

Abstract: The Dynamic Notion of Cultural Identity: Implications for Human Rights

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In order to begin a discussion on Cultural Identity and Human Rights, I would first, rather prefer to place them in a mode within which this discussion is to take place -- a mode wherein we are able to locate the theoretical parameters of the concepts – Cultural Identity; and Human Rights. Initially, I would like to draw some attention into what it is in the terms ‘culture’, ‘identity’, ‘recognition’, and ‘rights’ as to their spheres of exercise in the debates of comparative public and private discourse. Subsequently, the terminology post-modern, rather as we also see post-colonial, in the later portions of my dissertation, is simply understood, as a deconstructed sense of the theoretical issues in question. Post-Modernism, and an array of literatures related to the theory of post-modernity and post-coloniality would be referred to in this Project, as to how the tools of this contemporary ‘ism’ is related to the practices of Multiculturalism and Human Rights in the long run.

Hence, I would like to begin by throwing some light on the conceptual relevance of the Politics of Identity. The Politics of Identity, being referred to in here, depends upon an ‘essential’ version of culture. The conception of culture brings forth, at least in its initial phase of formulation, an inherent notion of ‘recognition’ – indeed, the struggles for recognition and the dialogical phenomenon of recognition in the debates underlined by Political Theory. The struggles for recognition, and the identities that underlie these struggles, are identified as being too pluralistic, and diverse and they themselves are in motion to a quest for a more definitive-recognized Identity. Thus, Identity Politics could be seen in the light of an ongoing struggle for being an inherent part of the process of democratic politics, in pursuance of fulfilling the credentials of the ‘public’ norms of recognition.

However, in addition to the quest for self-determination, comes into significance the much-significant right to self-determination. There will be instances in this Project as to further groundings of the theory of self-determination – as to the contextual exploration of and a comparative analysis of how self-determination assumes the societal context in which we aspire to delve into, on account of its particularistic nature. We will see in further sections of the Thesis as to the foremost grounding of self-determination, the usage to which it is being put into, its correlation with the existing theoretical contours and how this right, as a progressive mode, can claim an ‘identity’ of its own amidst the discourse of the grand theory of Human Rights.

As a follow-up to our discussion at hand, we now begin looking into the form of concept which this ‘culture’ is trying to acquire. A hint has already been made as to our perpetual efforts to avoid stepping into the ‘essentializing’ tendencies towards an understanding of these sociological terms. Though conceptualizing culture here would mean to know and be aware of the debates

within a culture as well as outside a culture – the internality characterized by intra-culture differentiations, and an externality defined by a relation of a culture with another culture in its totality. Hence, putting ‘culture’ in this framework of Political Theory would be rather characterizing it in a framework wherein its relevance and practical implications might well be understood in the context of the dynamics of political behavior, a political setting – a politics governed by a set of rules and regulations of a particular kind of society we are trying to look into.

Not to forget here, at this juncture, the relevance of knowledge-economy created by a generation of these tendencies as to how a culture can create and re-create a meaning or even subvert a meaning existing in its essential form. The distinction between the West and its ‘Others’ holds true to the extent when it is substantiated or justified by the creation of a version and a simultaneous creation of its ‘another’ version. To put it more explicitly, it is an Idea, a Contradiction which gives rise to a New Idea, wherein a direct lineage can be referred to Hegelian Dialectics in its basic form.

‘Cultural Identity’ as a determinant to Human Rights is a third trajectory of this Project in the explanation of how the ‘cultural identity’ being referred to here, has an implication upon and gives us a reason to think it in terms of determining the Human Rights Discourse. What is already discussed in detail in the last section of this work is a post-colonial understanding to Human Rights, as to the works of Ratna Kapur, Upendra Baxi, and certain other references to highlight the aversion to the essentialist discourse, as I address it here.

These works inspire us to understand the issues, in particular the Human Rights Discourse, from a parallel-running perspective, wherein we make an attempt to study a phenomenon of social science discourse from a bottom-up analysis, rather than just top-down. Apart from highlighting the inherent-abstract power of the narrative in this approach, this approach makes us realize how important it is to study the symbols, tools and concepts in Social, Political and Cultural Theory from the vantage view-point of the ‘Other’ in its ‘answering-back approach’ towards the existing mainstream theories. Hence, through this dimension, we are able to complete the Project by adding onto the ‘Other’ which I had been explicating so far. This can also be seen in the light of the ‘Other’ being substantiated by the subjects, in the form of people, especially with reference to the ‘East-centric’ or a Third World Approach.

