

Introduction

The second of our special issues commemorating the bicentenary of abolition engages with the idea of human rights—and the reality which gives rise to it, human wrongs. The legal and moral concept of human rights is inescapably at the intersection of individual and collective worlds. It is in the way we behave to one another that our rights are either respected or eroded, and those behaviours are often socially determined. Typically it is group cultures which lead to the most severe damage to human rights, in particular the rights of those in some way defined as “other.” Attention to cultural matters, therefore, and to the behaviours which are sanctioned culturally, is crucial.

If the frail but morally authoritative figure of Gandhi bestrides the first half of the twentieth century with a whole new approach to the ways in which rights can be asserted and political change effected, the iconic figure of Nelson Mandela, whose words open this issue, bestrides its second half. The sequence of essays begins in the specific topic of transatlantic slavery and the “negritude” movement, but the next invokes sixteenth-century history to address one of the hardest questions for the international community today: deciding on the “just war” or the humanitarian war of intervention. Alongside creative work on related themes, the issue goes on to consider more personal rights (and their denial) relating to matters of gender and sexual orientation. Several of the contributions remind us that these questions are not new, as they bring historic points of comparison to bear on our world today.

While the Universal Declaration of Human Rights by the United Nations in 1948 remains a landmark document, the concept is, of course, much older. Some of the

thinking can be traced to Aristotle, but a more direct antecedent was the extraordinary period of revolutionary France. The English Bill of Rights of 1689 and the 1776 Virginia Declaration of Rights had mapped out corners of the territory which has since become familiar, and these were followed by the United States Bill of Rights (1791, drafted 1789), but it was the *Déclaration des droits de l'homme et du citoyen* (*Declaration of the Rights of Man and of the Citizen*) of 1789 which established so many of the concepts now associated with rights. It asserted the French were no longer subjects but citizens, that, among other things, they should be treated equally under the law, and that they should have freedom of movement, expression and religion. However, in some signal respects it was limited. The property rights which it enshrined retained the right to own slaves in the colonies, despite campaigns for abolition. Further, it seems the French were not ready to address gender inequality. Olympe de Gouges' counter-assertion of women's rights, *Déclaration des droits de la femme et de la citoyenne* (*Declaration of the Rights of Women and of the Female Citizen*) of 1791, resulted in her being sent to the guillotine. However, in London, Mary Wollstonecraft's *Vindication of the Rights of Women* (1792) followed, like Thomas Paine's *Rights of Man* (1791) which led to his conviction for seditious libel against the crown. The paralleling of rights with duties—now a familiar idea—also goes back to revolutionary France, where it was canvassed by the Church but rejected. The Declaration was strengthened in 1793 with freedom of the press, and social responsibilities such as education, and the support of the poor, the old and the sick, but it was not until 1794 that French slavery was abolished—only to be reintroduced under Napoleon in 1802, and abolished finally in 1848.

Many of the global rights projects which we tend to trace to the UN are directly founded on those of the Revolution. The 1948 Declaration declares “All human beings are born free and equal in dignity and rights... without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” It asserts the “right to life, liberty and security of person,” the right not to be subject to “torture or to cruel, inhuman or degrading treatment or punishment” (in the US “cruel and unusual” has been the phrase), freedom of movement, of thought, conscience and religion, of opinion and expression. It defends the “right to freedom of peaceful assembly and association.” It also enshrines “the right to work” and to “equal pay for equal work,” as well as the “right to rest and leisure,” and to free education. It concludes with the grand assertion that “Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized,” but of course how that is to be achieved is a moot point.

While the impetus towards democratic rather than autocratic governance had characterised all the reforms from the beginning, the introduction of a true franchise, as we know, is generally very recent, and patchy, and the interpretation of democracy is far from transparent. As the US government speaks increasingly of “market-led democracy” as the goal of its foreign policy (and the justification for interventions), it behoves us to reflect carefully on the implications. We have to recognise that many of the 1948 objectives seem remote still, and the larger questions of gender and race equality remain projects-in-progress throughout the world today.

A nine-foot statue of Nelson Mandela now stands in Parliament Square, London, but unlike most monumental sculptural portraits, it has been designed by the late Ian

Walters to convey the warmth of the man, as if approaching with his arms outstretched in greeting. This issue begins with the short speech Mandela gave in August at the statue's unveiling. Unusual as it is for such a monument to be erected publicly to a living person, there was no egoism in his response. "Though the statue is of one man," he said, "it should, in actual fact, symbolise all those who have resisted oppression." Gandhi taught the world the power of passive resistance, and Mandela's lasting legacy will be his demonstration that historic wrongs do not have to lead to an endless cycle of division and retaliation: that reconciliation is possible. The statue will serve as a reminder of what he stands for, and of the originality of the Truth and Reconciliation Commission he founded to help South Africa into its post-apartheid era. As the Mayor of London, Ken Livingstone, put it, "Long after we are forgotten, you will be remembered for having taught the world one amazing truth—that you can achieve justice without vengeance."

