erned by mutually agreed codes of conduct allowing for free exchange of ideas and not leading to the theological “annexing” of one unit by another. Succession from the lineage is strongly discouraged; but so are homogenization and hegemonization within the lineage.

**Summary and conclusion**

Contemporary India, then, is experiencing a systematic attack against various expressions of religious and cultural plurality. The move to project and promote a nation which is unitary by way of its common Hinduness is gaining ground. I have argued here that the ideological model of a monolithic and homogenized India, which fuelled the Indian national movement and still fuels contemporary Hindu nationalism, is an extension of Western colonialism. Thus instead of countering the colonial framework, the nationalists appropriated it. This may have been helpful in galvanizing all communities to oppose colonial rule and achieve together Indian independence, but this same unitary and homogenizing ideology has been quite destructive in the hands of present-day Hindu nationalists. Their agenda disciplines both those who stray from the core of the Indian-Hindu value system, and all those others who must be enlightened by “eternal truth” and be reintegrated into the organic – but highly hierarchical – Hindu dharma considered binding on all Indians.

Christian mission – however it is understood and whatever form it may take – must not adopt the ideology of the colonialists, as the Hindu nationalists have done. It will be most true to its Lord by proclaiming the gospel confidently, but in a way that respects the human right to be religiously different.

**NOTES**

The Indian constitution guarantees both the right to “profess and practise” religion and the right to “propagate religion”.

Robert J. Schreiter, *The New Catholicity: Theology between the Global and the Local*, Maryknoll, NY, Orbis, 1999. He makes the point that “structurally, syncretism and synthesis are not different from each other”. Further he opines that “[a] pronouncement of syncretism has been all too often a way of stopping conversation, of judging the outcome without attending to the process. In that sense all change is syncretic and aims at being synthetic” (p.82). See also his earlier work, *Constructing Local Theologies*, Maryknoll, NY, Orbis, 1985.
The protection of ethnic, religious and linguistic minorities is one of the oldest concerns of international law. But it is also true that the issue of the rights of minorities in a pluralistic and heterogeneous society has become a highly important issue in the current Christian-ethical debate. De Villiers adequately describes the actuality of this issue:

Ethnic mobilization and claims for the protection of minority rights are two of the most important social forces influencing international and national political and constitutional developments. Numerous countries in Africa and Eastern Europe that have embarked upon democratization since the late 1980s have experienced the destructive force of ethnic mobilization and discontent... Following world war two the protection of minority groups was initially played down or ignored altogether in the belief or hope that adequate protection of individual rights would also address the fears of minority groups.

De Villiers continues:

The ethno-nationalism that has swept the world in recent years has brought back to prominence the issue of minority protection, self-determination, and the rights of indigenous people. A most important question that must be dealt with in the current wave of democratization is whether it is necessary to protect the collective rights of language, religious and/or cultural communities in addition to the rights of their individual members – and if so, what options are available.

In the same fashion Devenish soundly argues:

In international law and politics there is a move away from the assimilation of minorities towards the recognition of cultural pluralism as a desirable goal.

A minority group can be defined as a group with a corporate identity, which exists in a society where the majority has another corporate identity. More particularly defined, a minority group can be seen as a group inferior in numbers, status and political power because of religion, culture, social status, language, ethnicity and political ideals. The well-known modern notion of “integrated communities” made way for this new appreciation of the plight of these minorities in societies.

J.M. Vorster is director of the School of Ecclesiastical Sciences at Potchefstroom University for Christian Higher Education in South Africa.
Several factors can be named as contributory to this shift in perception. First of all is the fact that only 20 of the 185 member-states of the United Nations can be regarded as homogeneous communities. The rest are heterogeneous communities which have to manage the relation between minorities and the society at large. It appears that the majority of people on this earth are identified with a group whose cultural and religious practices violate certain international norms of human rights. More and more the apparent discrepancy between individual human rights and the rights of minorities is observed. Secondly, ideologies which promoted cultural globalization and political holism—as also the various instances of religious intolerance and ethnic cleansing—contributed to the new appreciation of the rights of minorities. These negative movements resulted in revolts, racism, civil wars and the seeking of nation-state status by minorities (as was evident in the system of apartheid in South Africa, and the current ideal of "ethnic states" in Eastern Europe).

