Human Rights AT HARVARD

Interdisciplinary Faculty Perspectives on the Human Rights Movement

Second Symposium Held at Harvard University on April 5, 1997

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Dedicated to the memory of Jonathan M. Mann
1947-1998

Powerful advocate for justice and compassion
in the global response to AIDS
Whose purpose was to deepen the link between
public health and human rights
Whose effort was to change the world

First François-Xavier Bagnoud Professor of
Health and Human Rights at the
Harvard School of Public Health,
and founding director of the
François-Xavier Bagnoud
Center for Health and Human Rights

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Preface

Since its formal origin in the Universal Declaration of Human Rights of 1948, the human rights movement has become a very visible part of our moral, political and legal landscapes. During this half century, it led the way to standard-setting treaties of such ambitious reach that their norms were and often remain distant from the state behavior that they meant to regulate. The movement generated a wealth of national, intergovernmental and nongovernmental institutions that were intended to monitor, develop, promote and enforce the new rules. Despite the patent weakness of its institutions, despite its often feeble political resolve and the hypocrisy or double standards that permeate much of the enterprise, the movement has left a deep and indeed indelible imprint on international relations. It has transformed older conceptions of state sovereignty and autonomy. It has instituted a radically new international discourse that slowly but irrevocably changes ideas about peoples and governments, rights and wrongs, rights and duties. The movement has empowered as surely as it has frustrated. It has miles and decades to go even to approach realizing its aspirations. It is a great leap forward.

The idea behind the symposia on Human Rights at Harvard is a simple one. Much is happening at this university in the way of teaching, research and clinical work that bears significantly on this human rights movement. Indeed, the ideals of the movement are in many respects the very ideals of a university in an open society. Academic work explores many questions relevant to the movement. Teaching, scholarship and clinical work describe, analyze, make proposals for, and criticize the ongoing human rights work of the last half century. Such work now goes on within at least five faculties at Harvard, and in many departments of the Faculty of Arts and Sciences. The Law School Human Rights Program, created in 1984, was the first programmatic venture at Harvard. In 1993, the School of Public Health created the François-Xavier Bagnoud Center for Health and Human Rights. In 1998, the John F. Kennedy School of Government created a Human Rights Initiative.

These symposia draw on some of this ongoing work by bringing together scholars from diverse faculties and departments to discuss human rights themes. The first was held in 1995.* The organizing force

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* The edited transcript of the first symposium, *Human Rights at Harvard: Interdisciplinary Perspectives on the Human Rights Movement* (1995), is available at the Human Rights Program Office, Pound 401, Harvard Law School, or online at http://www.law.harvard.edu/Programs/HRP/Publications.html.

behind the symposia is the university-wide Committee on Human Rights Studies that was created in 1994. The Committee also engages in networking and provides information about human rights studies and events throughout the University. Its members come from the university at large.

This second symposium follows the pattern established in 1995. The study of human rights is not the province of any one discipline. It is inherently interdisciplinary, whatever the faculty that engages in teaching or research. Each discipline will have its own distinctive perspective (or perspectives, given internal divisions) on the human rights movement, but all such perspectives are germane to a richer understanding, analysis, and criticism of current issues and problems. This symposium's participants work in anthropology, comparative literature, comparative religion, history, law, philosophy, psychiatry, and public health. The two panels forming the symposium examine vital and pervasive themes: Universalism and Cultural Relativism, and Remembering and Forgetting Gross Violations of Human Rights. The staff of the Harvard Law School Human Rights Program - particularly Peter Rosenblum and Anje Van Berckelaer - took responsibility for editing and for preparing the manuscript for publication.

As noted on the first page, the University Committee dedicates this publication to the memory of Jonathan Mann, who died in an air crash in 1998. He participated as a panel chair in this second symposium. During his years at Harvard, as the founding director of the François-Xavier Bagnoud Center for Health and Human Rights, Professor Mann brought to the university as a whole his intense convictions and personal dynamism as he developed fresh and vital perspectives on both health and human rights. We sorrow at his death both personally and for the contributions to these fields that he would have continued to make.

Henry J. Steiner, Chair
University Committee on Human Rights Studies

Topic I
Universalism and Cultural Relativism: Perspectives on the Human Rights Debate

Jonathan Mann, Chair

I am aware of no topic in the human rights field that evokes stronger reactions than our theme of universalism and relativism — reactions, however, which shed more heat than light. I have heard very few interesting discussions of the issue. As a political rhetoric, the question of universalism and relativism seems ideally suited to dichotomizing, to distancing, and to dividing people. For example, it has functioned as code for the battle between Western values — whatever those are — and Asian resistance and claims for authenticity. As Aung San Suu Kyi writes about this subject:

> *It was predictable that as soon as the issue of human rights became an integral part of the movement for democracy, the official media [in Burma] should start ridiculing and condemning the whole concept of human rights, dubbing it a Western artifact alien to traditional values. It was also ironic; Buddhism, the foundation of traditional Burmese culture, places the greatest value on man who, alone of all beings, can achieve the supreme state of Buddhahood. The proposition that the Burmese are not fit to enjoy as many rights and privileges as the citizens of democratic countries is insulting. It also makes questionable the logic of a Burmese government considering itself fit to enjoy more rights and privileges than the governments of those same countries.**

The rhetorical discussion of universalism and relativism, which involves using these issues as sticks to beat the other side, has also served as a code for whether or not one believes in the idea of human rights at all. In my opinion, the declaration on universal human rights that emerged at the World Conference in Vienna in 1993 was the thinnest possible papering over of the growing gulf in the political discourse on these issues.**

Fortunately, at a more academic, intellectual, and, in many ways, interesting level, this debate raises fundamental issues that are inextricably part of human rights dialogue and discourse as they are evolving.

The presenters for this topic are K. Anthony Appiah, Professor of Afro-American Studies and Philosophy, Diana Eck, Professor of Comparative Religion and Indian Studies, and David Maybury-Lewis, Professor of Anthropology.

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* "Human Rights are Not Alien to Burma," *Time Magazine,* October 28, 1991, at 46-47.

** Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights, A/CONF157/124, 25 June 1993.

Human Rights and Cosmopolitan Liberalism

K. Anthony Appiah

I have three points to make, though, being a philosopher, it will take me a long time to make them. First, I would like to place this discussion in the context of some general theoretical remarks about the character of the human rights tradition, which is, broadly speaking, the liberal tradition. Second, I will make the argument for a more cosmopolitan liberalism that addresses the relations between different cultural understandings of rights. Finally, I want to highlight the threats to human rights that come from places other than the state. The Freedom to Write Committee of the PEN American Center, on which I serve as chair, increasingly deals with questions of freedom of expression where the person or people limiting the freedom of expression are not governments, but large multinational corporations.

Liberalism, Dignity and Autonomy

Western liberalism starts with views that are both modern and radical: we are all equal, and we all have the dignity that was once the privilege of the elite. In the Universal Declaration of Human Rights, the sixth word is dignity. But of course when John Locke, whom we take as a source of this tradition, spoke of dignity in his draft of the constitution of Carolina, he meant the title and privileges of hereditary landowners. It was something associated with a particular station in life. For him, dignity was as much something that ordinary people did not have, as it was something that belonged to people of standing.

For modern liberalism, in striking contrast, dignity is something that is respected, as the preamble to the Universal Declaration of Human Rights says, in every human person. Dignity is still, as it was for Locke, an entitlement to respect, but now everyone shares that entitlement. Dignity has now become *human* dignity. You get it, "just by showing up." That is what makes liberal human rights radical.

But liberals also believe that individual human dignity entails respect for every person's autonomy — treating people as self-governing. The distinctive thought of liberal political philosophy is that individual autonomy is at the heart of political morality. That is what makes the liberal ideal modern. Kant was the person who first articulated this as a philosophical principle, but European Romanticism lived a particularly intense version of this vision. The central notion is the

province neither of philosophers nor of poets. It is the claim, put simply, that the good for each of us is shaped by choices we ourselves have made.

This moral conviction has profound consequences for thinking about the state. Liberalism values political liberty and freedom from government intervention in our lives, because it holds that each person has the right to construct a life of her own. That right is not unlimited; it must be pursued within moral boundaries shaped, among other things, by the rights of others. But it is fundamental; limitations are only conceded in the face of powerful argument.

Human rights are a liberal idea, largely conceived of in liberalism's terms. They are primarily rights against states and, in particular, against the states of which we are citizens or the states in which we are resident. But modern liberalism, in its best forms, is also both multi-cultural and cosmopolitan. I want to argue that this is precisely because it takes autonomy seriously. The key to liberalism is an autonomous self, but there is a regular misunderstanding of what this means, a misunderstanding to which liberals have themselves contributed. A concern for autonomy is sometimes wrongly seen as inconsistent with valuing sociality and relationships. But an autonomous self is still a human self, and as Aristotle long ago insisted, we are creatures of the *polis*, "social beings."

We are social in many ways, and for many reasons. We are social, first, because we are incapable of developing on our own; because we need human nurturing, moral and intellectual education, and practice with language if we are to develop into full autonomous persons. So there is a sociality of mutual dependence. We are social, second, because we humans naturally desire relationship with others - friends, lovers, parents, children, the wider family, colleagues, neighbors - so that sociality is for us an end that we desire for itself. We are social, third, because many other things we value, such as literature and the arts, culture, education, money, food and housing, depend essentially on society for their production. Thus, we have an instrumental interest in sociality.

To value individual dignity and individual autonomy, therefore, is not to deny that the good for each of us depends on our relationships with others. Indeed, the opposite is true. Our selves are, in the fine phrase of Charles Taylor, "dialogically constituted."* Beginning

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* See Charles Taylor, *Multiculturalism: Examining the "Politics of Recognition"* (1994).

in infancy, I develop a conception of my own identity in dialogue with other people's understandings of who I am. Furthermore, my identity is crucially constituted through concepts and practices made available to me by religion, society, school and state, all of which are mediated to varying degrees by family life. Dialogue shapes the identity I develop as I grow up. The very material out of which I form my identity is provided in part by my society, by what Taylor calls its "language" in the broad sense. The self is not an inner essence independent of the human world into which we have grown; it is rather the product of our interaction with others from our earliest years.

Cosmopolitan liberalism values difference within certain constraints. I would state the argument as follows: we value the variety of human forms of social and cultural life. We do not want everybody to become part of a homogeneous global culture. We know that there will be local differences both within and between states, what might be called a different "moral climate." So long as these differences exist within general constraints, so long, in particular, as political institutions respect basic human rights, this sort of cosmopolitan liberalism is happy to let them be.

Within this tradition, equal dignity requires respect for an individual's autonomous decisions, even when we judge these decisions mistaken. That liberal principle fits very well with the cosmopolitan ideal that human cultural difference is actively desirable or attractive. It rules out states, however, that aim to constrain people beyond what is necessary to enable everyone to express the common political rights. Voluntary associations — monasteries, for example — which are the product of autonomous affiliations, may demand a very great deal of people, may demand much more than the state, so long as they retain a right of exit, a right that is the proper function of the liberal state to sustain.

The fundamental idea is that where states enable autonomy, liberals cheer them on. Cosmopolitanism can live happily with this liberalism because the cosmopolitan ideal is, among other things, one in which people are free to choose the local forms of human life within which they will live. Thus, the fundamental argument of the liberal cosmopolitan is that the freedom to create ourselves, the freedom that liberalism celebrates, and that the regime of human rights aims to make possible - requires a range of socially transmitted options from which to construct our identities. Families, schools, churches, temples, professional associations, and clubs give us the two key elements in the

tool-kit of self-creation: on the one hand, ready-made identities — like son, husband, Methodist, Yankee fan, *mensch* — whose shapes are constituted by norms, expectations, stereotypes, demands, rights and obligations; and on the other, the language in which to think about these identities and shape new ones.

An illustrative example is the "Molly culture" of 17th century England. England, like any other society, endowed English people with gender identities as men and as women. Beginning with these ready-made identities, and drawing on a host of ideas about sex, gender, and social life, the urban ancestors of modern European gay men shaped a new identity as a "Molly," interpreting sexual desire for men in a man as evidence that he was in certain respects a kind of woman.* What actually happens is something like this: the Molly identity shapes a new gender option for people who are morphologically male, an option that leads them to express their sexual desire for other men by feminizing themselves - cross-dressing, and giving each other women's names, among them Molly, from which the name derives.

As this case is meant to show, it is social life that gives us the full richness of resources for self-creation. Even when we are creating counter-normative identities, as the Molly identity was, it is the old and the normative that provide the language and background. You couldn't create the Molly identity without other identities already available in seventeenth-century England. A new identity is always post-"some old identity" in that now boringly familiar sense of "post" in which everything (from postmodernism on) is "post-something."

