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March 2014

Free online magazine from village earth



DR. ROSA FREEDMAN
ON POLITICISATION OF HUMAN RIGHTS
IN AN INTERVIEW WITH MARK ULYSEAS



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Live Encounters is a not-for-profit free online magazine that was started in 2009 in Bali, Indonesia. It showcases some of the best writing from around the world. Civil and human rights activists, animal rights activists, poets, writers, journalists, social workers and more have contributed their time and knowledge for the benefit of the readers of the magazine.

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Cover photograph of orangutan/Mark Ulyseas@



The Caste System and Human Rights

In the 21st century how can India solve the problem of the continuing atrocities against lower caste Hindus by upper caste Hindus?

And how does one change the mindset when the caste system is an integral part of Hinduism?

Here is a complaint filed by an NGO with the National Human Rights Commission, New Delhi, India.
[LINK](#)

The National Human Rights Commission has taken cognizance of a complaint filed by an NGO that caste-based discrimination, sexual exploitation and untouchability are widespread in the Bundelkhand area of UP, which is very backward. The demography of the region shows that 53% are OBC, 25% Scheduled Castes/Dalits, 10% tribals and 12% Thakur and Brahmins who own land and dominate others.

The report alleged that a Dalit has to take off his shoes and hold it in his hand when a Thakur approaches him. He has to do so while visiting a locality of upper caste people. The women of the Balmiki community manually scavenge night-soil and the carcasses of dead animals. This practice is prevalent in several villages of District Lalitpur. Violence against women is rampant and during the last few years, a number of Sati deaths were reported. The sex-ratio is very skewed and women are sold to repay debts.

Sadly this is just one of the many instances of caste violence and discrimination that is reported across the country by the national media. Curiously, India's largest English language newspaper, The Times of India, publishes a weekly matrimonial section under caste and religion. Does this mean that the Indian media is promoting the caste system or is it just about the bottom line... profit?

The Constitution of India guarantees the principles of liberty, equality and fraternity for every citizen of India. Unfortunately for the lower caste Hindus in rural areas across the sub-continent this is a distant dream. In fact it was Mahatma Gandhi who famously defended the system: "A Shudra can't be called a Brahmin even if he possesses all the qualities of a Brahmin by inheritance. He should never claim his right other than the **Varna** in which he was born. This is an evidence of his being humble." Young India (11-24-27)

Investigations by India's National Commission for Scheduled Castes and Scheduled Tribes, the National Human Rights Commission, the National Police Commission, and numerous local nongovernmental organizations all concur that impunity is rampant. -'BROKEN PEOPLE: Caste Violence Against India's Untouchables', Human Rights Watch report

"The Hindu Social Order is based on the principles of graded inequality, fixity of occupation and fixation of people within their respective castes. Society at large remains exploitative, unfair and criminally unjust to them.

The caste-Hindus observe untouchability because their religion enjoins them to do so. If he is ruthless and lawless in putting down the untouchable rising against the established order, it is because their religion not only tells them that the established order is divine and sacrosanct but also imposes upon them a duty to see that this established order is maintained by all possible means. If they do not listen to the call of humanity, it is because their religion does not enjoin them to treat untouchables as human beings.

They do not feel any qualms of conscience in assaulting, looting, burning and other acts of atrocities against the untouchables, because their religion teaches them that nothing is sin, which is done in defence of social order.

The Hindu social order degenerated into an instrument of exploitation, tyranny and oppression. It tended to perpetuate inequality and inhumanity and developed the spirit of separatism, hatred and enmity, low and high". (Radhakrishnan, The Hindu View of Life). [LINK](#)

There are laws in force that protect the rights of the lower caste Hindus. But the scourge continues unabated in the rural areas of India. With the General Elections due in a few months one will witness once again the charade of caste politics played out to garner the votes. And when the dust settles, when the votes are counted and the winners and losers announced, the dispossessed will be forgotten. The discrimination, beatings, rape, slavery will continue in earnest for the Social Order must be enforced in the rural areas by the self appointed guardians of the caste system who do not represent millions of devout Hindus but whose actions resonate across the country.

Nothing will change. Nothing can change until such time the mindset changes and this will not happen until all right thinking Hindus decide to put an end to this despicable form of discrimination.

Om Shanti Shanti Shanti Om

01 March 2014



Politicisation of Human Rights

Dr. Rosa Freedman

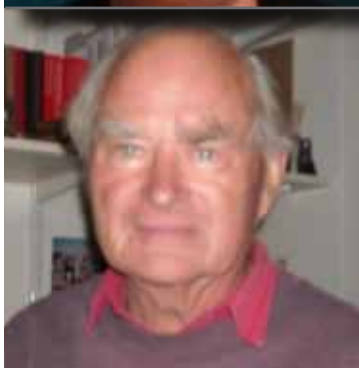
Freedman teaches International Human Rights at the University of Birmingham and is a member of the English Bar. She has published articles in, amongst others, the Netherlands Quarterly of Human Rights and the International Journal of Human Rights. She previously taught at Queen Mary's, University of London and has worked for various NGOs. She also writes regularly for the Guardian and the Huffington Post. www.rosafreedman.com



The reality of overcrowded prisons...

Anita Mackay, Monash University

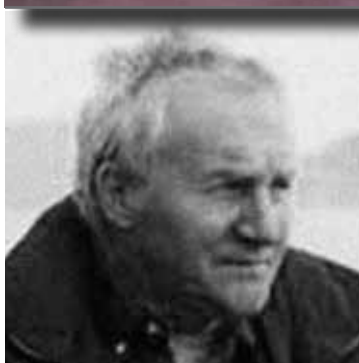
Anita is a PhD scholar at Monash University and a former visitor to the Centre for International Justice and Governance. Anita's thesis compares prisons operating under a human rights framework with prisons operating according to restorative justice principles. She is conducting this research under the supervision of Associate Professor Bronwyn Naylor and Dr Julie Debeljak. Anita is also employed as a research assistant on an ARC grant about the application of human rights legislation in closed environments. First published in [Regarding Rights](#)



Rescuing Railway Children

Malcolm Harper and Dr. Lalitha Iyer

Malcolm Harper is an independent consultant educated at Oxford, Harvard and Nairobi Universities. He first worked in marketing in England, and then taught at the University of Nairobi. He was Professor of Enterprise Development at Cranfield School of Management, and since 1995 he has worked independently, mainly in India. **Lalitha Iyer** is an independent researcher and social consultant. She began her career in the banking sector, joining SBI in 1976. In 1998 she headed Vidyaranya, a leading school in Hyderabad. Since 2001 she has been a researcher and consultant in the social development sector. Presently she is Chairperson of Sathi. www.sagepub.in



So Much Depends on Death

Terry McDonagh

Irish poet and dramatist, Terry McDonagh, taught creative writing at the University of Hamburg and was Drama Director at the Int. School Hamburg for 15 years. He now works freelance; has been writer in residence in Europe, Asia, Australia; published seven poetry collections, book of letters, prose and poetry for young people translated into Indonesian and German, distributed internationally by Syracuse Uni. Press; latest poetry collection Ripple Effect due for publication in May/June 2013, Arlen House; next children's story, Michel the Merman, illustrated by Marc Barnes (NZ) to be published in September 2013. He lives in Hamburg and Ireland. www.terry-mcdonagh.com



Hinduism and its Culture Wars

Professor Vamsee Juluri

Juluri is a Professor of Media Studies at the University of San Francisco where he teaches classes on globalization, Indian Cinema and Mahatma Gandhi among other subjects. His latest book, *Bollywood Nation: India through its Cinema* (Penguin India), tells the story of modern India through its popular movies and makes a case for recognizing the essential contribution of cinema to India's survival as a democracy. His earlier books include *Becoming a Global Audience: Longing and Belonging in Indian Music Television*, and *The Mythologist: A Novel*.



A New Science of Economics?

Dr. Ivo Coelho

Coelho earned his PhD in philosophy from the Gregorian University, Rome. He is Reader in Gnoseology and Metaphysics at Divyadaan: Salesian Institute of Philosophy, Nashik, India, and editor of Divyadaan: Journal of Philosophy and Education. Born in 1958 at Mumbai, he specialized in the hermeneutical thought of the Canadian philosopher, theologian and economist Bernard Lonergan. He is the author of *Hermeneutics and Method: The 'Universal Viewpoint'* in Bernard Lonergan and editor of *Brahman and Person: Essays* by Richard De Smet. www.divyadaan.in



It's my right to offend. How dare you be offended!

Vandana Vasudevan

Vasudevan studied economics at Lady Shri Ram College (Delhi University) and trained in management at the Indian Institute of Management, Ahmedabad. She is author of the newly released book "Urban Villager: Life in an Indian Satellite Town." www.sagepub.in



The Many Faces of God's Military Lion

Natalie Wood

Born in Birmingham, England, U.K., Natalie Wood began working in journalism a month prior to outbreak of the 1973 Yom Kippur War. She remained in regional Jewish journalism for over 20 years, leaving full-time writing to help run a family business and then completed a range of general office work. Wood and her husband, Brian Fink emigrated from Manchester to Israel in March 2010 and live in Karmiel, Galilee where she continues to work, concentrating on creative writing. She features in *Smith Magazine's new Six Word Memoirs On Jewish Life* and contributes to *Technorati*, *Blogcritics* and *Live Encounters* magazine. Her stories - [Website](#) and journalism - [Website](#)



Photo Gallery - Kathmandu Cham

Jill Gocher

Bali based international photographer has spent her life exploring and enjoying Asian cultures. Her work has appeared in National Geographic, Time, International Herald Tribune, Asia Spa, Discovery, Silver Kris and many more. Her books - *Asia's legendary Hotels*, *Periplus*, *Bali- Island of Light* -Marshall Cavendish, *Indonesia - Islands of the Imagination*. *Periplus*, Australia - the land down under - Times Editions, *Singapore, Indonesia - the last paradise* - Times Editions. She has held exhibitions in Singapore, Kathmandu, and Bali. www.amazon.com/author/jillgocher



Love Marriage or Arranged Marriage?

Dr. Candess M Campbell

Candess M. Campbell, PhD is an internationally known Intuitive Life Coach, Licensed Mental Health Counselor, Seminar leader, Hypnotherapist and Author. She specializes in assisting others to gain their own personal power and to live a life of abundance, happiness and joy. Early 2012 she will be releasing her book *12 Weeks to Self-Healing: Transforming Pain through Energy Medicine*. www.12weekstoselfhealing.com

ROSA FREEDMAN

FAILING TO PROTECT THE UN AND THE POLITICISATION OF HUMAN RIGHTS

www.hurstpublishers.com

INTERVIEW



Dr. Rosa Freedman

Lecturer, Birmingham Law School,
University of Birmingham

On Politicisation of Human Rights

in an exclusive interview with Mark Ulyseas

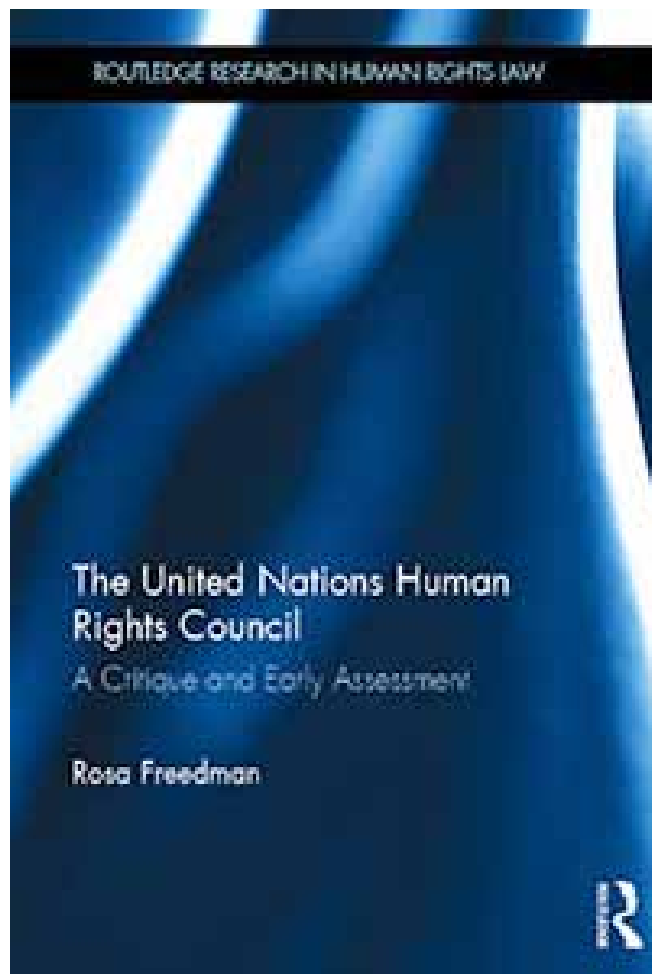
“...lack of attention has continued over recent years, with almost no discussion of Russia’s conflict invasion of Chechnya, China’s occupation of Tibet, or US abuses in the ‘war on terror’. That lack of scrutiny can be compared with the nearly 300 resolutions (on average, 23 per session) passed about Israel during that same period of time.

The question is why such disproportionate scrutiny takes place and why the most powerful countries escape attention? It is nothing to do with human rights and everything to do with power politics. The three main powers at the United Nations are China, Russia and the US. It is the economic and military might, mixed with the geopolitical power and Security Council vetoes that make China, Russia and the US the countries that count. So, when those three states commit human rights abuses – and, to be sure, they do so with regularity – the UN might discuss them, it might even provide a report or share information. But almost invariably it will fail to take any form of action. Why? Because any state or group of countries that presses for such action against China, Russia or the US will place at risk their multi-faceted relationships with those powerful nations.”

- Freedman

The starting point in terms of the modern era of human rights is the 1948 *Universal Declaration of Human Rights*, although of course there has been significant expansion and codification of those rights since that time.

Many countries sought membership of the Commission in order to protect themselves or their allies from scrutiny of their poor human rights records. The straw that broke the camel's back was when the Commission elected Libya (then under Colonel Gaddafi's regime) as its Chair. But the body had been politicised in many other ways prior to that event.



The United Nations Human Rights Council: A critique and early assessment (Routledge Research in Human Rights Law) by Dr. Rosa Freedman

01. (a) How do you define human rights?

That is very much a loaded question, although I doubt that it was intended to be one. There are three broad categories of human rights, and there remains much debate as to what counts as a 'human right'. The way that human rights scholars, and indeed practitioners, define human rights often is tied in closely with their ideological stances on those categories. Those categories are *Civil and Political Rights*; *Economic, Social and Cultural Rights*; and *Collective or Third Generation Rights*. The ideological, political and sometimes legal divisions between those groups of rights are something to which I will return later.

To answer your question more generally, and rather simplistically, human rights are something that belong to all individuals by virtue of those people being human. They are rights that individuals hold in relation to countries or sometimes other actors. There are some agreed upon fundamental rights that cannot be limited and from which countries cannot derogate in any circumstances. Most rights can be limited within certain circumstances, but the rights themselves are not affected only the scope of their application.

The starting point in terms of the modern era of human rights is the 1948 *Universal Declaration of Human Rights*, although of course there has been significant expansion and codification of those rights since that time.

01. (b) And is the United Nations Human Rights Council (created in 2006 to replace the UN Commission on Human Rights) simply old wine in a new bottle?

The *Human Rights Council* replaced the *Commission on Human Rights*, which was widely perceived as having 'failed'. Of course, that is a rather simplistic assessment. The Commission achieved many great things in terms of developing, promoting and protecting human rights. The Commission was an intergovernmental body, and as such it always was going to be politicised. When countries send government delegates to represent them at a body then, of course, those ambassadors and other representatives will be guided to some extent by national political objectives. Problems arise, however, when national or regional aims unrelated to human rights outweigh the task at hand – that is, protecting and promoting human rights. Over the Commission's final decade, the body became increasingly politicised to the extent that it lacked credibility or legitimacy. Many countries sought membership of the Commission in order to protect themselves or their allies from scrutiny of their poor human rights records. The straw that broke the camel's back was when the Commission elected Libya (then under Colonel Gaddafi's regime) as its Chair. But the body had been politicised in many other ways prior to that event.

The Council was created during a time when there was a great drive and desire to reform the UN human rights machinery. The Council was given more mechanisms to protect and promote human rights – in particular the ability to convene Special Sessions to address grave or crisis situations, and the Universal Periodic Review to which we shall return later. It was also required to meet frequently throughout the year and for no less than 10 weeks in total. The Council was also provided with a new legal mandate, under General Assembly Resolution 60/251, which aimed to reduce politicisation. It was heralded as 'the dawn of a new era'. Sadly, that dream has not materialised in reality.

