Cultural Capital. On the Right to Cultural Identity

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Published in:
1st International Conference on Governance for Sustainable Development of Caribbean Small Island Developing States: from 4 March till 7 March 2011 in Curaçao: proceedings

Citation for published version (APA):

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Abstract: Cultural Capital. On The Right to Cultural Identity

According to article 1 of the UN International Covenant on Economic, Social and Cultural Rights of 1966, All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. This article refers to the ‘third generation’ of human rights, which has emerged in reaction to colonial oppression: collective rights of a people, such as its right to self-determination, to its natural resources and to its culture. Obviously, such collective rights may conflict with earlier generations of human rights, notably the individual liberties. The point, then, is to find a fair balance. The right to cultural identity has been advocated from the perspective of liberal political philosophy by Raz and Kymlicka, who however concentrate on the rights of cultural minorities in Western liberal countries: indigenous minorities like the Inuit in Canada, or immigrants from Muslim countries in Europe. My contribution focuses on the right to cultural identity of countries like Curaçao that requires an approach of its own, although the views of Rawls, Raz and Kymlicka may be helpful by analogy.

Cultural Capital. On The Right to Cultural Identity

1. The third generation of human rights and Yu di Kòrsou

The first generation of human rights, individual freedom rights, has a complementary relation to the second generation rights, the socio-economic rights. On the one hand, one cannot make use of one’s freedom while living in extreme poverty – or, as Berthold Brecht put it in The Threepenny Opera (1928): Food first, then morality. On the other hand, it is difficult to escape the poverty trap when one lacks mental independence. Now what about the third generation of human rights, and more specifically the collective right to cultural identity of a people? Can one fully develop one’s intellectual and socio-economic potential while belonging to a people or an ethno-cultural community that is suppressed or treated as inferior? Or, to put it metaphorically, does one not need cultural capital to acquire economic, social and intellectual capital? And if so, how does one balance the collective human rights of the third generation with the individual ones of the first? In Curaçao, for a long time the discussion about cultural identity has concentrated on the concept of Yu di Kòrsou (literally ‘child of Curaçao’) that denotes the members of the authentic Curaçao community. Its political importance has increased since 10 October 2011, when Curaçao became an autonomous country within the Kingdom of the Netherlands: what does membership of Curaçao’s cultural community imply, and what political consequences should follow from it?

In this essay I discuss the latter debate from the wider perspective of political philosophy: what is the status of the right to cultural identity within the framework of human rights in general? Section 2 explores the criticism of the Universal Declaration

1 Or, in the words of Mighty Sparrow: You can’t make love on a hungry belly.


3 Which in effect means semi-autonomy, since the Kingdom is responsible for foreign policy and defence, while Curacao is also bound by agreements with the Kingdom relating to finances and justice.
of Human Rights} propounded by a group of cultural anthropologists in the {Statement on Human Rights} (1947). Section 3 presents an analysis of the concept of liberty in order to clarify the relation between the collective freedom of a people and the individual freedom of a person. Sections 4 and 5 give an overview of the role of collective cultural rights within liberal political philosophy. According to liberals such as Joseph Raz and Will Kymlicka, individual flourishing requires membership of a cultural community that provides its members with meaningful options to choose from. Section 6 applies this view to the specific case of former colonies that used to be dominated by the cultural values of their colonizers, with special attention to the debate on Yu di Korsou. According to section 7 the national government has a primary task in rectifying cultural asymmetries that result from the colonial past. The next question is whether it has further tasks in promoting cultural identity. Section 8 discusses the complications of the definition of Yu di Korsou. Finally, section 9 indicates what lines civil liberties should draw to governmental interference.

2. Individual and collective freedom rights

In 1948 the United Nations issued the {Universal Declaration of Human Rights} in reaction to the crimes against humanity that had been committed by the racist regime of Nazi-Germany between 1933 and 1945. The {Universal Declaration} intends to protect human dignity by means of the liberal human rights. As article 1 states:

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Then follows a catalogue of individual liberties, political rights and socio-economic rights. Since its drafting, however, the claim to universal validity of the {Universal Declaration} has been contested, specifically because of its underlying ideal of individual autonomy.

As early as 1947, in the {Statement on Human Rights} a number of cultural anthropologists objected that the liberal freedom rights of the {Universal Declaration} are not universal at all.4 In an effort to shield non-Western cultures from the global process of westernization, they rejected the liberal tenor of the Declaration as a biased expression of Western individualism. In their view, the Declaration wrongly neglects the anthropological fact 'that the personality of the individual can develop only in terms of the culture of his society' (p. 540). When applied universally, the individual liberties would lead to frustration, for non-Western people 'will thus be excluded from the freedom of full participation in the only right and proper way of life that can be known to them, the institutions, sanctions and goals that make up the culture of their particular society' (p. 543).

According to the {Statement}, anthropological science demonstrates that there are no universal moral standards, since moralities are always relative to particular cultural traditions.

What is held to be a human right in one society may be regarded as anti-social by another people, or by the same people in a different period of their history. (...) Even the nature of the physical world, the colors we see, the sounds we hear, are conditioned by the language we speak, which is part of the culture into which we are born. (p. 541)

In the case of cultural clashes, therefore, there is no objective transcultural standard to determine which view is the right one. From this epistemological cultural relativism the Statement derives the normative conclusion that all cultures deserve equal respect: ‘Respect for differences between cultures is validated by the scientific fact that no technique of qualitatively evaluating cultures has been discovered’ (p. 541). Hence the {Statement} proposes an alternative Bill of Rights based on the principle ‘that man is free only when he lives as his society defines freedom, that his rights are those he recognizes as a member of his society’ (p. 543). Its first proposition states:

The individual realizes his personality through his culture, hence respect for individual freedom entails a respect for cultural differences. There can be no individual freedom, that is, when the group with which the individual identifies himself is not free. There can be no full development of the individual personality as long as the individual is told, by men who have the power to enforce their commands, that the way of life of his group is inferior to that of those who wield the power. (p. 541)

Although in its turn the Statement has evoked severe criticism, its objections to the ethnocentric character of the Universal Declaration were right at least in the sense that in 1948 the United Nations had a one-sided line-up. At that time Western nations were by far in the majority, for in spite of the Declaration’s appeal to liberty and equality decolonisation had yet to occur. When the Declaration was put to the meeting, 48 nations gave an affirmative vote. Only eight member-states abstained: South Africa in order to preserve its

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apartheid regime; Saudi Arabia because it preferred Islamic truth to freedom of religion; and the communist countries because they favoured equality and brotherhood, not liberty (or, they preferred the second generation of human rights to the first).

As a consequence of the decolonisation process the number of nations has tripled. In keeping with the Statement on Human Rights the new nations emphasized the third generation of human rights, the collective rights of a people to self-government, resources and cultural identity. This is hardly surprising as a reaction to the political, economic and cultural imperialism of the former colonial powers of the West. In 1966 the first generation of human rights was laid down in the International Covenant on Civil and Political Rights, while the second generation found expression in the International Covenant on Economic, Social and Cultural Rights. Article 1 of both treaties reflects the collective rights of peoples – the third generation of human rights:

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

This may lead to conflicts between the generations of human rights, for instance when a people’s culture ranks communal traditions above individual rights, or treats women as inferior to men. The Preamble of the Covenant on Economic, Social and Cultural Rights solves this conflict by presenting itself as a further elaboration of the liberal Universal Declaration of Human Rights:

In accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights.

Each nation, then, should design its cultural life within the framework of the other human rights, that is, by respecting the individual liberties of its citizens.

This normative hierarchy is not what the authors of the Statement on Human Rights had in mind, for in this way individual rights preserve their overriding importance. In their view the subordination of cultural rights stems from an unjustified idea of the superiority of Western culture. Indeed, the normative cultural relativism of the Statement was aimed at the nineteenth-century doctrine of cultural evolution that pictures Western culture as the epitome of human progress. It explicitly denies that the plurality of cultures can be ranked according to their degree of rationality or otherwise. Ruth Benedict, one of the authors of the Statement, argued that each single culture is characterized by a unique style that determines the worldview, the personality and the way of life of its members. A culture consists of a pattern of traits that are selected from the totality of human possibilities; in the same way as the pronunciation of each language is a specific selection from the reservoir of all possible sounds that men are capable of uttering. Thus, one culture may stress aggression, another cooperation. A pattern of culture is like a mould in which the individual members are cast from their birth. Individuals who do not satisfy the models of personality of their culture are considered ‘abnormal’. This leads to the normative conclusion that every culture is valuable in its own right, as the context within which its members live a meaningful life.

