

# DOWNLOAD PDF CULTURAL AND RELIGIOUS MINORITY EDUCATION IN FRANCE: LIMITS TO DIVERSITY AND EQUALITY

## Chapter 1 : Lori G. Beaman - Wikipedia

*The Case of the United States" (Martin Carnoy); (7) "Cultural and Religious Minority Education in France: Limits to Diversity and Equality" (Leslie Limage); (8) "Recognizing and Educating Religious Minorities in.*

Roman Catholicism, Islam, Protestantism, Judaism The French Ministry of Culture and Communication recognizes 14 distinct minority languages and two minority language groups in metropolitan France, and 47 minority languages in the French overseas territories. The 14 distinct languages are: There are six recognized Oc languages: In terms of religion, some data sources have suggested that the majority between 63 and 66 per cent of the population are Christian, predominantly Roman Catholic, with per cent Muslim and smaller groups amounting to less than 1 per cent of Buddhists and Jews, with between 23 and 28 per cent having no religious beliefs. Some official data is available on language, however, with public statistical data from the census estimating , Alsatian speakers plus , occasional speakers , 50, Basque speakers, , Breton speakers plus , occasional speakers , ,00 Catalan speakers, 70, Corsican speakers with , occasional speakers , 30, Flemish speakers plus 50, occasional speakers , , Occitan speakers with 1. The same data provides estimates of around , Romany speakers, , speakers of different Arabic dialects plus , occasional speakers and 1. France, one of the most ethnically and religiously heterogeneous countries in Europe, including large Muslim, Jewish and Roma populations, has long struggled with profound divisions driven by inequality and cultural fears. Once a fringe political party, the Front National renamed Rassemblement National or National Rally in has under the leadership of Marine Le Pen attracted a growing share of votes through a campaign that has actively targeted migrants and minorities, particularly Muslims. Studies have found that certain ethnic groups, such as those of African descent, find it harder to move out of poor suburbs and are three times more likely to move into the least advantaged neighbourhoods. Spatial segregation also has an impact on unemployment, with recent immigrants facing much longer commutes, thereby restricting their access to jobs and adding to the barriers already raised by frequent discrimination against individuals of North African origin. Although tension has not reached the levels witnessed during the riots, crime in the banlieues remains a serious concern. As a result, the integration of immigrants and their descendants in French society has become a high priority for the government, with significant investments in disadvantaged neighbourhoods. These measures have also been widely interpreted as targeting Muslims specifically, playing out not only in national restrictions on the wearing of the burqa, hijab or full-face veil in public, but also in local policies in municipalities controlled by right-wing politicians that have seen pork-free options removed from school menus. In the aftermath, while authorities announced a national emergency and greatly extended their powers to search and arrest, hate crimes against Muslims increased significantly. More recent data indicates that anti-Muslim hate crimes have since declined; for instance, the CNCDH recorded incidents in Nevertheless, Islamophobia remains a very significant issue. Most particularly, the nature of Islamophobic activities appears to be shifting in a very worrying way. A national security bill was adopted by the National Assembly with a large majority in October , albeit with some amendments to increase the role of judges and insert an automatic expiration date of for most aspects. The authorities were granted wide-ranging powers to: With the new law in place, the French authorities declared an end to a nearly 2-year long state of emergency on 1 November Human rights groups warned that the new legislation risks making what should be only temporary security measures part of ordinary law. France is also home to approximately , Jewish people " the largest Jewish community in Europe. However, a significant number have been emigrating in recent years. While the attack on a kosher supermarket in eastern Paris shortly after the Charlie Hebdo shootings in January , where 15 Jewish people were held hostage and four were killed, was particularly extreme, anti-Semitic hate crime and hate speech more generally remain a real issue. According to figures released by the CNCDH, anti-Semitic acts in France including death threats, online hate speech and physical assaults on people wearing the kippah and other religious markers are ongoing: The government attributes this to a concerted effort to strengthen security

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measures for the Jewish community; however, community representatives feel that there are other causes, including that Jewish families have been moving out of the suburbs. Moreover, as with Islamophobic incidents recorded in , the nature of anti-Semitic hate incidents appears to be escalating from verbal abuse to violence. According to the CNCDH, the number of violent anti-Semitic attacks increased by 26 per cent in , totaling 97 incidents reported during the year. In comparison, the number of threats, or instances of verbal abuse, dropped by 17 per cent to recorded instances. Particularly horrific has been a series of targeted killings with the eleventh Jewish victim in a dozen years murdered in March . These and other anti-Semitic incidents have led some French Jews to seek a new life and emigrate to Israel. However, the numbers leaving the country are not as great as was foreseen after the tragic events of . There were 6, French Jewish people who emigrated that year to Israel, but the number dropped to 3, in . While the question of emigration is very much alive in the community, the practical problems of starting a new life in another country are reportedly making many hesitate “ at least for now. France is also home to the second largest Roma community after Spain among Western European countries. Roma face a number of obstacles in accessing education, employment and housing. Indeed, the eviction of Roma has become routine, entrenching their marginalization within society. In over 11, Roma were forced to leave their homes, including 8, who were forcibly evicted by the authorities. This amounted to more than six out of every ten Roma families in the country and represented a 12 per cent increase over . However, these methods have been criticized for being akin to social engineering, with the new settlements merely formalizing segregation and benefitting only a small sub-section of the Roma population. Social prejudice in France towards its Muslim minority has also shaped its response to the refugee crisis in Europe, with thousands of refugees and asylum seekers from largely Islamic countries like Syria seeking sanctuary in the country. This has led to increasing tensions in certain areas, particularly the coastal town of Calais, where some locals set up vigilante groups that reportedly carried out attacks on refugees. Human rights organizations warned that this action risked making people already vulnerable to social and economic issues even more so. Environment France is primarily a mainland territory in western Europe, which borders Belgium and Luxembourg in the north, Germany, Switzerland and Italy in the east, the Mediterranean Sea in the south, Spain in the south-west, the Atlantic Ocean in the west and the English Channel in the north-west. New Caledonia will hold a referendum in on whether to stay part of France or become independent. History From the end of the eleventh century France became progressively more united as a state and power was more centralized. French became the language of public administration in , replacing Latin. Other Romance languages, dialects of French, and separate languages such as Breton, Basque, Flemish and German were widely spoken in their respective areas. The French Revolution had a strongly centralizing effect: The French language was promoted as a means of inculcating nation-state consciousness. Universal education was introduced in with standard French as the language of instruction. Centralization was intensified under Napoleon and continued after his defeat in and the restoration of the Bourbon monarchy. The building of the railways and expansion of the canal networks in the later nineteenth century helped hasten the decline of regional languages. French minority languages continued to be used, especially in oral communication between ordinary people. In the late nineteenth century there was a flourishing of literature in some languages, for example Breton and Occitan, which transformed them into languages of the intellectual elite, while their use in everyday life declined. France acquired colonies in the Caribbean, North America and Africa in the fifteenth century. In the sixteenth century, exotic foods were imported from a number of different countries, including Africa, India and North America. State sponsorship of industries, particularly the manufacture of luxury goods, began under King Louis XIV in the seventeenth century. Quality standards were set. In the eighteenth century the French economy grew rapidly from mining, metal industries, textiles and trade. Nantes was the main port, and the centre of the French slave trade. Paris became the main commercial centre in the late eighteenth century. Poor harvests in the s and s led to mass poverty and the Revolution. Political turmoil and war in the next 25 years directed industrialization towards armaments, munitions and processed foods. There was further colonial expansion in Africa, Asia and the Pacific in the nineteenth century and in the

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Middle East in the twentieth century. The loss of Alsace and the German-speaking part of Lorraine to Germany in 1871 was a major blow to national pride and prompted the determination to win back these regions. This helped fuel an arms race with Germany and Austria, led to alliance with Britain and ultimately led to World War I. The return of Alsace and Lorraine to France at the end of the war, and the crippling war reparations demanded of Germany by the Peace of Versailles in 1919, fuelled German determination to regain this territory, which it did in World War II when it occupied much of France and the Vichy government kept the rest of France independent only by complying with the Nazi occupiers. The majority were murdered at Auschwitz concentration camp; only some 2,000 of those deported survived the Holocaust. Jewish organizations saved many Jewish children by hiding them in the countryside and distributing fake identity documentation. While French police in the occupied zone and members of the Vichy regime assisted in the round-ups and deportations, several thousand French people have been recognised for their bravery in hiding Jews. Bitter reprisals were taken against collaborators after the Germans were defeated. French industrial expansion in the nineteenth century, the war effort for the two world wars, and labour shortages after both those wars resulted in mass immigration, especially from North Africa but also from the Caribbean and sub-Saharan African colonies. Although most workers initially stayed only a short time, to be replaced with others, some formed permanent and growing communities. Colonial subjects had the right to French nationality, although Algerians had to renounce Islam and convert to Christianity in order to obtain citizenship, and most did not. The conflict which resulted in independence for Algeria in 1962 was particularly bitter and has left a legacy of mutual antagonism between parts of the French and Algerian immigrant communities. In recent years, driven in part by growing tensions around migration and a series of high-profile terrorist attacks by Muslim extremists in Paris and elsewhere, there has been an upsurge in support for far-right political organizations, in particular the Front National renamed Rassemblement National or National Rally in 2018, led by Marine Le Pen since 2018. Governance The French revolutionary government adopted the Declaration on the Rights of Man and the Citizen in 1789, which recognizes the equality of all before the law. This has provided the basis for civil rights in all subsequent French Constitutions, the latest dating from 1958. There have been several amendments to the current Constitution. In the French overseas regions and territories were reorganized. The Constitution recognizes freedom of religion.