Hence, an indirect comment is made on this tendency towards possessing a world-view of liberalism personified predominantly in the West, including also a ‘general’ view which the West tries to portray without realizing the local-particularistic conditions in which the ‘Other’ is located. Though the mention of the fact as ‘dark side’ might be reflective of too critical a tendency on the part of Kapur to refer to as Human Rights as being totally on the gloomy-side, as degenerative, a dark reality seen in the eyes of East as something totally unrelated to the practices of the East. But more than its literal interpretation, there is an entire theoretical background that Kapur delves into in order to make us realize the significance of the ‘Other’.

Hence, this refers to an explanation based on the belief that history has an aim, a purpose and direction, together with an assumption that the world has emerged from a backward, an uncivilized era. There is this dark side to human rights work, which has been exposed by the postcolonial scholars, feminists and new scholars in international law. Thus, moving on from the theoretical contours we delve ourselves into the sundry other forms of literature, arts, music and painting that do have an immediate effect from an uncovering of the 'latent aspects which Kapur helps us to do so, and which we will see once we delineate the conceptual parameters of our Project.

As a matter of our first step in locating the concepts and providing a definition and a re-definition of the terminology of Political Theory, we begin step-by-step in identifying and questioning the significance of these terms. First, we make an attempt to define them, as is mentioned in the theoretical discourses, and then, we try to imbibe them in an inclusive sense as to how all these 'individuated' concepts relate to a bigger notion or a concept, leading to an entire set of Political Implications in Theory and Practice. Hence, let's start defining and outline as to what is indeed a Culture.

'Culture' can be taken to be as a term, symbolic of a bearer of cultural traditions and practices which are often found wanting for always a "little more" than their present status. What is it that a culture has that makes it representative enough to be deemed of more "space", specifically in the context of a multicultural society? Does it need to be granted the space it demands? What is the basis of preference, if at all, of one culture over the other? These are some of the questions that I would attempt to answer herein.

To elaborate and give a further clarification to these questions, I put it in the following manner. Since traditions educate each other towards a way of a more peaceful community building, they bind the members of, not only the same community, but extend their harmony beyond its frontiers. Thus, I would locate the identity of a culture not only in its traditions and practices but also the effects and the imprints it bears upon the society around which it is thriving. This would lead us to re-locate the cultural identity based upon these reworked and reformulated criteria.

To begin speaking of cultural traditions is to first place them in a particularistic mode of expression. Each culture bears upon it the bearings of its historical tradition or legacy. In addition, it proposes some practices, some of which become institutionalized over a period of time. And some become a matter of practice even without the institutional recognition. Hence, a culture creates within itself a universal, that is, a universal within the particular culture. This is not to undermine the 'particularity' of a culture because essentially each one of them is distinct from the other, in one characteristic or the other.

As well, not to forget at this juncture, that ‘culture’ brings with it some forms of rights which are inherent in the individuals, in its concreteness and in the ‘culture’ as such, in its abstractness. The rights are tokens for an individual to exercise their well-being and to be a part of the entire social paradigm in which he/she is located. The ‘abstractness’ within the culture also imposes certain rights on the individual in the form of social rights or social obligations. An obligation becomes important when individuals possess a mutual right towards the well-being of each other. It is the common shared consciousness of all individuals within a ‘culture’.

To apply the ‘mutuality’ outside one culture is the beginning of my problematic. At this stage, we begin by working out the factors which promote Consensus, if at all, to ensure the existence of all. First, we locate the concurrences or conjectures among two or more cultures in order to arrive at the consensus. Then, we understand the differences between them and reach a position which is equally advantageous to all. That ‘position’ is not absolute, but relative to the context. How to reach the position is one of the larger aims for creating an all-inclusive society, at a consequential successive stage. Considering the increasing migration and the increased interchange among the communities in the contemporary milieu, there is a need for sustaining the interests of all for avoiding the possibility of a conflict, which resurfaces at any instance of contrasting ‘cultures’ unable to identify the linkages which are hidden among them. The cultural case- studies bring out in greater details the similarities and differences among them. It helps us to understand them from a perspective which, though I cannot claim to be different, but genuine and reasonable to gain greater knowledge. The physical proximity is a materialist interpretation of cultures, wherein one finds a lot of sameness among cultures spread among thousands of miles apart; the practices and styles do bear resemblance in most of the respects.