This relativistic objection, however, is not decisive, because in its turn the Statement has come under heavy fire from fellow cultural anthropologists. H.G. Barnett objected that cultural anthropologists cannot directly derive norms (ought) from their scientific findings (is). More particularly, the epistemological thesis ‘that we cannot qualitatively evaluate cultures in no way calls for the conclusion that this “validates” respect for differences between them’. This moral conclusion presupposes the further, non-evident normative premise that ‘respect is due to all things that cannot be differentiated’.

J.H. Steward argued that cultural relativism leads to unacceptable conclusions at the moral level:

I should doubt that, in urging that values be respected because “man is free only when he lives


6 Margaret Mead has applied this same relativistic view to sex roles in Sex and Temperament in Three Primitive Societies (New York: William Morrow, 1963). She argues that ideals of gender are not biologically determined, but vary with culture: with the Mundugumor, both men and women grow into active, aggressive personalities; conversely with the Arapesh both sexes act gently and are considerate to others; whereas the impersonal, managing Tchambuli woman dominates her emotionally dependent husband.

as his society defines freedom”, we really mean to approve the social caste system in India, the racial caste system of the United States, or many of the other varieties of social discrimination in the world.8

One could add to this that the authors of the Statement overlook the fact that cultural suppression does not necessarily come from abroad: local elites often succeed in installing traditions that legitimize their superior social status. Steward’s objection implies that the principle of tolerance of foreign cultures has to be balanced against other Western values, notably the ideals of individual autonomy and equality.

The critics did not mention another crucial problem of cultural relativism: as a consequence of its rejection of transcultural standards, it cannot decide value conflicts between cultures. At the same time, the globalisation process leads to ever more intercultural contacts.

In the following sections, some more flaws in the Statement are exposed. Its assumption that individual freedom dissolves into the collective freedom of a people to live in accordance with its own culture is contradicted in section 4. As Rawls’ political liberalism recognizes, individuals do in fact derive their identity from the cultural environment in which they grow up. However, at a later age they are able to critically redefine their preferences and ideals. Section 9 adds to this that their preferences do not necessarily stem from their ethnic or national (for instance Dutch or Curaçaöan) culture; they may be derived from the much larger domain of a (for instance European or Caribbean) civilisation. Cultural diffusion may play a role as well (section 8).

Lastly, the analysis of the concept of liberty in section 3 shows that individual freedom may imply the very opposite of the collective rights to self-government and cultural identity. Both kinds of rights, individual and collective, represent different, yet equally important human ends. What is needed, then, are (1) intersubjective standards of peaceful and fair cooperation between individuals and cultural communities on the national as well as on the international level, which (2) provide a fair balance between individual liberties and the collective freedom of cultural communities. I will argue that political liberalism presents the best option here. But I should start with a preliminary conceptual analysis of liberty, in order to clarify the diverging nature of individual and collective freedom.

3. Two concepts of liberty

In *Two concepts of liberty* Isaiah Berlin makes a famous distinction between negative and positive freedom.9 Thus he intends to clarify the conceptual confusion that is caused by the unhappy cohabitation of such conflicting values as individual freedom and collective solidarity under the common roof of ‘liberty’.

Negative freedom, Berlin maintains, defines the area within which the subject may do what he is able to, without interference by others or by the state. This is the liberal concept of freedom: individual liberty may be legally limited in the name of justice, but there should remain an area of private life free from public authority. In particular, liberty of religion, opinion and property are to be respected. According to Mill’s harm principle, the only reason why the state may restrict the freedom of the individual to pursue his own good in his own way is to prevent harm to others.

Whereas negative freedom concerns the question of how far the government (and other persons) may interfere in the private life of the individual,10 positive freedom has to do with the source of interference that regulates one’s behaviour: who governs you? One has positive freedom if one is one’s own master. ‘Self-government’ in this positive sense involves more than the absence of compulsion of others. It presupposes a concept of human identity, which one should be free to live up to. Berlin discusses different versions of positive freedom, including a rationalistic and a nationalistic one. I concentrate on the latter (which Berlin debatably considers atypical).11 According to the

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10 Negative freedom does not concern the form of government. Many liberals link negative liberty with democracy, while both are a result of the ideal of autonomous self-determination in both the private and the public spheres. Yet, Berlin argues, these concepts are not logically related, because a private sphere is compatible with enlightened despotism; and a democratic majority might leave no personal freedom at all.
11 In the rationalistic version, human identity consists of a supposed rational, ‘higher’ self, which is the true goal of man (Plato, Kant). If one is the slave of one’s passions, one has no self-mastery. Freedom thus means to be governed by reason, instead of by the ‘lower’, irrational parts of one’s personality. It is freedom to do something valuable, to lead a good way of life, ‘not freedom to do what is irrational, or stupid, or wrong’ (Berlin, p. 148). Consequently, paternalist adherents of the ideal of positive freedom such as Plato may propagate
nationalistic, communitarian form of positive freedom, one's identity is determined by one's community:

For am I not what I am, to some degree, in virtue of what others think and feel me to be? When I ask myself what I am, and answer: an Englishman, a Chinese, a merchant, a man of no importance, a millionaire, a convict—I find upon analysis that to possess these attributes entails being recognized as belonging to a particular group or class by other persons in my society, and that this recognition is part of the meaning of most of the terms that denote some of my most personal and permanent characteristics. (p. 155)

Therefore, 'the lack of freedom about which men or groups complain amounts, as often as not, to the lack

transgressions of negative freedom. If an individual lacks freedom as a consequence of inner hindrances, outer powers like the state may come to help and force him to be 'really' free. This coercion is viewed as self-mastery, because it furthers one's self-realization. So, positive freedom is compatible with an illiberal, perfectionist state.

Berlin argues that, as positive freedom may thus lead to despotism, there must be something wrong with its premises. Adherents of this version of positive freedom wrongly suppose the existence of a harmonious rational world in which all men only have one true purpose, that of rational self-direction, towards which a wise elite of rulers can guide them. Since this metaphysical presupposition is not demonstrable, Berlin suggests that freedom in fact is not identical to rational knowledge and virtue (p. 154). This implies that negative freedom is the only acceptable concept of liberty. (Berlin also criticizes ascetism as a road to positive freedom: in fact it cannot be called an enlargement of liberty.)

The nationalistic version of positive liberty is similar to this despotic perfectionism in that it leads to similar illiberal conclusions. However, Berlin considers it an atypical form of positive liberty that confuses liberty with solidarity, misleadingly labeled as 'social liberty'. Whereas positive freedom is aimed at holding off something—in contrast to negative freedom not outer forces, but inner irrational forces—, the nationalistic search for status rests on a desire for recognition as a member of a valuable group. Nevertheless, one could still bring nationalism under the concept of positive freedom if it is linked with the communitarian idea that an individual derives his true identity from his social group. Nationalism mostly arises when one's group is being suppressed. In the communitarian view such suppression implies that foreign powers hinder one from living up to one's true collective self. So, positive freedom in the nationalistic, communitarian sense means that one is free to find one's true self in an independent group identity, holding off foreign influences.

of proper recognition' (p. 155). And because of the social origin of one's identity.

The only persons who can so recognize me, and thereby give me the sense of being someone, are the members of the society to which, historically, morally, economically, and perhaps ethnically, I feel that I belong. (p. 156)

The communitarian kind of positive freedom also presupposes negative freedom, but in a collective form: one's social group or nation must be free from alien domination. However, collective positive freedom is not the sum of the negative freedom rights of the individual group members. It requires, also, that they fulfil in their freedom in a specific way: they are free to live according to the way of life of their community. Thus, communitarianism can take the form of nationalism. This ideal of self-mastery does not even require individual negative freedom at all, nor democratic political participation. It is sufficient to be governed by an authority that one can identify with. Even a dictator like Hitler will do, provided he stems from one's own nest. Thus, positive freedom can lead to a complete abolishment of the negative freedom of the individual members of a social group or nation: 'Du bist nichts, dein Volk is alles!' (you are nothing, your people is everything).

