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"WHAT RIGHTS SHOULD MINORITIES HAVE?"

by

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As Roland Oliver has told you, I am not going to be talking to you all the time about Ireland, but I am going to say a little about Ireland at the start of my remarks, and then wander further afield

Sometimes the only right a minority seems to want is the right to become a majority; and sometimes the minority achieves this through changing the political context. I have experienced such a change in my own lifetime. I was born a member of what was, juridically speaking, a minority -- the Irish in the old United Kingdom of Great Britain and Ireland, in which the predominant partner, in the language of the time, was England. But I grew up as a member of a majority in an autonomous and later independent Irish state. I was brought up also to think of myself not as a member of a majority in that juridical unit only, but of a majority legitimately entitled to rule in the whole island of Ireland considered as a natural geographical unit, a cultural unit from very ancient times, and treated as a distinct political entity even under centuries of foreign rule. That is what I was brought up on.

The partition of the country in this view was an artificial innovation and therefore illegitimate. The so-called majority in Northern Ireland was in reality an Irish minority and had no more right to secede from the nation than, say, Yorkshire would have to secede from England. We meet similar concepts in relation to minority/majority problems in many other parts of the world. All those propositions were accepted as axiomatic in the culture I grew up in, which felt itself to be not a minority but a majority culture. The group which was in an actual minority inside Northern Ireland, the Catholics, generally felt itself, as it feels itself on the whole today, to be, of right, part of that majority. They also were conscious in a more pressing and uncomfortable way of being in a de facto minority, and their consciousness and character developed in somewhat different ways from those of the more comfortably situated majority of the majority, to which they actually felt themselves to belong, as well as of course differently from that other majority, the Protestants, under whose unsympathetic rule they actually lived.

However, Protestant axioms (I am using the terms 'Protestant' and 'Catholic' here as they are used in Ireland referring to Irish Catholics and Ulster Protestants, and without any element of theological generalisation) define the context differently, and Protestants emerged from their own definitions, just as Catholics did, as a legitimate majority. For them the primary unit was not the island of Ireland but the archipelago, the British Isles. Ireland, they pointed out, had never been politically unified except under the British crown. The unity of the British Isles and Ireland had been broken by the secessionist movement of the Catholic inhabitants. Ulster Protestants had no part in that movement, and in response to their

legitimate demand to remain British, the British Parliament had, legitimately, to set up their home territory as a political entity, Northern Ireland. Within that entity they were a local majority while also remaining part of the overwhelming British majority in the archipelago.

Many of you will have read -- I hope -- Mr. Harold Jackson's admirable short monograph "The Two Irelands", published as Report No. 2 of the Minority Rights Group. Mr. Jackson uses an illuminating subtitle here: "The Problem of the Double Minority", i.e. the Protestant minority in Ireland and the Catholic minority in Northern Ireland.

But what exactly is that problem? The problem is that neither end of the double minority sees itself as a minority at all. The rights that both claim are majority rights in the same area, and they cannot both have them. And that of course is a civil-war formula.

Now, I start from that particular case because it is where I start from and also because it is something that I am forced to think about every day in my daily life, and it affects the way I also look at other problems -- I hope it does not distort it: it certainly affects it, and probably does in some ways distort it. What rights should such minorities have, apart from the rights they actually claim? Or can such a separation be maintained in practice at all rigidly? Certainly there is no use telling a minority it should have rights which in fact it does not want, or which it feels to be irrelevant to its actual needs and situation. And the rights which minorities have actually claimed vary very widely indeed.

Many minorities have asserted and maintained for periods of varying length a right to rule over majorities. The British in India, the Afrikaners in South Africa, East European Communist parties and the West Nile soldiery in Uganda are all examples of this assertion of that kind of right.

This claim of right has been grounded in theory on genetic, theological and ideological conceptions, and in practice most often on superior fire-power. It may be said that the right of a particular minority to rule over a majority is no right at all but an arrogant pretension. In terms of liberal and democratic values this is certainly so. But some uncomfortable considerations enter here. For is not a commitment to liberal and democratic values in itself a characteristic of a minority, quite a small minority, as it would appear, of the inhabitants of this planet? That being so, by exactly what right do we, (that is, our kind of people -- the kind of people interested in coming to this kind of meeting, in various countries) tell or try to tell or think about telling other minorities what their rights are and what they are not. By what right? Not by any democratic right, certainly. We tell, let us say, the Tutsi that the right he fancies he possesses to dominate the Hutu is not a real right. He replies in effect that as far as his culture is concerned, it is a right. (I am taking Tutsi and Hutu virtually at random, and I hope no expert in that area of the world will take me up too literally: We should guard our flanks at all times!)

