

# Index

aboriginal title, in Canada 228 Africa, and: children's rights 83, 84; differential acceptance of human rights African Charter on the Rights and Welfare of the Child 83; African context 84 Agreement on the Identity and Rights of Indigenous Peoples (1995) 201, 212-13, 217 Allen, Nick 182 Alton, David 185 American Anthropological Association 73, and: human rights 38-9; opposition to Universal Declaration of Human Rights 33-4, 82 American Declaration of the Rights and Duties of Man (1948) 82 Anaya, S. J., and collective rights 41 anthropology, and: binary oppositions 72; human rights as problematic category 34-5; impact of globalisation 80; mediation between cultural relativism and universalism 97; relativistic approach of 80; theory and culture 41-2 Anti-Slavery International 82 Appadurai, Arjun, and expansion of the imagination 42 Appiah, Anthony, and culture 18 appropriation, see cultural appropriation Arbenz, Jacobo 209 Arizpe, Lourdes 132 Armstrong, A. 104-5 Asian Human Rights Charter (1998) 22 n8

Baan Nua, and: child involvement in sex industry 90–1; conditions in 88; drug and alcohol abuse 94; government action against child prostitution 94; kinship and social obligations within 88–9; mother–child relationship 89;

occupations of children 90-1; poverty within 89; prostitution as means of fulfilling obligations 89-90; recruitment of child prostitutes 90; role of women within 89; situation of 87-8; unrooted community 88; see also Thailand, child prostitution in Bahadur Rana, Jang 180; visits England and France 180 Bakwena, and marriage 112 Bangladesh, secularism of 178 Barrès, Maurice 137 Baumann, Gerd 14 Baumann, Zygmunt 143 Beijing Conference, see Fourth World Conference on Women (Beijing, 1995) Bellow, Saul 18 Benedict, Ruth 32; and cultural relativism 33 Bhattachan, Krishna B. 192 Bhattarai, Baburam 189-90 Binion, Gail 204 Black Power movement 2 Boas, Franz 32, 137 Botswana, and: ambiguity of marriage 112, 113; childbearing and women's vulnerability 112; Citizenship Act 117; colonial legal inheritance 102-3; common law 103; customary law 103; customary law and marriage 106,

111-12; customary law as defence

customary marriage and advantages

for women 114; customary marriage and marriage disputes 115–17; dual

against human rights claim 118;

legal system 102-3; economic

dependence on world markets

110-11; emerging bourgeoisie

109-110; family law 105-6; male

105-6; Marriage Act (1970) 111;

control of resources 108-9; marriage

249



More information

# 250 Index

Botswana (cont.)

marriage and access to networks 107; marriage law and practice 111-12; marriage registration and disenfranchisement of women 112-13, 114; peasantariat 106; polygamy 111; polygamy as advantageous to women 114; polygamy, decline of 113; restrictions on right to citizenship 117; rural sector and importance of marriage 108; salariat 106; social categories 106-7; social networks and colonial legacy 106; social networks and women's life chances 107; unmarried women with children 113; village organization 121 n9; weak position of unmarried women 109; women and education 107, 109; women and marriage 107, 108; women in emerging bourgeoisie 109-10; women's access to resources 106, 108-9, 110, 120; women's differential positions 108-11; women's use of law 119-20; see also Molepolole

Broch, Harald Beyer 145 Burghart, Richard 185 Buthelezi, Chief Mangosutho 19

Canada 150–1, and: aboriginal title 228; appropriation of Innu land 233–5, 237; assumption of integration of North American Indians 227; assumptions about Innu rights 234; colonial relationship with natives 228; contemporary colonialism 239–42, 243–4; destruction of native patterns of social organization 239; natives as separate category of citizens 228; North American Indians 227; Quebecois community 16; unique relationship with natives 227–8; see also Innu, Labrador, Newfoundland, and North American Indians

Canada, Environmental Impact
Assessments 235; discretionary nature
235; native people's involvement 235;
Voisey's Bay Nickel Company 237;
process as appropriation 237; values of
dominant culture 238; ex post facto
nature of 238; funding 238; Innu
strategy 239–41; contemporary
colonialism 239–42

