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Are Human Rights Western?
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Conclusion

I

The survey just concluded reveals that one may identify no less than thirty-six senses in which human rights may be considered Western. There may be a bit of hair-splitting involved in identifying these senses but perhaps it is better to have the hair streaking singly apart, even if similar in length, colour and size than have them in a tangled mass or even mess. Nevertheless, even when the charge that too many bullets of the same size may have gone through the bull's eye is entertained, none can doubt that many bullets have been fired.

The basic point then is that human rights could be considered Western in *more than one sense*. In fact they could be considered so in many senses but none of them seemed to present an insuperable barrier to their global extension or acceptance. The question as to how this extension might be brought about remains to be resolved.

II

To claim that human rights are a Western notion in all these various senses and therefore not relevant to the rest of the world could well be an internationalized version of the *genetic fallacy*. That they originated in the West no more means that they may not be of use in say, Africa, than to say that because tobacco was grown first in America, pipes cannot be smoked in Britain.

This is not to say that bias is not a real as opposed to a merely cultural phenomenon. Consider the following proposition: that the modernization of an Asian country is historically inversely proportional to the period of its colonization. Or in other words, the shorter the period of colonization

the more quickly it modernized. Thus Japan, which was virtually uncolonized, was the first to modernize; China, which was semi-colonized is taking longer but will perhaps take less time than India, a classic case of colonization. Irrespective of the merits of this proposition one may wish to ask the following question: why did this thought come to an Indian and not to a Westerner? One possible answer is that this is so because the Westerner is biased. The word bias is being used here in a value-neutral sense. Because somehow somewhere deep in the psyche of the average Westerner the idea lies buried that contact with the West is a good and positive thing, the idea of an *inverse* relationship with Western domination is unlikely to strike her. Now the second point—once the Westerner is exposed to this perspective he or she can see its point. To that extent he or she is *not* biased. Bias may be more manifest in the *origin* of ideas than in their *recognition*—or acceptance. The grasp of rationality extends beyond the reach of bias.

There are, however, some ways in which human rights are obviously Western.

(1) Human rights are Western in the sense that a philosophy of human rights or human rights intellectual discourse (as distinguished from human rights *per se*) is a Western phenomenon. This seems to be the position of Paulin J. Hountondji who writes:

Europe certainly did not invent human rights, any more than it invented the idea of human dignity. It was simply able to conduct on this theme—and this was its merit—systematic research that took the form of an open progressive discussion. It thus produced, not the thing, but discourse about the thing, not the idea of natural law or of human dignity but the work of expression concerning this idea, the project of its formulation, explanation, analysis of its presuppositions and its consequences, in short, the draft of a philosophy of human rights.¹

(2) The non-Western world did not participate in large numbers in the drafting of the Universal Declaration of Human Rights.

(3) Human rights are Western in the sense that they may not be applicable in the same way to the rest of the world.²

¹ Cited in Robert Tract, op. cit., p. 150.

² Smitu Kothari, 'An Interview With V.M. Tarkunde', in Smitu Kothari and Hash Sethi, eds, *Rebirketing Human Rights: Challenges for Theory and Action*, New York: New Horizons Press, 1991, p. 149.

It will be apparent to the reader, however, that the fact that human rights are Western is in these senses fairly straightforward and almost banal. The deeper senses in which they could be considered Western were discussed earlier and it was demonstrated, one hopes reasonably, that in each of these senses the Westernness of human rights was either tautological or, where not meaningless, such as could be moved out of the merely Western orbit into a broader sphere of meaning, where its application could be extended or recognized beyond the West.

III

It is, therefore, difficult to explain the uneasiness which the charge that human rights are Western generates in terms of familiar discourse. This leads naturally to the question: is there some dimension of the question which is being overlooked in current discourse?

It seems possible to propose that such indeed is the case and that the root of the uneasiness lies elsewhere. It has been obscured from our view by the very way in which we have tried to answer the question: Are human rights Western? By offering so many responses to the question we may have failed to see the wood by focusing too closely on the trees.

