<u>Cultural Pluralism Revisited: Religious and Linguistic Freedoms</u>

Background Paper

Twelfth Berlin Roundtables on Transnationality

Social Science Research Center Berlin/Irmgard Coninx Foundation/ European Association for Education Law and Policy (ELA), Humboldt University Berlin, **7-11 April 2010**

The massive migratory movements and violent civil wars of the twentieth century have spurred a lively debate on cultural pluralism and cultural autonomy, which has brought new public and scholarly attention to questions of religious and linguistic rights. In the spirit of this debate and as part of a series of conferences and workshops organized under the title "I Have A Dream: Political Culture in Divided Societies" (for more information, see: http://www.irmgard-coninx-stiftung.de), the Twelfth Berlin Roundtables on Transnationality will focus on religious and linguistic minority rights and the challenges of multicultural societies.

Based on an international essay competition, the Roundtables will bring together about 40 junior scholars, activists, and journalists to discuss their work in two interdisciplinary workshops and panel discussions from 7-11 April 2010. In addition, the workshops will be accompanied by evening lectures held by international experts. The essay competition and workshops seek to promote the analysis and comparison of different practices and policies with respect to religious and linguistic minorities. Applicants are invited to submit essays addressing the topic of "cultural pluralism" from the perspective of practitioners, field experience, or theoretical research informed by academic disciplines such as religious studies, education, sociology, history, anthropology, political science, law, and others. Essays should be approximately 2,500 words long, have an abstract of approximately 200 words, and relate to the following issues:

Historically, cultural pluralism has often been used in various political systems to accommodate linguistic and religious diversity. First, political power and cultural autonomy can be given to at least larger concentrated minorities through federal (Canada, India), regional (Spain, Italy), or other forms of political autonomy. Numerous studies have shown that when aspirations for cultural autonomy and calls for religious or linguistic rights go

unanswered, threats of separatism begin to appear. Within such settings, religious and linguistic rights guarantee and support the cultural identity of at least the largest minorities, and ensure the integrity of the state in which they live. Second, where political autonomy is neither feasible nor refused, political systems may still have in place certain religious or linguistic rights for specific minorities under the traditional majority/minority model of governance. Third, traditional immigration societies, such as the US, Australia, Canada and Brazil, often attempt to deal with the question of cultural freedom predominantly within the private sphere. Tensions may arise, for example, between indigenous minorities and the majority population as well as between long-established immigrant communities and newcomers. Today, further developments in internal and international migratory movements tend to challenge these settings in many ways and can lead to diverse permeable societies with new and ever changing arrangements with respect to religious and linguistic freedoms and rights.

In an attempt to address different forms of oppression and exclusion, the term minority has been broadened and claimed by various groups. The *definition of minority* itself is, in fact, historically contingent and has been frequently challenged. However, given the Berlin Roundtables' interest in religious and linguistic rights, we plan to limit the discussion of minorities to the following groups: indigenous minorities (e.g. Aborigines, Inuit, Maya), minorities with or without a homeland (e.g. Roma in the EU, Somali refugees in South Africa, Mexicans in the US, Russians in the Baltic States), as well as religious and linguistic minorities more generally. While some of these groups have lived in their respective region for a long time, others have only recently migrated due to economic pressure or political tensions and open conflicts in their country of origin or residence.

Essays can address the question of how and by whom these minorities are defined in different national and international settings, including the politics of hyphenation. This touches not only upon the struggle between a minority and a majority but also pertains to the fragmentation within the minority itself. What motivates minority policies that give privileges to some groups but deny them to others? Through which policies does the majority society seek to enforce or restrain its minorities (e.g. quotas)? To what extent should the concept of minority be theorized in terms of oppression and exclusion rather than in terms of pure numbers? This is especially important since the negotiation of minority rights is intimately intertwined with emotionally laden memory politics. When and how do groups claim rights

within an unfavorable setting? Why and in what ways do some states deny the existence of minorities within their borders and partially or fully retreat from the observance of minority rights? What is the relationship – if any – between providing for minority rights and preventing the eruption of ethnic conflicts? How can minorities be secured access to the majority culture?