Canadian Charter of Rights 16 Capotorti, Francesco, and definition of minority 155 caste system, Indian 72–3
child prostitution, and: child's
rationalization of 95; complexities of
dealing with 94–5; conflict between
rights and culture 80; cultural
relativism v. universal rights 96;
demands of filial duty 95; prevention
and conflicting rights 95; rising
Western concern over 86; United
Nations Convention on the Rights of
the Child (1989) 85–7; universal
morality 80; see also Baan Nua, and
Thailand, child prostitution in
children's rights, and: Article 34 of United

children's rights, and: Article 34 of United Nations Convention on the Rights of the Child (1989) 86–7; cultural relativism v. universalism 85; human rights treaties 81; instability of concept of childhood 83–4; problems of definition of childhood 84–5; problems of enforcing 96; tensions between rights and duties 83; see also United Nations Convention on the Rights of the Child

China, and: differential acceptance of human rights 40; opposition to women's rights treaties 37

Churchill, Winston 234
Churchill Falls 234, 235
Chutikul, Saisuree 86
Cicero, and natural law 57
circumcision, female, *see* female excision
Clifford, James 11, 42
Club of Rome 129
collective rights 40–1; and challenge to

state sovereignty 41 collectivism, and cultural relativism 59 Collier, Jane 203, 219 Colombia, Indian movements in 42

colonialism, and: assault on local cultures 33; construction of indigenous identity 205; contemporary Canadian 239–42, 243–4; legal legacy 103–4; North American Indians 227; perception of Africans 103; persistence of 226; view of 'native' culture 103

Comaroff, J., and culture 45 Comaroff, J. L. 113; and culture 45 Commission on the Status of Women 36 Committee on the Elimination of

Discrimination against Women 36, 104, 105; opposition to 37–8; pressure to change African marriage practices 105–6, 111; see also women's rights

communitarianism, and rights 16-17



More information

Index 251

communities, deterritorialized, and cultural boundaries 42 community, and culture 17–18 conflict, Lévi-Strauss and inevitability of 139

Conley, J. M. 202–3 contact zones 44–5 Cooper, D. M. 106 Council of Europe 9

cultural appropriation 46-7, 49-50; and domestic violence treatment programmes 48-9

cultural boundaries, redrawing of 42 cultural difference 5, 226; problem of defining 177; suppression of native aspirations 244

cultural diversity 153, 207, and: growth in concern for 9; *Our Creative Diversity* 133, 135

cultural identities, nomadic conception of 171

cultural practices, gender-based violence 48

cultural processes, interaction of 207 cultural relativism, and: colonialism 33; counterweight to universal rights 27; encompassing of universalism 72–3; fundamental need for 74; in first half of twentieth century 32–4; as indifference 58–60; political opportunism 7; problematic nature of 58–9; vs. universalism 4–8, 27, 31–2, 38–9, 50, 56, 59–60, 96

cultural rights 177, as challenge to traditional ways of conceiving rights 177; claiming 149–51; meaning of 177

cultural self-determination, and Our Creative Diversity 135

culture: alternative to human rights formulations 72; analytical tool 3, 4, 13-15; Botswana government's use in defence of human rights claims 118; changes in concept of 31, 39, 41-3; concept of 14, 58-9, 141-2; contact zones 44-5; emergent global discourse 2-3; essentialist view of 3; essentialization of 149; in opposition to rights 4-8; language of resistance 10; minoritization of 154; need to dispense with term 141-2; as ongoing process 102, 119; political philosophy and theories of 15-20; relationship to rights 2-4; rights as 11-13; tradition and communication 132; uncertainty over concept in Our Creative Diversity

130–2; universal right to 8–11; women's rights and protection of 37–8; see also Our Creative Diversity culture of rights, and modern global culture 12 cultures, Lévi-Strauss and discrete 140–1

cultures, Levi-Strauss and discrete 140–1 customary law, relationship with state law 214

Dahal, Pushpa Kumar 189 De la Peña, Guillermo 218 Declaration on the Elimination of Violence against Women (1993) 36, 37

Declaration on the Rights and Welfare of the African Child (1979) 83

Declaration on the Rights of the Child (1924) 81

decolonization, and concern for rights 226 development, and *Our Creative Diversity* 135

domestic violence treatment programmes, and cultural appropriation 48-9; see also gender-based violence