There seem to be at least two senses in which human rights may be meaningfully described as 'Western'. The geographical limitation of the current discourse on human rights came out in plain view in the workshop held at Bangkok from March 24, 1996 as part of the Carnegie Council's project on: *The Growth of East Asia and Its Impact on Human Rights*. It became obvious then that the Universal Declaration of Human Rights would have been a somewhat different document if the world's diverse religions and cultures had been present at the table in 1948, or later.

Workshop discussions cited examples of rights which are not spelled out in universal charters, such as the rights accorded by Islam to the dead; or the rights that are treated lightly by international declarations, such as the Buddhist reverence for nature; or even rights which contradict capitalist (and Western) notions of property, such as the right of cultural communities to their ancestral domain.³

³ Maria Serena Diokno, 'Cultural Sources of Human Rights in East Asia: Consensus Building Toward A Rights Regime: A Conference Report', *Human Rights Dialogue*, vol. 5 (June 1996), p. 8.

In this sense then human rights discourse could be metaphorically described correctly as 'Western' because there are non-Western 'conceptions of human flourishing that have not been codified as rights'.⁴ This however, is not a fatal flaw for 'engaging in international discourse on human rights, as the challenge for [Western and] non-Western peoples is to improve upon existing documents and concepts which are neither complete nor perfect'.⁵

It seems to us that in yet another respect human rights discourse indeed remains Western, in that it does not apply the doctrine of human rights to the righting of historical wrongs—that is, across generations.

The point needs to be understood carefully. Current human rights discourse does allow for the righting of the *effects* of historical wrongs in the present by trying to ensure equality of opportunity. Articles 3 and 4 of the *Convention on the Elimination of All Forms of Discrimination Against Women* read:

Article 3

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

2. Adoption by States Parties of special measures, including those measures contained in the present Convention, aimed at protecting maternity shall not be considered discriminatory.⁶

⁴ Ibid.

⁵ Ibid.

⁶ Tad Stahnke and J. Paul Martin, eds, *Religion and Human Rights: Basic Documents*, New York: Columbia University, Centre for the Study of Human Rights, 1998, p. 117.

There is indeed an attempt here to deal with *effects* of the past wrongs. Note, however, that no provision is made for *reparation* for *past wrongs*. This could well be the consequence of the ingrained tendency of human rights discourse to uphold the principle articulated in Article 11 clause 2 of the Universal Declaration of Human Rights:

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.⁷

There is however one instance in which the rule was set aside. Mary Ann Glendon remarks:

Article 11, though easily approved, provoked some discussion within the Commission of the question of whether the Nuremberg trials had violated the *ex post facto* principle. Telford Taylor, who served on the US prosecution staff, wrote in his history of the trials, 'There is no likelihood that this particular clash of opinions will ever be resolved.' He pointed out, however, that Nuremberg did set a precedent for the *future*, a precedent formally ratified by the UN General Assembly in December 1946, when it affirmed the principles of international law recognized by the charter of the Nuremberg Tribunal and the judgement of the Tribunal.⁸

The tumultuous proceeding of the Racism Conference at Dublin in August 2001 indicate the serious nature of the issue. At the conference several constituencies demanded compensation for past wrongs virtually as a human right but the West—accused of slavery, genocide and colonialism—refused to consider itself accountable for these historical wrongs. It is not ready to extend the *ex facto* principle from biography to history. Human rights may be said to be Western in this sense. India, for instance, has accepted the principle of providing reparation for past wrongs. This constitutes the basis of its policies of affirmative action for former untouchables, backward classes and women. Policies comparable to these in either scale or scope do not seem to have been instituted in the West⁹ nor does their enunciation constitute part of human rights

⁷ Ibid.

⁸ Mary Ann Glendon, *op. cit.*, p. 180.

⁹ For the situation in Canada relevant to this point, see Michael Ignatieff, *The Rights Revolution*, pp. 11, 73–8.

discourse in the West. It is also doubtful if, should such policies be implemented, their implementation would be interpreted as involving the righting of historical wrongs. Human rights discourse is Western in the sense that it possesses only a sense of biography and not history.