The Council, like its predecessor, has achieved some very good things. We ought not to lose sight of the very many accomplishments of both bodies. The development and codification of international human rights law was driven by the Commission. Many of the things that we take for granted today are in place because of that body's work. It was also instrumental in promoting human rights and ensuring that countries implemented those rights within their national territories. The Council, similarly, plays a significant role in the continuing development of rights and in the promotion of those rights in countries across the world. It provides a forum for states to discuss human rights issues; to provide peer-support and advice to one another; to enable capacity building and technical assistance to states; and to fact-find, report and provide recommendations on human rights situations.

This is something that I emphasise and discuss in both of my books – it is not that the UN is wrong to focus on Israel, but rather that the grossly disproportionate scrutiny of the occupation of Palestinian territories is in stark contrast to the lack of attention the UN devotes to the occupied Turkish Republic of Northern Cyprus, Tibet or other occupied lands. In its first few years, the Human Rights Council excessively focused on Israel and the Occupied Palestinian Territories to the extent that many commentators dismissed the body as being little more than old wine in new bottles.

01. (b) And is the United Nations Human Rights Council (created in 2006 to replace the UN Commission on Human Rights) simply old wine in a new bottle?

contd...

But the Council is hampered by politicisation, and that affects its ability to adhere to its founding principles of non-selectivity, impartiality and lack of bias. What do I mean by that? The body is driven in its work by the countries that sit on it as members. 47 countries sit at the Council – just under a quarter of UN member states. The seats are divided into proportionate geographic representation. There are 13 African states and 13 Asian, giving those two regional groups a combined majority of votes. Western European and Others Group have 7 seats, Eastern Europe has 6, and the Latin American and Caribbean states have 8. Those groupings, however, do not take into account the cross-regional political blocs that operate at the United Nations. Two of those blocs, the Organisation of Islamic Cooperation (OIC) and the Non-Aligned Movement (NAM), dominate Council proceedings and direct its work. What that means in reality is that those blocs shield their members from scrutiny and direct the Council's attention to countries or situations that advance their political objectives. I shall give you some examples of what I mean.

Israel is an obvious example, and one on which I shall not dwell for too long. There have always been certain 'pariah' states that have received excessive attention at UN bodies. There is no doubt that the situations in countries like apartheid-era South Africa and Israel deserve and require scrutiny and action. The problem is that such action lacks even-handedness when compared with the failure to act on similar situations taking place elsewhere. This is something that I emphasise and discuss in both of my books – it is not that the UN is wrong to focus on Israel, but rather that the grossly disproportionate scrutiny of the occupation of Palestinian territories is in stark contrast to the lack of attention the UN devotes to the occupied Turkish Republic of Northern Cyprus, Tibet or other occupied lands. In its first few years, the Human Rights Council excessively focused on Israel and the Occupied Palestinian Territories to the extent that many commentators dismissed the body as being little more than old wine in new bottles.

Israel is the only country that appears on the Council's permanent agenda, meaning that there is a discussion at every session that solely focuses on that country. Of course, that was an OIC initiative as the members of the bloc have their own political objectives for keeping the spotlight on Israel. Other countries, particularly from the EU, hoped that having one day per session devoted to Israel would mean that other unrelated discussions would not be hijacked by states seeking to turn the Council's attention back to Israel. Sadly, that was a rather naïve expectation. The politicisation became

One example is the Council's failures on Lesbian, Gay, Bisexual and Transgender Rights. Something like 70 out of 193 UN member states still criminalise sexual orientation and gender identity minority persons. By that I mean not only that the acts are criminalised but that the individuals face imprisonment, torture or death for belonging to those minority groups. In 2011, during the Arab Spring and when the Organisation of Islamic Cooperation was addressing its internal rifts and no longer acting as a bloc, the Council held its first panel on LGBT rights. That event only took place because the OIC was too divided to act collectively to block the resolution that called for the panel to take place.

so gross that Israel disengaged from the body last year (albeit it has subsequently re-engaged after pressure from the Western European and Others Group).

Another example of the Council's politicisation that mirrors that of the Commission is the way in which the body addressed the genocide in Darfur. While some attention was devoted to that grave human rights situation – albeit nowhere near the amount of attention given to Israel at that time – Sudan's government was constantly shielded from criticism. Sudan is a member of the African Group and of the Organisation of Islamic Cooperation. It therefore has many regional and political allies sitting on the Council at any given time. Sudan's government responded to scrutiny of the human rights abuses in Darfur by claiming that it lacked capacity and technical abilities to prevent violations. It blocked UN independent human rights experts from visiting Darfur and sought to shift the blame for the atrocities onto other actors. The Council's resolutions and decisions reflect Sudan's position – rather than calling for the government to protect individuals from gross and systemic human rights abuses, those documents call upon other parties to the conflict to respect human rights and demand that the international community assist Sudan by providing capacity building and technical assistance to the government. Political blocs and regional groups using their votes and influence to shield allies from scrutiny is a replica of what occurred at the Commission.

The Council's response to the conflict in Syria has also been politicised. That country is a member of the OIC, so one might expect that it would have been shielded from Council attention. However, because the OIC is divided on Syria – with different powerful states backing different parties to that conflict – it no longer receives protection from that bloc. The Council has rightly devoted attention to the conflict in Syria, albeit again that attention has lacked even-handedness when compared to the very little attention given to other grave conflicts around the world. The Council has devoted almost no attention to the Democratic Republic of Congo (where many millions of people have been killed, and tens of millions been displaced, since 2000) or the Central African Republic, and so on.

The Council has also failed to protect and promote rights where those rights conflict with the political, cultural or religious objectives of powerful groups and blocs. One example is the Council's failures on Lesbian, Gay, Bisexual and Transgender Rights. Something like 70 out of 193 UN member states still criminalise sexual orientation and gender identity minority persons. By that I mean not only that the acts are criminalised but that the individuals face imprisonment, torture or death for belonging to those minority groups. In 2011, during the Arab Spring and when the Organisation of Islamic Cooperation was addressing its internal rifts and no longer acting as a bloc, the Council held its first panel on LGBT rights. That event only took place because the OIC was too divided to act collectively to block the resolution that called for the panel to take place.

Then there are the failures to devote any attention to human rights abuses in powerful countries, such as China and Russia, or those with many allies, such as Cuba and Saudi Arabia. The failure even to discuss those countries goes to the heart of the issues of selectivity, bias and politicisation that plagued the Commission in its final years and are being repeated at the Council. Universal protection and promotion of human rights requires that attention is given to all states. While we recognise that we cannot compare the human rights records of Sweden and Somalia, or Norway and North Korea, we must still devote even-handed and proportionate attention to all states.

01. (b) And is the United Nations Human Rights Council (created in 2006 to replace the UN Commission on Human Rights) simply old wine in a new bottle?
contd...

However, on the day of the panel the entire OIC bar two states walked out of the Council chamber. Subsequently, the OIC, African Group and Russia have introduced resolutions that not only demonstrate the Council's unwillingness to take action to protect LGBT persons but are actually a significant backwards step on this issue.

In September 2012, Russia co-sponsored a Human Rights Council resolution on human rights and 'traditional values of humankind'. The driving force behind that resolution was to undermine the Council's momentum with regard to protecting the rights of LGBT persons. Although the US and some European countries objected that the rights of women and LGBT persons frequently are undermined by traditional values and religion, the resolution struck the right chord with many other countries. 25 states voted in favour, none of which were from the Western European and Others Group and only one – Ecuador - from the Group of Latin American and Caribbean states. The 15 countries that voted against the resolution EU states joined by the US, and two moderate countries that seek to uphold the rights of LGBT persons - Mauritius and Botswana. Russia, which had recently taken steps backwards regarding human rights of LGBT persons within its territory, clearly used its political clout to further an issue that aligned it with many countries from across the world.

Why is the Council able to act in this way? Because it is a political body comprised of government delegates, and if so many countries do not view LGBT persons as holding human rights then why would they seek to protect or promote those rights at the Council.

Then there are the failures to devote any attention to human rights abuses in powerful countries, such as China and Russia, or those with many allies, such as Cuba and Saudi Arabia. The failure even to discuss those countries goes to the heart of the issues of selectivity, bias and politicisation that plagued the Commission in its final years and are being repeated at the Council. Universal protection and promotion of human rights requires that attention is given to all states. While we recognise that we cannot compare the human rights records of Sweden and Somalia, or Norway and North Korea, we must still devote even-handed and proportionate attention to all states. The Universal Periodic Review (which we will discuss later) does seek to do just that. However, the grossly disproportionate scrutiny of some countries and the lack of any scrutiny of others within the Council's regular sessions demonstrate that the issue of gross politicisation has not adequately been addressed at the new body.

But we must not forget that we live in a very different world to the one that existed prior to the UN, and we ought not to underestimate the role that international human rights law has played in improving the world in which we live. Whether we focus on enforced disappearances in Latin America, internally displaced persons during armed conflicts, the rights of women, discrimination against aboriginal people and indigenous populations, freedom from torture across the world, or many other human rights issues – all of these have been improved by work undertaken by and at the UN.

I must stress, however, that just because these problems remain does not mean that the Council does not undertake and achieve good work. The body has done much to promote human rights universally, but those actions will only crystallise in the medium and long term. It also undertakes good protection work, but mainly where states have requested or consented to those activities. Countries use the Council to receive support, advice, recommendations and expertise on protecting and promoting human rights. The body's political nature means that many states engage and cooperate with it. The problems arise in terms of the most contentious situations and types of rights, and it is in those respects that the Council's politicisation undermines its work.

02. Could you kindly give us a historical glimpse of the role the UN has played in human rights? What has been the impact, if any?

The United Nations has been the main vehicle for creating, developing, protecting and promoting human rights. Its bodies have been used by states to create and codify – enshrine in law – international human rights law. The UN's role has been crucial, and without that organisation we would not have the system that is currently in place. And let us not forget the famous Louis Henkin quote that most states obey most international law most of the time. Those human rights obligations generally are respected, protected and fulfilled by countries. Yet it is the times when they are violated that, rightly, make the headlines. But we must not forget that we live in a very different world to the one that existed prior to the UN, and we ought not to underestimate the role that international human rights law has played in improving the world in which we live. Whether we focus on enforced disappearances in Latin America, internally displaced persons during armed conflicts, the rights of women, discrimination against aboriginal people and indigenous populations, freedom from torture across the world, or many other human rights issues – all of these have been improved by work undertaken by and at the UN.

03. What is the purpose of Universal Periodic Review and has it been effective?

The Universal Periodic Review was created to address the issue that some countries flew under the Commission's radar in terms of attention being focused upon their human rights records. The purpose of the UPR is to review all UN members during a four year cycle. This ensures that no country can escape attention. The review is conducted by other states, with all countries being able to attend a review session, ask questions and make recommendations. The reviewed state is required to submit reports in advance, to answer questions – although it may select which ones to answer – and to identify which recommendations it will accept.

I believe that religion or 'religious fundamentalism' is a rather crude or simplistic explanation for the politicisation that occurs at the UN Human Rights Council. Many countries are allied and work together with states that do not share their religious affiliation. Indeed, the cross-political alliances between countries such as Cuba, Russia and Venezuela and states from the OIC demonstrate that religion is not the primary motivating factor in how states behave.

03. What is the purpose of Universal Periodic Review and has it been effective?
contd...

The purpose of the review is to promote human rights by sharing information, shining the spotlight on abuses, and supporting states better to implement rights within their countries. The UPR is an inclusive, cooperative and facilitative mechanism that enables discussion and peer-support. Countries, therefore, engage with the mechanism and take it seriously. It is too soon to tell whether the UPR is an effective mechanism. On the one hand, states are able to decide which recommendations to adopt and there is no follow-up to see whether that has taken place. On the other hand, countries take their reviews seriously as no state wishes to be 'named and shamed' in front of its peers and no state enjoys scrutiny of their human rights record. In many ways, the answer to your question depends on what is meant by 'effective'. If we consider effectiveness to mean immediate changes on the ground, then the only effective mechanisms will be ones that can coerce or force states to implement human rights. But if effectiveness means medium or long term change within as many countries as possible, then the UPR is a step in the right direction.

04. It appears that the UNHRC is selective in its assessment of human rights violations across the world. For instance, Israel continues to be the favourite whipping boy while other countries in the vicinity (Libya/Egypt/Syria/Iraq) continue to be the battle ground where civilians are caught up in a bloody conflict between government forces and all sorts of 'freelance rebels'. The horrendous human rights violations in these countries appear to be the rule rather than the exception. *A quote from your column in The Huffington Post (31/01/2013) sheds light on the politicisation of the UNHRC – 'Iran, Algeria, Syria and many others have frequently hijacked discussions about unrelated human rights matters in order once again to shine the spotlight on Israel. One of the most chilling examples of this happened during discussions about the genocide in Darfur. Sudan's allies from the OIC argued that instead of talking about the hundreds of thousands of dead and displaced in Darfur, the Council should be focusing on Israeli violations.'* Is this politicisation also influenced by religious fundamentalism? **Please comment.**

I believe that religion or 'religious fundamentalism' is a rather crude or simplistic explanation for the politicisation that occurs at the UN Human Rights Council. Many countries are allied and work together with states that do not share their religious affiliation. Indeed, the cross-political alliances between countries such as Cuba, Russia and Venezuela and states from the OIC demonstrate that religion is not the primary motivating factor in how states behave. Political objectives, which can span from economic

Of the examples that you mention, the Council has taken significant action on Libya (the only country to have been suspended from the body) and Syria. The conflicts in those two countries divided the OIC and therefore the bloc did not shield those states from scrutiny. Egypt, on the other hand, a powerful actor in the OIC and the African Group, has not received any attention at the Council. There are other states that have utilised political and regional ties to avoid scrutiny or to ensure weakened action taken by the Council. Sri Lanka is another obvious example.

interests to cultures and others, are far more important than religion when it comes to inter-state relations. Indeed, even where countries share a religion it does not mean that they agree on religious practices, as is clearly evident in terms of OIC members. Religious fundamentalism, or at least it seems to me, frequently is used to 'justify' or 'explain' states' positions. But at the end of the day, it is not religion but rather political objectives that direct how states behave at the UN.

If we are discussing armed conflicts, it is clear that the gravity of a situation in terms of the numbers of persons killed, displaced, or whose basic rights are being violated, is not the main determining factor in whether Council discusses or takes action on that country. The main factor is politics. If a country has powerful allies, or if it has the collective weight of a large regional group or political bloc that seeks to shield it from scrutiny, then the Council will be directed by those political objectives.

Of the examples that you mention, the Council has taken significant action on Libya (the only country to have been suspended from the body) and Syria. The conflicts in those two countries divided the OIC and therefore the bloc did not shield those states from scrutiny. Egypt, on the other hand, a powerful actor in the OIC and the African Group, has not received any attention at the Council. There are other states that have utilised political and regional ties to avoid scrutiny or to ensure weakened action taken by the Council. Sri Lanka is another obvious example.



...the General Assembly passed between five and ten resolutions annually on apartheid policies. By contrast, during that time the Assembly passed five resolutions on China's abuses against indigenous peoples: three on Tibet and two on Burma. Four resolutions were passed on the grave abuses committed by the USSR, despite ongoing oppression and subjugation of the Chechens, Ingush, Balkars, Baltic peoples, Roma, Jews, Muslims, Romanian ethnic Hungarians, Tibetans or Uighurs'. Violations against Native Americans were ignored altogether.

05. China's occupation and annexation of Tibet and the suppression of the rights of the Tibetans seems to be condoned by the UNHRC for there is never any 'action' against the Chinese. Why is this so?

One of the oft-cited statistics about the Commission was that a quarter of its country resolutions focused on Israel and not a single one focused on China despite the gross and systemic violations within that state. But this is one of the three most powerful countries in the world. It is not just the Council, or the Commission before it, that fails to take action on those powerful states. The UN General Assembly has done exactly the same: Between 1946 and 1992 the General Assembly adopted 569 resolutions on Southern Africa - approximately one fifth of the total recorded votes.

