

Right to Identity

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COLLECTIVE HUMAN RIGHT TO COLLECTIVE IDENTITY

ABSTRACT: In this paper, I insist that we need a collective human right to collective identity. This is because collective identity is one in which the members of a community/group have a sense of being an indispensable part of an individual identity, with distinct characteristics as group and individual human rights are not sufficient to protect collective identity. I have also tried to locate the argument within the framework of inter-culturalism presented by Charles Taylor. In my account, Taylor's inter-culturalism, a variation of his non-procedural liberalism, which aims at ensuring equal opportunity for participation in making new collective identity while admitting the de-facto existence of pervasive collective identity in the given community, could deal with conflicts that are presently unsolvable because it aims at opening a public space for all in creating new collective identity.

1. INTRODUCTION

Prof. Paul Tiedemann posed the following questions for the special workshop "Right to Identity" at the 27th World Congress of the International Association for the Philosophy of Law and Social Philosophy (IVR).¹

- 1) Is there really a need to develop a new human right in order to protect identity?
- 2) What is identity? Are there many different concepts of identity? Which of them are worth protection through human rights?
- 3) Should we understand the right to identity as a human right or rather as a civil right?

In this paper, I will argue that we need a collective human right to protect collective identity. First, I will examine and articulate the concept of collective identity, referring to the works of Charles Taylor and Dwight Newman. I basically hold that identity has collective and individual dimensions because, for instance, members of ethnic minority group cannot feel as though they are being treated equally unless the ethnic group gains equal recognition in a given society. I also highlight the importance of collective identity for reconciliation of past conflicts. Second, I will examine the need to develop collective human rights to protect collective identity and present my own proposition. I insist that individual human rights are not sufficient for protecting collective interests and that we need collective human rights to collective identity. In order to demonstrate my proposition, I will introduce the general framework for collective human rights developed by Dwight Newman as well as the interpretivist conception of law developed by Ronald Dworkin. Third, I will introduce the moral conditions that limit the collective human rights to collec-

1 The discussion about human rights in the contemporary multicultural society started when Paul Tiedemann, Amos Nascimento and I have organized the special workshop at the 25th World Congress of the international association for the philosophy of law and social philosophy (IVR) in Frankfurt, Germany in 2011 and continued at the 26th IVR in Belo Horizonte, Brazil in 2013 with Dwight Newman. I have been benefitted quite a lot from discussions with three of them and the other participants in developing and articulating my own thought about the moral foundations of human rights and would like to thank all of them in this occasion.

tive identity so that the collective human right does not legally suppress minority groups and/or individual members in a given society, referring to the Community Conditions labelled by Dwight Newman which set the appropriate moral conditions that collective human rights must follow. Fourth, I will locate my argument in the framework of inter-culturalism presented by Charles Taylor. In my account, Taylor's inter-culturalism, which is an approach for seeking unity through differences, including the one flowing from deep religious or non-religious faiths, could deal with the contemporary deep conflicts concerning collective identities. In conclusion, I will hold that we need collective human right to collective identity, mainly in states, but also in regional bodies such as the EU and ASEAN, so that each community can be treated equally in terms of representation and participation in the creation of new identities in the given political community.

2. WHAT IS COLLECTIVE IDENTITY?

The right to identity is already codified in major international human rights treaties. For instance, the Convention on the Rights of the Child (hereinafter referred as "CRC"), adopted at the United Nations General Assembly on November 20th 1989, expressly stipulates the right to identity.²

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

More recently, the United Nations Declaration of the Rights of Indigenous People³ confirms the existence of collective rights of the indigenous people.

Article 1

Indigenous peoples have the right to the full enjoyment, as a collective or as individual, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

So, what we should examine here is whether we need collective human right to collective identity. As a first step in this endeavor, I will examine the concept of collective identity.