Doukara, Bintou 62

Dow, Unity 29; and citizenship rights of Botswana children 117–19; legal challenge to Citizenship Act 117–19 Dumont, Louis 72, 178 Dworkin, Ronald, and rights 15–16

EAM, see National Liberation Front Eberhard, Christoph 77 n20 EIA, see Canada, Environmental Impact Assessments

ELAS, see Greek People's Liberation Front

Emang Basadi 118

Ennew, Judith 87, 96

Environmental Impact Assessments, see Canada, Environmental Impact Assessments

environmental movement, creation of global 2

Eribon, Didier 140

Erlich, Michel 65

ethical relativism 32, 73

ethics, human rights and suppression of 13 ethnic rights, nation states' recent concern for 226

ethnocentrism 33

European Convention of Human Rights, and impact of doctrine of margin of appreciation 74

European Court of Human Rights 12; and cultural relativism 74; and doctrine of margin of appreciation 28, 74



More information

Cambridge University Press 0521793394 - Culture and Rights: Anthropological Perspectives Edited by Jane K. Cowan, Marie-Benedicte Dembour and Richard A. Wilson Index

# 252 Index

Fabian, Johannes 244 family, redefinition of and gender violence 36 - 7female circumcision, see female excision female excision 5, 38, 60-9; act of love 66; cruelty 66; cultural relativism attitudes 68; French excision trials 61-9, 76 n14, 76 n15, defence arguments 65, prosecution arguments 65, sentencing 67, verdicts 67, 69; international human rights law 76 n6; justifications of 60-1; universalist attitudes 67-8; Western sexual practices 71 female genital mutilation, see female excision feminism, and: critique of positivist conception of law 104-5; criticism of rights-based law 114; move away from image of prototypical woman 120; see also Fourth World Conference on Women, and women's rights Finemann, M. A. 104 Finkielkraut, Alain 127, 137 Fitzpatrick, Peter 75 Florina 160 Fourth World Conference on Women (Beijing, 1995) 32: and gender-based violence 36-7 France: as land of human rights 61; assise courts 65; female excision trials 61-9, 76 n14, 76 n15 Fraser, Nancy 2, 15, 153 Gabarane, Mmashaoudi 115-17 Gabarane, Pepere 115-17 Galtung, John 135 Garifuna 208; and Agreement on the Identity and Rights of Indigenous Peoples (1995) 212-13, 217 Gathering Voices 230 Geertz, Clifford 12, 202 Gemeinschaft 137 gender-based violence, and: 1995 Beijing Conference on Women 36-7; cultural practices 37; domestic violence treatment programmes 48-9; emergence as women's rights focus 36; in Hawai'i 47-9

global ethics, in Our Creative Diversity 133,

boundaries 42; entrenchment of

human rights regime 12; human rights

5, 8; impact on anthropology 80; legal

globalization 32, 42, and: cultural

and cultural pluralism 202-7; nation state 218; United Nations 81 Greece, Macedonian minority in, and: centrality of issue of language 164-7, 165-6, 173 n6; claims for cultural protection 159–60; claims for identity recognition 159-60; claims for recognition as means of construction 153-4; composition of 163-4; controversy over 152; creation of 149-50; definition 161-4, 167-8, 170; double identity 158; establishment of Republic of Macedonia 160; ethnic mobilization 160; expansion of international arenas for cultural claims 160; experience of Slavic language 164-5; fractured nature of 154, 156-7; Greek attitude towards 157-8; Greek national consciousness 163; human rights movement 159-60; limited appeal of 168, 170; making of 153; migrations of 159, 172 n4; minoritization 154, 160-1, 163-4; mobilization of Macedonian diaspora 160; movement as product of transnational networks 160; naming of 161-2; non-Greekidentifying 158-9; recasting of 153; rights to culture 170; selfidentification 154, 157-8; support for Macedonian minorityhood 164; terms for 158; see also Rainbow Greece/Helsinki Watch 163 Greek Helsinki Monitor 168 Greek People's Liberation Army 159 Gréou, Hawa 67 group definition 161 group recognition, response of law and human rights institutions 153: struggles for 153 group rights, defended in Our Creative Diversity 135 Guatemala 150; advocacy of Mayan Law 211; Agreement on the Identity and Rights of Indigenous Peoples (1995) 212-13, 217; civil war as assault on indigenous culture and identity 209; codification of customary law 214; conflict resolution practices 215; Constitution (1985) 210-11, 220 n14; creation of identities 218; customary law 201-2, 213, 214-17; customary law and gender 216-17; discrimination against Maya 201; elite