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## Chapter 2 : Turkey - Minority Rights Group

*France/ Specific policy issues and recent debates. Cultural diversity and inclusion policies. One of the major debates of French cultural policy concerns the question of cultural minorities, national or foreign, present on its territory.*

Education[ edit ] Beaman earned her B. She was admitted to the law society of New Brunswick in and practiced law for five years before her graduate studies. She guides a team of 37 international researchers who study religious diversity in Canada as well as Australia, France, the United Kingdom and the United States. The project explores the contours of religious diversity and how to best respond to opportunities and challenges presented by religious diversity in ways that promote a just and peaceful society. Religion and Law[ edit ] Beaman has written extensively on religious diversity and the intersections of religion and law. Religious Freedom and the Limits of the Law, [10] [11] she explores the case of an adolescent cancer patient whose objection to blood transfusions was based on religious conviction. She has also written about polygamy and how law frames certain types of family structures. The status and voices of nones are a concern for Beaman, as they fall outside the purview of religious freedom protections. She rejects the language of tolerance and accommodation as frameworks for the management of this "crisis of diversity," in favor of a model she refers to as deep equality Informed in part by political theorist William E. She argues that the exploration, understanding and mapping of micro-level instances of day-to-day cooperation and collaboration between ordinary people are crucial to shifting the perception of diversity as a problem to one of opportunity. She also points to static representations of religion and rigid religious identities particularly as perpetuated in the media , as well as an overreliance on law to resolve disputes as persistent impediments to the progress of deep equality. Beaman argues three points: That tolerance and accommodation are inappropriate frameworks to facilitate human thriving in a diverse context; 2. That a reconstituted notion of equality can subvert the binaries that are kept alive by tolerance and accommodation; 3. That positive narratives offer a map toward a renewed conceptualization of equality, and a recognition of day-to-day human activity in its constitution" Beaman draws from the disciplines of law, neuroscience, philosophy, political theory, sociology, and social psychology, among others, to inform her emerging model of deep equality. She projects the utility of deep equality as a lens for exploring inequality in a broad range of areas including economics, environmental relations, gender, race, religion, and sexuality. She is currently conducting empirical research on the global phenomenon of sea turtle rescue, employing aspects of the lived religion approach to explore identity construction in late modernity and narratives of cooperation that emerge from human engagement with both animals and the environment. Religious Diversity and Its Limits:

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## Chapter 3 : Iram, Yaacov [WorldCat Identities]

*Chapter 7 - Cultural and Religious Minority Education in France: Limits to Diversity and Equality 93 Chapter 8 - Recognizing and Educating Religious Minorities in England and Wales*

Religious and Ethnic Minorities: Yet, as this report shows, ethnic and religious differences underlie some of the most persistent and serious human rights problems in Iran today. Gathering information about the situation in parts of Iran that are particularly inaccessible to the international media and human rights researchers, such as the Kurdish region of the northwest or the Baluchi region of the southeast, presented particular problems when preparing this report. Information provided by political opposition groups active in these regions is often difficult to verify. Some minority religious communities, apparently out of fear, tend to prefer not to call attention to discrimination against them, making information harder to collect. This appears to be the case with Jews and Zoroastrians. Even activists living abroad are reticent in providing specific information because they fear that if they are identified as the source, they or their relatives still living in Iran will become the target of government reprisals, or that reprisals may be taken against their relatives still living in Iran. Iranian government attacks against its opponents overseas continue to justify such fears. For this reason, several of the activists who provided information to Human Rights Watch are, at their own request, not identified in the report. Human Rights Watch visited Iran at the invitation of the government in January. While in Iran, it heard unverified reports of human rights violations directed against Sunni Muslim Baluchi activists. In April, Human Rights Watch wrote to the government requesting permission to visit Iran in order to research the status of minorities. This letter also requested answers to specific questions about cases of alleged violations of human rights relating to religious and ethnic minorities. The government has not responded to the letter. UNHCR is not responsible for, nor does it necessarily endorse, its content. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Middle East division was established in to monitor and promote the observance of internationally recognized human rights in the Middle East and North Africa. To subscribe to the list, send an e-mail message to majordomo igc. Even activists living abroad are reticent in providing specific information because they fear that if they are identified as the source, they or their relatives still living in Iran will become the target of government reprisals, or that reprisals may be taken against their relatives still living in Iran. Many of these must remain anonymous. For the chapter on the legal framework, the writer relied extensively on *History and Documentation of Human Rights in Iran*, written by Shirin Ebadi, a private lawyer in Tehran, and published in Iran in . Most Kurds, Baluchis and Turkamen are Sunni Muslims, making them part of a religious minority as well: Iran is obliged by its treaty commitments to provide a full panoply of rights to its citizens without discrimination on such bases as "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In the area of freedom of religion, the legal framework is contradictory due to the power residing in judges to issue rulings based on their own interpretation of Islamic law. Despite language in the constitution apparently designed to outlaw discrimination against religious and ethnic minorities, clear discrimination exists in the text of the penal and civil codes. Official documents such as the memorandum from the Supreme Revolutionary Cultural Council clearly delineate an official policy of persecution. Sunni Kurds have seen their aspirations for greater autonomy and respect of their rights to religious freedom denied. Friday prayer leaders, even in the Sunni mosques, are appointed by the central authorities. Several prominent Sunni leaders, including Kurds and Baluchis, have been killed in recent years in circumstances that suggest the involvement of the authorities in their deaths. The recent arrests and killings of Baluchi religious leaders is taking on the appearance of a concerted campaign to suppress Baluchi claims for parity for Sunni Islam and respect for Baluchi cultural and linguistic traditions. This report identifies areas in which the treatment of ethnic minorities has failed to meet the standard of equal treatment under the law for all Iranians regardless of their ethnic origin, set forth in the Iranian constitution and instruments of international law. The Kurds are concentrated in a remote and

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underdeveloped area, far from the centers of political power. An armed Kurdish insurgency has clashed with the Iranian military. Civilians have been among the main victims of the conflict as villages have been destroyed and their populations dispersed, and broad areas have been seeded with landmines. The Azaris inhabit a strategically important prosperous area in northwest Iran, relatively close to Tehran. It is hard to find evidence of discrimination against Azaris in economic, professional or educational fields. The main grievances of the Azari community are cultural. As Azari nationalism has come to prominence so the central authorities have begun to take measures to counter it. Those who speak up for Azari rights are labeled by government officials and the state-controlled media as separatists or Turkish spies. The case of Muhammad Ali Chehregani, a candidate from Tabriz in the March parliamentary elections whose disqualification from the ballot sparked widespread civil unrest in Tabriz, serves to demonstrate the sensitivity of the Azari issue. In addition they complain of discrimination in the economic, educational and cultural fields. Attempts by the Baluchis to form political organizations to advance their interests have been blocked by the authorities. Baluchi sources claim that a systematic plan has been set in motion by the authorities over the past two years to pacify the region by changing the ethnic balance in major Baluchi cities such as Zahedan, Iran-Shahr, Chabahar, and Khash. Iranian Arabs, an ethnic minority centered in southwest Iran, also have grievances over restrictions on their political organizations, on their language and culture, and on their right to participate effectively in decisions affecting the area in which they live. In an atmosphere in which the rule of law is beset by uncertainty and contradictions, vulnerable groups such as religious and ethnic minorities are likely to be among the primary targets of abuse. Isolated cases in which the courts have ruled in favor of religious minorities do not disprove the observation that courts cannot be relied upon to protect for religious minorities the rights provided in domestic law. An improvement in the situation of religious and ethnic minorities will only be brought about with the implementation of practical enforceable legal safeguards available to all. Iran is obliged by its commitments in international law to remove all legislation that discriminates explicitly or implicitly on grounds of religion or ethnic origin. The Iranian government should take steps to remove all provisions from its constitution that contravene its obligations in international law to uphold the principle of the right to equality before the law for all its citizens. All Iranians should be entitled to effective legal guarantee of the basic right of non-discrimination and should have the right to an effective remedy if they fall victim to discrimination. All articles of legislation that explicitly or implicitly discriminate against non-Muslims, or that are ambiguous with regard to the principle of non-discrimination, should be repealed. All legal rulings and judicially enforced penalties should be arrived at on the basis of codified laws, not on the basis of the personal interpretations of individual religious judges. In accordance with its international obligations, the Iranian government must uphold the rights of individuals to have or adopt a religion or belief of their choice, to change their religion, including converting from Islam, and to practice their religion. All prisoners currently deprived of liberty solely for their beliefs, or for practicing their faith, should be released immediately. The government should cease its persecution of Protestant Christian churches. Protestant congregations should be allowed to carry out their services in public, free from threats and harassment. The government should publish the results of any and all official inquiries into the causes of death of prominent Protestant pastors. The government should make concerted and transparent efforts to bring those responsible for these killings to justice. The government should not obstruct the right of the Sunni Muslim community to have access to mosques and Sunni religious leaders of their choosing. As a matter of urgency, Sunni mosques should be allowed to open in Tehran to serve the large population of Sunnis living in the capital. The killings of prominent Sunni Muslim leaders should be fully investigated, and the results of these investigations should be made public. The government should make concerted and transparent efforts to bring those responsible for such killings to justice. The government should remove all obstacles to language instruction and to the publication and dissemination of newspapers and books in minority languages. The government should ensure that there is no discrimination against ethnic minorities in their access to higher education and to positions of authority in public life. Ethnic minorities should be given an effective voice in their own affairs, including the