Identity, in my account, is the master narrative which provides meaning and value for an individual's life, consisting of the stories of where we come from and where we are going. In this sense, religion or deep faith in other forms is a major part of such master narratives. For instance, in some parts of East Asia, people share the

2 UN Doc A/RES/44/25(1989).

3 GA Res61/295 UN Doc A/RES/47/1(2007).

deep belief that the life of an individual does not end with physical death but continues with a web of communities that he or she belonged to.

Charles Taylor holds that identity is partly shaped by recognition through social interaction. In this sense, formation of identity is not monological, but dialogical.⁴In my account, identity has collective and individual dimensions because, for instance, members of ethnic minority groups cannot feel as though they are being treated equally unless the ethnic group gains equal recognition in the given society. Collective identity is one in which the members of a community/group have a sense of being an indispensable part of an individual identity, with distinct characteristics as a group.⁵

To demonstrate the existence of collective identity, I will introduce a concrete case in which Muslim students at an international dormitory in a university in China, (where students of different ethnic backgrounds lived together) felt annoyed by the fact that pork meats were cooked and offered to non-Muslim students in the dormitory canteen. As a result, the Muslim students finally decided to evacuate the dorm. Should the university have banned the cooking of pork meats in the dorm canteen in order to respect the religious beliefs of Muslim students? Or should the university have asked Muslim students to tolerate pork dishes served in the public canteen because the public space should be secularly maintained? Here, being Muslim constitutes an inseparable part of the students' individual identity and apparently, being Muslim is an attribute of collective identity because it can be identified even after the present generation of the Muslim community passes away. The dorm canteen is a part of a common/public space in which both Muslim students and non-Muslim students wished to experience a sense of belonging and therefore neither of them could accept the others' precepts on diet. This case arguably demonstrates the existence of collective identity and also attests to the very fact that there are often conflicts between groups with different collective identities.

In connection with identity, I also would like to refer to the concept of personhood, which Tiedemann mentioned in his recent article.⁶ Tiedemann holds that human rights serve to protect every individual's personhood.⁷ So, we must examine the relationship between the concept of identity and the concept of personhood in order to discuss the human right to identity. Historically, personhood was an anti-liberal conception.⁸In Samuel Moyn's account, personalism was meant to repudiate the materialism of liberalism and communism in the 1930's. The conception

4 Charles Taylor, *Multiculturalism and "the Politics of Recognition"*, ed. by Amy Gutmann, Princeton, 1992, 32–33.

5 Dwight Newman says, "A set is a collection of persons that one would identify as a different set if the included persons change. A collectivity is a collection of persons such that one would still identify it as the same collectivity were some or all of the included persons to change (provided some other conditions were met) and such that the included persons properly identify themselves non-trivially as members of this collectivity." Cf. Dwight Newman, *Community and Collective Rights, A theoretical Framework for Rights Held by Groups*, Oxford and Portland, Oregon, 2011, 4.

6 Paul Tiedemann, Is There a Human Right to Freedom of Religion?, *Human Rights Review* 16 (2015), 83–98.

7 Tiedemann (footnote 6), 83

8 Samuel Moyn, Personalism, community, and the Origins of Human Rights, in: Stefan-Ludwig Hoffmann (ed.), *Human Rights in the twentieth century*, Cambridge, 2011, 87.

of person, or personhood, implies its connection to community which individualism rejects and constitutes as the source of values against communism as well.⁹ In the Western context, personhood originally has had communitarian connotations. If we follow Tiedemann's definition that human rights aim at protecting every individual's personhood, it literally denotes two dimensions of identity, both individual and collective. Individual identity, the content of personhood, therefore presumes the collective identity in which each individual develops his own individual identity through dialogical reflection.

Finally, I would like to highlight the importance of shared narratives for reconciliation of past conflicts that have been globally recognized. A shared common narrative/memory is the collective identity with distinct group characteristics which are irreducible to common identity shared by individual members of a group because it remains identical even after the whole members of a group change decades after the conflict. The concept note dated 14 January 2014, from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General, states as follows:

"Most of what the United Nations has achieved in maintaining international peace and security has been mainly physical.