Berlin's conceptual analysis of these two concepts of liberty results in a terminological demasqué of the concept of 'positive liberty' in this nationalistic sense: on closer inspection, it is not liberty at all. Communitarians falsely attach the predicate 'liberty' to the desire for status or recognition, which in fact is more similar to solidarity or fraternity. To call this desire for 'union, closer understanding, integration of interests, a life of common dependence and common sacrifice' liberty is to confuse alien, and even contrary values. More generally, Berlin suggests that the classical positive concept of liberty as such wrongly claims the title of freedom:

Can it be that Socrates and the creators of the central Western tradition in ethics and politics who followed him have been mistaken, for more than two millennia, that virtue is not knowledge, nor freedom identical with either? (p. 154)

In any event, negative and positive liberty are 'not two different interpretations of a single concept, but two profoundly divergent and irreconcilable attitudes to the end of life' (p.166). Negative freedom is almost at the opposite pole from the purposes of

12 During the Gulf War many non-Iraqi Arabs adored Sadam Hussein while admitting that he is a cruel dictator, because he voiced Arab pride against what was experienced as Western neo-colonial arrogance.
those who believe in liberty in the 'positive'—self-directive—sense. The former want to curb authority as such. The latter want it placed in their own hands. (p. 166)

In Berlin’s view, the confusing fusion of these two concepts under the common label of 'liberty' stems from the ancient human longing for cosmic harmony. In a harmonious universe the basic unity of all values would dissolve every tension between solidarity and negative freedom, between the 'us' and the 'T'. But this ancient monistic faith is but a metaphysical chimera, argues Berlin, as mankind has a plurality of conflicting ends. Therefore, values like negative liberty, justice and equality should not make absolute claims, but must be weighed against each other. Berlin views both the longing for individual freedom and the longing for social recognition in one's community as ultimate values, which have 'an equal right to be classed among the deepest interests of mankind' (p. 166). He recommends looking for a compromise between them, instead of hiding the conflict beneath a common mask of 'liberty'.

13 Nevertheless, in a pluralistic worldview negative liberty is entitled to a special status. The freedom to choose ends, without claiming eternal validity for them, recognizes that there are many incommensurable human goals. Pluralism, with the measure of 'negative' liberty that it entails, seems to me a truer and more humane ideal than the goals of those who seek in the great, disciplined, authoritarian structures the ideal of 'positive' self-mastery by classes, or peoples, or the whole of mankind.’ (p. 171)

14 I agree with Berlin’s analysis that collective freedom of a people and individual freedom are not only different in kind, but may also clash and therefore need to be balanced. Yet Joel Feinberg provides a more elegant solution to the conceptual problem (Joel Feinberg, The concept of freedom, Social philosophy, Englewood Cliffs N.J. 1973, 4-19). Feinberg replaces Berlin's 'two concepts' analysis with a 'single concept analysis' that catches the most important insights of both negative and positive freedom in an economic way. Extending Rawls' formula of freedom (John Rawls, A theory of justice, Oxford 1971, § 32; also see MacCallum, Gerald C., Negative and Positive Freedom, Philosophical Review, vol. 76 (1967).

Feinberg proposes a relational concept of freedom that has the form of: A is free from B to do (or omit, or be, or have) C. To make statements about freedom understandable, Feinberg says, it must be specified whose freedom is at stake, what he is free from, and what this freedom tends to. The term A can refer to an individual or a group. The central term free is defined as the absence of constraints to actual and possible desires. Feinberg concentrates on the meaning of 'freedom' in political philosophy: 'political freedom' or 'liberty' is the absence of that one special kind of constraint called coercion, which is the deliberate forceful interference in the affairs of human beings by other human beings' (p. 7). In the relation 'free from B', the term B refers to compulsions or constraints (things that prevent one from doing something).

Not all inabilities count as lack of freedom. Political philosophy only takes inabilities into account that are directly or indirectly induced by coercion by others. Feinberg maintains that constraints need not be external, nor 'positive'. Illness or ignorance are internal constraints that can be 'the indirect results of deliberately imposed and modifiable social arrangements' (p. 9). Moreover, ignorance is a negative constraint: one lacks freedom because the required knowledge is lacking. There is no doubt that some constraints are negative—lack of money, strength, skill, or knowledge can quite effectively prevent a person from doing, or having, or being something he might want (p.12). Poverty is an external negative constraint (the absence of money restricts one's freedom); a prison is an external positive constraint (one lacks freedom because of the presence of something external); headaches, obsessive thoughts and compulsive desires are internal positive restraints. The classical liberty rights guarantee freedom from positive external constraints, in particular from direct interference by others or the state. The social human rights guarantee freedom from negative external and internal constraints, such as lack of sufficient income, shelter, health and education.

What one views as a constraint is determined by what one strives for. This is expressed in the relation 'free to C. C consists of the actual or hypothetical desires of A. Feinberg sees the values that are symbolized by C as external supplements to the concept of freedom as such, that are 'determined by some independent standard' (p. 19).

The core of Berlin's concept of positive freedom is that its definition includes a positive essential human identity, which one is free to strive for. Communitarians equate this identity with one’s cultural membership. By contrast, in Feinberg's formula this element figures in the relation 'to C'. 'C' is a blank term that refers to all actual and hypothetical desires and preferences that human beings may have. Individual liberty, then, is open-ended: it is the responsibility of the individual to select his aims (C). By contrast, the collective right to cultural identity of a nation is determined by communal traditions that restrict the range of options of its members. Although Berlin denies the latter the label of 'liberty', he nonetheless considers it a valuable human aspiration that should be balanced with individual freedom. Also see C.W. Maris, Franglais; On liberalism, nationalism and multiculturalism, in T. van Willigenburg, F.R. Heeger & W. van der Burg (eds.), Nation, State and the Coexistence of Different Communities, Kampen: Kok Pharos Publishing House 1995, p. 57-98.
metaphysics of individual autonomy which one still finds in classical liberalism. He presents his alternative ‘political’ liberalism as a practical solution on the constitutional plane to the problem of modern plural societies, how to cooperate on the basis of fair conditions in spite of pervasive ideological controversies. This requires a neutral state that restricts itself to providing ‘primary goods’, i.e., means that everyone needs whatever his ideals of life may be, such as the classical liberties or socio-economic goods like an adequate income (section 4). Subsequently, Will Kymlicka has extended Rawls’ liberal theory of justice by including cultural communities in the list of primary goods (section 5). Kymlicka contends that, because of his social nature, every individual needs a familiar cultural environment that provides him with meaningful options from which to select his preferences.

4. Rawls’ synthesis: political liberalism

Rawls has partly adapted liberalism to the communitarian objections. He opposes his ‘political liberalism’ to the classical ‘metaphysical’ version of liberalism, in order to meet the criticism that liberalism as such is based on an atomistic anthropology. This communitarian criticism has both an ontological and a normative aspect. Critics of classical liberalism point to the social nature of man to show that individualistic atomism is ontologically false, and cannot account for social coherence. Moreover, communitarians argue, classical liberalism is normatively biased. It cannot live up to its pretension to neutrality as to different conceptions of the good life, since it itself advocates the particular good of individual autonomy.

In correction of his earlier A Theory of Justice of 1971, in later publications Rawls emphasizes the more modest political, non-metaphysical character of his liberalism. In the introduction to Political Liberalism of 1993, he rejects the comprehensive moral claims of his earlier liberal theory of justice as unrealistic. Modern democratic society with its characteristic freedom of opinion will give raise to a pluralism of reasonable, but incompatible, comprehensive doctrines of the good life. Consensus on one comprehensive moral or religious ideal is not to be expected. Therefore, political philosophy should stay away from contested moral statements concerning life as a whole, and retreat to the central question of political liberalism: ‘How is it possible that there may exist over time a stable and just society of free and equal citizens profoundly divided by reasonable though incompatible religious, philosophical, and moral doctrines?’ (xviii). In other words: ‘What are the fair terms of social cooperation between citizens characterized as free and equal yet divided by profound doctrinal conflict?’ (xxv). Consequently, Rawls’ political liberalism does not try to replace comprehensive views, but concentrates on the basic political structures. Its end is the construction of a political conception of a just constitutional regime that is acceptable to all these conflicting but reasonable moral doctrines, so that it can serve as a shared neutral basis for public discussion. For this reason political justice entails a ‘thin theory of the good’: it is restricted to a just distribution of primary goods, goods that are a necessary condition to every comprehensive ideal of life: individual liberties, equal political participation rights, income and wealth, and the social basis for (self-) respect.

Rawls argues that an overlapping consensus can be reached on the following principles of justice: (1) Each person has an equal right to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with a similar scheme for all. Rawls expects that all will agree on this principle, because it gives everybody the greatest opportunity to follow whatever conception of the good life he might happen to have, as long as he does not interfere with the similar liberties of others. (2) Social and economic inequalities are to satisfy two conditions: (a) they must be attached to offices and positions open to all under conditions of fair equality of opportunity; and (b) they must be of the greatest benefit to the least privileged members of society.

