

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

by Robert Vachon

ISSUE II
(1986–1995)

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

A Chronicle/Testimony of
Intercultural Institute of Montreal's Research-Action
1970-2002 with supporting documentation

by ROBERT VACHON

ISSUE II: 1986-1995

**A. OTHER PUBLICATIONS AND ACTION
1978-1989 (CONTINUED)**

IN 1986, WE PUBLISH "The Traditional Vietnamese Village" by JAMIESON (*Interculture*, Issue No. 86). In 1988, *Interculture* (No. 99) publishes "Culture, State and the Rediscovery of Indian [India] Politics" (pp. 2-17) where the great Bengali intellectual from India, Ashis NANDY, finely describes the "non stato-centrist," "non-statist" but "culturo-centrist" political approach of India, i.e. that of the past and of the present, which takes seriously the concept of open society: an approach which makes a distinction between "political participation" and "participation in stato-centric politics." The political approach being that which thinks the political outside the framework of the Nation-State, and hence where it is possible for a State to represent a confederation of cultures, including a multiplicity of religions and languages. It is that form of politics which tries to bring all sectors of society into the political without bringing all aspects of that society in the perspective of the State.

TEXT 7

**CULTURE, STATE AND THE
REDISCOVERY OF INDIAN POLITICS.
by ASHIS NANDY¹**

- I -

A society can conceptualize the relationship between its culture and its State in two ways. The first way is to look for the means by which culture can be made to contribute to the sustenance and growth of the State. The State here is seen as operating according to certain fixed, universal, sociological rules. Elements of the culture which help strengthen the State are seen as good; those elements of the culture which do not help the proper functioning of the State or hinder its growth are seen as defective. A mature society, in this view, is expected to shed or actively eliminate these defective elements so as to improve both the functioning of the State and the quality of the culture.

The second way of looking at the relationship between culture and the State is to do so from the standpoint of the culture. This approach may regard the State as a protector, an internal critic or a thermostat for the culture but not as the ultimate pace-setter for the society's way of life. The State here is made to meet the needs of survival or enrichment of the culture; it is never allowed to dictate terms to the culture. Even when the State is used as a critic of the culture and the culture is sought to be transformed, the final justification for the criticism and the transformation is not sought in the intrinsic logic of Statecraft or in the universal laws of State-formation. That justification is sought in the self-perceived needs of the culture and the people, or in the moral framework used by the people.

This dichotomy between the State and the culture-oriented views of society, of course, dissolves if one uses the older idea of the State-as-part-and-parcel-of-culture (as in many traditional societies) or if one refuses to accept the modern idea of Nation-State as the only genuine version of State (as is assumed by most modern political and social analysts today). In most non-modern societies, among people who work with the older concept of the State and not with the modern concept of the Nation-State, the culture-oriented approach to State is seen as natural and the State-oriented approach as an imposition.² Likewise, in modern societies the Nation-State-oriented

1. Ashis NANDY is a well-known psychologist and social theorist associated with the Centre for the Study of Developing Societies and the Committee for Cultural Choices and Global Futures, Delhi. His publications include *Alternative Sciences* (1980), *At the Edge of Psychology* (1980), *The Intimate Enemy* (1983) and *Traditions, Tyranny and Utopias* (1987).
2. In traditional India, for instance, the State was clearly expected to be a part of culture and the king was expected to see himself not only as a protector of *dharma* but also as a protector of multiple ways of life and a promoter of ethnic tolerance. The *Arthashastra* may not provide a clue to this but the *puranas*, the folklores and *lokachar* do.

approach seems natural and rational, and the culture-oriented one looks unnatural, irrational or primitive. The choice, therefore, boils down to one between the culture-oriented and the Nation-State-oriented. However, for the sake of simplicity, I shall use here the expression State-oriented or statist to mean the Nation-State-oriented.³

You may notice that I am not taking into account in this dichotomy the nature of the State and the nature of culture. These are vital issues and they need to be discussed fully. For the moment, however, I want to avoid them because I want to be fair to the culture-oriented approach which believes that a State can destroy the civilization of which it is a part even when the "intentions" of the State are "honourable" and even when it is trying to improve a "decaying" civilization. When a State becomes ethnocidal, the culture-oriented approach believes, the remedy does not lie in only capturing the State, since it provides no check against the captured State becoming as ethnocidal in scope as it was before being captured.

- II -

For the last 150 years, Westernized, middle-class Indians have learnt to look at the first approach—the one which orients the needs of the culture to the needs of the State—as the very epitome of political maturity, achievement and development. Since the Nation-State system acquired its present global predominance in the last century, most political analysis in the West, too, has forgotten the other alternative.⁴ And since a global science of politics became fully operational after the Second World War, the State-oriented attitude to culture has become the only way of looking at culture the world over.⁵ Nearly all studies of political development and political culture done in the fifties and sixties have this cultural engineering component building into them. From Talcoot PARSONS, Edward SHILS and David EASTON to Karl DEUTSCH, Samuel HUNTINGTON and Lucian PYE, it is the same story.

3. It must be obvious that the word "statist" does not have, in this context, the meaning it generally has in debates between the socialist thinkers and the liberals believing in a minimal State.
4. So much so that when confronted with the hard reality of a culture-oriented approach to the State, as in the case of a GANDHI or a KHOMEINI, the modern political analysts and journalists are forced to fall back on State-oriented analytic categories, even after the categories have shown poor interpretative power.
5. One of the first Marxist thinkers in the third world to explicitly recognize the primacy of culture was Amílcar CABRAL (1924–1974). See his *Return to the Source: Selected Speeches* (New York, Monthly Review Press, 1973). He, of course, drew upon the work of Aimé CÉSAIRE and Léopold SENGHOR. One suspects that the African heritage of all three had something to do with this sensitivity. The disintegrating native cultures they saw around them were more threatened than threatening, something which a MAO ZEDONG could not say about China. In India, unfortunately, even the Marxism of classical scholars like D. D. KOSAMBI and D. P. CHATTOPADHYAY have remained in essence another version of Western orientalism and colonial anthropology.

This is a part of a larger picture. Take, for instance, the studies of cultural contexts of economic growth done during the same period. The main function of culture, according to these studies, was to facilitate economic growth. Aspects of culture which stood in the way of such growth had to be ruthlessly excised. In "stagnant" cultures, that is, in cultures which did not nurture a thriving modern economy, the engineering challenge was to rediscover or introduce cultural elements which would trigger or sustain economic growth and the spirit of the market which went with it. This was the thrust of the psychological studies of achievement motive done by David MCCLELLAND and company, and the studies of Protestant-ethics-like elements in non-Western cultures by a drove of social anthropologies. Even the hard tough-minded economists of the period, who did not believe in the relevance of such woolly psychological or cultural-anthropological work, never faltered in their belief that a society had to give primacy to the needs of the modern economy, however defined, over the needs of culture. So did the mercenaries among them vending the materialist—read economic—interpretation of history to ensure the centrality of their dismal science in the world of social knowledge. In India, at least, I have not come across a single work of any Marxist economist of the period which challenged the basic priority of economics and sought to restore, even as a distant goal, MARX's original vision of a society freed from the bondage of economism.⁶

An exactly similar case can be made about science. Most science-and-culture studies of the fifties and sixties sought to make the society safe for modern science. For this purpose, all non-modern cultures were sought to be retooled and made more rational or modern. Thus, scientific criticisms of culture were encouraged but cultural criticisms of science were dubbed obscurantist. Occasionally shallow criticisms of the social relations of science were allowed—in the sense that the control over science exercised by imperialism or capitalism or by army generals was allowed to be exposed. But this was done as a part of an attempt to protect the text and the core values of modern science which were seen as absolute and as the last word in human rationality. Here, too, culture was always at the receiving end, while science kept the company of modern political and economic institutions.

We however are talking of politics at the moment, not of the witchcraft called economics or the mega-corporation called modern science. And I want to suggest that in India the primacy granted to the needs of the State—seen as a necessary part of a ruthless, global, Nation-State system—is not a new idea coined in the late 1940's by the first generation of the post-Independence managers of Indian polity. The primacy of the State was not the discovery of Jawaharlal NEHRU or Vallabhbhai PATEL, two very different persons who arrived at roughly the same statist ideology through very different personal and intellectual paths. Nor did the primacy-of-the-State theory evolve in the fifties or the sixties when the structural-functional

6. For a discussion of the political consciousness which characterized this phase of colonial politics, and its persistence within the culture of Indian politics as an important strain, see my "The Making and Unmaking of Political Cultures of India," *At the Edge of Psychology: Essays in Politics and Culture* (New Delhi, Oxford University Press, 1980), pp. 47–69.

models of political development and positivist-Marxist models of the State endorsed, at two ends of the political spectrum, the primacy of the State. The new model merely re-legitimized what had been brewing for more than a hundred years in India and, perhaps, for more than three hundred years in Europe.

The statist model first came to India in the nineteenth century, in the second phase of colonialism, when a more reactive, self-defensive Hinduism began to take shape in response to the consolidation of social theories which saw colonialism as a civilising influence and as a pathway from feudalism to modern statehood.⁷ It was towards the middle of the nineteenth century that a series of dedicated Hindu religious and social reformers first mooted the idea that what Hinduism lacked was the primacy which most forms of post-medieval, western Christianity granted to the State. Even Islam, they felt, had a built-in space for such primacy. The Hindus did not. That was why, they decided, the Hindus were having it so bad. The sorrow of that generation of reformers was that the Hindu was an animal peculiarly hostile and insensitive to the subtleties of the Nation-State system; their hope was that the hostility and insensitivity could be corrected through proper cultural and social engineering. This the religious reformers tried to do through a revision of the Hindu personality and way of life. This effort, because it came as part of a defence of Hinduism, hid the fact that this was the first influential indigenous form of the primacy-of-the-State thesis advanced in India. The thesis, for the first time, brought modern statism within Hinduism, in the sense that the Hindu State of the future was not to be the Hindu polity of the past but a centralized, modern Nation-State with a Brahmanic idiom.⁸

The earlier generation of reformers, in what can be called the first phase of British colonialism, had pleaded for greater political participation of Indians and also for greater State intervention in the society. But there were externally imposed limits to their enthusiasm; they did not stress the absolute primacy of the State partly because the State was not theirs and partly because even their British rulers had not yet shown any great ideological commitment to the State system they were running. The State for the first generation of British rulers was mainly a means of making money, not a means of cultural engineering. These rulers feared and respected Indian culture which they tried not to disturb as long as it did not stand in the way

7. Probably Bankimchandra CHATTERJEE (1838–1894) was the first well-known theoretician of the State-oriented approach in India. I say "probably" because he stated his position indirectly, often through his literary and theological works or through commentaries on the works of others. Sudipta KAVIRAJ suggests that Bhudev MUKHOPADHYAYA (1827–1894), a lesser-known contemporary of Bankimchandra, was the first to explicitly accept and plead for a modern Nation-State in India.

8. See my "The Making and Unmaking of Political Cultures of India." The limits were partly internal, too. For instance, the ambivalence of Rammohun ROY (1771–1833), who aggressively worked for the abolition of the practice of *sati* but also doubted the wisdom of a State-imposed ban on *sati*.

of their greed.⁹ Moreover, the *raj* occupied a relatively small part of the sub-continent and certainly did not give the impression of being the paramount power in the country. The Indians pressuring their British rulers to intervene in Indian society could not internalize a highly activist or an awingly grand image of the State.

Nonetheless, the first generation of social reformers had provided the base on which the second generation of reformers built their adoration for the modern idea of the Nation-State and their suspicion of all grass-root politics. Certainly, these latter reformers did not put any premium on participatory politics, which they accepted theoretically only as a vague, populist possibility. Even when they spoke of mass politics as desirable, they saw it as something which had to come later—after the Hindu had been morally and educationally uplifted and after he had learnt to take on modern responsibilities.¹⁰ This shielded them from the awareness that they were unwilling or incapable of mobilizing the ordinary Indians for basic political changes.

These votaries of a Hindu Nation-State, thinking that they were pleading for a Hindu polity, were also mostly unaware that the Nation-State system was one of the more recent innovations in human civilization and that it had come into being only about two hundred years earlier in Europe, in the mid-seventeenth century. They chose to see it as one of the eternal verities of humankind. Naturally, they diagnosed the Hindu inadequacy in State-oriented politics as a result of a major defect in the Hindu personality and culture, which had to be reformed as the first step to political freedom. (The British in India, for their own reasons, endorsed this priority of the cultural over the political enthusiastically.) Many of these social reformers, inappropriately called Hindu revivalists, were to later have more sympathy for the anti-British terrorist movements. But that sympathy did not go with any passion for wider political participation of the masses. Indeed, they were always a little afraid of the majority of Hindus who lived in the 500,000 Indian villages. *Hindurajva*, yes; but not with the full participation of all the *Hindupraja*; at least not with the *praja* as they were, and certainly not with the participation of all Hindus in the short run. The conspiratorial style of the terrorists came handy in this respect since it automatically restricted mass participation. Even the constant invocation of the Hindu past by the revivalists—the practice which gave them their distinctive name—was a criticism of the living Hindus. It was a compensatory act. It hid the revivalists' admiration for the West and for middle-eastern Islam, seen as martial and valorous, and it hid the desperate search for the same qualities in the Hindu past. The political consequence of this admiration for the conquerors of the Hindus was the continuous attempt by many to re-educate the "politically immature," anarchic, living Hindus, so that the latter could rediscover their

9. Aurobindo GHOSE (1872–1950) in his revolutionary years was a good example of such romantic populism. The revolutionary hero of Sarat Chandra CHATTERJI's novel *Pather Dabi*, Sabyasachi, is a faithful idealization of this attitude to political participation.

10. It was the same vision of India which explains Sister NIVEDITA's (1867–1911) discomfort with Ananda COOMARASWAMY (1877–1947) whom she considered too conservative.

lost Western and Islamic values and play their proper role in the global system of Nation-State. Swami VIVEKANANDA, when he envisioned a new race of Vedantic Hindus who would build a western society in India, was only being true to the primacy-of-the-State thesis.¹¹

I am arguing that the nineteenth century characters the modern Indians have learnt to call revivalists were never truly anti-West or anti-Islam. They were only anti-British, and anti-Muslim in the Indian context. Their ideal, in important respects, was western Christianity or middle-eastern Islam. And as for their concept of the State, it was perfectly modern. If anything, they were fundamentally and ferociously anti-Hindu.¹² The only good Hindu to them was the Hindu who was dead, that is, the Hindu who had lived a few thousand years ago. They wanted to enter the world scene with an engineered Hindu who, but for his ideological commitment to classical Hinduism, would be a Western man, a man who would accept the rules of the game called the Nation-State system and who could not be shortchanged either by the Westerner or by the Muslim.

It was this heritage on which both the mainstream liberal and the official Marxist ideologies in India were to later build. Strange though it may sound to many, there was a cultural continuity between the early primacy accorded to the State and the strand of consciousness which was to later seek legitimacy in the popular modern theories of the State in India. Both the liberals and the official Marxists like to link themselves to the earlier integrationist tradition of social reform, the one beginning with Rammohun ROY and more or less ending with Rabindranath TAGORE (1861–1940) and Gopal Krishna GOKHALE (1866–1915). This ignores the checks within the ideological frame of these pioneers. Rammohun ROY, for instance, was a modernizer but he located the origins of the problems of Hindu personality and culture in the colonial situation and not in Hindu traditions. He believed that the pathologies of Hinduism he was fighting could be found only around the institutional structures introduced by the British rule and, therefore, his own religious reforms and the new Hindu sect he established were directed only at the exposed Hindus, not at parts of the society untouched by colonialism. In his own crude, unsure way, ROY did try to protect the architectonics of Indian culture. He did not want Indian culture to be integrated into the modern world; he wanted modernity to be integrated into Indian culture. His modern admirers have chosen to forget the checks within him—weak

11. This has been discussed in Ashis NANDY, *The Intimate Enemy: Loss and Recovery of Self Under Colonialism* (New Delhi, Oxford University Press, 1983).

12. For example, Rammohun ROY, "Additional Queries Respecting the Condition of India," in Kalidas NAG and Debajyoti BURMAN (eds.), *The English Works* (Calcutta, Sadhuran Brahmo Samaj, 1947), Part III, pp. 63–8, see pp. 64–5:

From a careful survey and observation of the people and inhabitants of various parts of the country, and in every condition of life, I am of opinion that the peasants and villagers who reside at a distance from large towns and head stations and courts of law, are as innocent, temperate and moral in their conduct as the people of any country whatsoever; and the further I proceed towards the North and West (i.e., away from British India: A.N.), the greater the honesty, simplicity and independence of character I meet with.

though the checks were. They have built him up only as the father of modern India and as a mindless admirer of everything Western.

Thus, as far as the role of Nation-State in the Indian civilization is concerned, Indian modernists as well as radicals have drawn upon the ideological framework first popularized by Hindu nationalism. It was in their model that the modern Nation-State first became an absolute value and acquired absolute primacy over the needs of the Indian civilization.

- III -

Yet, there has always been in India, during the last 150 years, another intellectual current which has looked at the needs of the society differently. This current sees State-oriented politics as a means of criticizing Indian culture, even as a means of renegotiating traditional social relationships, but it refuses to see such politics as the *raison d'être* of Indian civilization. However, though a majority of Indians may have always lived with such a concept of politics, for modern India, the concept has survived only as a part of an intellectual underground since the middle of the nineteenth century.

