

Live encounters

September 2013

Free online magazine from village earth

HUMAN TRAFFICKING

The Stakeholders' Perspective



Veerendra Mishra

Assistant Inspector General of Police (CID)

Madhya Pradesh, India

in an exclusive interview with Mark Ulyseas



Support Live Encounters Donate Now!

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.

We are appealing for donations to pay for the administrative and technical aspects of the publication. Please help spread the free distribution of knowledge with any amount that you feel you want to give for this just cause.

BANK DETAILS

Sarita Kaul

A/C : 0148748640

Swift Code : BNINIDJAXXX

PT Bank Negara Indonesia (Persero) Tbk

Kantor Cabang Utama Denpasar

Jl. Gajah Mada

Denpasar, Bali, Indonesia

Om Shanti Shanti Shanti Om

markulyseas@liveencounters.net



September 2013

"You can chain me, you can torture me, you can even destroy this body, but you will never imprison my mind." - Mahatma Gandhi

Dear Readers,

This issue features articles on human trafficking, refugees, book reviews, women's rights, philosophy and healing. For this we have to thank:

- **Veerendra Mishra**, senior Indian police officer
- **Ivo Coelho**, Philosopher and Priest
- **Christopher Tolkien**, Editor of The Fall of Arthur by J.R.R.Tolkien
- **Natalie Wood**, Journalist and flash fiction writer
- **Terry McDonagh**, Irish poet and playwright
- **Emma Larking**, Australian National University
- **Anat Hoffman**, Israel Religious Action Center
- **Candess M Campbell**, Intuitive Life Coach
- **Christoph Sperfeldt**, Asian International Justice Initiative

Kindly share this free issue with your family and friends

Om Shanti Shanti Shanti Om

Mark Ulyseas
Publisher/Editor

Cover Design : Mark Ulyseas

Cover Photograph: Book Cover of Human Trafficking published by Sage Publications

All articles and photographs are the copyright of www.liveencounters.net and its contributors. No part of this publication may be reproduced without the explicit written permission of www.liveencounters.net. Offenders will be criminally prosecuted to the full extent of the law prevailing in their home country and/or elsewhere.



Human Trafficking - The Stakeholders' Perspective

Veerendra Mishra in an exclusive interview

Mishra is Assistant Inspector General of Police (CID), Madhya Pradesh, India, with a PhD on 'Changing Image of Police: An Empirical Study' from Barkatullah University, Bhopal (2004) and a recipient of the Hubert Humphrey Fellowship under Fulbright Scholarship. He has served on two UN Missions in Bosnia and Kosovo and worked in East Timor. He has published a short story book, stories in "Chicken Soup Soul" series and a book entitled, Community Policing: Misnomer or Fact. [Sage Publications](#)



Do we have to be religious in order to be moral?

Ivo Coelho

Coelho earned his PhD in philosophy from the Gregorian University, Rome. He is Reader in Gnosology 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



Regional resettlement - solving the 'refugee problem' at any price? Emma Larking

Emma is a Postdoctoral Fellow in the Centre for International Governance and Justice at the Australian National University, working with Ben Authers and Hilary Charlesworth on Professor Charlesworth's ARC Laureate Fellowship project, 'Strengthening the international human rights system: rights, regulation and ritualism'. Her research background is in legal, political, and applied philosophy. She has extensive teaching experience in the University of Melbourne's School of Historical and Philosophical Studies, and of Social and Political Sciences. First published in [Regarding Rights](#).



Commemorated Thus Beautifully

Natalie Wood

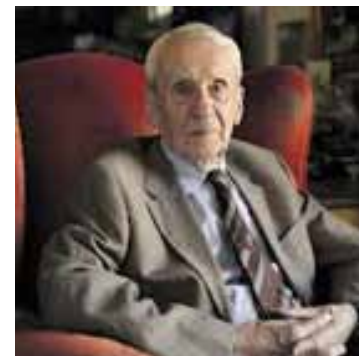
Born in Birmingham, England, U.K., Natalie Wood began working in journalism a month prior to outbreak of the 1973 Yom Kippur War. She remained in regional Jewish journalism for over 20 years, leaving full-time writing to help run a family business and then completed a range of general office work. Wood 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](#)



Ripple Effect

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



The Fall of Arthur

Foreword by Christopher Tolkien

Originally composed by J.R.R. Tolkien in the 1930s, this work was set aside for *The Hobbit* and lay untouched for 80 years. Now it has been edited for publication by Tolkien's son, Christopher, who contributes three illuminating essays that explore the literary world of King Arthur. Foreword from J.R.R. Tolkien's *The Fall of Arthur* by Christopher Tolkien © C.R. Tolkien 2013, reproduced by kind permission of Harper-Collins Publishers Ltd. [Website](#)



Book Review - The Fall of Arthur

Mark Ulyseas

Ulyseas has served time in Advertising as copywriter and creative director selling people things they didn't need, a ghost writer for some years, columnist of a newspaper, a free lance journalist and photographer. End 2009 he created Live Encounters for the free sharing of knowledge hoping that the 'humane' in humanity still remained albeit scattered around the globe. Poets, writers, journalists, activists, doctors etc. from across continents have continued to contribute to Live Encounters. This has become a celebration of Life by people of village earth. What more can one ask for?



Gender Segregation in Israel

Anat Hoffman

She is a major leader for social justice in Israel best known for never giving-up, even when faced with seemingly insurmountable obstacles. Born and raised in Jerusalem, she served in its City Council for 14 years, leading the opposition to the right wing and ultra-Orthodox administration. She is a founding member of Women of the Wall and continues to be a tireless advocate for freedom of religion and women's rights. From 2002, Hoffman is Executive Director of the Israel Religious Action Center (IRAC), the legal and advocacy arm of the Reform Movement in Israel. www.irac.org



The Long Way from Rome to Jakarta

Christoph Sperfeldt

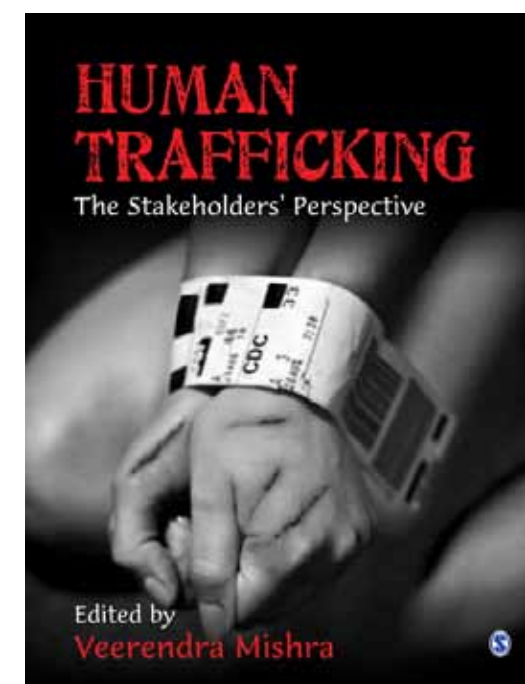
Sperfeldt is Regional Program Coordinator at the Asian International Justice Initiative (AIJI), a collaborative program of the East-West Center and the University of California, Berkeley's War Crimes Studies Center. He worked from 2007 to 2010 as an Advisor to the Secretariat of the Cambodian Human Rights Action Committee (CHRAC) and from 2010 to 2011 as Reparations Advisor to the Victims Support Section of the Extraordinary Chambers in the Courts of Cambodia (ECCC). First published in [Regarding Rights](#)



Healing Trauma

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



Veerendra Mishra

Assistant Inspector General of Police (CID) Madhya Pradesh, India

Editor of

Human Trafficking - The Stakeholders' Perspective

in an exclusive interview with Mark Ulyseas

Would bonded labourers in India be considered victims of human trafficking or are they categorised under slavery?

There is no doubt that bonded labourers are victims of human trafficking. Slavery is a term mostly used in the West. It was interesting to hear US President Obama speaking at Clinton Global Foundation reiterating and officially stamping human trafficking as 'modern day slavery'. By synonymising slavery and human trafficking western protagonists have tried to emphatically underline the degree of exploitation in trafficking.

However, I personally feel that by generalizing the act of human trafficking as slavery, more harm is done than good. The less knowledgeable service providers and law enforcers have started measuring degree of exploitation against their perception of overt exploitation of slaves, which they have gained by reading history books, films or stories heard. This ultimately restricts them in understanding the subtle and hidden exploitative mechanisms involved in highly complicated present day human trafficking. Eventually, they fail to address the problem resulting in its growth.

Human trafficking is a highly specialized and complicated issue and generalization of the term for publicity will confuse and jeopardize the specialized intervention. This must be avoided as far as possible.

Published by Sage Publications

A study estimated that more than fifty percent of child labour is in agriculture, which is an outcome of family involvement. There are hundred of thousands of children across the country that are recruited as domestic help living in exploitative conditions with no time off. These figures do not feature in the 'estimates'.

It is claimed that human trafficking is second only to drug trafficking in the world in terms of revenue. Is this true?

It is very true. There are many reasons to believe this claim.

What we know about human trafficking is actually the tip of the iceberg. I know this would invite a lot of flak from international agencies, which have been shooting estimates convincingly on the basis of scientific evaluation. I have my own reservation about their estimates and those are based on my personal research and experience in the field from various parts of globe, and my opinion will find many takers cutting across borders.

To highlight a few points: We overlook exploitation of children and other members for labour, sex, organ, adoption, forced marriage etc. when there is parent's (guardian's) consent. For example, in India we have almost completely overlooked the labour trafficking of human beings in the agriculture sector. A study estimated that more than fifty percent of child labour is in agriculture, which is an outcome of family involvement. There are hundred of thousands of children across the country that are recruited as domestic help living in exploitative conditions with no time off. These figures do not feature in the 'estimates'.

Similarly, the trafficking of children for labour in Africa as traditional skill enhancement, forced as child soldiers etc. do not make it into estimates, and whatever numbers pop up are conservative speculations. In the US thousands of girls are runaways and a study says that a trafficker contacts them within 48 hours. No government report would include them as victims unless they have evidence of exploitation and due to failure of proper victim identification mechanism it would remain a far cry. In Europe, with dissolution of borders traffickers are having a field day and they recruit victims from vulnerable areas for exploitation. We are still struggling to measure the extent of exploitation in disturbed areas and war torn countries. There are reports of human trafficking in UN Mission areas but there are fewer attempts to unearth the degree of exploitation.

Moreover, due to lack of understanding of subject, variance in accepted definition of human trafficking and gaps in considering all facets of human trafficking, like adoption, bride trafficking, medical trafficking etc. 'n' number of trafficking cases are neglected or go unreported.

It is high time that the UN revisit its Palermo protocol definition of human trafficking and make it more inclusive and far reaching. A decade has passed since the definition was conceived and understanding on the subject has grown manifold, bringing to fore the shortcomings of the definition.

Community based sexual exploitation of Bedia and Bachda community is more than a century old. It started as survival and protection sex to ward off the atrocities of landlords, a cost paid for stability to a nomadic tribe. The compulsive survival instinct became a tradition and the exploitation became normalized over the years.

Have you had hands on experience in tackling human trafficking and if so, could you kindly give us details of a case in point?

Yes, I did.

Currently, I am working on a very peculiar form of human trafficking i.e. **community based sexual exploitation (CBSE)** in some communities in India.

Community based sexual exploitation of *Bedia* and *Bachda* community is more than a century old. It started as survival and protection sex to ward off the atrocities of landlords, a cost paid for stability to a nomadic tribe. The compulsive survival instinct became a tradition and the exploitation became normalized over the years.

Bedia and *Bachda* community is spread over four states in India with a population of more than one lakh (hundred thousand) community members. In 1913, during British rule the *Bedia* and *Bachda* community were notified as criminal tribes under the Criminal Tribe Act (1871). After independence CT Act was repealed in 1952 and these communities were de-notified and currently are recognised as scheduled caste (castes identified in Indian constitution wanting special privileges). They are in double jeopardy, one for carrying the stigma of being community of prostitutes and second for being treated at the lowest rung of caste hierarchy.