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right to form peaceful political organizations and to vote for elected representatives of their own choice. No one should be subject to persecution for the non-violent advocacy of the rights or interests of minority religious or ethnic groups. To the international community: Urge Iran to open its doors to international human rights monitors from the United Nations and independent nongovernmental organizations. Encourage and facilitate contacts between the international community and Iranian individuals and organizations concerned with issues of political and civil rights. Most Kurds, Baluchis and Turkamen are Sunni Muslims, making them a part of both religious and ethnic minority communities. As in many countries, there is a considerable overlap between religion and national identity. The dominant Persian ethnic identity of Iran is also well established. Persian nationalism was strongly pronounced in the official ideology of the Pahlavi dynasty, deposed in 1979, which characterized itself as the heir to 2,500 years of Persian monarchy. It remains an important tool by which the present government claims legitimacy. Many commentators have remarked that the present government is as much Persian nationalist in its policies and pronouncements as it is Islamic. Ethnic affiliation is less clearly delineated than religious affiliation. In recent years, however, the breakup of the Soviet Union and the creation of a self-ruling Kurdish entity in northern Iraq have highlighted the plight of non-Persian ethnic minorities with their own languages and cultures who have not benefitted from the centuries of official preference accorded to Persian language and culture. The Azari minority is the largest, by some estimates exceeding one quarter of the population, living primarily in the northwest of the country close to the newly independent state of Azerbaijan. In the west there are more than five million Kurds, and in the southwest at least a million Arabs. Activists from these communities are less experienced at presenting their concerns and are afraid that if they are identified, they could be subject to reprisals from Iranian government agents. The situations of these minorities is also not well reported in the Iranian media, and independent journalists or observers are rarely permitted to visit the parts of the country in which they live. In addition, sensitive minorities issues have traditionally been neglected by many Iranian researchers. This report relies extensively on interviews with activists from various minorities living in Europe and the U.S. In some cases, Human Rights Watch was able to carry out telephone interviews with individuals in Iran. In keeping with its mandate, Human Rights Watch will focus on articles dealing with denial of individual rights protected by international instruments. This document does not discuss the right of self-determination as provided by Article 1 of the covenant. Thus Iran is obliged by its treaty commitments to provide a full panoply of rights to its citizens without discrimination on such bases as "race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. In May 1998, in its second periodic report submitted to the United Nations Human Rights Committee, the body of independent experts charged with reviewing state compliance with the International Covenant on Civil and Political Rights, the Iranian government set out the legal measures it has implemented to fulfill its treaty obligations with respect to non-discrimination. Zoroastrian, Jewish and Christian Iranians are recognized religious minorities which, within the limits set by the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education. Finally the government stated: The Government of the Islamic Republic of Iran and all Muslims are duty-bound to treat non-Muslims in conformity with ethical norms and the principles of Islamic justice and equity, and to respect their human rights. The term "non-Muslim" here also means those persons who do not believe in monotheism. However, this guarantee was qualified by the statement: The qualification that those who engage in activity considered to be "against Islam" do not merit respect for their human rights gives cause for concern, as does the formulation restricting the rights of non-Muslim minorities "within the limits set by the law. 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 practice their own religion, or to use their own language. Many articles of Iranian legislation outlaw discrimination on the basis of race or national origin. Article 19 of the constitution of the Islamic Republic of Iran states: Articles 13 and 14 of the constitution refer to the freedom of recognized religious minorities.

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### Chapter 4 : Culture and Equality: An Egalitarian Critique of Multiculturalism - Brian Barry - Google Books

*Education of minorities and peace education in pluralistic societies "Cultural and Religious Minority Education in France: Limits to Diversity and Equality.*

The former are taken to constitute their humanity and are ontologically privileged. Human beings are deemed to be equal because of their shared features or similarity, and equality is taken to consist in treating them in more or less the same way and giving them more or less the same body of rights. I have argued that this view of human beings is deeply mistaken. Human beings are at once both natural and cultural beings, sharing a common human identity but in a culturally mediated manner. They are similar and different, their similarities and differences do not passively coexist but interpenetrate, and neither is ontologically prior or morally more important. Grounding equality in uniformity also has unfortunate consequences. It requires us to treat human beings equally in those respects in which they are similar and not those in which they are different. While granting them equality at the level of their shared human nature, we deny it at the equally important cultural level. In our discussions of the Greek, Christian and liberal philosophers we have seen that it is also easy to move from uniformity to monism. Since human beings are supposed to be basically the same, only a particular way of life is deemed to be worthy of them, and those failing to live up to it either do not merit equality or do so only after they are suitably civilized. The idea of equality thus becomes an ideological device to mould humankind in a certain direction. A theory of equality grounded in human uniformity is both philosophically incoherent and morally problematic. Human beings do share several capacities and needs in common, but different cultures define and structure these differently and develop new ones of their own. Since human beings are at once both similar and different, they should be treated equally because of both. Once the basis of equality changes so does its content. Equality involves not just rejection of irrelevant differences as is commonly argued, but also full recognition of legitimate and relevant ones. Equality is articulated at several interrelated levels. At the most basic level it involves equality of respect and rights, at a slightly higher level that of opportunity, self-esteem, self-worth and so on, and at a yet higher level, equality of power, well-being and the basic capacities required for human flourishing. Sensitivity to differences is relevant at each of these levels. We can hardly be said to respect a person if we treat with contempt or abstract away all that gives meaning to his life and makes him the kind of person he is. Respect for a person therefore involves locating him against his cultural background, sympathetically entering into his world of thought, and interpreting his conduct in terms of its system of meaning. A simple example illustrates the point. By failing to appreciate the candidates' system of meaning and cultural practices, interviewers ended up treating them unequally with their white counterparts. Like the concept of equal respect, that of equal opportunity, too, needs to be interpreted in a culturally sensitive manner. A Sikh is in principle free to send his son to a school that bans turbans, but for all practical purposes it is closed to him. Other things being equal, when a culturally derived incapacity is of the former kind, the individuals involved may rightly be asked to overcome it or at least bear the financial cost of accommodating it. Which cultural incapacity falls within which category is often a matter of dispute and can only be resolved by a dialogue between the parties involved. Equality before the law and equal protection of the law, too, need to be defined in a culturally sensitive manner. Formally a law banning the use of drugs treats all equally, but in fact it discriminates against those for whom some drugs are religious or cultural requirements as is the case with Peyote and Marijuana respectively for the American Indians and Rastafarians. This does not mean that we might not ban their use, but rather that we need to appreciate the unequal impact of the ban and should have strong additional reasons for denying exemption to these two groups. Equal protection of the law, too, may require different treatment. Given the horrible reality of the Holocaust and the persistent streak of anti-semitism in German cultural life, it makes good sense for that country to single out physical attacks on Jews for harsher punishment or ban utterances denying the Holocaust. In other societies, other groups such as blacks, Muslims and gypsies might have long been