We tell him it is not a right, because it is contrary to democracy, to which our ancestors became converted in the nineteenth century, along with imperialism (although we might leave that out so as not to confuse the Tutsi!) He says his ancestors did not become so converted, and are we claiming that our ancestors were superior to his? Now, that is a forked question, and we have to be very careful how we answer it. If we say, "No, no, of course not, my dear fellow," he can ask us: By what right then are we telling him that he must act according to the acquired convictions of our ancestors who are admittedly no better than his own? If, on the other hand, we say, yes, our people represent a more advanced stage of civilization than his do, he replies that this is exactly his own position in relation to the Hutu.

That is an imaginary discussion, but it does, I think, illustrate -- in I hope what you will not feel is too flippant a way when we are discussing a very serious question -- a real difficulty inherent in attempting to define, from within a particular historical phase of a particular culture, norms applicable universally in respect of minorities or anything else, in widely scattered and diverse human conditions and situations about which, generally speaking, our knowledge has to be -- and most certainly mine is -- very limited. It would take the nerve of an early nineteenth-century missionary explorer to set about such a task with full conviction. We do not have that kind of nerve any more, but neither, fortunately, have we acquired the opposite kind of nerve, the nerve to say, with Nietzsche, "There are whole peoples who have failed", and to be entirely indifferent to their lot. European ideas about the underdeveloped world have, I think, never been so uncertain and so tentative as they are now. The certainties of imperialism are gone -- I think -- but so are the certainties of anti-imperialism: the bright hopes of decolonisation, the notion of the transforming power of technical aid, the charisma of a great convergence of a world revolution. All these ideas are still around, but one senses a certain lack of conviction in relation to them. We are groping, not quite certain that we have even the right to grope, and more than half afraid of the things we may find among 'them', 'the other' and in ourselves. Yet we cannot help groping, sending and receiving faint and ambiguous signals. Sometimes, as in the case of Biafra, of Bangladesh, of the Uganda Asians, we or a number of us, are sufficiently moved by a particular signal to try to help in some way. And sometimes also, when we look back on that, we cannot be sure whether what we did actually hindered or helped.

The cases which have touched imaginations and consciences in Europe and America are mainly cases of minorities -- not ruling minorities of course, but underdogs -- people harassed in varying degrees and kinds ranging from the quiet but terrible social ostracism which surrounds the Burakumin in Japan to the waves of violent persecution experienced in turn by Bengali and Bihari in East Pakistan/Bangladesh, to take only fairly recent or contemporary examples. It is of these endangered or stigmatised minorities of course that we generally think when we ask what rights minorities should have.

Even in relation to such minorities only, and leaving aside the ruling kind, this question remains extraordinarily hard to answer. The

rights which such minorities, or at least their spokesmen, have historically sought, include -- and this is not an exhaustive list -- first of all, social integration into the wider society, claimed at various times by certain American negro groups, Jews in nineteenth-century Germany and elsewhere and in the twentieth-century Soviet Union - at least at one time - Algerian Moslems in France at one time, Catholics in Northern Ireland at the time of the campaign for full British rights (1967-69) and West Indians in Britain at one time. We may take it too that this is what the people such as the Burakumin in Japan want, and that without this particular right other rights in their context can have little meaning for them. And this is a right which neither domestic law nor international convention can secure for them. In certain circumstances, however, some display of international interest may help. American blacks certainly benefited from this from the time of Little Rock on, and so also, although more ambiguously, did Northern Irish Catholics.

