

**Group for Debates in Anthropological Theory**

**The Right to Difference is a  
Fundamental Human Right**

*The tenth annual GDAT debate, held in the  
University of Manchester on 30th October 1999*

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Richard Wilson  
Iris Jean-Klein  
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*The right to difference is a fundamental human right*

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## INTRODUCTION

*Peter Wade*

The motion debated in 1999 continued GDAT's attempts over the last few years to engage with issues that are of political as well as analytical importance. As the rights of minorities are abused with such grim persistence and people are discriminated against on the basis of their difference—whether of religion, colour, cultural values or sexual orientation.—from their persecutors, how can anthropology deal with difference, a notion which, in some sense, underlies its very existence as an enterprise? A gut reaction, and one popular among those of a liberal persuasion, including in my experience many undergraduates, is that a right to difference must be defended. A sophisticated version of this position is argued by Stephen Corry in the debate. People should be able to practice what they see as right and proper ways of life without danger of persecution. Such moral relativism quickly runs into trouble when one enquires into the abuses and inequalities that may be entailed *within* such 'right and proper' ways of life; or into the abuses and offences that one set of people following their lifestyle may entail for other, perhaps neighbouring, people trying to do the same. So is there some underlying set of values—for example, respect, dignity, equality—that can be called upon to adjudicate in such troubled domains? Perhaps there is, but how are these values to be defined and by whom? Might not such values prove to be ethnocentric in themselves?

The classic dispute between relativism and universalism is not open to easy resolution, even though, in this debate, the audience came down firmly against a relativist emphasis on difference, at least when codified as a right. In this introduction, I will look at some of the arguments for and against from a more or less chronological viewpoint which I hope will clarify the problem and put into context the positions of the proposers and opposers of the motion. First, I will examine the general question of the value of a basic moral relativism in itself; later, I will come to the more specific question of whether, if such relativism is admitted to be a worthwhile thing, it should be seen as a *right*, with all that such a notion implies. In relation to the first question, I will start with the idea that anthropology was built on a basic moral relativism. I will then examine the growth, from about the 1960s, of identity politics which celebrated such moral particularism. I will end with the more recent backlash against such versions of difference and the reaffirmation of underlying values of equality and human dignity and rights, defined without special reference to difference between moral orders or cultures.

Against the early social evolutionists, mid-century anthropology—I use the

term loosely to include such people as Boas—had a definite bias towards moral relativism. The ideas and behaviour of particular peoples could only be understood in the context of their culture and each culture—assuming that such a ‘thing’ existed in a simple sense—had to be judged on its own merits. Azande witchcraft could not be seen as irrational and uncivilised, because it was a way of thinking and acting that worked in the cultural context of the Azande. It might be less efficient at certain things than Western science, but it had its own rationality. Underlying such moral relativism was a clear epistemological universalism: anthropology was able to provide a more or less scientific baseline from which to understand and compare different cultures. The values of a culture could be separated from the facts of their functioning structures; different value systems were just aspects of the varied ways humans dealt with the universal basics of life: subsistence, reproduction, communicating, rendering the world intelligible and so on. This meant that, for all their difference, cultures were commensurable and could be interpreted and understood.

The anthropology of this period has been widely condemned as reifying and sacralising an essentialist concept of culture, as an isolated, bounded entity and, while there was a clear tendency in this direction—although it was a great deal less obvious among diffusionists<sup>1</sup>—the universalism that also underlay the discipline should not be forgotten when anthropology is berated for having foisted onto an innocent world a concept of culture that legitimates mutual incomprehension between people and incommensurability of cultures.

This, however, is where the notion of difference seemed to end up during the next period of its development in Western thought. Identity politics took off in the late 1960s and 1970s, principally in the USA and Europe but also in their colonies and neo-colonies. Hollinger argues that the impact of four intellectual trends marked this process: i) Thomas Kuhn’s *The Structure of Scientific Revolutions* (1970) and the relativisation of scientific knowledge; ii) antiracism and the attention to ethnic minorities in US society; iii) feminism, from early works such as Kate Millet’s *Sexual Politics* (1970) to more post-structuralist texts such as Judith Butler’s *Gender Trouble* (1990); iv) Foucault and the post-structuralist focus on the discursive construction of knowledge and the challenge to essentialist notions of identity. In the USA and elsewhere, these trends led to an intense concern in most of the humanities and social sciences with gender, sexual and ethnic identities and differences.<sup>2</sup>

This was at the academic, intellectual level, but there were other forces

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<sup>1</sup> See M. Sahlins, “One or two things I know about culture”, *Journal of the Royal Anthropological Institute*, 5(3), 1999, pp. 404-405.

<sup>2</sup> D.A. Hollinger, “The disciplines and the identity debates”, 1970-1995, *Daedalus* 126(1): 333-351, 1997.

driving identity politics as well. The drive for social equality, above all in a post-colonial—but also neo-colonial—world, was fundamental here. The great ‘American dilemma’, which Myrdal had dissected in the 1940s, was that the country which prided itself on its adherence to those French Republican ideals of liberty and equality—I’ll leave out the embarrassingly andocentric ‘fraternity’—was also the home of Jim Crow apartheid-like racial segregation and institutional racism.<sup>3</sup> If such universalist claims and aspirations could coexist with such blatant state discrimination, then what use was universalism? If universalist ideologies of equality of opportunity were leading to obvious inequality of outcome at the collective level of particular groups, then didn’t it make sense for those groups to mobilise collectively along the lines which were the very basis of their discrimination?

Difference was already being deployed by the US state here in its least acceptable form—the form that was voted out in the debate. Racial segregation was legitimated, as it was in South African apartheid, with the transparent sham of a policy of ‘separate but equal’ development. Against this, many black leaders pre-1960s (and many thereafter too) called for universalist equality: equal rights for all, black and white. This was a powerful platform, yet it also resulted in the institutionalisation of difference. To achieve equality for blacks, special measures were instituted by the state to help them (e.g., in the form of federal demands for employers to hire given proportions of black people). At the same time, some blacks themselves were increasingly using difference as a means of mobilising and constructing powerful and meaningful forms of identity as bases of difference from which to fight for equality—however paradoxical that may sound. Other arguments could be deployed, whether in the USA for racial minorities or in Australia for Aboriginal land rights, which also highlighted difference. For example, claims could be made for the right to special treatment based on restitution for past wrongs (such as slavery, institutional racism, expropriation of native land) which had been suffered by a specific set of people.

This ended up with the explosion of identity politics based on a notion of difference of the kind that Richard Wilson criticises—but that Iris Jean-Klein, his opponent, also condemns. There is no doubt that this version of difference entails multiple problems. First, and perhaps politically least important, but nevertheless critical for anthropology as a discipline, it leads to an epistemological relativism of the kind mid-century anthropology eschewed. If difference runs so deep, then, it can be argued, you have to be part of a certain group of people in order to be able a) to

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<sup>3</sup> G. Myrdal, *An American dilemma: the Negro problem and modern democracy*, New York, Harper and Row, 1962 [1944].

ethically study them; and b) to conceptually understand them.<sup>4</sup> Such a stance, with its affirmation of incommensurability, clearly negates the whole enterprise of anthropology. The distinction between fact and value, which is completely collapsed by this epistemological relativism, does not need to be reinstated in its arguably simplistic mid-century anthropological form. Clearly there are complex interdependencies between moral values, theoretical perspectives and the interpretation and even perception of ‘facts’, but as anthropologists we cannot admit that perception and interpretation are *determined* by moral order.

Second, this notion of difference is based on nineteenth-century Romantic nationalism—which, many argue, anthropology more or less unwittingly took on board and legitimated<sup>5</sup>—and as such it reproduces ‘some of the worst aspects of the organicist romantic conception of identity’.<sup>6</sup> It is exclusive and divisive. It homogenises and reifies cultures and identities, masking differences within them. It legitimates nationalism and racism. As with the fictions of apartheid and Jim Crow about ‘separate but equal’ development, it can also be hi-jacked by dominant powers—not to mention consumer capitalism—to authenticate an official multiculturalism which is, in fact, oppressive, as were colonial attempts to divide and rule (see John Hutnyk’s talk). As Ingold argued in his intervention in the debate, this is difference seen as diversity, with species diversity being the underlying model. It is no accident, I guess, that such a model emerged in the nineteenth century when scientific racism did indeed see some of the difference between human ‘types’ as being of a species order. Racism and nationalism did, after all, go hand in glove at this time—and the close association has not dissolved.

The backlash against this divisive, particularist version of difference, argued here by Richard Wilson and John Hutnyk, restates basic values of equality and human dignity. But here we are back to the dilemma I first started with. Might such values not themselves be ethnocentric? Who is to define the nature of equality and, even more problematically, dignity? To use the classic example which, of course, emerged in this debate: is an infibulated (circumcised) woman necessarily made unequal or robbed of her dignity? The answer seems to depend on one’s point of view.

The way forward, which in my view is actually largely shared by Wilson and Jean-Klein, seems to rest on the notion of disagreement, or negotiation. Jean-Klein

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<sup>4</sup> Alan Hanson describes how some Maorio intellectuals took this stance; see, “The making of the Maori: culture invention and its logic”, *American Anthropologist* 91(4): 890-902. Some radical currents in Afrocentrism also argue along these lines.

<sup>5</sup> See, for example, C. Pasquinelli, “The concept of culture between modernity and postmodernity”, in *Grasping the changing world: anthropological concepts in the postmodern era*, (ed.) V. Hubinger, London, Routledge, 1996.

<sup>6</sup> Rajchman, cited in Hollinger, *op. cit.*, p. 337.

vehemently opposes particularist and divisive notions of difference, but defends being different as an aspect of human sociality—what Ingold called difference as positionality, being located in a different place from others in a web of ongoing social relationships; what Derrida calls *différance*. We all have the right to differ from other people. In this necessarily relational process, each person can argue his or her case. Wilson allies moral relativism with the possibility of the pragmatic negotiation of contingent and changeable consensus. That consensus is not defined by some universalist authority, but emerges in particular contexts. Yet it has some link to basic notions of human dignity. To return to infibulation: the answer may indeed be that it depends on one's point of view, but things cannot be left at that. To do so assumes that a 'point of view' is—like the view of culture held by a defender of particularist difference—stable and relatively homogeneous. In fact, points of view on infibulation do not divide neatly into 'African' versus 'Western' or 'men' versus 'women' or some such framework; they differ in multiple and perhaps unpredictable ways and they can interact and argue with each other.

This strikes me as a useful and productive way of getting past the stark opposition between relativism and universalism. Like all pragmatic human solutions to such commanding social oppositions, it is messy and difficult, but it holds promise. We can get past a simple moral relativism which sees each moral order or culture as bounded, self-defining, self-sufficient and above all sovereign in the right it gives its members to see things their way. We can also get past a simple moral universalism in which some Olympian people define what is good and bad for everyone. These bare alternatives are replaced with a vision of people arguing, moral orders interacting, fragmenting and multiplying, individuals and collectives changing their views and, in the process, perhaps, some agreement emerging at particular times, for particular purposes. At the least, what may be defended here is the basic value of people being allowed to disagree.

In my view, however, neither Wilson nor Jean-Klein fully engages with the problem that power inequalities pose for such a view of communicational consensus or indeed disagreement. Jean-Klein uses the metaphor of 'tug of war' to describe such differences of opinion and their interaction, but this has a balanced aspect to it that hardly fits with many situations in which points of view come into conflict and in which one point of view clearly has the whip hand. Wilson finishes with a call to create 'mechanisms and procedures dedicated to reconciling needs', needs which will be different and on which people will disagree. He admits that this is a difficult process based on a flawed vision, but, he says, it is better than anything else. It is indeed a difficult process, if only because, while people will certainly disagree, some are in a much better position than others to impose their point of view. Hutnyk is much more outspoken on power inequalities and the weakness of difference as a basis with which to combat them, but in his account we are left with little idea of

how to deal with actual differences of point of view.

But all four speakers clearly locate themselves in arenas of struggle, defending the rights of people who are oppressed. This notion of struggle—picked up on by Penny Harvey in her intervention in the debate—needs perhaps to be more fully integrated. The process of creating contingent consensus, or differing productively from other people, is an ongoing struggle against forces which destroy consensus, create destructive disagreement and institute difference of a divisive nature. Social movements—I use the term in the widest possible sense—are therefore an integral part of dealing with difference in a productive way. It is, of course, no accident, that it is precisely in the realm of ‘social movements that all these issues of difference and division have been made powerfully manifest.

The second question I set myself at the start—that of whether difference should be instituted as a right, with all that implies about codification and legalisation—is now something of an appendix. The preceding discussion more or less answers the question. If difference is to be the ‘slippery, indeterminate and non-committal organising device’ that Jean-Klein speaks of, then it is very hard to see how it can, as she paradoxically suggests it should, be ‘reified in law’. As Wilson convincingly argues, the ossification entailed in institutionalisation and legal codification appears to feed precisely the particularist version of difference we want to avoid. However, it may be that we are operating here with an impoverished notion of law. It may be that the law itself is less rigid and more open to flexibility and slipperiness than it appears. Perhaps part of the struggle referred to above should be to create legal institutions that do not create the reification and homogenisation of identities and cultures.

For example, in Brazil, 1988 legislation to allow land claims by the so-called remnants of *quilombos* (old runaway slave communities) effectively gives special rights to some blacks—in fact an increasing number, as some rural black communities try to define themselves as old *quilombos*. This seemed to involve the usual rigidification of the notion of community, since some concrete legal definition of *quilombo* was needed, based on historical evidence and such like. (This is rather like the well-known Mashpee case to which Wilson refers in his talk.) It became clear, however, that the way a black community could establish its status as a remnant of a *quilombo* would depend on heterogeneous means, including a good measure of oral history which itself is not a pre-constituted body of knowledge, but something that emerges in the process of making a land claim.<sup>7</sup> Arruti comments that these communities ‘are not realities which re-emerge from the past, like cultural

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<sup>7</sup> J. M. Andion Arruti, “Comunidades negras rurais: entre a memória e o desejo”, in *Comunidades negras tradicionais: afirmação de direitos*, special supplement of *Tempo e Presença*, no. 298, 1998, pp. 17-18.



artefacts ready to be discovered, mapped and rescued, but rather are collective subjects which emerge in the process of their encounter with contemporary political forces'.<sup>8</sup> Of course, such a conception does sit awkwardly with state agencies, such as land reform institutes and law courts which like to have objective, clear criteria for defining communities, but there are indications that even these bodies are amenable to the messy definitions of community which are inevitable.