Rawls’ first principle guarantees Berlin’s negative freedom. It also contains the political liberties that are part of Berlin’s concept of positive freedom: the rights to participate in political life, which constituted the core of the ancient Greek republican ideal of freedom. However, in Rawls’ liberal view these rights do not have the overriding and obligatory character that they used to have in the small city-states of antiquity. In modern times they are even accorded with less intrinsic value than negative liberties: they are necessary means to the preservation of equal negative liberties. Furthermore, they supply the citizens with equal opportunities to

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16 Rawls prefers to speak of specific basic liberties instead of liberty in general: freedom of thought, liberty of conscience, the freedoms specified by the liberty and integrity of the person, and rights and liberties covered by the rule of law.
17 Contrary to the comprehensive ideal of positive ‘freedom of the ancients’, Rawls’ liberal principle of political participation applies to institutions only. ‘It does not define an ideal of citizenship; nor does it lay down a duty requiring all to take active part in political affairs’ (Theory of Justice, p. 227).
influence collective decisions that affect their wellbeing. Therefore, a constitutional regime is needed with a representative legislative body, based on elections in which all citizens have a right to vote. Also, freedom of speech and assembly, and liberty to form political associations must be constitutionally protected.

The second principle provides all citizens with the material, socio-economic means (income, wealth) to use their freedom as equally as possible. The socio-economic domain of the second principle being governed by scarcity, different persons will enjoy an unequal amount of the equal liberties of principle 1: the rich and powerful have greater opportunities to achieve their ends. To guarantee equality here, the state should play a compensating role as indicated by the second principle.

These political principles for the public domain are ‘freestanding’: they are not based on the superiority of any comprehensive doctrine. Nor do they intend to exclude specific ideals of the good, although in fact they rule out repressive perfectionist views that require the state to enforce a particular model of human perfection on all citizens. But Rawls rejects perfectionist doctrines as unreasonable in the light of modern pluralism. Since in an open society a variety of views on human perfection will arise that can all be reasonably defended, it would be unreasonable to impose one of those by state force. Repressive political theories place themselves outside the public debate, and: This gives us the practical task of containing them—like war and disease—so that they do not overturn political justice’ (p. 64, note 19). By contrast, reasonable comprehensive views are compatible with the liberal principles of political justice, albeit from very different points of view. Christians may agree because they are of the opinion that true faith must rest on an autonomous decision, a traditional liberal because it is a political application of his comprehensive ideal of individual autonomy, and an advocate of pluralism because political freedom is a condition for a plurality of world views. At the same time, political liberalism is acceptable to non-liberal comprehensive views because it restricts the liberal individual rights to the public constitutional sphere. In their private sphere non-liberals can still devote themselves to their own ideals of life.

By restricting his theory to the domain of politics and avoiding metaphysical controversies, Rawls can counter the communitarian objection against the atomistic anthropology and the metaphysics of individual autonomy of classical liberalism. Although he speaks of ‘free persons’ and of ‘a self that is prior to its ends’, he does not mean that they are free in a metaphysical or ontological sense. Rawls agrees with communitarians that individuals do not enter society by free choice: ‘We have no prior identity before being in society: it is not as if we came from nowhere but rather find ourselves growing up in this society in this social position’ (p. 41). He only maintains that in a plural society persons are not identical with fixed social roles and ideals of the good life. Since they can compare different comprehensive views, they are capable of revising their conceptions of the good on reasonable grounds. Therefore, political rights should not be related to a specific moral attitude, nor to specific social roles. In public life everybody has the same rights, whatever his ideals and social position. But political liberalism does not imply the further contested comprehensive metaphysical thesis that human beings are essentially autonomous individuals, in political as well as non-political fields.

Although basic freedom rights have priority, political liberalism does not apply to life as a whole. In the private sphere one is free to endorse illiberal doctrines. This makes Rawls' theory compatible with doctrines that deny autonomy in the non-political domain. It only requires that individuals distinguish between the comprehensive views concerning their private life, and the political ideal of tolerance that rules public life. This implies that cultural communities can adhere to their way of life, as long as they do not interfere with others and respect the neutral character of public life. Their right to cultural

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18 One could view the absence of means to make use of one's freedom, such as poverty or ignorance (lack of wealth or knowledge), as constraints that define the concept of freedom. This would be a parallel to the standard definition of negative freedom as freedom from constraints in the form of the presence of external obstacles, in particular freedom from interference by others. Rawls, however, prefers to define the absence of such means as external to the concept of liberty itself: as things that affect the worth or value of liberty. Thus, in Rawls' theory liberty is guaranteed by the first principle of justice, the worth of liberty by the second principle.

19 Rawls opposes plain pluralism to ‘reasonable pluralism’ (Political Liberalism, II, 3). The latter means that even after a reasonable discussion conflicting worldviews and ideals can still be defended, as a consequence of dissension about the weight of the arguments, vague concepts, etc. Therefore, reasonable people—who do not appeal to particular interests—recognize that it is impossible to justify the truth of their view to others. The only way to ideological unity is through oppressive state power. But it cannot be grounded in public reason that a portion of the citizens possesses the monopoly of state power. Therefore the state should be neutral as to the moral good and guarantee the classical freedom rights. Doctrines that do not recognize these burdens of judgment are considered unreasonable.
identity in private does not require any collective rights: their members can simply refer to their individual rights of association. All in all, participation in communal life should be voluntary: dissenting members may withdraw from group pressure with an appeal to basic liberty rights.

5. National Self-Determination and Liberalism

Subsequent generations of liberal philosophers, notably Joseph Raz and Will Kymlicka, have included collective rights to cultural identity within liberal political theory. According to Raz, this is the end of a process of liberal thinking about cultural minorities that has passed through three phases.\(^{20}\)

As a first reaction to the multicultural society, liberalism has stressed tolerance and negative individual freedom rights: every individual must be protected from interference by others and by the state, unless he harms others. Members of minority groups too are entitled to a private sphere. This is in keeping with Rawls’ first principle of justice. In the second phase liberalism has supplemented the freedom rights with a prohibition of unequal treatment. This has greater impact because it affects the way of life of the dominant majority: its members loose their freedom to exclude others from public schools, living areas, etc. This is in keeping with Rawls’ second principle.

In the third phase, liberals like Raz himself have recognized the interest of minorities in stable cultural communities of their own. In this way liberalism accommodates the communitarian objection that it insufficiently realizes the value of communal life. According to Raz, the state should actively further the flourishing of such communities. It should provide for education in their particular culture, support their cultural institutions and arrange the public domain to the satisfaction of all social groups. Public institutions and large companies should allow for deviant customs such as national dress. With this, liberalism recognizes group rights.\(^{21}\)

According to Raz, group rights fit well within liberal political philosophy because they are required by individual wellbeing. As an individual is incapable of inventing everything by himself, he is dependent upon a social environment that provides him with meaningful scope to develop one’s personality. One’s culture, then, constitutes the context within which one develops his identity. In others words, cultural membership is a precondition for individual freedom and self-respect. In keeping with this, Kymlicka has supplemented Rawls’ theory of justice by adding ‘cultural context’ to the list of primary goods: it is a prerequisite of an autonomous life\(^{22}\) that the state should sustain where necessary.\(^{23}\) This applies particularly to minority cultures that are on the brink of giving way to the dominant culture.

Unlike communitarianism in general and the Statement on Human Rights in particular, liberalism confines the collective right to cultural identity in a way that the culture concerned may not do itself. Because liberal culturalism recognizes group rights from the perspective of the liberal ideal of individual self-fulfilment, logically it demands that the equal rights of other groups or of individuals not be affected.\(^{24}\) According to Raz, a malicious culture based on exploitation or humiliation has a weaker right to national self-determination, and, in the worst case, no right at all. A cultural community, then, has to respect the liberties of outsiders. The freedom of individual group members too may not be violated by illiberal traditions.\(^{25}\) In Kymlicka’s words, the minority group is entitled to external protections in relation to the dominant culture, but not to internal restrictions regarding dissidents within the group. The latter may invoke human rights and have a right of exit. Women do not have to accept cultural

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21 Kymlicka prefers the term ‘group-differentiated’ rights that allow for the special position of a group, but can also be asserted by individuals (Will Kymlicka, Multicultural Citizenship, Oxford: Clarendon Press, 1995, h. 3).


