Editorial

Seeing Situations As They Are

Human rights debates become stale when they begin to deviate from the realities faced by people. The Asian values debate is one such futile exercise as it is merely used by governments for political ends rather than as means t o respect human rights.

Discussions on how human rights can change people's lives for the better is the need. To achieve this, situations of people should be seen as they really are.

This rule applies to the question of human rights and culture. Human rights is not always consonant with the actual thinking and beliefs of people. This the reality. The problem here is not so much on the thinking and beliefs but on the means of linking them to human rights - enhancing their positive aspects while having sincere dialogue to whatever extent possible on the negative ones .

Seeing situations as they are creates therefore the space for the development of appropriate steps toward realizing human rights.

It is in line with this view that HURIGHTS OSAKA engaged in a research on human rights and cultural values in Asia. It is not the expectation that cultural values will automatically find convergence with the principles of human rights. Rather, it is assumed that both conflicts and convergences will be uncovered. And indeed conflicts and convergences abound in looking at the specific cultural values in Asian countries.

This research project will hopefully contribute to enriching the idea of human rights and clarifying areas for productive engagements with culture.

This issue of FOCUS Asia-Pacific features highlights of research papers that deal with the cultures in India and Japan. With limited space, much of the details and discussions in the research papers cannot be included. The same is true for the other research papers which will be featured in the next issues of this newsletter. The complete version of the research papers will be published soon in book form.

Indian Cultural Values and The Promotion of Human Rights

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India is a pluralistic and multi-cultural society where many faiths and belief systems regulate the life of individuals. India is not a Hindu society even though Hinduism is the religion of the vast majority of the people. In this part of the globe many religious traditions, both indigenous and foreign, have been established over the years. We have Buddhism, Sikhism, Bhakti cult, Sufi tradition as well as Islam and Christianity. Many religious gurus, law-givers, social reformers and statesmen have come to guide and influence the life and culture of Indians. The *Mahabharata,* the *Ramayana,* the *Bhagvat Gita* as well as the Quran, the Bible, the Guru Bani, etc., have molded the thinking pattern and consciousness of Indians. So also the Hindu caste system and the joint family pattern have a decisive influence on the followers of other religions.

Cultural Values and Human Rights

The struggle for human rights essentially reflects the concerns and requirements of modern human being whereas the cultural values operated in a traditional context where many of the agencies which at present account for the violation of human rights norms were not known. Since human rights is basically a problem between authority and the individual it is essential to examine the Indian understanding of the origin of authority.

a. Duty-First Approach

Broadly speaking Indian culture never saw the individual and society as antagonistic to each other. The Hindu vision was that of an orderly society, with each individual doing his assigned job. The individual and society were viewed as two complementary and incomplete entities tied to a relationship of mutual obligations, a commitment which was essential to ensure the well-being of all. Those who acted as the guardians of society and worked out the delicate nuances and detailed network of the social order were neither concerned about, nor even conscious of, the concept of human rights. They were more commercial about the moral dimension of a human being's activities than the legal aspect. Much emphasis was placed on the understanding of society from a moral perspective. Of course this understanding was highly elitist reflecting the brahminical vision of a perfect society. However, this is not to deny the existence of a legal framework and law books to regulate social relationship at various levels. Those were of different nature and have nothing to do with the present concept of Rule of Law which is the main vehicle to ensure the equality of all -- a fundamental objective of the human rights movement.

As regards the origin of the government (authority), the Hindu tradition believed in a supernatural source. According to it, human beings in a state of defenselessness and social disorder appealed to the gods. The gods appointed a king in their own image and on their behalf whose task was to protect the people and maintain law and order. In return, the king would claim a share of one sixth of the produce. The caste-based social order also emerged from this divine source.

In terms of well-codified norms and level of the people's consciousness, the notion of human rights did not exist. But in terms of implications, i.e., ensuring a person's protected position, one can say that people enjoyed their rights. Thus in the Indian culture rights flowed from duties. The performance of one's boundless duties in accordance with *dharma* (duties) ensured the rights of another. Non-adherence to the neatly defined and minutely worked out duty code would lead to a state of anarchy in society which would destroy the individual himself.

Another dimension of this duty-first value system of Indian culture is that since the emphasis on rights leads to conflicts and claims of one's own due, the architects of society and its law-makers, probably sought to avoid a scenario wherein each one would be fighting for his rights. Such a situation would have resulted in an anarchy defeating the very purpose of arranging a stable social order.

b. *Nishkama Karma*

Another dictum of the Gita which has taken deep roots in the Indian mind is *Karmanye badhika rastu ma falesu kadachan.* That is, one must go on performing one's duties without being worried about the rewards or the results. One finds most of the Indian parents consoling their children by citing this Gita bani in the event of the latter's failure in any endeavour despite hard work and sincere efforts. The habit of conformism ruled out any scope for challenge which is the main vehicle to ensure one's rights. Further, the concept of an individual was also not there. The individual as an individual had no identity as he essentially belonged to his family group, caste or sub-caste, etc. Each individual is called upon to perform his duty without being concerned about the reward for or consequences of such an action -- *nishkama karma.*

c. *Ahimsa* and human rights

Ahimsa can be identified as another key Indian cultural value which ensures rights by implication and interpretation. Since the concept of *ahimsa* emerged out of a very healthy Buddhist tradition, it is essential to understand the Buddhist theory on the origin of government or authority. The Buddhist theory did not believe in any divinity. As opposed to the Hindu tradition, it was rooted in a republican mold. It talked about a "golden age which gradually decayed through the institution of private property and other social evils". As a result, the people assembled and elected one from among themselves to rule over and ensure an orderly society. This has various implications. The ruler is a chosen representative of the people and not a monarch appointed by God with absolute powers. Thus the emphasis is on the sovereignty of the people which naturally leads to a stress on the rights of the individual in society. Even though the idea of the sovereignty of the people remained central to the Buddhist political philosophy, it could never be developed into a theory of the rights of the people (Romila Thapar 1985). May be it was not necessary then. Nevertheless *ahimsa* , which gives every life a right to live, is a reflection of the belief in the sovereignty of the people.

In a broader sense, *ahimsa* means much more than non-

violence. It means not hurting anyone or any life both physically and psychologically. Basically it is a negative concept from which flows a positive value, i.e., protection. *Ahimsa* aims at ensuring and providing a protected existence to every one free from mental and physical violence and it is here that the basic postulation of *ahimsa* coincides with the main concern of the present human rights movement worldwide.

Points of Convergence and Conflict

India's cultural canvas is large and mosaic and its heritage runs into several centuries. It is myopic to think that such a complex and varied culture would bequeath only positive values. It is true that certain values in Indian culture are contradictory to, and violative of, many articles in the UDHR. Yet there are many others which are similar to and supportive of many of the articles contained in the Declaration. Hence the relationship between Indian cultural values and the UDHR is both conflicting and complementary at the same time.

a. Hinduism

The Hindu tradition does not believe in the concept of equality. The practice and prevalence of inequality has both the divine sanction and the sanction of the Law Books or the *Dharma Shastras*. There is no equality before the law or equal protection of law is not there since society has been arranged through a rigid system of social hierarchy based on caste. In the context of human rights, the Hindu caste system which enjoys a pan-Indian presence assumes an added importance. It plays an important role in the stratification of Indian society. By its very nature, the caste system goes against respect for an individual's dignity (Article 01), right to recognition as a person (Article 06), right to freedom of opinion and expression (Article 19). Further it has a racial origin since a person's caste is determined from birth itself and on the basis of colour. For instance, an important verse in the *Mahabharata* explains the linkage between caste and colour. Bhrigi explains the nature of castes to *Bharadvaja* as follows: "*Brahmins* are fair, *Kshatrya*s are reddish, *Vaishyas* are yellowish and the *Shudras* are black (Mainstream, Sept. 21, 1996). This racial division violates Article 02 of the UDHR.

