

Religious Pluralism, Cultural Rights and Social Justice: Looking Beyond the Minority Rights Paradigm

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Abstract:

The Post-War world witnessed a systematic ‘recognition’ of religious pluralism concerns that lead to framing constitutional and human rights standards that intended to protect the ‘minority’ interests and thereby facilitating democratic relations between various religious groups. In many jurisdictions this process got consolidated as a version of ‘legal pluralism’ framed around the category (often somewhat essentialised) of the ‘minority rights’. Both important constitutions of the post-War period as well as the international bill of human rights stand as illustrations of this process. This consensus however reached a kind of impasse with the growing and vociferous public outcry in Euro-America on ‘public religion’, especially, though not exclusively, concerns centered around Islamophobia. While a kind of recognition to these concerns can be seen as resulting in a subtle shift in the constitutional and human rights standard setting processes in the last two decades on the one hand, and a series of critical reflections on the concept of ‘social justice’ beyond multiculturalism that engages with concerns of equality (redistribution) and diversity (recognition), concrete articulations or conceptualisations of ‘cultural rights’ in a post-minority framework has still to go a long way. This paper will present some recent developments in the Indian context that will help bring some concreteness to these debates indicating some possible direction of the debate.