In the foregoing pages we examined the various ways in which human rights have been called, and occasionally dubbed, 'Western'. And in order to examine this description of them in full and fair measure, so less than over thirty-six nuances of meaning which such a description could imply were identified and analyzed. Despite such a minute dissection, which inevitably carries it with some risk of overlap, one cannot be certain that all the relevant senses of the expression: 'Human rights are Western' have found their way into this book. There is also the possibility that new shades of meaning might come to be attached to this statement in some as yet unforeseeable way. Nevertheless, it can perhaps be confidently claimed that the list of senses in which its use has been documented in these pages, while it cannot be considered exhaustive, is reasonably comprehensive. In any case, it is illustrative of the many trajectories of meaning and interpretation the seemingly simple description of human rights as Western has given rise to, or subsumed.

When the various lines of argument which underlay the multiple significances which have come to be attached to this statement were analysed, it was discovered that the wealth of meanings associated with the description of human rights as Western was ironically often accompanied by a poverty of insight and yielded in the end the curious outcome that while there were many ways in which human rights could be described as 'Western', there was hardly any which ultimately seemed to carry real weight, the exception being provided by the neglect of the question of the righting of historical wrongs in human rights discourse as carried out in the West. This is a major point to which we shall advert later. At this point it might be worth asking: Are there *any other senses* in which human rights might meaningfully be considered 'Western'?

IV

Concluding the Conclusion

While what has been said in this book so far may go some way towards answering the question: Are human rights Western?—a thorny question

with more than thirty-six prickles to it—the fact that the question could give rise to such multiple understandings seems to suggest that while human rights may not be considered Western, the way the concept of human rights has come to be formulated in the West needs to be elucidated, for such a flood of meanings threatens to create a situation in which one might drown in the current of that discourse instead of swimming in it. This last part of the conclusion seems to be the right place to carry out such an assessment.

On the basis of the foregoing discussion of this chapter, and of the book as a whole of which it forms a part, one could claim that there are two other ways in which human rights may be considered Western substantially rather than superficially, with the issue of the righting of historical wrongs constituting the third and final sense in which they might be justifiably considered Western.

(1) *Human rights are Western in the sense that the concept of human rights evolved in the West with the citizen as its primary referent rather than a human being. The citizen is a human being but if we take the human being as our starting point then our perspective on human rights shifts kaleidoscopically to reveal a different configuration.*

One begins by asking the most fundamental questions of all: What are human rights? Answers to this question along historical,¹⁰ sociological,¹¹ political,¹² anthropological,¹³ legal¹⁴ and other lines have offered in the recent past, ways which are easily accessible and there is no need to cover ground already traversed, some of it indeed earlier in this

book itself. Let us try to break new ground by first asking: What is a right? A vast body of literature already exists which grapples with this issue in its legal and moral dimensions, but what one has in mind here is something less theoretical. As a worker in a factory, I may possess worker's rights, such as the right not to be fired without notice, or without resort to some other due process specified in the contract. If I happen to be an employer rather than an employee, I may possess certain rights as an employer, like the right to fire an employee if the work is not up to the mark. Similarly, as a husband I may possess certain rights such as that to initiate a divorce. And as a wife who is being divorced I may again possess rights—to alimony and child support, for instance. Examples could be multiplied. The point then is that in each one of these examples: as an employer, an employee, as a husband or as a wife—one could be said to possess a set of rights which go with that station. There could well be a question regarding what these rights are and, once they have been specified, further debate could centre around whether they are adequate or inadequate but these are secondary matters from the point of view of the present discussion. The focus of attention here is the fact that a set of rights corresponds to our definition as an employee, employer, husband, wife and so on. Such an untrammelled understanding of a right may not satisfy the most sophisticated among us but it does seem to give some purchase on the concept of rights in terms of our quotidian existence. There are some rights which belong to everyone in some such capacity given the way life is lived around the world in nearly all societies. Some societies may provide more rights than others, or may be more specific in the provision of these rights than others, or even differ in the matter of who possesses them and under what circumstances, but it seems reasonable to assume that the concept of such an entitlement could perhaps be identified in every society, though under different names or even guises. Islamic law, for instance, provides a lump-sum settlement for divorce at the time of marriage itself called *mahr*, which would be the functional analogue of alimony in the Western legal system—a fact which may not be immediately apparent to the casual observer.

