

INTERCULTURE

INTERculture intends to contribute to the discovery and emergence of viable alternative approaches to the fundamental problems of contemporary Man, in both theory and practice. Its approach is meant to be integral, which means:

- ◆ Intercultural: undertaken in light of the diverse cultural traditions of contemporary Man, and not solely in the terms of modern culture;
- ◆ Inter and trans-disciplinary: calling on many 'scientific' disciplines, but also on other traditions of knowledge and wisdom (ethno-sciences) as well as on vernacular and popular knowledge;
- ◆ Dia-logical: based on the non-duality between *mythos* and *logos*, *theoria* and *praxis*, science and wisdom, wisdom and love. "Wisdom emerges when the love of knowledge and the knowledge of love coalesce" (Raimon PANIKKAR).

INTERCULTURAL INSTITUTE OF MONTREAL

The Intercultural Institute of Montreal (formerly Monchanin Cross-Cultural Centre) is an institute for intercultural education, training, and research, dedicated to the promotion of cultural pluralism and to a new social harmony. Its fundamental research focuses on social critique and exploration of viable alternative approaches to the contemporary crisis. Its activities, which draw inspiration and sustenance from this research, aim at a cultural and social mutation—radical change—through gradual education and training. Its research and action have, from the very start, been undertaken in light of diverse contemporary cultures. It attempts to meet the challenges of our times by promoting cultural identities, their inter-action in creative tension and thus their eventual emancipation from the final and most subtle colonialism: hegemony by the mind. The Institute's cross-cultural research and action is carried out through its programs in the three following modules: research and action, teaching and training in interculturalism, interculturalism resources and services.

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BEYOND
THE RELIGION AND CULTURE OF HUMAN RIGHTS
THE NATION STATE AND THE RULE OF LAW

A chronicle/testimony
of IIM's research-action
(1970–2002)
with supporting documentation

ISSUE I

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INTERculture

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Éditor's Note

THE FOLLOWING TWO ISSUES of *Interculture* are a chronicle/testimony of the Intercultural Institute of Montreal's research-action since 1972 (30 years), on a theme to which we could have given many other titles: "Are human rights, a Western, a universal concept?"; "emancipating from the political/legal culture of the West as universal frame of reference"; "beyond the Westphalian model of political and international order"; "beyond the international law of the United Nations"; "beyond the Nation State and Rule of Law as the ultimate unit of political analysis." But we have chosen to entitle it: "Beyond the religion and culture of Human Rights the Nation-State, and the Rule of Law."

Human Rights and Nation-State do not usually present themselves as a religion or culture, but rather as something transreligious, transcultural and universal, and of the scientific, rational, neutral order. However, they do present themselves as the way of salvation for mankind (what many religions themselves profess to do) and hence, in that sense, as a religion, also as a culture since they present themselves as constituting (along with development and democracy) the evolved universal, global civilization (culture) of mankind to which all would seem to be called.

We would like to underline that some traditional religions themselves have become parasites of this universal religion/culture of Human Rights, Nation State and Rule of Law, and even of the religion/culture of development and democracy.

Our aim here is not to do away with, reject, denigrate, human rights, the Nation-State and the Rule of Law, that new religion (culture) of our time; it is not even to purify these notions of their inner limits and weaknesses nor of the abuse they are subjected to nor of the failure to put them in practice (so much is done against the law in the name of Law, against the Nation-State in the name of the Nation-State, against democracy in the name of democracy!) There will always be room to improve this way of salvation. This remains important to be done, but it is not our main purpose here.

Our aim has been and is to stop absolutizing these notions (and those of development and democracy as we have tried to do elsewhere), i.e. to do away with their hegemony, with the myth of their being transcultural, transreligious, universal and universalisable, sovereign. This is a very delicate

intercultural operation to do, all the more so since the topic is taboo; one is not easily allowed to touch these sacred notions (human rights, Nation-State, development, democracy, civilization, rule of law) in order to relativize them.

The question we are asking is: "must people have rights in order to be respectful of peoples?"; "are there and must there exist universal criteria by which we can judge everything under the sun?" Or: are there among peoples of the world, other basic notions (of the social order and the good life) besides those of human rights and Nation State, Rule of Law, and which are as valuable as the latter? Which and what are they? How is it that one never hears about them as existing contemporary values?

I have tried to chronicle what our 30 years intense research-action in these matters has been. The supporting documentation that accompanies the chronicle contains only IIM's written texts, some never published, some already published in Interculture but out of print, or published elsewhere than Interculture.

Our chronicle focuses on the three main areas of our research-action: Native Peoples, the Indic cultures, the Black African culture, but with an emphasis on Native Peoples of North America since our Institute was born and has operated mainly from this Native Land. But the Institute's founders have been deeply influenced by the great Indic tradition from its very beginning. It has always insisted also on learning from the rich Black African culture. We were unable to chronicle here our research-action in other cultures such as the Chinese, Islamic, Tibetan and other Indigenous cultures, not to speak of traditional Western culture, etc. It should be clear that our purpose is not to substitute some other sovereign notion, but to open up a little further to the pluralism of Reality. Maybe we could have entitled this issue: beyond the notion of sovereignty.

R. VACHON



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BEYOND THE RELIGION
AND CULTURE OF HUMAN RIGHTS
THE NATION-STATE, AND THE RULE OF LAW

A CHRONICLE/TESTIMONY
OF IIM'S RESEARCH-ACTION
1970-2002
WITH SUPPORTING DOCUMENTATION

1970-1977

The world of India

THE RADICAL RELATIVIZATION of the notions of the Western political and legal culture, namely those of the Nation-State and of Human Rights as the universal foundation of social order, started for us in India in 1970, during our contacts with Gandhians who, in the footsteps, of Gandhi, did not believe in the Nation-State for India, wanted national independence without a Nation-State.

It is while in India also that we learned that the long Indic tradition or social order had never been based on the notions of the State of Law or of Human Rights, but on that of DHARMA, and that such is the case today in the depth of the souls of the great majority of its people, even if there exists a Nation-State in India since 1947.

So when the World Conference on Religions for Peace invited us in 1972 to participate in a North American Consultation in Wingspread (Wisconsin USA) on "the urgent issues of Religion and Peace," in view of a World Congress in Louvain in 1974 (issues that the organizers had already defined as being those of the implementation of military disarmament, development and human rights), this approach seemed to us so narrowly and exclusively Western, that we decided to present the main Asian perspective on urgent issues, namely, that of non-possession, of the life of simplicity as an ideal of civilization, and that of the discovery of the Universal Self and of the realization of Dharma. Here is the written text that we presented:

TEXT 1

1972

THE URGENT ISSUES OF RELIGION AND PEACE¹

by ROBERT VACHON

The issue of "Religion and Peace" seems to me to be too confined to a Western vision, even if there are religious leaders from all parts of the world who participate in the conference. (Throughout this paper, I mean "Western" and "Eastern," not merely in a geographical sense, but in an anthropological sense).

The urgent issues:

The urgent issues, in the Western mind, are defined as being those of *disarmament* (including all exterior weapons of destruction), *development*, i.e. bridging the gap between rich and poor nations (rich and poor being primarily understood in a material, economic, technological sense. Each country is said to be free to establish its own model, but there always remains a philosophical model, a root *Weltanschauung* which is unquestioned: the Western one) and *human rights* (based on the Western view of the person as being an "entity," distinct from others, from nature, from God).

"Religion," in the Western view, is usually taken to mean, at least in the Religion and Peace Conferences, up to date, "Institutional groups" or "representatives" of a doctrine or way of life which is identifiable as distinct from other doctrines or ways of life.

It seems to me that this Western vision is a true and valid one. But it is only a partial vision. There is also another vision of "Religion and Peace" which is to be found in the deepest, oftentimes unreflexive convictions and ideals of such civilizations as the Amerindian, the African, the Hindu, the Chinese, let us say the "Eastern" civilizations, and which has hardly reached the heart, mind and soul of Western man, and which is having even more difficulty in reaching us today, because so many of the modern leaders of such civilizations are, if not completely, at least in great part, more or less unconscious heirs and propagators of the Western view of the urgent issues of "Religion and Peace."

The urgent issues in the Eastern mind, are of a quite different order. They are: *dispossession and simplicity* (exterior and interior), *the discovery and unfoldment of man* (as a part and as a whole: who am I?), and *human duty* (based on the Eastern view of the person and of man as being the whole of mankind, a harmony with the community, with nature, with God, to the point of non-duality).

1. Text of a communication circulated among the delegates of the North American Consultation of the World Conference of Religion for Peace, to be held, Oct. 2-5, 1972, in Wingspread, Wisconsin, U.S.A.

Religion, in the Eastern view, is merely the outside, superficial manifestation of spiritual experience and of human life.

The urgent issues: specific considerations; Eastern viewpoint.

1. From disarmament to dispossession and simplicity as an ideal of civilization.

While we should go on denouncing the arms race, we should denounce, with the same vigor, that which is at the very root of the arms race: *the race for acquiring, under any form*. There is an internal armament of oppression which we use daily without being aware of it, and which is destroying mankind more insidiously than any physical weapon: *it is the Western conception of man as being primarily an acquisitive being*. It is taken for granted that man needs *much* to live, and needs always *more*.

But what would happen if we were to start considering man as also needing little or nothing to be man? What if we were to start thinking that the ideal man is also the man who can do without?... that the ideal of civilization is not only to acquire material or intellectual goods, but also to do or rather to be without them...? The ideal man would also be the simple man, the poor man who is so by choice because of inward richness; who needs no shoes, no fork, no books, no life-insurance policy, because his life and strength is within; who does not need to run everywhere because he is fully here; who is non-reflexive nor critical because fully aware; who is silent because of inner fullness; who is free from desires because of inward peace; who reduces work, not out of laziness, but because of his awareness that there is another way of mastering the world, besides working and transforming it: by understanding it, by being mastered by it, by flowing with it in harmony. The ideal man: not only "*homo faber*" but also "*homo contemplativus*."

In such a context, who are the rich nations? Maybe, also, the "have-not" nations! And who are the poor nations? Maybe, also, the rich productive nations! "Bridging the gap between poor and rich nations" can mean quite a different thing from what we understand it to mean at the present time.

It can mean that we "the poor," (i.e. the rich nations) can learn from the "rich," (i.e. the poor nations), how to dispossess ourselves, how to do without, how to truly live with little or nothing, how to live even in physical death, how to live with empty pockets and a full heart. We might then strike a death blow at the core of the armaments' race: the assumption that man cannot live without ever having more... We might find that it is just as urgent for the rich to learn to dispossess themselves and live simply as it is for the famished to have bread. There is a famine of the stomach, but worse still is the famine of the heart and soul!

2. From development, growth, progress, to discovery, zero-growth, unfoldment of man as he is.

We suffer from "growthmania." So busy are we, trying to build, to "develop," to "construct the city of man" that we lose contact with the reality of man's being, that is, that he is, and that his value does not primarily consist always in doing or creating or in "newness," "evolution," "transformation," but also in simply being. We start with the assumption that man's being is other than what man is. No wonder man is driving himself mad out of himself. No wonder he considers "no-growth" economies and cultures as "dead." We are by-passing the very core of man: his being.

International development and co-operation can be viewed in a different light. Instead of going to the "poor nations" to "bring," to "give," to "teach more," we might think of going to the so-called poor nations, also to learn how to live, how to be. We might then use our financial resources not only to pay our technical advisors to teach them, but to pay Africans, Asians to come to North America and Europe in order to teach us how to live simply, how to relate with people and with nature. We might even venture beyond the Westernized Universities and Hotels of Africa and Asia to live among and learn from the peasants, the people, not an outmoded rural life, but values of civilization which we have systematically by-passed and ignored and sometimes destroyed, during the past centuries. It is just as urgent for the "rich nations" to learn from the "poor nations" how to live and to be, as it is for the poor nations to learn from us how to "progress" and "develop."

We might even embark on a project of lower productivity, lower consumption, in the economic and educational fields and look upon "no-growth" as something which is as important as "growth." We might not always think of a "stationary-state economy" as being suicidal, and discover movement and growth in silence and stillness, in the quiet recess of the cave of the heart.

3. From human rights to human duty (Eastern sense)

We take for granted that man or a person is an entity *distinct* from the rest of creation and from the uncreated. The person is sacred. By that, we mean that the distinctiveness, the originality of each man is the sovereign value. When applied to groups, nations, states, individual life, we have a *declaration of human rights*.

But what if we were to start considering the person also as *relation to and harmony with* the cosmos, and finally as *non-duality* with the community, with Nature, with God... What if we were to define each man as being mankind itself, all encompassing... We might then become as keen to make a *declaration of the duty* of man towards humanity, towards nature, towards community, towards God, as we are to make a declaration of human rights.

In any affirmation of a human right, there is always an inherent dualism: one always considers the other as "*other*." One never considers the other as one's "*very self*." Peace requires both. That is why implementation of human rights needs to be balanced by implementation of human duties (in the Eastern sense), which is based on the intuition of the other as being one's very self, or on the intuition of the self as being ultimately the community and the Whole.

There will never be a meeting and community of nations, cultures, religions, races, as long as they consider each other merely as "*other*."

If we fight *only* for the human rights of each and all men, we shall inevitably bring about the fragmentation of man into millions of juxtaposed, co-existing and finally disconnected egos: national sovereignty egos, religious supremacy egos, black and white egos, ideological egos, all in the name of the sacred rights of man. We shall isolate ourselves from our humanity, set up only contractual relationships which can never fulfill our hearts' desire for communion, multiply legal securities, techniques, procedures, etc., which can never replace the security of being considered as another person's true self.

We need to experience each nation, each culture, each religion, each person, not only as other, but also as our very self, as a constitutive part of being. The Eastern vision expresses this in strong terms: your true self is mankind;

your nation is the whole world; your culture is world civilization; your religion is the religion of the whole world, the religion of Man.

Some may object: we must not force cultures and religions on people. True! But this appears so only when we consider cultures and religions merely as other than what we are. However, when we understand them to be a constitutive part of our true self, then, nothing is forced; we recover all dimensions of our being, of our culture, of our religion. That is why it is so important to educate man to experience the whole world as his own world, to experience cultures as his own patrimony, to experience other men as his very self.

United Nations: Nations will never unite merely on the basis of implementation of each other's human rights. On that basis, they will only co-exist, and they will continue affirming the principle of the sovereignty of the rights of nations. No amount of contractual understanding between nations will ever unite them into a world community. The reason is simple: they consider each other only as other when they affirm each other's rights. What they need also is to consider each other as their very self: to understand that the true self of a nation is mankind as a whole; that the true self of a culture is world culture as a whole; what we need is more than a United Nations each affirming its own right in respect of the rights of others: we need a "world community" where individuals, nations, cultures, as such, consider it as important to their "self" survival to give priority to the world over nations, as it is to affirm their own distinctiveness and rights. World-mindedness is as essential as nation-mindedness, in the sense that *the true self of a nation is also the whole world*. Religions have a great role to play in fostering world-mindedness, but especially within their own "religious" circles. Each religion should stop looking at other religions merely as "other" and start experiencing them also as their very Self. Instead of merely affirming each other's right to exist and thus living in peaceful co-existence and dialogue, they might also look upon each other as being a constitutive part of their own being and enter into dialogue. They might try to recover lost dimensions of their own being by participating in each other's world visions, each other's cult, and fostering interfaith living at all levels: interfaith week-ends, interfaith marriages, interfaith religious communities, interfaith worship and "sacraments." There can be no world community and peace unless there be a living community between men of different faiths, living not only in respect of each other's differences, but also as one body and one soul.

Summing up:

The Western vision of man is based on the *distinction* of man from nature, from man, from God. His greatest value is to safeguard this distinction and originality.

The Eastern vision of man is based on the *non-duality* of man with nature, of man with man, of man with God. His greatest value is not to distinguish himself but to lose himself in the whole and for the sake of the whole.

Each is relativized by the other and *the two are complimentary*.

If we find it difficult to conciliate the two in our daily lives, let us consider it a blessing of the Mystery of Life Itself which is ever drawing us to Itself and ever unfolding Its Fresh Beauty to the spirit of man, at one and the same time.

Consequently, any consideration of "Religion and Peace" must take these two into consideration if it is to be really true to Reality and Life.

While participating in the World Congress of Religions for Peace in Louvain, Belgium, in 1974, I will always remember the inaugural address of the Vietnamese Buddhist monk, the Venerable THICH Nhat Hanh, inviting the delegates to move beyond mere conceptual discussions and production of new documents, and to enter together in a mutual *live-in* of each other's religious traditions.² And he kept silent during the whole Congress, even during meals. I shall always remember also the humble question of an elder Hindu during the deliberations on Human Rights, asking why there was never any talk about *Dharma*. His question remained without an answer; the Congress never even took up the issue during the whole Congress. (Our chronicle on India continues further on pp. 38 and 42 and in the next *Interculture*.)

The Native (Indigenous) World of the Americas

Starting in 1972, we have our first experience of meeting some Innu people from the North coast of the St. Lawrence River, during a week-end, but we are also in regular contact with the traditional³ Mohawk Nation, who since 1968, has begun reaffirming itself more strongly as such in the face of White governments and of progressive band-council Mohawks, and this in all their communities. These traditionalists emphasize that Mohawks have always constituted a Nation and that they had never been citizens of Canada or of the U.S.A. They block the Cornwall bridge that connects the U.S. and Canada and demand for the residents of Akwesasne (their village which straddles both countries) the right not to pay duty on merchandise bought on the other side of the frontier, they found the Journal Akwesasne Notes as an organ of their Nation, the North American Indian Travelling College to reawaken Native peoples to their traditions, and also the Movement "White Roots of Peace" to sensitize Natives and non-Natives to Native traditions. They would come regularly to the IIM to convey their own culture and in their own way.⁴ We also made arrangements for them to come and speak at colleges and universities of Quebec and elsewhere, and to experience live-ins together where we could get some experience of some of their ways. We became, in due time, and at their request, their translators from English to French.