In Colombia, a recent Constitutional Court decision which ratified the legality of affirmative action in favour of black communities, used a very flexible and anthropological approach to the definition of community. A black activist, local president of the national black rights organisation, had protested that, since there was a 'black community' in the city of Santa Marta, on Colombia's Caribbean coast, a representative of this community should sit on the education committee of the local council, as 1993 national legislation in favour of 'black communities' allowed. The local council, supported by regional courts and ultimately the Supreme Court, denied that Santa Marta had a black community. A regional court made an inspection of certain areas of the city and concluded that a black community did not exist. It based its decision on a rather essentialist and static notion of community as something with a clear boundary and a long-standing institutional existence. The Constitutional Court took a more flexible view, in effect accepting that a 'community' could be fragmented and also emergent. It found in favour of the black activist.

These are admittedly marginal examples which do not represent an overall trend within either Brazil or Colombia. But they do indicate that the law may be open to transformation, although surely not without a struggle. It may be self-defeating to simply assume that by making difference into a right, it is necessarily transformed into a divisive and particularist tool of oppression.

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<sup>8</sup> Arruti, *op. cit.*, p. 15.

## PART 1 - THE PRESENTATIONS

*For the motion (1)*

### STEPHEN CORRY

The right to difference is a fundamental human right—provided always that such difference does not entail the violation of anyone’s fundamental rights. In other words, and broadly speaking, peoples, societies, should be able to behave how they want to, so long as they don’t hurt anyone.

It seems to me that that is stating the obvious. I’m afraid that much, most, of what I propose saying here is going to be equally obvious. Different peoples are as different as different individuals: no two individuals are exactly the same, no two peoples are exactly the same. Where they are alike, even identical, is in the broad patterns of their aspirations. All individuals and all peoples seek a certain feeling of fulfilment, of control over their own destiny, of excitement, joy and pleasure and, most importantly, of the ability to transcend the everyday—be it through religious experience or great football, fantastic art or fast cars, or simply the joint miracles of birth and ecstatic sex. These similarities are fundamental—and they go much deeper than do the differences between individuals and peoples.

The skin is our thinnest organ. It fulfils only the rather mundane task of keeping everything else together and at the right temperature and humidity, but it also serves to differentiate us. Our colour may be only skin-deep, but it’s the first thing we see. Skin is primordial in defining our beauty, or lack of it. It points usually very clearly to our gender, our age and even, for the very perspicacious, our character. We may stretch it, pierce it or paint it, but, in spite of the plastic surgeon’s skill, it still gives the truth away. So it is with ‘culture’. It is only skin-deep but it keeps everything else together—kinship, language, political systems, or the lack of them, artistic traditions, supernatural beliefs and so on. ‘Culture’ may well be only skin-deep, but without it we are not human.

Those who seek to eradicate the differences between cultures, between peoples, in reality seek either to make everyone else more like them, or simply to kill those who are different, or to keep them in a state of servitude or slavery. All of these bring about the grossest human rights violations known.

The Nazis wanted to eradicate the Jews in Europe, the colonial British wanted to maintain the people of India as low-paid servants and workers, the Arabs wanted

to enslave the East Africans, the Bantu invaders of southern Africa wanted to kill or enslave the 'Bushman' peoples they found there, just as the Incas did to the Indians they found living in the low eastern forests of the Andes, and so on and on. The victims are always defined in cultural terms; they are different and their difference makes them persecuted.

Though it's also true that it's usually been possible to cross the cultural divide. Jews converted to Christianity in Nazi Germany. 'Educated' Indians went to Sandhurst and played polo (which the English forgot actually came from the Balti people), and so on. Those who succeeded were quickly integrated into the cultural systems of the invaders, often becoming even more like caricatures of their oppressors than the tyrants themselves were. No one alive in 1977 can forget the Central African Republic ceremonies to crown the dictator, Jean Bokassa, as emperor, using all the exaggerated trappings of a kitsch Napoleon—the fur-trimmed clothes, the jewel encrusted throne, the processions of servants and retainers: as tragicomical a chapter of African history as anything ever was or will be.

So, all peoples are different and you can't make them the same without trampling over their rights. But what about that defining myth of civilisation and empire—from the Roman to the British—that everyone really wants to become just like us if only they had the chance. Well, of course, the truth is simply that they don't! After nearly one thousand years of Roman so-called 'civilisation', the reaction of the Goths and then the Vandals in the fifth century was simply to wreck it as soon as they had a chance. The Vandals' legacy is largely in their name and they have now become equated with hooligans, but you might equally well argue that they were freedom fighters—Nelson Mandela the 'vandal', which is of course exactly how he is seen by many Boers in South Africa today. Again, at the risk of stating the obvious, it's just a question of which side you're coming from.

Yet this idea, that everyone wants 'civilisation' is remarkably enduring and so worth looking at in more detail. If you offered a Calcutta or Bogotá street child a life in today's Britain, what would he or she say? Let's be absolutely clear about this, the offer is not the modern Britain where over four million children are living in poverty and hunger, but that other Britain of working schools with plenty of good teachers, hospitals with good and rapid treatment for disease, safe and efficient public transport, safe public drinking water and food, a fair and helpful police force, honest and inspiring political leaders driven by real ideology and who scorn the notion that people should hold top jobs simply because they happen to be their friends. Yes, that Britain, the envy of the world. Remember it? Well, the street kid will probably go for it and who can blame him or her? But in practice of course that's not what's on offer. Health care and education, available in modern India or Colombia is worse even than in Britain, the police are even more corrupt, the political leaders are more obviously crooked, and when the trains crash they kill even more people than they do

here. The truth is that since colonial days—perhaps going right back to those most defining colonialists, the Romans—the west has created aspirations to a utopic lifestyle which are simply not obtainable by the vast majority of those who encounter them. Signs of this are all around us today and they affect us as much as the old European colonies. We watch puerile television game shows which hold out the promise of unimaginable wealth. We read asinine comics with titles like, ‘Hello!’, which tell us how much fun the very rich and famous have (of course, they don’t really). And all the time the truth is that the rich/poor divide grows wider and wider. The poor become more numerous and poorer, the rich become richer. And after centuries of so called democracy, the world’s wealth is held in even fewer hands than during the worst excesses of the French or Russian aristocracies in the eighteenth and nineteenth centuries.

Many people—though by no means everyone—would obviously want to become rich Europeans if it was on offer, but few would choose to become poor Europeans in preference to the way they live now.

People do not all want to become the same. Corny as it might sound, they value their cultures. They give them up only after a long and often bitter struggle. And even then, once lost, given half a chance, they strive to reinvent them. Like the North American Indians have been doing for the last 30 years.

Cultures are not static, they are constantly changing and always have been, but the idea that they are all gradually converging towards a kind of hotchpotch of Hollywood-inspired westernisation is, in my view, a profound mistake and a deeply ethnocentric one at that. It is part, in other words, of the great con trick of civilisation; and it is simply not borne out by the facts. Turkish kids may well be watching *Baywatch*, sporting digital watches and silly baseball caps, but that doesn’t make them less Turkish, any more than eating potatoes and smoking tobacco makes us South American Indians, or using gunpowder makes us Chinese, or using the number zero in our mathematics makes us Indian.

Within 10 minutes walk of the very first mission ever established in Amazonia—over 400 years ago—live Indians who still practise a very largely, though not entirely, traditional way of life, Indians who still believe in the same stories and the same spirits as their forebears did, as well as some new ones. The most remote and least contacted peoples of New Guinea still base the most important element in their cultures around the domestic pig, as they always have done.... Hang on, no, that’s not right: the pigs are actually new, first brought in by Europeans only a century or so ago but quickly and enthusiastically taken up by virtually every tribe in New Guinea. Does that make the people less Papuan and more like Europeans? No, it does not!

So, let’s turn to the second part of our opening remarks, people have the right to be different so long as it doesn’t hurt anyone else. Well, of course, lots of ways of

life and cultures incorporate cruel practices. OK, let's be blunter and get straight to the point. In my view, all peoples are barbaric. Though, thankfully, some are less barbaric than others. There's one aspect to this which has long struck me with its touching and beautiful paradox—and I'm by no means the first to notice it—but in my experience, the people who are the least cruel, in many ways the least barbaric, are those who are the most different to ourselves, and who are the least concerned with material possessions or individual status.

In the process of visiting some 70 different tribal peoples in the course of the last 30 years or so, for me two stand out for their gentle and unassuming nobility—those same corny values our culture claims to hold in such high esteem. One is the nomadic tribe which lives in the wide grass plains and gallery forest of the Orinoco, straddling the Colombian-Venezuelan border, and which used to be called the Cuiva. These Indians possess virtually nothing. A few cooking pots, a canoe, some old clothes, a hunting dog, bows and arrows, hammocks and the odd basket, maybe a flashlight—that's about it. They don't have houses. The men hunt, the women gather, and every few days they move somewhere else. An anthropologist once timed the lapse between someone, anyone, mentioning, 'Why don't we move to the place between the two bends in the river (or somewhere else)?', and the entire band of 30–40 people being in their canoes with all their possessions. On average, it took about four minutes. Imagine that in the context of the aspirations of civilisation, where we actually define ourselves by our possessions, our wealth, our status and so on. Cuiva society is about the opposite. They are the only South American Indians I've been with where couples share hammocks. Lying in you hammock, chatting and cuddling your family is what a Cuiva spends most of his or her time doing, unless it's the season of the hallucinogenic tree bark, when you spend most of the day seeing visions.

The other group which springs to mind is the so-called 'Bushmen' of the central Kalahari. They have about as little as the Cuiva: a donkey or two instead of a canoe, though they do have rather comfortable tent-like houses; no flashlights though, and no water neither. Do they want to remain different to us? You bet they do. The most important thing to them is their own place. To our eyes, there's absolutely nothing there, a desert wasteland of endless sand and low scrub. But to them it's where they belong, where their ancestors are buried, where their roots are. They could have been there for as much as an astonishing 30,000 years, perhaps even longer.

Needless to say, both peoples, Cuiva and Bushmen, are worse than harassed by the surrounding society: Spanish colonial in one case, dating from some three centuries ago; Bantu colonial in the second case and dating from not that much earlier. Until very recently, both were hunted and killed. Bushmen today are still tortured and imprisoned for hunting wild meat. The Cuiva have all but disappeared;

my own personal worry when I was with them 25 years ago was being shot at by cowboys.

Difficult as it may be to swallow, there are literally millions, perhaps hundreds of millions of people in the world today who do not want to become like us. And yes, I know that many will find it difficult to believe and think that my position is a lot of romantic tosh. ‘How could people not want the great benefits of industrialisation?’ The same question, underpinned with the same fundamental racism, will come inevitably from both the right and left. Just for the record, I used to believe it myself until my first encounters with tribal peoples.

But what about peoples’ barbarism? Surely we’re not going to allow that in the twenty-first century? Amazon Indians do terrible things to new born twins: they bury them alive. Probably the Cuiva do this as well, though I can’t honestly remember. They do it for the same reason they paint their faces: to make themselves more human, to distinguish themselves from animals. People have only one baby at a time, animals have several. East African pastoralists, like the Maasai, circumcise girls. I must confess that female circumcision gave me a lot of problems. Yes, it is terrible. But if you ask a Maasai woman why they do it, she’ll tell you that unless she’s circumcised, she doesn’t feel like a proper woman, a real woman. And of course it’s the women who actually do it to the girls. In the Maasai communities I visited, there were no women who wanted it stopped. And, eventually, I found it very difficult to criticise. Please don’t get me wrong here. I repeat that I think it’s terrible and barbaric. For the record, I think male circumcision is barbaric as well.

But let’s not get too self-righteous over this. And although we should not try to draw the comparison out too far, we do put our own adolescents through a different kind of hell. At a time when they’re on the verge of finding out about the world, about love, and about themselves, at a time when their hormones are racing and their bodies have formed enough for them to do something about it, do we let them loose to go and raise Cain, like the Maasai do when the adolescent boys and girls are allowed to go off and live in their own village where the normal rules and regulations of society are suspended? No, at precisely the same time, we force our own young adults into years of dull but life-defining exams. Those who can’t face the boredom we call ‘drop-outs’.

Let’s put aside the fact that it’s precisely our own so-called civilisation which lays down the ground rules which ensure that most of the world is kept in poverty. Let’s forget that our monarch sups with the leader of a country where the state regularly commits the most extreme cruelty, in its Tibetan colony, in its prisons, in its so-called orphanages and so on. Let’s forget that it’s the IMF and the World Bank which impose policies which destroy the lives of millions—using our money to do it. Let’s forget that all the so-called modern wars are fought with weaponry invented and manufactured by ourselves: weaponry which makes the worst torture machinery

invented before this century look like children's games. Forget all of that for a moment.

Because in my experience, one of the most startling and shaming things I have ever had to confess to a tribal people was to describe what we do with our old folk, our grandfathers and grandmothers, the respected elders of our community. I'm not talking about other people here, I'm talking about the fate which will fall to all of us who have the 'good fortune' to live that long. The silent screams emanating from our old people's homes—with their neglect, dirt, incontinence, lack of respect and general staff exasperation and bullying—will always give the lie to anyone who thinks we have created a society which has anything worthwhile to teach anyone else about how people should treat one another.

The Universal Declaration of Human Rights is a deeply flawed text. It was written in the aftermath of the Holocaust, yet it refers not once to the rights of peoples, merely to individuals. It defines the right of the individual to all sorts of things like holidays and social security which are completely meaningless for the vast majority of the world's population. So what then are fundamental human rights? The right to be treated with respect, the right not to be hurt or killed, the right not to have one's freedom curtailed by others unless perhaps it is for one's own safety and in very special circumstances. These should apply as much to peoples as to individuals. No one lives up to them. But that doesn't diminish them. They are not a code of legal definitions: rather they are an ideological framework which lay out our aspirations and our hopes. In that sense, they are both enduring and universal. A Kalahari 'Bushman', an Andamanese Islander, an Amazonian Indian, all would recognise them. We have them for the same reason that we paint our faces and ultimately for the same reason that an Amazon mother buries her twins at birth—because they make us human and show us that we are more than animals.

