

India and the Concept of a Multinational Federation

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Abstract

This paper is concerned with the problem of providing an adequate theoretical framework that could account for India's model of democracy. What model could serve as a basis for understanding the mentality of a population involved in such a complex socio-political reality? India offers perhaps the clearest illustration of a 'social union of social unions'. Of course, it is confronted with huge problems: poverty, religious feuds, violent forms of nationalism, remnants of a cast system, etc. But at the same time, it is looking more and more like a liberal democracy where toleration as respect has become a social necessity. The trouble however is that it is not the usual kind liberal democracy. It is a society that as a matter of fact was led by Gandhi and Nehru to adopt a constitution involving all at once liberal principles and the presence of a religious majority. It is a society where rights and liberties are written in the constitution but also one in which the way of life of its citizens does not seem to be inspired by an individualistic conception of society and morality. Finally it is a society struggling to adopt a secular conception of statehood, but it is one that is also forced to be open minded toward a communitarian way of life. I believe that 'political liberalism', as opposed to the classical comprehensive versions endorsed by Kant and Mill, can explain how it is possible for the Indian state to be liberal, democratic and secular while, at the same time, able in principle to recognize the collective rights of minority groups and recognize various religious practices.

1. Political Liberalism as a Theoretical Framework

India is a population of more than one billion inhabitants in a federation of 28 states and seven union territories. It is a single nation, but at the same time, it is multiethnic in the deepest possible sense of the word, with 22 recognized languages, hundreds of dialects and many ethnic communities (as I shall explain, ethnic peoples or 'tribes', cultural peoples and socio-political peoples). It contains six prevalent religious groups (Hinduism, Christianity, Islam, Sikhism, Buddhism, and Jainism) although it is a secular state.ⁱ It does not seem to be possible for such a complex society to be functional in a minimal sense. And yet it is ancient and it is a fifty years old democracy.

Which theoretical framework could account for India's model of democracy? What model could serve as a basis for understanding the mentality of a population involved in such a complex socio-political reality? India offers perhaps the clearest illustration of a 'social union of social unions', in John Rawls's sense.ⁱⁱ It is a liberal democracy and a society where toleration as respect has become a social necessity. But at the same time, it is not the usual kind liberal democracy. It is a society that must consistently find a way to adopt politics of recognition and promote liberal principles. Moreover, it is a society where rights and liberties are written in the constitution but also one in which the way of life of its citizens does not seem to be inspired by an individualistic conception of society and morality. It is a society that must try to reconcile a secular conception of statehood with communitarian ways of life. How could that be?

These are hard and vexing questions that cannot swiftly be answered within the confines of this chapter. Nevertheless, I shall now describe the theoretical framework that seems to be adapted to India and that could serve as an ideal norm for that kind of society. Of course, it is very important to note that there are huge problems standing in the way between what India has become and the kind of society that it could be if it were to be a 'well ordered society', that is, a an ideal society governed by principles of justice that everyone accepts and that everyone knows everyone accept. Religious feuds, violent forms of nationalism, extreme poverty and remnants of a cast system constitute terrible challenges affecting Indian society. They could only be overcome after decades of further struggles. India is not yet a multinational federation in a *de jure* sense. It is not willing to work with a deeply asymmetrical federalism. (Rajeev Bhargava 2010a, p. 51) It is rather a linguistically federal nation-state. (Rajeev Bhargava 2010a, p. 51)

It seems to me however that this young democracy does not correspond to the classical version of liberalism and that it can be well understood only if we resort to political liberalism, that is, the view according to which liberalism must avoid any commitment to comprehensive theses in metaphysics. (Rawls (1993), p. xxvii) I believe that John Rawls' 'political liberalism', as opposed to the classical comprehensive versions endorsed by Kant and Mill, can explain how it is possible for the Indian state to be liberal, democratic and secular, while at the same time able in principle to recognize the collective rights of minority ethnic groups (tribes, cultural peoples and socio-political peoples) and various religious practices. This may sound surprising since John Rawls is usually seen as the epitome of the liberal individualism. He is usually perceived as exemplifying the clearest case of classical liberalism. But this wrong perception can be explained by the fact that we usually take his *Theory of Justice* as a basis for our interpretation, not noticing the changes that occurred with the publication of *Political Liberalism*. It is also an interpretation that ignores the work of Rawls (1999) on the law of peoples in which he ascribes collective rights to peoples, and one that fails to notice that he also welcomes principles concerning self-determination, secession and federations for stateless peoples in the more complex version of the theory, in addition to the eight principles that he describes for the simplified version of the theory. Finally, it is also a perception that quite mistakenly maps the simplified model of justice for a closed society without immigration, national minorities and stateless peoples, to complex societies in which these groups are almost invariably present. It is only if one ignores Rawls's simplification that it looks as though he is favourable only to individual rights in the domestic realm. To suggest that Rawls is committed to recognize only the two principles of justice in any domestic society amounts to say that he is committed to describe real societies as closed to immigration and as ethnically homogenous.

Political liberalism differs from the classical version of liberalism in three important ways. First, while classical liberalism presupposes a conception of the person as ‘prior to her ends’, political liberalism is founded upon a political conception of the person as well as a political conception of peoples (nations) and it is neutral toward issues of personal identity, moral psychology or social ontology. It considers persons and peoples only as they appear in the political sphere, that is, with an institutional identity. Second, while classical liberalism considers persons as the ultimate sources of moral worth, political liberalism treats persons and peoples as two distinct moral agents and thus as two distinct and equal sources of moral worth. Finally, while the value of autonomy is for classical liberalism the most important liberal value, toleration is the basic political principle involved in political liberalism. Because of those three important differences, we can safely claim that political liberalism no longer is tied to moral individualism. It has disenfranchised itself in some sense from any comprehensive views about persons, society, the common good or the good life. It is able to accommodate persons and peoples having very different conceptions about themselves. As we shall see, this approach seems to be well suited for a very diversified society such as India. The common denominator among persons having very different ethnic and religious backgrounds must in some sense go beyond an attachment to particular comprehensive views. Let us now consider these three features of political liberalism a little more closely.

2. The Political Conception of Persons and Peoples

Individuals have an institutional identity and are conceived as citizens no matter how they represent themselves from a metaphysical point of view. They can represent themselves in various ways: with a single identity or with multiple identities, with an individualistic or a communitarian identity, as having a narrative or dialogic conception of the self, as having dualistic or a materialistic identity, as religious or secular, etc.). Still, they are all citizens

belonging to a particular nation. Nations also have a certain institutional identity quite apart from the fact that we consider them as aggregates of individuals or as complex social wholes, as associations of individuals cooperating together in a social contract or as communities held together by sharing the same conception of the good life or of the common good.

