

Recognition and Representation in Kazakhstan: A Constitutional Perspective

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Abstract—The Republic of Kazakhstan has become independent on 16 December 1991. The independent state has adopted a new constitution that has defined the Republic of Kazakhstan a democratic, secular, legal and social state. The state comprises diverse ethnic and linguistic groups in which ethnic Kazakhs formed the majority. The various constitutional provisions with regard to school education curriculum and language script can be considered as the fundamental aspects for the recognition of the differences in a liberal democratic state that claims for an egalitarian political structure. The recognition of the differences of the minorities based on their language and culture are of utmost significance. In the case of Kazakhstan before understanding the recognition of differences it is important to understand the representational authority of various groups. Who is the representational authority of these diverse groups? Does the constitution of the Republic of Kazakhstan represent the differences based on ethnicity and minorities or it is dominated by one ethnic group?

This paper will try to answer the above question and will underline the major issues of recognition in the republic and how the recognition can help to develop a representational model based on diversity or vice versa. It will analyze the constitutional provisions and the decrees for understanding the complex phenomenon of recognition versus representation. The articulation of national identity and its recognition will be discussed and how it has impacted the representational model of the Republic of Kazakhstan. The representation of the majority is apparent that has been emphasized through the nation building process, whereas the representation of the minorities is blurred that need to be emphasized upon according to their language, culture and ethnicity.

Keywords: Constitution, Diversity, Equality, Minority, Representation, Recognition.

The Politics of Recognition and Representation:

The Politics of Recognition- A number of demands from various corners on behalf of women, subalterns and minorities in the contemporary politics is termed as politics of recognition. The politics of recognition is associated with multiculturalism that talks about recognizing, respecting and accommodating the differences. The primary focus of recognition is linked with the identity of an individual and groups i.e. who they are? Charles Taylor's essay

'Multiculturalism and the Politics of Recognition' (1994), first published in 1992 is a classic example of the theory of recognition – He begins as “a number of strands in contemporary politics turn on the need, sometimes the demand, for *recognition*”¹ and attempts to understand the notion of justice and equality through a new lens. Taylor calls the recognition as a ‘vital human need’.² He further elucidates the notion of recognition by distinguishing between ‘honor’ and ‘dignity’, the first is associated with an old idea of recognition in which social hierarchies, merit, and preferences are primarily focused and that also increases inequality. The later is a universal and egalitarian idea which talks about the recognition of all irrespective of social, economic and political status.

Recognition is of two types:

One- a move from hierarchical or merit based recognition to the recognition of all the citizens irrespective of status. It is based on the notion of differentiated citizenship where there is absence of the categorization of first class citizens and second class citizens. It considers the ‘dignity’ of all the citizens. In addition, it is associated with the ‘consciousness’ of the individuals and groups about their social and political rights.

Second- is associated with the ‘politics of difference’ – it talks about the recognition of every unique identity (individual or group). First is defined as politics of dignity and the second is defined as ‘politics of difference’. The challenge to address the issues of misrecognition of various individual and group identities can be reconfigured through the ‘politics of dignity’ and ‘Politics of difference’.

Nancy Fraser argued, “Recognition designates an ideal reciprocal relation between subjects in whom each sees the

¹ . Taylor Charles, “The politics of recognition”, in *Multiculturalism: Examining the Politics of Recognition* ed. Gutman Amy, (New Jersey: Princeton University Press, 1994), 25.

² . Taylor Charles, “The politics of recognition”, in *Multiculturalism: Examining the Politics of Recognition* ed. Gutman Amy, (New Jersey: Princeton University Press, 1994), 26.

other as its equal. One becomes an individual only in virtue of recognizing, and being recognized by, another subject”³

Axel Honneth, argues that the “recognition of human dignity comprises of a central principle of social justice”. For him economic disadvantage is secondary whereas self respect and dignity are primary. Social and economic inequalities can be eliminated through the processes of recognition and redistribution. He don’t consider ‘equality of goods’ and ‘equal redistribution’ as the basis for justice rather it is the ‘dignity’ and ‘respect’ which form the basis of justice.⁴ Axel Honneth, considers, “recognition as the fundamental, overarching moral category, while treating distribution as derivative”.⁵

Hence, redistribution is one aspect in the struggle for recognition. The concept of the redistribution became popular with the writings of John Rawls and Dworkin though its roots can be traced back, but with the demise of communism and rise of market economy the question recognition of different identities has become central to the notion of social justice.