The second form of rights which minorities have sought and seek include economic, technical and functional integration including equality of access to training and promotion, but without much demand for fuller social integration. The Chinese of North America, the Pakistanis of Britain, are examples here. But in fact I think that most of those who have sought or seemed to seek social integration have also at different times been interested in this kind, and perhaps in some cases more in this kind than in the social integration that they seemed to be looking for. There can be notable ambiguities and deceptive appearances in this area. For example, when Northern Irish Catholic spokesmen demanded full British rights in 1968-69, they were not really, as they seemed to be, looking for assimilation into the British community; what they were really doing was more tactical: it was to turn the Ulster Protestant claim, "Ulster is British", into a weapon against the internal realities of the Ulster Protestant state. Only four years later the right claimed by the same spokesmen was opposite in form: that of integration into a united Ireland. And it could reasonably be argued that the very different and contradictory rights indeed sought at different times were really instruments used to secure the only right that could have much practical meaning in the lives of those concerned, namely, economic and functional integration as defined here. In practice also the line between economic and social integration is hard to draw. To the extent that education is in common, it works, though imperfectly, towards social integration. If education is separate, the majority will not be easily convinced, or easily admit, that the schools of the minority can really give an adequate training to warrant the kind of access to jobs and promotion that the minority will accept as constituting equality of opportunity.

The third case is this: sometimes the right to which the minority comes to commit itself, often having tried other things with what it feels to be lack of success, is the diametrical opposite of integration, i.e. political secession. The same minority coping with different conditions may at one stage be committed to total integration and at another to complete secession. The Ibos of Nigeria are perhaps the most classical case of this in recent times.

Secession is of course the most doubtful and controversial of all minority rights, with the exception of the right claimed by certain minorities to rule over majorities. I am sure you will wish me to give particular attention to the question of whether, and if so, in what circumstances secession can constitute a right of a minority. This question affects the whole area of minority rights discussion. It is the dimension (if you like) which makes this so sensitive a subject.

Secession is a very unpopular idea, naturally so, since it threatens the life of a state and threatens public order. Yet hardly anyone I think would claim that there is no such thing as a right to secede in any circumstances at all. The nearest thing one gets to that position is, I think, in certain circles in the United States, where for more than a century the dominant tradition in the United States - that of the Northern victors in the Civil War - has of course been strongly anti-secessionist, yet could hardly deny the right of the American colonies to secede from the Empire of George III, or of what are now the Latin-American states to secede from Spain with the help of the United States. For a long time the distinction was made that it was all right to secede from the things called empires but all wrong to secede from things called republics. This distinction stood Woodrow Wilson in good stead when at the end of the First World War he threw in that great secessionist fragmentation bomb, the principle of the self-determination of nations (which was not, I may note in passing, applicable to the Irish at the time, though they made good use of the propaganda value of this declaration). In the wake of the First World War this was used to break up the defeated empires and after the Second World War it was applied to the territories of the British and French empires. But there was a difference. In the post-First World War division an attempt was made to build the new states as far as possible around historical, cultural and linguistic groupings, such as we have been accustomed to describe as nations. In the case of the post-Second World War division, hardly any corresponding effort to sort out peoples was attempted, and the arbitrary assumption was made, perhaps had to be made, that the various colonial administrative territories, all of short duration and some of vast extent, now constituted nations and were exercising self-determination. (You note that the meaning of the word 'self-determination' perceptibly changed at this point in time.) In fact some of the peoples included in these new nations, and some of those later anxious to escape from them, at least for a time, were more numerous than the population of some of the new states set up in Europe under self-determination at the end of the First World War.

It is hard to see, if we are putting the question on a moral plane (as I suppose we must if what we are attempting to discuss is rights), why self-determination should be right in the one case and necessarily wrong in the other. I believe that secession is an evil, or rather the recognition of an evil, a breakdown in human relations. I also believe that no minority is likely to have recourse to it, with all its dangers, unless the pressures on it are felt to be intolerable, and unless also other conditions apply in terms of numbers, terrain, diplomatic conjuncture and other apparently propitious factors. It would be uselessly pedantic, I believe, to draw up

rules for when secession is a right. It is enough to say that no minority is likely to attempt anything like this unless it or a substantial section of it has been driven desperate by events. The Biafrans, for example, felt, after the Northern massacre of Ibos that they had - and they asserted this passionately - the same basic right to defend themselves as had, for example, the Jews of the Warsaw Ghetto. They may have been unwise in attempting secession, and it seems they were. They may have exaggerated the danger, and it now seems they did. But it would be hard to see on what grounds, granted the historical precedents in their particular situation, it could be said that they had no moral right to make their attempt.

