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Social Freedom in a Multicultural State

Towards a Theory of Intercultural Justice

Ganesh Nathan

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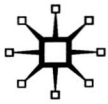

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To my mother
and
to the memory of my father

Acknowledgements

This book reflects my lived experience in different countries including Sri Lanka, Saudi Arabia, the USA, Australia and Switzerland – working for international and multinational companies within various multicultural environments. My worldview has also been shaped by the ideas of life variously gained: through my multidisciplinary education – in different countries and different academic institutions – in engineering, business administration, cognitive science and political theory; and through conversations with acquaintances, friends, colleagues and certainly academics. I am fortunate that my manuscript was accepted for publication by the editors of the Palgrave series 'Politics of Identity and Citizenship'.

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Introduction

This book addresses an important issue of the contemporary politics of multiculturalism within Western and neo-Western democratic states: how to provide normative grounds for multiculturalism without relying on or reinforcing potentially 'coercive notions of bounded or unified cultures', while preventing multiculturalism from collapsing into a plural monoculturalism.[1] In doing so, this book contributes to the ongoing recent critiques of essentialist notions of culture, as well as critiquing the normative underpinnings of Will Kymlicka's theory of liberal multiculturalism, and attempts to develop a normative theory of the politics of 'multicultural integration' within the paradigm of an anti-essentialist notion of culture. Kymlicka's theory of multiculturalism is considered as the 'clearest' point of departure in 'anglophone political theories of multiculturalism' (Modood 2007: 21)[2] against which other multicultural 'revisionists' have reacted. One of the aims of this book is to overcome the normative deficiencies of Kymlicka's (1995) theory of liberal multiculturalism. In deriving a set of normative criteria for the politics of multicultural integration, this book critiques some features of liberalism for multiculturalism and adopts key concepts of modern republicanism. Finally, it shows that the criteria enable us to normatively discriminate among competing political approaches to multiculturalism and diversity in a principled manner and that modern republicanism is more conducive to the sort of multiculturalism it advocates than liberalism and communitarianism, even though a coupling of republicanism and multiculturalism is generally considered contentious.

In his theory, Kymlicka differentiates three types of minorities – indigenous peoples, 'substate' national minorities and immigrant groups; he argues for group-differentiated rights and aims at integrating 'polyethnic' – ethnic immigrant – minorities within a multicultural

state. In his recent works, Kymlicka (2001 and 2007) identifies the rise of three different forms of liberal multiculturalism, and refers to multiculturalism with regard to immigrant groups as 'immigrant multiculturalism' for integrating immigrants so as to access 'common institutions' of the wider society within Western and neo-Western liberal democratic states. My focus is on immigrant multiculturalism, especially with respect to 'post-immigration' ethnic minorities within Western democratic states.[3] I refer to 'multicultural integration' in order to distinguish it from the politics of 'integration', which mainly refers to the politics of assimilation, especially as pursued by politicians in Europe (see Modood 2007).[4]

Contemporary scholars on multiculturalism are not against integration, but are concerned about policies of assimilation or separatism (Modood 2007; Parekh 2000). Kymlicka (2001: 162–3) points out that policies of multiculturalism at various levels of the states in Canada, Australia and the US can be defended as promoting fairer terms of integration. He argues that most of the demands of immigrant multiculturalism do not lead to 'balkanization' but rather to 'integration', accommodating diversity *within common institutions* (2001: 164). For example, he lists 12 reforms which can be considered under the 'rubric of multiculturalism' to integrate immigrants (2001: 163), including affirmative action programmes, revised dress codes and work schedules to accommodate different faiths, multicultural school curricula recognizing immigrants' contribution, antiracism education and bilingual education for the children of immigrants. Moreover, Kymlicka emphasizes that many aspects of public policy, such as naturalization, education, job training and professional accreditation and civil service employment, including national defence, are the 'major engines of integration' (2001: 155). I do not disagree with these reforms and policies per se, but the key issue is the normative basis on which to derive and justify fair terms of integration within common institutions, avoiding policies of assimilation, isolationism and separatism.