23 Kymlicka and Raz prefer the ideal of autonomy of metaphysical liberalism to Rawls’ political liberalism (see Kymlicka’s Multicultural Citizenship, ch. 8). The disadvantage is that this presupposes a non-neutral individualistic starting point which will not easily convince non-liberal groups. Political liberalism confines collective rights in a similar way by means of the individual freedom rights, but on other grounds: it is unreasonable to enforce an ideal of life to dissenters. This starting point also shields the non-liberal minorities against external repression.

customs like circumcision, arranged marriage and unilateral repudiation. Moreover, the state should provide children with opportunities to develop themselves into autonomous citizens. For that reason, schools have to educate pupils in liberal virtues such as tolerance, respect for the rights of others, as well as in public reasonableness or the disposition to refrain from particularistic ideological arguments in public debate.

The scope of the rights of an ethno-cultural minority depends on its historical relation to dominant Western culture. Kymlicka discerns several kinds of minorities, each entitled to special treatment. The major categories are national minorities and immigrants or ethnic minorities. National minorities include, first, indigenous peoples, such as the American Indians and Inuit in Canada: people with premodern cultures that are overrun by invasions from surrounding modern cultures. A second sub-category consists of modern national minorities such as the Basques, whose territory has been annexed during the process of nation building. Both groups are entitled to strong minority rights, notably the right to regional self-government within a federal state. This will enable them to preserve their cultural identity by managing their institutions in their mother tongue – provided that they respect the liberal constitution. Possibly territorial secession may be the best solution. This variant of liberal culturalism Kymlicka calls liberal nationalism.

The rights of immigrants in Western countries are weaker, for these ‘ethnic minorities’ have voluntarily moved to their new homelands, mostly for economic reasons. They can be expected to integrate into the dominant culture. That is, they have to master the language, constitutional principles and national history of the host country. However, full assimilation is not required for social stability, and would moreover be unfair because of the high costs related to the immigrants. They are entitled to accommodation rights, or treatment with equal respect for their identity and practices as the majority. Immigrant communities may preserve their identity in such domains as religion, dress and food. Public life should be adapted in a way that shows equal respect for the newcomers. For instance, their religious holidays should be taken into account, and non-neutral public symbols should be critically reconsidered. In public education negative stereotypes should be replaced by a pluralistic, tolerant picture of national identity. Sections of the population with a history in slavery have a claim to special compensation for historical injustice.26 This variant of liberal culturalism Kymlicka calls liberal multiculturalism.

6. The right to cultural identity of Curaçao

It appears that Kymlycka’s theory of cultural rights is not tailored to former Caribbean colonies, such as Curaçao. Liberal nationalism does not apply here, for the original indigenous population has vanished completely since the invasions by Western colonists, starting in 1498.27 The African ancestors of the present population arrived later, but, unlike most immigrants in Western countries involuntarily, as merchandise of the transatlantic slave trade. Liberal multiculturalism, then, is not applicable either, for it presupposes voluntary immigration.28 Moreover, the Afro-Curaçao segment of the population does not constitute an ethnic-cultural minority, but rather a large majority. In this respect, however, Curaçao finds itself in an ambiguous position. It is now an independent country, yet within the larger framework of the Kingdom of the Netherlands, where the former colonizing country has an overwhelming influence. Indeed, within the Kingdom the island population still constitutes a minority. What could the collective right to self-determination and cultural development imply in this complex situation?

Curaçao fits better within the terms of article 1 of the ICCPR and ICESCR, but Kymlicka’s concepts of liberal nationalism and liberal multiculturalism may still be helpful in working out the details. The cultural rights of article 1 of both Covenants typically protect peoples against domination by a foreign state that imposes its alien cultural values and way of life. The third paragraph of article 1 obliges states that still rule over colonies to further the latter’s right to self-determination:

The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

26 In keeping with this, recently a slavery memorial has been erected in the Netherlands, primarily as a sign of recognition of people of Afro-Surinamese and Afro-Antillean descent.
27 Kymlicka does regard native peoples in colonies as national minorities, since their historic homelands have been incorporated into larger states (Will Kymlicka, Politics in the Vernacular. Nationalism, Multiculturalism, and Citizenship, Oxford: Oxford University Press, 2001, p. 242).
28 But it may be applicable to Curaçaoan immigrants in the Netherlands.
In *National Self-Determination* Raz sets out what this may imply. He argues that the right to self-government comes to a people that inhabits a specific territory and owes its character to a shared culture. Again, his justification is typically liberal: the wellbeing of an individual is dependent on the wellbeing of his national community, because his identity is determined by the encompassing culture within which he has been raised and socialised. Its cultural traditions provide him with meaningful options for a good life.

They all depend for their existence on the sharing of patterns of expectations, on traditions preserving implicit knowledge of how to do what, of tacit conventions regarding what is part of this or that enterprise and what is not, what is appropriate and what is not. Familiarity with a culture determines the boundaries of the imaginable.29 Furthermore, such traditions give a sense of belonging and security. Within a nation one recognizes one another as co-members. As this concerns large anonymous groups, mutual recognition is based on conventional ways of identification, such as symbols, ceremonies, particular customs and ways of speaking. In Raz’s view, a person’s self-respect depends on the respect paid to his people:

Individual dignity and self-respect require that the groups, membership of which contributes to one’s sense of identity, be generally respected and not be made a subject of ridicule, hatred, discrimination, or persecution.30

This brings with it that one must be able to manifest oneself in public as a member of one’s cultural group, particularly in political activities. The latter may take the form of political self-organisation as a sovereign state. Yet, this is not necessary nor always possible, especially when other cultural groups happen to be around.

As David Miller rightly remarks in *Citizenship and National Identity*, it is better to speak of a *claim* than of a *right* to political self-determination or to the establishment of a nation-state, for there may be overriding reasons, for instance of an economic nature, that argue against secession. Miller defines *nation* as a group of people who recognize one another as belonging to the same community, who acknowledge special mutual obligations, and who aspire to political autonomy, because they believe that they share a common history, attachment to a geographical place and a public culture that differentiates them from their neighbours.

Undeniably, then, Curacao has a claim to transform itself into a fully sovereign state if the majority of its people wishes to do so.31 Indeed, as former colonies occupy a separate territory, their claim to secession is much stronger than that of a region within a larger country. If the people nevertheless vote *No (we don’t want secession)*, it at least has the right to a cultural development of its own, unhindered by unwanted foreign influences.

Rawls’ *political liberalism* and, less convincingly, Kymlicka’s *liberal nationalism* and [*liberal multiculturalism*](https://en.wikipedia.org/wiki/Liberal_multiculturalism), may give a further indication of what the role of the Curacao government could be in furthering national identity, and what are the proper limits of cultural nationalism. Political liberalism would, to start with, allow the state to increase the people’s self-respect by redressing the asymmetries of the colonial past. Indeed, the social basis of (self-) respect is a prominent ‘primary good’, because without it life plans do not make much sense. Moreover, Rawls’ second principle of justice states that in just state social and economic inequalities may be allowed provided they are attached to offices and positions open to all under conditions of fair equality of opportunity. Such conditions are absent when groups within the population suffer from low self-respect due to a past of being systematically treated as inferior. See section 7.

Another question is whether the government may take further-reaching measures to promote cultural identity. Here problems arise in relation to ethnocultural minorities and dissident individuals within the nation (section 9). Moreover, it would require a precise specification of the national cultural identity, which involves another problem: how to accomplish this in a dynamic, pluralist social reality without falling into the trap of essentialism. More about this in section 8.

### 7. Redressing asymmetries

The ‘positive freedom’ of former colonies like Curacao conduces to strengthen the self-respect and recognition of its people. A politics of recognition is the more urgent when self-respect does not come naturally, as is the case with peoples that are, or recently have been, dominated by foreign powers.

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30 *Supra*, p. 87.

31 Surinam’s independence in 1975 presented a more complicated case, because the large segment of Indian Surinamese did not agree with the wish to secession of Afro-Surinamese politicians.
In *Culture and Imperialism* Edward Said stresses the importance of redressing cultural imperialism. He concentrates on the ‘privileged role of culture in the modern imperial experience’, rather than on the economic and political aspects of Western imperialism, because it ‘still casts a considerable shadow over our times’.  