On average, the General Assembly passed between five and ten resolutions annually on apartheid policies. By contrast, during that time the Assembly passed five resolutions on China's abuses against indigenous peoples: three on Tibet and two on Burma. Four resolutions were passed on the grave abuses committed by the USSR, despite ongoing oppression and subjugation of the Chechens, Ingush, Balkars, Baltic peoples, Roma, Jews, Muslims, Romanian ethnic Hungarians, Tibetans or Uighurs'. Violations against Native Americans were ignored altogether. That lack of attention has continued over recent years, with almost no discussion of Russia's conflict invasion of Chechnya, China's occupation of Tibet, or US abuses in the 'war on terror'. That lack of scrutiny can be compared with the nearly 300 resolutions (on average, 23 per session) passed about Israel during that same period of time.

The question is why such disproportionate scrutiny takes place and why the most powerful countries escape attention? It is nothing to do with human rights and everything to do with power politics. The three main powers at the United Nations are China, Russia and the US. It is the economic and military might, mixed with the geopolitical power and Security Council vetoes that make China, Russia and the US the countries that count. So, when those three states commit human rights abuses – and, to be sure, they do so with regularity – the UN might discuss them, it might even provide a report or share information. But almost invariably it will fail to take any form of action.

Why?

Because any state or group of countries that presses for such action against China, Russia or the US will place at risk their multi-faceted relationships with those powerful nations.

China, as that is who you have asked me to focus upon, plays an interesting role at the Human Rights

Human Rights Watch and Amnesty International are particularly useful for the Council because they report on gross and systemic violations across the world. They have access to and provide information on abuses that Council members might not know about. The work of those organisations complements and adds to the work undertaken by UN independent experts and fact-finding missions. However, the work of those NGOs is directed by the organisations' mandates and politics and that must be taken into account when using and relying upon their work.

Council. During the Cold War, China led the Non-Aligned Movement. Since the dissolution of the USSR, China has continued to take that role. Despite its clear economic, military and political powers, China deploys post-colonial discourses and allies itself with countries that adopt an anti-imperialist stance on human rights. So, not only does it use its might to ensure that it escapes attention, China also uses political manoeuvres to ensure that it has sufficient allies to shield it from scrutiny.

06. Have organisations like Human Rights Watch been of assistance to the UNHRC by reporting gross violations in many countries? And have such organisations also been used by governments to serve their own political ends?

That is an interesting question. Non-governmental organisations (NGOs) play a significant role at the Council. They are able to sit at Council sessions, deliver statements, run side-events, and engage with the body to a great extent. There are NGOs that provide significant assistance to the Council, some of which are large and have broad mandates such as Amnesty International and Human Rights Watch, and others that have niche areas of expertise.

Other Geneva-based NGOs like UPR Info and International Service for Human Rights are also key actors. Now, of course, NGOs are political insofar as they have their own objectives and aims. As with states, no NGO can avoid being labelled as political. The better question is whether NGOs' political objectives undermine their usefulness in terms of information-sharing and fact-finding with regard to human rights? Again, as with countries, it is not the political objectives that undermine the effectiveness of NGOs in terms of protecting and promoting rights but rather the extent to which those political objectives are unrelated to human rights.

Human Rights Watch, as with all US civil society actors, operate independently of the government and any funds given to it are done without government interference in the organisation's work. Of course the US government funds NGOs from across the political spectrum, and some of those organisations will support or agree with US government policies or activities. But that does not make them tied to or even working with the government. Human Rights Watch and Amnesty International are particularly useful for the Council because they report on gross and systemic violations across the world. They have access to and provide information on abuses that Council members might not know about. The work of those organisations complements and adds to the work undertaken by UN independent experts and fact-finding missions. However, the work of those NGOs is directed by the organisations' mandates and politics and that must be taken into account when using and relying upon their work.

What I would like to discuss is how we can utilise political blocs to protect and promote human rights. One way forward would be to use 'linkage'. Countries seek ties with political blocs, whether by applying to the EU for aid money or seeking to enact trade agreements with MINT or BRIC, and so on. That money, those resources, support for development, alongside economic and trade ties, might well be used to place pressure on countries to comply with human rights obligations. This works at the regional level. Political, economic and other pressures encourage – or coerce – many states to comply with regional human rights mechanisms.

07. There are many groups – OIC, NAM, Commonwealth countries, NATO, MINT, BRIC, ASEAN, OPEC, etc – that exist and each group panders to the political and economic views of the countries that form each group. How do these groups help or hinder the work of the UNHRC?

I think by now you might have an idea about what I will say on this subject. Politics is the driving force at the Council, and the different political groups interact with one another ways that sometimes help and sometimes hinder the Council's work. That has been clear from the past 8 years, and I hope that I have made that clear during this interview. What I would like to discuss is how we can utilise political blocs to protect and promote human rights. One way forward would be to use 'linkage'. Countries seek ties with political blocs, whether by applying to the EU for aid money or seeking to enact trade agreements with MINT or BRIC, and so on. That money, those resources, support for development, alongside economic and trade ties, might well be used to place pressure on countries to comply with human rights obligations. This works at the regional level. Political, economic and other pressures encourage – or coerce – many states to comply with regional human rights mechanisms. So, why not use this type of linkage at the universal level? Of course, that would require those blocs to take seriously human rights. Some of them do while others do not, and all have their own ideological stances on human rights. But since political blocs dominate proceedings at the Council, we need to find a way to work with them and to use them as a vehicle for good rather than to continue either to try to work around them. It is that or reform the Council to take into account political blocs, or even to turn it into an expert body – but neither of those will happen less than a decade after the last, and very expensive, reform to the UN's principal human rights body. So, instead, we need to find ways to work with what we have got.

08. Why has the UNHRC been quiet on the continued use of drones by USA? Drones that have maimed or killed many civilians in Pakistan, Afghanistan and Yemen? Is there a different yardstick that is used by western nations when it comes to their own human rights track record and accountability? Please comment.

This is a similar question to the one on China, so I will try not to repeat myself too much. The bottom line is that powerful countries are shielded from scrutiny not only by the votes of their allies but also by the looming threat of political, economic or other repercussions for countries that seek to shine the spotlight onto their abuses. The US uses power politics to its advantage. It is not only allied with states from the Global North, which remain amongst the wealthiest and most powerful world players, but also with individual countries within other regions. Its close links with Egypt, Israel and Saudi Arabia

The US has long taken an exceptionalist and unilateralist approach to international relations and organisations. It is well-known for supporting the creation of international human rights law and mechanisms and for encouraging other states to comply with the human rights system. Once the laws or mechanisms have been created, however, the US determines whether to place itself within or outside of the system. This exceptionalist and unilateralist approach may stem from power politics, moral high-ground or the need for autonomy, but it goes beyond human rights and extends into almost all areas of international law.

give the US a foothold in the Middle East. Similarly, its ties with Pakistan and Sri Lanka provide the US with footholds in Asia. While the US alliances are numerically fewer than those of China or Russia, they provide a different form of protection from UN action on human rights abuses.

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It is not just state alliances that protect countries from scrutiny. A large proportion of the UN human rights experts come from the Global North. One reason is because the independent expert posts are unpaid, requiring individuals to retain paid employment with their institutions. Traditionally, the majority of independent experts have come from universities, and those from the Global North are more likely to be able to absorb the cost of academics undertaking this unpaid work and to recognise the prestige of the position. Similarly, individuals sitting on treaty body committees often are from Global North countries or have been educated within their universities. With the occasional exception, those individuals hold similar views on human rights to those held by the US. The legal and political infrastructure more clearly reflects Western ideologies than those of Eastern Europe or beyond. This frequently assists the US when it comes to scrutiny by UN bodies.

But the UN does scrutinise other Global North states. We need only look at recent UN visits to the UK and Canada and the reactions of government officials to the independent experts' reports to see that Global North countries do not escape attention or criticism of their human rights records.

Cultural relativism acknowledges that states need to commit to human rights obligations in ways that do not undermine their own values and norms. That enables countries to manage the tension between engaging with the international human rights system and retaining their own identities and interests. And it works where those values and norms do not contradict fundamental aspects of international human rights law. But there are plenty of times when the tension between universality and cultural relativism results in grave, systemic human rights abuses.

09. The term 'cultural sensitivities' is often used as an excuse by nations that want to side step human rights violations in their respective countries. In these countries women continue to be second class citizens and subject to all sorts of abuse and denied their fundamental rights. For instance in Saudi Arabia women are subject to the authority of any male member of the family even if that male member is a juvenile. They do not enjoy much of the rights accorded to men. Why has Saudi Arabia continued to remain out of the spotlight? Please comment?

Cultural relativism is a main obstacle to universal human rights protection and promotion. The world is not made up of homogenous states. Even within fairly homogeneous regions there are different cultures and identities. Cultural relativism acknowledges that states need to commit to human rights obligations in ways that do not undermine their own values and norms. That enables countries to manage the tension between engaging with the international human rights system and retaining their own identities and interests. And it works where those values and norms do not contradict fundamental aspects of international human rights law. But there are plenty of times when the tension between universality and cultural relativism results in grave, systemic human rights abuses.

But even aside from the legitimate problems that arise owing to cultural relativism, there are even greater issues that arise where countries deploy that term as an excuse for avoiding their human rights commitments and obligations. You have identified the examples of women's rights and of Saudi Arabia. A main problem is that the cultural relativist cause has been hijacked by countries, cultures or people who seek to justify human rights abuses. Universalists insist that individuals, by virtue of being human, have certain rights that cannot depend on the place of birth. The charge of ethnocentrism does not ring true where we are discussing a young girl's right not to be forced into marriage before puberty. Cultural relativism cannot be used to deny a child the basic right not to be born into slavery. Yet there are many who seek to justify such violations on the basis of heritage, tradition or religion.

One argument for criminalising homosexual acts in many African or Islamic countries is based on religion. That argument is derailed before it can even be debated by the oppression, subjugation and violation of the rights of individuals based solely on their sexual orientation or gender identity. Cultural relativists who insist on a context-specific approach to sexual acts, are undermined by the systematic violations of the human rights LGBT persons living within such countries.

Discrimination against women might be legitimate within certain contexts. Countries may choose to limit jobs, such as combat roles within the armed forces, available to women. Others may require women to wear specific types of clothing on religious or traditional grounds. Girls might be expected to attend

And of course, where it comes to countries like Saudi Arabia, the political, economic and other powers held by those states enable them to insist upon supposedly cultural relativist exceptions to their international human rights obligations. Saudi Arabia is protected by its Gulf neighbours, and by its political allies within the Organisation of Islamic Cooperation. The country's oil and wealth, its ties with the US, and its position amongst Muslim states means that other countries pay scant attention to its abuses and care even less about holding the Saudi regime to account for its violations against its own citizens.

female-only places of education. But where a country seeks to subjugate women, to allow legal violence against women, to enable girls to enter into forced marriage long before adulthood, and then seeks to justify it on 'cultural' or 'religious' grounds, the argument for cultural relativism is once again undermined.

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10. Could you share with us a glimpse of your life and works, including your published work?

I have written two books, so far. The first focuses solely on the UN Human Rights Council and its early years, using international law and international relations theories to assess the body. It was launched at an event jointly hosted by the UK Mission to Geneva and the UN Library. The second book will be published next month and explains the UN failure to protect human rights. It is aimed at a non-specialist reader in order to bring these issues to an audience other than the academic or human rights elites. I believe that it is so important that these matters are understood and discussed by all people, not just scholars or UN diplomats. My other research focuses on the UN, human rights, and the intersection between international law and international relations. Over the past year I have been advising and writing on the case that is being brought against the UN on behalf of cholera victims in Haiti. I particularly enjoy that type of work, where I can use my skills as an academic and researcher to have some impact 'on the ground'. Alongside my published academic works, I also write for national media and online blogs, again with the aim of ensuring my research reaches audiences other than academic and human rights elites.

My job also involves teaching and travelling for research and conferences. I work at the Birmingham Law School, University of Birmingham, where I am fortunate to have excellent students and outstanding colleagues. I work closely with staff from law, humanities and social sciences, and find Birmingham University's interdisciplinary research culture to be vibrant and engaging. Outside of my work, I am a keen Arsenal fan, a recent convert to 5.30am jogging, and am always more than happy to take a break from writing if there is a decent single malt whisky on offer.



Shipping containers used to accommodate imprisoned Victorians
Image from www.theage.com.au/victoria/prisoners-moved-into-shipping-containers-20140106-30d23.html.



Accommodating people in cages and shipping containers: the reality of overcrowded prisons

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Increasing prison populations are a common trend in Australia and internationally. This post examines the Victorian situation because Victoria has the fastest growing prison population in Australia, and attempts to highlight some of the consequences and costs of this phenomenon.

The statistics

The Victorian prison population has **risen** by 40% in the past 10 years and 47% of that increase has been since the Victorian Coalition government was elected in 2010. The population has now reached **approximately 5,800**, and both male and female Victorian prisons are likely to be **operating beyond their capacity** by 2016. This is despite the fact that the government is building a new **1000-bed** prison to cope with the rising prison population. In the meantime, Victoria is housing imprisoned people in **shipping containers**. [1]

The increasing prison population is a direct consequence of the Coalition's 'tough on crime' agenda, which has led to strain at all stages of the criminal justice system. For example, Magistrates are **sitting on weekends** to deal with the backlog of cases, people who would normally be in prison are being held in **police custody**, and corrective services have been held in **contempt of court** for failing to transport people from prisons to their hearings because the Melbourne Custody Centre is full.

A 2012 report by the **Auditor-General** found that:

The male prison system has been operating at close to or above its operational capacity of 95 per cent since May 2011. As at 30 September 2012, the male prison system was operating at 95.8 per cent of its operational capacity (4893 beds). This pressure is likely to significantly increase with CV [Corrections Victoria] forecasting, in a 2012–13 funding submission, that the male prisoner population will grow by nearly 2000 between June 2011 and June 2016.

In that same report the Auditor-General noted that 'operating above 95 per cent utilisation compromises the ability of prison management to safely and humanely manage prisoners'. If this is the safe level of occupation, what happens when levels are as high as they currently are—and are projected to get higher?

Problems associated with prison overcrowding

Some may argue that people in prison deserve little sympathy, yet the matter is far more serious than this response assumes.

The most significant problem resulting from overcrowding is that the risk of violence (including sexual assault) increases; the number of deaths, assaults and self harm occurring in Victorian prisons is **reportedly** increasing. This is never good news, but it is particularly concerning given that **Productivity Commission data** reveal Victorian prisons to be the most violent in the country, a matter brought to public attention by the **death of Carl Williams** in Barwon prison.

The risk of increased violence applies to both imprisoned people and staff working in such a fraught environment, and WorkCover claims by staff have **reportedly** tripled between 2009 – 2013. The prison officer's union (the CPSU) has also **raised concerns** about the fast tracking of training of new officers (which has been required due to the pace at which the prison population is increasing), who may not be fully prepared for the challenges they will face in the overcrowded prison system.

Sharing of cells is another consequence of overcrowding; in some cases people have to share with more than one other person. The Victorian Auditor-General **found** that:

As at June 2012 across the prison system there were:

- 583 double bunks (which potentially equates to 1166 prisoners sharing a cell)
- 79 dual occupancy cells (158 prisoners)
- 80 temporary dual occupancy cells (160 prisoners)
- 67 triple occupancy cells (201 prisoners).

This means 34% of the prison population is sharing a cell, with the concomitant lack of privacy and risk of violence.

Another problem caused by overcrowding is there tends to be a lack of access to services and facilities – such as medical services, counselling, telephones to maintain contact with family members, education and rehabilitation programs – because these services generally do not get increased to cope with the additional demand experienced in such circumstances.

The USA has the highest incarceration rate in the **world** (716 per 100,000, compared to 130 per 100,000 in Australia) and the US prison population exceeds 2 million. The overcrowding associated with this high incarceration rate has had some dire consequences in Californian prisons where prisons reached 200% capacity; the problem was so acute that in May 2011 the **US Supreme Court** ordered that the prison population be reduced.

Economic costs

In addition to these human costs of overcrowding in prisons, there are financial implications. In Victoria it costs more than **\$300 per day** to keep a person in prison (table 8.24), **or \$100,000 per year**. Money that is spent on incarcerating people is money that cannot be spent on crime prevention and keeping people out of prison in the first place (e.g. education, re-training unemployed people, mental health services and drug and alcohol treatment programs).

Other jurisdictions

Within Australia overcrowding is by no means a peculiarly Victorian problem. If 95% capacity is estimated as the safe rate then every jurisdiction in Australia exceeds this. For example, Western Australian and Northern Territory prisons are **operating** at over 100% capacity. **Newspaper reports** suggest that the ACT's only prison (the Alexander Maconochie Centre) is also full.

