Styling the Subject:
The Discourse of Rights in a U.N. co-sponsored Indigenous Formation Program in the Basque Country

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ABSTRACT

In this study I speak of a specific field of discursive production by inscribing this production within the institutional umbrella of the Human Rights Formation Program for Indigenous Peoples at Deusto University in the Basque Country. The present study, which is a form of class ethnography that places the self within a social context, pictures the dynamics of the actors at play including students, professors and international actors. It shows the way in which the subject constructs itself and is constructed in a particular context of institutionalised power. It also brings the attention to the instability of the regime. The main argument indicates that within the overarching legal structure of rights, far away from the dynamics of the classroom, it seems more negligible to attain cultural dialogue. However, the underlying concern is the dialogue between heterogeneous elements present in the human rights discourse. Related questions centre on the fractures of the regime, the unstable production of meanings, and the difficult task for the ethnographer in revealing those issues. I conclude by asserting that the instability of the regime relates to the contradictory category-structure of the discourse of rights in itself.

KEYWORDS: Human Rights, discourse production, ethnic relations, minority rights, cultural dialogue, autoethnography.
And if Is understands herself now as a part of the world-in-motion, so to speak summoned by quotidian universals to battle, we too read her under the same signs.

Benedict Anderson
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In a way, this project started many years ago when many people shaped my thinking as a graduate student and I worked in several organisations in the Peruvian Andean highlands. I was also fortunate to have the guidance at the University of Texas at Austin of Richard Schaedel, who made me aware of the need to de-colonise mainstream discourses in anthropology which usually take as a study ‘object’ the traditional Other. He encouraged from the beginning the project of studying ethnicities with roots far different from my own. During my graduate years at Austin, I became aware of the innumerable occasions in Peru in which, while working and studying indigenous peoples, anthropologists are barely conscious of their privileged position as a dominant ‘minority’. I am now not only too aware of the limits of the science of man but also of this work’s
imperfections. Without the guidance of all these persons, there would have been far more.
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and strength through difficult times.
Prelude

The Basque Subject is certainly in a privileged position. During the first semester of 2005, I could participate as an observer and carry out a number of interviews in the context of the Programa de Formación para Líderes Indígenas de América Latina at Deusto University in the Basque Country. The University of Deusto, Spain, runs this programme in collaboration with the United Nations Office of the High Commissioner for Human Rights. Most of my observations took place in Bilbao during the implementation of the programme itself, which included the delivery of 170 class hours on human rights, and two months of activities in Geneva devoted to attain students’ active participation in the pertinent forums of the United Nations. The interviews were targeted to main professors and persons in charge of the Programme in the Basque Country, and were piloted according to the conventional way in which I was trained as an anthropologist. I had to be objective, neutral and more importantly, to give the voice to the "other". Since I was able to ask, distort, listen to or select information, I certainly was in a position of power not so much because I was not the ignorant one asking for information, but rather, coming from a post-colonial society, I was ethnographising the ‘Western man’.

As part of this anthropological ‘journey’ I also had the opportunity to carry out informal in-depth interviews with my companions, the "other" Subjects. Some came from different Latin American communities such as the Arhuaco, an indigenous group neighbouring the Kogi, Colombia. I had heard about the Kogi years before. According to the account of one of my first anthropology classes in Peru during the early 1990s, the Kogi decided to find refuge in the inaccessible highlands of Santa Marta, in order to avoid the contacts with ‘Western’ civilisation. During the informal interviews I could also feel the intensity of my companions’ world vision. We spoke about politics,
ancestors, old leaders who live in ‘this’ and ‘other’ worlds, global and Latin American politics. I barely used my recording machine. Since there were no formal constraints in these circumstances, I did not strikingly feel in a situation of power.

My Self. I speak about dialectics in the present research. There are different possibilities and constraints embedded in dialectic thinking: either departing from overarching, expanding narratives such as the legal language of human rights, or departing from what one of the Basque lecturers I interviewed and particularly followed in classrooms called “partial dialectics”. One of the outcomes, not easily at hand and not easy to find, is cultural dialogue. In the Spanish speaking world, there is a way to refer to people that are not usually associated with the ‘high profile’ or the culture of the mainstream: we would say in those cases ‘grounded profile’ (perfil bajo). In this work, I find an echo in a phrasing that suddenly and thoughtfully comes into my mind: perfil Vasco. It is from this dialectics that in the following pages a new grammar of representation comes into being. As in the North American anthropologist Ruth Benedict’s effort to depict a ‘pattern’ of culture, if I do not distort what I have seen and listened to for many months, the Formation Program in Human Rights in the Basque Country is a setting for inter-cultural dialogue.
Styling the Subject

In this work I present a description and an analysis of an educational program in human rights, the Programa de Formación para Líderes Indígenas de América Latina at Deusto University in the Basque Country, while accomplishing myself a masters degree in the human rights field at the European Inter University Centre for Human Rights and Democratisation (Venice). The aforementioned program, which was created in the Basque Country to contribute in the formation in Spanish language of representatives of Indigenous Peoples of Latin America with a view to their participation in the pertinent forums of the United Nations, started to be implemented since 2000 under the broader institutional umbrella and auspices from the Office of the United Nations High Commissioner for Human Rights. This initiative, parallel to that which is developed in French at the University of Dijon, France, is the only program of these characteristics existing in the world. Most of the observations and of the interviews were recorded in classrooms between April and June 2005.

The primary impetus that drives this text1 is simple. Upon attending many classes and meetings, and listening to more than 20 hours of interviews with various persons, a singular impression was derived from the exercise. In effect, while listening and researching, I became more comprehensive and more ‘open’ towards the culture of the human rights2. In a regular but simultaneous ideological move, I was simply less ‘partial’

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1 This methodological exercise has been called by George Marcus (1998) a muti-sited ethnography. Underlying this issue is the idea that “an ethnography contains an autobiography” (Stein 1999: 1), which Deborah Reed-Danahay more precisely defined as “autoethnography”, meaning a form of self-narrative that places the self within a social context: “it is both a method and a text, as in the case of ethnography. Autoethnography can be done by either an anthropologist who is doing ‘home’ or ‘native’ ethnography or by a non-anthropologist/ethnographer. It can also be done by an autobiographer who places the story of his or her life within a story of the social context in which it occurs” (1997: 9).

2 We encounter the notion of ‘culture of human rights’, for example, in the statements made by the UN High Commissioner for Human Rights, Mary Robinson, as well as by academics of various kinds (e.g. Rorty 1993, Hastrup 2001).
and with the feeling that everything glowed new to me. This sort of ‘openness’ to a new kind of collective grammar – a peculiar order which has its origins in the print market and makes the United Nations a normal, wholly unparadoxical institution - provoked varying levels of insecurity in me (the feeling that I was ‘losing’ something). In my view, such unstable balance relates, in brief, to the contradictory category-structure of the human rights regime. In the present work, I shall argue for this conclusion.

However, this thesis is about a particular subject, and about a particular discursive production of human rights. Regardless the references to the historical components in the creation of the omnipresent, sovereign Subject - by no means monolithic, unified or ‘even’, as it will be described\(^3\), this study intends to show a social scenario in a synchronic manner. The study presents the subject in a particular institutional context, within a particular field of political practice (legal instrumentalisation, or more properly, the process of legal bureaucratisation), within the frame of the inter-national construction of a modern imagining (the so-called international community), and within the temporal parameters of a university educational program run in the Basque Country (2000-2005). It is also an account of my own journey to the field, in reaction to the inspiring challenge posed by Richard Wilson (1997: 4) in his book *Human Rights, Culture and Context*: “what is needed are more detailed studies of human rights according to the actions and intentions of social actors, within wider historical constraints of institutionalised power”.

My main concern is thus the outstanding desire to understand, as clearly as possible, the heterogeneous elements that are present in such an encounter in the human rights regime\(^4\). More importantly, to perceive as clearly as possible the ‘underlying values’ which merge, I shall argue, in a dynamic of cultural communication. Related questions centre on the contradictions (ambiguities, discontinuities, inconsistencies) of the human rights regime, the unstable production of meanings, and the difficult task for the ethnographer in revealing those issues. Traditionally, the science of man has been

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\(^3\) I refer indistinctly to the Subject with lower case and upper case “S” due to the fact that, I will argue, it is very difficult to identify in advance the ways in which particular identities are going to appear in a specific social context. Any reference to identity must therefore be circumscribed to a context of social interaction.

\(^4\) The discrepancy or tension between heterogeneous elements in the human rights regime parallels throughout the present work the distinction between the ‘concrete’ and the ‘abstract’. The latter (i.e. international law) is an existing, positive, legal order, while the former (i.e. law of peoples) is “a family of political concepts with principles of right, justice, and the common good, that specify the liberal conception of justice worked up to extent to and to apply to international law” (Rawls 1993, quoted in Hastrup 2001: 9).
Concerned with the study of the marginal “other” as a means to ascertain the dominant way of imagining the collectivity. An explicit concern in this thesis includes the critical role of anthropology in dealing with discourses that are placed into the core of power as an institutionalised value in itself. However, any reader could notice that my underlying concern is the dialogue between cultures.

Anthropology has just begun to respond to the challenges derived from the expansion of overarching perspectives such as the global culture of rights (Dunér 2002, Hastrup 2001). In 1988, the edited volume *Human Rights and Anthropology* (Downing & Kushner 1988) demonstrated the overlap between anthropology and the advocacy of the rights of ‘peoples’. But in his reference to ‘underlying cultural values’ (Statement of the Anthropological American Association, 1947), Herskovitz hoped to play anthropology’s trump card in order to reassert the continued usefulness of the discipline. In so doing, he defined the role of anthropologists as advocates of “indigenous peoples” who would defend them from attempts by international agencies to globalise a set of ‘Western’ moral values. As claimed in the third proposition of the Statement, “values are relative to the culture from which they derive so that any attempt to formulate postulates that grow out of the beliefs or moral codes of one culture must to that extent detract from the applicability of any Declaration of Human Rights to mankind as a whole” (1947: 542). Not surprisingly, almost half a century later, by posing the study of a Subject within its particular context of institutionalised power, I intend to bring the discipline back home, struggling myself to exorcise my own innate ethnocentrism.

Cultural relativism provides an interesting methodological tool for rejecting the notion of a unified subject with a knowable essence, whether it be frail or domineering. Relativists point out that as it is presently constituted, international human rights law is fundamentally grounded in individual rights, and therefore remains unable to flexibly

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5 Judging matters related to the symbolic level of any culture places us in a very hazardous position due to the fact that it seems impossible to make judgements from an ethical referent capable to offer a reliable reason to be presented as truly transcultural. The Basque philosopher Xabier Etxeberria (2004: 33) opposes the innate ‘ethnocentrism’ to the process of ‘cultural dialogue’, which is very difficult to achieve due to the fact that we (humans) can not be a-cultural.

6 From the perspective of literary studies, Wolfgang Welsch poses the opposition between the “frail” and “strong” or dominant subject. According to Welsch, the so-called strong subject is not able to open itself to the other, and hence, is not capable to engage in intercultural dialogue (c.f. Houskova 2004: 23).
respond to a global diversity of legal systems. Richard Falk advances the idea that the United Nations is still uncomfortable with less individualist conceptions of rights in its application of human rights procedures. It operates, according to him, with a ‘normative blindness’ towards, for example, indigenous peoples who may claim communal rights to land ownership or even political self-determination (1992: 48). Moreover, although the history of Europe as Subject (i.e. modernity) is narrativised as a reasonable political will-formation by the law and ideology of the West - inaugurating in this way the much-publicised phallo-logo centric Subject - this concealed subject according to Gayatri Spivak (1988: 272) pretends it has “no geo-political determinations”. The present thesis will necessarily move by a circuitous route, from an anthropological critique of current Western efforts to problematise the subject to the question of how the “ethnic” Subject is represented within a specific parcel of Western discourse.

Relativism does have merits when translated in a possible method of a social inquiry into rights. For ethnographers of human rights, the most valuable critique of universalist perspectives is that they provide little or no framework for studying rights ‘on the ground’. As Richard Wilson has pointed out, in defending conceptions of human nature, and arguing that universal rights must be designated through a meta-narrative that aims to explain the belief system that exists in terms of material processes and causes, theories of western social sciences and natural law lift the discussion of rights out of any particular context and raise it to the level of the categorical imperative. Practical reason is therefore swept away by a formalistic analysis of a priori synthetic principles, and human actions are continually related to absolute maxims. In particular, the influence of the neo-Kantian tradition in human rights theory “has led to too great an emphasis on securing a priori foundations and continues to obstruct empirical attempts to understand rights” (1997: 8).

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7 In view of the Canadian thinker Charles Taylor (1997: 60) the liberal conception of rights is inhospitable to difference for two main reasons: first, it insists on uniform application of the rules defining these rights, without exception; and second, it is suspicious of collective goals.

8 Jurgen Habermas claims that human rights provide “the sole recognized basis of legitimation” for nation-states in transition to a cosmopolitan order (1998: 162). Moreover, “other cultures and world religions are now also exposed to the challenges of social modernity, just as Europe was in its day” (op cit, 163).

9 The concept of meta-narrative comes from Jean-François Lyotard (1979) and refers to totalising explanations of dominant and, in Lyotard’s view, oppressive modes of thought.