Through this contemplative listening to these and other Native peoples of this country, we learned that the fundamental basis of their socio-political order, at least in its deeper roots⁵ was neither the Nation-State, nor "Man-

2. English copy of this address can be found in our *Monchanin*, Issue 47, pp. 17-22.
3. By tradition, we do not understand: the past, the status quo, nor fundamentalism, in the modern meaning of the term.
4. We took pleasure in experiencing and learning in practice some of their ritual practices, their attitude towards Mother Earth, their practise of consensus, sweet grass burning, social relations of non-intervention, kinship and sacred wheel politics. Our approach was one of applying in our lives some of their own values, through total immersions. We made then our own and/or found inspiration from them in our daily lives and in the very organization of our Institute.
5. That traditional anchor remains even if many traditionalists take in some of the Western and Modern values. But it is sometimes threatened by assimilationist tendencies of progressive Native peoples and mostly by the hegemony of the modern

made laws," but "the instructions imbedded in the nature of all that lives throughout the "Great Circle of Life" (in the words of the Anishnabe: the "Sacred Wheel of Life"), what the Haudenosaunee (the Iroquois Six Nations Confederacy) call: *Kayanerekowa*, i.e. literally: "the Great Nice," the Great Harmony, the Great Peace, where there is neither a written constitution, nor notion of territory in the sense of property, no notions of election, subjection to a chief, majority/minority, but rather that of *consensus*: "to be of one mind"; in short, a non-pyramidal political culture, but a circle of kinship of the families of all living things, and of totemic clans. We learned that Native peoples, in the last analysis, did not consider themselves Quebecois, or Canadian or Unitedstatian, even if the governments of Quebec, Canada and United States considered them as such...

In October 1976, the new government of Quebec is nationalist. The then Minister of Cultural Affairs, Camille LAURIN, sent us in May 1977, his right hand man D. PAYNE, in order to ask us to organize a Province-wide symposium on the theme: "Toward a policy of minorities in Quebec," because of our already broad contacts with Quebec's cultural communities. He wanted a new approach, avoiding the "American melting-pot and the Canadian mosaic." The key-word was "integration."

Our response was to say that cultures could not be reduced to a majority and minorities. Moreover, we set a condition: start by acknowledging that the first peoples of this country—the Native peoples—already constitute Nations themselves and should therefore be approached as such, by entering into diplomatic relations—nation to nation—with them. Reaction: silence. The government colloquium did not take place⁶ but our Institute organised its own, entitled: "Who is Quebecois?" We invited a Mohawk elder, Ernest BENEDICT, to open up the colloquium and to give the Mohawk viewpoint on the country that newcomers called Quebec and Canada. The proceedings of this Colloquium were first published in 1978 in our Institute's Journal (called Monchanin) and then, in a small book in French, published by Fides, entitled *Qui est Québécois?* (157 pp.)⁷

It is worth noting that Bénédicte CORTEZ in an article entitled "Les enjeux politiques d'une définition juridique des peuples autochtones" in *Droit et Cultures* No. 25 (1993), wrote in reference to our 1978 journal issue on *Qui est Québécois?*

It might be good to listen to Robert VACHON when he says that it is becoming important to study Native peoples' nationalism and their concept of the Nation, not only according to the criteria of Western

Western culture in the name of integration to values that this Western modern culture considers to be universal.

6. But the Quebec government, a little later, began using the words "Native Nations" but understood them to be within the Quebecois eventual Nation-State and subject to the latter, i.e. as "domestic nations."
7. We are still wondering why Fides has pulped the book instead of returning it to our Institute which could have assured its distribution right up to this very day.

nationalism, but also according to the Native peoples' traditional culture.⁸

Starting in 1977, we were part of the "Comité d'appui aux nations autochtones" (du Comité Droits et Libertés), and of *Project North*, opposed to the building of the Mackenzie oil pipeline across the Dene territory of the Northwest. We also backed up the Dissident Cree and Inuit in their opposition to the James Bay Project.

Gradually the Mohawk Nation called on us in many capacities. To translate for them from French to English the on-going proceedings in a White man's court in Quebec; to help protect them from the Mohawk Akwesasne progressive Catholics during a Peace March the Mohawk Nation had organised in their village; to appear in a White man's court in Malone N.Y. (USA) in order to defend their traditional chiefs from being imprisoned in N.Y. prisons (see further: Racquette Point); finally, later, to be present as observers and reporters when they were attacked in Akwesasne by the Mohawk Warrior society in May 1990 (see *Le Devoir*, May 1990), etc. But let us return to 1978!

1978-1989

The Political self-determination of Native Peoples (1978)

During the whole year (1978) we have invited, one by one, the various Native Nations of this great Northern Country (Denes, Yukon Natives, Innus, Ojibways, Inuit, Mohawks) to speak, late into the night, about their notions of political self-determination but based on their traditional political cultures. The anthropologist Rémi SAVARD has said that this series will have been a turning point in Quebec with regard to the relations of non-Native to Native nations.

8. In this regard, one can read the Six Nations' Iroquois Confederacy's answer to Mr. MANLY's question to the Chamber of Commons Committee, on the political autonomy of Native Peoples:

As I hear your presentation ... it seems to me that you want to see the Confederacy as a nation in the international community rather than a nation within the structure of Canadian Federation. Am I wrong in saying it that way or not?

Answer: "No, you are correct. We are not part of Canada. We have never desired to be a part of Canada, and we have no future plans to be part of Canada." (p. 342), in Fascicle No. 31 (1985) No. 1735.

As a follow-up to that series we began in 1978-1979 to make their views known in newspapers,⁹ in *Interculture* (issues 62-64) where we published (in French and English) the transcription of their words¹⁰, followed by a special issue of *Interculture* (No. 65, Oct. Dec. 1979) on "Le droit, le politique, les cultures," where one could find articles on "the Incomplete Justice of the Civilised," "The legal history of the Haudenosaunee," "Political Circles, Native Indian Views on Politics and Social Authority."

TEXT 2

TOWARDS A "SOVEREIGNTY-ASSOCIATION"
FOR NATIVE PEOPLES?¹¹

An "historic meeting" in Quebec between the Quebecois Government and the Native Indians! But how is it that the government invited the band councils and the Indian associations but not the Indian Nations and their real chiefs, that is the *Elders*? Like the Federal Government, Quebec refuses to recognize the Indian Nations as sovereign nations. The sovereignty-association which Quebec wants for itself, is refused to the Native people, it is watered down, it is put between inverted commas. With regard to the national sovereignty of the Native people, Quebec policy has not changed one iota from that of Federal policy; in fact the Native people will change masters and guardians, that is all. For they will remain citizens; privileged certainly, but citizens of a Western state. Whether this state be Canadian or Quebecois, there is still a refusal to recognize the Native people's age-old rights as sovereign nations. Why?

One might, it is true, give as a reason ill-will on the part of Westerners' greed for money and power. But it is perhaps also due to a scarcely acknowledged fear, based on a centuries-old misunderstanding of the claims and the position of the Native people with regard to the earth, and to what we in the West call "political power." Tragic misunderstanding, due to lack of a knowledge of Native economic, juridical and political philosophy.

Territorial rights

When Native people are heard talking about their territorial rights, others immediately think they want to reappropriate, in part or as a whole, the lands

9. For example, on December 13th 1978, *Le Devoir* published my article "Vers une souveraineté-association des Autochtones?" In January 1979, the journal *Solidarité*, organ of the Organization Development and Peace, published another one of our articles "Native rights: have we properly understand what they are claiming?" where we criticize the fact that the very question itself of that self-determination is being reduced to an exclusively Western one which is considered by the latter as being universal by non-Native but which is not the Native Indian question of traditionalists.

10. In *Interculture* (issues 62-64), in 2000 copies, quickly sold out, but reproduced later in French in the book by N'TSUKW and R. VACHON *Nations autochtones en Amérique du Nord*, (Fides 1983) 323 pp., which has been sold out since 1990.

11. This letter was first published in French in *Le Devoir*, Dec. 13, 1978.

which have been stolen from them since the early days of the colony, to hold on to them as private or collective property and exclude Whites. The "territorial domain" of Quebec is then imagined as gradually shrinking. And there is panic!

Others insist and think they are salvaging their conscience by fighting to extend private or collective property to everyone. They seek a compromise in which the land will be shared more equally. "In all justice, we should at least give them back a part of what belongs to them" they suggest.

But this is exactly what has not yet been understood; for the traditional Indian, *the land does not belong to him and cannot belong to anyone* any more than the air which surrounds us. It cannot therefore be bought, sold, surrendered to anyone at all, individual, corporation or nation. It cannot be the object of a property contract.

When the Native people claim their territorial rights, they are not seeking re-appropriation either of a part or of the whole of Quebec and to exclude Whites, but rather acknowledgement of the right and more precisely the responsibility they have to use this land in a spirit of harmonization with all that exists. They do not feel they have a sacred mission to dominate it, to cultivate it as if it were uncultured, "wild" (i.e. hostile), but to discover it as a plenitude, which fulfils all desires.

They are not asking the Whites to surrender the land to them, to give up possession of it, but to learn a new economic and adjusted relationship to it, not that of individual or collective ownership, but that of a community utilization, or a custodianship which would mean responsibility to future generations for the protection of all that lives.

It would be more accurate to say that they claim no right over it, not even an aboriginal one, but that they are reaffirming their responsibility and that of all men to protect the land in gratitude and thanksgiving. The word "right" does not even exist in Native languages. For example "property rights" is untranslatable into Inuitut.

They are inviting us therefore to abandon our real-estate utopia, to give up not the land, but our private, corporate and national individualism. It is not a question, let us underline this, of extending ownership to all, but much rather of liberating ourselves from our underdevelopment as "owners," to embrace a radically new economic and "gearing in" philosophy. It is not a question of a State Communism, which is basically only another form of imperialism, but of a communism of the whole people, on condition that it includes all those beings which constitute it, not simply the "proletariat" or "human beings."

Political power

When the Native person claims political self-determination or political sovereignty, the Westerner immediately thinks he is seeking "political power" in the Western sense. Now the *Western notions of sovereign and political power are foreign to the traditional Native mentality*; not only does he not accept that one element in the sacred circle of life should reserve to itself an exclusive domain and dominate the others, but it is not even the individual or the people who are masters of their own destiny. It is the mystery of nature and the Creator with which man has to harmonize.

If we were to speak in terms of democracy, let us say that it is a democracy of a global type where man does not have a dominating position over the

rest of creation. The people is everything which exists; animals, rocks, the universe. It is not sufficient therefore that there should be a consensus between humans. There must be a harmony with the whole cosmos: a cosmic consensus. There can therefore be no question of majority-minority, but only of consensus.

Consequently, a people (or a nation) which thinks it has an exclusive power, or even power over another people (or nation) is a people, which is not in harmony with its true nature, which is global and cosmic. It is a false power. True power consists in not having any over anybody or anything whatever. When the Native person speaks of power, it may well be that it is also of this power without power that he is speaking, a power which he is unable to exercise, because of Western lack of understanding.

It is doubtless dangerous, in the name of respect for their culture, not to recognize their political authority and to reject their right of access to it. But it is equally dangerous to impose on them our own political culture and to abandon their own political philosophy and praxis in the name of a political power to which they do not aspire, because it is for them a false power.

To maintain social order, the Native people do not proceed by legislative act, judicial decision, coercion and physical sanction, but by reference to the cosmic community, the human community, to custom and to group persuasion. The judicial process itself is conceived of more in terms of the re-establishment of the natural order, than of the eventual punishment of the guilty person. There is no formalized judgment with tribunal, effective judgment, condemnation, but rather the non-formalized judgment of public opinion.

The political leader

It will by now be understood that the most remarkable attribute of the traditional Indian chief is his almost complete lack of "authority," understood in the sense of "control of his subjects," of "command-obedience" relationships, of power of decision, of decisive judgments, of the imposition of order by means of legislation, judicial acts, sanction and punishment.

It is a leadership without "authority," a powerless power. The chief is not a commandant; it is rather society itself which exercises as such its authority over the chief. He is rather a peace-maker, an arbiter, one who symbolizes and points towards the great cosmic peace.

The Westerner has to learn to conceive of authority without power, or, if you will, the "power" of the sacred peace pipe, if he wants to understand what is meant by "Red Power."

Language

Native people, when they talk to Westerners are obliged to have recourse to Western language to make themselves understood: nation, territorial rights, political self-determination, legislation, justice, territory, property, political power, etc., but it may be that they understand these words as having a radically different meaning.

To understand Native people when they use these words, we have to make an effort, if not to learn and to speak their own language, at least to enter into their interior world and to try to capture a little of the vision which is sometimes hidden behind these Western words, which are foreign to them, and to let these words "evolve" till they also signify a different reality from that which the Westerner believes he already knows.

Whilst the Native people use Western language to express their vision of the world, how is it that the Westerner almost never uses the Native languages to make himself understood by Native people? Why is he so slow to meet the elders, who are the real leaders of these nations? and on their own ground? In other words we are still a long way from a historic meeting between the Quebecois (or Canadian) nation and the Native nations.

So let us not be afraid: Let us take away the inverted commas and fully acknowledge the Native nations as politically sovereign. This can only help us to grow out of our own economic and political underdevelopment and to recover our long-lost humanity.

R. VACHON, Director, Monchanin Cross-Cultural Center, Dec. 13, 1978



TEXT 3

TOWARD A MORE REALISTIC POLITICAL WISDOM AND ACTION

POLITICAL SELF-DETERMINATION AND TRADITIONAL NATIVE INDIAN POLITICAL CULTURE¹²

by ROBERT VACHON

Indifference to the question:

We have been listening to the Native peoples as they spoke on the theme: "political self-determination." What lessons have we learnt?

First, a preliminary remark! Western circles, even those who are most sympathetic and involved in the "Native Indian cause," generally manifest (consciously or unconsciously) an almost total indifference towards "traditional Native Indian economico-political culture."

Consequently, the socio-political question and the more specific one of Native Indian political self-determination, are usually approached exclusively

12. This article was first published in *Monchanin Journal* (IIM) July–Sept. 1979, Issue 64.

on the terms of Western economico-political culture (from whatever age,¹³ ideology,¹⁴ model).¹⁵

For the Westerner, the socio-political question is obvious: it is that of social justice understood in the sense of respect for the rights of man, and, in the case of Native peoples, of their aboriginal rights and of their right to political self-determination. In his mind, *that* is the question for everyone, irrespective of his cultural background. It would never occur to him that, for the Native peoples, the socio-political question might be a different one.

The moment one speaks to Western activists about Native Indian political culture, one is accused of folkloristic and archaeological diversion, of going back to an "outmoded past of moccasins and igloos." In their eyes, it is not only a question of minor importance, it is political unrealism and naiveté; for, the social question, they say, is not first and foremost a cultural but a political question! Furthermore, what naiveté to lose oneself in the limbo of Native Indian culture when Native rights are being threatened by the bulldozers of multinational corporations! These are not times for cultural contemplation but for political action. Anyway, they add, Native political culture is none of our business, but theirs! Let us struggle for their political self-determination, without meddling into their cultural affairs; once they will have reached liberation, they will choose the political culture that they like.

Our objective:

There is some truth to some of these objections. But their irresponsibility, unrealism and culturo-political naiveté will become clear to the Westerner (and Westernized) only if the latter succeed in moving out of their cultural hypnosis and indifference with regard to traditional Native political culture.

It is therefore on this Native political culture that I wish to focus here, hoping to describe briefly some of its original dimensions and to show how it constitutes a radical questioning of the Western way of putting and solving the socio-political question in general, that of Native political self-determination in particular, and how these can be seen as important complementary elements for the elaboration and praxis of a more realistic political wisdom and action.

NATIVE INDIAN POLITICAL CULTURE

I wish to underline six original characteristics of Native political culture regarding the question of political self-determination: 1) Ontodetermination 2) Responsibility towards the earth: duty of thanksgiving, harmonization and guardianship in a non-proprietary type of usage 3) Communitarian, consensual and confederative dimension 4) Originality of its political notions 5) Non-violent, non-assertive, long-term resistance 6) Spiritual dimension: "spirits" and the Spirit.

13. Ancient or modern.

14. Capitalistic, Marxist or socialist.

15. Colonialist, neo-colonialist or non-colonialist; European, American, Canadian or Quebecois, etc.

Political Ontodetermination

The fundamental political question according to Native peoples, is not only that of self-determination but specially that of political onto-determination.

The word "political self-determination" is a Western word (*polis*: city; *autos*: self) which the Native people borrow in order to try to communicate their political reality to Westerners. But it is foreign to their language and traditional political philosophy. It would be more precise to speak of ontodetermination (*on*, *ontos*: being) or of harmonisation to the cosmic balance according to the Great Peace of the Creative Spirit.

If by self-determination is understood the opposite of heterodetermination, i.e. a political life determined by the self (*autos*) rather than determined and imposed from without by an "other" (*heteros*), it is true to say that Native peoples seek self-determination. However, the latter in the eyes of the Indian, is but an external condition of political freedom; it is only its shell.

But if, by self-determination, is understood the opposite of ontodetermination, i.e. a political life that is determined by man (*autos*) rather than by being (*on*, *ontos*), then it is true to say that the Native people give priority to ontodetermination which constitutes the heart and soul of political freedom. Let me explain.

I wish to stress that the Native Indian view of the world (and hence of politics) is less man-centered, self-centered and even God-centered than cosmo-centered, globo-centered and onto-centered. It is not man who is at the center of their political philosophy and problem, as if he were the lord, with a vocation of mastering his destiny and that of others, of defining his role in life and that of everyone else, of creating order and controlling the world. In true fact, there is no lord! There is nothing but being, the real, nature, the "spirits" and the Great Spirit, who, together, constitute the Great Peace and Harmony and are constituted by it. There is nothing but the circle where each thing has its place and role.