The key question then to ask to obtain a clear understanding of human rights would then seem to be the following: If I have certain rights which correspond to my position as an employer or an employee or a husband or a wife, then what rights belong to me as a *human being*, as distinguished from a human being *who is* an employee, an employer, a husband or a wife.

¹⁰ Paul Gordon Lauren, *The Evolution of International Human Rights: Visions Seen*, Philadelphia: University of Philadelphia Press, 1998.

¹¹ Johannes Morisink, *The Universal Declaration of Human Rights: Origins, Drafting & Interpretation*, Philadelphia: University of Pennsylvania Press, 1999.

¹² Ashutosh Vashney, *Ethnic Conflict and Civic Life: Hindus and Muslims in India*, New Haven and London: Yale University Press, 2002.

¹³ Lawrence E. Harrison and Samuel P. Huntington, eds, *Culture Matters: How Values Shape Human Progress*, New York: Basic Books, 2000.

¹⁴ Henry J. Steiner and Philip Alston, eds, *International Human Rights in Context: Law, Politics, Morals* (second edition), Oxford: Oxford University Press, 2000; Brian D. Lepard, *Rethinking Humanitarian Intervention*, University Park, Pennsylvania: The Pennsylvania State University Press, 2002.

We should realize the novelty of this commonplace approach. For this is not how the key has been turned in human rights discourse. What we now characterize as human rights discourse started out by asking the question: What are my rights as a *citizen*, rather than by asking: What are my rights as a human being.

If as a *worker* I have the right not to be arbitrarily fired, what right do I possess as a *human being*? Let us pursue this innocent question a little further. It would have to be a right which accrues to me on account of something which is universal to all human beings. One may initially suggest, for instance, that the right to food, clothing and shelter and the right to medical treatment would be two such sets of rights, for they arise in the context of all human beings without exception. Similarly, as *all* of us, as human beings, go through the process of aging—our rights as a child, right to marriage and elderly persons' rights would naturally follow. The way the profile of rights evolves when the matter is approached in this manner is rather different from the way that it has actually evolved. But its historical evolution is perhaps capable of being brought in relation to the approach being proposed here. All human beings are born and they must be born in a defined territory and therefore the right to nationality can be derived from the present approach also. But it is worth noting how the process differs and how the difference affects the priorities in terms of rights. Moreover, it might be possible to argue that we have already ceased to look upon the human being now as a *human being*, but are now viewing him as a *political being*. So we want to go back to the original question and ask: What are one's rights as a *human being*? This is not to call the validity of political and civil rights into question but to recognize that now we are dealing with the rights of a human being as a *citizen* and not just as a human being. We want to go back to original question and explore one's rights as a *human being* further.

In order to do so we must strip human beings of all identities which flow from the fact of their being a human being, and focus on the fact of there being a human being as such in the first place. The following are some of the tentative results yielded by such an exercise: (1) all human beings are born and all human beings die. So the right to be born and the right to die would follow as the kinds of rights which must be examined; (2) all human beings undergo the states of childhood, youth, maturity, and old age. So rights pertaining to these would be *human rights*; (3) humanity is divided into men and women. Therefore men's rights and

women's rights would appear as *human rights* even if we are not certain at this stage what might be subsumed within them; and (4) All human beings need food, clothing, shelter and medical care, so these too would qualify as *human rights*.

It is not the purpose of this exercise to argue for certain kinds of rights but rather to propose that the expression *human rights* may be used for those rights which accrue to a person merely from the fact of being a human being, while other rights accrue to him as a member of a polity, a society and economy and so on and that it might be useful to distinguish between the two—without implying that these other rights are any less important. The exercise is being undertaken so that the term *human rights* may be assigned a clear-cut referent. Human rights then would be the rights of a human being which accrue to him or her from the condition of being a mere human being. They would then constitute a part of the larger nexus of *rights*. This might be one way of retaining a clear-cut referent for the expression *human rights*, without compromising one's commitment to the *rights-regime* as such but thereby clarifying it. To the extent however that current human rights discourse does not address the human being as a human being as such but as a citizen to begin with, it could be considered Western in the sense that human rights discourse has not cut this unbilical chord so far.

