

**The Rights of Minority Cultures ed. Will Kymlicka
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Introduction: Will Kymlicka

Since the Cold War, ethnocentric conflicts have become the most common source of political violence in the world, and they show no sign of abating.

Issues:

1. Most subscribe to some form of democracy today, but this does not answer questions relating to how political powers should be distributed at different levels of government, and these are the issues of conflict as each minority seeks to be more self-determining.

2. Debate about 'Rights of citizens' does not help us determine who should be a citizen.

3. Language: Are common political deliberations possible in a multilingual society?
Much debate about the language of politics but little about the politics of language.

Focus here is on the accommodation of cultural differences.

Language rights, regional autonomy, groups representation may seem utopian for some minorities who suffer genocide or negative tolerance.

1. Minority Cultures in Western Political Theory

Vernon Van Dyke: 1977 a pioneer in study of rights of ethnic groups. The proper relationship between individual and the state is the focus but individualistic liberalism has not been able to focus the group elements of this debate. Liberals often assume a social contract on the part of citizens, but does such a citizenry exist as a conforming group? Often two of three ethnogroups will inhabit one state. World's 184 states contain >600 languages, and 5K ethnic groups. So liberals have to create a theory of collective rights.

In Communist Manifesto, Marx said proletariat have no nationality - 'workers of the world'. Engels said, suppress minorities with 'iron ruthlessness'.

So liberal individualism and socialist internationalism have both led to the denial of the rights of minority cultures. Minorities are subsumed under larger groups by both wings in favour of 'progressive' large nations. However, this view is so prevalent in 19th cent. that it is not so much liberalism or socialism but simply blatant nationalism. We must think again.

2. Cultural membership

Belonging not accomplishment forms basis of our identity. A very large rôle in people's self-identity and so difficult for those who belong to a decaying culture. It helps determine how others view us. It is not of our making but is based simply on belonging.

Others (Jeremy Waldron) claim more freewill - we can run counter to our culture and choose our identity within the 'cosmopolitan alternative'. Questions notion of distinct cultures since globalisation.

However, some say common language, shared history etc form cultural identity but do not preclude inclusion of characteristic elements from other cultures. Embrace the cultural interchange!

3. Forms of Cultural Pluralism

What does it mean to accommodate cultural identities?

A: non-discrimination principle - cultural identity private matter. Not state concern, liberal toleration, responding with 'salutary neglect'.

B: public protection and promotion of ethnic identities Language rights, regional autonomy, etc..

But can there be a 'neutral state'? It uses a language and teaches a history.

Benefits of each model, A allows holding together of variety without favouritism (USA quite successful at this model - it works because all are 'voluntary' immigrants who have made their choice and want to make it work)

B allows all groups to be affirmed even if minority.

Old world pattern of small groups involuntarily conquered - want self-determination.

"Multi-culturalism" vaguely used to encompass both voluntary and involuntary concentrations. Immigrants and incorporated cultures call for assimilation or separatism.

Young proposes a relational account of difference - a more fluid notion of boundaries between groups.

4. Individual Rights and Group Rights

How can groups have rights that are not ultimately reducible to individual rights?

If a group is very significant for an individual (natural or involuntary) then their well-being is tied into that group and so it must have rights. (e.g. land claims for Canadian Indians)

But is this a legal or moral right; and is the right collective in that it is exercised collectively or being it is fought for collectively? Moreover, when it is exercised it remains individuals benefiting. Also to give rights is to offer one precedence over another.

A minority may protect its rights against dominant culture (external protection) or against its own members who may wish to dissent (internal restrictions) So what of the priority between individual rights and group rights when they clash?. Some say (Chandran Kukathas) that one right must remain (the right to exist) to preserve the cultural right of the group without ultimately harming the individuals. For example, women can exist, whilst allowing Taliban their interpretations of Islamic law against them. This limits injustice and recognises minority rights. (vs. liberal egalitarian western notions)

Kukathas argues against external protection of minorities, recognising fluidity of culture and maintains power-balance against dominant culture) Others (Leslie Green) feel that minorities have just claim to external protections but also within a society they should be thus guarded. Kukathas feels that discrimination against minorities is OK as long as the minority can leave and go elsewhere. Both sides of debate are 'Liberal' in that they allow minorities to exist at all. One champions only toleration, the other self-determination.

This debate between 'toleration' and 'autonomy' also seen between 'Enlightenment and Reformation', 'comprehensive and political liberalism', or 'Kantian and *modus vivendi*' liberalism. i.e. toleration or autonomy in liberalism.

5. Minority Cultures and Democratic Theory

'Consociationalism': each group guaranteed a place in the cabinet which therefore becomes a grand coalition. Helps degeneration into majority tyranny. However, who decides which 'groups' get a place and what the groups are anyway? Perhaps groups should be self-designating? This is different from groups that cede from nation into *alternative* national legislation. Feminists argue that this may lead to closure or freezing of group identities and discourage fluid formation. Also how should selected 'groups' remain accountable to their constituency? "Accountability is always the other side of representation".

6. Controversies

a. Attempts to entrench minorities within international law and declarations of human rights, the latter usually based on *non*-discrimination. Nazis pushed Czech and Polish minorities to

clamour for rights reserved to them under League of Nations law, so that the resulting unrest allowed Nazis to invade! UN therefore deleted 'ethnic rights' and substituted 'human rights'. But these generalised laws are unable to confront the ethnic complexities. The right to free speech does not control what languages can be used. So a system of minority rights is now hoped for as an addition to human rights legislation. However, claims to self-government contradict state government.

The Salman Rushdie affair highlights the multicultural dilemma:

1. must immigrants accommodate selves to host expectations?
2. do host communities inevitably privilege the culture they are used to?
3. should libel laws protect groups as well as individuals?
4. free speech guarantees the speaker but can harm the hearer.

Ethnic cleansing is prohibited in international law. Separation can occur (Czechoslovakia) Otherwise immigration can be prohibited. However, even secession rarely achieves complete homogeneity.

Questions about closing borders to immigration, except to maintain order, since it violates basic freedoms - citizenship is not a privilege but a right, argues Carens.