Man's role is less that of reaching "autonomy" than that of achieving "ontonomy," i.e. of collaborating with all beings, in the Cosmic Harmony that constitutes his humanity.

His political freedom doesn't consist so much in *freedom of choice* (doing what he chooses to do) as in the *freedom-that-comes-from being* (being what he *must* be, doing what he *must* do).¹⁶

The Native Indian vision is not "separatist"; it is never the self, the individual, the person, that is at the center, but the whole community of living beings. The reason for that is that this vision doesn't consider the Spirit, the "spirits," nature, things, animals, men and peoples as threatening or adversarial "others" but as partners; moreover, as constitutive dimensions of his being and of his "self." That is why the Native Indian doesn't deem it as important to underline the distinction that exists between the divine and the human, between himself and men, between man and animals. He would rather stress their interdependence, their intimate and constitutive relationships, their mutual belonging-

16. On condition of not understanding "duty" in a Kantian sense of obligation, or of imposition from outside, and on condition that this duty not be the arbitrary decision of an individual, a group, a state or even a god, but rather that of nature and of life.

ness. Hence his politics of co-operation, consensus and confederation rather than that of competition, confrontation and struggle for power.

Since he doesn't try to set himself up with a vocation of "mastering nature" which would set him above animals, plants and things, he doesn't try so much "to transform," "control" and "master" them as to be in "harmony" with them. He cannot conceive of "owning" anything, either privately or collectively as a nation or as man. His desire is to enter into symbiosis with all that exists.

He therefore doesn't seek "political power," or to be the "master," the "leader who commands," the "center of decision," the "legislator" who would have power to intervene. On the contrary, the true leader is the one who does not order, who doesn't intervene, but who listens and submits to the Great Peace, is its faithful mirror and spokesman.

Who would dare to say that such a "spiritual" vision is not at the same time deeply "political" in a unique and original way?

Responsibility towards the earth: duty of thanksgiving, harmonization and guardianship, in a non-proprietary, non-accumulative cyclical type of usage.

The word "rights" doesn't exist in Native languages, because man is considered as a being without any right to anything nor to anyone. Having no rights to land anymore than to the air he breathes, the Native Indian doesn't like to speak about his rights and his aboriginal rights. He prefers to speak about *man's responsibility towards the land: thanksgiving, harmonization, guardianship.*

He therefore doesn't seek ownership, neither private nor collective. Since land doesn't belong to him nor to anyone else and that it cannot belong to anyone, it cannot be bought, sold or ceded to anyone: individual, corporation, nation. It cannot be an object of a contract of ownership.

He therefore doesn't seek to acquire it as his own anymore than he seeks to store it up. He seeks rather to utilize it in a communitarian way, i.e. in a way that will be useful to the whole community: the past and future generations, all living beings, and not only for one tribe, one people or even for man alone.

He respects the vital cycle: the land gives its life for me: I must give up my life for it.

Man is less the guardian and protector of land than he is guarded and protected by it. Hence the respect man has for its vital mystery and his first duty of giving thanks.

When we hear Native peoples speak of their "aboriginal rights," we immediately jump to the conclusion that they wish to re-appropriate, in part or in full, the lands that we stole from them since the beginnings of the colony, to own them privately or collectively and to exclude the Whites. But it is not so much a "territory," a "domain," of an exclusive nature, that they seek, but a *space*. They rather seek that man recover his relationship to the land as his true mother, fulfill his responsibility of guardian and enter again into balance with her. The "islands" that the Native Indian is temporarily obliged to constitute, are not "islands of private or collective ownership" but "islands that exclude all forms of ownership." It is an occupation of lands, but of a "usage," not of an "ownership" type.

Communitarian, consensual, confederative dimension:

We may have noted, that Native Indian nations, in the same breath that they speak of political self-determination, independence and sovereignty, speak also of being recognized "as nations within Canada, the U.S. or of a larger protective whole."

Nation within a nation? confederation of nations within Canada? What a contradiction says the Westerner!

But what of those small nations, says the Indian, who have placed themselves under the protection of a larger one, such as: Monaco (France), San Marino (Italy), Liechtenstein (Switzerland), Andorra (Pyrenees)? And what of the original Canadian confederation?

The Native Indian position is confusing only to the Westerner who cannot think in other terms than in individualistic and exclusivistic ones, and who has not understood the communitarian, consensual and omni-inclusive character of Native Indian political philosophy.

In fact, the Native Indian is more concerned with harmonizing to the global community, than he is with running a separate existence. He sees nations (and beings) not as "independent" but as "*interdependent*" in the sense that their deeper quality doesn't come so much from their isolation or autonomy as from their *belongingness* and *mutual relationship* and from the precise role (non exclusive) which each one plays within the whole. It is less a matter of association than of community of nations.

Hence, his passion for *consensus* which refuses to neglect the smallest element within the whole; which refuses the law of the majority, the law of "might makes right"; which refuses to force another's will but seeks rather to persuade and to negotiate; where the global human community has priority over the individual and the nation; where the cosmic community has priority over the human community. But priority, not in the sense that the smaller one has to concede to the bigger one, but in the sense that it is *communion between beings and nations* which gives to a person and a nation its quality.

The political self-determination that is sought by the Native peoples does not suffer from the dualism, the "sovereign" separation, the national and human schizophrenia which so often plagues modern Western political society.

Originality of his political notions:

Nationalism, government:

Native Indian notions are not seeking the status of a National, Independent and Sovereign State. Even when they use these terms of "sovereignty," "national independence," sovereign State," they usually do not mean them in the Western sense of the terms; these notions are completely foreign and even contrary to Native Indian political culture. Moreover, the sovereign national state, in its very nature, even seems to smother the true national dimension of man and to run against natural government.

What they want us to understand is that they have always been "political nations" and "states," as much as, if not even more than the Western nations and the modern states. But the national dimension of man or the notion of state do not need to be defined exclusively or even necessarily according to Western criteria (ancient or modern) of nation and state.

For example, not to be citizen of a modern "civilized" state, does not mean that one is without a "country" or without "citizenship"; a nation can very well fulfill its political function in the sense of a community-organization of a whole that is wider than the family, without being centered on the "*polis*," i.e. the city, citizenship, "*civitas*" and the values of "civilization."

The Native nations do not feel that to be "political nations" endowed with an effective government, they need to answer the criteria of modern states: independence, sovereignty, large population, a territory or domain (a land exclusively owned by a people), their elective, judicial, executive, legislative and police systems, a money-economy, a school system, civilization. They have their own political, economic and juridical culture and systems. To be a political nation endowed with effective government, man does not have to be "Americanized," "Westernized" nor even "civilized."

On the contrary, the ideal population for a nation seems to be one where consensus is possible, i.e. where each individual, each family, each tribe, can be heard constantly in all the decisions that affect the community.

The very words "majority-minority" are never used because they are based on a purely quantitative and hence non-respectful notion of the person and of groups. The idea of centralization of power is foreign to them. The key-word is rather "decentralization" at all levels. The idea of empire, kingdom, king, sovereign, lord, of a head of state who commands, is an alien and alienating concept. It is irresponsible to delegate one's responsibilities to leaders or representatives who think and decide in one's place. No one should have any power over another. The Native Indian does not centralize power in his person as if he were the center of decision: the center is the whole cosmic circle of which we are, each of us, but a part, as individuals, tribes, clans, nations. Furthermore, the national community comprises animals and all living beings, not only men and women.

The national leader is not the one who has power and who can impose his will or the will of the majority, but the "elder" who, having listened to the whole community of sentient beings, is a mirror of it.

Oral tradition is seen as more complete and effective than written tradition in governing properly.

A true nation is one which refuses ownership, sovereignty and independence and which fulfills its cosmic responsibility of guardianship, harmonization and conciliation in a consensus of interdependence. This consensus is related to the omniinclusive character of the Native Indian vision of the world.

Political power, leadership, freedom:

Politics, for the Native Indian, is less centered around the "*polis*" (city), the "*civitas*" and citizenship, civilization, development, then around "nature," "cosmos," "country" and hence "paganization."¹⁷ It is neither the citizen, nor even man who is the conceiver-manager of political organization but the natural community. It isn't the peasant who is marginal and peripheral in relation to the citizen, but the citizen of the city who is peripheral and marginal in relation to the peasant, whether the latter is a farmer or a nomad-hunter.

17. *Paganus*: peasant.

When the Native Indian speaks of "political power," he does not understand so much the (Western) power of decision, of command, of legislation and of coercion, than the (Native) power which consists in doing one's duty of communion and co-operation with all living beings. He has power in the measure in which he is without power and is a living mirror of communitarian peace and cosmic harmony. Hence his emphasis, in politics, on wisdom rather than on power. He likes to repeat that the peak of political power consists in spiritual wisdom. That is why his political leaders are never directors, bosses, legislators or even "chiefs" (a Western expression), but wise and "good" men, as they prefer to call them. He alone is a political leader who does not seek political leadership and power and who, while in a position of leadership, seeks and succeeds to be without power. It is he who has no power, neither to legislate nor to command or coerce.

For the Native Indian, the political problem consists less in a lack of political freedom than in the fact that man no longer knows what political freedom consists of. The latter consists less in "freedom of choice and of political option" than in the freedom that comes from following "the instructions of the Creator." It consists less in being "master of his own destiny" than in being a faithful disciple of destiny and of the precise and dynamic role assigned to him by cosmic harmony. True political power, like political freedom, consists in being what nature expects us to be.

From a Native viewpoint, the Western nations have not yet attained political freedom. Not only because their citizens have surrendered their political power to representatives that they can only control on the voting day, or because their leaders remain lackeys of the so-called powerful, but because neither the citizens nor their leaders know what true political freedom is about.

Non-violent, non-assertive, long-term, spiritual resistance.

One notices the generally serene, pacific, non-violent character of Native Indian resistance, specially among the elders. A character that Western activists too often mistake for passivism, fatalism or for an absence of conscientization.

If the Native Indian, traditionally, is not rights-affirming, it is less because of his ignorance or passivity than because he does not view life as object of rights. That is why he is non-assertive in these matters.

Today, in the face of Western devastation, he does use a language that is affirmative of his rights, but he does not like to do so. It goes against his grain. This is not his way of speaking. He is forced to do so if he is to be heard, but it does violence to him. So, when he does, he does so in a non-assertive spirit.

He does not like hard denunciations and declarations, the face to face dual, the usage of constraint, coercion, public or political pressure in order to win. Confronted by force, he refuses to take up the arms of the adversary. He prefers to appeal to responsibility, moral persuasion, intelligence on the part of partners and brothers. His arms in the face of multinational bulldozers, are women and children in the strength of their "weakness."

The communitarian and consensual character of his politics drives him to take up the way of deliberation, negotiation, co-operation and patience rather than that of confrontation, aggressiveness, impatience and of the "adversary method." A forced consensus is no consensus. The communion of a people and of nations cannot be brought about by legislation, coercion, power struggle. His politics are less one of self-defence than of confidence; what and

who surrounds him is less considered as a possible or real enemy than as a partner, a friend, a brother, in the same circle of life.

Naïve optimism in the face of the voracious and destructive monster of multinational corporations, landowners, ethnocidal legislators, genocidal and homicidal thirst of the consumer society? But let us try to understand and to appreciate its short and long-term effectiveness!

We are often struck by the deep peace with which native spiritual leaders face the destruction of their cultures and peoples, situations of radical powerlessness, when all avenues are blocked and they find themselves in deep pain and sorrow. Backing down? Fatalism? Not at all. But a resistance of spiritual presence.

Aggression is self-destructive and is its own punishment. Truth does not need a protector. Life protects us better than we can protect her. Who does man think he is to think that he can threaten and destroy the Great Peace? It will have the last word, say their prophecies. Moreover, it has the last word, right now, at the very heart of aggression on the one hand and of powerlessness on the other. It permeates everything, even chaos. Without it, all would dissolve into nothingness. It liberates us there where all political messianisms are powerless. It even frees us from the slavery, the naïveté and unrealism of our violent positions and of our myths of political freedom. Passive and fatalistic resistance? Not at all. But an active and interior resistance; that of the wise. This spiritual resistance is the very heart of resistance. Opium of the people? Not at all. But an act of liberation and of praxis which reaches at the point where liberating messianisms are powerless, namely at the very heart of the adversary.

Original spiritual dimension: the "spirits" and the Great Spirit.

Native peoples repeat it constantly: the political question and that of their political self-determination is primarily a spiritual question. Moreover, the social question itself is not primarily a political question (in the Western sense) but a spiritual question (in the Native sense).

The Native Indian does not separate a spiritual domain (Native) from a political one (Native) as it is customary in the West. In his view, an act is political only if it is spiritual. And if it is spiritual, it is by that very fact political. But we have yet to understand what is meant by spiritual.

Man, like all that exists, is primarily spiritual, i.e. constituted of "spirits" and of the Great Spirit. The reality of a thing is its "spirit" and the Great Spirit.

The Native Indian is therefore less concerned with "self-determination" or even "ontodetermination" than with "spiri-determination," i.e. with being faithful to the "spirits" and to the "Great Spirit" of the universe. We could even say that, for him, self-determination consists in "spiri-determination," in that the true self (*autos*) is the "spirit" of his being, the "spirits" of all beings, and finally the Great Spirit of the Universe.

What is important, for each being, is to follow the "instructions given by the Creator to each thing"; by instructions, he does not mean commandments, decrees, as if each thing were programmed. The Westerners call it: "natural law" but with this difference, that, for the Native Indian, law is never considered as an extrinsic principle (like a protective ramp) but as an *intrinsic principle*, i.e. not in the sense that it is the *cause* or *reason* for acting, but rather that it is the *constitutive* nature of a thing, i.e. *its mystery*.

In the same way, the Creator is not seen so much as the *Cause* of the Universe but rather as the *Mystery* which constitutes it, without being identified with it. He is rather the *Harmonious Relation* between all things.

The problem today, says the Native Indian, is not so much that of self-determination as that of "spiri-determination": the ignorance and rejection, on man's part, of the "instructions of the Creator": his negligence in listening to and following the "spirits" of things and the Great Spirit or Mystery of the Universe: the Great Peace. The solution is to let ourselves be held, determined and revived by the "spirits" and by the Harmony Relationships: The Great Peace.

Native Messianism is a nature and Spirit messianism. It does not expect men-liberators. It does not believe that liberation comes primarily through the creative action of man and of his efforts, but rather from the dynamism of Mother nature herself, through the surrender of man to and his collaboration with the instructions, the spirits and the Great Mystery. It has a complete faith in It, which keeps him noble and serene in the face of the worse humiliations, chaos and death. It is a serenity that he cannot explain, define or give.

The contemplation and praxis of this Great Peace is the core and peak of politics.

Some radical questions to the West

Prelude

The traditional Native political stance, by its very existence, poses to the West some radical questions that the latter does not usually ask itself. These questions are not a rejection but a radical questioning of the Western way of raising and of solving the socio-political question in general and that of political self-determination in particular. Furthermore, it challenges the very political life-style and action of Western man.

One of the most sensitive and difficult things to do, for any culture, is to question its own foundations, its dearest, most sacred and most obvious convictions. When it does, it generally has a tendency to reserve for itself a buoy, a security, to which it clings.

But no matter how soothing, the latter can only serve as a partial and temporary salvation. In fact, cultures, like man, are called to complete freedom. However, this freedom is only possible in a total death to self. Identity and culture are no different than life: one must lose it to find it. One's culture is lived fully in the measure in which one dies to it completely. It is not the discovery of the limits of one's culture that belittles it, but our making it into an absolute. One cannot be filled to the top unless one is emptied right down to the bottom.

This imperviousness of cultures to letting themselves be questioned right to the end in their deepest identity and sufficiency, is what I call ethnocentrism, cultural arrogance and pride. No culture is free from it. Not even Western civilization.

I believe that the traditional Native position can contribute enormously to this deep questioning of Western civilization and, by the same token, to its rebirth. But the first step is for Western civilization to discover itself as more deeply ethnocentric, arrogant and proud than it usually thinks it is, and to recognize it. This does not require it to stop believing in itself and in its

myths, but to submit to this purification, through the burning fire of other cultures' judgment.

This criticism may, at first sight, be so disturbing and devastating, that nothing may seem to remain of its original myths and of its primordial identity. But it is exactly at that point, that the West can begin to discover the gushing spring, not only of its own originality but also of a depth and vitality heretofore unsuspected.

The social question

The first thing to respect in Native Indians is the way in which they raise the social question, either for themselves or for society in general.

In their eyes, it is not so much the Native Indian who is the problem as the Western man himself who constantly creates it. There is like an incapacity, a refusal, on the part of Western man, to look at the Native Indian as something other than a poor underprivileged being in need of being liberated and saved by him. That is the Native Indian problem much more than that of respecting his rights. In fact, the real Native problem is Western ethnocentrism. Western man seems unable to acknowledge that he himself may be in need and even in greater need of the Native Indian than the latter may have need of him. The Native Indian won't tell him so. It is not in his habit to do so. Western man, in the last analysis must discover it for himself.

Native peoples do not raise the social question uniquely or even primarily in terms of rights and of social justice, but in terms of *duties, responsibility and consciousness*.¹⁸ The problem today, in their view, is not only and primarily the lack of respect for the rights of man, but the *lack of consciousness that man has of the role that nature has assigned to each thing in life, the forgetfulness of his natural place, the ignorance of the "spirits" of things and of the Great Spirit, ungratefulness.*

But, if it is so, why is it that Western man always puts the social question in terms of rights but almost never in terms of duty (in the Native sense)? His organizations are generally for the defence of rights: even when he speaks of duty, he seems unable to speak of any other responsibility than that of respecting rights (his own and those of the Native peoples). It doesn't seem to cross his mind that in order to respect the rights of the Native peoples, he should respect the fact that native peoples consider themselves as being without rights, and that the solution to the social problem is not so much that man become aware of his rights and fight for them, but rather that he become aware that, in fact, he has no right at all on whomsoever and whatsoever. He rather has a responsibility of gratefulness, harmonization and protection towards all that surrounds him in the natural realm.

