

[Review] Eduardo J. Ruiz Vieytez (2014) United in diversity? On cultural diversity, democracy and human rights

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Book Review

E.J. Ruiz-Vieytez, *United in Diversity? On Cultural Diversity, Democracy and Human Rights*, P.I.E. Peter Lang, Brussels, 2014. Diversitas, No. 16, Series editor A.G. Gagnon.

This book forms part of a series encouraging interdisciplinary approaches to the study of diversity, in particular the accommodation and management of diversity linked to 'nations without states'.¹ Although the author's particular concern with 'nations without states' is evident in a number of the examples provided throughout the book, it is interesting that chapter one starts with a discussion of immigration and diversity policies. The justification for this is that this is the 'phenomenon that we instinctively use to link the concepts of diversity, multiculturalism and interculturalism'.² These are concepts discussed at length in the book, particularly in chapter II, which considers current responses to diversity and discusses both the crisis of multiculturalism and the increasing popularity of the idea of interculturalism. This book is an unusual one for an academic to review, as there are few in-text references. It is clear, however, that the works of Will Kymlicka and Charles Taylor continue to be extremely influential in these debates.³ The author's own position is that interculturalism should be regarded as a reformulation of multiculturalism, with added nuances focused on intergroup relationships, and interactions between different cultures and identities.⁴ The book rightly identifies that cultural accommodation has been a neglected area in the immigration debate,⁵ although the author makes it clear very early on that the focus of the book is on the public management of cultural diversity more generally rather than specifically in relation to immigration.⁶

According to the author, the book was 'designed to encourage reflection', and argues that a new approach to politics and to democracy is needed which is more responsive to the 'demands of cultural and identitarian diversity'.⁷ The book is certainly written in a very accessible way, with anecdotes used to keep the reader engaged and in reflective mode. There are two particularly notable examples of this. Both come towards the end of chapter I, which aims to describe and illustrate the importance of cultural diversity and collective identities, particularly in relation to the political organisation of society.⁸ The first comes in relation to a discussion of 'mobile phone citizenship', where the example is given of the system of 'text voting' in the Eurovision Song Contest. This enabled those with mobile phones registered in a particular country to participate in the voting of that country regardless of whether or not they were nationals or not. The author notes that, as a result, immigrants and

¹ E.J. Ruiz-Vieytez, *United in Diversity? On Cultural Diversity, Democracy and Human Rights* (P.I.E. Peter Lang, Brussels, 2014) Diversitas, No. 16, Series editor A.G. Gagnon.

² *Ibid.*, p. 13.

³ The following works are cited in the bibliography: W. Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights* (Oxford, Oxford University Press, 1995); W. Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford, Oxford University Press, 2007) and G. Bouchard and C. Taylor, *Building the Future. A Time for Reconciliation, Québec* (Québec, Consultation Commission on Accommodation Practices Related to Cultural Differences, 2008).

⁴ Ruiz-Vieytez, *supra* n. 1, pp. 73-74.

⁵ *Ibid.*, p. 15.

⁶ *Ibid.*, p. 17.

⁷ *Ibid.*, p. 9.

⁸ *Ibid.*, p. 11.

national minorities played a key role in the outcome of these votes (his focus is on 2008), often voting for their ‘kin’ State.⁹ In the second anecdote the author reproduces an extract from the travel chronicles of his friend from Bilbao, and includes his reflections on his dislike of the ‘Where are you from?’ question. As someone from the city now commonly referred to as Derry/Londonderry, I found this a particularly interesting account. His friend admitted that ‘he does not want others to see him through the filter of a particular identity, because that would automatically bring certain clichés into play, certain norms that make him feel as though he is being categorised and which he has to defeat if he wishes to be recognised in another way.’¹⁰ The point that the author seems to want to draw from both examples is that identities are ‘an essential point of reference for human beings’, that multiculturalism is a reality and that we ‘can only start overcoming the negative shackles of identity by ... honestly admitting that they do exist and are inevitable.’¹¹ In my view, he is too dismissive here of the ‘cosmopolitan alternative’, with increasing numbers of people preferring to see themselves as ‘citizens of the world’. I nonetheless concur with his overall conclusion, which is that: *‘Identities resist processes involving globalisation, communication and movement of individuals by changing, interweaving and diversifying at the same time’* (emphasis in original text).¹²

