We need to be aware that the very notion of right and law is a western notion ... It is but a window among others on the world, an instrument of communication and a language among others. The word not only is nonexistent among the indigenous traditional cultures, but it will never come to their minds that human beings can have rights ... For them, it is difficult to understand that rights or entitlements could be homocentrically defined by a human being. That they, furthermore, could be defined by a sovereign state, that is, by a collection of sovereign individuals, is almost ridiculous. (Robert Vachon, 1990, p. 165)

The most destructive effect of development is its tendency to distract my eye from your face with the phantom, humanity, that I ought to love. (Ivan Illich, conversation with Majid Ralmenia, Bremen, December 13, 1994)

I can no longer do what is fair. Every time I try to bring justice to our community, applying our traditional practices to amend wrongdoings, a human rights activist comes to stop me. (Rómulo Santiago, municipal president in Huayapam, Oaxaca, in conversation with the authors, 1995)

HUMAN RIGHTS UNIVERSALIZED:
LIBERATION OR ABUSE?

Like indigenous peoples across the globe, the Indian peoples of Oaxaca have suffered different forms of abuses and interventions from Outsiders. For many centuries, they have been exposed to every variety of foreign imposition upon their lives and beliefs, including attempted "melt-down" into their oppressors' national identity. All sorts of colonizers and developers have tried to dissolve their cultures and to cancel their traditions; to transform them into folklore and reminiscences of social orders imposed by successive dominant groups.

Unlike indigenous peoples across the globe who have disappeared, died off or been dissolved into the oblivion of the so-called national "melting pot," the
sixteen Indian peoples of Oaxaca, a province in the south of Mexico neighboring Chiapas, have successfully kept alive their rich diversity of language and culture, while coexisting with their colonizers. The latter have ranged from the Aztecs (in the pre-Hispanic world) to the Spaniards; and, in contemporary times, from local or national elites to transnational corporations.

The pluriverse of Oaxaca's indians has resisted all those imposing their universe; their universalizable truths. Their evolving modes of cultural coexistence protect their pluriverse; adapting to each new condition of oppression and domination without losing their historical continuity. In recent years, they seem to be transforming their struggle of resistance into a struggle of liberation. In four out of every five municipalities in the pluriverse of Oaxaca, differentiated moral and political traditions prevail, enriched through the intense interactions which these peoples have maintained over centuries with other cultures, whether dominant or dominated. They express neither the need nor desire for formal codes to give official definition to their traditions - well known and embraced by every member of the community. Their system of justice seeks neither the abstract impersonality nor the neutrality that defines the modern judicial system being exported world-wide from the West.

"Westerners," recently remarked Marcos Sandoval of the Triqui people of Oaxaca, "represent justice with a blindfolded woman. We want her with her eyes well open, to fully appreciate what is happening. Instead of neutrality or impartiality, we want compassion. The person committing a crime needs to be understood, rather than submitted to a trial."

These open eyes of their justice do not, for example, look for punishment when a person violates a shared custom. He or she is perceived as someone in trouble, who needs understanding and help; including the opportunity to offer compensations to the victim of his or her misdemeanor. If inadvertently, unintentionally, or because of a lack of prudence, someone burns a part of the forest, he or she must reforest it. If a man kills another, he must assume full responsibility for the welfare of the dead person's family for the rest of their lives. Rather than confine wrongdoers in jail, many of these communities tie them to trees or confine them to places for a few hours or days with the expressed hope of allowing their passions to calm down; or for a safe return from their delirious condition. These practices are not conceived as forms of punishment. Instead, they offer communal support: according opportunities for the soul to heed the wisdom and advice of elders, when they come to converse and reflect with those who have wronged others. Among peoples where these regimes of communal justice fully prevail, the incidence of all sorts of "crimes" or wrongdoings is demonstrated to be far lower than among the abstract citizens upon whom the state inflicts its legal regime, proclaiming the equality
and impartiality of fair trials - one type of human right prized among many as parts of human "progress" (Esteva, 1992a).