If Native peoples consider themselves and man to be *without rights*, with what authority do defenders of Native rights come and impose rights on Native peoples and tell them that the social question is first and foremost that of their Native rights and of human rights? For the Native Indian, rights are a creation of Western man. Their own history, before the coming of the White man, never speaks about them. But whether they are or not a creation of

18. These Western words, with their moral and normative character, do not express well the Native Indian reality. The Native word "consciousness" for example, means "vision" more than reflexive thought.

Western man, rights are a notion that is found more in the Western than in the Native Indian world.

What authority do defenders of human and Native rights have, to affirm that the number one problem of Native peoples is that of their human and aboriginal rights? What if the Native peoples consider that the number one problem of the Natives are the Whites themselves, their conception of rights, their political ignorance and pride, their absence of political wisdom? Shouldn't the so-called defenders busy themselves first with their own political confusion? with educating themselves and their peoples to their responsibilities as debtors towards their ancestors, the future generations, the living beings, the spirits and the Great Spirit who gratuitously give them life? Wouldn't it be more fruitful to spend the greater portion of their time in "dejuridicizing" their minds and that of their people, rather than "juridicizing" them further, by encouraging them to believe that they are lord and king, full of rights that are limited exclusively (perforce) by other little lords and kings, also full of rights?

The Native tradition has always refused to consider man as king and lord, as subject of rights. How is it that Western man, "great protector of human rights," is unable to introduce this Native traditional notion in his own life, namely, that man (and hence Native man is without any rights in this life (rightlessness rather than righteousness?) and that his role is less one of affirming his rights than that of developing a spirit of gratitude, so indebted is he, really, to his parents, to his relatives, to animals, to elements, in a word, to life?

Instead of looking for Native assertiveness concerning their own rights, shouldn't the protectors of Native peoples seek rather what Native Peoples are and always have been and discover the duties that follow from the being and spirits of things? Native people are not seeking so much *defenders of their rights as seeking awakened, conscious people* who awaken man to his duties of indebtedness towards life.

If this is too demanding, the least that Western man and his leagues of human rights can do, is to speak first about Native Indians' rights to *their own culture* rather than as it is usually done, speak of their rights to *Western civilization* and to the *benefits of its justice*.

Native peoples do not posit the social question only and primarily in terms of *financial inequalities* between rich and poor, of *sharing of ownership, of development and under-development*, but in terms of lack of awareness of what really constitutes man's wealth. The problem today, in their view, is not so much not to have any money but the belief that economic wealth consists in money. It isn't so much the unequal sharing of ownership, than the conception that man is an owning (a proprietary) being. The problem doesn't consist so much in "under-development" as in the belief that one has to be "developed," "civilized" and specially in the fact of not knowing what true development consists of; for example, that it doesn't consist so much in controlling nature as in harmonizing to it, not so much in re-building it into our own image but in restoring ourselves into its image.

If this is true, how is it that Western man generally speaks of the social problem (the Native one and his own) only in financial terms of salaries and annual wages? of unemployment and schooling? of sharing of ownership (private or collective)? Why does he constantly belittle the economic wealth of the Native people and of his own people, ever underlining their under-development and giving himself the holy and civil mission of "developing," "con-

scientisizing" and "liberating" them? As if he had the monopoly on the definition of humanity and economics!

Native peoples do not even raise the social question of the *vital needs* of man in the same way as Western man. Not only do they give priority to the *natural needs* over the *civilizational ones*, but, among the natural needs, they give priority to *spiritual needs* over *material ones*, not in an acosmic, dualistic meaning of a disincarnated spirituality, but in the sense of a spiritual materialism, which sees the spiritual wealth ("spirits" and Mystery of the Spirit) in matter and in the "secular." Let us first give one example. One of the most important needs of man, consists precisely in acknowledging that he is less a need or void to be filled than a being of wealth and fulness to be discovered; the social problem par excellence which is the very source of contemporary social injustice, is the absence of thanksgiving; it is the ignorance, the ingratitude and the under-development of those who only see the world as an emptiness to be filled, a matter to be transformed. It is the lack of respect and of faith in nature and in the "spirits" of things.

If, according to the Native perception, the socio-political question and that of their self-determination is not only and primarily a political question (in the Western sense of the term), but a spiritual question (in the Native Indian sense), how is it that Western activists present it primarily as a political question (in the Western sense)? And how is it that Western spiritualists who think differently refer only to their own spirituality rather than to the Native spirituality to ask and solve the question? What if Native spirituality were as important if not more than Western spirituality, to solve not only the Native socio-political question but also that of the Western peoples themselves? What if Native non-dualism were that injection required to overcome Western dualism and schizophrenia both in spiritual and practical politics? And what if men were as much if not more in need of being "paganized" than "Christianized"....?

The social question today may not be only and primarily that of moving from capitalism to socialism, but also and specially of moving from evangelization and civilization¹⁹ to paganization.

The political question

The second thing that should be respected in Native peoples, is the way in which they raise the political question, either for themselves, or for society in general.

If, in their view, the political question focuses less around the "*polis*," citizenship, civilization and development, than around the natural community, the country and paganization, why does Western man always identify the political question with the National State, the city, its civilizational and development values? Why does he speak exclusively of cities (big and small) as being the center, and rural areas or under-developed countries as being the periphery? Why does he speak exclusively of turning Native peoples into "first-class citizens" and never of turning his own citizens into first-class "pagan-peasants"? And what if "depoliticizing" were a political act? and non-voting a civic action? Why insist on calling the Native peoples "minorities" when the latter reject this notion as inhuman? Why should the law of the majority supplant consensus? Why this dogged insistence on imposing one's man-centered political philosophy on the Native peoples? What if it is not so much man as nature it-

19. Not only of Western civilization, but of civilization.

self which is the true artisan of political life? not so much civil law as natural law?

Why should it always be up to the Native peoples to come to city courts of justice to defend their rights and never up to the "civilized" to prove their titles in Native courts? Western man might then find it as difficult to prove his rights in duty-community-cosmic-oral tradition-wampum-oriented-courts as Native people do in our courts based on civil law and written traditions.

If, in the Native Indian view, the political question and that of political question and that of political freedom are not only and primarily a question of power, of sharing of power, of power struggle, of freedom of choice, why does Western man present them exclusively as such? It may be high time for the latter to revise his notions and become aware that political freedom and power do not consist primarily in the fact of being free to choose one's own political project and of mastering one's destiny, but rather in accomplishing the role and destiny assigned by nature. Why belittle the Native political conception (and that of other peoples) as always being conformist and fatalistic? Why not unmask also the pretension, the unrealism and underdevelopment, of the "masters of their own destinies"? Should they not be also "conscientized" and liberated from their modernism? If harmonization to the cosmic order can be a pretext for political oppression, freedom of choice and mastery of one's destiny can also be pretexts to pursue the imperialism of Western political philosophy. It is an oppression as grave as the one it criticizes and condemns. Why should Native political leaders abide by the criteria of Western leadership any more than the latter abide by the former's criteria? And what if the West needed to learn from the Native peoples what true political leadership consists of? It may be that one of the fundamental reasons why the political problem (of Native peoples and of the West) is not being solved, is that, at the very outset, the question is raised in an improper or incomplete fashion, through sole recourse to the notion of mastery over one's destiny.

The political self-determination question

Sovereignty, independence, autonomy, national state, self-determination, are notions that are alien to traditional Native political culture, which prefers to use a language which corresponds more to "interdependence," "ontology," "stateless society" "ontodetermination," etc. Political freedom, in their view, does not consist so much in self-determination as in what we have called "political ontodetermination."

Why is it then, that the political question pertaining to Native peoples, is always presented by Western man, solely in terms of political self-determination? and that the latter feels obliged to always refer exclusively to his own symbols in order to express a foreign reality?

It is an error to believe that one can work at a political self-determination which is respectful of Native political culture, without trying to understand the latter's originality. From a native viewpoint, such political activism is platonic and reveals unwittingly the usual Western ethnocentrism.

Native peoples could enjoy self-determination tomorrow, that they would not enjoy conditions favorable to their ontodetermination. Why? Because the latter (or true political freedom) cannot exist in a closed compartment, in a private or exclusive territory, whether it be called "reservation," "municipality," "independent and sovereign Nation-State." They cannot live it unless the Western peoples that surround them, understand their political culture and enter, in their own way of course, but enter, into the cosmic circle and partici-

pate in this political vision in some way. This is to say that movements who think they can fight for the political self-determination of Native peoples, without wetting their feet in Native political culture, run the risk, not only of by-passing the essential, but of de-naturing the Native political position, of contributing unconsciously to weaken and crush it, in the very name of social justice and freedom.

Moreover, to the Native Indian, ontodetermination is so essential to true self-determination, that the latter cannot exist without the former, even among Western nations! Western nations set themselves up as exemplars of peoples who have "reached" and can help young nations to "reach" political freedom, but, according to the Native Indian, *they are so backward that they haven't even become aware as yet of their own political enslavement. Consequently, it is the Western nations themselves who are in need of being "conscientized" to their own political under-development!*

But notice! The enslavement and under-development that the Native Indian is talking about, is not based on the criteria and reference points of the West. The enslavement suffered by rich Western nations is not that of being oppressed by the rich, but that of being chained to a money economy, victims of their own acquisitiveness and bonds of ownership, and specially slaves of their rights and of their notions of power and freedom. Their political under-development consists precisely in their ignorance of what constitutes a true political nation, leadership and freedom. *Therefore, they are the ones who need to be liberated, more than the Native nations.*

And what if the Native Indian were right! It may very well be that the problem today is not primarily that of the political self-determination of Native peoples or that of the accession of the young nations of Africa and Asia to socio-political self-determination (in the Western sense), but rather that of the liberation of Western (and westernizing) nations from their political ignorance and enslavement; it may be the latter which is the primary cause of the Native problem.

The best way, for Western nations, to promote Native political self-determination, may be that of working first towards their own political liberation (in the Native sense). Native nations can help them to reach true political freedom. That is what René LAMOTHE was saying: "The best way of helping us to liberate ourselves is to liberate yourselves."

The question of multinationals: process of dependence, conscientization, denunciation and pressure:

The problem, it is said, are the *oppressive multinational corporations and governments* that control, accumulate, invade, repress, plunder, ravage, assassinate. And also, the *passivity and lack of awareness* of the people.

The solution? "*Conscientize*" the people, they say, to this injustice and its causes, namely to the *process of dependency* of the poor nations on the rich nations, *denounce* injustice and oppression under whatever form, *claim your rights and exercise pressure*. Otherwise, aren't we running the risk, by stressing Native political culture, of encouraging this colonialism and playing right into the hands of the oppressor? This is really no time for cultural contemplation, but for political action!

Native political culture, far from being opposed to this conscientization, denunciation, pressure, etc., supports and strengthens it, but by giving it a different meaning which goes right to the heart of the question and solution of the problem of oppression, right to the heart of political resistance and action.

The process of dependency: for the Native Indian, the process of dependency is less that of the poor nations depending on the rich nations and the multinationals, than that of the multinationals, of the governments and of the people *depending on an economico-political culture based on money, ownership, power and the dualistic autonomy of freedom of choice*; neither the people nor the so-called "elites" of the West have yet understood that freedom is not to be found there and that they are more truly and deeply enslaved than Native and so-called "under-developed" nations. Civilizational wealth may liberate from the social pressure of a society which demands and imposes such goods for survival, but this is only a shallow and make-shift freedom: it is not true freedom.

The real problem is less the oppression of poor nations than the enslavement of peoples to erroneous civilizational wealth. Or rather, oppression doesn't consist so much in forcing and maintaining the poor in a state of dearth of civilizational goods, but in cutting man away from his natural wealth and impoverishing him by forcing him to be ashamed of, and to reject his own true wealth. The oppression of poor nations doesn't consist so much in depriving them (by force) of the rich nations' wealth, but in educating them to consider themselves as "under-developed," and in refusing and taking away their natural wealth.

Another element of this process of dependency is that of the *total dependency of multinationals and governments, on the people, its desires and the values it promotes*. Multinationals only have the power that the people will grant them. Let us not delude ourselves! The oppression of the people doesn't come so much from the multinationals and governments as from the people itself. Multinationals and governments will prosper as long as the people will seek money, ownership, power and freedom of choice. But the day when the people will have understood and will have the courage not to seek these civilizational goods but rather natural wealth, oppressive multinationals and governments shall disappear and it shall be free.

Another element of this process is that of the oppression-repression of the people, by the people, *at the level of daily life*: that of all those who have given up and ceased to fight and are slumping in the jail of their freedom and whose life is centered on the civilizational values of money, ownership, power and autonomy and who are incapable of any other solution than that of extending these values to all, in the name of social justice, solidarity, the rights of man and the liberation of the poor.

Conscientization: there is therefore a whole task of conscientization before us, that of informing and sensitizing the people and the "elites." But not so much to the causes of the problem as to its very nature. Conscientization to the true *natural goods of man* on the one hand, and to the *true civilizational goods* on the other. Conscientization to the *process of dependency* (from a Native viewpoint).

Denunciation and pressure: From a Native viewpoint, the best way to denounce the oppressive multinationals and governments, to put the pressure on them and to wound them at the heart, is by a daily living which seeks to free itself from a money and ownership economy, from power and autonomy politics. Otherwise, by limiting ourselves to public declarations and appeals to a better share of money, ownership, power and rights, we run the risk of playing into the oppressor's hands and of perpetuating the enslavement which is our lot, and, by that very fact, encourage not only the ethnocide and genocide of Native peoples and of other peoples of the world, but also our own suicide and homicide. This is no time, no, for cultural contemplation but for political action!

It is of course perilous, under the pretext of preserving Native culture, to encourage political colonialism and to play into the hands of the oppressor, but it is as dangerous, under the pretext of defending their rights, to root out the Native Indian political philosophy and praxis, and to impose our own political culture on them.

But even more important is the fact that the Native position sets us right at the heart of political resistance and action and saves us from fighting in vain for lost and empty causes. It can help us to understand that our greatest oppressor is ourselves and that the first one that needs to be set free is ourselves.

Conclusion: true political freedom

The Native Indian is inviting us to go beyond our notion of political freedom. He questions the very foundations of what we call "civilization" and "development" in a way that transcends a superficial criticism of our consumer, capitalistic and industrial society. His is a call to "conscientization." But "conscientization," not so much to social injustice as to our ignorance of what constitutes the good life and the vital human needs. He invites us to embrace a life-style, based on broader foundations that are deeply rooted in our nature. He urges us to broaden our notion of social justice and to rethink what political freedom is about, in the light of economic, political, juridical, social, cultural and religious values to which we are not accustomed.

For example, he may not be asking us to live without money, at least immediately, but to avoid identifying economics with finances and to look upon the financial dimension as being a truly secondary dimension of economic prosperity. He may not be asking us to cease being "co-creators" who transform and master nature, but to rethink our economic philosophy of relationship to the land, by considering the latter primarily as a mother and a constitutive dimension of our human being. He may not be asking us to reject the whole idea of property (private or collective) but to revise it thoroughly; less by extending it to all in a more equitable manner, than by discovering the possibility and importance of a "non-proprietary" usage of land and of earthly goods. He may not be asking us to forego the goods that are enjoyed by the "civilized," the "rich," the "developed," but to seek first to appreciate the "natural" (economic and other) goods of the "primitive" and "underdeveloped" and to value them as first priority in all human living. He may not be asking us to live without law-making, written documents, lawyers and police, but to try to also organize our social life on a basis which is the least legalistic possible, founded on oral tradition, popular custom and moral persuasion. He may not be asking us to reject our ideas of autonomy and of being masters of our own destinies, but to understand specially that in order to be autonomous, we may have to discover first the roles that nature assigns to man, to woman, to child, to young man and woman, to the adult, to the elder, to family life, to the political leader, etc., and not think that one can upset everything in the name of person, autonomy, freedom of choice and of self-styled life projects. He is asking us not to fool ourselves into thinking that social order will come about simply by respecting each others' rights. He may not be asking us to stop defending Native Indian rights, but to remember that, by so doing, we are transmitting a culture which is not their own, and that we would do well specially to promote their values, not on their homelands first, but in our own personal and community living. He may not be asking us to cease "conscientizing" the people to their rights, to the dependency process and to an active joint resistance of a coercive nature but also to let ourselves be "conscientized" by the people and the natural order, to the fact that man is a being without rights, to our duties, to another form of active joint resistance, namely of a more co-operative and spiritual nature. He may not be asking us to

forego our political messianisms, our militancy in denouncing oppression, but to first liberate ourselves, in our daily lives, from our own slavery to money, to property, to power and to the myth of autonomy without ontology.

Really, the Native Indian is not asking us anything. He is there. A witness.

The question that is put to us by Native economico-political culture, springs from the heart and core of our natural and primitive being. It is a question that will always rise, even if there were to be no Indian. Ultimately, each one of us is Native Indian. We cannot "free" ourselves from our own nature. It sustains our civilization itself and makes it possible. It constantly questions the very bases of our civilizations and cultures. The Native Indian elder knows it: he can die but nature will never die. Ontodetermination will ever haunt all our autonomies and self-determinations. It will give us no respite. Its smile will ever refresh our despair; its eye will ever follow us in the labyrinthine ways of our creations; its critical judgment will ever dismantle our constructions, and cut through the marrow of all of our civilizations, even of those who refuse the name. It will ever continue to lay us bare and to recall us to innocence.

Answering some objections

Folklore

To speak of "Native political culture" is therefore not to speak necessarily of folklore, unless we are so blinded by ethnocentrism that we are unable to read anything else in such a statement. It is not, either, a return to the past, but a call to the present; not only to that of a transitory actuality but to that of rooted and global realism.