The recognition of that right by others is, of course, another matter. That cynical old maxim about treason never prospering - "Treason doth never prosper; what's the reason? That if it prosper none dares call it treason" - seems to apply here. Bangladesh is now recognised by all, Biafra by none. The reason is not that Bangladesh had necessarily a better moral case than Biafra, though perhaps it had. The reason is that the Indian Army beat that of Pakistan. Biafra, having no such ally, died.

The fear or threat of secession is a double-edged weapon for minorities. On the one hand, it may secure for them (I am not speaking now of secession itself but of a different matter: the fear or threat of it - which is much more widespread, much more palpably and generally present, than actual examples of secession) advantages for the minority, making a majority more anxious to conciliate them lest worse befall. On the other hand, the fear it inspires may goad the majority to particularly harsh and oppressive action. There may be a cyclical alternation of these different reactions over longer or shorter periods, like the alternations of coercion and conciliation in nineteenth-century Ireland, or the oscillations in recent British policy in Northern Ireland. Finally, a population which is not in itself secessionist and which is even fairly far gone in one form or another of integration can harbour militant secessionist elements, and can regard these with the most varied and fluctuating emotions. I think here it is very important not to hypostatise monolithic minorities; they do not work like that: there is a lot of variation within them and a lot of change in those variations. Minorities can look at their militant secessionist elements, which claim to be their political vanguard, with such emotions as these: admiration, sympathy, apprehension, anxiety, guilt, fear, hatred (and I am here speaking of fear and hatred not by the minority of the majority, but fear and hatred by members of a minority of people who are claiming to be emancipating that minority). These emotions take changing patterns in response both to the activities of the militants themselves and to whatever forms of coercion or conciliation the majority is trying and with what success - all in a great flux in potential secession situations for long periods.

Minorities are in fact often divided as to what rights they really want, or what they think they want. Even individual members of such minorities are often divided within themselves about this, and change in their mood from year to year or month to month, or even at different times

of the day in the one person one can observe the most extraordinary fluctuations of ideas about what the solution is.

A partly integrated society forces versatility in role-playing in an unusual degree on minority members. I have observed in far away countries, and perhaps nearer at home, certain minority people playing one role in the presence of local majority people, a second role equally artificial in the presence of more extreme members of their own minority, and a third role, more naturally, with their own friends, all minority people but none of them aggressively minoritarian. That is a point too: minorities are not being minorities all the time; they are not constantly thinking of themselves as minorities; on the whole they only think of themselves as minorities when they are forced so to think of themselves by the definitions of majorities or ruling groups.

In the first context these people sounded like social integrationists; in the second they behaved as if they might be at heart secessionists; and in the third they showed themselves to be on the whole economic integrationists, with not much more taste for social integration in the full sense than for secession. But their conviction in the various roles could vary according to mood, the previous day's news, or even the rumours of the day itself.

In certain circumstances, minorities can find rights thrust on them which they have not so much been actually looking for as sounding as if they were looking for. Again there is an escalating factor in the rhetoric of minorities. People represented as spokesmen of minorities can often feel (sometimes consciously think, more often feel) that the more they look for, the more extreme they sound, the more they will get, without necessarily wanting the most extreme thing, such as total independences that they look for. They may think that this is the way of getting a certain amount of control over local government, to say "We must have immediate independence now, or else...", that that is a bargaining position. But what they intend as a bargaining position may be taken as a definitive statement by others, and they may even get locked into it by more extreme elements in their own minority.

Fourthly, there are minorities which are so placed that neither social or economic integration nor secession seems relevant to them. Thus the Crimean Tartars, it seems, neither wished to be integrated in Kazakhstan where they do not wish to be in the first place, nor to secede with any part of Kazakhstan. They just want to be allowed to return to their Crimean home. The Ugandan Asians by now just want to get out. They did not always want that; they wanted other things. But now they want to get out anywhere, with their lives, their families, with anything that they are allowed to carry. This is of course the last right, or almost the last right of a minority.

But these are extreme cases. For most it is the question of one or other form of integration, or a blend of the two, or much more rarely, of contemplated secession, independence. The last is not likely to be

undertaken seriously by any sizeable body of people, except as a result of a total or at least major breakdown in an integration process.