What the United Nations has not understood well enough is how it can help forge a deeper reconciliation among ex-combatants and their people based on an agreed or shared narrative, a shared memory, of a troubled past."¹⁰

Newman mentioned that the rectification of past injuries through the treatment of a modern group depends on a connection between the modern group and the historic group, which might best be realized through the existence of a collectivity having the same identity.¹¹ In sum, collective identity exists, and is distinct from individual identity.

3. COLLECTIVE HUMAN RIGHT TO COLLECTIVE IDENTITY

Now, I introduce a general theoretical framework for collective rights developed by Newman for further elaboration of my argument.

Newman focuses on a moral right, not a legal right. In his account, a moral right is an entitlement or justified claim whose justification does not depend on whether any legal or political system recognizes the right whereas a legal right is an entitlement or justified claim that a legal system recognizes according to the correct interpretation of its own rules and principles.¹²

In his theory, a right exists when an interest is sufficient to ground duty and a right is a justified entitlement of X to Y against Z.¹³

9 Moyn (footnote 8), 88

10 Letter dated 14 January from the Permanent Representative of Jordan to the United Nations addressed to the Secretary-General. Concept Note: War, its lessons and the search for a permanent peace. S/2014/30.

11 Newman (footnote 5), 65

12 Newman (footnote 5), 11.

13 Newman (footnote 5), 10, 28.

Newman holds that if we accept certain individual rights, we presuppose certain collective rights. His proposition is based on two factors: (a) the primary interest of the collectivity in certain objects; and (b) the necessary dependence of certain individual interests on collective interests.

Newman's reasoning is as follows:

"An individual interest necessarily depends on a collective interest if and only if the individual interest either does not meaningfully exist or cannot meaningfully be fulfilled in the absence of a collective interest being fulfilled. To establish that the existence of certain individual rights implies the existence of collective moral rights, then, we need only show that some individual interests are necessarily dependent on collective interests."¹⁴

A shared narrative/memory is arguably a collective object that is irreducible to individual objects and substantially contributes to the well-being of a community, which meets (a). A shared narrative/memory is the object of individual interests, which is necessarily dependent on collective interest because we cannot imagine individual narrative without presupposing the commonly shared narrative, or the collective identity, which meets (b). So, if one follows the formation of Dwight Newman, a shared narrative/memory as a collective identity would imply the existence of collective moral rights to collective identity.

However, there is one issue to be addressed concerning Newman's theoretical framework. His insistence that a collective human right is a moral right is arguably derived from the natural law tradition and must answer a question as to its justifiability. As Robert Alexy explained, moral rights are valid if and only if they are justifiable whereas positive rights are valid if they are duly issued and socially efficacious.¹⁵ In his account, explicative-existential argument qua objective-subjective argument is the most qualified justification of human rights. A justification of human rights as moral rights is explicative in the sense that the justification presupposes rule of discourse given its discourse-theoretic-character which contains the idea of freedom and equality. A justification of human rights as moral rights is also existential as it depends on our decision whether we want to see ourselves as discursive or reasonable creatures.¹⁶

I don't fully agree with Alexy, particularly with his proposition that human capability of explication entails the rule of discourse or discourse ethics because I think that discourse ethics alone cannot provide a sufficient foundation for a right.¹⁷ Instead, I would like to introduce the interpretivist conception of law developed by Ronald Dworkin to respond to the question of justifiability of human rights. In Dworkin's account, rights and duties must be respected not only because they were agreed through political decisions but also because they are derived from the scheme of principles on which those political decisions depend. In his account, law can be justified as a source of coercive power because it flows from legal exercise

14 Newman (footnote 5), 76–77.

15 Robert Alexy, *The Existence of Human Rights*, in: IVR (ed.), *Abstract book of the 25th IVR World Congress of Philosophy of Law and Social Philosophy*, 2011, 87

16 Alexy (footnote 15), 88–89.

17 Charles Taylor criticizes Jürgen Habermas that a "discourse ethics", in which Habermas finds a secular foundation for rights, is quite unconvincing: Charles Taylor, *Why we need a radical redefinition of secularism?*, in: Eduardo Mendieta / Jonathan Vanantwerpen (ed.), *The Power of Religion in the Public Sphere*, New York, 2011, 54.

guided by the principle of integrity which asks lawmakers to attempt to make the total set of laws morally coherent in political society.¹⁸ Dworkin holds that moral beliefs affect legal deliberation both in court and in parliament through individual interpretation in argumentation. In his account, legal rights flow from past political decisions in accordance with the best interpretation of what it means. The best interpretation in Dworkin's sense means constructive interpretations, which aim at providing the best account for justifying the connection between past political decisions and present coercion.