opposition to recognition of

indigenous rights 217; global

Gesellschaft 137



Index 253

endorsement of indigenous claims 210; indigenous identities 201; indigenous peoples, forced assimilation 208; indigenous population 208; indigenous rights 201, 210; inequality and ethnicity 208; integration of Maya into counterinsurgency project 209; land ownership 208; legacy of militarization 214; loss of faith in rule of law 214; lynchings 215; military violence against guerrillas' social base 209; organization of opposition groups 209; overthrow of Arbenz government 209; peace process 212; peace settlement (1996) 201, 203–4; political discourse of Mayan culture 217-18; poverty of indigenous peoples 208; punitive conflict resolution practices 214; recognition of multi-ethnic nature 209–210; religious divisions 209; return to civilian rule 209; state repression 209; United Nations observer mission 210; see also Maya

Habermas, Jürgen 13 Hall, Stuart 171 Hatch, Elvin 33, 59, 60; and ethical relativism 73

Hawai'i, and: American colonization of 43–4; as contact zone 44; cultural appropriation 46–7; domestic violence treatment programmes 47–9, 48 n7; gender redefinition 43–4; genderbased violence 47–9; missionary attempts to control sex trade 45–6; transformation of legal system 43–4

Hawaiian Sovereignty Movement 42, 46 Hellum, A. 114 Helsinki Convention 9 Helsinki Watch 168 Herder, Johan Gottfried 8, 137 Herskovitz, Melville, and: opposition to Universal Declaration of Human

Rights 33–4; relativism 32–3 hierarchy 178 Höfer, András 180 Holocaust, and development of human rights regime 40

Holy See, and opposition to treaties on women's rights 37–8

Homo Hierarchicus 178

homogeneity, at odds with notion of rights 143; minorities and assumptions of 169

Howard, Rhoda 71

Howell, Signe 145 human rights: changes in concept of 39-41; collectivization of 49-50; and cultural appropriation 47; development of concept of 38, 39; and gender-based violence 36, 47–8; and globalization 5, 8; and influence of Enlightenment 56–7; and international law 35-6; legal process 6; local and international pursuit of 12-13; local circumstances 72, 74; natural law and conception of 57; neocolonial discourse 35; as one vision of justice 70; politically contested entitlements 204; post-war development of 35; problematic category for anthropology 34-5; relativizing the truth 70; right to culture 8-11; suppression of ethics 13; tool of opposition movements 204; universalism vs. cultural relativism 4-8, 31-2, 38-9, 50, 56, 59-60;Western cultural roots of 35; see also rights

human rights conventions, approaching universal from the specific 75 human rights culture 12 humanism, Todorov's well-tempered 143–4

identities, shaping of 205 identity: anthropological meaning of 2; discourses of 2; politics of 169; problem of 143

identity politics, and: *Our Creative Diversity* 133, 135–6; rise of 133–4 immigration, Lévi-Strauss and mass 140 India: caste system 72–3; as secular

republic 178
Indian Housing Agreement 232
indigenous communities, and gender
conflict 219

indigenous identity, construction of 205 indigenous legal orders, constrained by dominant legal frameworks 202

indigenous movements, and: integration into the nation-state 219; legalistic strategies 201; transnationalized phenomena 218

indigenous peoples: claims for selfdetermination 205; concept of culture 42; increased participation of 207; marginalization of 202; notion of in Africa 22 n5; rights of 35–6, 40–1