Community based sexual exploitation is a peculiar form of sex trafficking. A community accepts prostitution as part of their culture and it is practiced in society, dwelling with other communities. It varies from sexual exploitation in brothels mainly in three ways: The sexual exploitation is of members of one particular community; second, they do not have to dislocate from their home for exploitation, it happens in the place of their living " their Homes", in villages and thirdly, the exploitation is accepted within and by outside society as traditional norm and is passed on to generations as tradition. The normalization of exploitation leads to negligence by service providers.

There is debate on if traditionally accepted, culturally sanctioned prostitution should be tagged as sexual exploitation or sex trafficking. There should be no doubt or any conflict that the exploitation of the girls/women of Bedia and Bachda community comes under the purview of human trafficking.

UN Convention on Organized Crime (Palermo Protocol) clearly mentions that the consent of a child has no validity. According to the UN Convention on the Rights of the Child defines child as any person less than eighteen years of age. India has ratified both these conventions.

Girls of these communities are forced into sexual exploitation at the age of 13-14 years. Obviously it becomes trafficking and not a case of willing prostitution. Secondly, when they grow up and mature in age as adult, they are left with no choice but to be perpetually exploited. The customary societal tradition does not allow them to get married once they are sexually exploited. The community believes in chaste wives and one once prostituted has to live and die as a prostitute. Only relationship allowed is concubinage relationship, which in itself is an exploitative relationship where the women have no conjugal rights.

Have you had hands on experience in tackling human trafficking and if so, could you kindly give us details of a case in point? *contd...*

Both these UN Conventions read and applied together proves beyond doubt as to how the exploitation of Bedia and Bachda community is human trafficking.

Girls of these communities are forced into sexual exploitation at the age of 13-14 years. Obviously it becomes trafficking and not a case of willing prostitution. Secondly, when they grow up and mature in age as adult, they are left with no choice but to be perpetually exploited. The customary societal tradition does not allow them to get married once they are sexually exploited. The community believes in chaste wives and one once prostituted has to live and die as a prostitute. Only relationship allowed is concubinage relationship, which in itself is an exploitative relationship where the women have no conjugal rights.

In association with an organisation that works with the Bedia community, I am working to change the age-old customary exploitative mindset. We have achieved great success and work has spread from one village to four villages and two enclaves. Children are enrolled in schools and one of the girls of a CSE mother has scored extremely well. For the first time in the history of the village one boy has graduated from school and started attending college. More than 30 students are enrolled in schools with the organization's support. Similarly, women are being trained to start their own enterprises. We are working on sustainable development so that the community members, particularly children have more options to explore.

In some countries/cultures human trafficking is considered a legitimate business. How can the international community embark upon changing this cultural distortion/mindset?

Above example is a case to prove the point. The problem lies in the failure of social policies. There is a gap in access to justice and the social justice system has failed to deliver.

Mindset of a community is cultural impression developed over years. To change mindset through external intervention is fraught with danger of backlash. The only possibility is through inclusive social justice mechanism, which would comprise participatory advocacy, providing of alternate opportunities and equal access to justice. Values should not be imposed; instead change should be brought through consistent participatory effort. Efforts should be towards making change attempts by instilling in them the confidence of inclusiveness and ownership.

To prevent human trafficking at origin level there is a need to check fresh recruitment and re-recruitment of rescued victims. This will require creating an environment negating the vulnerability of potential victims and that is possible only if the factors causing vulnerability are addressed. Those factors have roots in socio-cultural, economic and political situation of the place they live in. The role of the government agencies entrusted with development, civil society organizations, community based organizations and other stakeholders become important. Law enforcement agencies are responsible to partner in the whole process as one of the stakeholders and not as the only one.

You advocate a multi-agency, multi-disciplinary approach to combating human trafficking. Could you kindly explain this in some detail?

Most of the time combating human trafficking is looked upon as a problem of law enforcers. Effectively combating human trafficking is possible only through participation of all stakeholders, which can be construed as multi-agency, multi-disciplinary approach. Combating human trafficking would involve prevention, prosecution and protection. Human trafficking has three spatial phases - recruitment at origin, transit and destination.

Let us understand the importance of multi-agency approach for one aspect of combating trafficking, say prevention. To prevent human trafficking at origin level there is need to check fresh recruitment and re-recruitment of rescued victims. This will require creating an environment negating the vulnerability of potential victims and that is possible only if the factors causing vulnerability are addressed. Those factors have roots in socio-cultural, economic and political situation of the place they live in.

The role of the government agencies entrusted with development, civil society organizations, community based organizations and other stakeholders become important. Similarly, prevention by countering demand at destination would require many agencies to collaborate. Law enforcement agencies are responsible to partner in the whole process as one of the stakeholders and not as the only one.

This reasoning holds for prosecution and protection as well.

To further clarify let me give you an example of multi agency and multi disciplinary approach through a case study of a girl trafficked from Bangladesh to India. She was being transported to Mumbai after crossing the border in West Bengal. She was rescued by railway police from train on the tip off of other co-passengers close to district Jabalpur in Madhya Pradesh. After rescue she found shelter in protection home run by State Department of Women and Child. Medical practitioners looked after her health aspect. Police coordinated her repatriation in coordination with Ministry of External Affairs. All through social workers from local NGO helped in communication as she spoke Bengali dialect. The lady trafficker who was arrested during rescue was prosecuted with the help of prosecutors and judgement, of course, passed by a judge.

Now if we look at this incident we find many agencies coordinating and collaborating in rescuing and rehabilitating the victim and arresting and prosecuting the offender.

Policing is one of the most challenging jobs in India. The potential to serve people through policing is immense and I wanted to capitalize on that opportunity. Practically, the police has some role to play in every walk of life, particularly in developing countries, and its service providing capacity is unmatched. I found in police a window to understand the socio-cultural, economic and political dynamics of society from close quarters and that helped me over the years to grow professionally and personally.

In your opinion what is the root cause of human trafficking?

It is not possible to pinpoint one cause as the root cause of human trafficking. Many factors may interplay facilitating victimization.

To generalize we can always say that potential victims vulnerability is the root cause of human trafficking, however the challenge is to figure out the causes behind vulnerability. They can be socio-cultural, economic, political or environmental factors or all together having their share in exacerbating the situation enabling traffickers to exploit. On further analysis these factors could be categorised as pull and push factors. Push factors are those factors that make the victims vulnerable at place of origin (recruitment), and Pull factors are alluring factors that create an illusion to salvage from push factors at place of destination, but actually leave them exposed to exploitation.

And if I were asked how could it be addressed, I would say spreading awareness aggressively could certainly bring some desired change.

Please give us an overview of your book, Human Trafficking – The Stakeholders' Perspective?

Human Trafficking-The Stakeholders' Perspective is unique because of mainly three reasons. One it covers different dimensions of human trafficking; second it includes diverse opinions, which introduces the readers to different schools of thought on same issues and thirdly it covers the viewpoint of academicians, field activists, state agencies and legal practitioners enabling holistic view of the subject.

This book is an attempt to exhaustively cover the subject of human trafficking and will be very useful to readers from different sections of society.

Why did you join the police?

Policing is one of the most challenging jobs in India. The potential to serve people through policing is immense and I wanted to capitalize on that opportunity. Practically, police has some role to play in every walk of life, particularly in developing countries, and its service providing capacity is unmatched. I found in police a window to understand the socio-cultural, economic and political dynamics of society from close quarters and that helped me over the years to grow professionally and personally.

In Bosnia and Kosovo the Gypsies, Romas', were trafficked. These areas were also conduit for eastern Europeans to be trafficked to Western Europe and also the locals suffered at the hands of local and external traffickers. Though I was not directly involved in anti-human trafficking, I grabbed opportunities to discuss and engage with concerned officers. In East Timor I was a visitor and studied human trafficking there.

I always had the desire to interact with community members, understand them and envisage mechanism to increase reach of social justice. Working as a police officer helped me fulfil the desire to a great extent. In countries like India the role of police in ensuring justice is phenomenal. The influence that law enforcers wield in society is significant and they can be role models. In the true sense policing provides an opportunity to understand social structure and comprehend human behaviour governed by this construction. The factual perception prepares one on how to address the societal problems more pragmatically.

I am a strong propagator of community policing. I call it as policing for the community, with the community and by the community; Through community policing by ensuring partnership and participation the widening gap between police and community can be bridged and eventually become an effective and efficient police system. I used my community-policing model to increase partnership between the community and police in India, during UN Mission in Bosnia (as trainer), in Kosovo (as regional chief of community policing) and East Timor (my book - [Community Policing: Misnomer or Fact? Sage Publications, 2011](#))

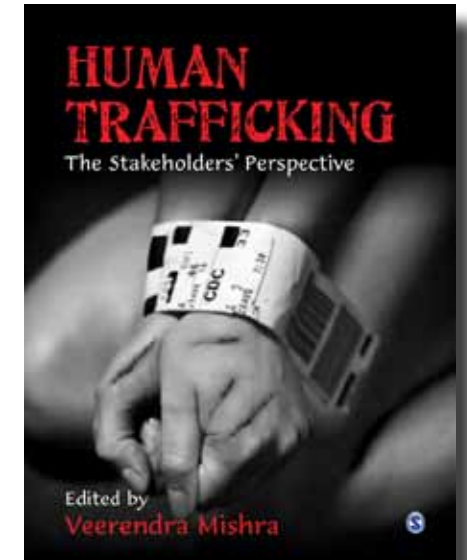
My passion to work in the field of human trafficking also came from my experiences as police officer, which provided me with opportunity to explore and also give back to the community.

What was your role in UN Missions in Bosnia, Kosovo and East Timor?

I served in UN Missions as CIVPOL (Civilian Police Officer). Disturbance and conflict exposes the citizens to vagaries of exploitation and escalates vulnerability. I had great opportunity to understand the societal dynamics in war torn areas. In fact, to a great extent, my passion to work in the field of human trafficking was reinforced while serving in United Nation Missions.

In Bosnia and Kosovo the Gypsies, Romas', were trafficked. These areas were also conduit for eastern Europeans to be trafficked to Western Europe and also the locals suffered at the hands of local and external traffickers. Though I was not directly involved in anti-human trafficking, I grabbed opportunities to discuss and engage with concerned officers. In East Timor I was a visitor and studied human trafficking there. I also created my own action plan to combat human trafficking and shared with IOM, unofficially. I do not know the fate of the draft plan. I also pro-bono created the training module on community policing training to community members for Asia Foundation. In fact, I am writing a novel on my experience of a case of child sex trafficking, which I would be glad to share with the world readers. I am looking for a good publisher for the book.

My wife and I created a documentary '*Do I Have A Choice: A Saga of Socially Sanctioned Sexual Servitude*'. This documentary film reflects the plight of the Bedia community, which is victim of CBSE (Community Based Sexual Exploitation).



Could you share with us a glimpse of your life and works?

I am married to my batch mate who is also a police officer. We have two sons, 15 and 8 years old. I have two brothers and both are in police, one at higher management level and other at middle management level. I currently live in Bhopal, Madhya Pradesh, India. I am passionate about working on the subject of human trafficking with intention to contribute at international level.

I joined police service in January 1995. Since then I am working in the organization. I got an opportunity to serve in two UN Missions (Bosnia and Kosovo) and visited UN Mission area in East Timor as a visitor to my wife who was serving as CIVPOL with the UN Mission.

I did my masters in Sociology and PhD in Psychology by a couple of human rights courses from Indira Gandhi National Open University and HREA (Human Rights Education Associates).