Identity is a sociological construct. A construct, though not purely sociological, but economical, political, religious, ethnic, caste, also post-modern which originates in factors constant to the environment, but works in a flux over a period of time. It is usually personified, though not always, as animals do have an identity; a wild one. But the pertinent issue at stake is that of a personified identity, useful as a good starting point for the discussion at hand. Identity can be of differing types, as mentioned, could be social, political, economic, religious, linguistic and many more depending upon the context with which it is to be associated. Human Identity, at many times, works in overlapping conjunctures of varying identities manifest in a single personhood. Aspects of an identity vary also according to the geopolitical conditions and the notion of time.

The concept of Identity bears significance to the continual theoretical formulations of ‘identity’ as such, usually leading to a practice of one theory being subsequently challenged by the other. Also, practically, identity changes according to the context defining it as more a dynamic concept in practice than even in theory. In different contexts, identity can be defined in a number of ways. It may be defined primarily according to the socio-cultural and environmental factors that make an identity. In other words, the factors which make a way for the recognition of that particular Identity are the features that operate within a context, in which the identity is located. An Identity comes into being by a small number of contextual factors that add up to that identity.

It is an additive phenomenon that makes up for a consolidated identity. Though it is not just a summation of factors but bringing together of differently existing contextual factors that lead to an identity. It is ultimately formed out of the mixture of heterogeneous features.

Especially in the contemporary era of immigration, human personhood undergoes a, displaced identity wherein his/her identity shifts with the shifting of the physical location, thus bringing about a kind of complex identity. A citizen bears upon certain traditions from the previous country of residence and then accommodates himself/herself to the newly existing circumstances. There is a great attempt to find a middle path of existence which concurs with the existing reality, with a reflection of the past. This definitely, leads to a distortion of the essential identity, which had been in its existence and leads to a crisis state or situation. A situation where the human personhood being constant, there happen multiple identities overlapping and coinciding at one and the same time. This subsequently leads to the beginning of the dynamics, rather the beginning of the flux of the inherent conceptual trajectory of identity. This marks an important landmark point for a number of sundry other trajectories which lead to a kind of cultural displacement, being one of them. It is at this stage that 'identity' enters into a stage of its dynamic evolution of multicultural identity.

The evolution of an identity is always accompanied by the evolution of a culture. The cultural factors always mould, shape and reshape an identity. An identity is also a more explicit, personified expression of a culture. The ingredients of an identity are basically derived from the aspects of a culture itself. Culture is something to be understood in the sense of more than a lifestyle. It is a necessary part of a human bearing, including in the first instance traditions which human beings bear upon themselves. The practice of a cultural tradition may change over a period of time but the respect always remains for that particular tradition. It is the acculturation that assumes significance in respect of our discussion herewith. Through the means of acculturation, there is a need for reaching a compromise between the old inherent traditions and the newly acquired ones, without losing the respect and dignity for either of them.

Hence, an identity is affected by the externality of culture at any given point of time and in any given context. The existing political culture of a state, for instance, will affect the identity of a citizen in the nature of the characteristics of the political culture, say political participation, affecting the behavior of the newly emigrated citizens since the political culture of states is at variance with each other. Identity modulates at this point of time though it is not just one factor that reformulates the new identity but a number of other factors that shape or remold the new identity. It is the overarching framework of culture, the extending externality that makes it necessitated also in turn to be affected by the newly emerging identities. The culture makes an entry into the identity by appealing to its inherent characteristics, mentioned above and also some other factors. These factors account for the major portion, in terms of cultural traditions and practices primarily practiced within a specific community, which render it inevitable to enter into the identity. Secondarily, though, it might also be the positive effects thrown into gear by an inherent culture that permits an adaptation to a culture rather than being affected by them in the 'necessity' dimension. Hence, this leads to a consonance between the two – culture and identity

– on the complementarities of culture improvising the identity. This occurs, basically through the doors opened in terms of a ‘thinking’ of an individual, ‘actions’ performed by an individual and the ‘responsibilities’ undertaken by an individual, wherein his/her identity is characterized by the outer culture which fulfils the desired function. To state it simply, culture completes the functioning of the organism of identity which had parts of vacuum, rather to be filled only by the culture. Thus, emerges a direct relationship between the two, in a way, culture directly affects the aspects of an identity, thus molding it or rather reshaping it to give a substantial sense to it, in a way of ‘completing’ the identity.