Not only is the right to be different a fundamental human right, but the very notion that anyone has the right to foist their own barbarous model on other barbarians is one of the world's worst tyrannies and has given rise to a sum of human suffering which probably exceeds that of anything else in history.

Cultural tolerance is not a load of petty liberal do-goodism. As our weapons have become more and more powerful, cultural tolerance has become a cornerstone—the fundamental cornerstone—of the survival of human life on this planet. If we do not learn this lesson, and where necessary impose it on the young thugs roaming about and looking for a punch up, then we are eventually condemning ourselves to certain hell and probable destruction. We may well all be barbarians, but we are also, all of us, victims as well.

**RICHARD WILSON**

Last week in Brighton, I saw a bumper sticker on a yellow, 1970s VW Beetle which read ‘Celebrate Diversity!’ on a rainbow background. This slogan has become part of the zeitgeist of post 1960s tolerance and an article of faith for the socially liberal. This sentiment is found in the statement we are debating today which argues that ‘All forms of life are equally good and deserve equal rights in law’. They are not, and difference is not a good thing in and of itself. To assert otherwise is characteristic of confused guilt-ridden romantics who think that the equal worth of human beings means the equal worth of their visions. It is based upon a flaky misunderstanding of equality which believes that all ways of life must be enthusiastically endorsed. Terry Eagleton is correct to rhetorically ask, what if ‘I belong to the clan known as the SS, the nation known as Nazi Germany the profession of pornographer?’<sup>9</sup> What the statement renounces is having any defensible reasons for choosing between distinct beliefs, practices and political systems. For the purveyors of difference, reasoned criteria for judgement are Eurocentric, silence the Other, and are the foundations of colonial oppression. Behind this public stance is a hidden hypocrisy which is saturated with bad faith. Instead, we should reject this fake multiculturalist harmony which says that every experience deemed authentic must be tolerated and incorporated. This is, as I will argue, the rhetoric of one very flawed North American *fin-de-siècle* way of *not* dealing with the gender, class and racial dimensions of social inequality.

Instead of the statement’s strange 1990s combination of romantic essentialism and High Pessimism, I would exhort anthropologists and others not to turn from the unfulfilled promises of modernity towards a mythic relativism, a resigned spectatorship and the equivalent of a wrecking mission in public life by the constant institutionalisation of cultural difference. It is a fatal mistake to slip from writing culture to righting culture. There are more pressing agendas—understanding the role of agency in political participation, the role of social movements in claiming human rights and the conditions under which contingent solidarities emerge. This would constitute a political turn in anthropology to correct the cultural turn of the 1980s. In effect, it would mean an end to the paralysing guilt of the Gothic left and the embracing of a cosmopolitan humanitarian agenda.

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<sup>9</sup> T. Eagleton, “Deconstructing human rights”, in *The Eagleton reader*, (ed.) S. Regan, Oxford, Blackwell, 1998.



My objections to the proposition do not imply a doctrinal defence of rights. What follows is not a ‘keeper of the flame’ argument, dedicated to safeguarding the purity of classic human rights. Instead, I seek to tread a fine line between maintaining a critical understanding of rights, while defending a limited usefulness for them, if properly conceived and implemented. Thus I’ll begin by pointing out three important misunderstandings of rights contained in the motion.

### **1. Human rights are not the same as human dignity**

Human rights talk in the 1990s has become the idiom in which all assertions of dignity are made. In contrast, I argue that rights are positivised rules regarding claims, privileges and entitlements which are generally held by individuals. They are narrow legal instruments. They are not extended moral treatises on the worth or dignity of a group of persons, as required by the difference multiculturalists, to use Terry Turner’s label.<sup>10</sup>

It is misguided to fetishise rights and treat them as a full-blown ethical code, as only the most anaemic moral system could be constructed from a list of human rights. Rights are not the same as religious formulations of human dignity, nor are they equivalent to the moral constraints on traditional forms of authority. They constrain power in a wholly unique historical context; that is, modernity and the rise of the modern state. Rights are coterminous with the legality of the modern state apparatus.

This distinction between morality and law is key to my argument, as is the realisation that moral values and legal norms are related to one another and are mutually (albeit asymmetrically) constitutive. Still, they are not the same thing. For the advocates of difference, rights must perfectly reflect their own claims of moral worth. But rights are distinct from morality insofar as they are created by specialists within a semiautonomous and often self-referential legal discourse and they are backed by the institutional and coercive apparatus of the modern state. To assert that legal and moral discourses are exactly the same is to misunderstand the relationship between rights and states.

The consequence of my line of reasoning is that we must accept limitations on the degree to which rights express entire moralities. Otherwise, we are asking human rights to do something for which they were not intended. Human rights exist to protect persons from the awesome power of modern state security institutions. This does not question the validity of historically stigmatised groups to assert their sense

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<sup>10</sup> T. Turner, “Anthropology and multiculturalism: what is anthropology that multiculturalists should be mindful of it?” *Cultural Anthropology*, 8(4), 411-429, 1993.

of collective dignity within the public space. However, it does question the institutionalisation of all assertions of pride in human rights covenants. I do not question public debate about dignity and recognition, instead I question legislation on the basis of identity and difference. James Brown's 'Sing it Loud, I'm Black and I'm Proud' is powerful and persuasive as a song, an assertion of black American pride and a political rallying cry. It is not very useful, however, as the basis for drafting human rights legislation. Exactly why leads us on to the next point.

## **2. Rights and collective identities are incompatible**

In theorising identity formation, there is now a widely accepted anti-essentialism in anthropology and beyond. Collective identities are no longer understood in the fashion of the mid-century cultural anthropology of Boas and Benedict - as the uncontested products of a single, bounded, communal culture. Social researchers now understand cultures as historically contingent and contested and collective identities as friable, imagined and emergent. There is no inherent and immutable link between culture and identity—this is accidental and dependent upon historical circumstances.

In contrast, law essentialises identity. Law treats identity as neatly bounded, fixed in time and homogenous in cultural content. When law fixes identity as permanent and unchanging, it ossifies what is constantly changing in the flow of everyday life. Legal categories deny the blurry edges of identity, since they formulate rigid definitions that can stand up in a court of law. In state legality there is little room for the complexities that make up the identity-forming processes of everyday life. This does not bother most difference multiculturalists—they only see how useful culture can be as an ideological resource to pursue their agenda within state and transnational institutions.

James Clifford captured the incompatibility between law and identity in his account of Mashpee Indians' attempt to gain title to lands which the US government ceded to them in a treaty signed in the late eighteenth century.<sup>11</sup> Most Mashpee cross-examined in court saw their Indian identity as contingent and changing, and as embedded in everyday practices, many of which were not ethnically marked. Their history was characterised by complex population movements—immigrations of former slaves and cyclical migrations to and from urban centres. The law, however, required that there be a continuous thread of unbroken ethnic history from the late eighteenth century to the present. Academics were called to give expert witness. An

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<sup>11</sup> J. Clifford, "Identity among the Mashpee", in *The predicament of culture: twentieth-century ethnography, literature, and art*, by J. Clifford, pp. 277-348, Cambridge, Mass., Harvard University Press, 1988.

anthropologist said, predictably, that the Mashpee were whoever they said they were. An historian, using an essentialist conception of identity, stated that the present-day Mashpee had only the most tenuous connections to the Mashpee of the eighteenth century.

The judge accepted the historian's version, rejected the anthropologist's, and adjudicated against the land claim because Mashpee litigants could not present a bounded and continuous case for their own identity. Any right to difference always requires that difference be proved according to rules of evidence of a court, pushing groups to use not an anthropological understanding of identity, but an outmoded mid-century Boasian model. Were we to follow the advice of the romantic essentialists, then even more anthropologists would find themselves in court answering impossible questions about whether a group claiming a cultural right were really, truly and authentically the ethnic group they claimed to be, or an ethnic group at all. The space to argue for a more complex reading of identity would be incredibly curtailed.

### **3. The advocates of difference make a misplaced critique of universal rights**

Advocates of difference argue that standard versions of human rights are too individualistic and universalising in their conception. Human rights were conceived during European colonial expansion and they transform western prejudices into universal injunctions. The application of human rights in the twentieth century has been riddled with hypocrisy. The last remaining global superpower, the United States, supports certain abusive regimes such as Pinochet's Chile, but then bombs other abusive regimes who fall out of favour, with human rights as the pretext.

Culturalist critics of human rights are therefore faced with a conundrum—how to make human rights include historically excluded groups, while preventing this new attempt at inclusiveness from lapsing into Eurocentrism. Many resort to starting with the notion of difference rather than shared humanity, specificity rather than equality, the rhetorical advantage of historical neglect justifying unique group rights, rather than rights being accorded to individuals regardless of their place in an ethnic history. Thus new oxymorons are invented to dilute the word 'human' which causes such embarrassment; for example, women's human rights, refugees' human rights and indigenous human rights.

It is possible to question Locke's philosophy of individualism and object to the abuses of capital during the colonial expansion, while at the same time seeing a historical need for legal mechanisms to protect individuals from repressive state institutions. It is possible to argue in favour of human rights for historically specific reasons rather than universal ones. For a start, one may claim that there are commonalities between humans without having a notion of human nature. Human

rights rely upon the commonality of our experience of particular historical conditions—the rise of modern states and urban, industrial societies. In terms of experiences of modernity, there is enormous variation, but in terms of our human frailty when confronted with modern state institutions, we all require the same protections.<sup>12</sup>

Pragmatist political philosophy gives us good reasons for supporting human rights based upon equality without accepting much of the philosophical baggage of liberalism. It maintains the view, increasingly eroded by neo-liberal economic policies, that we can combine to work together towards common goals and more just societies. Its notion of a common good arises not from nationalists' beliefs in traditionally defined cultural goods nor from the universal acquisitive individuals of liberalism who desire only material acquisition. Rorty's pragmatism argues for a political consensus that does not require uniformity and shared values but instead requires only contingent alliances.

Multiculturalists and pragmatists would agree on certain things—that a uniform dominant culture is neither a reality nor is it desirable. To promote difference as the foundation and the end result of rights is to give up on the idea of creating shared goals through some form of contingent consensus. It is to admit defeat and to retreat to ethnic or cultural bunkers in a nasty Hobbesian world where there is the war of all *groups* against all others, much like the situation in Bosnia for the last nine years, as crystallised in that nightmare of institutionalised difference, the present Bosnian Constitution. Pragmatism at least foresees the possibility of making political decisions through an overlapping consensus for specific issues which requires that certain procedures for creating intersubjectivity are agreed beforehand.

### **A blueprint for difference: the Indigenous Rights Accord in Guatemala**

So far I have argued that it is worth preserving equal rights and making them more inclusive and procedurally fair, rather than throwing out the notion of equality and beginning instead with difference and particularism. Now I turn to an empirical instance of codifying human rights along ethnic and linguistic lines. The argument has been made that indigenous peoples are so abused and defenceless that they require special types of rights in order to protect them and promote their unique cultures. This is one reason why I have picked the politics of *indigenismo* in Guatemala to argue that seeking to preserve difference through rights is not good for anyone in the end and especially for less powerful members of those societies.<sup>13</sup>

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<sup>12</sup> B.S. Turner, "Outline of a Theory of Human Rights", *Sociology* 27(3), 489- 512, 1993.

<sup>13</sup> My discussion draws from a chapter by R. Sieder and J. Witchell in the forthcoming volume,

The Agreement on the Identity and Rights of Indigenous Peoples was signed in 1995 by representatives of the guerrillas and the Guatemalan government as part of a peace process that ended 36 years of war. The Agreement demonstrates in a concrete manner the inconsistencies in the conception of a right to difference as well as the concrete absurdities in its application. The Agreement is blind to the kind of ambiguities that undermine attempts to legally enforce ethnic enclaves. It repeats the myths of ethno-nationalists, speaking of a homogenous ‘*pueblo maya*’ (Maya people) who are ‘direct descendants of ancient Mayas’. The Agreement presents an undifferentiated Maya people who were conceived in the distant mists of the pre-colonial period and it shows no awareness that indigenous identity has been continually reinvented, most recently in relation to the human rights talk of the United Nations. The Agreement is a charter for ethno-nationalists, reproducing their myths—that communities are discrete and internally homogenous, and that they share a common origin, a common unbroken history, and a common future. Little of this is the case.

That the Agreement ignores the fluid nature of identity raises all kinds of questions about how it could be applied fairly in practice. What about the 1 million Mayan language speakers (over 15 per cent of all Maya speakers) who now live in linguistically heterogeneous *barrios* in the capital’s shantytowns? Or what about areas of massive migration such as Alta Verapaz where poor *ladinos*<sup>14</sup> and Maya speakers live in the same villages, intermarrying and trying to eke out a living on the same rocky soil? Would different sections of the same village, or even members of the same family, answer to different legal institutions? In disputes over land tenure, would courts find in favour of indigenous members over poor *ladinos* because the claims of the former group are granted more weight in legislation? This is a perfect illustration of how the right to difference will obstruct alliances between the rural poor, since one group would have special legal rights, solely because they speak a Mayan language and wear colourful clothes. *Ladinos* living in grinding poverty will be deprived of special protections because they are simply poor and not exotic.

There are other problems with the Agreement’s formulations of customary law. The Agreement states that indigenous legal systems are founded upon a world view which is ‘based on the harmonious relationship of all the elements...(that) has been passed down from generation to generation’.<sup>15</sup> There is a failure to see that rhetorical claims to harmony mask all kinds of class and gender hierarchies and, importantly, the fact that local legal institutions are controlled by elder males. In

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*Righting culture: anthropological perspectives on rights struggles*, (eds) J. Cowan, M. Dembour and R. Wilson, Cambridge, Cambridge University Press, 2001.

<sup>14</sup> *Ladino* is a term usually applied to people who putatively have mixed indigenous-European ancestry [Ed.].

<sup>15</sup> AIDPI, section I, paragraph 2(iii).

many countries which grant jurisdiction to customary law, those in a subordinate position (usually women and younger men) opt out and pursue their rights as citizens in the national justice system.<sup>16</sup> What the advocates of difference forget is that the right to be different must also include the right not to be different.