I was a Humphrey fellow (Fullbright scholarship) to USA 2012-2013 and area of focus was Human Trafficking. I was associated with University of Minnesota, Minneapolis and Georgemason University, Virginia (Washington DC). I also had a chance to affiliate with reputed organizations like Ramsey county's Attorney's office, St Paul (twin cities), Advocates for Human Rights, Minneapolis, National District Attorneys Association, Alexandria, Virginia (Washington DC).

I taught as Co-instructor for six weeks - HREA (Human Rights Education Associates) online Course E07513: Human Trafficking and Smuggling [LINK](#)

My first book was a women centric short story book 'Cracking of Dawn' (Selective and Scientific Books: 2009). The stories dramatized version of real stories picked from experience as police officer. My second book was 'Community Policing: Misnomer or Fact?' ([Sage Publications: 2011](#)). I was co-editor in my third book 'Human Trafficking in India' ([Women's Studies Department, Barkatullah University, Bhopal, 2012](#)) and this book 'Human Trafficking: The Stakeholders Perspective' is my latest effort (Sage Publication, 2013).

My wife and I created a documentary 'Do I Have A Choice: A Saga of Socially Sanctioned Sexual Servitude'. This documentary film reflects the plight of the Bedia community, which is victim of CBSE (Community Based Sexual Exploitation). <http://www.youtube.com/watch>
<https://testschool149.eduvision.tv/>

I intermittently write on various issues on my blog [LINK](#)

What are you working on now?

Currently, I am working on CBSE with the Bedia community. With a highly motivated group we are trying to make a dent on the exploitative mindset of the community and provide options for progress. Attempt is also to engage other stakeholders to facilitate the process of social justice through inclusive method. www.samvednaindia.org

In a team we are working for education of children, livelihood programs for the adults (women and male both as they create equal pressure for exploitation of children), advocacy, increase the reach of justice and empower them to claim their rights and entitlement.

I am also writing two books on Human Trafficking. One is co-authored with my wife on the CBSE. The second book will reflect on the subject of human trafficking from a totally different perspective. It will look into trafficking from social justice angle. This book will also question and challenge many of the approaches that are adopted globally and acclaimed as successful models.

I am sure the forthcoming books will force us to rethink on our strategy to combat human trafficking.

If I get support I would like to make another documentary on trafficking for labour from Tribal districts in State of Madhya Pradesh. This is a problem - victimization of thousands of naïve young tribal girls and boys, which needs immediate attention.

In the capacity as police officer my immediate attention would be on child rights issues with special focus on child trafficking.



Do we have to be religious in order to be moral?

Ivo Coelho

Philosopher and Rector of Ratisbonne Monastery
Jerusalem, Israel

The question proposed to me by the Editor of Live Encounters is:
How does one define right from wrong? Does it have to be religious based or is there any other yardstick?

Let me begin by noting that every one of us is capable of making moral judgments, distinguishing right from wrong. How exactly we make such judgments is, however, the question. I believe we have what Aristotle called *physis*, which is translated as 'nature,' but which really means inbuilt principles of motion and of rest. One such principle is our desire to know: this desire, which manifests itself in questions, keeps us moving till we attain a satisfactory answer, and rests only when that answer is attained. The other familiar principle is what we call conscience. We are hopefully all familiar with good conscience and bad conscience; where the desire to know deals with matters of fact, conscience deals with right and wrong, good and bad. The good conscience is the conscience at rest, whereas the bad conscience is the conscience that is restless. When our conscience is at rest, we feel we have done something that is good, or that we have reached a decision that is good, that we have hit upon a good course of action. When instead our conscience is restless, we know that we have either not arrived at a good course of action or a decision, or that we have decided or done something that is bad. This is conscience as *physis*, as inbuilt principle of motion and of rest.



So in the case of the moral judgment: if one does not yet have the virtue or the wisdom to make a correct moral judgment, one always has the possibility of borrowing. Borrowing here is learning, being willing to learn, from one's neighbours, from one's family, friends and society, from one's tradition, religious or otherwise. And we learn till such time as we ourselves have become masters. This is a common phenomenon which we do not have to argue about: there is a continuum that leads from learning to mastery, and we all have experience of it in different fields.

The smart person will, however, be quick to point out the utterly subjective character of conscience as described here. Are we to rely merely on the restfulness or restlessness of our conscience? Will not each one of us, and each of the different traditions that have formed us, arrive at different moral judgments? And this is true, which is why the Catholic tradition defines the criterion of moral judgment not just as conscience, but as the well-formed conscience.

At this many will be tempted to cry foul. Is not the Catholic Church subtly inserting itself into the picture here? Is it not pushing itself inside as the teacher of conscience, as the one who forms conscience? Perhaps. But it might give us pause to remember that it was Aristotle who defined the criterion of the moral judgment as the good conscience of a virtuous man. Not just 'good conscience,' but the *good conscience of a virtuous man*. This, as Bernard Lonergan liked to say, is infuriatingly circular. For how is one to become a virtuous person, if not by making good moral judgments? And how is one to make a good moral judgment, if one is not already a virtuous person?

Like most vicious circles, however, this one also, insoluble on the logical plane, is easily broken on the practical plane. *Solvitur ambulando*. In the old days, when one did not have sugar in the house, one could borrow it from the neighbours. So in the case of the moral judgment: if one does not yet have the virtue or the wisdom to make a correct moral judgment, one always has the possibility of borrowing. Borrowing here is learning, being willing to learn, from one's neighbours, from one's family, friends and society, from one's tradition, religious or otherwise. And we learn till such time as we ourselves have become masters. This is a common phenomenon which we do not have to argue about: there is a continuum that leads from learning to mastery, and we all have experience of it in different fields.

But here rises another question. If, in order to make moral judgments, we are in a very vital way dependent on the formation of conscience provided by our societies and our traditions, what guarantee do we have about the soundness of those cultures and traditions themselves? This is a much larger question, one that cannot be solved simply by appealing to the inbuilt principles of movement and of rest that we are endowed with. There is a way, however, something that has been called, by *Etienne Gilson* and others, the experiment of history. The theory is that traditions that have become bankrupt lead in the direction of self-destruction – not necessarily in the short term, but certainly in the long term. Sound moral choices, in other words, have healthy long term consequences, whereas unsound choices have unhealthy and destructive consequences. Does this sound too pragmatic? I will certainly have to think about that. But for the time being, for more on this phenomenon, one could look up Lonergan's book, *Insight: A Study of Human Understanding*, especially chapter 7 where he discusses the shorter and longer cycles of decline rooted in what he

There is a deep truth in the postmodern recognition of fissure, brokenness, difference. But governing all this, I believe, is the providence of a loving God. Non-theists might not be comfortable with this kind of language; but I have found non-theists also willing to believe that at the heart of the universe there is something that works for good.



calls 'group bias' and 'general bias,' group bias being what we usually call the prejudices accumulated by social groups, and general bias being the inbuilt tendency of common sense to concentrate on the short term to the detriment of the long term.

But there is also another way worked out by Lonergan, a way that he calls dialectic. Dialectic recognizes that radical differences in opinions and conflicts, including those in the moral area, are rooted not so much in the area of logic and argument as in basic options that we either inherit or drift into, or else make deliberately. Dialectic encourages conflicting parties to recognize this fact, and to engage in steps that will bring these basic options to light. And when these roots have come to light, there opens up the moment of dialogue. Dialogue here presupposes deep mutual respect and peaceful feelings. Friendship, as Aristotle pointed out so long ago, is the condition for doing philosophy. Within such an atmosphere of friendship, parties might make bold to gently invite one another to change. I might be able to say to you: you know, I think your basic option is problematic. Why don't you have a look at this other possibility? And you might be able to say the same or something similar to me.

This kind of procedure seems to be dealing with individuals in conflict, but, as might easily be imagined, individuals operate inevitably from the womb of the traditions that have formed them. And so it is traditions themselves that are called into question, the deep roots of traditions in philosophical, moral and religious choices that are brought to light.

Is this a foolproof solution? No, certainly not. At the heart of the human condition there lies a mystery, which is the mystery of option, of choice. There is a deep truth in the postmodern recognition of fissure, brokenness, difference. But governing all this, I believe, is the providence of a loving God. Non-theists might not be comfortable with this kind of language; but I have found non-theists also willing to believe that at the heart of the universe there is something that works for good.

The universe works for those who are in deep harmony with it. Whatever: I believe, with Lonergan, that authenticity is a prized human possession. The method of dialectic is built upon this premise. None of us in our saner moments wants to be deliberately unauthentic. Often it is a question of expanding horizons beyond oneself, beyond the narrow confines of one's group, beyond also short term needs and concerns. Under the guidance of a provident God, in a world that has been basically redeemed, I believe there is hope for humankind. And signs of this hope are not lacking.

Human beings have made great strides in recognizing mutual humanity across cultures and traditions over the last several hundred years, and this despite the very real wounds, wars, genocides and conflicts.

The myth of the self-enclosed atomic individual was born in the modern period of the West, with roots perhaps stretching back, according to some like Richard De Smet, to Duns Scotus. This atomic individual replaced a very much more organic conception of the human person that is found in thinkers like Thomas Aquinas, and also, for that matter, in the ancient reaches of the Indian tradition. The atomic individual is a myth, and it is high time that it be recognized as such. In reality, it is impossible to grow up without constant interaction with a tradition. We grow up into the persons that we are in what has been called by Lonergan a process of mutual self-mediation through a tradition or traditions.

So back our initial question: is it possible to make moral judgments without being dependent on religious traditions? My answer is: there is really no such thing as a self-enclosed individual. The myth of the self-enclosed atomic individual was born in the modern period of the West, with roots perhaps stretching back, according to some like *Richard De Smet*, to *Duns Scotus*. This atomic individual replaced a very much more organic conception of the human person that is found in thinkers like *Thomas Aquinas*, and also, for that matter, in the ancient reaches of the Indian tradition. The atomic individual is a myth, and it is high time that it be recognized as such. In reality, it is impossible to grow up without constant interaction with a tradition. We grow up into the persons that we are in what has been called by Lonergan a process of mutual self-mediation through a tradition or traditions.

Our traditions, in other words, are not to be seen as obstacles, hindrances, prejudices. They can of course become such, and history is full of examples that they have in fact been such. They need not. More to the point, it is quite impossible for anyone to get rid of all influence of traditions. The best we can do – and here we have the backing of greats like *Martin Heidegger* and *Hans-Georg Gadamer* – is to become aware of the fact that *we are constituted by our traditions*, and that the only possible way of rising somewhat ‘above’ them lies in such irenic and humble recognition of our historicity, our situatedness.

This is not to say that we should each one of us indulge in blind worship of the tradition or traditions that have formed us historically. I am merely making a plea for serene recognition of their inevitability. There is place for being critical: that is the prerogative of the human spirit. Only, criticism cannot be done on the basis of a pretended access to a non-existent Pure Reason.

So yes, our moral judgments are inevitably coloured by our religious traditions. I would go further to say that these traditions can often be a positive help in the formation of our consciences, though they have also sometimes been dreadful scourges. Perhaps the mutual interaction of traditions over the last several hundred years has itself been part of the experiment of history. The experiment of history is Lonergan’s dialectic worked out in history. Or perhaps it might be truer to say that Lonergan’s dialectic is method that is worked out on the basis of the inbuilt dialectic of history.

And what if one does not lay claim to any particular religious tradition? Obviously conscience still functions, and can function well, even very well. All of us have experiences of non-theistic persons who are deeply moral and utterly committed to the welfare of human beings. Only, I believe it is incumbent on the non-religious or a-religious person to recognize that she is still not exempt from the human condition. She does not and cannot lay claim to Pure Reason. She is as conditioned as

In the end, I would like to believe that life is not all that complicated. In most cases, our conscience serves us quite well in the making of moral choices. What Gandhi called the ‘inner voice’ mostly speaks loud and clear, especially when confronted with the *Face of the Other*. Then of course there are cases that are not quite as clear, cases where there are endless disputes. That is where, I guess, all that I have been saying kicks in.



anyone else – not, perhaps, by religious traditions, but by some traditions nonetheless, secular or civil or philosophical or whatever. And it might be good here to keep in mind something that I think the Italian philosopher *Croce* used to say: We are not Christian, but we certainly cannot call ourselves non-Christian. *Croce* was alluding to the fact that religious traditions have played large roles in the shaping of what we today regard as secular traditions. Meaning is constitutive of reality. It cannot be simply wished away. Integrity, therefore, demands recognition of the contribution of the religions to secular traditions, just as it demands also that religious traditions freely recognize the way they have themselves been challenged towards growth and purification by non-religious, rational, or secular traditions.