It was only under the influence of GANDHI (1869–1948) that this current temporarily acquired a certain self-consciousness and political dominance. GANDHI has been often called an anarchist. To the extent he suspected and fought State power and refused to grant it any important role in guiding or controlling political and social change, he was close to anarchism. Also, while leading a freedom struggle against a foreign power he could get away with his antipathy to the State. But this situation could not last beyond a point. His very success dug the grave of his ideology; his anti-statist political thought quickly went into recession after Independence. The demands of statecraft in a newly Independent nation were such that the national leaders not only began to look with suspicion at the Gandhi emphasis on cultural traditions, they also began to encourage political interpretations of GANDHI which fitted him into the State-oriented frame of politics, neutralizing or ignoring his culture-oriented self as irrelevant saintliness or eccentricity. On this ideological issue, they were in perfect agreement with GANDHI's assassin, Nathuram GODSE, an avowed statist. It was not accidental that GODSE, though called an ultra-conservative, did not feel threatened by the modernists but by GANDHI.¹³

It is only now that this recessive strain of consciousness is again coming into its own in the works of a number of young and not-so-young scholars—traditionalists, counter-modernists, post-Maoist Marxists, anarchists and neo-Gandhians. Evidently, an open polity has its own logic. At the peripheries of the modern Indian polity itself, the demand for fuller democratic participation by people who carry the heavy "burden" of their non-modern culture is becoming an important component of the Indian political idiom.

13. Ashis NANDY, "Final Encounter: The Politics of the Assassination of GANDHI," *At the Edge of Psychology*, pp. 70–98; and "GODSE Killed GANDHI?," *Resurgence*, January–February 1983 (96), pp. 28–9.

This consciousness has been endorsed by a political reality having two facets: (1) an increasingly oppressive State-machine which constantly threatens the survival and the ways of life of those Indians it has marginalized and (2) the growing efforts of this marginalized sections to interpret their predicament in terms alien to the modern world and to the State-centred culture of scholarship.¹⁴ I believe that this strain of consciousness will begin to set the pace of the public consciousness in India in the coming decades and the following section is written as a guide and a warning for those pragmatic spirits and hardboiled modernists of both the right and the left who might have to close ranks to fight this new menace to the modern Indian Nation-State. Pre-warned after all is pre-armed.

The first element in this odd strain, the strain which views the needs of a civilization as primary, is the belief that a civilization must use the State as an instrument and not become an instrument of the State. This of course also means that the Indian State should be reformed before the Indian civilization is sought to be reformed. This does not argue out cultural reforms or, even, cultural revolutions. But such interventions are not seen from the viewpoint of the needs of the State. The idea that a civilization can be destroyed or changed beyond recognition reportedly for its own survival in the jungle of the Nation-State system is given up here. At the same time, the Culture-oriented approach believes that if there is a need either for a cultural revolution or for modest cultural changes in this society, it should begin in deculturized Anglo-India and then, if necessary, end in its external parts (to translate into English the concept of *bahiskrit samaj* used by Sunil SAHASRABUDHEY).¹⁵ Culture, in this approach, is the worldview of the oppressed and it must have precedence over the worldview associated with oppressors, even when the latter claims to represent universal, cumulative rationality and sanctions the latest theories of oppression.

Secondly, this approach believes that a culture, in the sense of traditions, represents the accumulated wisdom of the people—empirical and rational in its architectonics, though not in every detail. It does not automatically become obsolete as a consequence of the growth of modern science or technology. In fact, a complex culture has its own ethnic science and technology which are sought to be destroyed by modern science and technology

14. It is the attempt to grapple with this reality which has revived Gandhian social theory in India, mostly among people who reject orthodox Gandhism. The revival has as little to do with the personal life and the personal successes or failures of GANDHI as MARX's life and his successes and failures have to do with Marxist thought today. The modern Indians naturally like to give the credit for this revival to either "Hindu woollyheadedness" or to the false consciousness generated by "romantic propagandists" like Richard ATTENBOROUGH.
15. Sunil SAHASRABUDHEY, "Towards a New Theory," *Seminar*, May 1982 (273), pp. 19–23; and "On Alien Political Categories," *GANDHI Marg*, February 1983, 4 (11), pp. 896–901. SAHASRABUDHEY is one of the few serious Marxists in India who have self-consciously built into their models indigenous cultural categories.

with the help of State power and in the name of the obsolescence of traditional knowledge systems and life styles.¹⁶

The non-statists believe that the traditions are under attack today because the people today are under attack. As classical liberalism and czarist Marxism have both by now shown their bankruptcy, many liberals and Marxists have increasingly fallen upon the use of concepts like cultural lag and false consciousness to explain away all resistance to the oppression which comes in the guise of modern science and development. The primacy-of-culture approach fears that more and more models of social engineering will be generated in the modern sector which would demand from the people greater and greater sacrifices in the name of the State and in the name of State-sponsored development and State-owned science and technology. The culture-oriented approach believes that when the lowest of the low in India are exhorted to shed their "irrational," "unscientific," anti-developmental traditions by the official rationalists, the exhortation is a hidden appeal to them to soften their resistance to the oppressive features of the modern political economy in India.¹⁷

Third, the culture-oriented approach presumes that culture is a dialectic between the classical and the folk, the past and the present, the dead and the living. Modern states, on the other hand, emphasize the classical and the frozen-in-time, so as to "museumize" culture and to make it harmless. Here, too, the modernists endorse the revivalists who believe in time-travel to the past, the orientalist to whom culture is a distant object of study, and the deculturized to whom culture is what one sees on the stage. Such attitudes to culture go with a devaluation of the folk which is reduced to the artistic and musical self-expression of tribes or language groups. Ethnic arts and ethnic music then become like ethnic food, new indicators of the cultivation

16. In the context of Indian traditions of science and technology, this point has been made indirectly and painstakingly by DHARAMPAL, *Indian Science and Technology in the Eighteenth Century: Some Contemporary European Accounts* (New Delhi, Impex India, 1971); and directly and passionately by Claude ALVARES, *Homo Faber: Technology and Culture in India, China and West, 1500 to the Present Day* (New Delhi: Allied, 1979). See also Claude ALVARES, "Science, Colonialism and Violence," Shiv VISVANATHAN, "The Annals of a Laboratory State," and Vandana SHIVA, "Reductionist Science as Epistemic Violence," in Ashis NANDY (ed.), *Science, Hegemony and Violence* (New Delhi, Oxford University Press, forthcoming).
17. On development, as it is seen by the wretched of the earth from outside the modern world view, two of the clearest statements are Claude ALVARES, "Deadly Development," *Development Forum*, 9 (7), October 1983; Special Issue on Survival, *Lokayan Bulletin*, 1985, 3 (4–5); Madhya Pradesh Lokayan and Lokhit Samiti, Singrauli, *Vikas ki Kimat* (Ahmedabad, Setu, 1985); and see also Ashis NANDY, "The Idea of Development: The Experience of Modern Psychology as a Cautionary Tale and as an Allegory," in Carlos MALLMANN and Oscar NUDLER (eds.), *Human Development in its Social Context* (London, Hodder and Stoughton and U.N. University, 1986), pp. 248–260; "Development and Authoritarianism: An Epitaph of Social Engineering," *Lokayan Bulletin*, 1987, 5 (1), pp. 38–48; and "Culture, Voice and Development," in Yoshikazu SAKAMOTO (ed.), *The Changing Structure of World Politics* (Tokyo, Iwanami Shoten, in press).

of the rich and the powerful. Correspondingly, new areas of expertise open up in the modern sector such as ethnomuseology and ethnomusicology. And cultural anthropology then takes over the responsibility of making this truncated concept of culture communicable in the language of professional anthropology, to give the concept a bogus absolute legitimacy in the name of cultural relativism.

Culture, however, is a way of life and it covers, apart from "high culture," indigenous knowledge, including indigenous theories of science, education and social change. The defence of culture, according to those who stress cultural survival, is also the defence of these native theories. The defence must challenge the basic hierarchy of cultures, the evolutionist theory of progress, and the historical sense with which the modern mind works.¹⁸ This radical departure from the post-Enlightenment Western worldview is something the modern admirers of native cultures can never accept.

Fourth, the culture-oriented approach tries to demystify the traditional reason of the State: national security. It does not deny the importance of national security, even though the statist feel that anyone who is not a statist jeopardizes such security. However, the culture-oriented approach believes that national security can become disjunctive with people's security and may even establish an inverse relationship with the latter.¹⁹ Some of them fear that India is fast becoming a national security State with an ever-expanding definition of security which threatens democratic governance within the country as well as the security of India's neighbours, who are parts of the Indian civilization.²⁰

In addition, the culture-sensitive approach to Indian politics seeks to demystify the two newer reasons of State: conventional development and mainstream science (including technology). It believes that new forces of oppression have been unleashed in Indian society in the name of these new reasons of the State and the new legitimacies they have created. Those for the primacy of culture believe that these three reasons of State—security, development and modern science—are creating internal colonies, new hierarchies and recipient cultures among the people, so that a small elite can live off both economic and psychosocial surpluses extracted from the people as

18. In the Indian context such a point of view was aggressively advanced by GANDHI. See the pioneering essay of A. K. SARAN, "GANDHI and the Concept of Politics," *GANDHI Marg*, 1980, 1 (1), pp. 675–726. Also Thomas PANTHAM, "Thinking with Mahatma GANDHI: Beyond Liberal Democracy," *Political Theory*, 1983, 2 (2), pp. 165–188; and Ashis NANDY, "From Outside the Imperium: GANDHI's Cultural Critique of the 'West,'" in *Traditions, Tyranny and Utopias: Essays in the Politics of Awareness* (New Delhi, Oxford University Press, 1987), pp. 127–162.

19. For instance, Giri DESHINGKAR, "Civilizational Concerns," *Seminar*, December 1980, (256), pp. 12–17; and "People's Security Versus National Security," *Seminar*, December 1982, (280), pp. 28–30.

20. This point has been sharply made by Bharat WARIAVALLAH, "Indira's India: A National Security State?," *Round Table*, July 1983, pp. 274–285; and "Personality, Domestic Political Institutions and Foreign Policy," Ram JOSHI (ed.), volume to be published on the occasion of 100 years of Indian National Congress, forthcoming. Also, DESHINGKAR, "National Security Versus People's Security."

a part of the process of modernization.²¹ Modernization, the argument goes, has not fallen into wrong hands; built into it are certain forms of domination and violence. The concept of the expert or the revolutionary vanguard is a part of the same story or, as it looks to the non-moderns, part of the same conspiracy.²²

It is the feature of the recipient cultures sought to be created through the modern State system that the superstitions of the rich and the powerful are given lesser emphasis than the superstitions of the poor and the lowly. This is the inescapable logic of development and scientific rationality today. Only the young, the "immature" and the powerless are left to attack the superstition of the powerful. (For instance, the belief of the superpowers that national security requires the capacity to kill all living beings of the world thirty times over, as if once was not good enough; the belief of our rulers that every society will one day reach the level of prosperity of the modern West, as if the earth had that kind of resources; or the faith of our science bosses that the expansion of TV or nuclear energy in India would strengthen development without setting up a centralized political control system.) The so-called mature scientists, the ultra-rational liberals and the professional progressives are kept busy attacking superstitions such as astrology because they are small-scale enterprises of the ill-bred, native entrepreneurs, not the trillion-dollar enterprise which arms trade, cosmetics and pet food industries are. It is a part of the same game to emphasize the unequal economic exchanges between the East and the West and underemphasize the unequal cultural exchanges between the two, which has already made the modern

21. For some culture-sensitive Indian intellectuals, the definition of conventional development given by Afsaneh EGHBAL ("L'État contre l'ethnicité — une nouvelle arme : le 'développement exclusion,'" *IFDA Dossier*, July–August 1983, (36) pp. 17–29) in the context of Africa, is the only valid one:

Development is a structure in which a centralised power, in the form of a young sovereign State, formally negotiates international funds for rural populations representing ethnicity ... no external aid, in the field of development, can relate directly to ethnic groups caught in the problematic of survival. All aid is first absorbed and often plundered by State power.

The Indian critic of development will however further generalize the principle and affirm that it holds for internal resources, too. Good descriptions of the process of development in India from this point of view are in ALVARES, "Deadly Development." For a theoretically alert description of the political context within which such developmental pathologies emerge, see Rajni KOTHARI, "The Crisis of the Moderate State and the Decline of Democracy," in Peter LYON and James MANOR (eds.), *Transfer and Transformation: Political Institutions in the New Commonwealth* (Leicester, Leicester University Press, 1983), pp. 29–47.

22. A proper critique of the rhetoric of revolution has not yet developed in India. Revolution could be considered in certain contexts, a reason of a shadow State, the State which would come into being after the present one will have been captured by middle-class, urbane, modern revolutionaries. The sacrifices which revolutionaries demand subserve, therefore, the class interests of the shadow rulers of a shadow State. However, a critique of statism and a non-modern awareness of culture has just begun to take shape at the peripheries of the Marxist movements in India. See for instance some of the works of the Patriotic and People Oriented Science and Technology group, published in the various issues of the *PPST Bulletin*.

Western man the ideal of the official culture of India. The culture-oriented activists believe that the latter form of unequal exchange is more dangerous because it gives legitimacy to the "proper" dissenters wanting to lead the masses to a utopia which is but an edited version of the modern West. The first step in the creation of this new set of elites for the future is the destruction of the confidence of the people in their own systems of knowledge and ways of life, so that they become recipients both materially and non-materially.²³

Fifth, the faith in the primacy of culture over the State does not mean the absence of a theory of state. It means another kind of a theory of the State, a theory rooted in the non-modern understanding of modernity and in a worm's-eye view of the imperial structures and categories which go with modernity. It can also be called an outsider's theory of statist politics. (I have already said at the beginning that this approach does give a role to the State as a protector, an internal critic or as a thermostat for the culture.) However, it is an undying superstition of our times that only the modernists can handle the complexities or negotiate the jungle of international politics, ensure internal and external security, maintain national integration and inter-communal peace. It is a part of the superstition to believe that politics is exclusively the politics organised around the State and the prerogative of the self-declared professional politicians.²⁴

The theories of the State used by the outsiders—by those who take the cultural approach seriously—differ in important respects from the dominant theories of political modernization. It is the presence of such alternative theories of the outsiders which accounts for the allegations of irrationality or false consciousness made against these outsiders. These alternative theories look bottom upwards towards the modern sector of India and, therefore,

23. Ashis NANDY, "A Counter-Statement on Humanistic Temper," *Mainstream*, October 19, 1981, and *Deccan Herald*, October 18, 1981.

24. I must again emphasize that the culture-oriented approach to the State stands for greater democratic participation and, thus, for more politics, not less. It wants to pursue the logic of an open polity to its end, to widen the compass of democratic politics. On the other hand, State-oriented politics, in societies where there are living non-modern traditions, have often shown the tendency to throttle democratic institutions the moment participation by the under privileged crosses a certain threshold.

I should also emphasize that non-statist politics is not the same as non-party politics. However, the two can sometimes overlap. The new interest in non-party politics is not the same which inspired some of the earlier writers on the subject such as M. N. ROY and J. O. NARAYAN. The new interest, however, builds upon the old. For a sample of recent writings on the non-party political processes in India, see D. L. SHETH, "Grass-Roots Stirrings and the Future of Politics," *Alternatives*, 1983, 9 (1), pp. 1-24; and some of the papers in Harsh SETHI and Smitu KOTHARI (eds.), *The non-Party Political Process: Uncertain Alternatives* (Delhi: UNRISD and Lokayan, 1983), pp. 18-46, mimeographed. On the issue of culture and authoritarianism in India, particularly on how authoritarianism often rears its head in such societies as a part of the effort to contain the non-modern political cultures of the peripheries: "Adorno in India: Revisiting the Psychology of Fascism," *At the Edge of Psychology*, pp. 99-111; and "Political Consciousness," *Seminar*, 1980 (248), pp. 18-21.

they are not palatable to people who rule India or who want to rule it in future after capturing the State from the present rulers. Such non-modern theories of the State have no commitment to the idea of one language, one religion or one culture for India; nor do they think that such linguistic, religious or cultural unification advances the cause of the Indian people. Unlike the modernists and the Hindu-revivalists, those viewing Indian politics from outside the framework of the Nation-State system believe it possible for a State to represent a confederation of cultures, including a multiplicity of religions and languages. To each of these cultures, other cultures are an internal opposition rather than an external enemy. Thus, for instance, true to the traditions of Hinduism, many of these outsiders believe that all Indians are definitionally Hindus, crypto-Hindus or Hinduized; they see the modern meaning of the exclusivist concept "Hindu" as a foreign imposition and as anti-Hindu.

The culture-oriented do have a commitment to India as a single political entity, mainly because it helps the Indian civilization to resist the suffocating embrace of the global Nation-State system and the homogenizing thrust of the culture of the modern West. But they are willing to withdraw the commitment if the statist forces begin to dismantle the civilization to make it a proper modern Nation-State and a modern culture, that is, if India is sought to be fully de-Indianized for the sake of a powerful Indian Nation-State. This does not imply any innocence about the nature of the global system. It indicates a refusal to accept the games the Nation-States play and an awareness that the problem of internal colonialism in India is a part of a global structure of dominance.

Sixth, it should be obvious from the foregoing that the cultural approach draws a distinction between political participation in State-oriented politics—between *lok niti* and *raj niti*, as some following Jai Prakash NARAIN put it—and it stresses the former. This is the kind of participation which tries to bring all sections of a society within politics without bringing all aspects of the society within the scope of the State. To those stressing such participation, the politics of the Nation-State is only a part of the story and democratization must have priority over system legitimacy. Alas, this also means that the non-statists refuse to see the need for democracy as secondary to the need for a strong State. In recent years, this approach to politics has spawned a vigorous civil rights movement in India which is trying to make democratic participation more real to the lowest of the low.²⁵

To the statist, this other kind of political participation is a danger signal. It looks extra-systemic and non-institutionalized—the kind of participation which the modern political scientist, if brought up on the likes of Samuel HUNTINGTON, has learnt to identify as a sure indicator of political decay—a situation where political participation outstrips system legiti-

25. See the various issues of the *PUCB Bulletin* for an idea of the scope and concerns of various such groups, the best-known of which are, of course, the People's Union of Civil Liberties, People's Union of Democratic Rights and the Citizens for Democracy.

macy.²⁶ No wonder, many of those militantly allegiant to the Indian State would prefer to see the peripheries and the bottom of this society either remain apolitical or, in case the latter are already in politics, get systematically depoliticized.²⁷

In other words, the culture-oriented approach takes the concept of open society seriously. It knows how the glib talk of culture often hides third world despotism. Indeed, the approach takes the principles of democratic governance to their logical conclusion by refusing to accept the definition of civic culture vended by the usurpers or controllers of the State. Culture, this approach affirms, lies primarily with the people. Next door in Pakistan, the dumb general with the toothy smile can find no consolation in the new culturalist point of view which is emerging in many traditional societies and, particularly, in this sub-continent. Nor can the senile Ayatollah of Iran in his new incarnation as an Islamic Dracula. Their Islam is a State-controlled set of slogans and gimmicks; it has little to do with Islamic culture, for such a culture can be identified only through open democratic processes. Hopefully, a culture-sensitive polity in India will not stop at mechanical electoral representation of atomized individuals or secularized classes; it will extend representation also to the myriad ways of life in the hope that in the twenty-first century Indian democracy will reflect something of the uniqueness of this civilization, too, and pursue the principle of freedom with dignity as a basic human need.