A whole range of people in the so-called Western or metropolitan world, as well as in their counterparts in the Third or formerly colonized world, share a sense that the era of high or classical imperialism (…) has in one way or another continued to exert a considerable cultural influence in the present. (p. 6)

By 1914 European countries dominated 85% of the earth. Said points to the associated colonial vocabulary with its characteristic notions such as ‘inferior’, ‘subject races’ and ‘subordinate peoples’. Now colonialism has come to an end, but imperialism lingers on ‘in a kind of general cultural sphere’ (p. 8). As legitimate reactions to colonialism and imperialism, Said distinguishes between two subsequent forms of resistance. ‘Primary resistance’, fighting against outside intrusion, is followed by ‘secondary’, ideological resistance to restore the sense of community and self-respect in former colonies. The second form of resistance has its basis in the rediscovery and repatriation of what had been suppressed in the natives’ past by the processes of imperialism’ (p. 253).

With few exceptions people banded together in asserting their resistance to what in their view was an unjust practice against them, mainly for being what they were, i.e. non-Western. (p. 263)

It is characteristic of ‘decolonizing cultural resistance’ that it expresses the right to conceive the community’s history as a coherent whole by reconstructing the national culture with the use of the national language.

National culture organizes and sustains communal memory, (…) it rehabitats the landscape using restored ways of life, heroes, heroines, and exploits. (…) Local slave narratives, spiritual autobiographies, prison memoirs, form a counterpoint to the Western powers’ monumental histories, official discourses and panoptic quasi-scientific viewpoint. (p. 260)

Resistance, then, is not just a reaction to imperialism, but an alternative way of conceiving human history. Although it has inspired exclusivist and authoritarian versions of nationalism which Said does not applaud, it may also lead to ‘a more integrative view of human community and liberation’ (p. 261).  

The former Caribbean colonies have an extra reason for redressing European cultural domination. As a consequence of their history of slavery and racism, many Afro-Caribbeans have internalized a sense of inferiority regarding the African part of their personality. Disrespect of one’s roots therefore not only comes from the outside, but may also assume the form of self-contempt. The Caribbean experience with slavery has been voiced excellently by Franz Fanon. His *Black Skin, White Masks* is a lament about the self-contempt of Antilleans who from childhood have been indoctrinated by European culture:

> Hence there is no reason to be surprised when an Antillean (…) relives the same fantasies as a European. (…) It is normal for the Antillean to be anti-Negro. Through the collective unconscious the Antillean has taken over all the archetypes belonging to the European. (p. 191) The Antillean has recognised himself as a Negro, but, by virtue of an ethical transit, he also feels (the collective unconscious) that one is a Negro to the degree that one is wicked, sloppy, malicious, instinctual. Everything that is the opposite of these Negro modes of behaviour is white. This must be recognised as the source of Negrophobia in the Antillean. In the collective unconscious, black = ugliness, sin, darkness, immorality. In other words, he is Negro who is immoral.

In short: ‘The black Antillean is the slave of this cultural imposition. After having been the slave of the white man, he enslaves himself’ (p. 192).

That colour and race still play a negative role in Curaçao is shown by expressions like *drecha koló* (improving one’s colour – by looking for a partner of a lighter skin) and *good and bad hair* (indicating the degree of coarseness). The less African, the better. The works of Alejandro Paula about the internalization of a deep sense of black inferiority as a consequence of slavery, of Rose Mary Allen about the position of former slaves in the decennia after their emancipation in 1863, and of René Rosalia about the suppression of ‘primitive’ manifestations of African culture such as the *tambú* all point in this direction.  

Moreover, the study of


34 A.F. Paula, *From Objective to Subjective Barriers: A
Oberon Nauta clearly shows that in Curaçao colour and class still tend to coincide: in 2000 only 5.7% of the Afro-Curaçaoan population had finished a university or higher vocational education, against 41.9% of Dutch and 48.6% of Jewish-Curaçaoans. As for managerial positions, the percentages were 14%, 54.8% and 68.8%, respectively. The average income of Dutch-Curaçaoans was 2.5 times higher than that of Afro-Curaçaoans; Jewish-Curaçaoans earned three times as much.35

Rosalia has written his study of the tambú, a way of making music, singing and dancing with an obvious African origin, from the perspective of cultural resistance. As he says in his preface: ‘My engagement with tambú (…) has to do with the fact that I am a Curaçaooan and strive for cultivating a sound national consciousness’ (p. 9). Being a tambú musician himself, he noticed that many Afro-Curaçaaoans were deeply ashamed of it as a consequence of the prohibition of the tambú in colonial times. Colonial education enforces this negative attitude towards everything African.

Education in Curaçao has a threefold alienating character: the teachers, the subject material and the language of instruction were foreign. (…) The coloniser identified progress and civilisation with the rejection and/or replacement of the authentic African-branded good. (p. 11)

Confronted with the consequences of this politics of deculturation, Rosalia set out to expose the history of oppression of the tambú in order to further the cultural emancipation of the Curaçaoan people. ‘In the process of regaining our true self, a thorough academic study of our authentic culture is of eminent importance’ (p. 11). A characteristic negative approach to the tambú is to be found in a report of the anthropologist Van Meeteren from the 1940’s: ‘Nowadays the tambour dance has been outlawed by a police prohibition and has almost vanished under the educative influence of the Mission. All the better, because nothing had been left of the primitive folk dance other than its name: it had degenerated into a disgusting, obscene performance’ (p. 134). The tambú practioners, as a result, went underground. Another way of resistance was to be found in satirical tambú songs, ridiculing policemen and other officials.

Resistance had the purpose of self-preservation, preservation of authenticity, self-worth. Indeed, until the first half of the twentieth century the tambú made up part of the existence, part of the inner self of former Afro-Curaçaoan man. (p. 288)

Yet large sections of the ‘respectable poor’ identified with the European values of the elite. Rosalia points to negative expressions such as ‘Tambú ta ko’i diabel’ (tambú is of the devil) as characteristic forms of this self-repression. In his view the suppression of the tambú is illustrative of the violence of colonial domination in general:

As a social force, music gives form and substance to the deep inner self of the African, as well of his descendants in America. The prohibition of certain meaningful musical ways of expression must therefore be seen as a form of mental violence. In its course of existence, then, the tambú has encountered both physical and mental aggression. (p. 280)

Yet the colonial oppressors failed to break the resistance, for the tambú still is a vital tradition that can boast of modern variants such as ‘tambubbling’. Rosalia’s study is meant to provide it with further respect.36

Taking everything together, then, there are good reasons for redressing the oppression of Afro-Curaçao culture. What polity could this imply from the viewpoint of political liberalism? In educational and other public settings, the Curaçao government might replace the language of the former colonizer with the local language Papiamentu. In the cultural domain, it may promote cultural practices that used to be suppressed, such as the tambú. In teaching history an adjusted national narrative may replace the old colonial leading characters with new historical heroes personifying the resistance to colonial suppression. Public institutions may be renamed to express the rehabilitated national identity, and new national holidays may be introduced to celebrate events like national independence and the emancipation from slavery. Of course, all this should take place in accordance with the regular democratic procedures: nationalist cultural policies require the support of an adequate majority and should respect the rights of minorities.

8. Yu di Kòrsou and the limits of cultural nationalism


36 In doing so, Rosalia tries to avoid the mistakes of the colonizer: ‘The foreign will not be rejected because it is foreign’ (p.11); his study is critical of the less positive aspects of Curaçao culture.
In these ways the government may rectify the cultural injustices of the colonial past, as far as is necessary to provide the Curaçao people with an adequate basis for self-respect. The next question is whether it may take further-reaching measures to promote national identity. A robust nationalist policy runs up against at least two problems. First it requires a careful specification of the criteria of national identity in order to arrive at an uncontested definition of Yu di Kòrsou. Secondly, if a reasonable consensus on Curaçao identity can be reached, the question arises whether it is a legitimate task of the government to enforce it.

The first problem is how to specify the cultural identity of a people that lives in a dynamic, pluriform social reality, without falling into the trap of essentialism. Nowadays it is generally acknowledged that national identities are imagined, as Benedict Anderson argues in Imagined Communities. According to Anderson, a nation does not refer to a distinct set of social facts; it is a narrative that imagines the political community as finite, sovereign and horizontally cross-class. Likewise, in his analysis of national identity Anthony Smith emphasizes that this concept refers to 'long-term constructs, not essences or fixed quantities or traits, subject to processes of change and dissolution' (p. 19). He describes national identity as:

The continuous reproduction and reinterpretation of the patterns of values, symbols, memories, myths and traditions that compose the distinctive heritage of nations, and the identifications of individuals with that pattern and heritage and with its cultural elements. (p. 18)

Its basic cultural elements, memories, values, symbols, myths and traditions, are embodied in collective memories of great exploits and personages, values of honour, justice and the like, symbols of sacred objects, food, dress and emblems, myths of origin, liberation and choseness, and traditions and customs, rituals and genealogies.

