ARTICLE

Transcending Constructed Boundaries: The Role of the State in Managing Cultural Diversity through Multiculturalism

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Abstract

Managing cultural diversity is inevitable today. Globalization, advances in communications and transportation technology, historical and ongoing migrations, and the legacy of territorial expansion and colonization, have heightened cultural diversity and identity differentiation. Multiculturalism offers an alternative approach to diversity management. However, it has its theoretical and practical fault lines that require deep understanding as state policies are formulated and implemented. Society is a melting pot of cultures and identities interacting, fusing, disengaging and evolving. The interaction is by no means rational, devoid of ethnocentrism or free from pressures to conform, even with the most oppressive acts against human rights. It is argued that cultures are never monolithic, immutable, good or bad. Each should be viewed as textured – a tapestry of interwoven elements enhancing and constricting individual potentials, espousing beliefs in peace as well as in violence. The state is strategically placed to adopt policies that maximize the strengths of each culture, expand cultural liberty and enable cultural transcendence. Cultural transcendence is the ability of individuals and societies to draw connecting lines between seemingly disparate identity points, instinctively rising above differences into coherence and synergy.

INTRODUCTION

Managing cultural diversity is inevitable. Globalization has increased the interaction between economies, peoples and cultures mainly through cross-border investments, trade in goods and services, and free movement of individuals across state boundaries. Advances in communications and transportation technology have allowed faster and more efficient travel as well as quicker and more sophisticated information sharing, making way for the quick absorption and fusion of varied social norms and political values. Historical and ongoing migrations (whether economic, social or political in nature) and the after effects of expansion and colonization (e.g., slavery, subjugation of populations, occupation of lands inhabited by 'first nations') have likewise forced interaction, although to varying degrees, among identities, cultures and societies within state-defined territories.

Increased plurality not only gives rise to integration of and interaction among cultures. It polarizes individuals and groups when cultural differences and divisions are magnified. Interestingly, as globalization, migration and technology bring people together, there is a counter tendency for individuals and groups to distinguish themselves

on the basis of their distinct culture, ethnicity or identity, from the amalgamation of norms and values, for reasons of psychological, symbolic, economic, social or political importance. This duality arising from pluralism should be understood well before proceeding with the task of managing diversity and striking a balance between people's need for integration and the demands for recognition and accommodation of different identities.

THE MERITS OF DIVERSITY AND MULTICULTURALISM

Multiculturalism is one of various social and political theories that fully acknowledge the inevitability of diversity and prescribe measures as regards its management. It underscores the appreciation of the value of all cultures and traditions as well as the validity of the various norms, values, traditions and standards that exist in pluralistic societies. Multiculturalism challenges the common tendency of states and societies to either deny the existence of diversity, so fail to resolve societal frictions, or to institute policies of tolerance and assimilation, where minority groups and identities are subsumed under a more dominant set of cultural norms and values (universalism of dominant culture). It differs widely from the perspective of liberalism in which human rights, individual freedom, personal liberty and opportunity (Rohmann, 1999, pp. 232-233) triumph over group rights and entitlements. The pluralist/multicultural model is premised on all ethnic groups being granted equal rights in all spheres of society, without having to give up their diversity (Costoiu, 2008, p. 6).

The imperative of recognizing cultures and identities is justified along three lines of argumentation. One is the *communitarian* view of cultural identities and languages as social goods of equal worth and of communities as preceding individuals. Another justification is the *liberal egalitarian* view which argues that culture, with its capacity to provide the context for a range of choices, is elementary to the development of individual autonomy, and the status and recognition accorded to it is essential for the formation and strengthening of individual self-respect. A third, *post-colonial* justification is the recognition of the value of tribal culture and membership, the correction of historical injustices against native peoples, reinstatement of 'stolen' indigenous sovereignty, and the recognition that religious and moral perspectives other than the dominant liberal model exist, and are equally valid (Song, 2010).

