

In the last three decades, a debate has been raging between liberals and communitarians in political philosophy on issues of multiculturalism and secularism. The liberal-communitarian debate originated in the diatribes made by thinkers like Michael Sandel and Charles Taylor against John Rawls's *A theory of Justice* [1971] and Ronald Dworkin's [1978] "Liberalism" [see Sandel 1984a, 1984b; Taylor 1992]. It focussed on such issues as the conceptualisation of individual and community, the priority of the right over the good, and the concept of justice. Moreover, the debate has also addressed the strategies for protection of social and cultural diversity. While liberals have accorded primary importance to the individual and his or her rights, communitarians have adhered to granting absolute collective rights to groups. The strength of communitarian interventions is that they have been able to draw attention to some problems in liberalism that require correction [see Walzer 1990]. Nevertheless, the kind of correction which communitarians offer is not particularly helpful. Their alternatives are themselves problematic. I argue in this chapter that

there may be some limitations in the conceptualisations of culture and community, and their implication on individual identity. Further both liberals and communitarians have generally sought statist solutions to the problem of protecting individuals freedom and social diversity. That is, the range of possible solution suggested remains confined to granting, more or less, political recognition to groups within a state; or granting state protection for individual rights within groups. Often nothing more than an uneasy solution is envisaged.

In this chapter, I would examine the liberal-communitarian debate and its implications for the practice of multiculturalism. First, I focus on the philosophical grounding of liberalism and its response to the protection of cultural groups. Then in the second section I shall discuss the core claims of communitarians and their response to the protection of socio-cultural diversity. Finally, I argue that neither approach has been able to address satisfactorily the kind of problems which have arisen in contemporary society, and hence there is a need for going beyond the either-or framework of the liberal-communitarian debate if a more viable alternative approach is to be worked out.

Liberalism and its Basic Premises

The liberal political theories argue that the good society is one which is not governed by particular common end(s) or goal(s). Instead,

it provides the framework of rights or liberties within which people may pursue their various ends, individually or cooperatively. As Dworkin maintains, a liberal society is one that espouses no particular substantive view about the ends of life; rather it is united around a strong procedural commitment to treat people with equal respect [see Taylor 1992: 56]. Michael Sandel has also found similar interpretation in liberal theories where the pride of place has been accorded to neutral justice, fairness, and individual rights [Sandel 1984a]. According to this liberalism, "a just society seeks not to promote any particular ends, but enables its citizens to pursue their own ends, consistent with a similar liberty for all; it therefore must govern by principles that do not presuppose any particular conception of the good" [Sandel 1984a: 82]. This strand of liberalism is called as deontological liberalism since it gives priority to the right over the good. It allows each individual to choose which 'good' she or he will pursue, what sort of life she or he will lead. Thus, membership in a liberal society does not itself commit one to any overarching conception of the good for man. So deontological liberalism is incompatible with the public acceptance of a perfectionist understanding of political community, according to which political community is seen as having a particular telos or ends. In other words,

deontological liberalism states that “what makes the just society just is not the teleo or purpose or end at which it aims, but precisely its refusal to choose in advance among competing purposes and ends. In its constitution and its laws, the just society seeks to provide a framework within which its citizens can pursue their own values and ends, consistent with a similar liberty for others” [ibid.]. Sandel states that deontological liberalism which claims priority of the right over the good implies two things: first, that no one’s individual rights can be sacrificed for the sake of the common good (thus opposes utilitarianism), and second, that these rights cannot be based on any particular understanding of good life [here it rejects the teleological reasoning, see *ibid.*, 1984b: 16, Hall 1994: 77-78]. There are very profound philosophical assumptions that underlie this view of liberalism, which is deeply rooted in the theories of Immanuel Kant [see Taylor 1992: 57]. Among other features, this strand of liberalism perceives human dignity to consist largely in autonomy, that is, in the capacity of each individual person to define for himself or herself ‘what makes a good life’. Dignity is associated less with any particular understanding of the good life than with the power to consider and choose for oneself some view or other. It is argued that if we raise the outcome of some people’s deliberations officially over that of others,

then we are not respecting this power to choose equally in all subjects, thereby underrating others' dignity. Hence a liberal society must remain neutral on the good life, and confine itself to ensuring that, however they see things, citizens deal fairly with each other and the state deals equally with all.

The liberal response to the multiplicity of religious and moral traditions in modern society has thus been to advocate toleration (as far as possible?) of different ways of living. This response has received a variety of justifications from liberal thinkers, who have founded their conclusions on claims of natural rights, or arguments about original contracts, or calculations of utility. Despite this variety, there are certain core premises underlying liberal arguments. First, liberal theory is 'individualist' in assuming the moral primacy of the individual against the claims of the community; second, it is 'egalitarian' because it confers on all individuals "the same moral status and denies the relevance to legal or political order of differences in moral worth among human beings"; and third, it is 'universalist' because it affirms the moral unity of the human species and accords "a secondary importance to specific historic associations and cultural forms" [see Gray 1985: x, cited in Kukathas 1992: 108].

Liberals and Protection of Diverse Minority Cultures

The liberals acknowledge plurality and diversity by adopting no particular view of good life and allowing different conceptions of good life to exist within the same society. Postulating individual distinctiveness, liberalism upholds values of self-expression and self-determination of individuals. It is in these values that liberals seek to ground their defence of pluralism. The liberals protect not only individual differences but also group distinctiveness as well (though this group distinctiveness is of a different kind which will be discussed subsequently). In liberal theory, civil society is the realm in which pluralism is best expressed. Through the right of association, liberals allow group diversity to flourish. The point remains that the typical groups which liberals protect are of *gesellschaft* kind - that is, these are voluntarily formed associations. In civil society, the right of association gives individuals freedom to form groups through which shared interest may be pursued. In other words, liberals have been concerned mostly with the kind of diversity which might follow from the existence of a large number of secondary associations in civil society. Cultural (racial, ethnic, linguistic or religious) groups would have freedom to protect their particular traditions and practices but within the limits of the liberal state. Here a serious challenge to

liberalism arises because these cultural groups cannot be fitted into the liberal model of associational groups. The nature, compositions, and purposes of cultural communities are significantly different from that of the associational groups. The procedural liberalism recognises differences only within the sphere of civil society, and espouses neutrality in the public institutions. But differences cannot, often must not, always be confined to the sphere of civil society. As Charles Taylor shows, a society with collective goals like Quebec's, violates this model of neutral procedural liberalism [see Taylor 1992: 58-59]. It is axiomatic for Quebec governments that the survival and flourishing of French culture in Quebec is a good. Political society hence is not neutral between those who value remaining true to the culture of their French ancestors and those who might want to leave in the name of some individual goal of self-development. Thus, the procedural liberalism is inhospitable to difference because first it insists on uniform application of the rules defining rights, without exception, and secondly, it is suspicious of collective goals. The Quebec case clearly shows that their government is not grounded purely on the procedural model of liberalism, but is grounded very much on judgements about what makes a good life: judgement in which the integrity of culture has an important place. The point is that the neutrality, the individualist,

and the universalist premises of liberalism are in tune with the development of associational groups (which are more like interest groups), and not with the cultural groups that are unlike interest groups, and which have to face the question of survival. A cultural group is very much attached to particular ways of life - language, religious worship, food habits, dress patterns, values, music and dance, sports and so on. The survival of the community requires the continuous reproduction of its ways of life (this is not to deny changes occurring in the ways of life). So the community's survival might need special kinds of protection and special rights which cannot be provided by neutral procedural liberalism. The point I am making is that liberalism, with its absolute emphasis on individualist and universalist premises, has its own limitations. These premises of liberalism have been questioned and opposed by various groups in different parts of the world. They question liberals' sole emphasis on universal equal citizenship to the exclusion of differences. They demand that the distinctiveness of their groups should be recognised as such. For instance, black Americans do not wish to be American simply, without any qualification; they yearn for the adjective 'black' as a real cultural force. In much the same way, the Latvians did not want to be Soviet citizens simply; they longed to affirm their Latvian identity and claim

the political rights to protect and foster their identity. Similarly again, feminists argue that distinctiveness of women as women should be recognised. The feminist movements do not aim to recreate women in a male image, nor do their activist want to participate in a genderless humanity. They want instead to affirm the value of their own experience and sensitivity [for these examples see Walzer 1994a: 5, Joseph 1998: 134].