These arguments lead towards a defense of something very close to the model of a multi-cultural liberal democracy. Where is the cosmopolitanism, you may ask? After all, the world is full of people — Chinese party leaders, Irish bishops, Hindu nationalists, British Tories — who do not share this vision of an autonomous life, who want to have the state play a much larger role in shaping our identities and our choices. One question you might ask is, "Why don't I, in the name of cosmopolitanism, make allowances for this option, too?" Because variety only merits high appraisal to the extent that it enables human choice. That is not always true. Some forms of cultural variety, for example slavery, limit choice. While the fundamental liberal vision is consistent with a wide degree of variety between societies, it is not a celebration of variety for its own sake; rather for what it enables.

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* This is of course a gross simplification. For a good book on the subject, see Rictor Norton, *Mother Clap's Molly House: The Gay Subculture in England, 1700-1830* (1992).

This is fundamental to the question of what interest we have in using the power of the state to protect the rights of people across cultural boundaries. The cosmopolitan liberal vision of the human self is one that requires us to do that, though it doesn't require us to insist on everybody's agreeing with us about everything. That is the extent of its cosmopolitanism.

Liberalism and Eurocentrism

Skeptics may attack this vision as Eurocentric. Liberalism is, after all, a European creature. There is no reason, in general, to hold on to ideas because they come from our tradition, or reject them because they do not. Nevertheless, I deny that this particular tradition is as deeply Eurocentric as its origins. Two points are central to my argument. One is the origin of human rights as a response to the experience of facing the modern state. The other is the pervasiveness across cultures of concepts analogous to dignity. I will make this point for one culture I know relatively well, namely the Ashanti of Ghana.

The first point about experience is crucial in the case of liberalism. The political tradition of liberalism is rooted in experiences of illiberal government — experiences which are by no means limited to Europeans. It is the historical experience of intolerance — religious intolerance in Europe in the sixteenth and seventeenth centuries for Locke, and racial intolerance for anti-colonial nationals like my father or Gandhi — that lies behind liberalism's skepticism of the state's intervention in the lives of individuals. My father, for example, saw the abuses of the colonial state and its general failure to pay his fellows the respect he thought was their due. Later, he saw the same lack of respect from a post-colonial government and was imprisoned by it, as well.

As my father's experience suggests, the restraint which liberalism seeks to place on government recommends itself to people rooted in many different traditions. It responds to a truth about modern politics. Only the nature of the abuses has changed. Just as murderous religious warfare placed religious toleration at the core of Locke's understanding of liberalism, so the prime place of political persecution in the post-colonial experience of tyranny has made protection of political dissent central to the liberal understanding of human rights for people like my father.

But more important still, I believe, was my father's concern with individual human dignity and its roots in Ashanti culture. This leads

to my second point: just as European liberalism and democratic sentiment grew by extending to every man — and then woman — the dignity that feudal society offered only to an elite, so Ghanaian liberalism, at least in my father's form, depends on a prior grasp of concepts of respect that are expressible in that language.

For the Ashanti people, treating others with the respect that is their due is a central preoccupation of social life, as is of course a reciprocal anxiety for our loss of respect, shame, and disgrace. Indeed, there are words we can translate as "respect" in Ashanti Twi, and there are, as you will not be surprised to know, proverbs that I know of, among the seven and a half thousand, which deal with this.* Let me give you just one: "Father soul and father slave Kyereme. Neither of them has any respect." This is a proverb that means, "Whatever you call him, a slave is still a slave." But there is a word in there, *"anyimuonyam"* that means something like respect. Just as *dignitas*, which was once by definition the property of an elite, has grown into human dignity which is the property of all of us, so *anyimuonyam* can be the basis of the respect for all of us that lies in the heart of liberalism. For liberalism, as it developed in Europe and North America, human dignity was, I have suggested, the central idea, and one can see that tradition as the exploration of a deepening understanding of human dignity: so too, as liberal traditions develop in Africa, they will be able to be seen, I am arguing, as deepening reflection on concepts like *anyimuonyam*. Indeed, I think that *dignitas* and *anyimuonyam* have a great deal in common. *Dignitas* as understood by Cicero, reflects much that was similar between republican Roman ideology and the views of the 19th century Ashanti elite. My own view is that it was as an Ashanti that my father had Cicero on his bedside next to the Bible, not simply because he had been to a British colonial school.

Of course, I acknowledge that my understanding of liberal human rights is not necessarily consistent with all of the so-called human rights treaties and documents currently in force. In particular, I am concerned with the African Charter on Human and People's Rights and its Article 29 which imposes on people duties that are well beyond those I believe to be consistent with this understanding of liberalism, human dignity and autonomy.

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* Peggy Appiah, with the assistance of K. Anthony Appiah, *Bu Me Be: The Proverbs of the Akan* (forthcoming.)

The New Threats to Human Rights

My final point is very simple: It is no longer enough to focus our attention on the state alone as the threat to human dignity. Our historical experience shows that the greatest threat to the autonomy and dignity of individuals comes not just from the state but from other sources, including, in the area of freedom of expression, the five or so multinational corporations that now run most of the media. In these circumstances, we have to extend our notion of the protection that is needed. Rupert Murdoch owns sixty percent of the television programming in the world. How many good reliable books are there about the activities of Rupert Murdoch? How many television programs are there likely to be on major channels that explore the question of whether he uses that extraordinary power justly? He's not a state. (He is the father-in-law of a Ghanaian, in fact, and I don't have anything in particular against him! But there ought to be more coverage of people who have that much power.)

Human Rights and Religious 'Universalisms'

Diana Eck

As Jonathan Mann noted, there has been tremendous polarization over the issue of universalism and cultural relativism. There is suspicion, on the one hand, that human rights are a product of the West and western cultural influences — which has some truth in it — and suspicion, on the other hand, that cultural relativism is a pretext for ignoring international conventions on human rights - which also has some truth in it. I want to address the question of human rights and universalism as a religious critic, rather than a human rights expert. Anyone who studies the dynamic history of the world's religious traditions recognizes the deep and pervasive ways in which they shape whole cultures and civilizations and contribute to both sides of the discussion of universalism and cultural relativism. One of the things we learn from the study of religion, however, is that "universalism" is not singular, but complex. Different religious world views are often ways of expressing both competing and converging "universalisms."

It is far too simplistic a polarity to talk about universalism and cultural relativism. The international human rights instruments — the Universal Declaration of Human Rights, the Covenant on Civil and

Political Rights, and the many documents on the rights of women or the elimination of intolerance on the basis of religious beliefs — are framed by the language of human dignity. In its very opening sentences, the Universal Declaration of Human Rights uses the words "human family" — not in the sense of my family or yours, whether hardy or dysfunctional, and not in the sense of the "focus on the family" that has become the seed bed of so much conservative Christian political action in the United States, but in the sense of a human family. It is an extraordinarily bold claim: that humanity constitutes a family. It is all the more extraordinary when we look soberly at the kind of world in which we live. With so many nations affirming their ascription to the human family, one would think our world would be in much better shape. There is obviously something wrong here: we are a dysfunctional family.

The term "human family" is meant to be shared, universal language as it is used in the public discourse of these United Nations documents. Yet we all know that the energy and loyalty we bring to such a concept comes from the specific, particular, culturally shaped ways of defining and participating in a "family." Yet these different ways of understanding "family" do not make that concept culturally relative, but rather create a multitude of culturally specific ways of imagining the universal. Articulating the universal, as valuable as that is, will inevitably mean translating its concepts and imaginative constructs into the particularities of our own speech and culture. In most parts of the world today, articulating what the "human family" is or what "human rights" are will require translating one language of universalism — that public language of our international covenants — into another language of universalism — that provided by religious discourse.

Both kinds of speech are important. In our public modes of discourse, we attempt to communicate across whatever barriers nation, ethnicity, culture, and religion may pose. It is a great challenge to create that kind of publicly shared speech in a forum such as the United Nations or in the public arenas of our many multi-religious nations. In religious discourse, we attempt to communicate using the specific images and stories that have bound us together, despite all our internal arguments, as religious communities. It is a different kind of speech, with different sources of authority and vision. It is not the case, however, that the former is "universal" in intent and the latter parochial or culturally relative. Both provide forms of universal discourse. Rather than polarizing the question as "universalism" versus "cultural rela-

tivism," I believe it is critical to recognize the many forms of universalism, some of which are religious. Both must be deployed for the advancement of human rights.

Understanding the power and pervasiveness of universalist forms of religious discourse is critically important if human rights are to be translated from paper covenants into the fabric of societies. The United Nations and the proponents of liberalism and a secular view of human rights have been reluctant to engage religious communities, for fear of the potential discord and divisiveness of religion. As a result, there is little or no analysis of religion brought to the investigation of either problems or solutions. With the exception of the strong circle of religious NGOs that are affiliated with the United Nations, there is little direct attention to the deep religious questions involved in human rights issues. This is no longer a useful or acceptable position.

As a religious critic, I would say that we human beings are becoming increasingly aware both of our religious differences and our common destinies. Looking at the world today, we see the fracturing of peoples along the lines of difference — race, ethnicity, religion, and language — and the tendency to mint our identities in smaller and smaller coins. We are witnessing the fracturing of what had been multiethnic and multi-religious nations along the lines of religious and ethnic identities. Yet at the same time, there is something else afoot: new multi-religious societies are coming into being. The United States is one salient example, but many European societies are also wrestling with the religious and cultural diversities that are fracturing other nations.

Throughout the world, there is a growing recognition of global interdependence. On issues that religious people — whether Muslims, Buddhists, Jews, or Christians — say they care about most, there is increasing awareness that solutions can be found only by people of very different religious traditions acting together. This includes fundamental issues such as justice, violence, and environmental ethics. In the rubble of fractured cities like Sarajevo and across the fault lines and minefields of the world, there have begun to arise a multitude of regional and international interreligious networks of people — networks of bridge-builders, you might say, to create an infrastructure of an increasingly interdependent world.

My general argument here is that universalism is not one, but many. There is not, on the one hand, the Universal Declaration of Human Rights, and on the other hand, a multiplicity of religious, culturally

particular claims made by different civilizational groups or religious communities on behalf of themselves. That misconstrues the problem completely. The problem and also the opportunity is to recognize that there are competing "universalisms"; the Universal Declaration represents only one of many ways of making universal claims. I would like to make three points in exploring this further.

Competing and Converging Universalisms

First, people from many different cultures and civilizations make universal claims in distinctive religious languages. Jews, Christians, and Muslims all make universal claims about God's role in creation, God's image reflected in man, and the innate dignity of the human being. When Jewish thinkers speak of the covenant with Noah and the Noachide laws applying to all humanity, they are not making a claim that is true only if you are Jewish, but a universal claim about the nature of human responsibility. When Christians speak of human nature as having been dignified by the human incarnation of God in Christ, and the redemptive story of the Christ event, they are not making a tribal claim that is true only for those who happen to be Christians. In the terms of Charles Wesley's Methodist hymns, "The arms of love that circle me would all mankind embrace..." That is a universal claim, and not a culturally relative claim in the view of those who hold it.

Questions of human dignity, in these perspectives, don't go back to Locke, or to the dignity that is ascribed to humanity in the Universal Declaration of Human Rights. Those claims for human dignity are grounded in religious images of the human being. This is also true of Islam in which Muslims speak of submitting to God, or aligning one's life with the godward human nature with which we are born. It is true for Buddhists when they speak of human life as characterized by suffering born of our human tendency to grasp and to try to possess, or when they speak of the path of awakening from suffering to a life of freedom. It is a noble truth that they claim for all, not just for Buddhists.

The issue is not, then, universalism vs. particularism, but competing and in some ways converging universalisms. A document called *Toward a Global Ethic* was discussed by a parliament of world religious leaders in 1993 in Chicago.* Some two hundred people from different

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* The text is distributed by the Council for a Parliament of the World's Religions, Chicago, Illinois. It is also widely available in Hans Küng and Karl-Josef Kuschel eds., *A Global Ethic: The Declaration of the Parliament of the World's Religions* (1993).

religious traditions considered the possibility of identifying irreducible norms and standards of action to which we might hold one another, though individually our grounds for compliance might differ. The discussion illustrated a process of different universalisms converging. One basic norm might be: I shouldn't take your life by violence. As a Christian I could say, "I shouldn't kill you because you were made in the image of God, and every human life is precious," or I might say, "It says in the Bible: 'Thou shalt not kill.'" A Buddhist or Hindu might see human life as precious because only now have we been manifest in this human life form, after so many lifetimes. The Buddhist or Hindu might say, "Though the body we shed may be like clothing, as it says in the *Bhagavad-Gita*, the violence of my taking your life is not only bad for you, but for me and my spiritual destiny as well. It will have its repercussions in many lives in the future." We are never going to agree universally on why we should not kill one another, but we probably could achieve some consensus on the fact that we shouldn't.

Multivocal Religious Traditions

The second point is that each of these world views — Christian, Buddhist, Hindu, or Muslim — is also multi-vocal. There is no one civilizational mass or ideology called the "Islamic World," or the "Christian World."* We tend to see these universalizing traditions as monovocal, painted in big washes of color all around the world. But our religions and civilizations are not of one color. They are not monoliths; they are active, ongoing arguments. Christianity, for example, is a long historical argument — these days, a multi-vocal "dogfight." Being Christian means that you want to participate in that argument. Otherwise, you can choose the liberal argument or the post-modern argument.