Pragmatic considerations are as powerful as normative arguments in shifting to the multiculturalism approach. For instance, in Australia and Canada, expanding capitalist economies and the huge demand for labor required the loosening of immigration policies which in turn increased cultural and ethnic diversity. Assimilationist policies which were initially used to manage the growing diversity proved ineffective, as immigrant communities reacted by fortifying their ethnic identities and they consequently drove a wedge between cultural and ethnic groups. State policy had to change course as a response to the growing politicization of ethnicity wherein immigrants increasingly exercised their political rights as electorates and ethnic communities progressively demanded for rights (Costoiu, 2008, pp. 7-8).

UNPACKING THE CLAIMS OF CULTURE AND IDENTITY

Multiculturalism has been linked with claims based on identity, 'identity politics', 'politics of difference' and the 'politics of recognition'. These concepts are most often invoked when attempts are being made to revalue the worth of peoples possessing minority status and to correct their economic and political disadvantages resulting from perceived inferior status in society (Song, 2010). Acknowledging and managing diversity necessarily have to deal with distinctive claims of identity groups for recognition and for rights, practices, freedoms, entitlements and benefits, based on their cultural attributes and differences (Universitat Oberta de Catalunya, 2011). Claims can be classified into three categories, namely: (1) *subcultural diversity* which seeks to pluralize the dominant culture; (2) *perspectival diversity* which seeks to reconstitute the dominant community; and (3) *communal diversity* which seeks to preserve a particular way of life of 'self-conscious and more or less well-organized communities' (Universitat Oberta de Catalunya, 2011).

The most foundational of these claims is the call for the pluralization of society through policies and appropriate interventions of the state. An example would be the movement for increased awareness and recognition of the way of life, rights and protection needs of lesbian, gay, bisexual and transgender (LGBT) persons. Other demands constitute the expansion of democratic space to enable certain collectives to participate and be represented in procedural liberalism with a view to effectively advocating their interests. Claims for entitlements range from demands for resource allocation and distribution to demands for opportunities where contribution to public policies and participation in political, social and economic life is made possible.

International human rights instruments such as the International Covenant on Civil and Political Rights (ICPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR) have captured some of these collective rights. The African Charter on Human and Peoples' Rights protects equality of peoples, the right to existence and self-determination, the right to dispose of wealth and natural resources, the right to development, the right to

peace and security, and the right to a healthy environment. These 'third generation' rights are generally seen as a reaction to the dominance of the traditional liberal conception of human rights that focuses on the individual as the rights bearer.

A more widely accepted collective right which is enshrined in Article 1 of both the ICPR and the ICESCR is the right to self-determination, whose foundation rests on the values of self-government and democratic representation. This right is two-faceted: (1) external self-determination, which means the "right to independence as a people, the right to be free of colonialism, and the right to form an autonomous state" (University of Peace, 2011, p. 11); and (2) internal self-determination, which is the right to a representative and freely chosen political and economic regime, the right to democratic rule and for a government that is responsive to the peoples' will.

The degree of self-determination can vary: from full secession, autonomous self-rule, to increased autonomy within a state or increased democratic representation. Self-determination claims can be a reaction to colonialism (*anti-colonial*) by a colony seeking independence, the quest of a group within a state (*sub-state*) for a greater share of power within existing political structures, or for independence, efforts of peoples found in more than one state (*trans-state*) to seek self-determination to protect their rights, or the claims of indigenous peoples (*indigenous*) for independence or self-rule (University of Peace, 2011, pp.11-12).

Another claim is in the area of cultural accommodation or 'group-differentiated rights' which could mean exemptions from generally applicable laws (e.g., religious exemptions), purposive assistance to minority groups (e.g., affirmative action), recognition of traditional legal codes (e.g., Shariah courts), or secured representation of minorities in the government (e.g., quota system).

MULTICULTURALISM AND ITS FAULT LINES

Multiculturalism has been weakened, as critiques would assert, by its legitimization of identity politics and claims based on identity. As Turner cautioned, multiculturalism is fraught with theoretical and practical dangers if linked with identity politics and claims (1993, pp. 411-412). There are various reasons for this warning. First, claims based on identity as outlined above beg the question of whether the distinctiveness of cultures and identities could legitimize and serve as a basis for social and political demands. Second, normative conflicts arise when a compromise between competing individuals or groups is not workable because the fundamental character of the issue at hand involves differences in deeply held values at the individual and personal level (Kaufman 1998, as cited in the UOC Course Material on Intercultural Conflict and Diversity Management, 2011). This has serious polarizing effect on competing parties.