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The Supreme Court's decision was on the basis that because the overcrowding meant that people with mental illness were not receiving the treatment they needed, the Eighth amendment prohibition of cruel and unusual punishment was being violated. Some examples of the **serious problems** the court received evidence of include that:

- there were 68 preventable deaths in a year;
 - people were waiting for 12 months to receive mental health treatment;
 - suicidal people were being held in cages the size of telephone booths with no access to toilets;
- and
- gymnasiums were being used to accommodate imprisoned people on double or triple bunks

Some images may be seen **here**. Justice Kennedy noted in his **judgment** that:

Overcrowded prison conditions preclude rehabilitation. This has an impact not only on an individual's prospect of turning their lives around, but on the safety of their families and of community members at large, once that individual is released from prison. If the community is not concerned about these human costs, at the very least they should be concerned about the huge amount of money being spent on incarcerating people that therefore cannot be spent on crime prevention, schools, the health system, transport infrastructure and other services that benefit the whole community.

A prison that deprives prisoners of basic sustenance, including adequate medical care, is incompatible with the concept of human dignity and has no place in civilized society. If government fails to fulfil this obligation, the courts have a responsibility to remedy the resulting Eighth Amendment violation. (p13)

It is certainly hoped that Australian jurisdictions avoid letting overcrowding reach such an extreme level, given there are already problems associated with current levels of overcrowding.

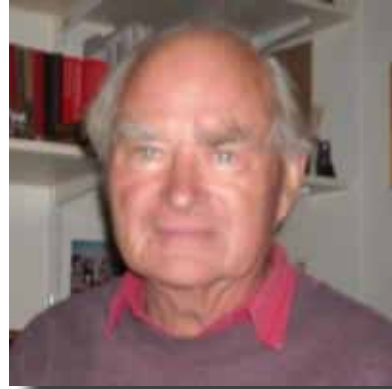
Overcrowding is also a matter that the European Court of Human Rights has found to lead to inhuman and degrading treatment under the European Convention of Human Rights (Article 3 of that Convention is very similar to section 10 of the Victorian Charter of Human Rights and Responsibilities Act 2006).[2]

Conclusion

Overcrowded prisons mean unsafe prisons. Victorian prison officers should be able to expect better of their working conditions; Victorians who are incarcerated should also be able to expect living conditions that do not pose a serious risk to their health and wellbeing. Indeed, the **community** should be able to expect better. Overcrowded prison conditions preclude rehabilitation. This has an impact not only on an individual's prospect of turning their lives around, but on the safety of their families and of community members at large, once that individual is released from prison. If the community is not concerned about these human costs, at the very least they should be concerned about the huge amount of money being spent on incarcerating people that therefore cannot be spent on crime prevention, schools, the health system, transport infrastructure and other services that benefit the whole community.

[1] Shipping containers are also used in South Australian and Northern Territory prisons.

[2] For example, see the case of Mandic and Jovic v Slovenia.



Malcolm Harper and Lalitha Iyer
authors of
Rescuing Railway Children
Published by Sage Publications

Hundreds of children who have run away from their homes arrive on the major railway platforms in India every day. There are also many children who lose their way or get accidentally separated from the adults they are with. This book is about the challenges faced by these children who see no easy way to get back home.

The first chapter presents an overview of the situation in India, bringing together the estimates of the number of such children, the challenges they face on the platform and thereafter, the efforts that are being made to remedy the situation in their favour by NGOs and the overall experience of Sathi in reuniting these children with their families.

The policies, rules and regulations on child protection which are relevant for such children on railway platforms are examined in the next chapter. Bodies such as the National Commission for Protection of Child Rights and the district level Child Welfare Committees and Government Children's Homes are described. The gap between the resources available and the needs of these children is highlighted.

RESCUING **Railway Children**

Reuniting Families from India's Railway Platforms

Malcolm Harper • Lalitha Iyer



Chapter six presents an overview of a camp with focus on family reintegration. Sathi organises these camps for children who have spent some time away from home on trains or on station platforms and need a period of self-examination and guidance to reorient their lives. The boys settle down to deeper reflection on their choices and opportunities and most of them are glad to retrace their steps and return to a more orderly and settled life. A variety of inputs are skilfully interwoven to create the atmosphere for calming the children. These are described from the children's eyes.

In the next few chapters we present the children's point of view of arriving on the platforms and moving through the shelters, government homes and ultimately succeeding in finding their way back to their families. The efforts made by staff of NGOs like [Sathi](#) to identify, rescue and reunite them with their families or send them to appropriate institutions are also detailed. These narratives are based on the cases and records of Sathi and we also had several meetings with children themselves.

Chapter three describes a typical day on a railway platform and the feelings of children as they arrive. Sathi's staff on platform duty have a tough routine. They have to develop and build rapport with potential allies like the Police and Vendors and also to be on guard against others who may be interested in grabbing new arrivals, such as child traffickers and the older children's platform gangs.

Chapter four presents the typical routine in a Sathi shelter which is an open shelter which hosts children till they can return home or be sent to appropriate alternative locations. Children get basic needs and a caring friendly place to relax in. As they unwind they choose how much they will divulge about themselves. The staff is watchful but gentle throughout and counsellors are available to talk at length with each child.

In chapter five the actual working of a Child Welfare Committee (CWC) is described through the children's eyes, based on our direct observations and research reports available in Sathi. The experiences of Children in Government homes are also described. There are many issues that children face in these homes which are presented from the children's perspective.

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Chapter seven is on the theme of homecoming and the tumult that this generates in the whole village or neighbourhood. The relief and joy of parents and the deep satisfaction that the Sathi team derives from these reunions is also presented. Many small steps that together add up and help the child to 'live happily ever after' are presented here.

If you are a reader interested in the bigger picture you may prefer to read chapters one, two, nine, ten and eleven. If you are drawn to the book because you deeply care about the lives of these vulnerable children you will wish to dwell on chapters three, four, five, six, seven and eight. We strongly recommend that you break your pattern and read the other bit as carefully as you read your preferred bit-or read the whole book carefully.

Chapter eight reverts to the larger panorama and describes Sathi's efforts to build partnerships and collaboration to take their work forward. It concludes by summarising all the arguments for and against the different options such as family reunification,

Chapter nine uses the Hart framework of children's participation to study the range of interventions developed by the NGO sector to address these issues. The challenges of balancing between the current comfort of the child and the skills required for the future have been addressed in many creative ways by various NGOs and these ideas and efforts are presented in the chapter. They are also compared in terms of the rungs in the ladder from manipulation to full participation.

Chapter ten brings in international comparisons of how the issues are dealt with in more developed or better administered systems. It highlights options now favoured such as fostering and the redesign of institutional care systems to create more of a family atmosphere.

We concluded with chapter eleven which offers an analysis of the future directions Sathi may wish to take in the emerging scenario. An annexure provides the history of Sathi over the last two decades.

We have tried to keep notes and references to the minimum. Our main sources of information are the reports and research of Sathi and our own conversations with various people and above all with children themselves.

If you are a reader interested in the bigger picture you may prefer to read chapters one, two, nine, ten and eleven. If you are drawn to the book because you deeply care about the lives of these vulnerable children you will wish to dwell on chapters three, four, five, six, seven and eight. We strongly recommend that you break your pattern and read the other bit as carefully as you read your preferred bit-or read the whole book carefully.

The issue needs both your head and your heart. This has prompted us to keep the children's experiences in the forefront throughout the book. We hope that on reading this you will actively look for opportunities to include family reunion as a serious option in any intervention or activity you may wish to influence, to support or to take up yourself.

We met external stakeholders like Police Officers, Railway authorities, and key individuals from other NGOs working across India on this theme. We met people who argued quite fiercely that children who have chosen to live on railway platforms should not be prevented from doing so; that is their choice, and an NGOs' job is to make their chosen lifestyle less dangerous.

About writing together

This is the second book we worked on together – and we were certainly on unfamiliar ground when we began. It took us far away from all the usual themes we worked on – livelihoods, microfinance and the like. We have both known and admired Pramod Kulkarni's work from a safe distance over the years. Every now and then he raised the topic of a book to present Sathi's work. After a couple of years of looking around for the right experts to do it, we found ourselves plunging in.

The three of us met for a day at Hyderabad, looked at what we might do and tried to schedule our work. We agreed on the focus we would like to maintain- the book will be about the issue and not about Sathi the organisation or its founder! Pramod is in any case the last person to want such a book to focus on him, so this approach suited all of us. We were determined that the book should speak through the stories of children Sathi has met over the years, not merely numbers and statistics. It must present the full spectrum of perspectives and opinions on the issue – both within and outside India, leaving it to the readers to judge.

Based on our earlier experience of working together, we began with a list of chapters and chapter outlines around mid-2011. It was at this stage that Mahalakshmi Sundar-raman came in to help us. She helped us, beginning with the research and the writing, and going on to the language editing and the last minute corrections after the publisher's copy-editing.

Sathi organised field trips for us to get our own feel of their realities. This proved to be enlightening, as we met children their families, Sathi staff, the core team, advisors and donor representatives. We also visited a number of children's institutions, the traditional option for so-called homeless children; their staff do their best, in NGO and government run homes, but it seemed clear to us that whenever possible 'home is best'. We met external stakeholders like Police Officers, Railway authorities, and key individuals from other NGOs working across India on this theme. We met people who argued quite fiercely that children who have chosen to live on railway platforms should not be prevented from doing so; that is their choice, and an NGOs' job is to make their chosen lifestyle less dangerous. Others argued that a well-managed institution is much better than an unhappy poverty-stricken home; we realised there are many

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approaches, each worthy of emulation. Savita Sastri, then in Sathi, accompanied us on our wanderings within and around Bangalore. Manoj Kumar accompanied us in Poona and Thane, and Diku Nath in Delhi. Kate Bulman contributed a chapter on the system in the U K which provides a counterpoint to our narrative of what obtains in India, and an anonymous friend of hers described what it is like to be a 'child in care' in the UK.

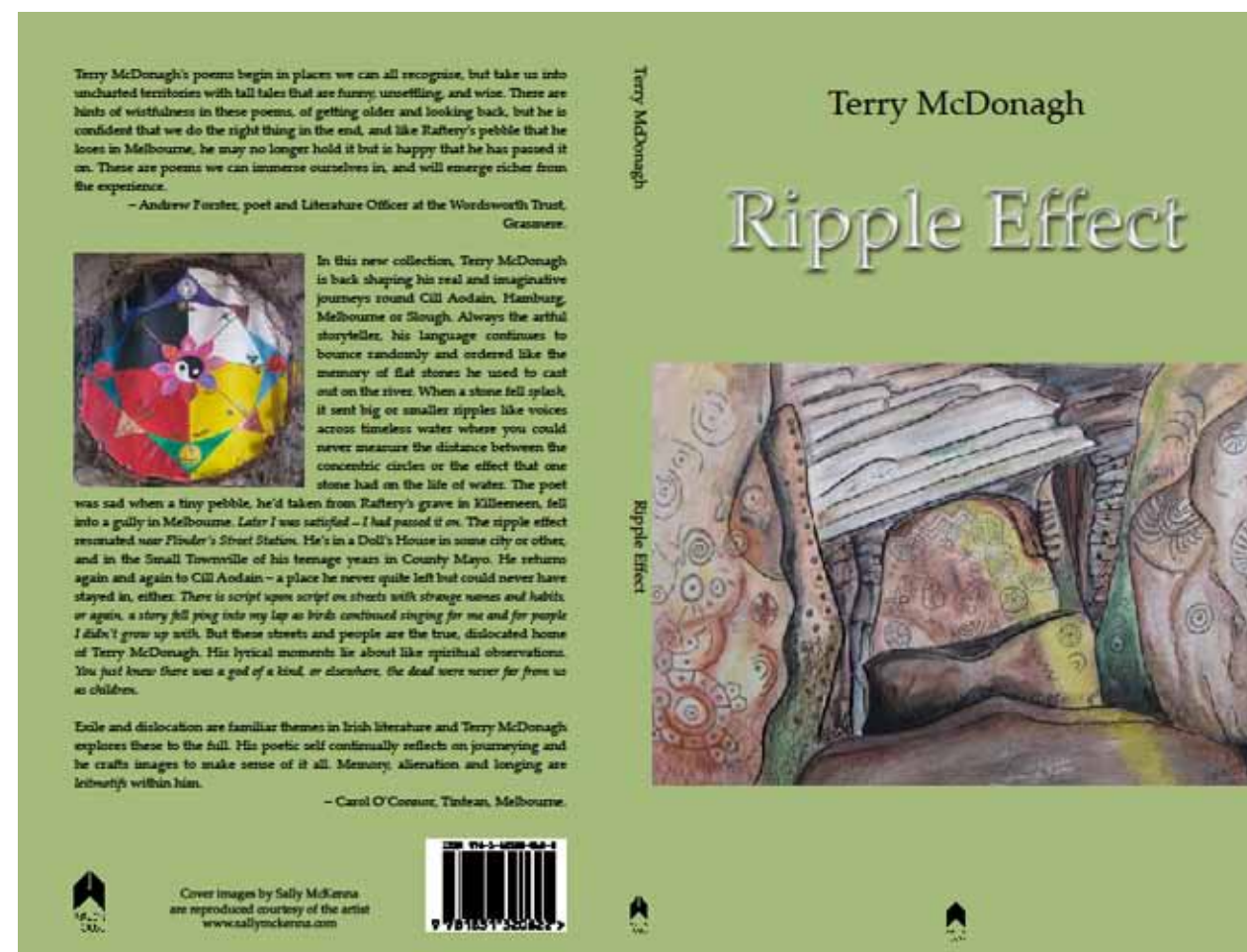
We were quite astonished when we actually completed a reasonable manuscript on time –we had committed to deliver our manuscript to Sage our publishers by March 2012 and it went to them in early April. Going by subsequent developments I now suspect it was a bit of a shock for them too! The next big surprise was the very enthusiastic external review. No major rewrite was needed! This was in November 2012 and it took Sage nearly a year to get the book out after that.

Our key challenge has been to present the many different perspectives and keep the children's experiences in the forefront. At times we were doing a Dickensian saga and a 'white paper' on the theme simultaneously. We had to overcome our scruples about text boxes- Malcolm's view being that they were the last resort of authors who didn't know how to build their argument! I know Malcolm found my Indianisms a bit of a challenge. I toned down some his more provocative comments out of concern that Sathi should not make enemies because of the book. We did enjoy writing together –and who knows we may find another interesting topic to try it again!



I have always had a bad opinion of politicians, especially Irish ones, who seem to spend their time attending funerals to capture votes. They have no interest in the living or the dead except when it comes to votes, but they do believe in killing off the opposition and making sure they have weak subordinates to make themselves look better. In this poem, the cat and the fox behave according to rules laid down by nature. They don't realise the politician will trample on nature if it helps his political career.

This poem is included in my latest collection, *Ripple Effect* – Arlen House '13.



So Much Depends on Death

The cat and fox are true cynics.
They have the rabbit pinned down.

*This time, we'll finish him, but
we have no intention of sharing him,*

they seem to say, as they sit like misfits
on either side of the rabbit burrow.

Neither cat nor fox give an inch
for an hour. Then perfect and unbeaten,

they strut in opposite directions like
a couple of be and end alls. Intrusion:

a politician is using the radio to appeal
to good nature. Cat and fox beware.

He is the sniper you cannot see in the flatness
he has created. So much depends on death.



Professor Vamsee Juluri

Novelist, author and professor of media studies at the University of San Francisco.

Hinduism and its Culture Wars

PART I

There has been a great deal of misunderstanding about what the “myths,” or the stories of the gods, mean in the lives of Hindus. Suffice it to say that until the 1980s, when the Hindu nationalist movement entered the political mainstream, myth was more important to us than history. History was at best a subject one got through in school, and an unimportant one compared to math and science, which were the stuff of global careers in engineering and medicine. As a high school student in Hyderabad at the time, I recall not being especially bothered by what our history textbooks said about our religion; most importantly, they said that our sacred epics, the Ramayana and Mahabharata, were literature, and the gods, like Krishna and Rama were therefore not real. Our religion did not seem to need any sort of validation from the curriculum, or from school in general. We got our religious stories, and our sensibilities, from our parents and grandparents and from comic books and movies. It didn’t occur to us that our modern curriculum was actually saying the gods didn’t exist. We took history, after all, with a pinch of salt.