The Hindu tradition has been following a peculiar approach as regards religious freedom. While all other above mentioned rights were denied to the individual explicitly, the right to religious freedom was granted implicitly. Hinduism does not believe in monotheism. It is often described as a way of life allowing enough flexibility in the forms of worship and gods, the fundamental goal of Hindus being salvation (*moksha*) or liberation from the cycle of existence.

b. Buddhism

The basic tenets of Buddhism are non-violence (*ahimsa*), non-hatred (tolerance), service, compassion, friendliness to all and personal morality. Buddha rejected the unequal caste structure. Arising out of its stern and unwavering ethical code, Buddhism emphasized the unqualified supremacy of moral law over politics. Law should be for the welfare of all humankind and not merely for the welfare of a powerful elite. Further, as said earlier, the Buddhist theory emphasized the quasi-contractual nature of the beginnings of government and on the sovereignty of the people which is more or less similar to Article 21 of UDHR. Such a republican background naturally contained an individualistic tradition within it with a strong support for the kind of social and moral attitudes implicit in human rights. Even though it had to contend with the trappings of a caste society, the rights of the individual were given due stress.

Apart from a strong emphasis on the broad concept of

equality of all human beings, many provisions in the Buddhist tradition are akin to some of the rights found in the UDHR. For instance, the Buddhist tradition regarding education was in striking contrast with that of the Hindu tradition. The Buddhist monasteries were open to persons of any caste. Still more important was the fact that the syllabus had a wider range and contained disciplines of practical interest unlike the Hindu syllabus which was mainly aimed at training the *brahmins* in the elite language of *Sanskrit*. As a result, the introduction and spread of secular education for all became one of the most significant contributions of Buddhism. Various organized universities were established under the direct impact of Buddhism.

c. Bhakti Movement

In medieval India there were many folk religions/sects subscribing to the heterodox opinion which challenged brah-

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minical orthodoxy. Most of these movements operated at the regional/local levels, though the influence of their teachings did spread to various other parts of India. The most prominent and well known among them is the Bhakti movement. Bhakti, the path of devotion, implies a belief in the supreme person not in supreme abstraction. Hence it is a very simple and straight forward philosophy or belief. The propounders of Bhakti emphasized the devotion to a personal God as a means of attaining salvation (*moksha*) as opposed to the pathways of action (*karma*) or knowledge (*gyan*).

The common feature of all these preachers, from the perspective of human rights, is that all of them challenged the unequal caste system and racial division and segregation. They spoke and wrote in Hindi and not in Sanskrit which was the special preserve and prerogative of the upper castes. They gave the utmost importance to human equality and freedom, communal harmony (especially Kabir) and universal tolerance. Further, they struck at the very roots of Brahminical orthodoxy by rejecting superstition and ritualism.

d. Sufi Tradition

Sufism came to India in the medieval times. The first Sufi teacher, Khwaja Moinuddin Chisti, came to India in 1193. The early Sufis took their ideas from the *Qur'an* and the traditions of the Prophet. But they gave a mystic representation to the verses of *Qur'an* and the teachings of the Prophet.

Like the Bhakti saint-poets, the sufis too rejected the artificial division of society into various strata based on caste and other considerations. Muhiyudin Ibn Arabi, the great Sufi Saint, founded the doctrine of *Wahdat al-wujud*, oneness of being. This doctrine carried many far-reaching implications. It considered all human beings, and in fact, all created beings,

as manifestations of God. Ibn Arabi used to say: "My heart is a mosque, a Church, a synagogue and a temple".

The Sufis also practiced full equality between the sexes. Among the women saints, the universally revered Rabi'a al-Adawiyya was a Sufi par excellence. It is said that the Sufis value women as much as they do men because they believe in nothing less than the unity of God. "In this unity", Fariduddin Attar asks: "What remains of the existence of "I" or "thou"? So how can "man" or "woman" continue to be?" (Asghar Ali Engineer, Times of India, February 5, 1997).

Viewed in its totality, the Baul philosophy comes close to the broad ideas of UDHR - equality and freedom

e. Baul Movement

The Baul movement, which traces its origin to the fall of Buddhism and Vaishnavism, is mainly confined to Bengal. The Baul philosophy emphasizes the simple human being's search for God. Literally Baul means *Vayu* or wind. The followers are called so because they are like free birds moving anywhere and in any direction they like, without being tied to any religious tradition. They reject the caste division. Neither do they worship any particular deity nor do they believe in going to a temple or mosque. They sing, "what need have we of other temples when our body is the temple where our spirit has its abode?" They believe in an absolute normal worldly life.

Viewed in its totality, the Baul philosophy also comes close to the broad ideas of the UDHR -- equality and freedom. Its rejection of the caste-based stratification presupposes its rejection of the principle of discrimination on the basis of one's social origin, caste, colour or creed. Its non-adherence to any particular religion respects one's right to religious freedom. One can extend this logic a little further to discover a secular dimension of the Baul ethos. By leaving religion to the absolute free choice of an individual it seeks to keep it as a private matter indeed.

f. Sikhism

Sikhism was founded by Guru Nanak who was a brilliant product of the Bhakti movement in northern India. Kabir's teachings had a deep impact on Nanak as also the Islamic and Sufi ideas. Like Kabir, Nanak found a common link between Hinduism and Islam. The term "*Sikh*" has been derived from the Sanskrit word "Sishya", meaning disciple. Sikhism is also a religion of the common person. It is known for its simplicity. Nanak conceived of God as formless Nirakara and rejected idol worship and superstitious beliefs. Nanak wanted to found a new religion which could combine the teachings of Hinduism and Islam.

From the perspective of human rights, what is important is the fact that Nanak spoke of, and believed in, the equality of all human beings and rejected discrimination or distinction on any ground -- religion, social standing, colour or even sex. He was the harbinger of Hindu-Muslim unity. He initiated the tradition of community kitchen or Guru ka langar to highlight the egalitarian philosophy of Sikhism.

g. Islam

Islam is not of Indian origin. It was first brought to India by the Arab traders on the west coast, but later it spread to other areas with the conquest of the north west. The Muslim conquest of India and the advent of Islam had a deep impact on the religions and culture of India. So much so that despite being of foreign origin, Islam has become the second most important religion today.

Islam believed in the most important of all the rights of each human being -- the right to equality, irrespective of caste, creed, colour, race or descent. The Prophet himself made an important declaration regarding the equality of humankind, more than thirteen hundred years ago. While delivering his "Farewell Sermon" to a large gathering at Mecca in 632 AD, i.e. a few months before his death, he said:

> *"O mankind, the Arab is not superior to non-Arab, nor vice-versa; the white has no superiority over the black nor vice-versa; and the rich has no superiority over the poor. All of you are Adam's descendants and Adam was made of earth."*

Islam also respected an individual's right to religious freedom (Article 18).

At the day-to-day existential level, the provision of Ramzan fast provides a good example of ensuring the protection of many rights, though by implication, contained in the UDHR. The Ramzan fast, which the *Qur'an* makes mandatory for all devout Muslims, is basically a "lesson in self-restraint". It awakens "the sense of humanity in all humans". It teaches the individual to master the art of self-discipline and cultivate greater human virtues like compassion, serenity, mercy, equanimity. In a word, it provides a course of training that would enable a devout Muslim to "lead a righteous life".

h. Christianity

Christianity is believed to have arrived in India during the first century after the birth of Christ. There is a tradition which believes that Thomas, one of Christ's Apostles, reached India in 52 AD. Like Islam, the advent of Christianity also had a deep influence on the Indian social life due to its emphasis on and belief in the equality of all human beings, tolerance, love, and brotherhood. It even teaches: *"Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despise you and persecute you."*

Such laudable prescriptions provide no room for the infringement of an individual's right to life, right to profession, right to follow a particular religious faith, right to be treated equally before law without any discrimination, right to marry and found family, as also other rights. It also cannot tolerate slavery (Article 4) and cruel or inhuman punishment to anyone (Article 5).

i. Reform Movements

With the advent of western liberal ideas in the nineteenth century, there followed a spate of reformist movements in India aimed at renovating and rationalizing the unequal Indian social order. Of particular importance, from the UDHR perspective, are the Brahmo Samaj movement of Raja Rammohan Roy, the Hindu spiritual movement of Ramakrishna Paramahansa and his illustrious disciple, Swami Vivekananda, the Prarthana Samaj of Mahadev Govinda Ranade and the Arya Samaj of Swami Dayanan Saraswati.

