CULTURAL DIVERSITY, INSTITUTIONAL RIVALRY, AND DEMOCRACY

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Abstract

The main concern in this article is to study the question of democracy in contemporaray multicultural societies from a libertarian perspective, which is one of the leading debates of recent political theory. In this context, I do consider the relevant concepts such as "cultural diversity", "pluralism" and "multiculturalism" and try to evaluate the compatibility of the ideals enshrined in these concepts with a libertarian and democratic socio-political project. One aspect of this article is to discuss the value of the ideas of institutional rivalry and federalism with regard to search for any democratic solution of contemporary multicultural societies. Indeed, my basic argument is that for today's liberal democracies in which different ethnic, religious and cultural identities, several ideological groups and communities together by "perverse" sexual choices are living side by side, a libertarian project able to accommodate a peaceful coexistence is the "competitive federalism" model based on rivalry between cultural, social and political institutions.

Özet

Kültürel Çeşitlilik, Kurumsal Rekabet ve Demokrasi

Bu makalenin ana ilgisi, siyaset teorisindeki yeni tartışmalarda özel bir yeri olan "çok kültürlü toplumlarda demokrasi" sorununun özgürlükçü

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bir perspektifle incelenmesidir. Bu bağlamda "kültürel çeşitlilik", "çoğulculuk" ve "çokkültürlülük" gibi konuyla ilgili kavramlar gözden geçirilmekte ve bunların özgürlükçü-demokratik bir sosyo-politik proje ile felsefi-ahlaki ve pratik açıdan bağdaşabilirliği değerlendirilmektedir. Burada yapılan tartışmanın başka bir boyutu da kurumsal rekabet ve federalizm düşüncelerinin çokkültürlü toplumların demokratik çözüm arayışları bakımından ifade ettiği değerin sorgulanmasıdır. Esasen, makalenin ana tezi de; pekçok farklı etnik, dini ve kültürel kimlikleri, değişik ideolojik grupları ve "aykırı" cinsel tercihlere dayanan toplulukları içinde barındıran günümüz liberal demokrasileri için, toplum olarak barışçı birlikte varoluşu mümkün kılacak özgürlükçü çözümün, kültürel, toplumsal ve siyasi kurumların birbiriyle yarışması esasına dayalı "rekabetçi federalizm" modelinde bulunabileceğidir.

1. The Problem

In contemporary world, one of the basic issues of liberal democracies to study is whether they have the capability of adaptation to the pluralistic structure of modern society. Today's democracies, generally, are nation-state ones and as such they rest upon "nations". It is readily assumed that "nation" is an organic community bound together by common culture, language, traditions and so forth. But the nationalistic policies of the state based upon the assumption that the society is a homogeneous entity are no longer possible as in the past. Today, in most nation-states individuals and groups have a highly developed sense of being "different". Therefore, a nationalistic policy which tends to transform heterogeneous elements of the civil society into a single and unified identity of a "nation" seems to have lost its chance to be successful.

It seems that, this took place as a result of varied factors. First of all, integrative cultural policy of the nation-state, paradoxically, stimulated, even nourished some sub-nation identities and parochialistic affections. The policy of integration, so to speak, resulted in disintegration/dissolution of society. Besides, as "diversity" emerges as a recognized moral value, it tends to weaken unionist perception of politics. The disintegration process of multi-ethnic policies in Eastern Europe and former Soviet Union -in the first case, this occured by violent means- porovoked ethnicity-centered perceptions further. Secondly, outstanding market dinamics (movements of capital and labour) and

population shifts like immigration have led to rise trans-nationality, subverted the homogeneity assumption, and made homogenization of the the society increasingly difficult.

Finally, cultural minorities have now begun to claim separate identities and rise their voices. This is so, partly because in a globalised world with its diversified channels of information, it is impossible to exclude societies from information about universal changes and developments(Doering 1996: 50). Also, perception of "corporate-ness" (or "common-ness") which comes with suspicious view on individuality and privacy, and increased focusing on collectivities, put the agenda on civil perceptions of "public sphere" to the problems emerged from integrative policies of nation-state in the context of democracy debate.

In this article, I will try to present a new account of federalism which is a classical political ideal and one of the original pillars of constitutionalism as an answer to the question about how the democracies cope with the challenge of multi-ethnic social structures. In connection with nation-state, I will suggest a genuine pluralistic, competitive and de-centralized socio-political system to replace the "union"ist concept of politics.

2. Diversity and Multiculturalism

The disintegration of a homogenous and close-knitted "nation" also means that the diversified structure of the society has become ever manifest. The problem is how to treat this social phenomenon. It is essential to say that there must be a "libertarian and democrat" treatment of this phenomenon; but if this answer does not include any clues of how a libertarian and democrat project can be conceptualised, that say is simply a cliche. Then, firstly, we will explain what "diversity" means, and how important it is for "human condition".