- IV -

Finally, I must borrow two terms from contemporary philosophy of science to explain the "link" between the world view which swears by the primacy of the State and the one which swears by the primacy of culture. The former thinks it has an explanation of the latter, which it sees as a product of the frustrations of those who have been displaced from their traditional moorings by the forces of modernity. More, not less, modernity is seen as the antidote for the insane, anti-scientific world view of the disgruntled, culture-drunk, uprooted non-moderns. This is the tired crisis-of-change thesis. The later world view believes that alternative paradigms of knowledge—whether they come from updated Indian traditions or from some powerful post-modern theories of the State—cannot be legitimized by categories generated by the presently dominant paradigms of political analysis. There is fundamental and irreconcilable incommunicability between the two sets of paradigms. This is one instance, this world view claims, where no genuine common language or dialogue is possible. However, the non-moderns do believe that it is possible for parts of the modern vision to survive in another incarnation, as a subset of a post-modern, and simultaneously more

authentically Indian vision—somewhat in the way the Newtonian world view survives in the Einsteinian world. With the growing cultural self-confidence of the Indian intellectuals and informed activists, it is possible that the modern West will be seen by a growing number of future Indians the way GANDHI used to see it; as a part of a larger native frame—valuable in many ways, but also dangerous by virtue of its ability to become cancerous.

It is known that when the Newtonian world view is sought to be explained in Einsteinian terms, elements of it, such as mass and velocity, retard rather than facilitate communication. This is because the concepts common to the two world views are rooted in different theories and, thus, have different meanings. (this of course is the well-known meaning-variation argument in post-Popperian philosophy of science.) In the context of the issues we are discussing, this means that concepts such as rationality, empirical data, mathematization and experimental verification provide no bridge between the State-oriented and the culture-oriented world views. Nor do concepts like history, culture, injustice, patriotism or dissent. No sentiment-laden lecture by the national-security chap on how much he loves his culture is going to appease the activist working among the tribals to protect their lifestyle; nor will the copious tears shed by the ultramodern, rationalist scientist for the Indian village will move the person to whom the superstitions of the rich (such as the billion-dollar con-games involving anti-diarrhoeal drugs or the so-called health-food products like Horlicks and Bournevitae) are more dangerous than the pathetic antics of the small-time pavement palmist, being pursued by the urbane rationalists for conning someone out of a couple of rupees (somewhat in the manner in which the village lunatics are pursued by stone-throwing teenagers while greater lunatics are allowed to become national leaders or war heroes). If you speak to the culture-oriented Indian about the superstitions of the witch doctors or *mantravadis*, he will shrug his shoulders and walk away; he is more concerned about the irrational search for permanent youth which makes the annual cosmetics bill of American women outstrip the combined annual budgets of all the African countries put together; he is more worried about the superstitious fear of being left behind by other nations which prompts the Indian Sixth Plan to invest more than Rs. 900 crore in only the R&D for space and nuclear programmes when the corresponding figure for the R&D for education is 1.2.²⁸ The two sides—the statist and the culturists—speak entirely different languages.

It is the unmanageable crisis of one world view—in this case that of the Nation-State-oriented modernity—which has prompted some to switch sides. Call this defection another kind of political realism or call it an act of faith. I like to call it the latter; after all, faith does move mountains.

From 1987 to 1990, within the framework of a training on human rights, organized by the Canadian International Development Agency (CIDA) and the Canadian Intergovernmental Affairs, a 1 1/2 hour seminar

26. Evidently, liberal democracy in a multi-ethnic society has built-in limits on its own commitment to democracy. See KOTHARI, "The Crisis of the Moderate State and the Decline of Democracy."

27. Such depoliticization may come through increasing criminalization of politics or from apathy structured by the failure of political opposition to tackle basic social problems. Both can be found in India today.

28. Dharendra SHARMA, *India's Nuclear Estate* (New Delhi, Lancers, 1983), p. 141.

was given by IIM 45 times, thus reaching all of the staff members of these two agencies. This seminar is entitled "Rights and Dharma." There are two videos of this seminar, one in French and the other in English, available at CIDA and at IIM. Furthermore this seminar was also given to the International Board of Directors of the Canadian Center for Human Rights and Democracy. A version of that text was published in 1990 in the *Pro Mundi Vita International Journal*, Brussels (15 pp.) in 6 languages. The following is the version of the text distributed to members of CIDA.

TEXT 8

HUMAN RIGHTS AND DHARMA
by ROBERT VACHON

INTRODUCTION

Human Rights and Cultural Pluralism

There are two basic ways in which to approach the question of human rights and cultural pluralism.

Contextual Relativization

The first is very widespread and consists of considering rights as a concept that is transcultural and universal, or can be rendered universal, and to look at how it is perceived, interpreted and applied in various ways according to the people and cultural area involved, taking careful note of the variations observed. This is what I call *contextual relativization*.²⁹ It consists of looking at the various ways in which Asia, Africa, the West, etc., see a same question. This approach could be called *perspectivism*, *comparative law*, or, in the extreme, *legal pluralism*.³⁰

An example of this approach would be a comparison between the African Charter of Banjul on Human and Peoples' Rights (1981) and the Universal Declaration of Human Rights and the charters of the western countries, giving special attention to their similarities and differences. Attention would be drawn to the fact that the African Charter refers to the rights of *peoples*, not only individuals, and includes a whole chapter on du-

29. A good example of this is found in R. J. VINCENT, *Human Rights and International Relations*, Cambridge, Great Britain 1988, University Press, 180 pp. Especially noteworthy is Ch. 3 of the first part, entitled: Human Rights and Cultural Relativism, where the author criticizes "cultural relativism and attempts to reconcile the fact of plural values in world politics with the universalism implicit in the very idea of human rights." [Trans.]

30. This includes a whole range of things, from a comparison between various *Western* legal systems in the various parts of the world, to legal ethnology, which involves the archaeology and sociology of various cultural systems, and legal anthropology. The reference-point is always, either superficially or otherwise, "rights" and "juridical structures." For example, concerning ethnology, see R. LINGAT, *The Classical Law of India*, 1973, University of California Press, 305 pp.

ties, which is new. The same approach would be taken with the Islamic Declaration of Human Rights in Paris, pointing out that in Islam, rights are based first on the *Sharia* and not on human decision such as the Nation-State, etc. This approach would include comparative studies; for example, in Quebec it is the rights of the *person*; in the rest of Canada, *human* rights; in Europe, the rights of *man*. It would be noted that the hierarchy and importance of the rights vary depending on the country and the cultural area:

Africa and China:

- 1) collective rights
- 2) economic and social rights
- 3) civil and political rights

Eastern Europe

- 1) economic and social rights
- 2) civil and political rights
- 3) collective rights

North America and Western Europe:

- 1) civil and political rights
- 2) economic and social rights
- 3) collective rights

Note that this approach, however useful it might be, does not generally³¹ raise the question whether other cultures being studied might have a basis other than rights and justice on which to ultimately base human dignity, and from which to organise the social order. Thus, it risks totally ignoring the existence of other notions of "happiness" and "social order," notions which would not be based on rights, but which might be as valid and as important as those of rights and justice. It can easily fall into the prejudice of seeing rights as a universal concept and moral imperative—something acultural, transcending the plurality of cultures; a sort of absolute which no one may dispute. This is only one step away from saying that all peoples should base their dignity and their social order *primarily* on the concept of rights and justice. And this step is often taken with unfortunate consequences. No matter how one legitimately defends such a position, saying that each person and culture experience or must experience human rights in different ways, depending on contextual variables, one can easily fall into a new and strange form of cultural imperialism: that of justice and rights. Human dignity can thus be reduced to that particular window through which one sees it, namely the notions of right and justice. As we shall see further on (human rights as a Trojan Horse), it is even possible to tread under foot the dignity of others and to destroy their social order in the name of rights

31. Many acknowledge the existence of different moral systems, but automatically consider them to be inferior, primitive and underdeveloped. See Adda B. BOSEMAN, *The Future of Law in a Multicultural World*, Princeton, 1971, University Press, 229 pp. Others, fewer in number, recognize that there are systems no less valid, important or relevant than the Western system, e.g. the group of the Laboratoire d'anthropologie juridique of the Sorbonne, Paris: M. ALLIOT, Étienne LE ROY, Norbert ROULAND. (see ROULAND's recent book *Anthropologie juridique*, Paris, 1988, PUF, 496 pp.).

and justice, as has historically been done in the name of *the highest values*³² first of civilization, and then, second, of development.

Radical Relativization

The second approach that I shall here elaborate on, is what I call *radical relativization*. In distinguishing it from contextual relativization and from cultural relativism,³³ I am not necessarily denying contextual relativization, but I find it inadequate in the new situation of today's cultural/religious pluralism. The writings of R. PANIKKAR³⁴ outline this in depth.

My approach is one of radical relativization of human rights, by asking the question: is the concept of human rights a universal invariant? Is it a valid concept on a global scale? Is the concept of human rights a universal one that transcends the plurality of cultures? Can it become a universal symbol? Supposing that it can, would it be anything more than a window on the world? *Must it constitute the universal reference-point for every issue relating to human dignity?* Are there other windows on the world as valid as that of rights? If so, what are they?

Another way of looking at this would be to say that not only do different peoples give different answers to our questions, but they often have other questions that can be no less valid and no less important than ours, and it is a methodological error and a form of imperialism to believe that everyone is asking—and has to ask—the same questions.

PANIKKAR gives a very concrete summary of the type of radical relativization at issue here:

To say that without explicit recognition of human rights life would be chaotic and without meaning is the same as saying that without a belief in one God as understood in the Abrahamic tradition, life would dissolve into total anarchy. One does not need to extend this too far before concluding

32. Here I am referring not to a lack of faithfulness to these higher values, but to their receiving absolute value, e.g. by means of the theory of evolution.

33. This approach of radical relativization (or relativity) must not be confused with that of cultural relativism. The concept of radical relativity is the necessary middle path between agnostic relativism and dogmatic absolutism. It is different from "cultural relativism," a theory of the equality or equivalence of cultures and of the attributing of absolute values to cultures, traditions and customs. But it is also different from simple contextual relativization and is even categorically opposed to the idea that rights (and for that matter, science and critical reasoning) are universal, acultural, absolute values, above the plurality of cultures.

34. See especially R. PANIKKAR "La notion des droits de l'Homme est-elle un concept occidental ?" in *Diogenes* (UNESCO), No. 120, 1982, p. 87–115. Published in English and French editions, with debate, in *Interculture*, January–March 1984, Issues 82–83, pp. 2–78. This text deals specifically with our subject, Rights and Dharma. We have used it extensively in this article.

On the nature of this approach, see R. VACHON, "L'étude du pluralisme juridique : une approche diatopique et dialogale," Communication at 11th International Congress of Ethnological and Anthropological Sciences, Quebec, August 1983, in *Journal of Legal Pluralism*, No. 29, 1990, pp. 163–173.

that atheism, Buddhism and animism, for example, are aberrations. It is similar to saying, either human rights or chaos. This attitude does not lie exclusively with Western culture. To label foreigners as barbarians is an attitude only too common among the world's peoples. There is in every affirmation of truth a legitimate and intrinsic claim to universality. The problem is that we tend to identify the limits of our own vision with that of the human horizon itself.

Or to put it from another angle, there is certainly a universal human nature ... but the interpretation one has of it, i.e. Man's self-understanding is equally a constitutive part of this same human nature. Thus there may be some validity in choosing a particular interpretation, but it is devoid of universality and cannot be applied to the totality of human nature.

Thus this second approach does not deny that there is a transcultural *dimension* involved in human rights, but it does not make human rights a universal concept transcending the plurality of cultures. It does not deny that there can even be transcultural invariants and symbols, but it does deny that human rights must be the universal reference point for every issue concerning human dignity. Rights, it says, are but a window on the world of human dignity.

On the basis of my experience with other peoples, what I would like to do here is (1) to acknowledge the fact that human rights are only a window on the world, and that there are others no less valid; (2) briefly describe how two-thirds of the world population organizes life not around human rights, but around something that I will attempt to briefly describe from the Hindu and Buddhist window; (3) draw a few concrete conclusions regarding our "social justice" involvement in these countries and regarding the challenge of the coming millennium: the revolution of cultural/religious pluralism.

Human Rights: One Window (among others) on the World

The Concept of Rights is not an Absolute

Two-thirds of the world population does not possess the concept of rights. The word does not even exist in their languages. That a human being can have rights is inconceivable to them. Man is a being not of rights, but of "duties."

These peoples do not think human dignity nor organize society on the basis of rights, but on the basis of responsibility and infinite gratitude toward one's parents, extended family, tribe, clan, ancestors, the sun, the rivers, the animals, the plants and Mother Earth.

Thus, Native peoples talk more in terms of the "instructions of the Great Spirit" reflected in the nature of each being, and of being faithful to them. Throughout Asia, one speaks of "dharma," often translated "duties," although it does not imply obligations imposed from without, and does not have to be declared or enforced by coercion as does human law. Because it is in fact part of the natural order of things. What one does is not just or unjust, but dharmic or a-dharmic. In Hinduism, this *dharma* is also *sva-dharma*, or the dharma that fits the human situation (time of life, sex, com-

munity (*jati*) and ancestral family). There are also three debts (*rina*) of gratitude: one to the sages (*rishi-rina*), one to the ancestors (*pitry-rina*) and one to the divinities and forces of nature (*diva-rina*).³⁵

Rights and Dharma: Fundamental Differences

The concepts of rights and dharma presuppose philosophies of life that are radically different and irreducible to each other. We shall examine only a few aspects of this.³⁶

Behind the concept of human rights is a vast array of anthropological and cosmological baggage. First is the belief that Man is a person (that is, an "I" who relates to a "you"), a rational being (characterized by intelligence and reason), autonomy (he determines his destiny by his choices, decisions and plans); second, that Man is at the centre of Reality and has the right and the duty to change it, transform it and develop it, because it is imperfect. It is in potency and must be brought to completion, to perfection by man. Beings are beings of need and these needs must be fulfilled. The accent here is on individuality and on the principle of non-contradiction (I am this, and not that).

Asian anthropology and cosmology is quite different. The Asian sees himself first as a *relational* being, as part of a *communal and family network* and, in the final analysis, in Hinduism, as *Atman* (the total and impersonal Self that is Reality, the impersonal whole that is Brahman, namely, Reality), in Buddhism, as a *non-I* and a *non-Self* (*Anatta*).

From a very early age, the Asian child is used to never saying "I." He is defined and always defines himself in relation to the family (little brother, big sister, paternal uncle, maternal aunt, grandfather, etc.), but also in relation to the cosmos and the stars (everyone has a sacred name given by an astrologer, or rather, by the "heavenly powers," that he reads and expresses). One does not "choose" one's parents, one's ancestry, one's name, or one's place in the sun. They are given gratuitously by Life.

In like manner, Man does not occupy a special position, he is not in the center of things. He is one "being" among many. Unique he certainly is, but he has his position and must find his place among all living beings. His role is not to transform the world and to intervene, but to keep it together and to sustain it by harmonizing with it and playing the part assigned to him by Life. Reality is less an emptiness to be filled than a fullness (*purnam*) to be discovered and "realized" (Hinduism), or the Void (*sunyata*) that one is (Buddhism).

35. On the concepts of *rina* and *dharma*, see K. DAS and R. VACHON, *L'Hindouisme*, Montreal 1987, Guérin, 80 pp.

36. Here I base myself on a concept of culture more anthropological than geographical, but using the predominant elements of each culture, without denying that parts of one can be found in the other. The emphasis is on the distinction and irreducible nature of philosophies of life, but in non-duality, without monism or dualism.

Man is not a being of needs and desires to fulfill, but one who must liberate himself of his needs, extinguish his desires³⁷ and find the serenity of being without desire. The accent here is on totality and on the principle of identity: "I" am all that: "*aham Brahman*" (Hinduism), or on the radical relativity of all things "*Pratityasamutpāda*" (Buddhism). Thus I do not define myself by distinguishing myself and affirming my rights, but by identifying with the Whole and with the non-I (that I am), by taking my responsibilities toward the family, the community and the whole or the Void that I am. I find my dignity in the "dharma" or "dhamma" of the non-I.

An Objection Raised and Answered

To those who would protest that the concept of rights does exist in these countries, I agree, but only since the recent establishment of the modern Nation-State in their midst does one find people talking increasingly about human rights. We have the Declaration of Native Rights by the Natives, in the United Nations; that of Peoples' Rights in Banjul, Africa, and the various legal codes of the African States. The Islamic countries have a (Paris) declaration of human rights also. Most of the modern States of Asia subscribe at least tacitly to the Universal Declaration of Human Rights and to certain international charters and covenants.

But one must not be misled by these official declarations. Often they are more or less voluntary concessions made to the Western countries to get into their good graces or to obtain a certain status in their eyes. It is also the only means, sometimes, that certain peoples may have to use in order to obtain some recognition from the West. I do not deny that in some cases there is a healthy assimilation—not just a copying—on their part, of certain Western values, such as that of rights.³⁸

It remains, however, that not only do these countries assimilate such values according to their own cultural matrix (for example, in Islam, no State legislation can replace or take priority over the *Sharia*; according to the Koran, only Allah has rights; Man only has responsibilities) but the peoples of these countries will often ignore such State superstructures and their imported values and live primarily in accordance with their own traditions, e.g. dharmic traditions.