The best-known example of a minority right is the principle of national self-determination in international law. In view of these facts the following questions posed by Singh are of special interest: "Can ethnic diversity be accommodated within states? Can it be managed by democracies? Can the world's two thousand or so 'nations' be contained within its two hundred or so states?" These questions form the problematic of this article, which can be formulated as follows: Should minorities be officially recognized and constitutionally protected in heterogeneous societies?

The central theoretical argument is that the concept of a constitutional state with a bill of rights is the best way to avoid the oppression of minorities by the majority, and to avoid "ethnic cleansing", on the one side, and revolts by minorities on the other.

The political development of the idea of minority rights

Since Charlemagne, European history was essentially influenced by the social theory of Christianity: the idea of a corpus Christianum entailing the total subjection of the state to Christianity and the promotion of Christianity as the goal of political expansion. This resulted in hostile intolerance towards minority groups. This was especially true in the case of religious dissent. Thus Walker states: "... the Franks forcibly imposed Christianity on their enemies and confirmed this conversion by planting monasteries and bishoprics throughout the land." This situation instituted a holistic approach in the development of European nations and states as was proved by the political developments in the late 19th and the 20th centuries.

This view of society, however, changed dramatically in the latter decades of the 20th century. The shift of power from centralized to decentralized authority became the main feature in socio-political and economical thinking. A developing post-modernism contributed to this new wave. The focus shifted from centralized and powerful structures to smaller units, and thus minorities became more prominent. In the debate on human rights, the awareness of pluralism and the rights of minorities developed. Thus Claassen states that the idea that minority groups should be subjected to the bigger nation-states is generally rejected today.

The new interest in the rights of minorities is especially evident in the actions of the United Nations since the 1960s. The well-known International Covenant on Civil and Political Rights (16 December 1966) states the following (art. 27) regarding the rights of minorities:
In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of the group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.16

This resolution was complemented by the Declaration of the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, adopted by the United Nations general assembly on 18 December 1992.17 The most recent document elaborates on the 1967 resolution (art. 2) as follows:

- Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
- Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
- Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
- Persons belonging to minorities have the right to establish and maintain their own associations.
- Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other states to whom they are related by national or ethnic, religious or linguistic ties.

This concept has become an important aspect of the work of the UN Human Rights Commission. This commission is currently promoting the idea of minority rights in its effort to develop constitutionalism and democracy worldwide. Respect for the constitutional protection of the rights of minorities has consequently become very important in politics today.

The Christian ethical development of minority rights

The new interest in the rights of minorities has led to new attempts to develop a biblical and theological basis for the protection of these rights. In his plea for the recognition and protection of the rights of religious minorities in Central Europe, Gaal concludes:

The Bible says straightforwardly that, in the first place, I must love the people closest to me—my wife, family, household and neighbour— one should even say, my compatriots, in the spirit of John's epistles. One should regard matters even more seriously reading "No one has greater love than this, to lay down one's life for one's friends" (John 15:13). My belonging to the small community of my people, my nation is, before everything else, according to the creation order of God.18

To deduce the rights of minorities from the order of creation is, however, a dangerous venture because such a natural theology tends to lead to extremist ideologies—as was proved by the theological defence offered both for national socialism and for apartheid. The view of Gaal is thus not without serious problems.
The first attempt in ecclesiastical circles to accentuate the rights of minorities was made by the World Council of Churches in 1975. Under the heading: “The rights to self-determination and to cultural identity, and the rights of minorities”, the WCC stated:

All people have the right freely to determine their political status and freely to pursue their economic, cultural and social development. These rights are often violated by foreign governments and power systems, and through internal oppression and discrimination. The churches should condemn such violations and take active part in efforts to ensure national sovereignty and self-determination for people who are deprived of them.\textsuperscript{19}