Some believe that, from an ontological perspective, it is a problem to allow talking about peoples or nations, but it must be pointed out that these problems are avoided when we adopt a political conception of peoples. We are only considering their distinct institutional identity without engaging into metaphysical issues. Remember once again that according to the approach I favour, liberalism must be political, not metaphysical. After all, there are also problems related to the metaphysical theory of personal identity. Should we adopt an anti-reductionist (Kant) or a reductionist stance? If we choose to be reductionists, shall we explain personal identity by recourse to a Lockean psychological criterion (Derek Parfit and Sydney Shoemaker), or shall we adopt a physical criterion (Bernard Williams and Judith Jarvis Thompson)? Should we be dualists (René Descartes) or materialists (David Armstrong) ? These questions are extremely difficult but they do not prevent us from referring to the rights of persons. Despite the numerous insuperable problems associated with the definition of what is to count as a person, we are not prevented from allowing juridical individual rights to persons. It is because we adopt a political conception of persons as citizens. So it is perhaps possible to do the same in the case of peoples. Why should we raise ontological issues concerning peoples if we are able to avoid these issues concerning persons? Political liberalism is a view that suggests we should not raise metaphysical issues concerning peoples. We must simply define them in accordance with their institutional identity in the political arena, as single ‘societal cultures’ or as aggregates of societal cultures, to use Will Kymlicka’s terminology, that is, as groups having a certain institutional identity. (Kymlicka

1995, 76-79) In spite of the enormous difficulties surrounding the definition of a people, we take the existence of peoples for granted. Indeed, the metaphysical issues can be put aside, because we do not hesitate to treat France, Germany, Italy and Japan as constituting peoples, and we do not hesitate to talk about indigenous peoples. We also do not hesitate to treat the Scottish, Welsh, Catalanian and Quebec populations as peoples. Finally, we do not and should not hesitate to consider India as a people. I believe that this is because we make use of an institutional conception of peoples.

Political liberalism does not imply a commitment to the view according to which persons or peoples are 'prior to their ends'. We can be neutral in the debate between individualists who believe that persons are individuated independently from any moral or religious beliefs and communitarians who reject that view. But this also means that political liberalism can be implemented in a society where most individuals see themselves as defined by their ends, and this is also true of society as a whole. This is where I believe political liberalism can become quite useful in understanding a society like India. The different populations that compose this country have very different views about themselves, as persons and as peoples. But the pluralism involved in this society goes deeper than in most Western societies. It is a pluralism involving both individualistic and communitarian conceptions about persons and about peoples. It is a society that is trying to steer a middle course between the primacy of persons and the primacy of peoples. If this pluralism is understood as durable and irreducible, how is it possible to adopt liberal principles? It is only possible if the variant of liberalism that we choose to adopt is one that goes beyond the classical comprehensive version of Kant and Mill. According to that view, a person may understand herself as having a communitarian identity, that is, as constituted by religious beliefs, moral values and views about the good life or views about the common good, and yet be truly liberal in the political sense. Similarly, a people may

be constituted by institutions that instantiate a particular ethical community and yet, at the same time, be a true liberal democracy.

Our institutional identity must be understood as distinct from our metaphysical identity, and this entails among other things that we must distinguish between institutional and moral identities. Our moral identity may change while our institutional identity remains the same whether or not we can be considered under those circumstances as having also the same personal identity. Rawls reminds us that, on the way to Damascus, Saul of Tarsus became Paul the Apostle. Individualists would say that he remained the same person but changed his moral beliefs. Communitarians would say that Saul of Tarsus became another person. Without engaging into such a debate, Rawls suggests that we can acknowledge that his institutional identity has in some sense remained the same. (Rawls 1993, p. 31) We can say that we are confronted to the same citizen, even if communitarians *may* perhaps be right in thinking that we are not dealing with the same person.

The same idea can be defended at the level of society as a whole. The institutional identity of society may also remain the same when it goes through important moral changes. So there is also at the level of society a distinction to be made between its institutional identity and its moral identity. Individualists will claim that it is the same society that has undergone such a change, while communitarians will say that it has become another society. The political liberal will be neutral in this debate and she will only claim that it is only the same institutionally. The separation between the institutional identity of society and its moral identity allows us to see that the political conception of peoples, which is essential for an application of the ideas of political liberalism, can obtain even in a communitarian society, that is, in a society where a large consensus over the good life or common good has been

expressed in all its institutions. It means that it is possible to implement liberal ideals in all sorts of societies: individualist and communitarian. Liberalism under this new approach is political, not metaphysical. But this means that it can be implemented in societies with very different metaphysical views, including communitarian views.

This way of separating the political and the metaphysical does not imply a specific kind of separation between what belongs to the public sphere and what belongs to the private sphere. The radical separation between a public political sphere and a metaphysical private sphere only occurs in an individualistically oriented society. In a communitarian society, on the contrary, the very same political ideals are enforced through institutions that function in accordance with communitarian beliefs, values and ends. So the institutions of society always reflect a certain comprehensive view, whether it is inspired by individualistic or communitarian ideas. If they are organized around a strict demarcation between public (political) and private (metaphysical), they conform to the individualistic conception of persons and peoples as prior to their ends. If they are organized around a particular view of the good life or the common good, they are under the influence of a communitarian conception of persons and peoples. But in both cases, these institutions can be disenfranchised from these comprehensive views if the population is living in a truly democratic society. A true democratic society is one in which the population can imagine itself as available for a potential radical transformation. A true democracy is one that can have an understanding of its institutions as potentially incorporated into very different concrete ethical communities. So this means that it can be embodied into a communitarian society as well as an individualistic society. The concept of a communitarian democracy is not an oxymoron.

Public institutions are always concretely involved in a dominant comprehensive view, but they can be detached from any particular comprehensive views. Shall we then say that, in a sense, our institutions are somehow prior to their ends? Not really because it is possible to see the democratic process as a continuous search of the true moral nature of society as a whole in perfect accordance with the distinction between institutional identity and moral identity. So the distinction between the moral and institutional concepts of identity does not mean that we must conceive of society as prior to its ends. The institutional identity of peoples can and must be detached from particular views about the good life or the common good, but at any given moment of time, it is also concretely realized in a particular ethical life. So it is possible for a true liberal democracy to be embodied into a communitarian society. In such a society, citizens are rationally autonomous, but not in the substantive individualistic sense of being prior to their ends. A rationally autonomous agent is one that can reflect upon her practices, perform strong evaluations over these practices, that is, she is able to sort out among her first order moral judgements which are the ones she considers to be most important, and she is also able to engage into thought experiments concerning what she could be. These are the only requirements involved in order to perform our duties as citizens in a democracy. Now this exercise in rational autonomy is perfectly possible in a society engaged in an ongoing process of self-discovery leading to a definition of oneself in terms of beliefs, values and ends. Therefore, it is possible to be all at once rationally autonomous and communitarian. This is why one should never rule out the possibility that a given society could become a communitarian democracy. It would be a democracy concretely embodied in a society where specific views about the good life or about common good are institutionally implemented.