One approach to the problem which has much to recommend it -- indeed I am rather beginning to come round to it -- is that it is wrong to speak of minority rights or majority rights. Rights are best thought of as inherent in each human being, irrespective of what kind of cultural grouping he or she may belong to.

Those who hold this point of view are likely to point out that the culture of a group (and when we are speaking of minorities we are always speaking of groups) may include systematic violations of basic human rights. When we are told to respect the cultures of groups we are being told to respect things which may include for example the Hindu caste system, the treatment of women in Islam and a number of other cultures, female circumcision in certain cultures, ostracism of twins, for example, in others, and so on. To speak in terms of group rights -- as we do of course when we speak of minority rights at all times -- may involve connivance in actual denial of rights to stigmatised members of the groups in question.

I would not lightly dismiss that argument. I think there is a great deal of force in it, and it is reflected perhaps to a rather surprising extent in such a document as the Universal Declaration of Human Rights, which always prefers to speak of rights inherent in individual human beings and not of group rights. In general at the United Nations, this is the approach that has been favoured, nor is there much difference between the various blocs or between developed and underdeveloped, about this matter -- on the whole, 'developed' being more sympathetic to group rights than 'underdeveloped' are. This may seem surprising for more than one reason. The language of the document which people of so many cultures appear to find acceptable is clearly the product of one special culture, that of Western Europe including the Europeans of North America. More than that, it has been powerfully argued by people from the Third World -- some people -- that this generalised and abstract concern with human rights as defined by Europeans became an instrument, consciously or unconsciously applied, for the disruption of other people's cultures. That case is argued, with considerable subtlety and power, by Franz Fanon. I am not thinking particularly here of Les Damnés de la Terre (The Wretched of the Earth) which seems to me a somewhat over-rated work, but in particular of an essay in a volume called Studies in a Dying Colonialism; at least it appears with this title here in a collection of his essays. The essay I am thinking of is on the haik, the veil-garment worn by Moslem women, which he takes as a symbol and analyses in a most interesting way. Fanon was writing about conditions in Algeria under French rule in the period after the Second World War and before the Algerian Revolution. I am going to give this in a little detail because it seems to me important as an example of the potential divergence between group rights and individual rights.

This was a time when ideas of integration were in the air, when

many Arabs led by Ferhat Abbas were demanding full French rights, and when some Frenchmen saw France's future in Algeria as depending on the development of a large class of Arab Frenchmen -- and French women: that was where, as Fanon describes it, the test came. For example, in the society at this time, this Arab civil servant who claimed to be as French as anyone else, and who demanded promotion rights on a French scale, would he bring his wife to the office party without the veil? Fanon describes the hints, the arch enquiries on this score. Frenchmen now saw, and French Arabs at least tried to see (and there were French Arabs) the rejection of the haik as an act of liberation. Fanon, in his turn, throws a harsh light on the humiliations that can accompany such an apparent act of liberation. For Fanon, the later reappearance of the haik was a real act of liberation insofar as it, in his view, symbolised the recovery by the Arabs of their pride in themselves and their culture, their final rejection of interior colonisation. Fanon, however, thought of the resumption of the haik by Arab women as both voluntary and temporary. He stressed the role of some Arab women in the Revolution, and even rather pathetically points out how useful the veil was for concealing arms and ammunition. He thought that after Liberation (not Women's Liberation, but Algerian Liberation) the haik and all it stood for would disappear. But so far as I know, they did not disappear. As we read Fanon, we should remember that too. It is interesting, though, that Fanon thought they should disappear, and even thought that their disappearance was something that the Revolution was about -- which I doubt.