A political question

There is an objection which claims that the social question like that of political self-determination, is not primarily a cultural but a political question. So be it! But such a political stance is a cultural one, like any political act. Moreover, such a position presupposes that all peoples make a separation between culture and politics, which is not the case. It also speaks as if the Native peoples didn't have their own "politics," i.e. their own socio-political cultures; as if they always had to raise political questions according to the Western notion of politics.

A false dilemma: culture/politics

It would be erroneous to identify "Native political culture" as being a stance which is only cultural, while the Western one would be "political." It should be clear that when we spoke of Native political culture, we were effectively speaking of politics but in a different sense, which is as "realistic" as the political stance of Western political activists and militants. On the other hand, it should be clear that any political stance is a cultural one, so that the social and political problem of political self-determination is really a cross-cultural and cross-political problem, which must be approached, if we are to be realistic, in a cross-cultural and cross-political perspective.

A dialogue to be pursued

What I have sought to emphasize here, is that there still exists a living Native Indian economico-political culture; that it should have an important

place in actual political thought and action; a place, which, until now, has been systematically denied to it, but which should be restored; that it should become an inspiration to us in the building of this world. We should even envisage the possibility that this culture could be called to contribute as much if not more, to the economico-political development of mankind as the political wisdom and action of Western civilization. In a word, Native economic and political culture might be the *economic and political salvation of the West*.

Such a stance might lead some to believe that I am trying to belittle Western economico-political culture and to substitute that of the Native peoples. Quite to the contrary! I am trying rather to set the *conditions for the former's rebirth and for its more efficient original contribution to the circle of mankind*, and specially to discover and live the *whole economico-political life* to which we are called.

When I affirm that "Native economico-political culture can be the economic and political salvation of the West," I do not understand to mean only that it can help the West move out of its confusion and illumine the core of the economic and political question, but also that it can help, sometimes without being aware of it, to renew the West's vitality, by bringing to light the unknown depth of its own unique genius, uncovering the true positive foundations of the Western construction and allowing it to enter more surely into the original positive role that has been assigned to it by the Spirit of Nature. For example, in the area of language; the notions of "social justice," "person," "autonomy," "political self-determination" could "evolve" and carry not only their usual univocal Western meaning, but also the native vision and even a deep and interior meaning of which no one (not even the Native peoples), until now, has yet become aware of.

If I am not dealing with these issues here, it is because one must move step by step. Western economical-political culture cannot discover its own depth without a radical self-criticism and questioning. But this is only possible through meeting with a culture which challenges it radically.

And I believe that Native Indian culture does so. It is a painful operation which is far from being finished; there are questions that the West refuses to (but must) ask itself. For example: could it be that my notions of ownership, rights, majority, civilization, Nation-State, freedom of choice and of personal autonomy, are all historical errors? do they still have a meaning? are they compatible with the Native Indian tradition? is the West a pure accident? can it contribute in a positive and original way to mankind? in what way?...

Native political culture must also let itself be questioned by the best of Western economico-political culture, if it wishes to discover its own depth. It also must not limit itself to condemning the West and its civilization, to reminding it of its rape, past and present. For example, some of the questions it must ask itself: what is the positive role assigned to Western culture²⁰ by the Great Spirit of nature? could it be that the Western notions of self-affirmation, of transformation of nature, of claiming of rights, of mastery of one's destiny, of storage for tomorrow, of person, of reflexive knowledge and organization, etc., are dimensions of nature that our traditional peoples have forgotten? And what if there were a Western political wisdom and spirituality, hidden under the rags of civilization and of prostitution, which could not only complement the wisdom of our elders, but also help us discover therein a deep and interior meaning that no one (not even the Westerners) has yet become aware of?

20. Isn't there a "spirit" of the west, a "spirit" of civilization?

It is only in such a living dialogue and mutual fecundation of the economico-political cultures of the West and of the Native Peoples that we may be able to touch, together, a little more closely the economico-political life of Reality. Each culture has its own limits²¹ with regard to what it understands and lives of this Reality. The greatest difficulty to overcome, is for each culture to acknowledge its own limits and to truly die to itself. Yet, it has been said and repeated, time and time again, under many forms and we must rediscover it again and again: to die to oneself is the only way of discovering ourselves and of living fully.

My purpose here was not to privilege concretely one culture over another. I do not think either that the question can and must be left to each one's choice. Life does take upon itself the responsibility of indicating to us what our duty is. The important thing is to listen to it and act accordingly.

The events of Racquette Point (1979-1980)

Since 1968, Mohawk traditionalists had become increasingly critical of the Western-based governments that had been imposed on their people by force. They refused to be subjected in their own country, to policemen (even Mohawk ones) who are also simply salaried agents of White governments. In 1979, a traditional Mohawk chief, Loren THOMPSON, confiscates the chainsaw of non-Natives, who, with the help of the reservation Mohawk police, want to surround the reservation with barbed wire. The Native policemen want to put him in jail for resisting. So the whole traditional Mohawk Nation rises up to his defence, and peacefully, according to custom, demands the resignation of the Mohawk police. The latter refuse. So young traditional Mohawks, unarmed, disarm the police and take over the Akwesasne police station. Strong reaction from the Mohawk progressives who not only threaten to fire on the new occupants, but also call upon armed back-up from the New York State Police. The peaceful traditionalists, feeling threatened, gather all the guns in the police station and move near chief Loren THOMPSON's home on the U.S. south side of the St. Lawrence River at Racquette Point. The police have mandates of arrest against all the traditional 'chiefs' of the Mohawk Nation, but the traditionalists intend protecting the latter. The siege will last 2 years until 1980. (For more details, see the Mohawk Nation's *Journal Akwesasne Notes* of that year and *Recherches amérindiennes au Québec*, vol. X, No. 3, pp. 209-210.)

During the siege, the traditionalists build a long house which will house some 100 men, women and children, entrenched there to face the Winter months. They will be getting their supplies from the Mohawks on the north side of the river, the Canadian side of the reservation. The N.Y police gradually tighten the noose around them and in June 1980, send ultimata to the besieged who are all ready to die rather than surrender. A specialised police task force tries vainly to infiltrate the camp. Finally, the United-States police sends a last ultimatum. Helicopters fly over the encampment. Non-Native

21. I prefer to label the Native vision as culture rather than as civilization. It is more respectful of the traditional Native stance, which, it seems to me, usually prefers it that way.

sharpshooters can be seen on the General Motors Co. roof. The invasion is imminent. No reporter is allowed to enter the camp. It is at that moment that Robert VACHON (a Canadian citizen) and Kalpana DAS (an India citizen) from the Intercultural Institute of Montreal (IIM) cross the St. Lawrence River in Mohawk boats, and without going through customs, join a Buddhist monk and a French woman from France as international witnesses inside the camp. The invasion did not take place. Some time later, Robert VACHON will be called to the Malone (N.Y.) court of justice, to plead in favour of the besieged. The famous lawyer KUNSTLER was defending the Mohawks. Finally, the warrants were lifted and so was the siege. Some traditionalists have affirmed publicly that the IIM has been one of the main causes that have made it possible to avoid a massacre. But one must not forget the intervention of Oren LYONS, one of the Six Nations Confederacy leaders, who had warned Governor CUOMO that hydroelectric dams situated in Iroquois territory would be blasted if Native blood was shed at Racquette Point. There was also the remarkable discipline of the young traditionalist Mohawks, who entrenched behind their barricades, with their nervous finger on the trigger of their gun, refused to get caught in the trap the outsiders were laying out for them, inciting to shoot first.²²

Other publications and action (1978-1989)

In 1981 a chronicle is published in *Interculture*, (Issue 72) "Learning from the Juridico-Political System of India" on the basis of texts by LINGAT et VARMA. Moreover in our book *Qui est Québécois?* (1979) and in *Interculture* (Issue 73) we insist upon reflecting on a Quebec beyond the Nation-State, in an article entitled: "From an integrationistic to an intercultural Quebec."

In 1982, we present a brief at the Conference of the International Federation of Human Rights. It is a plea to respect Native rights as *Native* (i.e. of all Indigenous peoples throughout the world).

22. This text is a translated excerpt from "Histoire récente et culture politique des Mohawks," entrevue avec Robert VACHON, réalisée par Pierre TRUDEL in *Recherches amérindiennes au Québec*, Vol. XXI, No. 1-2, Autumn 1991, pp. 126-135.

TEXT 4

A BRIEF TO THE INTERNATIONAL FEDERATION OF HUMAN RIGHTS CONFERENCE (MONTREAL, MAY 21-23 1982)

PRESENTED BY THE
INTERCULTURAL INSTITUTE OF MONTREAL²³

The following text comprises a brief plea and concrete proposals²⁴ inviting all those who support the Rights of Native peoples to acknowledge and respect the contemporary traditional Native Legal-Political world, which, in its specific nature, has nothing to do with the notion of human rights, and which can be either in consonance or in opposition to these rights.

By Native peoples, we understand here the Native Peoples of the two Americas, those that we commonly call Indians and Inuit; but also the other Indigenous peoples throughout the world.

The Plea

Before doing a radical critique of the notion of Human rights as found in the Universal Declaration of Human Rights, our present Charters and Conventions, we want to assert from the start that we believe in these Human Rights, and that we also are involved in clarifying them and in seeing to it that they do not remain dead letter throughout the world. It is for us a sacred responsibility to promote these rights in general and in particular those of Indigenous peoples.

It is however and equally our conviction that this notion is a Western concept, that it is at its best, only one window through which a particular culture sees a more human social order, so that the fight for Human Rights does not have to be *the* pivot of a just social order. The notion of human rights, however legitimately universal it is and must be in its intent, is based on presuppositions that are not necessarily shared by all cultures and that probably need not be so so that these cultures may themselves be human and also contribute effectively to the social order.

Some might object that this is not the time to submit the notion of Human Rights to a critique, at a period when they are so flouted by the "powerful," somewhat everywhere throughout the world. But why not, if it is a matter of constructive criticism which may make it possible for them to reach the reality that they are seeking?

Here is our critique (we admit that it is a delicate operation to perform!): there exists DE FACTO, at the heart of the struggle for human rights, a kind of new imperialism or colonialism, oftentimes unaware of itself, which consists in viewing the social question, only in the homocentric terms of Human Rights,

23. Published in *Nouvelles Monchanin Newsletter*, August 1982, No. 17, pp. 1-6.

24. A more elaborate text of our position can be found in *Interculture*, April-Sept. 1982, No. 2-3, Issues 75-76, entitled "Native Law and Native Rights II."

thus bypassing completely visions that are as valuable and important, and which have nothing to do, in their specific nature, with the Rights of Man. We are thinking in particular, among many things, about the more cosmocentric vision of Indigenous peoples, and about their unique "juridico-political" universe which has nothing to do with the homocentric notions of rights, titles, claims, etc.

There exists presently, in milieux that are very conscientized to Indigenous rights, a quasi total ignorance and indifference with regard to the contemporary traditional Indigenous social vision and to its own "juridico-political" universe. It is as if the latter were considered nonexistent, dying, condemned to death, and having to be replaced by the so-called universal notions of rights, titles, property, sovereignty, democracy, people, nation, power, mastery, autonomy, etc.

We believe that the time has come to remedy this situation; to exit from this homocentric legal monoculturalism which, in the name of human rights, is becoming a Trojan horse today, and to enter into a juridico-political pluralism which will take as seriously and give as much value to the cosmocentric Indigenous vision of social order, as it does to the more homocentric vision of Human Rights.

To us, this seems to be an indispensable precondition in order to respect the Indigenous reality and a true social order. An order which is not exclusively Western or homocentric, nor exclusively Indigenous or cosmocentric, but which is enriched and balanced by both, as two constitutive dimensions of one social reality and peace.

For that purpose we propose the following:

Concrete propositions

- 1) That Human Rights Associations and groups that are interested in Indigenous Rights, and the International Federation of Human Rights, formally recognize that there exists today a traditional Indigenous juridico-political order, radically different in its presuppositions from the so-called "civilized" legal universe of Human Rights, whose importance and quality is no less than that of the latter, and that they embark on a serious study of such, by establishing study groups for that purpose.
- 2) That these associations who find themselves on Native lands, make a move, as associations, requesting to be themselves recognised by the Indigenous Nations as such, asking the latter formal permission to live on these Indigenous lands, and under what conditions, and consequently modifying, in the light of the Indigenous response, what needs to be modified in their own behaviour. That they invite all non-governmental organizations on Indigenous land to do the same.
- 3) That all then proceed to reformulate International Law and Human Rights, in conjunction with the Indigenous peoples as such, on the basis of the respective juridico-political worlds of the partners in dialogue. Then, that they propose first to the Nation-State and then to the United Nations to do the same through the U.N.'s Commission of Human Rights.
- 4) That in their defence of Indigenous Human Rights, they cease, out of respect for the Indigenous social order, to refer only to required titles of justification (discovery, occupation, conquest), only to Royal Proclamations, only to Parliamentary Decisions, only to Man-Made Constitutions and even only to Human Treaties, and that the associations

have the courage to base themselves in priority on the first Indigenous argument (less homocentric than cosmocentric), namely that their dignity, as much as what some peoples call their rights, do not come from any man or government, but from what they call the Natural Order and the Great Spirit. That they do this, even if this goes against a long homocentric legal tradition! For there exists, besides the latter, a much longer cosmocentric juridical tradition, as valuable and important, that it would be unjust to ignore any longer.

- 5) That they do their utmost so that the International Court of Justice transforms article 38 of its statutes, and admits as source of international law legal principles recognised by nations other than so-called "civilized" ones, and that the Court accept to hear and judge violations of these peoples' own legal traditions and of their rights not only as rights but as specifically Indigenous.
- 6) That they undertake all the means required so that the Native Peoples' Declaration of principles (Geneva 1977) be recognised as source of international law.
- 7) Finally, that action be taken so that the Human Rights Declarations, charters, constitutions (national and international) be completed by a Declaration of the Rights of Indigenous peoples to their own juridico-political order as Indigenous Nations. This presupposes that Indigenous Nations be recognised as Nations, not uniquely according to the so-called "civilized Nations" meaning, but also and foremost according to the meaning of their own universe even if, to start with, one may only be able to do it through the so-called "civilized" vocabulary.



That same year, the *Bulletin de l'aide juridique* (Jan., Vol. 15, No. 1, pp. 172-175) publishes some of our articles already published in *Interculture* (Issue 65, Oct. Dec. 1979) and we publish a whole issue of *Interculture* (75-76, pp. 2-83) entitled: "Native Law and Native Rights" which carries many articles, of which one by a Mohawk elder on his "traditional legal way": the Haudenosaunee's co-operative approach.

During the years 1980-1985 we have tried, as a member of Federal and Provincial Committees (with the task of proposing a cultural policy for Canada and Quebec), but without success, to have Native Nations and their political cultures considered as being outside of the Canadian or Quebecois Nation-State.

Seeing the inaction of the Canadian and Quebecois government with regard to acknowledging the legal and political culture of Native peoples, the IIM's General Assembly has, after a year of deliberation, decided, through consensus, to ask counsel from Native Nations regarding a possible official and public request by our Institute and other community groups to be on their land. So in May 1982, our Institute sent a delegation of 18 of its members from different cultures to the Mohawk Nation then to the Algonquin Nation. We were exceptionally well received, appreciated and approved in

our attitude, but after having deliberated at length on our project, the Mohawk Nation thought it better that we not formalize publicly our request, because of the negative backlash it may have in the public at large which, in their estimation, was not ready for such an action and may interpret it as a search for power over them by the Native Peoples. So our much appreciated confidential request remained confidential. The written text (7 pp.) of our request is available at IIM (in English).

In 1983, we publish "Human Rights, Development, and India" by our Hindu Director Kalpana DAS (Issue 79).

TEXT 5

HUMAN RIGHTS, DEVELOPMENT, AND INDIA.

by KALPANA DAS²⁵

The purpose of my intervention today, is to awaken the listeners to certain realities that I consider crucial in my part of the world, India. I sincerely recognize the goodwill and commitment of those who are engaged in International Development work. I also feel that the orientation of these activities is somehow incomplete. It is with a view of taking a more relevant direction in the field of International Development, that I present to you my own reflections and suggestions.

There is a general view that the people of India—and others in the "Third World," are deprived of many fundamental human rights, especially the right to development. A number of people here have recently begun to question their approaches to development on the grounds that the models used, have been the instruments of violating the dignity and rights of people in the "Third World." In a similar vein I would like to go further and probe the key notions here: Development and Human Rights.

1. Development

Let me begin with *Development*. To begin with, allow me to ask some questions. Why do people of the West feel that they have to go and "develop" the rest of the world? How did the society of India survive for thousands of years, if they did not know how to take care of themselves? Now all of a sudden why do they "need" the people across the oceans and lands to come and take care of them? Did they ask for it?

Answers to these questions would reveal a story of a great crime and of massive violation of so called "human rights." It started in the 17th century with a simple search for resources, followed by colonization, which resulted in massive robbery of resources and cultural alienation of the people of the land. Today it still continues in the name of "development," aid, peace and justice!

25. Talk given at the Annual Fund Raising campaign of the Canadian Catholic Organization for Development and Peace, March 1979, which had been organized on the theme: "Peoples' rights to Development." Kalpana DAS is Director of the Intercultural Institute of Montreal.

Many thinkers and "developers" blame the multinationals more and more for being the cause of economic disparity in the world. Personally, I feel that the multinationals are nothing but the scapegoats. It is the economic policies and the myths of progress propagated by the West, that gave birth to the multinationals. They are just doing their job, and only too well, sanctioned by the economists and politicians.

The institution of International Development is one of the most effective instruments for continuing this process of "underdevelopment" in India, which started in the 17th century. Concretely speaking, the British came to India, imposed and established their political and governmental structure. Along with that they reshuffled the traditional economic structure and established their own, with the division of land and its ownership. A society, which had its own political and economic structure, suffered (and is still suffering) a complete breakdown and furthermore, had no other way out but to submit, to learn these "foreign rules of the game," to comply with their own fate. So, came the necessity for "education." The knowledge the people of India had for thousands of years became obsolete in the eyes of the colonial fathers and so they established their "education structure so that this alien super-structure might flourish.