A third critique is on the incongruity of the logic behind identity-based claims with the nature of cultural evolution, of cultures constantly learning and reshaping from interactions. The unavoidable 'contamination' of cultures is a reality that is negated by developing rigid definitions as regards the content, bounds and membership of cultures. With identity-based claims, vibrant and interactive cultures run the risk of being 'fossilized' which, in the long run, could undermine opportunities for healthy interaction/integration essential for attaining social cohesion. An implied assumption of a rigidly defined cultural identity is the singularity of its membership, which is an anomaly. In reality, individuals can have different and simultaneous cultural affinity and identity affiliation (e.g., linguistic, ethnic, gender).

The fourth is in the area of rights. It is argued that the philosophical foundations backing group rights are not as clear or robust as those of human rights. One prominent human rights scholar argues that collective human rights are logically possible if it can be argued that social membership is an inherent part of human personality, in the same way as individual human rights were anchored on the inherent dignity of the human person (Donnely, 1985, pp. 473-482). Another possible fault line concerns the pitting of group rights against human rights. For instance, the granting of religious, cultural or political freedom to certain groups could in turn adversely affect the individual freedom of marginalized and vulnerable sub-groups e.g., women. Therefore, collective rights can act as both a protector and threat to individual liberty, the latter posing a challenge to liberal democracy.

In the exercise of the right to self-determination, critiques of multiculturalism highlight the quandary in deciding what constitutes peoples who qualify for self-determination, when the right is to be invoked or exercised (e.g., when people feel powerless?), and what type/s of self-determination can be pursued and allowed (e.g., internal or external?). Additionally, how should the exercise of this right be limited in the interest of protecting the integrity of the state which is essential to the protection of human rights? The right to use customary systems of law (CSL) as an expression of indigenous identity and sovereignty, and as a way to assert autonomy from a 'monolithic state', is a concrete illustration of the tension between the state's formal justice and informal, traditional law systems practiced by ethnic communities (Perry, 2011, pp. 72-73).

Perhaps the most worrisome of concerns over external self-determination is its potential (real or perceived) to weaken the concept of Westphalian sovereignty, the international system of states and the territorial integrity of countries. Paradoxically, it is assumed that human rights can be protected only in a 'representative self-governing state' which would require, in some instances, for the right

to self-determination to be invoked (Kelly, 1999, p. 47). Where does one draw the line between state sovereignty and self-determination for the purpose of upholding and protecting human rights?

THE ROLE OF THE STATE IN MANAGING AND TRANSCENDING DIVERSITY

The responsibility of managing and transforming cultural diversity into a positive social force rests squarely on the shoulder of states. This assertion does not attempt to delimit the role of other local and international actors but rather emphasizes the inherence of this responsibility in the concept of internal sovereignty, wherein states are expected to act in the best interest of, and in accordance with, the 'social contract' forged with the citizenry. In the current international system, states are still formally accorded the 'juridical monopoly on sovereignty' (Ramsbotham et al, 2005, p. 100) and remain the subject of international law. This point is critical in regulating globalization and addressing rights claims as part of diversity management. In human rights discourse the state is the primary duty bearer, and in the face of competing rights claims has the responsibility of striking a balance. The monopoly on the 'key functions' of law-making, law determination and law enforcement (Malanczuk, 1997, p. 3) make it all the more strategic to lodge the task of diversity management on individual states, as they have the wherewithal to initiate, institutionalize and implement policies regulating social relationships in a heterogeneous population.