10 It is important to bear in mind that, despite its methodological insights, cultural relativism suffers from a number of delusions and limitations. As Richard Wilson himself among many others has pointed out cultural relativism
I will attempt to speak of a specific ground of discursive practice through my own insertion to the material, institutional, and discursive bases of an educational program. The persons I have interviewed in the Basque Country were operating in key influential positions and they reflected themselves on discourse production and institutional striving. They also participated in running some classes and displaying the influence of pedagogical mechanisms and disciplinary techniques, although by no means uncontested. In participating, observing and describing these practices, I was particularly interested in the way Western discourse represents the Subject while trying simultaneously to portrait (i.e. ‘patterning’) related processes in the cultural economy (such us the process of legal bureaucratisation and the conception of the individual as bare holder of rights). Drawing a good deal of my illustrative material from the ci-devant periphery I have placed myself within critical reason (i.e. self-critique) attempting to foreground the precariousness of this position throughout, although I know such a gesture can never suffice.

In approaching the process of discourse production, one primary thing is the nearly complete inadequacy of a rationalist approach to the actors and their utterances. The artificiality, the structure, and linguistic interference not only of the interviews but also of class interventions contributed in part to create a ‘text’ which resists facile, let alone academic interpretations, with respect to the content of said material. Moreover, what was patent in those dynamics was the risk of what Michel Foucault calls the ‘irruptive violence’ of the scientific subject’s discourse (1970: 132). All this led me to consider a revision of this mode and to attempt another in order to share the marrow of these interactions. The exercise thus becomes a problem of a poetic capability for self-negation (Clifford 1986: 26), and of giving materiality to the expression of ethnicity which, in short, refers to the way cultural differences are communicated, and is therefore created and maintained by contact and not by isolation (Barth 1969; Eriksen 1993, c.f. Turton 1997).

We are fully aware of the fact that every discourse distorts, even a discourse which confesses its weakness and inconsistencies (Webster 1983: 192; Wilson 1997: 7). However, the ‘conceit’ of revising a rationalist (i.e. one dimensional-self-centred) undermines its own truth claims and it implies moral nihilism (Gellner 1982; Jarvie 1984, c.f. Wilson 1997). That is, relativism generates as well a meta-narrative with totalising claims.
approach to this subject matter, although problematic given its obvious paradoxes (rejection of one system of cohering, in preference of another, which in the end is not ‘other’ but merely a projection into the future), does allow for the inclusion of (voices, parameters, views) information, impressions, and analytic postures which a more ‘academic’ discourse must necessarily elide. The motivation is understanding and not the demonstration of methodological virtuosity. Therefore, by pursuing this position, I hope to demonstrate how a conglomeration of information, symbols, metaphors, and perspectives flow on this sort of material (of complex and ‘grounded’ setting of an educational program). I intend to contribute to a better understanding of current dynamics in human rights discursive production as it moves toward legitimisation.

I also reject the privileging of one discourse over others (Escobar & Alvarez 1992: 66), due to the consequences which this brings. These consequences are first the limiting of perspectives of interpretation. Secondly it implies that the subject is constituted a priori, and not through interaction. For these reasons, I attempt to avoid the presentation of another history as in Ruth Benedict’s (1934 & 1946) ‘pattern of culture’ (wherein she is always an outsider since she fails to meet one basic condition of ethnography: a command of the language of the peoples she studied). I intend to present instead an account of how the subject constructs itself and is constructed in and confined to a specific social formation. That is, in our case, a transaction which does not necessarily conform to the rationalist dichotomy of subject and object. This is the account of a multiplicity of voices, of discourses, interpretations, and the precipitate of their encounter; a multiplicity of complex conceptual structures, many of them superimposed upon or knotted into one another, which are at once irregular, and sometimes inexplicit (Geertz 1973: 13).

One central problem to my approach is the difficulty of finding a manner by which to overcome the limitations imposed by the rationalist dichotomy of subject-object. This dual structuration of discourse, textual or otherwise, requires the elision of elements present in all human interchange, whose exclusion results in distortion (Fabian 1983: 24). This sort of praxis subtracts from the ‘object’ (which in fact is a subject, an agent, an actor), its dynamism, its flowing, and in sum, its meaning. The immediate consequence of this meaningless representation is the halting of processes, a totalising system governed
by a centre, an essence, or a telos, as a constituted rather than a constituting consciousness (Fabian 1983: 25). Conversely, the privileged ‘subject’ as such in this type of relationship maintains a reductive dynamism (culturally oppressive). This translates itself into an ‘ungrounded’ freedom of action and discourse creation, and unconsciousness to the effects which its interaction with the ‘object’ (in truth a subject) has upon it.

In relation to this position, it is important to speak of the subject who carries out the observations. The interchange, whose boundaries the interviewing-observing subject attempts to impose, are superseded by the ‘object’. This interaction demonstrates not only the tendentious posture implicit in the subject-object construction but also that the parties involved in the interaction reveal themselves to be discourse-forming and discourse-formed simultaneously. Therefore, the revision of this dichotomy is founded essentially on the need to search for broader communication (indeed, there are at least two parties involved in communication), and not to be content with a manipulated end-result which conforms to the presuppositions implicit in the subject-object structure. Any subject has access to communication and to knowledge, therefore the privileging of one discourse over another denies not only the ‘object’ its ‘subjectness’, but also its capacity for knowledge. My final goal is to present to the reader that knowledge.
Stage 1: The Human Rights Regime and Indigenous Peoples

The Human Rights Formation Program for Indigenous Peoples from Latin America has been placed within a wider agenda of the promotion of human rights lead by the United Nations. In 1955, the General Assembly adopted a resolution (General Assembly resolution 926 X) that allowed for the creation of the Human Rights Advice Service and Technical Cooperation Program. This decision made it possible to fund an educational program launched and directed by what was then called the United Nations Division for Human Rights (later the Office of the High Commissioner for Human Rights). The Division for Human Rights had under its responsibility the design and implementation of a set of three main activities: (a) international seminars devoted to the study and the analysis of problems related to human rights; (b) a scholarship program for nationals; and (c) the provision of experts to States that may solicit advice, in order to supply technical support in human rights matters. Since the 1950’s in the aftermath of European wars, however, the incipient interest on indigenous peoples was strictly associated to the rights of so-called minorities in Europe, which was also related to the protection power of national states.

In terms of the overall ideological framework, it is important to bear in mind two related dimensions: the promotion and the protection of rights. During the 1950s, once the Universal Declaration of Human Rights had been adopted, the United Nations moved towards the development of the two main International Covenants (ICCPR, ICSECR, 1966) and the implementation of other international instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination (GA Res. 2106A
This Convention in particular emphasised some collective dimensions of fundamental rights, setting the precedent for a concept of equality based on positive discrimination. The purpose was nevertheless the protection and promotion of universal rights for all people. The United States of America considered it more advantageous for the United Nations to follow the path of the promotion in detriment of the protection. This development explains the fact that the United States supported with no reservations the General Assembly Resolution 926, which in terms of the promotion of human rights placed a neuralgic importance to activities devoted to information and education. Other instruments that set the ground for a further and broader attention to indigenous peoples include the Convention on the Prevention and Punishment of the Crime of Genocide (1948) and the Convention on the Rights of the Child (1989). Together, these instruments related, albeit rather incipiently, the protection of rights-of-individuals to the awareness for aspects of ‘cultural life’ such as language or religion.

During the following years, in the secretariat of the United Nations Division for Human Rights there were only unsuccessful attempts to provide scholarships to indigenous peoples. It was only in 1993, with the Declaration and Programme of Action of Vienna - setting the groundwork for a new and future-oriented United Nations human rights programme, that the whole idea became a reality. This fact directly relates to the expressed recognition in the Vienna Declaration and Programme of Action for the promotion of the rights of indigenous peoples, in particular in the field of education. The forthcoming United Nations sponsored ‘First International Decade for Indigenous Peoples’ (1994-2004) made even clearer the necessity for a program specially conceived for the education of indigenous peoples from all over the world. Among others, the proposed objectives for the Decade were: (a) to reinforce international co-operation in order to solve problems indigenous peoples were facing concerning the defence of their rights; (b) to spread information to both indigenous and non-indigenous societies regarding the situation of indigenous peoples; and (c) to provide indigenous peoples with some tools which allow them to participate in the process of decision-making at the

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11 The Vienna Declaration and Program of Action contains a number of specific objectives and recommendations. These include among others: strengthening the human rights of women and of the child, and also the rights of minorities, indigenous peoples and persons with disabilities. It was also influential in declaring the Decade of Human Rights Education.
international level (GA Res. of 21 December 1993, UN Document a/48/632). During this period, a Volunteering Fund devoted to finance programs and projects with the aforementioned purpose was also created.

Regarding the consecution of funds for scholarships it is unquestionable that Augusto Willemsen Díaz was one of the key actors. Born in Guatemala and officer of the Division of Human Rights, Willemsen was crucial in supporting the Working Group for Indigenous Peoples within the United Nations Sub-Commission for Human Rights. Within the Office of the High Commissioner and under the conjunctural umbrella of the First International Decade for Indigenous Peoples which had been proclaimed by the General Assembly, Julien Burgen played an important role in implementing the scholarship program. He was himself responsible of the section dealing with indigenous affairs within the Office of the High Commissioner. Natalia Alvarez, a doctoral student of Law at Deusto University in the Basque Country, and Mikel Berraondo (former student at the European Inter University Centre for Human Rights and Democratisation) were also influential in the implementation of a co-sponsored educational program between the University of Deusto and the United Nations Office of the High Commissioner for Human Rights. José Luis Gómez del Prado made it possible for the program a permanent funding coming from a regular budget of the United Nations. The Basque Government currently funds most of the Program.

As stated before, there were two main ideological assumptions in the implementation of the aforementioned educational program. Regarding the promotion of human rights, it was conceived as necessary to disseminate information related to the universally recognised value system of “all human rights for all”. On the other hand, it was conceived as necessary for all peoples to know not only that those rights do actually exist but also that there is an institutional regime under present international law, comprising specific instruments and procedures. These mechanisms function at the national, regional and international levels. From this perspective, education became the means par excellence for indigenous peoples to acquiesce (i.e. to knowledge) the
elaboration process of international norms by institutional actors\textsuperscript{12}. Moreover, it was considered important for indigenous peoples to understand the ways by which international law was applied at different levels by the States. Within the legal or written culture, the binding cognitive element between the instrumental (i.e. procedural) and the ethical-symbolic (i.e. core value) level was indeed the central notion of Equality. The following paragraph portrays the way in which this notion is discussed in classroom (S (p) being the lecturer; the original dialogues in the Spanish language are always preceded by the English translation):

S (p): The universal rights tell us that we are all equal by nature...
S (l): And who is responsible for human inequality, that there is no equality among men?
S (p): John Locke is going to be someone who will create a new cosmologic outlook. And he will create an outlook that will be very interesting, because on one hand it will have to do with human rights, but on the other hand it will put human rights in a context that will be difficult for indigenous people. Let’s pay attention to this issue. It is false that we are unequal... Beginning with Locke our outlook is a different one. Now it is said that in the foundation of reality there are separate individuals. This is not only the basis of reality but also the goal in itself. And a system is created whereby individuals can be solidly separated so that each can do what they choose. The central point, then, is the individual. The change is extremely strong. It was not produced in a single year; you all know that centuries have gone by. All separate individuals thus become in that sense equal...Here we are citizens of a state. That is the change! Let’s see if this makes you react and talk a bit. What does this suggest to you all?

S (p): Los derechos universales nos dicen que somos iguales por naturaleza...
S (l): ¿Y quién es responsable para que la humanidad esté desigual, que no haya una igualdad entre los hombres?

\textsuperscript{12} “It is expected from a basic formation which is spread throughout the Program a catalyst initiative in the local communities. Moreover, it is further expected from the indigenous participants their insertion in international processes
S (p): John Locke va a ser uno de los que va a diseñar una nueva cosmovisión. Y va a diseñar una nueva cosmovisión que va a ser muy interesante, porque por un lado va a entrar en la cosa de los derechos humanos, pero por otro lado va a meter a los derechos en un carril que va a ser complicado para los pueblos indígenas. Fijémonos. Es falso que seamos desiguales... A partir de Locke la cosmovisión que tenemos es otra. Ahora se dice que en la base de la realidad tenemos los individuos separados. No solamente es la base de la realidad sino también el fin. Y se crea un sistema para que esos individuos puedan estar sólidamente separados y hacer cada uno de ellos lo que quiera. La centralidad es pues el individuo. El cambio es fortísimo. No se ha producido en un año, ya sabéis que han pasado siglos. Todos los individuos separados vienen entonces a ser iguales... Acá somos ciudadanos de un Estado. Ese es el cambio!. A ver si reaccionáis y habláis un poco. ¿Qué sugiere a vosotros esto?