Just as persons have an institutional identity of citizens, peoples can also be described as having a certain institutional identity. As societies, they are perhaps always concretely

understood either as associations of individuals in accordance with individualism or as political communities understood in the communitarian sense. But since a democratic society can change and be interpreted within different comprehensive frameworks, its institutional identity can also be described as not necessarily tied to any metaphysical view. We can thus introduce a political conception of peoples that parallels the one that we introduced for persons. (Rawls 1999) Will Kymlicka's distinction between the structure of culture and the character of culture may be of a certain use here. It reproduces at the collective level the distinction between the institutional identity and the moral identity that we could want to make at the individual level. (Kymlicka 1989, 166-170) Very roughly, the structure of culture involves particularistic features such languages, institutions in which these languages are being used and the historical presence of these institutions. The character forms another kind of particularistic features. They include beliefs, values, traditions, customs, etc.

3. Two Sources of Valid Moral Claims

Political liberalism also entails that individuals are not the only sources of moral worth, for peoples too understood in the political sense have an autonomous moral worth. If individuals have rights as citizens, peoples have rights in virtue of having an institutional identity. We should be favourable to an axiological pluralism in virtue of which the equal moral importance of individuals and peoples would be asserted. This leads Rawls to the admission of two distinct original positions, one for persons and one for peoples.ⁱⁱⁱ Ultimately, it also implies that we are seeking for a balance between individual and collective rights. We reject both ethical individualism and ethical collectivism. Individual rights must not override all collective rights and collective rights must not override all individual rights. So we should not be favourable to approaches that attempt to derive collective rights from arguments that ultimately rely only on claims made by individuals. We reject accounts that take the ultimate

subjects of so called ‘group differentiated rights’ to be individuals or arguments purporting to show that collective entities only have instrumental value for individuals. We must make room for full blooded collective rights and not only for group differentiated rights.^{iv} Collective rights are not claimed on behalf of individuals but on behalf of peoples. The subjects of these rights are not individuals, they are peoples, and their relevance is not to be explained by the value individuals ascribe to their own cultural affiliations. Peoples are valuable because they contribute to cultural diversity and because there is a growing consensus concerning the value of cultural diversity.

What is striking about India is that we do not witness the same reluctance toward group rights that one finds in Western societies. India is seeking to become a society in which both kinds of rights, individual and collective, are involved in some kind of ‘cohabitation’. So it is well suited for the kind of political liberalism that one finds in the work of John Rawls. Of course, the simplified models developed by Rawls for persons in the first original position and peoples for the second original position do not allow him to look at complex societies composed of many different ethnic groups. In the first original position, societies are presented in the simplified form of closed societies, with no ethnic minorities, no immigration and no stateless peoples. In the second original position, Rawls makes a similar simplification by assuming that all peoples have their state. Of course, he is perfectly aware that these are extreme simplifications and that in real societies, there are stateless peoples, ethnic minorities and immigrant groups. This is why he admits that in addition to the principles that apply to an international society composed of peoples organized into states, we should be also adding principles concerning self-determination, secession and federation of peoples. India offers the perfect case of a complex society in which the principles governing the relation between persons are to cohabit with the principles governing the relations among peoples.

4. Toleration not Autonomy

I have argued that the kind of liberalism I favour for India is political liberalism. In this regard, it is also important to point out that political liberalism is not ultimately founded upon the value of individual autonomy but rather upon the value of toleration. But this idea of toleration should not be understood as implying that liberals must tolerate anti-liberal political regimes. Toleration applies first and foremost to different conceptions of persons and peoples. In other words, it stems from the acknowledgment of an irreducible diversity of metaphysical views concerning persons and peoples. For this reason, it can bring about in the public realm a mutual recognition between citizens of different backgrounds and between different societal cultures. Toleration also inevitably applies to the irreducible variety of moral ideals held by these different individuals and peoples. It may up to a certain point be described as involving a certain moral pluralism. But *pace* Rawls, it does not imply moral relativism, that is, it does not lead to the idea that political liberalism itself should be treated only as a particular historical conception. This is because Rawls is not able to make sense of communitarian democracies. It is these societies that we could invite under the veil of ignorance in the second original position. We owe respect to non-liberal regimes that take the form of ‘decent hierarchical societies’, that is societies that are not democratic despite the fact that they respect basic human rights, but we do not owe them esteem. We respect them as a *modus vivendi*, but it is only with communitarian democracies that we are able to reach a true consensus over universal principles. Consequently, there is no reason to conclude that the political principle of toleration involves a commitment to a certain form of political relativism.

If we were able to show that political liberalism does apply to societies such as India, we would indeed be in a position to argue that political liberalism is truly a universal doctrine,

and not one that is necessarily tied to Western societies. Many Indian intellectuals will react very strongly against the suggestion of ‘importing’ liberal ideals in their own society. They will see this as suggesting some kind of intellectual colonialism. But on the contrary, it could be argued that political liberalism takes its origins in societies that are deeply confronted with religious and cultural differences. According to Ramachandra Guha (2007), for instance, Indian democracy is not a cultural heritage of the old colonial power. What has been conceived by Gandhi and Nehru is quite new and original: more than twenty federated states divided by linguistic lines and organized into a secular federal state legitimated by an elective process and an equilibrium of political forces representing different antagonistic views about society as a whole.

My suggestion is that, as a democratic society, India must now be clearly described as liberal, but not in the usual way, not according to the traditional individualistic model. It is much more closer to the version of liberalism that I have described as political liberalism, since it is no longer based on ethical individualism. First, it is now to a large extent moving towards a communitarian conception of itself. But even more importantly, it is perhaps a microcosm of the international society. As a social union of social unions, it is composed of many different communitarian societies. But nevertheless, it could remain politically liberal if it were able also to practice toleration toward ethnic groups and religious minorities.

5. Defining Peoples

One of the major paradoxes of Indian society that I have already underlined is suggested by the presence within a single country of 22 recognized languages. How could India be a nation under those circumstances? Using once again Will Kymlicka’s terminology, we can describe nations as ‘societal cultures’, that is, as structures of cultures involved in a crossroads of

influences and offering a context of choice. But the structure in these societal cultures usually involve a common language, a common set of institutions in which the common language is mostly spoken and a common history which is nothing more than the history of the common institutions. (Kymlicka 1995, pp. 76-79) These structural features belong to all sorts of nations, whether their populations also conceive themselves as aggregates of persons or as complex social wholes, and as associations of individuals or as political communities. Therefore, according to this picture, nations should be monolingual societies. So as a multilingual society, how could India be a single nation? Let us look at this matter more closely.