As Edward Said points out, cultures, moreover, are the heterogeneous products of cultural diffusion:

Far from being unitary or monolithic or autonomous things, cultures actually assume more ‘foreign’ elements, alterities, differences, than they consciously exclude. (p. 15)

In Cultural identity and diaspora Stuart Hall points to the typical hybrid character of Caribbean cultures. Hall rejects the traditional definition of Caribbean identity in terms of one, shared culture, a sort of collective ‘one true self’, hiding inside the many other, more superficial or artificially imposed ‘selves’, which people with a shared history and ancestry hold in common. (...) This 'oneness', underlying all the others, is the truth, the essence, of 'Caribbean-ness', of the black experience. (p. 223)

In his view cultural identity is not something which already exists, transcending place, time, history and culture. Cultural identities come from somewhere, have histories. But like everything which is historical, they undergo constant transformation. Far from being eternally fixed in some essentialised past, they are subject to the continuous ‘play’ of history, culture and power. Far from being grounded in mere ‘recovery’ of the past, which is waiting to be found, and which when found, will secure our sense of ourselves into eternity, identities are the names we give to the different ways we are positioned by, and position ourselves within, the narratives of the past. (p. 225)

The hybrid Caribbean identity is the outcome of a dynamic interplay of African, European and American influences.

The Third, 'New World' presence, is not so much power, as ground, place, territory. It is the juncture-point where the many cultural tributaries meet, the 'empty' land (the European colonisers emptied it) where strangers from every other part of the globe collided. None of the people who now occupy the islands – black, brown, white, African, European, American, Spanish, French, East Indian, Chinese, Portugese, Jew, Dutch - originally 'belonged' there. It is the space where the creolisations and assimilations and syncretisms were negotiated. The New World is the third term - the primal scene - where the fateful/fatal encounter was staged between Africa and the West. (p. 234)

In short:

One can only think here of what is uniquely – 'essentially' – Caribbean: precisely the mixes of colour, pigmentation, physiognomic type; the 'blends' of tastes that is Caribbean cuisine; the aesthetics of the 'cross-overs', of 'cut-and-mix', to borrow Dick Hebdige's telling phrase, which is the heart and soul of black music. (p. 235)

Little wonder that the concept of Yu di Kòrsou has been interpreted in diverging ways. In his 1969 essay Het ‘wij’ van de Curaçaonaar (The ‘we’ of the Curaçaoan), René Römer observes that the Curaçaoan people consists of a plurality of subcultures. Yet it also has a sense of a ‘we’, based on an idea of historical solidarity and a shared cultural system. Yu di Kòrsou includes only those inhabitants that had settled here before the arrival of the Shell Company in 1915. Newcomers (Arabs, Polacks and Surinamese) have not adequately integrated. Coloured Curaçaoans tend to consider colour as another marker (often under the illusion that they arrived first): ‘Nos bon Yu di Kòrsou’, or the real Curaçaoans, would exclusively consist of Afro-Curaçaoans. By contrast, the white sections of the population which of old formed the local elites, Protestants of Dutch origin and Jews of Portuguese background, include themselves in the ‘we’. The whites also include the coloured Curaçaoans – which is remarkable, remarks Römer, because they used to exclude them during the slavery period and thereafter. The reason for this change was that the old elites felt threatened in their traditional status after the arrival of the Shell Company with its European employees. Thus, they developed some solidarity with the lower Papiamentu-speaking classes, and united in opposition to the many newcomers who were attracted by the economic boom.

What, then, characterizes the Curaçao cultural community in the eyes of its members? First and foremost the Papiamentu language: more than just a means of communication, it is also a symbol of Curaçao identity. Next, Curaçao’s insular character distinguishes it from the Papiamentu-speaking neighbouring islands Aruba and Bonaire. As additional features Römer mentions food, music and particular customs regarding marriage, birth, baptism and death.

In Cultural identity in a Curaçaoan mirror: A critical view on René Römer’s contribution, Rose Mary Allen criticizes Römer for overlooking the socio-political dimension of identity, by paying little attention to the role of the structural contradictions and social conflicts that result from slavery and colonialism.

Römer’s linkage of cultural identity to the language Papiamentu and the concept Yu di Kòrsou, presents cultural identity as something fixed and stable, and does not sufficiently look at the fact that cultural identity has also relational and situational aspects that involve power relations. (p. 24)

According to Allen, Römer took creolisation – in his own words the ‘westernization of the Africans and at the same time a less-desired Africanization of the white elite group’ – one-sidedly for a process that generates social unity.

His idea of creolisation in which he stressed on the “westernization of the Africans” in Curaçaoan culture falls short to see that people do not always reconcile themselves in the loss of control over their lives and that the result can be resistance as well as accommodation. (p. 23)

Allen advocates a revision of Römer’s analysis of Yu di Kòrsou that takes better account of the structural conflicts of race and class. This would be more in keeping with his earlier colleagues, such as Van Lier, who used to stress the plural, deeply segmented character of Curaçao society:

The absence of a shared value system was presumably manifest in different ethnic views on cultural institutions such as marriage, family, education, economics, religion, language and folklore. Consequently, these ethnic groups were continuously in active dialogue and contestation, which were mediated and enforced politically through a cultural minority. (p. 22)

These conflicts continue to influence social life. In the sixties the colonial hierarchy evoked the resistance of movements propagating a self-image shaped from the shared historical struggle against slavery and racism. They promoted a self-esteem of the Curaçaoans, some of which within the context of commemorating the slave revolt of Tula and their ancestors. This was on it self a revolutionary act, as for long going back in history has been a

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very poignant effort. In illuminating a notable episode of their forebears’ resistance, these movements actively constructed self-esteem as a positive image. This increased in the years following the disturbances of the 30 May 1969, in which large group of the Curaçaoan population protested against the existing social order. (p. 19)

A revisionist study should also incorporate new developments, such as the globalisation process. Moreover, by now one-third of Curaçaoans have emigrated to the Netherlands, mostly for economic reasons. On the other hand, many guest workers from the Dominican Republic, Haiti, Jamaica, and Colombia have immigrated to Curaçao. I would add that present-day Curaçao is also flooded with Dutch pensioners and the like.

Ieteke Witteveen implicitly endorses Allen’s criticism that Römer held a one-sided view of the fusion of cultures in Curaçao.43 The ‘less-desired Africanization of the white elite group’ that Römer mentions has in fact not been a very pervasive process. Römer himself describes Afro-Curaçaoan forms of music and dance such as the tambú mainly in artistic terms. He overlooks that ‘it is characteristic of the African cultural heritage precisely that these cultural expressions constitute an integral part of daily life’ (p. 31). Speaking of magical-religious practices, Römer typically wonders ‘to what extent these elements are peripheral phenomena that only play a role in the negroid section of the community, and to what extent they are part of the creole culture that belongs to all groups’. In other words, the process of creolisation did not go as far as Römer suggested.

Alejandro Paula’s 1987 speech Understanding the Whole singles out additional characteristics of Yu di Kòrsou that Römer leaves aside.44 One of them has emerged since the arrival of the Shell Company and the subsequent influx of immigrants from other Caribbean countries.

Among the ‘Yu di Kòrsou’ there came about a certain sense of solidarity or community of interest as opposed to the foreign groups on the island. Foreigners were excluded from the ‘Yu di Kòrsou’ group and it became very difficult, if not impossible, for the former to penetrate the imaginary shield held up by the Curaçao people. (p. 159)

The increased sense of a shared identity did not only lead to splendid isolation, it also went hand in hand with a misplaced feeling of superiority towards non-local Caribbeans such as the Surinamese (‘Mati’). This contempt was stirred up by Curaçao’s relative economic boom, which, however, has vanished in the meantime. This attitude backfires now that the island has become more dependent on the Caribbean region: ‘We seem to be making a serious mistake if we turn to the region, unprepared, without previously re-adjusting our mentality’ (p. 160). Materialism and selfishness are other negative characteristics that Paula observes about Yu di Kòrsou since the economic boom. And lastly, many Curaçao families are distinguished by the ‘permanent absentee father’.

In summary, it is hard to reach a reasonable consensus on the contents of Yu di Kòrsou. The most crucial choice is between the inclusive conception of Römer and the exclusive variant of his critics. On the one hand, it is understandable that the Afro-Curaçaoan majority is not disposed to include the social and racial classes of old have excluded them. Against this reversal of roles, however, argues the fact that the Afro-Curaçaoans share language and history with the traditional elites of Curaçao. In any event, both versions exclude the ethnic groups that legally have Curaçao nationality but arrived after 1915.