Ideally, in the educational program the pedagogical principles consist of the connection between theory (i.e. concepts) and practice (i.e. procedures) that in addition would enable students to accomplish the core meaning of actions\textsuperscript{13}. For pedagogical and also for political purposes, students are encouraged to attend to the meetings of the UN Secretariat and related organisations that supply services in matters concerning indigenous affairs (such as the activities of the Working Group, which is currently in charge of the redaction of the project for the Declaration of Indigenous Rights)\textsuperscript{14}. Moreover, students follow training courses in Geneva at the Office of the High Commissioner as well as in specialised agencies such as ILO and UNESCO. In those

\textsuperscript{13} It is important to indicate that within the Coordination Team of the Program there is not a clear consensus about the pedagogical principles. According to one of the responsible persons, pedagogical principles “have not yet been specified in a formal way, but one can feel them in the environment, and are formulated in a more or less spontaneous manner” (Interview 22.04.2005; italics mine). In this description there is in my view an interesting connection between elements of ‘spontaneity’ (i.e. ‘low profile’) and ‘formality’ (i.e. legal ‘high profile’) that are implied in the epistemological distinction between ‘thick’ and ‘thin’ depictions (Geertz 1973, Marcus 1988), which needs further examination. Let’s just say for the moment that, contrasting to the philosophical principles, pedagogical principles do not respond to standardised approaches, and that “there are many, work intuitively and come from the local practice” (Interview 22.04.2005).

\textsuperscript{14} The Working Group on the Draft Declaration on the Rights of Indigenous Peoples, set up by the UN Commission on Human Rights in 1995, was established (GA Res. of 23 December 1994) with a mandate to complete the adoption of a Draft Declaration on the Rights of Indigenous Peoples (UN Sub-commission for the Prevention of Discrimination and
cases, students are also expected to have personal contacts with human rights international non-governmental organisations that are based in Geneva. At the end of the educational program, it is expected that students bring to their respective communities the knowledge they have acquired at the international level in order to propitiate what is known as a snowball effect, and simultaneously to propitiate the enjoyment of rights in the local communities. It is further expected that fellows are able to make political pressure at the international level throughout the mechanisms of the UN or other international structures\textsuperscript{15}. A special concern is placed on the participation in the elaboration and adoption of main international and regional legal instruments, which allows for the better protection (i.e. enforcement) of rights for indigenous peoples. As the speaking subject S (2) in the paragraph below shows, this process is by no means unquestionably even:

S (2): In our tradition we do not think in terms of the ‘individual’, rather we think of the ‘collective’.

S (p): Indigenous peoples want to preserve many things, they want to say ‘above all we are a people’... they don’t want to lose the identity of their group once the issue of human rights is introduced... The idea is to say: How can we\textsuperscript{*}, indigenous peoples, who wish to maintain communal traditions, instil human rights that take into account the ideas about the individual, but which do not negate communal dimensions.

S (3): Or instead the reverse, to see how to maintain community or indigenous social organisation without hampering fundamental human rights.

S (p): Exactly. At this point we begin to perceive the challenge that I talked about to you at the beginning. When the West did this, valuable things were lost. Some things were achieved and others were lost. Now when indigenous groups want to

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\textsuperscript{15} “We expect from the Program to provide tools to persons and their communities in order to propitiate the defence of rights both at the internal and international levels” (Interview Coordination Team 07.05.2005). One of such international bodies is the UN Permanent Forum on Indigenous Issues, currently (May 2005) taking place in New York.

\textsuperscript{*} The italics are intended to highlight the way by which the lecturer-speaking subject (S p), in defining himself, places the position of the “others”. I will fully develop the issue of complex identity strategies in the next section.
maintain certain aspects of communal sensibility, but at the same time they want to observe basic elements of human rights, it means that you indigenous peoples can take advantage of a creative opportunity to express human rights while maintaining the communal dimensions, but they must be an expression of the human rights of those persons who compose indigenous groups.

S (2): En nuestra tradición por principio no se piensa en el ‘individuo’ sino en el ‘colectivo’.
S (p): Los pueblos indígenas quieren conservar un montón de cosas, quieren decir ‘somos sobre todo un pueblo’... no quieren perder la identidad de su pueblo a la hora de plantear el tema de los derechos humanos... La idea sería decir: Cómo podemos nosotros, pueblos indígenas, que queremos mantener nuestras tradiciones comunitarias, plasmar unos derechos humanos que tengan en cuenta cosas del individuo de los derechos humanos pero que no suponga la negación de las dimensiones comunitarias.
S (3): Mejor a la inversa, ver cómo mantener la forma de organización social de las comunidades o pueblos indígenas sin lesionar derechos humanos fundamentales.
S (p): Exacto. Es aquí donde comenzáis a percibir el reto que os decía al principio. Cuando Occidente hizo esto se perdieron cosas valiosas. Se ganó en algunas cosas y se perdieron otras. Cuando ahora los pueblos indígenas quieren mantener ciertos aspectos de la sensibilidad comunitaria, pero a su vez quieren respetar ciertos elementos básicos de los derechos, significa que los pueblos indígenas podéis estar ahora en un momento muy creativo de expresar los derechos humanos manteniendo dimensiones comunitarias, pero a su vez que sean una expresión de derechos humanos de las personas que componen los pueblos indígenas.

Despite the fact that the philosophical principles in the educational program have not yet been fully specified in an explicit, written manner, according to the responsible of
the Indigenous Section at the Institute of Human Rights in the Basque Country\textsuperscript{16} those principles can be summarised in five components. First, a pluri-cultural sensibility in approaching human rights which must be incarnated and extended to indigenous peoples. Secondly, a clear perspective on the fact that the Program aims at empowering the active participation (i.e. protagonism) of indigenous peoples. Third, a consciousness on the fact that this protagonism must respect the principle of gender equity. Fourth, the importance of a dialectic tension between ‘local’ and ‘international’ activities regarding the promotion of rights of indigenous peoples. And finally, a progressive consciousness on the fact that the dominant juridical approach to human rights “must be reassumed in a more holistic approach”\textsuperscript{17}. The latter would permit a more fruitful articulation between the social and political sphere, the local and international activities. In spite of the fact that within this perspective it has been recognised that there is a set of contradictions, it is important to bear in mind that according to S (p) some of those contradictions are currently in process of resolution.

One of such “great contradictions” is expressed within the Universal Declaration of Human Rights itself. That is, the proclamation of Equality constitutes in reality a mere formal declaration. What is clear is that ‘peoples’ in general belong to specific historical realities, which place them in particular socio-economic circumstances. Thus, according to the case, individuals are in a more or less advantageous position than other individuals. To say it differently, despite the fact that humans are ‘equal’ under the Law, in practice some individuals have capacities that others individuals do not have. For that reason it becomes imperative that formal equality must be translated in material equality. This statement resembles the analytical distinction between Civil and Political rights (general liberties in civil society or rights of the ‘first generation’, which still remains a formal equality especially for indigenous peoples) on the one hand, and the so-called Economic, Social and Cultural rights, on the other. The latter are intended precisely to set the material conditions for equality to be translated in practice. At least in the legal order, in view of S (p), this contradiction has been corrected through the ratification of norms and international treaties (a view which, once again, will be contested by the students).

\textsuperscript{16} Interview 22.04.2005.
\textsuperscript{17} Idem, loc. cit.
S (p’): Where are laws created?
S (l): Is that a question?
S (p’): Yes, it is a question.
S (l): Who does it all?
S (p’): Yes, who, for example, the United Nations Charter? Who created it? Who drafted it?
S (l): hmmm...
S (p’): A Commission. Composed of whom?
S (2): Representatives of the States.
S (p’): Yes, it is the States who create their own laws. And who must abide by the Charter?
S (2): The States.
S (p’): Exactly. Ultimately whomever creates the laws is destined to abide by them. It is as if we organise and create our own system to function for ourselves, and later we use it in a discretionary way, or however it may fit with our interests. Therefore the paradox arises, one of the paradoxes of international law.

S (p’): ¿Dónde se elaboran estas leyes?
S (1): ¿Es una pregunta?
S (p’): Sí, es una pregunta
S (1): ¿Quién lo hace todo?
S (p’): Sí. ¿Quién hace por ejemplo la Carta de las Naciones Unidas? ¿Quién la elaboró? ¿Quién la redactó?
S (1): mmm...
S (2): Una Comisión.
S (p’). Una Comisión. ¿Compuesta por quién?
S (2): Por representantes de los Estados.
S (p’): Sí. Son los Estados los que crean sus propias leyes. ¿Y quién debe cumplir la Carta?
S (2): Los mismos Estados.
S (p’): Exactamente. Al final quienes crean las leyes son los destinatarios de las leyes. Es como si nosotros aquí nos organizáramos y creáramos nuestro propio sistema para funcionar, pero para funcionar nosotros mismos, y nosotros lo utilizáramos luego de manera discrecional o como más nos interesara. Entonces esta es la paradoja, una de las paradojas del derecho internacional.

As many scholars have pointed it out, the notion of rights is at the centre of the current international law system. Yet the critique of rights as an ‘ideology’ of Western individualism is by no means new in the Western imaginary. Karl Marx (1977) noted long ago that eighteenth-century European notions of rights are predicated to a large degree on bourgeois categories of possessive individualism and the free market. In their conception and application, according to this view, human rights might be an ethnocentric extension of bourgeois interests and European concepts of individualistic rights to societies with more communalistic political traditions. The implication here parallels that of the American Anthropological Association statement on human rights that was mentioned earlier on this work: that outsiders should not interfere in moral issues which are internal to another culture, since this would usually lead to the arbitrary silencing of collectivist narratives by ‘Western’ individualist ones. Silencing the voice of others might actually be occurring in the dynamic captured in the paragraph below (which is the continuation of the communicative dynamic of the previous paragraph). I would say in advance, however, that more than silencing, the forthcoming portrayed dynamic is rather showing the convergence of voices: that the parties involved in the interaction reveal themselves to be discourse-forming and discourse-formed simultaneously. In short, the plural nature of the discursive field:

S (p’): Were you going to say something?
S (l): Nothing, nothing...
S (p’): No say it, say it. What were you going to say?
S (l): Nothing... In 2002 they were talking about the crisis of the governability of the United Nations. No one expected it but suddenly it looked as if there were a
crisis, and we were analysing why it was happening, the United Nations had backed off...
S (p’): No, it wasn’t that they backed off…
S (l): ...we were analysing that, it is the constitutions themselves, which create the laws, and then disobey them. That is why there is such a crisis in the government. That is what we were talking about. I don’t know if it was true, maybe in the United Nations there were people with certain inclinations toward the powers, which were not good on any level. That is where a crisis can be created. That is what we were analysing.

S (p’): ¿Tú ibas a decir una cosa?
S (l): Nada, nada...
S (p’): No, dilo, dilo. ¿Qué ibas a decir?
S (l): Nada... En el año 2002 estaban hablando sobre la crisis de la gobernabilidad de las Naciones Unidas. Nadie contaba pero de pronto miraba cómo había crisis y por qué está pasando eso, estábamos analizando, Naciones Unidas había sacado pie...
S (p’): No, no es sacar pie, es...
S (l): ...estábamos analizando acerca de eso, son ellos mismos Constituciones, quienes crean esas leyes, y luego desobedecen. Por eso hay tantas crisis en el gobierno. De eso estábamos hablando. Yo no sé si era verdad, tal vez que en las Naciones Unidas había personas que tienen cierta inclinación a los poderes, que no estaban en ningún nivel bueno. En eso se puede crear crisis. Eso estábamos analizando.

The United Nations is a mirror in which we can reflect some of the current developments (i.e. political, discursive) of the so-called international human rights regime. These developments certainly operate far away from the dynamics that are taking place in the classroom. To be fair, according to the dynamic taking place in the classroom, the international regime of the Human Rights could be portrayed as an order of stability within instability. This is, in itself, the instability of the discursive
production. The class was suddenly over and we went on to a coffee break outside of the classroom. While having a small conversation, S (1) pointed out an interesting difference between knowledge and discourse: “I surely have the knowledge, but I am missing the words”. The dialogue did not end here. S (1) further stressed that he was feeling something “opening” in his mind. I got simultaneously the same feeling and the closing phrase for this section. All of the information then glowed to me in a frail equilibrium (like the frail equilibrium of the class). It might also be the frail equilibrium of ethnography, and of my own words in the classroom:

S (e): And why it was not possible to prosecute Augusto Pinochet in the International Court of Justice?

S (p’): Due to the principle of legal retroactivity.
Stage 2: Social Dynamics, Ethnic Identities and Minority Groups

In this section I comment on the following issue: if there is one common feature of indigenous groups it is that they are not very visible, but for a few exceptions, in the societies of their respective countries. It is striking however that indigenous peoples are present in many countries and, rather than decreasing, their population today is more numerous than before\textsuperscript{18}. I will argue in a necessarily circuitous way, first discussing some conceptual categories as key diacritics in understanding forms of differentiated citizenship, and second, glancing at the inherent difficulties in situating a fixed and stable definition of minority and indigenous identities\textsuperscript{19}. I conclude by asserting that the definition of identity strategically depends on the context. It is therefore hard to determine in advance the ways in which ethnic difference may or may not appear in a given situation. I shall commence the section by presenting an opening dialogue in the classroom, which is conducted by the Basque-speaking subject. Within the Formation Program in human rights in the Basque Country, S (p) plays the role of a university lecturer:

S (p): I have a Ph.D. in Law, and have for many years been professor of Constitutional Law at this university. I have taught the course in the Basque language for quite a long time. When we started teaching the course in Euskera it

\textsuperscript{18} It is estimated that indigenous amount 200-300 million people in more than 70 countries world-wide (IWGIA 2001). Among others, the difference between the estimations derives from whether considering or not indigenous’ own subjective identification.