This leads to the new identity, a reformulated identity which is deemed to emerge in wake of the cultural necessities. To put it briefly, a culture necessitates the development of this new identity. This is so because what a culture propounds in theory, the identity performs it in action. This marks the beginning of a consensual relationship between the two, wherein the moment an identity reaches a stage of saturation or becomes static; culture does reshape it to a newer level of operationalization of the societal functions. An identity does become more used to the dynamic motion of rapid action where the culture lends it the features which make it durable to perform not only in a particular context but across many contexts. A reformulated identity is not dependant on any time conditions or so as it may change according to the need of the hour. By accepting the culture, it makes itself more vibrant and diverse to ensure its viability for as long as it possible. Hence, a culture sustains itself as long as the societal demands find their usefulness with the existence of this particular identity, which is already on its way to become universal.

The new identity is characterized by the features, more than its dynamism. It completely changes its nature, according to the new demands of the time and culture, though still retaining the old features on which it is based. The change in this new identity, though gradual, comes over a period of time, in the way of completely transforming the old identity; hence metamorphosis, due to which it becomes adept to the new external, -physical, psycho social conditions. Its new features are more diverse depending upon the contextual culture which casts an inevitable influence on this identity. One of the foremost, primary features of this new identity, the most significant aspect of it all which characterizes it as new is the cultural tag that it puts on in a way of adapting the cultural features which distinguish it from the older one. The cultural identity that emerges therein is marked by the special cultural features of the externality in which the identity is located. As discussed above, it is the varied aspects of the culture – social, cultural, political et al – that distinguish it in respect of the ‘other’ cultures, the practices in these of the subsets of culture that do create a differential identity in contrast with the other ones. The kind of culture that gives rise to such an identity is the continuation of the already existing culture together with its adulteration or the modulation which rests itself in the identity, giving rise to further scope for its dynamic motion. This identity acquires the new features of the pervasive culture and renders itself to modulate according to this particular culture. An argument can also be made as to place this identity as a primary source rather than as a secondary. This is so because this emergent identity is more significant in rendering itself functional to the existing reality of the outer culture. In other words, it is more efficient and functional to work in accordance with the practices of the existent prevailing culture in the outer world. It is a specific functional identity.

The specific applications of this new identity are demonstrated in the adaptation of the new responsibilities toward the external cultural society. It is basically an all-inclusive identity. One of the primary aims of this new identity is to make it all-inclusive, rather it emerges as all-inclusive and not vulnerable to any exclusionary considerations, re-invoking the rhetoric that culture, identity are never used in the separatist sense. Taylor argues that the modern identity is characterized by an emphasis on its inner voice and the capacity for authenticity — that is, the ability to find a way of being that is somehow true to oneself. While doctrines of equality press the notion that each human being is capable of deploying his or her practical reason or moral sense to live an authentic life of an individual, the politics of difference has appropriated the language of authenticity to describe ways of living that are true to the identities of marginalized social groups. Hence, as he explicitly states in his “The Politics of Recognition”, “My identity is defined and located in relation to the other”. Thus, all proper conceptions of the self are dependent on social matrices. In order to understand the self, we must view it both in its relation to the good and in its relation to the other. This dialogical character, which implies a mutual interdependence, is not antithetical to one's ability to achieve individuality, but is rather a crucial aspect of it. Our awareness of this dialogical character, he argues, is a distinctive feature of the modern age, in which we are free to define ourselves and produce an "authentic" relation with the self, and in which we struggle to have our identities recognized in the context of our larger society.

Bringing into focus the larger society, and throwing some light again on the question of Multiculturalism and Immigration, we see how this dialogical identity is applied to the context of a right to recognition: recognition of a single or multiple identities, in any form existing concretely or in absentia.

Amidst the significance of the institutionalization of the cultural-identity rights, the most prominent among them that emerges is the discourse of human rights. Human Rights, embodied in the spirit of the equal respect and dignity of human beings, safeguard and protect, at its utmost, the cultural identity fabric discussed here above. As was already stated, with regard to the special coding of the rights in the section above, this is how human rights imply in respect to the aforesaid conditions. Specifically, due to the changed circumstance, the changed cultural condition, it becomes pertinent to protect and safeguard the dignity of the human beings, in their capacity of adapting to the changing shifting contexts. This marks a beginning of the growth of the human rights networks, not only at the local level but also a global one.