

LÁSZLÓ ÖLLŐS: HUMAN RIGHTS – NATIONAL RIGHTS
Do the rights of national minorities belong to human rights
and citizen's rights?

Summary

The paper examines if there is a human rights interpretation of national rights. In connection with the moral foundation of human rights, we will focus on the human rights character of an individual's national rights. This is the foundation on which the rights of minorities – national minorities and national groups that are minorities within the majority or minority, i.e. groups that represent different views on particular national questions against the majority views of the local national majority – can be based. In the first place, we have to analyse the reasons for not including the national rights among human rights during the period of the birth and rise of nationalism and the alternative solutions that were developed against the human rights concept within the liberal state. We will also look at the forms of those elements during the first phase of discourse that were important from the human rights aspect of the question. Following this, we will review the arguments that were presented by the later discourses on nationalism in support of the human rights approach.

The paper offers a solution, according to which, besides the rights of national minorities, even the national rights of individuals can be included among human right. The freedom of individuals includes their national freedom. Consequently, individuals have the right to exercise their national freedom, regardless of their majority or minority status within the state. And the state is obliged to protect the negative freedom of individuals and to create the conditions of their positive freedom. At the same time, the principle applies that the even person who opposes human rights constitutes their subject. The solution presented in this paper follows the Kantian tradition, since it assumes that man has such moral capabilities that can be used to get to know and to evaluate human attributes which are different from the given individual's own qualities. It tries to prove that individuals can apply these capabilities on national characteristics, together with the political concerns of these attributes. Doing this, we have to take those elements of nationalism into account that are connected with the modern world,

e.g. the modern instruments of social communication, mainly the role of living language and the elements of high culture. In other words, the official use of language, the science, the arts, the institutions of modern state, the modern public life, etc. are the factors that have to be presented among the aspects of human rights approach, as well as the heritage character of the national identity, since the individual is born into a given situation. Not all of the approaches of nationalism can be assigned to value system of human rights, the most problematic ones are the approaches that argument in favour of national suppression of other nations. Individuals, however, are able to choose from national attributes, what is more they can create them. In this way, an individual can conduct a moral debate on particular elements national modernisation and national heritage, and is able to make moral judgement about particular trends of nationalism. Having such moral capabilities, individuals can claim for the protection of their national characteristics and the respect of their national dignity.

Such approach requires accepting the version of human rights' coequality element according to which the legal equality of diverseness accounts for a considerable part of coequality. The state is required to secure this, since there are numerous areas of our national life that have their state-related aspects. That is, the state's restraint from direct interference with various areas of private life can be interpreted by concepts of rights of freedom; other areas however could not exist without the state. So, during the era of nation-states, the citizens of a state have right to exploit the possibilities provided by the given nation-state, even though these citizens form a national group different from the majority nation of the given state.