So the Christian tradition is not wrong when it holds that the criterion of moral judgment is the well-formed conscience, and when it lays claim to the formation of conscience. It will, however, recognize today that it is far from being the sole agent in that formation, and that it is called upon to recognize the positive role of both religious and secular traditions in this regard. The formation of conscience, in other words, is itself on the way to becoming pluricultural, with all the traps and pitfalls that this involves. So once again we are back to the need for something like Lonergan’s dialectic, or simply intercultural and interreligious dialogue. We need, in other words, to talk. We need conversation. If there are no self-enclosed individuals, there are no self-enclosed traditions anymore either. We are in this together.

In the end, I would like to believe that life is not all that complicated. In most cases, our conscience serves us quite well in the making of moral choices. What Gandhi called the ‘inner voice’ mostly speaks loud and clear, especially when confronted with the Face of the Other. Then of course there are cases that are not quite as clear, cases where there are endless disputes. That is where, I guess, all that I have been saying kicks in.



Australian Government – Department of Immigration and Citizenship
[Link](#)

If you come here by boat without a visa you won't be settled in Australia.

Australia's migration policy has changed. From 19 July 2013 if you travel to Australia by boat with no visa, you will not be settled here. You will be sent to Papua New Guinea for processing. If found to be a refugee, you'll be settled in Papua New Guinea, or another participating regional state, not Australia. This includes women and children. These changes have been introduced to stop people smugglers and stop further loss of life at sea.

If you are not found to be in need of protection, you will stay in Papua New Guinea until you can be sent to your home country.

There will be no cap on the number of people who can be transferred or re-settled in Papua New Guinea.

Don't risk your family's safety. Don't waste your money.

Don't risk your life or waste your time or money by paying people smugglers.

If you pay a people smuggler you are buying a ticket to another country.

Arriving in Australia by boat means:

- being sent straight to Papua New Guinea for processing
- being settled in Papua New Guinea, not Australia, even if you are found to be a refugee
- not being reunited with family and friends in Australia.

Let's be clear about what is involved here. Rudd is claiming that we are complying with our moral obligations by sending people who seek refugee protection from Australia to Papua New Guinea. But we are not just sending people to PNG so they can have their protection claims considered in accordance with the Refugee Convention, we are sending people to PNG to be incarcerated, and then at some point to have their protection claims considered.



Regional resettlement

solving the 'refugee problem' at any price?

First published in [Regarding Rights](#). Special permission by Emma Larking.

Is there anything money can't buy? It buys most things, apparently. A [list compiled recently by](#) American philosopher Michael Sandel includes a prison cell upgrade, the services of a surrogate mother, the right to shoot an endangered black rhino, and admission to a prestigious university. Sandel's list is a prelude to his investigation of what he calls 'the moral limits of markets,' and to his claim that 'there are some things money should not buy.' ^[1] Here I want to ask if money can buy us out of our moral obligations. Kevin Rudd would like us to think it can. He maintains that the '[Regional Resettlement Arrangement](#)' (RRA) he signed last Friday (July 19, 2013) with Papua New Guinea PM Peter O'Neill will '[ensure that we have a robust system of border security and orderly migration, on the one hand, as well as fulfilling our legal and compassionate obligations under the refugees convention on the other.](#)'

I personally disagree with how Rudd frames the issue. [I think we have obligations to refugees](#) that go well beyond the [UN Refugee Convention](#), whose provisions are extremely narrow.

But for the moment, I want to address Rudd's claims on his terms.

Rudd may be right about our legal obligations under the Refugee Convention, although the issue is contentious. Michelle Foster, director of Melbourne University Law School's International Refugee Law Research Program, argues the deal is 'in clear violation of international law,' but acknowledges it may be consistent with Australian law.

The Australian government is now ‘racing’ to expand the capacity of the Manus Island detention centre, and the RRA envisages the construction of more such facilities. So we need to think about the morality of buying an off-shore detention regime before we consider whether it’s ok to pay another country to discharge our compassionate obligations.

Alex Reilly, of the University of Adelaide’s Law School, agrees with Foster that Rudd’s deal is likely to survive a challenge in the Australian High Court, although he cautions that ‘statutory interpretation is not a science’ (see Reilly’s discussion on [‘The Conversation’](#)) I think it’s likely that the plan will be deemed lawful by the High Court, which has historically been excessively deferential to the Executive in matters related to immigration.

So much for our legal obligations. What about what Rudd calls our ‘compassionate obligations’? Is it ok to ‘off-shore’ these obligations, for a price? Let’s be clear about what is involved here. Rudd is claiming that we are complying with our moral obligations by sending people who seek refugee protection from Australia to Papua New Guinea. But we are not just sending people to PNG so they can have their protection claims considered in accordance with the Refugee Convention, we are sending people to PNG to be incarcerated, and then at some point to have their protection claims considered.

The Australian government is now [‘racing’ to expand the capacity of the Manus Island detention centre](#), and the RRA envisages the construction of more such facilities. So we need to think about the morality of buying an off-shore detention regime before we consider whether it’s ok to pay another country to discharge our compassionate obligations.

Because detention involves the deprivation of a person’s liberty, it’s usually considered an extremely serious form of punishment, worthy of concerted efforts to ensure access to justice for those detained. For many years governments of various stripes in Australia have argued – and the High Court has accepted – that the detention of asylum seekers is an exercise of the government’s administrative powers over immigration, so people in immigration detention have been denied access to the criminal justice system and the procedural protections it affords.

By detaining people in other countries, we also deprive them of access to the oversight and protections that might – however inadequately – be provided by other Australian institutions, such as the [Australian Human Rights Commission](#).

We already have experience of what conditions are like for asylum seekers in camps on Nauru and Manus Island. When people are deprived of their liberty, when they are herded together in squalid conditions and they don’t know when, or if, their circumstances will change, when they have no control over their fate, and no one is interested in listening to their experience, it’s surprising how many respond with dignity and courage. Nevertheless, the conditions in immigration detention eventually grind people down. Some become angry, violent, and abusive.

Money may buy us an off-shore detention regime, but it doesn’t absolve us of responsibility for that regime. Would things be any better if PNG agreed to house asylum seekers in the community while their protection applications are considered, and then to re-settle all those found to be refugees? (Note that this is not what is provided for in the RRA, which specifically states that ‘transferees’ will be housed in ‘regional processing centres,’ in the ‘first instance’ on Manus. A ‘regional processing centre’ is a locked detention facility.)

Rather than abusing others, many resort to self-harm. The majority become depressed, horrifying numbers become suicidal. If we pay another country to do the detaining on our behalf, are we responsible for the suffering inflicted? Clearly we are.

What about if we pay the other country to detain people, but we ask that country to ensure the conditions in detention are humane? (According to the RRA, ‘Australia and Papua New Guinea take seriously their obligations for the welfare and safety of any person transferred by Australia to Papua New Guinea under this Arrangement.’) Given the likelihood of abuse associated with any detention facility operating in the absence of rigorous oversight, we would be obliged to provide that oversight, and to do whatever else is necessary to guarantee humane conditions. We haven’t chosen to do this in relation to detention facilities within Australia, where abuse and self-harm are rife, and a recent death didn’t even warrant a mention in the Australian media; is it likely we will do it in relation to PNG?

The political genius of the RRA is that our government has no desire to monitor the conditions in the camps (it wouldn’t provide the Australian Human Rights Commission with access to Nauru – I see no reason for it changing its tune now). The government reasons that if Australians don’t know what’s going on in the camps, they won’t care about the people detained there. There are certainly grounds for thinking this, but it doesn’t mean we’re not responsible. We put the people there. We will continue to pay for and to service the detention facilities (see article 9 of the RRA). We are responsible.

Money may buy us an off-shore detention regime, but it doesn’t absolve us of responsibility for that regime. Would things be any better if PNG agreed to house asylum seekers in the community while their protection applications are considered, and then to re-settle all those found to be refugees? (Note that this is not what is provided for in the RRA, which specifically states that ‘transferees’ will be housed in ‘regional processing centres,’ in the ‘first instance’ on Manus. A ‘regional processing centre’ is a locked detention facility.) Would this be an acceptable means of buying our way out of our obligations of compassion? This question needs to be considered from two perspectives. One perspective relates to the kind of people, or country, we are. The other perspective relates to the people who are the objects of our compassion.

From the first perspective, there seems to be something wrong with paying someone else to do our good deeds. It’s likely to make us nastier, more self-serving people (a nastier, more self-serving country). Certainly we lose the chance to be enriched by the experience of giving directly to and engaging with others.

According to the Australian Government's current 'Travel Advisory' for PNG, anyone visiting the country should exercise a 'high degree of caution' given the high levels of serious crime; the likelihood of ethnic disputes escalating into violent clashes and general lawlessness; and the increase in reported incidents of sexual assault, including gang rape and the targeting of foreigners. The travel advisory adds that cholera is now considered endemic in PNG. As University of Sydney's Ben Saul pointed out recently in the Age, PNG is 'one of the poorest countries in the world' – if it 'can't provide basic rights for its own people', is it really likely to be able to accord such rights to asylum seekers?

But perhaps we are merely prioritising our good deeds – choosing to do more for others we know, in the neighbourhood, or down the road? If that's really so, it might make our moral out-sourcing more acceptable, and less worrying, for our national character. But what of the second perspective – the people who are the objects of our out-sourced compassion?

From the first perspective, there seems to be something wrong with paying someone else to do our good deeds. It's likely to make us nastier, more self-serving people (a nastier, more self-serving country). Certainly we lose the chance to be enriched by the experience of giving directly to and engaging with others. But perhaps we are merely prioritising our good deeds – choosing to do more for others we know, in the neighbourhood, or down the road? If that's really so, it might make our moral out-sourcing more acceptable, and less worrying, for our national character. But what of the second perspective – the people who are the objects of our out-sourced compassion?

From this perspective, our sole concern is with ensuring that asylum seekers are treated with humanity and dignity; that they are not expelled to countries in which they may be persecuted or killed; and that they are re-settled in a safe environment if there is genuine reason to fear that expulsion will lead to them being persecuted or killed. Could we be assured of this if the RRA was amended to rule out detention and to provide for community settlement?

According to the Australian Government's current 'Travel Advisory' for PNG, anyone visiting the country should exercise a 'high degree of caution' given the high levels of serious crime; the likelihood of ethnic disputes escalating into violent clashes and general lawlessness; and the increase in reported incidents of sexual assault, including gang rape and the targeting of foreigners. The travel advisory adds that cholera is now considered endemic in PNG. As University of Sydney's Ben Saul pointed out recently in the Age, PNG is 'one of the poorest countries in the world' – if it 'can't provide basic rights for its own people', is it really likely to be able to accord such rights to asylum seekers?

What about PNG's ability and willingness to assess asylum seekers' protection claims under the Refugee Convention? Although PNG has signed the Convention, it did so with significant reservations, so it is not bound by some of the Convention's most important provisions, including art.26 (freedom of movement); art.31 (right not to be penalised for unlawful presence or entry); art.32 (right not to be expelled); and art.34 (assimilation and naturalisation of refugees) (the other exclusions are articles 17(1), 21, & 22(1)).