Whether an argument or an outright fight, each takes place in the context of a story with many voices. In the Christian tradition there are those who hold to this story as "exclusivists," believing there is only one way to salvation, one version of the truth. From their standpoint, this is not a culturally relative claim, but a universal one. It has given rise to mission movements, including new and aggressive ones that today are active in every part of the world, especially in the Islamic world.

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* See Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order* (1996).

There are also Christian "inclusivists," who presume that these stories represent truth open to everyone. There is a great deal of Christian inclusivism at the foundation of Western liberalism, for example, a presumption of human dignity, of human freedom, of human autonomy and the freedom to choose. Inclusivists presume the Christian "tent" is big enough for everybody. A century ago, the language of universalism and the language of Christianity more or less merged, as did the first language in which Reform Judaism took its shape in the United States. It shaped the language of liberal universalism, which was almost indistinguishable from forms of Christian Universalism, Reform Judaism, and Unitarian Universalism.

However, there are also people in the Christian tradition who are pluralists, as I am. Pluralists might take a cue from St. Paul preaching to the Athenians in the Acts of the Apostles: "From one ancestor God made all nations to inhabit the whole earth ... so that they would search for God and perhaps grope for him and find him - though he is not far from each one of us." (Acts 17: 2-28). It is not the case that some people will seek and find, while others will remain in the dark. If seeking after God and finding something of the Divine — and indeed not far from us — is part of what we speak of as "God's providence," then our human task is to be alert to what others have found, so that we too might learn from them.

These same arguments are taking place in the Islamic world, from Jakarta to Casablanca, and Johannesburg to Chicago. And let us remember that the "Islamic world" is not somewhere else on the other side of the globe; today, the United States with its four to six million Muslims is very much part of the Islamic world. There are strong advocates of universal human rights within the Muslim world, even while other Islamist voices of politically resurgent Islam are on the other side, challenging the "Western imperialism" of documents like the Universal Declaration. The tendency to essentialize Islam as monolithic comes from both outside the Muslim world and within. But as one group of writers in the Project on Religion and Human Rights in New York put it recently, "Influenced by 'Orientalist' stereotypical attitudes toward Islam, people in the West have tended to perceive Islam as a monolith, a perception that is reinforced by Muslims who purvey an ideologized version of Islam. Both groups see Islam as a self-contained culture opposed to the West and as precluding the reception of human rights, which are viewed as distinctively Western."*

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* John Kelsay and Sumner Twiss eds., *Religion and Human Rights* (1994).

By missing the multiplicity of voices in these traditions we miscast the debate as one that pits religious or traditional communities against modern, secular and liberal groups, when in fact the debate goes on within these very communities. There is no single Islamic perspective on human rights. On the right to choose one's own religion, for example, some countries punish apostasy from Islam as a criminal violation of *Shari'a* law. Others argue against this view, insisting on the Qur'anic principle that the human task is to seek the truth and that there should be no compulsion in religion. "Let him who believes, believe, and let him who will, reject it." Debate continues on other issues as well, such as female genital mutilation, rejected by a wide range of Muslims as un-Islamic. To miss the debate is to distort the argument and to play into the hands of extremists. To perceive the world as a "clash of civilizations" — the West and the rest — is to ignore and thereby devalue and weaken the forms of discourse that are taking place within religious communities.

Engaging Religious Communities in the Human Rights Dialogue

My third and final point is that religious communities need to be brought more fully into the human rights discussion, and must, themselves, reach out beyond narrow sectarian interests. At the current time, there appears to be a double standard. Religious groups in the West, especially Christians, are increasingly attentive to abuses of the human rights of their co-religionists while overlooking abuses suffered, for example, by Muslims in Bosnia or Palestinians of all religions.

The new American Christian activism on the problem of religious persecution focuses the question for us. Many people involved in conservative and evangelical Christian communities, as well as some prominent Jews, are now saying that Christian minorities in countries like Saudi Arabia, Kuwait, Iran, and China are the most persecuted group of people in the world — the "Jews of the 1990s" as Abe Rosenthal [of the *New York Times*] put it. The January 1996 "Statement of Conscience of the National Association of Evangelicals Concerning Worldwide Religious Persecution"* made public for the first time this contingent of human rights activists from the conservative and evangelical churches in the U. S. It was followed by a widely noted article on "The Suffering Church" in *Christianity Today*** and the publication of two books amassing evidence of the persecution of Christians —

* "Statement of Conscience of the National Association of Evangelicals Concerning Worldwide Religious Persecution" (1996), available on the world wide Web at http://nae.goshen.net/naesoc.html.

** Kim A. Lawton, "The Suffering Church," Vol. 40, *Christianity Today* at 54, July 15, 1996.

largely in the Middle East, Sudan, and China: Nina Shea's *In the Lion's Den** and Paul Marshall's *Their Blood Cries Out.*** The energy of this movement has provided much of the drive for legislating U. S. political and economic sanctions against governments involved in religious persecution.

The issue is clearly complex. Too often, the denunciations of human rights abuses coming from these Christian activists begin with forceful statements about the violations of freedom of thought, conscience, and religion and end by focusing almost exclusively on Christians. Other Christian voices — from the China Christian Council, the Middle East Council of Churches, and the National Council of Churches USA — are wary of this one-sided focus on the persecution of Christians and insist on active concern for all violations of human rights, including the religious rights of people of all faiths. They are wary of using human rights as a weapon against Islamic regimes, for example, in contexts where both Muslims and Christians "on the ground" may be trying to strengthen human rights advocacy across the lines of faith, as is the case with the international Muslim-Christian working group on human rights.

And, of course, the energetic yet one-sided attention to the human rights of Christians plays into the suspicion that American evangelical Christians who had never been great supporters of the United Nations or international human rights covenants before, are now using the human rights movement for their own interests, paying little attention to the plight of other religious groups. While the many evangelical Christian publications this past year have focused on "the persecuted church," few have widened their concern to the persecution of Muslims, for example. On the other hand, the Los Angeles Muslim publication, *The Minaret* (December 1996) carried full coverage of the question of the persecution of Christians.

In my own view, human rights is an important focus for interreligious dialogue — mutual, critical, and self-critical. Building a climate supportive of human rights will require the cooperation and accountability of people of all religious communities, as well as the secular human rights communities. This means welcoming the participation of evangelical Christians, for example, in the human rights discussion

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* Nina Shea, *In the Lion's Den: A Shocking Account of Persecution and Martyrdom of Christians Today & How We Should Respond* (1997).

** Paul A. Marshall, *Their Blood Cries Out: the Untold Story of Persecution Against Christians in the Modern World* (1997).

— along with other Christians, Muslims, Jews, Baha'is, and secular human rights activists. The process of engagement and dialogical discovery will, one would hope, result in finding allies and co-workers of many faiths, broadening one's concern to the human rights of all, not just of one's co-religionists. I might add that the State Department Advisory Committee on Religious Persecution Abroad represents a dialogical move of this sort, including evangelical and mainline Protestants, Catholic and Orthodox Christians, Jews, Muslims, and Baha'is.

Anthropologists, Anthropology and the Relativist Challenge

David Maybury-Lewis

There is something particular about anthropology which, at the very least, deserves explication. I am not mounting a defense, which I believe is unnecessary. Rather, I would like to clear up some misunderstandings that I have run into, especially in dialogue with philosophers or people who are philosophically inclined. I often hear about "the relativism practiced by anthropologists," as a sort of cliché, or even "the extreme relativism of anthropologists." I think it is believed in some serious circles that anthropologists find rationality and morality in the weirdest and most abhorrent customs around the world. However unreasonable and brutal they may seem, it is argued that anthropologists will always find reasons to justify them. "They have their own reasons for doing this," the anthropologist will say. "We are outside of this discourse and have no real way in which to criticize it. After all, it is in their culture. We may not like it; we may even wish to fight it, but we have no good grounds for condemning it." Or so the argument runs.

This has often puzzled me because no anthropologists I know are relativists *à outrance* in this way. On the contrary, anthropologists as a breed are deeply concerned about human rights. For example, in 1994 the annual meeting of the American Anthropological Association had human rights as its central theme. Which other professional social scientific associations in the United States would make human rights the theme of their annual meeting? It is quite unusual.

This reputation for extreme relativism probably dates back to the critique of the Universal Declaration of Human Rights when it was

first being formulated. At that time, I'm embarrassed to say, the executive board of the Anthropological Association sent a memorandum to the United Nations criticizing the draft Declaration by saying that it was much too western. It probably was. But they also went on to add, "The rights of man in the twentieth century cannot be circumscribed by the standards of any single culture." Western ideals, they argued, were contaminated by colonialist practice and led to "the demoralization of human personality and disintegration of human rights among peoples over whom hegemony has been established." The Universal Declaration, the memorandum argued, should be much more accepting of non-Western ideas and values. Human rights amongst non-Western peoples, indeed amongst Western peoples too, must depend on "the only right and proper way of life that can be known to them: the institutions, sanctions, and goals that make up the culture of a particular society."*

Although this may be the root of the anthropological reputation for relativism, it was sharply criticized, even at the time, by anthropologists themselves. Dissenting views were published immediately. Some anthropological cynics pointed out that this relativistic view really led to the conclusion that everyone in the world has the right to be repressed according to the patterns of his or her own culture. It also meant, they added, that an anthropologist could be defined as a person who respects every culture but his own.

To understand the value of relativism to the anthropologist, it is important to put the debate in context. Nineteenth-century anthropology was certainly not relativist. It encouraged a kind of evolutionary disdain for non-Western peoples, all in the name of science. One distinguished anthropologist formulated a scientific theory arguing that white folks had taken over the world because they spoke such simple languages. Other nations had expended all their energy on extraordinarily difficult languages, and therefore couldn't resist the invasion.

Twentieth-century anthropology was reacting to the evolutionary paradigm in social and cultural anthropology, in general, and this kind of extraordinary scientism, in particular. Anthropologists set out to study alien societies in their own terms. They were going to try to put their own judgments on hold, certainly their scientific and evolutionary judgments, but also their ethical and moral judgments. They established a methodological presumption of tolerance and open-mindedness.

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* American Anthropological Association, Statement on Human Rights. 49 *Amer. Anthropologist* No. 4, at 539 (1947).

These are the more recent roots of anthropology's relativism. Incidentally, it is extraordinarily difficult to put your preconceptions on hold. Our language embodies a way of looking at the world. Much of training in social or cultural anthropology consists of a systematic effort to recognize prejudices embedded in our language, our way of thinking and the presuppositions of our intellectual forebears.

Post-modern Procedural Relativism and Moral Judgments

The initial consequence of this twentieth-century transformation, of which Franz Boas was a pioneer in this country, was to launch a systematic empirical study of other societies and cultures. In so doing, anthropology contextualized and dethroned Western thinking, leading to greater humility *vis-à-vis* other societies and traditions.

I like to think that this has led anthropologists in the 1990's to be more sophisticated about the epistemological status of their own analyses. We are intensely interested in questions such as who is making the analysis? Under what circumstances? How might it be different if it included opinions of other people? How might it be different if it included voices which were previously unheard, or worse still, heard but not listened to?

All of this I take to be an extremely positive development within anthropology. But there are some dangers implicit in it. It can lead to a sort of unbridled post-modernism, which in its turn leads to a form of extreme relativism. After all, if we engage in a systematic deconstruction of previous and hegemonic interpretations, as we are all so expert at doing these days, our project will lead to a profusion of rival interpretations, which themselves are subject to deconstruction. If we have (or believe we have) no accepted procedures for choosing between alternative readings, then indeed we have no way of disproving that societies fell victim to colonialism because they were exhausted by the effort of speaking difficult languages. We have no way of knowing whether feminist readings of our own or other cultures are any more reliable than the chauvinistic, patriarchal ones that they replaced. And we have no way of knowing whether the Holocaust really happened. These are rather serious inadequacies in total relativism.

It is not too difficult, I think, to adopt a moderate post-modernism of the kind that would certainly improve anthropological analysis without undermining the possibility of all anthropological knowledge. The same reasoning applies to other realms of social inquiry. But that does not resolve the question of using anthropological knowledge to make

moral statements. Clifford Geertz once gave a famous lecture called anti-anti-relativism, which was supposed to deal with this problem. He characterized the dilemma very well. Geertz started off by saying that relativism was usually defined by its enemies; that is not surprising since relativism's friends rarely define it, and certainly not coherently. Geertz didn't define it either. Instead he set out to attack the absurdities and exaggerations of the anti-relativists, "In much the same spirit," he said, "as people used to attack anti-communists."* In that spirit, he was an "anti-anti-relativist." Anti-relativists, he said, were people who warned against nihilism, who insisted that without absolute values universally held, chaos would ensue. This was all exaggeration. Relativists, on the other hand, were people who were reluctant to rush to judgment, who warned against provincialism and exaggerated belief in the precepts of one's own culture.