Myth, on the other hand, was something we were steeped in, regardless of how and how much we believed in it. We believed that Rama and Krishna were real, that they were avatars of god in human form, and that they lived on this land long ago. But we also assumed that it was all really long, long ago, and that we needn’t bother looking for them in our history lessons. It was an accommodation between belief and the modern mind that had held in India for many generations. My father, for example, taught zoology and read Darwin, and he was deeply devout and religious. My mother acted in movies and later entered politics, and she was deeply devout and religious. I was less religious than them in those days, and certainly less disciplined about rituals and ceremonies, but I could not reject belief completely either. In any case, we were much like the other educated, middle class Indians we knew. We had our gods in our homes and hearts, and from there we seemed to make all our deals with the modern world of science, engineering and careers. It was rarely the other way around. It did not even occur to us to think of our gods using the touchstones of modern conversation, like history, or even philosophy, for that matter. We went on worshipping, singing, watching the old devotional movies, and that was that.

This article was first published on theindiasite





Dawn over Sri Murugan Temple, near Hampi, Karnataka. Photograph by Mark Ulyseas ©

The story of what happened since those days is now well-known. By the end of the 1980s, the Ram Janmabhoomi movement had brought Hindu nationalism into the political mainstream. In 1992, the Babri masjid at Ayodhya was demolished by Hindutva activists with the goal of building a temple at what was believed to be the god Rama's birthplace. Throughout the 1990s, Hindu right-wing parties sought to redefine the nation's secular, post-independence ethos. Artists such as M.F. Husain were hounded. Attempts were made to rewrite history books in India and, it was said, even in California. In 2002, one of the worst acts of mass violence since partition took place in Gujarat. Hindu mobs massacred around one thousand Muslims, supposedly in vengeance for the burning of a train carrying Hindu pilgrims. These incidents, naturally, led to grave concern about the future of our country, and specifically about the abuse of myth and history by right-wing forces. India, it was said, was on the verge of becoming a "Hindu fascist" nation, if it hadn't turned into one already.

Since then, many important works on contemporary India have addressed these concerns. Amartya Sen's *The Argumentative Indian* countered the Hindu right's view of India's glorious Hindu past by celebrating non-religious Indian intellectual traditions and non-Hindu icons of tolerant statesmanship, such as Ashoka and Akbar. Martha Nussbaum's *The Clash Within* questioned the post 9/11 climate of Islamophobia in the United States through an earnest exposé of Hindu extremism. Wendy Doniger's *The Hindus: An Alternative History* challenged the Hinduism of "Dead Male Brahmins" and offered kinetic counter-narratives about women, sex, subalterns, horses, blood and dismemberment in the Hindu tradition. In addition, South Asian writers well-known in the West like Arundhati Roy and Pankaj Mishra wrote frequently about the evils of the Hindu right. From their writings, it seemed that a culture war was underway in India over the future of Hinduism. On one side were the Hindu right, the fundamentalists who couldn't tell myth from history and sought to impose an intolerant idea of Hinduism upon others. On the other side were people committed to secularism, like the authors of these books, who had come to stand, even if by default, for a liberal vision of Hinduism in opposition to that of the Hindu right. (Two more recent titles might also be mentioned here, *Offence: The Hindu Case*, by Salil Tripathi, and *Uncle Swami*, by Vijay Prashad, both of which make a similar case against the Hindu right's cultural politics.)

There is however one truly strange thing about the supposedly liberal vision of Hinduism that has been offered by writers crusading against the Hindu right. Their worldview seems to have little respect, if not consideration, for how Hindus themselves see their religion in the first place. Consequently, a whole contemporary era of writing about South Asia has come to answer the Hindu right's distortions



Statue of Lord Krishna photograph by © Vikas Amarjit Singh [LINK](#)

of myth and history not by engaging with Hinduism as it is lived and understood by Hindus (which would mean acknowledging at least some grievances felt by them), but by a narrow and selective promotion of its own normative fantasy about what liberal, secular Hindus ought to believe. On the face of it, the elements of this fantasy seem like logical responses to the positions advanced by the Hindu right, but in reality, they reveal something more insidious. To the Hindu right's claim that India is essentially a Hindu nation, they have answered that there really is no such thing as Hinduism. To the claim that India was hurt by Islamic invasions, they respond that Hindus were invaders too, and they destroyed the shrines of other faiths too. To the claim that the gods mean something more to Hindus than sex-oriented academic theories propose, they respond that this is a puritanical fantasy which violates Hinduism's rich erotic traditions like the Kamasutra and Khajuraho. To the belief that Rama and Krishna are gods, they respond that they are merely fictional characters, and that it is just as valid to talk about them as villains, because in some obscure versions, they are depicted as such.

The most troubling thing about these positions is not that they have proved offensive to the positions of the Hindu right, but that they insult, more broadly, the everyday sensibilities of devout Hindus as well. After all, if the only prescription for contesting the Hindu right is to disavow all feelings of sanctity for the gods and embrace a hollow postmodern academic view of Rama and Krishna as literary characters, then most Hindus have already ended up as Hindutva-extremists. It may not be an exaggeration to say that this has already happened, especially in the United States, where academic experts on Hinduism have fought numerous battles against people they describe as "Hindu extremists," but who are for the most part law-abiding Hindu parents and children concerned about the lack of their own voices being heard in the American curriculum.

In recent years, serious questions have been raised by the Hindu-American community about errors, if not outright prejudices, in the work of many Western expert commentators on Hinduism (the book *Invading the Sacred* discusses these issues from a very different perspective from those mentioned earlier). At times, this process has not been civil, and has even escalated beyond angry emails and comment board chatter. On one occasion during a talk in London, a poorly aimed egg was thrown at Wendy Doniger by an audience member upset about her views on Hinduism: it missed not only its target, but perhaps also the point that Hinduism does not condone either attacks on scholars or the flinging of food! But apart from this spate of extremist fervor, the fact remains that a more fundamental, pressing, and valid set of questions has been glossed over in the writings we have seen on the Hindu culture wars.



Photograph courtesy Swami, Virupaksha temple, Hampi, Karnataka

Can writers who fail to show the slightest sympathy, respect, and indeed understanding for the views of Hindus truly hope to influence Hindus against extremism? Or have they been merely talking to each other, unchallenged in the narrow realm of letters and publishing, unable to acknowledge that their normative fantasy has little to do with everyday, unprivileged reality, not just the mythic beliefs of the devout? Simply put, do writers who write about India and Hindus today feel accountable to the community that their readers, especially those in the West, believe they are representative of, or have they excused themselves from accountability for such a privilege?

Finally, since these views come in the wake of many centuries of colonial derision and mockery towards “Hindoo superstition”, one might also ask if the misplaced response to Hindutva actually constitutes the continuation of Hinduphobia by other means, and through other agents.

PART II

There are numerous themes that characterize the fantasy version of liberal Hinduism that has emerged in recent writing on South Asian religion. The broadest of these has to do with the existential validity of Hinduism and Hindus, and is closely tied into a narrow depiction of the Hindu middle classes as oppressive elites in contemporary India.

This may be seen to some extent as a response to the Hindutva claim that India is essentially a Hindu land, and has been since ancient times, and was only fairly recently invaded by Muslims and others. Though this seems like common-sense, scholars like Wendy Doniger and Romila Thapar have argued that it is a myth; there was never really a religion called Hinduism, or a people called the Hindus who lived in India since time immemorial (though they do accede to the convention of referring to certain groups of people in the past as Hindus on occasion in order to show that Hindus had a lot of blood on their hands, or in their minds at least, since they invaded parts of the subcontinent too, long before the Muslims ever did).

Doniger’s weighty *The Hindus: An Alternative History*, for example, spells out numerous instances of the said blood and conflict, presumably to counter the celebratory and mystifying effects of a non-existent work entitled *The Hindus: A Mainstream History*. Important if not widely known figures in Hindu history, such as the prolific 13th century philosopher-saint Sri Madhvacharya, are presented not for their views on God and reality but for a few lines of invective that they may have written about

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their rivals. Well-known and much-chanted Sanskrit verses that celebrate the multiplicity of the divine are recast here as gory descriptions of mutilation and killing. Through hundreds of such pages full of dismemberment and would-be humorous punnery, Wendy Doniger demonstrates, finally, an important thesis, described in this excerpt from Pankaj Mishra’s admiring review of this book in the New York Times:

“... the first British scholars of India went so far as to invent what we now call ‘Hinduism,’ complete with a mainstream classical tradition consisting entirely of Sanskrit philosophical texts like the Bhagavad Gita and the Upanishads... this British-Brahmin version of Hinduism... has continued to find many takers among semi-Westernized Hindus suffering from an inferiority complex.”

The implication (or insinuation) here is that there really was nothing in common between the many sects and traditions that came to be classified as “Hinduism” under British colonialism. But what this now commonplace position on Hindu history seems to forget is that even if colonial scholarship invented the idea of a “classical tradition,” or a particular way of viewing our religious history, it does not quite mean that it invented the substance of that religion overnight (Diana Eck’s new book, *India: A Sacred Geography*, is a good example of more recent scholarship that demonstrates the obvious; even if there was no Hindu “religion” by that name in the past, there was a shared mythological imagination and practice that was deeply entwined with the physical landscape of the subcontinent for at least two thousand years.)

To modern Hindus, who are quite aware of the antiquity of their many places of worship, such a dismissal seems outlandish and lacking in credibility. It seems to make the case for them that eminent South Asian historians are out to vilify Hinduism. Such a reaction, in turn, appears to strengthen the self-perception among Westernized, secularist writers that they are somehow the authentic defenders of South Asia from Hindutva and oppressive Hindu elites in general.

(It should be noted that the “oppressive Hindu elite” idea may stem from some commentators’ inability to understand India’s multiple identities, leading to a generalized branding of virtually any violence as “Hindu” even if the hostilities were really about caste, language, or regional identity. Sometimes, the “Hindu” analysis can be simply far-fetched, as we see when the famous religion-critic Sam Harris struggles to somehow present a “Hindu” metaphysics and “otherworldliness” explanation to present the Sri Lankan Tamil Tigers’ suicide attacks as a Hindu phenomenon and not as a Sri Lankan Tamil one.)

While no one could deny the existence of pressing issues of inequality, the picture that has been formed by recent writing is a strangely skewed one. It seems to view Hindus and the middle classes broadly as elites and everyone else as their victims. More unreasonably, it seems to view the violence of Hindu extremists as somehow rooted in religion (and in religious myth, specifically) and present the violence of others as a righteous struggle arising from poverty and marginalization.

PART II contd...

The dismissal of Hinduism as an elite invention is an important argument to consider. It is part of a broader perception that has emerged on the subject of South Asia among writers who represent it primarily to Western readers, and which tends to demonize the Indian middle class in general, and the Hindu middle class in particular. Since 1991, when economic liberalization generated a vast new social class and some unabashedly aspirational consumerism in India, it has become easy to argue that such people have “seceded” from the real India of the poor and the oppressed. While no one could deny the existence of pressing issues of inequality, the picture that has been formed by recent writing is a strangely skewed one. It seems to view Hindus and the middle classes broadly as elites and everyone else as their victims. More unreasonably, it seems to view the violence of Hindu extremists as somehow rooted in religion (and in religious myth, specifically) and present the violence of others as a righteous struggle arising from poverty and marginalization.

This suggestion was in evidence in the aftermath of the 26/11 terrorist attacks on Mumbai when a spate of op-eds in leading American newspapers rushed to explain the economic and political causes of such violence, while ignoring the role of the foreign military and militant elites who master-minded the attack.

This assumption was duly popularized, ironically, in the same month as the terrorist massacre, in the Oscar-sweeping film *Slumdog Millionaire*, with its endless list of markedly Hindu and Hinduism-spouting villainous oppressors of an innocent Muslim hero – a vital change from the novel, where the everyman hero has a Hindu-Muslim-Christian name. (Coincidentally the plucky protagonist of Katherine Boo’s US National Book Award-winning study of a Mumbai slum, *Behind The Beautiful Forevers*, is also a Muslim boy.)

The cruelest irony is that this skewed “anti elite” representation of India has been bestowed with all the aura of authenticity that privilege can offer, as if only those who have access to the edit pages of the mainstream Western media are able to tell or interpret stories of the “real India”. There have been very few challenges to this seemingly learned illusion. Ramachandra Guha has pointed out some of the extreme fallacies in the arguments over Hinduism, most notably the hyperbolic charge heard since the 1990s that India had become a Hindu-fascist nation (as he writes in *India After Gandhi*, a fascist party would not have stepped down after being defeated in the election).



Items used for worship on sale outside a temple. Photograph by Mark Ulyseas ©

While Guha has been fair in his criticism of the false assumptions coming from both sides of the political spectrum, his own critics appear increasingly to be dilettante internet right-wingers. Often, though, those books about contemporary India which broaden the story, or attempt to tell it from the point of view of India, Indians, or Hindus as the case may be, seem to provoke a hostile reaction. One valid challenge to the didactic secular line on Hindus, Patrick French’s *India: A Portrait*, appears to have provoked considerable outrage among a section of reviewers. French questions, among other things, the presumptiveness of Amartya Sen, Romila Thapar and Wendy Doniger’s views on Hindus and Indian history (he wonders, rightly, for instance, if the condescension implicit in a title like “The Hindus” would be extended towards other communities like “The Muslims” or “The Christians”). It is apparent that an era of recent writing about India has missed the point of how religion has been transformed in the past two decades, because it is unable to see anything at all beyond Hindutva, and a renewed orientalist mythology of Hinduism as a religion of changeless superstition, and of course, remorselessly unilateral aggression.

The reality of course is that a good portion of India’s middle classes are not as far removed from the less privileged in terms of their history as critics have made them out to be, for the Indian middle class of today contains many first-generation entrants and its youth are far more optimistic about the future than their counterparts in the United States (on an anecdotal note, it also seems to me that most middle class Indians of my generation are far more prosperous than their parents ever were). Similarly, the Hinduism of the middle classes today is far more complex and diverse than has been described in recent writing, with many borders between Hindu sects falling away, and sometimes high-caste Hindus becoming followers of lower-caste gurus (as was the case in my own family). Given the rise of many formerly marginalized castes politically and economically, and the decline of whatever monopoly on privilege that Brahmins may have had in the past, it seems a fantastic exaggeration to reduce Hinduism as it is lived today to an elite project with no roots in popular religiosity. Anyone who has visited a temple or pilgrimage center in India with its teeming crowds composed of various class sections would be struck by the artifice of such an accusation.

Today’s Hinduism is often an accommodation not only between Brahmins and other communities, but also between philosophy and devotion, and most of all, between classical textual sources and more recent retellings through cinema and television. Yet Mishra, for instance, insists that: “Popular devotional cults, shrines, festivals, rites and legends that vary across India [and] still form the worldview of a majority of Indians” are somehow different from what he calls a “British-Brahmin” Hinduism of scriptures and texts.

But there was one question posed by the Hindutva activists involved that is worth considering: it may be true that hundreds of versions of the Ramayana exist, but why would you want to teach the ones that depict our beloved gods as villains (and the invariable equal treatment question: would you teach *The Satanic Verses*, or worse, against the wishes of Muslims)? While political parties may have their own selfish interests in raising such concerns, and students and faculty are right to defend academic freedom, the Ramayana controversy should also serve as a reminder that the Ramayana is perceived, ultimately, in India as the story of a god. The real question to consider is simply whether the writers of the secular left have turned religious pluralism into an empty cliché.

PART II contd...

On the contrary, the singular obsession with texts (often through dubious and selective colonial-era translations) at the expense of the worldview of Hindus remains a characteristic not of the religious devotees but of the privileged academic experts of Hinduism. What they possess, in every sense of Edward Said's phrase, is a textual attitude, and what their work has done, despite its many progressive aspirations, is to merely perpetuate orientalism. This orientalism, this sheer lust for power through meaning, has been played out in the stories of the gods and the myths.

Debates about the history of Hinduism and Hindus are an understandable terrain for interpretations from the left and the right to play out, but what is less understandable is the serious denial of Hindus' right to their own interpretations of their sacred stories. This denial, of course, is not even acknowledged, because virtually any assertion by Hindus over what the gods mean to them is invariably condemned as a Hindutva conspiracy to impose a monolithic interpretation of religion upon South Asia's pluralism and diversity. *The Three Hundred Ramayanas* essay controversy is a typical example of this tendency. While A.K. Ramanujan's essay is regarded as a classic in academic circles for its erudite discussion of the many different versions of the Ramayana that exist in South Asian literature, Delhi University's decision to remove the essay from its undergraduate reading list after a protest by a Hindu student group was widely seen by secular commentators as one more attempt by Hindutva forces to deny religious pluralism. But there was one question posed by the Hindutva activists involved that is worth considering: it may be true that hundreds of versions of the Ramayana exist, but why would you want to teach the ones that depict our beloved gods as villains (and the invariable equal treatment question: would you teach *The Satanic Verses*, or worse, against the wishes of Muslims)? While political parties may have their own selfish interests in raising such concerns, and students and faculty are right to defend academic freedom, the Ramayana controversy should also serve as a reminder that the Ramayana is perceived, ultimately, in India as the story of a god. The real question to consider is simply whether the writers of the secular left have turned religious pluralism into an empty cliché.