Vernon Van Dyke strongly criticises that liberalism's individualist premises are unacceptable because any conception of an individual presupposes some view of community society since individuals are social beings [Van Dyke 1977]. Van Dyke in particular has objected that "modern liberal political theorists focus on relations between the individual and the state as if no groups count that are intermediate – let it be acknowledged that social classes and interest groups are commonly recognised" [ibid.: 361]. He has further pointed out that an exclusive emphasis on the individual and on the principle of equal treatment tends to promote the view that it is incorrect even to think about differences of race, sex, language, and religion unless it is to combat discrimination based on these characteristics. It thus tends to promote blindness to group differences and a kind of unspoken assumption that societies are homogeneous [ibid.: 363]. Illustrations of

these tendencies are not difficult to find in liberal theories. Van Dyke finds this tendency in a variety of contemporary theorists, such as John Rawls, Hanna Pitkin, Carole Pateman, and J. P. Plamenatz [see *ibid.*: 363-364]. For example, Van Dyke demonstrates that in *A Theory of Justice* (1971), Rawls is wholly engaged with the question of justice for individuals. He leaves the problem of ethnic communities unaddressed. Rawls does not take a serious note of differences of language; he mentions race only to rule it out as a basis for discrimination; he similarly mentions religion out of the concern for individual believer rather than out of the concern for religious communities [see *ibid.*: 363]. As Van Dyke shows, Rawls speaks of self-determination not as the rights of a cultural group to choose whether or not to have sovereignty, but as the right of a state to be free of external intervention. Thus, the society to which his theory of justice applies is a society of individuals, and he assumes that all societies are alike in that they consist of individuals and not of groups. Van Dyke also shows that similar arguments are present in Pitkin's *The Concept of Representation*, Pateman's *Participation in Democratic Theory*, and Plamenatz's *Consent, Freedom and Political Obligation* [Van Dyke *ibid.*: 363-364]. Criticising these thinkers, Van Dyke argues that ethnic groups deserve special moral recognition. If group

differences were recognised and communities were acknowledged as rights-and-duty-bearing units along with individuals, there would be a greater chance of developing a coherent set of doctrines to address the real problems of minority groups. Theory would be more sensitive to collective sentiment and group identities. It would improve the social-psychological health of non-dominant communities and of their member [ibid.: 365]. Van Dyke further points out that individualism, with its usual emphasis on personal merit, is destructive of cultures other than the majority or dominant one.

Maurice Rickard has raised this point more clearly and more accurately [Rickard 1994]. He demonstrates that there is a clear sense in which members of minorities in multicultural democracies have less opportunity to enjoy their cultures than the members of the mainstream culture have to enjoy their own. Rickard rightly notes that the difference-blind liberalism can, at best, guarantee only one aspect of multicultural ideal, namely, the "secure access of minorities to the goods and rewards of mainstream social life"; it fails to insure the second, perhaps the most striking, ideal of multiculturalism, that is, "secure access of minorities to their own cultures" [ibid.: 143]. It is the second ideal that calls for (indeed requires) special minority protection in order to guard against minority inequality and 'cultural erosion' that

minority groups suffer. So Rickard's concern is with differential treatment of members of minorities and the majority. By this differential treatment he does not simply mean a temporary 'catch up' policy like reverse discrimination, but some deeper policy and programme, like special minority protection rights. He maintains that while reverse discrimination usually address the fact that minorities have poor access to the mainstream social goods, the protection rights are concerned with minorities access to the goods and values of their own cultures [ibid.: 166]. Thus, Rickard brings to light the deficiency of usual version of liberalism to give minority groups due access to their own cultures.

To put it succinctly, liberal pluralism has endorsed simple equality and has failed to give due recognition to differences among groups. While this position may sometimes have liberating effects for some groups, it has often also contributed to making minorities invisible, or repressed them, thus maintaining their exploitation or marginalisation. Therefore, it is the need of the hour, I would argue, to reformulate its usual basic premises to accommodate group differences.

Communitarians and Defence of Cultural Communities

In this section, my focus will be on some of the claims of communitarian thinkers like Michael Sandel, Alasdair MacIntyre, and Charles Taylor. These claims are about the nature and essence of individual as well as community, and its bearings on individual and group identities, and their production.

Communitarians claim that individuals are embedded in communities, and their identities are constituted by their membership of a community. As Sandel writes, people “conceive their identity ... as defined to some extent by the community of which they are a part. For them community describes not just what they have as fellow citizens but also what they are” [Sandel 1982: 150, cited in Caney 1992: 274]. MacIntyre has also made similar claim. He says : “We all approach our own circumstances as bearers of a particular social identity. I am someone’s son or daughter, someone else’s cousin or uncle: I am a citizen of this or that city, a member of this or that guild or profession: I belong to this class, that tribe, this nation” [MacIntyre 1981: 220, cited in Caney op. cit., for similar claim also see Walzer 1984: 324].

Thus, communitarians rebut the view that individuals can completely distance themselves from their culture, and create their

own character. Unlike liberals, communitarians assert that individuals' identities are constituted by their communal commitments. Charles Taylor too argues that people "only develop their characteristically human capacities in society. The claim is that living in society is a necessary condition of the development of rationality, ..., or of becoming a moral agent in the full sense of the term, or of becoming a fully responsible autonomous being" [Taylor 1985: 190-191]. In much the same way Taylor writes : "Consider what we mean by identity. It is who we are, where we are coming from. As such it is the background against which our tastes and desires and opinions and aspirations make sense" [Taylor 1992: 33-34]. Arguing against atomism Taylor maintains that the free individual or autonomous moral agent can only achieve and maintain his identity in a certain type of culture. Thus he brings to the notice the socio-cultural preconditions of autonomy of individuals. The implications of this claim is that cultural communities should be recognised as rights-and-duties-based units. Accusing liberals of working with a model of autonomous unencumbered individuals, communitarians have argued that individuals are embedded in a network of relationships, and cannot be understood in abstraction from them. Their sense of self and their identities are derived from their communal linkages. Therefore, communitarians have

argued strongly for the political protection of community identities and for a concept of justice which would take into account individuals as members of cultural communities and communities to which they belong. Such notions of justice have been spelt out by Michael Walzer when he writes:

“We are (all of us) culture-producing creatures; we make and inhabit meaningful worlds. Since there is no way to rank and order these worlds with regard to their understanding of social goods, we do justice to actual men and women by respecting their particular creations. And they claim justice, and resist tyranny, by insisting on the meaning of social goods among themselves. Justice is rooted in the distinct understanding of places, honours, jobs, things of all sorts, that constitute a shared way of life. To override those understandings is (always) to act unjustly” [Walzer 1983: 314].

According to communitarians, therefore, culture forms the frame of reference within which individuals develop a sense of self. We owe respect to the self-perception of other individuals and groups which in turn deserve recognition within the public sphere. To deny them this recognition would constitute a form of oppression. Multiculturalism’s agendas of cultural affirmation and special group rights follow from this philosophical assumption.

It is true that different cultures have different ways of living life, different ways of doing things. I welcome communitarians’ emphasis on culture and its bearings on the development of the ‘self’, and on the organisation of different activities that give perfection to a particular

way of living, but not without any qualification. One should note that its simplistic acceptance is fraught with various practical dangers. An uncritical celebration of culture may risk essentialising the idea of culture as the property of an ethnic group; it risks reifying cultures as separate entities by overemphasising their boundedness and mutual distinctions; it risks overemphasising the internal homogeneity of cultures in terms that potentially legitimise repressive demands for communal conformity (here identity politics becomes more a bondage than a bond); and by treating cultures as badges of group identity, it tends to fetishise them in ways that put them beyond the reach of critical analysis [see T. Turner 1994: 407]. Hence our objective should be to chalk out a separate analytical path that would take into account the importance of individual and community simultaneously.

For an Alternative Perspective

In this section, my endeavour would be to elaborate and defend my understanding of unorthodox multiculturalism. I will do so from the liberal perspective I have faith in. At the same time, I also run the risk of being disowned by the “liberal camp”, if indeed such thing exists.

Communitarians rightly point out the deficiency of liberalism to accommodate group rights within its purview. Nevertheless, it is not helpful to suggest that liberalism is literally incoherent and that it can

be replaced by some pre-liberal or anti-liberal community. Even some communitarians recognise this [see Walzer 1990: 15, Taylor 1992]. Liberals have to find their own path. A brief note on how liberalism has responded to the phenomenon of diversity would help in this regard (some of these ideas have already been elaborated in our earlier discussion). One kind of response has been in the form of 'toleration' [see Raj 1994: 68]. It involves letting minorities practices themselves as they wish without being victimised or marginalised, so long as they do not intervene in the culture of the majority. To some extent this has meant circumscription of the use of public media and public spaces by the minorities. For example, one can recall how in the 1930s and 1940s, any sign of Jewish assertiveness -even the appearance of too many Jewish names among New Deal Democrats or CIO organisers or socialist or communist intellectuals – was welcomed among Jews with a collective shudder. The communal elders said, "sha! Don't make noise; don't attract attention; don't push yourself forward; don't say anything provocative" [I quote this example from Walzer 1994b: 186]. The point is that minorities were treated at that time in America as guests where their public deliberation and participation were hardly welcome. All their (America's) minorities learned to be quiet; timidity was the mark of minority politics until very recently[ibid.]. Further, the

'toleration' principle also implied that all their activities were to be financed by the minority communities themselves, in addition to their contribution through taxation to the maintenance of the general culture.

The second liberal response may be like non-discriminatory policy [Raj 1994: 68-69]. This approach is based on the assertion of individual rights against discrimination on religious, language, racial, ethnic or national grounds or on grounds of sex. The non-discrimination rights are a natural extension of the classical liberal conception of constitutional civil and political rights. Under the regime of non-discrimination, a country's public services, its educational system, its economic and political arenas are no longer the preserve of the majority, but common to all its members as individuals qua citizens.