Today the so called socio-economic "underdevelopment" in India, is nothing but a) the symptom of a cancerous disease, namely Western domination, under the disguise of modernization and b) the forced break-down of an already socio-economically "self-reliant" society.

What are the "developers" and the international development agencies doing both on governmental and non-governmental levels? Some of the main channels that they use are: education, health and medicine, and financial aid. Are you interested in knowing what short and long-term impact these activities leave behind?

Education

In India "education" in today's form, is the contributing factor toward personal and cultural alienation and the uprootedness of the individual. Moreover it is the prime agent for creating "unemployment." We do not know the rules of this foreign structure, which were imposed on us. It seems that we have no choice but to live with it. So we go and learn those rules and the "developers" are most eager to teach us! The result: the individual is brought to believe that there is only one way to survive and that is this Western way, at the cost of his own culture and values. He becomes handicapped for operating and living in his natural and ancestral milieu, as he has unlearned his own "knowledge." He cannot work in his ancestral profession and there is no job in the field he has been "educated" for. So he starts to sail through life being totally alienated from himself, his family, his culture, his way of life.

Health and Medicine

The measures taken by the developers in this domain, are creating more health hazards by the simple fact that they bring in medical practices that people do not understand and materials that are not indigenous and thus hard to obtain. The high level of health-care and knowledge that was acquired by the practice of indigenous medicine and Ayurvedic medicine, had to be and is being sacrificed in the name of "modern medicine."

Financial Aid

This is a great demoralizing agent. Because it perpetuates the image of the "savior-and-the-saved." We (the Westerners) are the great "donors" or "givers" and "they are the poor pitiful receivers" of the "Third World." Consequently it hampers the possibility of a true human solidarity understood in the sense of "we are all givers and we are all receivers." Not to mention, that this financial aid is used as a political weapon by the aid-giving countries of the West and is an instrument for maintaining the aid-receiving countries enslaved into a perpetual debt-trap.

Here I have discussed very briefly some of the negative impact of so-called "development," which is contributing towards maintaining the status quo of the condition of despair in India today. I hope this will open our eyes to the fact that we need to ask a basic question: "what do we mean by development?" If by development we mean good-life, then we should also see that the different cultures have their own criteria of defining that good life! The good-life according to the modern Western way of thinking is characterized by an individual's material possessions, "scholarship" and power of control. Whereas for most people (excluding the scholarized) in India, material possessions are important and needed in so far as they help to feed and clothe the family, but simplicity of life is to be cultivated as an ideal of the *good human life*. And instead of "power of control," it is "control of power" that helps one to walk through life in *balance*. This "control of power" is to be sought throughout life. This attitude puts the people of India at the opposite pole of what "modernization" or "development" tries to bring to them. Here I would be prepared to illustrate by a concrete example. As a point of information, I come from a family which practiced Ayurvedic Medicine for generations and which has undergone the above process of so-called "development." It has left us alienated from this medical tradition and impoverished.

Human Rights

The very notion of human rights applied in India is itself a violation of human rights. Why? The concept of human rights presupposes a certain vision of the world, which is in essence Western and runs contrary to the Indian perspective. Here, I need to discuss: what then, if not "human rights," do the people of India consider important and a basis for human action or activity? Most people in India consider "Dharma": duty (a term very different to translate), which demands the compassion of understanding rather than the compassion of charity, to be the motivating factor in any human activity. The sense of Dharma can only be *awakened* in people, but not imposed by man-made law, whereas the concept of "human rights" demands affirmation of it, not to speak of its sanction and protection by law. People of India hold that the situation of world-suffering can be dealt with, if only each individual and each community of the world faithfully performs his Dharma. The United Nations has recognized the concept of Human Rights, and propagates the application of it in all non-Western societies, whose norms and visions are different. If Human Rights stand for safeguarding the interest and aspirations of all people, the imposition and universalization of it defeats its own purpose!

*2. The responsibility to take certain measures**Step 1:*

The most urgent measures to be taken are the following:

a) remove the pressure of the World Bank and of the International Monetary System, which is unjust by the simple fact that this is based on the Western (capitalist or otherwise) vision of money and that policies are formulated ultimately for the gain or self-interest of the dominant countries of the world;

b) remove the economic pressure of the international economic network supported by World trade and Commerce, which is once again Western. It determines the parameter of economic strength in all the countries of the world, by the levels of GNP and the export capacity, etc. And in turn this export-capacity is bound to the unscrupulous needs of Western people;

c) remove the pressure of International Politics, which recognizes the strength of a country in terms of its military and nuclear power. It also recognizes only the Western form of government (socialist or capitalist). Anything outside these structures is considered primitive or feudal.

Step 2:

Acceptance and understanding of the *traditional form* of governments of all cultures along with their socio-economic structures, by the dominant countries, i.e. Western countries. Here I am not talking about the governments that were established by the "colonial fathers" in Asia, Africa and Latin America and which have been working as their faithful agents in each of these continents.

Step 3:

Once the traditional modes of government and of the economy of the "Third World" cultures are accepted, only then can we enter into a relationship of *mutual help*, i.e. international co-operation. I feel all aid programs and activities of so-called international co-operation should be stopped, if the above conditions are not fulfilled. There is no such thing as International Co-operation existing at present, there is only "international operation," unilateral "aid" on the part of the Western nations. This very action is pretentious, because it does not acknowledge the socio-economic crisis of the Western societies, nor do these societies seek help elsewhere. The International Co-operation and Aid Programs should be allowed to operate only on the condition of true *reciprocity*.



Also "La voie du Sarvodaya en Inde" (by V. BHAVE) and "Naturalism in the Japanese view of the socio-political order" (by a Japanese, Dr. KUSANO)²⁶ and also excerpts of a text by J. MOHAWK, a Seneca on the traditional way as mode of social organization and means of survival of Iroquois Communities, and on traditional resistance to Western penetration (*Interculture* Issue No. 80). That same year, Fides publishes our book *Nations autochtones en Amérique du Nord* (363 pp.), 5000 copies and which is out of print since 1990. In 1983, we have also published in *Recherches amérindiennes au Québec* (Vol. XIII, No. 1) "La tradition contemporaine autochtone d'ontogestion et de solidarité cosmique" (pp. 282–306).

In 1984, we publish in *Interculture* (Issues 82–83): "Human rights, a Western concept?" by R. PANIKKAR with international commentaries and answer from PANIKKAR.

TEXT 6

IS THE NOTION OF HUMAN RIGHTS A WESTERN CONCEPT?

by RAIMON PANIKKAR²⁷

We should approach this topic with great fear and respect. It is not a merely "academic" issue. Human Rights are trampled upon in the East as in the West, in the North as in the South of our planet. Granting the part of human greed and sheer evil in this universal transgression, could it not also be that Human Rights are not observed because in their present form they do not represent a universal symbol powerful enough to elicit understanding and agreement?

No culture, tradition, ideology or religion can today speak for the whole of humankind, let alone solve its problems. Dialogue and intercourse leading to a mutual fecundation are necessary. But sometimes the very conditions for dialogue are not given, because there are unspoken conditions which most partners cannot meet. It is a fact that the present-day formulation of Human Rights is the fruit of a very partial dialogue among the cultures of the world. It is only recently that this question has been acutely felt.²⁸

26. See also "The Politics of Animism in Japan" by John CLAMMER, *Interculture*, 2000 (Issue No. 138).

27. This is a translation of the original French text which appeared in *Diogene*, No. 120, pp. 87–115.

28. Cf. probably the first Symposium of its kind convened by UNESCO at Bangkok in December 1979, *Meeting of Experts on the Place of Human Rights in Cultural and Religious Traditions*, where nine major schools of religious thought discussed the issue and recognized "that many of them not paid sufficient attention to human rights ... (And that) It is a task of the different religions of the world to deepen and eventu-

I shall not enter into the details of the history of Human Rights, nor into an analysis of their nature. I shall confine myself to the interrogation implied in the title: Are Human Rights a universal invariant?

I. The Method of Inquiry

a) Diatopical Hermeneutics

It is claimed that Human Rights are universal. This alone entails a major philosophical query. Does it make sense to ask about conditions of universality when the very question about conditions of universality is far from universal? Philosophy can no longer ignore this inter-cultural problematic. Can we extrapolate the concept of Human Rights, from the context of the culture and history in which it was conceived, into a globally valid notion? Could it at least become a universal symbol? Or is it only one particular way of expressing—and solving—the *humanum*?

Although the question posed in the title is a legitimate one, there is something disturbing in this formulation as it was given to me. At least at first glance, it would seem to offer only one alternative: either the notion of Universal Human Rights is a Western notion, or it is not. If it is, besides being a tacit indictment against those who do not possess such a valuable concept, its introduction into other cultures, even if necessary, would appear as a plain imposition from outside. It would appear, once again, as a continuation of the colonial syndrome, namely the belief that the constructs of one particular culture (God, Church, Empire, Western civilization, Science, Modern Technology, etc.) have, if not the monopoly, at least the privilege of possessing a universal value which entitles them to be spread over all the Earth. If not, that is, if the concept of Universal Human Rights is not exclusively a Western concept, it would be difficult to deny that many a culture has let it slumber, thus again giving rise to an impression of the indisputable superiority of Western culture. There is nothing wrong in admitting a hierarchy of cultures, but this hierarchical order cannot be assumed as the starting point, nor can one side alone lay down the criteria necessary for establishing such a hierarchy. There is then a prior question implied by asking whether the notion of Human Rights is a Western concept. It is the question regarding the very nature of Human Rights, and it directly submits this notion to cross-cultural scrutiny.

Our question is a case in point of *diatopics*: the problem is how, from the *topos* of one culture, to understand the construct of another.²⁹ It is wrong-headed methodology to begin by asking: Does another culture also have the notion of Human Rights?—assuming that such a notion is absolutely indispensable to guarantee human dignity. No question is neutral, for every question conditions its possible answers.

ally to enlarge and/or reformulate the urgent and important issue of human rights." 116, g of the Final Report SS-79/CONF.607/10, 1980. The entire report is worth reading.

29. By diatopical hermeneutics I understand a thematic reflection on the fact that the *loci* (*topoi*) of historically unrelated cultures make it problematic to understand one tradition with the tools of another, and the hermeneutical attempt to bridge such gulfs. Cf. R. PANIKKAR, *Myth, Faith and Hermeneutics*, New York (Paulist Press) 1979, pp. 8 sq.

b) *The homeomorphic equivalent*

I was once asked to give the Sanskrit equivalents of the twenty-five key Latin words supposed to be emblematic of Western culture. I declined, on the grounds that that which is the foundation of one culture need not be the foundation for another. Meanings are not transferable here. Translations are more delicate than heart transplants. So what must we do? We must dig down to where a homogeneous soil or a similar problematic appears: we must search out the *homeomorphic equivalent*—to the concept of Human Rights in this case. "Homeomorphism is not the same as analogy; it represents a peculiar functional equivalence discovered through a topological transformation." It is "a kind of existential functional analogy."³⁰

Thus we are not seeking merely to transliterate Human Rights into other cultural languages, nor should we be looking for mere analogies; we try instead to find the homeomorphic equivalent. If, for instance, Human Rights are considered to be the basis for the exercise of and respect for human dignity, we should investigate how another culture satisfies the equivalent need—and this can be done only once a common ground (a mutually understandable language) has been worked out between the two cultures. Or perhaps we should ask how the idea of a just social and political order could be formulated within a certain culture, and investigate whether the concept of Human Rights is a particularly appropriate way of expressing this order. A traditional Confucian might see this problem of order and rights as a question of "good manners" or in terms of his profoundly ceremonial or ritual conception of human intercourse, in terms of *li*. A Hindu might see it another way, and so on.

* * *

In order to clarify the question of our title, I shall indicate some of the assumptions on which the notion of Human Rights is based and immediately insert some cross-cultural reflections which will lead us to the *locus*—the context—of the question and the justification for my answer, which I would like to anticipate by means of a simile: Human Rights are one window through which one particular culture envisages a just human order for its individuals. But those who live in that culture do not see the window. For this they need the help of another culture which sees through another window. Now I assume that the human landscape as seen through the one window is both similar to and different from the vision of the other. If this is the case, should we smash the windows and make of the many portals a single gaping aperture—with the consequent danger of structural collapse—or should we enlarge the viewpoints as much as possible and, most of all, make people aware that there are—and have to be—a plurality of windows? This latter option would be the one in favor of a healthy pluralism. This is much more than a merely academic question. There can be no serious talk about cultural pluralism without a genuine socio-economic-political pluralism. This is, for example, what has led intellectual groups in India to ask whether "civil rights" are not incompatible with "economic rights." At any rate, to speak of cultural pluralism within

30. Cf. R. PANIKKAR, *The Intrareligious Dialogue*, New York (Paulist Press) 1978, xxii. The two words Brahman and God, for instance, are neither analogous nor merely equivocal (nor univocal, of course). They are not exactly equivalent either. They are homeomorphic. They perform a certain type of respectively corresponding function in the two different traditions where these words are alive.

what could be called a paneconomic ideology makes little sense and amounts to treating the other cultures of the world as mere folklore. The example of the notion of Dharma from the Indian tradition will offer us a point of reference from which to formulate our conclusion.

II. *Assumptions and implications of the Western Concept*

I take the expression "Human rights" in the sense of the Universal Declaration of Human Rights adopted by the General Assembly of the United Nations in 1948.³¹ The Western, mainly liberal Protestant roots of the Human Rights Declaration are well known.³² The Western world has known of the struggle for citizens' rights since the Middle Ages.³³ This struggle for concrete rights, rooted in the practices and value system of a particular nation or country, is felt with greater urgency after the French Revolution.³⁴ Western Man passes from a corporate belonging in a community of blood, work and historical destiny, based on practically accepted custom and theoretically acknowledged authority, to a society based on impersonal law and ideally free contract, to the modern State, for which explicitly rational norms and duties are

31. I shall capitalize Human Rights when these words have the particular meaning derived from this "Universal Declaration."

32. The dates to recall are:

December 10, 1948 — Universal Declaration at San Francisco;

November 4, 1950 — Mandatory International Law;

March 20, 1953 — Paris Clause;

December 16, 1966 — Covenant on Economic, Social and Cultural Rights;

— Covenant on Civil and Political Rights;

— Optional Protocol (to the latter—not passed unanimously).

33. For the astounding documents of the first nine Christian centuries, cf. the collection and translation with insightful introduction by H. RAHNER, *Kirche und Staat*, München (Kösel) 1961. The first edition, published in 1943 during the Second World War with the title *Abendländische Kirchenfreiheit*, is in itself a document for Human Rights.

Because it is less known than the *Magna Carta* of King JOHN OF ENGLAND in 1215, let mention King ALFONSO IX OF LEON in 1188 with his rights to life, honor, home and property.

Interesting also is the statement and justification of Francisco DE VITORIA in 1538: "Cuando los subditos tengan conciencia de la injusticia de la guerra, no les es lícito ir a ella, sea que se equivoquen o no" (emphasis mine), *De los Indios o del derecho de la guerra*, II, 23 (Ed. BAC, Madrid, p. 831) ("When its subjects are aware of the injustice of a war, it is not lawful for them to go to it, whether they are in error or nor"). And the reason he gives is to quote Rom., XIV, 23: "Omne quod non est ex fide peccatum est," which he translates: "todo lo que no es según conciencia es pecado" (*ibid.*, emphasis added). The Pauline passage is usually rendered: "Whatever does not come from faith is sin." VITORIA's variation reads: "Whatever is not in accordance with one's conscience is a sin" Cf. the Thomistic principle that the rational being that is Man has to follow his or her personal conscience in order to act morally.

34. Just as a memorandum, we may recall:

1689 Bill of Rights (England).

1776 Virginia Bill of Rights.

1789 (August 26) Déclaration des droits de l'homme et du citoyen.

1798 American Bill of Rights.

required. The problem becomes increasingly acute with the growth of individualism.

This paper assumes knowledge of the history of Human Rights, as well as of the fact that this transition from one form of collective life to another more modern form is said today to have acquired a world-wide character. We would like to concentrate on the more strictly philosophical *assumptions* which seem to be at the basis of the Declaration.

1. At the basis of the discourse on Human Rights there is the assumption of a *universal human nature* common to all peoples. Otherwise, a Universal Declaration could not logically have been proclaimed. This idea in its turn is connected with the old notion of a Natural Law.

But the contemporary Declaration of Human Rights further *implies*:

a) that this human nature must be *knowable*. For it is one thing to accept human nature uncritically or mythically, and another to know it. Otherwise, the Declaration could not speak and legislate about Rights that are universal.

b) that this human nature is known by means of an equally universal organ of knowledge, generally called *reason*. Otherwise, if its knowledge should depend on a special intuition, revelation, faith, decree of a prophet or the like, Human Rights could not be taken as *natural rights*—inherent in Man. This must be a commonly-held knowledge. Otherwise, Human Rights could not be declared universal by an Assembly which does not claim to have a privileged epistemological status. This is made plain by the use of the word "declaration," which stresses the fact that it is not an imposition from above but a public explication, a making clear of what is inherent in the very nature of Man.³⁵

c) that this human nature is essentially *different* from the rest of reality. Other living beings inferior to Man obviously have no Human Rights, and creatures superior to Man are likely not to exist. Man is the master of himself and the universe. He is the supreme legislator on Earth—the question of whether a Supreme Being exists or not remains open, but ineffective.³⁶

2. The second assumption is that of the *dignity of the individual*. Each individual is, in a certain sense, absolute, irreducible to another. This is probably the major thrust of the Modern question of Human Rights. Human Rights defend the dignity of the individual vis-à-vis Society at large, and the State in particular.