The concern, and at times, the outrage, that Hindus feel about how Hindu gods and goddesses are misrepresented, especially by academics, has less to do with an intolerance of diversity, since diverse stories are the norm in everyday Hindu practice, than with disrespect. Secular commentators often assume a belief in the sanctity of these stories is tantamount to denigrating pluralism, without recognizing that a great deal of pluralism exists within the space of Hindu mythology to begin with.

It has however become a commonplace secular prescription to demand that all versions of the sacred epics be granted the same value, as if accepting that Ram was merely a fictional character were a prerequisite for citizenship in a secular democracy. No matter how much secular writers and historians insist that the Ramayana or Mahabharata are merely stories and the heroes in one version can be villains in another, the fact is that these are not perceived as merely works of fiction by most Hindus, but as stories of the gods. That, more than anything else, is the question that the commentators on the Hindu culture wars of the past few decades have failed to address. And nowhere does this failure speak more loudly than in the controversies about academic experts who sexualize the Hindu gods in their work.

It should be obvious to anyone familiar with India that most Hindus are quite aware that there are indeed numerous variations of the stories of the gods. It is not uncommon to encounter different forms of the same stories in the course of interactions with people from other regions and communities (even the names vary, "Rama" in South India, "Ram" in the North) and through the proliferation of dubbed TV serials and movies.

Modern Hindus have been tolerant (I would even say uncritical) of a wide range of depictions of their gods in the mass media. A spate of animated TV shows and children's movies have rendered the familiar characters of mythology into new genres, in which the child gods fight aliens, play cricket, and give each other high-fives. One of the biggest-selling novels of recent years in India is Amish Tripathi's Shiva trilogy, an unorthodox and humanizing take on the god as a troubled, intelligent human figure confronting everything from terrorism to untouchability in an ancient setting.

The myths, it seems can be sacred, and otherwise. The mere fact that others may have different stories has rarely offended Hindus. After all, a popular festival like Deepavali can be about Rama's return in some places, and about Krishna and Satyabhama's defeat of Narakasura in others (and of course, some places may not even have heard of Satyabhama, and others, of Radha). I do not recall anyone attempting to silence these differences and impose a monolithic Hinduism at all. It is just that the organic pluralism of Hinduism around the world is very different from the elite postmodern one that permeates high academic writing.

The issue, in other words, is not that Hindus are unaware of the ancient varieties of Hinduism, as secular critics assume, but that they are unwilling to grant disrespectful readings of the epics the same value as other interpretations. It has however become a commonplace secular prescription to demand that all versions of the sacred epics be granted the same value, as if accepting that Ram was merely a fictional character were a prerequisite for citizenship in a secular democracy.

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Lord Ganesha statue. Photograph by Mark Ulyseas ©

PART III

The most intractable difference in perception between Hindus and those who merely write about them (especially in the West) concerns the appropriateness of depicting the gods and goddesses in sexual terms. Academic experts on Hinduism like Wendy Doniger have received a great deal of criticism and even some threats for their sexualized readings of Hindu gods and saints. The usual secular response to charges against academics who inaccurately sexualize Hindu gods and goddesses has been to insist that the Hindu right is in denial of Hinduism's rich heritage of sexual celebration. Sometimes, even more is read into such objections. Martha Nussbaum, for instance, makes the following argument in connection with the controversy about the scholar Paul B. Courtright's comparison of the god Ganesha's trunk to a limp penis:

"What men of the Hindu right seem to want in their gods is strong muscle and warlike aggression. What they do not like to think about when they think about a god is the round belly of Ganesha, his soft elephant's trunk; the mere suggestion that this trunk might symbolize a limp penis causes violent outrage."

While it may be true that "men of the Hindu right" want strong and muscular gods (and the hyper-masculine forms of Ram we now see in posters are indeed very different from the older imagery), what is truly bewildering is how oblivious Nussbaum seems to be to the fact that it is not just macho Hindutva men who would be outraged by such a comparison, but virtually every peaceful adult or child. Starting with the absurd assumption that the outrage was caused by the comparison of Ganesha's trunk to a *limp* penis, she goes on to build a case for sex as the answer to Hindutva machismo.

The problem with this sort of missionary zeal is that it completely misses the reality of how Hindus actually think about the gods and goddesses (and I am quite sure no one has stopped thinking of Ganesha's round belly and soft trunk and sensitive eyes even in this age of Hindutva). Once again, the arguments of the secular left have failed to do much else than to reveal how ignorant they are about the way devout Hindus conceptualize their gods. Even the widely proclaimed example of the erotic sculptures of Khajuraho hardly represents the forms or functions of the sculptures of the deities to which Hindus normally offer prayers to in their temples. Khajuraho's fame is precisely because it is an exception to the thousands of temples that exist all over India. There is a vast difference between the occasional presence of erotically aesthetic sculptures on the exteriors of a few temples,



Shiva Lingam at Kailash temple, Ellora photograph by © Sanjay Acharya [LINK](#)

and the more maternal, paternal, or child-like forms of the deities to which Hindus actually pray (the Lingam, a symbol for Lord Shiva may be held up as an exception, but even that is not quite seen by the practicing and devout as a sexual sign, as I discuss below).

Most devout Hindus have formed a picture of the gods in their inner lives long before they learn the facts of sexuality, and in this picture, the affection and reverence they feel for the gods is usually parental, and therefore non-sexual. We think of Shiva and Parvathi, for example, as parental figures; no matter how much scholars may argue that a Lingam is Shiva's penis, or tourists think that a goddess sculpture looks hot, in our minds they are known only as our Adi-Dampatulu (Telugu for Primal Couple), and she, our Ammavaru (Revered Mother). It may be the case that there are ancient textual sources that suggest the Lingam is a phallus, and there are also other ancient textual sources that suggest otherwise. Scholars like Doniger, naturally, dwell on the first and dismiss the others in cocksure fashion.

Diana Eck, on the other hand, writes in *India: A Sacred Geography* that the phallus interpretation, while not completely absent, has been exaggerated widely due to a mistranslation and simply does not represent how Hindus think about it. As she writes, "the linga (in at least one interpretation) is an epiphany of such transcendence that it can hardly be considered a part, much less an anatomical part, of Shiva as he appears in embodied form." The phallus theory is just that, one among others, and fails to do justice to how the devout think, and ultimately, how a culture seeks to represent its yearning for the divine. It is also helpful to understand why Hindus find it, and the sexualization of the deities more broadly, deeply offensive. As Bill Aitken writes, Hindu reticence in talking about sex is not because it is seen as dirty, but simply because it is recognized as "too sacred a mystery for idle talk." Something dirty, on the other hand, is what Doniger's invitation to her readers to peruse her endnotes like "dogs sniffing one another's backsides to see what they have eaten lately" feels like. For readers used to revering all books as symbols of the Goddess Saraswathi, or for those of us who like to respect the social investment that goes into scholarship and publishing, that seems needlessly flippant, if not plainly barbaric.

This attitude towards the sacred has weakened whatever case these writers might have sought to make against the right-wing's abuse of religion. Though one need not subscribe to belief in order to represent something with accuracy and civility, at the very least one might refrain from disdain. What has happened in the culture wars seems more like a backlash against Hindus rather than a mere critique of the Hindu right.

Collections of fine spiritual writing, like the Penguin anthologies published each year in the United States, for example, include many eloquent and insightful essays on everything from deserts in religion to the Dalai Lama's American visits, but no Hindu voices at all. A Hindu's account of a quest or pilgrimage has never, so far as I can remember, found a place in the *New Yorker* magazine. When a Hindu issue makes the news, it is rarely afforded the honor of a Hindu speaking about it. It is as if Hindus need experts, and foreign experts in particular, to decode us, even for the intelligent literary reader in the Western market. One reason for the absence of Hindu voices in general, or at least an accurate portrayal of Hindu thought, might be the professional polarization that seems to have taken place in my generation.

PART III contd...

It is, after all, one thing to argue that there is no historical evidence that a temple to Lord Rama was destroyed by Babar's general to build a mosque, and another to insist that believers think in a certain narrowly prescribed way about their gods. No one could deny the need for introspection among Hindus, whether on the historic grounds of caste, or in terms of the new politics of anger against Muslims and some Christians. But to credibly state this case, experts on Hinduism and South Asia need to become less self-righteous and more aware of how their own backgrounds of privilege might distance their view from that of ordinary Hindus.

Much of the sexual argument, for instance, seems to be little more than a Freudian projection of a quarrel that some Western writers have with the puritanical elements of their own religious upbringing. And among South Asian scholars too, we see hints of a personal history that might have led to their own peculiar views of the situation. Amartya Sen, for example, refers to his own absence of attraction to Hinduism as a religion while growing up. As he writes in *The Argumentative Indian*, he was raised in a household where there were no religious rituals at all – a fairly unusual condition in India. His distinguished Bengali intellectual family background encouraged a skeptical approach to religion, but one might also wonder if all of this has made his arguments less appreciative of how religion appears to the majority. While religious belief need not be the only qualification to write about religion (and Sen is indeed a celebrated scholar of the texts), it would also be useful to also hear the views of those for whom Hinduism is not only an “object” of study but a living philosophy.

The celebrated rise of world-acclaimed South Asian writing in the past few decades has quite notably lacked a Hindu voice, let alone an outright Hindu-right voice to debate the one-sided argument that has taken place so far (for one thing, it seems odd to see mighty scholars like Doniger making their arguments not against other scholars and writers but mostly with eccentric internet Hindutva zealots and their dilettante theories). A whole generation of eminent Indian writers – writers for the West – has come to the fore, and they seem to have no interest in questions of faith outside of identity-politics; and when they do turn their eloquent pens to journeys of spiritual discovery, it is usually from other traditions than Hinduism. Collections of fine spiritual writing, like the Penguin anthologies published each year in the United States, for example, include many eloquent and insightful essays on everything from deserts in religion to the Dalai Lama's American visits, but no Hindu voices at all. A Hindu's account of a quest or pilgrimage has never, so far as I can remember, found a place in the *New Yorker* magazine.

If the secular left wished to speak to the wider Hindu community, it would be imperative to get over its own mythology. The solutions they offer do not resonate beyond their own privileged world of academic conferences and literary festivals (*a propos Doniger, one might say that the comrades in the good fight should stop sniffing one another and smell the incense*). I believe there is a liberal Hinduism, and that there are many devout, liberal Hindus who recognize the rights of minorities to coexist in India and equally wish to assert their own right to fight centuries of colonial and postcolonial racism, marginalization, and mockery of their faith. They are the true “alternative” to the nationalism of the Hindu right, and not the sanctified, subversive notions that have dominated the writings of the secular left.

When a Hindu issue makes the news, it is rarely afforded the honor of a Hindu speaking about it. It is as if Hindus need experts, and foreign experts in particular, to decode us, even for the intelligent literary reader in the Western market.

One reason for the absence of Hindu voices in general, or at least an accurate portrayal of Hindu thought, might be the professional polarization that seems to have taken place in my generation. Most of the devout Hindus I know of (and the Hindutva supporters I read on online comment boards) seem to be doctors, engineers, and scientists. Most of the writers, artists, academics and activists (of the left) that I know and know of seem to be disinterested in religion, if not hostile.

Perhaps it was the middle class anxiety of my parents' generation for us to become engineers and doctors that has led to such an overwhelming skew towards those careers. However, it also seems that a new generation of Hindu parents, and not just those in the diaspora, has come of age with a broader view of education. They may still want their children to have the career security of doctors and engineers, but there is, especially for those who have financial security and now want a meaning for life, a greater desire to explore, and to be engaged. So much of what we acquired as religion in our childhood seems unreflective now, our parents doing what our grandparents did. But now, as we become parents ourselves, we recognize that we are the first generation to have to deal with the new stories being told by globalization, diasporic experience, and of course, Hindutva and the related culture wars, and we perhaps feel more invested in shaping the story of religion as it passes on. Unfortunately, only the ideologues of the Hindu right have been successful in offering a language for engagement to my generation, and to those who are growing up in a distinct post-liberalization India.

If the secular left wished to speak to the wider Hindu community, it would be imperative to get over its own mythology. The solutions they offer do not resonate beyond their own privileged world of academic conferences and literary festivals (*a propos Doniger, one might say that the comrades in the good fight should stop sniffing one another and smell the incense*). I believe there is a liberal Hinduism, and that there are many devout, liberal Hindus who recognize the rights of minorities to coexist in India and equally wish to assert their own right to fight centuries of colonial and post-colonial racism, marginalization, and mockery of their faith. They are the true “alternative” to the nationalism of the Hindu right, and not the sanctified, subversive notions that have dominated the writings of the secular left.

In India, or at least in that hallowed space of India in which a small, privileged, anglicized elite freshly broken from its past (and the ever-religious present of its majority) live and fret about troubles with religion, it is no longer easy to be “religious” and credible. Gurcharan Das writes in *The Difficulty of Being Good*, for example, about how his decision to study the Mahabharata was met with surprise and scorn. “Good lord, man,” one distinguished friend of his exclaimed, “you haven’t turned saffron, have you?”

PART III contd...

There have indeed been many changes in recent years among devout Hindus in terms of how mythology is talked about, but one is especially important. Now, there is an anxiety about referring to the stories of the gods as “stories” that perhaps did not exist before. These new ways of speaking of religion in terms of history, scriptural and otherwise, are part of a confrontation between merely living in belief and finding modern ways of talking about it, a process that began largely in the 1980s, perhaps as a result of the phenomenal reception of the *Ramayan* television series.

The *Ramayan* has sometimes been blamed for the rise of Hindutva, though its impact may have been more indirect and subtle than that (such criticism also forgets that Indian cinema has had a much larger tradition of mythological film-making, especially in South India, where Hindutva is not quite as prevalent). What it seems to have done, as Purnima Mankekar and Arvind Rajagopal’s studies suggest, is to encourage speaking about the stories of the gods in new ways, not just as devotion, but as heritage and history. It marked the beginning of a self-consciousness about Hinduism, an epistemic shift from a long-standing practice of silence, ambivalence, and “non-definition” as a colonial survival strategy (discussed brilliantly in Ashis Nandy’s *The Intimate Enemy*). Since then, thanks in no small part to the efforts of the Hindutva movement to capitalize on it, a particular way of speaking about Hinduism as heritage and history has become increasingly pervasive among younger, middle class Hindus, both in India and in the diaspora. For them, the stories are no longer merely “myths” but “scripture.”

The new assertiveness about Hinduism and Hindu identity is however not based on a naively superstitious understanding of myth, as many writers have made it out to be. As Diana Eck shows in *India: A Sacred Geography*, there is a close connection between the landscape of the subcontinent and its religious beliefs. What is a useful lesson though for the skewed debate we have had so far is her fear “that somehow the image of a sacred geography enlivened by the presence of the gods and interlinked through the circulation of pilgrims would further feed the fervor of an exclusive new Hindu nationalism”. It is indeed a strange predicament that a truthful account of India such as Eck’s seems more poised to provide ammunition for right-wing appropriation than for a secular cause, and one reason for this might well be the ill-informed and reactionary manner in which South Asian (and South Asian diasporic) “progressive” society has come to deal with religion. In India, or at least in that hallowed space of India in which a small, privileged, anglicized elite freshly broken from its



Sri Yantradhara Ajaneya courtesy Swami of Virupaksha Temple, Hampi, Karnataka

past (and the ever-religious present of its majority) live and fret about troubles with religion, it is no longer easy to be “religious” and credible. Gurcharan Das writes in *The Difficulty of Being Good*, for example, about how his decision to study the Mahabharata was met with surprise and scorn. “Good lord, man,” one distinguished friend of his exclaimed, “you haven’t turned saffron, have you?” An invitation to speak at a school, he writes, was withdrawn for fear that the topic (the Mahabharata) was religious and therefore potentially offensive to a secular school-board member. It is not surprising at all in India’s bustling literary-intellectual world where a fashionable skepticism has become the new sacred cow, oblivious, despite so many symbolic political salaams to the people, of the very culture of faith that animates them.