"Diversity" has two aspects. Firstly, it means that any society is not simply a coherent (homogenous) wholeness, but there are many different and separate ethnic, cultural and religious groups within it. In this context, the concept is "neutral", or value-free; it implies only a social fact. And if this fact means that there are some "collective identities" as manifest and identifiable elements of diversity, their related society may

be called a "multicultural society". In that case, it can be said that diversity refers especially to *individual* differences, but a "multicultural society" does to existence of different *groups*.

Secondly, the word "diversity" also connotes a normative element. Here social diversity in itself is understood as a good, a virtue; so elements of diversity in any society must be preserved. According to this view, existence of many different ways of life in a society is desirable. Because, from this perspective, "more is better", that is variety means more "goods"(Crowder 1994: 300). Although diversity as a social phenomenon is relevant to democracy debate, it is this normative sense of diversity and multiculturism in particular that writers emphasize in the context of democracy debate today. To qualify a political system "democratic" requires that at least it takes the elements of diversity for granted or recognizes them. That is why if democracy means "government of the people", first of all, it is bound to respect this reality of the "people". And this can be realized only if any component of variety of society is not excluded deliberately from political process. Constitutional guarantee of (civil and) political rights helps this object.

Although diversity as a human value and social good, on a large scale, is considered relevant to "multiculturism", these two and the normative sense of diversity, in fact, are different phenomena. Normative sense of diversity implies that the existence of various experiences of human-being presents meaningful alternatives for individuals, and we can learn from them. Diversity is good, because, through this, it is possible for us to learn that there are many other possible ways to live as a human-being, and perhaps we too may want to live an experience like them. In addition, profound diversity of the "human condition" equippes us with the conscious of the range of our generic potentialities(Yürüşen 1996a: 21).

A final point to mention with respect to diversity is whether it is desirable with its all kind of elements. It is a fact that there are some collective forms of existence, which tend not to recognize other forms of life and to violent conflicts between human-beings. Therefore, diversity, in Yürüşen's words (1996a: 16), "is a fact which can be source of most ominous prophecies as well as most optimistic expectancies". For this

reason, it can not be argued that the diversity with its all aspects, or diversity in any case, is "good".

As for multiculturalism, it means that "whatever an individual's cultural origins, there is no reason why he or she should not be able to live peacefully in a society, in which different cultural traditions are tolerated."(Kukathas 1991: 9). Indeed this is a liberal (individualist) version of plural society. But there is also another, communitarian conception of it that refers to primarily group identities, even to "plural communitarianism". In other words, here only the cultural/ethnic communities, not individual human beings, are considered as subjects of the political community. It is talked of collective forms of identities which do exist, sometimes in spite of or at the cost of individual choices rather than individuals as elements of diversity. Thus, multiculturism means a limited diversity, both in the number of elements of diversity and in respect to its possible restricting choices for individuals within a community or group. Then, while existence of various culture/identity groups with their own ways of life can be meaningful experiences for others, they have a totalitarian potential for their members. The efforts to enforce the primacy of group choices over individual identity against those who would dissent from the group, give rise to conflicts. For example, many societies which are generally male dominated have denied women as an existence and identity outside the family. The Indian caste system presents perhaps the most extreme example of coercively defining personal identity through group membership(Donnelly 1989: 151). This is especially true with regard to collective identities or "closed" totalities which does not originate from the individual choices.

But, with reference to libertarian social theory, as Barry said, "only intrinsically valuable things are experiences of individuals... A common culture, an artistic tradition or a traditional way of life have no intrinsic values, though each may have considerable instrumental value in promoting that which is intrinsic value, individual experiences."(Barry 1990: 110-11). Of course, "(t)here is a real loss when a community dies out, but if its members freely choose another way of life, that is a loss that we must be prepared to accept. The only real alternative is to force group membership on those who see that membership not as a creative

self-fulfillment but as an oppressive limitation of their existence and identity"(Donnelly 1989: 151).

If multiculturism transforms into a normative -multiculturalistic-policy, the probability of rising a threat of this kind would increase. Because, the standpoints of such policy are not individuals, but collective identities. In other words, a multiculturalistic policy "emphasizes on bringing them (different ethnic groupings- M.E.) in as players in the political community rather than on simply accepting them as members of the economic, moral and legal community" (called civil society) (Kukathas 1991: 9). So this is a policy which, through transforming ethnic relations into political ones, restricts potentialities of a genuine variety (or cultural pluralism), and in fact it may lead to subverbing social diversity, even its professed "multiculturism". For instance, the fact that the Canadians in Quebec with non-Anglosaxon origin can not send their children to any school with English-speaking (Taylor 1996: 63, 64) suggests that this is a realistic possibility. Besides, multiculturalism as a politics ignores, that harmonious social relations might be possible not through politics but simply through economic and personal interaction among private individuals and communities.