But this in turn implies:

a) not only the distinction but also the *separation* between individual and society. In this view the human being is fundamentally the individual. Society

35. The San Francisco document is a *declaration*, a manifest statement making clear what is already there, an explication (*declarare*, to make clear—from *de-clarare*. Cf. *clarus*, clear, but also loud (*clamor*)). It is not a law, a superimposition, a human creation, but the recognition or discovery of something intrinsic to the nature of the thing; in this case "the inherent dignity and equal and inalienable rights of all the members of the human family," as the Preamble of the 1948 Declaration says.

36. This practical a-theism and even practical ignorance of any ulterior philosophical issue or religious factor became patent in the presentation and discussion of the Bangkok Conference mentioned above, let alone in the more official meetings where Philosophy and Religion have hardly a voice.

is a kind of superstructure, which can easily become a menace and also an alienating factor for the individual. Human Rights are there primarily to protect the individual.

b) the *autonomy* of humankind vis-à-vis and often versus the cosmos. This is clearly shown in the ironic ambivalence of the English expression, which means at the same time "*Menschenrechte*," "*droits de l'Homme*," and also "*Menschliche Rechte*," "*droits humains*" (human rights). The Cosmos is a kind of understructure. The individual stands in between Society and World. Human Rights defend the autonomy of the human individual.

c) resonances of the idea of Man as *microcosmos* and reverberation of the conviction that Man is *imago dei*, and at the same time the relative independence of this conviction from ontological and theological formulations. The individual has an inalienable dignity because he is an end in himself and a kind of absolute. You can cut off a finger for the sake of the entire body, but can you kill one person to save another?³⁷

3. The third assumption is that of a *democratic social order*. Society is assumed to be not a hierarchical order founded on a divine will or law or mythical origin, but a sum of "free" individuals organized to achieve otherwise unreachable goals. Human Rights, once again, serve mainly to protect the individual. Society here is not seen as a family or a protection, but as something unavoidable which can easily abuse the power conferred on it (precisely by the assent of the sum of its individuals). This Society crystallizes in the State, which theoretically expresses the will of the people, or at least of the majority. The idea of an Empire, or a People or a Nation with a transcendent destiny—whose duty it is to carry through the entrusted mission independent of the will of the members of that society—still exists today in some theocratic states, but even most of these try to palliate their messianic vocation by democratic endorsements.

This implies:

a) that each individual is seen as equally important and thus equally responsible for the welfare of society. Hence the individual has the right to stand by his or her convictions and propagate them or to resist impositions against his or her inherent freedom.

b) that Society is nothing but the sum total of the individuals whose wills are sovereign and ultimately decisive.³⁸ There is no instance superior to Society. Even if there were to exist a God or a superhuman Reality, this too would be filtered through human consciousness and human institutions.

c) that the rights and freedoms of the individual can be limited only when they impinge upon the rights and freedoms of other individuals, and in this way majority rule is rationally justified.³⁹ And when the rights of an individ-

37. Cf. R. PANIKKAR, "Singularity and Individuality: The Double Principle of Individuation," *Revue internationale de philosophie* XIX, 1-2, Nr. 111-112 (1975), pp. 141-166, where it is argued that the ontic status of human individuals is basically different from that of all other individual entities; in short, that we cannot treat human individuals as we could peanuts or cattle, by a merely numerical individuality.

38. "The will of the people shall be the basis of the authority of government";—Art. 21,2 of the Declaration.

39. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law *solely* for the purpose of securing due

ual are curtailed by "reasons of State," this is allegedly justified by the fact that the State is supposed to embody the will and the interests of the majority. It is interesting to note that the "Universal Declaration" speaks of "freedoms" in the plural and, even intriguing, of "fundamental freedoms." The individualization does not stop at the individual, but divides this segregated entity even further into separated freedoms.

In enumerating these Assumptions and Implications I do not mean to say that they were actually in the minds of the framers of the Declaration. In fact, there is evidence to suggest that no unanimity could be found regarding the basis of the rights that were being declared. But the Declaration clearly was articulated along the lines of the historical trends of the Western world during the last three centuries, and in tune with a certain philosophical anthropology or individualistic humanism which helped justify them.

III. Cross-Cultural Reflections

1. Is the Concept of Human Rights a Universal Concept?

The answer is a plain *no*. Three reasons vouch for it.

a) No concept as such is universal. Each concept is valid primarily where it was conceived. If we want to extend its validity beyond its own context we shall have to justify the extrapolation. Even mathematical concepts imply the previous acknowledgement of a limited field defined by the axioms we postulate. Furthermore, every concept tends to be univocal. To accept the possibility of universal concepts would imply a strictly rationalistic conception of reality. But even if this were the theoretical truth it would not be the actual case, because *de facto* humankind presents a plurality of universes of discourse. To accept the fact that the concept of Human Rights is not universal does not yet mean that it *should* not *become* so. Now in order for a concept to become universally valid it should fulfill at least two conditions. It should, on the one hand, eliminate all the other contradictory concepts. This may seem improbable, but there is a logical necessity here and, theoretically, it would all be for the best. On the other hand, it should be the universal point of reference for any problematic regarding human dignity. In other words, it should displace all other homeomorphic equivalents and be the pivotal center of a just social order. To put it another way, the culture which has given birth to the concept of Human Rights should also be called upon to become a universal culture. This may well be one of the causes of a certain uneasiness one senses in non-Western thinkers who study the question of Human Rights. They fear for the identity of their own cultures.

b) Within the vast field of Western culture itself, the very assumptions which serve to situate our problematic are not universally recognized. The particular origin of the formulation of Human Rights is sufficiently well-known. Probably the most important sources of dissent are three.⁴⁰

recognition and respect for the rights and freedom of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

Art. 29,2 (Emphasis of the problematic words added.)

40. We do not include here a fourth source of dissent, namely the political, because the argument in such cases bears mainly on different interpretations of facts, emphases and factors other than those related to the nature of Human Rights. Cf. as a single

i) Theology:

Human Rights need to be grounded, says the theological view, in a superior, transcendent and therefore unmanipulable value, whose traditional symbol is God as origin and guarantor of both human rights and duties. Otherwise, they are only a political device in the hands of the powerful. According to this view, the Declaration suffers from a naive optimism regarding the goodness and autonomy of human nature. Moreover, it implies a deficient anthropology, inasmuch as it seems to view the human person as merely a bundle of needs, material and psychological, of which it then proceeds to make an inventory.⁴¹ And finally, in case of doubt or conflict, who is going to decide? Majority rule is only a euphemism for the law of the jungle: the power of the strongest.

ii) Marxism:

For the Marxist, so-called Human Rights are merely "*Classenrechte*," class rights.⁴² "There are no rights without duties and no duties without rights."⁴³ They reflect the interests of a certain class and in many cases only its aspirations. There is no mention of the economic conditions for the effective realization of what are said to be universal human claims. Furthermore, there is something abstract and too general about most of these rights; they are not sufficiently grounded in the material and cultural reality of particular groups. Finally, their individualism is evident. The individual is conceived as being in confrontation with (rather than included in) society, although the latter is said to be the result of freely contracting individuals. Society is not merely the sum total of individuals and it has rights which the individual may not violate. History has transcendent power.

iii) History:

"Human Rights" appear to some students of recent history as another example of the more or less conscious domination exerted by the powerful nations to maintain their privileges and defend the *status quo*. Human rights continue to be a political weapon. Human rights were known long ago but only for the noblemen, or the free citizen, or for Whites or Christians or males, etc., and when they were hastily applied to "human beings" it was often defined just which groups belonging to the race could properly be styled "human." If not all humans had human rights, the claim of human rights on behalf of animals, plants and things would seem and still does seem bizarre, not to say ridiculous, in spite of occasional remonstrances delivered by Societies for the Protection of Animals. Animals and such may very well have

example: *Colloque de Riyad, de Paris, du Vatican, de Genève et de Strasbourg sur le dogme musulman et les droits de l'homme en Islam*, Riyad (Ministère de la Justice), Beyrouth (Dar Al Kitab Allubhani), 1974; and D. SIDORSKY (éd.), *Essays on Human Rights, contemporary Issues and Jewish Perspectives*, Philadelphia (The Jewish Publication Society of America), 1979.

41. "Human rights, in short, are statements of basic needs and interests." — S.I. BENN, *The Encyclopedia of Philosophy*, New York (Macmillan), 1967, *sub voce* Rights, speaking about the U.N. Declaration.

42. Cf. K. MARX, *Zur Judenfrage*, I, 352.

43. "*Keine Rechte ohne Pflichten, keine Pflichten ohne Rechte*." — MARX-ENGELS, *Werke*, XVI, 521 *apud* G. KLAUS, M. BUHR, *Philosophisches Wörterbuch*, Leipzig (VEB) 1976, *sub voce* Menschenrechte.

rights, but not human ones. And, as we have seen, this particular notion of the "human" has not always been very humane. And who is to speak for the whole? History discloses that only the victors declare and promulgate "rights," which are simply what the powerful consider right at any given time.

c) From a cross-cultural stance the problem appears exclusively Western, i.e. the question itself is at stake. Most of the assumptions and implications enumerated earlier are simply not given in other cultures. Furthermore, from a non-Western point of view the problem itself is not seen as such, so that it is not merely a question of agreeing or disagreeing with the answer. If anything, the problem is that the issue is experienced in a radically different way. A *diatopical* hermeneutic does not deal with just another point of view on the same problem. At issue here is not simply the answer, but the problem itself.

Now is it possible to have access to other *topoi* so that we may be able to understand other cultures from within, i.e. as they understand themselves? We may not be able to jump over our own categories of understanding, but it may not be impossible to have one foot in one culture and another in a second. Generally, we have only one culture as we have only one mother-tongue—but we may also have a father-tongue. We cannot a priori deny this possibility. I recall that, in certain parts of the East, to be illiterate means to know only a single language. It is in dialogue with others that we can encompass our common ground. We may not integrate more than one culture in ourselves but we may open the possibility of a wider and deeper integration by opening ourselves, in dialogue, to others.

The following parallelism may be instructive. To assume that without the explicit recognition of Human Rights life would be chaotic and have no meaning belongs to the same order of ideas as to think that without the belief in one God as understood in the Abrahamic tradition human life would dissolve itself in total anarchy. This line of thinking leads to the belief that Atheists, Buddhists and Animists, for instance, should be considered as human aberrations. In the same vein: either Human Rights, or chaos. This attitude does not belong exclusively to Western culture. To call the stranger a barbarian is all too common an attitude among the peoples of the world. And, as we shall mention later, there is a legitimate and inbuilt claim to universality in any affirmation of truth. The problem is that we tend to identify the limits of our own vision with the human horizon.

2. Transcultural critique

There are no values that transcend the plurality of cultures for the simple reason that a value exists as such only in a given cultural context.⁴⁴ But there may be transcultural values, and a transcultural critique is indeed possible. The latter does not consist in evaluating one cultural construct with the categories of another, but in trying to understand and criticize one particular human problem with the tools of understanding of the different cultures concerned, at the same time taking thematically into consideration that the very awareness and, much more, the formulation of the problem is already culturally bound. Our question is then to examine the possible transcultural value of the question of Human Rights, an effort which begins by delimiting the cul-

tural boundaries of the concept. The danger of cultural westocentrism are only too patent today.

a) We have already mentioned the particular historical origins of the Declaration of Human Rights. To claim universal validity for Human Rights in the formulated sense implies the belief that most of the peoples of the world today are engaged in much the same way as the Western nations in a process of transition from more or less mythical *Gemeinschaften* (feudal principalities, self-governing cities, guilds, local communities, tribal institutions) to a "rationally" and "contractually" organized "modernity" as known to the Western industrialized world. This is a questionable assumption. No one can predict the evolution (or eventual disintegration) of those traditional societies which have started from different material and cultural bases and whose reaction to modern Western civilization may therefore follow hitherto unknown lines.

Further, the very powerful Declaration of Human Rights also shows its weakness from another point of view. Something has been lost when it has to be explicitly declared. As the Chinese say: It is when *yi* (justice) declines that *li* (ritual) arises.⁴⁵ Or as the British and Spaniards repeat: There are things which you take for granted and about which you do not speak. And in some traditional societies, you cannot boast of being noble or a friend of the royal family because the very moment you do so, you lose your nobility and your friendship with the reigning house.⁴⁶ When Human Rights are declared this is a sign that the very foundation on which they rest has already been weakened. The Declaration only postpones the collapse. In traditional words, when the taboo of the sacred disappears sacredness fades away to the point of vanishing. If you have to teach a mother to love her child, something is amiss with motherhood. Or, as some theoreticians of Human Rights have also recognized, the legislation on Human Rights is introduced in order to find a justification for contravening somebody else's freedom. Putting it positively, you need some justification to encroach on somebody's field of activity.

I am not saying this in order to revert to utopian dreams of an earthly paradise, but just to sound another voice. You may promulgate laws, but you do not declare what is the case—unless it has ceased to be evident; you do not proclaim an "ought" if there are no transgressions at all.

b) We may now briefly reconsider the three assumptions mentioned above. They may pass muster, insofar as they express an authentically valid human issue from one particular context. But the very context may be susceptible to a legitimate critique from the perspective of other cultures. To do this systematically would require that we choose one culture after another and examine the Assumptions of the Declaration in the light of each culture chosen. We shall limit ourselves here to token reflections under the very broad umbrella of a pre-Modern non-Western state of mind.

i) There is certainly a *universal human nature* but, first of all, this nature does not need to be segregated and fundamentally distinct from the nature of all living beings and/or the entire reality. Thus exclusively *Human Rights* would be seen as a violation of "Cosmic Rights" and an example of self-de-

44. Cf. R. PANIKKAR, "Aporias in the Comparative Philosophy of Religion," *Man in World*, XIII, 3-4 (1980), pp. 357-383.

45. *Tao Te King*, 18.

46. The *Manavadharmasastra* (2-4) puts the same idea in a more sophisticated way: To act from a desire for reward is reprehensible. Yet without that desire, no action is possible. Laws are needed to put order into those human actions.

feating anthropocentrism, a novel kind of apartheid. To retort that "Cosmic Rights" is a meaningless expression would only betray the underlying cosmology of the objection, for which the phrase makes no sense. But the existence of a different cosmology is precisely what is at stake here. We speak of the laws of nature; why not also of her rights?

Secondly, the interpretation of this "universal human nature," i.e. Man's self-understanding, belongs equally to this human nature. Thus to single out one particular interpretation of it may be valid, but it is not universal and may not apply to the entirety of human nature.

Thirdly, to proclaim the undoubtedly positive concept of Human Rights may turn out to be a Trojan horse, surreptitiously introduced into other civilizations which will then all but be obliged to accept those ways of living, thinking and feeling for which Human Rights is the proper solution in cases of conflict. It is a little like the way technology is often introduced in many parts of the world: it is imported to solve the problems that it has itself created. We have already made reference to this when criticizing the universalization of the concept of Human Rights.

ii) Nothing could be more important than to underscore and defend the *dignity of the human person*. But the person should be distinguished from the individual. The individual is just an abstraction, i.e. a selection of a few aspects of the person for practical purposes. My person, on the other hand, is also in "my" parents, children, friends, foes, ancestors and successors. "My" person is also in "my" ideas and feelings and in "my" belongings. If you hurt "me," you are equally damaging my whole clan, and possibly yourself as well. Rights cannot be individualized in this way. Is it the right of the mother, or the child?—in the case of abortion. Or perhaps of the father and relatives as well? Rights cannot be abstracted from duties; the two are correlated. The dignity of the human person may equally be violated by your language, or by your desecrating a place I consider holy, even though it does not "belong" to me in the sense of individualized private property. You may have "bought" it for a sum of money, while it belongs to me by virtue of another order altogether. An individual is an isolated knot; a person is the entire fabric around that knot, woven from the total fabric of the real. The limits to a person are not fixed, they depend utterly on his or her personality. Certainly without the knots the net would collapse; but without the net, the knots would not even exist.

To defend too aggressively my individual rights, for instance, may have negative, i.e. unjust, repercussions on others and perhaps even on myself. The need for consensus in many traditions—instead of majority opinion—is based precisely on the corporate nature of human rights.

A paragraph on language is required here. Each language has its own genius and its own particular way to see the world and even to be it and in it. But from a cross-cultural perspective, each language has to show the flexibility necessary to incorporate other human experiences. I know that in current English "individual" is synonymous with "person," but this should not prevent me from using these two words in the sense I have suggested, and from recognizing a particular human trend which tends to identify the human being with the most salient features of a gross "individualized" body or at least to inscribe it within that framework. In drawing the distinction between individual and person I would put much more content in it than a French moral philosophy would do nowadays, for instance. I would like to adduce this case as a particular instance of two radically different anthropologies.

iii) Democracy is also a great value and infinitely better than any dictatorship. But it amounts to tyranny to put the peoples of the world under the alternative of choosing either democracy or dictatorship. Human Rights are tied to democracy. Individuals need to be protected when the structure which is above them (Society, the State or the Dictator—by whatever name) is not qualitatively superior to them, i.e. when it does not belong to a higher order. Human rights is a legal device for the protection of smaller numbers of people (the minority or the individual) faced with the power of greater numbers. This implies a quantitative reductionism; the person is reduced to the individual and the individual to the basis of society. I may put it more positively by saying that it is the way by which the individual as cornerstone of society is protected, and his or her dignity recognized. In a hierarchical conception of reality, the particular human being cannot defend his or her rights by demanding or exacting them independently of the whole. The wounded order has to be set straight again, or it has to change altogether. Other traditional societies have different means to more or less successfully restore the order. The raja may fail in his duty to protect the people, but will a Declaration of Human Rights be a corrective unless it also has the power to constrain the raja? Can a democracy be imposed and remain democratic?⁴⁷

The policy of non-alignment subscribed to by many countries of Africa and Asia here strikes a much deeper chord than possible political opportunism, or just another way of being relevant in the contemporary political scene. It represents precisely this refusal to admit the vision of the world as a function of the just mentioned set of dilemmas represented by the so-called superpowers.