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demonized and subjected to hostility and hatred, and then they too might need to be treated differently. Although the differential treatment of these groups might seem to violate the principle of equality, in fact it only equalizes them with the rest of their fellow-citizens. In a culturally homogenous society, individuals share broadly similar needs, norms, motivations, social customs and patterns of behaviour. Broadly speaking equality consists in equal treatment of those judged to be equal in relevant respects. Furthermore, once we take cultural differences into account, equal treatment would mean not identical but differential treatment, raising the question as to how we can ensure that it is really equal across cultures and does not serve as a cloak for discrimination or privilege. In this chapter I shall discuss the kinds of difficulties raised by the principle of equality in a multicultural society. Equality of difference In multicultural societies dress often becomes a site of the most heated and intransigent struggles. In , British Parliament passed a law empowering the Minister of Transport to require motor-cyclists to wear crash-helmets. When the Minister did so, Sikhs campaigned against it. One of them kept breaking the law and was fined twenty times between and for refusing to wear a crash-helmet. Sikh spokesmen argued that the turban was just as safe, and that if they could fight for the British in two world wars without anyone considering their turbans unsafe, they could surely ride motor-cycles. The law was amended in and exempted them from wearing crash-helmets. Although this was not universally welcomed, Parliament was right to amend the law. Since the Sikh turban met these standards, it was accepted as an adequate substitute for the helmet. However, it is willing to compromise on the helmet if two conditions are satisfied. First, the alternative head-gear should offer an equivalent or at least acceptable level of protection. And second, those opting for it should themselves bear the responsibility for such additional injury as it may cause. The law lays down a minimally required level of protection and uses it to regulate the permissible range of cultural diversity. The burden of additional injury is borne by those who for cultural reasons choose to meet the minimum requirement in their own different ways. In , Sikhs in the police and armed forces are entitled to wear turbans. In Canada it has led to a heated debate. Although most major police forces across the country allowed Sikhs to wear turbans, the Royal Canadian Mounted Police did not. When it finally decided to allow them, a group of retired officers organized a campaign involving letters and a petition signed by 210, people. They also contended that since the Sikhs insisted on wearing the turban, they gave the impression of valuing their religion more than their police duties and would not be able to inspire public trust in their impartiality and loyalty to the state. In the eyes of the critics, Canada had taken its multiculturalism too far and should insist on the traditional Stetson. Three retired officers of the RCMP appealed to the Supreme Court, which dismissed the appeal and upheld the right of Sikhs to wear the turban. There is no reason why the RCMP should be different. Besides, wearing a turban does not signify that the wearer values his religion more than his professional Integrity, nor does his replacing it with a Stetson indicate the opposite. Again, it is not at all true that Canada is committed to a narrow and bland form of secularism. Since opponents of the turban are unsympathetic to these changes, their objection is specious and discriminatory. It is striking that the Court saw the yarmulke as a matter of personal desire or preference rather than a religious requirement which Goldman was not at liberty to disregard Sandel, , pp. There is much to be said for uniforms in the armed forces. And it goes without saying that they should be suitable for combat. However, this has to be balanced against other equally important considerations. If the yarmulke, turban and other religious apparels were to be disallowed, Jews, Sikhs and others would be denied both an avenue of employment and an opportunity to serve their country. Furthermore, the United States is a culturally diverse society made up of people of different religious faiths. Asians and others from joining the armed forces. Since no question of national unity or symbolism is involved, the controversy has no political significance. However, it involves far more people, usually women, and has a great economic significance. The Industrial Tribunal upheld her complaint on the ,round that since her traditional dress was a cultural requirement and did not impede the discharge of her duties. This enabled the Health Authority to offer the Sikh woman a place on the course on the understanding that as a qualified nurse her trousers should be grey and the shirt white. On other occasions they thought that such a criterion justified almost every demand, and insisted that job

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requirements should be objectively necessary; that is, indispensable for discharging the duties of the jobs concerned. However, the requirement turns out to be objectively unnecessary, for beards do not mean loose hair and, if necessary, they can always be covered by a suitable clothing. After all, we do not ask people in these jobs to shave hair off their heads and arms. Although the test of objective necessity is reasonable, it runs the risk of taking a purely instrumental view of job requirements and stripping the organizations concerned of their cultural identity. One could argue that since these are not objectively necessary for carrying out the required medical tasks, anyone may wear anything. It is also unjust because, while it respects the cultural identity of the minority, it ignores that of the wider society. The concept of objective necessity should therefore be defined in a culturally sensitive manner and do justice to both the minority and majority ways of life. Such an arrangement neither deculturalizes the organizations concerned and renders them bland, nor eclectically multiculturalizes them and renders them comical, but preserves and adapts the tradition to changing circumstances and facilitates minority integration into the suitably opened-up mainstream society.

**Equal treatment** In the cases discussed so far, it has been relatively easy to identify what aspects were relevant and what equal treatment consisted in. Situations sometimes arise when such judgements are not at all easy. This culturally insensitive interpretation of duress was rightly criticized. Not surprisingly the court did a complete volte face a few years later and declared void the marriage of another Asian girl under similar circumstances. It took the view that although acute social pressure did not amount to duress for a white British girl, it did so for her Asian counterpart. The Asian girl is clearly treated differently, raising the question whether the difference amounts to privileging her. However, this is not the case. The law lays down that absence of duress is the basis of a valid marriage. It does not give the Asian girl an additional ground for divorce, only interprets the existing one in a culturally sensitive manner. The recognition of cultural differences might sometimes entitle a person to do things others cannot do without necessarily implying unequal rights. Many countries allow Sikhs to carry a suitably covered kirpan a small dagger in public places on the ground that it is a mandatory symbol of their religion. If other citizens asked to do that, their request would be turned down. There is no discrimination because their religious requirements are just as respected as those of the Sikhs. As for the complaint of inequality, there is *prima facie* inequality of rights in the sense that the Sikhs can do things others cannot. However, the inequality arises out of the different demands of the same basic right to religion and does not confer a new right on the Sikhs. Their adherents have the same right as the rest and its scope too is the same, only its content is wider. Three Muslim girls from North Africa.

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## Chapter 5 : Deep Equality in an Era of Religious Diversity - Lori G. Beaman - Oxford University Press

*Our conclusion is that there are limits to cultural diversity in democratic societies that seek to extend human rights on an individual basis. For there can be no doubt that some cultural and/or religious traditions are in direct conflict with the long, and ongoing, struggle for justice and equality.*

Messenger A year after the deadly terrorist attacks in Paris on November 13, and France is still grappling with its relationship with its minorities. But the model was not designed to integrate the diverse range of groups in contemporary France. Instead, it serves to make minorities, and the difficulties they face in French society, almost invisible. This model is based on the idea that the state should interact with the individual only, not communities or groups, in order to give equal treatment to everyone. As a result, French authorities have rejected any form of targeted measures for ethnic, religious or linguistic groups. In practice this has rendered minorities invisible and brought systemic forms of discrimination. Legally, the constitutional principle of equality has been interpreted as prohibiting the government from collecting data or statistics on the racial, ethnic or religious backgrounds of its citizens, in any context. This means for example that the socioeconomic status of groups across any indicators based on racial, ethnic, religious or other grounds is unknown, and that the national census does not include any questions about race or ethnicity. In practice, there is a dual impact of this prohibition. First, it means that no statistics exist regarding ethnic or religious discrimination, or discrimination on related grounds. Second, it has also been translated by courts and other institutions into rules which prohibit any forms of religious affiliation in the public sphere. Relatives of Bouna Traore who died in an incident which sparked the Paris riots, inaugurate a street sign ten years later. While criminal law prohibits public incitement to hatred, there is a lack of a proper legal system to report and punish hate speech which largely remains unreported. Following the terrorist attacks of , this lack of hate speech monitoring was addressed by the government which launched a large programme to monitor hate speech. But in general, there is a lack of data regarding ethnic and religious markers. The lack of proper demographic statistics has often led to unofficial numbers filling the gap, such as the claim that there are 5m Muslims in France. Not only does the rejection of racial, ethnic, religious or linguistic data in the name of equality make minorities invisible, it also entraps them into other categorisations that paradoxically render them outsiders to the French process of equal citizenship. This has been protected and enforced by the Constitutional Court on many occasions. But we argue that another founding principle, that of fraternity, could be used to counterbalance the negative effects of this strict interpretation of the law regarding equality. So far, the dominant focus on equality has meant a rejection of data collected on origin, race or religion. Arguably, a focus on fraternity, which is also one of the fundamental constitutional values, could allow a much more flexible and encompassing approach to diversity within the country, and play an important role in diffusing the tensions that have been developing over the last few years. France is a long way off making this legal connection between fraternity and minority rights. But in India, the supreme court has interpreted fraternity, a term introduced into the preamble of its Constitution by B R Ambedkar, as engaging minority rights to counteract caste-based discrimination and inequalities. France needs a new legal approach to its model of republican citizenship that would allow its minorities to feel much more integrated, respected, and protected by the legal system. This has to begin with identifying who those minorities are, on the basis of race, religion, language or related grounds – a message increasingly being relayed by French minority advocacy groups. The dormant constitutional principle of fraternity might hold the legal key to realising such a new departure.

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## Chapter 6 : France - Minority Rights Group

*France needs a new legal approach to its model of republican citizenship that would allow its minorities to feel much more integrated, respected, and protected by the legal system.*

Advanced Search Abstract The relationship between France and its minorities is complex, and often controversial. Traditionally, France has been against minority rights. In practice, this has rendered minorities, along with systemic forms of discrimination, invisible. This article examines the pivotal role of the Constitutional Court in interpreting the principle of equality as a rejection of minority rights. It identifies fraternity as a dormant term within the French constitutional architecture, which could be triggered to open a pathway towards minority rights recognition. Examples from other jurisdictions, in particular India, illustrate the potential. In conclusion the paper argues that France needs a new interpretative approach, and activating fraternity as a constitutional principle offers the legal means by which this could be realized. Edgar Morin 1 1.