The first essay in the issue relates to Article 4 of the 1948 Declaration: "No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms." We deceive ourselves if we think slavery is over. Estimates of the number of those enslaved in the world today vary, but there is general agreement that it is at least in the tens of millions. Today, bonded labour, or "debt" slavery, in South Asian countries—many of them former British colonies—still affects many millions of men, women and children, although ironically the British Slave Trade Act of 1843 declared "persons holden in servitude as pledges for debt"—i.e. bonded labourers—to be "slaves or persons intended to be dealt with as slaves." In certain African countries, too, slavery remains endemic. In Niger, for instance, it was only made illegal in 2003. In addition, countless numbers of people—men, women, and frightening numbers of children—are

trafficked around the world to be exploited. In London this November, for example, Anti-Slavery International gave its 2007 award to the Coalition of Immokalee Workers (CIW) “for their exceptional contribution towards tackling modern-day slavery in the United States agricultural industry.” Unfortunately, no country should consider itself immune or exempt: it is happening everywhere. Mohamed Kamara’s essay traces the founding of the negritude movement in the mid-twentieth century to the history of transatlantic slavery—a particular form of slavery—and contextualises it against the 2007 commemorations of abolition, and formal apologies for slavery. He analyses the parallel tracks of colonialism and racism, and the significance of the humanism of Senghor, a poet and political thinker who became president of his country, Senegal.

Poetic sequences from Cliff Forshaw engage with two of the iconic figures of Australia, Ned Kelly and—less well known outside Australia—Trucanini, famous as the “last” Tasmanian Aborigine. The myth of Ned Kelly is shaped by the paintings of Sidney Nolan which are central to Forshaw’s poems. The persona of the armoured outlaw, the glamorous *other*, has been embraced by Australians, eager to explore its symbolism in the quest for a founding mythology in their national stand against colonial power. From the 1906 Tait Brothers’ feature film (probably the world’s first), *The Story of the Kelly Gang*, to Peter Carey’s 2001 Booker Prize-winning novel *True History of the Kelly Gang*, cultural representations of the Kelly story, through its heroic battles to Kelly’s execution in 1880, have played a prominent part in Australian self-mythification. The idea of the gang, however, tends to drop away in Nolan’s paintings, as the iconic and surreal figure of Kelly in his *ersatz* armour is seen emblematically alone and apart—a figure of alienation and withdrawal, a tragic figure of heroic resistance. The story of Trucanini,

who died in 1876, is even more a colonial tragedy, an emblematic story of the genocide of the Aborigines. The removal of human rights both from those who were deported from Europe¹ (like Kelly's father), and from the Aboriginal people, is one of the great wrongs of empire. Forshaw's poems are here accompanied with images—a Nolan painting and a photograph of Trucanini—which we feel complement them.

Cicero took the pragmatic view: *Silent enim leges inter arma* (Laws are inoperative in war). However, today's international community has clung to the idea of legally sanctioned warfare, both through rules of engagement and the concept of the "just war."² The blue berets of unarmed UN troops which used to stand for passive intervention and really did succeed in keeping the peace in many tense stand-offs around the world, have largely been superseded in our time by troops with arms and the mandate to use them. The dictum of Clausewitz (1780-1831) that war is the continuation of politics by other means,³ remains prescient. Josef Bordat's paper tackles the morally and practically difficult idea of the "just war" or the war of humanitarian intervention—such as continues to polarise the world community over Iraq—with an unconventional approach: arguing that they are two phases of globalisation, he brings the Valladolid debate of 1552 between Las Casas and Sepúlveda, on the legitimacy of the Spanish conquest of South and Central America, to bear on the arguments of a recent report, *The Responsibility To Protect* (2001), which examines when and how the international community should intervene militarily in sovereign states. He also supports the role of the International Criminal Court in pursuing crimes against humanity.

Abuse of a people's human rights in a war-torn situation is the mainspring of Nouri Gana's impassioned prose, addressed, it emerges, to the future of Palestinians. The

lyricism of his call is an assertion of their humanity. Article 15 of the 1948 Declaration asserts that “Everyone has the right to a nationality” and that “No one shall be arbitrarily deprived of his nationality;” yet, for all the words about “roadmaps” to peace, it is difficult to envisage a path to anything which looks like justice for the Palestinians.

Laura Robinson’s story which follows explores, she says, “the interconnection between art, political protest, and daily life.” It begins in an evening art class, but goes on to take a hard look at the need to take to the streets to protest against our governments’ actions when we think they are morally wrong. She reminds us that those who assert the right to peaceful protest around the world often find themselves confronting the ugly face of state power, at the hands of individuals who seem to relish the oppressor’s role. It politicises the “free trade” of its title, using gender as the field for taking sides.

Claire Tylee’s paper takes a fresh look at a 1955 novel by a British feminist, often compared to Jane Austen, who deserves a wider readership. Like Olympe de Gouges, whose feminism went hand in hand with an anti-racist stance,⁴ Barbara Pym, who worked at London’s International Africa Institute, saw parallels between the establishment’s patronising attitude to both women and black people, and found ways in her writing of combining her concerns for both groups. Although not herself an anthropologist, she was familiar enough with the discipline of those she worked with to see some of its limitations and to ironise them in her writing. She could not escape her own class or race, but her gender enabled her to see that white patriarchy had got a number of important things wrong, not least the sexual repression of the day.