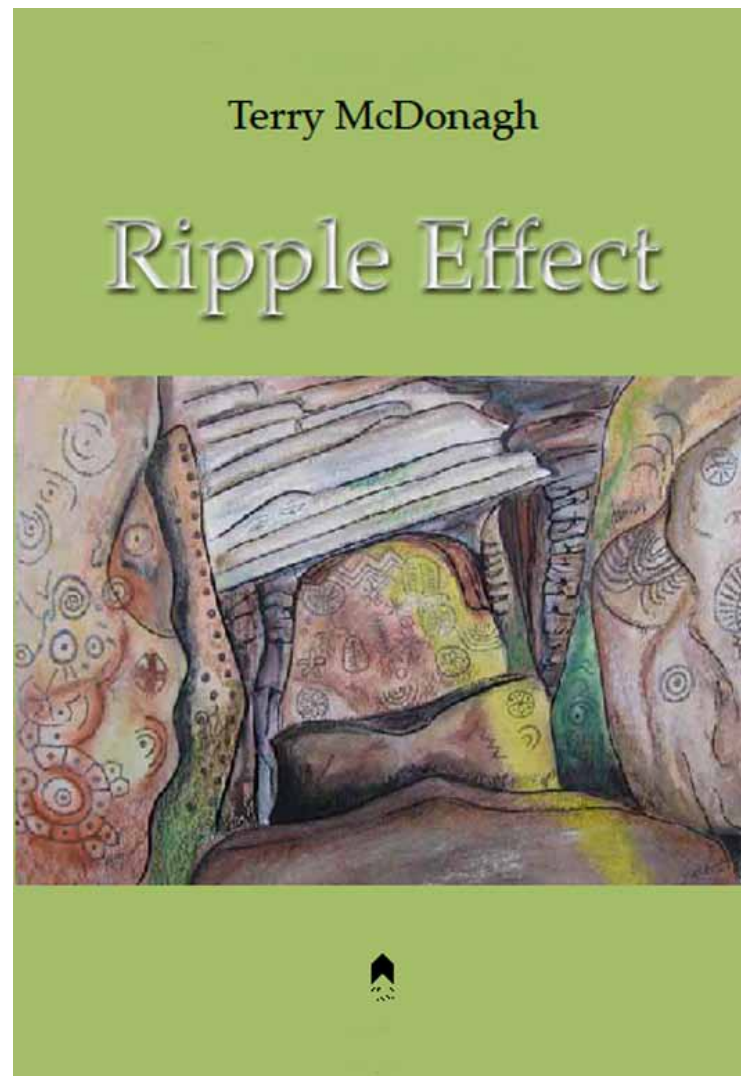
The political genius of the RRA is that our government has no desire to monitor the conditions in the camps (it wouldn't provide the Australian Human Rights Commission with access to Nauru – I see no reason for it changing its tune now). The government reasons that if Australians don't know what's going on in the camps, they won't care about the people detained there. There are certainly grounds for thinking this, but it doesn't mean we're not responsible. We put the people there. We will continue to pay for and to service the detention facilities (see article 9 of the RRA).

We are responsible.

The RRA specifies that PNG will 'immediately take steps to withdraw its reservations to the Convention with respect to persons transferred by Australia to PNG'. Great. But does that mean it will fairly assess individuals' protection claims? The [UN High Commissioner for Refugees](#) points out that while the country's migration legislation allows its Minister for Foreign Affairs to 'determine' a person is a refugee, it 'does not provide any details about how this determination is to be made'. The Commissioner concludes that the country's national legislation 'does not provide an adequate framework to deal with asylum seekers and refugees'.

So even if we're not worried about the kind of people, or country, we will become if we off-shore our moral obligations to asylum seekers, we are not justified in doing so in this case because those obligations will not be met. We will be shipping vulnerable, traumatised people out of sight and possibly out of mind, but they won't be being cared for, and we won't have bought the right to call ourselves 'compassionate'.

[1] Michael J. Sandel, What Money Can't Buy: The Moral Limits of Markets, New York: Farrar, Straus and Giroux, 2012, pp3-4. Thanks to Regarding Rights contributor [Ned Dobos](#) for referring me to this book.



Commemorated Thus Beautifully

"Lines written on a Seat on the Grand Canal, Dublin"

O commemorate me where there is water
canal water preferably, so stilly
greeny at the heart of summer. Brother
commemorate me thus beautifully.
(Patrick Kavanagh)

Terry McDonagh is an Irish poet who lives mostly in Germany. I am a U.K.-born scribbler who emigrated to Israel. As we met through Live Encounters magazine, produced by Mark Ulyseas, an Indian travelling writer based in Bali, it's no surprise that we empathise hugely about exile, dislocation and loss.

Such themes are staple fair in the wistful world of wandering writers. It takes a fine craftsman with a painfully hewn imagination to make them fresh. But we expect no less from McDonagh. Surely the first Irish poet to be translated into Indonesian, he pays gracious tribute to his famous countryman, Patrick Kavanagh in this, his own verse.



Whose Life Was It! he muses in *Grounds For Burial*, the concluding eight-parter in his new collection.* He then answers himself:

.... especially
after a day among wet ridges and drills.
When his parents died, he was captured
by the poet, Kavanagh,
and trapped between his lines:
for all to sneer at,
for all to pity,
for all to scoff at as he faced into a fence
when desire became urgent.

McDonagh also treats us to several endearingly funny micro stories. How else to describe *Body Language* with its brief sketch played out on a Hamburg street, near his home in exile?

"A story fell ping into my lap as birds / continued singing for me / and for people I didn't grow up with".

Or let's try *A Perfect Family In Arles*, where, avoiding a clichéd spin on the city's associations with rakish artists, he opts for a look at four unlovely tourists *en famille*, emptying restaurant tables, entire streets even with their noise, while the raucous daughters scream "we've had enough of culture and vulture!".

I suppose it's natural for a man from County Mayo to dwell, after Kavanagh, on rural small town life. But to be forced to select one of McDonagh's poems on this theme is like being invited to dip a paw into a chocolate box. So for now it's a case of 'ooh, go on then' and I'll choose the hilarious *Police and Donkey In a Hit and Run*, in which the police "countrywide, / would be alerted and no money or manpower spared / in satisfying the courts that everything in police power had been done to show the donkey up in a bad light".

For all that, even better are the quieter poems, like the title piece, *Ripple Effect* or its companion *Journey of a Pebble*, where McDonagh confesses to losing a much cherished stone picked up at the graveside of the blind Irish balladeer, Anthony Raftery. Initially, he's saddened by the loss but concludes "Later I was satisfied – I had passed it on".

*** *Ripple Effect* was published in August 2013 by Arlen House.**

**Ripple Effect**

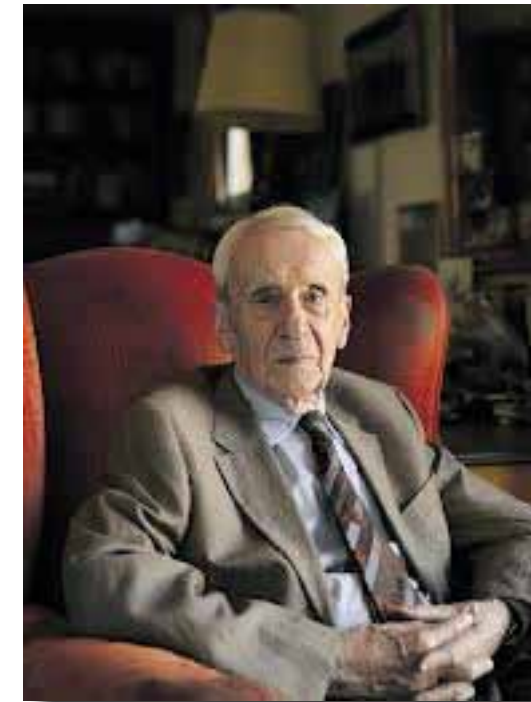
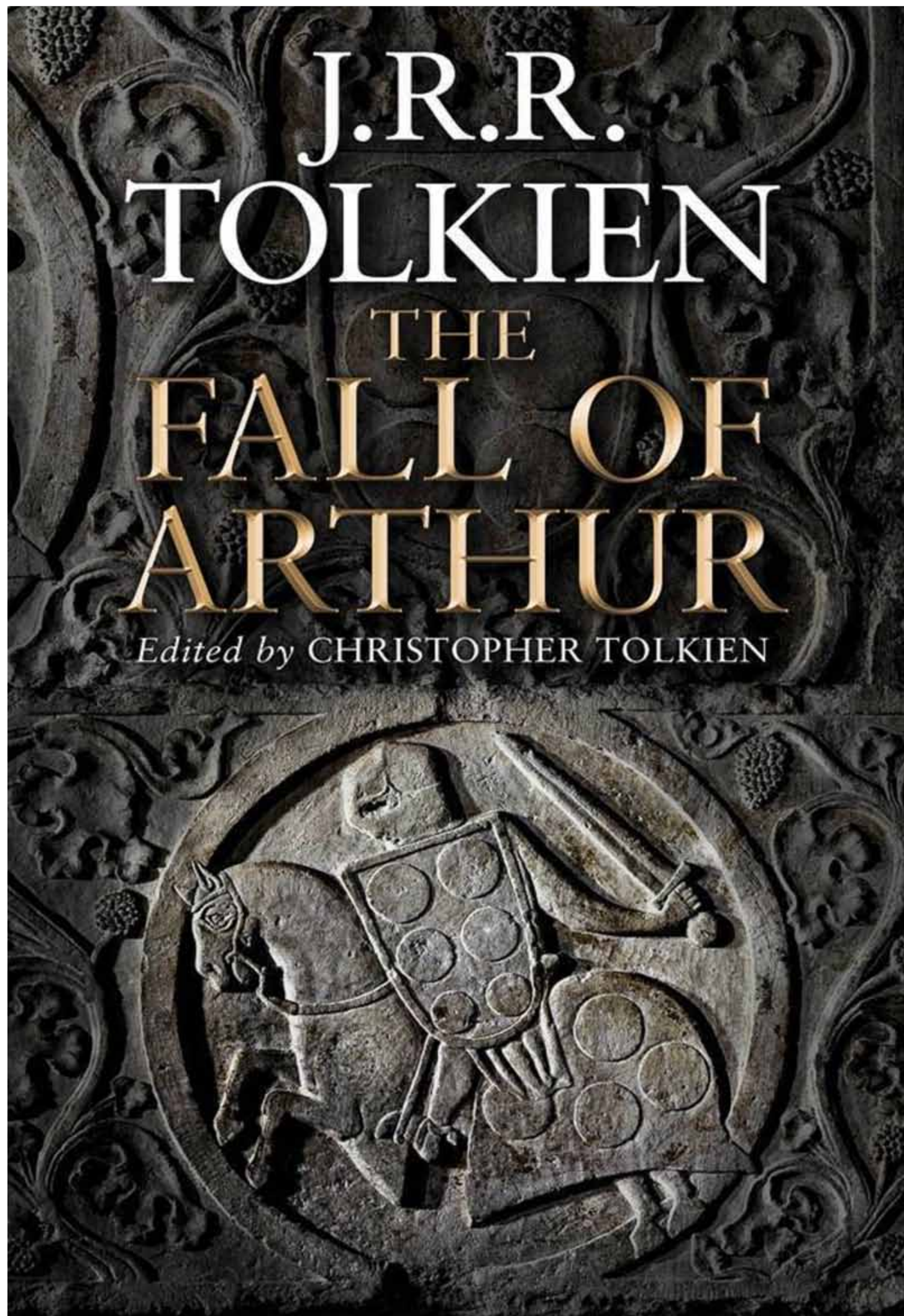
This short poem, Ripple Effect, is the title poem in my latest poetry collection, Ripple Effect, and I feel it says a lot about the swings and roundabouts of human fortune. I have always felt decisions get made for us...as young people, we set out to create ripples with a plethora of ideas and expectations and later we wonder at the outcome of these choices – this, at least, has been my experience.