The idea of recognition and redistribution cannot be separated from other democratic aspects of contemporary politics such as equality. Equality of resources, equality of welfare and equality of capabilities are central to both recognition and redistribution and the idea of equality is associated with its parallel notions of liberty, justice, rights and popular sovereignty.⁶ The idea of equality Tocqueville argued as ‘universal’ and ‘permanent’.⁷ Hobbes proclaims that individuals have equal ability to work and also have the equal passion for power, and the threat to equality arises only when there is a competition for more power. This Hobbesian analysis of human nature of conflict is significant in the case of Kazakhstan where in the post-Soviet nation building process the competition for power of one particular identity has threatened the existence of the other identity and one has subjugated the other. This subjugation has created plethora of inequality in the social and political system of the Post-Soviet republic of Kazakhstan.

Processes of Recognition and Representation in Kazakh Constitution:

Kazakhstan is a state comprises of various ethnic groups largely dominated by the ethnic Kazakhs. The state has many groups as minority groups such as Russians (largest minority group), Uzbeks, Germans, Tatars, Uyigur, Turkmen etc. Recognition of these identities under the umbrella of Kazakh

constitution and constitution as their symbolic representational authority is the fundamental aspect of discussion in this paper. Most of the post-soviet states are influenced by authoritarian setup and authoritarianism is entrenched into them which prevent the development of a multicultural society which is based on the notions of Equality and democracy. Hence, constitution based on democratic values can prevent the dominance of authoritarianism. In the case of Kazakhstan one can say that they have adopted a progressive approach to include all the ethnic groups under the broader umbrella of Kazakh constitution.

The constitution of the republic of Kazakhstan contains various provisions which are meant to protect the diversity and multi-ethnic character of the state. The religious, linguistic and ethnic identity of the minority groups is protected under the constitution. Article 7 (3) says the state shall promote conditions for the study and development of the *languages* of the people of Kazakhstan.⁸ Here, it can be analysed that the constitution has mentioned certain provisions for the protection of the various languages other than Kazakh languages. The Russian language has got the status of official language.

The republic of Kazakhstan has adopted a unique policy called “*The Assembly of the Peoples of Kazakhstan*” in which they have specified the representation of the ethnic minorities. In order to democratise the issue of representation and to calm the issue of discrimination against the minorities the Government of Kazakhstan under the leadership of Nursultan Nazarbayev has established Assembly of People of Kazakhstan in 1995. This is a democratic step to provide representation to the minorities. Art. 51 of the Republic declare “Nine deputies of Majilis shall be elected by Assembly of the people of Kazakhstan.”⁹

‘Internationalism’ and ‘multinationality’ are termed as the integral attributes of the Post-Soviet Republic of Kazakhstan. These two principle officially adopted by the state are also claimed for a harmonious and inclusive political system.

Kazakh has got the status of state language after independence whereas Russian which was dominant during the Soviet time has reduced to a language of inter-ethnic communication. Later on Russian has also got the status of official language in Kazakhstan. The notion of ‘recognition’ primarily referred in the context of subalterns, indigenous and minorities. Here, the Kazakh language is an indigenous language whereas the Russian is minority language. So, it has been argued for Kazakh that if it is not a state language on the homeland then

³ . Fraser Nancy and Axel Honneth, *Redistribution or Recognition? A Political Philosophical Exchange*, (New York:2003).

⁴ . Honneth Axel, “Recognition and Justice: Outline of a Plural Theory of Justice”, *Acta Sociologica* 47, No. 4, Recognition, Redistribution, and Justice (Dec., 2004): 351-364

⁵ . Fraser Nancy and Axel Honneth, eds. *Redistribution or Recognition? A Political Philosophical Exchange*, (New York: 2003), 2-3.

⁶ . Acharya, Ashok, “Equality” in *Political Theory: An Introduction* eds. Rajeev Bhargava and Ashok Acharya (Pearson Publication, 2012), 60.

⁷ . Democracy in America. 1969.

⁸ . Kazakhstan’s Constitution of 1995 with Amendments through 2011, p.05. https://www.constituteproject.org/constitution/Kazakhstan_2011.pdf?lang=en Accessed date 25/05/2018

⁹ . Kazakhstan’s Constitution of 1995 with Amendments through 2011, p.16. https://www.constituteproject.org/constitution/Kazakhstan_2011.pdf?lang=en Accessed date 25/05/2018

where else. Hence, due recognition is a vital need of this language. On the contrary Russian being a minority language in the post-Soviet Kazakhstan equally deserve for a due recognition. The recognition of Russian as an official language in the post-Soviet Kazakhstan is a positive step towards multiculturalism. Equal status of language, culture and gender are visible in the discourse of politics of recognition and democracy. Both politics of recognition and democracy are the basic pillars of multiculturalism. Collectively it is termed as politics of multiculturalism in which there is a demand for the recognition of subaltern, underprivileged and minority culture, language and identities.