An indirect call for the protection of the rights of minorities was made in 1983 by the then Reformed Ecumenical Synod (now Reformed Ecumenical Council-REC). This ecclesiastical organization was deeply involved in the South African situation, and addressed the South African churches in particular. In two of its recommendations reference is made to minorities. In the first, the REC said:

The right to freedom of association (including the right of non-association) – challenging us to encourage societal conditions which make possible a life-enriching diversity of voluntary associations in which people, in keeping with their respective beliefs, can organize for the achievement of legitimate goals and purposes, whether cultural, social, economic, political, educational, scientific, recreational or other; and which protect the rights of labour unions, as voluntary associations of workers, to promote stewardly enterprises...

The second recommendation regarding minority rights reads as follows:

The rights of all citizens to participate responsibly in the political process of the nation – challenging us to promote societal structures which allow all citizens, in harmony with their receptive beliefs, equitable representation and participation in the crucial decision-making processes of the nation and which safeguard the basic rights of self-determination equitable for all groups in society.\textsuperscript{20}

The World Council of Churches recently made a more direct plea for the promotion of the rights of minorities. At its eighth assembly in Harare in 1998 it stated:

In this spirit, we recommit ourselves to the principles of the Universal Declaration of Human Rights, and to promote and defend them in a way which takes into account:

- the values and insights into human rights and dignity derived from the rich heritage of peoples’ religions, cultures and traditions;
- the rights of peoples, nations, communities and their cultures, as well as the rights of each individual within them;
- the indivisibility of human rights, including social, economic and cultural, civil and political rights, and the rights to peace, to development and the integrity of creation;
- the right of every person and community, be they in the majority or in the minority, to participate fully in decisions about their common future;
- the equal rights of young and old, of children and adults, of women and men, and of all persons irrespective of their origin or condition.\textsuperscript{21}

These statements clearly indicate the concern in ecclesiastical circles for the protection and promotion of the rights of minorities. However, the following question arises: What can be seen as the ethical foundation of the notion of the rights of minori-
ties? And does the Bible say anything about the rights of minorities, such as Gaal proposes?

**A biblical perspective on minority rights**

Gaal’s view of natural theology and his narrow application of “neighbourly love” as a biblical foundation for the rights of minorities are not convincing. More applicable ethical instructions regarding the rights of minorities can be found in the biblical view on the rights of the poor, the strangers and the slaves.

**The rights of the poor**

A thorough exposition of the position of the poor, the strangers and the slaves in Old Testament times can be found in the excellent book of De Vaux. For a better understanding of the position of the poor as a social class the explanation of the ptogos in the New Testament by Bammel is also valuable. The results of these studies, as well as the highly informative article of Cachet about the “deprived”, will form the basis of my reflections here.

The “poor” did not form a separate social class in contrast to other groups in early biblical society. The early Israelite community largely enjoyed a good standard of living. Prior to the conquest, the nomadic and semi-nomadic mode of life of the Israelite tribes knew no sharp or rigid distinction between rich and poor: all members of the tribe had more or less equal rights and status as the defenders of the community. But even then, more is said:

Exploitation of the poor fellow-countryman is forbidden (Ex. 22:24). Yahweh is against the oppression of the poor in the courts (Ex. 23:6). Already in the fundamental laws, which on the one side, at least for the 7th year, restore the normal state of Yahweh’s own exclusive right to the land, and on the other grant lasting protection to the poor, Yahweh, unlike the Greek gods, is the protector of the poor – a thought which was to endure throughout the history of Israel.