Of course, the question is raised, should they replace their dharmic system by the legal and universal one of human rights? Some believe they should, and they work at civilizing, developing and modernizing these peoples with an intensity according to what they consider to be their much more developed and universal values: the person, autonomy, democracy, rights of men and women, etc.

But they find themselves encountering tremendous resistance, especially at the grass-roots level. A resistance that is not always based on ignorance,

37. See PULIGANDLA and PUHAKKA "Buddhism and Revolution" in *Philosophy East and West* Vol. XX (Oct. 1970, No. 4).

38. See, for example, the recent speech of the Dalai Lama to the International American Court on Human Rights and Human Responsibilities.

underdevelopment and lack of awareness, as some would like to believe, but on a very different, thousand year-old value system. The West is just beginning to discover this system as one that is as valid and as contemporary as its own political and legal system, as one that has the "right" to exist and to grow in accordance with its own criteria and positive myths, and with a dynamism of its own and which need not necessarily be dependent on its being open to modernity.

Human Rights: The New Trojan Horse of Western Imperialism?

Earlier it was observed that "There is, in every affirmation of truth, a legitimate and intrinsic claim to universality." To transform the world and to intervene is seen by the West as a responsibility and a sacred mission. For it to act according to its nature, its "dharma," and to civilize, to evangelize, to develop and to advocate human rights and their application world-wide, in a word, to be an architect of peace, is quite normal.

But the difficulty lies in its tendency to "identify the limits of its own vision with the human horizon itself." It too often feels threatened by any social order or value system other than its own. It sees others as nothing more than primitives needing to be civilized, pagans needing to be evangelized, underdeveloped peoples needing to be developed, and oppressed peoples needing liberation. Its culture instead of being a hospitable home becomes a prison where the whole world is enslaved in the name of justice and "freedom." It sets up its own values, disregards those held by the rest of the world, and replaces them with its own.

The West, for example, has a modern concept of women and their rights. Thus any other concept is labelled "patriarchal," "authoritarian," "unfair," "feudal," "obscurantist," or "backwards." Thus it must "organize" these peoples and "free" them (according to "the" universal concept—its own, of course—whereby they must be masters of their destiny). All others are seen as purposeless nonentities, fuel for the fire of rights and justice. Only rarely does it occur to it that reality might largely transcend not only the West's interpretation of it, but the experience of it that Man has or is capable of having.

Or could it be that the West feels threatened by the portrayal of a different kind of reality? I feel that it has not yet come to grips with the limitations inherent in its values, its critical reasoning, its cosmology, its anthropology and its philosophy of life. It has not yet accepted the radical relativization that cultural/religious disarmament constitutes.

This is perhaps the reason why the West treats as absolutes its otherwise inspired ideas of God, Man, the person, autonomy, democracy and rights. It is not content to occupy its part of the universe; instead, it must fill it. Peace must be White, Western, modern and humanistic, based solely or mainly on its concept of "happiness"; of universal human nature, namely, Justice, Human rights and *homo rationalis*. The West is not yet capable of accepting—or sometimes even seeking to know—how two-thirds of the world's population bases its concept of peace and happiness primarily on totally different foundations, for example, the Brahman and Non-I, Dharma, and Relational Man. In fact, the West mistakenly takes that which

is a part for that which is the whole, justice for peace, and its version of peace for absolute peace.

The Challenge of Cultural/Religious Pluralism

Each of these two worlds (the Western and Asian) possess meaning and coherence within the framework of a received, accepted myth.

Each involves a certain kind of consensus [says PANIKKAR]. When this consensus is challenged, a new myth must be found. Broken myths is what India, and indeed the whole world, is trying to come to terms with today.

Today the world finds itself in a new situation. We are facing the revolution of cultural/religious pluralism. This will require a change (*metanoia*) in our attitudes. We must begin to think of, organize and live dignity, order and peace in light of the knowledge and experience of all cultures and religions, on the grounds that there is no single culture, tradition, ideology or religion that can provide a complete model or definition of these things, none that can comprehend all of mankind's problems, let alone solve them. A successful result can come only through dialogue between them and a process of cross-fertilization.

In the area that we are dealing with here, this means dialogue, for example, between rights and dharma, between the I and the non-I (of the Atman or of no-self), between rights and duties, between rational Man and relational Man, between the myth of transforming the world and the myth of maintaining it and harmonizing with it, between being the author of one's destiny and accepting our lot in the scheme of things. It also implies a process of learning from each other and of mutual foundation.

"In its present form, human rights is not a universal symbol powerful enough to elicit the understanding and agreement of all peoples," says PANIKKAR. Neither, for that matter, is dharma. The West must understand that

human rights are not only rights. They are duties also, and the two aspects are interdependent. Mankind has the "right" to survive only inasmuch as it discharges the duty of maintaining the world (*lokasamgraha*). We have the right to eat only to the extent that we fulfil our duties toward the one who is above us in the hierarchy, and who makes it possible for us to eat. Our rights are nothing other than participation in the overall metabolic functioning of the universe. If we need a declaration, it should be a dialogue of the universal rights and duties embracing all of reality.

Likewise, there can be no dharma, as a universal symbol, without respect for personal and community rights. "That the rights of individuals depend only on their place in the network of reality is something that can no longer be accepted by today's thinking." Nor can it be accepted that the rights of individuals are so absolute as to have nothing to do with age, duty toward one's parents, ancestry, the community and the cosmos, and the concrete role that Nature assigns to Man and to each person.

One can choose some things in life, but not everything; for example, one's parents, one's ethno-cultural group. Acceptance of one's lot should not automatically be termed fatalistic; nor should submission to one's parents, even at maturity, be called patriarchal. A person should not be defined solely as a being who chooses, or who is called to be the artisan and creator of his life and destiny.

Under these conditions, Human Rights and dharma might come to represent universal symbols powerful enough to be understood and accepted in the East and the West. There could then be agreement on talking about a genuine "legal pluralism" on the one hand and a "pluralistic dharma" on the other, bearing in mind that each symbol is only one window on the world, and that the other symbols and reference-points must not be ignored or underestimated.

One can always try to sit on cultural/religious pluralism and on the pluralism of reality, but it will burn our asses, as the peoples of the world are finding out increasingly these days.

In 1989, *Interculture* (issue 103) publishes "The Challenge of 'Collective Rights' of Minorities and Native People" but also the first article of the first issue of a new Native Journal called *Journal of Indigenous Studies* published by the Gabriel Dumont Institute of Native Studies and Applied Research, Regina, Saskatchewan, Canada (Winter 1989, Vol. 1, No. 1, pp. 1-8), which is a talk given by R. VACHON at the annual meeting of the political science professors, in Fredericton, New-Brunswick, Canada.

TEXT 9

THE FUTURE OF NATIVE SELF-GOVERNMENT
by ROBERT VACHON*Introduction: the double-trap of the title*

This article grew out of a speech given to the Annual Meeting of the Atlantic Association of Political Scientists, October 30, 1987, in Fredericton, New Brunswick, Canada. When asked to speak, the topic was given as "the future of Native self-government." The title is not innocent. In fact, it is a double trap: a linguistic-cultural one and a Nation-State one.

First, the question is couched in the English idiom and language which is completely foreign to the traditional Indigenous idioms and languages. It carries with it all the Western and Modern cultural assumptions and presuppositions of our political anthropology. For example, "the future" throws us into a linear framework which takes us away from the cyclical-oriented mind of the Indigenous peoples. The words "self" and "government" carry with them all of our anthropocentric and anthropocentric political anthropology: notions of Man being the Center, the Transformer, the Master, the Measure of all things; notions of autonomy, of freedom as choice, of the

need of distinct governments, of democracy, of majority rule. All notions that we think universal but are not, because two thirds of the world population (Indigenous peoples included) simply don't think politics that way. Not only is their vision cosmocentric and based on ontonomy rather than autonomy, "dharmaocracy"³⁹ rather than democracy, but the very word "politics" is foreign to their social organization. It is a form of totalitarianism to give no choice except between democracy and totalitarianism. As if there were no valid polity outside of a democratic one.

Secondly, we have grown so accustomed to discussing political questions in a *modern Nation-State framework* that the word government is immediately taken to mean *Nation-State* or one of its administrative units where there is a top-down authority, a ruler who commands, legislates, orders and coerces subjects into submission, after they have "freely" given him permission to do so in an act of voluntary servitude. The discussion on Indigenous self-government thus remains essentially confined to and based on the western political anthropology of the Nation-State. It allows for legal variations, but these must not disturb the ideology of Nation-State, which is considered universal and trans-cultural. The only form of political organization that is deemed acceptable is the *Nation-State-oriented form of politics or of government*. Anything else, based on culture, smacks of racism, apartheid, tribalism, ghettoisation.⁴⁰

The fundamental reason why we Westerners are unable to speak seriously about traditional Indigenous "political" culture is that we are so alienated from our own western political nature and culture and hypnotized by our Nation-State ideology and its anthropocentric political anthropology of Man, the Master of the Universe, that we are unable to conceive of "politics" and "government" without some mighty head somewhere to tell us what to do. Our real problem is that we believe that man is called to be master of his destiny, so that somewhere, somehow, there must be one top ultimate master to put some order in the chaotic relations of these little masters. We thus legitimize "might makes right" in some way. But until we discover that we are not ultimately called to autonomy or to be masters of our destinies, we shall never discover and accept our own anthropocentric polit-

39. "Dharmaocracy" here means government (Greek: *kratein*, to govern), not primarily by Man-made laws but by the Natural Order or, as the Native peoples say repeatedly, by the "Instructions of the Creator" which are set down by the very nature of things. The word "*dharma*" is a Sanskrit word which means both the Natural Order (or Order of Reality) and duty.

40. Thus, Premier René LÉVESQUE to the Inuit in 1983 "Find some agreement among you on the government that you need. We shall accept just about anything that does not break the integrity of the Quebecois State." Or Prime Minister TRUDEAU calling the Dene of the Northwest Territories racists in the 1980's when they spoke of a government based on their own culture. Or again a Laval University sociologist, commenting on the upcoming referendum under the title "La souveraineté-association au Nouveau Québec Inuit" (*Le Devoir*, September 30 and October 1st 1987) and calling "stupid" and "irresponsible" those people (Native and others) who insist on promoting and defending their own political cultures. "Ethnistic," "defensive tribalism," "benevolent apartheid" he calls it.

ical nature as organic artisans and synthetic transformers of our destiny⁴¹ nor shall we be able to accept the *cosmocentric* political nature of Indigenous peoples.

We need therefore to emancipate from three things:

1. Identifying politics with Nation-State politics;
2. Identifying our legitimate anthropocentric political anthropology with its illegitimate anthropocentric distortion, i.e. being sovereign masters of our own destinies;
3. Identifying our legitimate anthropocentric political anthropology with the whole political reality. For, excellent as the former may be, it is not the only legitimate and valid one. Not only in the sense that there are also other anthropocentric political anthropologies, but that there are also radically different *cosmocentric* ones, among which the *Indigenous*. Therefore, it would be good to remember not only that we have different answers to political questions, but that the questions themselves are radically different.

But let me stress an important caveat before I proceed further. I believe that Indigenous peoples are neither an inferior branch of *homo sapiens*, nor the pure and genuine example of humanness. Second, I believe that Western culture and civilization may be very sick today, but civilization is not syphilis-ation. It is not a disease. Hence, it need not become Indigenous to be human again.

Traditional Indigenous Political Culture

Traditional Indigenous Political Culture is distinct both from the Western anthropocentric political culture and from Western anthropocentric culture of the modern Nation-State. It is based on:

1. *The cosmocentric view*: man is neither the center, the transformer, the master nor the measure of all things. He is simply a part of the cosmos which constitutes him. Hence the land is a constitutive dimension of Man and of the Indigenous people and of their identity. Hence cosmocentric and cosmic politics. They hold an aboriginal title to the land. The land cannot be sold out, nor that title extinguished or ceded, even by a treaty. No termination is possible. The key word here is harmonizing with the cosmos.⁴²

41. The artisan's attitude, contrary to the master's, is based on non-duality between the human, the cosmic, the divine, between culture and nature, between the spiritual and the political, between the sacred and the economic, between the visible and the invisible, between *logos* and *mythos*.

42. Thus, while there is an incompatibility between the Indigenous relationship to land and Western modern individual (private and collective) ownership of land, there isn't any between that same Indigenous relationship and that of Western personal and community ownership. In the Indigenous view, land not only cannot be individually appropriated but it cannot be ceded and terminated. The Aboriginal title is not a man-made title.

In the Western view, there is a confusion between individual and personal property. Property is generally defined since the Roman Empire as individual property, i.e. "jus

2. *The Instructions of the Creator*: the social order is not determined by Man and his autonomous constitutions but by the Instructions of the Creator inscribed in the cosmos.

3. *People, freedom and consensus*;

It is difficult for those belonging to a culture that has not awakened to this spirit to even fathom what the Indians refer to as "The People" of America. They do not refer to a conglomeration of autonomous political individuals, but rather to an intricate communion of all living things.⁴³

Freedom doesn't consist in choosing but in being who one is. One doesn't choose one's identity. Identity is a given. One may choose one's instruments, but not one's parents. Political national-identity does not require a State identity or a State-apparatus. In Indigenous politics, there is no majority rule but consensus of the people. No suffrage. No check and balance mentality or separation of powers, no adversarial individualism. Consensus is not based on individual and collective choice but on harmonizing together with the Instructions of the Creator inscribed in the universe.

4. *On a radically different notion of leadership*: The political leader is always also a spiritual leader. No King—no man made law—no ruler who decides and commands. To govern is not to rule subjects. No top-down government. There are no subjects who submit to some Man's orders and constraints. It is non-interventionist and it has no power of decision nor of control, nor of coercion. The leader is to be a mirror of the people, of the Great Peace, a conciliator. That is why he bears the name of the tribe, the clan, the people or the country. He gives priority to harmony in and because of differences rather than to unity in spite of differences.

5. *The power of ritual*: The world is kept together by ritual harmonization. It is a government by ritual and ceremonies, i.e. by performing the Instructions of the Creator.

6. *Not on rights but on responsibility*: No one has any rights. Only a duty of infinite indebtedness and responsibility to all and everyone.

It is very difficult for people with an anthropocentric political anthropology to understand people with such a cosmocentric political anthropology, which is not only difficult to translate in the English language, but next to impossible to do so, especially in writing, since it is, moreover, an original oral tradition.

uti et abutendi: the right to use and *abuse*, i.e. to use for one's self-interest. But it can also be defined as "jus uti," i.e. the right to use it for the personal common good. While the latter anthropocentric definition is still a different view of Man's relationship to land compared to the cosmocentric Indigenous view, the two are not incompatible. But both are incompatible with the anthropocentric view of individual property (private or collective).

43. Gayle HIGH PINE, *Akwesasne Notes*, Early Spring, 1976, p. 32.

A common enemy: the Nation-State

The greatest danger faced by both Indigenous and Western peoples is the *Nation-State oriented democracy* and its underlying anthropocentric political anthropology.

Western peoples oftentimes do not see it, but they confuse their legitimate anthropocentric political culture with the modern anthropocentric Nation-State oriented culture. There is an incompatibility between the first and the second. Another way of putting it is to say that to be democratic, we must avoid subscribing to a *Nation-State oriented democracy*, a democracy that is based on the *sovereign* power of a government or even of a people. A voluntary servitude to an abstract collectively called the Nation-State and National Security and to its representatives: an impersonal heterogeneous government is political alienation. A democracy that is based on the superstition that Man is called to be master of the universe and of his destiny, or on the myth that the Good Society is a society of goods, that the Good Life—Human Life—consists primarily in economic development and technological progress, i.e. control of nature and man, is a pure fallacy.

Western democracy need not be Nation-State oriented. It can be *culture-oriented* and based on the notion that Man is called to be an *artisan of his destiny*. Without being anthropocentric, it can be anthropocentric or Man-centered, in the sense that it can underline Man's responsibility to enhance the universe, to transform it in synergy with the other cosmic forces. It need not become Native-Indian and cosmocentric to do that, although it may have to relearn not to abstract Man from the cosmos if it wishes to remain human. It can even have recourse to some aspects of modernity: rationalization, functionality and even a functional Statehood. But only as a means, not as an end. But without being so naive as to think that technology is a simple instrument that can be used for good or evil. For technology today is an ideology. It even escapes human control. It controls Man himself and makes him into a machine at the service of the Megamachine.

If Western democracy is to be Man-oriented, it must also respect all of Man and hence all of His cultures, even the cosmocentric ones like those of the Indigenous peoples, where Man is seen as co-responsible to keep the universe in harmony and balance through a cosmic ritual of performing the Instructions of the Creator. Hence the need to respect these peoples' cosmic "politics" with their different notions of what we call "leadership," "people," "government," "territory" and which are radically different from our own, both in linguistic expression and meaning.

To be democratic in the most legitimate anthropocentric sense of the word, we need not impose our valid Western-based politics and democracy on Indigenous peoples. We need rather, a culturally pluralistic politics, where there is room for both political cultures living side by side and interrelating, sometimes by keeping a solid distance from each other, sometimes coming together to learn from each other, but always by both resisting and emancipating together from the Nation-State oriented democracy. The latter is detrimental to both because it tries to replace both with its supposedly transcultural, objective, neutral myth, which is alienation from our respective true selves.

Indigenous peoples, like all of us Westerners, are also facing a very serious danger, that of falling into the trap of seeking self-government within a *Nation-State oriented democracy or framework*. Whether this occurs by becoming band-councils, municipalities or other administrative units according to the laws of such plenary power States, or by expecting their rights to be defined by such Nation-State type constitutions. To recover their political cultures, they will not only have to free themselves from the hegemony of these foreign Nation-States, but refuse to become themselves sovereign Nation-States in the modern Nation-State oriented sense and refuse to abide by the ideology of sovereignty and plenary powers of mastery over their destinies, because that would go directly against their traditional teachings—the Instructions of the Creator. In order to do this, they need (like Westerners) to close themselves up or emancipate as completely as possible from this anthropocentric ideology of the Nation-State, they need not close themselves up to the Western anthropocentric view of politics, nor stop collaborating with it and with some Western peoples. But they do not necessarily need to become Westernized politically in order to be who they are.