In my account, Dworkin seemed to consider only a sovereign state to be political community, but his theory could be modified to account for the phenomena of international/regional law including international human rights laws. Alexander Green developed what he believes to be a more consistent interpretation of Dworkin's theory which holds that the normative core of law as integrity is the importance of treating legal subjects, states and individuals, equally, as befits their moral status.¹⁹ In my account, international human rights law can be justified if it flows from a legal exercise guided by the principles, including the principle of integrity that asks members of the global community to make the total set of laws morally coherent. What is morally coherent itself, however, is an object for interpretation and open for contestation.

My proposition is that collective human rights should be and could be justified through different moral interpretations in political communities, states and other entities such as the EU and ASEAN.

4. MORAL CONDITIONS FOR COLLECTIVE HUMAN RIGHTS FOR COLLECTIVE IDENTITY

As demonstrated in the above case involving the university dorm canteen in China, collective rights sometimes conflict and interfere with individual rights and other collective rights.

Following the humanistic principle articulated by Josef Raz, which says that it is individual well-being that is of 'ultimate concern',²⁰ Newman developed and presented his own solution as follows:

"Collective rights necessarily conflict with individual rights and/or with one another if conflicts of rights are pervasive.

Pervasive conflicts are avoided by collectivities meeting appropriate moral conditions, labelled the Community Conditions, (consisting of) the Service Principle that a collectivity serve its members in a broad sense and the Mutual Principle that a collectivity not act in a manner showing disregard for the equivalently weighty interests of non-members."²¹

The Service Principle, in his account, is the claim that collectivity could legitimately mediate for its members only for advancing a collective interest consistent with the

18 Ronald Dworkin, *Law's Empire*, Oxford, 1998 (First published 1986), 176, 196–201, 211.

19 Alexander Green, Legal interpretivism beyond the State, in academia.edu, May 30, 2014 – https://www.academia.edu/7294741/Legal_Interpretivism_beyond_The_State [13.6.2015], 9, 13

20 Josef Raz, *Morality of Freedom*, Oxford, 1986, 194

21 Newman (footnote 5), 29

humanistic principle. This principle holds that the well-being of individual persons is of ultimate concern and that collectivity must provide goods that are morally worth preferring over the goods that could be attained without it²². Arguably, a shared narrative/memory is considered goods morally worth preserving if it is open for reinterpretation for better individual interests as the ultimate concern²³. Newman reiterates that the claim that the well-being of an individual person should be of ultimate concern does not mean that collective moral claims ought to yield to individual moral claims²⁴. In this connection, he highlights the difference between ultimate moral priority and practical moral priority, saying that a collective interest could in an intermediate fashion take priority over individual interests for the sake of a greater purpose²⁵. In practical cases, we could not automatically decide which interest, either collective or individual, would take priority. In my account, we decide priority between collective and individual interests through interpretation, and hence we cannot escape judgements about what constitutes a good life for a specific community.

The Mutuality Principle, which derives from the humanistic principle, is a necessary partner to the Service Principle and asks that collectivity should not inappropriately entrench upon the interests of non-member individuals or other collectivities. Newman carefully mentions that the Mutuality Principle is not a strict demand that a collectivity should not have negative effects on non-members because such a demand will lead to the rejection of all real collectivities²⁶. In my account, the Mutual Principle, premised on the humanistic principle that collective interests could be sought only insofar as they serve the well-being of individual persons, also needs interpretation based on which practical moral priority could be taken.