The book of Deuteronomy also reflects the social conditions of its period. It proclaims the duty of almsgiving (Deut. 15:7-11), says that when a debtor is poor, his security must be given back to him before sunset (Deut. 24:12-13, supplementing the law of Ex 22:25-26), and protects the hired labourer (Deut. 24:14-15). In every sabbatical year, the produce of the land was left for the destitute (Ex. 23:11) and debts were cancelled (Deut. 15:1), “so that there may no longer be any poor man among you” (Deut. 15:4). In the Jubilee year a general emancipation was to be proclaimed and every man was to have his ancestral land restored to him (Lev. 25:10).

Another line of thought starts from the more common experience of life and from the facts denounced by the prophets: there are wicked, impious rich men who oppress the poor, but the poor are beloved by God (Deut. 10:18; Prov. 22:22-23) and God’s Anointed will do them justice (Isa. 11:4).

However, the economic development of the monarchy created new social classes and thus accentuated social distinctions; and this, combined with the fact that the landowners – who alone had civil rights – also functioned as judges, worsened the position of the poor. Thus on the “other side” of society were the weak, the small and the poor, who were isolated and defenceless. They were, nevertheless, a minority group in their society and were treated by God as such. The prophets took their cause in hand. Isaiah, for example says:
Woe to those who make unjust laws, to those who issue oppressive decrees, to deprive the poor of their rights and withhold justice from the oppressed of my people, making widows their prey and robbing the fatherless.

See in this regard also Isa. 3:14-15, 10:2, 11:4; Amos 4:1, 5:12; cf. Ps. 82:3-4. The law protected them too; in days gone by, there had been the precepts of Exodus 22:24-26 and 23:6.

God's care for the poor is also emphasized in the New Testament. Although Jesus referred to the “spiritually” poor in the Sermon on the Mount (Matt. 5:3; Luke 6:20), his special concern for the materially poor and the downtrodden during the three years of his ministry indicated his compassion for minorities. The same concern is discernible in the preaching of Paul. He rejected any distinction between rich and poor in the Christian community (Gal. 3:27; Col. 3:11). The letter of James attacks the rich both inside and outside the Christian community. One reason for this is that God has chosen the poor before the world: “Has God not chosen those who are poor in the eyes of the world to be rich in faith and to inherit the kingdom he promised those who love him” (James 2:5). The New Testament message was indeed directed against the social stratification of the Jewish and Roman communities of its time.

What the Bible says about the rights of the poor can, in my opinion, be used as ethical guidelines for the protection of the rights of minorities today.

The rights of the strangers

Besides the free citizens of Israel who formed the “people of the land”, and travelling foreigners who could count on the customs of hospitality but were not protected by law (Deut. 15:3, 23:21), another part of the population consisted of resident foreigners, the gerîm.

From the social point of view these “resident aliens” were free people, not slaves, but they did not possess full civic rights and so differed from Israelite citizens. They may be compared with the perioikoi of Sparta, the original inhabitants of the Peloponnesian, who retained their freedom and could own property, but had no political rights. Since all landed property was in Israelite hands, the gerîm were reduced to hiring out their services. Deuteronomy 24:15, for example, reads: “Do not take advantage of a hired man who is poor and needy, whether he is a brother Israelite or an alien living in one of your towns.” As a rule the gerîm were poor, and are grouped with the poor, the widows and the orphans, all the “economically weak” who were recommended as objects of the Israelites’ charity.

Like the rest of the poor, the “aliens” were under the protection of God: “He defends the cause of the fatherless and the widow, and loves the alien, giving him food and clothing” (Deut. 10:18; see also Ps. 146:9; Mal. 3:5). The Israelites were to help them, remembering that they themselves had once been gerîm in Egypt (Ex. 22:21; 23:9; Deut. 24:18,22), and for the same reason they were charged to “love these aliens as themselves” (Lev. 19:34; Deut. 10:19).

The aliens were to share in the tithe collected every third year (Deut. 14:29), and in the produce of the sabbatical year (Lev. 25:6); and the cities of refuge were open to them (Nab. 35:15). In legal actions they were entitled to justice just as the Israelites (Deut. 1:16), but were liable to the same penalties (Lev. 20:2; 24:16,22). In everyday life there was no barrier between gerîm and Israelites. Some gerîm acquired a fortune.
(Lev. 25:47; cf. Deut. 28:43), and Ezechiel foretold that in the Israel of the future they
would share the land with those who were full citizens (Ezek. 47:22).

