

**Pluralising States**

The temptation of the state to evolve as a nation or nation-state has spelt disaster for most of the states in the third world. This has in fact accorded a false sense of legitimacy to endeavours that lay emphasis on unity that is intolerant of 'diversity'. The process has been pejoratively called 'homogenisation' by many analysts who express their concern about the way the state has silently supported such endeavours.

The urge to homogenise has a majoritarian reflex in it. In most of the post-colonial, underdeveloped societies, the system of electoral democracy has contributed to the growth of an intolerant version of majoritarianism that repels the very idea of plurality. Such majoritarianism is bullyish, terribly ethno-centric, driven by the force of hatred against the 'other', walled off from everything that is regarded as alien and intensely myopic in nature. Ironically, they thrive on the system of democracy that arrogates to the them as representatives of the majority group the power to run their agenda in complete disregard of the cultural pluralities that exist in their midst. The failure of the state to evolve as a 'nation' is often attributed to the failure of the minorities to join the mainstream and assimilate themselves in the majoritarian socio-political framework (that often tends to ignore their cultural specificities). Out of this argument grows the policy of homogenisation that provokes cultural and political assertions that divides most of these societies.

In this context, it is pertinent to take up the case of "legal pluralism". In a way it seeks to go beyond the statist definition of "law" and expand the scope of law to accommodate plural, socio-cultural practices that ensure recognition of the cultural specificities of groups otherwise under the threat of marginalisation due to the majoritarian reflexes of a "legal framework" that parades in the name of "state law" or the unalterable sovereign constituent of idea of the modern state or nation state. The efforts at emphasising the recognition of the role of customs of various groups by the legal systems will certainly go a long way in introducing the idea of pluri-national states and redraw the contours of "state" conceived in a traditional sense. The concept of nation-state has done maximum harm to the superior concepts of human rights, liberty and freedom. Societies, nations, ethnic groups tend to divide endlessly into new, exclusive, socio-cultural-human groups. The efforts to homogenise may stall the process of proliferation but can never stop it. Moreover, it is being slowly recognised the world over that the efforts to homogenise are bound to fail for social unity is never predicated upon forced consensus. It has also been conclusively shown in European context even that states

long regarded as nation-states are showing up in their entrails the diversities they had suppressed in the overall craze to homogenise. The idea of nation-state is in recession. Perhaps this would mean bidding good bye to the days when Athenians used to believe strongly that their moon was more beautiful than the moon of the Spartans.

At another level, even in some societies, pluralism is detested among groups that themselves advocate the need to encourage diversity. This is true in the case of many religious groups, where the temptation to impose a singular, authoritative version of a religion has posed a serious threat to diversity that obtains within a religion. In many cases age-old practices rooted in customs and folk-tradition have been the targets of attack by orthodox and conservative elements who seek to homogenise religion and impose a false kind of uniformity on people.

This issue of the *Journal of Peace Studies* carries two articles that focus on legal pluralism and deal with the issue both at the conceptual and operational levels. The idea needs to be further debated and discussed in plural, multi-ethnic, multi-national states of South Asia.