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Identity and Rights: materials for a discussion on exclusionary cultures

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When it comes to human rights, the leap from morality to law requires a more in-depth look at the roots of inequality, supremacism and exclusion.

This is the reason why the analyses aimed at studying the social construction of exclusionary identities, an issue that precedes the development of hate and, of course, the emergence of violence, are of particular interest in order to guarantee the efficacy of human rights. This is a theoretical paper, rather than an empirically based study, that aims to tackle, from an interdisciplinary and open perspective, one of the episodes that has most seriously affected 20th century Europe and which, without a rigorous diagnosis, seriously threatens the stability of present Europe.

Many people, even some scholars, believe that certain social categories are natural, inevitable, and unchanging facts about the social world. They believe that particular social categories are fixed by human nature rather than by social convention and practice. Beliefs in the naturalness of a social category might be rooted in beliefs about alleged implications of biology (...) or about theology and morality. Such beliefs regarding a social category might be termed *everyday primordialism*. Much constructivist labor has been devoted to undermining everyday primordialist assumptions by showing how the content and even membership rules of taken-for-granted categories like man/woman or heterosexual/ homosexual have changed over time. How does this constructivist observation bear on the explanation of ethnic violence? When discussing ethnic violence, the constructivists' main target is primordialism. Primordialists are said to believe that conflict between two ethnic groups is inevitable because of unchanging, essential characteristics of the members of these categories. In particular, primordialists suggest that ethnic violence results from antipathies and antagonisms that are enduring properties

of ethnic groups. The constructivist position rejects the notion of unchanging, essential characteristics and thus rejects this claim. The implication is that even if members of two social groups are hostile to each other now, this need not be an eternal condition (Fearon and Laitin, 2000, 848-849)

It is generally accepted that we can speak of a collective identity "when a certain social identity is of paramount importance to most members of a group, and when they accept a social categorization that allows them to differentiate themselves as a group from the rest of the world, to begin a process of enhancing the group's worth, which allows each individual to benefit in terms of his or her own self-esteem" (Weller, 1997, 4-5). Identity refers to the attributes and qualities that enable us to recognize an individual or a collective from others. Therefore, the need for the individual to have a positive social identity can be seen as the basic motivation for the construction of collective identities. But this need is not sufficient to explain the trends towards the fragmentation of communities, which vary greatly in their intensity and scope (Weller, 1997).

It has been Ernest Gellner, and his theory of nationalism published in the 1980s, who has become "the background against which any alternative must be defined" (Faraldo, 2001, 940). One of the great strengths of his theory is that it analyzes the intense emotional power involved in nationalism and tries to explain why these emotions exist, why they are dedicated to nations and their fates and why they feel authentic and powerful in the hearts of those who *belong* to a nation (Gellner, 1964, 1992, 1995 and 2009). Gellner, moreover, rejected the idea that nationalism was a recent historical phenomenon and, while defining himself as a true committed modernist, he often recognized that some pre-modern cultures were better suited than others to become modern national cultures (Hall, 2000).

Gellner is consequently in favor of going deeper into cultural processes and getting to the roots of national phenomena. In his opinion, once a State has been constructed around a central ethnic community, the strength of the State and its educational action promote a process of political socialization and a mass culture that give rise to the new concept of nation (Gellner, 2009). This, which seems unavoidable in industrialized societies, was not so in agrarian societies, where the State was a common but not always followed political option (González, 2008).

Along with Gellner, in what we might call *enriched modernism*, we must mention other fundamental contributions to the phenomena at hand. The works of Miroslav Hroch, deeply influenced by Marxism, are noteworthy, as he began to use the tools of social

history, stressing the role of elites and *builders* of culture in the creation of a national social and political space (Faraldo, 2001; Hroch, 2000). The work of Eric Hobsbawm, for his part, clearly states that "nations do not make states and nationalisms but the other way round" (Hobsbawm, 1992, 19), he particularly emphasizes the use of ancient materials for the construction of *invented traditions*, which are of a recent nature and serve new purposes. This, Hobsbawm understands, does not pose any difficulty as there is a large stockpile of materials accumulated in the past of any society, as well as an elaborate language of symbolic practice and communication. It is often the case that new traditions can be grafted onto old ones or that they can be conceived through the loan of well-assorted deposits of official ritual, symbolism or religion, to name just a few. Benedict Anderson, in a parallel direction, brings the concept of nation as the cultural creation of *imagined communities* that by definition are, in his view, limited and sovereign. The nation imagines itself as a community despite the inequalities that dwell within it, providing itself with a sort of horizontal fellowship: "Ultimately it is this fraternity that makes it possible, over the past two centuries, for so many millions of people, not so much to kill, as willingly to die for such limited imaginings" (Anderson, 1983, 50).

