

# THE RELATIONSHIP

between  
the state and the minorities

Sherouk Al Hariri

The issue of the relationship between minorities and the state raises many questions, and this relationship takes more than one direction and forms. Most modern countries consist of many different ethnicities, whether religious, ethnic, cultural, etc., unlike the nation-state, which sought the unity of the state and a unified pattern of internal cultural, religious and ethnic life. The diversity of ethnicities within countries is mainly due to the developments that the world has witnessed and the evolution of the way of life. With the colonial expansions and the displacement of individuals, different communities were formed within the colonial countries and within the colonized countries. The development of successive human communications and inventions since the 18th century has also led to an increase in displacement and migration, which has made it difficult to have a society closed to itself with one race or ethnicity. The technological revolution that began at the end of the twentieth century also helped to expand the studies of minorities, the relationship between minorities and the state, and how to contain minorities so that they do not affect the unity and stability of the state. In this context, this paper seeks to try to study the relationship between the state and minorities in terms of defining minorities and ways to manage ethnic problems under the new world order.

## First - the nature of minorities:

The term “minorities”, like many social terms, refers to many definitions. According to the United Nations High Commissioner for Refugees, “minorities” are defined as “an ethnic, religious or linguistic group whose number is smaller than that of the rest of the population. As for the indigenous people, they are who owned lands in a specific territory before its invasion or colonization<sup>(1)</sup>. The Encyclopedia Britannica defines minorities as “a group of individuals who are ethnically, religiously, linguistically or nationally distinct from the rest of the society in which they live<sup>(2)</sup>.”

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(1) Minorities, United Nations High Commissioner for Refugees. <https://cutt.ly/P9YUqxN>

(2) Minority, Britannica, <https://www.britannica.com/topic/minority>



In general, there is no unified precise definition of minorities. In international law, there is no precise definition of a minority, but the United Nations system recognizes national, ethnic, religious or linguistic minorities, and the right of persons belonging to these groups to enjoy their own culture or to profess and practice their religion, and to use their own language. This is in according to Article 27 of the International Covenant on Civil and Political Rights, and Article 2 of the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 27 specifies the minorities to which this article applies, but it does not provide any interpretation of the meaning of the word minority. No single definition is likely to define minorities because of the wide variety of minorities that exist throughout the world. However, some common characteristics can be identified, and there are often common factors among minorities, namely:

- Minorities can't be in a position of authority.
- Minorities are a minority comparing to the rest of the population.
- Their ethnic, religious or linguistic characteristics differ from those of the rest of the population.
- Minorities have the desire to preserve their distinct culture, traditions, language and religion.

In addition to the general criteria that define minorities, there are also personal criteria for the minority group in society. Members of the group must define themselves as belonging to a distinct ethnic, religious, or linguistic group. This is important because there is no official definition and it prevents countries from arbitrarily choosing who is assigned a minority status. It is also important to note that minorities are usually smaller in number than the majority population, but it is not necessary for them to be so to be considered minorities. Distinction between them is important because discussing minorities requires the existence of a specific body of international law that considers in a particular context the rights of ethnic, religious and linguistic minorities<sup>(3)</sup>.

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(3) minorities and indigenous people, the right of education,

<https://cutt.ly/19YaqOm>



## Second - Types of Minorities:

As we defined minorities as “a group of the state’s population that differs from the majority in religious, linguistic, racial or ethnic affiliation”, and based on this simple definition, minorities can be divided into the following types<sup>(4)</sup>:

1. Religious minority: Which was defined as an ethnic group whose religion represents the main component of its identity and its distinction from other ethnic groups that share the same society. It’s noted that it is rare for a state in the world to be religiously homogeneous, so religious minorities exist in all parts of the world. For example, Lebanon includes many diverse religious ethnicities, such as Sunni and Shiite Muslims, Druze, Christians of the Maronite community, the Greek Orthodox group, and others. Iraq also includes Sunni and Shiite Muslims, Christians and Jews.

2. Linguistic minority: it means a group of the population that speaks a language or languages different from the majority’s languages, these linguistic groups live within the state and try to preserve their language and not merge with the mother tongue, and there are many examples around the world, such as the Amazigh community in Morocco.

3. Racial minority: A population group differs from the rest of the population based on biological characteristics such as skin color, eye color, hair or height. These groups enjoy a collective sense of descent from a particular origin or race, and therefore they’re distinguished by their inherited natural characteristics. The term race is limited to describing biological characteristics naturally, which are rooted in a particular race, as is the case with the characteristics of the Aryan race in Germany, the yellow race, and others.

4. Ethnic minority: It is the group that shares certain cultural characteristics such as language or religion, and it differs from other groups that are based on unchangeable natural characteristics. These characteristics are associated with intellectual or mental abilities or competencies, and other organic capabilities that can be socially determined on a cultural basis. The word ethnic is more comprehensive than race. On this basis, the Sub-Committee on Prevention of Discrimination and Protection of Minorities, at its third session in 1950, replaced the term racial with the term ethnic, given that the term is broader in referring to all biological, cultural and historical characteristics in that the first term is limited to the natural characteristics inherent in a particular race.

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(4) Al-Taher Bin Ahmed, Protection of Minorities in Light of Armed Conflicts between Islamic Criminal Jurisprudence and International Humanitarian Law, Master Thesis: Haj Lakhdar Batna University, People’s Democratic Republic of Algeria, 2010.



### **Third - the importance of studying minorities:**

Ethnic, religious and linguistic minorities play an important role in enriching the political and social life of countries, and the importance of minorities appears in the stability of countries. As we mentioned, there is no state currently under the current system that is devoid of any type of minority, whether religious, cultural or social. Therefore, minorities represent the internal fabric of countries, and dealing with minority issues and forming the relationship between the state, internal minorities, and global minorities represents the essence of the stability of the political system within the state.