As a boy in the west of Ireland, I would spend hours casting stones of different shapes and weights out on to the flat surfaces of lakes and rivers. I would try to adjust my style to get an extra bounce out of my stone...and I would try to count the ripples when my stone fell plop.

Ripple Effect

When you throw a stone
into a pond
you can't predict the ripples
for so much depends on
the cut of the stone,
the way you throw it
the water and the wind.

Book available at [LINK](#)



Foreword
by
Christopher Tolkien

It is well known that a prominent strain in my father's poetry was his abiding love for the old 'Northern' alliterative verse, which extended from the world of Middle-Earth (notably in the long but unfinished *Lay of the Children of Húrin*) to the dramatic dialogue *The Homecoming of Beorhtnoth* (arising from the Old English poem *The Battle of Maldon*) and to his 'Old Norse' poems *The New Lay of the Völsung* and *The New Lay of Gudrún* (to which he referred in a letter of 1967 as 'a thing I did many years ago when trying to learn the art of writing alliterative poetry'). In *Sir Gawain and the Green Knight* he displayed his skill in rendering of the alliterative verse of the fourteenth century into the same metre in modern English. To these is now added his unfinished and unpublished poem *The Fall of Arthur*.

Foreword from J.R.R. Tolkien's *The Fall of Arthur* by Christopher Tolkien
© C.R. Tolkien 2013, reproduced by kind permission of HarperCollins Publishers Ltd. [The Fall of Arthur published by HarperCollins : LINK](#)

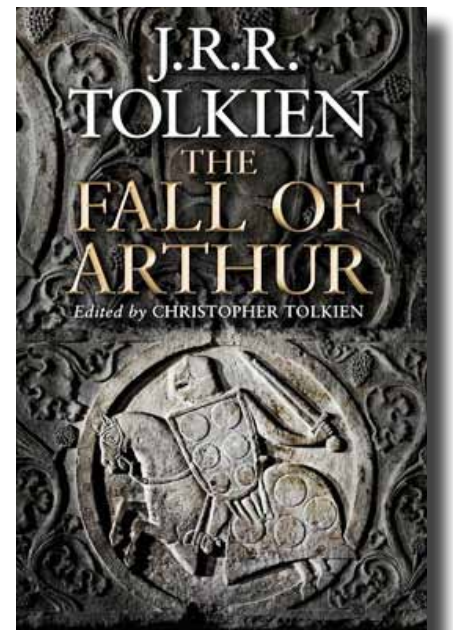
One might surmise also that the very nature of this last, elaborate poem made it peculiarly vulnerable to interruption or disturbance. The astonishing amount of surviving draft material for *The Fall of Arthur* reveals the difficulties inherent in such use of the metrical form that my father found so profoundly congenial, and his exacting and perfectionist concern to find, in an intricate and subtle narrative, fitting expression within the patterns of rhythm and alliteration of the Old English verse-form. To change the metaphor, *The Fall of Arthur* was a work of art to be built slowly: it could not withstand the rising of new imaginative horizons.

I have been able to discover no more than a single reference of any kind by my father to this poem, and that is in a letter of 1955, in which he said: 'I write alliterative verse with pleasure, though I have published little beyond the fragments in *The Lord of the Rings*, except 'The Home-coming of Beorhtnoth'...I still hope to finish a long poem on *The Fall of Arthur* in the same measure' (*The Letters of J.R.R. Tolkien*, no.165). Nowhere among his papers is there any indication of when it was begun or when it was abandoned; but fortunately he preserved a letter written to him by R.W.Chambers on 9 December 1934. Chambers (Professor of English at University College, London), eighteen years his senior, was an old friend and strong supporter of my father, and in that letter he described how he had read *Arthur* on a train journey to Cambridge, and on the way back 'took advantage of an empty compartment to declaim him as he deserves'. He praised the poem with high praise: 'It is very great indeed...really heroic, quite apart from its value in showing how the *Beowulf* metre can be used in modern English'. And he ended the letter 'You simply *must* finish it'.

But that my father did not do; and yet another of his long narrative poems was abandoned. It seems all but certain that he had ceased to work on the *Lay of the Children of Húrin* before he left the University of Leeds for Oxford in 1925, and he recorded that he began the *Lay of Leithian* (the legend of Beren and Lúthien), not in alliterative verse ut in rhyming couplets, in the summer of that year (*The Lays of Beleriand*, p.3). In addition, while at Leeds he began an alliterative poem on *The Flight of the Noldoli from Valinor*, and another even briefer that was clearly the beginning of a *Lay of Eärendel* (*The Lays of Beleriand*, §II, *Poems Early Abandoned*).

I have suggested in *The Legend of Sigurd and Gudrún* (p.5) 'as a mere guess, since there is no evidence whatsoever to confirm it, that my father turned to the Norse poems as a new poetic enterprise [and a return to alliterative verse] after he abandoned the Lay of Leithian near the end of 1931.' If this were so, he must have begun work on *The Fall of Arthur*, which was still far from completion at the end of 1934, when the Norse poems had been brought to a conclusion.

I seeking some explanation of his abandonment of these ambitious poems when each was already far advanced, one might look to the circumstances of his life after his election to the Professorship of Anglo-Saxon at Oxford in 1925: the demands of his position and his scholarship and the needs and concerns and expenses of his family. As through so much of his life, he never had enough time, and it may be, as I incline to believe, that the breath of inspiration, endlessly impeded, could wither away; yet it would emerge again, when an opening appeared amid hid duties and obligations – and his other interests, but now with a changed narrative impulse.



No doubt there were in fact specific reasons in each case, not now to be with any discerned; but in that of *The Fall of Arthur* I have suggested (pp.149-55) that it was driven into the shallows by the great sea-changes that were taking place in my father's conceptions at that, arising from his work on *The Lost Road* and the publication of *The Hobbit*: the emergence of Númenor, the myth of the World Made Round and the Straight Path, and the approach of *The Lord of the Rings*.

One might surmise also that the very nature of this last, elaborate poem made it peculiarly vulnerable to interruption or disturbance. The astonishing amount of surviving draft material for *The Fall of Arthur* reveals the difficulties inherent in such use of the metrical form that my father found so profoundly congenial, and his exacting and perfectionist concern to find, in an intricate and subtle narrative, fitting expression within the patterns of rhythm and alliteration of the Old English verse-form. To change the metaphor, *The Fall of Arthur* was a work of art to be built slowly: it could not withstand the rising of new imaginative horizons.

Whatever may be thought of these speculations, *The Fall of Arthur* necessarily entailed problems of presentation to the editor. It may be that some who take up this book would have been content with no more than the text of the poem as printed here, and perhaps a brief statement of the stages of its development, as attested by the abundant draft manuscripts. On the other hand, there may well be many others who, drawn to the poem by the attraction of its author but with little knowledge of 'the Arthurian legend', would wish, and expect, to find some indications of how this 'version' stands in relation to the mediaeval tradition from which it rose.

As I have said, my father left no indication even of the briefest kind, as he did of the 'Norse' poems published as *The Legend of Sigurd and Gudrún*, of his thought or intention that lay behind his very original treatment of 'The Legend of Lancelot and Guinevere'. But in the present case there is clearly no reason to enter the labyrinth in an editorial attempt to write a wide-ranging account of 'Arthurian' legend, which would very likely appear a forbidding rampart raised up as if it were a necessary preliminary to the reading of *The Fall of Arthur*.

I have therefore dispensed with any 'Introduction' properly so-called, but following the text of the poem I have contributed several commentaries, of a decidedly optional nature. The brief notes that follow the poem are largely confined to very concise explanations of names and words, and to references to the commentaries.

Each of these, for those who want such explorations, is concerned with a fairly distinct aspect of

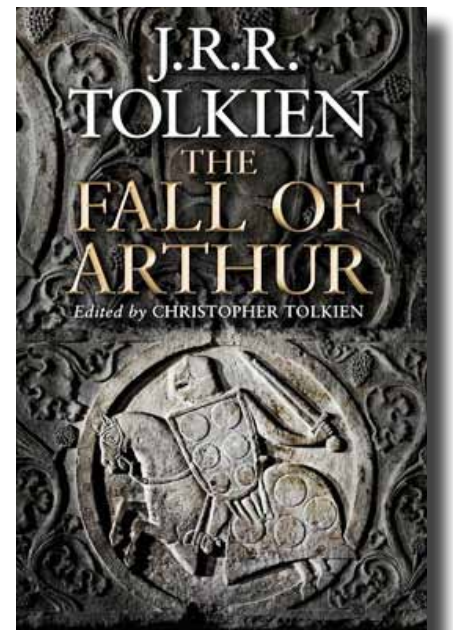
After much deliberation I have thought it best, because much less confusing, to write this account as if the latest form of the poem (as printed in this book) were all that we could know of it, and the strange evolution of that form revealed by the analysis of the draft texts had therefore been lost. I have seen no need to enter into the shadowy origins of the Arthurian legend and the early centuries of its history, and I will only say here that it is essential to the understanding of *The Fall of Arthur* to recognize that the roots of the legend derive from the fifth century, after the final end of the Roman rule in Britain with the withdrawal of the legions in 410.

The Fall of Arthur and its special interest. The first of these, 'The Poem in Arthurian Tradition', simple in intent, avoiding speculative interpretation, and very limited in range, if somewhat lengthy, is an account of the derivation of my father's poem from particular narrative traditions and its divergences from them. For this purpose I have chiefly drawn upon two works in English, the mediaeval poem known as 'The Alliterative Morte Arthure', and the relevant tales of Sir Thomas Malory, with some reference to his sources. Not wishing to provide a mere dry précis, I have cited verbatim a number of passages from these works, as exemplifying those traditions in manner and mode that differ profoundly from this 'Alliterative Fall of Arthur' of another day.

After much deliberation I have thought it best, because much less confusing, to write this account as if the latest form of the poem (as printed in this book) were all that we could know of it, and the strange evolution of that form revealed by the analysis of the draft texts had therefore been lost. I have seen no need to enter into the shadowy origins of the Arthurian legend and the early centuries of its history, and I will only say here that it is essential to the understanding of *The Fall of Arthur* to recognize that the roots of the legend derive from the fifth century, after the final end of the Roman rule in Britain with the withdrawal of the legions in 410 and from memories of battles fought by Britons in resistance to the ruinous raids and encroachments of the barbarian invaders, Angles and Saxons, spreading from the eastern regions of this land. It is to be borne in mind that throughout this book the names *Britons* and *British* refer specifically and exclusively to the Celtic inhabitants and their language.

Following 'The Poem in Arthurian Tradition' is a discussion of 'The Unwritten Poem and its relation to *The Silmarillion*', an account of the various writings that give some indication of my father's thoughts for the continuation of the poem; and then an account of 'The Evolution of the Poem', primarily an attempt to show as clearly as I could, granting the extremely complex textual history, the major changes of structure that I have referred to, together with much exemplification of his mode of composition.

Note. Throughout this book references to the text of the poem are given in the form canto number (Roman numeral) + line number, e.g. II.7.



Of the setting of the sun at Romeril Excerpt P.55-56

Thus Arthur abode on the ebb riding,
At his land he looked and longed sorely
on the grass again there green swaying,
to walk at his will, while the world lasted;
the sweet to savour of salt mingled
with wine-scented waft of clover
over sunlit turf seaward leaning,
in kindly Christendom the clear ringing
of bells to hear on the breeze swaying,
a king of peace kingdom wielding
in a holy realm beside heaven's gateway.

On the land he looked lofty shining
Treason trod there trumpets sounding
in power and pride, Princes faithless
on shore their shields shameless marshalled
their king betraying Christ forsaking,
to heathen might their hope turning.
Men were mustering marching southward,
from the East hurried evil horsemen
as plague of fire pouring ruinous;
white towers were burned, wheat was trampled,
the ground groaning and the world faded;
bells were silent, blades were ringing
hell's gate was wide and heaven distant.

