



Introduction. The Policy of Cultural Rights: State Regulation, Social Contestation and Cultural Diversity

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Abstract

This special issue has its origins in the workshop *The policy of cultural rights: socio-legal perspectives on cultural diversity* held at the IISL in July 2017, and chaired by Miren Manias-Muñoz (UPV/EHU) and Lucero Ibarra (CIDE Mexico). It is a combination of five papers whose first versions were originally presented at that workshop, and three additional manuscripts submitted individually to our journal, which, in view of their subject and research rationale, and after due peer review, have been considered as particularly adequate and suitable to be included in this special-issue. All in one, this collection addresses the policy of cultural production, state regulation, and social contestation at the local and national scale, offering interesting insights about Argentina, Brazil, Canada, Mexico, and Spain.

Key words

Cultural rights; state regulation; social contestation; cultural diversity

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Resumen

Este número especial de *Oñati Socio-Legal Series* tiene su origen en el seminario titulado *The policy of cultural rights: socio-legal perspectives on cultural diversity*, celebrado en el IISJ en julio de 2017, coordinado por Miren Manias-Muñoz (UPV/EHU) y Lucero Ibarra (CIDE México). Es una combinación de cinco artículos cuyas versiones originales fueron presentadas en dicho seminario, y tres artículos enviados de forma individual a nuestra revista y que, en atención a su tema y la lógica de su investigación, y tras la debida revisión por pares, han sido considerados como especialmente adecuados para su inclusión en este número. En resumen, esta colección se refiere a las políticas de producción cultural, regulación estatal y contestación social en una escala local y nacional, y ofrece interesantes perspectivas sobre Argentina, Brasil, Canadá, México y España.

Palabras clave

Derechos culturales; regulación estatal; contestación social; diversidad cultural

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This special issue has its origins in the workshop *The policy of cultural rights: socio-legal perspectives on cultural diversity* held at the IISL in July 2018, and chaired by Miren Manias-Muñoz (UPV/EHU) and Lucero Ibarra (CIDE Mexico). Its rationale was clearly stated in our original proposal: “To open a place of interaction for socio-legal scholars who wish to share work that deals with how the state and law influence the possibilities of development for different cultures in diverse societies”. Cultural goods, we added, “play a core role in social cohesion, strengthening commonly held values and territorial identity as well as being able to spread out knowledge through the community”. So, we argued, “culture constitutes a source of unity and identification enabling citizens the sense of belonging to their own nation”, but “even if the cultural production is an expression of meanings from local content and point of view, it is also connected and influenced by the current global context”. For that reason, we contended that “the state and public institutions become the main regulation bodies for the whole production, distribution and exhibition process of culture”. Thereby, “it is necessary to stress here that the cultural production strongly depends on a particular socio-political context and regulation”. Bearing in mind the reflections above, the selection offered below aims to examine a variety of social struggles in different local and institutional settings, with a focus on the popular strategies deployed in this particular field.

The resulting special issue is a combination of five papers whose first versions were originally presented at that workshop, and three additional manuscripts submitted individually to this journal, which, in view of their subject, research rationale, and after due peer review, have been considered as particularly adequate and suitable to be included in this special-issue. All in one, this collection addresses the politics of cultural production, state regulation, and social contestation at the local and national scale, offering interesting insights about Argentina, Brazil, Canada, Mexico, and Spain.

The two first articles offer interesting insights, built on on-field research, about the politics of cultural production as practiced by some indigenous peoples in Mexico and Colombia respectively. Ibarra Rojas and Escobedo, in an activist and collaborative research methodology with Fogata Kejtsitani, examine how the latter’s oral history project has served the Purhépecha community of Cherán, Mexico, to further advance their critical awareness about cultural appropriation, fostering in addition the claims for recognition of their right to autonomy, in a continuous process of law creation, in which Kejtsitani takes part. By her side, Montes shows – through a careful ethnographic work – how the Wayuu bag turns into an ethnographic “magnifying glass for investigating the relationship between Wayuu and Arijuna peoples in a disputed territory in Colombia”.

The third and fourth contributions shed light about two very different expressions of socio-legal struggles affecting contemporary Canada, despite legislative and policy designs that try to contain them. Whilst Purvis shows how recent governmental efforts to improve the relationship between indigenous peoples and the settler state have been unable to remove the deep and enduring implications of modern nation-formation and state sovereignty, and the limits of liberal-democratic constitutionalism, Palazzo, through the examination of jurisprudence on marital status discrimination, criticizes the rigidity of identity-based approaches to equality policies, advocating for a more

inclusive understanding able to extends its reach to fluid, intersectional groups, offering also some suggestions about how to approach this complex issue.

The remaining four contributions adopt a slightly different perspective, as they are focused in a variety of study cases taken from Argentina, Australia, Brazil and Spain, representative of different forms of social mobilization in which urban politics are combined with specific forms of cultural production, regulation and cultural rights. First, taking their study case from the Basque Country (Spain), Ibarra, Sagarzazu, Muñoz Oñatibia and Manias-Muñoz analyze the case of Eltzia, a public initiative aimed at enriching and democratizing cultural life at the town of Oñati, through citizens' participation. Secondly, Mohr offers a critical study of the processes of gentrification in Sydney (Australia) that are excluding poorer people from areas where they have traditionally lived, reducing also their diversity, and considers the potential of claims to a right to place to promote egalitarian participation in urban life and access to housing, concluding beyond the study case that "interaction between rights and forms of capital is seen to be mediated by exchange and contestation". Later, in a similar vein, Vértiz and Ventura examine the implementation of PRO.CRE.AR, a Provincial Credit Program, in the city of La Plata (Argentina), which can be understood as the legal and institutional response to previous popular mobilizations, expressive of social expectations of legal and political change in urban life. Finally, Bonfigli, Schwartz and Pontin revisit the occupation of the Porto Alegre City Council in July 2013, which is placed in the context of the protests against the increase of bus fares, highlighting some fundamental moments of a fruitful articulation between collective organization and legal change in contemporary Brazil.

We are extremely grateful to all the contributing authors and reviewers for their engagement and creativity.