The assimilation of these gerîm, akin in race and of the same faith, was easy and
therefore must have helped to hasten the assimilation of gerîm of foreign birth. This
paved the way for the "proselytes", and it was by this Greek word that the Septuagint
translated the Hebrew word ger.

This evidence from the Old Testament proves that the law protected strangers just
as much as the "people of the land". The basis of this protection was God's love for the
strangers and the fact that Israel should have "remembered" that they themselves were
strangers in Egypt. The other group in Jewish society which can be seen as a minority
group protected by laws was slaves.

The rights of the slaves

The study of De Vaux provides very useful information about the Old Testament's
testimony to this minority group.27 His research reveals that, strictly speaking, the
slave was a chattel, belonging to his master by right of conquest, purchase or inheri-
tance. The master made use of him as he wanted to and could sell him again.

Yet in the ancient East no one ever quite forgot that the slave was a human being:
slaves had their rights.28 Exodus 21:32 states that if a slave is gored by a neighbour’s
bull, the owner of the bull owes compensation to the slave's master. Even in
Mesopotamia slaves had legal remedy against unjust violence, and in Israel the law
protected them still more explicitly. A man who blinded his slave, or broke his tooth,
was bound to set him free in compensation. If a man beat his slave to death he was to
be punished (Ex. 21:20), but if the slave survived for one or two days the master was
exonerated, for "it was his money" (Ex. 21:21).

The slave also formed a part of the family; he was a "domestic" in the original
sense of the word (that was why he had to be circumcised, Gen. 17:12-13). He joined
in the family worship, rested on the sabbath (Ex. 20:10, 23:12), shared in the sacrifici-
cial meals (Deut. 12:12,18) – and in the celebration of religious feasts (Deut. 16:11,14) –
including the Passover (Ex. 12:44), from which the visitor and the wage-earner were
excluded. A priest's slave could eat the holy offerings (Lev. 22:11), which visitors and
wage earners could not (Lev. 22:10). He could also share in his master's inheritance
(Prov. 17:2), and even succeed to it in the absence of heirs (Gen. 15:3).

Job protests that he has not neglected the rights of his servant and his handmaid
for, like him, they are God's creatures. Thus in Job 31:13-15 we read:

If I have denied justice to my menservants and maidservants when they had a grievance
against me, what will I do when God confronts me? What will I answer when called to
account? Did not he who made me in the womb make them? Did not the same one form us
both within our mothers?

The master obviously had the right to free his slave if he so willed and, further, the
law provides for certain cases of this kind. If a man took a female prisoner of war as
his wife, she ceased to be a slave (Deut. 21:10-14). Liberation could also occur as com-
pensation for a bodily injury. Exodus 21:26-27 states:

If a man hits a manservant or maidservant in the eye and destroys it, he must let the servant
go free to compensate for the eye. And if he knocks out the tooth of a manservant or maidservant, he must let the servant go free to compensate for the tooth.
De Vaux focuses attention on the fact that the unconditional wording of this text does not allow us to restrict it to Israelite slaves.29

The enslavement of Israelites, however, was in theory temporary. Both male and female slaves (according to Ex. 21:2-6 and Deut. 15:12-17) had to be set free after six years of service. Leviticus 25:41 and 54 decree that Israelite slaves must be liberated in the jubilee year; both they and their children are to go free: "Then he and his children are to be released, and he will go back to his own clan and to the property of his forefathers" (v.41). On his liberation, the slave belonged once more to the "people of the land".

The biblical instructions regarding the treatment of strangers and slaves can be seen, I believe, as ethical guidelines for Christian conduct today. These guidelines can be used in the evaluation of the rights of minorities, and from this premise the conclusion can be reached that, in the Christian theory of human rights, the protection of the rights of minority groups in a plural and heterogeneous society is an important principle—and one which enjoys strong biblical support.