Introduction The relationship between France and its minorities is complex. Recent events including the terrorist attacks, the prohibition on wearing religious symbols in public, or the riots, have been perceived as symbols of great tension in French society when it comes to its minorities. The republican model was not designed to integrate the diverse range of groups in contemporary France. French republican principles and institutions have proved to be unable to prevent the emergence of new forms of racism, specifically the differential racism of social exclusion. As a result French society is facing an increasing tension between the belief in formal republican principles of equality and ethnic blindness, and the persistence of socio-economic inequalities coupled with ethno-cultural discrimination and racial prejudice. This has been an obstacle to the adoption of policy initiatives that by their nature must acknowledge the reality of discrimination against specific population groups within French society. It has prevented any serious consideration of affirmative action programmes or the collection of statistical data concerning the socio-economic status of population groups that can be disaggregated by ethnicity or religion. In particular, the pivotal role of the Constitutional Court is often overlooked in such calls for France to change its approach to minority rights. This extends to ratifying regional i. Hence the approach of the Constitutional Court on this issue is an impediment to the recognition of minority rights in France. Section 2 examines the historical development of the republican model of integration, outlining how it evolved such that equality would mean a rejection of minority rights. It indicates how, in practical terms, this means that minorities are invisible, and the response of international bodies in agitating for a change of official approach to bring statistics to light on minority groups, as well as implement special measures. Section 3 revisits lost battles for minority rights in France, beginning with language rights. It focuses further on the meaning of special measures or positive action in France in order to contrast these with the international understanding, and engages the State position that it does in fact legislate to the benefit of such groups without employing minority indicators. Section 4 explores the concept of fraternity, describing its origins and meaning, and investigating whether there are sources of positive law on the term both in France and internationally. The French people solemnly proclaim their attachment to the Rights of Man and the principles of national sovereignty as defined by the Declaration of , confirmed and complemented by the Preamble to the Constitution of It shall ensure the equality of all citizens before the law, without distinction of origin, race or religion. The approach was that those peoples who did not share such a common culture should gradually be assimilated within the dominant society. The revolution and the Declaration of the Rights of Man and of the Citizen mark an important moment in the definition of French citizenship and its relationship with minority groups. Social distinctions can have no other basis than common utility. A speech by Count Clermont-Tonnerre captured the mindset: We must refuse everything to the Jews as a nation and accord everything to Jews as individuals. We must refuse legal protection to the maintenance of the so-called laws of their Judaic organization; they should not be allowed to form in the state either a political body or an order. They must be citizens individually. The ideal was based on a vision that all citizens should

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be treated equally, and as such no differences should be allowed. It reflects the strong republican citizenship tradition contrary to any form of recognition of community particularism, on the basis that this would act against the unity and universalism of the French Republic. The claim is that constitutional ideals that have emerged from the revolution of are based on the recognition of only two legal entities—the state and the citizen. There is no place for group rights or minority rights, which would go against the aim of absolute equality between all citizens. In the spirit of , equality has been interpreted to justify the rejection of minority rights. There has always been a tacit agreement between political parties, on the left and right of the political spectrum, regarding the republican heritage on that issue. Equality is seen as the best way to ensure integration of all citizens, to the benefit of both the state and the citizens themselves. This was highlighted in a report by a national body, the High Council on Integration: The French concept of integration should obey a logic of equality and not a logic of minorities. The principles of identity and equality which go back to the Revolution and the Declaration of the Rights of Man inform our understanding, being founded on equality of individuals before the law, whatever their origin, race or religion. Under the French Constitution, the nation is defined as being composed of persons with equal rights: It follows from the French position that minorities are not recognized as holders of collective rights, but this position does not prevent the public manifestation or expression of diversity. More specifically, the constitutional principle of equality has been interpreted as prohibiting the Government from collecting data or statistics on the racial, ethnic or religious background of its citizens, in any context. This means for example that the socioeconomic status of groups across any indicators based on racial, ethnic, religious or other grounds is unknown. The collection and processing of personal data that reveals, directly or indirectly, the racial and ethnic origins, the political, philosophical, religious opinions or trade union affiliation of persons, or which concern their health or sexual life, is prohibited. This was affirmed in a decision of the Constitutional Court which upheld the unconstitutional nature of any data collection process that would rely on grounds such as race or ethnic origin, stated to be a violation of article 1 of the Constitution. Equality through invisibility—if we were to summarize the Republican strategy into a slogan—requires that ethnic and racial divisions not be represented. The Committee repeats its view that the purpose of gathering statistical data is to make it possible for States parties to identify and obtain a better understanding of the ethnic groups in their territory and the kind of discrimination they are or may be subject to, to find appropriate responses and solutions to the forms of discrimination identified, and to measure progress made. The need to develop statistics was also one of the central recommendations of the report of the Independent Expert: The collection of data regarding the socio-economic status of the population disaggregated by ethnic and religious identities as well as along gender lines is recommended as an essential tool to reveal the full extent of social problems experienced by persons belonging to different ethnic and religious minority groups. Such data will assist in the development of appropriate and effective policies and practices to combat the effects of discrimination. The Committee notes the position of the State party regarding the unconstitutional nature of the collection of data disaggregated by ethnic or racial origin and the national development of various tools based specifically on self-identification. However, it regrets the lack of statistics in the report that would permit it to fully appreciate the enjoyment of the rights enshrined in the Covenant by indigenous peoples and minorities. In her visit to France, the Independent Expert was able to highlight many areas where minorities are facing discrimination. However, due to the prohibition of such data, apart from residual allowances to conduct testing in the private sector when persons are applying for jobs, there is an absolute lack of official comprehension of how discrimination based on these grounds is affecting minorities. The issue is not ignored in France, with at times intense political discussion at the national level around allowing statistical data on origin, race, or religion, the constitutional grounds that tend to be at issue in domestic debate. In , the government supported the establishment of a committee to evaluate and measure the diversity of discrimination. Anti-discrimination measures are based solely on socioeconomic criteria, such as the poor, young or old persons, or inhabitants of socially deprived areas, rather than racial, ethnic, or religious identity. The legal framework on

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non-discrimination has been carefully calibrated to avoid referring to the rights of minorities; only the individual equal citizen is protected against discrimination, not the group. This renders discrimination faced by minorities specifically due to racial, ethnic, or religious affiliation, to the extent that this is discernable, invisible. Despite the lack of data, a general sentiment of discrimination dominates, notably but not exclusively amongst Muslims. While debates around the invisible nature of discrimination in French society persist, the legal perspective is clearly and repeatedly affirmed by France across its engagements with international bodies; that any recognition of minority rights, whether through legal measures or data collection or otherwise, would be unconstitutional. Hence France does not so much argue that minority rights are unnecessary, or undesirable although it may believe this, but rather that they are unconstitutional. The source of this assertion is not just the constitutional texts but also the interpretative rulings of the Constitutional Court, examined in the next section. This view is founded on two basic concepts: The Constitution reaffirmed these principles. It underlines that the principle of unity of the French people has constitutional value; and that the constitutional principles of France are against collective group rights, whether defined by community of origin, culture, language, or belief. It also adds that because the European Charter contains provisions that afford an imprescriptible right to practice a minority language in private and public life, these combined provisions confer rights on groups in violation of the constitutional indivisibility of the Republic and unity of the French people. In tandem with the decision on Corsican autonomy, the legal basis is: A subsequent constitutional change in would add article to the constitution, to affirm that: The issue of minority languages returned in when the National Assembly proposed the adoption of a new specific paragraph to the constitution allowing for the ratification of the ECRML. Often, and certainly at the international level, the realization and protection of equality is considered as requiring, not blocking, such measures. The decision has become code for the ability of the Constitutional Court to veto any action by any French government that would implement minority recognition or rights in any form. The resistance towards minority rights is also expressed in relation to proposals regarding special measures, also termed affirmative action or positive discrimination. In France, the concept is largely seen as anti-republican in pushing for special rights for specific groups of citizens, an approach considered contradictory to the fundamental principle of equality. In this case, the special measures of recruitment were allowed on a geographical basis, for very deprived suburban areas, but not for specifically targeted minority populations on the basis of race, ethnicity, or religion within those areas. The report supports the vision that special measures cannot be based on identity markers including race, ethnicity, or religion. The only exception to this approach relates to the specific status of the French Polynesian territories and New Caledonia which have been allowed to adopt special measures to benefit the local populations, based on the fact that these relate to very specific autonomous territories. As a consequence special measures can occur only under limited administrative sleights-of-hand, seen in the above decision which approved the identification of economically deprived areas for special educational assistance that do not distinguish between candidates within those areas on the basis of minority or other grounds. The fact that, invariably, the majority of residents in these areas are also racial, ethnic or religious minorities is not germane to the model. It characterized its deliberations on this question as swift and unanimous: The report details the ZEP case and others, affirming that the constitution offers latitude to put in place positive differentiation, as long as it is not based on origin, race, or religion, which is not permitted. Access to civil, political, economic, social, and cultural rights can fall to differentiations on the grounds of race, color, ethnicity, religion or other such indicators. It is significant as this report represents the dominant legal and political approach on the issue of diversity and integration. It also represents the most recent open debate on whether or not the constitution should be amended to provide more space for diversity, cementing the belief that a minority rights approach would require constitutional change. It does not believe that this requires constitutional amendments to support special measures or other positive action on the basis of origin, race or religion, with the understanding that such measures could not be realized without constitutional amendment. A constitutional role for fraternity? Article 2 of the Constitution reads: Martin describes a slow and gradual process by which

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the Revolution elevated fraternity to a position alongside the more prominent Republican ideals of liberty and equality, but it never gained the same official, legal status in this period. It gained a more military outlook during that period serving as ideological inspiration, intended to create more egalitarian and effective combat brigades for the defense of the imperiled Republic. The absence of the attribution of a direct legal significance does not mean it lacks one. Borgetto has been instrumental in identifying the role fraternity has played as an indirect constitutional norm in the development of a body of jurisprudence on solidarity. Legally it is found in article 1 of the Constitution stating that France is a social republic. But it is in connection with the principle of fraternity that solidarity has received a positive legal application.