\textsuperscript{19} The UN official terms \textit{indigenous} (in English), \textit{autochtone} (in French) and \textit{indígena} (Spanish) imply, in principle, a subjective distinction between ‘native’ persons in a given country in opposition to ‘immigrants’ or colonisers (Gómez del Prado 2002: 29).
was a small adventure, and now you see that it is possible to study the entire degree in the Basque language. All languages can be opened to any kind of knowledge. In fact, at the beginning we did not have the minimal vocabulary to define some concepts. And now you see that this university has published many books in the Basque language. The last one that the university published was a book on Real State Law (translated from Spanish to Euskera). There are of course many other works such as the Civil Code and also the Penal Code. It has not been easy to do it, of course, but great steps have been made especially during 1986 and 1987. It is possible to do the same with other languages.

S (1): My name is Josefina*. I come from the department of Potosi [Bolivia]. I work as a coordinator of activities for indigenous peoples, in an area related to productive activities. I work directly with indigenous communities in order to strengthen their organisation. We do it continuously, in close coordination with the indigenous peoples.

S (2): My name is Virginia. I am Mapuche and come from the Mapu region. I have a broad militancy that briefly I will refer to specifically. All of my militancy is Mapuche. I am a social communicator in a Mapuche organisation. At the organisational level, I am a member of the board of a youth organisation in Santiago [Chile]. I work in legal coordination in one of the areas related to the diffusion of international law. This is an area of interest for the organisation because at the beginning of this year the strategy of alliance with the Inter-American System of Human Rights was adopted, including relations with the Inter-American Commission.

S (3): I am member of Tairona community [Colombia]. I do not come directly from the organisation but work quite independently, travelling across the Americas. I see it as very important for all indigenous peoples to be united. I have personally been visiting, observing and walking, and the crisis of forms of

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* Personal names have been changed in order to protect the confidentiality of the students. Italics in this paragraph are intended to highlight the slippery terrain of ethnic identification (i.e. indigenous) which may or may not appear in a specific context of class interaction. This issue becomes more patent when compared to an analogous context in class which is presented in the following subsection. To this regard, see the last part of this section in which the lecturer, S (p), fully addresses his own ethnic “indigenous” identification.
organisation and leadership is striking with the so-called globalisation. I see the need for education in those issues.

S (4): My name is Pedro. I am an indigenous Tusha, from the north part of Brazil. I am acting in an indigenous organisation, representing the coordination of the State of Bahia. Our organisation sees participation as only indigenous, and our directorship is also purely indigenous. I have participated since 1994…The organisation’s objective is to articulate the communities in the region, which includes eight Brazilian States, representing fifty communities…I work in the principal organisation, which links 150,000 indigenous people and 153 spoken languages. We work to link communities in struggles, not through welfare, instead through training, teaching, participation and leadership. As well as studying of the Brazilian constitution of 1978 in order to know the laws, rights and reality of the communities, which is very separate from the reality of the State. This preparation is very necessary for the Brazilian indigenous movement.

S (5): My name is Gabriel, I am Zapotec, from the region of the isthmus of Tehuetepec in the Oaxaca State, southern Mexico. I am part of the second generation in the organisation that represents indigenous communities from the isthmus. The original organisation was founded about thirty years ago. Now young people are assuming the responsibilities to the extent that there has been a connection with the work of the predecessors. Currently I am the coordinator of the Indigenous Rights Program. Well, we try to set mechanisms for the defence of the rights of the communities, both individuals and collective rights. This work includes activities dealing with legal issues ranging from the Ombudsperson Office to sustainable development – communal development. We also work in issues related to women’s rights. We set up a permanent campaign against domestic violence. It has been hard to do this, especially for the women comrades who were the ones who put in more effort. Regarding this Program [at Deusto] my aim is to get knowledge of international law, due to the fact that international law is not worked with the indigenous communities, at least it is perceived as very far away from local reality. There have been many cases in which it has been applied but it was not very useful. Our goal is to really put it into practice.
S (p): Yo soy doctor en Derecho, he sido muchos años, y sigo siendo profesor de Derecho Constitucional en esta universidad. Durante muchos años he dado la asignatura en Euskera. Cuando empezamos era una pequeña aventura dar esa asignatura en idioma Euskera, y, sin embargo, ahora se puede estudiar toda la carrera en Euskera. Todos los idiomas se pueden adaptar y abrir a cualquier conocimiento. De hecho, por ejemplo, no teníamos ni fijado el vocabulario para definir algunos términos... Y hoy en día, la universidad incluso ha publicado unos manuales en Euskera. El último trabajo que habían hecho era nada más ni nada menos que la Ley Hipotecaria (del Español traducido al Euskera). Hay otros trabajos, por supuesto, el Código Civil y el Código Penal. Tampoco ha sido fácil, pero se han ido dando pasos, todo eso en el transcurso de 1986 y 1987. Y lo mismo es posible también con otros idiomas.


S (2): *Mi nombre es Virginia, soy Mapuche, vengo del Mapu.* Tengo varias militancias, así que las paso a nombrar una por una. Son todas mapuches. Soy comunicadora, trabajo en radio para una organización Mapuche. A nivel organizacional soy dirigente de una organización de jóvenes Mapuches en Santiago [Chile]... Trabajo en la coordinación jurídica en una de sus áreas que es la difusión del derecho internacional. Es un área de interés para la organización porque se ha adoptado a principios de año como estrategia la alianza con el Sistema Inter Americano de Derechos Humanos y la Comisión Inter Americana.

S (3): *Yo soy miembro de la Comunidad Tairona [Colombia].* No vengo directamente de la organización sino que soy un poco independiente, he estado viajando por toda la América. Veo por conveniente la unidad de todos los pueblos indígenas. He estado visitando, caminando, y he visto la crisis de organización y
liderazgo a nivel mundial con eso de la globalización. Veo la necesidad de capacitarme más sobre esto.

S (4): Mi nombre es Pedro. Soy indígena Tusha, en la región del norte de Brasil. Actúo y tengo una organización indígena, representando la coordinación del Estado de Bahía. Nuestra organización ve la participación sólo indígena, la directora es también sólo indígena. Yo tengo la participación desde 1994... La organización tiene como objetivo de hacer la articulación de los pueblos de esta región, que son ocho Estados brasileños, con la representación de cincuenta pueblos... Yo trabajo en la organización principal que articula a 150,000 indígenas y 153 lenguas habladas. Trabajamos para articular el pueblo en las luchas, no de asistencialismo sino capacitación, formación, participación y liderazgo. Además el estudio de la Constitución brasileña de 1978 para conocer las leyes, los derechos y la realidad de los pueblos que está muy aparte. Esa formación es muy necesaria para el movimiento indígena del Brasil.

S (5): Mi nombre es Gabriel, soy Zapoteco, de la región del istmo de Tehuetepec en el Estado de Oaxaca en el Sur, México. Soy parte ya de la segunda generación de lo que compone la organización de comunidades indígenas del istmo. La organización inicial se fundó hace unos treinta años. Y ahora los jóvenes van asumiendo las responsabilidades, ha habido un vínculo con el trabajo de los antecesores. Actualmente soy coordinador del Programa de Derechos Indígenas. Y bueno, tratamos de hacer defensa integral de los derechos de las comunidades, tanto derechos individuales como colectivos. Lo hacemos desde la Defensoría Legal en sí, hasta cuestiones de desarrollo sustentable – desarrollo comunitario. Trabajamos mucho la cuestión de los derechos de la mujer. Tenemos una campaña permanente contra la violencia familiar. Ha costado bastante y ha sido algo que han peleado sobre todo las compañeras. En este programa en Deusto la idea es conocer un tanto el derecho internacional, puesto que esto no se trabaja mucho en el ámbito de las comunidades indígenas, por lo menos se ve muy lejano. Ha habido casos en los cuales se ha acudido al derecho internacional pero no se ha logrado mucho. La idea es llevarlo a la práctica.
According to the liberal theory of Minority Rights, one source of cultural diversity is the co-existence within a given State of more than one nation, where ‘nation’ means a historical community, more or less institutionally complete, occupying a given territory or homeland. These communities, generally referred to as ‘nations’, usually share a distinct language and a homeland territory. The incorporation of different nations into a single State may be involuntary, as occurs when one cultural community is invaded and conquered by another, or is ceded from one imperial power to another, or when its homeland is overrun by colonising settlers. In international law, however, there does not exist a legal category that unequivocally defines the expression ‘national, ethnic, religious or linguistic minorities’. Moreover, the ambiguity and imprecision with which both the terms ‘minorities’ and ‘indigenous’ are used is illustrated by the publication of the *World Directory of Minorities* which, under the definition established by Caporoti, considers them in unison. This ambiguity is further illustrated in Joseph Yacoub’s book *Les minorites dans le monde* (1998), in which there is no difference between minorities, natives or aboriginals. According to the author, minorities in the world include more than one thousand million individuals divided in 7,500 ethnicities, which speak about 6,700 different languages.

National minorities are usually relatively small and geographically isolated. Together, they only constitute a fraction of the overall population of a given country, and their influence in politics is rather insignificant. That may explain the fact that national minorities have been marginal to the self-identity of the nation. The historical preference of national minorities has not been to leave the country but generally to increase their autonomy within it, or to renegotiate the terms of the political community in the form of self-government. Classical examples of these groups according to Kymlicka (1994: 12) are ‘English’, ‘French’ and ‘Aboriginals’ in Canada, and ‘Indigenous Peoples’ in Latin America, regardless the well-known political manoeuvres in the latter case intended to ignore, distort or manipulate the term by representatives of national governments at

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20 At the United Nations institutional forums there are indeed two completely differentiated Working Groups at the Subcommission on Prevention of Discrimination and Protection of Minorities.
international forums\textsuperscript{21}. From the perspective of international law, both indigenous peoples and minorities claim for \textbf{collective rights} in two contexts: (a) as an individual right but which could be fulfilled as part of a member of a group; and (b) as recognition of cultural identity, which by no means can be recognised solely to an individual.

The history of ignoring, distorting or erasing minorities, as seen for instance in the case of State delegations at international forums using definitions of their own interest, is in any case inextricably tied up with the natural trend of any society, be it dominant or subaltern, towards ethnocentrism. In the New World, this history is certainly linked with the European belief about the inferiority of people who occupied the land before European settlements. At the core of the international human rights system, the international instruments related to the protection of individuals belonging to minorities are more likely to guarantee a space of pluralism in public life, whereas the instruments of indigenous peoples are aimed at the consecution of a wide margin for development of autonomy\textsuperscript{22}. Thus, for strategic reasons, indigenous peoples have considered it necessary to highlight their differences vis-à-vis minorities, and to set a special status within the framework of international law. As it was mentioned before, within its normative activities the United Nations has elaborated differentiated legal procedures in order to deal with the protection of minorities and indigenous people’s rights. It is worth noting nevertheless that within those differentiated forums neither indigenous peoples nor minority groups necessarily express their political grievances solely in terms of autonomy or self-government.

There is another source of cultural diversity which derives from the mobilisation of relatively large numbers of individuals and families that usually takes the form of migration to other countries. These groups are not classically referred to as ‘nations’ and/or have not occupied homeland territories. The demand of the so called ‘ethnic groups’ is typically not to set up a parallel society but rather to express their difference within the dominant structures of the receiving nation (this is known as the thesis of

\textsuperscript{21} The term ‘indigenous peoples’ itself poses one of the major difficulties to national delegations at the UN. Some States are not able to accept the term due to its implications in international law regarding collective rights and the right to self-determination (Art 27 of the ICCPR). State delegations prefer instead using terms such as indigenous individuals, persons belonging to an indigenous group, indigenous populations or persons belonging to an indigenous community (Gómez del Prado 2002: 39).

Anglo-American conformity). As long as difference does not question the political stability of a given nation, accommodation may be allowed and also encouraged. Ethnic groups generally speak the dominant language, and learn the dominant culture in order to acquire full citizenship. Classical examples of ethnic groups are found in the cases of Polish and Jewish minorities in countries of Western Europe (Kymlicka 1994: 14), and the twenty one subcategories of ethnic groups in the United States. The Basque ‘Country’ might fit within this category, together with Catalans, Scots or Flemish, although their grievances are more usually framed in the form of a ‘Nation’ both at the State level and the quasi-federal level of the European Union (Esteban 2003: 175).

Yet the ‘polyethnic’ model of nation including its ethnic subunits no longer applies to Hispanic immigrants to the United States. These immigrants are said to be uninterested in learning English, or in integrating into the Anglophone society. This development according to Kymlicka seems to be a mistaken perception due to the fact that it arises from treating the Hispanics as a single category, and thus, confusing the demands of Spanish-speaking national minorities (Puerto Ricans and Chicanos) with those of Spanish-speaking immigrants recently arrived from Latin America. Even within the category of recent arrivals, one could distinguish immigrants from two other Hispanic groups – Cuban refugees and illegal Mexican migrant workers. The latter are not interested in either ‘assimilating’23 or expressing publicly their difference within the public North American mainstream institutions. As Samuel Huntington flamboyantly perceives it (2005: 30), the persistent inflow of Hispanic immigrants “threatens to divide the United States into two peoples, two cultures, and two languages”.