Acknowledging these two approaches as inadequate to deal with issues of cultural diversity in contemporary society, the third and better approach to the problems of minorities would be the 'affirmation' of the multi-cultures. The other two approaches limit the flourishing of minority cultures to a great extent. It is the third approach which is in tune with the ideal of multiculturalism. The policy of multiculturalism differs from the non-discrimination approach in that it rejects the individualist bias of the latter. We have to escape the framework of

radical individualism. This does not mean a return to a conservative nostalgia for an organicist and holistic conception of society, which is clearly inadequate for modern democracy. The problem is to understand the individual, not as a monad, and unencumbered self existing previous to and independent of society, but as constituted by an ensemble of subject positions, participating in a multiplicity of social relationships, member of many communities and participant in a plurality of collective identifications [see Mouffe 1993]. Our approach would acknowledge that individual freedom and prosperity depend on full and unimpeded membership in a respected and flourishing cultural group. It recognises value pluralism, that is, the validity of the diverse values embodied in the practices of different cultures. It is my assertion that multiculturalism requires a political society to recognise the equal standing of all cultures in that society. This implies the need for liberal societies to reconceive themselves. From the liberal perspective of unorthodox multiculturalism, the state would recognise all cultures as equal but, at the same time, it will condemn certain traditional practices of minority cultures just as it will condemn the traditional practices of majority culture, and support their reform. We cannot let the "state of the hook" [Gupta 1997], and allow full absolute autonomy to cultural communities. In such cases it will result in no

good than the illiberal or inhuman practices within the group, and oppression of some by others.

The major problem of the unorthodox liberal state would be how to define or conceive citizenship rights. I would state that the recognition of rights has to be posed in a new way. The idea of rights would be best envisaged in terms of specific communities. It is through his or her participation in specific relationship or a shared understanding that a social agent is granted rights, not as an individual outside society. Of course some of these rights will have a universal character and belong to all members of the political community (thereby removing the insurmountable barriers even between the basic humanity of the dominant and the non-dominant, oppressor and oppressed), but others will be based on specific socio-cultural contexts (thus affirming values of different cultures). Perhaps such a vision, I think, would bring us a touch of certitude between the inauthentic homogenising demand for recognition of equal worth, on the one hand, and the self-imprisonment within ethnocentric standards, on the other. What is at stake is the need for a new relation between the two. We can never be constant defenders of universalism or particularism, but now one, now the other, as the balance requires. The two would seem to be as each other's remedy. The forces of universalism and

particularism will correct each other only if the correction is well planned, and the planning goes well. Naturally such developments take a long period to come to fruition. One cannot realise the ideals of multiculturalism overnight. Further they cannot be achieved through 'government action alone' as they require a wide spread change in attitude. The current attitude of the population at large, and the speed of acceptance of the precepts of multiculturalism set limits on its practicability and proceedings.

But how could one address the demands of fundamentalists? What if a minority culture demands protection but oppresses its own members? How should one respond to a minority that demands, perhaps rightly, special consideration in a liberal pluralistic society and, at the same time, refuses basic liberties within its own ranks? For just one example, what if its religion prescribes second-class status for women? What if its elders retorted: "we would take the place that tradition assigned to us. Moreover, if you speak to the women in our community, you will find that they concur. So please keep your humanist prejudices to yourself?" What if minority groups say that they will not change any more?

I think these are the situations when multiculturalism becomes necessary and inevitable. Bhikhu Parekh rightly points out that a group

becomes solidified or frozen when it feels besieged and threatened, and finds little space to grow of its own [Bhabha and Parekh 1989: 25,27]. It is worth noting that 'existence in a multicultural society often makes cultural groups more repressive than they would be were they to exist in relative isolation' [see Raj 1994: 76]. When there is real or perceived discrimination or disrespectfulness, the feeling of insecurity of existence tends to promote fundamentalists, and conservative elements in cultural groups. It then tends to put much pressure on their own members to turn inward and reduce their contact with the outside society, as the only guarantee against defection from the group. One can mark the importance of multiculturalism here. It is stated above that existence in a multicultural society sometimes makes group more conservative and repressive. What is implicit in this is that numerical plurality of different cultures does not bring multiculturalism's ideals into reality, often such plural society involves the relations of dominant and non-dominant giving little space for some cultural groups to grow and flourish of their own. Hence, there is a need for such ideology as multiculturalism that would create and guarantee spaces within which various cultures (including minority cultures) could grow. It should further create a public space in which these cultures can interact with one another on equal plane, enrich the

existing culture and often create a new 'consensual' or 'hybrid' culture.

(While I am using the word 'hybrid' or 'consensual' culture, one instance immediately comes to my mind. I owe this instance to Homi Bhabha [see Bhabha and Parekh 1989: 29]. This instance happened in May 1817 under a tree outside New Delhi. According to the earliest Christian converted catechist, the Christian mission was told that a number of people dressed in white were reading a bible under the tree. The Indian catechist went off and asked them: "What are you reading?" They said, "We are reading this book of God". The catechist asked: "Well, do not you agree with it?" They replied, "Yes, we agree with everything in it". The catechist asked, "Then why do not you convert?" They said, "There is one major problem : your English sahibs eat meat, and we do not believe that the word of God can come from a meat-eater". The point is that the demand for a vegetarian bible is precisely a kind of hybrid culture. Another similar example is reported to us by Sajid Shaikh [1999]. He tells us of an excellent Muslim priest for a Hindu Ganesh temple in Vadodara).

In saying this I do not mean that internal oppression should be tolerated within a group. Such oppression has to be countered. But the question is how to do so? Here I find Will Kymlicka's classification of

group rights helpful to a considerable extent [see Kymlicka 1996]. He points out that, in many cases, minority group rights supplement and strengthen human rights, by responding to potential injustices that usual rights doctrine cannot address. Kymlicka calls these rights as 'good group rights' [ibid.: 22]. In other cases, the group seeks the right to restrict certain basic liberties of their members which are termed as the 'bad group rights'. In some other cases, the group uses its rights to practise and continue illiberal practices that are not only bad, but 'intolerable'. Kymlicka states that the larger society has the right to ban these illiberal practices. He adds that liberal states must tolerate some unjust practices within a minority group since we cannot ban all such practices that offend the broader society. They can only deplore such bad practices from outside. However, the most difficult job is to draw the line between the bad and the intolerable. Drawing this line would require consideration of various factors such as the nature and composition of the state and the minority group in question, the practices in question and some other related issues. The principle of toleration by the state however cannot be laid down in advance, and are best elicited by means of an open-minded inter-communal dialogue aimed at evolving a reasonable consensus [for useful discussion on these issues see Parekh 1995, 1996].

To say that the liberal state must tolerate 'bad group rights' does not mean that the repressed members have to stay within their communities even without certain basic liberties. The liberal state in such cases allows the oppressed members the 'right to exist' from the group if they want so. The right to leave their cultural group is a counter to the worry that multiculturalism encourages oppressive cultures to perpetuate their ways [see Kukathas 1992, Raj 1994: 73-74]. To my mind, this right to exist often may not serve the real purpose. For example, when women are being denied of their right to education, Kukathas's suggestion (of right to exist) will not help in any way in this matter. The right to leave may be helpful in some instances only for elite class people, even here it is not possible in all cases all times. Hence, the members should have, I would argue, the freedom to question, criticise and possibly to reinterpret or revise the traditional practices of their own community. This will enable the members within to lead life in a better way. Above all we liberals affirm cultures keeping in mind the importance of cultural community for the individual well-being, not to suppress it.

A few more words on why should the right to criticise and reinterpret the culture be installed. Two things need to be stated here. First, the criticism of a cultural practice by its own members will carry

greater weightage than criticism of outsiders, while judging the degree of oppression involved in a cultural practice. Those from outside may not often have, it is my assumption, the real understanding and experience of the minority practices; hence their criticism will carry less weightage. This is not to deny outsiders' critical view of a minority culture. The internal criticism in this sense carry more weight in drawing the line between the 'bad group rights' and 'the intolerable' one. Secondly, internal critics should have a good number to give support for reformation or ban the oppressive cultural practices. Nevertheless, the single individual should have the right to criticise, and the community has to survive such criticisms. Then only the ideal of multiculturalism could march ahead.

Before concluding this chapter I will quote a few words by Karl Popper to strengthen my case for the right to criticise or reinterpret the cultural practices. Karl Popper writes :

"I do not think that we could ever free ourselves entirely from the bonds of tradition. The so-called freeing is really only a change from one tradition to another. But we can free ourselves from the taboos of a tradition; and we can do that not only by rejecting it, but also by critically accepting it. We free ourselves from the taboo if we

think about it, and if we ask ourselves whether we should accept it or reject it”.

My assertion is that it is through the exercise of our critical human agency that we can make our lives more livable. In other words, a willingness to be open to comparative cultural study and critical engagement with it could lead us towards a possible fusion of horizons.¹ I think the achievement of such a horizon should be one of the great ideal of the discourse of multiculturalism in the present day democratic societies.

¹ It is for this reason I would more emphatically endorse Will Kymlicka’s policy of the ‘right to criticise or reinterpret’ than Kukathas’s simple policy of ‘right to exit’ [see Kymlicka 1992, Kukathas 1992].

CHAPTER IV

THE INDIAN PREDICAMENT

Multiculturalism as a social value has been part of the ethos of governance in India though it is not our official doctrine as it is in Canada and Australia [on Canada and Australia, see Wilson 1993, Roy 1995, Foster and Stockley 1990, Richmond 1991, Samuda et. al. 1984]. It has been politically espoused by taking into account aspects of linguistic and religious diversity. Our federation has been organised in accordance with the vast linguistic diversity that exists. Many of our major political parties have also been federally organised [Deb 1995: 3]. The political principle with regard to diverse religious faiths has been couched in the language of secularism. Since cultural and religious practices are inextricably linked, the politics of multiculturalism has taken the form of the politics of secularism.