9. National culturalism and political liberalism

Let us assume for the sake of argument that it is reasonable to agree with either the exclusive or the inclusive interpretation of Yu di Kòrsou. This leads to the next question: to what extent should the national government advance national culture thus interpreted? Radical nationalists will claim a political monopoly that leaves little room for individual liberties. As Said observes, nationalism runs the danger of turning into authoritarian politics that in its turn oppresses minorities and dissenting individuals: ‘There is in all national defined cultures (…) an aspiration to sovereignty, to sway, and to dominance’ (p. 15). However, this would go against the spirit of the UN Covenants that frame the collective human rights within the individual rights of the earlier generations of human rights. Approvingly Said also discerns a tendency to ‘move away from separatist nationalism towards a more integrative view of human community and human liberation’ (p. 261). What, then, would be the proper task of government in the view of political liberalism?

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43 Ieteke Witteveen, René Römer over cultureel erfgoed en de restauratie van het geheugen, In: Rose Mary Allen et al. (eds.), René Römer als inspirator: actualiseringen van zijn gedachtegoed, Willemstad: University of the Netherlands Antilles, 2006, p. 31-41.
In a modern plural society, political liberalism requires that the state be neutral in ideological respect. According to Rawls, in an open society a plurality of incomprehensible, yet reasonable worldviews and ideals of life will emerge, so that it would be unreasonable to impose one of them by state force. Rawls rejects the metaphysical view of classical liberalism that man is an autonomous being; he recognizes that individuals owe their sense of identity to the cultural environment in which they are raised. On the other hand, he observes that individuals are rational in the sense that at a later age they can critically revise their ideals. Therefore Rawls stresses the importance of individual negative freedom rights that trump state interference – even if the latter rests on democratic majority decisions. For instance, the state should not enforce the majority religion upon citizens of other creeds. Likewise, a national government is not allowed to enforce what it sees as the national culture on citizens with other views.

Yet a state may take a number of measures that nationalists will applaud, albeit for other reasons. The requirement of state neutrality relates only to the intentions behind laws and policies, not their actual consequences (for these will inevitably have asymmetrical advantages and disadvantages for different groups and individuals). This allows the government to appoint a particular language as the official one on the grounds that it is functional for coordinated communication. It is practical and reasonable to select the majority language for this purpose, even if in practice this measure is disadvantageous to minorities who use a vernacular or a foreign language. The intention here is not to privilege the majority – although in practice such measures will inevitably exert an assimilating influence. For neutral reasons like this, then, the Curaçao government may prescribe Papiamentu as the primary language to be used in public schools and other public institutions.

Assuming that it is reasonable to recognize states or countries as the basic political unit, the government may also impose restrictions on the immigration of foreigners. It may introduce a ‘green card system’ to select immigrants that are useful to the country, and it may ask newcomers to pass a citizenship test proving that they have adequate knowledge of the national language, legal system, way of life and history. So far for Rawls’ political liberalism. Would the national culturalism of liberals like Raz and Kymlicka be more generous? Indeed, Kymlicka sees culture – unlike religion – as a ‘primary good’ that every individual needs for his self-development. Therefore, the government should actively support endangered cultures. Kymlicka rejects Rawls’ ‘constitutional patriotism’ according to which the social cohesion of a country does not require adherence to a particular cultural identity: it would be sufficient that the citizens feel allied by shared constitutional principles. According to Kymlicka the liberal values are too abstract to incite the required solidarity; they need the support of a sense of shared cultural membership, based on language and history.

Yet, in Kymlicka’s view it is still not allowed to violate basic individual rights. In the end, his liberal theory does not put the community in the central position, but the individual: national cultures are a means to individual flourishing, not ends in themselves. Logically, then, cultural demands must give way to individual liberties. Moreover, Kymlicka’s culturalism has been designed to protect cultural minorities. As soon as Curaçao is a sovereign country or national state, Kymlicka comes to the aid of its internal minorities – in the exclusive version of Yu di Kòrsou these would also include the newly excluded ruling classes of the colonial past.

The boundaries of state and nation rarely if ever coincide perfectly, and so viewing the state as the possession of a particular national group can only alienate minority groups. Immigrants would be entitled to ‘accommodation rights’. Kymlicka’s state belongs equally to all citizens.

A more fundamental, theoretical problem concerns Kymlicka’s conception of culture. In order to create room for liberal individual freedom he has stipulated a definition of ‘culture’ that will not satisfy nationalists, and, what is worse, cannot accomplish the task for which it is designed. Kymlicka defines culture in contrast to civilisation and group customs. The notion of ‘civilisation’ denotes a complete way of life. In this sense one can speak of the ‘modern civilisation’ which includes all Western countries that participate in the industrial way of life. The connotation of ‘customs’ is much more local: customs may vary per group, each determined by class, sex, sexual preference, religion and political outlook. Kymlicka defines ‘culture’ as an intermediate form: as a ‘nation’ or a ‘people’, i.e. an institutionally complete integrated community that inhabits a particular territory or homeland and shares a particular language and history. Next, he narrows this ethnic conception


46 Kymlicka admits that this definition is stipulative. If he were to identify ‘culture’ with ‘civilization’, no Western state would be multicultural; if he were to identify ‘culture’
of culture to what he calls societal culture: a culture constituted by a common language that is used in a particular territory, in the institutions of government, schools, media, law and economics (1995, p. 76). According to Kymlicka, every modern people participate in a societal culture. Within its common framework the diverse individuals and social groups have developed a large variety of deeper cultural values regarding religion, family life and personal life style. The societal culture, then, is a shared frame of reference: its common language provides a vocabulary that bestows meaning to the plurality of practices of the ethnic community. It enables the individual members to evaluate the diverse options open to them and to make their own selection from the broad supply of worldviews, family values and ways of life. ‘Understanding these cultural narratives is a precondition of making intelligent judgements of how to lead our lives’ (2001b, p. 210).

So defined, however, it is doubtful whether culture can function as a ‘primary good’. It seems unlikely that the options and values of individuals in real life are exclusively or even mainly determined by their national language and institutions. The ways of life of different European nationalities, for instance, Spaniards, Scots, Frisians and Dutchmen, do not diverge radically even though they speak different languages. The options of modern Westerners are largely determined by their common Western civilisation, rather than by their national societal cultures. The same may be true for the inhabitants of the Caribbean. But if this is true, on closer inspection Kymlicka’s culture is not a ‘primary good’ at all, so that it looses its claim to special state support. A slightly different argument leading to the same conclusion is that modern individuals do not choose from the set of options of one particular culture, but eclectically select from a cosmopolitan supply of cultural fragments. Autonomous individual choice, then, does not seem to require the context of a ‘societal culture’. Since Kymlicka’s plea for state support rests solely on the instrumental value of culture, it turns out to lack a sufficient basis.

This verdict brings us back to the primary goods of Rawls’ political liberalism: individual liberties, equal political participation rights, income and wealth and the social basis for (self)respect. This leads to the conclusion that a neutral liberal government has a legitimate task to redress the cultural injustices of the past. It may, moreover, promote functional cultural manifestations, as long as they fit in with the equal liberties of all citizens. Again, the political deliberation about cultural policies should proceed in accordance with the regular democratic procedures. As Miller remarks, the right to self-government should be viewed as a claim that can be overruled by other reasons. Some people may prefer a more cosmopolitan approach. Others may opt for economic security. But nobody will deny that self-respect is a basic value.

48 That cultural minorities, nevertheless, are so strongly attached to their particular languages and institutions may follow from their bitterness about their position as second-class citizens. As I indicated above, in their case liberal justice may require a redistribution of political power: national self-government may accord them self-respect and equal socio-economic opportunities.

49 See Gert Oostindie, Ethnicity, nationalism and the exodus: the Dutch Caribbean predicament, in Gert Oostindie (ed.), Ethnicity in the Caribbean. Essays in honor of Harry Hoetink. Amsterdam: Amsterdam University Press, 2005. According to Oostindie Surinam’s history after its independence in 1975 has contradicted the philosophy that political independence is a necessary precondition for economic and cultural development. More generally, political independence does not coincide with economic wellbeing. ‘Just over 85 per cent of the Caribbean’s 33 million people live in independent states. The remaining 14 per cent live in what are sometimes thought of as ‘not yet fully decolonized’ territories. Standards of living in the last group of countries are significantly higher than in the independent states (p. 208).