Our mutual responsibility

One of the great errors today, on the side of both Western and Indigenous peoples is that they think that they will find their own political liberation through the *Nation-State oriented democracy or framework*.

Western peoples expect Indigenous peoples and themselves to be liberated through some kind of official recognition or empowerment on the part of the Nation-State. This will never happen, because Nation-State, by their very definition, do not relinquish power unless they are forced to do so. And even when they do, the only power that they know is that inhuman, competitive and depersonalizing power of individual autonomy and legalized violence. That is why, even with regard to themselves, the Western peoples find no liberation in that kind of "empowerment," but simply create conditions for a greater order through violence. Of course, Western peoples could try to force the issue through violence means, but that would solve nothing. It would simply exacerbate the issue by introducing more violence.

Indigenous peoples also have made and still make a great mistake in expecting recognition from the sovereign Nation-State and making treaties with a Crown or Power that still considers them as subjects and citizens and refuses to deal with them as Nations unless they act as sovereign and have the military power to enforce their sovereignty on others, i.e. unless they abide by the game of competition for plenary powers. They also often make the mistake of identifying all Westerners with one of the several sovereign Nation-States, thus denying them their national identities or at least giving priority to their secondary and State identity over their organic national identity.

Indigenous peoples and Westerners need to come together horizontally, not only to emancipate together from the Nation-State oriented framework, but to help each other achieve their original political cultures, free from the Nation-State. That is why we would do well to do more mutual recognition at the grass-roots level without going through Nation-State channels. This is

what our own Monchanin Cross-Cultural Center did in 1982, when it sent a sixteen member delegation of families from different cultural backgrounds to Kanienkeh and Anishnabay nations respectively, recognizing their aboriginal titles to the land where these non-Indians are living. Furthermore, while we both need to acknowledge that there is an incompatibility between our respective political cultures on the one hand and the Nation-State oriented political cultures on the other, there is no incompatibility between the Traditional Indigenous Political Culture and the Western anthropocentric political culture.⁴⁴ While none *has to* borrow from each other, both *can* borrow from each other sometimes. There can be cross-cultural fertilization at a certain political level. Thus, we both must recognize that there is room for a pluralistic political culture, on each side. There is room for cultural pluralism in Indigenous Self Government, just as there is room for cultural pluralism in Western participatory democracy. But one should be careful not to confuse that with the liberal pluralism (or plurality) of the modern Nation-State, nor with one of its forms: the multicultural ideology which would make it a duty on all to become a cosmopolitan cultural mix called the global culture.

Conclusion

We Westerners have a responsibility towards fostering traditional Indigenous "self-government" and Indigenous Cultural Pluralism. We simply cannot say: that is their own business and wash our hands of it all in a spirit of individualistic autonomy. It would be a denial of our responsibility. But we would do well to remember that our first responsibility is to work toward the emancipation of our own political culture from the Nation-State oriented political culture of our times and from its underlying political anthropology and ideology. We would then be in a better frame of mind and situation to help the Indigenous peoples live according to their own Indigenous "political culture." We would then be removing the obstacles

44. By that I mean not only the State apparatus of government, but also the whole collectivity—sum of individuals—and the so called "public self-interest": the society of goods.

The recent constitutional talks between Canada and Indigenous peoples remain, because of that, very ambiguous. Some Indigenous Nations feel that they have no business dealing with what should be written in a foreign country's constitution. Others share that view but believe that constitutional talks can be used to educate the public at large to Indigenous Aboriginal rights to the land. Some even believe that through such constitutional talks, some kind of Nation to Nation constitutional partnership can gradually emerge. Other Indigenous peoples consider themselves citizens of Canada and use Indigenous Nationhood and aboriginal rights to gain Western and modern type political power within the Canadian Nation-State. My own view is that both Indigenous peoples and Westerners should not be so naive as to think that the Modern Nation-State will ever accept aboriginal rights and Indigenous Nationhood unless we, the people, give up our assumptions of Nation-State and people sovereignty and plenary powers and undergo a mutation in our understanding of property in the sense indicated in Note 15. This means emancipating from the modern Nation-State-oriented-view of democracy.

Whether this should be done through constitutional talks or otherwise is another matter, where, I think, there is room for a pluralistic approach.

that we place in their way, not the least of which is the encouragement to choose whatever agrees with their individual self-interest, i.e. to be master of their own destinies, thus going not only against the best of their own Indigenous traditions but also against the best of our own Western anthropocentric tradition.

Our main responsibility as Westerners towards "Indigenous Self Government" is to deal with our own alienation from our own Western anthropocentric culture, due to our voluntary servitude to the Nation-State and to the superstitious myth of its anthropocentric and abstract political anthropology of national and public self-interest.

In 1990, the *Journal of Legal Pluralism and Unofficial Law*, No. 29, pp. 163–173, publishes "L'étude du pluralisme juridique : une approche diatopique et dialogale" by R. VACHON.

TEXT 10

THE STUDY OF LEGAL PLURALISM, A DIATOPICAL AND DIALOGICAL APPROACH.⁴⁵ by ROBERT VACHON

INTRODUCTION

Legal ethnocentrism, integrationism and occidentocentrism

It is a never ending task to track down not only the prejudices but the ethnocentric, integrationistic and occidentocentric presuppositions of our legal ethnology and anthropology, even when the latter wants to be objective/scientific, comparative and pluralistic. And this, not only at the level of its motivation and finality, but at the level of its nature and methodology.

motivation or finality

One is generally critical of "political" and "economic" colonialism or neo-colonialism which subordinates legal ethnology and anthropology to the needs of colonial or neo-colonial administration, but one is much less aware of the practice of "cultural colonialism," rampant today in the studies on legal pluralism, which oftentimes studies traditional law in order to better integrate it in Western and modern legal culture which is considered the ineluctable way for all of mankind. One's firm intention to respect customs should not create an obligation to exclude them from going the way of progress and civilization, or from the control of the Nation-State and finally of the human being, measure of all things.

45. First published in French "L'étude du pluralisme juridique, une approche diatopique et dialogale," in *Journal of Legal Pluralism and Unofficial Law*, No. 29, 1990, pp. 163–173. Here translated into English by the author.

One is more preoccupied with their transformation, control and legal recognition than with their simple recognition. It is said that right exists only through the legal recognition that comes from State power. There is no right, it is said, except that which is defined as such by Man.

There is talk about accommodating our legal codes, but in the final analysis one refuses to radically relativize the foundations, the nature and the presuppositions of our legal, civil, state, homocentrist, Western and modern culture.

I am saying that as long as this integrationistic motivation is present, not only is it a legal monoculturalism and totalitarianism that will be hiding behind the facade of legal pluralism, but one will be unfaithful to a "scientific" approach in the full and polysemic meaning of the word.

nature and methodology

Moreover, I believe that not only the motivation but the very nature and methodology of the present legal ethnology and anthropology remain deeply prisoner of the myths both of Western and modern legal culture. Among these myths, one could underline civilism, evolutionism, homocentrism, autonomism, statism, sovereignism, etc. But here I shall simply underline two of them and not the least of them: *the unitarian monism and totalitarianism of logos*. The following considerations are put forward in order to contribute towards liberating the study of legal pluralism from the latter two myths.

Intercultural and diatopical approach

The study of legal pluralism must free itself from the jail of the unitarianist Western framework in which it is imprisoned. But this will be impossible until we become aware of the "diatopical situation" in which mankind finds itself today.

homeomorphic legal cultures

There exist, *de facto*, throughout the world, not only many variations, modalities and applications of what the West calls law, but many systems or rather "legal cultures," whose differences are not only of a procedural nature but of the order of substance, i.e. at the deep level of their respective postulates. Differences that are so different that one could say that they have nothing even analogous among them. They are "homeomorphic" legal cultures (PANIKKAR 1978: XXII-XXIII, 33; also PANIKKAR 1971), i.e. so substantially different in their nature and postulates, that we can only speak of some functional equivalence between to their radically different systems.

two examples:

Let us be aware that the very notion of right and legal is a Western notion, which, no matter how universal and universalisable it claims to be and can be, is only one window among many on the world, one instrument of communication and one specialized language among many others (PANIKKAR 1982: 87-115). Thus, not only does the word right not exist among some traditional indigenous languages (for example Inuit, Native

Indian, Hindu, Jain, Buddhist) but it would never come to mind that the human being could have rights. There is only a sentiment and responsibility of duty, indebtedness and cosmic solidarity (VACHON 1982: 2-20; also VACHON 1983a: 35-43, 1983b). The word "right" has therefore no substantial equivalent, but only a functional equivalent. In Hindu India, it is called *svadharma* (PANIKKAR 1982). Among the Haudenosaunee (Six Nations Iroquois Confederacy), their word for law is the Cosmic Peace, literally the Great Nice.⁴⁶ Nothing homocentric there! These traditional indigenous legal cultures are so theocosmocentric that it seems to them quite artificial or in all cases hardly comprehensible that "rights" and "titles" should be homocentrically defined by the human being. That they should moreover be defined by some sovereign Nation-State, i.e. by a sum of sovereign individuals, seems to them close to ridiculous.

Our ways of intelligibility are radically different. One of the deepest characteristics of Western culture, is to proceed by way of the primacy of *the principle of non-contradiction*: a thing is what it is in the measure in which it is "not that" (or not something else). One gains knowledge by affirming first the difference. The whole Western notion of right/law rests on the principle that the person or human being is distinct from the rest of creation and from the uncreated (VACHON 1972). But there exists another mode of intelligibility which characterizes indigenous cultures and which proceeds through the principle of identity or non-duality; a thing is what it is in the measure it is all of being, in the measure in which it is relationship, communion with others and with the whole reality, in the measure in which it is not separate, but in harmony and in a state of non-duality with all dimensions of reality. One then does not insist on otherness, for the "other" is considered a constitutive dimension of the Self (the latter being none other than the Whole Cosmic Reality). The whole indigenous legal culture rests on this principle of non-duality, on the primacy of the Whole over the individual (PANIKKAR 1970: 29-41).

It is therefore very important to discover the existence and nature of these homeomorphisms between the different legal cultures of the world.⁴⁷ and this at the different levels of each "legal" culture.⁴⁸ This prepares the ground for their mutual fecundation in a diatopic dialogue.

46. *Kayanerenhkoa*; see WALLACE (1946: 6-7).

47. This is where one must note, with regard to Black Africa, the important work of LE ROY from the Laboratoire d'anthropologie juridique de Paris. He speaks about the deconstruction of concepts utilized of by the French culture in order to conceive other pertinent concepts for cultural dialogue. For example, for Black Africa, he does not speak of "kinship" but of "communitarian parentalisation," of the "production and reproduction of Man's relationship to earth," etc., LE ROY 1983, 1974: 59 ss., 1979: 1-57). For Hindu India, see R. LINGAT (1967); Also PANIKKAR's writings quoted in this article.

48. In a legal culture, one can distinguish many levels (or dimensions). For example: morphological, structural, fundamental; also between *logos* and *mythos* (see further).

the diatopical interpretation

The study of legal pluralism requires a new hermeneutics or science of interpretation, which is not merely morphological or diachronical but diatopical (PANIKKAR 1975a: 12–16).

One of the main reasons for the tragic misunderstanding between Western legal culture and traditional indigenous legal cultures, is that of forgetting that the distance to be overcome between these two worlds, is not simply factual (morphological interpretation) or temporal (diachronical interpretation) but spatial, i.e. we are dealing with different *topoi* (*loci*) or visions whose very postulates are radically different, since they have not developed their modes of intelligibility from a common historical tradition or through reciprocal influence (diatopical interpretation).

The distance that one must surmount is not a factual one within an homogeneous context. It is not a question of examining a text, proceeding through analogy, explication, explanation, comparison (*par*: equal; *com-par*: similar: at the same level, on the same ground), by going from the past to the present, as if one were trying to unveil one's tradition to someone like a son, a student, etc., who does not know it because he has not yet entered in its treasure: for example, a father who explains the meaning of the word "love" to his son; a teacher who explains the workings of a machine to his disciple or an elder who initiates some young person to a tradition (morphological interpretation; *morphè*: form).

Nor is it enough to proceed from the present to the past and trying to overcome the anachronisms and the temporal gap which separates us, through becoming aware of the heterogeneity of the context and by trying to integrate the latter in order to better understand the difference (*diachronical interpretation*). "Other times, other mores!" Assuredly, it is important not to analyze past texts outside of their contexts, in the sole light of our times; not to extrapolate without some critical sense and not to condemn too early the past in the light of the present.

But one must go further. One cannot assume a priori that one's ways of thinking, one's criteria, one's postulates or that even the questions themselves that one posits are the same. In other words, when one tries to understand the meaning of a text, of facts that one has gathered, or of a human experience outside of one's own culture, one cannot assume that the rules of the game that govern the interpretation of a text, of facts, or of an experience, are the same, unless one already knows that they are the same. One must therefore examine in depth all of one's postulates, mental structures and myths, on both sides to see if they are the same or not. One must become aware of the deep originality not only of their logical, socio-legal processes (the others' systems and structures) but also the others' visions, horizons, in brief the other's own legal culture and its myths (diatopical interpretation).

The diatopical interpretation (*dia-topos*: which pierces the *topoi* in order to reach the *mythos* of which they are expressions) is the one which tries to discover these radically different legal cultures, which brings them together in a dialogue which allows for the emergence of a myth in which both may enter in communion and which allows both to understand each other as we

both stand under the same horizon of intelligibility, without that horizon being exclusively one's own. Diatopical interpretation is that which tries to understand the texture of a context and which tries to surmount the distance, not from the present to the past, or from the past to the present, but from the present to the present.

One must say that this study of systems and legal cultures is a relatively new discipline. I also believe that it has not yet freed itself from a dialectical approach, which while useful, is radically insufficient. For, one cannot surmount the limits of one's particular form of understanding, through the means for example of conceptualization, because a concept is valid only where it has been conceived. We need a dialogical approach (*dia-logos*: going through the *logos* to reach a common ground that cannot be expressed by the *logos*: only that which cannot be said is worth trying to say—and that is what we call here *mythos*).

*Dialogical approach*⁴⁹

The study of legal pluralism must move out of the mere dialectical framework in which it is imprisoned and be liberated from the totalitarianism of *logos*. This can only be done, as in the case of diatopical interpretation, by a dialogical approach, i.e. by a discipline in the full sense of the word, which reaches out from within and, in a personal mythical communion, meets the deep *mythoi* which undergird and nurture the legal systems of other cultures, thus allowing them to personally challenge us and allowing what transcends, permeates, distinguishes and links together these respective legal cultures, (namely Reality) to challenge us.

its postulate

The dialogical dialogue rests on the postulate that no person has access to the universal horizon of human experience and that it is only by not postulating that the rules of dialogue must come only from one side, that Man can proceed to a deeper and more universal understanding of himself and thus attain his own Realization.

beyond dialectics

One cannot adequately understand an homologous legal culture through the sole conceptual means of a Western legal culture, as we have said. One must also understand it according to its own system, structure, model, logic, ways of intelligibility.

Of course, one can look at these legal cultures as mere objects of knowledge, historical facts, quantifiable, objectifiable, analyzable, conceptualizable and even as intelligible (*logos* includes all that!) But they are much more than all that: they are existential, personal (not only subjective) sacred, mythical realities. Something infinite for those who live from them. They are not merely of the order of *logos* but of the order of *mythos*, i.e. of the

49. See PANIKKAR 1979a: 102–103, 242–244; also PANIKKAR 1978.

order of ultimate differences. Now ultimate differences are not dialectical (which does not mean that they are non-dialectical or anti-dialectical).

Moreover, another legal system can be grasped well, only by grasping or by allowing one to be grasped by its mythical heart. There exists an ultimate intentionality within legal systems, which is its heart and soul and which ensures its deep perennity in the midst of the blows and compromises required by the surrounding interventionism. Moreover, this intentionality is rooted in the order of *mythos*. Such is the case for every legal system, even for the one that claims to have reason and science (the new myth!) as its foundation. A legal culture is more than a system, a structure, a logic, a *logos*. It is a whole, a universe, a vision, a *weltanschauung* animated by a heart and soul. A *mythos*! Every legal culture has a mythical dimension. For it is not only what I can think of it objectively or in a verifiable fashion, but also and mainly what makes it possible for me to become aware of it, namely the myth that it is.⁵⁰

This means that the dialectical approach of statisticians, sociologists, ethnographers, ethnologists and even anthropologists is clearly insufficient to reach the legal cultures in their existentialness. The latter escape finally an analysis that would want to be uniquely "objective," "logical," "theoretical." The latter could even be a desecration if it were to pretend to be self-sufficient and have no need to be accompanied by a mythical communion. The discovery of legal worlds therefore, need not absolutely come from anthropologists, ethnologists, sociologists, their theories and methodologies. The latter can be useful, but can also be an obstacle and block the knowledge (science) of legal pluralism. One must and be aware of this.

beliefs and live testimonies (PANIKKAR 1979a: 232ss.)

One reaches the other only when one discovers him, not only as an object of intelligibility (*aliud*) but as someone (*alius*); only by discovering what the other thinks and believes about himself and not only what I think of him; who he is not only what he says about himself.