While not opposing Kymlicka's (2001) aim of 'fair terms of integration' for non-Western post-immigration minorities in Western democracies, this book argues that his theory has normative deficiencies. The policies derived from the normative foundation of his theory have a propensity to subordinate post-immigration ethnic minorities, while placing their 'cultures' within a moral hierarchy, and to collapse a multicultural society into plural monocultures. The normative deficiencies in Kymlicka's theory of liberal multiculturalism, I argue, arise from two sources: (1) cultural membership and a sense of belonging are held to be

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morally significant; (2) 'societal culture' is defined as a national culture complete with an institutional structure encompassing both private and public spheres of activity. In addition, his theory requires unnecessary 'culturalization' of certain minority groups, when in fact members of those minority groups are discriminated against on the basis of race, gender, class or some other social endowment rather than culture per se (see Barry 2002: 308). As this book shows, the ongoing critiques of the essentialist notion of culture as bounded, holistic, deterministic and static, as well as the recent discussion and revision of multicultural policies that are integral to the critique of the essentialist notion of culture in the Western democracies, do not mean that culture does not matter and thereby deal a fatal blow to multiculturalism.

Our multicultural challenge is to justify the claims of culture relying not on a theoretically impoverished essentialist conception of society but rather on one which gives importance to individual agency. The question within the multicultural debate should be in what ways and in which context culture matters for claims for justice. I argue that we need to reframe the debate on multiculturalism, but not on the basis of cultural membership as a primary good, for which Kymlicka argues. Rather, we have to combat circumstances of injustice due to cultural differences and practices of citizens with their particularities in multiple dimensions – economic, social, political as well as cultural. As Seyla Benhabib maintains, 'intercultural justice between human groups should be defended in the name of justice and freedom' (2002: 8). This book attempts to do that without reifying culture, group and identity. The politics of multiculturalism focuses on the politics of recognition, identity and difference. This book shows that the politics of non-domination, emphasizing freedom as non-domination, is complementary and important. It thereby argues that 'multicultural social justice' should be concerned with the 'politics of capability' for minority groups' members' 'capability to function' with their particularities as citizens of equal status, which requires both social recognition and non-domination as minimal and common normative conditions.[5]

Drawing upon Benhabib's (2002) critique of the essentialist notion of culture, I turn to Wilhelm Dilthey (1833–1911) to address intercultural injustices, human diversity and pluralism within a paradigm of an anti-essentialist notion of culture.[6] Although Dilthey's works may not be the obvious point of reference with regard to multiculturalism, his ideas of intersecting 'cultural systems' and interacting social organizations rooted in social life reinforce Benhabib's critique of the essentialist notion of culture and allow us to emphasize individuality

and agency without reifying cultures and groups, with a notion of dynamism, change and continuity, and thereby avoid collapsing a multicultural society into plural monocultures. Dilthey's understanding of the social world also allows us to capture its problematic nature by emphasizing dominance and dependence. His ideas make sense of the relationship between the individual and culture in a way that remedies the deficiencies in the accounts relied on by liberals and multiculturalists on the importance of culture and well-being. His ideas on culture and community accept the liberal critique of monoculturalism, but still provide a basis from which to identify a distinct multicultural politics that is more appropriate than the 'difference-blind' politics of liberalism, in which the state is supposed to be neutral over the concepts of goods. Furthermore, Dilthey's philosophy mediates between realism and idealism, relativism and universalism via subjective and objective values, and attaches importance to individuals and individuality within a sociocultural matrix of interacting systems rooted in social life that helps to derive a moral account for deliberating on claims for justice.

This book is developed from the premise that we are 'thrown' into a multifaceted, necessarily problematic, social world given the following three basic social facts of a modern multicultural social world:[7]

1. *Human diversity* is inevitable. We differ in our capabilities and identities (including gender), and we individuate with our unique personalities within the sociocultural matrix. According to Dilthey, an individual is a sociocultural being, for 'we experience life *ab initio* in common-lived relations (*Lebensbezüge*) with others'; however, Dilthey also insists that there is always a part of the person that remains independent of all social, legal and cultural authority: 'in his ultimate depths the individual is for himself [*für sich selber*]' (Ermarth 1978: 122, 125). In our endowments we differ in many dimensions: physical, emotional, intellectual and spiritual.
2. We live in an *ethical plural society*. We differ in our convictions of good or meaningful lives. Our ethical convictions can be incommensurable, or complementary, or conflicting.
3. We are *interdependent* beings within the social world in many dimensions – economic, social, cultural and ecological. 'Due to the limitations of human existence, the needs inherent in human nature are satisfied, not through the isolated activity of the individual, but through shared human labor and through what is inherited from previous generations' (Dilthey 1989: 94). Dilthey emphasizes that every individual is involved in the 'interactions of socio-historical