In my opinion, there are also basicly two dilemmas of a multiculturalistic policy. Firstly, a policy based only on collective identities, because of uncompromising different collective demands, will have a potential for conflict. So, in the case of incompatibility of group demands, inter-group power relations -not moral principles- would determine the result. And the characteristic of the political system would be a continuous conflict of the identities. Besides, we can not be sure that a claim rised in the name of any group would represent the genuine will of all members of that group, for some members may not be voluntary members or may not consent that claim. Possibly, in that case, the observable figures of social picture would be "people as means" subjected by rival bargainer/dealer collective agencies who tried to influence political power to gain favorable political decisions. But it is desirable that civil mechanisms and institutions are derived peacefully from inter-individual relationship. It can be expected that in such a system individuals will be subject to the rules and decisions of the group claimed in the name of themselves. In that case, diversity can be a false

one surrounded by categorised identities instead of a genuine human condition.

Secondly, this strategy will overload the politics and the state. The appeal to state for a forceful preservation of the collective identities can easily be legitimated for the sake of such a false diversity. Then it is considered legitimate that to compensate, as a positive discrimination, disadvantages the groups which are decided "politically". As the experience of Australia showed, a "call for special treatment creates a need for a bureaucracy to administer the assistance schemes that are established" (Bennett 1989: 107; cited by Kukathas 1991: 18). It also symbolises, a continuing dependency of ethnic groups upon government. Let alone the moral problems which may come out of this, because it is impossible to meet all the rival and conflicting claims of being favoured, such a policy in effect seems to come to an impasse. Besides, the most probable result of the strengthening communal bonds by politics is "the formenting of inter-community rivalry or group conflict, as individuals are driven to see themselves primarily as members of particular groups whose survival and well-being depend upon the extent of their political power *vis-a-vis* other groups in the larger political society"(Kukathas 1991: 21). Similarly, a project to conserve any particular culture can lead to impose some elements of that culture on the individuals who otherwise would not choose it, as in the case of the English-speaking, and the French-speaking people in Quebec (Canada) who are forbidden to send their children to the English schools. This means a "policy of coercing" in the name of so-called diversity(Yürüşen 1996b: 61-66).

Also a policy of multiculturalism based on collective identities requires to take a "census of identities" or to ascribe any identity to everyone. This is also a policy of enforcement, because identity is not simply an ascription assigned externally (politically), but being oneself as an individual and as such determined by individual choices. So this policy would suppress the people who do not identify themselves with any group, because any identity in a context of society has more dimensions than one, and that policy is not feasible either.

Then, a democracy which guarantees a politico-juridical system of a peaceful coexistence must be based on other moral principles than simply "diversity". Those principles, I think, can be ethical pluralism and

mutual respect, and its model of democracy might be "institutional rivalry"or "competitive federalism".

3. Pluralism, Institutional Rivalry, and Democracy

Pluralism is a moral and political reasoning concerning evaluation of public policies. It means that human goods or values are varied and it is not possible to rank them under a higher principle. In other words, moral principles are not reducible to a single one. A clear statement of this view called "ethical pluralism" can be found in Isaiah Berlin's writings. He says (1991: 11, 12, 13): "... there are many different ends that man may seek and still be fully rational, fully man, capable of understanding each other and sympathising and deriving light from each other (...) Forms of life differ. Ends, moral principles, are many. (...) What is clear is that values can clash -that is why civilisations are incompatible. They can be incompatible between cultures, or groups in the same culture, or between you and me.(...) These collisions of values are of the essence of what they are and what we are." It is not relativism. Because ultimately relativism advises to let everyone alone with their beliefs and ideas. There is no communication in relativism. In Berlin's words (1991: 11) again: "I prefer coffee, you prefer champagne. We have different tastes. There is no more to be said. That is relativism". And this view can not be a foundation of democracy, but pluralism can, because it recognizes that various human goods are valuable altogether, and different forms of existence are entitled (deserve) to equal respect. From this conception come out two main consequences for politics.

Firstly, all the various forms of life in a society must be considered equally legitimate. In other words, it is required to recognize worthy of everyone's beliefs and ideas and to respect the other's individual choices. This is not toleration. Because toleration, different from recognition and respect, implies a hierarchy between "self" and "others"; that means existing a "tolerant" and a "tolerated", the first is supreme and the latter lower. So, a democratic political system based on mutual recognition and respect must have a legal system, in which channels of expressing and developing (concerning with identity groups it means to preserve and reproduce themselves) various beliefs and ideas (and therefore different identities) are available. To put it more concretely, a "constitutional

democracy"(Erdoğan 1997)   that guarantees civil, political and cultural (human) rights is required.