How could a nation be multilingual if it is to be defined with the help of the concept of societal culture and if a societal culture is monolingual? My answer to this is that if we adopt the political conception of peoples, peoples can be conceived either as single societal cultures or aggregates of societal cultures. As societal cultures, they are institutionnally organized groups with a certain structure of culture. In the most simple case, a structure of culture involves only one common public language, one common public set of institutions (in which the common public language is mostly spoken) and one common public history of these common public institutions, but there are more complex cases. In the more complex case, a societal culture may itself contain many different component societal cultures. It is for instance the case in Canada, Great Britain or Spain, and it is also the case with India. Multisocietal nations can unify their many diverse component cultures around a sovereign state, a common public history and various specific values such as multilingualism, multiculturalism and federalism. And they also find ties that bind their members together in the common understanding that society as a whole is an aggregate of component societal cultures. So there can be multilingual nations, as long as the component societal cultures are

willing to engage into a federation of peoples, as long as citizens understand themselves as forming aggregates of societal cultures and as long as the state is willing to recognize these component societal cultures.

Whether societal cultures are simple or aggregatively constituted, language appears to occupy a central position for ethnic identity. Even if it is not always a distinctive trait, it does always contribute in shaping the group's distinctive identity. It can serve this purpose by filtering cultural influences, and thus shaping original institutions offering a distinctive context of choice. It can also of course serve the purpose of differentiation with other cultures by being itself distinct. But in either cases, language is a fundamental ethnic trait. This is because it is a collective property that applies initially to groups, and only derivatively to individuals. Nevertheless, it is possible to be part of a multilingual nation, because it is possible for a multiethnic group to share a common public institutional identity with all other groups.

In my previous work (Seymour 2010, Seymour to appear), I have tried to show that the difficulty of trying to define a people is to a large extent explained by the fact that there is no such thing as *the* definition of the people. There are many different ways for a people to be concretely realized in the institutions of a given polity and, for this reason, there are at least seven different types of peoples. First, there is the ethnic people. It is based on the idea of sharing a common ancestry. There is also the cultural people based on the idea according to which a multiethnic group shares a societal culture on a territory is entirely contained within the confines of a sovereign state without itself being a sovereign state, and without having governmental institutions. It is to be differentiated from an ethnic nation because it is understood as multiethnic. Third, the civic people is a single societal culture organized into a sovereign state. Fourth, the sociopolitical people is a politically organized societal culture

without a sovereign state but with governmental institutions (province, federated state, quasi federated state). Fifth, the diasporic people is a societal culture that is disseminated on many different territories and it forms minorities on each of these territories. The sixth concept is that of a multiterritorial people. It is a societal culture that occupies a continuous territory but this territory do not correspond to the official boundaries of actual states. Finally, the multisocietal people is a sovereign state composed of many component societal cultures.

These are different sorts of peoples. The concept of societal culture is relevant in all these cases, but peoples should not necessarily always be defined as single societal cultures. When we adopt this kind of conceptual pluralism, it appears that some peoples, like the one composed by the citizens of India, may form a multisocietal people. In that sense, the concept of societal culture is also an essential building block in the construction of Indian national identity.

I have just distinguished between seven sorts of peoples, but there are also fragments of peoples. In addition to minority nations, there are immigrant groups and historical minorities that still identify with a foreign country. These two kinds of fragments of peoples could be called non contiguous diasporas. There are also extensions of neighbouring nations such as Russian populations in the Baltic Republics and Palestinians within Israel. These could be called contiguous diasporas. Although they do not describe themselves as constituting peoples in isolation, these minorities identify with a national majority situated on the territory of a close neighbour. Contiguous and non contiguous diasporas can be described as fragments of peoples.

There are various 'objective' and 'subjective' features to a people. The objective aspects concern structural features such as language, institutions, history, context of choice, crossroads of influences and various other features associated with the character of the people (religion, customs, traditions, rituals, etc.). The subjective features concern the national consciousness of the population and the will to survive as a people. Since the existence of peoples cannot be established without considering the national consciousness of the groups, we must acknowledge that it is in one sense the responsibility of the groups to determine whether they see themselves as constituting peoples and, if so, which type of peoples they want to be. There are constraints imposed by the objective features of the groups, for a group will not form a people if it is not constituting a distinct societal culture, but there are also subjective features that determine the existence of a national identity. There must be a national consciousness and a lasting will to survive as a group. So it should be possible in principle to determine whether a group entertains a national consciousness and possible to determine which type of people it chooses to be by looking at the opinions expressed by the population as a whole. It should be possible to conduct surveys, to look at the writings of the population in the newspapers and elsewhere, and to document how the self-representation of the community is articulated. We would most probably notice that there are tensions within each society and that unanimity does not occur, but we would also probably notice that there is a dominant view that has been able to impose itself to a majority of citizens. This dominant view is the conception that the society as a whole has of itself. It will be a legitimate self-conception only if it is able to recognize its component minority societal cultures.

So there are ethnic, civic, cultural, sociopolitical, diasporic, multisocietal and multiterritorial types of peoples. Some peoples are sovereign, while others are not. Some have governmental institutions, but others do not. Some are confined within the territory of sovereign state, but

others are not. Some of them may contain immigrant minorities, while others do not. Some contain continuous diasporas (extensions of neighbouring nations), others do not. Some contain minority nations and are themselves multinational, others are mononational. Some exist on a continuous territory, while others are dispersed on many different discontinuous territories and are minorities on each of these territories. There are many different types of peoples and this is why the attempt to provide a single definition does not pass the test of reality. The complexity of the matter shows how wrong are those who come up with a single *a priori* characterization of what a people should be. With an *a priori* definition of what is to count as a people, we fail to see that peoples are institutionalized in many different ways. We should start looking at the empirical complexity of nationality instead of imposing a simplistic picture. The only common denominator between all sorts of peoples is the fact that they are characterized as societal cultures or as aggregates of societal cultures, and thus as institutionally organized cultural groups. So the political conception of people adopted by political liberalism is an account that is able to accommodate many different sorts of peoples. When we realize this, we see that there is nothing wrong in the suggestion that the Indian population as a whole is a people. It may be described as a multisocietal people involving many component societal cultures.

India is a federation of 28 states, some of which are dominated by specific languages. Hindustani speakers (including 400 millions speakers of Hindi, 45 millions speaking Ourdou and 25 millions speaking Pendjabi) are dominant in eight of those states. English is also a very important language. But in addition to these linguistic communities, more than twenty out of the hundreds of ethnic communities have their language registered in an annex contained at the end of the Indian constitution, and this could in principle facilitate the attribution of a distinct state or territory for these communities. For instance, separate federal

states of Nagaland (1963), Tripura (1972) and Mizoram (1986) or the autonomous region of Bodo within Assam (1993) were created after independence. The politics of recognition instituted by the central state helped to contain or settled ethnic tensions that we found in these regions. (Marshall and Gurr 2003, p. 59) In addition to the dominant linguistic communities mentioned above and to the twenty or so ethnic groups that are mentioned in the constitution, there are also twenty ethnic communities whose population is oscillating between 100 000 and 7 millions. Then there are fifty ethnic communities with populations between 10 000 and 100 000. Finally, another group of fifty communities contain less than 10 000 members. (Breton 2008, p. 30) It is thus not surprising to learn that India's motto is 'Unity in Diversity'. The constitution asserts that all groups of citizens with a distinct language, scripture or culture residing on Indian territory or on a part of its territory have the right to retain them. This provision is clearly referring to a collective right owned by ethnic communities within India. Furthermore, the smallest communities are listed as 'aboriginal tribes' and are subject to special legal protection.