J R R Tolkien - The Fall of Arthur

book review by Mark Ulyseas

Amidst the ruins of Hampi. Amidst the fallen rocks and mangled sculptured torsos of gods and goddesses rests a fragment of history woven with myths and legends of an enchanted era of chivalry and betrayal, of valour and cowardice, of victory and defeat...what better place than this to read the poem...*The Fall of Arthur*...an unfinished masterpiece set aside eighty years ago by a pensive poet just before he embarked upon *The Hobbit*.

The Fall of Arthur is written in the language of *old English*...words sewn together with a synergy that stretches the imagination beyond the horizon of hedonism into the realms of free fall fantasy festooned with striking imagery blanced by the foreboding imagery of Arthur returning home to confront the traitor, Mordred.

Lurking between the lines, the words, the legend, lies nestled in the spirit of a time long gone when knights in shining armour rode forth to fight injustice, when *word* was honour and *faithfulness* meant everything.

J.R.R. Tolkien's mastery over the Old English alliterative metre is the canvas on which he has deftly drawn and coloured with passion pinioned to the senses, *The Fall of Arthur*. This is why I find the poem so embracing, so complete in form.

How Arthur returned at morn and by Sir Gwain's hand won the passage of the sea. *Excerpt p.45-46*

Wolves were howling on the wood's border;
the windy trees wailed and trembled,
and wandering leaves wild and homeless
drifted dying in the deep hollows
Dark lay the road through dank valleys
among the mounting hills mist-encircled
to the walls of Wales in the west frowning
brownfaced and bare. To the black mountains
horsemen hastened, on the houseless stones
no track leaving. Tumbling waters
from the fells falling, foaming in darkness,
they heard as they passed to the hidden kingdom.
Night fell behind. The noise of hooves
was lost in silence in a land of shadow.



Hampi, Karnataka, India. Pic by Mark Ulyseas

This reminds me of my days in school when learning poems by heart was the only way to survive the gruelling encounters with the English teacher who insisted elocution was the key to unlocking the beauty of poetry. Looking back, he was right. The art of recitation has been lost to our hand held electronic devices...a disconnection from this wonderful art form. However, in this latest publication of Tolkien one is drawn, once again, into the captivating world of poetry with its embroidered words winding their way through stanzas and pausing at commas.

I have read a number of reviews of *The Fall of Arthur* and they have struck me as too clinical, too explanatory...dry...attempting to correlate its lyricism to other literary works of Tolkien. What a pity. Why can't readers simply move with the metre, embrace the narration and rejoice in the imagery. For this is what poetry and poetry reading is all about. One doesn't need to explain the words, to dissect and bisect the poet's thoughts. One has only to feel it through a process of osmosis, thereby joining in the journey that the poet takes, becoming a fellow traveller.

Unfortunately in this day and age spoon feeding is essential in conveying the lyricism of life. Poems now appear in the electronic media accompanied by photographs. The photographs speak for the words and thus the message being conveyed by the poet is crippled without them. Memorising and reciting poems have all but disappeared into the labyrinth of bytes and megabytes. Many among us are at loss for verse when reminded of a poem we once knew and therefore we seek refuge in the hand held electronic device for an answer to what is elementary wisdom.

And so dear readers get your copy of *The Fall of Arthur* and hit the road. Stop where a river flows or mountains reach out to the sky, sit down under a tree and read the poem. Read it aloud and feel the rhythm of the ages rise from the font. Read about an era of truth twisted by fate and valour vanquished in vain. You don't need photographs or films to tell you where you're at or how to feel, for the words will be your guide down winding pathways strewn with events that led to the fall of Arthur.

Christopher Tolkien is his father's son, a son who, with a missionary zeal, has faithfully edited and published many of Tolkien's works, posthumously. Though *The Fall of Arthur* is presumably the last of unpublished manuscripts of Tolkien one hopes that there is, tucked away, somewhere between the sheets of scribbled notes, another poem waiting with bated breath to see the light of day.

[The Fall of Arthur published by HarperCollins : LINK](#)



Gender Segregation in Israel

Anat Hoffman

Executive Director of the Israel Religious Action Center

The debate on how to balance Israel as a Jewish State and Israel as a democratic State is a work in progress. As the world's only country with a Jewish majority, we have challenges and opportunities that are truly unique. We are the only country in the world running its public calendar in concert with the Jewish calendar. We are the only country that ensures that food served in government buildings is kosher. The goal is to make Israel a place where being Jewish would never limit someone's options for enjoying all that life in this country could offer. The question is, how do we draw the line between protecting Jewish life for its citizens and imposing Jewish life on its citizens?

Religious Israelis make up a minority of the country's Jewish population, and the Haredim (ultra-Orthodox) are a minority inside a minority. Haredim amount to a little over 9% of the total population. They are a significant part of Israeli society, but in recent years their influence over how we are able to use public spaces has grown exponentially. This is due in large part to the reality of coalition politics, but there has been a steady move to the right. This can be seen clearly on many of Israel's public buses, where extreme elements of the Haredi community are still trying to force women to sit at the back of the bus.

I have been asked many times why don't we just leave the poor Haredi Jews alone. It bothers them to sit next to women so why can't we just let them be? It is important to understand that we at IRAC are not trying to destroy the ultra-Orthodox way of life. As an organization that fights for pluralism, we believe that all forms of Jewish practice should be treated with respect. We are not trying to change their homes or their synagogues, but rather we are protecting the rights of all Israelis to use public services that function in shared spaces in a way that is inclusive of everyone. The buses are a service for all Israelis just like the public airways, or public health clinics. Being a Jewish state does not mean that all Jews are forced to live a certain way.

Gender segregation in Israel is not new, and IRAC and our volunteer Freedom Riders have been monitoring the buses for several years. We have seen a huge decrease in both the number of lines that are segregated and the number of incidents where men try to intimidate women to move to the back of the bus. Israelis have become aware of this issue from the street to the highest levels of government. Why can't we simply claim victory and move on from here?



In the years since our initial lawsuit forcing Egged (the state bus company) to put up signs declaring it illegal to force someone to move because of gender, we have seen the phenomenon rise and fall and rise again. That is the real challenge of gender segregation in Israel. Once we defeat it in one area it pops up again someplace else. When the buses are calm we find grocery stores or health clinics segregating between the genders. When we shine a light on those places, it stops there but pops up at radio stations. Fighting gender segregation is like a game of whack a mole, but instead of winning tickets at a fair we are trying to win equality and dignity for Israeli women.

Our biggest success in the struggle against gender segregation has been convincing Israelis how serious this issue really is, and how religious coercion affects everyone. It is easy for Israelis to look at Jerusalem or other cities with high numbers of ultra-Orthodox Jews and say that what happens there does not affect them in Tel Aviv or Be'er Sheva—that segregation is just something odd that happens in Jerusalem or Beit Shemesh. This mindset has changed thanks to our advocacy. When people hear about women being intimidated into sitting in the back of the bus Israelis take notice.

I am proud of the successes we have had combating gender segregation on buses, on the radio, in the army, in health clinics, and in the minds of the average Israeli. This is an example of voices from abroad playing a very constructive part in social change in Israel. If we had not had consistent support from Jewish and non-Jewish organizations and individuals abroad, Israeli lawmakers would have simply ignored this issue in favor of keeping the Haredi political parties happy and in line.



The Long Way from Rome to Jakarta



Prospects of Ending Impunity for International Crimes in Southeast Asia

Reprinted by special permission of Benjamin Authers, [Regarding Rights](#)

Photograph - Main Courtroom of the Extraordinary Chambers in the Courts of Cambodia (ECCC). Source: Public Affairs Section / ECCC.

More than ten years after its entry into force, the Rome Statute of the International Criminal Court (ICC) is enjoying wide-spread global support. Despite this progress, states in Asia generally remain reluctant to join the Rome Statute. Nevertheless, the global dynamic of the past years has also left its mark on the attitudes among states in the region. In Southeast Asia in particular, the promotion of human rights norms and principles at the regional level is gaining momentum, most visibly manifested in the creation of an ASEAN Intergovernmental Commission on Human Rights and the adoption of an ASEAN Declaration on Human Rights. Although this development has not yet advanced the issue of accountability for breaches of norms of international human rights and humanitarian law, individual states have taken steps that indicate an increased recognition of the need to prosecute those responsible for mass atrocities.

Cambodia and Timor Leste were among the founding members of the ICC, but had remained exceptions until recently. Thailand has signed, but hesitates to ratify the Rome Statute. However, with the accession of the Philippines to the ICC Statute in 2011, a decade long stalemate in Southeast Asia seems to be broken. Current discussions among policy-makers and legislators in Indonesia and Malaysia are signs of a slow but steady shift in attitudes. As one of the world's most populous countries, Indonesia's accession in particular would tip the balance in the region towards a position more amenable to the norms of the Rome Statute.

Southeast Asia is no stranger to mass violence and large-scale human rights abuses. The impact of international crimes, including crimes against humanity, genocide, and war crimes, on countries' development, including the perpetuation of weak governance, is visible throughout the region. As the [World Development Report 2011](#) observed, vicious cycles of conflict place security and justice under stress, and impunity creates volatile political frameworks. The report also concludes that human rights abuses are associated with higher risks of future conflict.^[1] To break the repeated cycle of violence, there is a need to recognise the inherent link between conflict, peace, and justice and to formulate holistic policy responses to prevent the recurrence of violence. Supporting accountability for international crimes, as outlined through the Rome Statute, can be one element of such a comprehensive approach.

Countries in Southeast Asia that have experienced mass atrocities now appear to have positions more amenable to supporting the Rome Statute's norms. Cambodia and Timor Leste have both experienced mass violence to such a degree that their development has fallen far behind that of their regional peers. Both countries were signatories to the Rome Statute from the beginning, and both countries have initiated, with international assistance, accountability processes to prosecute alleged perpetrators. The experiences of the Serious Crimes Process in Timor Leste and the hybrid [Extraordinary Chambers in the Courts of Cambodia](#) have been mixed, but they have set important precedents for ending impunity for international crimes in Southeast Asia.^[2] To date, while the region is no stranger to prosecuting international crimes, there has been little cross-border sharing of this experience.

The Indonesian government has on a number of occasions indicated that it is willing to accede to the Rome Statute. The National Action Plan on Human Rights, adopted in 2004 under President Megawati, mandated that Indonesia would ratify the Statute before the end of 2008. Although Indonesia has not yet realised this intention, its government accepted recommendations with regards to the accession to the Rome Statute made during its Universal Periodic Review at the 13th session of the Human Rights Council.

Interestingly, some states that are not parties to the Rome Statute have taken steps to enhance their domestic legal frameworks so as to allow for national-level prosecution of international crimes. When adopting Law No. 26 of 2000 of the Human Rights Court (Law 26/2000)—at a time when the ICC was not yet established—Indonesia after the fall of Suharto’s regime demonstrated that it is willing to investigate and prosecute perpetrators of crimes, similar to those enshrined in the Rome Statute, notably for crimes against humanity and genocide. The Law empowers Indonesia’s national human rights commission, Komnas HAM, to conduct initial investigations into alleged cases of crimes against humanity and genocide and to make recommendations for prosecution to the Attorney General’s Office. The case of Komnas HAM highlights the important role national human rights institutions in the region can play in investigating breaches of international criminal law.

Despite these commendable efforts, Indonesia’s Attorney General’s Office has been reluctant to follow up Komnas HAM’s findings and recommendations, often rendering the commission’s work and the implementation of its novel mandate futile. Likewise, the proceedings in the ad hoc human rights court in Jakarta dealing with crimes committed by agents of the state in the former Indonesian province of East Timor failed to provide an example for accountability—most of the accused were eventually acquitted.^[3] The experiences in Indonesia, but also more recent allegations of political interference at the ECCC in Cambodia, demonstrate that states in the region are increasingly willing to prosecute international crimes, but that national-level prosecutions remain contested and often fail to live up to international standards of justice. Thus, implementing the principle of complementarity “to enhance the capacity of national jurisdictions to prosecute the perpetrators of the most serious crimes of international concern in accordance with internationally-recognised fair trial standards,” as called for by the ICC State Parties in the **2010 Kampala Declaration**, will not come about without challenges.