The Indigenous Agreement fails to recognise how local law has been transformed by a vicious counter-insurgency war. The legacy of the militarisation of society is now apparent in the wave of vigilante actions evident in the highlands since about 1994. Even though there are relatively low levels of crime in highland villages, there have been numerous grisly acts of popular authoritarianism. On a regular basis, petty thieves are being hauled out of jails and burned alive by the populace. Last Sunday, three men were hung for allegedly stealing building materials from a school. They were doused in petrol and were just about to be set alight when the police arrived and cut them down—they are now in intensive care in a local hospital.<sup>17</sup>

To grant more power to local legal institutions when they are in the grip of a wave of vigilantism and when there is a complete lack of respect for the rights of criminal suspects, seems to be a dangerous way of promoting human rights. In the context of state terror, popular authoritarianism and historically weak legal institutions, it seems safer to support ethnically unmarked demands for equality rather than group rights. One might even end up with similar outcomes. For instance, the state could entrench the right to Mayan interpreters in courts on the grounds of ensuring equal access to justice, rather than collective rights for ‘indigenous peoples’. By improving the right of all citizens to due process and legal representation, one might begin to create a criminal justice system which is not corrupt, ineffective and exclusive of non-Spanish speakers. This would be highly preferable to a dualistic system where, for those with money, there is state law social privilege and access to lawyers, while an impoverished customary law sector deals with Maya-speaking areas. It is important to remember the parlous history of customary law in Africa and to recall how, in Rhodesia, apartheid, British colonial rule and white rule all invoked the language of irreducible racial and cultural difference in order to maintain dualistic systems of legally institutionalised racism.

What perhaps needs explaining is how ideas of multiculturalism from North America, transported by the United Nations, had any purchase at all in a small Central American country. There are certain similarities, if one looks hard—both Guatemala and the USA share a virulent anti-Communist nationalism; in both

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<sup>16</sup> T. H. Eriksen, “Multiculturalism, individualism and human rights: Romanticism, the Enlightenment and lessons from Mauritius”, in *Human rights, culture and context*, (ed.) R. Wilson, London, Pluto Press, 1997.

<sup>17</sup> *La Hora*, 25/10/99.

countries, the Left is utterly defeated and ‘culture’ has cannibalised political discourse. In focusing on the defeat of the Left, we get an insight into understanding why human rights are now being bent to the imperatives of difference. Richard Rorty has written a lucid account of the history of the Left’s transformation in the USA from a political left to a cultural left.<sup>18</sup> After the Vietnam war, the New Left disengaged from the labour movement, dropped its concern with policy and retreated into an abstract obscurantism where doctrinal purity could be maintained. By the late 1980s, it inhabited position of ‘resigned spectatorship’, which Rorty describes as ‘Gothic’ in its reliance on magical transformations in analysis and politics.

The resigned Left builds its vocabulary around a notion of sin: the commission of acts by the USA (e.g., slaughter of Native Americans and enslavement of Africans) means that the country was conceived in sin and is therefore irredeemable. Rorty wryly observes that the ubiquity of Foucault’s notion of power is reminiscent of the ubiquity of original sin.<sup>19</sup> The notion allows the construction of a Gothic world of spiritual pathos:

It produces dreams not of political reforms but of inexplicable, magical transformation. The cultural left has contributed to the formation of this politically useless unconscious not only by adopting ‘power’ as the name of an invisible, ubiquitous and malevolent presence, but by adopting ideals which nobody is yet able to imagine being actualized.<sup>20</sup>

The consequence is a position of principled hopelessness, a defeatist and pessimistic view of the world. The academic Left has colluded with the political Right by making cultural issues central to public debate, whereas before family values and cultures of poverty were the province of conservative politicians. An increased attention to difference has meant ignoring socio-economic issues, as only those humiliated for reasons other than economic status are worthy of study. Rorty points out that no one is setting up programmes in homeless studies or trailer park studies because they are not ‘other’ in the relevant sense.<sup>21</sup> So while we learn about how people are labelled and come to internalise their stigma, scholars are ignoring poverty and growing economic inequality and exclusion.

It is not a coincidence that this intellectual pessimism consolidated itself in the 1980s, during the rise of neo-liberalism and the accelerated globalisation of capital.

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<sup>18</sup> R. Rorty, *Achieving our country: leftist thought in twentieth-century America*, Cambridge, Mass., Harvard University Press, 1998.

<sup>19</sup> *Op. cit.*, p. 95.

<sup>20</sup> *Op. cit.*, p. 102.

<sup>21</sup> *Op. cit.*, p. 80.

In the USA, the entrenching of rights to difference has significantly contributed to the construction of racial and ethnic bunkers where no common social commitment can be defended. This is the perfect cultural and political accompaniment to the economics of neo-liberalism, to Thatcher's death of society, and to Fukuyama's end of history. It accepts the end of a political community to which one has obligations and duties as a citizen, and the end of any notion of shared civic responsibility.

Instead of asking how we might promote difference through human rights, we ought to ask how might we construct governmental institutions which do not humiliate citizens. The answer does not rely upon moral universalism or an homogeneous value system. Neo-pragmatist political philosophy allows us to move away from the foundationalist language of mainstream liberalism, as it states that truths are produced by an intersubjective consensus between persons, not from the accurate representation of a reality devoid of subjectivity. Since citizens will no doubt have different needs, they will probably disagree about political truths. There can only be one adequate response to this—the creation of mechanisms and procedures dedicated to reconciling needs, including as many people as possible in the process, thus widening the existing consensus and fusing horizons, to use Gadamer's phrase. This makes the process sound easy. It is not. The constitutionalist reading of citizenship advocated here is flawed, and impossible to fully realise, but it is still preferable to all other solutions.<sup>22</sup>

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<sup>22</sup> See J. Habermas, "Citizenship and national identity: some reflections on the future of Europe", *Praxis International* 12(2),1-19, 1992.



*For the motion (2)*

## **IRIS JEAN-KLEIN**

In 1994, David Lowenthal and Penelope Harvey proposed the GDAT motion, ‘The past is a foreign country.’ They were justified in noting a significant difference between the motion debated that year and those debated previously: the novelty lay in the fact that they were having to consider the validity of a *metaphor*. Again today, we have before us a rather extraordinary type of proposition. This time, it asks us as anthropologists not, as is commonly the case, to apply our diverse experiences and current understandings to probe some methodological or theoretical problematic of burning interest mostly (if not exclusively) to members of the discipline and the academe. Instead, it asks us to imagine a situation, as yet unrealised but much fantasised about, in which we are asked to adjudicate points of debate which are part of a political discourse that extends across the globe. As my distinguished colleague Richard Wilson, who speaks against the motion today, has written, ‘the language of human rights has moved in to fill the vacuum left by the demise of grand political narratives’.<sup>23</sup>

Today we have the opportunity to rehearse what it might be like if we added our voice to such public discourses, seemingly speaking the hegemonic ‘language’ (of ‘rights’), but actually slipping into the debates out there our own, subversive perspectives; that is to say, installing a safe-guarding mechanism against the over-determination of persons, of identities and, most of all, of knowledge.

Listening to Elisabeth Colson’s delightful after-dinner speech last night; and to the vote of thanks proposed on the same occasion by the Head of Department at Manchester, John Gledhill, to the organisers of this marvellous conference; and to many voices in the various panels, it becomes clear to me that there was a time—at least, we have now begun to ‘remember’ our history in this constructive way—when anthropology as an academic discipline pursued a vision of itself as being of use to and making a real difference in the world. It becomes clear to me too that this is a *good thing*.<sup>24</sup> This vision has been stifled these past two decades in bouts of self-doubt and disciplinary *Existenzangst*. This was necessary and productive, to be sure, and let us not forget that in the interim one could afford to do so. No longer!

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<sup>23</sup> “Introduction”, in *Human rights, culture, and context: anthropological perspectives*, (ed.) R. Wilson, London, Pluto Press, 1997.

<sup>24</sup> Cf. R. G. Fox (ed.), *Recapturing anthropology: working in the present*, Santa Fe, New Mexico, School of American Research Press, 1991.

Such a vision is currently being recalled, like a lost lover, and eyed up with a view to repossess, and this time keep. ‘We should be more arrogant. Let us declare ourselves!’, John Gledhill admonished in his speech last night (I paraphrase and admit that my recall of his words might have been clouded by wine).

What, however, would it be that we as anthropologists—such a diverse, disagreeing, but also healthily debating (very occasionally bickering) community—could possibly agree collectively to contribute to the world, and not regret later. Many have regretted aiding the circulation of a half-baked, overly static, essentialist, unified, closed, determinate and generalising concept of ‘culture’.<sup>25</sup> Such a concept was soon to be echoed by nationalist politicians and totalitarian regimes (which will precisely not tolerate ‘difference’) to justify heinous policies and actions to the outside world, and to defend themselves against national (not, I emphasise, ‘cultural’!) interference and the application of ‘human rights’ codes to them. The recent ‘War against Women’ which the Taliban movement in Afghanistan has been conducting (and I have no problems conceiving of the events in these terms), in the name of a pure ‘Islamic’ culture, must send shivers down our spines! These are highly calculated and cynical political inventions of ‘culture’, and their inventors (as also their victims) *know* them to be so.

We chastise ourselves that anthropologists delivered the notion of ‘culture’ to political criminals such as these and, in the sense that our transactions with the concept reified and sacralised it, this is true. Anthropologists and other scholars in the business of representing ‘Islamic’ Middle Eastern societies in particular have only recently broken away from a tradition of scholarship which was in the habit of *imposing* on Islamicist ‘offenders against human rights’ a certain entrapment in the moral economy of ‘particularism’.<sup>26</sup> Historically speaking, particularism is anthropology’s fundamental understanding of ‘cultural difference’ and it dominates human rights considerations of ‘difference’ too. I speak for ‘difference’, but not therefore for the particularism-versus-universalism distinction. This point, that distinction, are critical to my argument.

Islamic governments (as well as non-governmental organisations) in the Middle East notoriously claim for themselves a ‘distinctive’ position in relation to international Human Rights discourse (a position shared partly with third world

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<sup>25</sup> See J. Spencer “Writing within: anthropology, nationalism, and culture in Sri Lanka,” *Current Anthropology* 31(3), 283-300, 1990; R. Handler “On dialogue and deconstructive analysis: problems in narrating nationalism and ethnicity,” *Journal of Anthropological Research* 4, 171-82, 1985. These articles also note that anthropology’s early conception of culture was not an invention by anthropologists, but directly continuous with the understanding of the concept in German Romanticism.

<sup>26</sup> See K. Dwyer, “Beyond a boundary: ‘universal human rights’ and the Middle East”, *Anthropology Today* 13(6), 13-18, 1997.

countries, but linked by these governments' spokespersons more specifically to the 'Islamic' character of their societies).<sup>27</sup> It is also true, on the other hand, that in notoriously accusing Middle Eastern governments-cum-societies of gross human rights violations based on Islamic law, the discourse of the 'international' community continuously co-constructs what it decries as a particularly determinate, inescapable, immutable and incommensurable system of belief and social action.<sup>28</sup> And it underhandedly maintains a problematic division between 'particularistic' and 'universalistic' societies. The problem is the series of polar opposites that gets coupled with this opposition and with an understanding of 'difference' in these terms. Apropos the Islamic Middle East, it triggers an opposition between ethnic/religious versus secular/mainstream; irrational versus rational; intolerant of difference versus tolerant; and ultimately, between communities which are targets of human rights projects and those which define and launch them.

Not only malignant politicians and political regimes (and, inadvertently or not, sometimes scholars along with them), but also well-meaning political, legal and philosophical considerations of 'human rights' have for some time taken a recognition of something like 'culture' and 'cultural diversity' as a starting point for their globalising project.<sup>29</sup> The ontology of 'culture' which is put to use in these exercises, alas, is the one the discipline has painstakingly rethought and would prefer now to have pulled out of circulation. Unfortunately, concepts travel—unlike jackets which leave the assembly lines with faulty zippers, when manufacturers are in a position to issue a product recall and little harm is done even where the recall fails to reach all users. Still, we need not be so thoroughly resigned to the spectators' seats as our discarded understandings cruise the world's more influential discourses. After all, we can imagine we once had a trenchant impact. Where the old understanding of 'culture' is concerned, we credit ourselves with rather a lot of influence; could we not have it again, and again? We could, that is to say, set out deliberately to unsettle overly secure and determinate uses of 'culture'—or of 'difference' for that matter—in the public forums of this world, as we declare our

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<sup>27</sup> See F. Halliday, "Relativism and universalism in human rights: the case of the Islamic Middle East", *Political Studies* 43,152-167, 1995. On non-governmental organisations, see D. Chatty and A. Rabo (eds), *Organizing women: formal and informal women's groups in the Middle East*, Oxford, Berg, 1997.

<sup>28</sup> Dwyer (*op. cit.*) and Halliday (*op. cit.*) draw attention to four areas which are commonly of concern to 'international' human rights interests where the Middle East is concerned, and which are attributed to Islamic law: *hadd* punishment (including corporal punishment, torture, amputation and the death penalty); restrictions on women; restrictions on non-Muslims; and intolerance of 'apostasy'.

<sup>29</sup> For a particularly early and sensitive use of 'culture' in philosophical discourses on 'rights', see C. Taylor "Thinking about minorities, part I. A world consensus on human rights?", *Dissent* (summer issue), pp. 15-21, 1996.

anthropologically (that must mean, ethnographically) informed opinions on public issues.

Back to our question. What, if not culture, could anthropologists agree to declare as anthropology's contribution? (And why not also 'culture'? Why not push into popular circulation our new improved understanding of it, and with it evidence that we inhabit a world where understandings are never complete? It would be bound to reach some folks. I should indeed be delighted to oppose a motion, 'The notion of culture is obsolete'. Not today, however.) Today I want to give you good reasons why 'difference' is the most suitable, strategic, because infinitely and incessantly productive principle for us as a professional community to stand by and defend, and even see entrenched as right in law, if doing so is deemed necessary. Although in some sense, this would involve a redundancy: humanity cannot be stopped from 'doing difference'. How could an activity so fundamental to human sociality come to be perceived as a 'right' and in need of protection? (This, I suspect, is the more intriguing question embedded in this motion.)

I say we can have our cake and eat it too: retain the critical, comparative, and in this sense infinitely open 'position' that characterises our discipline, at the same time as we very literally make a difference in the world: shifting understandings of 'difference' (the ontology of it, not any particular instance), while we have our say in politics and public policy.