The great advantage of the anthropological approach, according to Geertz, is that it keeps the world off-balance. It re-positions our intellectual horizons and de-centers our perspectives. Anti-relativists are wrong to imagine that they can place "morality beyond culture and knowledge beyond both." At which stage, one may ask, "How then do we proceed?" There, Geertz lets us down. He ends by saying, "Well, if you wanted home truths, you should have stayed at home."** This is an evasion of the issue, an issue that, I grant, is undeniably difficult. Nevertheless, I think we can do better.

Recent developments in our own thinking in philosophy, in the social sciences and in anthropology are of some help on this issue. Currently among anthropologists — at least those I respect — relativism is treated as a procedural matter, not as an absolute. It is a temporary suspension of judgment, a presumption of tolerance for other ways of life, even the most unpleasant, even Nazism. You start by saying, "We will try not to moralize about this, however difficult it may be. Let us try and think our way into the shoes of people who behave this way." The anthropologist approaches other cultures in a spirit of humility, with an initial presumption of rough parity between our ethical systems and theirs. But the reluctance to make immediate judgments is not the same as avoiding judgments altogether. Rather, it is to make better informed judgments later. People who use this procedure take the making of judgments as an extremely serious and continually developing activity.

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* Clifford Geertz, "Distinguished Lecture: Anti Anti-Relativism," 86 *American Anthropologist* No. 2, at 263-278 (1984).

** *Id.* at 276.

"Aha!" the critics may say, "Anthropologists do make moral judgments after all." Surprise, surprise. Just like other people, we make moral judgments. But how do we do that without agreed-upon universal moral standards? Much like other serious people do: by seeking to apply the best standards we know after giving serious consideration to the disagreements between and within cultures — disagreements which have been aptly pointed out by the two previous participants. There is a multiplicity of voices at work here. In Anthony Appiah's phrase, the "cosmopolitan liberalism" that we are arguing for will try to take that into consideration.

A Hierarchy of Consensus

The procedure is not quite as evasive as it may sound. We use it to seek agreement among ourselves as to which practices are utterly abhorrent, to be condemned, and which practices are in dispute, condemned by whom, and under what circumstances. There seems, for example, to be general agreement about genocide: it should be condemned. The problem is how to prevent it; nobody has come up with a good way to do that. Likewise, the slaughter of indigenous peoples, which happens to be of particular interest to me, was until quite recently accepted as the price of progress. The frontier moves forward; indigenous people are killed off, and it's too bad, but that's what happens. Nowadays, that is no longer accepted. It often happens, but it is, at least, universally condemned.

There is, of course, less and less agreement as one moves down the hierarchy of abuses. Most people can agree about slavery — that it is to be condemned. Torture, which might be presumed to meet with universal condemnation, is sometimes condemned, often justified, and practiced nearly universally, which is one of the great disgraces of our age. How about the caste system in India, and the inequities that it involves? Perhaps this is more controversial.

Then come the really tough arguments, issues that we have faced since we founded Cultural Survival, an organization that defends the rights of indigenous peoples, including their right to continue their own cultural practices if they wish. I am frequently asked, should devout Hindus then have the right to practice *sati*, the burning of widows on the funeral pyres of their husbands? What about female genital mutilation? What do you, as a cultural survivalist, say about these practices that are sanctioned by custom? If people have a right to maintain their own cultures, surely they have a right to practice *sati* and to mu-

tilate the genitals of their daughters. Our response is that cultural survival is neither an absolute nor a superordinate right. It does not, in my view, justify holding slaves, or engaging in human sacrifice. As one runs through the various, contentious practices like *sati* and female circumcision, the arguments eventually boil down to coercion. To the extent that a practice is coerced, it is unacceptable. What action we then take depends upon our situational factors. I live in Cambridge, Massachusetts. I can and would act to prevent the practice of female circumcision in Massachusetts. I disapprove of it in the Sudan or Egypt where it is practiced, but I do not feel that foreign crusaders will have much success in trying to eliminate it there. We would do better to support people in those countries who are already fighting this battle.

It is coercion that is unacceptable in these matters. There is a nice story of a Mogul emperor at a time when the Moguls, not being Hindus, were trying to abolish the practice of *sati*. In Mogul times, people had to get permission from the emperors to commit *sati*. A Mogul prince went down to a woman who was preparing to burn herself on her husband's funeral pyre; he argued and remonstrated with her until she told him to get away and stop bothering her. He realized that this was utterly voluntary, so he stepped back, and said, in effect, "All right, if you want to do this, which I believe to be a foolish thing, then go ahead and do it."

The relativistic program in anthropology has come a long way since it toyed with epistemological skepticism. It has outgrown its ethical impotence, and now practices a seriously modified procedural relativism that constantly tests our values in dialogue with other, ostensibly different, values. It is this modified relativism and the confidence that it inspires in contextual judgments that provides the ethical basis for our human rights initiatives. The development in the field has been welcome. The best anthropology was never intended to be a detached study of human beings, an aesthetic indulgence practiced by wealthier societies engaged in the study of other people as if they were ants. On the contrary, since the beginning of this century, cultural and social anthropology has had a strong sense of social purpose. It strives to help us to think and act better towards our fellow human beings. That is what has enabled anthropology to take the lead in undermining the pretensions of colonialism, racism, sexism, and nowadays, ethnocentrism. As Franz Boas himself used to argue, "anthropology should be a science in the service of a higher tolerance."

Questions and Comments

David Maybury-Lewis

My question is to Anthony Appiah: You spoke about giving each person the respect that is his or her due. I was intrigued by this because, as you pointed out, the idea that you command respect as a person, as an individual, simply "by showing up," is a very radical one that lies at the heart of the whole liberal argument. But I suspect that it is not at the heart of many cultural and ethical systems around the world. People gain respect only to the extent that they are somebody, or that they are the child of somebody, and so on. Many, perhaps most, are not considered worthy of respect.

Anthony Appiah

I am not claiming that the particular concepts I mentioned, or other analogous concepts, are viewed as generally available to everybody in those societies. But these concepts can serve as the basis for an argument for a broader entitlement. Once the possibility exists, or imaginatively exists, of claiming this "thing" which has been historically available only to "persons of standing," more and more people begin to think they might have some of it to. The Herskovits prize for the African Studies Association was awarded to a study of an episode on the Swahili coast in the late nineteenth century.* People who were not Swahili, by Swahili standards, including some slaves, were rising up and claiming the prerogatives of Swahiliness. They weren't rejecting the category; they were saying, "We want to come inside it," as it were.

I have drawn the analogy to the concepts of "respect" or "dignity" because they are so central to the human rights ideology and because they went through a similar evolution within the liberal tradition itself. Locke uses the word dignity in exactly the same, limited manner. It is only later that we "humanize" and thereby "universalize" it.

David Maybury-Lewis

I have a question for Diana Eck: You spoke of the late twentieth century networks across religious lines. Is this something particular to our time? Hasn't there always been a tendency towards interreligious cooperation? Many have argued that in spite of all its problems, the Ottoman Empire encouraged such cooperation.

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* Jonathon Glassman, *Feasts and Riot: Revelry, Rebellion, and Popular Consciousness on the Swahili Coast, 1856-1888* (1995).

Diana Eck

There have certainly been multi-religious cultures, or cultures that didn't share the same narrow conception of religious identification that we see today. The history of our religious traditions is one of continual interaction. There is some evidence of conscious interreligious dialogue when the Emperor Akhbar gathered everyone in his audience hall - even a stray Jesuit when he could find one - to hear about the religious views of the world and create the *dinilahi* and a new kind of Baha'i faith of his time.

What is new is the intentional creation of an interreligious infrastructure in places where there has been a breakdown of communal harmony or an effort to prevent a breakdown. World-wide networks like the International Association for Religious Freedom, or the World Conference on Religion and Peace (WCRP), have chapters all over the world. In part, these are attempts at building bridges to prevent the kind of breakdown that occurred in former Yugoslavia or Lebanon, where something happens that turns people into deadly enemies though they have unselfconsciously been neighbors for decades. The WCRP chapter in South Africa was much involved in shaping a multi-religious framework of the new constitution there. The same phenomenon is happening at a local level in the United States. Councils of churches and clergy in major cities and suburbs now involve American Muslims, Buddhists, Hindus, and Sikhs.

Diana Eck

I would like to ask David Maybury-Lewis, how do you conceive of cultural survival in the face of dynamic change? Aren't our cultures dynamic, so that it is natural that some survive and some do not?

David Maybury-Lewis

Your question raises a popular misunderstanding about what we mean by "cultural survival." Ideally, people should control the future of their own culture, their own way of life. In the real world, people should have as much say as possible in their own futures. This is all that we mean by cultural survival. It is not an admonition to people to be "true to themselves" and maintain their culture as *we* conceive it. That would be absurd as well as intolerably patronizing. In fact, many cultures do not survive because people disappear into a surrounding population for their own reasons. Through no fault or coercion they

are no longer the bearers of a distinct way of life.

Cultural Survival, the organization, helps cultures that are threatened from the outside because their members are being annihilated physically, or their way of life is being annihilated socially. For example, people are driven off their lands or otherwise rendered destitute and their culture forcibly deprived of the means of survival. It is those acts of ethnocide that we oppose.

Anthony Appiah

I would like to return to the example of uncoerced choice that David Maybury-Lewis raised in the discussion of the Mogul emperor. This was an example of autonomous decision making. But in the case of indigenous peoples you appear to be saying they should be left to decide their own fate. That is not exactly the same thing. The difficulty arises both because of the lack of homogeneity within a culture — as Diana Eck has pointed out — and because this "inhomogeneity" is associated with asymmetries of power. Female genital mutilation, which is a matter of people within a tradition doing something to other people within the tradition, is bound up in issues of power. The girls who undergo the procedure are not making a choice; they don't even understand what is happening to them.

Even in the case of adults, it can be very hard to distinguish the boundaries of coercion. I have no problem with an adult who voluntarily hires a doctor for clitoral excision. But even in that context, are we clear that choices are truly uncoerced? It is not enough to sign a document agreeing that the choice is uncoerced. Let's assume that you want to marry and have children. You love many, though not all, aspects of your culture. In this culture, marriage requires clitoral excision. Then choice is no longer entirely "free."

David Maybury-Lewis

The element of coercion is extraordinarily difficult to unpack; that is why the Mogul story is so fascinating. This was a serious effort by a young prince to get at the heart of the question. But indeed, if you are in a cult and, in our terms, "brainwashed," to what extent are you exercising free choice?

Anthony Appiah

It may be useful to return to Kant who says that autonomy requires not only freedom of the will, but also knowledge. I can interfere

with your autonomy by depriving you of relevant information that might have led you to a different decision. That's why we talk about "informed consent," and not just consent. Part of the difficulty is determining what information should be made available to a person making one of these difficult decisions.

Diana Eck

There is, however, legitimate opposition to this construction of autonomy. As Kim Mariot puts it in relation to Hindu society, one is not an individual, but a "dividual," by which she means that one is embedded in a network of relationships. That also affects the context for informed consent.

Anthony Appiah

It is a false polarization. The image of autonomy that I was sketching does not require an asocial, unrelated and monological view of the self, although some within the liberal tradition treat it that way. Coercion is known in all societies. Even in societies in which many rights inhere more clearly in collectives than in individuals, people have a clear standard about when someone is made to do something against his will. They may think it's justified, but they don't deny it. The discussion must address the grounds which justify limits on such coercion.

I am intrigued by a process like the Parliament of Religions which Diana Eck discussed. People can come to share a sense that certain things matter, even to articulate a shared understanding of basic values — for example, the protection of human life — without agreeing on the underlying basis. Using Cass Sunstein's argument about American constitutional jurisprudence, there is a certain advantage in "incompletely theorized agreements."* The First Amendment is full of such agreements. There is constant debate, but no consensus, for example, about why we should have separation of church and state or freedom of expression. We do, however, have some settled models, pictures of cases on which everybody agrees. In the debate over cultural differences, it turns out that similarly wide areas of practical agreement exist. The World Parliament seems like a good example of how you can achieve such agreement if you begin with respect.

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* Cass R. Sunstein, "Political Conflict and Legal Agreement," *in* Grethe B. Peterson ed., *The Tanner Lectures on Human Values,* Volume 17, at 137 (1996).

Diana Eck

There are opponents to this process who come from all religions, as well; they see it as a step toward relativizing the commitments that they hold most dear. But the purpose of this process is to engage one another on the basis of differences — not to erase the differences — with the goal of discerning common practical areas. This needn't undermine the theological, social, or epistemological grounding for why it is that each group thinks the way it does, though it raises challenges. Such multi-sided dialogue is not about achieving an agreement we all sign at the end of the day. It is about achieving a relationship that is the premise for the practical, instrumental relativism that we have been discussing.