Michael Croft’s “Revelation and Concealment” is an experimental narrative drawing on both language and the visual image, and positioning itself between fiction and

theoretical discourse. The foregrounding of questions of voice includes the reader, who, Croft writes, “may constitute another dynamic in this investigation, whereby his/her interpretations also help to bring to the surface the underlying meanings.” An image of a painting accompanies the text, which also presents an evocation of the painter’s art in words. This interstitial positioning is itself part of what the text addresses. The two main characters “coalesce around the question of identity...a sense of self as *other*”—“the author shares with the story’s subject, an Asian painter living and working in London, a certain elliptical experience as a western expatriate (and ex-patriot) living in Asia.” The situation evoked is that of artistic production, but distinctively that of the urban homosexual community of the early 1990s when HIV and AIDS had exacted a terrible toll, but anti-retroviral drugs were beginning to hold out hope for the future.

It has implications for the rights question, because there is hardly a society today in which male and female homosexualities are not subject to discrimination, prejudice and worse. Whether such attitudes are codified in laws against specific practices or informally manifested against persons, they invariably lead to a denial of rights.⁵ The issue concludes with Samar Habib’s two-part contribution: a selection of texts newly translated into English from mainly medieval Arabic texts (from the ninth century onwards) dealing with female homosexuality, and a short essay introducing them, which reminds us to be wary of some widespread modern assumptions about sexualities, and about sexualities in the Arab past in particular. Habib’s analysis of the material “from this previously unknown Arabian past” argues that it demands to be understood “in terms [...] similar to contemporary western epistemologies of sexuality” and that a contemporary Foucauldian theorisation can be legitimately, and helpfully, deployed in relation to

historical material. As she says, her intention is “to reinvigorate a debate which has reached a kind of impasse.”

Any campaign for human rights is crucially a field of communication as well as a field of direct action, and this was as true of the early anti-slavery campaigns as it is today—any such assertion is ineffective if it does not reach people. For this reason it is heartening to record that the 1948 Universal Declaration of Human Rights is still being translated into minority languages: in 1999 into Krio (Sierra Leone and the Gambia), in 2001 into Rarotongan (Cook Islands Maori), and in 2005 into Seselwa Creole French (Seychelles). The status of many “minority” languages in the cultural groupings of which they are a part has too often been a story of marginalisation and oppression by the “majority” group. But by the same token, language has often been central to resistance movements. Bengali, for instance, became the symbolic issue in the politics of secession for East Pakistan: it was around the question of language that the movement which led to the foundation of Bangladesh coalesced. Today there is a greater awareness on the part of the world community and many national communities of the value of minority cultures and their languages, so many of which are threatened with extinction. The dissemination of information has become possible as never before, with the advent of the internet, but we need to be watchful that our new miraculous tool does not become a site for the homogenisation of culture and flattening of the experience of humanity. How good it is, then, to see that, for instance, *Minka*, a newsletter published online twice a week from London for the ten-million-strong worldwide expatriate Andean community, is available in three versions: not only in English and Spanish, but also in Quechua.

The role of English as the emerging internationally dominant language, while it enables us to communicate internationally, is also troubling in its implications. It is one reason why, although *EnterText* is an English-language journal, we make efforts to publish, alongside its English texts, versions in other languages where available. We are glad to include in this issue translations into French, German and Arabic, and are grateful to those who have undertaken translations at our suggestion, and to the University of Western Sydney for sponsoring two translations. It sends a signal, however faint, that we are aware that other languages, and the cultures which take place in them, are enormously important, not just to their own speakers but to the world community, and that we are actively interested in the exchange, communication and understanding across boundaries which we see as the lynchpin of our interdisciplinary and internationalist remit. To end with the 1948 Universal Declaration of Human Rights:

every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance....

Paula Burnett

¹ The transportation sentence was also used in the colonies.

² It is, of course, a paradox, like that of the motto of the Commonwealth of England (the “English Revolution,” encompassing the period 1641-1660), *Pax quaeritur bello* (Peace is sought through war).

³ “*Der Krieg ist nichts als eine Fortsetzung der politischen Verkehrs mit Einmischung anderer Mittel.*”

⁴ See her play *L’Esclavage des Nègres* (*Negro Slavery*) of 1774. Women were, of course, conspicuous in abolitionist campaigns across Europe, and acquired a real political influence despite not having the vote.

⁵ The 1948 UN Declaration does not mention a right to homosexual freedoms (though it does include a right to marriage, on terms of “free and full consent”). However, Article 8 of the European Convention on Human Rights (1950) asserts the right to respect for one’s “private and family life” (the 1948 Declaration has a similar clause, Article 12), which has since been interpreted broadly by the European Court to include the protection of consensual homosexual acts in private. Male and female homosexual behaviours, of course, have attracted different attention in different societies and at different times.