India is thus a true *de facto* multination state. As such therefore likely to become a multisocietal people containing many different ethnic communities: ethnic peoples or tribes, cultural peoples and socio-political peoples. How could it survive in the long run as a single nation? This could only be if, among other things, it were able to put in practice a true kind of politics of recognition toward its national minorities. The federated states that it contains involving distinct dominant languages. By doing so, India is as a matter of fact giving precedence to these linguistic groups in their respective states. This is the beginning of a politics of recognition. By contrast, in the USA, all fifty states are dominated by the same language. The United States of America exemplify the clearest case of territorial federalism. As far as Canada is concerned, only one province is dominated by French since all the others

are dominated by English, and Nunavut is the only territory dominated by an indigenous language, Inuktituk. In order to become a true *de jure* multinational federation and not merely a territorial federation like the United States, it is of course not sufficient for Canada to secure some kind of self-government to the Quebec or Inuit nations. The problem is that there is an imbalance between them and the most important national group in Canada. For this reason, the Canadian federation requires the adoption of further principles such as a particular status for the province of Quebec and the Nunavut territory, asymmetrical federalism and the right to opt out of federal programs that are infringing provincial or territorial jurisdictions. Unfortunately, for most Canadians, the principle of equal status of the ten provinces is now accepted, but this amounts to impose territorial federalism, and the domination of nine provinces on the province of Quebec. In India, the domination is less evident. Hindustani dominates only 48% of the population, and the situation is for that reason a little more balanced in terms of ethnic diversity. Of course, there have been numerous conflicts, such as those occurring in India's northeast states. We have witnessed encroachments by central authorities into traditional cultures. Insurgent groups such as Naxalites have been actively engaged into violent action in the area close to the border with Bangladesh. (Marshall and Gurr 2003, p. 53.) India has fairly stable democratic political institutions but it also has poor human security, multiple ethnic challenges, limited resources, and a bad neighbourhood with Pakistan, especially on the issue of Kashmir. (Marshall and Gurr 2003, p. 4) So all is not well, not even 'on the Western front'. Nevertheless, India seems to be not too far away from being able to practise politics of recognition up to a certain point. According to Marshall and Gurr (2003, pp. 23-25) negotiated settlements were made with Nagas (1963) and Tripuras (1972). In 2003, state authorities and tribal Bodos agreed to the creation of a local autonomous council in northeast India. A final settlement with the Mizos for group autonomy has also been largely or fully implemented. This agreement provides more regional autonomy through

the creation of a local council. These facts could partly explain why a diversified society like India could in the long run be able to survive as a single nation. The linguistically distinct states composing India exemplify how democracy must be practiced if it is to be successful in a multiethnic state. It must incorporate politics of recognition for its component societal cultures.

Once again, let me emphasize that I am not claiming that India is doing perfectly well. After all, there are 300 millions *Dalits* (Untouchables) and even if some of them are emancipated, most of them are treated as less than humans. We reach with them the limits of politics of recognition, when it is understood as a politics of difference. Positive action policies have enabled some of the Dalits to have access to high ranking positions, but there is simply no way to ‘recognize’ in the sense of ‘esteem’ all the other ones who belong to this group. The only acceptable ‘recognition’ in this case requires that we remove them from their actual situation, so that they could recover some kind of dignity. (Bhargava 2010b)

Political liberalism is a conception of political philosophy that is able to account for the rights that peoples can have within a sovereign state, and that explains how it is possible to create a federation of peoples. This is why Rawls writes that the Law of Peoples must contain principles that condition the formation of federations of peoples. (Rawls 1999, p. 38) It is possible for peoples to join in a federation of peoples only if the component peoples have collective rights and are recognized as peoples. For Rawls, peoples have collective rights and obligations. They and not the state are the owners of these rights and obligations. If peoples are equally recognized in this way, it is then possible to create a federation of peoples. This is precisely what happened in India. Nehru was initially able to implement in a somewhat rudimentary form a multinational federation. It is only by engaging oneself in a true de jure

multinational federation that one can imagine a common national identity within India as a whole.

6. Granting Rights to Religious Minorities

We saw that a crucial ingredient in the Indian model is the fact that the country is composed of 28 different states in each of which we often find a distinct dominant language. As a single nation, it is at the same time multisocietal. There has been, at least initially, an intention to turn India into a social union of social unions. India could thus become a true multinational state. This means that the Indian population should commit itself to embrace politics of recognition. But India is also a secular state characterized by six major religions, even if Hinduism is clearly the dominant one (83%). There is nevertheless an important Muslim minority representing 12% of the population. How could we justify the protection of various religions within a secular state? Can we accept that, in addition to peoples, religious groups could also be the bearers of rights? This creates a problem for political liberalism. If the state is to be truly secular and liberal in the classical sense, it must remain neutral toward various religious practices. So it cannot promote a particular view of the good life and a particular view of the common good. Is the situation any different within the general framework of political liberalism? I believe it is so. If the neutrality of the state remains a crucial issue, there are perhaps various ways to seek for neutrality. Given that it is committed to being neutral concerning the debate between individualists and communitarians, it must allow at the collective level for the public expression of communitarian identities and not only of individualistic identities. Furthermore, on the basis of public reason alone, it could be reasonable to carve the public institutions of the state in such a way that it would reflect the dominant religion. The state could perhaps promote a particular religion for the dominant

group, but it must also at the same time promote the rights of minority religious groups if it is to respect the principle of liberal neutrality. Let us now see how this could be done.

First, non ethnic religious groups must be protected fairly by a regime of individual rights. There are many multiethnic religious groups all around the world. As a matter of fact, most religious groups are either multiethnic, multicultural or belong to different countries. This is true for instance in the case of Muslims, Christians and Jews. Should these multiethnic groups have rights? If they are organized into juridical associations, they do have the rights that all formal associations may enjoy. As juridical bodies, they are the subjects of rights like all corporations, trade unions and other formally recognized organizations.

But do they have more substantial rights? In a way yes, but these are hardly different from individual rights. The reason is that religious associations are organized around some specific individual features, namely religious belief. So the rights that are invoked by religious groups are certainly closely related to the rights of their members, even when they specifically refer to the practices of the group, or to its values, its rituals, its ceremonies or its customs. In other words, the rights of religious ‘groups’ are aggregative and are identical to the sum of religious individual rights within the group. The reason is that religious belief is a property of individuals. It relates to personal identity and only derivatively to groups. So freedom of conscience, religious freedom, freedom of expression and freedom of association should take care of the more substantial rights that any multiethnic religious associations may have.