One reaches a legal culture only if one reaches it as it is for those who live it. Now, for the latter, it is not a mere object of knowledge but a) a personal reality, one of faith and belief; b) a life. This is particularly true of traditional indigenous legal cultures which are always constitutively linked to the sacred, to the cosmos and to Life as a Whole.

knowledge from within and mythical communion

A legal culture is well-known only through a dialogical dialogue, i.e. a dialogue which is not simply gathering of information but is a way of reaching, from within, an understanding and even a deeper realization of who he is and who we are. It is a dialogue where one allows the other and his truth to challenge us in our own lives and in our own personal values. One knows well only that and whom one believes in personally within

50. On the notion of myth and *mythos*, see PANIKKAR 1979a: index of subjects, p. 487; also PANIKKAR 1975b: 16, 46-49.

one's personal faith and which one lives personally oneself in a mythical communion. But it is precisely this personal experience approach (not to be confused with experimentation nor with subjective experience of fieldwork) and of mythical communion which is lacking in the great part of anthropological research on legal pluralism. Hence the importance of complementing the dialectical with the dialogical approach.

an integral discipline

Hence methodology does not suffice! One needs a discipline in the integral and strong meaning of the word, which engages one's whole being and not only the reason or intelligence of the one who does the research. PANIKKAR calls it a "methodic" rather than a methodology. This requires much more than a knowledge through "grasping" or even a knowledge of frequentation. It requires, at first, a knowledge which integrates to the legal universe of the other, as one does to one's own, without ulterior or interested motivation; secondly, it requires a mutual integration to that common horizon which transcends us all, permeates us all, makes us distinct, links us, and that we call: legal pluralism. It is basically a legal wisdom whose constitutive nature is to seek itself.

Conclusion: the study of legal pluralism

The study of legal pluralism is not merely the study of legal plurality. Plurality is of the order of *logos* while pluralism is of the order of *mythos*:

True pluralism outstrips both the conceptual and the ideological domains ... pluralism bears witness that one has transcended the *logos* as sole and final arbiter of the real, though without belittling its say. Pluralism testifies that one has passed beyond absolutism, without thereby tumbling into agnostic relativism. Pluralism presupposes only a radical relativity underlying all human constructs and at the bottom of reality itself. (PANIKKAR 1979a: 101-103)

Nor is it comparative law; how can one compares homeomorphic legal cultures when precisely there is no model or paradigm to compare them to when their presuppositions are radically and substantially different? It is therefore not multi-perspectivism, i.e. where we would each have different cultural viewpoints on one and the same question. It is rather a dialogue between cultures which precisely differ not only in the way of asking the same question, but in the very nature itself of the question, which is precisely not one and the same question. It is rather the study of this common horizon (myth) or reality which some symbolize under the word "right," "legal" and others under the name "dharma," etc., and that we have agreed, for the time being, to name "legal pluralism" and which could be called as well "Dharmic pluralism."

It is a study situated in time and space and from a particular angle: and which is critically aware of the contingency of its postulates and of the necessity of resting always on presuppositions that remain limited and unexplored; which is constitutively ready to question its own foundations and even nature, if that is required; whose main thematic preoccupation is the primordial foundation of what it seeks to understand; which seeks to form its vision, taking systematically into consideration the different legal cultures

of the world, i.e. the universal experience of mankind as much as that is possible in a given situation; which remains open to dialogical dialogue and not simply to dialectical confrontation and rational dialogue (PANIKKAR 1980a: 357-383; also PANIKKAR 1979b: 197-230).

In order for that to happen, one must understand that "study," "pluralism," "legal" are not mere concepts, signs or terms, but words, symbols. They are *logos* and *mythos*. It is not a question of finding a common idiom but a common language (PANIKKAR 1980b: 117-133).

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1990-1995

A. THE OKA CRISIS AND AFTER

The Oka crisis, Summer 1990 (March to September)

Such a complex event cannot be described here.⁵¹ On March 11th 1990, some Mohawks from the village of Oka, near Montreal, are opposed to the municipality which claims to own the land that Mohawks consider for centuries as still being Mohawk land. The municipality has decided to turn it into a golf course. Some Mohawks protest at first peacefully. The mayor gets an injunction. All of a sudden, the Warrior Society without having received the backing of the Nation's and Confederacy's leaders, gets involved, blocks the highway and the Mercier bridge in Montreal. After the police had intervened, a policeman is killed. Chaos ensues, media helping. The Canadian army finally intervened.

In the early hours of the crisis, the IIM sends a public communiqué to the media entitled "The Oka event, a tragic misunderstanding."

51. Besides John CIACCIA's book, *La Crise d'Oka*, (Lémeac, Montreal, 2000) one can consult "Report to the Confederacy on the Eastern Mohawk Communities and the Summer of 1990" prepared by a group of persons designated by the Haudenosaunee Confederacy to seek peace during the crisis (Document of May 14th, 1991, available for consultation at IIM). Also: "Pour mieux comprendre la crise d'Oka. Histoire récente et culture politique des Mohawks." Interview with R. VACHON realized by Pierre TRUDEL in *Recherches amérindiennes au Québec*, Vol. XXI, No. 1 and 2, Autumn 1991.

TEXT 11

THE OKA EVENT, A TRAGIC MISUNDERSTANDING.

The Intercultural Institute of Montreal hereby wishes to contribute to the clarification and resolution of what constitutes the basis of the misunderstanding that exists between the Mohawk Nation on the one hand, and both the Province of Quebec and the Canadian Nation-State, on the other.

First, one should know that the Mohawk Nation does not consider itself a national minority within Quebec or Canada, but rather a genuine Nation which for centuries and in a continuous manner enjoys its own traditional government—the Longhouse. This Nation is part of the Six Nations Iroquois Confederacy. Consequently, this Nation does not consider itself subject to the laws of the Province of Quebec nor to those of Canada.

On the other hand, Canada, its Provinces and its citizens consider the Mohawks as being subject to Canada's and Quebec's laws on the basis of a history of conquest.

That is the whole issue!

Of course, the efforts at negotiation on the part of the Minister John Ciaccia and some Native peoples are very praiseworthy. But one must remember that the Mohawk Nation for a long time and even since the start of the Oka events, has been calling for Nation to Nation negotiations with the Federal government, pertaining to their territorial rights and traditional government. But the Federal government has always refused.

In the face of the Oka Municipality's attempts to encroach upon what the Mohawks consider the last portions of their ancestral lands, they have been forced to put up barricades to protect and defend for future generations what remains of their lands.

In the light of this, it is clear that the Oka municipality's injunction, the intervention and continued presence of the "Sûreté du Québec" is unjustifiable. One can disagree with the means that some Mohawk sympathizers have taken, by blocking the Mercier bridge for example (by the way, many of Mohawk community disagree with it), but one must make an effort to understand what the Mohawks must feel. A point has been reached when we have even cut them off from their daily subsistence requirements: this is the height of injustice and illegality!

We are therefore asking that the injunction be lifted, that the Quebec Provincial police withdraw immediately and that the Federal government accept to negotiate the land question, Nation to Nation, with the authentic Longhouse traditional government—the one that is recognized and mandated by the Six Nations Iroquois Confederacy—and not with the self-proclaimed and self-authorized Warrior Longhouse.

We are sure that in this way, not only the Mercier bridge will be automatically opened and that the Oka barricades will be removed, and that we shall be able to finally enjoy more peaceful relations.

The Intercultural Institute of Montreal

To put it briefly, the Mohawks, governments and media had called on us repeatedly before and during the Oka crisis. We had the honour of being solicited immediately before the crisis by the Kahnawake warriors and by traditionalist leaders of the Mohawk Nation at Akwesasne. During the crisis, we pleaded with the media to put forward the peaceful symbol of the Six Nations Iroquois Confederacy, namely the Great White Pine and its white roots of Peace under which had been put away all weapons of war. But no way. The media insisted on putting the recent Warrior Society flag of a small group of warriors which did not have backing from the condoled Confederacy leaders.

We also had the great honour to host at their request, in our conference room, during the Oka crisis, an internal meeting of the Haudenosaunee Confederacy leaders. At the most critical moment of the crisis, the Minister of Indian Affairs for Quebec, Mr. CIACCIA, called us personally for counsel and followed it with regard to negotiations with the delegates of the Condoled Six Nations Iroquois Confederacy. But the events had gotten too much out of hand, the obstacles being too great and too deep, The army imposed itself so that the fundamental problem remained.

After the Oka crisis. The Guswenta Project⁵² (1990-1995)

It is at this point, that in October 1990, a group of us (traditional Mohawks and non-Mohawks who shared a lot in common) decided to start a long-term project that might contribute to solve the fundamental problems. Its sub-title was: "Towards a renewed peace accord between the Mohawk Nation/Haudenosaunee and the North American Nation States of the North American non-Native Indian population.

Setting up the project

So we set up an Action Group and a Research Group, both made up of Mohawks and non-Mohawks who agreed to approach, define and solve the issues on the basis of their respective radically different world views, and on the basis of their irreducibly different languages, in the spirit of the *Guswenta* (the two-row Wampum) that our respective ancestors had concluded at the outset of their relationship.

The Action Group met formally on average once a month at IIM, where all would share a meal together and exchange all evening what was dear to each one, and exchange ideas on how we could live together in the present predicament. These meetings lasted from October 1990 to June 1992 and were later replaced by informal meetings which continue to this very day.

As for the Research Group, it was made up of Mohawk and non-Mohawk elders that Robert VACHON met with individually in order to gather their suggestions and critical comments of the texts he would write (after having consulted these same elders before drafting an initial text).

52. This section is taken almost word for word from the interim report (1990-1995) presented at the IIM, on March 27th 1996, entitled "Guswenta or the Intercultural Imperative" (9 pages), by R. VACHON, which is distinct from the *Interculture* issues which bear the same title.

I wish to underline that the whole process of organizing and running these two groups, was done according to the Mohawk protocol that our respective ancestors had followed during their first alliances. Thus, for example, we always entered through the Eastern door (the Mohawk Nation) and hence through our closest neighbours, the secretaries of the Longhouses acknowledged by the condoled chiefs of the Iroquois Confederacy (not through the Band Council Chiefs, nor through the Warriors and their Longhouses).⁵³ In our case, these secretaries were Eileen PATTEN, secretary of the Longhouse by the Mohawk Trail at Kahnawake, and Allen GABRIEL, secretary of the Longhouse at Kanesatake.

Some 15 Mohawks and 15 non-Mohawks from Kahnawake-Chateaugay, Kanesatake-Oka, Akwesasne/Gibson/Montreal, participated in the Action and Research Groups. For further details of their activities, see the Internal Reports (at IIM) about these committees from 1990 to 1993.

CONTENT / RESULTS

a) From 1990 to 1992

We felt the need for a voice to be heard that was hardly ever heard, namely that of the long thousand-year-old Mohawk/Haudenosaunee deep and still living tradition of the Longhouse, i.e. of the condoled chiefs of the Mohawk Nation and of the Iroquois Confederacy, and also of its spokespersons who are recognized as such by the whole body of *Rotiyaner*, namely the Grand Council (*Rotiianeson*). It is the respected authoritative voice throughout the Nation and Confederacy precisely because it does not rest primarily on the power of coercion, of imposition, of a majority, but on that of ancestors, the elders, the clan-mothers, and on the spirit of consensus in the sense of "one mind, many paths."

Our purpose was to introduce the non-Mohawk world, totally ignorant of this voice, to: a) what could be called the ontology or, rather, the universe, the symbolic site and hence the unique political culture and organization of the Confederacy, of the Mohawk Nation and its communities, as these are quite alive and in operation today; and b) to the importance for non-Mohawks to enter into direct contact with this ontology and organization, to better understand it, and to accept it as the first and privileged way towards a peace alliance and to any eventual negotiation of issues and resolution of conflicts.

All this we have done together—Mohawks and non-Mohawks. And through different means.

53. See *Indian Time*, March 15, 1996, entitled: "The Mohawk Nation Council and its Chiefs are very dismayed at the news that some Mohawk people are misrepresenting themselves as Chiefs of the Mohawk Nation."

1. Publications

First through the publication of 4 issues of the Journal *Interculture* on the Mohawk Nation and its communities, as perceived by the ever living great tradition of the Longhouse.

The first issue (No. 113), focusing on some major sociological facts, sought to introduce the non-Native reader to the existence and nature of the Mohawk Nation, and to help him find his way in the jumble of various conflicting tendencies between band councils, Warriors, traditionalists, and between traditionalists themselves and their respective Longhouses. Our purpose was to provide concrete landmarks in order to know with whom one should enter into deliberation, if one wishes to respect the deep political culture of the Nation and to find a way out of the political imbroglio.

The second issue (No. 114), of a more philosophical nature, went deeper and sought to describe a first contrast between Mohawk political culture and Western political culture (for example regarding their respective notions of nation, of leaders, of relationship to the land, etc.); all the while being careful not to contrast the best of one with the worst of the other. The emphasis was put on the radical differences between the two political cultures, all the while trying to avoid dualism or subordinating one political culture to the other, or even both to a supposedly neutral third one.

The third issue (No. 118), being more historical, sought to introduce to the unique Mohawk dynamics of Peace. We tried to show how the Mohawk people truly merit the name "The People of the Great Peace," to show what is the nature of the Mohawk/Haudenosaunee peace (i.e. *Kayanerekowa*), and to show how the Mohawks have peacefully resisted the concerted effort of assimilation on the part of all the Euro-Western regimes that have succeeded each other during the last 5 centuries. We wanted to show how this political culture of peace, peculiar to that Nation and to the Iroquois Confederacy, is quite alive even today, in spite of appearances, even though denied or ignored by non-Native peoples.

The fourth issue (No. 121) expanded on this history, showing how this traditional political culture of resistance has always been present and remains alive in each of the seven communities of Kahnawake, Kanesatake, Akwesasne, Grand River, Tyendenaga, Watha and Ganiengheh. We have also given a brief history of the recent Society of Warriors and how they are perceived by the Nation and the Confederacy.

All these issues have been written primarily on the basis of the oral and written tradition of the Mohawk/Haudenosaunee. We have had privileged access to many written Mohawk/Haudenosaunee documents, which have not yet been made public, such as the Internal Report of the Confederacy after the Oka crisis, and a major document of the Confederacy, entitled GUSWENTA (443 pp.), written in 1993 for the Canadian Royal Commission of Inquiry on Aboriginal Peoples, but still unpublished, etc. We have also consulted the works of non-Mohawk experts in Iroquois studies, all the while submitting everything to the judgement of the Mohawks we mentioned above. We refrained from publishing a single line or word if disapproved by these Mohawks.

2. Other actions undertaken

Besides these publications, many other actions were undertaken. Here are a few among many others. In 1991, we published an article in French in *Recherches Amérindiennes*, "For a better understanding of the Oka crisis: Recent history and Mohawk political culture"; a special issue of *Interculture*, "A call to dialogue between Natives and Whites" (No. 110); and a special publication on the Mohawks, destined for the general public, in the French magazine *Médium*.

We organized the first 'after Oka crisis' talks given by Kanesatake Mohawks, in the non-Mohawk communities of Chateaugay, Oka, and Outremont.

Also in 1991, we organized two public symposia: one on "White Justice and Native Justice"; the other on "Native Nations and the Environment," whose complete reports are available at IIM published in 1993 and 1994.

It is during the same 1991–1992 period that we gave a one-hour talk, behind closed doors, to the whole Parti Québécois Direction and to the party's regional delegates, at Maison Montmorency in Quebec. We made a concrete proposal, namely to organize with them and the Confederacy a total immersion seminar week-end into the deeper Mohawk political culture. It was to be a seminar, not of negotiation, but of contemplative listening, where they could discover what they knew nothing about and ignored, i.e. the live and unique political culture of the Confederacy—but described and explained this time by the Confederacy *rotiianer* themselves and their delegates. The same offer was made to the Liberal government of Quebec after Minister SIRROS consulted us during six hours at IIM and at his office, and afterwards during a three-hour consultation at the Queen Elizabeth Hotel, by himself and his government experts on Native/Mohawk issues. Unofficially, some members of the Liberal government, but especially of the *Direction du Parti Québécois*, manifested interest. Francine LALONDE, from the Parti Québécois, even made two serious initiatives in that direction—by meeting with the proper spokespersons from Kanesatake and from Kahnawake—but which came to nil because of the moratorium on Native issues declared by Party-Head PARISEAU at that time. Claude RYAN, then Minister of Justice, even ordered 12 copies of our issues of *Interculture*, but we haven't heard anything since.

We have been invited to give many talks and interviews in all of the media. Many people from very various sources have come to consult us about the Mohawk / non-Mohawk relations.

In 1993, IIM presented a brief in Kahnawake to the Canadian Royal Commission of Inquiry on Aboriginal Peoples, a brief for which we have been praised by Mohawks of Kahnawake of various stripes and by the President of the Commission, Judge DUSSEAUT himself. We would like to stress here that very important briefs were also presented by Mohawk Nation Council and Confederacy spokesmen at Kahnawake and Akwesasne, whose transcripts are available at the Commission, but which the media have failed to report, preferring to report, as usual, only the briefs from Mohawks who were not acknowledged spokespersons of the Nation Council and of the Confederacy.

TEXT 12

FOUNDATIONS FOR A NEW
RELATIONSHIP BETWEEN ABORIGINAL
AND NON-ABORIGINAL PEOPLES IN THIS COUNTRY.

FRAMING THE ISSUES

- ♦ INTERNATIONALLY
- ♦ CROSSCULTURALLY
- ♦ INTERPERSONALLY
- ♦ PLURALISTICALLY
- ♦ DIALOGICALLY

by Robert VACHON

(A preliminary and provisional statement)

A presentation made at the Public Hearings
of the Royal Commission on Aboriginal Peoples.
Round 2, "Framing the issues," Kahnawake, May 5th, 1993.

Greetings to all the elder brothers and sisters—the Native Nations of this land, symbolized by the Native members of this Commission.

Greetings also to all the younger brothers and sisters—the non-Native Nations symbolized by the non-Native members of this Commission.

Truly a bi-cultural and international commission in some way, although those who gave you your mandate may define it restrictively as a national commission, working within the framework of the modern Western democratic culture of the Canadian Nation-State and of its pyramidal, kingship-based tradition, and thus calling you a Royal Commission.