(2) *Human rights are Western in the sense that Western human rights discourse operates with a Western concept of religion (as involving exclusive adherence to one religion) and hence with a Western concept of religious freedom.*

One may begin by asking: What constitutes religious freedom? In order to answer this question one must first understand what is meant by freedom. The word freedom has a broad range of application from total absence of restraint to merely a sense of not being unduly hampered or frustrated.¹⁵ The particular shade of meaning within this broad semantic spectrum one would like to identify for present purposes is the sense that freedom implies the absence of necessity, coercion, or constraint in choice or action.¹⁶ This definition suffers from a certain lexical dullness we associate with dictionaries, which are sometimes concerned with

¹⁵ Merriam-Webster's Collegiate Dictionary (tenth edition), Springfield, Massachusetts, U.S.A.: Merriam-Webster Incorporated, 2002, p. 464.

¹⁶ Ibid.

precision to the point of making the meaning of a word appear cold and lifeless. But the above definition does provide a clue which might enliven our proceedings—by connecting freedom with the concept of *choice*. If one is not allowed to choose one is not free; the more one is allowed to choose the more free one feels, and the more the items over which choice could be exercised the greater the range of freedom. Thus if I am restricted to the practice of only one religion I am not free and the degree of my freedom increases with the number of religions I am allowed to practice. Note however that the number of religions I am allowed to practice may carry a rider with it: that I must convert to that religion to practice it. If such be the case then the more the number of religions I can convert to the greater my religious freedom. If I am a Jew and I can change my religion to Christianity I possess one degree of freedom; and if I may change my religion to either Christianity or Islam I possess two degrees of freedom. Religious freedom thus comes to imply freedom to change one's religion.

Let us now vary the scenario somewhat and imagine a religion which does not ask me to convert to it in order to practise it. Hinduism, for instance, might be said to be such a religion. Then *another* dimension of the meaning of freedom comes into play, namely, the absence of restriction. The need to convert to a religion to practise it is a kind of restriction. In the case of religions that do not require conversion, it is the sense of the absence of restriction associated with freedom which becomes primary, while in the case of religions which require conversion as a precondition for practising them, the sense of the presence of choice becomes primary in the context of freedom. It should also be noted that the choiceless awareness which goes hand in hand with any sense of absence of restriction involves greater freedom, than an awareness of freedom of choice which involves overcoming that restriction. In the latter case a separation is presupposed, which is overcome by an act of choice; in the former case no such separation is posited to begin with.

Religious freedom thus can be understood in two senses: (1) the freedom to change (i.e., convert) from one religion to another or (2) unrestricted access to other religions without the need for undergoing such change (or conversion). The second form of religious freedom could also be said to be more free than the first form of religious freedom.

When one reviews the conception of religious freedom as found in the discourse on human rights one notices two striking facts: that it is fully cognizant of the first sense of religious freedom and that it is equally

oblivious of the second sense. Consider Article 18 of the Universal Declaration of Human Rights for instance. It enshrines the right to religious freedom in the following terms:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

In other words, the definition of religious freedom in this Article assumes the presence of religious boundaries and does not cover the case of unrestricted access as a form of religious freedom, although we just saw how this is one clear implication of the concept of religious freedom. I shall revert to this point later.

At the moment I would like to emphasize that, even as it stands, this Article only covers one aspect of religious freedom; the sense of freedom to choose one's religion out of several separate religions. The limited perspective such a concept of religious freedom involves becomes clear in the context of the dialogue of *religions* (as distinguished from the dialogue of civilizations).

The various religions of the world are sometimes classified into missionary and non-missionary religions. The term missionary religions is used in this context to refer to those religions which actively seek converts, such as Christianity and Islam. The term non-missionary religions is then used to refer to religions which, while they may occasionally accept converts, do not actively seek them. Hinduism and Judaism are usually referred to as non-missionary religions, specially in their classical formulation.¹⁷

In terms of this distinction, Article 18 of the Universal Declaration of Human Rights could be said to contain a bias in favour of the missionary religions inasmuch as it specifically states that freedom of religion as a human right includes freedom to *change* religion or belief. From the point of view of the non-missionary religions, however, the right of freedom of religion would equally consist of the right to *retain* one's religion specially in the face of missionary pressure to change it. This right is not specifically articulated in Article 18.