Jonathan Mann

There is a Latin proverb which says something to the effect that, "Everything depends upon the beginning." To come back to the Universal Declaration — which is certainly the root document of the modern human rights movement — the drafting process was deliberately intended to remove all gods from the arena. The nearly two thousand separate meetings of the Commission on Human Rights sought to exclude anything that came from beyond the realm of political discourse, in an effort to define preconditions for human well-being in the relationship between the state and the individual that were common, broadly shared. The Parliament of Religions will be a part of the enormous ongoing discourse within and among the religious traditions, whereas the Universal Declaration was a unique effort to achieve legitimacy for universal values, and not process alone. It gives the movement a legitimacy and role in the world that is important to consider.

Nevertheless, universal acceptance does not end domestic difference. Human rights are interpreted locally regardless of what the documents say. Although there is relatively widespread agreement, for example, that torture is not a good thing, there is no agreed definition and no common enforcement. What is torture? What are cruel and inhumane conditions? The answer will be struggled over locally. In the end there is no ability to say, "This document was violated even though the country ratified it; therefore call in the international police."

Question from Audience for Anthony Appiah

Is your notion of autonomy more robust than the notion of uncoerced and informed affirmation of cultural traditions that Profes-

sor Maybury-Lewis discussed? As I understand it, autonomy places a value on individuals designing their own lives. Isn't this too strong a notion? There are cultures which abhor coercion but do not place a value on people designing their own lives.

Anthony Appiah

My vision of autonomy is one which is "thicker" than simply the absence of coercion; it places a premium on reflective appropriation without regard to the actual choices that are made. Even if an individual doesn't change tradition, in my view it is better for that individual to appropriate it reflectively. That process is more substantial than simple, non-coerced affirmation because it incorporates something Kantian — the value placed on reflection and understanding of your identity and position. I understand, of course, that this view is not shared everywhere. But I believe it is possible to engage people in respectful dialogue across different traditions in order to develop our thinking about such questions.

I would expect my view of human dignity to be shaped by my interaction; but I would also expect to make headway in persuading others about aspects of my view. I perceive the "good life" in the same light. I am an objectivist. What is "good" is a reflection of the projects associated with a reflective appropriation of identity. It can't be known in advance. The good life could be the result of someone reflectively appropriating the very life that they would have had without thought.

Question from Audience for Diana Eck

Given the power of media and multinationals in this interdependent world, what hope is there for religious groups to find their commonalities in a coherent way? What is the risk that we are simply going to have more and more religions, which will be more and more disparate?

Diana Eck

Are we developing more in common or becoming more disparate? One thing is very clear: religious communities are extremely active throughout the world today in a great variety of ways. There are more active Christians in the southern hemisphere now than in the north. There is growth in Pentecostal and Evangelical Christianity in both Africa and Latin America, and a strong resurgence of more self-conscious forms of Hinduism in India, as well as all the many forms of

resurgent Islam.

Many of these movements are "wall-builders" rather than "bridge-builders." At the same time, there is much religious cross-over and new forms of religious life are coming into being. There are people who think of themselves as Buddhists and Christians at the same time. Fareed Isaac, a South African Muslim, has just written a book on the *Qur'an*, liberalism, and pluralism. He writes as a Muslim, expressing a form of Muslim liberalism influenced by the kind of cosmopolitan stream that Anthony Appiah has discussed.

It is an extremely active planet, religiously. And the United States is one of the most fertile grounds. The Islamic world is here; Chicago is a part of it, with its 70 mosques and half-million Muslims. There are Islamic organizations and Muslim groups like the American Muslim Council becoming active in U. S. politics. This adds a dimension to the transnational religious organizations that already exist.

Question from Audience for David Maybury-Lewis

Could you expand on your discussion of the hierarchy of consensus and, particularly, how you address the conflict between traditional practices and the rights of women?

David Maybury-Lewis

At the top are abuses about which there is general agreement. We may not know exactly what to do about them, but we agree that they are intolerable. Then you reach a grey and difficult area, in which there is no general agreement. Here the role of women is often at the center of the debate. It is always the first issue to come up in disputes between Western groups and others. We say, women are not treated properly in such-and-such a culture or civilization or country, and they respond, saying, "This is the way we do things. With so many rapes and so much brutalization in your society, you're in no position to lecture to us." This seems to me to be one of the most contentious areas today. Nevertheless, we can only move forward through dialogue among "competing moralities" rather than by seeking to impose a decision from within the Western tradition.

Question from Audience to All Participants

Given the disregard for international treaties, the coded language and the rhetorical excess, does any force remain in the human rights

language? More broadly, do human rights approaches have any real world impact?

Anthony Appiah

The language does have effects through the activities of nongovernmental organizations. My father was in prison in Ghana for a year and a half without ever knowing the reasons. Amnesty International drew attention to the case in ways that were potentially embarrassing to the government of Ghana, which, I believe, helped to prevent worse treatment and led to his early release. There are many interventions of that sort. Some of them, in fact, gain their strength from the fact that they are not state interventions. For example, regarding our work at PEN in connection with imprisoned writers, we know that the governments of Turkey or Iran find it harder to reject letters signed by other writers from around the world, precisely because they can not say we are instruments of any government. We regularly criticize the U. S. government as well, but we do it in terms of the language of human rights.

In Turkey, Iran, Burma, and Nigeria, there are now journalists and writers in prison who shouldn't be. Little is being done by any state actors in most of those cases, except perhaps Burma. But institutions like PEN and Amnesty International are working to make these cases known and articulate the issues. One effect is the solidarity of knowing that whatever your government is doing to you, other people out there are thinking of you. This is something that my father experienced. We get very moving letters at PEN from writers who say, "I'm out now, and I'm out for a reason that has nothing to do with all the letters you've sent, but while I was in there, knowing that you were thinking about me was one of the things that sustained me."

David Maybury-Lewis

I agree that human rights language has enormously important effects on the world apart from the development of a discourse, though not as powerful effects as we all would like. Another example beyond the work of Amnesty International is a growing understanding of group rights, a particularly important understanding in my line of work on behalf of indigenous peoples.

Diana Eck

There is still a long way to go. A huge gulf remains between these nice ideas about human rights, human family, and human dignity, and the realities of most of our societies. The largest networks of organizations concerned with such problems are religious. But until now, human rights are still discussed largely in elite circles in different parts of the world. Without mobilizing grass roots religious organizations to think about human rights, the gulf between the documents and reality will remain. The religious dimension is extremely important because these are the ways in which human rights will become inculturated in different societies.

End of First Session

Topic II
Remembering and Forgetting Gross Violations of Human Rights

Henry Steiner, Chair

We are familiar with the severe warnings about failure to remember; being doomed to repeat a given history is but one among them. But insistently remembering tragedies may carry its own costs, particularly an inability to appreciate richer parts of a past or to imagine a brighter future. We are reminded of Gladstone's observation about Northern Ireland: the trouble with the British was that they never remembered, and with the Irish that they never forgot.

The puzzles about the memory (or memories) of gross violations of human rights abound. What does memory select from a varied past? Will any one memory of such terrible events command a consensus, or will it remain as contested as other vital aspects of a nation's history? Will the memory of tragedy assume a collective and canonical form that resists change, or itself be transformed and reconstructed to serve the purposes of later generation? Is it indeed any less malleable than the ever changing individual memories of our own earlier lives? Do even the purposes that shared or collective memory is meant to serve shift over time - prudential warning of the need for vigilance and deterrence, or a way toward acknowledgment by all of the dimensions of and responsibility for a tragedy, hence a path toward national reconciliation and a humane future?

These questions have particular contemporary relevance. From genocide to "dirty war," from ethnic cleansing to political purges, the world has produced no shortage of events spurring demands for historical documentation and public remembrance. From Nuremberg on, the human rights movement has been obsessed with these questions, in contexts as varied as adjudication before international courts of cases involving crimes against humanity and national truth commissions. Despite their differences in character and purpose, the processes, judgments, and reports of courts and truth commissions have strong narrative components, officially record some or most atrocities giving rise to them, and give a vast publicity to the events under scrutiny. They thereby contribute significantly to the construction of a collective memory. In recent years, the Hague International Criminal Tribunal on the former Yugoslavia and Rwanda, together with many truth commissions of which South Africa's is the most prominent, keep these

issues vividly before us.

Our panelists, who explore different time periods and perspectives on these vexing questions, are Patrice Higonnet, Professor of French History, Alan Stone, Professor of Law and Psychiatry, and Susan Suleiman, Professor of the Civilization of France and Professor of Comparative Literature.

Remembering and Forgetting the French Revolution

Patrice Higonnet

The words, "Remembering and Forgetting Gross Violations of Human Rights," have a contemporary ring: We think of Hitler, Stalin, apartheid, and Latin American dictators. But violations of human rights are as old as history itself. As the joke goes, the existence of God must remain moot, but proof of the Devil's existence is everywhere around us, in the present and in the past. The future will be different, we hope. But, as the history of the French Revolution and its variously interpreted ideological legacies demonstrate, the precedents that we use against the enemies of bourgeois democracy today, may well be used against bourgeois democrats in decades or centuries to come.

Before I address the unusual history of remembering and forgetting the Revolution, I need to say a few words about the Revolution itself, what it was and why it failed — all in one paragraph. The story begins with the famous year of 1789, characterized by the Declaration of the Rights of Man adopted in August. It is a year of universalism. It is not just about liberty, but also equality and fraternity.* Jacobinism, that is to say, *l'esprit de la révolution*, tries to harness these two themes. It fails. Out of this failure came the Terror of 1793-1794. In late 1793, various civil wars occasioned at least 200,000 deaths. In April and May 1794, the rule of law was legally suspended in France. About 20,000 people were executed, and half a million perhaps were imprisoned. In the *Vendée*, Republican soldiers made collars from the amputated ears of their victims. Hundreds were thrown into the Loire River to drown. At Lyon, hundreds of defeated rebels were executed by cannon fire, until soldiers sickened of it. This is of course a massive simplification, but it gives a general picture of what there was to remember and forget after the Revolution was over.

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* See Mona Ozouf, "Fraternity," *in* François Furet and Mona Ozouf eds., *A Critical Dictionary of the French Revolution* (1989).

Private Vengeance and Public Forgetfulness

Historians have tried to explain the barbarism of the Terror ever since. After the fall of Robespierre in July 1794 the French dealt with their terrorizing past in different ways. Some, though not many, terrorists were tried and executed. It was difficult to do so because Robespierre was not overthrown from the outside. His successors had once been his friends and they shared his political principles. It was inconvenient and imprudent to condemn many people for having done their legally appointed tasks. Basically, Robespierre's successors did not try.

Some egregious cases were prosecuted, and these on the interesting basis of "unnatural volition". Here the chastened revolutionaries picked up on a juridical principle of the old regime which focused on the intent of the perpetrator. Before 1789, to sell a cow which you knew to be sick, and claimed to be healthy, was wrong. But to sell a sick cow which you thought was healthy, was quite fair. Good faith exonerated the seller. Intent mattered more than deed. Thus, after 1794, only those terrorists who were judged to have known that they were doing something wrong were found guilty. Others, who had reluctantly obeyed orders, were let off.

Ordinary terrorists were not punished by this law, though they were often subject to private "justice." Robespierre's successors simply looked the other way. In 1795-1796 the police watched while former victims hunted down their local tormentors. At Lausanne in Switzerland, a list of Lyonnais Jacobins, complete with their addresses was printed to ease the actuation of this private vengeance. This was what Richard Cobb called, "The big murder year."*

The pattern changed soon afterwards, in 1799, when Napoleon Bonaparte came to power at the request of Robespierre's erstwhile friends. Under Napoleon, the French decided to forget altogether — not amnesty but amnesia. One sees their point: first, there could not be a legal amnesty against the Terror because, in the main, it had been legally carried out by people whose principles were those of Robespierre's successors. Napoleon did not say the Revolution had been wrong, he merely said it was over. He was eager to forget. Fouché, a former terrorist whose excesses even Robespierre had deplored, became the Emperor's Minister of Police. Former Constitutionalists, Republicans and Monarchists were all given employment by Napoleon. The French loved it.

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* Richard Cobb, *The Police and the People,* at 139 (1970).

The common denominator of these two phases — private vengeance, and then public forgetfulness — was deep revulsion. Crazed private victims could not bear to see their tormentors walk about free, but the bloodletting could not go on indefinitely. After 1799, those in charge of managing the public good decided that the guilty people were so numerous that to continue persecuting them would be socially destructive. The events of 1793-1794 could not be revisited. In fact, the issue was never discussed. Too many people had abetted the atrocities of 1794. Revealingly, this policy of amnesia was pursued, with some exceptions, even after 1814, when Louis XVIII, the younger brother of the executed king, was restored to the throne. Among his first ministers were, once again, Fouché, the ex-terrorist, ex-Minister of Police, and Talleyrand, the former bishop, foreign minister of Napoleon I. Chateaubriand, when he saw the two men emerge arm in arm from a meeting with the new king, was appalled. "Vice," he wrote, "leaning on the arm of Crime."*

We can visualize the trajectory towards amnesia through the three paintings of David. *The Oath of the Horatii*, in 1785, prefigures the Revolution. Three men have their arms linked: "One for all, all for one". That is Jacobinism. *Marat*, the second painting, portrays Marat naked in his tub, Christlike and feminine. The message is: "Marat died for you." In the third painting, the *Rape of the Sabine Women* in 1799, you see the Roman husbands and the Sabine fathers about to kill each other, and a forgiving woman in the middle of the canvas telling them to stop.