The greatest strength of the notion of 'difference', I put it to you, is that it actually says nothing or, to put it more positively, it can be made to mean absolutely anything at all: diversity, multiplicity, fragmentation, heterogeneity, argumentation, debate—these are just some of the uses which I gathered yesterday in the course of my field excursions into various panels, discussions and discourses that formed part of this conference, listening out for uses. That I would find my colleagues making feisty use of it, of this I was sure. After all, a 'passion for difference'<sup>30</sup> has swept through the discipline and swept into the gutters our former (and more methodically exercised) passion for 'culture' as it has served as the principal source of culture's destabilisation.<sup>31</sup> And after culture's demise, it has stood in as its surrogate, taking on the role of key (dis-)organising metaphor of the discipline, the 'paradigm' that bridges all differences among us. It has many of us confused, nonetheless, so many and contradictory are the truths which 'difference' can evidently represent: 'cultural difference' as well as differences undermining and fragmenting 'culture'.

In our theorising, then, and through the recent 'crisis of representation', 'difference' has done wonders for us; most of all, in my view, because it has resisted

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<sup>30</sup> After Henrietta Moore's monograph (1994) of the same title.

<sup>31</sup> See, for example, L. Abu-Lughod, *Writing women's worlds: Bedouin stories*, Berkeley, University of California Press, 1993.

efforts to pin one particular meaning down. It is likely that it will have the same power in the real world, once let loose on people and their daily struggles. In fact, we already know it does; our ethnographies tell us so! Ethnography instructs us—the Melanesian ethnography of M. Strathern, most compellingly so—that, while it is not always pointed out in so many words, doing ‘difference’ is a fundamental principle of human ‘productivity’ in all its senses: aesthetic, symbolic, intellectual, economic, political.<sup>32</sup> (By ‘productivity’ I mean no more here than ‘having significant effect’; it is not a statement on how various subjects involved in and affected by it may experience it.) Difference is the stuff of which ‘orders’, all orders, are fashioned.<sup>33</sup> And all orders also limit the kind of ‘differences’ they are attuned to, tolerate and necessitate. One of the limits of the human rights project’s tolerance for ‘difference’, which is thrown into relief when ‘international human rights’ concerns are pitted against ‘Islamic societies’, as I noted earlier, is that between ‘particularistic’—equals religious, irrational, intolerant—and ‘universalistic’—equals western, secular, rational, tolerant—outlooks.

The motion thus proposes to agree to the political and legal inscription as ‘right’—and that means, as an *optional* activity—what is in any event a condition of production of all human signification, communication and sociality. Tautological? Redundant? Banal? Yes, and thus anodyne and harmless, at worst. At best, however, a means of guarding against the excesses of overly determined liberal efforts which would not be satisfied with such a general statement, but would seek to specify and enumerate which kinds of differences are ‘significant’ and should be ‘right’, and which kinds are wrong. Fixing a particular set and ontology of difference cancels out the moral economy of ‘difference’ which we know to be at play: inherently implying motion, animation, and relation;<sup>34</sup> as well as ever only being momentary.<sup>35</sup>

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<sup>32</sup> ‘Not all moral orders [cultures?] we know of venerate and celebrate “difference” as we do...as an endless process of fragmentation and instability’ (R. Wilson, *op. cit.*).

<sup>33</sup> It was principally Jacques Derrida who revealed ‘difference’ as a force, i.e., a movement of distinction and opposition which is the fundamental principle of facilitation in the production (better thought of as instantiation) of phenomena qua presence, or of knowledge qua truth. See C. Johnson, *System and writing in the philosophy of Derrida*, Cambridge, Cambridge University Press, 1993, pp. 18-20, 40-42, 74-81. Derrida lays this out most systematically in *Of grammatology*, translated and with introduction by G. Spivak, Baltimore, Johns Hopkins University, 1976, and in *Writing and difference*, translated and with introduction by Alan Bass, Chicago, Chicago University Press, 1978, p. 201. See also Ferdinand de Saussure, *Cours de linguistique generale*, Paris, Payot, 1962.

<sup>34</sup> I mean motion in a bodily, and that must mean, social sense, following on from Merleau-Ponty's disquisition on the significance of body movement through space in what (in my reading) constitutes a phenomenology of the Heideggerian ‘care towards’, ‘involvement in’ or ‘significance of’ the world that instates the embodied subject into the equation. See M. Merleau-Ponty, *Phenomenology of Perception*, London, Routledge and Kegan Paul, 1962, esp.

(Simultaneously, one would of course ossify an historically particular ontology of difference.) Thus, I am advocating ‘difference’ as connoting social dynamism, activity, process, tension—and argumentation—as one, if not the, fundamental human right/rite. Although a noun, in it inhere the properties of a verb: verbal and embodied activity. (To echo a thought expressed by our colleague Richard Werbner during his Gluckman lecture, ‘equality, like democracy, must remain a goal we never stop pursuing, but also never fully attain’. For, were that goal to be realised, it would mean the arrest of all creativity.)

My point is this. By opting for ‘difference’ (but not particular kinds of difference!) as right, we smuggle into ‘rights’ language and culture sufficient flexibility, mobility and dynamism, enough to pre-empt or subvert the force (the power of endurance, determination, constraint, imposition) which is always a possible underside of inscription (because it freezes movement). We thus temper the possible violence of ‘moral ruling’ on which the dominant world seems bent—I agree with the opposition, morality can not be enforced by law—a form of violence which this discourse on fundamental human rights and their violation fails to recognise and ponder. We seize the opportunity to smuggle in the tempering mechanism; and thus make a difference in the world.

Finally, let me put to you another aspect of ‘difference’ as I advocate it here, which renders it pregnant with possibilities to have cross-cultural (yes, my colleagues still have need for and help themselves to this notion) resonance, relevance and appeal. Those who have spent more time and intellectual effort than myself thinking about the possibility of the human rights project crossing boundaries of ‘cultures’ (the currently correct terms are ‘moral orders’ or ‘settings’), have observed what is by now a truism: that the conception of ‘human’, the category of the individual and the emphasis on individual autonomy, freedom, self-control and self-gratification, all of which are fundamental to human rights rhetoric if not associated practices, are not universally recognised or meaningful.<sup>36</sup> In raising this issue I am moving on to address the important question of the appropriate subject-cum-proprietor of rights. Usefully, I think, the way in which the motion is formulated (it does not specify particular kinds of differences to be ‘righted’: gender, ethnicity, national identity, age, class would be the standard catalogue one would

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chapters 3 and 6; M. Heidegger, *Being and Time*, London, Basil Blackwell, 1962.

<sup>35</sup> Emerging as distinct presences not at moments when ‘difference’ is inactive, suppressed or arrested, as Derrida suggests (*op. cit.*), but, as ethnographic evidence from Melanesia and the Arab world indicates, precisely while the differing is enacted, in animation. (Here I beg to differ with the great philosopher.)

<sup>36</sup> Cf. C. Taylor (*op. cit.*), R. Wilson (*op. cit.*). Among the leading anthropological commentators who have established this insight in the context of different anthropological debates are Marilyn Strathern, Tim Ingold, Michael Carrithers and Brian Morris.

expect metropolitan social scientists to call up) leaves the subject or ‘owner’ of such a right unspecified. But it speaks considerably against it being transfixed as ‘the individual’.<sup>37</sup> After all, and despite hegemonic western ideologies of individualism, ‘difference’ is not something (not even ‘in the west’) that one alone, the singular subject, can actually do, let alone ‘be’. It is an effect or property emerging out of relationships, of social interaction, and if it be an activity instated in law it must hold people-in-relationships jointly responsible (or accountable, as the case may be).<sup>38</sup> I do not imagine the relational making of ‘differences’ which are considered necessary and productive and the concurrent suppression of differences not (no longer) thought of that way by the various participants, is intrinsically a harmonious and agreeable enterprise. Ethnography shows it can entail tension, manipulation, persuasion bordering on coercion, and in this sense extraction. Melanesian gender(ing) practices demonstrate this. So do gender practices concentrated in the Middle East and north-east Africa, which entail surgical intervention to socially ‘complete’ what nature (or rather, God) left unfinished. The most widely known and talked-about case of this is female circumcision and infibulation.<sup>39</sup> But to engage in such ‘tugs of war’ over which differences need and need not to be made, and in what fashion, is as fundamental a human rite/right as doing ‘difference’; it is a critical aspect of all practices of ‘difference’ known to us. I agree with Ernesto Laclau when he says, ‘the ontological possibility for clashes and unevenness are what also give us ground to speak of freedom’.<sup>40</sup>

The feminist project (another hybrid political-cum-scholarly project to which the current human rights enterprise might be fruitfully compared) has also had to

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<sup>37</sup> The individual figures as the ‘natural owner’ of human rights in the pragmatic and individualistic philosophy of Richard Rorty (e.g., *Objectivity, relativism, and truth*, Cambridge, Cambridge University Press, 1991) and his followers in anthropology (e.g., N. Rapport, “The Potential of Human Rights in a Post-Cultural World”, *Social Anthropology* 6(3), 381-388, 1998).

<sup>38</sup> On similar grounds, I would object to attaching the right to difference to the alternative ‘subject’ in contemporary human rights thought and practice, to abstract corporate entities such as ‘ethnic groups’ or ‘indigenous peoples’. This involves a fixing of ‘rites of difference’ and the ‘ethnification’ of differences singled out and frozen in time. But most importantly, ‘difference’ is thereby pegged onto the concrete (as-if-concrete, I should say) entity of people conceived of as ‘particular(istic)’. As I said earlier, historically social science and populist understandings of ‘different’ as ‘particular’ imply a polar opposition between particular(ism) and universal(ism), and a hierarchical, asymmetrical evaluation of that difference. ‘Ethnics’ are different—what goes unsaid is that ‘we’/the rest are the ‘universal’ centre that defines the norms and standards from which others differ. Differences, and the right to difference, must remain the collective property of humanity-in-(social inter-)action.

<sup>39</sup> See J. Boddy, *Wombs and alien spirits*, Madison, University of Wisconsin Press, 1989; S. Lavie, *The poetics of military occupation*, Berkeley, University of California Press, 1989.

<sup>40</sup> E. Laclau, *Emancipation(s)*, London, Verso, 1996, pp. 115-116.

overcome and resolve the excesses of the liberal humanitarian spirit bent on rugged individualism. Listen to these words of a colleague in the field of gender studies in Middle Eastern ethnography who I much respect, in the course of her exploration of points of intersection, dialogue and conflict between discourses that emanate from distinct socio-historical locations—tracing the impact and reception not of the human rights discourse, but of western ‘feminist’ discourses:

A perceived emphasis [in all western brands of feminism] on the primacy of individual autonomy and gratification, including sexual liberation, and the denunciation of men as the main enemy [all of which characterises ‘radical feminism’ only, the author points out], could easily go against the cultural grain in societies where both men and women are tightly enmeshed in familistic networks and mutual rights and obligations, where both sexes may be labouring under much harsher forms of economic and political oppression, and where different possibilities exist for cross-gender coalition [which we might not understand or even perceive].<sup>41</sup>

If ‘doing right’ is what ‘the world’ (or rather, currently dominant actors in it) is bent on doing at this particular historical juncture, then let us not stand by idly. Let us ensure that it is a principle, the varied strengths of which we recognise on the basis of our various ethnographic experiences and collective theorising efforts during the last two decades—such a fundamental and productive human profession; such a slippery, indeterminate and non-committal organising device as *différance*—that is reified in law. I thus urge you to vote for ‘difference’.

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<sup>41</sup> D. Kandiyoti, “Contemporary feminist scholarship in Middle Eastern Studies”, in *Gendering the Middle East*, (ed.) D. Kandiyoti, London, I.B. Tauris Publishers, 1996.



## **JOHN HUTNYK**

### **It all sounds good: difference, who could be against it?**

For approval's sake, for the love of popularity, for 'making nice', it would be just great to be 'for' difference. But difference is a deceit, a trick, a mind candy we are sold to placate us, to make us feel good in 'multiculti' ways. It does not, and cannot, lead us to anything like freedom. Who in all seriousness could be against difference in this time when we are witness to the almost universal extension of the exploitative economic and cultural system known as global capitalism? I will be.

The big bogey here is monoculture, that homogenising force that travels with capital and turns all culture into the same. This is Lévi-Strauss lamenting the loss of rituals and customs as the muck of the West was thrown in his face wherever he went.<sup>42</sup> Monoculture is the antithesis of difference and monoculture is bad. Against it, anthropology can be conceived as a salvage mission. That is, if we assume capitalism is everywhere the same.

### **How far have we come today?**

Is the new enthusiasm for discussion of difference all that new? I have in mind a debate held under the auspices of the Ethnological Society whose members argued against the newly formed Anthropological Society in 1871 in a squabble over the issue of difference. The squabble, as such things so often are, was over matters of definition, but with much wider import. At stake was the possibility of using language, rather than race, as a criterion of explanation for observable differences between the various peoples of the world. The learned gentlemen of these two bodies initiated a discussion wanting to decide and demarcate differences in good order—a tendency from over a hundred years ago that is not unlike what we are rehearsing here today.

An anthropology worth anything at all today will of course be aware that being is not something that can be simply different, or the same, nor that the issue of representation is easy. What notions of boundedness, of culture, of group, tribe, type, classificatory group must be deployed for there to be an allocation of differentness or not? Notions of social construction will tell us from some perspectives we are all more the same than we are different. Consider the absurdity,

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<sup>42</sup> C. Lévi-Strauss, *Tristes tropiques*, London, Jonathon Cape, 1955.

even the racism or exoticism, that is implied when it is said that group X are 'different'. And there will be as much internal differentiation within a group as between groups.

Yet, anthropologists have always found fame and justification in being the advocates of difference. Let us examine this with a bit of scatter-gun history: nineteenth-century evolutionist anthropologists first arrayed difference over a developmental cycle of 'progress'. The old routine from barbarism on to the bomb. This mindset gave way to relativism: difference was arrayed across culture and geography, mapping and shading and the colour pink on which the sun never set was fragmented and ever so slightly rearranged. And then today, when postmodern confusion prevails as capitalist transition further extends its cannibalising reach everywhere, the rampant celebration of difference as exotica and fascinating 'incongruous detail' (think of James Clifford mesmerised before the Waghi) leaves historical and continuing inequalities and exploitation unacknowledged.<sup>43</sup>

The production of difference has been a staple of the realist persuasive fiction of anthropology since at least Malinowski. The theoretical and structural (functional) elevation of difference as methodological principle also had, paradoxically, the effect of casting the anthropologist in the dual role of, first, purveyor of bizarre differences and, second, informed analyst who then rendered sensible such differences. Without positing difference there could be no authorial adventure through intrepid fieldwork and on unto representation. No privilege of being the intrepid explorer who will return captain's log full of interesting star data, reporting from the frontier.