When India became independent half a century ago, the ideal of secularism was phrased in various articles of our Constitution with little scepticism. In contrast, there are now tenacious adversaries vehemently attacking the Indian notion of secularism, and these onslaughts have emerged from quite different quarters. Many of the vitriolic criticisms of secularism in India flow from active politicians, generally associated with the Bhartiya Janata Party (BJP) that has been

'the principal political party representing the ideology of Hindu nationalism in the electoral arena' [Varshney 1993: 231]. Sometimes the savage and bitter attacks have come from the Shiv Sena, 'the locally powerful militant Hindu party based in Maharashtra and its capital, Mumbai' and the Rastriya Swayam Sevak Sangh (RSS), 'the moving force behind a good deal of Hindu activist politics, including providing leadership and direction to the BJP and other parts of the so-called Sangh Parivar'[Sen 1998: 455].

However, opprobrious remarks on secularism are not restricted to practicing politicians alone. Indeed, intellectual reproaches on secularism can be found in 'the high theory of Indian culture and society'[ibid.]. Intellectual scepticisms about secularism have come in recent times from T. N. Madan, Ashis Nandy, and Partha Chatterjee[see Madan 1989, 1991, 1993, 1994, 1997; Nandy 1985, 1992, 1997, 1998; Chatterjee 1994]. The Indian predicament of secularism, 'the ideological mainstay of multi-religious India [that now] looks pale and exhausted'[Varshney 1993: 227], calls for a wider analysis of its multitudinous criticisms – not only the attack from the Hindu right but also the reproaches from other quarters as well. However, my endeavour will remain confined to the intellectual scepticism on the subject owing to constraints of time.

As far as I know, intellectual scepticism about India as a secular state took birth in the late 1950s with Ved Prakash Luthera, who was an early critic of secularism in India. He submitted his thesis on this subject for the award of the degree of Doctor of Philosophy in 1959. Luthera published his doctoral thesis in the form of book entitled *The Concept of Secular State and India* in 1964. Prior to this publication, Donald E. Smith had published his book *India as a Secular State* in 1963. However Luthera's thesis was available to Smith, and Smith had discussions with Luthera prior to the publication of Smith's volume. In his book *The Concept of the Secular State and India*, Luthera concludes that 'India is not and cannot be a secular state'[Luthera 1964: vii-viii]. For Luthera, "'Secular State' and 'Separation of State and Religion' mean one and the same thing and that they can be rightly equated"[ibid.: viii]. Since the Indian Constitution does not strictly separate state and religion, and there are a number of instances of state's direct intervention in the matter of religion, India is not, and cannot be a secular state, argues Luthera. On the other hand, Smith's stand is that India intends to be a secular state: "The idea is clearly embodied in the Constitution, and it is being implemented in substantial measure" [Smith 1963: 500]. Smith defines secular state in terms of three salient features: (a) freedom of religion, (b) equal citizenship

(non-discrimination), and (c) separation of state and religion. Smith disagrees with Luthera's conclusion by reasoning that (i) Luthera proceeds from too narrow a definition of the secular state that equates secular state with separation of state and religion (which is only one of the three components in Smith's definition), and that (ii) Luthera takes too static a view of Hindu religion [Smith 1963: 110, f.n. 19]. Luthera justified his stand by arguing that the component 'separation of state and religion' implies the other two and that suffices his definition of secular state [Luthera op. cit.: viii]. Smith further remarks that a "...[C]ompletely secular state does not exist. Even the classic example, the United States, illustrates the reluctance to separate state and religion completely" [Smith op. cit. 499]. He insists that India is a secular state in the same sense in which it is democratic [ibid.: 500]. At the time of their writing, both Luthera and Smith were aware of the fact that the term 'secular' did not appear in the Constitution. Both have also noticed the two unsuccessful attempts by Prof. K. T. Shah to include the term 'secular state' in the Constitution [see Luthera 1964: 61-63, Smith 1963: 101, for more details see Baird 1981]. While neither Luthera nor Smith provides any adequate explanation for this action on the part of the Constitution Assembly, Luthera seems to suggest that 'it is because India does not intend to be a "secular

state” in the proper sense of the term’ [see Baird 1981: 390, also n. 12]. On the other hand, Smith explains the rejection of the term ‘secular’ as producing an internal conflict in the Constitution: “The inclusion of such an article in the Constitution, however laudable the intention behind it, would certainly have produced a conflict with Article 25 which,...., permits extensive state intervention in matters connected with religion in the interest of social reform” [Smith op. cit. 101]. However the term was inserted in the Preamble of the Constitution by the Constitution Amendment Bill of 1976 (42nd Amendment) despite such conflict. The reason could be that the concept of ‘secular state’ has changed so that it is no longer in conflict with Article 25, and the insertion of the term did not modify the Constitution so far as its secular intention was concerned [for such lines of argument see Baird 1981: 391-416]. Thus the Indian context provided its unique meaning to the concept of secular state keeping in view its socio-political requirements.

The recurrent outbursts of communal conflicts, violence, riots, the upsurge of Hindu nationalism, and various other ethnic upsurges have somewhat shaken the foundation of secularism in India. This has attracted the attention of various scholars, and the Indian predicament has been analysed variously, occupying a central position in the

contemporary theory of culture, politics and society. Hence my effort here will be, to examine some of those contemporary scholars and their scepticism about secularism in India. The major focus of these intellectuals has been on secularism, and its association with other terms like modernity, rationalism, and science. Moreover, issues such as the conceptualisation of religion and community in India, the relationship between sacred and secular and their mutual separation, and the question of tolerance have been at the centre of a large number of learned discussions. While the advocates of secularism contend that secularism is indispensable for Indian democracy, its critics have called for the abandonment of secularism altogether.

In this chapter, I shall explore some of these issues in the controversial debate over secularism. First, the focus will be on the origin, meaning and the underlying justification of the idea of secularism. Next follows the examination of the core claims of the communitarian critics of secularism and their alternative solutions for India. Finally, my argument will be that though communitarians are correct about some of the failures of secularism, their alternative solutions are not viable in contemporary India.

Secularism: Its Provenance and Meaning

The term 'secular' is a creation of Christendom [see Taylor 1998]. Its root meaning is derived from the Latin word '*Saeculum*' which means 'generation,' 'century,' or 'age.' It began to have a special meaning as applied to profane time - the time of ordinary historical succession [ibid.: 32]. As Taylor shows, this time was interwoven with higher time - the time of God. Human beings were seen living in all these times, but certain acts or social forms, or institutions could be seen as more thoroughly directed towards one than the other. For example, government was more 'in the *saeculum*' by contrast with the Church. According to the English Oxford Dictionary, the term secular was used to mean the members of ordinary clergy living 'in the world' and not in monastic seclusion, as distinguished from 'regular' and 'religious' clergy [1989, vol. 14, p. 848]. It also used to mean belonging to the world and its affairs as distinguished from the church and religion. Secularism is also used to connote civil, lay, temporal, worldly, non-ecclesiastical, non-religious, non-sacred, and unspiritual. The existence of these distinctions shows something fundamental about Christendom, that is, a requirement of distance or separation between the Church and the world. There were throughout the Middle Ages numerous conflicts and many overlaps

between the Church and the state [See Smith 1963: 9-21]. But in all versions the focal point was that there had to be a separation of spheres – “Render therefore unto Caesar the things that are Caesar’s; and unto God the things that are God’s” [Ibid.: 9]. Thus, it is the rise of Christianity in the Medieval Europe that gave birth to a new set of relationship unknown to the ancient world, viz., the separation of Church and state, and recognition of the basic duality between the spiritual and temporal realms, each with its own loyalties.

‘Secularism’ of today is built on this original distinction, though certain modifications and transformations have taken place. The word ‘secularism’ was first used by George Jacob Holyoake about 1846 [see *Encyclopedia Americana* 1983, vol. 24, p. 510]. Holyoake claims that the term secularism has been chosen as expressing a certain positive and ethical element which the terms ‘Infidel’, ‘Sceptic’, ‘Atheist’, do not express [see *Oxford English Dictionary* 1989, v. 14, p. 849]. However, central to the term secularism was that the public had to be governed by certain norms or agreements which were to be independent of any particular religious denomination. The norms or agreements regulating private-public domain (church-state relations) vary from place to place and time to time. Secularism in India is not the same thing as it is in the US. In article VI of the United States, it is

specified that “no religious test shall ever be required as a qualification to any office or public trust under the United States” [Smith op. cit.: 17]. Further, in order to make the principle of secularism more explicit, the first Amendment introduced in the House of Representatives by Madison, was adopted in 1791: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof” [ibid.]. Apart from the US Constitution, the US Supreme court also built a ‘wall of separation’ between the church and the state.