Liberty and the Terror

There is a second and more complex message, concerning principles rather than events. Here, the question is whether Rousseau was metaphorically responsible for the Terror. Does the harnessing of individualism and universalism imply tyranny? These are perhaps the most enduring questions. No one cares much today if the executed Robespierre deserved or did not deserve what happened to him. But everybody cares, or should care, about liberty, equality, fraternity, universalism and terror. Was the Terror of 1793 - 1794 somehow connected to the principles of 1789? Does civic republicanism have embedded within it the possibility of excess and abuse? The Jacobin disciples of Rousseau hated the idea of letting civil society move as it would, where

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* *Cited in* Duff Cooper, *Talleyrand*, at 224 (1958).

it would, but the alternative poses deep problems. The principles of National Socialists repel us. Stalin's tyranny has few apologists. Argentine generals are not loved. But the principles which Robespierre proclaimed, liberty and republican virtue, are still ours. So how much of the French Revolution do we want to forget?

The French argued about this for about a century and a half. Only recently, with the advent of the Fifth Republic, have they decided to practice amnesia about that aspect of the Revolution as well. In the nineteenth century, a vocal but persistent minority decided that all of France's maladies had to do with the Revolution and its principles. One had to remember the Revolution and hate it. The defeat, for example, of France, in the Franco-Prussian War in 1870-1871, which was for the French an intolerable humiliation, was blamed by the right on the French Revolution and its crimes. France had to expiate this revolutionary past. So, in Paris, we could have the Catholic, counter revolutionary Sacré-Cœur at Montmartre, and in modernizing response, the republican, enlightened, scientific Eiffel Tower. It is the Franco-French war of the nineteenth century.

In these decades, for the left, the Revolution had been a great moment. In the words of Clémenceau, who was prime minister in 1918, the Revolution was a single thing; *La révolution est un bloc.* Necessarily, then, the French left had to endorse the Terror. Of course the partisans of the Revolution did not say that the Terror was a good thing. They said that it had been a necessary thing. Some said it was necessary because only the Terror had enabled the partisans of the new world to destroy the votaries of the old regime. Engels said that the Terror was a plebeian way of carrying out the French Revolution. You can not make a world historical omelet without killing people.

Other, more middle-class apologists of the Terror, said that the Terror was regrettable, but it was born of patriotic necessity. It was the fault of the other side. In this, "Third Republican" view, the Terror had little to do with either the cultural shape of French society in 1789, or with the principles of the Revolution. Terror, for these nationalist historians, was to be blamed on France's enemies. Hide one of two warring dualists from view, said the Protestant and Republican historian, Seignobos, and the learned feints of the one visible combatant look like the incoherent gyrations of a madman.

Only lately has the issue of revolutionary legacies been sorted out in France. After the failure of the Vichy regime, and the collapse of revolutionary communism, all Frenchmen have rallied to the conser-

vative but still republican institutions of the Fifth Republic. Today, LePen may not like 1789, but he does not dare to say so. He cannot be overtly anti-Semitic. He loves the French flag and sings the Marseillaise. Hervé de Charrette, the descendent of an executed counter-revolutionary, was, in the recent past, the Republic's foreign minister. Now, the French see the Revolution as a success and the Terror as a historical misfortune which they should try to forget. It has become irrelevant — once again, amnesia.

Among scholars, the issue is a bit more complicated. Historians do not like to forget. François Furet, elected to the Académie Française and honored at Harvard University, was, until his recent death, the most famous living historian in France. He built his career on explaining Revolutionary terrorism as an overtly abstract deformation of desirable democratic principle. Historically, but not politically, the issue of the Terror is still an open one (or so I hope in any case, as I have a book coming out on this subject soon). To conclude, then, the basic message of French history about terrorism is of a piece: We should forget. This is a prudent message, but obviously one that is not altogether satisfactory.

Truth, Memory and Reconciliation

Alan Stone

I would like to begin by qualifying my understanding of the concepts of remembering and forgetting. First, there is the question of truth. Psychiatrists do not know anything about truth. We might know something about honesty from talking to people, but we do not have access to what really happened. On the other hand, there is memory. We do know a lot about memory, particularly the process of remembering. There is another theme lurking behind these two, reconciliation, which is linked to truth and memory. I will conclude with some suggestions about this link and use this as an opportunity to say something about Shakespeare, which I do at every opportunity. My comments, while not focusing specifically on massive human rights tragedies, respond to some issues raised by the other speakers and some common assumptions about remembering and forgetting.

Let me begin with two maxims. One comes from *Freud, the Mind of the Moralist*, written in 1957: "Every cure exposes us to new illness."*

* Philip Rieff, *Freud: the Mind of the Moralist* (1959).

This is a profound statement, and the way one should begin to think about the problem of remembering. The idea that every psychological cure makes one vulnerable to a new illness is an important limiting notion. It is true both of mental and physical illness: every cure of a physical illness opens us to a new illness.

The other maxim comes from a paper by Charles Maier*: the surfeit of memory is a sign not of historical confidence, but of retreat from transformative politics. This reminds one immediately of analysis. When one is endlessly preoccupied with memories, one is not going anywhere.

Honesty and Remembering

In classical psychoanalysis, there are two ethics of honesty: one I call the romantic, and the other, stoic. The "romantic" is the notion of honesty as sincerity, as a liberating surge of vitality, creative energy, and conviction. It is exemplified in Karl Jung's notion of analysis ending in the patient converting to a new religion, or coming into touch with him or her self. The "stoic" is Freud's vision of honesty as the painful working through of every illusion, leading eventually to freedom of choice. In contrast to Jung, there is no passion about the choice one makes. Like Kant, Freud views passion as a disease to be replaced with rational calculation.

Both of these are inward-looking notions of honesty. From the analyst's point of view, the problem is "you," the patient, who has to figure things out and "get on with it." Initially the analyst's task was simply to elicit the memory. Freud saw that this did not work, and developed a more complicated theory taking off from Aristotle's idea of catharsis. According to Freud's theory, the patient had to get the memories out and see them in a new light.

Still, the analyst remained an essentially neutral listener. Later analysts, like D.W. Winnicott, suggested that the analyst should do something more, at least acknowledge the suffering that the patient has gone through. The process can have positive results, but in the end, it is not clear whether it is the remembering that has helped, or, as I would argue, the idealizing of the person to whom the patient discloses his memories. In my view, it is the new relationship more than the memories that helps the patient to move on.

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* Charles Maier, "A Surfeit of Memory? Reflections on History, Melancholy and Denial," in 5 *Hist. & Memory* at 136 (No. 2 Fall/Winter 1993).

From Neurosis to Post-Traumatic Stress Disorder

The entire project of eliciting memories and working through the painful experience of honest self examination was built on the model of neurosis which predominated in psychoanalytic thinking until recently. The model of neurosis conforms to a modern concept of blameless internal suffering. As I read Foucault's *Madness and Civilization,* at a certain point in history, evil and Satan went out of the world, and madness and psychiatry came in. Since then, evil has returned and neurosis has been displaced. Madness and Satan have come together in a new paradigm, Post-Traumatic Stress Disorder (PTSD), the successor to neurosis in psychological thinking.

PTSD is what the Holocaust victims had; it is what incest victims, Vietnam veterans and battered women suffer from, as well as victims of the Buffalo Creek disaster. In fact there is such a proliferation of PTSD these days that everybody who lives in the inner city is considered to suffer from it. It has been a boon to psychiatrists who were worried for a time about being put out of business.

Just as PTSD replaced neurosis, theories of "dissociation" and "splitting" came to displace traditional thinking about repression. Repression, according to one explanation, is simply not a strong enough psychological defense to suppress trauma. One can imagine repressing a fantasy, but not the memory of being raped day after day by one's father. Dissociation, in contrast, posits that the memory is there, somewhere, in the mind, or, literally, in the brain, but you do not have access to retrieve it.

People can be split in this way and have a multiple personality disorder. From a therapeutic perspective, the response is to work with the patient by free association to recover the memories that are split off and make the patient whole. This is not an uncontroversial explanation, however, and I am sure that ten psychiatrists would give ten different accounts.

The Construction of Memory

What can we say about the whole project of recovering memory? The first thing we understand from the science of memory is that events are not recorded in the head for later access. There is very good evidence that memory is composed of pieces of a puzzle put together in order to remember something. Remembering is more an act of constructing than an act of retrieving information, as if from a file on a computer. Every time one remembers something, one constructs it in a

particular way. Consequently, it is problematic to imagine that we can get back to the "truth" through memory. Don't confuse this with the black hole of relativist postmodernism. I am not saying there is no truth, simply that it is a mistake to believe that the brain developed in order to provide veridical representations.

A good example of the shifting construction of memory comes from what analysts used to call "screen memories." Freud made the interesting observation that the patient sees herself in memories of childhood. She has a memory of herself looking at a picture in her mother's carriage, or her father's lap, for example. It is a memory of the patient in the picture. That is very striking because one would expect the patient to remember from her own point of view. Analysts never made much of the discovery. Memory researchers, however, have uncovered something very interesting, which is that, over time, these memories tend to change. Something that happened this month, you remember from your own point of view. Ten years from now, you will remember it with you in the picture. Something is transforming your memory from the way you originally saw it. Furthermore, you remember differently depending on the questions that are asked. When you are asked to remember how you felt, you resume the perspective of observer to the scene. This is an indication of how easy it is to manipulate both the way in which people remember and what they remember.

Another element to consider is the incredible fallibility of memory, particularly the memory that researchers call "source amnesia." There is constant paranoia among professors that someone is stealing their ideas. It turns out that this sort of memory is incredibly fallible. For example, you have an argument with your wife, and she tells you an idea is ridiculous. A month later she says, "Alan, I've had this wonderful idea," and it turns out to be the very idea that she thought was ridiculous. But she "remembers" that she made it up herself. You can show that remembering something, and remembering where you learned it, are remarkably separable.

The documentation on memory malleability is quite striking, particularly in children. For example, there is the child between five and ten years old who goes to a school where a sniper attacked. Somebody came in with a gun and started shooting. A researcher discovers that there were twelve children who were on vacation during that day, or home sick. When these children are asked what happened, they will "remember" that they were at school and will describe exactly what happened with the sniper. It is such an important event in their lives

that it has become part of them, and they literally do not know that they were on vacation.

There are so many complex systems of memory, it is amazing we even get a single word from our brains to our mouths. It becomes increasingly difficult, I am sure, as we get older.

Denial and Forgiveness

One word that recurs when the subject of war and revolution arises is "denial." Denial is a word that carries with it a moral and psychological tone. It points to the intersection of morality and psychology. We usually say that victimizers, for example the Nazis, practice denial; they may deny, for example, the Holocaust. But we say that victims suffer from "dissociation" or "repression."

As it turns out, the distinction is not always so clear. A study of veterans showed that soldiers who committed atrocities in Vietnam were more likely to suffer from PTSD than those who did not. But putting that aside for the moment, we think of denial as self-serving negation of reality and memory. As Kant would put it, it is the veil of self-love being wrapped around us. Denial has the virtue that it does not produce any intrapsychic conflict; indeed, it protects us from conflict. It shuts out everything that might make us uncomfortable — although it may create conflict between us and the other person, who says, "Don't you see what you've done?"

In the mental health profession we have twelve-step programs for deniers, just like Alcoholics Anonymous. These programs confront you, and confront you again; then you are supposed to confess everything that you did. But real twelve-step programs are much more effective than any form of psychotherapy because they offer something psychiatrists can't give — forgiveness, absolution. That is an essential part of the success of program like Alcoholics Anonymous; it is their religious aspect. But why should I, as a denier, be penitent if you offer me no promise of forgiveness? We psychiatrists have no intention of offering forgiveness. We simply want deniers to admit their shame and guilt over and over again. In fact, there is no psychological reason she should do it. I come back to this question again at the end because I believe Shakespeare might offer a way out.

Treating PTSD

The treatment for Post-Traumatic Stress Disorder carries its own ethical baggage, particularly where human rights are involved. First, the

victim has to recover the memory of the trauma and understand that others have experienced the same horror. But it is not enough just to remember; we have to do something. This is the element of empowerment: There has to be a victim impact statement in the law. We have to confront the victimizer. And we have to be reassured over and over again, "It's not your fault." As you can see, this is far beyond the earlier, simpler analytic question of figuring out what is going on inside the patient.

But there are risks and limits in using remembering as therapy. Recalling my starting point, we don't know where memory will lead. One of my colleagues thinks that everybody is being taken up into spaceships where things are done to them. Some therapists are telling people about their past lives, not to mention their childhood. We have no access to the truth.