The reality is that many Indian Hindus feel more assertive about Hindu identity than perhaps previous generations ever did. While the reasons for this are complex, it would be a mistake to think of this as a breakdown in the secular project, and more incorrect to think that the only alternative to Hindu assertiveness is the narrow secular prescription advocated from the ivory-towers of India and the West. This prescription, after all, has been not merely a call to reject militant Hindu nationalism, but really a much deeper injunction to de-Hinduize altogether. Neither the British, in the era of colonialism and then partition, nor the Americans in the era of the Cold War, quite saw it in that way.

It seems an amazing fantasy therefore that Hindus should reject something that the world has not. Hindu identity may be a more recent invention than Hindu belief, but it ought not to be dismissed. And the formidable battery of intellects and writers who are read in the West should turn their attention from battling the comments of angry message-board posters (who do not write op-eds anyway) to addressing some real questions that the Hindu community has legitimately posed.

They could, perhaps, understand why they should have educated the *Economist* when it referred to a sacred Shiva-Lingam as a “penis-shaped lump of ice,” just as they pounced on the news media for their inaccurate views of Islam and the war on terror. They could, perhaps, acknowledge that they might sometimes be wrong in their own deracinated scholarship, and that sometimes Hindus do know better about themselves, and that a Lingam is only a Lingam. They could look inwards and admit that they do not comprehend the pleasure and religious ecstasy in Hindu spirituality. They could perhaps in their writing even begin to address Hinduphobia with the same zeal they show when they are fighting Islamophobia. That would really be secularism.



A New Science of Economics?

Bernard Lonergan's Proposal

Bernard Lonergan's economic theory has been described as "one of the great overlooked intellectual discoveries of the twentieth century." [1] This is partly because Lonergan was a theologian by profession, and his output consisted mainly in the areas of philosophy and theology (his great works are *Insight: A Study of Human Understanding*, and *Method in Theology*), but also because the two essays he produced as the fruit of fourteen years of sustained work ("For a New Political Economy" [1942] and "An Essay in Circulation Analysis" [1944]) remained unpublished during his lifetime. [2] The 'new' in the title of the essay of 1942 might be explained by Lonergan's conviction that economic theory has not yet broken through to the status of a true science. But it also indicates the fact that Lonergan's analysis is dynamic from the start – something that might be seen in the title of the second essay. Joseph Schumpeter had remarked on the static nature of current economic analysis, and had called for its replacement by a system of general economic dynamics into which statics would enter as a special case. Schumpeter's own theory began with a static analysis into which he subsequently introduced the 'destabilizing' effect of entrepreneurial activity. Lonergan, instead, focuses immediately on the activity of production, particularly in its occurrence on the massive scale associated with economic cycles, revolutions and surges, and so his analysis is precisely a system of general economic dynamics into which statics enters as a special case.

The central distinction governing the whole of Lonergan's economic analysis is that between two flows of goods, basic and surplus. The basic flow or circuit is concerned with the production of goods and services that enter directly into the standard of living. The surplus flow or circuit is concerned instead with the production of the means of production. Corresponding to these are two flows in the exchange process. The distinction between basic and surplus circuits is not original to Lonergan, being found also in people like François Quesnay, Joseph Schumpeter, Karl Marx, Michael Kalecki and Christopher Dawson. The problem is that in these economists the distinction tends to be a nominal one: producer and consumer goods are not considered as dynamic flows or circuits; the distinction does not enter into the counting of transactions or the calculation of the GNP and GDP; or else the true focus tends to be on the pricing mechanism rather than the production process. Lonergan, in keeping with his aim of shifting economics to the status of a true science, makes the distinction fundamental, and ensures that all the significant terms and relations of his analysis flow from this distinction.

In a food-gathering economy, there is a routine of seeking edible fruits and vegetables, eating them where they are found, and moving on when the supply is exhausted. Other things being equal, each year is much the same as the last. This is the *static* phase. If, however, a member invents the idea of a basket for gathering food, and if the tribe adopts the idea, a new phase begins. Now time and resources have to be set aside for making baskets. Food requirements, however, remain the same; and as long as the baskets are being made, there is no increase in supply of food. This is the *surplus or capitalist* phase.

To the distinction between the two flows, Lonergan adds a considering of *widening* and *deepening*. Widening is the increase in the number or size of units of production. Deepening is the increase in the efficiency of existing units of production; it reduces labour, increases leisure, and makes cultural development possible. Widening is subject to the law of diminishing returns, because with more units of production, more resources are needed for maintenance and replacement. Deepening instead leads to increasing returns. By means of the shifting relationship between the basic and surplus circuits, Lonergan distinguishes four phases of the 'pure cycle' or ideal line of development of the economic set-up: the static, the capitalist, the materialist, and the cultural. The capitalist phase is one of deepening: there is an expansion on the surplus level, but the basic level remains constant. The materialist phase is one of widening: the surplus level remains constant but there is an expansion on the basic level. The cultural phase is at this point the same as the materialist phase. The static phase, naturally, is one in which there is neither surplus nor basic expansion.

An example might help. In a food-gathering economy, there is a routine of seeking edible fruits and vegetables, eating them where they are found, and moving on when the supply is exhausted. Other things being equal, each year is much the same as the last. This is the *static* phase. If, however, a member invents the idea of a basket for gathering food, and if the tribe adopts the idea, a new phase begins. Now time and resources have to be set aside for making baskets. Food requirements, however, remain the same; and as long as the baskets are being made, there is no increase in supply of food. This is the *surplus or capitalist* phase. When the baskets are ready and put to use, the production of baskets slows down. Now the gathering of food takes less time, and more food can be gathered. This is the *basic or materialist* phase. With more time on their hands, the tribe may begin using baskets for ornamental or religious purposes; this is the *cultural* phase. Eventually the new production routines will set in, together with a higher standard of living, thus bringing in a new static phase.

Besides the production process, of course, there is the exchange process, and here the invention of money as a medium of exchange makes possible a massive expansion of the economy. Since Lonergan believes that production is primary, it obviously follows that the exchange economy must adapt to the phases of production rather than the other way round. As for the instruments of finance – banks, taxes, stock markets, second-hand trade – these are needed to move money where it is needed. Since these are not themselves production but merely change in ownership, Lonergan refers to them as redistributive exchange. A point to be specially noted, however, is what Lonergan calls pure surplus income. There is a profit that is merely an excess of selling price over cost price; it is registered merely because cost price does not include the seller's private cost of living. There is, instead, another kind of profit that is an excess over and above the cost of living, taxes, charities,

Lonergan does not hesitate to speak of an *anti-egalitarian distribution of income during the surplus expansion*: "To increase the rate of saving, increase the income of the rich. To decrease the rate of saving, increase the income of the poor. [This] is the fundamental mode of adjusting the rate of saving to the phases of the productive cycle." [3] Thus, some combination of new credit and reinvestment makes surplus expansion possible. In time, the surplus expansion slows down.

maintenance and replacement: this is pure surplus income. Such a pure surplus occurs only during a surplus expansion, and it is meant not for the private pockets of the entrepreneur, but rather to be invested so as to keep the surplus expansion going.

Let's have a look now at the way Lonergan explains exchange in the different phases. In a stationary economy, what is income for sellers is expenditure for buyers. Part of basic income goes in wages, buying raw materials, etc.; part has to be set aside for surplus expenditure, and so crosses over to the surplus circuit. On the surplus level itself, part of the surplus income goes in wages, raw materials, etc., and so crosses over to the basic circuit, and part goes in surplus expenditure. One of the key elements in Lonergan's theory is that the crossover flows between basic and surplus circuits have to balance. If, for example, the crossover from basic to surplus is greater than the crossover from surplus to basic, the basic circuit would be deprived of money, and the standard of living would eventually be lowered. In contrast to mainstream equilibrium analysis that focuses on monetary equilibrium and ignores production rhythms, Lonergan holds that money must adjust to production rhythms. And the balancing is not automatic, but rather something that requires intelligent interventions based on an understanding of crossover flows. There are, therefore, no iron laws of economics that function regardless of human factors. Lonergan's entire thrust is towards active and intelligent control of economic flows; and it should have become evident that such control is vitally related to and dependent on adequate economic theory.

In a static economy, all available funds are used to maintain the current standard of living. For real economic growth, however, a significant infusion of new funds is needed. This means that mechanisms of credit are needed. The introduction of new funds into the surplus circuit leads to an increase in production and therefore in income. In the pure case, there will be surplus income. Pure surplus income, however, is not to be prematurely sent to the basic circuit; it must be reinvested. The slogan here is 'thrift and enterprise.' Lonergan does not hesitate to speak of an *anti-egalitarian distribution of income during the surplus expansion*: "To increase the rate of saving, increase the income of the rich. To decrease the rate of saving, increase the income of the poor. [This] is the fundamental mode of adjusting the rate of saving to the phases of the productive cycle." [3] Thus, some combination of new credit and reinvestment makes surplus expansion possible. In time, the surplus expansion slows down. The benefit of new producer goods is felt in the basic circuit, leading to increased production of consumer goods and services. Now comes the time to allow money to flow into the basic circuit, and here Lonergan speaks of an egalitarian shift in the distribution of income. The slogan here is benevolence. The two crossovers are balanced, since money from the basic circuit goes to the surplus circuit to buy the new producer goods, while higher wages and incomes in the surplus circuit flow down to the basic circuit. The overall standard of living improves, till eventually there is a new static phase.

Lonergeran is proposing, then, a new science of economics, where economics itself is recognized as being the human science that it is. This means that human intelligence and decision are vitally important elements in economic analysis. It also means that economics is subsumed into ethics in such a way that it maintains a true autonomy as a science while at the same time recognizing and accepting that there is something higher, whether this be called dharma or the human good.

What we have been describing is, however, the ideal case. In point of fact, the surplus expansion can be misread in several ways, giving rise to what has been called the 'trade cycle' with its booms and slumps. First, increased activity on the surplus level can lead to increased consumer income and to a tendency to spend on the basic level; but if the surplus expansion has not yet had an effect on the basic circuit, the amount of basic goods has not yet increased, and the result is inflation: more money available for the same amount of goods. To meet this inflation, workers and unions demand higher salaries, and there is a wage spiral. Instead of funds feeding the surplus expansion, the surplus circuit is drained, and the expansion is cut off prematurely. The boom becomes a bust. Second, governments and central banks can respond to inflation by raising interest rates. But this is too blunt an instrument: while it dampens consumer inflation, it also makes borrowing difficult, and so cuts off money from the surplus expansion. Once again the boom becomes a bust. The slowing down of the surplus expansion and the moment of the basic expansion can also be misread. On the capitalist mantra of maximization of profit, the slowdown of pure surplus income is worrisome. The reaction by large enterprises is to mop up whatever little surplus income is available, while smaller enterprises are either swallowed up or close down. The basic expansion does not take off, and the overall standard of living does not improve and even comes down. Here governments can intervene either by maintaining a favourable balance of trade, or by deficit financing. Lonergan is against both: the former either cancels itself out or else leads to a debt crisis; the latter tends to work in favour of the rich, because government tends to replay bonds and their interest by taxing the majority.

The trade cycle, as we can imagine, is not inevitable. Lonergan's solution is to recognize and respect the rhythms of the economy, which means an anti-egalitarian distribution of income, together with thrift and enterprise, during the surplus expansion, and benevolence and an egalitarian shift during the basic expansion. To violate the organic interconnection of the economy is to smash the organism. Full understanding of economic concomitance instead leads to stability and economic well-being. In professional cricket, for example, the players make the concrete decisions, the managers give advice regarding strategy and tactics, and the Cricket Boards make and enforce the rules but do not interfere with the playing of the game. In some such way, the players in an economy make the everyday decisions, the practical economist gives advice, and the government, far from intervening in the running of the economy, evolves political consensus, sets the ground rules, and enforces them. While this might at first blush appear to be the laissez-faire policy of savage capitalism, it is instead a unique blend of economics and ethics, with the ethical requirements flowing from a careful understanding of the economy, and controls being placed, not in the hands of the government or the bureaucracy, not even in the hands solely of a small entrepreneurial class, but in those of the people at large. Obviously this calls for a massive task of education.

Being no economist, I cannot claim any in-depth understanding of Lonergan's economics; but I can certainly feel its fascination. Good ideas are ignored by humanity at its own peril, and here, I think, is not merely a good idea but one that has been worked out in fine detail, as even a cursory glance at the two volumes of the Collected Works will reveal. It is one that deserves to be looked at, and this little article will, hopefully, contribute to increasing that probability.

The key point is to convince the economic establishment to make a shift from regarding the exchange process as primary (see, for instance, the almost total concentration on GDP and GNP, and the attempt to inflation by means of interest rates) to regarding the production process as primary, and to recognize within the production process a distinction of two flows, basic and surplus. Once this has become generally recognized, we might begin to see that there are phases in the production process; that these phases call for certain types of decisions; and that thus we might be able to avoid the familiar booms and slumps of the trade process.

Lonergeran is proposing, then, a new science of economics, where economics itself is recognized as being the human science that it is. This means that human intelligence and decision are vitally important elements in economic analysis. It also means that economics is subsumed into ethics in such a way that it maintains a true autonomy as a science while at the same time recognizing and accepting that there is something higher, whether this be called dharma or the human good. Accumulating wealth is not the general motive of production, nor is material progress a value in itself. The aim is that reduction of labour and increase of leisure that makes possible the overall development of the human being, and indeed, of all human beings together. The following quote from Lonergan might be an indication of the radicality of his economic proposal:

Nor is it impossible that further developments in science should make small units self-sufficient on an ultramodern standard of living to eliminate commerce and industry, to transform agriculture into a super-chemistry, to clear away finance and even money, to make economic solidarity a memory, and power over nature the only difference between high civilization and primitive gardening.[4]

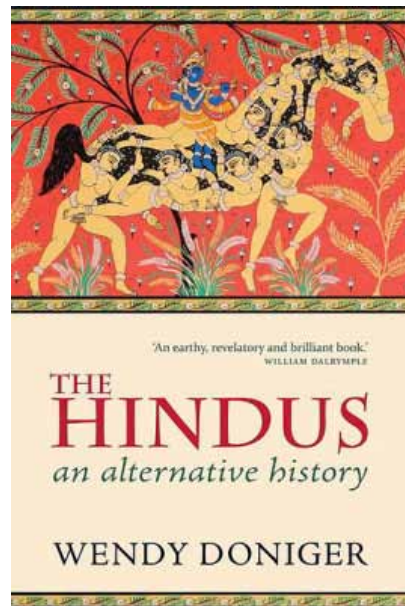
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[1]Michael Shute, Lonergan's Discovery of the Science of Economics (Toronto: University of Toronto Press, 2010) xii.

[2]See volumes 21 and 15 of the Collected Works of Bernard Lonergan (University of Toronto Press, 1998 and 1999).

[3]Collected Works of Bernard Lonergan 21:286-7.

[4]Collected Works of Bernard Lonergan 21:20.



It's my right to offend. How dare you be offended!

While the dust has partially settled down on the case of Wendy Doniger's "The Hindus: An alternative history", the controversial book which its publisher Penguin, has decided to pulp because of a legal notice against it, there are some fresh inputs that people have shared with me which prompt further comment.

In a New York Times article Doniger says that after the book was published, she and her publisher worked "to take out things we thought might be particularly offensive to Hindus, to not thumb our nose at them." Curious choice of words, I thought. It implies that she admits that there were parts in the book which were deliberately insulting to Hindus and therefore she and Penguin sat and corrected that to some extent. "Thumbed our nose". What a vicious way to put it. A more sincere writer would possibly say "which might hurt them" or "which might be viewed as offensive". Thumb your nose is something bullies do in the playground to other kids when they want to show who is superior. Notice also the "our" and "them". *Them* is Hindus, of course. But who is "our"? Who is this cosy team that was thumbing its nose at Hindus? White Anglo Saxon Protestants? All Caucasians? Americans? The developed world?

Writers are in the business of words and choosing the right ones usually comes easily to them, unless they are being purposely malicious or simply don't give a hoot.



Doniger claims that the alternative history that she is presenting is that of "untouchables, animals and women." In fact, there is less of all that and more of Wendy's determinedly sexual perspective to fairly straightforward things and situations in a stretch of imagination that would be the envy of a fiction writer. She draws parallels between every Hindu God and his vehicle with anatomical parts. Someone needs to tell her: Wendy, sometimes a cigar is just a cigar, you know.