Kazakhization is the result of the rising politics of identity in the late twentieth century and also because of the misrecognition of the Kazakhs during the Soviet days. But, the legacy has been continued in the post-Soviet period due to which the minorities has suffered. Now the politics of identity is seen in the context of various ethnic minorities such as Russians, Germans etc.

Impact of National Identity on Recognition and Representation of minorities:

Nation formation and Identity formation are closely linked concepts. Nations are always constructed by creating a dichotomy between two identities such as 'self' and 'other'. The 'self' sometimes portrayed a victim in the past and sometime proclaimed as heroic position. By doing this a sense of belongingness with 'self' is shaped and this feeling of oneness is developed by excluding the other. This whole idea of nation construction based on a common identity becomes problematic when it excludes those who are already at margins or who are minority. This compels to think more deeply into the idea of national identity in a culturally diverse state like Kazakhstan.

The 'identity' of a nation in most of the cases except few has been dominated by the elites whether they are political elites or intellectual. The other major factor which has remained absent in the whole discourse of nation and identity is reflection of minority culture into the national symbols. So in the case of Kazakhstan the process of 'identity' especially the national identity is a construction of the political elites. In other terms it can be argued that national identity is constructed it is not ascribed. Kazakhstan after its independence has gone through a comprehensive nation building process and Kazakhization is significant example of it. It has primarily focused upon the strengthening of Kazakh identity which has largely benefitted the ethnic Kazakhs.

It has undermined the importance of minorities and other sub-cultures as significant part of nationalism which in a way leads to non-representation and non-recognition of the significant others.

Constitution as guardian of the 'others':

In multi-national countries a pragmatic approach of constitutional politics can be applied in order to avoid the conflicts and disturbances. The constitutional politics will include a strong set of collective rights for the various sections of the state. It will also accommodate the minority groups and individuals so that they can have an equal say in the public sphere. In order to make it more inclusive it is necessary to assure all section of the state about the prospects of their groups in the newly formed constitution so that the minority groups don't feel politically isolated and socially segregated. In societies based on fragmentation the constitution should reflect their diversity and allow for representation and recognition of all the groups. The inclusive approach of the constitution will reflect the collective identity of the state.

A common past or a common history is an entry in the debate of nationalism especially in areas where there is diversity or multi-nationality. A common history undisputedly forms a nation out of various individuals and groups. The draft of constitution based on common history and whose institutional structure seeks to accommodate the contradictory interests of various groups. Moreover, in this whole process of nation building and state building the role of the constitution is significant especially for the state building process, because at the end it is the constitution that will legitimize the state building process.

Conclusion

Kazakhstan is positive in building an all embracing state and also influenced by various multicultural states of the world in order to recognize the various differences of the diverse sections of the republic. Granting of Political safeguards for minorities in the form of Assembly of People of Kazakhstan is not enough to address their political marginalization. A robust scheme is still required for the political safeguards of the minorities in Kazakhstan. It will strengthen the idea of inclusive nation. This is positive to note that officially the state of Kazakhstan is declared by the government that the identity of the various ethnicities is based on 'citizenship of Kazakhstan'. Citizenship as the national identity is positive in the sense that it does not dominate any ethnic group such as Kazakh. Hence, constitution as the guardian of the state and its people irrespective of any identity based on language, ethnicity, is the representative authority of the people.

References

- [1] Acharya, Ashok, "Equality" in *Political Theory: An Introduction* eds. Rajeev Bhargava and Ashok Acharya (Pearson Publication, 2012), 60.
- [2] Fraser Nancy and Axel Honneth, eds. *Redistribution or Recognition? A Political Philosophical Exchange*, (New York: 2003), 2-3.
- [3] Honneth Axel, "Recognition and Justice: Outline of a Plural Theory of Justice", *Acta Sociologica* 47, No. 4, Recognition, Redistribution, and Justice (Dec., 2004): 351-364

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- [4] Kazakhstan's Constitution of 1995 with Amendments through 2011, p.05.
https://www.constituteproject.org/constitution/Kazakhstan_2011.pdf?lang=en
- [5] Patnaik Ajay., *Nations, Minorities and states in Central Asia*, Maulana Abul Kalam Azad Institute of Asian Studies, New Delhi, 2003.
- [6] Taylor Charles, "The politics of recognition", in *Multiculturalism: Examining the Politics of Recognition* ed. Gutman Amy, (New Jersey: Princeton University Press, 1994), 25.