Beneath all that ultra-Third World rhetoric, which has fascinated so many people, Franz Fanon had more in common with the French, of whose educational system he was a product, than with most of the Arabs whose cause he championed. The same, or something corresponding to it, is true of most of the educated Third-World intellectuals who represent their underdeveloped countries at the United Nations and other international bodies. These have no difficulty -- I am talking here all the time about this question of group rights or individual rights -- about the Universal Declaration, because they were brought up on the Declaration des Droits de l'Homme or its Anglo-Saxon equivalents. Any one of them would think it derogatory to their country's status were someone to suggest he might be unwilling to sign such a document, even though he might know that no such rights were in fact recognised by his own government in its daily relations with the citizens. And there of course, in some cases, he would say: "The best thing I can do to bring about these rights is to get my government at least to sign this document so that I can then say to them, 'Well, why don't you honour this?'" And this is quite sincerely put. Even where he signs in a more cynical spirit, he is not necessarily more hypocritical than some of his eighteenth-century predecessors, the philosophes, who (like Voltaire) were not above a flutter in the slave trade, or the slave-owners who signed the Declaration of Independence. Universal Declarations tend to be professed with mental reservations, sometimes unconscious, 'not for slaves', 'not for savages', 'not for "those" people'. Sometimes the language has helped. A Japanese, for example, could sign a declaration setting out the rights of people without having

to think at all about the position of the outcastes in his own society, since the word for those outcastes in his language is himin, non-people. And I have on countless occasions heard persons who were by no means Japanese use the word 'people' in contexts where the Japanese distinction was clearly implied.

As a matter of experience I have found -- and I have had to concern myself at the UN with problems like that of Tibet or South Tyrol, for example -- that people who are all in favour of human rights generally speaking are very likely to sit up and look suspicious where there is any question of minority rights. Human rights is a pleasing abstraction impregnated with our notion of our own benevolence. But minority rights evoke a sudden sharp picture of 'that lot' with their regrettable habits; extravagant claims, ridiculous complaints, and suspect intentions. Special rights for them? Not likely. Governments are representative, of course, either of majorities or more often of ruling minorities which of course do not think of themselves as minorities ever. It is therefore unlikely that an international association on the scale of the United Nations will promulgate an effective code giving specific protection to minorities. The United Nations has attempted from time to time to cope with this problem in a gingerly way, but has flinched away from it. More limited bodies like the Council of Europe, representing countries which are more secure from secession threats, have been able to make some progress, but the countries most affected by minority problems and where minorities themselves have the most acute problem, are not anxious to enter this area of discussion.

Should a private body, the Minority Rights Group for example, attempt to draw up such a code? That would be a most difficult task. I have tried to indicate some of the difficulties, and I am not at all sure that its utility would be proportionate to its difficulty. The leverage applicable to governments through their adherence or putative adherence to the Universal Declaration is not much (indeed it is pitifully little) but it is something. The leverage applicable through a code not accepted by governments and - almost by definition - not acceptable to them, would be likely to be nil; it might even be counter-productive.

Despite its defects, and I have tried to indicate some of them, I believe that on the whole the universalist approach, based on rights inherent in each individual being, remains the most hopeful one. We ought not, after all, to idealise minorities or to forget that today's underdog may be tomorrow's power-crazed bully. (Anyone who may be inclined to forget that should place on his desk a photograph of General Amin and contemplate it daily,) Or that certain custodians of minority cultures, and certain vehement exponents of minority political rights, may already be playing that role in their own little community. In these conditions, we ought in effect, I suggest, to be saying to governments something like this: "We seek no special rights for minorities, your ones or any other ones. Members of minority groups should have the same human rights as members of majorities, no less and not necessarily any more for the moment than those set out in the Universal Declaration to which you subscribe.

But we have evidence that shows that members of such and such a minority are being denied these rights under your government. Unless you set about correcting this situation, we shall have to publish this evidence with inevitably undesirable results for your country's reputation and prospects."

I believe that this, in effect, is what the Minority Rights Group has been saying and doing. Such efforts are not in vain. In mild situations a government will not wish any part of its population to be the object of one of those excellent MRG surveys, and if it is to be the object of one, will want to ameliorate if it can the conditions to be described. That is in mild situations. But even in the most dire situations, international attention can at least help the survivors. Thus it is no detraction, or at least intended as no detraction from the credit due to the magnanimity of the present Nigerian government in relation to the defeated people of what was once Biafra, to say that the attention concentrated on the question was probably of a nature to encourage in the long run counsels of magnanimity -- if only to prove that the alarmist things that were being said about what Nigeria would do were not true. Our most pressing concern should now perhaps be not to define what rights minorities should have, but to find what techniques are most appropriate for conveying to governments the message that decency in relation to minorities is a quality helpful to any country in its international relations.