To avoid clouding the issues of policy fault lines, states should first separate the effects of multiculturalism from the social implications inherent in diversity. Putnam describes three hypotheses regarding the effects of diversity. First is the *contact theory*, which argues that diversity fosters interethnic tolerance and social solidarity. Increased frequency of interaction overcomes initial hesitation and ignorance, reduces ethnocentric attitudes, fosters solidarity and later builds trust. A second hypothesis, termed *conflict theory,* posits the tendency of diversity to foster out-group distrust and in-group solidarity, especially when involving competition over limited resources. A third hypothesis is the *constrict theory* which is the tendency of ethnic communities and groups to 'hunker down' or isolate themselves from the rest (Putnam, 2007, pp. 142-149). It is safe to assume that these three tendencies happen in any given diverse society. Therefore any state policy, be it assimilationist, integrationist or pluralist, is bound to affect the three social dynamics, magnifying, suppressing or tempering certain features. Multiculturalism was conceived to address these tendencies and respond to arising issues. In

short, multiculturalism should not be blamed for what diversity has brought about.

Against this backdrop, it is incumbent for the state to establish the mindset and principles that will guide policies on multiculturalism. Society has to be understood as a melting pot of cultures and identities interacting, fusing, disengaging and evolving. The interaction is by no means rational, devoid of ethnocentrism or free from pressures to conform with cultural practices deemed violent, discriminatory or oppressive of one's welfare and human rights. By the same token, each culture should be viewed as textured – a tapestry of interwoven elements and characters that enhance as well as constrict individual potential, or of beliefs advancing peace as well as espousing violence. Therefore, cultures should not be viewed as monolithic, immutable, good or bad. From this standpoint comes the key principle that society should not be coerced to homogeneity or dominance of one culture. The state should promote cultural diversity in societies where cultural interaction is a pressing reality and should also be able to draw strengths from cultural specificities.

The quest for cultural diversity is but a means to a higher end - the protection of cultural liberty and the expansion of people's choices (UNDP, 2004, p. 88). Preservation of cultures or tradition must be pursued in support of this enabling goal. The state should provide an environment that enables individuals and groups to choose which culture or identity to adopt, discard, weave and transform without fear of retribution, discrimination or isolation. Therefore, there is an underlying awareness that in tensions between cultural/collective rights and human rights, the state should ensure that the latter is upheld.

To provide an enabling environment for the recognition of diverse identities, equal opportunities and cultural liberty, a number of countries have implemented policy tools, not least to regulate competing claims based on identity, that can be adopted by states embarking on the path to multiculturalism (see Table 1 on Sample Policy Tools on Multiculturalism). These policy tools were studied in a research project, entitled Multiculturalism Policy Index, that monitored the evolution of such policies across 21 Western democracies from 1980 to 2010. In theory, these policies address the 'conflictual' and 'hunkering down' effects of diversity on certain communities that Putnam mentioned.

Perhaps the least appreciated or acknowledged aspect of multiculturalism, which states should take full advantage of, is its capacity to foster interethnic tolerance and social solidarity (contact theory). From the objective of protecting cultural liberty emanates the concept of intercultural/ethnic transcendence or the ability of individuals and peoples to draw connecting lines between seemingly disparate identity points, instinctively rising above differences towards coherence and synergy. Cultural transcendence, as in modern technologies, has the ability to process

Table 1. Sample Policy Tools on Multiculturalism.

Policy Area	Policy Tools
Indigenous Peoples	• Recognition of land rights/titles • Recognition of self-government rights • Upholding historic treaties and/or signing new treaties • Recognition of cultural rights (e.g., language, hunting/fishing, religion) • Recognition of customary law • Guarantees of representation/consultation in the central government • Constitutional and legislative affirmation of the distinct status of indigenous peoples • Support/ratification of international instruments on indigenous rights • Affirmative action
National Minorities	• Federal or quasi-federal territorial autonomy • Official language status, regionally or nationally • Guarantees of representation in the central government or constitutional courts • Public funding of minority-language universities/schools/media • Constitutional or parliamentary affirmation of multiculturalism • Minority nations accorded international recognition
Immigrant Minorities	• Constitutional, legislative or parliamentary affirmation of multiculturalism at the central and/or regional and municipal levels and the existence of a government ministry, secretariat or advisory board to implement this policy in consultation with ethnic communities • Adoption of multiculturalism in the school curriculum • Inclusion of ethnic representation/sensitivity in the mandate of public media or media licensing • Exemptions from dress codes • Dual citizenship • Funding of ethnic group organizations or activities • Funding of bilingual education or mother-tongue instruction • Affirmative action for disadvantaged immigrant groups

Adapted from Multiculturalism Policy Index, School of Policy Studies, Queen's University at Kingston, Canada, 2011.

the individual texture of cultural practices and relations while breaking through constructed boundaries.