Even where it does not lead to past lives or alien spaceships, remembering may only shift the patient from ambivalence and moral uncertainty to hatred, which becomes a psychological cage. Every psychiatrist or psychotherapist has experienced the sense of unloosing a patient's hatred. This has been hard for Holocaust victims; it is hard for any victim. Remembering reinforces the victim's sense of victimization. This is just what Maier is noting: rather than getting on with his life, the patient is locked into endless remembering, even a tendency to live life as a victim.

Reconciliation

Finally, because we are scientists, we have another problem. We have no theory of forgiveness, we have no formula for reciprocal acknowledgment, and we have no room for forgetting. With that, I turn to Shakespeare — recalling, as Kurt Eisler, the wonderful scholar of the Freud Archives put it, that everything good in Freud came from Shakespeare. It is in *The Tempest* that we find the story of mutual acknowledgment and, perhaps, the basis of reconciliation. There is a succession of regimes. Prospero is on the island because his brother took his kingdom. Then his brother is shipwrecked. While his brother and his chief minister are sleeping, the others are plotting to kill them and take over their regime. Caliban, a slave, is in league with the common sailors to take over from Prospero. This succession is presented in an unforgettable way. Then comes Prospero's virtue: he has them all under his power through Ariel, and he says "The rarer action is in virtue than in vengeance: they being penitent, the sole drift of my purpose

doth extend not a frown further." Thus, Prospero forgives them. Finally, there is Prospero's great and mysterious epilogue, in which, I believe, Shakespeare realized that Prospero himself needed forgiveness, and that mutual acknowledgment means this kind of forgiveness on both sides:

> *Unless I be reliev'd by prayer,*
> *Which pierces so, that it assaults*
> *Mercy itself, and frees all faults.*
> *As you from crimes would pardon'd be*
> *Let your indulgence set me free.**

Remembering and Forgetting the Holocaust

Susan Rubin Suleiman

From the outset, the Holocaust has been linked with issues of remembering and forgetting. "Never forget" has been the watchword, at least, for Jews. But very often we are left with an image of the Jews tugging at the world's sleeve, reminding it of horrors while the world shrugs, "Enough already with your Holocaust."

I would like to make two preliminary observations. Remembering and forgetting cannot be neutral. It makes a huge difference whose remembrance we are talking about, and what ends are intended. Alan Stone raised this issue in connection with victims and victimizers. This leads to the question of whether the remembering of different groups can find common ground or areas of mutual recognition, where both agree that something needs to be remembered.

Collective Memory and Public Acknowledgment

It is important to distinguish between individual and collective remembrance. It was remembrance on the collective level that was important, when President Jacques Chirac of France acknowledged, two years ago, that the French Government had committed a grave offense by cooperating in the *rafle de Vél d'Hiv*, the famous round-up of Jews in Paris on July 16-17, 1942. Until Chirac's acknowledgment, the participation of the French was overlooked and French responsibility was denied. President Mitterand took the position that the Vichy government which undertook the round up was not the Republic of France. It was an ex-

* William Shakespeare, *The Tempest.*

ception, a twentieth-century aberration in French history. Thus, it was neither appropriate nor necessary for the Republic to apologize for its acts.

But this was never sufficient. Now there is a plaque at the site where the *Vél d'Hiv* had been before it was destroyed. Certainly, as this case illustrates, the first step to forgiveness is to arrive at some kind of acknowledgement of what was done.

Another obvious and topical example of collective remembrance is what is occurring in Switzerland in connection with the banks, both in relation to the laundering of Nazi money and the refusal to acknowledge victims' accounts. The first step was to get the Swiss banks to admit that there was a problem. The descendants of people who had opened individual bank accounts in Switzerland had not forgotten. But the Swiss banks preferred not to remember until they were forced. As a recent and very striking Time magazine cover declared, "The fight over Nazi gold reminds us why we must never forget."*

The question, of course, is, who are "we" and whose remembrance are we talking about? The banking scandal has forced the Swiss to face a "painful reappraisal of the role of Switzerland during the second world war."** Swiss journalists have reminded people that, although Switzerland was neutral, and harbored many refugees, it also turned over many Jewish refugees to the Gestapo, apparently over 30,000. Furthermore, its neutrality was, at least to some extent, bought at the price of laundering money for the Nazis.

One of the interesting aspects of this case is that remembering has been forced on a government and nation of bystanders, rather than victims or victimizers. The role of the bystander is one of the most difficult issues to raise many years later. The bystander says, truthfully, "I did not commit any atrocities." But at what point does passive collaboration become ethically questionable or downright indefensible? The U. S. has also faced this question. As historian David Wyman has shown, there was a shocking degree of what could at best be called indifference on the part of the United States to what was going on in Europe in the early 1940's.*** The story is now on the walls of the U. S. Holocaust Memorial Museum in Washington, but that hasn't solved the problem. It is not clear what the desired consequence of remem-

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* *Time Magazine,* February 24, 1997 (front cover).

** Thomas Sancton, "A Painful History," *Time Magazine,* Feb. 24, 1997, at 41-42.

*** David S. Wyman, *The Abandonment of the Jews: America and the Holocaust, 1941-1945* (1984).

bering should be. Is it apology, followed by forgiveness? An official commemoration, even compensation, as demanded from the Swiss banks? Probably all four.

The Impact of Remembering for Victims, Collaborators and Perpetrators

All remembrance is individual, at least as far as the victim is concerned. There are memorials, of course, such as *Yad va Shem* in Israel, but the compelling thing about victim remembrance is the individual nature of the stories. Every act of humiliation, shaming, and torture that occurred in the Holocaust occurred to a person. The idea was to deprive that person of personhood. On the other hand, France's cooperation with the Nazi occupiers was not so much an individual story as a collective event.

There are also the remembrances of perpetrators rather than bystanders, which are hard to come by for obvious reasons. Gitta Sereny's book, *Into that Darkness*, is based on extensive interviews with Franz Stangl, the Kommandant of Treblinka.* It is a fascinating book, in particular because we get to see Stangl as a subject, a person. He did incredibly horrible things. But in the book, he comes alive in a fascinating way. At the same time, we do not forgive him.

The person who remembers and testifies, by either writing a book or addressing the story to someone else, is transformed by the experience. That is one reason I don't imagine too many perpetrator memoirs. The recent spate of memoirs and testimonies by individual Holocaust victims demonstrates the power and importance of remembering for the victim. But, acknowledging the psychological insight offered by Alan Stone, it is not a matter of remembering what happened to you alone, but of "testifying" — telling a willing listener what happened to you or what you have reconstructed. The idea of testimony involves two people, the speaker and the willing listener, whether that person is a therapist or an interviewer. The willingness of the listener is primordial.

The Pressure to Forget

This brings me to the idea of forgetting. It was a truism that after the war, most Jewish survivors did not want to remember: they wanted to forget what happened to them, and get on with their lives. This was not, however, entirely true. As we know from reading Primo Levi, for

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* Gitta Sereny, *Into that Darkness: An Examination of Conscience* (1974).

example, or Elie Wiesel, what often kept the concentration camp inmate alive was the thought of telling the world. Unfortunately, what very often happened was that nobody wanted to listen. This was the nightmare of Primo Levi. He published *Survival at Auschwitz* in 1947, but it remained almost unnoticed until it was republished in the late fifties. The same happened to Elie Wiesel, who published one version of *Night*, in Yiddish, in the forties. Nobody knew of it until he republished a much-cut version in French, in 1958.

There was great external pressure on the victims to forget. If you want to tell your story and everyone says, "Stop," eventually you stop. But there was also internal pressure. In order to get on with their lives, people needed, at least, to bracket the experience and so, "forget." There was enormous pressure to assimilate to a new life, multiplied by the fact that most victims had to assimilate to a new world. They found themselves in new countries, learning a new language and culture. There was a tremendous internal push to succeed and to make good in that new place. Perhaps the greatest example of this desire to forget and assimilate is demonstrated by the story of Secretary of State Madeleine Albright's parents. They made the most radical kind of decision, not only to forget their past but to completely rewrite it, replacing their memories with new ones. Although not quite as radical, this same tendency existed on the part of many people who came to a new country after the war.

The Impact of Remembering for the Individual and the Listener

With the passage of time, there has been a surge of remembering. Many survivors were successful; many have retired, and find that for the first time they have time on their hands. Important anniversaries have arisen, like the fiftieth anniversary of Auschwitz and the liberation. And, of course, there has been the added pressure of Holocaust negationism. All of this has contributed to a new impetus for survivors to tell their stories. But to what end?

In some cases, the effect of telling is very positive. I will give one example. In the book called *Testimony*, by Shoshanah Felman and Dori Laub,* Laub, who is a psychoanalyst, tells a story of a survivor whose name is Menachem S. For many years, Menachem did not want to talk about his experiences. He became a successful Colonel in the Israeli

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* Shoshana Felman and Dori Laub, *Testimony: Crises of Witnessing in Literature, Psychoanalysis, and History* (1992)

army, a married doctor with children. Although Menachem forgot about it during the day, he had one recurrent nightmare for many years: he was on a conveyor belt, moving toward a metal compactor, and there was nothing he could do to stop the belt. He would always wake up in a cold sweat just as he was about to be compacted. Menachem decided to provide his story to the Fortunoff video archives of Holocaust testimony at Yale. After he recounted his story, he had the nightmare again, but for the first time, was able to stop the conveyor belt in the dream. It is almost too beautiful and too pat an example of how opening up and telling the story during the day relieves the horrible pressure of the night. Nevertheless, in the best case, speaking, writing, or remembering will release the speaker from some sort of bondage and bring about greater self-understanding.

We have to acknowledge, however, that this is not always the case. I don't think that Vladek, the father in Art Spiegelman's *Maus*, arrives at very much self-understanding once he tells his story. But the interesting thing in *Maus* is that Art, the son, does. That is where the question of who the listener is comes in. There is a difference whether the listener is a therapist, who is, after all, paid to listen, or an interviewer in one of these volunteer projects, or a friend, or a child. There is considerable research on the way that memories are transmitted to children of trauma victims — or not transmitted, as the case may be — and the difference between those parents who actually talk to their children about their experiences, and those who do not.

Will such testimonies help to prevent further outrage? This is not just my own pietistic question; it's something that one finds in the other Yale testimonies, including a very moving one by a woman named Edith P., who was also at Auschwitz. She ends her testimony crying, because, she says, "I feel so terrible that nobody is doing anything about Cambodia. I have survived, but I, like all the others, am just a passive, helpless thing." We see Primo Levi facing the same despair in his later years; the more he wrote and the older he got, the more desperate he became at the thought that ultimately nothing he had said, and none of his testimonies, had made the slightest difference in preventing further outrages or atrocities.

Questions and Comments

Patrice Higonnet

I am struck by two remarks that have been made. The first one is that denial leads to paralysis. Both the perpetrators and the victims must acknowledge what happened. The power of President Chirac's recent gesture (which Susan Suleiman referred to) is a case in point. At the same time, like Charles Maier and Alan Stone, I believe that remembering too much leads to a paralysis of transformative politics. In some sense you have to remember, and then you have to forget. As a citizen and as a private person, I can never find a principle that will help me to decide whether I should be resentful, whether I should remember, or whether I should forgive. Every case somehow is different. I cannot resolve this question satisfactorily because it seems to me to involve different principles.

Alan Stone

I would like to psychoanalyze Patrice Higonnet's presentation. I think there is a subtext in his presentation that gives a clue to the relationship between what one does as an individual and what one does as a member of a group. It is specious, of course to talk about the collective memory of the community, because there is no community. But there is a sense of being French, being a Frenchman, being a patriot, and so there is a tension between my identity as a Frenchman and the Terror. The Terror keeps getting in the way of my positive ideals - the myth of my history that makes me good, that makes me select, that connects me with the others as an elite group. We have to deny the Terror because it is incompatible with our own sense of self-worth. I believe that is part of the problem, whether we are talking about Germans, Hutus or any other community under moral siege for gross violations of rights. How do they work the positive elements that hold them together as a group into a collective sense of guilt?

That is the tension I felt running through Patrice Higonnet's talk. I think it is crucial to our understanding of why it's so hard for a society to remember. It's like trying to remember that the Civil War was not about freeing the slaves, which is the myth we keep telling ourselves because we want to feel good about our civil war.

Henry Steiner

It seems to me there is something of a gap between the problem of the individual remembering or achieving catharsis, and the problem of an ordered collective memory of the type that, say, the Eichmann prosecution or the different truth commissions may be intended to record or construct. Perhaps one can influence the other. I wonder if the individual trauma and difficulties that the panelists discussed are affected when the state engages in a formal process to document the history and to bring about general acknowledgment of those abuses, even if it does so for quite distinct national purposes.

Susan Suleiman

I agree with what Alan Stone just said. This may be part of the answer to Henry Steiner's question about the connection between the individual and the collective. With regard to the Eichmann trial, what I find interesting is that Eichmann never admitted true responsibility. Although the trial may have served a great collective end for Israel, or for some people, there was no common recognition of something that had occurred. But something very interesting occurred in the case of Franz Stangel, from Treblinka. Initially, he denied wrongdoing, insisting that he was not an anti-Semite and that he only performed administrative tasks, as if there were no human beings involved. But this changed over a period of weeks of interviews. Finally, one day he said something like, "I should not have done it." That was a moment of true mutual enlightenment. It was a rare achievement. Eighteen hours later, he died in his prison cell. Perhaps a truth commission can achieve something like this if people are asked to come forward and admit to having done horrible things, without being immediately imprisoned and expelled from the community.