Finally, it is essential to include Anthony D. Smith, who offers his theories as an alternative to Gellner and Anderson, grouping them under the concept of historical ethno-symbolism. Smith places himself at the center of the discussion with the constructivists (modernists) on one side and the essentialists (primordialists) on the other. What makes Smith's ethno-symbolist proposal a relevant theoretical approach to exploring the national phenomenon is its interdisciplinary openness to the symbolic and cultural field in the historical dimension of *long term*. Smith surpasses the controversial contraposition between primordialist and modernist schools by providing a framework that incorporates elements from both lines of thought (Smith, 1999). As opposed to primordialism, ethno-symbolism considers ethnic communities and nations to be historical phenomena, subject to the general processes of change. While accepting the endurance of ethnic communities, Smith does not share the view that they belong to the natural order of things or that nations are natural components of history and society. However, if nations are not *primordial facts*, the fundamental reasons for their appearance and persistence in history may well be. Ethno-symbolists, unlike instrumentalists and constructivists, place the formation of nations in a context of broader historical processes where pre-modern ethnic and cultural elements determine the fundamental characteristics of the national phenomena. They also consider that ethnic communities are a recurring feature of human social life that can be

found on every continent and in every age forming the very basis of the nations we know today (Savarino, 2007).

Smith is critical to Hobsbawn and Anderson for what he argues is their lack of understanding of the basis on which nations are created, a material that is not malleable at the will of certain elites. In Smiths' words "the images and traditions that go into the making of nations are not the artificial creations of intelligentsias, cultural chefs or engineers, but the product of a complex interplay between these creators, their social conditions and the ethnic heritages of their chosen populations" (Smith, 1995, 10). Smith's nation may be a modern formation, but it is always built on pre-existing cultures and concrete identity legacies. Thus, historical ethno-symbolism arises from the critique of modernist approaches as well as from a different reading of the existing sources. What Smith proposes is a greater focus on the depths of ethnic persistence, giving a somewhat confusing meaning to the notion, and a long-term perspective of the formation of nations (Faraldo, 2001).

Smith claims that ethnicity is the most common origin in nations, based on three reasons he believes to be true: 1) the first nations were formed on the basis of pre-modern ethnic groups that have served as models in the formation of later nations; 2) the degree of ease with which they accommodated the kind of pre-modern *popular* community that had survived to the modern age in so many parts of the world; and 3) ethnic unity is a necessary condition for national survival, it would be very difficult for a community to survive without coherent mythology and historical and cultural symbolism. The author identifies six different elements in order for an ethnic group to exist: a name to identify with, a belief in the existence of common ancestors, shared myths (which he calls *shared historical memories*), connection to a specific territory, a common culture based on language, religion, tradition, etc., and awareness of the group's own ethnicity (Smith, 1991).

It is not enough for us to say that we speak of a collective identity when a certain social identity is of paramount importance to the members of a group, and they accept a certain social categorization. We need to go deeper in what it means to say that identities are socially constructed, particularly we need to inquire into how identities are built to create the exclusion of the social *other* or even to provoke violence against that *other*.

The primordialist explanations fail to distinguish between *cultural identity* and *politically relevant cultural identity*. They assume (the primordialists) that ethnically or culturally defined groups are, by nature, exclusive and dominated by rigid values that

ultimately isolate them and lead them to extremism, which in turn is likely to lead to violent acts. But cultural/ethnic differences do not necessarily translate into violent conflict. What primordialists forget is that cultural/ethnic identities lead to violent conflict when they entail a political burden. Identity is an element of politics when exercised as a criterion for discrimination or privilege in struggles for economic resources, political power, rights or protection (Crawford, 1998).

Intolerance in relations between cultural communities affects human rights directly, challenging their universality by involving discrimination or assimilation of minority cultures by the mainstream. Without the need of speaking about armed conflicts, the *mere* unsuccessful integration of minorities, the cultural absolutism that justifies radically exclusionary policies or the moving in the standards of the acceptable, will again make the reality of rights a disarmed and undermined language of empty constitutionalism.

Only minimum, arbitrary grouping information is needed to create a sense of in-group and out-group. The positive notion of a group relies on favorable comparisons to other groups. The basic hypothesis is that "pressures to evaluate one's own group positively through in-group/out-group comparisons lead social groups to attempt to differentiate themselves from each other" (Tajfel and Turner, 1979, 60)

To enhance their self-esteem people will try to enhance the salience and value of their group or try to switch the group. Groups which are highly valued will restrict social mobility to retain meaningful distinctions between themselves and the out-groups; losses are accepted in order to retain inter-group differences (Tajfel and Turner 1979). This fact is easy to locate in everyday life and exemplifies clearly how human rights are damaged almost without alarm:

> Asylum applicants were not presented as humans who, for whatever reason, were leaving their homes behind, but as frauds and even parasites sapping the affluence and security created by German society. Such statements leave little distance between themselves and perspectives that would attribute the prosperity of (West) German society to some fortuitous characteristic of Germans that is lacking in other races or cultures. In short, the inflammatory rhetoric of some Union politicians bridged across the debates of acceptable politics—between libertarian concerns for individual constitutional rights and the needs of the state or national community—to the racial and cultural hierarchies espoused by far right groups (Leslie, 1998, 367).

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