The basic approach of all these movements was the attack on religious orthodoxy and emphasis on progressive values. They began to advocate radical social reforms which challenged the prevailing social practices. Rammohan Roy denounced the evil practice of "*Sati* " (Article 16). Keshabchandra Sen, his follower, advocated more radical

social changes. He denounced child marriage and polygamy, and championed the emancipation of women and advocated widow remarriage. These ideas correspond to Articles 16, 3, 4, 5 and 25 of the UDHR.

Ramakrishna Paramahansa was a great champion of religious freedom or the right to freedom of thought, conscience and belief (Article 18). To drive home this point, he even practiced other forms of religious belief such as Islam and Christianity. Swami Vivekananda sought to interpret the Hindu spiritual concepts in the light of modern rationality and progressivism.

Status of the *Dalits*

It is the most unfortunate and inhuman tradition of Indian culture that due to the predominance of the Hindu caste system, the *dalits* (who are officially known as the Scheduled Castes or whom Gandhi used to call *Harijans*) always operated outside the societal framework, leading a life of social segregation. The caste structure, as has already been said, consisted of four castes and the *dalits* were not part of it. From the very birth, they were being assigned to all sorts of menial jobs starting from scavenging to working as labourers in the lands of the dominant landlords. This practice of confining the *dalits* to a particular profession, place of settlement and a degraded social status amounted to a violation of human rights. At the same time, their exploitation by the dominant land owning castes had the approval and sanction of the socio-cultural context in which they operated. Secondly, there was no awareness among the dalits about their rights as human beings, on par with the other sections of society.

During the freedom struggle, the *dalits* came to realize their dignity, wealth and importance though not necessarily their rights. Gandhi was deeply aware of, and very sensitive to, the question of untouchability and the suffering of the *dalits*. He sought to increase their social status by identifying himself with them and addressing them as the children of God or *Harijans*. He almost carried a crusade against untouchability and the amelioration of the living conditions of the *dalits*.

B.R. Ambedkar, a *dalit* by birth and the main architect of the Indian Constitution, took up the cause of the *dalits* during the freedom struggle itself. But there was a fundamental difference between Gandhi and Ambedkar in their approach to solving the problem.

After independence, the leaders made several provisions in the Indian Constitution to remove this evil from Indian society and to ensure the all-round upliftment of the *dalits*. Article 17 abolishes the practice of untouchability in any form. This is a fundamental right which means that if a *dalit* finds himself handicapped in any sense, due to the enforcement of untouchability, he can directly seek legal remedy from the Supreme Court. In addition, Parliament has been enacting several laws from time to time, chief among them being the special provisions for the Scheduled Castes. Despite all these legislative measures and constitutional provisions which guarantee a *dalit* all the rights mentioned in the UDHR, much remains to be done at the grassroots level where the *dalits* still face discrimination, atrocities and harassment in various forms.

> **The heterodox traditions which challenged the Hindu vision of social order has always highlighted the equality of human beings and other values such as compassion, non-violence, tolerance, human dignity, etc.**

Conclusion

The duty-first value system is an important positive aspect of Indian culture which needs to be highlighted. This implies that in this modern age of representative government and Rule of Law, the government and its agencies should perform their duties well and faithfully so that the citizens can enjoy their rights. The example of the duties of the King in the ancient period should be cited to highlight the responsibilities of the institutions and individuals which have been entrusted with the task of governing. Another aspect of the earlier monarchical phase and the caste system was that the non-performance of *dharma* was accompanied by *danda* (punishment). In today's context it is the courts which act as watchdog and compel the other agencies -- the executive and the legislature -- to do their duties.

The heterodox tradition which challenged the Hindu vision of social order has always highlighted the equality of human beings and other values such as compassion, non-violence, tolerance, human dignity, etc. The young Indians must be reminded over and over again about what Rabindernath Tagore said: "The Sakas, the Huns, the Pathans and the Mughals all have merged into one body."

In today's India, which remains divided over religious and communal differences, a fundamental duty of the human rights movement (this should include both the non-governmental and governmental agencies) is to enter into a dialogue with various faith and sectarian movements. A continuous interaction and exchange of ideas between the two would go a long way in dispelling many of the misgivings which ultimately result in violent and abnormal human behaviors. No religion talks about intolerance and violence. The main emphasis of all religions is on the broader and brighter sides of human life like tolerance, co-existence, brotherhood and fellow feeling, etc. These values need to be collectively highlighted and inculcated.

At the negative level, attention should be on three areas: the place and position of women as conceived in India's culture; the caste ideology and untouchability; and the evils of poverty, ignorance and illiteracy.

A culture of human rights cannot flourish in an unilateral way. One cannot have just rights and no duties and responsibilities towards society. Similarly one should not be expected to go on shouldering only the responsibilities of the burdens of society.

Culture, Women and Human Rights

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In India, culture manifests itself within the multiple contexts of caste, religion and class. Therefore, any attempt to look at culture as a homogenized entity would be erroneous to begin with. The diversity contained in what is called Indian culture indicates high degrees of interaction, assimilation and integration for all communities in the lived sense.

Even a cursory look at daily life of any section of Indian society will reveal the continuities between various kinds of cultures and the experiential basis of these continuities. Thus when I look at Hinduism or Islam in this paper I make a distinction between the two only at the level of scriptural differentiation. I do not believe that a pure pristine Hinduism or Islam exists in India, neither do I refer to these as monolithic categories.

Religion and culture both cannot be viewed outside of social contexts. Therefore, we find across the length and breadth of the county that cultural practices vary according to social patterns that have been historically and geographically determined to a very large extent.

Hindu culture

Colonial rule has been part of the Indian cultural context and has had many implications for the existing cultures in India. It is difficult to overlook so many years of history when dealing with culture even in a superficial sense.

The British expressed horror at the brutal and 'uncivilized' tradition of *sati*. Despite this, *sati* was legalized by the British in 1913 in so far as it had the 'consent' of the widow. This, commentator Lata Mani argues, in effect endorsed Bengali Hindu Brahmin notions of wifehood. The British, after all, did ostensibly follow the policy of abstaining from interference into all religious matters. All they did was intervene administratively.

Some commentators like Sunder Rajan point out that Indian feminists need to move on from the simplistic presumption that women are always forced into *sati*, just as orthodox opinion needs to reject the belief that all such acts are voluntary. Culture embraces many complexities: the individual impulse does form one part of such complexities. The question of taking a stand on *sati* is not being debated here. The point is that just as the British refused to grant subjection to women, women's groups should not disallow agency to women.

In my opinion this argument cannot be stretched too far. For it does allow for a relatively uncontested acceptance of the secondary identity granted to women in patriarchal society. It is possible that when women voluntarily commit *sati* they are acting on internalized notions of this secondary identity. However, the discussion on *sati*, ranging from colonial times to the present, is beset with many nuances.

What does it portend for women's human rights in India? Firstly, the act of *sati* is placed within a certain notion of womanhood, certain principles of identity that are purportedly culturally accepted in India. A deeper examination will reveal that these notions of womanhood and identity pertain only to a small section of Hindu society. Besides, they are being drawn from a selective reading of scriptural texts.

This process of selection belies other elements that are to be found within the same religious traditions e.g, the notion of *shakti*. For the moment I only wish to point out that the need to hegemonize some concepts over others arises in the context of a ground reality that threatens male authority and domination.