There are many other cases of ethnic groups that merge or overlap with situations more typically attributed to national minorities. Moreover, cases like the African Americans in the United States and the extremely complex sociological definitions of refugees and internally displaced persons (IDPs) simply do not fit categorisation at all.

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23 It is worth noting that the concept of “assimilation” (i.e. acculturation) has a long pedigree in anthropology since the second half of the twentieth century. The concept has been drawn upon polar conceptions (i.e. ‘traditional’ and ‘modern’) heavily based on “modernisation” theories (Poole 1992: 212). This can be seen, for instance, in Huntington’s dichotomic conception of the American national identity: “There is only the American dream created by an Anglo-Protestant society. Mexican Americans will share in that dream and in that society only if they dream in English” (2005: 16). In a work prologued by Ralph Linton for the case of Latin America, John Gillin (1949) summarises his findings on the definition of the ‘mestizo’ stressing the notion of the loss of culture. For further details on the implications of this conception in the case of the Andean countries see Hernández 2000.
(not to mention the cases of disabled, gays and lesbian groups, and the so-called New Social Movements, which in the U.S. are considered as part of cultural diversity)\textsuperscript{24}. Once again, for the sake of my own argument, the main point of interest here is the fact that social subunits could be broadly considered either as national minorities or ethnic groups. There is a corollary to this affirmation: the structure of the State could also be either polyethnic or multinational. That is in fact the outcome of Will Kymlicka’s definition of both U.S. and Canada as both polyethnic and multinational states. The same is true, in the said perspective, for the definition of corresponding smaller units (in theory, it may be possible for immigrants to become national minorities). How is that all logically possible?

If one follows Kymlicka’s assumptions in his political theory of minority rights, the proposed solution for this analytical impasse should be literally read as follows: “these are just general patterns, of course, not laws of nature”. And also, “each of these general categories will need further refinement”. Moreover, “It might then seem misguided to try to develop a theory of minority rights which attaches any weight to the distinction between ethnic groups and national minorities” (1994: 25). What matters here, in his view, is not the terminology we use, but that we keep certain distinctions in mind (1994: 19). In brief, these categories must be considered as (dis) placed in an imaginary continuum. Categories find a meaning only if applied in a sort of operative, relational, circumstantial, strategic and political manner. They are simply stipulative definitions. That may explain, for example, why indigenous representatives at the Work Group for Indigenous Issues within the United Nations Subcommission for the Promotion and Protection of Human Rights reacted negatively to be considered under the same frame of law together with minorities. It is true, however, that international law does not oblige anyone to define themselves as minority or indigenous group.

S (p): We (the Basque people) are also a minority, just like the Scottish in the United Kingdom, but I don’t feel this way in my country. But due to being a

\textsuperscript{24} This points out as well to the complexity and highly volatile nature of the term ‘culture’. Many of the so-called New Social Movements do have a distinct culture in one common sense of that word – that is, where ‘culture’ refers to the distinct customs, perspectives, or ethos of a group or association, as when we talk about a ‘gay culture’, or even a ‘bureaucratic culture’ (Kimlicka 1994: 18).
minority you have a recognised value, you have a political privilege. I wish this would happen in Latin America.

S (2): No, in Bolivia and Peru there is more disorder, but the Aymaras are beginning to organise themselves.

S (3): When making reference to minorities, are you referring to the legal or demographic concept? We Zapotecs could be considered a majority!

S (p): Your example is useful for the case of Guatemala… And something else comes to mind. How many of us, the indigenous people, are there? How many are there in Mexico? Twelve million? Is it known? This, then, has to do with the way in which concepts such as ‘peasants’, for instance, are used. In my opinion there is an interest in reducing, in separating. You, for example, would not continue to be considered ‘indigenous’ by intellectuals.

S (1): There are things that need to be broaden in my mind. This should be done upon the experience of human kind. I would say at the end that we all are natives.

S (p): Nosotros (Pueblo Vasco) somos también minoría, igual que los escoceses en el Reino Unido, pero no me siento así en mi país. Pero por ser minoría tienes un valor aceptado, tienes un fuero político de gobierno. Ojalá pase eso en América Latina.

S (2): No, en Bolivia y en Perú hay más desorganización, pero los Aymaras se están comenzando a organizar.

S (3): Cuando se hace referencia a minorías, ¿Se refieren al concepto legal o demográfico? Pues los zapoteco somos igual una mayoría.

S (p): Tu ejemplo me sirve para Guatemala…. Y me viene otra cosa a la cabeza. ¿Cuántos somos los indígenas? En México ¿cuántos son? ¿Doce millones? ¿Se sabe del todo? Se trata en algunos casos de la manera en que se usan conceptos como el de ‘campeños’. En mi opinión hay un interés en reducir, separar. Tú, por ejemplo, no serás ya más para los intelectuales un ‘indígena’.

S (1): Hay cosas que tengo que ampliar sobre la base de la experiencia de todo ser humano. Yo al final digo que todos somos originarios.
S (p’): I am a professor of International Law here at the University of Deusto. I did my doctoral thesis on the right to humanitarian aid as a human right, and for this I had to participate in the NGO field, visit universities, libraries, etc. I mention the libraries because they might be of interest to you. I believe that the most relevant is the United Nations library. It is an immense library in Geneva, which contains official documents. I spent months there. I was also at the Committee of the Red Cross, which is also in Geneva. I have worked as well as a cooperant in Colombia, Venezuela, and Ecuador. I have wonderful memories of the collaboration. Do you have any questions?

S (1): Your name? Are you from Bilbao?

S (p’): I am sorry, my name is S (p’)

S (2): My name is Gabriel, I come from Mexico, the state of Oaxaca. Physically from the region of the Isthmus of Tehuantepec, I am indigenous Zapotec, and a member of an indigenous organisation from the isthmus.

S (3): My name is Pedro, I am indigenous Tusha, from the Tusha community. I also form part of an organisation that articulates the indigenous communities of the [Brazilian] Northeast. I am also leader of my community.

S (1): My name is Gregorio. That is my imposed name, but I have my own name which is…and means Lord of the Night. I am from the Sierra Nevada of Santa Marta. I am a native but I also work independently with other groups.

S (p’): From Colombia?

S (1): Yes, from Colombia.

S (4): My name is Virginia. I am Mapuche, from Mapu, Chile. I belong to the Coordination of Mapuche Organisations and Territorial Identities, a type of confederation of Mapuche organisations from Santiago to Chiloe, and with links in Nequen, Argentina. I am a broadcaster, and now I am doing journalism. I also have an internet site with Mapuche information. And I belong to a Mapuche youth organisation in Santiago.
S (5): My name is Josefina. *I am a native of the Quechua people*.

S (p’): Soy profesora de Derecho Internacional aquí en la Universidad de Deusto. Hice una tesis doctoral sobre el derecho a la asistencia humanitaria como derecho humano, y para ello tuve que participar en el campo de las ONGs, visitar universidades, bibliotecas, etc. Las menciono porque puede ser de interés para vosotros. La más relevante creo es la biblioteca de las Naciones Unidas. Es una biblioteca inmensa que está en Ginebra, y que contiene documentos oficiales como doctrina. Allí estuve dos meses. También estuve en el Comité de la Cruz Roja que también está en Ginebra. He trabajado además como cooperante en Colombia, Venezuela y Ecuador. Tengo recuerdos maravillosos como cooperante. ¿Tienen alguna pregunta?

S (1): Tu nombre ¿Eres de Bilbao?...

S (p’): Perdón, mi nombre es S (p’)


S (3): Mi nombre es Pedro, *soy un indígena Tusha, del pueblo Tusha*. También hago parte de una organización que articula los pueblos indígenas del Nor Este. También soy un líder de mi pueblo.


S (p’): ¿De Colombia, no?


S (4): Mi nombre es Virginia. *Soy Mapuche, del Mapu*, Chile. Pertenezco a la Coordinación de Organizaciones e Identidades Territoriales Mapuche, una especie de confederación de organizaciones Mapuches desde Santiago hasta Chiloe, y con

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* In this particular case, in contrast to previous contexts of introductory self-presentation in class, the identification as ‘Quechua’ and ‘aboriginal’ (i.e. indigenous) suddenly appears, which in fact was absolutely absent in previous
vínculos en Neuquén, Argentina. Soy comunicadora, radialista, y ahora estoy haciendo periodismo. Por otra parte también tengo un sitio de internet con informaciones Mapuches. Y pertenezco a una organización de jóvenes Mapuches en Santiago.


It is hard to determine in advance the ways in which ethnic difference may or may not appear in a given circumstance. As the precedent reflections have shown, it seems a very difficult task to define whether a particular unit could be classified either as an indigenous or an ethnic group, given the fact that there is no hard and fast distinction between these categories. It all depends of the context. Ethnicity is defined by ascription (Stern 1987) and is often based on situational factors (Stutzman 1981), meaning that it is defined both within groups as well as between groups. That is, individuals see themselves as distinct from other individuals of different “ethnic” groups. It is a subjective reality that has enormous potential to mobilise and motivate collective behaviour, and does not emerge from nowhere but requires specific historical conditions in order to flourish (Turton 1997). The emphasis on ascription by the individuals themselves is also important, because it means that there is no necessary equivalence between ‘ethnic’ units and ‘cultural’ differences. There is nothing in theory or from first principles that defines just how ethnic groups necessarily define themselves, and how they are in turn defined by others. What this means, simply, is that there is no such thing as an ethnic group in a vacuum to be precisely defined (Aldenderfer 1993).

Rather than focusing upon an a priori, potentially sterile definition, it is more valuable to make some effort to determine to what extent ethnicity can be read and interpreted in terms of the relation between different groups. Since the pioneering work of Parsons (1975) and Bell (1975), most authors agree that ethnic units are social groups. Ethnicity is not only a desire but also a need to identify socially within a distinctive cluster of ecological niches (Aldenderfer 1993). This need is contained in the neuro-psychological centre of humans to seek identification of the sentient self beyond the immediate rearing group (Parsons 1975). The cultural context can be mixed with classroom presentations.
religiosity or racism (Wolf 1994), but ethnic content is strongly associated with a shared sensory perception, and not just the symbols that relate human society to the supernatural world. Ethnicities are scattered over the planet, having a time depth of a few millennia of observed human activity. The rise of demographic growth is like a sudden “monsoon” that recharges ethnic “aquifers” (Schaedel 1998, c.f. Hernández 2000). The main point in the diachronics of ethnicity relies on its ability to survive alien impact. That is, using an analogy from natural sciences, like atoms reject and attract, mixing ethnic groups can have stronger binding or rejection valences. Most natives in Latin America adjusted to a subalternisation of technologically superior ethnic groups, which made possible in the Americas for 400 years the system of Hispano-Catholic dominance.

III

How to express particularity in a stable and morally defensible way? How to accommodate difference under conditions of an extremely slippery terrain of identity affirmation? Put it in other words, assuming with Charles Taylor (1997: 35) that what has come about with modernity is not the need for identity recognition but the conditions in which the attempt to be recognised can fail, how possible is it to address a politics of difference? As it has been previously discussed, within the ideological frame of liberal democracies there are at least two ways to accommodate diversity. The first one refers to the demand for some form of political autonomy or territorial jurisdiction, so as to ensure the full and free development of peoples’ own culture and the best of their interests. At the extreme, groups may wish to secede, if they think their self-determination is impossible within the larger State. The second form of accommodation is “integration”, roughly speaking, the mechanisms oriented to help the ethnic groups to express their cultural particularity without it hampering their success in the economic and political institutions of the dominant society. So even though one form of politics springs from

25 In the context of Latin America this approach throughout the 1950s and 1960s nevertheless traduced itself in State-sponsored programs of “assimilation” (i.e. acculturation) which were instilled in many countries mainly targeting indigenous peoples. This was for example both the case of the Instituto Nacional Indigenista in Mexico (Esteban 2003: 177) and the Instituto Indigenista in Perú (Hernández 2000: 22). Whether in urban or rural studies, the focus on native cultures was facilitating integration and adaptability. The results of applied programs amply justified the assumption of
the other, the two diverge quite seriously from each other. One basis for the divergence – the existence of certain *universal* rights in one case, and a *particular* identity on the other – comes when we pay a closer look at the ‘underlying intuitions’ of value.

The politics of equal dignity is based on the idea that all humans are equally worthy of respect. It is underpinned by a notion of what in human beings commands respect. What is picked out as of worth here is a universal human potential. This potential, rather than anything a person may have made of it, is what ensures that each person deserves respect. Indeed, our sense of the importance of potentiality reaches so far that we extend this protection even to people who through some circumstance that has befallen them are incapable of realising their potential in the normal way – handicapped people, or those in a coma, for instance. In any case, from the perspective of rights, what is primarily expected from the ontological proclamation of equality is the radical rejection of any kind of inequality among human beings. This is contrary to the situation of women and slaves in ancient societies, but also in societies that established differences (i.e. castes) by birth, cases in which inequality was attributed to the nature of things, and hence, inequality was in those situations “immutable” and established “by law”. Caste rests on accepted hierarchical or vertical relations whereas ethnicity, according to Giorgio Ausenda (1997: 217), rests on contiguous or horizontal and conflictual relations.