In short, the Transcultural Critique does not invalidate the Declaration of Human Rights, but offers new perspectives for an internal criticism and sets the limits of validity of Human Rights, offering at the same time both possibilities for enlarging its realm, if the context changes, and of a mutual fecundation with other conceptions of Man and Reality.

3. Should the symbol of Human Rights be a Universal Symbol?

It should be noted that I speak here of Human Rights as a symbol which, unlike a concept, is by its nature polyvalent and polysemic.

The answer is yes, and no.

a) *Yes*. When a culture as a whole discovers certain values as ultimate, these values must have a certain universal meaning. Only collective and culturally expressed universal values may be said to be human values. A mere private value cannot be called a *human* value. It is a humane value, but not necessarily a value for every human—as Human Rights claim to be. As a matter of fact, Human Rights come as a corrective to the former exclusive rights of the

47. A recent example: A Catholic missionary, after over a year of really living together with an Asian tribe and sharing with the people their respective beliefs, thinks that the moment has come for some formal conversions, since they are already practically Christians. He talks matters over with the enthusiasts about Christianity: "Would you like to become officially and publicly Christians? You are already convinced..." etc. Answer: "No, because some other people in the tribe are not ready." But it is your *right*!", says the missionary, "you have the *right* to decide by yourselves—all the more since you neither harm nor despise the others." The answer is cutting: "We only have the right to take this step if the whole tribe does it."

Whites, the Believers, the Rich, the Brahmins and others—without meaning to touch legitimate privileges in the traditional sense of the word. The Declaration of Human Rights must needs be considered, at least in its intention, as a declaration with universal validity. To say that Human Rights are not universal would amount to saying that they are not human; they would cease to be *Human Rights*. The whole novelty of the Declaration lies precisely here, in the assertion that every human being, by the mere fact of being human, is endowed with inalienable rights that everybody should respect.

In that sense we may have here something rather unique and revolutionary in the Declaration of Human Rights. Here indeed we have the positive side of the individual vis-à-vis the person. Every single human being in its individuality, by the very fact of being born, has a dignity and rights equal to any other. It is not one's place in society, or degree of civilization, or intellectual, moral or religious endowments that counts. Certainly, limits will immediately appear: you may be subnormal or abnormal, and not only physically, but also morally—or, others would also add, intellectually or religiously. But the naked fact of being born is the universal symbol on which Human Rights is based. From this point of view, the claim to universality of Human Rights has found a solid basis.

Paradoxically enough, the Christian origin of this belief has been the cause of some of its degradation, i.e. when it became an ideology, a doctrine to serve the interests of one particular group. Everybody is born free and equal; all human beings are equal in the sight of God; every human person has the same rights as any other. Nonetheless, in order to justify the fact that the unbaptized, or the Negro or slave or female or whoever did not have the same rights, one was compelled to claim that they were not fully human beings, as history cruelly witnesses.

b)No. Because each culture expresses its experience of reality and of the *humanum* in concepts and symbols which are proper to that tradition and are as such not universal, and most likely not universalizable. This relationship between truth and the expression of truth in concepts and symbols is one of the most central philosophical problems. Truth has the inbuilt claim to be universally valid, here and there, yesterday and tomorrow, for you and for me. Yet my grasping and formulating it cannot sustain the same claim without charging all the others who do not agree with me with stupidity or wickedness. Hence the necessary *via media* between agnostic relativism and dogmatic absolutism. This is what can be called *relativity*.

Our particular case is a typical example of the *pars pro toto*: from the optic of the inside it looks like the whole; from the outside it looks like a part, a fragment. Similarly, Human Rights are universal from the vantage point of Modern Western culture, and not universal from the outside looking in. Now, if we take from the inside the *pars pro toto*, are we able to take from the outside the *totum in parte*? Can another culture see in the Human Rights a universal language? Or should we say that it is only one way of looking at things, one way of speaking?

The answer which claims to discover the *totum in parte* is appealing, but not convincing. This is the temptation of the intellectual, who senses that any affirmation has the inbuilt tendency to be universally valid—or of the politician who, having neither the time nor the inclination to engage in such reflections, would like to see the *totum* in the *parte* of his party. But then we tend to become the self-appointed judges of all humankind. Now philosophy, being a situated reflection, makes us aware that nobody has direct access to the universal range of human experience. We can only indirectly and through a limited

perspective come to know the totality. Even were we to know all the existing human opinions, ours would amount to just another opinion. One cannot view the *totum* except in and through one's own window. This is the case not only because the whole is more than the sum of its parts, but also because that *totum* does not exist independent from the *parte* through which it is seen. It is only seen in and through the respective *parte* and there is no stance from which one could proceed to the integration of all the parts. Co-existence is only possible on a common ground, a *co-esse* recognized by the different parties. Here lies the crux. We cannot but aim at the *totum*, and yet we often forget that all we see is the *pars* which we then take *pro toto*. If a Christian, to put another example, were to say that Christ is not the universal savior, according to accepted custom he or she would cease to be a Christian. But a non-Christian cannot, and should not, agree with this. It is only in mutual dialogue that their respective views will change or evolve. Christ will be for the Christian the symbol of the totality; for the non-Christian, only the symbol of the Christians. Myriad examples from the past, specially regarding the West, are all too striking for one not to be wary of the danger of repeating what was done in the name of the one God, the One Empire, the one Religion, and what is nowadays being done under the aegis of the one Science and the one Technology.

In brief, we need a new hermeneutic: the diatopical hermeneutic that can only be developed in a *dialogical* dialogue. This would show us that we must take neither the *pars pro toto*, nor believe that we see the *totum in parte*. We must accept what our partner tells us: simply that we take the *totum pro parte*, when we are aware of the *pars pro toto*; which is obviously what we will retort right back to him. This is the human condition and I would not consider it to be an imperfection. This, again is the topic of pluralism.

Let us consider now an example of a different perspective without attempting to present any homeomorphic equivalent.

IV. An Indian Reflection

The word "Indian" here has no political connotations. It does not refer to the "nation" with the third largest Islamic population in the world, but to the traditional Hindu, Jain and Buddhist conceptions of reality.

Dharma (*dhamma*) is perhaps the most fundamental word in the Indian tradition which could lead us to the discovery of a possible homeomorphic symbol corresponding to the Western notion of "Human Rights." I am not advancing the idea that Dharma is the homeomorphic equivalent of Human Rights. I am only indicating that a reflection at the level of Dharma may help us find our footing on a common ground, so that we may know what we are looking for when we set out on our search for "Human Rights" in the classical Indian context.

As is well-known, the meaning of the word Dharma is multivocal: besides element, data, quality and origination, it means law, norm of conduct, character of things, right, truth, ritual, morality, justice, righteousness, religion, destiny, and many other things. It would not lead us anywhere to try to find an English common denominator for all these names, but perhaps etymology can show us the root metaphor underlying the many meanings of the word.⁴⁸

48. From the root *dhr*, to hold, to maintain, keep together. Cf. Latin *tenere* and English *tenet*.

Dharma is that which maintains, gives cohesion and thus strength to any given thing, to reality, and ultimately to the three worlds (*triloka*). Justice keeps human relations together; morality keeps oneself in harmony; law is the binding principle for human relations; religion is what maintains the universe in existence; destiny is that which links us with our future; truth is the internal cohesion of a thing; a quality is what pervades a thing with an homogenous character; an element is the minimum consistent particle, spiritual or material; and the like.

Now a world in which the notion of Dharma is central and nearly all-pervasive is not concerned with finding the "right" of one individual against another or of the individual vis-à-vis society, but rather with establishing the *dharmic* (*right, true, consistent...*) or *adharmaic* character of a thing or an action within the entire theanthropocosmic complex of reality.

Dharma is primordial. We cannot hope to understand it if we approach it with moral categories (cf. the case of the Gita) or even epistemological ones. It embraces both the conflict and the resolution; both the ought and the ought not. There is no universal dharma above and independent of the *svadharma*, the dharma which is inherent in every being. And this *svadharma* is at the same time a result of and a reaction to the dharma of everyone else.

The starting point here is not the individual, but the whole complex concatenation of the Real. In order to protect the world, for the sake of the protection of this universe, says Manu, He Svayambhu, the Self-existent, arranged the castes and their duties.⁴⁹ Dharma is the order of the entire reality, that which keeps the world together.⁵⁰ The individual's duty is to maintain his "rights"; it is to find one's place in relation to Society, to the Cosmos, and to the transcendent world.

It is obvious from these brief paragraphs that here the discourse on "Human Rights" would take on an altogether different character. It would distract us from the purpose of this article to look now for the homeomorphic equivalent of Human Rights in a culture pervaded with the conception of Dharma. We adduce this Indian example only to be able to elaborate in a fuller way the question of our title.

Only one submission and one observation may be allowed here so as not to leave this reflection incomplete. I submit that the homeomorphic equivalent is *svadharma*, and I make the observation that the homeomorphic equivalent does not mean the corresponding counterpart, as if all that is conveyed by Human Rights is also borne by *svadharma* or vice-versa. Cultures are wholes, and do not fit into one-to-one correspondences. In order to have a just society, the modern West stresses the notion of Human Rights. In order to have a dharmic order, classical India stresses the notion of *svadharma*.

We shall now attempt to formulate without further development some reactions to the Western discourse on Human rights from this Indian perspective. We should add immediately that this Indian critique does not imply that the Indian model is better, or that Indian culture has been faithful to its fun-

49. MANU, I, 31 and I, 87.

50. Cf. the famous *lokasamgraha* of the Gita, and the well-known definition of the *Mahabharata*: "That which maintains and sustains the peoples." (*Karnaparvam*, LXIX, 59).

damental intuition—as the existence of the outcastes and the degeneration of the caste system sufficiently prove.

In confrontation and dialogue with the Western model, the Indian critique would stress fundamentally that Human Rights should not be absolutized. It would contest that one can speak of Human Rights as "objective" entities standing on their own in isolation from the rest of the Real. This is what seems to be implied in the very first article of the Declaration: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

Particular rights, privileges due to a special position in society, i.e. a relativization of rights does not seem to be compatible with this article.

Developing this point, the Indian vision would insist on the following points among others:

1. Human Rights are not individual Human Rights only. The *humanum* is not incarnated in the individual *only*. The individual as such is an abstraction, and an abstraction as such cannot be an ultimate subject of rights. As we have already indicated, the individual is only the knot in and of the net of relationships which constitute the fabric of the Real. The knots may individually be all the same (either *jiva*, *atman* or *anatman*), but it is mainly their position in the net which determines the set of "rights" an individual may have. Individuality is not a substantial category, but a functional one. The structure of the universe is hierarchical, but this does not imply that the higher echelons have the right to trample upon the rights of the lower ones—in spite of the dangers of this happening the moment the harmony of the whole is disturbed.

I am not entering into the merits or demerits of this worldview. We should however bear in mind that this conception is intimately linked with the conception of karma, and thus should not be evaluated outside its proper context.

2. Human Rights are not Human only. They concern equally the entire cosmic display of the universe, from which even the Gods are not absent. The animals, all the sentient beings and the supposedly inanimate creatures, are also involved in the interaction concerning "human" rights. Man is a peculiar being, to be sure, but neither alone nor so essentially distinct. One could even ask whether there are specific human rights, or if this specificity is again only an abstraction for pragmatic reasons which defeats its own purpose the moment we forget its merely practical character.

Here again, another cosmology and another theology provide the justification for this conception. Whether modern India, accepting and adopting modern Science as it is, will be able to maintain this conception for very long is another matter altogether. But we know also about the persistence of mythical patterns.

3. Human Rights are not Rights only. They are also duties and both are interdependent. Humankind has the "right" to survive only insofar as it performs the duty of maintaining the world (*lokasamgraha*). We have the "right" to eat only inasmuch as we fulfill the duty of allowing ourselves to be eaten by a hierarchical higher agency. Our right is only a participation in the entire metabolic function of the universe.

We should have, if anything, a Declaration of Universal Rights and Duties in which the whole of Reality would be encompassed. Obviously, this demands not only a different anthropology but also a different cosmology and

an altogether different theology—beginning with its name. That only human beings and not animals could make this Declaration would invalidate it only to the same extent that the Declaration of Human Rights could be contested because the Nagas and the Masai did not take part in the discussion and framing of the Declaration.

4. Human Rights are not mutually isolatable. They are related not only to the whole cosmos and all their corresponding duties; they form, among themselves as well, a harmonious whole. It is for this reason that a material list of definitive Human Rights is not theoretically feasible. It is the universal harmony that ultimately counts. This is not invalidated by the fact that India, as so many other countries, knows the codification of laws. India suffers, perhaps more than most countries from legalistic *minutiae*, precisely because no juridical legislation will ever suffice.⁵¹

5. Human Rights are not absolute. They are intrinsically relative, they are relationships among entities. Moreover, these entities are determined by the relationships themselves. To say that my human value depends on my position in the universe would be a caricature of what has been said if we start by thinking of an individual in itself, whose dignity is then made to depend on whether he or she is rich or poor, of one caste or another, etc. The classical Indian vision would not subscribe to this—in spite of the failures of the system in the praxis and even the degeneration in time—but it would start from a wholistic conception and then define a portion of Reality by function of its situation in the totality. In a certain sense, the knot is nothing—because it is the whole net.

6. Both systems (the Western and the Hindu) make sense from and within a given and accepted myth. Both systems imply a certain kind of consensus. When that consensus is challenged, a new myth must be found. The broken myth is the situation in India today, as it is in the world at large. That the rights of individuals be conditioned only by their position in the net of Reality can no longer be admitted by the contemporary mentality. Nor does it seem to be admissible that the rights of individuals be so absolute as not to depend at all on the particular situation of the individual.

In short, there is at present no endogenous theory capable of unifying contemporary societies and no imposed or imported ideology can be simply substituted for it. A mutual fecundation of cultures is a human imperative of our times.

The Declaration defends the individual from the abuses of the State or Society. The Indian view would say that we are part of a harmonious whole on pilgrimage toward a non-historical goal. Interactions are the very warp and woof of the universe. Cultural and religious traditions offer a whole that can-

51. A recent example may illuminate the issue: In July 1981, the Indian nation is in an uproar because some 352 outcasts of the small village of Minakshipuram in Tamilnadu converted to Islam, probably in protest and reaction against their ostracism (to say the least) from the Hindu caste-communities. For our point it is interesting to remark that H.H. Sri Vishvesva Tirtha Swamiji of Pejavar Mutt along with many other Hindu religious leaders can now—for obviously political and opportunistic reasons—raise their voices against untouchability and discrimination without paying attention to the *Manavadharmasastra* (III, 92, 150, 157; IV, 79, 213; IX, 238–239; etc.) and other sacred Laws sanctioning the system. Cf. the Indian press from May to August, 1981; e.g. *The Hindu* from Madras, May 26; July 15, 16, 18, 28, 29, 30; August 2; etc.

not easily be dismembered without doing violence to their insights. Hindu karma outside its context may become fatalistic. Christian charity outside its system may turn oppressive. The universalization of Human Rights is a very delicate question indeed.

V. By Way of Conclusion

—Is the concept of Human rights a Western conception?

—Yes.

—Should the world then renounce declaring or enforcing Human Rights?

—No.

Three qualifications, however, are necessary:

1. For an authentic human life to be possible within the *megamachine* of the modern technological world, Human Rights are imperative. This is because the development of the notion of Human Rights is bound up with and given its meaning by the slow development of that megamachine. How individuals or groups or nations should collaborate with this present-day system is another question altogether. But in the contemporary political arena as defined by current socio-economic and ideological trends, the defence of Human Rights is a sacred duty. Yet it should be remembered that to introduce Human Rights (in the definite Western sense, of course) into other cultures before the introduction of *techniculture* would amount not only to putting the cart before the horse, but also to preparing the way for the technological invasion—as if by a Trojan horse, as we have already said. And yet a technological civilization without Human Rights amounts to the most inhuman situation imaginable. The dilemma is excruciating. This makes the two following points all the more important and urgent.

2. Room should be made for other world traditions to develop and formulate their own homeomorphic views corresponding to or opposing Western “rights.” Or rather, these other world traditions should make room for themselves, since no one else is likely to make it for them. This is an urgent task; otherwise it will be impossible for non-Western cultures to survive, let alone to offer viable alternatives or even a sensible complement. Here the role of a cross-cultural philosophical approach is paramount. The need for human pluralism is often recognized in principle, but not often practiced, not only because of the dynamism which drives the pan-economic ideology, linked with the megamachine, to expand all over the world, but also because viable alternatives are not yet theoretically worked out.

3. An intermediary space should be found for mutual criticism that strives for mutual fecundation and enrichment. Perhaps such an interchange may help bring forth a new myth and eventually a more humane civilization. The dialogical dialogue appears as the unavoidable method.

Perhaps a suggestion here may prove helpful. Playing on the metaphor of the knots (individuality) and the net (personhood) we could probably affirm that traditional cultures have stressed the net (kinship, hierarchical structure of society, the function to be performed, the role of each part in relation to the whole), so that often the knot has been suffocated and not allowed sufficient free-space for its own self-identity. On the other hand, Modernity stresses the knots (individual free will to choose any option, the idiosyncrasies of everyone, the atomization of society) so that often the knot has been lost in loneliness, alienated by its own social mobility, and wounded (or killed) in competition with other more powerful knots. Perhaps the notion of personhood as the interplay between the knots and the net, as well as the realization that freedom is not just the capacity to choose between given options but also the power to create options, could provide a starting point for the proposed mutual fecundation.

If many traditional cultures are centered on God, and some other cultures basically cosmocentric, the culture which has come up with the notion of Human Rights is decisively anthropocentric. Perhaps we may now be prepared for a cosmotheandric vision of reality in which the Divine, the Human and the Cosmic are integrated into a Whole, more or less harmonious according to the performance of our truly human rights.



To be continued in the next issue of Interculture (No. 144).

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