From the human rights point of view, *sati* symbolizes a reduction of women's identity to marriage and wifehood. It says in the crudest of ways that women cannot/should not live outside of marriage. *Sati* is therefore unequivocally, a crime. It brings into play the entire range of patriarchal controls on women's sexuality and personhood. Neither the British nor the Indian state has a problem with this in any real sense. The benevolent patriarchy that both wish to impose on women is only a shade different. Both have the same objectives ultimately. Both are therefore violative of women's human rights.

The fact that women have internalized such patriarchal notions and acted upon it does not relieve them of the burden of the injustice it perpetrates on women. Even if women choose to experience this particular 'pain' to move on to 'no-pain ", it does not detract from the criminal nature of the discrimination against women that leads to the opening out of choices that violate their own rights, even if they commit it themselves. In order to view women as subjects we also need to examine the context in which women make certain choices and ask ourselves whether the choices would have been different had the context changed. It is not to deny women

agency that this distinction need to be made. It is to examine the text of the agency itself that we need to go into this.

Women have and always will use tradition in a manner that enhances rather than reduces their individuality and their autonomy. We shall see how the spirit of women's resistance lived even in times when 'tradition' held sway. It is this that will strengthen the movement for greater dignity and equality for women.

Well-within the Hindu traditions of poetry and literature was the 18th century Telugu poet Muddupalani. She was a *ganika* (dancer, singer, poetess) in the court of Pratapsimha who ruled over the Southern kingdom of Thanjavur from 1739 to 1763. She traced her literary lineage through her grandmother and her aunt.

In 1910 Bangalore Nagaratanamma, herself a *ganika*, decided to edit and reprint her Radhika Santwanam. She raised an uproar. Muddupalani was called an 'adulteress', a 'prostitute' and so on by critics two centuries later for the 'crude descriptions of sex' in her poems.

This account of Muddupalani's art and Nagaratanamma's attempt to restore it to Indian literature is extremely interesting. It indicates the multiple forces at play when a woman chooses to assert her right to produce literature that allows her to go beyond the boundaries of the sexual expression drawn up by patriarchy in both nationalist as well as colonial thought. More importantly it speaks of a Hindu tradition which allows for such a thing for Muddupalani was in her own time a renowned poetess and dancer. She had an impressive reputation in the cultural context of the 18th century.

It is exciting news that the Hindu culture could create and sustain such poetic excursions (specially today when even the slightest deviation from permissible limits is bound to raise controversy. Besides, the permissible limits are shrinking at an alarming rate at the behest of self-proclaimed proponents of Hindu culture). And that women like Nagaratanamma would come to appreciate such literary expression so many years later.

Which is what I was referring to when I said that the spirit of resistance lived and passed on from generation to generation.

Relocating traditions of women's assertions within the folds of Hindu religion as it were, allows us to build and shape alternative constructions that are as rooted in Indian culture as any other construction is

Within the Hindu traditional map there are many such examples of women who chose to define themselves within the cultural parameters of the community without compromising on their own quests, their own truths. Conservative opinion, moral orthodoxies of the British and the nationalist mind-set alike disapproved of such expression/assertion on the part of women.

The reason being that each of these women combatted successfully all the notions of womanly propriety that each agency sought to impose as a hegemonic ideal on women. Indeed, it remains a question as to whether modern India will tolerate such creativity or imagery any more.

The context has changed again: the gloss of modern sophistication conceals a deep conservatism, a trenchant chauvinism and a rabid fear of female sexuality or creativity. This recurs precisely because women have repeatedly pushed against the boundaries that seek to enslave them. In the monolithic Hinduism that is being created today (television being employed very systematically in this endeavor) very carefully constructed images of womanhood are being thrust upon society. There is no place for women like Muddupalani in such portrayals. Relocating traditions of women's assertion within the folds of Hindu religion as it were, allows us to build and shape alternative constructions that are as rooted in Indian culture as any other construction is.

I think it is important to realize that religion even within its discriminatory framework did open up ways in which women could move toward their emancipation. The fact is that some women did seize upon those elements within oppressive religious frameworks to embark upon a path that signified freedom. It is that action that is important whether or not they questioned fully or even partly the biases embedded in the social and religious contexts of their time is perhaps not all that relevant. For it was the individual assertion that formed the content of their struggle. In stepping out of the prescribed bounds for women, Mirabai (a famous woman poet) challenged and to a great extent defeated oppressive structures of caste and gender.

Shakti embodies the ultimate female power in Hindu cosmology. She creates and destroys, she exhibits a fierce power over all of creation. *Shakti* is, some argue, at the core of all Hindu frameworks: in short, the feminine capacity to create, destroy, nurture is the determining principle of Hindu cosmology, influencing social ethos considerably.

Shakti, the mother goddess, is called upon to protect cities, human beings and all life on earth. She is feared, she is appeased. *Shakti* also, at the other end, symbolizes uncontrollable female power, unbridled female sexuality: it is the fear of this power that calls for social and moral structures to impose controls on women. For, without such restraint women would rule human existence. More significantly, they would possess the capacity to destroy human existence.

Thus we have a justification of oppression of women, the extremities of this oppression does tempt one to detect a deep sense of fear of femaleness. The roots of this imagery, of this perceived essence of womanhood, does lie in the Hindu conception of *Shakti*.

Folktales drawing upon oral tradition and with many women-centered tales draw upon the *Shakti* principle for the narrative. A deeper examination of these folk tales will reveal, no doubt, more about symbolism around *Shakti*. It would be worth it to undertake such a study to understand the ways in which popular Hindu consciousness is shaped around fear, awe and admiration of *Shakti*.

Islamic culture

The Muslim community in India is not a homogenous body of people emanating uniform responses or basing itself on one set of norms that remain similar throughout the length and breadth of the country. There are several interlinked and disparate layers within the community with differing interests.

At a basic level, the Muslim community is not exempt from class/caste divisions that characterize the social sphere in India. In that there are similarities within the community that correspond largely to other communities.

There is no pan-Indian Muslim identity. Ascriptive status gives rise to similarities that form the surface of many discontinuities. A deeper rootedness is to be found in the immediate environment that each Muslim woman and Indian partake of and contribute to.

In India, the bulk of the Muslim population belong to economically and socially vulnerable strata. Education and employment among Muslim women is low in a general sense, though there are regional variations. Caste Hindu society has influenced Muslim cultures in India in many ways.

Contrary to populist construction of the Muslim woman, *purdah* is not widely practiced all over the country. It is only in some regions that it continues to be part of the dress code for women. In many areas women rarely wear the *purdah*. There are many such observations that can be made about the Muslim woman in India. In general, it is thought that Muslim women are a pitiable lot crushed by the unbridled patriarchy of Islam.

We can look at the laws that govern Indian Muslim women with a critical eye for its limitations as well as the possibilities that lie within it.

For example, marriage is referred to as a contractual relationship between adult men and women. Consent of the woman is mandatory: no marriage can take place without such consent from the woman. *Mehr* or dower is also mandatory.

Let us not confuse the injunctions of the *Qu'ran* with Indian reality. Sure enough, Muslim women do suffer from the consequences of belonging to a class, caste-based society which allows them minimum control over their lives. In that

sense, a positive potentiality in the law does not always translate into a positive reality for Muslim women.

Nevertheless, what can be stressed in the context of reclaiming human rights for women is that there is a continuity in the most basic aspects of the cultures that Muslim communities root themselves in. Consent, for example, grants women personhood and autonomy. Muslim women have made use of this in many ways. The matter of consent is also a very complex matter: it can be manipulated easily. Despite that, for what it visualizes women, the clause of consent is very significant.

Similarly, we can see the ways in which *mehr* has become a rallying point for Muslim women in the northern states of Uttar Pradesh and Delhi. Many women's groups that see wisdom in asserting their rights within the religious framework are demanding an increase of the *mehr* amount. The contractual nature of the marriage allows divorced/widowed women to be free of the social stigma that has been institutionalized in the case of Hindu women.