The politics of difference implies a universal potential at its bases, namely, the potential for forming and defining one’s own identity, as an individual, and also as a culture. This potentiality must be respected equally in everyone. But at least in the intercultural context, a stronger demand has recently arisen: that one accord equal respect to actually evolved cultures. Critiques of ‘Western’ domination, to the effect that they have not only suppressed but failed to appreciate other cultures, consider depreciatory judgements not only factually mistaken but somehow morally wrong. When Saul Bellow, for example, is famously quoted as saying something like, “When the Zulus produce a

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*a natural trend to absorb the technologically superior culture at the expense of “integration”. Up until now, for instance, ILO Convention n.°107 has been severely critiqued for omitting dispositions regarding the protection of the cultural identity of indigenous peoples, although it contains dispositions regarding indigenous’ right to ancestral lands (Gómez del Prado 2002: 31).*
Tolstoy we will read him,”26 this is taken as a quintessential statement of Western arrogance, not just because Bellow is allegedly being de facto insensitive to the value of Zulu culture, but frequently also because it is seen to reflect a denial in principle of human equality. The possibility that the Zulus, while having the same potential for culture formation as anyone else, might nevertheless have come up with a culture that is less valuable than others is ruled out from the start. Even to entertain this possibility is to deny human equality.

These two modes of politics or ways to accommodate difference, both based on the notion of equal respect, then, come into conflict. For one, the principle of equal respect requires that we treat people in a difference-blind fashion. The fundamental intuition that humans command this respect focuses on what is the same in all. For the other, we have to recognise and even foster particularity. The reproach the first makes to the second is just that it violates the principle of non-discrimination. The reproach the second makes to the first is that it negates identity by forcing people into a homogenous mould that is untrue to them. This would be bad enough if the mould were itself neutral (nobody’s mould in particular). But the complaint generally goes further. The claim is that the supposedly neutral set of difference-blind principles of the politics of equal dignity is in fact a reflection of one hegemonic culture. As it turns out, then, only the minority or suppressed cultures are being forced to take an alien form. Consequently, the supposedly fair and difference-blind society is not only inhuman (because suppressing identities) but also, in a subtle and unconscious way, itself highly discriminatory.

I turn now in retrospective to my own understanding of difference in the context of the classroom. It is important to start by recalling the inherent difficulties that were found in assessing a fixed and stable frame for defining both the nature and scope of “ethnic” identities. The interactions that have been registered in class, together with the capsule sketch of political theory, show not only the ambiguity and imprecision with which both categories ‘indigenous’ and ‘minority’ may be referred to (the border between the two concepts is less clear than we could think) but also that the distinction between

26 Quoted in Taylor (1997: 42). “I have no idea whether this statement was actually made in this form by Saul Bellow, or by anyone else. I report it only because it captures a widespread attitude, which is, of course, why the story had
‘indigenous’ and ‘minority’ groups might be more tactical at the strict level of political claims (be it autonomy or assimilation). We know that ethnicity is a highly volatile concept, involving both objective and subjective realities, and is always addressed in a relational manner. Any attempt at definition of “minorities” or “indigenous” groups must include the necessary reference to the context. Then, post factum, it is possible to locate the question of S (p), who, as lecturer in class, conducted the opening dialogue at the beginning of this section: “Why I am not considered an Indigenous”? I close by presenting in length his argumentation:

Let’s take the Basques as an example. Always considered as an ethnic minority, I’ll try to demonstrate for a moment that they are also indigenous people. The Basques are a nation of 3 million people between Spain and France who, according to researchers, have lived in the same place since the Palaeolithic period, since before the invasions by Indo-European peoples. In their language, words such as “axe” or “knife” are derived from the root term meaning “stone”, and there are always a considerable number of anthropologists studying them.

What makes an indigenous nation? Awareness of being a group? Basques have it. Common ancestors? Without any doubt. A different language? Basque language is quite original: like the Zuni language, it is an isolate, not related to any other language in the world. Having a common history and an ancestral bond with the territory? No problem. Having a tribal structure? That is not an indigenous requirement... Perhaps having arrived before other groups to the place they inhabit and then being surrounded by them? That is the case of Basque people. Keeping alive some traditional institutions? Maybe not as many as other nations, but Basques have a good number of them. Being different in lifestyle from the majority of society? Fine, that’s where you’ve got me trapped. OK, Basques are not a Native European People. But for the same reason, perhaps we should not consider the Pequot as an indigenous group, to give just one example”.

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currency in the fist place” (note of the author). For sake of my own argumentation, in this subsection I am following in length one of Taylor’s most interestingly developed argumentation.
Stage 3: The Rhetoric of the Internationalisation of Human Rights

Paradoxical as it may appear, isn’t it through the rights of man that transpire today –at a planetary level- the worst discriminations?

Jean Baudrillard, Les mots de passe

/Focusing on three main issues, in this section I bring the attention to the grammar of representation of expanding narratives by briefly discussing the ‘culture of rights’ - widely proclaimed today as a ‘global culture’. In many ways, this particular (international) legal culture is also a rhetorical figure used to sum up, or perhaps to cover up, the ambiguities and arbitrariness that I have alluded to in the previous sections. The term rhetoric (i.e. discourse) refers to the argument that language is not merely a way of describing external reality - a technique for labelling objects - but acts to signify generalised, socially constructed categories of thought to which important social meanings and values are attributed (Foucault 1977). In this sense, discourses lend structure to our experiences, and the meanings we give to our experiences. Included among these are assumptions about authority, obligations, justice, legitimacy, and notions of social order. Discourses therefore provide sets of values, intuitions and beliefs that inform our social responses and actions, although not always self-consciously, and act as the meeting place for power and knowledge.

The three main issues to be discussed in this section will therefore be addressed as tensions inherent to the process of expansion of the discourse of human rights. It begins with the depiction of the process of internationalisation (i.e. universalisation) as an even
or monolithic phenomenon. I oppose that view by referring to the said process as uneven, irregular and isomorphic, borrowing William Edmunson’s (2004: 12) notion of the existence of at least two expansionary eras of the human rights rhetoric. The consequence that flows from this view is that the discourse of human rights can be conceptualised through several converging chapters before reaching any inevitable conclusion. Then I try to move to discuss ‘underlying intuitions’ or set of values within the ‘first’ and ‘second’ generation of human rights, making an allusion to the hegemony embedded in that division. A final section identifies some elements in the classroom that are necessary for intercultural dialogue, calling to the attention the problematic that was presented at the beginning of the present work, namely the different possibilities and constrains for communication amongst heterogeneous elements within the human rights regime. From the perspective of the grounded space of the classroom, I shall argue that the overall conclusion to draw from this theoretical route is that - as presented - the human rights regime must be understood as a rhetoric of both freedom and domination.

Expansionary Eras of Human Rights

It is common to situate the first “hump” of the human rights expansionary rhetoric in the late eighteenth century, approximately between the American Declaration of Independence (1776) and the end of the French Reign of Terror in 1794. This first expansionary hump of the beginning of the modern era has been thoroughly described by many scholars from different philosophical and political traditions. Of particular relevance to my view is the depiction posed by one of the lecturers at the Formation Program in the Basque Country, S (p), who speaks of a cosmological turn in terms of the newly notion of “equality”. William Edmunson (2004: 32) finds in that notion, namely, the idea of the rights-of-the-individual, a paradigm shift regarding the overall understanding of the state and society in terms of the recognition of individual human beings as Subjects endowed with rights fixed by laws they give to themselves. This was

27 There are two recurrent meanings that according to Exteberria (1999: 25) are going to appear as leit motiv in the lived experience of Enlightenment thinking: *tremendum fascinosum* of triumphing dissidence, and *tremendum horrendum* derived from the Nazi Holocaust. It is important to bear in mind those historical facts as symbolic markers of the emergence of the human rights culture, which according to Rorty represents “a new, welcome fact of the post-Holocaust world” (1993: 115). For the notion of the emergence of human rights as a counterpoint to the inhumanity of World War II see Paterson 1995 (c.f. Hastrup 2001: 6).
endorsed upon the legacy of John Locke, Thomas Paine, Jean-Jacques Rousseau and other philosophers of the Enlightenment which, according to S (p), have the potential of uprooting former cosmological orders.

The establishment of the United Nations and, most notably, the ratification of the Universal Declaration of Human Rights in 1948 configure the institutional side of the expansion of the human rights regime beyond the frontiers of national borders. Moreover, the claim of the human rights rhetoric in this period, usually referred to as the second expansionary era, is to be the ‘only universally recognised system of values’, albeit one which, unlike ideologies or religions, is not closed in itself (Nowak 2003). Thomas Buergenthal (1997) is rather quick to speak of this development, up until our days, in terms of a ‘moral progress’\textsuperscript{28}. An increasing number of scholars argue, however, that it is no longer acceptable that we view human rights as an unproblematic articulation of moral progress in the twentieth or twenty-first century, as allegedly demonstrated by the near-universal state recognition of the Universal Declaration of Human Rights. If this assessment is apposite, and claims of global agreement are indeed premature, then the more contemporary privileging of international law as a solution to an imagined consensus raises many questions, as in the example above:

The world underwent dramatic changes to which the human rights revolution contributed significantly and from which the revolution also benefited significantly. The end of the Cold War \textit{freed} many nations in Europe from Communist rule, permitting them to embark on a process of democratic transformation. What is more, it \textit{liberated} international effort to promote human rights from the debilitating ideological conflicts and political sloganeering of the past. These developments have enabled the UN to focus increasingly on obstacles to the implementation of human rights (Buergenthal 1997: 713; italics are mine).

\textsuperscript{28} The overwhelming majority of fundamental criticisms of human rights implicitly presuppose and hence target a natural law position, meaning the assumption of the existence of a law prior to human society that is valid at all times and all places. In this regard it is worth noting Rorty’s claim (1993: 116) that human rights foundationalism (i.e. universality of source and scope) is outmoded and irrelevant because it is basically moral in character.
Today, it is also held, the narrative is on a cusp and the dominance of the international discourse brings many commentators to the conclusion that a rights based international order is not only possible but has already made considerable achievements. There is a great deal of truth to this statement. As mainly taught in mainstream courses, the rhetoric of human rights starts with the horror of Nazism and, conversely, with international protection systems, then moves to the centrality of rights as a value system in the United Nations Charter, surveys the achievements of standard setting as set out in the major human rights international covenants (ICCPR, ICESCR), offers detailed analysis of methods of monitoring (including humanitarian assistance and electoral observance in contexts of emergencies), and, finally, provides procedural rules for ‘democratic’ and ‘peaceful’ relationships (both at ‘home’ and in the ‘field’) all of which equally applicable not only to governments, law enforcement bodies or the military, but in principle also to business enterprises. But it could be presumed with many other scholars that the advocacy on the subject is not necessarily meant to deepen our understanding of the rhetoric. According to Richard Rorty (1993: 119) the emergence of the human rights culture seems to owe nothing to increased moral knowledge and everything “to hearing sad and sentimental stories”.

The habit of assuming human rights as a teleological and monolithic discourse, a discourse upon which general agreement has been achieved however obscures important and continuing disagreements that are seldom and constantly confronted. As Robert Cox (1997) has pointed out, there may still be times when ‘disciplinary power’ breaks down: to cope with the excluded and potentially disruptive, the institutions of global governance devise instruments of relief and riot control. Humanitarian assistance, the poverty relief component, has become a top priority of the United Nations and a major activity of a vast range of non-governmental agencies that work both in the core and the periphery (to use Immanuel Wallerstein’s classical division of the modern World). Where poverty relief is

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29 In this case I am drawing upon my experience as student at the European Inter University Centre (EIUC) for Human Rights and Democratisation in Venice (September 2004 until February 2005). The EIUC started to be implemented since 1996 under the institutional umbrella and auspices from the European Union and is the only interdisciplinary educational program of these characteristics existing in Europe.

30 Although many authors offer numerous suggestions on specific instruments that enable States to maintain the capacity to ensure human rights protection in the new context of economic liberalisation, it is also recognised that the vulnerability to violations now increases because “human rights law has so far insufficiently developed to respond to a
inadequate to prevent political destabilisation, then military force -the riot control component - is evoked by the international community. Together, according to Robert Cox, all these mechanisms help to sustain the emerging social structure of the world by minimising the risk of ‘chaos’ and to establish the ‘order’ in the bottom layer.

The expansion of human rights is rather isomorphic in nature. This understanding means thinking of the spread of the human rights culture not as a matter of ‘our becoming more aware of the requirements of the moral law’ (by insisting on a purportedly ahistorical human nature), but rather as “a progress of sentiments” (Baier c.f. Rorty 1993: 129). The director of the Human Rights Center at SUNY-Buffalo in New York, Makau Mutua, raises the same conclusion claiming that the ‘end of history’ thesis promoted by Fukuyama and others which proclaims the triumph of particular truths over all previous heretical doctrines also fails to understand the dynamic nature of social formation. In this view, it is said, the human rights movement is still young and its youth gives it an experimental status, not a final truth. Although the major advocates seem to believe that all the most important human rights standards and norms have been set and that what remains of the project is elaboration and implementation, this attitude – part of a culture of contentment - is at the heart of the push to prematurely cut off debate about the roots, nature, and relevance of the human rights corpus (c.f. Evans 2004: 7). An alternative understanding must hence avoid portraying the human rights rhetoric as an inexorable and fixed outcome that assumes discourse ‘closure’ is possible and desirable.

