

FAIR 334C – INTERNATIONAL HUMAN RIGHTS CLASS QUESTIONS

Cultural Rights

Cher Weixia Chen, & Alison Dundes Rentlen, International Human Rights: A Survey (2023), Chapter 7, Cultural Rights, pp. 231-259.

1. What is culture? How is “culture” different from “society”? What are cultural rights, and what are the arguments in favor of protecting cultural rights? Why are some opposed to protecting cultural rights? How can we justify the recognition and protection of cultural rights? Should cultural rights be conceptualized as individual or group rights? Which international human rights instruments protect cultural rights? (231-238).
2. How can we resolve the tensions/conflicts between the protection of some cultural rights and other rights/State interests?
 - a. Religious rights and the use of religious symbols, including wearing Kirpans?
 - b. Proselytizing and exemptions therefrom, exemptions from general statutes, e.g., noise pollution laws?(238-244)
3. What are language rights? Are they individual or collective rights? Should official/national languages be abolished? What issues arise from State support of multilingualism, and how can those issues be addressed?
 - a. Using the language of (linguistic) minorities on ballots
 - b. Naming rights – the prohibition of the use of certain names
 - c. Warning labels on products in other than dominant languages
 - d. Discrimination based on accent.(246-250)
4. Should ethnic and religious minorities be exempted from restrictions on food and other dietary restrictions and taboos? What are the acceptable limits to the free practice of culture?

Consider, for example,

 - folk medicine (coining, cupping); khat/qat chewing, peyote.
 - Food – shark fin soup, horse meat, dog meat.

Should development projects that conflict with the landscapes and traditions of indigenous peoples be approved? How should the racist character of some holiday festivals be addressed? Should cultural defense be allowed in court? Why? What are the potential backlash and solutions that the authors identify? What are the key distinctions between the Kitok and Lovelace cases? Can these decisions be reconciled, or are they fundamentally opposed? (250-259)