Apart from the rights that formal religious associations may have and the more substantial individual rights that members have within these associations, there are special rights that could be granted to minority religious groups when the wider society does not respect

completely the principle of neutrality. If the constitution, institutions, schools, ceremonies, holidays, rituals in this society reflect a residual bias in favour of a particular religious group, then some special group rights must be granted to minority religious groups. The only way to implement the principle of neutrality in a society where the institutions have a residual bias in favour of one particular dominant religion is to provide explicit protection for minority religious groups. The members of these groups must have a right to opt out from the practices imposed by the majority group, or even have a right to adopt different practices : holidays, festivities, ceremonies, rituals, etc.

Special rights, however, are not a clear case of collective right, since they appear once again to be rights that individuals have in virtue of their individual features. The subject of the right is the individual person and the so called rights of the association are nothing more than a set of individual rights enjoyed by all its members. Furthermore, these are rights that are conditional on the presence of residual biases in the institutions. Now, if the biased norms are removed, the groups are no longer entitled to these rights. Since in most societies, the state fails to perform its duties in perfect observance of the neutrality principle, there will always be room for special rights. But the main purpose of these group differentiated rights is to cancel the encroachments to the principle of neutrality. And in that sense, they merely serve to reinstate the principle.

What is more complex is to determine whether there are collective rights that an ethnic religious group may claim on its behalf. Here we have to decide whether ethnic communities in general should enjoy collective rights. In the previous sections, we saw that political liberalism was compatible with granting collective rights to peoples. But at this point, we must examine one further issue. We have to see if within the framework of political liberalism

peoples can enjoy collective rights when they define themselves as having a particular cultural character such as a religious belief. The problem is particularly delicate and complex. It is raised by the presence of communitarian ethnic communities that describe themselves as sharing the same religious beliefs. In particular, we have to decide whether we should also grant collective rights to such ethnic communities even when they form minorities on the territory of a liberal society.

Rajeev Bhargava has done some important work on different ways of implementing secularism at the level of the state.^v He considers secular states and stretches that idea in the direction of a society that could be entitled to accept the institutionalization of religious beliefs. Along similar lines, we could wonder if we cannot also start by considering a society that is clearly not liberal in the sense of liberal individualism since it is a communitarian society. The question would then be whether it would meet the requirements of liberal secular states. The issue is whether a religious country may or may not still be secular enough in its political regime to be reasonable from the perspective of political liberalism.

In order to answer this first question, let us imagine for example a society in which the religious practices of a particular community C are accepted in the institutions of the country and even in its formal constitution. In this society, governments conform to a calendar where holidays are determined relatively to a specific agenda of religious events taking place in C. The political parties are as a matter of fact all defending ideas that are influenced by the religious beliefs of C. The state subsidizes the religious practices of C and citizens choose their representatives partly by considering their religious claims. The education system is oriented by the religious beliefs of C, and so does the immigration policies, since they favour immigrants sharing the religious beliefs of C. Such a society is *prima facie* a non liberal

society, at least in the individualistic sense. It is not neutral toward a variety of views concerning the good life, and no strong separation exists between politics and religion, or the state and the church. But let us also suppose that citizens who wish to do so may opt out of such a political arrangement. They can send their children to secular schools, and are not forced or compelled to behave socially in accordance with the beliefs of C. Let us suppose that the state also provides subsidies for secular schools and, more generally to support minority religious groups that do not share the beliefs of C, and therefore grant collective rights to ethnic minorities having distinct religious practices. These minorities are entitled to develop their own religious institutions and the state must assist them in ensuring the viability of these institutions. There are also many immigrants that are accepted even though they do not share the beliefs of C. These immigrants are treated as equal citizens and are not discriminated against. Let us suppose also that citizens are entitled to express their views against the beliefs held by C and, in particular, they are entitled to defend not only different religious beliefs but also a strong separation between the church and the state. They are entitled in addition to form associations democratically fighting for such a clear separation between the two and can even create secular political parties whose main agenda is precisely to propose a secular state. There are democratic rules allowing for elections and on these occasions, new political parties could take power and modify the institutions of the country if they were elected. These democratic principles are also incorporated in the constitution of the country.

Such a society would be very different from most Western liberal societies, since there is no strong separation in C between the church and the state, and no real distinctions between religious beliefs and political beliefs. In the society that we are describing, the majority

accepts the principles of C and most, if not all, political parties share the views held by C. Nevertheless, citizens enjoy the full range of civic and political liberties.

What shall we say of such a society? Shall we assert that it is not liberal? It is not a decent hierarchical society because it is democratic and because it incorporates the full range of liberal principles of justice. It is perhaps better described as a communitarian democratic society rejecting the principles of liberal individualism. This approach is very different from a Western version of political liberalism, but is it not applying a different version of the same doctrine? I am inclined to answer affirmatively to this question. In those communities where the vast majority of citizens practise a specific religion, an argument based on public reason alone may force us to consider the model of a communitarian democracy.

Nowadays, Turkey could perhaps illustrate such a society, even if it is not behaving correctly with the Kurds and not assuming its responsibility concerning the Armenian genocide. Shall we say that India also corresponds to that kind of society? Here, one should admit that there is still a wide gap between what India has become and what it could be if it were to exemplify perfectly well such a model. First, there are difficult relationships between Hindus and Sikhs. An insurgency of the Sikhs was contained in 1993 but the demand for a separate Sikh homeland is still there. There is also a growing right wing nationalist Hindu party, the Bharatiya Janata Party (BJP) that tends to oppress religious minorities. The BJP-dominated state administration did little to stop the violence that took place between 1989 and 1993 against Muslim minorities. There has also been huge tensions with the Kashmiri Muslims especially in 2001 and 2002 that contributed to increase the tensions between India and Pakistan. Furthermore, communal violence occurred in the state of Gujarat between Muslims and Hindus. Following the killing of 58 Hindus by a Muslim mob, one thousand persons,

mostly Muslims, were killed in communal riots across Gujarat. In 2002, when another ethnic religious conflict began to reignite, the Indian central government deployed army personnel to stop the violence, but we are very far from implementing the principle of toleration among the different religious groups.