indigenous rights 153: International Labour Organization 206; nation



#### 254 Index

indigenous rights (cont.) states' recent concern for 226; Organization of American States 206; terms of recognition 204; United Nations Working Group on Indigenous Populations 205-6 individualism, and cultural relativism 59 Indonesia: differential acceptance of human rights 40; resistance to universal human rights 6-7 Ingold, Tim 142 Inkatha Freedom Party 19 Innu 150-1; appropriation of lands 233-5, 237; assumptions of cultural sameness 229; beliefs and practices 230; colonialism 229; division of lands 230; **Environmental Impact Assessments** 238-40; impact of industrial development 233-4, 240-1; knowledge and truth 237-8; native rights for ceasing to be natives 233; Newfoundland housing policy 231-2; nomadic hunters 230; protest at mining development 236; resistance to assimilation 235; rights and land 232; sale of land by Provincial government 236; sedentarization policy 230-1, 232, 233; settlements 230, 233; see also Canada; Canada, Environmental Impact Assessments; Labrador; Newfoundland; and North American Indians Innu Nation Task Force on Mining

Activities 236

Inter-African Committee on Traditional Practices Affecting the Health of Women and Children 68

International Covenant on Civil and Political Rights (1966) 8, 81

International Covenant on Economic, Social and Cultural Rights (1966)

International Labour Organization, and indigenous rights 8, 206

international law, and: female excision 76 n6; gender-based violence 36-7; human rights 35-6

International Tribunal for Children's Rights 98; see also children's rights

Jackson, J., indigenous people and concept of culture 42 Jahate, Teneng 68, 76 n15

justice, human rights as vision of 70; other visions of 70

Justice Interruptus 153

Kandangwa, Nanda 187 Keita, Aramata 67 Kerven, C. 110-11 King, Ross 231 Klausen, Arne Martin 134 and: critique of Our Creative Diversity 141 Koita, Mariatou 69 Kot massacre 180 Kultur 137 Kumar, Corine 72 Kuper, Adam 113 Kymlicka, Will 205, and: community 17-18; rights and culture 19-20

Labrador, industrial development of 233; see also Canada, and Newfoundland

Latin America, and: legal reform 218; indigenous claims for selfdetermination 205; multiculturalism 218, 219

law: as autonomous field 103-4; as culture 13-14, 202; dynamic dialectic of 203; essentialist nature of 10; European, and development of human rights discourse 103; factors shaping 203; feminist perspective 104-5; human rights 6; law and culture paradigm 12; legacy of colonialism 103-4; legal positivism 22 n7; see also customary international law, law and natural law

Le Bon, Gustave 137 Leekpai, Chuan 93-4

legal pluralism 220 n13; as plurality of processes 202

legal positivism 22 n7

legal reform, and Latin America 218 legal systems, as contested sites of meaning

Lévi-Strauss, Claude 137, and: commissions from UNESCO 138, 139; conflict 139; critic of universalistic ambitions of modernity 141; cultural relativism 128, 137-8; discrete cultures 140-1; ethnocentrism 138, 139; influence on UNESCO 138; mass immigration 140; Race et Culture 139, 140; Race et Histoire 138-9

liberalism, and rights 15 Lili'uokalani, Queen 46 Limits to Growth 129 Lindholm, Tore 58

Macedonia, Federal Republic of, bid for independent status 152



More information

Index 255

Macedonia, People's Republic of 159
Macedonian Human Rights Movement of
Canada 168
Macedonian minority in Greece, see
Greece, Macedonian minority in
Macedonian Movement for Balkan
Prosperity 160
Macedonian question 152
Mackinnon, K. 104
Magar, Suresh Ale 189
MAKIBE, see Macedonian Movement for

Balkan Prosperity margin of appreciation, doctrine of 28, 74 mass media, and cultural boundaries 42 Maya, and: advocacy of Mayan Law 211;

> Agreement on the Identity and Rights of Indigenous Peoples (1995) 212-13, 217; contestation of conceptions of national identity 210; conversions to Protestantism 209; customary law 214-17; and gender 216-17; discrimination against 201; forced assimilation 208; forced integration into counter-insurgency project 209; foundational myths 212; global endorsement of claims 210; guerrilla movement 209; number of 208; organization around human rights 210; political exclusion of 209; poverty 208; radicalization of 209; rebuilding of communities 211; recognition as people 212; recognition of customary law 213; reconstituting Mayan identity 210-11; reform proposals 210; utilization of pre-colonial Mayan past 211-12; see also Guatemala