The right to difference is the prime directive of Star Trek non-intervention, honoured more in the breach than not.... It is also the alibi for:

- Nato bombing campaigns
- strategic and selective use of human rights as foreign policy lever
- mapping lived worlds as Terra Nullis and forgetting the co-habitation that is the character of the planet
- the idea of European exceptionalism which ignores the co-constitution of that privilege with the plunder that was colonialism

While it may once have been important to publicly agitate for relativism, against ethnocentric prejudice and for cultural tolerance, this may now sometimes seem problematic. The critiques made in the name of relativism, anti-ethnocentrism and multiculturalism, when made within the programme of capitalism as the one and

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<sup>43</sup> J. Clifford, *Routes: travel and translation in the late twentieth century*, Cambridge, Mass., Harvard University Press, 1997.

only alternative (i.e., there is no alternative) appear as little more than the ideological rationalisations of either the blind or the established system's most cynical apologists.

Slavoj Žižek writes of 'the multiculturalist's respect for the Other's specificity [as] the very form of asserting one's own superiority'. Žižek's argument is that a mentality that 'tolerates the Other in so far as it is not the real Other, but the aseptic Other of premodern ecological wisdom, fascinating rites, and so on' has been one that we can sometimes recognise in anthropology's history.<sup>44</sup> Is it really the case that the best that can be offered is the recognition of (a right to) difference? Tolerance is not much if we start from a degree of inequality hitherto equivalent to the worst humanity has devised. As Žižek makes clear, recognition and tolerance of difference implies a validated notion of the norm, of the centre. The centre holds insofar as difference maintains or reinstates the very game of power that needs to be undone. Difference, in contemporary times, is the tolerant soft centre of white supremacy. So my argument will be that we need to look to specificities and context if we are to make sense of the role of difference..

Even as we recognise that differences are constructed—and not only in the local situation in which they are formed—we still have not left the historical context where the notion of separate 'cultures, or 'societies' have always been the mainstay of bounded ethnographic studies. A UK government development agency (Department for International Development) job advertisement calling for anthropology graduates might be offered as evidence in the neo-imperial theatre that even after this intense period of 'critique', bounded notions of culture operate institutionally in curricula, the canon, and in the making of all sorts of 'anthropologically enhanced' careers.

Which leads me to think of the latest theoretical fold that seems to have captured attention in the social sciences. Hybridity as a counter to monoculture. Hooray. Here, boundedness, upon which separateness and differences are founded, is questioned. In place of salvage or even a complicit anti-Eurocentrism or romantic resistance of the old type, we now also see the celebration of the impure, hybridity and mix, multiplicity and joy. This is taken to be counter to capitalism, hybridity is a chance perhaps to escape the interstices of the market and its logic, to offer moments of respite from the monolith.

How far have we come since the representational problems of 1871? I will only note that the documentation of decontextualised 'incongruous detail' that fascinates contemporary writers still requires a strict maintenance of a boundary between 'us' and otherness—a transgression of an otherwise pristine difference by communication across its boundary. The celebration of hybridity and mixture still

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<sup>44</sup> S. Žižek, *The Ticklish Subject*, London, Verso, 1999.

implies an undifferentiated notion of the pure, an affirmation of the norm. Difference feeds the same logic.

**Today, the racist alibi transmutes into a culturalist one. The right to difference leads to apartheid and the camps, Fortress Europe and the ghetto.**

At that meeting of the Ethnological Society and the Anthropological Society over a century ago, the question of difference was couched in terms of race and it was already in process of being transmuted—and this was the progressive side of the argument—into a register of language. Colour was being coded into meaning. I think the same has been going on in contemporary discussions of culture.

Anyone witnessing the current cultural academic focus on race has to note the new way race is being talked about, as though it were in no way linked to a gap between attitudes and actions. There is even a new terminology ... words like other and difference are taking place of commonly known words that are deemed uncool or too simplistic like oppression, exploitation and domination.<sup>45</sup>

Today, the racist alibi transmutes into a culturalist one, but the politics is just as dangerous. Complacency troops in with difference where the discomfiting and difficult terminologies of exploitation are occluded.

I think the debate in 1871 was key, if peripheral to the colonial project. Today we should be wary of the role of difference in the New World Order. As Gayatri Spivak notes: 'Questions of difference ... are of course the by-product of imperialism'.<sup>46</sup> The deployment of humanitarian armed intervention in various 'trouble spots' has probably as much to do with inter-imperialist rivalries as it does with filling the publicity requirements of political figures in permanent press-conference mode but with no idea of what to do about domestic crisis. But even an anthropology less interested in domestic politics could ask: why Nato rather than the UN as the vehicle for global policing? Why Australia rather than the US as regional South East Asian superpower? (Australia has less to lose by offending China, its interests in Timor Gap oil reserves outweigh any humanitarian credentials it may strive for.) There could be further examples. The point is: we cannot let this meeting ignore these matters.

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<sup>45</sup> b. hooks, *Yearning: race, gender and cultural politics*, San Francisco, Southend Press, 1990, p. 80.

<sup>46</sup> G.C. Spivak, *A critique of postcolonial reason*, Cambridge, Mass., Harvard University Press, 1999, p. 73n.

Things will seem more urgent if we consider the rhetoric of human rights as mouthed by those that are at the same time the most enthusiastic suppliers of military hardware and related goods to third world governments—I have in mind the sales branches of the military-industrial complex, otherwise known as the Departments of Defence of the USA, UK, France, even Australia, which we see on display at Farnborough or AIDEX and the like. They happily listen to PM Mahathir of Malaysia talk of ‘Asian values’ and the ‘Asian way’—an alibi for suppression of dissent. A suppression armed with Harrier jets and weaponry manufactured right here in the UK. As the trade missions facilitate the super-extraction of profit via third world direct investment, the Government diplomatic commissars, no doubt with cultural etiquette advisors, possibly trained in anthropology, are smoothing the way.

Here, would it be too bizarre to imagine that the right to be different alibis differential modes of exploitation which offer the economic bedrock for profitability and recoupment of investment otherwise impossible in the metropolitan Centre? Clearly, without the rhetoric of development, and its corollary puppet show of human rights, there would be no justification for this mode of expansionary capitalism in the first place. That difference articulates the hierarchy seen in development is clear. The logic of the Marshall plan leads inexorably to arms sales to Suharto, etc.

### **The museumification of ethnic difference is undesirable**

Given the above contextualisation, isn't rights talk on behalf of ‘different’ fourth-worlders another mode of ventriloquy, where certain folks in feathers speak in a limited and restrictive code the words suitable for UN-sponsored fora, but can be head to say nothing more than scripted ‘representative’ code?

Ventriloquy can be seen acted out in the institutions that embrace difference. Here all manner of certified and qualified experts speak on behalf of the people, from which they themselves may or may not come as delegates or representatives. The whole problematic of representation and delegation (recallable? elected?) could occupy a long aside. It is enough to note the explosion of non-government forums approved in upper circles.

Nationalisms are based upon floating differences, as are all culturalisms. These are now supported by a UN conference circuit of NGOs which do not reflect the condition of NGOs ‘on the ground’ and which are stocked full of publicity-conscious, well-intentioned, sometimes ‘native’ activist entrepreneurs speaking social theory and advanced lit-crit. All this is no reason to think that difference transcends imperialism.

The cultural sites of difference, as they appear in anthropological debates, are

caught in a logic of containment in which such differences are made mute, spoken for, legislated for, planned, but never autonomous or 'different'. This is another code of inscription in the long line that includes primitive, savage, other, indigenous, fuzzy-wuzzy and heathen. The different are not us, and are always without agency.

Instead of the ignorant benevolence that would legislate in absentia and in advance on their behalf, what mechanisms, what habits of thought or styles of communication—even of dialogue—might we devise so as to facilitate the co-operative, assertive autonomy of the people advocated for. Or are we always more interested in a faked ventriloquy act?

### **Difference as a right is a trick, a deception which cannot lead to anything like freedom**

At best difference is transgressive. If difference, as I argue, is defined from the privileged space of the norm, then surely a right to difference is only an injunction/justification to break the rules of the normal, of the mainstream, of the dreaded universal monoculture, of polite society. Great. Perhaps this should be supported, since it can entail a counter-hegemony to the rules society (do not smoke, do not lust, don't think, don't walk on the grass), a transgression of the code, resistance. But there may be a difficulty where this authorised and representative difference-resistance is based on the very code it wants to transgress.

### **Capitalism thrives on difference**

Does difference constitute a new authenticity? Are we talking of that difference which is the sales brochure of the travel industry promising a visit to remote and traditional locals whose photogenic 'different culture' will fill albums and video cassettes? Indeed, difference here plays right into the hands of a mode of flexible, multiple, hybridising capital that thrives on differences—of a certain type. The market place is, by definition, based on differences made equivalent. Spivak writes that 'it is no secret that liberal multiculturalism is determined by the demands of contemporary transnational capitalisms. It is an important public relations move'.<sup>47</sup>

I began by speaking of difference and transition. I would further argue that the enthusiasm given over in recent years to the generalised critique of essentialism is a function of the failure of heterogeneity to survive the co-optive pressures of capitalist extension. Here, anti-essentialism admirably supports difference—indeed difference is its call-sign—but the problem is that it has been thus far wholly

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<sup>47</sup> Spivak, *op. cit.*, p. 397.

inadequate, either as theoretical tool or organising principle, to pose a challenge to the forces of transition.

### **Visibility (a right to be seen as different) is important, but is not yet a politics**

It is all well and good if we recognise that culture and heterogeneity are a terrain of the political. But cultural production—one of the key forums for representation of difference—is not in itself a politics. The newly celebrated visible difference of second-generation South Asians in the UK is not yet enough of a politics. Madonna dons a bindi—that's different, sure.<sup>48</sup> There are many, many anti-racists, including some anthropologists—most I am sure—but can we confidently say that anti-racist rallies or anti-racist anthropology has prevented one racist murder on the estates of England? Let alone the ongoing administration of racism in the undocumented 'rest of the world'. Who would be against culture? Not me. However, culturalist arguments and sympathies are not the sufficient armaments of an anti-capitalist politics.

### **Ambivalence, contradiction**

As Richard Wilson has argued, difference is an incoherent term if reified as a right. I think it is not much more than a job creation programme for cultural commissars. I have, however, some further doubts and ambivalences. Difference is of course a relational term, you can only be different from someone or something else. The problem with this is that western or Euro-American hegemony is nearly always taken as the normative, and silently central, term in this relation, from which others are different.<sup>49</sup> Difference is a relational term that is uneven, that necessarily posits the comparative origin as normative and unexamined. Difference reified as a right then condemns those thus declared as different to the second class.

Let us try to think of this in other ways. Perhaps the right to communicate my difference would precede that difference in importance, as without a capacity to communicate difference I cannot be different. Difference is a relational term that implies a larger code. It is embedded. As a part of a code of relations, difference is a kind of mystical category. It can never be named as such, but can only be endlessly deferred in iteration (differing from [the norm]). It is an infernal machine that

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<sup>48</sup> For a critique of Madonna's trading in cultural difference, see V. Kalra and J. Hutnyk, "Brimful of agitation, authenticity and appropriation: Madonna's 'Asian kool'", *Postcolonial Studies* 1(3), 339-356, 1998.

<sup>49</sup> See S. Nugent, *Amazonian caboclo society: an essay on invisibility and peasant economy*, Oxford, Berg, 1993, p. 54.

articulates no content and no stability, only shifting contexts and relations. Thus it makes any political diagnostic rather fragile.

So when I argue that difference is primarily a job creation programme, I have in mind the view that without the mystic and fetishised reification of difference there would be no Other to study, and or exploit. And ventriloquy thrives here.

To summarise: difference is a relation, not a property of any person, group or culture. Treating difference as a right, even as an example of necessary equal rights, restitutes hierarchical formation in which the majority then allows difference its marginal existence. The self-approving liberalism that proclaims this as a radical cosmopolitan recognition worthy of progressive change, proceeds to ignore the historical consequences of those factors—race, class, gender, imperialism—that create difference in the first place. This is not a progressive politics, it is wilfully blinkered thinking. It is—to underline a key word in the motion—a mode of fundamentalism.

The declaration of a right to be different is the reverse of any right to equality. The declaration of a right of difference already assumes non-differentiation, a unification with a centre of agreement from where such a declaration can be made, agreed, arbitrated, enforced—and thus also assumes an unequal ‘different’, which is never central except through benevolent and tolerant, liberal munificence. The arrogant centrality of the space where the call for a right to difference might be made is illogical. The differences it will call into righteousness are incommensurable with the central consensus of that call.

**Yet the right to difference implies right to be the same. (Actually, here I am back to that old underlying assumption that anthropology will make, we are all human).**

The right to be different is too often simply recruited to rights within the one system, and this soon means no right at all. The right to difference will then also restrict, will insist on Jewish occupation of the West Bank and Gaza, of Apartheid and Lebensraum for the German Volk; and today it implies the vicious exclusions of Fortress Europe immigration policy and deportations, the One Nation propaganda of Pauline Hanson and the Liberal Party in Australia, Mahathir’s ‘Asian values’ in Malaysia as a cloak for totalitarian repression, or the same sentiment in several European states, including the UK. The hideous progeny of relativism plus boundedness is frightful indeed.

On the other hand, surely the right to be different also implies the right to be the same—who would seriously deny today the right of the Bororo to also go shopping? The problem is one of their particularly inadequate purchasing power. It is of course a joke to think of parity in shopping for all. But any reification of



difference is absolutely as absurd.

So what that leaves us with is a Task: securing benefits for a myriad of different groups, of sexual, gendered, social, political, religious and racial differentiation. What is important here however, is not the differences of these groups, but the similarity of the struggle for autonomy, and the potential role of an activist anthropology in such struggles.