Nevertheless, the Indonesian government has on a number of occasions indicated that it is willing to accede to the Rome Statute. The National Action Plan on Human Rights, adopted in 2004 under President Megawati, mandated that Indonesia would ratify the Statute before the end of 2008. Although Indonesia has not yet realised this intention, its government accepted recommendations with regards to the accession to the Rome Statute made during its Universal Periodic Review at the 13th session of the Human Rights Council. Similarly, in 2011, the government of Malaysia affirmed its commitment to endorse the instrument of accession to the Statute, and the parliament has been considering implementing legislation for this purpose. Although the government cites specific challenges arising from the special standing of the Malay Royalty, the **Malaysian Bar Council and Parliamentarians for Global Action** have called on the government to accelerate the process of accession.

The most significant development, in 2011, was the Philippines’ accession to the Rome Statute. The Philippine Act on Crimes Against International Humanitarian Law, Genocide and Other Crimes Against

At a time when the ECCC in Cambodia will soon end its operations, Morten Bergsmo argues that “the era of international institution building for war crimes accountability is over; a new era of national capacity building has begun”.

Humanity (RA 9851), enacted in December 2009, provided the basis for national implementing legislation. Furthermore, a working group on ICC implementation consisting of representatives from relevant government agencies and civil society was convened in 2012 to consider further steps on domestic legislative implementation, including on enforced disappearance, conscription of children in armed conflict and the effective protection of witnesses and victims. Importantly, a Philippine Judge is now ensuring a visible presence for Southeast Asia at the seat of the ICC in The Hague.

Beyond a narrow focus on ratification, there is now also a need for more awareness-raising among key stakeholders in the region as well as more focus on building capacities for prosecuting international crimes through national jurisdictions. For this purpose, attention should be directed to two specific aspects: (i) the fact that Southeast Asia comprises both parties and non-parties to the Rome Statute with an important potential for intra-regional dialogue, and (ii) the past experiences and capacities available within the region in prosecuting international crimes. These two factors have not as yet been mobilised to enhance regional exchanges. Such intra-regional exchanges could raise awareness and correct wide-spread misunderstanding among key stakeholders about the ICC’s purpose and mandate, and deflect an often-held opinion that these are ideas and values foreign to the region. Moreover, new demands for justice may arise in the near future, such as from Myanmar, requiring neighbouring states and ASEAN as a whole to develop appropriate responses that ensure long-term peace and stability in the region.

At a time when the ECCC in Cambodia will soon end its operations, Morten Bergsmo argues that “the era of international institution building for war crimes accountability is over; a new era of national capacity building has begun”.^[4] As this paradigm change slowly takes place in Southeast Asia, the time is ripe for more systematic efforts to identify, analyse and share experiences and expertise within the region in order to build and further expand domestic capacities to deal with international crimes. This in turn could provide a much stronger foundation for an emerging regional consensus on the need to hold accountable those responsible for international crimes.

[1] World Bank, 2011, World Development Report 2011: Conflict, Security and Development, Washington, DC: The World Bank.

[2] Kent, L, 2012, ‘Interrogating the “Gap” Between Law and Justice: East Timor’s Serious Crimes Process’, Human Rights Quarterly, Vol. 34, pp 1021-1044.

[3] Cohen, D, 2003, Intended to Fail: The Trials Before the Ad Hoc Human Rights Court in Jakarta, International Center for Transitional Justice, Occasional Paper Series.

[4] Bergsmo, M, 2011, ‘Complementarity and the Challenges of Equality and Empowerment’, FICHL Policy Brief Series, Vol. 8, p 1.



Healing Trauma

The next step in this series on self-healing and transformation is to understand and heal the pain from past trauma. Although many of us think about trauma in terms of combat situations or something tantamount to seeing a murder on the street, nearly all people have experienced some kind of trauma. You may still have symptoms, whether you remember the original incident or not. This has been evident when working with clients over the years. Whether it is compulsive behaviors such as constant cleaning or shopping, or depressive symptoms such as no longer feeling enjoyment when engaged in activities or sleeping all day; there is a traumatic event underneath. Different individuals respond differently to situations, so one person can become traumatized by a specific instance while another is not.

Some common traumas are loss of a parent or family member, physical or sexual abuse, witnessing violence, a parent who is inconsistently in a child's life, illness, physical injury, medical and dental procedures and more. It is interesting that so many traumas come from routine medical procedures. In session, when I intuitively read clients' chakras, I often see major damage to the first chakra from birth trauma. When I ask what happened when they are born, I often get answers like "my mother died," "my mom was depressed," "my mother was abused by my father," and such. This affects the person from infancy on.

Posttraumatic Stress Disorder

There is a high correlation between physical pain and posttraumatic stress disorder (PTSD). You may even be suffering from PTSD without knowing it. As I describe the symptoms, take some time to assess yourself and whether or not the symptoms match your own experience. The DSM-IV-TR, the American Psychiatric Association's manual of disorders, explains that a diagnosis of PTSD is likely when a person has "experienced, witnessed, or was confronted with an event or events that involve actual or threatened death or serious injury, or a threat to the physical integrity of self or others," or that "the person's response involved intense fear, helplessness, or horror."

Francine Shapiro, the author and originator of eye movement desensitization and reprocessing (EMDR), refers to trauma as being either big T's (big traumas) or little t's (little traumas). For instance, when my house nearly burned down, it was definitely a big T. A memory of losing a pet when I was a child is a little t. Whether a situation is one or the other is subjective and dependent on the experience of each person.



Pics by Mark Ulyseas

Symptoms of Trauma

When you experience trauma, your nervous system compensates for being in a continual state of high-level alertness by adapting. These adaptations then become symptoms. Initially, the physical symptoms of trauma can include a hyper-aroused state in which your heartbeat increases, your muscles tense, and you have difficulty breathing.

Emotional symptoms of trauma can initially include shock, denial, and disbelief. Your system is not ready to process the information, and this denial is a helpful response.

The above responses happen immediately, while other symptoms begin to show up later and may last for years.

Those symptoms may include the following:

- Hypervigilance (being on guard at all times)
- Anger, irritability, and mood swings
- Feelings of guilt, shame, or self-blame
- Feeling sad, hopeless, and helpless
- Confusion and difficulty concentrating
- Withdrawing from others and activities
- Feeling disconnected from others
- Feeling numb
- Intrusive images or flashbacks
- Extreme sensitivity to light and sound
- Hyperactivity
- Exaggerated emotional and startle responses
- Fatigue
- Aches and pains
- Muscle tension
- Difficulty sleeping
- Nightmares and night terrors

Let's look more closely at some of the symptoms of trauma. You may be aware of these in yourself or others.



Hypervigilance

A definition of hypervigilance that I endorse can be found in the open source online encyclopedia, Wikipedia:

Hypervigilance is an enhanced state of sensory sensitivity accompanied by an exaggerated intensity of behaviors whose purpose is to detect threats. Hypervigilance is also accompanied by a state of increased anxiety, which can cause exhaustion. Other symptoms include: abnormally increased arousal, a high responsiveness to stimuli and a constant scanning of the environment for threats.

If you are hypervigilant, it may be that when you walk into a room you take in all aspects of it. You immediately assess who is there, where they are standing, whether they are familiar to you or not, and where the exits are. For the most part, you don't even realize you are doing all of this. Some people who have experienced trauma develop a stronger sixth sense, and this becomes a form of protection. Others become numb and are in denial of what is around them.

Dissociation

Another sign of trauma you may experience is dissociation. The dissociation continuum can range from mild spaciness to dissociative identity disorder. When trauma happens and you dissociate, you may not remember the original trauma, but you will recognize symptoms that alert you to the existence of trauma in your past.

Some of the symptoms of dissociation are feelings of intense fear and helplessness, which may become chronic helplessness. You may continue to re-experience the traumatic event or have physical and emotional reactions to situations that are triggered by the original event, regardless of whether you have any conscious memory of it. You may also avoid situations—knowingly or not—that are associated with it. There may be a denial of the experience. There may be feelings of arousal or of numbing. You may experience traumatic anxiety and, in severe cases, hallucinations or paranoid ideation.

Disassociation together with hypervigilance can create an inability to learn new behaviors and leave the person helpless. Rather than continuing to move into new behaviors, the person withdraws into immobility, especially when they feel aroused. There may be an adrenaline response, but the person just freezes. This happens often in relationships. The person knows the relationship is not healthy, but is unable to move out of the relationship, even if there are other opportunities. The same dynamic applies to jobs.



Pics by Mark Ulyseas

Given my counseling experience, it would be remiss of me not to explore childhood sexual abuse at this point. Again, there is a high correlation between chronic pain and trauma. In my experience, there is also a high correlation between childhood sexual abuse and pain. I see a similar correlation between childhood sexual abuse and obesity.

Denial is a part of dissociation. Underneath denial may be what is referred to as psychosomatic symptoms. Psychosomatic symptoms refer to physiological and physical symptoms that are related to a mental or emotional response. When a person goes to a physician for pain, the doctor may not find any conclusive medical reason for the pain. In other words, we may express our pain through our bodies, despite the lack of any physical causation for the pain.

Traumatic anxiety is another symptom of trauma. Traumatic anxiety can include a continual sense that something is wrong. It can show itself as nervousness and worry. The person frequently experiences panic and dread and can be reactive to trivial events. These behaviors are not part of the personality, but rather are reactions to previous trauma.

The focus of this series of articles and my book 12 Weeks to Self-Healing: Transforming Pain through Energy Medicine is on self-healing and I show that our bodies naturally move into self-healing. It is also important to remember that self-healing does not mean doing everything yourself. It is important to access those with the training and appropriate modalities to help you in your own self-healing process.

As we discussed earlier, you may not be aware of how these symptoms affect you until you are triggered by a current situation in which your "buttons get pushed" or you have a strong reaction to something that does not seem to merit that kind of emotional or physiological response. Whenever you have an exaggerated response to something in the current moment, it is attached to a memory (conscious or unconscious) from the past.

When you think about traumas that may be underlying your pain, you may want to finish these statements in your mind or in your journal. I prefer the journal, and I will suggest again that if you truly want to experience a deep healing, you will do well with the assistance of journaling.

You may have reoccurring thoughts, images, or flashbacks to a situation. List them with regard to the following:

I have reoccurring thoughts about ...
I keep dreaming about ...



I go into a daze when I think about ...
I often drink to forget ...
I feel fear and anxiety when I remember ...
My heart races when I remember ...
I have a hard time breathing when I think about ...
I am so sad when I remember ...

You may also find yourself trying to avoid situations that have to do with the trauma. Complete these sentence stems:

I try to avoid thinking about ...
I don't talk to people who remind me of ...
I leave or feel numb when others bring up ...
Whenever I can, I avoid ...
I sense something happened when I was ...
I don't feel much anymore, since the time that ...
I am not happy any longer, since the time that ...

Other symptoms may arise after a traumatic incident. Complete these sentence stems as well:
Sleep is difficult for me, since the time that ...
I feel so angry now that ...
I can't seem to concentrate since ...
I am so reactive to ...
I am startled more often now that ...

All of the trauma symptoms I have listed can be treated effectively with EMDR. In my practice I have seen clients who have healed memories of war trauma, rape, torture, being held at gunpoint, sexual abuse and more. There are practitioners who can help you worldwide. [LINK](#)

You can find more information about the book 12 Weeks to Self-Healing: Transforming Pain through Energy Medicine [LINK](#)

www.liveencounters.net

Live encounters

September 2013

Free online magazine from village earth



www.liveencounters.net