¹⁷ See T. Patrick Burke, *The Major Religions: An Introduction with Texts*, Oxford: Blackwell Publishers, 1996, p. 6.

In the context of the dialogue of civilizations, however, an even deeper problem can be identified with the concept of religious freedom as articulated in Article 18. The use of the word 'religion' therein is Western in its orientation. 'When the Christian world of the West viewed other traditions, it sought to define them in terms parallel to the way it understood its own Christianity. The Christian historical self-understanding imposed three of its own predilections on what it described.'¹⁸ These three predilections consist of the assumption (1) that every religion possesses a creed; (2) that every religion contains an 'institutional distinction between the sacred and the secular' and (3) that *one could only belong to one religion at a time*.

It is the third predilection which is the most relevant in the present context. Professor Willard Oxroby explains it as follows:

A third Christian expectation concerning 'religion' is the notion of exclusive membership. That God should demand loyalty and tolerate no rivals is part of the faith of Judaism, passed on to Christianity and Islam. Each of these three has been at pains to demarcate the boundaries of its community. However, a notion that if you follow one tradition, you cannot also follow another is not one that has always applied across Southern and Eastern Asia.¹⁹

Julia Ching explains the point further as follows:

A major difference between East Asian religious life and that of India and the West is that its communities are not completely separate. If you ask a Japanese, for instance, whether he or she is a believer in a particular religion, you may get the answer 'no' (even the Japanese word for 'no' is not as tightly defined a denial as 'no' in English). However, if you ask whether he or she adheres to Shinto, Buddhism, and Confucianism, you may get the answer 'yes' (albeit again a bit noncommittal compared with the English 'yes'). The Japanese follow more than one religion, even though they do not consider themselves very religious.²⁰

Julia Ching goes on to add that 'much the same can be said of the Chinese, the Koreans, or the Vietnamese. At issue is the inseparability between

religion and culture in East Asia, as well as syncretism or combination that characterizes all the major religions there.'²¹

It could be maintained that this concept of religious freedom, consisting of the freedom of simultaneous multiple religious affiliation, does not seem to be an integral part of the concept of religious freedom as reflected in Article 18 of the Universal Declaration of Human Rights. Just as the dialogue of religions revealed a *limitation* of the formulation of the concept of religious freedom in the Article, the dialogue of civilizations reveals a *glaring omission*. If the argument made so far holds good then this limitation may have to be removed and the omission corrected if religious freedom is to be comprehensively understood as a human right in an interreligious and intercivilizational context.

Human rights discourse could conceivably be considered Western in the sense that such discourse has not been able to shake itself free from a Western conception of religion, which is not shared by large parts of the world.

(3) *Human rights are Western in the sense that human rights discourse in the West is reluctant to include the righting of historical wrongs within the parameters of this discourse, even though such violation of human dignity is recognized as such around the globe.*

I began to keep clippings from my daily cursory reading of the newspapers which touched on this issue by way of testing this point, and I would now like to share some of the material harvested with the reader.

From *National Post*, August 3, 2004:

Massai elders want their land back

White-owned farms

Tribe demands return of millions of acres in Kenya

From *The Gazette*, Montreal, June 8, 2004:

U.S.: Foreign governments can be sued

Top court ruling a win for woman seeking return from Austria of art looted by Nazis

From the *New York Times*, June 23, 2004:

To Make Amends, British Give Dresden a Cross, 59 Years Later

From *The Gazette*, Montreal, June 23, 2004, pp. 12-17:

Court lets Gypsies sue IBM

¹⁸ Willard Oxroby, ed., *World Religion: Eastern Traditions*, Toronto: Oxford University Press, 1996, p. 48.

¹⁹ Ibid., p. 489.

²⁰ Ibid., p. 348.

²¹ Ibid.