The protection of minority rights in modern constitutional structures

Thus arguing from political, ethical and biblical perspectives it is clear that the protection of the rights of minorities is a valid and important issue in the human rights debate. Normally the most important interests which minorities want to protect are political, cultural, educational, linguistic and religious.30 These interests should be protected; but how can this best be done? In answering this question two issues are of importance, namely the political process within a democracy and the possible protection of minority rights in a bill of rights.

Minority rights in the political process

History has proved only too well that totalitarianism fails to acknowledge the rights of minorities.31 Even majority rule within a democratic political system has proved to be inadequate, and sometimes even detrimental to the protection of minority rights. That is, where a minority can gain no political power, whether in a totalitarian or even a majoritarian democratic system, their rights cannot be effectively protected. Multi-cultural societies in Africa which accepted the Westminster parliamentarian system, with its "winner takes all" approach, have proved this deficiency. This is at the heart of the current controversy over redistribution of land in the "democracy" of Zimbabwe. Although the white farmers there have the right to vote and to form a political party, or to join an opposition party, their numbers are too small to resist effectively the abuse of power or exploitation by the government.

This example proves, I believe, Van Erp's comment: "A whole system of democratic procedures concerning representation and division of powers (trias politica, checks and balances) is presupposed before we can accept majority rule as the normal democratic decision procedure."32 Van Erp notes that many theories of political "fairness" seem to think it necessary to link majority rule and some form of unanimous consent, but adds that: "Even if it were true that the interests of a majority have priority over other interests, it would not be fair to let others decide how to deal with my [minority] interests."33

To avoid the problem of majoritarianism and minority oppression Devenish proposes other electoral systems, namely proportional systems rather than plurality systems like that in Britain:34 "Proportional representation", he says, "increases the accu-
racy of representation, although none of the operative systems in practice yields exact proportionality." After evaluating several proportional systems in view of the South African situation - taking that as a good example of a pluralistic society - he concludes that the "additional member" system should be considered for use in that situation.

To be sure, it is not the task of Christian ethics to make a case for the exact proportional system of political representation. This case should be argued by experts, in terms of the political sciences and jurisprudence. His argument is, however, sufficient to conclude that the proportional electoral systems in the political process offers more opportunities for minorities in a pluralistic society. Thus, from an ethical point of view, proportional systems should be propagated.

**Minority rights in a bill of rights?**

A rejection of minority rights is in principle dangerous and has the potential to destabilize a state. Given this fact, it is fair to say that a bill of rights providing for linguistic, cultural, religious, educational and other rights which are essential for maintaining cultural identity is currently the best instrument for protecting the rights of minorities – and the individuals within minority groups.

This assumes that protecting the cultural and linguistic rights of individuals will also protect the minority group to which they belong. In the current debates about human rights, particularly in pluralistic countries, the following question frequently arises: can the fundamental minority rights of a group be protected in a constitutional state through inclusion in a bill of rights? In this debate two models are discussed, namely the non-discriminatory model and the corporate model. The first model neither supports nor opposes the protection of minority identities, while making provision for private enterprises undertaken by minority groups; the second model, which I will focus on here, actively protects the rights of minorities by recognizing these as fundamental rights in the constitution.

In the South African debate about the constitutional protection of minority rights, the corporate model is currently proposed by a variety of minority religious, language, cultural and ethnic groups. (The right of secession is even being considered in certain sectors.) The corporate model, however, poses one major problem, namely, the exact definition of the minority group to be protected. The group must be a legal persona; and on the basis of this issue other questions can be asked, as Barrie has done:

- What is the juridical definition of a group or minority which is entitled to protection?
- What are the rights of the group or minority which has to be protected?
- How are the juridical origin and recognition of these rights defined?
- In which universally acceptable international juridical document or national system of law are these rights stipulated?
- Against whom, and in which way, can these rights be enforced?
- What is the relation between group rights and individual human rights and, if a conflict between the two should arise, how should it be solved?
- What are the legal obligations of a group or minority which is enjoying protection under the law? For each right has an accompanying obligation.