### **Instead, solidarities across differences—for a fighting anthropology**

On a public occasion such as this, perhaps, some of the usual restraints of disciplinary protocol are relaxed. In such circumstances I want to argue for an activist anthropology, an anthropology based not only on interpretation, but also on praxis. The point is to change it, as ‘Old Beardo’ Uncle Karl argued. Let us not stand by idly.

Of course we have all learnt by now that anthropologists are not going to change the world all by themselves, and they do not even have much prospect of being the vanguard of anything much, but surely.... It is time now to leaven that self-obsession of 1980s anthro-textuality with some practical politics. Some will call this idealist, of course. It’s late, let me say it anyway.

Those people who are at the front end of transition, facing cultural, economic and political incursions from larger, ravenous, capitalist plunder, of course require interventions and support—but insisting on their right to be different will not achieve what is required. An effete anthropology will not be enough—effete in the sense that it mouths fine words about people’s rights and declares itself anti-racist. This operates only as a kind of public relations rhetoric, never adequate in the face of what is needed.

If anthropologists have remained only the sad publicists of disappearing worlds, then we have done nothing more than, at best, cheer at the sidelines of globalising capital and, at worst, have been incorporated into its multiply diverse ways of expanding everywhere. Do we want a scenario where future students will be answering essay questions which read: “‘Turn of the millennium anthropologists were the handmaidens of globalisation.’ Discuss.”? I assume most will agree this is not a good prospect.

Against this, the question of how to organise politically in unity in difference is already being answered within the necessary alliances formed in defensive community struggle. Black, ethnic, women and identitarian groupings are already in formation and have been for a long time in the forefront of struggles. Admittedly, of course, these always remain in danger of being derailed, pacified, bought off, or co-opted in the face of the sectarian parasites who favour paralysis in righteous correct line obscurity, rather than contributing skills, resources and organisational

experience to liberation—and who cannot rise to Capital's quicker adoption of the rhetoric of multiplicity.

The idea that difference is a human right is of course highly commendable. The good intentions of anyone who states this as a proposition must be applauded. But in a contemporary world, examined with eyes alert to romantic exoticising and critical of the ideological role of naive appeals (to governments and instruments which might 'enforce' human rights) is this good intention good enough? No, it is in fact a trick, a danger. What will we achieve if we save the right to be different? Sure enough, it sounds good, and there would be scope for future ethnographic work explaining this difference (and thus helping domesticate it). However, my main argument has been that if anthropology and anthropologists do not give up this astonishingly conservative role, we are doomed and disgraced. To conserve difference as such is not what I fear here; the conservative aspect lies in the way a reference to human rights is happy to accommodate the status quo. As if the human rights declarations of 50-plus years ago have been politically, culturally or morally sufficient to achieve much at all. What I argue for is something often implied in anthropological work—commitment, passion and a professional, calculated and adequate responsibility. A passion for difference and the multiplicity of the human possibility of being demands much more than elaborations of rights and polite calls on the UN to enforce them with tanks.

What are the co-ordinates of such an anthropology? Studying difference, appreciating it, even documenting it as a human right, is not enough. Indeed, this could even be considered counter productive insofar as it does nothing to disrupt an old divide between conservative documentors and those documented. Instead, co-operative collaborative and co-ordinated effort seems the best possibility for an activist anthropology—one that will not re-institute the expert/subject hierarchy, but instead allocate expertise, and so resources, to the domain of activism. This would be a campaigning anthropology that will not be just the polite liberal version of business-as-usual.

An offensive, in several senses of the word, anthropology, would not be content with knowing it had said the right things, made the correct lists of approved rights (right to belief in x, right to do this, that and the other—but perhaps not x right, nor certainly the right to be different...). Without a political programme other than the careerist one of furthering the disciplinary momentum of our culture-vulturism in the university-teaching factory, there is nothing but disaster in polite calls for respect, relativism, rights and diffidence.

So I would demand that anthropology be more than it has been, and on this basis ask you to vote out the motion.

## PART 2 - THE DEBATE

**Micaela Di Leonardo (Northwestern University):** I would like to speak in support of the opposition, but with a couple of caveats. I have four points to stress. The first was made by the two opposition speakers and that is the necessity of the historicisation of the rise of human rights language—a language of difference—in the context of colonialism, neo-colonialism, capitalist growth, hegemony of neo-liberalism. That [point] was very well made. Second point—again, very well made—therefore the inherent class evasions of multicultural ideology. In multiculturalism it is obvious, certainly domestically in wealthy states, the way in which race gets collapsed into class. In less wealthy states, we see the ways in which there is a focus on the indigenous to the detriment of the so-called inauthentic shantytown poor who do not have some particular exotic credentials. But, third point, I disagree with Richard because I think we really should of necessity accept, at least contingently, elements of the Enlightenment project for liberty, *égalité* and have hopes for fraternity and sorority, and thus I do dissent from his emphasis on Rorty and anti-foundationalism.

Fourth point, and I think this is really rather important, I would claim there is a non-parallelism with gender. Issues of race, culture, nationality are really not at all the same as gender—and I might note that sexual orientation has not been mentioned at all. In the American context, sexual orientation is inherently a part of discussions of difference. Usually this is wrongly so, and that is the argument I am going to make: that gender and sexuality or gender and sexual difference are not at all the same, logically speaking or socially speaking, as race, national identity and cultural difference. Gender, sexuality and sexual orientation are always intra-population, they are always present within any one population, and therefore I think—although we are always drawn to these extraordinary cases, as in the case of genital mutilation—that they should not be a part of the same debate. It is an artefact of the growth of identity politics to assume that these differences are of the same sort merely because we gloss them today as difference. They are part of an important debate, but not this one. Thank you.

**Michael Bravo (University of Manchester):** I would have hoped to have heard more about the nature of what is a right. Because it seems to me the motion depends on that very concept and, in defending a right, one then, according to one school of thought, has to explain what one means by a virtue and what kinds of obligations

rights entail. So I would like to suggest that I suppose a right has to be something that you defend whether it produces good or bad. Or one has to be prepared that it can produce good as well as bad. In which case it seems to me that instrumental arguments which say that right of difference may be productive and produce either good or bad ultimately cannot shed much light on the case as to whether difference is a fundamental right. Precisely because good or bad is not going to justify or negate the value of a right.

**Jeanette Edwards (University of Manchester):** I would like to push the opposers of this motion a little further on two theorists whom they mentioned: Brian Turner and Rorty—who are, I have to say, my least favourite theorists for different reasons. Brian Turner was used to support an argument that there is a diversity of experiences of modernity and this may well be the case, but people are nevertheless positioned differently and unequally in relation to it. As far as Rorty is concerned, he might well have said that social research is now ignoring poverty and does not go into trailer parks, as it were, but the point is that there is a great deal of important social research in areas of high deprivation.

**Richard Wilson:** Not by difference multiculturalists. That's the point.

**Jeanette Edwards:** I see. OK. The last person who you quoted that I'd like to push you on is Spivak, who is actually much more favoured than Rorty and Turner. The argument is that the question of difference is a by-product of colonialism and I would like to ask you if you believe that to be the case?

**John Gledhill (University of Manchester):** I was going great guns with Richard until he got to Rorty. Rorty's book is outrageous. We saw the problems within the US and that is all right. I do think that even the multiculturalists' notion of difference has a critique which is important here. My big problem here is with the generalised notion of difference which I think Iris brought out rather well, actually in making a series of arguments that made me support Richard and John rather more. But it is this sort of diffuseness and generality that the notion of difference: it covers too many things. I am sorry, but if you are going to go for difference in its radical sense then you have to have fascism and everything else.

I think why Richard was on good grounds in distinguishing the legal from the question of human dignity is actually one of the big political sticking points here.

Despite my own critiques of certain kinds of indigenous identity politics, it clearly is necessary for these negative categories to have identities in order to produce the kinds of social consensus that make human dignity an achievable thing. Difference is a product of relations of force and if you are going to break it down you have to attack the whole structure of the relations of force that produce it, which involves addressing people who cannot give themselves an identity. And that means that every case is a question of political contingency and based on an analysis and, in that sense, John's argument for activism is a correct one, but it always has to be a contextualised activism. And it always has to be a contextualised activism which is located in the whole field of force that is involving this. One is going to have to (and this is the one point on which I would agree with Rorty) look for piecemeal consensual kinds of solutions in particular, concrete, historical situations, which advance the dignity of large numbers of human beings and the dignity of their form of life in a holistic sense against the very powerful.

**María Paula Ferretti (University of Manchester):** I want to ask Stephen Corry about what he said concerning the practice of female circumcision—that it is barbaric, but difficult to criticise. Now, when you say barbaric, I think it is difficult to qualify barbaric unless you think it is a judgement of value. So when you say that, do you think you are saying that the common humanity that belongs to this woman who accepts circumcision requires them to be circumcised, whilst women in our society do not need that for their humanity? Or in other terms, is it a specific culture that we need, or is it that we need some sort of cultural practice in order to be human?

**Karen Sykes (University of Manchester):** I agree with both Iris and John that in no circumstances would anyone in this room want to support the notion of cultural determinism as a stereotype which has been fostered upon us. I suggest instead that we consider whether the claim that the right to difference is a fundamental human right is one that can be answered by cultural anthropology.

I would like to submit new evidence. In the case of the American courtroom, it is possible to make an argument on a cultural right, or on the submission of cultural evidence or cultural defence in order to bring forward new evidence. An important point in that case is not that evidence forecloses the decision but it makes possible further contemplation of the case. It makes it possible to think whether intention or forethought were part of the determination and that, for example, helps distinguish between decisions about manslaughter in the first degree.

Now if that [courtroom] model is too narrow for us to think with here, then

perhaps we can talk about what difference an argument makes. More generally, we could say that, if we are going to argue in favour of difference, we prevent the right to argue in itself. And if we are going to argue in favour of argument, we could say that difference makes it possible for us to reply in a different form, at a different time and perhaps later. I thought that John Hutnyk displayed that kind of argument very well because we know that sometimes we respond to arguments with force. And he invoked the tank for us, and in that sense I think he tricked himself, as I am not certain that anyone who has committed themselves to listening to an argument made differently is going to immediately pull back and expect that the argument made in terms of force or emotion would not be heard. Now, we are all hearing that in a form where we can set some barriers upon it and consider it in a long-term reasoned way. And I really want to set forth the claim that the right to difference is a fundamental human right. If only because it makes it necessary to continue to deliberate what is going on. And we know how dangerous it is to make decisions based on force much too quickly.

**Nigel Rapport (University of St Andrews):** I would like to defend Richard Rorty, but on the particular basis that he is the hammer of cultural relativism. It was asked rhetorically, who is against the culture concept. I am against the culture concept. Rorty sought a means of defending an Enlightenment project on pragmatic bases. What he asks is how to establish a procedural justice below the level of cultural clubs, as he puts it, below the level of the bizarre and the bazaar of cultural difference and that level of procedural justice will both preserve cultural difference and say 'only so far'. It will both preserve cultural difference and regulate it. It will say cultural difference cannot go as far to say that twins are not human, or that female circumcision is necessary to make women human. It says that these statements are just plain wrong, that they are rhetorics. Rhetoric can be useful for maintaining internal, cultural solidarity, but it has no place in the political or the legal institutions of a liberal state. It seems to me that to vote for the opposition is not a claim that all should become like us. All *are* like us to begin with. That is why we are anthropologists. That is why we know what our subject matter is. To vote for the opposition is to vote for the regulation of difference and to say something like this, at least in my estimation: that you can differentiate yourself culturally, individually, as much as you like, but do not try and impose your cultural myths on other people like children or women, or people that are not able to define themselves.

**Lorenzo Cañas-Bottos (University of Manchester):** Just a brief comment on Rapport's last comment. Have not all of us been imposed [on by] a culture?

**Nikki Brookes (University of Manchester):** I want to respond to the idea of having a culture imposed on you and the right to be different. The fact is that the legal institutions and schools in this society already impose a particular identity and position and that is not looked at. It is seen as neutral and it is not neutral. People should have the right to be different and should be able to self-identify. That should then infiltrate into the institutions and that actually does not ever happen.

**Penny Harvey (University of Manchester):** I started off being in agreement with John because I really like his point about capital celebrating hybridity and this great ability of capital to absorb critique as difference. In that sense, difference undermines critique and to that extent I am with you. But if difference undermines critique it seems to me that you are saying that this is the wrong way to do politics. The debate ended for me on the question of which is the right way to do politics. I think then we can decide with our vote what is going to be the most efficacious or progressive politics. If it is going to be progressive, what is the progress towards? Which is where Stephen really started. So I was struck by the fact that the unspoken plea from both sides is that we should act, that action is the most important thing. Both sides told us not to stand idly by. If action is going to be anthropologists' key responsibility, then that takes me back onto the other side because I cannot see how we can act without some kind of commitment to difference.

**Tim Ingold (University of Aberdeen):** I am confused at this point exactly as to what difference is. First of all, there is a tendency to talk about differences as if they were properties. I do not see how you can have difference unless you are being comparative. You must be making a judgement of one thing as against another, which means that there must be some form of comparative relationality built into it. The problem with what I think is a hegemonic discourse at the moment is that it renders difference as diversity. In the standard cultural relativist position, difference was cultural diversity and diversity meant that there were groups of people that had certain properties which were different. The model for this was species diversity and cultural diversity was modelled on biodiversity.

My worry about the motion is that human rights discourse renders difference as diversity because of the nature of rights discourse itself. I think what we are striving for anthropologically is a different way of articulating what our understanding of difference is. We should render difference as positionality rather than as diversity and see what the consequences of that kind of relational understanding of difference might be. You are different because of where you stand within a certain structure of relationships. What the consequences of that would be

for the legal position, I do not know because I have not thought it out and it is an immensely complicated issue, but I think that is the question we need to ask.

**Sarah Green (University of Manchester):** There seems to be an implication, on the one hand, that a lot of this has to do with the ways in which laws operate or fail to operate. The underlying implication of one side of the debate is that the powers that be do very unpleasant things to people who are different; therefore they need to be stopped. There ought to be a law to stop them from doing it. Or, the powers that be do very nasty things to people who are different, and they also control the laws—so there is no point having a law against it. That debate is very familiar to me from the debates that were going on in the late 1970s about pornography and censorship. That is one point.

The other point, to add to Micaela, is that it is true that gender and sexuality are different categories of thing. But the reason why they get blended in together is precisely because of the kinds of commentaries that we have been hearing here that occasionally include women. So it needs to be recognised that these things are different, even if perhaps they need to be discussed together precisely because these differences are treated as the same.

