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Citizenship, Rights, and Culture

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Citizenship, Rights, and Culture

Abstract

Shortly after German Chancellor Angela Merkel's repudiation of multiculturalism, the Soros Foundation announced the winners of its Fellowships for New Americans—an award for graduate study for foreign-born students whose career paths show initiative, accomplishment, and “commitment to the values expressed in the U.S. Constitution.” Dozens of America's best and brightest are pursuing degrees in law, medicine, public policy, business, and the arts that will immensely enrich our national and global communities.

Keywords

Human rights, Germany, Multiculturalism, Immigration, Religious diversity, American multiculturalism, American citizenship

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Citizenship, Rights, and culture

by Alison Brysk

Shortly after German Chancellor Angela Merkel's repudiation of multiculturalism, the Soros Foundation announced the winners of its Fellowships for New Americans—an award for graduate study for foreign-born students whose career paths show initiative, accomplishment, and “commitment to the values expressed in the U.S. Constitution.” Dozens of America's best and brightest are pursuing degrees in law, medicine, public policy, business, and the arts that will immensely enrich our national and global communities. Many of these outstanding Americans remain deeply rooted in their homelands and cultures. Two of the women wear headscarves, four of the honorees work as advocates for immigrant and refugee communities, and several more plan development research focused on the problems of their countries of origin, such as tropical diseases. All are “truer to values of our Constitution” than native-born Christine O'Donnell, the Delaware Republican Senate candidate who recently revealed her ignorance of the First Amendment.

The Soros Foundation embodies the best aspects of the American model of citizenship based on rights and values, not blood and soil. Although our progress towards this American ideal has been marred in every generation by bigotry and backlash, the fundamental assumption is that newcomers to our society can earn equal citizenship by civic behavior and belief. Conversely, when some immigrants to Germany cause social problems by failing to behave in accordance with Germany's democratic norms, Germany's mistake has not been in “allowing” them to maintain their languages and religions, but rather in inviting them only as labor commodities rather than potential citizens—then belatedly confusing cultural practice with civic behavior. Hate crimes, domestic violence, child abuse, and fraud in government services are real and serious civic problems, but they are law enforcement problems caused predominantly by class and social marginality—not by eating hummus rather than sausage. They are also forms of uncivic behavior shared by some native-born, majority-culture citizens, from American Christian cults to European skinheads.

It is instructive, and ironic, that the same characteristics of immigrant groups that are said to undermine democracy in one group or generation are lauded in another. In both Europe and the US, Asian entrepreneurs with deep family ties and little contact with other groups are said to exemplify good Confucian norms, while [Hispanics](#) and Muslim families with the same values and behavior are depicted as dangerously insular. Meanwhile, [empirical research](#) shows that US Muslims—about two-thirds foreign-born—are decidedly “middle-class and mainstream.” In a previous generation, American Catholics, now prominent in democratic leadership at all levels, were said to be untrustworthy citizens due to their hierarchical religious culture with foreign ties—just as some contemporary leaders condemn Muslims on the basis of an allegedly undemocratic identity. To the French, who have banned headscarves in schools on this basis, I respond as a patriotic American: I do not care what you wear on your head—I care about the ideas inside it, and how you act upon them.

Beyond this, those of us who are American citizens have a special obligation to hold our own society to its rights-based citizenship ideals. Racial profiling in Arizona's immigration law, proposals to change the 14th Amendment granting citizenship to all born in the US, and mosque-

bashing at Ground Zero and beyond are all betrayals of American values as well as international human rights. If a religious group can be deemed to forfeit their right to practice near sites of victimization because some members of the group committed abuses or received impunity inspired by their religious identity, we should forbid Catholic churches near elementary schools.

Even when fully realized, however, the American model is not *multicultural* but rather *culture-neutral*. As the denigration of bilingual education in California shows, there is no right to cultural identity in US law, although cultural expression *is* protected when it coincides with religious freedom. This American assimilation norm contradicts the growing corpus of cultural rights at the international level, such as the International Covenant on Economic, Cultural and Social Rights. The melting-pot model also ignores contemporary thinking like Kwame Anthony Appiah's that sees the identity of "[cosmopolitan patriots](#)" as a building block rather than a barrier to universalism. My immigrant grandmother was welcomed to American citizenship and social status as a public school teacher despite her foreign birth, minority language, and religion—but one of her duties was to Americanize the names of her newly arriving students, so they could access the same opportunities.

On the other hand, in Canada, the most developed contemporary model of true multiculturalism has sometimes foundered on legal pluralism that privileges group rights or customary codes over universal human rights norms, such as an experiment with allowing sharia family law in Ontario along with other "faith-based arbitration." Indigenous as well as Muslim women in Canada have complained that the gender equity guaranteed by Canada's own national Charter of Rights, as well as by international norms to which Canada subscribes, may be lost when leaders and traditions of their cultural communities are granted power over specific areas of legal decision-making. Somehow, multiculturalism must find a way to promote a plurality of cultural *expression* without granting cultural *authority* over the lives of individual citizens, who should retain the full panoply of universal rights—guaranteed in and by their state—regardless of group membership.

Diversity is a part of democracy. As Germany's own history tragically teaches, democracy requires far more than majority rule—it rests on full and equal protection under the law, for native-born, naturalized, and non-citizens alike. I suggest that Angela Merkel visit the [Soros website](#); this is what democracy looks like.

ALISON BRYSK is Mellichamp Professor of Global Governance at the University of California, Santa Barbara. She is the author of [The Politics of Human Rights in Argentina](#) (1994), [From Tribal Village to Global Village](#) (2000), [Human Rights and Private Wrongs](#) (2005), and [Global Good Samaritans: Human Rights as Foreign Policy](#) (2009). Professor Brysk has been a visiting scholar in Argentina, Ecuador, France, Spain, Sweden, the Netherlands, South Africa, and Japan. In 2007, she held the Fulbright Distinguished Visiting Chair in Global Governance at Canada's Centre for International Governance Innovation.