Workshop I: Religious Freedom

The first workshop chaired by José Casanova (Professor at the Department of Sociology and Anthropology at Georgetown University and head of the Program on Globalization, Religion and the Secular at the Berkley Center for Religion, Peace, and World Affairs) will focus on the right to religious freedom as a cornerstone for the success of cultural pluralism based on basic constitutional law.

Throughout history the struggle for religious freedom has often led to lasting conflicts and bloody wars. After centuries of religious conflict in Europe, the American Bill of Rights and the French Declaration of the Rights of Man and of the Citizen granted religious freedom without defining clearly the relationship between state and religious institutions. Today international declarations on human rights, which have been signed by nearly all states, acknowledge the right to religious freedom, as well as to other human rights relating to religion such as the prohibition of discrimination on the ground of religion, notwithstanding the fact that some states violate these rights in law and in practice. Undeniably, cultural pluralism and religious freedom are the litmus test for contemporary democratic development. The debates on religious freedom and rights therefore do not only refer to the individual freedom to exercise religion in private, but frequently revolve around questions of religious discrimination and favoritism and the freedom of religious minority groups to fully practice their faith. In this vein, participants of the workshop could focus on the diverging interpretations of religious freedom and rights in terms of individual or group rights, which are at the heart of many of the current controversies over integration, cultural pluralism, or so-called "parallel societies." In addition, these questions raise concerns as to how the rights and freedoms of religious minorities may be applied without infringing the rights and freedoms of others.

Within the scope of new migratory movements around the globe, old conflicts have become aggravated and new ones have arisen. Papers may therefore also address tensions between growing atheism and strong secular tendencies in some parts of the world which exist face to face with the rise of new and old religious movements. The arrival of Islam in the formerly predominantly Christian societies of Europe also presents another challenge that might be discussed in the essays. Resulting debates concern, for example, the freedom to wear headscarves in public service, issues of discrimination in relation to public religious holidays, or in the provision of kosher/halal food in public schools, hospitals, and prisons. Within Islamic societies conflicts arise between orthodox and fundamentalist believers on the one hand, and liberal Muslims on the other. Some regions also suffer from conflicts or intensified tensions between two religious groups (e.g. Hinduism vs. Islam, Christianity vs. Islam). Yet in other societies, such as in wide parts of Africa, indigenous religious traditions are becoming revitalized in the wake of struggles over post-colonial cultural authenticity. These groups often face the problem of being only partially or not at all recognized by states.

In addition to contributions on concrete policy and legal issues, papers may also concentrate on more general and theoretical questions. What is at stake in these conflicts and which strategies for dealing with them exist in different national and transnational settings? How can we conceive of secularization and religious freedom as global phenomena? Is the Western-centric view misleading, and perhaps misleading not only for the analysis of the development within and between world religions but even for looking at Western societies? How do different regions deal with the separation of religion and state? What are the various expressions of religious freedom, non-discrimination and civil liberties, and how are these curtailed, in predominantly Muslim and predominantly Christian countries? Do Taoism and Confucianism function beyond the paradigm of the separation of religion and state? How will the rapid global expansion of charismatic Christianity and new spiritual and religious movements (such as scientology and Falun Gong) influence the politics of secularization and recognition? How can we delineate changes within the paradigms of religion? Can we conceptualize the worldwide de-privatization of religion by adopting the concept of "multiple modernities" (Eisenstadt) and by giving up the identification of secularization and cosmopolitanism (Casanova 2008)?

States practice various approaches toward religious freedom, from strict (negative) to pluralistic (positive) neutrality (Glenn and De Groof, 1996). Does the identification of the

state with one religion limit its neutrality towards other faith groups? Does the secularization of the state presuppose or lead to the secularization of society as a whole? Does religious pluralism presuppose a secular state? How has the relation between religion and state been framed in different societies, both historically and today? To what extent do the above mentioned issues affect the lives of religious minorities?