The Indian notion of secularism owes much to the West and to America. Nonetheless, it has taken a different shape here. The most comprehensive definition of the concept of secularism in the Indian context has been attempted by Donald E. Smith. According to him: “The secular state is a state which guarantees individual and corporate freedom of religion, deals with the individual as a citizen irrespective of his religion, is not Constitutionally connected to a particular religion nor does it seek either to promote or interfere with religion” [Ibid.: 4]. Smith’s definition reckons three distinct but interrelated sets of relationship concerning the state, religion and the individual. These three sets of relations are: first, relationship between the individual and religion (freedom of religion); second, between the state and the individual (equal citizenship); and third, between the state and religion

(separation of the state and religion). The state is excluded from the first set of relationship between the individual and religion, and the individual is granted full freedom (subject to public order) to embrace or renounce any religion as he or she wishes. This individual freedom of religion is guaranteed in article 25(1), 25(2), and 25(2)(b) of our Constitution. The collective aspect of this freedom of religion is safeguarded in articles 26(a), (b), (c), (d), and article 30(1), (2) of Indian Constitution. In regard to the relationship between the state and the individual, the exclusion of religion is essential in order to ensure equal citizenship rights. Here it is necessary to see that there is no discrimination on grounds of religion. This equality principle has been ensured in article 15(1), (4); 16(1),(2),(4), (5); 29(1), 29(2); 325; 330(1); and 332(1). The third set of relationship, that is, separation of state and religion, is guaranteed in article 27,28(1), 28(2), and 28(3). The third set of relationship is important because the closer the affinity between the state and a particular religion, the greater the risk that (i) religious qualification will distort the principle of democratic citizenship, and that (ii) the state will interfere with freedom of religion [see *ibid.*: 6-8].

One misconception must be cleared here. It should be kept in mind that the secular state is not to be equated only with the

separation of the church and state. The secular state is a complex of three sets of relationships as outlined above, of which church-state separation is one. For instance, church-state separation can exist simultaneously with flagrant denial of freedom of religion, as in communist countries. On the other hand, a church-state system can exist simultaneously with freedom of religion and a democratic conception of citizenship, as in England, which is in many respects a secular state [see *ibid.*: 20-21]. This is not to mean that separation of church and state is not important. In the context of modern democratic liberal state, the church-state separation is the arrangement which most clearly, logically, and effectively preserves the values of individual and corporate freedom of religion, and equal citizenship rights.

Underlying Justification

Now we will consider the philosophical background justifications for endorsing secularism. One underlying justification of secularism can be found in Rawlsian Liberalism [1985]. As Rawls rightly notes, the historical origin of 'liberalism' can be seen in the Reformation and its consequences [Smith also describes the implication of the Reformation for the secular state, see Smith 1963: 12-14]. As Rawls has remarked, "Until the Wars of Religion in the sixteenth and seventeenth centuries, the fair terms of social cooperation were narrowly drawn: social

cooperation on the basis of mutual respect was regarded as impossible with persons of a different faith; ... with persons who affirm a fundamentally different conception of the good" [Rawls 1985: 249]. Even in classical utilitarianism, it is assumed that there is one conception of the good which is to be recognised by all persons. Such a view holds that institutions are just to the extent that they effectively promote this good. In contrast, liberalism supposes that it is possible to acquire social cooperation even if there are many conflicting and incommensurable conceptions of the good. Liberalism is based on the principle that social justice is independent of and prior to any particular conception of the good [we have discussed liberalism at length in the last chapter]. Similarly, during the sixteenth century, Protestant and the Catholic leaders assumed that 'civic cohesion could not exist without religious unity within a state' [Smith 1963: 12]. So they produced the formula: 'Cujus regio, ejus religio – whatever the religion of the ruler, that would be the religion of the state' [ibid.]. Hence religious minorities were encouraged or compelled to emigrate to states professing their own religion. In response to this, secularism evolved where state's neutrality towards religious groups in civic matters became the principle. That is, it is assumed that in the matter of governance and affairs of the state, there should be no discrimination

on grounds of religion, and each group would be allowed to live with their own belief system. The point I want to make is that the underlying justification of secularism can be seen in Rawlsian liberalism. But this is not the only underlying justification of secularism. Some other background justification can be worked out. Charles Taylor's two essays provide us such insights in this regard [see Taylor 1996, 1998]. Before moving on Taylor's view on the underlying justification of secularism, let us focus at length on why secularism is inevitable for Taylor.

Charles Taylor endorses the ideal of secularism viewing it as imperative and inevitable for modern democratic societies. According to Taylor, secularism is inextricably linked to modern democracy. The inescapability of secularism flows from the nature of modern democratic state characterised by two salient features [Taylor 1998: 38-48]. The first distinguishing feature of modern societies is that they are 'horizontal', 'direct-access' societies [ibid.: 39]. In contrast, the pre-modern societies were characterised by 'hierarchy' and 'mediated-access' [ibid.]. Taylor tells us that in pre-modern societies, one belonged to the society via belonging to some component of it. That is, as a peasant one was first linked to a lord who in turn was linked to the king. Traditional society was hierarchical in the sense that different

communities had different rankings on a fixed scale. No individual could become a member of this society without access to one or the other mediating lower-level communities. In other words, membership in society was conditional upon belonging to any one of its lower sub-components. Contrarily, the modern notion of membership is direct. Here we access our polity directly, without being mediated by any other membership to a sub-society. No matter in whatever ways one is related to the other intermediary organizations, his or her citizenship is separate from and not dependent upon any of these other memberships.

The second salient feature of modern democratic state is that it is grounded in 'common action in secular time' [ibid.: 40]. This is not the case in pre-modern state. The hierarchical order of the kingdom was seen as resting on the Great Chain of Being. In pre-modern societies where ordinary sequence of events touches 'higher times', there were privileged persons or agencies who used to act as intermediary. Taylor rightly establishes the link between the 'collective action in secular time' and the notion of 'direct access'. He shows that as long as events were placed within the framework of 'higher time', they were not directly accessible to the hoi polloi. In order to take part in these events, people have to seek privileged persons or agencies like

priests or kings. Once the secular is torn apart from higher time the importance of privileged access or mediated-access is corroded. Thus, in direct-access society, each member is 'immediate to the whole'. One crucial point is implicated in this characterisation of modern democratic state, that is, the identity of being a citizen taking precedence over a host of other poles of identities such as gender, language, and religion in this context. The modern state fosters citizenship identity which is sought to be independent of other kinds of identity. This explains the necessity of secularism, where religion is irrelevant to citizenship. Hence, Taylor forthrightly acknowledges that secularism is not optional in the modern age.

However, Taylor provides a different background justification upon which his version of secularism is to be founded. He analyses two western modes of secularism and then advances an alternative model calling it as 'overlapping consensus'(Taylor borrows the term 'overlapping consensus' from John Rawls's *Political Liberalism* [1993] and sketches its content drawing on Jacques Maritain; see Taylor 1996: 15).

Taylor calls the first mode as the 'common ground' model of secularism. Here the ethics and norms of peaceful co-existence and the secular political order were based on those doctrines which were

common to all Christian denominations [1998: 33-38, 48-53]. It is the convergence between the various Christian confessions upon which the secular-sacred separation, and the relationship between state, religion, and individual (or groups) were to be founded. On the other hand, the second 'independent ethic' model asks people to abstract from these higher religious beliefs altogether for purposes of a political morality and ethics [Taylor 1998, especially pp. 33-38, 48-53]. Here the search is for certain features of human conditions that will allow for the establishment of certain norms or agreements regulating the question of separation of religion and politics, and that of public and private as well. Taylor says that in the early days of America and Europe the first model was paramount, while the second model is gaining ground in more recent times. According to Taylor, each model has its own problems. The problem with the common ground approach is that as the society becomes diversified, accommodating different religious groups, the ground earlier defined as common (since it is common to all Christian sects) becomes a partisan one. Contemporary US contains not only substantial numbers of atheists but also considerable numbers of Hindus, Muslims, Buddhists, and adherents of many other faiths – each with its unique religious and metaphysical commitment. In such circumstances the common ground becomes

increasingly partisan. This lends credibility or plausibility to the independent ethic model. Nevertheless, this too has certain difficulties associated with it. Taylor argues that the very diversification that undermines the common ground strategy also questions the establishment of an independent ethic. As long as everyone is Christian, the definition of independent ethic may not be a great problem since such an independent ethic would be rather Christian in spirit. The definition becomes a real problem when there are good number of real atheists as well as many other diverse religious groups existing within a society. Conversely, Taylor shows the problem of independent ethic model as follows. The secularists insist that it is necessary to police the boundary of a common, independent public sphere; but this strict policing of the boundary of independent public sphere would be perceived by the religious believers as a unwanted forceful squeezing out of religion in the name of a rival metaphysical belief. That is, what to the secularists is a more strict consistent application of the principles of neutrality would be seen by the believers as partisanship. What the believers see as legitimate public expression of religion will often be criticised by the secularists as the exaltation of some peoples' beliefs over others. Here comes the complaints against secularism by many non-European, non-Christian

societies. Taylor admits the Christian origins of the idea of secularism, but argues that this does not mean it has no application elsewhere. He finds both the models as problematic in contemporary societies, and indicates a third way. The problem with the historical common ground approach is that it assumes that everyone shares some religious grounds for the norms regulating the public sphere. This is asking too much of today's diversified societies (since this common ground was based only on Christian confessions). On the other side, the difficulty with the independent ethic lies in the fact that it also demands the acceptance of norms regulating public sphere and, at the same time, the metaphysical background that defines these norms. Here Taylor rightly distinguishes the political ethic from its metaphysical backgrounds (i.e. underlying justification). He insists that we may agree on the first order justification while, at the same time, disagreeing with the second order justification. That is, we may agree on the politico-secular ethics that should govern the public sphere, whereas we may reject the philosophical grounding of these political ethics – religions in case of historical common ground approach, or right-based liberalism in case of independent ethic model. (One may recall here that the political ethics of common ground model were founded on those religious doctrines which are common to all Christian