Meillassoux, Claude 65
Melhuus, Marit 145
Menchú Tum, Rigoberta 210
Michaels, Axel 181
migration, and cultural boundaries 42
minorities: assumptions of homogeneity
169; characteristics of 155–6;
cohesion 155; definition 155, 161;
minoritization 156; product of
ideological, social, political and
economic processes 155–6; rights of 9
Minorities Treaties, of the Paris Peace

Minorities Treaties, of the Paris Peace
Conference 9
minoritization 149, 154, 156
minority groups, recognition of 153
minority rights: expansion of 153, 172 n1;
nation states' recent concern for 226
minority rights discourse, central ambiguity
of 171
Molepolole 106, 120 n1; and women's

access to resources 106; see also
Botswana
Mongol National Organization 189
Montgomery, Heather 72
multiculturalism 18–19, as challenge to
dominant groups 204; critique of
classical liberal conceptions 204–5;
difference 3; French resistance to 61;
Latin America 218, 219; political
reform 207; tool of opposition
movements 204

Nader, Laura 12
nation state, and globalization 218
National Democratic Party 185, 190
National Liberation Front 159
National Youth Bureau 86
nationalism: and gender-based violence 48;
Romantic, and diversity 3; Romantic,
and right to culture 8; white South
African 19; Zulu 19
natural law 57–8; problematic nature of
57–8

NEFEN, see Nepal Federation of Nationalities

Nepal 150, accusations of Brahmanism 186; arrival of civil rights discourse 179; caste 191; Constitution (1990) 185-6; Constitutional definition of 185; creation of state 179-80; cultural difference as organizing principle 178; rights 188-9; culture and identity under Rana regime 179-83; equality 191; essentialist view of cultural divisions 190-1; ethnic activists 194; ethnic groups 191-2; hierarchy in 178; as Hindu state 179, 193-4; influence of global discourses on cultural rights 188-9; Maoists 189, 197 n14; models of cultural and political incorporation 193-4, 197 n12, 197 n13; multicultural allegiances 195; multiculturalism 186, 186-7, 194-5; National Democratic Party 185; national unity 186, 191-2; opposition movements 187-8, 189-90, 191, 192-3; recognition of ethnic and cultural differences 185-6; religion 178, 191

Nepal, Panchayat period 183–5, and: collapse of 184–5; economic changes 184; ideology of 183–4, 196 n5; introduction of direct elections 183; legal modernization 184; referendum on non-party system 183 More information

Cambridge University Press 0521793394 - Culture and Rights: Anthropological Perspectives Edited by Jane K. Cowan, Marie-Benedicte Dembour and Richard A. Wilson Index

# 256 Index

Nepal, Rana regime 179, and: caste system 180–1; elite legitimization 182–3; encouragement of pan-Hindu practices and values 181–2; hierarchical organization 180–1; Hinduization 182; National Legal Code 180–3; origins 180; Sanskritization 182; Tibetan Buddhist counter-movement 182

Nepal Federation of Nationalities 187–9 Nepal Rastriya Janajati Party 189 New Zealand, domestic violence treatment programmes 48–9

Newfoundland: attitude toward Innu 230–1; housing policy and Innu 231–2; industrial development 232; Innu settlements 233; integrationist policy 232; native rights for ceasing to be natives 233; need for rehabilitation of Innu 231; sedentarization policy 230–1, 232, 233

NGOs, see non-governmental organizations non-governmental organizations, and: development of human rights 35; expansion of 31

North American Indians: assumption of integration 227; colonialism 227; colonised peoples within the state 228; concept of culture 42; imposition of identity 228; limited forms of political autonomy 227; separate category of citizens 228; see also Canada, Innu, and United States

Nous et les Autres 143 Nui, David 241

O'Barr, William 202–3 Ogoni 22 n5

Organization for Security and Cooperation in Europe 168

Organization of American States 83; and indigenous rights 206

OSCE, see Organization for Security and Cooperation in Europe

Osmond, Mary May 241

Otto Preminger Institute vs. Austria (1995) 74

Our Common Future 129

Our Creative Diversity (1995) 10, 29; authors 129; brief treatment of identity politics 135–6; contradictions within 133, 135; criticism of 134–6, 141; cultural diversity 135; cultural self-determination 135; culture as communication 132; culture as difference 131; culture as tradition