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## Chapter 7 : "Equality in a Multicultural Society"

*The new law, applied only in the French public school system, is one of many strategies the government has considered at the local and national level to allow for individual religious and cultural expression consistent with longstanding national values.*

Multiculturalism involves not only claims of identity and culture as some critics of multiculturalism suggest. It is also a matter of economic interests and political power: Yet multicultural claims include a wide range of claims involving religion, language, ethnicity, nationality, and race. Culture is a contested, open-ended concept, and all of these categories have been subsumed by or equated with the concept of culture. Disaggregating and distinguishing among different types of claims can clarify what is at stake. Language and religion are at the heart of many claims for cultural accommodation by immigrants. The key claim made by minority nations is for self-government rights. Race has a more limited role in multicultural discourse. Antiracism and multiculturalism are distinct but related ideas: African American art and literature but also for acknowledgment of the history of group subordination and its concomitant experience. Gooding-Williams. When the right-holder is the group, the right may protect group rules that restrict the freedom of individual members, as in the case of the Pueblo membership rule that excludes the children of women who marry outside the group. Now that you have a sense of the kinds of claims that have been made in the name of multiculturalism, we can now turn to consider different normative justifications for these claims. Liberals tend to be ethical individualists; they insist that individuals should be free to choose and pursue their own conceptions of the good life. They give primacy to individual rights and liberties over community life and collective goods. Some liberals are also individualists when it comes to social ontology what some call methodological individualism or atomism. Methodological individualists believe that you can and should account for social actions and social goods in terms of the properties of the constituent individuals and individual goods. The target of the communitarian critique of liberalism is not so much liberal ethics as liberal social ontology. Communitarians reject the idea that the individual is prior to the community and that the value of social goods can be reduced to their contribution to individual well-being. Because our identities are formed dialogically, we are dependent on the recognition of others. The absence of recognition or mis-recognition can cause serious injury: He discusses the example of the survival of French culture in Quebec. The French language is not merely a collective resource that individuals might want to make use of and thereby seek to preserve, as suggested by a politics of equal respect. Instead, the French language is an irreducibly collective good that itself deserves to be preserved: Because of the indispensable role of cultures in the development human agency and identity, Taylor argues, we should adopt the presumption of the equal worth of all cultures. Will Kymlicka has developed the most influential liberal theory of multiculturalism by marrying the liberal values of autonomy and equality with an argument about the value of cultural membership. , , Rather than beginning with intrinsically valuable collective goals and goods as Taylor does, Kymlicka views cultures as instrumentally valuable to individuals, for two main reasons. First, cultural membership is an important condition of personal autonomy. In his later book, *Multicultural Citizenship* , Kymlicka drops the Rawlsian scaffolding, relying instead on the work of Avishai Margalit and Joseph Raz on national self-determination. One important condition of autonomy is having an adequate range of options from which to choose. Raz. Cultures serve as "contexts of choice," which provide meaningful options and scripts with which people can frame, revise, and pursue their goals. Kymlicka , Kymlicka moves from these premises about the instrumental value of cultural membership to the egalitarian claim that because members of minority groups are disadvantaged in terms of access to their own cultures in contrast to members of the majority culture , they are entitled to special protections. According to luck egalitarians, individuals should be held responsible for inequalities resulting from their own choices, but not for inequalities deriving from unchosen circumstances. Dworkin ; Rakowski. The latter inequalities are the collective responsibility of citizens to

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address. Luck egalitarians argue that those born into poor families are entitled to collective support and assistance via a redistributive tax scheme. Kymlicka adds cultural membership to this list of unchosen inequalities. If one is born into the dominant culture of society, one enjoys good brute luck, whereas those who belong to minority cultures suffer disadvantages in virtue of the bad brute luck of their minority status. Insofar as inequality in access to cultural membership stems from luck as opposed to individual choices and one suffers disadvantages as a result of it, members of minority groups can reasonably demand that members of the majority culture must share in bearing the costs of accommodation. Why not just enforce antidiscrimination laws, stopping short of any positive accommodations for minority groups? Kymlicka and other liberal theorists of multiculturalism contend that antidiscrimination laws fall short of treating members of minority groups as equals; this is because states cannot be neutral with respect to culture. In culturally diverse societies, we can easily find patterns of state support for some cultural groups over others. While states may prohibit racial discrimination and avoid official establishment of any religion, they cannot avoid establishing one language for public schooling and other state services language being a paradigmatic marker of culture Kymlicka , ; Carens , 77; Patten , Linguistic advantage translates into economic and political advantage since members of the dominant cultural community have a leg up in schools, the workplace, and politics. Linguistic advantage also takes a symbolic form. In addition to state support of certain cultures over others, state laws may place constraints on some cultural groups over others. Consider the case of dress code regulations in public schools or the workplace. A ban on religious dress burdens religious individuals, as in the case of Simcha Goldman, a U. Air Force officer, who was also an ordained rabbi and wished to wear a yarmulke out of respect to an omnipresent God Goldman v. Weinberger, US When it comes to extrinsic burdens, however, liberal multiculturalists argue that justice requires assisting cultural minorities bear the burdens of these unchosen disadvantages. It is important to note that liberal multiculturalists distinguish among different types of groups. It offers the strongest form of group-differentiated rights—self-government rights—to indigenous peoples and national minorities for the luck egalitarian reason that their minority status is unchosen: By contrast, immigrants are viewed as voluntary migrants: One might value freedom from domination because one is attracted to the doctrine of civic republicanism as developed by Phillip Pettit and Quentin Skinner , or one might value it because one holds that domination presents a serious obstacle to human flourishing Lovett On this view of freedom, we can be unfree even when we are not experiencing any interference as in the case of a slave of a benevolent master. We are subject to domination to the extent that we are dependent on another person or group holding some measure of arbitrary power over us Pettit , ch. Frank Lovett has explored the implications of the value of freedom from domination for questions of multicultural accommodation He begins from the premise that freedom from domination is an important human good and that we have a prima facie obligation to reduce domination. As for practices that do not involve subjecting individuals to domination, accommodation is permissible but not necessarily required. Accommodation is only required if accommodation would advance the goal of reducing domination. He discusses one stylized example based on a familiar real-world case: A key empirical assumption here is that combating patriarchal practices within minority communities would be easier if the burdens on more benign practices, such as wearing headscarves, are lessened. He discusses the case of Mexican immigrant laborers with limited English language skills and limited knowledge of American laws and policies. In contrast to the communitarian or liberal egalitarian arguments considered above, the basis for the special accommodations is not a desire to protect intrinsically valuable cultures or considerations of fairness or equality but the desire to reduce domination. Mira Bachvarova has also argued for the merits of a non-domination-based multiculturalism as compared to liberal egalitarian approaches. Because of its focus on the arbitrariness of power and the broader structural inequalities within which groups interact, a non-domination approach may be more sensitive to power dynamics in both inter-group and intra-group relations. This is especially true of theorists writing from a postcolonial perspective. Such proponents of indigenous sovereignty emphasize the importance of understanding indigenous claims against the historical background of the denial of equal sovereign status of