denominations; that is, the common ground model assumes that everyone accepts some religious grounds for the norms defining public ethics. On the other hand, the independent ethic models demands not only the acceptance of the political ethics but also its foundation – that is supposedly independent of religion). Hence Taylor proposes an alternative model calling it secularism of overlapping consensus. The overlapping consensus model approves that there are many underlying justifications defining public ethics. This model lifts the requirement of a commonly held justification at the outset. In other words, the ‘overlapping consensus’ model strives only at universal acceptance of some political ethics while it concedes from the outset that there cannot be a universally agreed ‘basis’ for these ethics. Taylor states that this distinction is already made by Rawls– ‘We distinguish justice as fairness from the comprehensive notion of the good in which it is embedded’ [see Taylor 1998: 49]. Despite that, Taylor argues, Rawls is still trying to hold too much on the older independent ethic. Taylor complains that though Rawls sees liberal society as converging on justice as fairness, nonetheless he defines this not only in terms of the principle of justice as guides for action but also in terms of the rationale for these. This seems to Taylor as being too demanding. The point Taylor is making is that we can converge on some political

principles (secularism), but not on the philosophical background justification for endorsing these principles (the essence of overlapping consensus). Like the earlier independent ethic, Taylor's secularism will be a set of political-ethical principles and goods, and these principles will typically include not only a charter of rights accorded first to individuals but also in some cases to communities. Unlike the earlier independent ethic, his model of overlapping consensus acknowledges that there can be many different underlying reasons for signing on to these principles. Taylor elucidates his model by citing the instance of the issue of 'right to life' – which can be defined legally in terms of a set of rights guaranteeing against arbitrary arrests, murder, or punishment, and connected to various rights of free exercise. He maintains that this can be grounded in an Enlightenment-inspired doctrine of the dignity of human beings as rational agents; or this kind of rights can also be founded on a religious world view in which human beings are seen as made in the image and likeness of God. Or, in place of this typically Jewish or Christian perspective, a Buddhist may draw strong reasons from a certain reading of the ethical demand of non-violence to endorse rights of this kind [for this version of Buddhism as providing 'basis' for democracy and human rights, see Taylor 1996: 18-20]. To put it more precisely, Taylor insists that different groups,

religious communities, civilisations, while cherishing incompatible fundamental views on theology, metaphysics, human agency, and so on, would come to an agreement on certain norms that would govern human behaviour or action. Each would have its own way of justifying these norms from out of its own profound background conception. They would concur in the ethics and norms, while disagreeing on why they are the right ethics. Thus Taylor provides an alternative conception of secularism that may suit well in contemporary multicultural societies.

However, it should be noted that to achieve agreement on the first order justification is not an easy task. In contemporary societies, it is the agreement over certain universal political principles that often becomes a more difficult task than the acceptance of a universally agreed meta-theory for these principles. Taylor does not pay adequate attention to this fact. He only mentions that the secularism of overlapping consensus will be susceptible to sectarianism and conflicts over cultural rights. Democracy, modernisation and secularisation no longer allow these aspirations to be closeted away as they were under absolutism. The answer is not to turn away from liberal democracy. True, these conflicts were rare until now, and that these will be hard to manage in the years to come. He however, suggests that we have to

proceed by persuasion, and often by negotiation and compromise.

Indian Communitarians and Secularism

The communitarian critics comprising of T. N. Madan, Ashis Nandy and Partha Chatterjee find the roots of the Indian predicament of secularism in the project of modernity that emerged in the West [Madan 1989, 1991, 1993, 1994; Nandy 1985, 1992, 1997, 1998; Chatterjee 1994]. They argue that the post colonial state has tried to complete the homogenising project of the colonial state, refusing to recognise differences and privileging the legal status of citizenship. For them, secularism is alien to India, and it is incapable to defend the religious minorities. According to them, traditional religious virtues allowed for greater toleration than modernity does. Their attacks on secularism as modernism in India have further resulted in a very strong nostalgia for India's past traditions.

Madan launches his attack with the following words:

"Now, I submit that in the prevailing circumstances secularism in South Asia as a generally shared credo of life is impossible, as a basis for state action impracticable, and as a blueprint for the foreseeable future impotent. It is impossible as a credo of life because the great majority of the people of South Asia are in their own eyes active adherents of some religious faith. It is impracticable as a basis for state action either because Buddhism and Islam have been declared state or state-protected religions or because the stance of religious neutrality or equidistance is difficult to maintain since religious minorities do not share the majority's view of what this entails for the state. And it is impotent as a blueprint for the future because, by its very nature, it is incapable of countering religious fundamentalism and fanaticism" [Madan 1991: 395].

Tracing its provenance in the Christian tradition of the West and America, Madan argues that secularism involving the separation of religion and politics is a social myth. For him, 'secularism is a vacuous word, a phantom concept' and it is not practicable in South Asia 'unless they [the people-D. G.] be Protestant Christians' [ibid.]. Madan emphasises here the Christian origins of secularism as its major feature. This position has certain problems that cannot be overlooked. Andre Beteille rightly states that 'geography can never be a decisive test of the social value of an idea or institution' [Beteille 1994: 560]. One should not be averse to adopt something from the other side of the Globe if that is suited to the present requirement. Moreover as Beteille noted, "It is an anthropological truism that a culture that fails to borrow useful arts from other cultures and adapt them to its own requirements become stagnant and ossified" [ibid.]. Even communitarians like Charles Taylor while pointing to its Christian origin states that it is wrong to think that secularism is inapplicable to post-Christian societies [Taylor 1998: 31, 48, 53]. He however seeks to make certain modifications of the formula of secularism in order to adapt it to other societies. Madan defends his rejection of secularism by another argument concerning the unique character of religion in India. He writes that "religion in this culture [the Indian- D. G.] is

constitutive of society and the traditional vision of life is holistic" [Madan 1989: 116]. He goes on to say that this essay [1989] is "above all the effort to look upon religion not as a reflection or sub-system of society but as society itself" [1989: 143]. To him, South Asia's religious traditions are 'totalising in character, claiming all of a follower's life, so that religion is constitutive of society' [Madan 1991: 399]. To justify his stand he further adduces Gandhi: "For Gandhi religion was the source of absolute value and hence constitutive of social life" [ibid.: 401].

However, Madan fails to realise that it is the 'totalising' character of religion that stood as obstacle during the making of the Constitution and subsequently in the enactment of the Hindu Code Bill. Objections were raised at that time complaining that the state is encroaching upon the right to religious freedom. Commenting on those objections to social reforms B. R. Ambedkar replied that if religion were given vast expansive jurisdiction so as to cover the whole of life then the social reforms will come to a standstill [see Chatterjee 1994: 1770]. It is not necessary that laws relating to tenancy, succession, and some other laws be governed by religion. If one holds religion in terms of its totalising character then Sati practice, child marriage, ban on widow remarriage, untouchability and such other practices could

hardly draw the attention for social reform. Thus Madan undermines the harms and injustices done to certain sections of our society by this totalising character of religion. Further, in viewing the relationship between the religious and the secular as 'hierarchical,' Madan heavily draws on Dumont's 'idea of encompassment'. He uses the term 'hierarchical' in the sense in which Dumont uses the term [see Madan 1991: 399, 1994b: 1096]. Dumont holds that Indian society is the principal exemplar of holism and hierarchy in contrast to the individualistic and egalitarian characteristic of the modern west [see Beteille 1994: 565]. However, there are a number of flaws in Dumont's contrast that should be taken into account, and some of those have been repeatedly pointed out by Andre Beteille [see Beteille 1986, 1987, 1990].

Madan argues that communal violence, intolerance, sectarianism and such other evils are not the manifestations of religion but perversions of it- "... the religious, or traditional, view of life has not really been the source of conflict between peoples,... it is its perversion which has been so" [Madan 1989: 117]. Madan and Nandy attribute the perversion of religion to secularisation of modern time. Madan writes that 'it is the marginalisation of religious faith, which is what secularisation is, that permits the perversion of religion' [1991:

396]. In much similar vein, Nandy says that “Many distorted or perverted versions of religion circulating in modern or semi-modern India owe their origins to this perception of the triumph of secularisation rather than to the persistence of traditions” [Nandy 1997: 158]. Thus, Madan and Nandy ascribe fundamentalism and fanaticism to secularisation and secularism. However, they do not explain many instances of religious and inter-faith conflicts and violence in ancient and medieval India. Contrary to their portraiture of tradition, in history India was not the abode of interreligious understanding and tolerance. Moreover, while Madan imputes the pitfalls of religion to its perversion, he is reluctant to do so in case of secularisation and secularism [see Bailey 1991].