life' to realize a multiplicity of purposes and is a 'point of intersection' of many different functions and systems of social interaction (Dilthey 1989: 94; Ermarth 1978: 122). In a modern society, economic and social mobility enable a high degree of interaction and interdependency between groups (Parekh 2000: 206).[8] We are not only interdependent in an intergenerational way but also on the environment and other species.[9] We interact and engage with the social world directly and indirectly to realize our multiple purposes in many dimensions according to our different convictions and different personal and social endowments.

Minorities and the majority in a multicultural state directly or indirectly interact and engage with one another, participating in various social institutions and associations, including economic and political, and carry out activities spanning both public and private spheres. People develop skills as they participate in the social world, discover opportunities to pursue interests, form relationships and make commitments, take on multiple private and public roles and engage in diverse activities. The above basic social facts, however, lead to common vulnerabilities and asymmetrical power relations between power holders and powerless members of society, and I shall refer to these groups as the majority and minorities respectively within a different sociocultural–political context. The differences are not about numbers per se, rather about how social and political endowments interacting with the social and political structure give rise to those asymmetrical power relations.

We are vulnerable to differences in our endowments and ethical convictions which introduce asymmetrical power relations through dominance and dependence; they can result in the powerless members of society being treated as subordinated and partial or excluded members through arbitrary interference and systematic discrimination, exploitation, marginalization and exclusion. Moreover, an anti-essentialist notion of culture presumes that meanings of cultural practices are contestable and individuals are not ossified within culture, and hence the normative underpinnings of those practices cannot be granted recognition pre-emptively but need to be deliberated in claims for recognition and justice. However, it is also important to recognize individuals' particularities without reifying their identities and groups, as individuals have multiple intersecting collective identities and belong to many organizations and associations.

The above two premises – problematic pluralism due to the three basic social facts and the anti-essentialist notion of culture – constitute

the challenge to the politics of multiculturalism that this book attempts to address. We cannot start to engage in the politics of multiculturalism from the fact of problematic pluralism alone, as this will not capture the anti-essentialist notion of culture, which is also problematic due to contestable and contesting cultural practices: one can in fact presume within problematic pluralism a concept of culture with an essentialist notion of culture – bounded and distinct. By the same token, we also cannot start from the premise of differences in culture alone, even with a notion of anti-essentialism, as this may overlook the problematic nature of pluralism, and how it may interact with plural social structures. Hence, we need to ensure that the politics of multiculturalism captures both problematic pluralism and the anti-essentialist notion of culture along with complex social interactions.

Given the paradigm of an anti-essentialist notion of culture, on the one hand, and that we are thrown into the problematic social world, on the other, deliberating on contesting normative claims for recognition and justice can be loaded in favour of certain interests of the power holders. Hence we face an important question: How should freedom and multicultural social justice be understood? This book attempts to answer this core question by developing a normative account of well-being based on certain insights from Dilthey's idea of meaning in history along with Ronald Dworkin's (2000) concept of well-being from a liberal standpoint. Both Dilthey's and Dworkin's approaches emphasize our complex structure of convictions and how our meaningful context is integral to our well-being, resisting a reductionist view of well-being or a meaningful life. They thus allow me to show the complexity of ethical convictions and their formation, without deriving a theory of well-being with a reductionist view of what is a good or meaningful life, and thereby help me to argue, in a similar vein to Benhabib's as well as Arendt's emphasis, that we must be concerned with the circumstances of injustice that affect human conditions within the multifaceted, necessarily problematic, social world, rather than with a universal human nature. This argument allows us to ask whether minorities have an ethical situation in which they can pursue their meaningful activities according to their genuine convictions with fair challenges. Within a multicultural social world, people have various convictions of what is a good or meaningful life, but we must be concerned with the ethical situation and the preconditions – the right circumstances of justice – that ought to be given. Asymmetrical power relations can lead to unjust ethical situations, with unfair challenges to certain members of society in pursuing their well-being. Moreover, unjust ethical situations due

to oppression can result in people being prevented from forming or revising and endorsing their convictions genuinely. Hence, the ethical concern is not whether an individual might have her values or ideas of meaningful life objectively mistaken, but that she might never have had the opportunity to participate as a citizen of equal status, to form her convictions with authenticity and to deliberate on competing claims for recognition and justice.[10] Thus how should we resolve competing claims for justice and determine necessary normative parameters? This concern poses the core problem of the politics of multiculturalism that this book attempts to address.