**Prevalence of the Individual**

There are two principal critiques coming from the so-called Asian Perspective regarding the increasingly expanding culture of rights. First, its excessive legalism (Yasuaki 1996: 13), which comprises both lay-people’s general attitudes towards law and specialised legal corpuses. And second, the particular emphasis on individuals, which in Yasuaki’s view explains the fact that human rights “are still regarded as somewhat alien by many Asians” (1996: 9). To be sure, within the liberal tradition human rights have historically

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31 In an ideal world, according to Hastrup (2001), the difference between ‘universal’ (i.e. abstract) and ‘local’ (i.e. concrete) parts of any legal culture is simply the distance between lay and specialised knowledge. However, it is
been defined by the passive civil rights of non-interference (above all by the state). As it was previously mentioned, the notion of the revolutionary emancipation of ‘subjects of legal systems’ was at the core of the classical human rights idea of the Age of Enlightenment, which gained ground during the French and the American Revolution. These rights were properly “liberal” by virtue of man’s (i.e. the individual’s) discovery of reason as a source of natural rights. This knowledge led to the formation of political institutions based on the notion of rights of separate individuals suspicious of state authority, which today according to Yasuaki (1996: 13) “hampers a more harmonious and mutually trustful relationship among members of society”.

Yet an important aspect of the ‘legalisation of culture’ (Hastrup 2001), which also could be appropriately referred to in terms of ‘bureaucratisation’, centres on the extent to which the human rights rhetoric can be said to have transformed the principles of international law into a system perhaps more appropriately labelled transnational law. The purpose of this move according to some scholars is to resolve the contradictions between the cosmopolitan (i.e. universal) claims of human rights and the principles of national (i.e. local) sovereignty, non-intervention, and domestic jurisdiction, upon which the tradition of international law is built. In the late eighteenth century Emmanuel Kant himself called the attention to this contradiction, namely, the problematic articulation between the emergence of the ‘rationalist individual’ (i.e. as a means of a community of all rational beings) with the political scenario for a concrete civil and political ‘perpetual peace’ based on the legal idea of rights. One of the difficulties embedded in such conciliation is found precisely in the very idea of international expansion. As depicted by Emmanuel Kant:

> Peoples who have grouped themselves into nation states may be judged in the same way as individual men living in a state of nature, independent of external

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important to note with the author that in post-colonial situations where the specialist view of law is imported from a different cultural context the distance between the two seems more negligible.

32 Max Weber (1968) has clearly shown the links between the expansion of capitalism and the process of bureaucratisation, mainly taking place throughout the development of legal and scientific devices (i.e. ‘instrumental reason’) for public administration. It is interesting to note that the process of bureaucratisation permeates all aspects of social life, defining in the same way both capitalist and socialist regimes. In this sense, the label of the iron cage, with its inner tendencies for entropy, could be applied indistinctly to modern social formations regardless their political or national foundations.
laws; for they are a standing offence to one another by the very fact that they are neighbours. Each nation, for the sake of its own security, can and ought to demand of the others that they should enter along with it into a constitution, similar to the civil one, within which the rights of each could be secured. This would mean establishing a federation of peoples. But a federation of this sort would not be the same thing as an international state. For the idea of an international state is contradictory, since every state involves a relationship between a superior (the legislator) and an inferior (the people obeying the laws), whereas a number of nations forming one state would constitute a single nation. And this contradicts our initial assumption as we are here considering the right of nations in relation to one another in so far as they are a group of separate states which are not to be welded together as a unit (1991: 102).

So called socialist, or more contemporary versions of communitarian approaches assert that the ‘kingdom of reason’ as portrayed by Kant was nothing more than the idealised kingdom of the bourgeoisie. The eternal Right, it has been argued, found its realisation in the bourgeois justice and reduced itself to bourgeois equality before the law (i.e. formal equality). Bourgeois property was therefore proclaimed as one of the essential rights of man, and the government of reason - the Social Contract - could only come into being as a democratic bourgeois republic, as granted in the Declaration of the Rights of Man and of the Citizen, and later in 1948 with the United Nation’s Universal Declaration on Human Rights. However, because of the resistance in the late 1960s of the socialist states during the contentious drafting of the two main international covenants (ICCPR, ICESCR), the ICCPR does not contain the right to property, while some rights, such as the right to personal liberty and privacy, are not regulated with the same amount of detail as in the European and the American Conventions (Nowak 2003: 79). Moreover, although both Covenants are equal in principle, the wording chosen for the state obligations in terms of domestic implementation of the ICESCR is far weaker (Nowak 2003: 79).

33 Karl Marx himself in the well-know text On the Jewish Question (1967) placed the quintessence of human rights in the right to private property – a breeding ground, according to him, for unrestrained capitalism. By way of a Critique to the foundations of modern society (i.e. exposing the interests that underlie a discourse), it is therefore not surprising
2003: 81). This has led some commentators to maintain that with human rights of the ‘second generation’ there is no indication that these were actually individual, enforceable rights.

In fact, if one carefully reads the Declaration of the Rights of Man and the Citizen one discovers that there is no real distinction between the meanings of man and citizen. As Etienne Balibar (1994) has suggested, throughout the Declaration man refers to the same meaning as citizen. Furthermore, the conjunctive “and” standing between the two terms in the document signifies an identity, not a difference. Not surprisingly, just as first generation civil and political rights have laid claim to Enlightenment liberalism, so second-generation Economic, Social and Cultural rights lay claim to the critique of socialism to the separation of state and society, and in a countermove, it is advanced as a postulate its unity (Nowak 2003: 11). To my mind this is crucial to understand one of the tensions in defining what in my view is very difficult to reconcile. The modern human rights discourse is predominately a legal discourse, and thus, somewhat paradoxically, “it cannot but externalise the different lived experiences and replace them with an objective and largely timeless account of a universal standard” (Hastrup 2001: 14). While the human rights community frequently acknowledges political, cultural, economic, structural, and social aspects of rights, the legal abstract approach “as the sole source of truth-claims” continues to be dominant within the regime (Evans 2004: 9).

Claims that all rational (i.e. democratic) nations now subscribe to the ‘settled norm’ of human rights, and that ‘amazing progress’ has been achieved in recent decades, reinforce this dominant view. Together, the idea of the ‘settled norm’ and the still prevalent moral account of human rights, suggest the discovery of a final ‘truth’, making, in view of some critics (e.g. Rorty 1993), all further foundationalist enquiry redundant. These considerations, hence, should be mainly understood as a critical effort to portray the hegemonies and counter hegemonies at play in the regime. By way of ‘inscribing’ social discourse, the intention is to gain an insight into the ways in which underlying intuitions – from the anthropological perspective core ideas and intuitions about ‘fairness’ and ‘unfairness’, inclusions and exclusions - are exercised through the human

that from the stand point of the current so-called post modern sensibility (i.e. Lyotard 1979) the major attack to the modern regime is targeted precisely to bourgeois’ pretension of universality.
rights discourse. While most advocates present human rights as a single notion that empowers those threatened by state violence, the concept also offers a notion for domination. The lesson to be learnt according to Hastrup (2001: 11) is double-sided: a transcendent culture of rights is, on the one hand, an integral part of an historical moment—an utopian ideal left after the demise of political narratives in the aftermath of the Cold War—and, on the other, it both ‘expresses’ a global concern and reacts against it.

Let’s just say for the moment that the political controversies about the relative priority or hegemony of certain ‘generations of rights’ have their correlate in the equivalent unstable terrain of the production of meaning (i.e. discourse), whether prevailing or not in it the cosmic importance of the individual. This tension concerns among others the inherent difficulty in the human rights language to define the limits of the ‘universal’ and the ‘particular’, a paradox that is frequently cast in terms of ‘equal rights’ and ‘different cultures’. That is, in Hastrup’s view, the overarching problem of any universal standard that must be rendered in some language: “the language of human rights certainly, by its being a ‘legal’ language in the first place, is also totally dependant upon this objectifying capacity” (2001: 14). There are indeed numerous cases of exclusions prescribed in the term ‘human’ in 1789—as anti-race theorists would properly claim today (Gunther 1999, Koskenniemi 1999, c.f. Hastrup 2002). More than two centuries after the French Revolution is not then surprising that the intense discussion of human rights is not necessarily, as many scholars claim, a symptom of a high moral profile world-wide but rather “a symptom of the malaise of the times” (Hastrup 2001: 7). In any case, if we have learned one thing it is that human beings are far more malleable than Kant had ever dreamed.

On Cultural Dialogue
Let us now move to the ‘grounded space’ of the Indigenous Formation Program in human rights to argue that it provides a empirical case for communication among cultures, meaning a setting for a more or less complete readjustment of a whole discursive system embracing elements coming from heterogeneous traditions. This is the result of a
continuous and inevitable mutual exchange between ‘cultures’, a necessary fusion of elements that struggle to constitute themselves in a new, albeit unstable, ‘structure’35. On a more superior or transcendental level, “an unstable equilibrium that can be achieved due to the necessary confluence of elements that struggle to constitute in a new configuration, without deformation, without reducing the tension between nature and history” (Arguedas 1966: 67). I argue in this work that this difficult intersection in the human rights regime, which has been previously cast as the inherent paradox of the production of ‘equal rights’ (i.e. universality, shared humanity) and ‘diversity’ (i.e. sensitivity to the different ways of practising universal capacities), translates into an unstable balance that has been achieved at the grounded level of the classroom36.

First, the successive interactions and displacements that occurred in the classroom have not arrived at restructuring a steady, monolithic discursive coherence, due to the fact that it also produces its own counter-currents (i.e. incarnations, inculturations). And second, the interchange, whose boundaries the sovereign Subject (Spivak 1988: 272) attempts to impose upon the Other, are superseded by the ‘subject’. The interactions in classroom demonstrate not only the tendentious posture implicit in the subject-object construction upon which the legal discourse is built (Hastrup 2001: 14) but also that the parties involved in the relation reveal themselves to be discourse-forming and discourse-formed simultaneously (Bakhtin 1984, c.f. Taylor 1997: 33). These interactions, as seen in the case of the students’ multiple interventions in the classroom, contest the hegemony in the regime. And no less important, the dynamics show that the expansion of meta-narratives propitiates simultaneously “crisis” and “advancements” in previous structures. One of the most obvious aspects of this crisis relates to the “progress” of international law and its inner logic in detriment of local cultures. As it has been argued in previous sections, formal intuitions that go with the notion of individual rights cannot address the

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34 There are according to the author some serious consequences of leaving out those ‘grounded’ personal experiences that would have granted the discourse life and pertinence beyond the rights talk or legal language itself (Hastrup 2001: 14). I will develop on this idea in the forthcoming subsection.
35 The Basque philosopher and lecturer at the Formation Program, Xabier Etxeberria, refers to this process as cultural ‘incarnation’ (Interview 22.4.2005), namely, a process which is the result of ‘specific inculturations’ (2004: 34).
36 Anthropology presupposes both a humanist and a scientific face, which are turned in toward one another so as to highlight both the potentialities and stress that accompany the encounter. I assume both dimensions are simultaneously present in the Formation Program, as presupposed by the anthropologist’s journey itself. Without this assumption the anthropological endeavour would not have any meaning (Hernández 2002).

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sense of (personal) injustice that arises from structural socio-economic, local circumstances. Put it in other words, the expansion of the legal culture connects people in new ways through images and cultural flows, but it also destabilises the space in which local meaning is produced. This, in Hastrup’s opinion, contributes to “the distancing of people from their own histories, much in the same manner as the imperial topography did” (2001: 11).

Yet the Formation Program in human rights also addresses the difficult intersection of value systems. In an ethnological article dated 1953, the world-wide known Peruvian anthropologist José María Argüedas sketches how this issue operates in society. The study, focusing on the indigenous peoples of the Mantaro Valley in the central Peruvian highlands, exposes not only the process by which the Subject acquires an understanding of the “nuances” of the fundamentals (ethos) of another value system, but also the ideological difficulties implicit in a “transparent” depiction of the outcome. I refer to that depiction in full extent because it can be applied to any cultural situation, especially the situation of the classroom in the Basque Country:

Once the Subject, for special circumstances, accomplishes to apprehend this aspect of Western culture [capitalist production], she proceeds like one of us. She becomes ... a positive factor of economical production. Then, her/his whole cultural structure experiences a complex readjustment upon the base of an ‘axis’. What changes is not one of the superficial elements of her/his culture but the core fundament in itself. Then, the instability that we observe in her/his culture appears to us as coherent, clear and logic: that is, we identify her/his behaviour with our own, because she/he has become an individual that really participates in our culture! A total conversion, in which, naturally, some elements from the previous culture may continue influencing as simple specified terms of her/his personality, which now will be moved substantially by incentives or ideals that are like our own (Arguedas 1953: 26; present and forthcoming translations from Spanish are mine).
However difficult a “transparent” depiction of change, at the Formation Program in the Basque Country one of the outcomes of cultural transformation becomes a model in the sense that it embodies the process in which a Subject acquires true nuances in the ideals of a new system. Moreover, the Subject is expected to incorporate foreign elements into the core (i.e. axis) of her/his primary local culture, while experiencing, simultaneously varying levels of insecurity:

Learn(ing) everything, especially that she/he hears from left politicians... that God does not exist; that there is no God at all (Arguedas 1976: 25).