Nandy assails secularism but more of ‘secularism as modernism’ [Sen 1998] than secularism as such. To him, secularism has been launched in India as part of the modernisation project. It is closely associated with a set of other ideological products and processes of modernity such as nationalism, national security, mega-science, rationalisation, and development [Nandy 1998: 333]. Nandy insists that these ideas of nation-building, security, scientific growth, modernisation and development have become parts of ‘a new demonology, a *tantra* with a built-in code of violence’ [ibid.]. He

contends that secularism is a statist ideology that forces the believers to abandon their faiths in public, and it uses coercive power to achieve unquestioned compliance. Thus, he views secularism as 'definitionally ethnophobic and frequently ethnocidal' [ibid.: 324]. Nandy further argues that 'as India gets modernised, religious violence is increasing' [ibid.: 336, also see 1992: 29, 1997: 161]. Of course there is no denying of the fact of violence and disorder associated with modern legal and political order. But one cannot pretend that there was little or no violence in earlier period. As Beteille noted, "Violence inevitably takes a different form in a democratic as against a hierarchical society" [Beteille 1998]. It is very difficult to 'reckon the scope and extent of the violence inflicted on disadvantaged members of society and tolerated by them in their every day life in the past' [ibid.]. The past traditions were not free from violence and communal killings. In India's pre-colonial past there have been periods, for example during the eleventh through thirteenth century, in which violence, especially by sectarian armed forces, escalated sharply [see Sen 1998]. Reproaching modernism and secularism, Nandy expresses his admiration for India's past tradition. He insists that it is traditional India which has always shown tolerance of diversity: "It is not modern Indian which has tolerated Judaism ..., Christianity ..., and Zoroastrianism...; it is

traditional India which has shown such tolerance" [Nandy 1998: 336]. However, this is at best a half-truth. In certain cases this toleration has been no more than 'indifference'. In some other cases, as Beteille points out, the tolerance of the past has been 'the tolerance of a great deal that ought not to be tolerated in a democratic society based on the rule of law' [Beteille 1998]. That is, the toleration of indignity, oppression and violence inflicted upon various sections and groups of our society is not toleration in true sense; rather it is excessive toleration that can be viewed as another form of violence and intolerance. Thus Beteille rightly asserts that "The challenge before secularism today is to create tolerance among communities on the basis of equality and not on the basis of hierarchy as in the old social order" [ibid.].

Another assertion of Nandy's thesis is that 'in general, "principles of tolerance" have tended to develop eventually, as people of different backgrounds have settled down to live next to one another' [see Sen 1998: 478]. This assertion must be clarified here. To quote Joseph Raj: "...[E]xistence in a multicultural [read multi-religious-D. G.] society often makes cultural [also religious-D. G.] groups more repressive than they would be were they to exist in relative isolation. The insecurity of existence, especially where there is real or perceived

discrimination, tends to encourage conservative elements in cultural groups" [Raj 1994: 76]. The point I am making here is that mere numerical plurality of religious groups within a society does not necessarily develop the principle of toleration among them since discriminatory and unjust treatment of religious groups would come on the way as stumbling block. Hence the need of the principle of secularism that 'basically demands symmetric treatment of different religious communities in politics and in the affairs of the state' [Sen 1998: 479]. Thus, Amartya Sen rightly asserts that 'secular politics may well reduce, rather than add to, the violence that many societies standardly have (when political attitudes are non-symmetric, sectarian, and suspicious across the boundaries of the respective communities)' [ibid.].

Joining with Nandy, Partha Chatterjee (1994) contends that the defence of secularism is an inappropriate ground for meeting the challenge of the Hindu right and providing protection to minority groups in India. Notwithstanding, Chatterjee, unlike Nandy, is looking for political possibilities within the domain of modern state institutions as they now exist in India. He delineates three basic features of the secular state as mentioned in liberal-democratic doctrine, namely, the principle of religious liberty, the principle of equal treatment, and the

principle of neutrality (separation of state and religion) [Chatterjee 1994: 1771]. Then he cites an array of anomalies in the application of these principles by the state and some Constitutional ambiguities to demonstrate that India cannot be a secular state [see *ibid.*: 1770-1773]. Viewing secularism as an incongruous strategy for the protection of diverse religious groups, Chatterjee puts forward that minority communities should be granted full autonomy, and they should be acknowledged as political actors within the state. He insists that religious minorities can best be protected by a democratic state that ensures religious toleration. For Chatterjee, toleration means acceptance of a group that 'insists on its right not to give reasons for doing things differently provided it explains itself adequately in its own chosen forum' [*ibid.*: 1775]. He maintains that each religious group will have to publicly obtain consent for its practices since these practices have regulative power over their members. In addition, each group would have to evolve processes which satisfy the conditions of representativeness and democratic norms when seeking the consent of its members for decisions. However, in Chatterjee's analysis, the question of manipulation of power by the religious leaders or by some sections of the group has been ignored altogether, despite the fact that this has been a structural feature of many religious communities in

India. He left unaddressed some other related questions as to whether the state should intervene if the group does not follow democratic norms in getting internal consent; or whether its members (often dissidents) can seek state's intervention when the head does not follow democratic conducts. Without touching these questions, Chatterjee's appeal for democratic norms would make little sense for contemporary democracies.

However, the positive side of communitarian critics of secularism is that they have rightly pointed out its poor delivery, and often its bad advocacy over the last few decades. They are right to criticise the militant secularists who would like to wipe out all religion-based beliefs, practices, institutions and associations. Its most articulate proponents, as M. N. Srinivas has shown very clearly, have been left intellectuals, and some of them have carried forward secularism to the totalising claims of Marxism-Leninism [Srinivas 1993]. Critics of secularism have further brought to our notice the increasing number of communal conflicts and violence in contemporary society. In response to this, their suggestion has been to turn our back to modernity and to embrace the so-called glorious past tradition.

A few questions may be raised here regarding their analyses. True, communal or group conflicts may have increased in recent years.

Nevertheless, one needs to comprehend such increase in broader social context. One should query whether it is only secularism that has failed or whether the increase of inter-group conflicts has also to be analysed in the context of wider social changes taking place at various levels of society, not all of which can be imputed to the faults of modernity and secularism.

Here I shall repeat an argument that Lewis A. Coser had made in his book *The Functions of Social Conflict*. Coser postulates that if there is lesser degree of internal ego constraints (socialisation) and external constraints (social control) applied to individuals or groups, then they are more likely to initiate and indulge in conflicts [see J.H. Turner 1987: 169-170]. My first point is that the socialization process and the nature of social control have undergone drastic changes in our time. The modern liberal democratic social order, with its emphasis on equality and liberty, allows all of us (with no regard for ascriptive qualities) to question the legitimacy of the social system (though within certain limits); while in earlier days, people learned to be quiet even in the face of oppression, and they used to adjust to such oppression though this adjustment was never painless. Along with this, the nature of social control has also been taken a new turn [one can recall here Durkheimian formula– transition from repressive law to restitutive one].

As Coser shows, in systems with absolute dictators, where masses are repressed (often on the basis of primordial group identity), revolt is less likely than in system where some freedoms have been granted and where the deprived have been led to believe that things will be getting better [ibid.]. For instance, in a society where women are being oppressed in all spheres (both in private and, more importantly, in public spheres), and where this has been, more or less, a permanent structural feature, gender related conflicts are very unlikely to emerge. Women in such societies learn to lead their lives without having much to do with gender equality, be it equal right to education and employment, right to vote, or any such issue. The point I am making is that such kind of social changes should be taken into account in any analysis of conflict or violence. Moreover, the critics of modernity should note that conflicts are endemic (even more so) to modern society, and they have liberating effects. That is why, I believe, Coser took on the tasks of studying the functions of social conflicts. Moreover as Walzer noted, "Nor would it be irrational to recognise ... the 'integrative functions of antagonistic behaviour' and decide, nonetheless, to live with some lesser degree of integration" [Walzer 1994a: 101]. Recent writings in newspapers and magazines show that crime and violence have decreased in Afganistan after Taliban's

introduction of repressive laws (that prescribe death sentence and similar stringent punishment for many offences). Opting for Talibanism (with low crime rate) or for modern democratic society would depend on one's perception of a good society. No doubt, modern society is unstable, but so is every other. But this instability by its very nature develops human freedom, or, at least, possesses the potentiality to do so. Very recently, the Pakistani Prime Minister Mr. Nawaz Sharif declared that laws based on *Sharia* will act as a rampart against corruption, terrorism, crime and other forms of social and political disorder [Beteille 1998]. He has also stated that those laws will guarantee full protection to women, minorities, and other disadvantaged groups. The anti-secularist intellectuals will decide for themselves what they will make of such declarations in the context of India. But the modern secularists can only hope that the Indian Parliament would not recast the Constitution along the lines of *Dharmashastra* and *Sharia*. So instead of turning back to the past as Nandy categorically yearns for, I think, the effort ought to engage with secularism and work for its fruition since 'secularism is not an optional extra for a modern democracy' [Taylor 1998: 53].

CHAPTER V

SUMMARY AND CONCLUSION

This work may be seen to have begun with a very broad, general question: How can a multiplicity of individuals and groups make up a society? To put it differently, how can a multiplicity of individuals and groups achieve what is the condition of social existence, namely, a consensus? This question was very much at the core of *The Division of Labour*, the first major work of Emile Durkheim [see Aron 1968: 21]. But Durkheim's formulation was concerned only with a multiplicity of individuals (that is, how can multiplicity of individuals achieve a consensus to make up a society), not with a multiplicity of groups within a society such as the modern nation-state (for a modern democratic state, the question would be how to resolve the problems of manyness of individuals as well as the manyness of groups).

Though I refer to Durkheim in formulating the present problem, I have not fully adopted his theoretical paradigm. In fact, my analysis has drawn on critical theory. The concern here is not with any particular critical thinker as such, but with the general orientations of the critical theory. The point is that social theory should not merely describe social reality; it must critically analyse it and bring forward or proffer alternative ways of transforming it in the interests of human betterment

which includes concern for natural environment. In other words, in contrast to the positivist and functionalist claim that 'social theory must accede to the given' social reality [Young 1990:5, also see Calhoun 1995: 8], the discourse of multiculturalism should begin with a critical examination of domination, oppression and inequality, (drawing on critical theory).