Holocaust link

Punch-card machines said to have helped Nazis kill more efficiently

From *Deccan Chronicle*, India, April 14, 2004:

Mughal emperor's kin seeks Sikh pardon

The wife of a descendant of the Mughals on Wednesday paid obeisance at the Akal Takht, marking a historical moment in time as she sought pardon for the atrocities committed by her ancestors.

Sultana Begum, the widow of Mirza Mohammad Bader Bakht, great grandson of Bahadur Shah Zafar, the last recognised Mughal emperor, arrived in this Sikh holy city on Tuesday.

From *New York Times*, April 8, 2004:

New Zealand politics roiled by indigenous rights, marital sanctity and agnosticism

From *BBC News*, World Edition, March 29, 2004:

Slave descendants to sue Lloyds

Descendants of black American slaves are to sue Lloyds of London for insuring ships used in trade.

From *The Gazette*, Montreal, August 15, 2003:

Women join 'rape march' in Nairobi

Dozens of chanting Kenyan women marched through Nairobi to the British High Commission, claiming to have been raped by British soldiers training in the country. Suathed in tribal dress and wearing beaded necklaces, they brought their 'mixed-race' children and demanded compensation. They presented a petition calling for an inquiry into the 650 million (sic) rape claims that stretch back to the 1970s.

From *The Gazette*, Montreal, August 15, 2004:

Germans apologize for genocide in Africa

General ordered tribe wiped out

Okokarara, Namibia—A senior government official yesterday offered Germany's first apology for a colonial-era crackdown that killed 65,000 ethnic Hereros—a slaughter she acknowledged amounted to genocide.

Germany's development aid minister, Heidemarie Wieczorek-Zeul, was speaking at a ceremony marking the 100th anniversary of the Hereros' 1904–1907 uprising against their German rulers.

While ruling out financial compensation for the victims' descendants, she promised continued economic assistance.

German general Lothar von Trotha, who was sent to what was then South West Africa to put down the Herero uprising in 1904, instructed his troops to wipe out the entire tribe, historians say.

When the extermination order was lifted at the end of the year, prisoners were herded into camps and allocated as slave labour to German businesses where many died of overwork and malnutrition. About two-thirds of the tribe was wiped out.

Human rights discourse cannot afford to overlook this dimension of human rights in an age when terrorism fuelled by historical grievances poses a global threat to the human rights of its victims and compels states to abridge the rights of its citizens as they prioritize security over liberty. I would like to reinforce this point by citing the following words of Huston Smith:

I published a book, a few months before 9/11, and I titled it *Why Religion Matters*. I wrote it intending to show why religion matters for the good. But since 9/11, when I see that title, I find myself wincing—and I can all but hear people saying, 'Of course religion matters—it causes trouble. It's divisive, it causes ethnic conflicts, which can escalate into terrorism and all-out war.'

But that line of thinking misidentifies the cause of 9/11. The cause was not religion. Religion wasn't at the bottom of it. Those suicide bombers couldn't care less what Americans believe. It's the bad things that, in their view, we have done to them, that provoked the toppling of the trade towers and produced the Pentagon attack.

I can make this very graphic. At the heart of the Bosnia conflict several years back, I happened to catch a brief news clip. A journalist was interviewing a Serbian woman in a village: 'Are there any Muslims in your village?' 'No.' 'What would you do if there were one?' 'We'd tell him to leave—and if he didn't, we would shoot him.' And the interlocutor asked, 'Why?' Her answer was, 'Because that's what they did to us four hundred years ago.'

That's what causes these horrendous conflicts. It's not the difference in religions. It's atrocities *unavenged* that's at the heart of the conflicts.²²

Human rights discourse will continue to attract the charge of being 'Western' until it faces up to the question of the righting of historical wrongs,²³ especially as the most recent ones are felt by the rest of the world to have been perpetrated during the period of Western ascendancy over the rest of the world.

²² Phil Cousineau, ed., *The Way Things Are: Conversations with Huston Smith on Spiritual Life*, Berkeley, Los Angeles, London: University of California Press, 2003, p. 258.

²³ On the relationship of rights to wrongs see Alan Deshowitz, *Rights from Wrongs: A Secular Theory of the Origins of Rights*, New York: Basic Books, 2004.