The Indian peoples of Oaxaca were able to protect their indigenous regimes of justice against the threats of the Spanish Inquisition; later, from the ferocity of the dictatorship established in Mexico at the end of the nineteenth century; next, from the changing impulses of the revolutionary governments in the first part of this century; and then again, from the modernizing fever of private and public developers who have fallen upon them during the last fifty years. In all these centuries of cultural resistance to "the Other," they relied upon their own traditions; including the tradition of changing their tradition. This has helped Oaxaca Indians to adjust and enrich their regimes of justice, adapting them to every new condition. At the same time, it has helped them to hold on to their unique cultural leitmotives: themes that have kept them as peoples within their own original and unique cultural pluriverse.

Currently, however, all these differentiated cultural groups and small communities are confronting a threat for which they are not prepared. Governmental and non-governmental activists are proselytizing another global morality: that implicit in the Universal Declaration of Human Rights. They persist in invading all communities with this "secular" religion. "I can no longer do what is fair," reflects Rómulo Santiago, municipal president of Huayapam, near Oaxaca city (see opening epigraph). "Every time I try to bring justice to our community, applying our traditional practices to amend wrongdoings, a human rights activist comes to stop me."

This contemporary threat has many faces. Sometimes it comes in the form of "social rights." To those struggling hard to maintain the autonomy of their subsistence economy, human rights activists or agents of the government explain that all Mexicans have the right to education, health, employment, modern medicine, sewerage, roads and other social services. They are urged to present their claims before the pertinent state authorities for obtaining whatever they "need." Fortunately, it is becoming increasingly difficult to convince the "social majorities" of most "underdeveloped" nations to believe in these promises and prospects of national or international agencies. Time and time again over these last five Development Decades, they have been disappointed by the promises made by professionals, politicians and activists of all sorts.

But the latest breed of developers and globalizers - new promoters of human rights - are resorting to other strategies for capturing the interests of
some people. These include convincing persons suffering a communal "penalty" imposed by their own people that they have the right to a "fair trial" in an "official" court of law, as defined by the Mexican Constitution. Indigenous communities are "educated" that this constitution establishes the dissolution of exclusive communal courts with autonomy in their own jurisdictions - such as the ones that have operated within and held together these communities for centuries. That task of persuasion is difficult or even impossible for indigenous communities who know quite well the reality of the official state courts: ruled by codes that most people either ignore, consider immoral or distrust due to their corruption by the professional and the powerful, inside and outside the governmental hierarchy.

Too often, however, human rights activists add to this existing corruption by offering indigenous communities their own guarantees of intervention; of trials as "fair" as those which currently only the rich and those with government 11 contacts" or "strings" can obtain. People who disagree with the "penalty" imposed upon them by their communities, or find it unbearable, are thus lured and tempted by outsiders to challenge their local authorities. They are aided and abetted by do gooders in destroying traditional local authorities. They are "educated" to appeal to an official court of law.

Through their contacts among human rights activists, at times they do succeed in winning trials against their own communities and neighbors. Ironically, among those who do succeed in having their claims fulfilled, many actually suffer more than those who fail. For their success leaves them exposed to modern frustrations, new to them. Bereft, "orphaned" from their communal support networks and centuries-old traditions for maintaining neighborliness and friendship, they fall into modern ruts: addictive dependencies upon "social services" that fail to genuinely satisfy or be "social." "Developed" more and more into assuming the shape of the modern "individual self," delinked even further from their communities, trapped and isolated in such modern ruts, they lose recourse to their customary ways. These taught them autonomy - the communal capacity to take care of their own cultural "needs," with capacities which protect them from the "service agencies" of the state.

It is no secret to "the masses" that they cannot depend upon the latter; with their promises of modern security: of jobs, pensions or health plans. The "lucky" few who wangle their way into acquiring these, even in the best of times, form crippling dependencies upon salaries that come and go with the vagaries of international currency markets - totally outside their own communal control. Along the same lines, after becoming addicted to schools, under the illusion of escalating to the upper echelons of the educational
pyramid, they end up losing real opportunities for learning all the knowledge
and skills they need to flourish and endure in their communities. Left bereft of
their communities, necessary for children's cultural initiation, they strive harder
and harder for diplomas: requisites for access to salaried jobs, yet with rapidly
diminishing value in guaranteeing that the latter are available or accessible.
The damage done to them by state law and education is replicated in every
other facet of their lives, including their problems of healing and health. Left
without the traditional herbal and other remedies of their communal healers,
they must accept the dregs in modern hospitals and related medical services
available to "the masses."