I shall focus on framing the issues of our relationship. May I suggest that accommodations, adaptations and reforms won't do. We need a mutation. I would like to suggest some preliminary steps in that direction. This short talk is about uncovering and overcoming our unconscious mononational and monocultural framework. It is about taking Native and non-Native cultures seriously, that is, religiously. It is also about how to approach our Native/non-Native relations, internationally, cross-culturally, interpersonally, pluralistically and dialogically. It is about the source of our mandate to speak and live, and about who we are accountable to and hence must report to. I shall limit myself to how non-Natives could take such an approach towards the Native/non-Native relationship.

But a caveat, before I move on.

Native peoples are neither an inferior branch of *homo sapiens*, which would have to accede to the state of *homo sapiens*, *civilis* and *habilis*; nor

are they the pure authentic and unique model of humanity. By the same token, Western and modern culture and civilization may be very sick today, but civilization is not simply a disease (syphilization) or modernity a cancer. Western culture certainly has to overcome its deep and unconscious cultural imperialism, learn from Native traditions and recover also its own primordial roots, but it does not have to substitute the Native Indian vision for its own in order to regain its health, nor simply return to the past.

A. THE NEED FOR AN INTERNATIONAL FRAMEWORK

The fundamental problem is that we unconsciously frame and define the issues exclusively or primarily within the mononational framework of Canada, the Nation-State of Canada and the Canadian government and of the actual United Nations' system of Nation-States. The framework however, can no longer be exclusively or primarily Canada, the Canadian Nation-State, its government and its citizens; it has to be, from the start, an international framework, that is, a framework that is based also—and on an equal basis—on the Native Nations of this land and on their peoples.

I shall even argue that the actual United Nations system of Nation-States and its man-made international law, cannot be an adequate framework either, because it is an exclusive club of Nation-States, resting on the modern Western framework that is the Nation-State system, on its Western political culture and anthropological presuppositions, which are far from being transcultural and universal values.

In working out a new relationship between Aboriginal and non-Aboriginal peoples of this land, we cannot take our mandate exclusively or even primarily—as we now unfortunately do—from the younger brother/sister Nation which is Canada, the Canadian Nation-State, its government or even its people. We must also—and on equal basis - take our mandate from our elder brother and sister Native Nations and their peoples.

The issue, in other words, is not exclusively or primarily Canada, the Canadian Nation-State and government, its citizens, nor its territorial integrity, but also Turtle Island, the Native Nations and their peoples and land integrity.

Some of the fundamental reasons why we fail to do this is because our framework is also unconsciously monocultural, impersonal, caught in the dilemma of monism and dualism, in the pyramidal mind-set of kingship and royalty. Also because it is too much confined to the objectivity-subjectivity paradigm, to rationality, dialectics, the "*logos*," and finally to an exclusively anthropocentric or cosmocentric or theocentric approach to truth and reality. Let me explain what I mean.

B. THE NEED FOR CROSS-CULTURAL FOUNDATIONS

In order to take our respective cultures seriously, we will have to stop considering culture as a residual element next to many others such as poli-

tics, law, religion, economics. One has to see everything as being cultural. For example, to say that natives have a culture, means that they have a political culture, an economic culture, a legal culture, a socio-educational and medical culture, which is not merely a variant of the Western political, economic, legal, educational and medical culture, or of some non-existing, transcultural, universal human culture. Cultures are not simply particular cases of some would-be general human nature, defined either by the Western, the scientific, or the shamanic mind.

Culture is not simply a perspective or even a mind-set or system, but the all-encompassing myth of a people in a concrete time and space; it is a whole way of being, a whole world or microcosm which is not objectifiable in the last analysis. It can be somewhat understood in depth only with the heart, through participation, belief in it, communion with it. In fact, it need not always be understood, but accepted and let be or set free. Cultures can be radically different. Their harmony does not require unity *in spite* of their differences, but *in* and *because* of their differences.

Today, any problem that is not approached cross-culturally is already methodologically wrongly put. To approach an issue cross-culturally, it is not enough to have Natives and non-Natives present at the table or around the sacred fire. We should avoid using the word cross-cultural when we mean the study of the relations between two cultures or ways of life, but with the categories of only one of them—in our case, either the non-Native (Western) or the Native. A cross-cultural approach deals with the very perspective in which the problem is defined and approached. It reformulates the problem by using the languages and categories derived from the two cultures concerned. It takes both cultures seriously. It assumes that there is no universal, transcultural language, politics, economics, religion, way of life, no universal criteria by which we can judge everything under the sun. It also assumes that no matter what we say, think or do, we are always in a concrete culture, and that no one culture, religion or way of life can raise a convincing claim to be the one, unique or even best system or way in any absolute sense. It assumes that no way of life or culture has nor can have the monopoly on truth. It means finally, taking the other culture as seriously as my own.

What generally happens, however, is that we do exactly the opposite in our relations to Native peoples and their culture. No matter how open-minded and broad our terms of reference, we unconsciously assume that culture is a side thing, second to the would-be transcultural values of politics, economics and law. Furthermore, our framework remains strictly monocultural.

1. Beyond monolingualism. Taking Native languages and words seriously.

Our dialogue is usually run exclusively in the Western language of English and French. This is a trap. Most of the key words we use have no equivalent for example in Mohawk. Words like "democracy," "politics," "government," "Nation-State," "prosperity," "rights," "chiefs," "land claims," "sovereignty," "property," "territory," "borders," "Canada," "Quebec," "citizenship," "Royal Commission," "economics," "law," "jus-

tice system," etc., all carry baggage from our Western political anthropology and anthropocentric cosmology, tied to the notions that Man is the center, that he must be the artisan of the world, the measure and finally the controller and master of all things. They carry assumptions that freedom lies solely in autonomy and choice, that we need chiefs, governance, property, a state and a Nation-State, a territory, majority rule and sovereignty, etc. All notions that we consider to be universal, but which are not. The fact is that 2/3 of the world population (Native people included) do not think that way and do not define their dignity nor organize social order on the basis of rights, government, chiefs, etc. even if they use these words when speaking with us. Most of the key words in Mohawk have no equivalent in our Western languages, for example "*rotianeson*," "*rotianer*," "*Kayanerekowa*," etc.

But we do not even bother to inquire about their words, their language. We assume that all words are translatable in each other's languages. They are not.

Of course we need to find a common language. But it cannot be English, French or Mohawk alone. It must be rooted in both, and emerge from respect for both. It will be distinct from both, yet in continuity with the best of both. It cannot be artificially concocted or imposed Esperanto; it has to flow from an internal dialogue between both. It must be a joint, bi-cultural venture that we non-Natives, have hardly begun to undertake. But we must. It is imperative that we move beyond a monolingual framework at the level both of idiom and language.

2. Overcoming the Nation-State framework. Taking their political culture seriously.

In the course of a recent public talk, the eminent Quebecois geographer Louis-Edmond HAMELIN, asserted that on the whole, the White or Western peoples have not yet accepted even the hypothesis that the Native peoples have a (political) culture or tradition whose expressions and presuppositions could be radically different from the Western one, yet equally valid and still alive today.

He is right. Moreover, we have considered our political culture of representative elective democracy and of the Nation-State so superior that we have always tried to impose and substitute our elective system of majority rule on all the Native Nations of this land. Our governments have and still refuse to even dialogue with any other Native "government" but those who meet the standards of our own political culture. For example, our government still refuses to recognize the Six nations Iroquois Confederacy and deals only with elected band councils and their national associations. The original Native political cultures are seen a priori, as primitive, feudal, underdeveloped, non-existent, so that now we are proposing that natives take up Western self-governments of their own, within of course our Western democratic and modern Nation-State culture and according to our representative, majority, elective, democratic criteria, as if there could be no other. We equate political life and order with the State and with democracy. We fail to see that to give no choice except between democracy and totalitarianism, is itself totalitarian.

We say that we want to dialogue within a broad political framework and extended terms of reference, but we never move beyond the monocultural Western framework, even at the United Nations. We are always within the Western political anthropology of the Western Modern Nation-State and democratic system—whether this is Canada or the United Nations. Hence, we unilaterally assume that all people of this land are in Canada, while most Native peoples consider themselves to be primarily not in that artificial, man-made, administrative and impersonal reality called Canada or the Canadian Nation-State, but on Turtle Island, with no man-made, legislated borders. But the latter is dismissed by non-Natives as a romantic, poetic, unrealistic framework and horizon. It is peremptorily dismissed and replaced by Canada, that is, the Canadian Nation-State. When Native peoples say that they are Nations and have political cultures of their own, we erroneously project and read that they want to become Nation-States. When they speak of self-government, we assume that they don't already have a government and want to create one, or that they necessarily want—finally—to have their own Western modern democratic, elective system, majority rule governments, all under the Crown constitutions and Nation-State. We project that they want either to be—ultimately—subject to the Crown and to the laws of the Canadian Nation-State or to become separate Nation-States or municipal-type governments. We seem unable to conceive that they may simply want to be who they are and to continue organizing their political order according to their own traditional political matrix and criteria, integrating (or refusing to integrate), outside political notions and systems into it.

This Commission should insist that the Canadian government and its people stop imposing their Western political culture on Native peoples, that it take up the dialogue with the existing Six Nations Confederacy and its traditional national leaders, on a Nation to Nation basis. Not as domestic Nations, not as foreign Nation-States (which they are not and usually do not intend to be) but as a radically different political regime which has the same importance as the modern elective Nation-State, without necessarily having to become a modern elective Nation-State. This Commission, in other words, should ask the Canadian government and the non-Native people of this land to return to the treaties and particularly to the Two-Row Wampum Treaties of the Iroquois with the foreign Nations of this land.

We must stop speaking exclusively or primarily of Native self-government as being something which does not yet exist, or as if it always has to be established within the Nation-State system of Canada or within the Western political culture of the actual United Nations. We must stop speaking of Mohawks as being necessarily or primarily citizens of the Nation-State of Canada or of the U.S. They are not. It should be left to them, whether they want or not, can or not, have a dual citizenship, or, for that matter, be citizens at all of any Nation-State.

3. Taking seriously their unique relationship to this land. Territorial integrity or integrity of the land and of our custodianship and kinship relations to it.

The modern Nation-State—moving away from the best of the Western land tenure tradition of personal and communal ownership, terroir, custodianship, fatherland and motherland, and ignoring the best of the traditional

Native relationship to land as kin, as mother-earth who herself is the custodian of all living beings, man included—sees the land merely or primarily as an object that can be defined, divided in abstract exclusive portions. It even claims sovereignty, that is, plenary powers over a piece of land that it calls the Canadian "territory." Its main concern is territorial integrity, that is, to have sovereign and exclusive power over this object: "I have the right to use and abuse. I have acquired it through man-made legislation, that is, Nation-State legislation. And it is legitimate because I have the power to enforce it."

Personal and communal ownership has been replaced by abstract individual and collective jurisdictions. Kinship relations to land and mother-earth, by kingship relations, royal decrees and proclamations, and recently by a legislative diarrhoea and complex legislated bureaucracy. Land, terroir, country, fatherland and motherland have been replaced by abstract administrative units called territory or pieces of property, cold objects to be managed by legal experts. The Canadian (and other) Nation-State is more interested in territorial integrity than it is in the land, in our personal and kinship relation to it as a mother, brother, sister, as a dimension of our deep self, in a word in land and mother-earth integrity, in Turtle Island integrity. The concern is more with individual and collective power over resources than it is with loving and kinship relations with that other deep dimension of ourselves.

This Commission should clearly point out how these Nation-State notions of exclusive ownership and territorial integrity are deeply detrimental to the integrity of the land, and finally of the persons, communities and Nations who belong to this land. The Native land issue could be a unique opportunity for all non-Natives to reconnect with their Western tradition of personal/communal ownership and custodianship and to enrich it with the beautiful and strong belongingness and kinship relationship of native peoples to Mother Earth. This means of course a mutation at which we can work together, both Native and non-Natives.

4. Overcoming the myth of development

Today, Canadian government authorities would have us believe that we all want and need development, prosperity. It equates the good life and happiness with development, the good society with a society of goods. This myth needs to be shattered. We all want and need happiness and a good life. What this means depends on one's culture and way of life. It is pretentious and arrogant to equate the good life with development. Development is not a universal notion, nor a necessary requisite and point of reference for the good life. To think that it is, is the most serious obstacle today to accept ways of life that differ from this totalitarian view. We all need to break away from the religion of development as being the only or even best way to live a good life today.

5. Taking the unique Native legal way seriously

The United Nations is an exclusive club of some 190 Nation-States, while there are some 5,000 Nations in the world who do not feel that they need to become Nation-States to be genuine and equally important Nations. International law, for many years now, has been reduced to the law estab-

lished by that exclusive club. They have made what they call a Universal Declaration of Human Rights, but forgot that 2/3 of the world population do not organize their social order on rights, but on duty, "*dharmā*," "*li*," "*Kayanerekowa*." Not on man-made laws, much less Nation-State laws, but on the Great Nice, inscribed in the nature of things. But they are expected to prove their rights and do that within the unilaterally-set legal system of the Canadian Nation-State and or the United Nations' exclusive club who think they have the monopoly on the notion of order. Native peoples are bending over to accommodate them by speaking now about their rights, even if that goes against their own ways; they are being forced to abide by man-made laws of that exclusive club, instead of abiding by their own legal ways. These Native legal ways which are not man-made and not based on the notion of rights, are being completely ignored by the Nation-State system of Canada and of the United Nations. The unilateral, monocultural legal framework is that of rights, man-made and Nation-State laws. And that is called justice! Natives rightly call that White Man's justice: just us!

Native peoples are already making major concessions to that legal system when speaking about their Native rights. But in order not to sell their souls, they call them inherent aboriginal rights, which do not come from any man-made or Nation-State law. But the Nation-State wants everything to be defined, even the undefinable, and even defined by their Western criteria when not by Western officials themselves. Completely unrealistic! As if reality and life could be reduced to the Mind and Consciousness.

Could this Commission simply awake the non-Native people to the fact that Native people have a legal way of their own which need not be reduced or subjected to the non-Native modern system of the Nation-State and of the actual exclusive club of the United Nations? It could ask to have article 38 of the International Court of Justice (The Hague) revised with the help of the Native nations, for example of the Six Nations Confederacy. It could recommend that there be a genuine dialogue between rights and duties, between the Western and Native legal ways, between the Western legal system of justice and the Native legal world of *Kayanerekowa*.

6. From a Royal Commission to a Kinship Circle of Elder and Younger Nations

It is a well established historical fact that the Native Nations of this continent never had any notions of kingship, royalty, government of subjects. Theirs is still a kinship type of political culture. This is particularly true of the Mohawks and Six Nations Confederacy who never called their leaders kings, prime ministers or even chiefs in their own languages, but "*rotiane-son*" or "*rotiane*," that is the good man or woman, the one who does not dictate, order, represent, but symbolizes the Great Nice, the Great Peace. Their political relations have always been and still are based on kinship rather than kingship. Knowing that, I was sad to learn that this Commission, which wanted to be bi-cultural, called itself a Royal Commission, thus "framing" the Native peoples into the usual foreign, monocultural framework.

GANDHI knew the power of symbolic gestures. Could the Commission reenact a symbolic gesture and demand that its name be changed from Royal

Commission on Aboriginal Peoples to something like the Kinship Circle of Elder and Younger Nations of this land that some call Canada and the U.S. and others Turtle Island?

Yes, it will require a mutation to move from our monocultural framing of issues to an intercultural framework, or better, to a cross-cultural horizon.

C. THE NEED FOR AN INTERPERSONAL APPROACH

We have confused the person with the individual, the community with the collective individual called the collectivity. None of us—Native or non-Native—are primarily individuals, tax-payers or citizens of an impersonal collectivity called the Nation-State of Canada. We are ultimately unique and undefinable human persons. We are not primarily collectivities of individuals, called minorities, majorities, or an impersonal Nation-State called Canada, but interpersonal communities. This interpersonal intercommunity relationship extends to this land: we all belong to her and she belongs to all of us. We are not its master nor is she our mistress. She is our own self and we are her own self. We are her custodians and she is our custodian. The relationship is not primarily a jurisdictional one. She is not primarily a man-defined territory with exclusive borders called Canada or the U.S. but a country called Turtle Island, North America and so many non-legislated names. Like us, she is not simply the environment, an object, a resource, but a wonderful mystery of Life.

The new relationship between Aboriginal and non-Aboriginal people of this land must be built primarily on interpersonal and intercommunity relations, not on impersonal relationships of collectivities, Nation-States and individuals. It must be built primarily on an interpersonal and intercommunity relation to the land and all the living beings that people it, not on cutting it up in objective, exclusive, jurisdictions run by little sovereign masters of their exclusive domains and administrative jurisdictions. The issue is not so much one of pyramidal jurisdictions and management, as it is one of horizontal kinship relations, between elder brothers and sisters and younger brothers and sisters on the one hand and between the elder and younger brothers and their Mother the Earth on the other.

D. THE NEED FOR A PLURALISTIC FRAMEWORK

By pluralistic is meant obviously avoiding a monistic framework: one government, one authority, one economic, legal, political, educational and socio-medical system. But pluralistic does not mean a dualistic or plural framework either. One should avoid confusing plurality—which is dualistic—with pluralism, which is pluralistic, that is, neither one or two. Plurality is of the order of pure *logos*, while pluralism is also of the order of *mythos*. I shall not enter here into the philosophy of all this, which is extremely important, but I shall give a few concrete suggestions:

1. A confederation of Nations

I truly believe that we may have to reflect together on the possibility of a Confederation of Nations: Native and non-Native, irreducible to each other or to a common denominator, hence remaining radically different and unique, but non-dualistic in their relationship. First, I am not speaking, obviously, of a Confederation of Nation-States for reasons that I have already given. Second, Native Nations cannot be reduced to one Native Nation, nor even to an elected association or Assembly of First Nations. Third, the notions of exclusivistic and plenary-power-type sovereignty of the modern Nation-State system will have to be overcome; Western democratic principles based on mere quantitative principles of individual, collectivity, majority, minority and territoriality will have to be revised in depth, without doing away with the unique Western primordial values of democracy and land tenure.

Fourth, I am speaking about a pluralistic confederation of Nations; in other words, it need not be one confederation, nor many confederations, but a pluralistic confederation network; we already have a Six Nations Confederacy, a Wabanaki Confederacy, etc.