The book is divided into three parts. Part I critiques essentialist notions of culture within liberalism and proposes a model of culture within the paradigm of an anti-essentialist notion of culture. Based on this model, Part II develops a set of normative criteria for the politics of multicultural integration. Part III attempts to show that the criteria are useful in discriminating among competing political approaches to multiculturalism and diversity in a principled manner.

Part I consists of two chapters. In Chapter 1, drawing mainly from the critique of the essentialist notion of culture in Benhabib (2002) but also in the work of other contemporary scholars, I critique Kymlicka's liberal multiculturalism. Kymlicka's normative underpinning of his theory – cultural belonging for meaningful choices – is inadequate and has a tendency to relegate post-immigration minorities to a second-class subordinate status and to position minority 'cultures' within a moral hierarchy. I also show that the recent retreat from multiculturalism in the Western democratic states is integral to the ongoing critique of the essentialist notion of culture but does not represent a fatal blow to multiculturalism.

In Chapter 2, I present a model of culture drawing on Dilthey's ideas of culture and community that suffices to highlight the nuances of an anti-essentialist notion of culture such as interaction, an element of dynamism, change and continuity as well as multiplicity of belonging. Dilthey's idea of interaction between 'cultural systems' and the 'external organizations of society' – social organizations – rooted in social life overcomes the essentialist notions of culture such as that it is deterministic, distinct, monolithic and static. Moreover, Dilthey places importance on individuals within the sociocultural context. Instead of being enveloped by culture, Dilthey shows that we stand at the centre of a whole series of interacting cultural systems, enabling us to adopt different personas depending on the context. He emphasizes both the richness of cultural interactions and their diversity.

Part II comprises five chapters. In Chapter 3, I postulate that we should be concerned with the circumstances of injustice that are an *ethical concern* in order to raise an important question: Do the minorities in a multicultural state have the 'right circumstances' or a 'just society' to genuinely endorse their convictions and face 'fair challenges' in pursuing their meaningful activities based on their ethical convictions? In order to justify the above ethical concern we should attempt, as Benhabib maintains, to take into account the meaning of the interacting systems and of one's life from the 'social agent' herself rather than from the 'social observer'.

From Dilthey's idea of meaning in history, one's life is meaningful within one's sociohistorical context, and one stands at the intersection of cultural systems and the external organizations of society. Liberals and communitarians have either ignored or misunderstood the importance of this context. The former attach importance to individuals and autonomous choices, the latter to communities; neither camp sufficiently addresses the context in terms of intersecting cultural systems and interacting social organizations in relation to an individual. Using the insights of Dilthey's notion of meaning in history, I propose a hypothesis for how a third person can understand an individual's meaningful life within a multicultural state, because within a multicultural state it is important that the state be able to evaluate any claims for justice.

In Chapter 4, within the normative context integral to well-being, I discuss a descriptive account of the 'limitations' minorities face as they participate in the social world. Post-immigration minorities are also interdependent social beings within the multicultural social world comprising the majority's intersecting cultural systems and external organizations. Some social aspects may become limitations to minorities in pursuing their well-being and are an ethical concern: meaningful activities span both private and public spheres, and dichotomising private and public spheres under the liberalist approach is problematic and can lead to marginalization of ethnic minorities. Moreover, stigmatized and marginalized group identities cannot be ignored; nor should people be confined to a singular identity, as both can restrict their ethical horizon and meaningful activities. I also briefly discuss the challenges that a state faces when integrating post-immigration minorities within the common institutions of the majority.

I show in Chapter 5 that informed autonomy – authenticity – alone is not adequate for the right circumstances of justice. Autonomy is affected by both the option-factor – meaningful options – and the agency-factor – accessibility of options – and is misconceived within the

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