So it comes to pass, more and more, that under the benign banner of human
rights, indigenous and other non-modern communities suffer unprecedented
forms of oppression, of suffering and power abuses.

GANDHI: LIBERATION WITHOUT
MODERN STATES OR HUMAN RIGHTS

The birth of universal human rights is inextricably bound up with the global
manufacture of the independent western nation-state. Following five centuries
of colonialism, the post-World War II universalization of this western
institution continues to deal severe blows to all other political organizations;
most particularly the commons cared for or "administered" through village
self-governance. The evils and injustices of traditional village governance,
masterfully documented by Achebe (1961, 1969) and others, are minuscule in
scale or severity when compared with those of national governments; or of
their contemporary descendants: the transborder corporate superstructures
constituting the "Global Project," being legitimized by its gospel of human
rights.

For villages or cities across the globe, the moral currency of uni-
versalizable human rights is being newly minted, promising even to contain the
immoralities of state governments (national or local) as well as international
development agencies. This moral currency, conceived and created for
abstract "citizens," follows Hobbes in containing their meanness, brutality,
greed and envy; while enjoining duties, obligations and responsibilities
towards fellow-citizens and flags. It replaces the traditional communal morality
of peoples not reduced to modern individualism, either old or new (Dewey,
1962). Functioning like the British pound, the American dollar and other
"hard" currencies, this equally "hard" moral coinage of human rights enjoys the
same international status of pre-eminence as do the other coins of the
economically "developed." Both monetary and moral currencies of the
"developed" destroy and devalue the "soft" currencies of communities and peoples considered not only economically but also morally "underdeveloped." Following the colonial path of Christian missionaries (who saved primitive souls from pagan gods), their descendants, the delegates of human rights agencies offer secular salvation: the moral or economic development of underdeveloped cultures. "One man one vote"-style democracy with parliaments or senates, a national economy that manufactures classrooms, courts, patients' wards, sewerage, telephones, jobs and flush toilets, are only some among the liberty and welfare rights promised by independent modern states.

This style of "national independence" is incompatible with cultural autonomy. It is "similar to what the Canadians and the South Africans have"; it is nothing more than "English rule without the Englishman ... ; the tiger's nature, without the tiger" (Gandhi, 1946, P. 21). Reliance on Outsiders' morality to claim liberation from them (the colonizing imperialists) demonstrates the political genius of "freedom fighters" like Gandhi. While drawing upon the colonizers' morality to demand political independence or national sovereignty from their (mis)government, Gandhi celebrates and affirms with the Insiders (his people) their own culture and customs: Hind Swaraj or Indian Home Rule; going beyond the western morality of the modern nation-state. Extolled only with Insiders are the virtues of Hind Swaraj and dharma: the dharma of voluntary simplicity, humility, non-violence, courage and justice; of "bread labor," defining and distinguishing the best of their own particular variety of "soil (agri)culture"; of indigenous village autonomy and self-governance. Their Insiders' morality is worlds apart from the Outsiders', inextricably shaped by ideals of economic growth or "progress."

This Insider/ Outsider dichotomy, the moral differentiation between Hind Swaraj and "national independence," is lost upon "the intimate enemy": modern citizens, individual selves who "belong" to abstract political structures. Cut off from their indigenous roots, their soil cultures, citizens of newly independent states are "educated" to desire and function with the Outsiders' moral currency: human rights guaranteed by national and international agencies. The loss entailed in the moral breakdown of the Insider/ Outsider dichotomy is mourned only by those still able to remember and re-member; to regenerate communitarian traditions, being attacked world-wide by the modern state; to resist the morality of abstract rights, taking over all communal matters, including sex and marriage. These are depersonalized for the abstract arena of state, national and international courts; even as the language of morality, spoken only with Insiders, is taken over by the Outsiders' language of morality. The result is tragic: breaking bonds of neighborhood and village, of affection and friendship defined by customs, community and commons.
Every pluriverse is defined by the coexistence of a rich multiplicity of moral languages, concepts and discourses; distinguishing right conduct with Outsiders from customs that relate Insiders to each other. Every pluriverse has its own well-specified customs for either tolerating or being hospitable to the otherness of the Other, the Outsider. Analogously, each pluriverse is distinguished from others by the ways in which it secures the bonds of solidarity, friendship, love and neighborliness among the Insiders: those who belong to each other.