2. Pluralistic authority

Once again, neither monistic nor dualistic or plural authority, but pluralistic (non-dualistic) authority. This type of authority is a millennial tradition in African cultures, where, for example, you have a family, clan, tribe or nation which is "*chef de terre*," next to other figures of authority like the council of elders, etc. One finds a similar type of authority in the Indic *jati* system. Closer to us, we have pluralistic authority in the Six Nations Confederacy and even within each Nation through the clan system and within each clan through the political family of the "*royaner*," the "*rarontaron*," the fire-keepers and the clan mothers. I am not saying that those should be the models of pluralistic authority within the Confederation(s) of Native/non-Native nations, but we would have much to learn from those that I have just mentioned and others, for example, in the Peruvian *ayllu* system. Authority need not always be pyramidal; it can also be the circle.

3. A kinship relation between elder and younger (brother-sister) nations: Native/non-Native

I think that we could begin establishing this pluralistic framework of a Confederation of Nations and of pluralistic authority by simply looking upon our Native brothers and sisters as Elder brothers and Nations, and upon our non-Native selves, as the younger brothers, sisters and Nations, keeping in mind, that while our duties towards each other (and towards the land) may be different, no one is subject to the other, whether as persons or as Nations, although we are all deeply interconnected to the point that the other is not simply an other, a non-I, but a Thou, a dimension of our very selves and thus we can truly say we without having to be the same.

E. THE NEED FOR A DIALOGICAL APPROACH

The method for doing all that precedes is what I call the dialogical dialogue. It means going further than dialectical dialogue, without, however, dismissing the latter. It means overcoming the blueprint syndrome, the law and order hypnosis. There is nothing wrong in *logos*, that is, seeking order and logic, being rational, objective, scientific, and searching for understanding. But reality need not be totally logical and ordered or restricted to what the mind postulates, nor totally dependent on thought.

The laws of being and of life are not always and need not always be the laws of thought. Being does not have to have—or always follow—laws, however useful laws may be. Being is always bigger than our minds and it is also free.

Dialogical dialogue means going through and beyond the *logos* to reach *mythos*, the mystery, without reducing thought to it. It means coupling our thinking with a little more cosmic confidence—it means recognizing the Pluralism (not simply the plurality) of Truth and of Reality, that Reality is not wholly objectifiable, definable, modelisable, systematisable, that it is not given once and for all, but is real precisely in that it is continually creating itself.

It means basically, that there can be no cross-cultural and pluralistic framework unless we have a common open horizon, a common myth to draw from, to look to and believe in together, what Native peoples call the good mind. A common horizon or myth is not simply a common denominator, a unity of doctrine, one law, one constitution. As the Longhouse mystical tradition says: the Longhouse is not only the soil we stand on but also the sky above which is our roof. It does not require homogeneity or unity in spite of differences, but harmony in and because of our differences.

To restore or install the dialogical dialogue in human relations between Native and non-Native persons, families, communities, nations and cultures, may be one of the most important and urgent things to do in our times, threatened by the dialectical opposition between individuals, collectivities, majorities and minorities, Nation-States, crowns, and between Man and Nature, the Secular and the Sacred, Nature and Culture.

CONCLUSION OUR ULTIMATE MANDATE AND FRAMEWORK

We should therefore not take our mandate primarily or ultimately from any Prime Minister nor Nation-State, from any one religion or culture; not from Man alone, God alone or Nature alone, but from the Whole Reality that each and all of us are, namely the whole circle of life, with its threefold human, cosmic, divine dimensions; thus from both culture and nature and also from a mysterious source that no one can ever define or even understand completely. It is to that Circle that we are ultimately accountable not to the Canadian nation State, the Canadian government or any other government.

It means, ultimately, humbly keeping the Rhythm of Being, for we are all much more and less than what we think we are. Human endeavor yes, but also cosmic confidence and a deep sense of the ever elusive mystery of life.

There is no alternative, but alternatives. There is no way: the way is in the waying together. There can be no adequate answers to any of our questions because every question is about the infinite. Beyond all our frameworks, there is the irreducible undefinable human, cosmic, divine Reality: the cosmotheandric circle of which we are all constitutive and creating members. The framework in other words, is the ultimate, unfathomable, dynamic circle of Life itself. Let us never forget it as we try to "frame the issues"...

Our attempt at reducing the good life to development, the political order to democracy, the nation to the Nation-State, the land to territory, the person to the individual, the community to the collectivities of majorities and minorities, reality to Man, to God, to Nature or to Pure Consciousness, myth or *logos*, is the main reason for our alienation and no exit situation.

Furthermore, let us not assume that we all ask the same questions or even need to do so. Life questions all of us sometimes more than we can question it. And that is the way it should be. That is the common basis of our hope and freedom.

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b) From 1993 to 1995

As a result of all this we have felt the need—especially among Mohawk and non-Mohawk elders—to present together, without any pretension, *concrete suggestions and recommendations in view of a re-enacted peace alliance between the Mohawk/Haudenosaunee nation(s) and the North American States*. But always in the same spirit, not only of respect of and non-intervention in our respective cultural worlds and languages, but of collaboration, starting from the presupposition or horizon that neither the one nor the other can ever have the monopoly on truth, nor the dominion over the rules of the game and over their definition.

We came to an accord that two great complementary symbols could preside over our deliberations: first the Mohawk/Haudenosaunee symbol of the GUSWENTA (or "two-row Wampum"), established together by our respective ancestors in the 1640s, re-enacted later, but which non-Mohawks have a tendency to forget, to neglect, or even to ignore altogether, especially since the advent of the Nation-State on this continent, that of the United States, of Canada, and now of a possible Québécois Nation-State. Then, as we were seeking an homeomorphic equivalent of the GUSWENTA in our western languages, I proposed "The INTERCULTURAL IMPERATIVE," since it seems to be one of the thematically new encompassing myths which is emerging, and which seems to express fairly well what the confederacy intends by GUSWENTA.

But before entering into deliberations and presenting concrete suggestions and recommendations, it seemed to us that a prerequisite was to create a *climate of peace* at the level of our respective basic attitudes. For the lack

of understanding between either persons or cultures is not so much a matter of doctrinal differences as it is of existential attitudes, especially at the level of our respective presuppositions, of which we are not aware and that we take for granted, but which are not necessarily taken for granted by the interlocutor. That is what we meant by the "intercultural foundations of peace" (the title of Part I of our study): an attitude of humility and vulnerability with regard to Reality and Life, since the latter transcends by far any consciousness we may have of it. So, three thorny fundamental questions came up: 1) the question of language; 2) that of a common horizon; 3) that of the method to reach our purpose. Hence the publication of three issues of the Journal *Interculture*, dealing successively with each one of these themes, while taking our inspiration and guidance from the wisdom texts of one of the great intercultural philosophers of our times: R. PANIKKAR.

Issue I (No. 127): In search of a common language (80 pp.)

In this issue, we began by reminding that Mohawks/Haudenosaunee also have their irreducible idioms and languages. And vice-versa. Most of the key-words we use are traps, on both sides. And we give a few examples. Furthermore the problem is compounded tenfold by the fact that modern science believes—erroneously—that it is speaking a universal language, for all peoples. It even believes that order and peace require a universal language.

Now, there is no such thing, nor can there be such a language, because life is pluralistic and plurilingual. We must obviously seek a common language, but this does not mean that it need be homogeneous. It must flow from a dialogue between all and cannot be concocted. This presupposes however that neither of the two interlocutors (nor that both together) believe their language can totally express the whole of reality.

We also caution against reducing Western language to a mere vehicle of communication, and to the language of modern science, which has a tendency to reduce everything to concepts and definitions. We then give the example of the words *culture*, *religion*, *the political*, *nature*, etc. This is where we make a distinction between words and terms. Words—in contrast to terms—express not only concepts, definitions, products of the intellect, but realities of a deeper order, beliefs and myths, i.e. realities that are unthought, un-defined, and which finally escape all reflective consciousness that can be mustered up. Words are not mere signs but symbols or symbolic (not metaphorical!) realities, which call for many various interpretations and which never exhaust our respective experiences.

It is in this sense that we propose to use the words Peace, Culture, the Political, Religion, Nature, the Person, *Guswenta*, *Kayanerekowa*, Pluralism, etc. Not as mere objects of thought but as experience and mythical realities that are unique and irreducible to *logos*. Thus we describe culture as being the encompassing myth of the human being at a given moment of space and time.

But a problem arises immediately. It is that science (the culture of modernity) reduces *myth*, i.e. the un-defined, un-thought, un-clear, non-ra-

tional, non-historical, to something which is unreal, fictitious, irrational. Culture is then reduced to a conceptual category, something objectifiable and systematisable, manipulable, negotiable, like an object. Similarly the country is reduced to a territory, the person to an autonomous individual and to a citizen, justice to legality, etc. The greatest obstacle to dialogue between Mohawk and non-Mohawk cultures then becomes the *logos*, rationality, modern science, which no longer acknowledges its constitutive limits, epistemological and ontological.

Applying all this to the notion of culture, brings us to stop reducing culture to being a system of meaning and signs, to something objectifiable. We can then delve into the forgotten deeper dimensions of culture, those of the order of the non-objectifiable *mythos*, realities of the mythical order, such as rituals, beliefs, faith as a constitutive dimension of Man and of any culture; but also the *logos* no longer as *verbum mentis*, product of the intellect, but as *verbum entis*, expression of the whole reality. And finally it brings us to the dimension of *ineffable experience* that every culture (as every person) is irreducible to its expressions and interpretations. In short, it means approaching the cultures here under consideration as deep dimensions of Reality, namely as encompassing elusive myths that are interrelated in the common horizon that they constitute.

It is here, at that deeper level of *mythos* (not of *logos*) that we find the possibility of a common language. The notion of interculturality then expresses that we have an essential need of the other in order to deepen Reality, that there is nothing in itself, nothing that is isolated. We are then very far from the notion of culture as enclosure, prison, particularity, provincial narrow views of life, etc. It is the encompassing myth. It has an integral character which is polysemic, even if it is unique. All of this and more is presented in the first issue which cannot be summarized here.

Issue II: Seeking a common horizon

In this second publication (No. 128), taking our inspiration and guidance from the indepth studies of PANIKKAR, and calling upon our own deep experiences respectively, we invite the reader to acknowledge and accept two new encompassing myths—among others—which are emerging in our times and which we still have difficulty—on both sides—to accept and to express as myths, namely the pluralism of truth and reality, and what we call here the intercultural imperative.

Of course pluralism is a fashionable notion these days, but one has generally a tendency to see it only as an intellectual or theoretical problem which calls for an intellectual and theoretical response. Consequently, many respond by presenting various ideologies, systems, social theories, like those of majority rule, democracy, a public common culture, or so-called universal / absolute values (such as rationality, scientific objectivity, the rule of law, etc.).

But pluralism, as it emerges today, is a much deeper phenomenon than that. It is an *existential* problem of disorientation and chaos which comes from the fact that we feel and suffer the incompatibility of our different and irreducible world views, and that pluralism cannot be an intellectual and

theoretical answer in the last analysis. And that by its very definition! In short, a problem which has a theoretical / intellectual solution is not a pluralistic problem.

In other words, one becomes aware that pluralism is truly a myth in the most rigorous sense, namely an ever elusive horizon in which one situates things in order to be aware, but without ever converting that horizon into an object. The myth (of pluralism) is therefore irreducible to theory.

One, in other words, begins to recognize the pluralism of Truth and of Reality, which amounts to saying that being in itself is pluralistic, and that Reality is irreducible to a monolithic unity, to a principle, to intellect or to the spirit. There are not many truths but truth is pluralistic. Reality is neither monistic, non-dualistic, but pluralistic, non-dualistic.

Which prompts PANIKKAR to say:

it is fashionable today to speak of pluralism ... yet few people seem to be aware of the radical revolution such a pluralistic world view entails if we draw the ultimate consequences. It amounts to forsaking one of the intellectual pillars upon which many a civilization has based its cultural constructs for at least twenty-five centuries; the harmonious correlation between thinking and being ... In pluralism, thinking ceases to be the controller of being. "Thinking cannot swallow Reality.

The second emerging myth—closely linked with the first—and which one has trouble accepting, or does not accept at all, is that of interculturalism, or what we prefer to call here the Intercultural Imperative. We distinguish it radically from multiculturalism and from the various pluricultural ideologies or political strategies which are rampant in the world of social science and of modern Nation-States.

This myth comes from the experience of the other, no longer as a mere non-ego or autonomous and sovereign entity, but as a *thou* which belongs to the *I*, as a dimension of a Self which is as much mine as yours, and which is neither my property, nor yours. It arises from the experience of *personhood*, i.e. that there is no *I* without a *thou* and without a *we*. One discovers that there is a constitutive interconnection, a radical relativity and kinship between every person, culture and dimension of reality. The relationship is one of non-duality which makes harmony possible, but a harmony *in* and *because* of our differences, not in spite of them. These are some of the things we try to explicate when speaking of interculturality as an intercultural imperative of reality.

Finally, in that same issue of the Journal, we underline the seemingly paradoxical necessity of both cultural disarmament and cultural authenticity at the same time, if one wishes to receive peace. To put it briefly, "in order to have peace, one cannot start with the presupposition that one knows what peace is. Neither before, during, nor after the process of peace."

In other words, "a pluralistic society can subsist only if it recognizes a center which transcends the understanding of any member or the totality of members at a given moment. If the leader, the party, the people are the absolute sovereign, there can be tolerance, but not pluralism or

interculturalism at the deep level of *mythos*. So if we do not together accept an unintelligible transcendent point or common horizon, then there is no possibility of authentic peace. There can be peace only if there is neither victor nor vanquished."

Issue III (No. 129): Seeking a possible method (40 pp.)

In this third publication, we are proposing a thematically new method to arrive at a re-enacted peace alliance. That is what we call, with PANIKKAR, the dialogical dialogue, i.e. a dialogue which refuses to limit itself to being a meeting of concepts, definitions, *logoi* (products of the intellect); in other words, we propose a dialogue which refuses to be reduced to a dialectical dialogue. "To restore or install the dialogical dialogue in human relations among individuals, families, groups, societies, nations and cultures, may be one of the most urgent things to do in our times, threatened by the dialectical opposition of ideologies."

We describe in detail the mutation that this requires in both camps. We call it the "mythico-symbolic consciousness." The latter is not reflexive consciousness and rational critique, but it is not opposed to the latter or to dialectical dialogue. We call it symbolic consciousness, the ears of the heart, the invisible light, the bridge. She allows us to penetrate into the non-isolation of everything. "It is a state of consciousness which allows us to communicate without exacting that we hold the same interpretation, nor that we have to say: we grasp."

We also speak of intercultural mediation, taking care to distinguish it from the conventional notion of "mediator," which in fact is nothing but one kind of an intermediary, a broker. The latter seems to us insufficient to strike an authentic peace alliance.

Finally, we come to a concrete recommendation of cultural disarmament, namely that of going beyond the political culture of modernity as universal frame of reference. This means, among many things, to move beyond the Westphalian frame of reference of political and international order as basis of dialogue, to move beyond the present international legal system, which is that of the exclusive club of some 190 States of the United Nations. It is, also, in a sense, going beyond Treaties, and taking very seriously the Mohawk/Haudenosaunee political culture in all its radical difference from the political myths and ideas of modernity and of the West. Now that is precisely what one has obstinately refused to do until now, for all kinds of reasons and presuppositions that could be summed up in our fear of discovering the other as an unknown dimension of our very selves, the fear in other words of being fully our Self.

That is, roughly, where we are at in our research. I have only sketched a few elements of our broader presentation. You may take cognizance of the substance of our research by meditatively reading these three issues, which constitute the first part of our research entitled: "The Intercultural Foundations of Peace."

FORTHCOMING RESEARCH

We still have two important parts to complete.

"Putting our own 'Western' House in order"

Just as the Mohawk/Haudenosaunee are going through a process of internal healing within their Nations and communities, all under the new emerging encompassing myths of pluralism and interculturalism, which they are experiencing, so the West needs also to enter into a process of internal healing also under this new emerging myth which the West is equally experiencing, although in a radically different way.

There is a major difference in the healing process in each case. Native Peoples have received the onslaught of cultural / religious colonialism only for the last five centuries, while Western peoples have been its victims for more than 2000 years. Hence often times their deeper alienation from their primordial selves and the greater difficulty in healing themselves and putting their own house in order. Hence also the need for a special chapter on putting our own Western House in order.

The task is a monumental one. Furthermore, it is a deep intercultural task where the West needs the help of primordial Native, Asian-African wisdoms. It has only recently begun. We shall not try to undertake such a task here in all its aspects.

We shall limit ourselves to taking together an intellectual distance towards what seems to us a major obstacle to dialogue and peace, namely the invading and reductionistic character of the particular public culture called modernity, development, the Nation-State, majority and representative democracy, with its notions of territoriality, objectivity, sovereignty, legality, individuality (private and collective), etc.

The cultural disarmament we shall propose necessitates that one abandon the evolutionistic mind cast, and the idea of the superiority of modern over traditional and ancestral culture. We shall also invite the Westerner to reconnect with his western primordial roots of personal and communitarian culture. We shall do so, not only through the awareness of a certain resistance on the part of his ancestors and contemporaries, but also by an awakening to his deep and integral Self here and now. We hope, through this internal healing to make it possible for the Westerner to approach the third and last part of this project: that of a truly intercultural dialogue with the Mohawk/Haudenosaunee. For the Westerner also must enter the dialogue in the dignity and pride of being who he is in his contemporary primordial (but not necessarily modern) authenticity.

"Concrete suggestions"

After all that, we hope that we shall all be better disposed to find together concrete solutions with regard to the nature of peace being sought, with regard to land tenure and to the political order itself. And to do so with due respect and reverence towards our respective worlds, without falling

into dualism, ghettos; or in a situation where there would be victors and vanquished, or where there would be a dominant culture which would impose its dictates through institutionalized violence or even through some majority group pressure. The task seems to be one of many generations to come.



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