The innovative elements of this profile are closely related to those elements I have found, albeit sporadically and somehow prematurely, during my observations in the Formation Program. According to my ethnographic perception, the displacement of the Subject towards the human rights culture (i.e. modernity) would be the result of a desired ‘mixture’ or communication among cultures. Commenting specifically on the influence of post World War II modernisation forces upon indigenous peoples in the central Peruvian highlands, Arguedas explains in an ethnological writing dated 1953 that precocious ‘transculturation’ is not typical of all circumstances. Nevertheless, it serves as an early model as explained in the monograph of some anthropologists who worked more recently in the area:

Those forces transformed indigenous peoples into those who actually speak the Spanish language without the destruction of their roots and personality. It took place as a massive process of transculturation, catalysed by the most powerful transforming factors that simultaneously operated in the region. We must say, however, that this case is still an exception... Without the appearance of this case our vision of Andean Peru would be rather pessimistic (Arguedas 1953: 12; italics mine).

The local ground of the discursive practice in the Formation Program does provide a model of a fruitful encounter between heterogeneous elements that merge due to the
current process of ‘globalization’ or more properly, capitalist globalization (Sklair 2002: 47). Anthropologists Norman Long and Bryan Roberts (1978) recount as well in the central highlands of Peru an analogous case in which capitalist modernisation is not opposed to the indigenous culture. To the contrary, local dwellers are actively promoting modernisation, and are agents (subjects, not passive recipients) of the transformation in their lives. In these cases, a new situation arises in the fusion of local ‘ancient’ with ‘new’ elements from Europe, despite the misgivings that are usually found in contexts of highly compulsive modernisation (Arguedas 1958, 1966a: 187). It is however important to recall that the culture of rights, like any other culture, contains its own counterpoints, that is, areas that cannot be properly articulated in a new configuration (e.g. Daniel 1996, c.f. Hastrup: 2001: 9), actually threatening the cultural order both from outside and from within.

Whether the dynamics in the Formation Program represent a meaningful lineament for both effective and expanding internationalism departing from what one of the lecturers at the program, S (p), called “\textit{partial} dialectics”, seems to me very doubtful because it lacks any pretension of universality. Even where the ‘universal’ standard appears the most ‘obvious’ politically and morally to ‘us’, or let’s say, to the Basque Subject, it will conflict constantly and radically with local or regional values. Thus, if we assume that a global culture of human rights actually exists, we still have to take into account those diverse actualities that it simultaneously embrace and confront: an identitarian conception which is grounded in local life, and also, offers the possibility in the Formation Program for the construction of a “new human being” who enrols herself as a firmly local member of the series of the world-in-motion.

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37 A new form of capitalist expansion beginning in the 1970s according to Sklair has led to a qualitatively new phenomenon: “global capitalism”, driven by the Transnational Corporations, organized politically through the transnational capitalist class, and fuelled by the culture-ideology of consumerism.

38 Throughout the 1950s and 1960s UN co-sponsored programs of ‘integration’ were instilled in many Latin American countries as a way to encourage native peoples to “acculturate”, thus showing scant proactive attitudes towards inter-cultural communication. William Stein (1999a) has an excellent critical appraisal on the Vicos Project which, as a turning point in applied anthropology, was launched in the Andean region under the umbrella of the U. S. Alliance for Progress.

39 There is indeed in the Basque Country an identitarian conflict between those who interpret their reality in a strong “national” code and those who interpret it in “regional” codes. Although I cannot say much about this conflict, it is important to highlight that the persons I interviewed at the Formation Program stand at the intersection. Their
On the Speaking Subject

We may not share her young womanhood, her typing skills, her native language, her religion, or her culture, but she speaks to us not, ethnographically, as an “informant”, but as a member of series that are open to us if we wish to act on them.

Benedict Anderson

While human rights criticism is undertaken by committed experts resolutely ‘advancing the faith’, critique is more concerned with underlining the conditions in which these claims to truth are achieved, legitimated and presented as the authoritative guide for action (Foucault 1996). Seen in this way, the dominance of the international legal discourse on human rights, which supports a particular conception of rights, stifles the possibility of engaging in critique. Critique, on the other hand, is concerned with exposing the hidden normativity of the Subject pretending its truth is ‘universal’. The critique was vital to developing my theme, as it was the question of how the subject is represented in and by a highly institutionalised order. In the present work, it moved in a circular route from the self-reflexive anthropological critique of the sovereign Subject to the question of how an over expanding narrative simultaneously excludes/includes ‘grounded’ experiences in the classroom. The Subject was styled in discourse, but also the dimensions of its multiple transformations and displacements give account of the unstable construction of meaning.

In order to speak of the ‘speaking subject’ I have chosen to conclude this section by referring to some of the key communicative elements that were present in the classroom.

dsensibility operates at the ‘borders’ of those two visions, as one of the interviewed persons explained it to me. This, in his view, would make the Basque Subject more “sensitive” towards the conflict of indigenous peoples.
It must be said in advance, and post factum, that the problem of how the Subject speaks has been transformed into the question of the ways in which the subject speaks within the context of inter-cultural dialogue:

- a view of subjects as very different to objects - as complex, vulnerable, unstable, and defined by the capacity to produce meaning. In other words, subjects are formed in and by discourses.

- the idea that discourse develops through various and converging stages - and that different forms of (counter-hegemonic) responses are targeted to each stage, by no means in a linear, steady manner.

- negotiation of different interpretations. This is premised on a commitment to decentre perspectives and engage in reciprocal perspective taking.

- distance to monolithic construction of universality. This points to potentially enriching, new dimensions of the idea of human rights (avoiding its metaphysical presuppositions and favouring a “third way” between dogmatism and scepticism).

- construction of the ‘dialectic’ between universality and plurality not as mutually incompatible. Multiple genealogies of human rights might be constructed.

- a need for a contemporary ‘locally-grounded’ counterpart to the metaphysically constructed concept of ‘higher law’. Openness towards inter-cultural dialogue based on respectful coexistence, mutual recognition and reciprocal perspective taking.

- Openness towards inter-cultural dialogue based on principles of recognition. The importance of human rights open to on-going review and interpretation.

- Within the context of meaning production in classroom, a guiding principle that what is to be learned (i.e. concepts, values and procedures) should be determined by a ‘deep understanding’ of the subject’s intuitions (i.e. knowledge, ideas of the world).
• an appreciation that discourse varies within stages (from ‘international’ to ‘local’ or vice versa), and that education must as a result be incarnated in this dialectics.

The aforementioned elements referred to presume a particular conception of inter-cultural dialogue that is achieved in classroom by the process of communication in itself. In this sense, as it has been shown in the precedent sections, ethnography can be considered not only as an attempt of communication but also as the confession of the ethnographer’s own condition of subjectivity (styled in and by discourse). This condition does not necessarily mean a weakness but an active part of ‘deep (i.e. thick) understanding’, which provides for the ethnographer a standpoint from which the different circles of knowledge (to use Levi-Strauss’ metaphor) have to be organised. In any case, the ultimate goal of ethnography is not to constitute man, but to dissolve him (to encounter others). Few anthropologists have been insistent on this issue: the practice of man’s profession consists of a personal quest, and is driven by a personal vision (trying to breach the walls that separate mind from mind, ‘subjectivity’ from ‘objectivity’). This posture, in my view, is more inclusive to other forms of knowledge that are present in the classroom. At the end, it is hoped that the pages in this work reflect the coexistence of different levels and sorts of subjectivity, and the fact that subjectivity, as a whole, becomes objectivity-in-motion: a grounded understanding of the affairs in the classroom.

40 “History, politics, the economic and social world, the physical world and even the sky surround me with concentric circles, from which I cannot escape in thought without ceding a fragment of my person to each one of them. Like a pebble striking water and making rings on the surface as it cuts through, in order to reach the bottom I too must take the plunge” (Levi-Strauss 1975: 413).
Post Lude: End of a Journey

Difficult to portray by words – in the Pearl of Byzantine Art, with its gold-cut ceilings, far echo of the endless tourist crowds of Piazza San Marco, a sort of breeze of the sun streamed air of Indian summer bringing the aroma of lacuna. Next year I will graduate here. Will you be here with me?

anonymous student

In writing this thesis I have confronted many questions such as the reasons that led me in the first place to Europe to study the human rights culture. How was I to go about understanding the meaning of this ‘ideology’ as it is ‘grounded’ in an educational program? How would I write ethnography of an abstract ideal which is constructed in and by the expansion of a highly institutionalised legal system? By what right could I, coming from the so-called South, and to what ends did I even want to do so? What would my positioning end up being? As critic James Clifford observes (1988: 40), it has been common for the anthropologist to portray his or her fieldwork as a journey: from early ignorance, misunderstanding, lack of contact, to adult confident, disabused knowledge.\(^{41}\) Such a depiction of fieldwork can ignore nonetheless the persistence to the very end of ignorance and miscommunication, which have in fact been present throughout this work. Among the difficulties, I would mention the unstable method of fieldwork (multilocale class ethnography in Venice and Bilbao), the well-known problem in anthropology of ‘giving’ voice to the informants, and the very difficult task of anthropologising the

\(^{41}\) The descriptions of research by many anthropologists are more currently appearing in a distinctive genre called “fieldwork account”, being in the 1980s many of them written by women (Starn 1999: 279). It is thus not surprising that, in a period marked by the prominence of male figures, the efforts at experimentation come from feminist approaches rethinking the politics of writing.
familiar. The latter, particularly relates to the challenge to think through and ethnographise the practice of human rights.

Ethnography cannot say everything. I started to ‘make sense’ of my own journey to the human rights system while realising that some of my previous assumptions were being dissolved. Every piece of writing was then an extension of a personal affirmation in the said regime, and simultaneously the affirmation of whom that we usually identify, whether consciously or not, as significant Other. Our innate ethnocentrism is always at play even when searching for cultural dialogue. The revision of this tension was nevertheless important as a vantage point for communication. What I wanted to highlight in this work was that it is important to critique the traditional focus on those cultures that are the classical ‘object’ of anthropology. In this attempt, I became simultaneously aware of the fact that the way we approach analysis determines to a great extent that which we find out and that which we can know. I also became more concerned (i.e. less ‘partial’) of the connections between the ‘local’ and the ‘international’ and its mutual implications. As some scholars have observed, the combination of traditional ethnography with scholarly experimentation would only make the discipline more lively and diverse, and such an effort would open, in my view, a theoretical terrain to explore the conjunctures between the science of the man and modern forms of institutionalised power. Such is the case of the study of the expansionary discourse of the human rights.

In doing so, I divided this work into three different ‘stages’ or sections, which were accompanied by introductory and concluding sections. The first section, which depicted the scope of the expansionary human rights regime, sought to situate specifically the institutional umbrella for the emergence of a human rights educational program, the Formation Program in the Basque Country. This section described the actors at play in the classroom – including students, professors and the international setting - with their rationale, practices and internal relationships. It also brought the attention to the instability of the whole regime. In the following section I explored the slippery terrain for ‘minority’ and ‘indigenous’ identity-markers, arguing that ethnicity is a highly volatile reality, which is created and maintained by contact and not by isolation. The final section moved back to the level of grand narratives in order to ponder on the possibilities and constraints for cultural dialogue. I discovered that within the overarching (legal) structure
of rights - far away from the dynamics of the classroom - it seems more negligible to attain cultural dialogue.

The dialogue entirely consists in the culmination of this journey. The intention has been so far to define some minimal lineaments, signs and ‘gestures’ in order to find a place, or more precisely a way, throughout this journey. First, departing from and placing myself in the low ‘grounded’ (i.e. perfil bajo) ideological terrain of the classroom. And second, by posing throughout a critical stance towards some common places and beliefs of the ‘high profile’ culture. Since the terrain is and has so far been inherently politicised, the aim was to address it at an academic level. I wondered many times about just what my positioning would end up being: it is the critique of some of the conventional uses of the term human rights, trying simultaneously to add possibly new insights to the discourse, which is in fact a language of both freedom and domination.

I have also attempted to reconcile the tension of ‘patterning’ in a single account at least two seemingly different ethos: ‘low’ and ‘high’ profile cultures. Some may claim the theoretical route taken in this work meets the demands from the ‘high’ profile culture, since it is the academic style the one that grants in this work the route for communication. The style in this work has indeed become a gesture of power. Did I penetrate the Basque ‘ethos’ by a thick understanding of the legal culture? Or did I just pattern the indigenous Other? Did I find my own way in ethnography, or just that of the ‘object’ of study? This causes, in my view, the initiative of the pages in the present ethnography to be somewhat unstable, and to stand out from the others within the conventional anthropological tradition, which were to my knowledge almost all studying ‘other’ cultures. I have tried to reverse the roles by studying the dominant legal culture within its institutionalised context, from a non-legal standpoint. Since I tried to ground myself in ‘low profile’ values by ways of simultaneously accomplishing a degree in the human rights field, I see and identify with the subject in contact with the classroom, rather than she who lives in the ‘high profile’.

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Houskova, A. 2004. “Armonia y conflicto en la obra de Jose Maria Arguedas”. In Jose Maria Arguedas en el Corazon de Europa. Praga: Universidad Carolina de Praga.


________. “Proyecto de Declaración de las Naciones Unidas sobre los Derechos de las Poblaciones Indígenas (28 de octubre de 1994)”. In Derechos de los Pueblos Indígenas.


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