The second political result of the pluralistic doctrine involves developing mechanisms that enable different entities to come into a "dialogical" process and   produce a "sphere of partnership" or public sphere. That is the domain of democracy. It means to guarantee human rights constitutionally on the one hand, and to provide constitutional arrangements to participate in politics on the other. But a real dialogical process can work only among individuals. As agents of such a process individuals will of course participate in it with their own identities, so in this way collective identities too will be represented in the process. This is normally so, because, whether being chosen individually or being born in it, identity is not outside the individual, but the individual already includes it (it is individual himself). Besides, trying to create a working dialogical process as a part of inter-collective relationship has a great danger: it is not a genuine social diversity which is an expression of ethical pluralism on political institutions, but a picture of plural-totalitarianisms in the name of democracy in which various cultural, religious and ethnical groups compete for seizing the individuals.

Consequently, a "corporate" form of existence in which different forms of life can sustain and develope themselves, and can interact with other forms of life requires a socio-political model in which different institutions can compete with each other. It is called *"institutional rivalry"* (Barry 1996b). The idea underlying this model is as follows: Just as the best way of extending the range of choices in the production of economic goods and services is competition, the existence of competitive social and political institutions expand the opportunities for individuals, and in this manner different institutional arrangements easily adapt themselves to individual demands and needs. In the words of Norman Barry (1996b), "(j)ust as the rules that govern free markets emerge from a gradual process of interaction between rational agents (they do not have to be imposed from above, except in rare and carefully-defined circumstances), the rules which determine the validity of moral, religious and social practices can develop from peaceful competition between institutions." This is both a model which recognizes the legitimacy of different forms of beings and, in this way, preserves the social diversity, and perhaps is the best way to embody the ideal of free society. A free

society requires the existence of rival jurisdictions which are open to be influenced and transformed, instead of unalterable political, legal and social structures.

As a matter of fact, this model is closely connected with the idea of federalism. Indeed, in the authentic design of American federalism which was an original contribution to the theory and practice of constitutionalism (Loewenstein 1957: 285) states had primary jurisdictions. "The general (or federal) government was allocated certain, quite limited, tasks and everything that fell outside this range should be left to the states (nothing was specified to them, they were only disabled from performing a narrowly-circumscribed range of activities). Their freedom to experiment covered not merely the conventional social and economic matters (The only constitutional requirement here was the preservation of free trade between the states) but also extended to moral and religious matters."(Barry 1996b).

Such a "competitive federalism" supports variety and prevents the imposition of contested customs and practices on the overall system. But the American federalism actually developed in the reverse direction of this foundational idea, and the jurisdiction of federal government increasingly enlarged at the expense of the states. Today even in USA it is not considered that experimentation in the different ways of providing essential services is required. Therefore, today's federalisms seem to be uniformed central-unitary systems based on delivering the services locally which are designed centrally. A similar development occured in the European Union and the idea of competition which governed semi-federal structure established in the beginning has now been replaced by standardization and uniformity throughout Europe. The present object of European Union is to set uniform standards for industrial regulation and social conditions across all Member States(Barry 1996a: 41-42; Barry 1996b: 29-31).

4. Conclusion or Towards a New Model

Now, let me give an account of the model of "institutional rivalry" or "competitive federalism", with special reference to Barry (1996a: 40-42; 1996b: 29-34). The component parts of the model can be explained as follows:

(1) Among and over the federated unions there must not be any sovereign authority which is entitled to establish unalterable political, social and judicial institutions but only a *general code* which puts forward the fundamental rules based on an agreement by democratic way. This code has to be a loose framework of the federation which reflects the consent of all the citizens, and gives no authority to undermine the variety throughout federation. In this set-up controversial moral (and religious) issues should not be included and the power on these issues should be given up by regional authorities. This will disable them to set arrangements in their own regions that enslave the citizens and/or establish exclusive domination of any collectivity.

(2) Local authorities will be free to decide, by way of "recognizing" formally those inherited culturally or establishing through the democratic process, what institutions will be adopted, provided that this is not contrary to the general code. In legal terms, this means "legislative autonomy".

(3) Everyone will have the right of entry and exit. This means that all the individuals are entitled to leave the socio-political structure in which they do not want to live and to enter freely another state. "(T)he right of exit to another state will protect individuals from the effects of arrangements which they might find unfavorable."(Barry 1996b). The underlying principle of free entry and exit is a moral one that individual human-beings have the natural right to choose their own ways of life and, consequently, to live in whatever society they want.

This proposal combining the legislative autonomy and free entry and exit seems to be the most suitable one to the ethical pluralism and the ideal of free society. Although "the costs of exit for particular persons may be quite high, in principle such a system combines the benefits of personal liberty with the necessity for some collective action"(Barry 1996b). Furthermore, competitive feature of the system encourages that the sub-systems (local/regional units) compete for attracting the consent of citizens and improve their own institutions.

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