History is full of attempts to build the nation-state and the contemporary state in many models, which failed due to their inability to integrate minorities into the state. Historically, there is difficulty in building a nation-state on one religious basis, which leads to incomplete protection of the rights of religious minorities, just as it is difficult to build a state on an ethnic basis<sup>(5)</sup>. Recently, and with the social and political transformations that the Arab region witnessed since the beginning of the millennium, the relationship between the state and minorities represented a very big challenge; which led to the failure of some models and the emergence of failed countries, and resulted in other times the joining of some racial or ethnic groups to violent groups, or the formation of these groups into neck groups to control the state and obtain their rights. Therefore, the importance of studying minorities lies in their role in political and social stability in the state, as well as the role of these groups in enriching the social life of countries.

### **Fourth: Minority demands:**

Minorities' demands vary according to their classification. These demands are based on the minorities' feelings of ethnic and religious distinction from the rest of society, so they feel the existence of demands towards the majority, and these demands revolve around:

- Identity preservation.
- Equal social and economic rights.
- Total independence.
- Administrative independence "self-governance".
- Abolition of racial segregation and discrimination between citizens before the law.
- Seeking to merge with the majority without giving up their identity.

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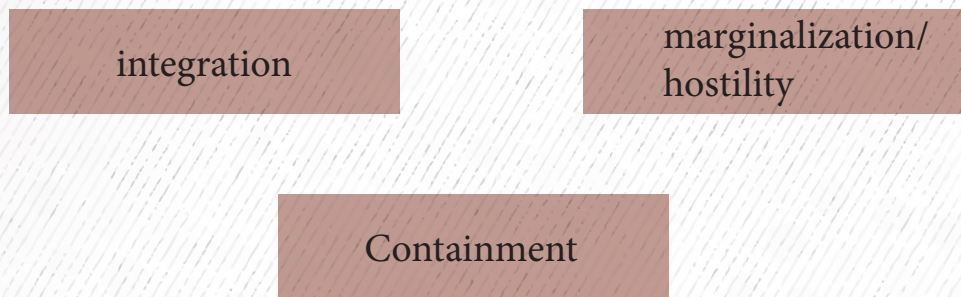
(5) Constitutions and Religious Minorities: Protecting the Rights of Religious Minorities, Arab Reform Initiative, March 3, 2012

<https://cutt.ly/S9YrzTk>



## Fifth: The relationship between the state and minorities:

Numerous studies on the state's relationship with minorities have monitored three patterns of this relationship. This relationship doesn't represent the conditions preceding the emergence of minorities, but rather how the state deals with different minorities. We are here in the process of studying the relationship between the state and minorities, and not the reasons of the emergence of minorities in societies. Hence, this relationship is represented in:



1- Integration: Through this relationship, the state can integrate minorities into society, and minorities enjoy their economic, social and political rights. In this pattern, the state guarantees a set of laws that greatly help in conferring equal rights among all citizens and not discriminating based on gender, color or religion. It is not just setting a set of laws, but working to implement such laws, that is, the actual practice of laws does not discriminate between citizens and works to look at them through the characteristic of citizenship or humanity and not because they belong to a specific group. In this case, the relationship between the state and the minority is typical, where the state was able to become the largest social framework for citizens as a whole. Examples of countries that were able to integrate minorities are Finland and Belgium.

2- Marginalization: Here the relationship takes the form of hostility and confrontation on the part of the state on the one hand, and on the part of minorities on the other hand. In this relationship, the state marginalizes the different minorities, but rather works to enact laws that limit the presence of these minorities, fight them, and prevent them from enjoying their rights on the same level as the majority. In such cases, minorities may be prevented from practicing their social or religious rites, and political marginalization may occur, such as preventing a certain class or group from enjoying their political rights. An example of this is present in history in various ways, where women, for example, were denied their right to vote; it also prevented some social classes from the right to vote until the nineteenth century in some countries. Minorities may also be subjected to economic marginalization, which is the most prevalent now. By economically marginalizing minorities,



the state can eliminate the minorities' chances of survival and continuity. This pattern has many forms and methods that the state may use. In general, the degrees of marginalization of minorities differ from one state to another. There are those who do not see or recognize the existence of minorities within the state, such as France and Greece, and their non-recognition of national minorities. And there are those who prevent some minorities from obtaining government jobs or full political participation, as is the case with the Iraqi case, and there are those who eliminate minorities, as is the case with the experience of the Muslims of Panama.

**3- The independence of minorities and the existence of relations with the mother state:** Here, the state follows a clear policy of containing the various minorities and groups within it. Containment doesn't mean extinction and melting into the mother identity, but recognition of these minorities and their rights. The matter may come to the declaration of self-rule for these minorities, so that the minority governs its geographical territory in which it is located under an administrative rule that is subject to the central state in the first place.

### **Conclusion:**

The importance of studying minorities stems from what lies within the folds of this problem, from the social and economic crises faced by the regimes, which may threaten the security and continuity of these national regimes. Minority studies over the past decade resulted in the existence of many patterns in the state's dealings with minorities. The degrees of these patterns center around three basic patterns of this relationship, which are both integration and containment from the central state or relative independence from this state by establishing a self-rule administration or marginalization and hostile relations. The state's relationship with minorities is available to the extent of what is available in the state of material, moral and non-material capabilities to contain the crisis of minorities, and the way minorities demand their rights constitutes this relationship on the other hand, as it is a reciprocal relationship between the state on the one hand and internal minorities on the other.