The details of all the fallacies in the book are described by Aditi Banerjee in an article in Outlook magazine on October 28, 2009 www.outlookindia.com and Aseem Shukla has composed a dignified retort to the book here in 2010. www.faithstreet.com

Doniger has accused anyone who dares to criticise her as a right wing fundamentalist. But there are parts which are jarring to even a garden variety Hindu like me who is nowhere near wielding a saffron flag.

For instance, take the scene in the Ramayana when Sita is alone in a hut guarded by her brother in law Lakshman while her husband Ram has gone to hunt a golden deer she desires. When they hear Ram's anguished voice crying out their names, Sita urges Lakshman to go in the direction of the voice and help Ram. Lakshman refuses saying his duty is to guard her and Ram was invincible, so no harm would befall him. A desperate Sita then accuses Lakshman of having mal intentions towards her and of a desire to misuse the occasion of staying alone with her. Hearing this, a hurt Lakshman, of course, rushes to help his brother.

Even if someone had not read the Ramayana, just as a mere exercise in literary interpretation, a plausible explanation for Sita to utter these intemperate words would be that a stubborn Lakshman was simply not agreeing to go and in desperation she resorted to saying things which she knew would provoke him to leave her side. It is a human reaction: we all have said hurtful and exaggerated things to family members in the heat of an argument because we want to make things go a certain way and are reaching the end of our tether with the other person.

Now Doniger's interpretation is that Sita made this comment because there existed an underlying subtext of attraction between her and Lakshman, which created a tension within the trio. And this, Doniger says, was the basis of Ram later, supporting the monkey king Sugreeva and killing his brother Vali. Vali had taken away Sugreeva's wife and kingdom and dear old Wendy indicates that the Lakshman-Sita frisson was on his mind and seeing a parallel he felt justified to kill Vali. What is he, a character from Wendy's favourite soap opera?

Why a serious professor in a supposedly academic book must so frequently dissolve into flippancy and incongruous analogies from contemporary popular culture is bewildering. Sita looks at the golden deer and is “delighted that Tiffany’s has a branch in the forest” or that the monkeys in Ramayana once got drunk like a “frat party out of control”. No Indian needs these analogies. The only people who need them would be those who have no clue about the subject which makes one suspect the book is a collection of classroom lectures Doniger gave to American sophomores in the University of Chicago.

Let us pause here to allow all Hindus to hold their sides laughing or explode in fury as each may deem fit.

Moving on, she describes Lakshman’s entering into the Sarayu river, which he was obliged to do after he interrupted Ram’s parley with the God of Death, Yama, as “committing suicide”.

I cringed when I read that phrase. “Committing suicide” is not a term you would use to describe Lakshman’s act unless you deliberately want to be banal. Or you simply don’t understand the nuances and texture of Hinduism, which is definitely the case with Doniger. “Committing suicide” is the ending of one’s life because of extreme angst, hopelessness and despair. In Lakshman’s case, he merely was honouring his elder brother’s promise to Yama that no one would interrupt their closed door meeting. Since Lakshman opened the door, he came face to face with Yama, which can only mean one thing: termination of one’s earthly life. Lakshman was a divine figure, he’s not going to drop down dead like us mortals. Therefore, in complete equanimity, he steps into the Sarayu river, from where he is absorbed into heaven. It is an elegant transition, which subsequently each of his other three brothers follows. Were they all “committing suicide” then? What a crass term from a supposed scholar! It makes it painfully evident that unless you live and breathe a religion, you cannot know its warp and weft, its subtleties and tonalities just by reading books.

Everywhere, Doniger eschews the most plausible explanation and presents the most titillating one. At each juncture where a more sensitive understanding is required, she prefers to be obtuse. It is this disposition that caused her to write the most wanton description of Hinduism on Microsoft’s Encarta which was removed following this brilliant rebuttal www.sankrant.org.

And then there are her annoying attempts to be cool and funky in the oddest of places. Why a serious professor in a supposedly academic book must so frequently dissolve into flippancy and incongruous analogies from contemporary popular culture is bewildering. Sita looks at the golden deer and is “delighted that Tiffany’s has a branch in the forest” or that the monkeys in Ramayana once got drunk like a “frat party out of control”. No Indian needs these analogies. The only people who need them would be those who have no clue about the subject which makes one suspect the book is a collection of classroom lectures Doniger gave to American sophomores in the University of Chicago. (Come on, I am allowed a little guessing when Doniger is revelling in conjecture!)

Putting aside the many inaccuracies, bizarre extrapolations and meanderings into fantasy that are there in the book, two things are getting missed in the flurry of overreaction to Penguin’s decision to pulp the book.

In 1908, American thinker John Dewey whose work has been very influential in social thought, wrote in an essay called “Responsibility and Freedom”:

“An agent is free to act; yes, but–. He must stand the consequences, the disagreeable as well as the pleasant, the social as well as the physical. He may do a given act, but if so, let him look out. His act is a matter that concerns others as well as himself...”

First is the right to be offended. Just as a writer has a right to offend, a reader has the right to react in any way he or she wants. The degree of offense that is “right” to take in the view of self appointed guardians of freedom is a moot point.

While I was merely amused by the silly digressions that Doniger indulges in, someone else may be deeply hurt, another outraged. Who decides which response is valid and comfortable for everyone? To someone a Facebook post is enough, to another a 500 word blogpost is a form of protest. The man who went to court felt strongly enough to issue a legal notice. What is wrong with that- no one burnt buses or broke shop windows. Going to court is a legitimate form of expressing one’s protest. Some of our erudite commentators are bristling at the sheer act of being offended.

The second is that creative freedom, like any other freedom, cannot exist in a void. As an author I understand that the freedom to provoke, disturb and offend must be on par with the freedom to inspire, soothe and stir. But all freedoms come with responsibility.

In this book, there is no denying that Doniger has been irresponsible in her presentation of the history and mythology that shaped Hinduism, simply because she has blurred the lines between facts from ancient texts and her own fantastical interpretation of them.

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When writing non fiction there is a huge onus to not mix personal interpretation with facts. This increases by many orders of magnitude when it is a scholarly work that will contribute to the work of other researchers in the field. Even more so when one is an influential academic in the world’s most influential country. And the responsibility becomes staggering when you are writing about religion because you are stepping into a very personal, sacred mind space of millions of practitioners of that religion. More so, as it happens in this case, if it isn’t your own.



The Many Faces of God's Military Lion

A file picture dated 01 June 1967 shows Israeli Foreign Minister Ariel Sharon (L) in his military fatigues in the Negev desert prior the six-day Arab-Israeli war. AFP PHOTO [LINK](#)

The incident is burned into my brain. I'll never forget how 44 years ago as a preliminary to a UK 'A' Level History course, our teacher invited the class to debate 'greatness' and the nature of leadership. Most of us, aged not quite 17, didn't have a clue!

After all, it takes an acute intelligence and the wisdom of maturity to scrape even the surface of such a big issue. Thus it became the solemn duty of U.S. Vice President Joe Biden to help solve the problem during his eulogy at the memorial service to Israel's former Prime Minister, Ariel Sharon. He'd been "a complex man", said Biden, who'd "lived in complex times in a complex neighbourhood" and had been forever loyal "to the north star that guided him - the survival of the state of Israel and the Jewish people".

But Sharon's passing – like that of former U.K. Premier Margaret Thatcher nine months before – triggered both torrents of hate-filled jubilation and candid, tearful sympathy. I guess the pair, whose personal histories could not have differed more, were somehow mated by their doughty but intricate characters – and quirkily – an unwavering, mutual admiration for Israel.

If she were still alive, Mrs T. would probably appreciate the comparisons made between 'Ariel' (usually translated as 'God's Lion') and **biblical heroes** like Moses, Samson and the first ancient Jewish kings. But I think a better parallel would be with Avner, who was King Saul's cousin and his military commander in chief.

Avner, like Arik as he was popularly known, was a great strategist and also like him and his son, Omri was physically massive. Indeed, rabbinic legend says "it would have been easier to move a wall six yards thick than one of the feet of Avner, who could hold the Israelitish army between his knees". Further, Sharon was a super husband and father, who married Lily, younger sister of his first wife, Gali after she was killed in a road accident. The pair brought up Gur, Sharon's son by Gali and went on to have two sons together, Omri and his brother, Gilad. Another tragedy beset the Sharon family when Gur was killed aged 11 in an accidental shooting. Then Lily predeceased Arik by many years.. At the end, a sure sign that Sharon's familial bonds were as strong as his physique came from Gilad's



remark that his father "went when he decided to go". Never mind that he lay in a coma for eight years – he still called the shots!

Moreover, opined David Horovitz of *The Times of Israel*, late in life **Sharon** was viewed as "likable and gracious and considerate; he had always been rapier smart and spectacularly courageous. But it is the loss of (his) pro-active qualities that is most being mourned, because it is those qualities that are in shortest supply among those he has left behind".

I'm swift to admit that I was never a fan while Sharon lived and that it would be hypocritical of me to pretend otherwise, but I'd like to share the mixed and very human reaction of a man who once served under him:

"I served in Sharon's command in '73", he explained during discussion on the [CIF Watch](#) monitoring site hosted by Adam Levick "and thought him to be a lousy officer. As housing minister, the total number of new settlements he allowed was a grand total of – three". However, he added, "he had his strong points as well as weak points. He had nothing at all to do with Arabs killing Arabs (at Sabra and Shatilla) – that they do all on their own!"

But what very few people ever realised was that the man infamously portrayed as an Arab baby-eating monster enjoyed warm personal friendships with Arabs along with the great enmities. A farmer, who had long done private business with Sharon, travelled to his funeral at the ranch in southern Israel from Dir Al-Assad – the village next to me in Karmiel, Lower Galilee. The Arab called Sharon a man of honour.

So we are left with a military hero and politician who was also a **pragmatist**; a loving head of family who was suffused with personal nobility and who not lost three of those dearest to him but as a man of probity was publicly shamed when his **son** served a prison term for fraud. So should any teacher wish to lead a class debate about greatness, perhaps they should start here!



Kathmandu Cham

Within the bounds of Kathmandu lies Boudhanath – an ancient giant Buddhist stupa that has become a magnet for Tibetan Buddhists from around the world. Once it was a lonely stupa with no more than a few shops at the side but now it is a huge buzzing Buddhist centre – a bazaar of fabulous shops, many Monastries from all the Tibetan Lineages.

Go there any morning and join the devout and devoted making their morning Kora or circumambulation, prayer beads in hand. While the number of fresh arrivals from Tibet has diminished greatly, since China has been making overtures to Nepal, many Tibetans still live in the area.

Lhosar, the Tibetan New Year, is now celebrated only within the boundaries of the monasteries (gompa) and behind closed doors. On Lhosar great Monastries such as Schenzen Gompa put on a ceremonial display of Tibetan dance known as Cham, to bring peace and prosperity. It is a solemn but joyous occasion attended by residents of the monastery, interested outsiders and other Tibetan visitors.

The sounding of the deep drums, the horns, and the extraordinary costumes of the dancing monks make it an occasion that will stay long in your heart.

Om Mane Padme Hum

Jill Gocher, Photographer, Bali, Indonesia.



Lamps Pic © Jill Gocher



Monks. Pic © Jill Gocher
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Demon Pic © Jill Gocher



The curtain will open Pic © Jill Gocher
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Tantric master Pic © Jill Gocher



Dancing monk Pic © Jill Gocher
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Bird to dispel ignorance Pic © Jill Gocher

“Our matriarchs had an interesting advantage over today’s western women. Matriarchs didn’t begin their marriage with love. Instead, they were taught how to love. They entered marriage with an earnest determination to grow a love that would sustain their marriage for a lifetime.”

— Michael Ben Zehabe, *Song of Songs the book for daughters*

Love Marriage or Arranged Marriage?

What will it be?

When an invitation came from a friend of mine to attend his nephew’s wedding in Calcutta, I jumped at the chance. My flight took me from Spokane to Seattle, to Dubai and to Calcutta. What I didn’t know was how much I didn’t know about Hindu weddings.

My friend’s sister, the groom’s mother, picked us up after sunset to take us shopping in preparation for the ceremonies. While my friend sat up-front with the driver, I sat in the back of the relatively new car with his sister. Driver or taxi, it didn’t matter. The streets were full of a cacophony of honking and shouting as we maneuvered around other cars, taxis, motorized rickshaws and cycle rickshaws. Narrowly making it through the pedestrians, motorcycles, bikes and street dogs, I carefully listened to her as she shared it all.

She said that her son was marrying and it was an arranged marriage. She explained that what happens in an arranged marriage is the family signs up on a marriage portal to find a suitable partner for their daughter or son. This is the process she went through for her son, although it may be different in other arranged marriages. Questionnaires were completed online to make the correct match and then profiles of several choices for a possible mate were delivered. In this case, the groom was able to see the profiles and make some choices. The groom’s parents also ordered astrological charts so the astrologer could find who would be harmonious with their son. The parents then met with the young woman. Afterward, they invited the family and the young woman to meet their son. If there was a harmonious connection, the young couple met a few more times to test the compatibility.

The next step was planning the marriage.



Hindu marriage ceremony © Candess M Campbell

Some would scoff at this process and have many reasons to argue against it, saying it wouldn't work; but statistics say different. According to [UNICEF](#) (August 16, 2012) the Divorce Rate for Arranged Marriages in India is 1.1 %. The Global Divorce rate for Arranged Marriages is 4 %.

So, could it be that arranged marriage is a more sensible way to pair up for life? What about falling in love? As I listened to the way the couples were paired, it sounded a lot like dating sites to me. Some of the largest dating sites in the US are match.com and eharmony.com. There is a difference though between dating site and marriage portals. Many people I have talked with and my own experience is that many profiles on the dating sites are either false or exaggerated. In the US, there is even a TV show about this called [Catfish](#).

The screening process for marriage portals is much more complex and those who put up their profile are looking for marriage, not someone to date or with whom to create a sexual relationship. Although I'm not privy to any, there may be dating sites that are reliable and you can trust that the profile is accurate and meeting the person is safe. Agencies that are set up to match couples may be a better choice.

There are many ways of dividing relationships into stages. Here I will use the stages I use when counseling couples. They are the **honeymoon phase**, the working phase and the commitment phase.

With the "falling in love" process, there are stages that may differ from an arranged marriage. This is of course a simplified process, but falling in love begins with the honeymoon phase. You meet someone and you are immediately infatuated with them. You cannot stop thinking about them, love everything about them and find yourself smiling out loud and then embarrassed because you realize you are in public and think others can read your mind. During this stage, your energy increases and you become aroused, and even obsessed with the person to the point your friends get tired of listening to your ravings about him or her.

The next stage of the relationship is the **working stage**. You begin to notice some things you never observed before or what you did see begins to bother you. Previously, the fact he leaves his clothes all around the room was cute and showed his carefree attitude. Now, it's irritating that you have to pick up after him. When she used to leave the sink full of toothpaste, it was childlike and playful. Now it is sticky and messy when you are in a hurry to shave and get to work.



Candess in Calcutta © Candess M Campbell

This stage is when couples either learn to communicate and work together at being harmonious, or issues begin to tear at the thread of the relationship. The fun, playful guy begins to look like a slob and you wonder what you ever saw in him. The woman you felt proud to share with your friends, all of the sudden becomes controlling and whiny and you can't wait to get away from her and do something with the guys.

These changes give you the opportunity to either end the relationship or learn to communicate, accept each other and go onto the next stage.

The next stage of relationship is a deepening process and you enter into the **commitment stage**. For many years I have said that when you enter into relationship, it brings up in your personality, all that needs healing and gives you the opportunity for personal growth. This is the gift of relationship. It is also a reason to do your personal development work before you get into relationship. You will attract a person at a similar level or vibrational frequency as you.

At this stage, you begin to understand how to communicate, be compassionate, compromise and stay connected. Even when you feel like responding with "fight or flight," you stay and work through the problems. This is not to say that you won't argue, but you will learn to "fight fair." You also may move away from your partner for an hour or so, but you do this after communicating that you need to think things through and let your partner know when you will return. Most of the time when there is conflict in a relationship, it has to do with a misunderstanding or a resistance you have that is based on ego. Having accepting, loving partners that "hold the space" for each other to process feelings and thoughts, is how the relationship deepens and you grow into the couple you want to be.

Beyond the scope of this article is the question "what are the stages of an arranged marriage?" Having talked to a few men who are in arranged marriages, I found out that after the marriage, they did, in fact, fall in love with their wife and the couples are happy, committed and secure.

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Pic by Mark Ulyseas