Proponents for universal human rights disregard the Insider/Outsider boundaries that define every pluriverse, condemning them as "provincial" or "parochial." Essential for the existence of a pluriverse, these boundaries disappear when national or international laws and juridical norms -- of universalizable human rights, among others - enter, dominate and destroy local, communal, cultural spaces.

Cherishing and protecting such spaces, Gandhi exemplified the mastery of two distinct moral languages: Outsiders’ and Insiders’. To eject the colonizers, applying British norms, Gandhians demanded the right of Indians to national independence. To regenerate their shared morality, Gandhi celebrated Hind Swaraj or Indian Home Rule with compatriots only. He had no aspirations to convert the British to the morality of dharma or Hind Swaraj. Even if politically feasible, doing so would have been tantamount to reverse cultural imperialism; or perhaps the folly of casting the pearls of community before people who no longer had a taste or yearning for the commons that they had smashed to install the pre-eminent industrial state in its day - ahead of all the rest in its global takeover of Others’ lands.

It would be folly to doubt the depth and completeness of Gandhi's thought and writings about his own culture. In the index of subjects of The Collected Works of Mahatma Gandhi (which now run to ninety volumes), there is not a single reference to "rights" or to "human rights." But there are almost three dozen direct references to dharma, and the indirect references to it (for example, as in "Religion and dharma" or "Ramayan and dharma") are too many to be easily tracked down. It is clear that for Gandhi, qua hindu, dharma lies at the moral core of "the good life," of "human flourishing" or of "human freedom" (Vora, 1993). Fifty years after his death, Gandhi continues to offer "nuisance value" to the modern state. At the grassroots, leading different movements, not one but several Gandhis are alive (Nandy, 1996), challenging the state with Hind Suaraj, defined by the dharma of indigenous moralities.

Wherever communitas or Gesellschaft is severely eroded by the domination of the state’s juridical norms, the language of human rights displaces those that center upon communal obligations. Indigenous moralities, extolling
and other virtues, are replaced by state systems, supposedly secular, impartial and blind - as blind to Triqui traditions as it is to that of the Hindus, or to those Others constituting the pluriverse of the "social majorities."

FROM BEIJING: GLOBAL PLATFORMS AND UNIVERSAL RIGHTS

In the era of the "Global Project," not even the Great Wall of China poses an obstacle to the universalization of human rights. Thousands of determined participants flew over the Wall into Beijing to attend the Fourth UN Conference on Human/Women's Rights, intent upon their universalization, spreading them to every corner of the globe. Grander and more global than all the other conferences now regularly held from Malaysia to Mexico to promote human rights, its participants sought to liberate and bring justice to all the oppressed peoples of earth, and especially those whom they deem the worst off: the impoverished woman and girl in the Third World, bought and sold, beaten and raped, a veritable slave of husband, in-laws or employer; to the 100 million missing women of Asia - the girls who do not survive their conception long enough to get out of the womb and into the cradle, "culled out" as they are after the ultrasound gender scan conducted early in pregnancy; as well as all other persons of the human race who do not seem to them to have even the semblance of a humane existence.

Forty thousand determined delegates flew back to their nation-states from Beijing with a 12-Point Platform for global action. Of Herculean dimensions, this Platform proposed bringing the unschooled, unclothed, homeless, unfed, abused, tortured and unfairly imprisoned under one humane universal umbrella of human rights. Post-conference workshops were organized for its implementation. Asked to speak at such workshops, we expressed our grave doubts not only about the specific 12 Points of the Platform (each of which signifies cultural imperialism), but more broadly about the entire human rights enterprise under way.

Our doubts and misgivings about the Trojan horse of human rights generated shock and horror: "What are you saying! Don't you believe in human rights or the rights of women?" This question challenged us to reflect on the contrast with another question, asked of "fallen" Hindus: those, for example, who have broken the Hindu taboo against eating beef "What are you saying! Don't you believe in the sacredness of the cow, our mother?"