Triple *talaq* or unilateral divorce is the most widely known form of divorce that is granted by the law, quite apart from the fact that in most Islamic countries triple *talaq* has been banned. It is not the only form of divorce that is possible. The *Qur'an* does not look upon unhappy marriages as a satisfactory state of things: it therefore allows for both parties to opt for a divorce. Women have been unequivocally granted the right to initiate a divorce.

On the face of it, the *Qur'an* can be interpreted as a reflection of patriarchal attitudes. But, on the other hand, it has to be admitted that in comparison to the Judeo-Christian legacies that it is rooted in, it does offer women many possibilities. It is a step forward in that sense because it represents a different point in history. It is therefore a document that has dealt with some of the rigidities of the past. Many feminist Muslim writers have commented on the social and political visibilities of the women in that period. These women, some of whom are the prophets' wives and colleagues, are often the sole models for women in India and elsewhere.

If this is beginning to sound like a very simplistic rendering of what the *Qur'an* stands for I hasten to add that all of this is rooted in many complexities. The *Qur'an* lends itself to many interpretations. But that very fact gives Islam a flexibility that can be profitably used for the purpose of securing human rights for women.

When working within religious and cultural frameworks it is clear that women would have to contend with some or the other form of patriarchal control and discrimination. That precisely is the challenge: the very reclaiming of women's rights from religion and culture (the two are not to be coalesced into a singularity even as one influences the other). If that is acceptable then it is also clear that Islam offers many more possibilities and is much more flexible than many other institutionalized religions.

Japan and Cultural Development in East Asia - Possibilities of a New Human Rights Culture

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The Origins of the Mainstream JapaNIEs Cultural "Order "

The mainstream culture of Japan and the East Asian Newly Industrializing (NIE) countries is characterized by its adoption of Western values related to economic progress and modernization through a process where the pre-existing Pax Cinica "majority"culture provided the necessary cosmological framework which enabled the states in the center of this region to integrate themselves more easily on the Western modern world system and "modernize"themselves more easily than others.

This cultural orientation accepts whatever cultural element perceived as "modern". It rejects "occults"and "occludes " all cultural values, attitudes, and realities which stress any kind of self-closure that refuse integration in the international division of labor. It deligitimizes all cultural attitudes and traits, and discriminates against all peoples whose lifestyle is seen as pre-modern, "traditional"and "feudalistic". This modern industrial culture is promoted by the states and the firms, or more precisely by the technocrats of both modern institutions sometimes called the "technostructure". A World culture is assumed, according to the "good message " propagated by the modernists, to be bound to erase all sequels of the past non-Western cultures as far as they constitute obstacles to the globalization of the market.

Now, the JapaNIEs model [1] seems to have taken a different direction. In Japan and in the East Asian NIE countries, this economic progress, i.e. industrialization-oriented culture, has been imported by these non-Western societies. And a process of exogenous development, inter-changeably called modernization, industrialization and westernization, followed. But this did not mean a total westernization of their culture, and has reinforced some of the pre-existing cultural elements inherited from Pax Cinica culture.

For the moment, Japan and the East Asian NIEs, which have succeeded in keeping at least some of their cultural traditions, are the only non-Western countries which are considered to have achieved, or are in the process of achieving, "development". The modernization theorists expect all other non-Western states to follow suit, but they assume that the traditional cultural traits will gradually disappear as these countries become fully modern. At the end, all of them will become fully modern, i.e., Western, adopting all the key values and institutions of the West both in their economic and political sectors.

However, it is clear, as it is more and more recognized by researchers of various disciplines, that Japan has industrialized but not Westernized. Its capitalism is quite different from the Western version, and is not based on the formal concepts of the individual, etc. It has accepted selectively only the concepts associated with the state, economic wealth accumulation, and technocratic rationalism. Even if the East Asian NIEs were to follow the path of Japan, they will develop quite

different versions of capitalism - basically state-dominated, collectivity-oriented, and authoritarian - even though they build more or less liberal/democratic institutions depending on the cultural mix they work out between exogenous and endogenous factors. The same situation is true if other non-Western societies were to follow the examples of Japan and other East Asian NIEs. The examples of Japan and the East

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Asian NIEs cannot and will not be imitated. But their experience may provide some useful clues about the different problems the imitating countries will have to face, and the range of alternative cultural development they may choose from.

The adoption of western concepts and institutions by the non-Western societies, especially Japan and the East Asian NIEs, was highly dependent on the culture which pre-existed in each specific society. In general, the adoption process was:

a. highly selective often based on conscious choices by the state and the leading "modernizing"elite. For example, there has been combined effort by the state and the industrialist sector supported by it to "modernize"political and economic institutions, to "educate"the people to accept these institutions as part of the "national project" and to develop cultural patterns guaranteeing the good functioning of these institutions. This state-led process took place twice in Japan - following the Meiji Restoration of 1868 and during the American Occupation after Japan's 1945 defeat;

b. it is impossible to overlook the importance of cultural consonance [2] which determined the cultural elements accepted by the people. Western values and attitudes were accepted because they are in harmony with some of the pre-existing cultural factors of the society. To take again a Japanese example, inspite of the translation into Japanese language of works of encyclopedists, British liberals, Marxists and Anarchists, the mainstream Japanese choice rejected any

moral system stressing individualism, liberty and social protest. Faithfulness to the existing power, social harmony, conformity, industriousness, dedication to the collectivity, in brief all Confucian values, were strengthened by the introduction of Western ideas including Prussian/German state-centered constitutionalism in political thought resembling Confucian emphasis on the state and bureaucracy, social Darwinist competition based on Confucian meritocratic principles, and hard work based on Confucian virtue of dedication. What were the pre-existing cultural traits which enabled Japan and the East Asian NIEs to make their selection? It was, in brief, the Confucian bureaucratic tradition that was constant with the Western bureaucratic culture and thus provided an ideal preparation for modern technocracy;

c. the selective acceptance of Western concepts and institutions was, therefore, not at all an unconditional and genuine "westernization". Under the cover of Western formal values and institutions, endogenous cultural values, attitudes and cosmologies survived often in "modern" reformulated manner. They are officially recognized when they supported the efforts of the state and of the "modernizing" elite to industrialize the society. Otherwise, they are deligitimized and forced to take an "occult" form. The political, economic and social life of these societies, developed a facade of liberal-capitalist and parliamentary-democratic institutions. But behind it, they kept alive cultural elements inherited from the traditional extended family values, ideologies, and cultural patterns often quite alien to the "modern" official values and institutions. For example, the Japanese political system and parliamentary "democracy", both in their Meiji and post-World War II versions, were based on pseudo-familial faction politics with strong communal roots, and boss/underling allegiance quite different from the individualistic modern political parties which solidarity is supposed to be based on the agreement among party members about a common platform;

d. different interpretations of the formal exogenous concepts, reformulated within endogenous cultural contexts, were held by different social forces and cultural schools of thought, and a complex dialectical process opposing them led to the emergence of quite a variety of versions of "modernity". It is wrong to imagine that a monolithic process of modernization took place. There have always been in these societies intellectuals, especially university students, constituting anti-systemic movements. Their open activities have been especially reported in Japan and South Korea. They also exist in other East Asian NIEs but under fierce suppression. Even within the established system, there was a certain kind of political cultural pluralism. For example, during the worst days of Japanese militarism, there was (aside from the official ultra-nationalists) a conservative political culture (though of a more rational version) even about the role of the "Emperor". We must not forget the pluralism which exists in different arts. In "modern" (i.e., Western style) fine arts and music, the painters and composers tried in different degrees to introduce Japanese themes and techniques. There were also artists who tried, though not always successful, to introduce "modern" concepts and developed new Japanese "koto" music and "avant guard" calligraphy. The popular culture developed musical styles using Western instruments and harmony to express their enthusiasm and sadness in coming to the big industrial cities;

e. the process of transformation in Japan and the East Asian NIEs were not self-contained in each of them but rather resulted from a complex interaction among domestic and international factors. The introduction of Western concepts such as "nation" , "freedom" , "democracy" , and "human rights" mobilized anti-systemic intellectuals and other social strata in the different periods of each country. Leading elites borrowed also European concepts to buttress their legitimacy through their interpretation of many of these concepts. In their case, stress was put on "nationalism" , "people" , "equality among nations" , "cultural identity" , etc. The national socio-political debate, when it existed, was thus based on Western modern cultural values; and

f. counter-movements regenerating traditional concepts, values and beliefs were also developed often across national boundaries. The Communist Parties constituted this as their rallying point. But there were also other regional exchanges among "liberal" intellectuals and artists. It is especially worthwhile to point out a new trend emerging across the borders of Japan and the East Asian NIEs. Even quite local-specific endogenous manifestations of identity are rapidly developing a common front across borders by formulating their

common cause using Western modern universal concepts while stressing their common interest in developing "endogenous cultures and civil societies". New popular music fuse Western and endogenous rhythms and melodies.