What however is the unique contribution of this book? The early part of the book focuses in particular on the role of the State in promoting homogeneity and privileging majority identities, identifying different manifestations of this and arguing that assimilationist approaches and attitudes remain dominant. The emphasis is on the public management of cultural diversity, and it is in the third and final chapters that the author outlines his own ideas for the development of greater democratic pluralism. Interestingly enough, this chapter starts by identifying basic principles that should guide the behaviour of *individuals*. The author, by using the first person plural, makes it clear that the responsibility lies with us all to: ‘1. Accept our identities and the importance of the cultural elements that we all carry with us... 2. Accept the permanent presence of an “us-them” social dichotomy as something natural... 3. Define yourself, do not define others... 4. ... not stop anyone from being what they are, do not force anyone to be what they are not (emphasis in original).’¹³ What he is calling for is a change of individual mindsets, and for the development of an ‘open and flexible attitude’, making it clear that he does not consider the idea that we should all become ‘multicultural, plurilingual or religiously eclectic’ to be a viable solution.¹⁴ Instead the emphasis should be on self-criticism and awareness, empathy and negotiation.¹⁵ He then makes an intriguing suggestion, which is that children should be taught to read using several alphabets. There would of course be considerable practicable obstacles to the implementation of this proposal. The sentiment behind it, the aspiration that we need to challenge our responses to unfamiliarity and to learn empathy, and identification of the need to develop innovative approaches are nonetheless worthy of note.¹⁶

It is only in the very last pages of the book that the author turns to the task of identifying how these individual attitudes might be linked to the transformation of the

⁹ *Ibid.*, pp. 40-44.

¹⁰ *Ibid.*, p. 47.

¹¹ *Ibid.*, p. 48.

¹² *Ibid.*, p. 49.

¹³ *Ibid.*, pp. 105-107.

¹⁴ *Ibid.*, p. 108.

¹⁵ *Ibid.*, pp. 108-109.

¹⁶ *Ibid.*, p. 110.

public sector. He uses the term ‘democratic pluralisation’ to refer to the process by which the State ‘can adapt to intercultural coexistence while respecting, as much as possible, the rights of all through their cultural and identitarian differences’.¹⁷ Others, including Kymlicka and Taylor, have of course made contributions to this debate. However, what is particularly interesting about what is suggested in this book is linked to the argument made about the ‘nationalisation of human rights’ and how human rights have been internalised within domestic legal systems and ‘conditioned by the dominant identity of the society in which they are applied’.¹⁸ This is an interesting slant on debates over the internalisation of international human rights norms.¹⁹ One of his conclusions therefore is that human rights ‘must be exercised through the identity of each individual and not despite it.’²⁰ In his view, the responsibility is on every multicultural society ‘to make a multicultural reading of human rights when legislating on them, applying them and judging social conflicts.’²¹ However, the author does not specify how this would work practically. However, similar concerns have led to others calling for greater recognition of cultural rights at the domestic level. One way that this could take place is through the inclusion of a minority rights provision analogous to Article 27 of the International Covenant on Civil and Political Rights 1966²² in some domestic bills of rights.²³

As public institutions are considered to have a particularly important role in promoting both ‘democratic pluralisation’ and the ‘multiculturalisation of human rights’, the book argues for intervention by the State and, in particular, for State support and funding for minority languages and cultures.²⁴ An earlier section of the book provides examples of a more interventionist approach such as public funding and provision of circumcision linked to religious belief and recognition of different funeral and burial rites.²⁵ At this stage it is worth recalling that the author recognises the challenge that his ideas pose for the status quo, and he asserts that the ‘provocations launched are designed ... to overcome said context and present guidelines for reflection that are valid for our society as a whole.’²⁶ However, it is also worth noting that a more interventionist approach also accords with the approach advocated in key minority rights instruments, in particular the Council of Europe’s Framework Convention for the Protection of National Minorities 1995 and the European Charter for Regional or Minority Languages 1992. It is not the place here to discuss the recommendations of the relevant monitoring bodies, but it is certainly clear that they require a positive approach to the accommodation and management of cultural diversity and, as is to be expected, that there has been some resistance by States.²⁷ The author’s

¹⁷ *Ibid.*, p. 115.

¹⁸ *Ibid.*, p. 100.

¹⁹ E.g. H.H. Koh, ‘Internalization Through Socialization’ 54 *Duke Law Journal* (2005) 975-982 and R. Goodman and D. Jinks, ‘Incomplete Internalization and Compliance with Human Rights Law’ 19 *European Journal of International Law* (2008) 725-748.

²⁰ Ruiz-Vieytez, supra n. 1, p. 119.

²¹ *Ibid.*

²² Art 27: ‘In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.’

²³ E. Craig, ‘A Right to Cultural Identity in a UK Bill of Rights?’ 19 *European Public Law* (2013) 689-714.

²⁴ Ruiz-Vieytez, supra n. 1, pp. 122-123.

²⁵ *Ibid.*, pp. 84-85.

²⁶ *Ibid.*, p. 10.