5. INTER-CULTURALISM AS A FRAMEWORK OF DISCUSSION ON COLLECTIVE HUMAN RIGHTS TO COLLECTIVE IDENTITY

Now, I will try to locate the above argument on collective human rights in the framework of inter-culturalism presented by Charles Taylor.

In the 2010's, inter-culturalism has been taking over multiculturalism as a political ideology. At the 47th Munich Security Conference in February 2011, the British Prime Minister, David Cameron, pointed out that the root-cause of terrorism committed by the second and third generation of Muslim immigrants in their countries was, fundamentally, the identity crisis of such people. In his account, multiculturalism, stressing the importance of treating different ethnic groups equally and relativizing the mainstream political culture in the host country, promoted ghettoization of such minority groups. Cameron holds that shying away from assimilating the immigrants into the British mainstream community (which is based on the collective liberal identity of Britain, including notions of freedom of expression, religious freedom, rule of law, and democracy and equality) has fatally weakened the collective identity as an indispensable part and background of individual identity of those

22 Newman (footnote 5), 107

23 Newman (footnote 5), 123–125

24 Newman (footnote 5), 109

25 Newman (footnote 5), 111

26 Newman (footnote 5), 137



minority groups.²⁷ White Paper on Intercultural Dialogue “Living Together As Equals in Dignity”, launched by the Council of Europe on May 7th 2008²⁸ concluded that old approaches to the management of cultural diversity such as multiculturalism were no longer adequate in societies where the degree of diversity (rather than its existence) was unprecedented and ever-growing.²⁹

However, as examined and clarified by Meer and Modood,³⁰ the major elements of inter-culturalism, which encourage communication, recognize dynamic identities, promote unity and critique illiberal cultural practices, are also fundamental features of multiculturalism. Therefore, there does not seem to be much of a difference between the two concepts as a set of concrete policies for integration and management of ethnocultural diversity. In Taylor’s account, the difference between inter-culturalism and multiculturalism lies in their stories.³¹ Stories refer to commonly held narratives that provide meaning and value for life and death, and constitute the background of social imaginaries, which make common practices and a widely shared sense of legitimacy in certain societies possible. Taylor reiterates that we need not only specific policies but also the articulated stories of what we are doing to transform the society³². Taylor contrasts inter-culturalism in Quebec with multiculturalism in English Canada as follows:

The ‘multi’ story decenters the traditional ethno-historical identity and refuses to put any other in its place. All such identities coexist in the society, but none is officialized. The ‘inter’ story starts from the reigning historical identity but sees it evolving in a process in which all citizens, of whatever identity, have a voice, and no-one’s input has a privileged status.³³

In my account, inter-culturalism is an approach for managing cultural and religious diversity by explicitly addressing the de-facto inequality from the perspective of each ethnic master-narrative in a given society and ensuring that all parties have equal participation in the process of creating the new collective identity. In other words, inter-culturalism is an approach for seeking unity through differences by focusing on the collective identities of different groups.

In my account, Taylor’s inter-culturalism is a variation of his non-procedural liberalism. Taylor holds that one has to distinguish the fundamental liberties, or those that should never be infringed upon and therefore ought to be unassailably entrenched, on the one hand, from privileges and immunities that are important, but that can be revoked or restricted for reasons of public policy on the other hand, provided there is a strong reason to do it.³⁴ For example, Taylor raised the collective will of the French speaking community in Quebec that wanted future generation to

27 Full transcript of speech on radicalization and Islamic extremism by David Cameron in Munich dated 5 February 2011 on The stagger: <http://www.newstatesman.com/blogs/the-staggers/2011/02/terr7.10.2015>]orism-islam-ideology [7.10.2015]

28 Council of Europe, White Paper on Intercultural Dialogue “*Living Together As Equals in Dignity*”, Strassbourg, June, 2008

29 Council of Europe, (footnote 28), 9

30 Nasar Meer / Tariq Modood, How does Interculturalism contrast with Multiculturalism?, *Journal of Intercultural Studies* 33, No.2 (2012), 175–196.