From the Collapse of the Pax Cinica to the Post-modern JapaNIEs chaos

In order to look into the future of this multifarious cultural process taking place in Japan and in the East Asian NIEs, it is necessary to look back into history, and get the necessary insight into the background of the present process. This is where we have to look at the impact of the West on this region not only as a process of "modernization" - building up a new modern world based on modern Western values including universal human rights - but also the other side of the coin, the collapse of the pre-existing regional order - Pax Cinica.

The Chinese (Central Kingdom) Order contains two contradictory principles - the concentric order principle of the centralized authority of the righteous ruler, and the principle of the self-organizing nature of the society (and of nature) where the local communities develop their own communal life based on popular values and traditions relatively free from the central and centralizing authority (the Emperor). The former is universalist (all moral principles are derived from

Heaven) and highly hierarchical, whereas the latter is egalitarian and particularistic.

If the regional process of modernization in the Asia-Pacific region, especially its most dynamic part composed of Japan and the East Asian NIEs, is based on consonant selectivity as already discussed then the most important contribution of Pax Cinica appears in isomorphism between the present regional division of labor centered around Japan and the East Asian NIEs, and the Pax Cinica division of labor sometimes identified as the "tributary system" .

On the periphery of Pax Cinica, Confucianism was officially adopted by the states and by the ruling elite proud of their Confucian knowledge (and supposed wisdom). As is well-known, the Meiji Restoration was legitimized as a "renovation" led by the legitimate ruler according to the Pax Cinica definition. This replication of China by Japan was especially clear during the World War II, when the mini Central Kingdom "project" of the "Greater East Asia Co-Prosperity Sphere" under the rule of the Japanese Emperor was declared. It was but a poor replica of the past all powerful and magnanimous Emperor of China rule over the Central Kingdom with all its tributary states.

Nowadays, Japan does not officially claim to reproduce the concentric Pax Cinica as it did during the World War II. It is, however, the center with a concentric sub-contracting vertical division of labor. As was the case in the tributary Pax Cinica, Japanese ODA redistributes part of its accumulated "tribute" and covers part of the club goods of the region. Whereas the "Greater East Asia Co-prosperity Sphere" (GEACS) was an official "project" of imperial/imperialist Japan, the present concentric vertical division created around Japan is, in a sense, the occluded GEACS. On the official discourse level, the Confucian concentric order idea is not professed as before, yet in the mind of the Japanese and of some of the East Asian NIE leaders such a model is kept secretly. The "gees flight" myth according to which Japan flies as the leading goose followed by the East Asian NIEs and their imitators is isomorphic with the concentric model with Japan as the center of the regional division of labor.

This Japanese version of the concentric Pax Cinica, in both its overt and occluded versions, has a basic difference however with its Chinese model. Whereas in the latter case the tributary states on the periphery were able to keep their own cultures, in the Japanese concentric order this freedom is not tolerated. The occupied territories during the World War II were forced to adopt all the Japanese values including the cult of the Emperor. In the present concentric division of labor, the sub-contracting firms in the semi-periphery and the periphery are now "more politely" invited to learn Japanese management and quality control. The sub-contractors do not have to adopt the cult of the Japanese Emperor, but they are encouraged to develop the cult of the father company, some even singing the company anthem every morning! This highly hierarchical concept of social order, presented as a universal base of all virtues (faithfulness, dedication, self-abnegation, hard work), has been praised by the researchers looking for the causes of the East Asian "miracle" as more useful than the Western individualistic moral principles. It must be noted that these hierarchical values are hardly able to provide the ground to accept egalitarian values such as human rights.

On the other hand, as we saw before, it is important for many reasons not to ignore the counter-Confucian influence of the Daoist traditions lato sensu. The Daoist traditions have not disappeared after the Western impact. They have been mixed with different "high culture" and "popular culture" trends which survived the process of modernization. Daoism played an important role, not only as an alternative cosmology (or more precisely cosmogony) to Confucianism, in facilitating the syncretism between Chinese thought and other cultural/intellectual traditions. Already when China broadened its cultural contacts with the surrounding civilized or "barbar" societies, Daoism facilitated the integration of non-Chinese cultures to the Chinese, and vice-versa. For example, Mahayana Buddhism is known to have received a strong influence from Daoism, and some specialists believe that a Confucian China would not have been able to accept this Indian religion without the mediation of Daoism. Shamanism and Daoism have been mixed in the Japanese Shinto tradition, a religion which very name comes from Daoism.

Daoism combined with Confucianism constitutes the heart of the business ethos of the overseas Chinese communities in Southeast Asia and other parts of the Asia-Pacific region. Their family-based networks are animated by Daoist beliefs more horizontal than the Confucian vertical ethics. The Daoist syncretism permit them to adapt to the different cultures of the host societies. Their vitality is based on their adaptive flexibility, a characteristic which is lacking in Japanese vertical sub-contracting system which transfers down Japanese ethos attached to its technology and management. Daoism has been mostly subservient to the Confucian order, and the overseas Chinese communities are often feared and discriminated by their host state because of their past role in keeping the commercial ties of Pax Cinica even during the colonial days.

Daoism, however, has from time to time provided a basis for opposing Mandarin domination. The last manifestation of such a trend can be found in the Great Cultural Revolution under the leadership of Chairman Mao who tried to apply this historically legitimated principle even to correct the technocratic tendencies of the bureaucratic leadership of the Communist Party of China.

In brief, it is quite appropriate to say that the industrial dynamism of the JapaNIEs region can be interpreted as a state-led process of Confucian inspired process of industrialization. It is, however, insufficient to stress only this Yang side of the process, forgetting the Yin side which may have an increasingly important cultural message for the survival of mankind. [3] It is important to understand the impacts of Daoism, the other side of the Chinese cosmology. Daoism is flexible and open enough to generate syncretic discourses consonant with the traditional world views of the peripheral peoples of the Pax Cinica. It has also the advantage to legitimize the belief that Chaos was the Way and that it was in vain that the powerful tried to create fictitious order under its rule. This provided to the small and the weak common people a powerful counter-ideology to the power thirst of the bureaucratic and military rulers.

Now that Western modernism is put into question, the future of culture in the post-modern JapaNIEs world becomes interesting. If the present contradictions continue to get more acute, the post-modern world will, sooner or later, come to a bifurcation point where it will be forced to choose either to continue its official Confucian road to unsustainable development, or choose survival by stressing its Daoist tradition.

In the face of this approaching crisis, we should not replace the over-simplified myth of Confucian JapaNIEs cultural miracle by a simplistic praise of the enlarged concept of Daoism. It still remains a fact that the JapaNIEs world, like

other regions, is faced with the problem of "sustainable" development. The JapaNIEs cultural response to this difficult question is probably going to be influenced by the polarity between technocratic rationality Confucian style and eco-democratic humanism Daoist style. However, the polarity will appear, probably, in a quite complex way, not as a fight between two opposed camps. This is because Yin and Yang coexist in these societies in a quite complicated manner.