For all the similarities between these two questions, there is a radical difference that deserves to be underscored: a tolerant, non-violent Hindu would not ask that question of a Muslim, a Catholic, a Protestant, or a person of
another faith and culture, knowing that to do so would be totally inappropriate: a sign not only of ignorance regarding the Other's culture, but, much worse, of cultural insensitivity and intolerance; of cultural inhospitality to the Otherness of the Other. It is, in other words, only within a very well-defined shared cultural and religious context that it is appropriate to ask of another Hindu: "Don't you believe in the sacredness of the cow, our mother?"

Yet, for those proslytezing the "secular morality" of human rights, it is not considered dogmatic to ask of anyone, regardless of religion, race, color or culture: "Don't you believe in human rights [the modern "sacred cow"] for all men, children and women? They fail to see that their faith is as threatening to all the diverse cultures of the world as the Trojan horse was for the people of Troy.

We come from cultures and traditions for which the concept of human rights is not only alien, but, furthermore, is actually incommensurable with the central cultural ideals or virtues. Consequently, we find this modern (secular?) faith to be as dangerous to our cultures as those that sought to convince us that our peoples were pagans; that we did not have the right Gods or the One True God; that we were strange, and primitive and uncouth for praying to monkeys, elephants or the phallus of Shiv. Resisting the monoculture of any one true global God or religion, we celebrate grassroots groups that do not fall victims to this Trojan horse of recolonization.

There is, we realize, enormous violence, abuse and suffering everywhere CNN turns its global "eyes" - from Bosnia and Berlin to Beijing. Even as we mourn this tragic reality, hoping for its amelioration, we recognize that our own cultures are neither superior nor unique in possessing moral concepts for correcting our inhumanities; including, for example, India's "dowry deaths," which receive international attention and attack from human rights activists. Intent on exporting "human rights" to Hindus, these activists fail to take note of aadar, sammaan, shradha, izzat, hak, dharma, ahimsa, among other moral concepts that enjoin human decency as well as condemn violence against women and animals. Many of these words are not easily translated; they lack English equivalents. They offer important clues about Hindu morality, its dharma and virtue, totally disregarded by all those who burn young brides for the procurement of a Toyota or a General Electric refrigerator.

Yet, Hindu dharma (for appropriate and respectful treatment of women and others) did not receive the attention and importance given to the concept of "women's rights" in Beijing. Why? In the international media coverage of the event, we never learned the words Chinese women use to describe their
conceptions of a good life; or the vast variety of ways respect is shown for women in the East or in the South. Why? Neither did we learn the moral vocabularies and concepts of the bushwomen of the Kalahari or Australian deserts. Why? Why did this conference focus on (women's) rights? Why not a conference that explores \textit{ahimsa} towards women, or \textit{shradha} or \textit{aadar}? The traditional women of countries like China and India are "educated" by their liberated sisters to believe that they have rights over their reproductive organs, owned by their (individual) selves. They are also similarly "educated" to claim the use of sonograms and other modern medical technologies as their rights. Since their liberators do not stay long enough to change the entire social context of the sisters being "conscientized," traditional Indian and Chinese women are practicing their modern morality of rights to abort their unborn daughters. Defenders of women's rights are outraged by the 100 million missing women culled out of the uterus before birth. Why do they pass off the deaths of these unborn girls to the feudal minds of males in these cultures? Why do they fail to perceive close connections between the 100 million missing women and the introduction of foreign technologies and alien concepts of rights and freedoms in non-modern cultures?

Answers to these questions emerge in critical studies of global development (Sachs, 1992), revealing how and why the 12-Point Platform for Action (like the Universal Declaration of Human Rights and other globalisms) continues the cultural imperialism of colonialism; operationalizing the belief that "underdeveloped" cultures are too poor or primitive to promote the "good" of their people, while imposing dominant cultures' notions of human well-being.

Grassroots initiatives seeking their liberation from the "Global Project," however, open our eyes and "gaze," open our hearts and minds to the diverse cultural ways of thinking about the "good life"; to the radical pluralism with which the well-being of women, men and animals is understood and promoted in different local spaces of this world. Cultural diversity means not giving one culture's moral concept - that of human/ women's rights - pre-eminence over others; bringing "human rights" down from its pedestal; placing it amidst other significant cultural concepts which define "the good life" in a pluriverse.

**MORAL PROGRESS OR ABERRATIONS?**

Human rights are only two hundred years old. The ideology and the institutional arrangements of human rights were born after unprecedented forms of social and personal deprivation took root among the "developed"