²⁷ E.g. M. Weller (ed.), *The Rights of Minorities: A Commentary on the European Framework Convention for the Protection of National Minorities* (Oxford and New York, Oxford University Press, 2005) and A. Nogueira López, E.J. Ruiz Vieytez and I. Urrutia Libarona (eds.), *Shaping Language*

conclusion is that what is needed is the implanting of ‘decentration, empathy and negotiation processes in the public sector’²⁸ and the abandoning of ‘the assimilationist logic’,²⁹ which he argues is deeply rooted and underlies current approaches.³⁰ It is also however about challenging the mindset that regards differentiated citizenship or treatment as ‘privileges’ rather than as an entitlement or requirement of justice.³¹

It is in the last two paragraphs of the book that the author returns to the assertion that, whilst it is impossible to ‘give up or lose one’s own identity’, it is important to recognise that identities are constantly evolving in the light of new social realities.³² He also reiterates here the importance of two of his behavioural principles - ‘define yourself, do not define others’ and ‘do not stop anyone from being the way they are’.³³ He concludes: ‘The only way to live with difference is to respect everyone’s capacity for self-identification and abandon any idea of deciding for them.’³⁴ This reflects the emphasis on the principle of self-identification in Article 3(1) of the Framework Convention for the Protection of National Minorities,³⁵ and in the work of the Advisory Committee.³⁶ This principle was also clearly of vital importance both to the author’s friend from the Basque Country and to those exercising their right to vote within the context of the Eurovision Song Contest. However, there are limits to this right in that the Explanatory Report to the Framework Convention makes it clear in paragraph 35 that Article 3(1) ‘does not imply a right for an individual to choose arbitrarily to belong to any national minority. The individual’s subjective choice is inseparably linked to objective criteria relevant to the person’s identity.’

This book has undoubtedly achieved the author’s aim of encouraging reflection of the way that we approach politics and how we manage and accommodate diversity, and it is hoped that it has a much wider reach than the standard academic audience. The writing style and approach make this a very accessible text. Whilst the academic audience might experience some frustration at the lack of explicit grounding in the existing literature and clear explanations of how this book builds on and develops the ideas of others writing in this field,³⁷ the book does also work as a stand-alone text. The discussion is interesting and thought-provoking, and the concluding chapter draws a number of different threads together in an effective way.

Although the author makes it clear from the outset that his main focus is on Western European societies,³⁸ he gives very few examples of good or bad practice from specific jurisdictions. The impression is therefore created of a uniformity in approach

Rights: Commentary on the European Charter for Regional or Minority Languages in light of the Committee of Experts’ Evaluation (Strasbourg, Council of Europe Publishing, 2012).

²⁸ Ruiz-Vieytez, supra n. 1, p. 124.

²⁹ *Ibid.*, p. 126.

³⁰ *Ibid.*, pp. 82-92.

³¹ *Ibid.*, p. 126.

³² *Ibid.*, p. 128.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ Art 3(1): ‘Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.’

³⁶ Framework Convention Advisory Committee Secretariat, *Compilation of Opinions of the Advisory Committee Relating to Article 3 of the Framework Convention, Third Cycle*, June 29, 2015 www.coe.int/en/web/minorities/compilation-of-opinions, visited 8 December 2015.

³⁷ Relevant subsequent publications include A.G. Gagnon, *Minority Nations in the Age of Uncertainty: New Paths to National Emancipation and Empowerment* (Toronto, University of Toronto Press, 2014) and S. Tierney (ed.), *Nationalism and Globalisation* (Oxford, Hart Publishing, 2015).

³⁸ Ruiz-Vieytez, supra n. 1, p. 13.

that appears to belie the complexity and variety of minority situations even in Western Europe. Given the author's background in constitutional law and minority rights, it is to be presumed that this was intentional, and to some extent the discussion at the more abstract level works well. The author clearly recognises that national identities remain highly contested and contestable, and makes strong criticisms of current approaches. He argues that any monopoly of the public sphere by a particular dominant identity should be challenged, and that what is needed is a process of pluralisation, with new identities recognised alongside more established ones.³⁹ However, he also stresses that pluralisation should not be regarded as 'a struggle between identities'. It therefore should involve an enlarging of the available space rather than the giving up of dominant identities.⁴⁰

The book essentially adopts a tone of optimism, and it concludes with a call for transformation of political communities 'into post-or multi-identitarian States that create real democratic contexts for modern intercultural coexistence.'⁴¹ Despite the considerable obstacles to be faced by those seeking to develop democratic pluralisation and interculturalism in early 21st Europe, there is a clear need for both reflection and optimism, as well as for the development of innovative approaches to the accommodation and management of cultural diversity. This book therefore makes a very useful contribution to debates on these issues.

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³⁹ *Ibid.*, p. 128.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*, p. 129.