Henry Steiner

What value do you see in truth commissions that have followed different paths? In the South African case, for example, a perpetrator of a political crime may be awarded amnesty if he testifies about his conduct. Personal repentance is not required. You simply have to describe, accurately and fully, what you did that was, effectively, criminal. In most truth commissions, however, this was not the case. There was no provision for testimony that could be followed by amnesty, but only a record of victims' narratives about what happened to them.

Alan Stone

With respect to South Africa, and drawing again on Patrice Higonnet's observations, it seems to me that the truth commission is a desperate effort to ward off the alternative of the Terror. It seems to me to be a civilized step to find such a path, which is quite different from deciding what to do after the terror has happened. On the other hand, what do we do about the Holocaust, or Rwanda? Given my bias, I think it's wonderful that the South African truth commission is presided over by Bishop Tutu. It gives the process a religious or spiritual aspect. Also, as a psychiatric matter, I am amazed at how effective it is in helping people avoid post traumatic stress disorder. Often simply allowing a victim to talk about the trauma can be enormously helpful as a way of mastering what they have been through.

Patrice Higonnet

I like the truth commissions because I think human beings have a deep desire for truth. They want other people to be truthful to them, and they feel the need to be truthful themselves. In social life, you have to lie some of the time, inevitably, though I find it difficult. So truth is important; it is a necessity, like breathing or water. I think the people who have been wronged do need to have the truth told about them. But I think the great beneficiaries of the South African truth commission will be the descendants of white South Africans. I think the first step is to say, "What we did was horrible." Then there is a next step; they can build a collective identity. "We yielded power peaceably." Very few people have done that in history. Having told the truth about the iniquities of our forebears, we can construct a new collective personality. Yes, the truth commission is very important. It does not really matter if people are punished.

Question from the Audience

A number of the presenters addressed the relationship between victims and perpetrators and also between victim and bystander, but there was little about the relationship between perpetrator and bystander. What can we say about this relationship?

Alan Stone

It is very hard to understand the attitude of the bystander. How involved is the bystander in what is going on? What is the perpetrator's

relationship to the bystander? He or she may deliver the blow that the group has prepared him to give. Do we really expect people to risk their own life and limb? We might want them to, but is it something we hold them to? Finally, there is the perpetrator. I have talked to many perpetrators; it is a particular interest of mine. I go out to Bridgewater, the center for the criminally insane and talk to them. Denial is very real thing there. I might talk to a man who molests little girls; he will look me in the eyes and say, "Doctor, I never did it to a little girl who didn't want me to." How can these people live with themselves without some denial?

Question from the Audience

Forgiveness is a term that everybody mentioned, but nobody explored. I am struck by how much one needs a religious context to make forgiveness meaningful, and maybe that is why you shied away from it. But what else is there? Vengeance? Is there anything besides vengeance, forgiveness, and forgetting that is possible in the response to the perpetrator?

Patrice Higonnet

I find it very hard to forgive people. There is something between forgiveness and vengeance, and that is understanding. If you understand why something happened to you, why the other person did it, it is better. It may not be a solution, but it's something.

Susan Suleiman

There is a famous article by Claude Lanzmann called "The Obscenity of Understanding"* by which he means that there are some things — including the Holocaust — for which any attempt to find an explanation is unacceptable. I do not contest what Patrice Higonnet said. I think there can be something between vengeance and forgiveness, but I am not sure the answer is understanding.

Question from the Audience

How much of what has been said today might apply to conflicts less cataclysmic than the Holocaust or the Great Terror, including, for example, low-level, long term conflicts in Northern Ireland, or that in-

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* "The Obscenity of Understanding: An Evening with Claude Lanzmann," *American Imago*, 48:4 (1991).

volve the Basques in Spain, or between Israelis and Palestinians? In these conflicts, you don't have millions slaughtered, but still dozens or hundreds die as part of what becomes a culture of violence. In the case of Colombia, for example, violence has come to be seen as something real but amorphous, that suddenly takes people away. It is accepted as part of the culture.

Alan Stone

The Holocaust is like a bright light that reveals some things and blinds us to others. My sense, as a Jew, is that Jews are always trying to make the Holocaust special. In some ways, the Jewish Holocaust is special, but that is beside the point. The point is that people have been killing each other like this from time immemorial. We do not teach the children in school about Lord Jeffrey Amherst's putting smallpox on the blankets to hand out to the Indians or the needless killing of Iraqis during the Gulf war.

Violence and ideology will always be linked. You have to admit that your group is capable of equal violence. That is where it has to begin. Horrors are perpetrated by all sides. When German troops shot at our troops from behind women and children, our troops shot the women and children. Russian troops had women and children walk through the minefields ahead of them. I'm not saying that we were on the wrong side. I am just saying that we have done things of equal horror. Truth commissions are in this sense certainly a civilized advance.

We must stop focusing on the problem as one that concerns "other people." Look at Bosnia, where people lived together for centuries, and then overnight started killing each other. The conventional thinking about violence with its dictate of "never again" is not going to work. Whenever there is a political reason for another violent war, it will happen, and innocent people will be killed. I happen to believe that violence is not a regression to a primitive state, but an invention of human beings. Now that we have powerful weapons there is incredible danger, for we can say, "People always hated each other in Beirut, but now everybody has got a Kalashnikov, or an Uzi, and that makes all the difference in the world."

Susan Suleiman

Some distinctions need to be made. Not all perpetrators are alike. I do not wish to isolate the Holocaust. I agree that too many Holocaust

survivors are indifferent to the suffering of others, as if to say, "I've gone through more than anyone else, therefore, I don't need to show sympathy." But there was something very pernicious and unique in the Holocaust — people were systematically exterminated in mass quantities on the basis of sheer status.

Question from the Audience

I take issue with the claim that the Holocaust was the first time where people were killed *en masse* because of their identity. It is important to remember that long before the Holocaust, there was slavery. Similar to your emphasis on the role of personal and group identity in the Holocaust, black people were made to be slaves of white Americans solely based on their skin color.

Susan Suleiman

I agree with you that it was a grievous offense based entirely on identity and that massive numbers died. However, slaves died because they were not properly fed, or because of the horrible conditions on the ships. That was not the purpose of buying and using them. The purpose was to make them work in the fields and earn money for the slave holders. On the other hand, there was no other purpose for a place like Treblinka than to kill people. Treblinka was not a work camp, it was not any kind of concentration camp, it was an extermination camp. So were Sobibor, Belzec, and a large part of Auschwitz. Without diminishing the suffering of the African slaves, I would say that is a major difference and it is unique.

Patrice Higonnet

It is not unique if you put it in terms of a continuity — the continuity is dehumanization. In order to exterminate people, you have to decide that they are not human beings. The argument, I think, was the same about blacks — that they were not human beings, a dehumanization that verged on extermination. There is a difference but along a continuum. In the case of Nazis, we have to remember that the first to die in the camps were Russian prisoners. Before that, there was euthanasia. The pattern of dehumanization is unique, but, as Alan Stone says, it really is part of some diabolical side of human nature.

Alan Stone

When I long ago read at Boston Latin School Caesar's Gallic Wars, in which all of Vercingetorix's men were slaughtered, and then worked my way up to Xenophon's *Anabasis* where the Greeks killed every person in Troy, these events were presented to us as the triumph of civilization. Nobody ever suggested that these were in fact mass exterminations. We have a peculiar split in our own minds when it comes to glorifying violence. Part of this stems from patriotism, the glorification of our own past violence. That is a part of the problem of coming to terms with truth. We all have our own truth.

Question from the Audience

The panelists made some moving comments about individuals working through and transcending their experiences of trauma and violence. I would like to take the question to a different level. Where do we, as a people or as "citizens of the world," go from here? All of our pasts are based on, or have at least touched on, these experiences. How do we transcend them? When we look at Native Americans, slavery, the Holocaust, Bosnia, must we see these as inevitable products of the dark side of human nature, events that are going to emerge periodically in history? That seems fatalistic. It suggests there is no future-minded solution for us as citizens. Is the best we can do to construct some kind of system to control the disease?

Alan Stone

My own view is rather bizarre. I dissociate myself from what Patrice Higonnet said about the diabolical nature of human beings. This is not diabolical or primitive. We created violence. Other species are not violent in the way we are. They don't line people up to kill people even as they flee; they drive them away. This kind of violence is an invention of modern man, and we can invent alternatives.

Patrice Higonnet

I'm less optimistic. I like the idea of sin. I also like the myth of Sisyphus: we roll the stone uphill, and we know it will roll downhill, yet we keep on doing it.

Henry Steiner

One of the mysterious aspects of the human rights movement of the last half century has been the effort to come to terms with understanding the sheer incidence of mass and ugly violence — an inherent characteristic of human nature, a political manipulation of leaders, an artifact of modern technology? The movement is frequently viewed as a child of the Enlightenment, the century of great moral declarations and liberating constitutions and relative optimism. But the movement has lost a lot of the faith that went along with its origin in these ideas, a quite comprehensible loss in view of subsequent events and particularly this century's brutal history.

You can understand the human rights movement in its utopian aspect as an attempt to transform, to overcome the history of violence and to change consciousness partly through instituting this universal discourse of equal human dignity and rights. States and peoples will rise to the ideals now legislated as universal law and absorbed into more and more state constitutions. But you can also see the movement as stressing what is, in a sense, the more modest though vital purpose of containing or avoiding disasters. It musters what strength it can to avert calamities — whether through collective security, human rights bodies and Security Council resolutions, or the other techniques developed over the last fifty years. The moral and ideal dimension remains, perhaps based less on the belief that individual or group or state conduct will be deeply transformed in a humane direction, than on the desire to inculcate in as many people as possible the need to stand up and fight in different ways to realize the kind of world that human rights ideals envision. Remembrance of the consequences of past failures to wage that fight should strengthen the will to achieve that goal.

End of Symposium

*Relevant Human Rights Documents**

Universal Declaration of Human Rights (UDHR), Adopted by U.N. General Assembly Resolution 217 A(III) of 10 December 1948.

Universal Treaties

Convention on the Prevention and Punishment of the Crime of Genocide, Adopted by the U. N. General Assembly on 9 December 1948; entered into force 12 January 1951, 78 UNTS 277.

International Covenant on Economic, Social and Cultural Rights (ICESCR), Adopted by the U. N. General Assembly on 16 December 1966; entered into force 3 January 1976, 993 UNTS 3.

International Covenant on Civil and Political Rights (ICCPR), Adopted by the U. N. General Assembly on 16 December 1966; entered into force 23 March 1976, 999 UNTS 171.

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Adopted by the U. N. General Assembly on 18 December 1979; entered into force 3 September 1981, 19 ILM 33.

Regional Treaties

European Convention on Human Rights, signed in Rome by the members of the Council of Europe, 4 November 1950; entered into force 3 September 1953, 213 UNTS 221.

American Convention on Human Rights (Pact of San José), signed at San José, Costa Rica, 22 November 1969; entered into force 18 July 1978, 9 ILM 673 (1970).

African Charter on Human and People's Rights, adopted by the Eighteenth Conference of heads of State and Governments at Nairobi, Kenya, 27 June 1981; entered into force 21 October 1986, 21 ILM 58.

World Conference Declaration

Vienna Declaration and Programme of Action, Adopted at the World Conference on Human Rights ("Vienna Declaration"), U.N. Doc. A/Conf.157/24, 25 June 1993.

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* The core human rights treaties and documents can be found on the Internet home page for the U.N. High Commissioner for Human Rights at http://www.unhchr.ch/html/intlinst.htm.

Participants

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Patrice Higonnet is Robert Walton Goelet Professor of French History at Harvard. He has written on seventeenth-century French painting, eighteenth-century French diplomacy, nineteenth-century French deputies and immigrants, twentieth-century municipal officers, and Vichy. His most recent book is *Goodness Beyond Virtue: Jacobins in the French Revolution* (Harvard, 1998). Higonnet is the chair of the study group on Culture and Politics.

Jonathan Mann, who died in an air crash in 1998, was at the time of this symposium the François-Xavier Bagnoud Professor of Health and Human Rights at the School of Public Health, and Vice-Chair of the University Committee on Human Rights Studies. He had written widely on relationships between public health and human rights, particularly with respect to AIDS, and had founded a journal on that subject.

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Henry Steiner is Jeremiah Smith, Jr. Professor of Law. He is the founding director of the Harvard Law School Human Rights Program, now in its fifteenth year, and chair of the University Committee on Human Rights Studies. Steiner has written on a wide range of human rights topics. He has co-authored with Philip Alston a coursebook in the field, *International Human Rights in Context: Law, Politics, Morals* (1996).

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