As Putnam explains:

"Identity itself is socially constructed and can be socially de-constructed and re-constructed. Indeed, this sort of social change happens all the time in any dynamic and evolving society… The challenge is best met not by making 'them' like 'us', but rather by creating a new, more capacious sense of 'we', a reconstruction of diversity that does not bleach out ethnic specificities, but creates overarching identities… Tolerance for difference is but a first step. To strengthen shared identities, we need more opportunities for meaningful interaction across ethnic lines… Community centers, athletic fields, and schools were among the most efficacious instruments for incorporating new immigrants a century ago, and we need to reinvest in such places and activities once again, enabling us all to become comfortable with diversity." (2007, pp. 159-164)

These concepts are not mere lofty ideas. A 2010 study on the Status of Multiculturalism in Canada confirmed that the multiculturalism hypothesis of 'integration orientation', referred to in this paper as cultural transcendence, is possible and Canada's experience in adopting a multiculturalism policy from 1971 to the present backs this assertion. The state's policy targeted two levels – individual identity and institutional design. The study noted a positive policy outcome indicated by the high-level of mutual identification among native-born citizens and immigrants. It was noted that "immigrants and minorities come to identify with, and feel pride in Canada" while "Canadians view immigrants and demographic diversity as key parts of their Canadian identity" (Kymlicka, 2010, p. 9).

It is therefore argued that, more than providing equal opportunities, greater emphasis should be given by the state on spotting and cultivating 'connectors' of cultures and identities. Connectors can take the form of universal principles such as shared respect for and protection of human rights and collective rights (to the extent that the latter enhance individual rights). It can also take the form of civic responsibilities (e.g., uphold and abide by the rule of law, and civic and political obligations) as a common denominator that unifies people. Another would be unity in purpose (e.g., maximizing economic benefits, economic

prosperity for all and fairness) and active participation in strategic platforms for interaction such as offered by globalization, modern technology, communications and travel. There is no denying that these platforms of interaction cut both ways, therefore the state should be able to regulate their downside and not attempt to stop globalization for the sake of preserving tradition.

Cultural liberty and transcendence are in themselves a fusion of liberal thinking and cosmopolitanism that lend support to multiculturalism. Cosmopolitanism argues that "all human beings, regardless of their political affiliation, do (or at least can) belong to a single community and that this community should be cultivated" and challenges "attachments to fellow-citizens, the local state, parochially shared cultures, and the like" (Kleingeld, 2006). Rooted cosmopolitanism, as advanced by Anthony Appiah, is a middle ground where universal values coexist with the specificities of identity, and where individuals and groups are aware that they are shaped by overlapping identities within their sphere of reality but that other identities exist beyond these demarcations. The duty to others outside these demarcations is probably the strongest argument for cultural transcendence.

CONCLUSION

Interpreting multiculturalism as a state policy has its limitations. For this policy to be successful, a lot depends on the willingness of individuals and variously defined communities and identities to contribute to the social paradigm. Secondly, the forces dictating the tempo of today's diversity, notably globalization, are not fully within the control of individual states. Regulation at state level can be very difficult and entails tedious and costly engagements at transnational and multilateral levels. Additionally, state sovereignty has never been absolute and state authority has recently been increasingly weakened by transnational business interests (e.g., corporations, transnational crime) and multilateral institutions. Therefore, policies and actions to help societies transcend constructed boundaries should happen at four levels: individual, community, state and transnational/multilateral.

Lastly, it is the author's hope that in due time, interactions between cultures will bring forth an innovative alternative, if not better understanding of the nature of human co-existence than what liberalism, cosmopolitanism or indeed multiculturalism have so far offered. ■

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