The approach to the issues of the right to religious freedom should revolve around questions of individualization of religion within the process of modernization, of the purification of religion (particularly fundamentalism) within the process of cultural disintegration due to globalization, and questions of the positioning of religion within a secular, semi-secular (with state religion) or non-secular (religious) state.

Workshop II: Linguistic Freedoms and Rights

Language rights are a substantial part of minority rights. As Arzoz points out, the "main preoccupation addressed by the notion of language rights is the legal situation of speakers of *non-dominant languages* or where there is no single dominant language." (2007, 4) Without a doubt, speakers of dominant languages can also experience discrimination, especially in the stigmatization of regional dialects or slang. However, within the frame of a second workshop chaired by Fernand de Varennes (Professor of Law and former Director at the Asia-Pacific Centre for Human Rights and the Prevention of Ethnic Conflict at Murdoch University, Australia), questions of linguistic diversity and minority language rights will be discussed. The following questions may be addressed on the basis of empirical studies and/or theoretical considerations. Similar to the workshop on religious freedoms, the workshop on language regimes is meant to be an interdisciplinary forum for scholars and practitioners from different fields.

As with the issues of religious freedom, different definitions of minority status apply here as well. These different definitions are linked to citizenship rights, individual rights and group rights, and they influence the success of legal claims for language preservation in the private sphere, language use in public service, and language use in educational contexts.

In recent years, many linguists and minority activists have called attention to the fact that from the almost six thousand languages still existent worldwide, half are endangered or nearly

extinct. The question of negative obligations (no discrimination) and positive rights (access to language instruction and native language schooling) is therefore, first of all, a matter of the preservation of a global cultural heritage and, secondly, the main resource for the cultural identity and integrity of individual minorities and minority groups.

With states as the main providers for education in most countries, the question of language rights often faces various obstacles: political tensions, intolerance, practicability, financial and manpower resources, acceptance and the will of the minority and the majority to sustain their cultural heritage. At the international level, treaties such as the International Covenant on Civil and Political only refer to a rather weak legal obligation to allow members of a linguistic minority to use their own language among themselves. Nevertheless, other human rights – including the prohibition of non-discrimination and more recent treaties such as the Framework Convention on the Protection of National Minorities – seem to suggest that language rights may involve positive obligations on states in certain circumstances. The linguistic rights workshop is, in this respect, a continuation of the Berlin Roundtables on Human Rights (2006/2007).

There seems to exist a growing international tendency to address the needs of ethnic/linguistic minorities in many regions and states. There has been a recent proliferation of international and regional treaties, declarations, and other legal instruments regarding linguistic rights (de Varennes). The implementation of language regimes that take into consideration the needs of even populous minorities do however vary from country to country. Furthermore, established minorities, especially those with citizenship rights, are often served better than others. One might further ask whether states should be obliged to secure that members of a minority group are fluent in the language of the majority and in global languages (e.g. English) in order to ensure not only cultural recognition but also to increase opportunities for full participation. Does the protection of minority rights conceal a benevolent discrimination, for example, if it impedes access to the majority language? What are practical, tested, and approved strategies for language regimes within the public sphere of multiethnic societies (e.g. in legal practice, education, media, cultural institutions etc.)? Do multilingual societies need a common official lingua franca – a national binding language? Can official bi- and multilingualism solve the problems stemming from cultural pluralism and on which experiences can we rely? Is there a right to native language – even in settings where the maintenance of minority language seems beyond the scope of practicability and economic reasoning? Should acquisition of the

majority language be promoted, and if so how can minority languages be sustained at the same time? How can these language regimes deal with the growing importance of the new lingua franca of English, for example, in the context of popular culture, science, and the internet? Who speaks which language? How can and does this define a person's status and position in society? What role do names and surnames play in the process of integration, segregation, and marginalization? To what extent does language integrate or exclude from society? To what extend does the denial of language rights promote national unity, or conversely contribute to separatism?

Literature

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