The BJP Hindu nationalist party is anything but tolerant and we are very far away from a situation where this party would comply with political liberal principles. Nevertheless, it seems possible to imagine an Indian society controlled by a moderate form of Hindu nationalism. It is hard to imagine how the BJP Hindu nationalist party could do that, but the Congress Party could be able to achieve this kind of normative ideal. The point is that stateless peoples also have collective rights concerning the development, control and creation of their religious institutions and the central state has the obligation to assist them in doing so if it is itself promoting a particular religion. India may as a people democratically decide to develop religious institutions within the central state and in its various social institutions,

It is also very important to point out that it is not as a moral community that India is entitled to institutionalize Hinduism. It is rather as a societal culture having a specific structure. Kymlicka's distinction between structure and character is once again important in this context. The particular religious character of India is perhaps not an essential property of its people understood as a structure of culture. It may seem essential to India as a moral community, but being a democracy requires being able to see how, as a moral community, it could change into a completely different one while remaining in some sense the same political community. If it is truly democratic, it must be able to distinguish its structure of culture from any particular character. The very same structure of culture could be exemplified in quite a different character. This does not necessarily mean that it must renounce having a particular

public character as a moral community. Its public institutions may be communitarian, but as a democratic society, it is able to imagine itself as potentially able to become quite different. This could be compatible with political liberalism, as long as it is also able to adopt politics of recognition for its secular or religious ethnic minorities. As Bhargava argues, some regional units should perhaps have been formed on the basis of religion, and others on the basis of language ; and yet others on the basis of communal practices. (Bhargava 2010a, p.52)

Of course, its dominant public languages, its common public institutions and its common public history may also be the subject of very important changes, and they also are not essential to national identity. But the structural features of the group are not the same as those that relate to the character of the group. The particularisms involved in language, institutions and history are not the same as those that relate to traditions, customs, beliefs, values, goals and rational preferences. It is important to underline the fact that the character of the group could change even if the structure remained the same. So as a people with a complex cultural structure, India could be entitled to develop its own institutions, including religious ones. It could be entitled to do so as long as it is a democracy committed to freedom of expression, freedom of conscience and freedom of association. It must also be committed to allow for secular political parties that favour another way of understanding the separation between private and public spheres. In other words, it must be able to imagine itself as having a very different religious character. And it must also be committed to the principle of protection of minorities. Specifically, it must be able to support the different religious practices of its ethnic minorities.

7. Collective Rights for Ethnic Religious Minorities

Should we allow for collective rights enjoyed by minority religious ethnic groups, within a liberal state? We must consider the rights of groups that are all at once religious and ethnic minorities. This is so for the millions of Muslims in India that over the years have taken on the 'minority' label and become more ethnicized through popular association with specific attributes -- Muslim personal law and the languages Urdu/Arabic. We must examine how far 'personal laws' can shy away from the regime of basic rights and liberties of the state. As we just saw, it must up to a certain point be protected by the Indian state, granted that there are many aspects of sharia law that are totally incompatible with the equality of men and women and that must therefore be rejected. But why should this be authorized within a liberal secular state? I believe that if we are willing to grant collective religious rights to the majority, it is indispensable to do the same for ethnic religious minorities. One cannot easily transcend the 'majority-minority syndrome', to use Bhargava's happy phrase. (Rajeev Bhargava 2005)

Like all peoples, minority ethnic religious groups have a structure of culture: a common public language, common public institutions in which that language is being spoken and a common public history of these institutions. So we are not promoting a particular moral character by defending their collective rights. We are defending their structure of culture and allowing them to develop their own religious institutions if they wish to do so. Moreover, one could see that the promotion of their collective rights by the state conditions its ability to achieve a certain form of neutrality on its territory, especially if it is explicitly promoting the religion practiced by the majority. Failing to protect and promote the religious institutions of its own minorities, it would then cease to be neutral. But it must also defend the structure of culture of minorities, because the state is always biased in favour of the cultural structure of the majority. But how far can it go in the direction of practising politics of recognition for the religious institutions of its minorities? Here, let me just suggest that it is extremely important to constrain the collective rights of minorities if they go against basic freedom and liberties.

One must not accept practices that affect the freedoms and liberties of citizens, including women and homosexuals. But in order to do so, it is not necessary to deny these ethnic minorities all their collective rights.

I would argue that only ethnic groups should be the bearer of collective rights. Religious associations cannot be the bearer of collective rights without violating the principle of neutrality that should characterize any liberal state. The members of these associations do have individual rights, but the religious associations cannot be supported as such because it would undermine the neutrality of the state. The reason is that religious belief is a property of individuals. It relates to personal identity and only derivatively to groups, while language (a distinctive ethnic trait) is a collective property and it applies initially to groups, and only derivatively to individuals. Non ethnic religious groups would thus be protected fairly by a regime of individual rights. Ethnic minorities, whether religious or not, should enjoy collective rights.

In Quebec, we are now also confronted with the issue of the compatibility between some practices of religious immigrant Muslims and historical Jewish hassidic minorities and the laws of the state. A Commission composed of the philosopher Charles Taylor and of a well known Quebec intellectual, Gérard Bouchard, has produced a report on the issue of 'reasonable accommodation' for religious groups. (Gérard Bouchard and Charles Taylor 2008) This report has been received with scepticism. One of the main criticisms was that we must establish mutual recognition if we want to stabilize the relationship between minority religious groups and the people as a whole, and we must criticize the conceptions of multiculturalism or interculturalism that are not compatible with the respect of the collective rights of the people as a whole. If we are to recognize its collective rights, we must grant the

encompassing people the right to adopt its own constitution, and this constitution might involve principles such as the equality between men and women and the rejection of all sorts of discrimination based on sex, language, ethnicity, religious belief and sexual orientation. Now all this can be done while recognizing the rights of ethnic minority groups, even when they wish to develop their own religious institutions. There are reasonable limitations to 'reasonable accommodation' toward ethnic minorities, and there are also reasonable limitations that must be imposed on the collective rights of the people as a whole. There are limitations on the kind of nationalism that can be authorized. The BJP nationalist Party has failed to practice this kind of nationalism. As a matter of fact, if Martha Nussbaum is right, this conclusion may be generalized to all Indian political parties.^{vi}

But how should the state react to the demand made by a particular group concerning its own identity? As a structure of culture, it may be entitled in principle to collective rights, but how shall we receive its demands concerning its own moral identity? The work of Avigail Eisenberg tells us a lot about how to assess religious identity claims made by ethnic minorities. (Eisenberg 2007) According to Eisenberg, there are at least five identity focused questions that can be formulated concerning a particular religious practice before we decide to grant the ethnic minority the right to develop this practice. If the state is to provide assistance, it has to be shown that the practice plays an important role in the identity of the group. What role is played by the disputed religious practice for its moral identity as a minority group? How flexible is the practice? What is the desirability of the practice for members of the group? What is the impact of the practice on individual identity and its impact on other groups? These questions are very helpful in guiding the debates if we are to assess cultural and religious identities in a transparent and fair manner. Among other things, these questions create favourable conditions for an understanding of minorities that would avoid

stigmatization or reification of minority groups. Would such an approach legitimize granting political recognition to a minority group if it turned out that a particular view about the good life were understood as part of the moral identity of the group and as constitutive of individual identities? It seems *prima facie* possible to arrive at such a conclusion. The problem however arises when the practice is interpreted as both restricting autonomy to some degree and protecting the community to some degree. Membership rules are notoriously both protective of communities and restrictive of individuals within these communities. So how could such practices be legitimate? The only way to allow for such restrictions would be if the members of the community freely accept to impose upon themselves such restrictions. We must underline Kymlicka's insistence on the individual's capacity to revise her attachments and to his criticisms of Rawls's position according to which 'some religious commitments are neither revisable nor autonomously affirmed'. (Kymlicka 1995, pp. 158-163)

But if we are to accept Kymlicka's criticism, does that mean that we are legitimizing the classical version of liberalism based on the value of autonomy? Kymlicka does want to reinstate the fundamental principle of autonomy that according to him is at the bottom of the classical version of liberalism, and this view once again presupposes a conception of the person as prior to her ends. So are we back to square one? Shall we have to abandon the new political version of liberalism in favour of the classical version?