132; culture, naive conceptualization of 136–7; diversity, defence of group rights 135; development 135; dominated by view of cultures as bounded entities 134; exoticist bias 131; expression of UNESCO ideology 129; global ethics 135; identity politics 133, 135–6; political innocence of 133; post-structural perspective as afterthought 132; shortcomings 130, 133–4; summary 130; uncertainty over concept of culture 130–2; see also UNESCO

Pakistan, and Islam 178
Panikkar, Raimundo, on truth 70, 71; via
media 70, 72; defence of human rights
71

Paris Peace Conference, Minorities
Treaties agreed at 9

Parker, Melissa 71

Parson, J. 106 PASOK 166

Piwas, Akat 240

Pokue, Dominic 240

political philosophy, and opposition of German Romanticism and Enlightenment universalism 4; theories of culture and rights 15–20

Pratt, Mary Louise, and contact zones 44–5

Race et Culture 128, 139, 140 Race et Histoire 128, 138-9, 140

Radio Nepal 186

Rainbow 160, and: definition of Macedonian minority in Greece 162, 167–8; Macedonian language 166, 173 n6; national stance of 162–3; see also Greece, Macedonian minority in

Rana, Pashupati Shamshere 190 reciprocity, cultural framework of and child

prostitution in Thailand 90 recognition, politics of 153, 169

representation, politics of 169

Richer, Danièle 62, 65 rights, and: changing conception of 31; codification of 203; concept of, more

useful than concept of culture 144; cultural 177; as cultural phenomenon 38; as culture 11–13; as emergent global discourse 1–3; hegemonic nature of model of 1; in opposition to culture 4–8; indigenous 153; new categories for collectivities 153; opposition of homogeneity 143;



More information

Index 257

paradox of 11; political philosophy and theories of 15–20; relationship to culture 2–4; as reward for simulated sameness 242–4; tensions between local and global formulations of 1–2; see also children's rights, human rights, indigenous rights, minority rights, and women's rights

rights, cultural, see cultural rights rights struggles, and: multiple justice systems 21; specificity of 21–2

Roberts, S. A. 113

Rockwood, Walter 230–1, and: Indian integration 232; need for rehabilitation of Innu 231

Roseberry, William 218 Rosen, Laurence 12 Rwezaura, B. 105

Sahlins, Marshall 131
Sakya, Keshab Man 186
Santos, Boaventura de Sousa 12, 207
Saro-Wiwa, Ken 22 n5
Schapera, Isaac 110
self-determination of peoples, right to 205
Seward, Julian 34
Shamsher, Chandra 179
Singapore, resistance to universal human rights 6–7

Slav Macedonian National Liberation Front 159

Smart, Carol 104 Smith, P. 234

SNOF, see Slav Macedonian National Liberation Front

Solomon Islands, and women's rights 31-2, 47, 49

Somalia, and failure to ratify United Nations Convention on the Rights of the Child (1989) 98 n1

Speed, S. 219 Sri Lanka, religion in 178–9

Starr, June 203 state sovereignty, and challenge of

collective rights 41

states, and: legitimacy of in regard to particular populations 226–7; prevention of gender-based violence 36–7

Stavenhagen, Rodolfo 204 Summerfield, Hazel 71

Taking Rights Seriously (1977) 15 Tamir, Yael 11 Taussig, Michael 243 Taylor, Charles, and: Quebecois community 16; conception of culture 17; response to Bellow's remark about Zulus 18–19

technology, and cultural boundaries 42 Thailand, child prostitution in 86, 87–94, and: clients 91–2, 93; demands of filial duty 88–9, 95; drug and alcohol abuse 94; effects on children 92, 94; government action against 93–4; importance of kinship 88; as major child occupation 90–1; means of meeting obligations 89–90; motherchild relationship 89; recruitment 90; relationship with clients 92, 93; slum background 87–8; Thai views of 93; see also Baan Nua, and child prostitution