Confucianism rejects the Western "realist" view that might is right. It tells the rulers and the technocrats that they have obligations and have to be "virtuous"

It is not our intention here to suggest that Confucianism is just a prefiguration of technocratic rational management with a basically pro-status quo position. On the contrary, this school of thought, in its original message, contains a theory of revolution through the change in the mandate from Heaven. This side of Confucianism has been quietly forgotten when adopted by the rulers of the periphery of Pax Cinica.

Confucianism rejects the Western"realist" view that might is right. It tells the rulers and the technocrats that they have obligations and have to be "virtuous". "Virtues" being defined not at all in terms of Machiavelli's "virtu". Many intellectuals in Pax Cinica countries have been non-conformist Confucian scholars. It remains, however, that Confucianism has a fundamentally "patriarchal" message. The good ruler and the mandarinate play a fundamentally Father (knows best) role. The Confucian pole in the JapaNIEs cultures is different from the Western pole of "power" based ultimately on brutal force. It is rather the pole of paternalism combining authority and power, carrot with stick. The "beauty" of this model is that it is based on a mandarin/bureaucratic wisdom which can easily be interpreted as technocratic rationality.

Daoism, on its side, has also many faces which, as we saw above, makes it an ideal attractor in the post-modern chaotic cultural situation. Despising technocratic rationality and the artificiality of modern technological culture, Daoism and the endogenous cultural orientations broadly associated with it, provide an ideal source of alternative cultural creativity. Many artistic trends from popular music to computer graphics are inspired by this pole of the Chinese cosmology. Post-modern intellectuals and artists of Japan, and now more and more of other East Asian countries, like the Daoist anti-paternalistic message, its playfulness, informalism, and insistence on the concrete existential process of life and death.

Even many "modernizers" in Japan and in the East Asian NIEs are Daoist in their own ways. Many Japanese business leaders practice the Zen meditation to counter-balance their busy business life. Chaos theory and fuzzy logic are a new fashion in Japan. Automation itself is becoming, in a certain sense, Daoist in its non-Cartesian logic. It is not only the "greens" which is a minority in the JapaNIEs world who praise the virtue of living in harmony with nature. This is not a new fad as it seems in the West, but rather a return to ancestral attitudes vis-a-vis life and nature.

This is why, the Yin/Yang polarity of the JapaNIEs societies will not develop into a battle between two camps. It will be fought, inside the government and the firms, inside the neighborhood communities (e.g., overpopulated cities) and families (the generation gap), and even within the mind of each individual.

The Post-modern Challenges and the End of the JapaNIEs Model

In brief, the cultural, social and political realities of the post-modern age will not leave stable the concentric center/semi-periphery/periphery hierarchy of the JapaNIEs model in the Asia-Pacific region. A chaotic situation will follow, met by an effort on the regional hegemon side to impose order by economic means first, but eventually also by political and military ones. Even if such efforts lead to temporary stand-stills, the regional system is bound to go beyond its JapaNIEs dominated phase into a more diversified phase. Whether this will become a creative chaos or lead just to disorder is still to be seen.

In any event, three trends seem to emerge in the Asia-Pacific region as it enters into its post-modern phase. Firstly, the Daoist trend will prevail over the Confucian, and the Pax Japonica which stresses the latter will gradually fade leaving the leading role to the more flexible variant of the Pax Cinica, i.e., the overseas Chinese networks. Secondly, this trend will encourage the emergence of different human values and social models based on the sub-regional cultures, and they will strengthen the endogenous initiatives of a Daoistic self-organizing style. Thirdly, this will create in the Asia-Pacific a less hierarchical (yet containing some factors of verticality) fuzzy structure which will enable the manifestation of different human aspirations and demands. Whether these can become the basis for a human rights culture depends on both the social dynamics involving the different sociocultural trends in emerging civil society in the region. It will also depend on how human rights can present itself as an open-ended and flexible normative system tolerant of the particularistic traditions. A new human rights culture in Asia can be built only if the universality of human rights can be enriched by the different local traditions which have built their legitimacy by fighting against prevailing hierarchical universal values. Whether this is possible or not is yet uncertain.

It depends on us to make the 21st century an age of human rights culture in East Asia.

End Notes

1. The words JapaNIEs model refer to the process of modernization in Japan and the NIE countries sharing a common development model some say based on Confucian values of harmony, obedience, and hard-working dedication to the community. See Kinhide Mushakoji, Political and Cultural Background of Conflicts and Global Governance, in Kumar Rupesinghe and Michiko Kuroda eds., *Early Warning and Conflict Resolution*, New York, 1992.

2. Cultural consonance theory points out the fact that cultural transfers tend to be selective, with the recipient culture introducing only cultural elements from the sending culture to which it has "consonant" elements, i.e., elements which are congruent with the transferred ones.

3. The yin/yang opposition of Daoism versus Confucianism is a highly unorthodox attempt made by the author to explain their respective function within the Pax Cinica world. Daoism, to begin with, is broadly defined to include beside the thoughts of Lao Tse (Laoji) and Zhuangji and all the folk traditions and cultural trends associated with Daoism as a popular religion. Whereas Confucianism is a well-defined set of beliefs, values and rules with a centripetal authority structure. Daoism, broadly defined, is characterized generally by a diffused set of beliefs with diversified ideal and practical manifestations based on a centrifugal, local self-organizing, freewheeling ideological orientation.

Human Rights Statement from Asia

The Asian Human Rights Commission issued the final draft of the Asian Charter, a comprehensive document that presents human rights principles in the light of the existing realities in Asia.

The sub-title of the document, Our Common Humanity, expresses the basic philosophy underlying the whole exercise. A paragraph in the background section of the document explains this philosophy:

"Our commitments to rights are not due to any abstract ideological reasons. We believe that respect for human rights provides the basis for a just, humane and caring society. A regime of rights is based on the belief that we are all inherently equal and have an equal right to live in dignity. It is based on our right to determine our destiny through participation in policy making and administration. It enables us to develop and enjoy our culture and to give expression to our artistic impulses. It is respectful of diversity. It recognizes our obligations to future generations and the environment they would inherit. It establishes standards for assessing the worth and legitimacy of our institutions and policies."

In the general principles part, the document states its basic view about human rights:

"Notwithstanding their universality and indivisibility, the enjoyment and the salience of rights depend on social, economic and cultural contexts. Rights are not abstractions, but foundations for action and policy. Consequently, we must move from abstract formulations to their concretisation in the Asian context by examining the circumstances of specific groups whose situation is defined by massive violations of their rights. It is only by relating rights and their implementation to the specificity of the Asian situation that the enjoyment of rights will be facilitated. Only in this way will Asia be able to contribute to the world wide movement for the protection of rights."

The question of context of human rights protection and realization is therefore a very important aspect. The document points out the changing scenario where the "... capacity of the international community and states to promote and protect rights has been weakened by processes of globalization as more and more power over economic and social policy and activities has moved from states to business corporations." This brings into focus the non-state player in the human rights issue.

In the same vein, the document stresses that many individuals and groups in Asia are unable to exercise their rights due to restrictive or oppressive social customs and practices, particularly those related to caste, gender, or religion.

One can observe that this document unlike the usual human rights documents does not use much of the legal language. It is neither using the United Nations format. It combines the expression of the prevailing situation in Asia with the principles of human rights as enriched by the experiences and traditions of peoples in this region. The various forms of violations, the causes of such violations, and the related human rights principles form each of the discussion on issues.

The document uses the "we Asian peoples" standpoint.

The major parts of the document deal with the general human rights principles such as universality and indivisibility of rights; specific rights clustered under right to life, to peace, to democracy, to cultural identity, to development and social justice; rights of vulnerable groups (women. children, disabled persons, workers, students, prisoners and political detainees); and the enforcement of rights.

The document adopts the broader concept of human rights, reflective of its emphasis on the current problems in the region, which ascribe violations of human rights not just to State institutions and agents but also to other groups and private corporations. Thus "... business corporations are responsible for numerous violations of rights, particularly those of workers, women and indigenous peoples. It is necessary to strengthen the regime of rights to make corporations liable for the violation of rights."