The crucial point is not whether a practice is more an internal restriction or more an external protection. The more important question concerns rational autonomy. Does the notion go hand in hand with the classical version? Can political liberalism be reconciled with the idea of rational autonomy? I believe that there is a minimal concept of rational autonomy that can be accepted by communitarians as well as by individualists, and this concept is crucial for

political liberalism. If the members of the group are reflective (returning on their own practice), engaged in strong evaluation (thus evaluating their own first order moral judgments) and able to perform thought experiment (imagining a possible world in which one could be different than what he or she is), they are rationally autonomous. If the population as a whole is able to engage into reflective strong evaluation and thought experiments, the members could be described as sufficiently rationally autonomous, just like in any old democracy. If a whole society of individuals were to practice this sort of rational autonomy, it could easily become democratic. And yet, the whole process could be interpretable as a process of self-discovery, and what would be discovered might be a particular religious belief that could be understood as constitutive of the individual and social selves. In a sense, such religious commitments would not be ‘autonomously’ affirmed, if we suppose that ‘autonomy’ here is to mean that persons or peoples are ‘prior to their ends’. They would not be autonomously affirmed in this more comprehensive sense, because they would be constitutive of the person or people. Any change that would happen in the moral identity of the person or of the people would be seen as turning the person or people into another person or another people. If the whole democratic process is a process of self-discovery, it cannot be assumed that the individual and social selves are somehow distinct from what is to be discovered.

These are the conditions under which political liberalism is able to grant collective rights to ethnic religious minorities. But no practice could be compatible with a true democracy in a society in which some of the members (women or homosexuals) cannot enjoy also basic human rights such as freedom of expression, conscience and association. The reason is that without these rights, persons are unable to be rationally autonomous in the above sense.

This suggests that India as a people should under some circumstances allow for a separate regime of personal laws for the ethnic Muslim community. These laws can be accepted only if they stem from an exercise in rational autonomy developed by all members within the minority. Personal laws can be accepted only if there are opting out opportunities for all these members. And they will be acceptable only if they do not violate the basic individual liberties. That is, a balance must be sought between individual rights and the community's collective rights.

8. Conclusion

India is a multinational federation practising a particular form of cultural pluralism. There are individualistic versions of cultural pluralism and there are collectivist versions. There are also versions that are committed to axiological pluralism in virtue of which their proponents are seeking to strike a balance between the individual rights of persons and the collective rights of peoples. This is what India seems to be in the process of doing as a young democracy if it is seeking to accommodate ethnic minorities. I have argued that political liberalism does allow this kind of axiological pluralism to take place, that is, it must claim both the absolute priority of some individual rights of persons and the absolute priority of some collective rights of peoples. That is, there are collective rights, like language rights, that override the individual rights of some people (immigrants), granted that the latter have the obligation to integrate into the welcoming community. And there are individual rights that override the collective rights of peoples when, for instance, a religious practice promoted by the group as a whole infringes on the individual rights and liberties of women or homosexuals. Political liberalism allows for the possibility of a federation of peoples like the one that we find in India. We have seen that India is more or less meeting the standard of a multinational federation in which ethnic minorities are up to a certain point constitutionally and institutionally recognized. We have

also seen that as a people, it may as a whole may be granted collective rights under certain important conditions. The society must practice democracy even if its institutions tend to be communitarian. I have also considered different kinds of religious minority groups and argued that only ethnic groups could be the bearer of collective rights. The main reason is that rights of religious associations are aggregative and identical to the sum of the individual rights within the group. Religious groups have the right to exist, but this simply means that their members may enjoy freedom of religion, expression, conscience and association. The other part of the explanation is that ethnic groups have a structure of culture and not only a character. The language spoken by the members of the group, the institutions in which that language is spoken and the history of these institutions form the core of their cultural structure. If religious belief is a property of individuals and relates to personal identity and only derivatively to groups, language is a collective property and it applies initially to groups, and only derivatively to individuals. Non ethnic religious groups would thus be fairly protected by a regime of individual rights. Juridical entities could also, as juridical bodies, be subject to specific juridical rights. But only ethnic minorities, whether religious or not, should enjoy collective rights.

Now since the state can never be completely neutral and always tends to defend a particular structure, it must in order to recover a certain form of neutrality defend that particular structures of cultures of ethnic minorities. It can do so without violating the liberal principle of neutrality, because it is not under those circumstances defending a particular character (a particular set of beliefs, values, customs or traditions).

I have also argued that it was possible for India to promote a particular religion and remain faithful to the principle of neutrality, but that this required having to promote also the

religious institutions of their ethnic minorities. India is a people that could and should recognize the collective religious rights of its ethnic minorities. It is of course very far from doing so, but in such a diversified country there is some sort of social necessity to do so.

Finally, political liberalism prescribes that there should be reasonable limitations to 'reasonable accommodation' toward minorities that stem from the individual rights of citizens. Among these limitations, we must mention the obligation not to encroach the basic freedoms and liberties enjoyed by citizens. These important restrictions to the rights of minorities are acceptable as long as the state is also willing to grant collective rights to ethnic religious minorities. The state can only be truly liberal if it secures the protection of the freedom and liberties to all its citizens, but it must also protect the collective rights of all its minorities. If it fails in this last regard, its nationalism and official religious institutions will fail relative to the principle of neutrality, and thus fail to be liberal in the political sense of the word. Is India just about to reach this kind of liberalism? Only the future can tell.

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Endnotes

- i Source: the National Portal of India, <http://india.gov.in/>.
- ii John Rawls (1971), #79, pp. 527 and forward. See also Rawls (1993), p. 320.
- iii See Rawls (1999), pp. 33-34, for an account that allows us to treat peoples as self-authenticating sources of moral claims.
- iv Here, I depart from Kymlicka's approach for, in Kymlicka (1995), he clearly rejects collective rights and only allows for what he calls 'group differentiated rights'. These presuppose that individuals are attached to their particular cultural affiliation. So protecting these cultural affiliations is a way to pay respect to the individual's demand that their cultural affiliation be preserved. In this sense, group differentiated rights are in most cases individual rights in disguise.
- v See Bhargava (2006a) and also Bhargava (2006b), for an original 'Indian' perspective on secularism.
- vi See Nussbaum (2007) and Nussbaum (2009) for her own perspective on Indian nationalism.