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indigenous groups, the dispossession of their lands, and the destruction of their cultural practices Ivison , Ivison et al. Jeff Spinner-Halev has argued that the history of state oppression of a group should be a key factor in determining not only whether group rights should be extended but also whether the state should intervene in the internal affairs of the group when it discriminates against particular members of the group. Theorists adopting a postcolonial perspective go beyond liberal multiculturalism toward the goal of developing models of constitutional and political dialogue that recognize culturally distinct ways of speaking and acting. Multicultural societies consist of diverse religious and moral outlooks, and if liberal societies are to take such diversity seriously, they must recognize that liberalism is just one of many substantive outlooks based on a specific view of man and society. Liberalism is not free of culture but expresses a distinctive culture of its own. This observation applies not only across territorial boundaries between liberal and nonliberal states, but also within liberal states and its relations with nonliberal minorities. Bhikhu Parekh contends that liberal theory cannot provide an impartial framework governing relations between different cultural communities. Cultures are not distinct, self-contained wholes; they have long interacted and influenced one another through war, imperialism, trade, and migration. People in many parts of the world live within cultures that are already cosmopolitan, characterized by cultural hybridity. To aim at preserving or protecting a culture runs the risk of privileging one allegedly pure version of that culture, thereby crippling its ability to adapt to changes in circumstances Waldron , ; see also Appiah , Benhabib , Scheffler Waldron also rejects the premise that the options available to an individual must come from a particular culture; meaningful options may come from a variety of cultural sources. What people need are cultural materials, not access to a particular cultural structure. In response, multicultural theorists agree that cultures are overlapping and interactive, but they nonetheless maintain that individuals belong to separate societal cultures. Liberal egalitarian defenders of multiculturalism like Kymlicka maintain that special protections for minority cultural groups still hold, even after we adopt a more cosmopolitan view of cultures, because the aim of group-differentiated rights is not to freeze cultures in place but to empower members of minority groups to continue their distinctive cultural practices so long as they wish to. As Chandran Kukathas , argues, there are no group rights, only individual rights. By granting cultural groups special protections and rights, the state oversteps its role, which is to secure civility, and risks undermining individual rights of association. One limitation of such a laissez-faire approach is that groups that do not themselves value toleration and freedom of association, including the right to dissociate or exit a group, may practice internal discrimination against group members, and the state would have little authority to interfere in such associations. A politics of indifference would permit the abuse of vulnerable members of groups discussed below in 3. To embrace such a state of affairs would be to abandon the values of autonomy and equality, values that many liberals take to be fundamental to any liberalism worth its name. Working class mobilization tilts toward the redistribution end of the spectrum, and claims for exemption from generally applicable laws and the movement for same-sex marriage are on the recognition end. Critics in the United Kingdom and Europe have also expressed concern about the effects of multiculturalism on social trust and public support for economic redistribution Barry , Miller , van Parijs In , Phillipe van Parijs organized a conference to discuss the proposition: There are two distinct concerns here. The first is that the existence of racial and ethnic diversity reduces social trust and solidarity, which in turn undermines public support for policies that involve economic redistribution. For example, Robert Putnam argues that the decline in social trust and civic participation in the U. Rodney Hero has shown that the greater the racial and ethnic heterogeneity in a state, the more restrictive state-level welfare programs are Hero , Hero and Preuhs Cross-national analyses suggest that differences in racial diversity explain a significant part of the reason why the U. The second concern is that multiculturalism policies themselves undermine the welfare-state by heightening the salience of racial and ethnic differences among groups and undermining a sense of common national identity that is viewed as necessary for a robust welfare state Barry , Gitlin , Rorty In response, theorists of multiculturalism have called for and collaborated on more empirical research of these purported trade-offs. With respect to the first concern about the tension between

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diversity and redistribution, Kymlicka and Banting question the generalizability of the empirical evidence that is largely drawn from research either on Africa, where the weakness of state institutions has meant no usable traditions or institutional capacity for dealing with diversity, or on the U. Where many minority groups are newcomers and where state institutions are strong, the impact of increasing diversity may be quite different Kymlicka and Banting , She argues that it is not diversity itself that leads to changes in trust and civic engagement but the politics of diversity, i. The central issue, then, is not to reduce diversity but to determine principles and procedures by which differences are renegotiated in the name of justice Arneil and MacDonald

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## Chapter 8 : Multiculturalism (Stanford Encyclopedia of Philosophy)

*Ensure that there are references to race equality and cultural diversity issues in the school's programmes and plans for induction and staff training, both of teaching staff and support staff, and also for the governing body.*

Its composition was also more open: Plus, read the discussion he provoked I was a member of this presidential commission, most likely chosen for my expertise in the field of immigration policy and nationality law , and as a former member of the high advisory council on integration. I arrived with the idea that a law was probably unnecessary for resolving the problems. I would like here to explain why. But let me emphasise one point at the start, before setting out the background and reasoning of my decision. After we heard the evidence, we concluded that we faced a difficult choice with respect to young Muslim girls wearing the headscarf in state schools. We decided to give freedom of choice to the former during the time they were in school, while the latter retain all their freedom for their life outside school. This was less a choice between freedom and restriction than a choice between freedoms; our commission was responsible for advising on how such freedoms should both be guaranteed and limited in the best interests of all. The law of separation between the church and the state was a victory for the majority of French citizens educated in Catholic faith, but who wanted the Catholic Church to be excluded from public education and influence. Yet this was not anti-religious legislation. The law also recognised the right of everyone to practice his or her own beliefs, to the point where the state even paid the salaries of religious officials in order to allow those obliged to live in confined institutions asylums, prisons, the army, residential schools, hospitals to practice their faith. The law did not forbid the wearing of religious signs, but the custom in France was and still is to keep religious faith as a private matter. This tradition is most likely linked in France to the long battle against the power and public exposure of Catholic faith: But our commission did not base its proposals on this custom, nor on a human right that emerged in the half-century after , the equality of women and men. Either approach would have meant an intrusive interpretation of a religious symbol which, clearly, can have different meanings in different circumstances. Whereas for a majority of women the headscarf is an expression of the domination of women by men a view strongly expressed by many women refugees from Iran , it can also be the articulation of a free belief; a means of protection against the pressure of males; an expression of identity and freedom against secular parents; a statement of opposition to western and secular society. After all, if the headscarf had been banned for example on the basis of discrimination against women, it would have been necessary to do so not only in schools, but across the whole of society. What, then, has changed since ? This daily pressure takes different forms, from insults to violence. We received testimonies of Muslim fathers who had to transfer their daughters from public to Catholic private schools where they were free of pressure to wear the headscarf. Furthermore, in the increasing number of schools where girls wear the hijab, a clear majority of Muslim girls who do not wear the headscarf called for legal protection and asked the commission to ban all public displays of religious belief. A large majority of Muslim girls do not want to wear the scarf; they too have the right of freedom of conscience. Principals and teachers have tried their best to bring back some order in an impossible situation where pressure, insults or violence sets pupils against one another, yet where to protest against this treatment is seen as treason to the community. There are cases where pupils who have had their arms broken in violent acts have lied to their parents in order to avoid denouncing their peers. A complex emotional territory We on the presidential commission studied many possible solutions. I myself considered making a distinction between school courtyards and the classroom itself, and enforcing rules concerning a dress code only in the latter. Another possibility was to devolve authority over religious symbols to school principals at a local level. But after four months of inquiries and hearings, our commission did not endorse such solutions. Rather, our near-unanimous sentiment there was one dissident among our group of nineteen was that we had to understand and then address the issue at a national level rather than merely a local one. The reason was plain: A devolution of decisions to local level would guarantee permanent tension between principals and

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these groups who would have relentlessly targeted individual schools in order to attract, week by week, public and press attention. This lay behind our proposal to ban conspicuous signs of religious adherence including Jewish skullcaps and large crucifixes. We did this in full awareness and respect of the European Convention of Human Rights, which authorises limiting expressions of religious faith in circumstances where these create problems of public order or attacks on the freedom of conscience of others. The ban concerns only public schools because there, those concerned are minors. There is no question of forbidding religious display in universities or elsewhere in the adult world. Adults have means of defence that children do not; they can go to court and otherwise claim their right of freedom of conscience in ways children cannot. We made this choice after long reflection and hesitation, both individual and collective, but with a valid expectation that the majority of Muslim families in France would endorse it or at least be relieved. A minority of Muslims in France are anti-religious; a small minority is fundamentalist and consider that sharia Islamic law is superior to civic law; a large majority do not want to impose the headscarf on their daughters but are also discomfited by any suggestion of infidelity to their religious tradition. It is members of this third group, hitherto vulnerable to pressure from friends, neighbours or family members who want to impose the headscarf on their daughters, who can now reply: I cannot disobey the law! Their circle, who would not have accepted an act of naturalisation that followed an ordinary process, later appear relieved that French nationality occurred by itself, as a constraint collectively imposed: I admit that the law passed by the French parliament has one unfortunate consequence: What will happen to them if, after the period of dialogue established by the law, they do not want to remove their scarf? The Muslim community, like other faiths, has the right to establish schools where the customs and holidays of its faith are observed, and where religious instruction exists alongside the national curriculum. But my single, strong regret as a result of this commission process does not relate to the headscarf issue as such: Certainly, religious fundamentalism needs to be fought and contained when it challenges the basic values of democracy. It also has its own autonomous dynamic and is not the simple product of social injustice. But our commission also recommended stringent policies to address the social factors favouring the rise of fundamentalist influence. France has not done enough to correct the ethnic, racial, and religious discriminations that negatively affect most children of North African immigrants. School history lessons do not acknowledge slavery or colonisation as a full part of our national history. France has the largest Buddhist, Jewish and Muslim communities of any European country; but the scale and currency of the Muslim presence in France makes a focus on it more necessary. Thus, for example, our commission demanded that the French state respect fully the freedom to build mosques, and observe funerary rituals and culinary customs. We even proposed that the most important religious feasts of minority faiths be recognised as public holidays, to mark the respect of the entire French community towards their compatriots. I am certain that it will return to the public agenda. We encourage anyone to comment, please consult the.