31 Charles Taylor, Interculturalism or Multiculturalism, *Philosophy and Social Criticism*, 38 (2012), 413

32 Taylor (footnote 31), 415–416

33 Taylor (footnote 31), 418

34 Taylor (footnote 4), 59

have the opportunity to use the French language, so that the subsequent future generations could continue to identify as French-speakers.³⁵ In Taylor's account, this model of a liberal society is based on judgments concerning what constitutes a good life, and in which the integrity of culture has an important place. Taylor holds that this model can be liberal so long as it can offer adequate safeguards for fundamental rights and so long as rigid procedural liberalism can rapidly become impractical in tomorrow's world.³⁶

In the *Building the Future*, produced in 2008 by the Consultation Commission on Accommodation Practices Related to Cultural Differences for which Charles Taylor was appointed one of its commissioners, it is recommended that the public expression of differences should be allowed so that these differences can be assimilated and accepted, rather than concealed, marginalized or suppressed.^{37,38} The principle of respect for different cultures and public interaction among them arguably echoes Taylor's inter-culturalism, focusing on the master narratives in a given society and characterized by its keen sense of majority and minority duality.

In my account, inter-culturalism, aiming at ensuring equal opportunity for participation in new collective identity making while admitting the de-facto existence of pervasive collective identity in the given community, may deal with conflicts that are unsolvable at present because it could provide an open public space, thereby facilitating necessary accommodation.

I will pose a possible solution to the dormitory canteen case in China. In my opinion, if the university firmly sticks to the principle of non-discrimination and equal treatment as it should be, it could, following consensus between non-Muslim and Muslim students, construct the kitchen counter with separate sections for halal food so that Muslim students remain with non-Muslim students while simultaneously keeping their religious rites.

Finally, I would like to touch upon the contemporary conflicts flowing from different religious and/or non-religious faiths within and beyond states such as local terrorists in advanced countries, and emerging socio-religious movements such as ISIS. I think that inter-culturalism, formulated by Charles Taylor, could address such deep conflicts because his theory could embrace and deal with conflicts derived squarely from spiritual searches, which are highly subjective but unavoidable for humans in modern society. When Taylor discussed the loss of meaning of life, he repudiated Habermas' discourse theory as it elides the experiential problem under public discourse and hence does not fit "the search for moral sources outside the subject through languages which resonate within him or her, the grasping of an order which is inseparably indexed to a personal vision".³⁹ What these contemporary

35 Taylor (footnote 4), 58–59

36 Taylor (footnote 4), 59, 61

37 Gerald Bouchard / Charles Taylor, *Building the Future: A Time for Reconciliation*, 2008 – <http://red.pucp.edu.pe/wp-content/uploads/biblioteca/buildingthefutureGerardBouchardycharlestaylor.pdf> [7.10.2015]

38 For a full discussion of the main themes of *Building the Future* and their intersection with Taylor's political thought, see Ruth Abbey, Plus Ça Change: Charles Taylor On Accommodating Quebec's Minority Cultures, *Thesis Eleven*, No.99, Nov., 2009.

39 Charles Taylor, *Sources of the Self: the Making of the Modern Identity*, Cambridge (Mass), 1989, 509–510.

serious and deep conflicts show us is, in my account, genuine deficit in the current framework mainly developed in the West. Such a framework, unconsciously adopts the historical experience of the West and excessively depends upon pure and practical reason, which does not fit in the rest of the world.