**Koen Stroeken (Catholic University of Leuven, Belgium):** I do not know who I am addressing, nor on which side I find myself, but I noted a few things down. The question is typically anthropological, in the way both parties were presenting their arguments and building them up. It seemed that they were over-estimating the importance of human rights in relation to social practice. One side hopes that rights will change things, will prevent oppression of minorities. I think it is an absurd idea that human rights could lead to this. The other side is convinced that human rights essentialise identity and obstruct indigenous alliances and lead to all kinds of escalations of social practice. I do not think this is good anthropology. Multiply as many rules as you want—the application of them is negotiable.

I thought the last speaker was very convincing. But, on the other hand, the best way to maintain this PR façade is of course by opposing it and by joining in these types of discussions. So I think that campaigning against it will not change the PR façade either. If I have been convinced of anything it is to exercise my right—the oldest right and one which is cherished by anthropologists—the right to abstain from voting.



**Judith Okley (University of Hull):** Somebody said that the language of multiculturalism: was exported from America and there seemed to be a confusion of multiculturalism within one person and multiculturalism between different individuals. I would like to support the idea of difference, as opposed to culture, because we are also drawn into the right of somebody to dissent against their culture. What people have not brought up is that there are plenty of women within a culture who refuse to support the practice of female infanticide—or whatever the dreadful word is. For a Freudian reason I have even forgotten what the word is at this moment. But you know what I mean!

**Peter Wade:** I will now give each of the speakers three or four minutes to make responses or summarise their position.

**Stephen Corry:** Unlike, I suspect, most people in this room, I am not an anthropologist or even a scholar and I am not concerned with the development of anthropological theory. My concern is, and has been, exclusively with what threatened tribal peoples are themselves actually saying. I do not mean the people who necessarily make it to Geneva and who are unelected representatives—or whatever you would like to call them—but the people who are actually in the field: old people, young people, women, men—the whole lot of them. There is actually quite a lot of uniformity about what threatened tribal peoples are saying in the world today. Quite a lot has been made of the legal institutions of liberal states. Well, of course, most of the people I am talking about do not live in liberal states. The courts are not a place to which they go to for justice. I am delighted to hear that the Guatemalan police are now doing such a wonderful job in saving the poor criminals. They certainly were not doing so over the last few decades.

On the other hand, human rights can be a weapon. No, you cannot go to court in a lot of these countries and claim your rights are being infringed. But people like Survival International can go to the public in Europe and North America and complain about what European and North American, and for that matter, Japanese companies are doing to some of these people. So the definition of rights is, in that sense, useful. Yes, of course, human rights are used in military intervention: the term has been used as an extension of imperialism—but so for that matter has virtually every other ideology you care to name. So I do not think that is particularly relevant.

The motion refers to fundamental human rights. I think there is a difference between what is in the UN Declaration of Human Rights and what we might call fundamental human rights which are not very usefully written down anywhere.

Finally, quite a lot has been brought up on female circumcision. I was talking

about one particular place: the Loita Hills in Kenya—where Masai people live. I was unable to criticise it because all the women that talked—not to me actually, but to my wife—when I was there, did not criticise it or want to stop it. I am simply saying what they said. Indeed, when it comes to killing new born twins, that is what the people themselves say. Obviously it is not what the new born twins would say, if they were allowed to grow up.

**Richard Wilson:** I want to confront some of the historical revisionism which had been going on, particularly the idea that the Nazis killed for homogeneity and uniformity and thereby for universal values and civilisation. The Nazis killed for particularism. There are two traditions here: there is German romanticism upholding difference and there are French and American universal values based on equality. Now you have a choice: difference or equality. There is no middle ground and I am arguing for equality. Look at the history of the last fifty years, starting with the Holocaust against the Jews; the activities of Serb nationalists, arguing for the self-determination of peoples; more recently in Northern Ireland you had interviews with members of the Orange order, saying it was their cultural right to parade through Catholic areas. This is the way in which this language of culture and difference has been seized by ethno-nationalists, especially in the last ten years. You have to be deaf, dumb and blind not to understand the present historical context of this venal and heinous language of difference.

That was the negative bit. Now comes the positive bit. We have a positive example in non-racial forms of equality and politics—that is, South Africa since 1995. There has not been racial bloodshed and revenge at the level of the apartheid state. In fact, it has been contained because of the language of equality. Nelson Mandela—to oppose the words of my esteemed colleague—was not a vandal. In fact, he was the first African, along with Oliver Tambo, to become a lawyer in Roman-Dutch law. That was very important in 1950-51. He was an advocate of Africans' rights for Africans. He was involved in the drafting of the Freedom Charter, based upon equality. When apartheid finally crumbled, the ANC sought to achieve a better life for Africans—and not on the grounds of difference because that was the language of apartheid. From 1948 until 1994 there was the euphemisation of race in terms of cultural difference. The national party left behind the scientific racism of the early twentieth century in South Africa and adopted the language of cultural difference to justify racial hierarchy. In opposition to that, the South African government since 1994, and the ANC in particular, have eschewed the language of apartheid, the language of difference, in favour of equality—and so should we.

Now, I am not questioning at all the intentions of my esteemed colleagues. I am not calling them Nazis or ethno-nationalists. I think we are trying to get to the

same goal, which is the end of cruelty, severe ill-treatment, humiliation and genocide of peoples. There is a very recent example of the ending of one form of humiliation of gays in the armed forces in the United Kingdom. The European Court of Human Rights upheld the rights of gays who had been thrown out of the armed forces. Not on the right to be different, not on the right to be gay, but on their right to privacy: an equal right. On the grounds of equality not on the grounds of difference.

**Iris Jean-Klein:** I will begin by thanking Tim Ingold for so concisely and eloquently summing up what I was trying to say. I was not arguing for any particular set of differences—and that is precisely what everyone has done. I was arguing for doing difference, per se, and that would include argument about the sorts of differences we agree and disagree over. Diversity, you [Tim] are quite right, can be enumerated: it is a historically very entrenched understanding of difference. Particularism, which I also spoke against, is another such understanding and the opposition has again, in its summary, just now invoked it. Particularism involves a hierarchical arrangement, a centre, a margin and all of that, which difference, as I was trying to get us re-imagine it, would not include. The responses from the floor have illustrated how difficult it is to reshape an entrenched language. This is presumably why some of our colleagues reinvent language and come up with new jargon all the time. It is because words are loaded with historically accumulated assumptions. That was the first thing.

Second, I would like to respond to Micaela, in particular, where again I feel misunderstood. She said that issues of race, cultural difference and nationality—none of which I mentioned, by the way—are not like gender and sexuality. She argued that they are different differences. I agree, precisely. They are not different things, you are saying, they are different differences. This particular set is the one that always comes to mind. To my surprise, as a German, Canadian, Israeli and whatever else, in this world class is constantly performed—and was today—by the opposition. To much effect, I think, today. But it is never actually verbalised and mentioned as a very salient difference in this particular time-space, in any event. So I was not actually juxtaposing kinds of differences. I was comparing two different projects that both political and have invited scholarly involvement: feminism and the human rights discourse. Both of them have struggled with difference. Feminism did it before the human rights debates. We could look towards this field to learn and not to fall into the same traps. That is what I am basically saying.

Third, Professor Nigel Rapport. To vote for the opposition is to vote for regulation. I disagree. I emphasise—and that much I have said about the nature of rights—that a right is a choice, an option. It offers an option such that if I have a need

for it, I can invoke it and make it work for me. It does not oblige me to do anything. I have a right to property; but no-one's giving me any....

And just a minor ethnographic detail, but I think it is important. Infibulation is the word for female circumcision—and indigenous terms prefer excision. To make women human? No, it is to make humans women, and men. They are also procedures to make men that we do not focus on very often. All humans need to be worked on in this particular moral order—to use a term Richard Wilson uses in his writings—in order to produce gender and it takes gender differences to be productive on many levels.

I would like to respond to Judith Okley. There are these days, certainly, disagreements from within, as we say: women who object to this practice. Notably a debate is raging in France, where the practice of infibulation has been legislated against. It is subversively carried out by older women of particular cultural ethnic backgrounds and young women now turn to the law to actually have their own parents restrained and not have it done to them. I would say the right to difference precisely includes that sort of differing and includes the privilege of reconsidering cultural—or whatever we call them—values, ways of becoming men and women, and opt for other things. But I would like to side with Birgit McConville, who wrote about infibulation in *The Independent* in 1997.<sup>50</sup> She visited and spoke to women who insisted on having it done to them, or else they would not be women, would not be fertile and so on. These were younger women living outside, in France in a European context, having been exposed to other ways of becoming women and so on. She said: 'It became clear to me that excision will only change and cease when African women want it to change, and move for it.' I would also like to correct the misconception that infibulation is a male conspiracy and that women are the only ones who suffer. Ethnography again—and I have in mind Smadar Lavie's ethnography of Mzani Bedouins which is sensitive about listing the implications for men of all this—shows us that both men and women suffer from it, but would not do away with it and deem it necessary.<sup>51</sup> Men these days are going into therapy to deal with the trauma it is for them to attempt to have sexual intercourse with an infibulated woman. It is not easy for men either. It could be a male conspiracy, but one has to ask oneself: who is gaining? And certain arguments for and against difference do not pose that sort of question at all. There is always a conspiracy and it is always political and centred—and usually in the US.

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<sup>50</sup> Birgit McConville, *The Independent*, 30 May 1997, pp. 6-7, where she reports on the practice of female circumcision and infibulation in Africa and among African refugees in Britain and France.

<sup>51</sup> S. Lavie, *The poetics of military occupation: Mzaina allegories of Bedouin identity under Israeli and Egyptian rule*, Berkeley, University of California Press, 1990.

I would like to conclude with Penny Harvey's words. I could not have put it more beautifully. We need to act, but if we want to act we need to retain the right to difference. To differ with each other as we do here, in these debates, and to differ out there. And to accept differences within cultures and let them loose on each other.

**John Hutnyk:** I will start with thanking Iris for reminding us of, and for again underlining, the word 'class'. And for raising the issue of the right to have property. At present it is obviously only some who are privileged to have access to property, and people who have property are obviously marked in a particular class way in our culture. This is not necessarily a situation with which we would always want to abide. And that would be the burden of my argument: that we have to do something more than describe and analyse things.

I will try and answer some of the specific questions. I will take up Jeanette's and Micaela's questions by trying to talk about human rights and to defend my take on them. The thing about human rights is that they are also about identity politics and difference. These things have a history. And this is where I would argue that identity politics is something that needs to be disaggregated. We need to distinguish the various things that it is; and how it operates. The politics of identity and difference emerges at a particular point in our history. Perhaps one of the things we might underline here is that interest in identity escalates in the 1960s. At a certain point, there is an exhaustion or the eroding of a certain anti-capitalist, anti-imperialist kind of politics with betrayals by the so-called post-colonial elite, and so on, and this can be seen clearly in operation alongside the rise of identity politics. Other things were going on at the same time—changes in the Cold War, first signs of the Soviet stumble, etc. History is interesting when you think about human rights as well. It is a recent theme on the world political scene—post World War Two.

I think this matters for our work insofar as we are critically alive as anthropologists. For me this means there will be things we have to do. Our work as anthropologists might be to underline and examine some of those historical contexts, or reveal some of the histories of these terms. My take on that is a way of saying yes to Spivak's point that difference is a by-product of imperialism. The reason I want to agree with her is because if we do not acknowledge our work as a complicit part of the knowledge-producing apparatus, if we do not examine the ways our discussions—of identity, of difference, of rights—feed into the institutionalised discourses of power, then we have abdicated our responsibility. In the face of power we need to do more than mouth words which celebrate diversity and applaud the people wearing feathers for their idiosyncratic integration into the marketplace. We need to intervene—and here the question of legality and institutions emerges again.

Capitalism is brutal, and on one side law will perhaps sometimes protect us and yet on the other side law is controlled by the force of power as well.

Thus I think we need to think about strategic politics and what needs to be done in terms of political programmes and we need to understand the difference between law as force and instituting structures that do redress oppression, exploitation, that we redistribute. We need to institute, create, institutions that defend people. We are engaged in a struggle, like it or not. Recognition of the complexity of this is very different from mushy liberal ethics and a moralistic self-approving code. I do not think—and this is the burden of the argument—that some ethics of difference is going to be adequate to deal with force. Obviously that leads to Karen's point. In the face of force, having more talk and more conferences might not be adequate either. It seems to me that, while the tanks roll on (and I was talking about capitalism with tanks, not just tanks), having an argument for a more civil society is problematic as well. The problem with civil society is that we are being too civil. The tanks roll on. Brutality still kills. More talk, more conferences, more UN forums and so on. It is just not an *adequate* response. And it is the *adequate* response that concerns me. It might not be a response that anthropology can make or we are even obliged to make in this particular way. But it is something we need to move towards.

This is where the question about campaigns against the PR of capitalist hybridity as the best way to maintain it is relevant. My point is to ask what will be adequate. I do not think difference—and this is all we need to win the debate—I do not think difference is adequate. Difference as a fundamental right will not defend us against the transition to capital and its brutalising effects. The notion of human rights emerges in the practice of the social, in the context of all manner of geo-political, socio-economic, community and individual circumstances. For example, the notion of a crime against humanity is quite new. We need to do analysis of these things, not cower in the face of their weight, their burden and their globalising velocity which we feel goes almost too fast for analysis. We need to think about the way in which our complicity and our responsibility as analysts, within this ideological kind of work, oblige us to ask what is the role of anthropology in the face of socially and politically constituted rights.

It may be instructive to consider what is and is not known by the 'international community'—as a historically formed coalition of nation states, such as the UN or Nato—and what this 'international community' is doing about such knowledge in the name of human rights. Let us consider this knowledge and these human rights when this 'international community' is at the same time an employer of anthropologists, a marketer of culture and 'differences' and is also, say, bombing Kosovo to defend the cultural difference of Kosovo Albanians. The sharp contradiction here means we need to hold more than one thing in mind at the same

time—rights versus national sovereignty versus history of human rights versus what is done in the name of rights by powerful bodies and how these factors are then some of the conditions that force a decision in a situation that is undecidable—to bomb for culture or not. This is what it gets down to: if you want to bomb for culture, vote for the other side.