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## Chapter 9 : Refworld | Iran: Religious and Ethnic Minorities: Discrimination in Law and Practice

*France, one of the most ethnically and religiously heterogeneous countries in Europe, including large Muslim, Jewish and Roma populations, has long struggled with profound divisions driven by inequality and cultural fears.*

Main minorities and indigenous peoples: Around 99 per cent of the population are Muslim, 80 per cent of whom are Sunni. Turkey continues to accept only three non-Muslim groups as minorities: This means that other non-Muslim groups and ethnic minorities, such as Alevis, Assyrians, Circassians, Kurds, Laz and Roma, are not officially recognized, limiting the exercise of some political and cultural rights by these groups. Even minorities with official recognition cannot exercise their rights fully, as Turkey limits their rights to those guaranteed in the Lausanne Peace Treaty signed in between Turkey and the Allied forces following World War I. Minorities who differ from the majority on the basis of their ethnicity, religious affiliation or mother tongue remain unacknowledged in the eyes of the law. The number of individuals belonging to various minority groups in Turkey is unknown since the state does not ask citizens about their ethnic, religious or other origin in censuses. Up to , censuses included a question about mother tongue, but after the State Institute of Statistics stopped disclosing this information. Thus, the only official information on minorities in Turkey relates to the number of individuals who declared their mother tongue in This information is out of date and probably inaccurate because some individuals might not have disclosed their mother tongue, and because mother tongue is more an indicator of the language spoken in the family than the ethnic origin of the individual. There is no scientific research on the numbers of minorities in Turkey. The quantitative estimates below should be read with caution; they are mostly provided by the minorities themselves and are not confirmed by statistical research. Ethnic and linguistic minorities

Caucasians Mistakenly referred to as Circassians, this group consists of various peoples of Caucasian origin: Each group has its own language. The mother tongues of Abkhazians, Chechens, Circassians and Daghestanis belong to the Iberian-Caucasian language family, whereas Ossetians speak an Indo-European language and Turkic groups speak Turkic languages. Ninety per cent of Caucasians in Turkey are Circassian, while the majority of the remaining 10 per cent is Abkhaz. All Caucasians are Muslim. Caucasians live in 15 provinces in north-west, central and southern Turkey. According to the Federation of Caucasian Associations, the number of individuals who self-identify as Caucasian is 3 million. With the opening of the border with Georgia in , the break-up of the Soviet Union and the global rise in identity politics, a differentiation has emerged among Caucasians. Unlike other groups, Circassians and Abkhazians aspire to return to their historical homelands, where they had left behind a small minority. With the development of relationships between these two groups and their homelands across the border, non-Circassian and non-Abkhazian ethnic groups started to form their own associations.

Kurds Kurds are the largest ethnic and linguistic minority in Turkey. The estimated numbers claimed by various sources range from 10 to 23 per cent of the population. According to the national census, those who declared Kurdish as their mother tongue or second language constituted around 7. However, for reasons indicated above, it is possible that this figure was under-inclusive at the time. Today, most estimates suggest that between 15 and 20 per cent of the Turkish population is Kurdish. Kurds speak Kurdish, which is divided into Kormanje, Zaza and other dialects. The majority are Sunni Muslims, while a significant number are Alevis. Historically concentrated in the eastern and south-eastern regions of the country, where they constitute the overwhelming majority, large numbers have migrated to urban areas in western Turkey. Initially, from late s, the Kurdish migration was voluntary and economic. The displaced settled in urban centres in the region as well as towns in western and southern Turkey, and many fled to Europe. Laz Laz are a people of Caucasian origin sharing similar roots with the Migreles who live between Abkhazia and Georgia today. There are two main groups of Laz in Turkey. The first group lives in the eastern half of the Black Sea region, in Rize and Artvin provinces. Both of these groups were originally Orthodox Christians who converted to Sunni Islam during the fifteenth century. According to the census, the number of individuals who declared themselves as

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Laz was , Their number today is estimated to be between , and 1. The majority of Laz have migrated to urban cities in western Turkey in the last 30 years. Roma While the general perception is that the Roma in Turkey live mainly in Eastern Thrace near the Bulgarian and Greek borders, in fact they live all across the country and, in terms of absolute numbers, are not concentrated in any particular region. While there are various Roma languages such as Romani an Indo-European language spoken by the Roma and Abdoltili an Altaic language spoken by the Teber , the mother tongue for the majority of Roma has become Turkish. A recent study shows that there are around 2 million Roma in Turkey. According to one researcher, who has identified 70 Roma neighbourhoods in Istanbul alone, the real number may be as high as 5 million, as most Roma live in overcrowded households and many do not have identity cards. The vast majority of Roma are Muslim nearly half Sunni and half Alevi , while there are a small number of Rum Orthodox Roma, as well as a small but increasing number of Protestants who have converted from Islam in the last decade. Others Various other ethnic minorities living in small and undetermined numbers around the country are Arabs Alevi, Sunni and Christian , Bulgarians, Bosnians, Pomacs and Albanians. They differ considerably from the Sunni Muslim majority in their practice and interpretation of Islam. Linguistically, they consist of four groups: The last two categories constitute the largest Alevi groups. The number of Alevis is a matter of contention. Estimates from different sources range considerably " from around 10 per cent to as much as 40 per cent of the total population " but community spokespeople suggest that Alevis could number in the region of 20 to 25 million. Armenians Armenians are among the ancient people of Anatolia. Their number was around 2 million during the Ottoman Empire. Today, slightly more than 60, remain. Of these, around 60, are Orthodox, 50, of whom live in Istanbul, around 2, are Catholic and a small number are Protestant. The Orthodox community has its own Patriarchate in Istanbul. Armenians run private schools providing primary and secondary education in their mother tongue. Their historical homeland in Turkey is the provinces of Mardin and Hakkari in the south-east. Around 95 per cent of Assyrians in this region have left Turkey because of persecution and displacement. Today, their numbers are estimated at approximately 25,, with the large majority based in Istanbul and around 3, based in the south-east. Assyrians belong to the same ethnicity and speak the same language Assyrian. They are divided into four main groups based on differences of theological interpretation and denomination. The Assyrian Orthodox community in Turkey has four metropolits: Their patriarchate is in Damascus, Syria. Most Caferis are ethnically Azerbaijani Turks. According to information provided by a former Minister of Culture, the number of Caferis is around 3 million. Caferider, the national organization of Caferis, endorses this figure. As a result of economic migration since the s, the highest number of Caferis " around , " live in Istanbul. Their language is Ladino, a variant of fifteenth century Spanish. There is also an ethnic Ashkenazi minority, who speak Yiddish. There are now less than 20, Jews in Turkey, of whom are Ashkenazi. Reformist Christians Also known as the new Christians in Turkey, they are a heterodox group made up of Presbyterians and other Protestants. This group includes both citizens and expatriates. Conversion from Islam to Protestantism was very rare until the s, but Muslim converts currently constitute the majority of Protestants. Until recently, the total number of Rum Orthodox in Turkey was pronounced to be around 2,"3, However, other research has estimated the community is at least 4,, strong, with some calculations suggesting that the total number is over 16,, including more than 12, not officially recognized by the Turkish state as Rum Orthodox. Yezidis Yezidis also called Ezidis adhere to a non-monotheist religion of ancient origin in the Middle East. Yezidis emphasize their distinct religious identity. Some identify ethnically as Kurds, while others view themselves as having a distinct ethnic identity as Yezidis. They speak the Kormanje dialect of Kurdish. Historically concentrated in eastern, southern and south-eastern Turkey, their number was around 60, in the early s. From the mids, nearly all of them emigrated to Europe to escape persecution and armed conflict. The number of Yezidis remaining in Turkey is unknown, with some research suggesting that only a few hundred remain. Since the offensive by ISIS militants in Sinjar, Iraq in the summer of , several thousand Iraqi Yezidi refugees are now based in Turkey, where they reportedly face particular discrimination due to their faith as well as their status as refugees. Updated June Turkey is a land of vast ethnic, linguistic and religious

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diversity. A centuries-old mix of languages, cultures and traditions is practiced within its borders. But instead of celebrating this diversity, the history of the Republic of Turkey is one of severe and sometimes violent repression of minorities in the name of nationalism. Since the foundation of the state, the only protection for minorities has been that set out in the Treaty of Lausanne. Turkey has been violating the Treaty since it was adopted, not least by restricting its scope to Armenians, Jews and Rum Christians. Minorities excluded from the Treaty of Lausanne rights have been banned from using their languages in schools and in media, and from fully exercising their religious rights. Others have been subjected to policies aimed at homogenizing the population of Turkey and destroying minority language, culture and religion. Normally, only Turkish language, culture and history have been tolerated in education and political life. The human rights environment in Turkey has deteriorated significantly following a failed coup attempt in July. In July, after a two-year ceasefire, the conflict that has lasted for decades and claimed over 40,000 lives resumed, bringing significant attacks and casualties on both sides. Since then, around 3,000 have died in the fighting, including hundreds of civilians. Reports suggest a repeated tactic of shelling and destruction of towns, resulting in many civilian deaths and mass displacement, with between 1,000,000 and 2,000,000 believed to have been displaced by the beginning of 2017. Sur is predominantly home to Kurds and some Armenians, Assyrians and Yezidis, with a wealth of ancient and irreplaceable heritage that has been devastated in the conflict. With the violence intensifying in December, by early hundreds of shops had been destroyed and more than 30,000 residents forced to flee the area. According to some reports, the dam could displace as many as 78,000 people, most of whom are Kurdish, and impact directly on another 30,000 nomadic people. One of the main sites to be affected is Hasankeyf, a largely Kurdish city with a rich heritage of ancient ruins and caves that may soon disappear as flooding of the area to accommodate a reservoir begins in the summer of 2017.