When conflict flows from the deepest and hence uncompromisable faiths, as John Rawls admitted and suggested, citizens should be allowed to present their views about it, which are derived from their comprehensive doctrines.⁴⁰ He referred to the issue of public support for church schools in highlighting his position:

Those on different sides are likely to come to doubt one another's allegiance to basic constitutional and political value. It is wise, then, for all sides to introduce their comprehensive doctrines, whether religious or secular, so as to open the way for them to explain to one another how their views do indeed support those basic political values.⁴¹

In order to treat religious and non-religious discourse equally, we need another framework which is different from the one of "Reason Alone", that is, in Taylor's account, one of the fruits of the Enlightenment myth in the West, consisting of: (a) the belief that non-religiously informed reason, which Taylor calls "Reason Alone," can legitimately satisfy any honest, unconfused thinker; and (b) the belief that religiously based conclusions will always be dubious and only persuasive to people who have already accepted the dogmas in question.⁴² In his account, reason is deeply rooted in background cultures, religious or non-religious, and we need mutual understanding and recognition for preserving and developing the public sphere at this level.

In my account, his intercultural framework makes it possible to address the deep-faith rooted conflicts without relying solely on "Reason Alone".

However, there is one fundamental question about Taylor's intercultural framework despite its several advantages. In my account, Taylor managed to address the issue of conflict regarding deep faith, both religious and non-religious, because of his fundamental belief in the ultimate goodness of this world created by God. In his Judeo-Christian theistic framework, understanding the human world morally while grasping the image of humans as objects of natural science, is made possible because we are already engaged in coping with our world,⁴³ which is, as a creation of God, ultimately good.

We need further study in order to examine whether this framework could apply in non-Judeo-Christian contexts, which cannot be explored fully in this article and, hence, should be left for future exploration.

40 John Rawls, *Political Liberalism*, New York, 2005, 245, 247–251.

41 Rawls (footnote 40), 464

42 Charles Taylor, *Die Blösse Vernunft* ("Reason Alone"), in: id., *Dilemmas and Connections, Selected Essays*, Cambridge (Mass)/London, 2011, 328.

43 Charles Taylor, *Philosophical Arguments*, Cambridge (Mass), 1995, 11.

6. CONCLUSION

In theory and in practice, the concept of collective human rights to collective identity has emerged, but there is certain resistance against this movement. For instance, Japan and the UK proclaimed that they did not accept the concept of collective rights in international law.⁴⁴

In this paper, I attempted to demonstrate the existence of collective human rights to collective identity, and to provide proper moral conditions to appropriately limit the boundaries of collective human rights to collective identity, by relying upon the general framework of collective moral rights developed by Dwight Newman.

I also attempted to locate the argument concerning collective human rights to collective identity in the framework of inter-culturalism. It is my understanding that inter-culturalism, developed in Quebec and focusing on the master narratives in a given society characterized by its keen sense of majority and minority duality, could be a plausible framework for addressing the issue of collective human rights to collective identity.

My conclusion is that, although we may have to examine the framework for addressing the issues of collective identity, we need collective human rights to collective identity (mainly in states, but also regional bodies such as the EU and ASEAN) so that each community can be treated equally when it comes to representation and participation in the creation of a new identity in the given political community.

DEUTSCHE ZUSAMMENFASSUNG

Der Autor verteidigt die Existenz eines kollektiven Menschenrechts auf kollektive Identität. Kollektive Identität meint den Sinn dafür, dass Mitgliedschaft in einer Gemeinschaft oder Gruppe unverzichtbarer Bestandteil der individuellen Identität ist. Die individuellen Menschenrechte reichen nicht aus, um die kollektive Identität zu schützen. Der Autor entwickelt sein Argument im Rahmen von Charles Taylors Konzept der Interkulturalität. Dieses Konzept ist Teil seiner Konzeption eines nicht-prozeduralen Liberalismus, der darauf gerichtet ist, gleiche Möglichkeiten der Partizipation sicherzustellen. Diese bezieht sich auf die Schaffung neuer kollektiver Identitäten bei gleichzeitiger Anerkennung der Existenz einer durchdringenden kollektiven Identität der gegebenen Gemeinschaft. Dieses Konzept offeriert Lösungen für gesellschaftliche Konflikte, die gegenwärtig unlösbar erscheinen, dadurch, dass es den öffentlichen Raum für alle öffnet, die neue kollektive Identitäten schaffen wollen.

44 Statement by the UK p. 21 and statement by Japan p. 20 in UN Doc A/61/PV.107 (2007).