Searching for a suitable definition of the term “minority”, Bornman proposes that of Capotorti as used in his report to the UN on the protection of minority rights. According to this view, a minority is:
A group numerically inferior to the rest of the population of the state, in a non-dominant position, whose members – being nationals of the state – possess ethnic, religious or linguistic characteristics differing from the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religions or language.42

This definition can, I believe, cover a religious group, and the protection of a religious minority can thus be written into a bill of fundamental rights. This is necessary because cases of religious persecution are, in fact, common in modern society – as the testimony before the UN Commission of Human Rights in 2000 proves. In addition, undercover forms of religious persecution can also be found in situations where the government has legal control over certain groups.43

The same need for protection exists for specific language groups within a multilingual society, especially regarding the education of children in the language of their choice. Within a pluralistic society, freedom of education is an important means by which minority groups can preserve and enrich their own identity, while at the same time honouring national unity. Steyn and Weggeman consider that recognition of the rights of minority groups in respect of education can be seen as a basic Christian guideline.44

The educational rights of minority groups are recognized and protected in several international treaties and conventions, such as the Convention against Discrimination in Education (1960) of the United Nations Education, Scientific and Cultural Organisation (Unesco) and the United Nations Convention on the Rights of the Child (1990).45

Language rights can readily be accepted as a fundamental right because a language group can be easily defined, and language is especially important in the education of children. Steyn and Weggeman are therefore correct when they conclude:

If a particular minority group is therefore prevented, in one way or the other, from receiving effective education by the actions or lack of support by one or more of the educational interest groups, then that particular group can complain of unjust discrimination.46

Due to the increasing insistence on receiving education in one’s own language, particular educational systems for minorities have increased worldwide. A case can even be made for special, subsidized educational institutions for minority groups, as is currently (and successfully) being done in the Netherlands.

Problems of definition, and the implementation of policies and benefits, arise when the rights of minority ethnic groups and cultural communities are at stake. These groups cannot be easily defined, as is proved by the various attempts, and intense debates, in the current South Africa to define an “Afrikaner”. But the question remains, is it really necessary to protect these groups as groups? A group is formed by individuals; will the protection of the rights of these individuals not also protect the rights of the group?47 Because cultural rights are essentially group-oriented,48 the protection of the group as such is not necessary when each individual has the freedom of speech, language, observance of culture, language and religion – as is being proved in various heterogeneous societies. But where an ethnic group can be clearly defined, and where the group is in some way or another oppressed, it is important to protect this particular group’s rights explicitly. From this discussion, it seems that a combination of the corporate model and the non-discriminatory model will best serve minority rights.
Public sensitivity for minorities

A bill of rights must be supported by an ethos of human rights within a society. The existence of legal protection does not by itself guarantee liberty and peace, as is proved by Moran in the case of Spain and by Ng'ong'ola regarding the land rights of the Basarwa in Botswana. Christian ethics has the important task of focusing on the plight of minorities, and the church should take up the cause of minorities as it offers prophetic testimony to the governments of the day. In this respect Gaal’s viewpoint should be observed:

The church must stand up for minorities which are oppressed and found in handicapped positions because of their national character, because these people are defenceless and exposed. A nation which surrounds the minorities living within it with the utmost love and care will have the happiest future of all.

Finally, it must be noted that minorities themselves also have a responsibility. They, of course, should observe their cultures, languages, religions and customs proudly, without infringing on the rights of others. And they may find that the best way to be seen and recognized is by becoming indispensable to the broader community through using their special skills on behalf of the development of the community as a whole. A group that makes such a contribution, reflecting its own character and strengths, will not easily be marginalized or oppressed.

NOTES

3 Devenish, op cit., p.224.
10 As quoted by Pienaar, op cit., p.79.