Going beyond Durkheim's formulation of the problem of social order and locating it in contemporary society, a number of questions have cropped up which have special relevance today: What are the implications of the varied claims of new group-based social movements (such as the feminist movement, the Black liberation movement, the American-Indian movement, and the gay and lesbian movement) for today's social theory and political philosophy? How can traditional theorist's appeal to democracy, justice and equality be broadened and reformulated as a result of demands of these movements in late twentieth century politics and theory? Or, how can one address the challenges as posed by these demands in the form of the politics of multiculturalism?

The issue of group rights perhaps has been the most crucial in the politics of multiculturalism. In a multicultural state, group rights may pertain to regional autonomy, land claims, language rights, autonomy on

grounds of religion, quota systems in education and employments, political representation in the state and federal government, and even the choice of national symbols and public holidays. Though group rights may be of different kinds such as civil, political, economic and cultural, my focus in this work has been on cultural rights (In no way it would mean that they are mutually exclusive and unrelated). No doubt, most of the struggles over multiculturalism have been waged in various Universities of America or in polemic exchanges around curriculum changes and reforms [see Giroux 1994: 325-343, Dallmayr 1996: 203-204]. Today , crucial cultural wars are increasingly being fought on rights of minority cultures.

The term 'multiculturalism' has become so popular that its meanings have become quite obscure. It has multiple and conflicting interpretations, meanings and implications. It has been both championed and maligned. Hence, I have looked into various positions held within the discourse of multiculturalism (in chapter two). In particular, I have examined the frailties and reductive imperatives of these positions (namely, conservative, liberal, and left-liberal), and tried to advance an alternative that would do away with their extreme reductionism and inherent either-or approach (for example, universalism vs particularism). I have argued that universalism (the ideal of common humanity) and

particularism (the ideal of affirming differences) need to be integrated together - each one is the other's remedy. Keeping this in mind, a separate analytical path has been attempted in the third chapter.

In this chapter, I have tried to comprehend the bearings of various issues of multiculturalism on contemporary political and constitutional theory. I have shown that in the scholarly literature, multicultural issues have come up primarily in the form of controversy over the status of moral and ethical bond in the public sphere. In other words, there is a disagreement over the relative emphasis and importance to be given to formal procedural rules of justice vis-a-vis more substantive conceptions of the common good. Conventionally, the controversy has come down to the rivalry or antagonism between two major camps labelled as liberals and communitarians. Whereas the liberal camp has supported the universal principles of justice derived from individual dignity, communitarian camp has upheld the holistic "good" of the community. While liberalism has procured its background justification from Kantian philosophy, the second camp has often drawn insights from romantics like Herder and Fichte. However, I have not delved into all these issues in detail as they were not germane to my task.

The focus has been on two aspects: one, the difference between the autonomous ego and the situated human being, or to use Sandel's

terminology, between the 'unencumbered self' and a historically and culturally situated self; and second, the distinction between formal-universal rules and concrete moral relationships, or in Sandel's term again, between a 'procedural republic' and a republic of ethical community. In examining these aspects, I have revealed that the usual liberal approach has been too individualistic to protect minority cultures and their distinctiveness. On the other hand, it is demonstrated that communitarians have viewed culture and community as if they are concrete, homogeneous, static, unchangeable and determinate. Thus, in much of the literature, we are offered a choice between liberal theories which are essentially 'individualistic' and communitarian approaches which are essentially 'social'. Hence, I have suggested that liberals have to get rid of their individualistic bias, and communitarians should do away with their uncritical celebration of culture and community. The attempt here has been to conceptualise a liberal theory of justice and equality by taking into account both the individuals and the community together. Citizenship rights have to be defined keeping in view both the dimensions. The task is to redesign constitutional and legal provisions that will allow for the legitimate claims of cultural groups while forbidding systems of cultural (racial, ethnic, linguistic, religious) repression and discrimination (both outside and within the group). We

cannot let the 'state off the hook' and bestow full autonomy to the cultural community. Here I have sought a somewhat statist approach. Such an approach has been espoused with a view to guaranteeing, at least, legal and constitutional protection of the peaceful coexistence of diverse cultures and proscribing overt social, economic, political or even legal discrimination on the basis merely of one's ethnic, linguistic, religious or racial backgrounds. At the same time, I have maintained that state alone cannot bring the multicultural ideals into fruition. In fact, I have not discarded or discredited the efforts and initiatives of local level communities and agents of civil society to achieve these ideals. But how this could be done remains a matter for further investigation. What are the other agencies that may take up this task has not been spelt out in the present work. But quite clearly, the role of education, media, and religion cannot be overlooked in this connection. Again, these matters would require in-depth studies which can be the subject matter of future research.

Issues of multiculturalism have evinced acutely in Third World societies. Typically, liberal proceduralism has manifested in these societies in the form of secularism or the secular state. I have taken up these issues in the Indian context (chapter four). The Indian communitarians have also attacked modernism and secularism, and its

neutral proceduralism. The confrontation has been between secularism, modern legal proceduralism and individual rights on the one hand, and the framework of vernacular traditions and indigenous cultural beliefs, on the other. T.N. Madan's position is ambiguous on this question. At one point, he has upheld the holistic and totalising character of religion, and the encompassment of the secular under the religious. He seems here to be much sympathetic to religious traditions in organising socio-political activities. On the other hand, in his focus on secularism and the Indian Constitution, and the majority-minority conundrum [see Madan 1997: 248-260], he seems to be arguing for a uniform civil code [for similar interpretation see van Der Veer 1998: 533]. Partha Chatterjee insists on granting full autonomy to religious communities paying little attention to the structure of domination and repression within the group. Ashis Nandy flamboyantly attacks secularism and modern liberalism, while expressing strong nostalgia for past traditions. All these Indian communitarians have argued for the rejection of secularism and liberalism in favour of native cultural traditions. Such critiques of liberalism and secularism result in the rejection of modernity altogether. This is not necessarily true of other communitarians [for more detail see Mouffe 1988]. It is, to some extent not the case with Walzer and Taylor [see *ibid.*, Walzer 1990, Taylor 1998]. Taylor has even attempted to hint

at how a 'world consensus on human right' may be achieved [see Taylor 1996]. Both Walzer and Taylor have tried to integrate some achievements of liberalism and modernity (Though they have been more sympathetic to local cultural traditions).

The Indian communitarians' accusation that secularism is the source of increasing inter-communal conflicts and the sole reason of all evils does not sound convincing. They have too hastily concluded that secularism is inappropriate and should therefore be abandoned in India. The increasing inter-communal conflicts and antagonism, I think, is not because of modernity and secularism, rather inspite of it. These conflicts need to be studied in a wider social context. Further research may be undertaken to inquire into these issues, and an alternative approach has to be worked out (within modern liberal and secular framework) to meet the new challenges of secularism.

Before closing, the following observation should be taken into account. A closer look at the crisis of secularism would reveal that the reason for the poor delivery of secularism lies in the uneven development of secularisation in Indian society. Since 'there can be no secularism without a process of secularisation', the challenge of actualising it remains as a big task [Bharucha 1994: 2925]. And when secularism is detached from the process of secularisation, it gives way

to the politics of minoritism [Gupta 1995], and thereby making it more difficult to realise. M.N. Srinivas rightly notes such uneven development of secularisation when he observes that "Hindus were more affected by the secularisation process than any other religious group in India" [Srinivas 1972: 116]. His observation has great significance in respect to Hindu-Muslim relation and its bearing on the crisis of secularism in India. When one community says 'no' to the secularisation process and gets away with it, it seems to the other group that the state is playing favourites. In such case, fundamentalism and conservatism in one group leads to an identical reaction in the other. The state soon gets mired in the trap set by fundamentalism and becomes rudderless in the face of inter-communal conflicts. Hence, the task ahead of us is to secularise society, more or less, evenly through concrete social, economic, political and educational measures while allowing certain group rights to different cultural communities. This urgent task requires a more elaborate discussion. Only the outlines have been presented here.

It is indeed imperative to work out and advance a theory of justice that would look beyond the earlier liberal and many of the contemporary communitarian approaches. In order to do so a serious note of the complex relations between culture, politics (power relations), economy,

and their bearings on existing inequalities and exploitation¹ must be examined closely. The study of such complex relations would include their impacts on prevailing structures of inequalities not only between different groups, but also within these groups as well. In other words, the new theory would overcome the 'simplistic emphasis on procedural justice'² on the one hand, and the 'rhetoric of peaceful coexistence of the past'³ on the other.

¹ Satish Deshpande (1996) rightly points out the importance of the interface between culture, politics (power relations), and economy in order to address the question of inequality. The study of such complex relations may be sub-divided as follows: the political dimensions of culture, the cultural dimensions of politics, the economic aspects of cultural phenomena, and the cultural aspects of economic phenomena. Terence Turner (1994) clearly points to such lacking in anthropological study of culture. He raises questions as to what the anthropological theories of culture have to contribute to the multiculturalist project of social, economic, political and cultural transformation. What use are the notions of culture (say, Tylor's encyclopedic inventory, Benedict's configurations, Levi-Strauss's structures, Harris's reduction to protein) to socially, economically and culturally marginalised groups struggling to survive now?

² This is a position that often overlooks the historical specificities of power relations (and economies) that led to the marginalisation, often victimisation, of certain groups.

³ This rhetoric of peaceful coexistence of different cultures in the past may be equated with the policy of 'non-interference' and 'indifference' between groups, often resulting in cultural ossification. It also overlooks repression, exploitation and inequality prevailing within the group.

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