Thornberry, Patrick 161
Tobin, Brian 238
Todorov, Tzvetan 143–4
tourism, and cultural boundaries 42
transculturation 45
Traoré, Bobo 62
Tristes Tropiques 138
truth, and human rights 70
Tswana law and custom 102
Turner, Terence, and difference

multiculturalism 3

Turton, David 136

210

UN, see United Nations
UNESCO, see United Nations Education,
Scientific and Cultural Organization
United Nations, and: development of
human rights 35; establishment of 9;
human rights framework, development
of 40–1; globalization 81; ideology of
81; observer mission in Guatemala

United Nations Commission on Human Rights 33; and gender-based violence

United Nations Conference on Human Rights (Vienna, 1993) 36

United Nations Convention on the Elimination of All Forms of Discrimination Against Women (1979) 29; criticism of Eurocentric character 104–5; provisions of 104

United Nations Convention on the Rights of the Child (1989) 80–5, and: adoption of 81; Article 34 of 7, 86; articles of 86–7; best interests of children 95; child prostitution 28, 85–7; children's right to views 95; conflicting rights 95; contradictions



More information

# 258 Index

United Nations Convention on the Rights of the Child (*cont.*)

within 85, 96; preamble of 81–2; premises of 81–2; prioritization of rights 85–6; problems of definition of child 82; protection from sexual abuse 86; ratification of 98 n1; removal of child from parents 87; view of childhood 84; Western ideal of childhood 83

United Nations Covenant on Civil and Political Rights (1966) 205

United Nations Declaration of Human Rights (1948) 9, 81, 226; approaching universal from the specific 75; opposition to 33–4, 82; Western roots of 35

United Nations Declaration on the Rights of Persons Belonging to Ethnic or National, Linguistic and Religious Minorities 8

United Nations Education, Scientific and Cultural Organization, and: contradictions within 141;
Finkielkraut's criticism of 127; influence of Lévi-Strauss 128, 138; right to culture 127; role of 128; scope of activities 146 n3; see also Our Creative Diversity

United Nations Human Rights Commission 12

United Nations Working Group on Indigenous Populations 205

Unidad Revolucionaria Nacional Guatemalteca, and: peace settlement 201; and rights of indigenous peoples 201

United States, and: assumption of integration of North American Indians 227; colonial relationship with natives 228; Constitution and natural law 57; culture and social movements 2; destruction of native patterns of social organization 239; differential acceptance of human rights 40; failure to ratify United Nations Convention on the Rights of the Child (1989) 98 n1; natives as separate categories of citizens 228; North American Indians 227; unique relationship with natives 227–8

universal rights, and: child prostitution 85–7; cultural relativism as counterweight to 27; difficulties of implementation 85

universalism: approached from the specific

75; as arrogance 56–8, 69, 70; critiques of 15; as dominant pole 73; encompassing of relativism 72–3; Panikkar on shortcomings of 70–1; uncontested nature of 73; vs. cultural relativism 4–8, 27, 31–2, 38–9, 50, 56, 59–60, 96

Unrepresented Nations and Peoples Organization 22 n5

URNG, see Unidad Revolucionaria Nacional Guatemalteca

Van Cott, D. L. 216 Vike, Halvard 145 Vizenor, Gerald 228–9, 243 Voisey's Bay Nickel Company 237; Environmental Impact Assessment 237–8

Wagner, Roy 14
Walzer, Michael 15, 17
Weil-Curiel, Linda 65, 66, 68–9
Whelpton, J. 194
wife battering, see gender-based violence
Williams, Raymond 14
Wilson, Richard A. 207
Women and Law in South Africa Project
118

women's rights, and: emergence of gender violence as focus for 36; Hawai'i 47–9; opposition to treaties on 37–8; protection of culture 37–8; Solomon Islands 31–2, 47, 49; see also gender violence, and Fourth World Conference on Women

World Commission on Culture and Development 129, 132; membership 146 n5 World Congress Against the Commercial

World Congress Against the Commercial Sexual Exploitation of Children 86 world system theory 41 Wright, Susan 132, 134

Xinca 208; and Agreement on the Identity and Rights of Indigenous Peoples (1995) 212–13, 217

Young, I. M. 205

Zimbabwe, and: Administration of Estates Act (1997) 114; customary marriage 114; polygamy as advantageous for women 114

Zivilisation 137 Zora 162, 166 Zulu nationalism 19