This concept also extends to civil society as a necessary social institution for the "... promotion and protection of human rights and freedoms, for securing rights within civil society and to act as a check to state institutions." The responsibility therefore for the protection of rights is "... wide, and not a preserve of the state."

The issue of cultural diversity and universality of human rights is also taken up. The document states that the

"... plurality of cultural identities in Asia is not contrary to the universality of human rights but rather as so many cultural manifestations of human dignity, enriching universal norms. At the same time, we Asian peoples must eliminate those cultural features in our own cultures which are contrary to the universal principles of human rights. We must transcend the traditional concept of the family based on patriarchal traditions so as to retrieve in each of our cultural traditions, the diversity of family norms which guarantee women's human rights. We must be bold in reinterpreting our religious beliefs which support gender equality. We must also eliminate discriminations based on caste, ethnic origins, occupation, place of origin, and others, while enhancing in our respective cultures all values related to mutual tolerance and mutual support. We must stop practices which sacrifice the individual to the collectivity or to the powerful, and thus renew our communal and national solidarity."

A document such as the Asian Charter finds more meaning when used as a starting point for deeper examination of the human rights principles and finding better ways of applying them in the daily lives of people in Asia. It calls for intra-Asian dialogue with a view to enriching principles and strengthening ways and means of making human rights a reality.

Events in the Region

1. The Asia-Pacific Forum on Women, Law and Development (APWLD) will be holding a series of trainings on the following themes: feminist legal theory and practice (focusing on how to pursue law reform or develop litigation strategies for women); feminist approach to development and economic rights (focusing on economic rights and how development facilitates or impedes women's economic rights in the work place) ; and feminist approaches to women's human rights (focusing on developing feminist perspective on human rights through an analysis of the application of specific rights such as the right to life, right to equality and the right to liberty; and how to have a strategic use of such an analysis). The first and second themes will be held in the coming month of August 1997 while the date for the workshop on the second theme has not been set. The trainings are primarily meant for lawyers and activists. For further information contact: Asia-Pacific Forum on Women, Law and Development (APWLD) 9th Floor, APDC Building, Pesiaran Duta, Kuala Lumpur, Malaysia, tel (603) 255 0648 to 49, fax (603) 254 1371.

2. HURIGHTS OSAKA is planning to hold a regional meeting among representatives of government agencies and NGOs involved in human rights education in the formal education system. The meeting is tentatively set in September 1997. The meeting is part of the regional human rights education program of HURIGHTS OSAKA. The reports on the country researches made on the issue of cultural values and human rights (done in India, Sri Lanka, south Korea, Japan, the Philippines and Indonesia) will be presented and discussed on how they can be used in developing human rights education programs for schools. The results of this meeting will lead to the finalization of plans for subregional workshops on the same topic. For more information contact HURIGHTS OSAKA.

3. The Canadian Human Rights Foundation (in cooperation with the Commission on Human Rights in the Philippines) is planning to hold a pilot training session for officials of national human rights institutions and related government offices in Asia. Participants will come from Indonesia, Thailand, the Philippines, Cambodia, India and Sri Lanka. Representatives from non-governmental organizations are also going to be invited. The pilot session will be devoted to three main themes: core values and concepts of national human rights institutions; technical training; and role of the institutions in strenghtening the civil society. For more information contact: Canadian Human Rights Foundation, 1425, boul. Rene-Levesque Ouest, b. 307, Montreal (Quebec) Canada H3G 1T7; tel (514) 954-0382; fax (514) 954-0659; e-mail: chrf@vir.com

Recently-Held Events

1. A conference on the security in the Asia-Pacific was held in Bangkok in late March. This conference is not the usual meeting among government representatives but of activists, academic experts and a sprinkling of representatives of governments and multilateral organizations from various parts of the region. A main aim of the conference is to explore alternative regional security systems. One suggestion is to shift to people-centered security systems from state-centered ones. There is also the aim at bringing the security question to the top of the agenda of the civil society in Asia-Pacific. The program of the conference covered a vast array of issues related to security including human rights, environment, gender dimension,

trade, media, and even spirituality issues. More than 200 participants from countries in Asia, South Pacific, the US and Europe were in attendance. For more information contact: Focus on Global South c/o CUSRI, Chulalongkorn University, Bangkok 10330 Thailand, tel (662) 218-7363 to 64; fax (662) 255-9976; e-mail: alt-security@focusweb.org

2. A study session on human rights for non-governmental workers was held over a two-week period in Bangkok in March this year. The program covers both human rights concepts and action. General principles of human rights as well as specific issues were discussed. Forms of international, regional and national human rights work (strategies and programs) were also studied. Participants numbering almost 30 mainly from south and southeast Asian countries attended the session. Resource persons from Asia and other regions gave input and guided the discussions. The study session is the first try by FORUM ASIA of this kind of human rights education activity. It is aimed at clarifying values and strengthening knowledge and skills essential for human rights work; and at contributing to an increased solidarity among human rights activists and strengthening the human rights movement in the region. For more information contact: FORUM ASIA 109 Suthisarnwinichai Road, Samsennok, Huaykwang, Bangkok 10320 Thailand; tel (662) 276-6946 to 47; fax (662) 276-2183; e-mail: chalida@mozart.inet.co.th

3. Recalling the violent suppression in 1992 of the massive protest against the military group who took power by coup d'etat in Thailand, a regional conference was held with the theme "Human Rights, Democratic Development and Civil Society". The conference was held in Thammasat University on May 14-17, 1997 in Bangkok. The conference was aimed at providing a forum for mutual sharing of the experiences and views of concerned citizens, human rights advocates and the democratic movement; and strengthening solidarity among them in upholding justice, peace and humanitarianism. It also aimed at reaffirming the significant role of human rights in the democratic society. Participants came from several Asian countries. The conference was organized by several groups, namely, Campaign for Popular Democracy (CPD), the Committee of the Relatives of the Democratic Heroes in May 1992 (CRHM), the Coordinating Committee of Human Rights Organizations in Thailand (CCHROT), Student Federation of Thailand (SFT), the Organizing Committee of the 5th Anniversary of the Popular Uprising in May 1992 and other supportive organizations including ACFOD. For further information contact: ACFOD Peace and Human Rights Program, P.O. Box 26, Bungthonglang Post Office, Bangkok 10242, Thailand, tel (66 2) 370 2701, 370 2701, (66 1) 917 5960; fax (66 2) 374 0464, 370 1202; e-mail: acfod@ksc15.th.com

4. A small and informal workshop on human rights education was held in Colombo this June 23-25, 1997 as part of the planning workshop for a human rights training project in Asia-Pacific of the Asia Foundation. The meeting took up the following topics a) current human rights training courses available in the region, including those specifically designed for judges and lawyers; b) country case studies which examine specific human rights issues such as migration with an eye toward developing training modules to address these challenges; c) university-level certificate training programs; and d) current training methodologies. Human rights educators from Sri Lanka, Bangladesh, India, Thailand, Korea (south), the Philippines and China representing regional and national institutions were in attendance. Dr. Radhika Coomaraswamy, UN Special Rapporteur on the issue of violence against women, addressed the group. For further information contact: Asia-Pacific Regional Initiatives, the Asia Foundation, 14F, San Francisco, California, 94104 USA,; tel (1415) 982-4640; fax (1415) 392-8863.

Ciao Paulo

(Uruguayan Daniel Chavez of the Institute of Social Studies in The Hague, Netherlands sent this message about the death of educationist Paulo Freire - Editor's Note)

A very sad news for all of us concerned about the ideals of popular participation and alternative development. Paulo Freire, one of the most vigorous, brilliant and original thinkers and militant of this century, has died.

As somebody from the Brazilian Popular Movement wrote in Internet, perhaps the best way to

honour his memory is :

nunca nos esquecermos da dimensao revolucionaria dos processos educativos desenvolvidos pelos trabalhadores.

(never forget the revolutionary dimension of the educational processes developed by the workers)

To Paulo, wherever you are, your inspiration remains.

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