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# 3. INCULTURATING HUMAN RIGHTS: THE LOCALISATION OF A GLOBAL CULTURE

## 3.1 Introduction

In the previous chapter, the position taken was that human rights are derived from the 'social properties of all cultural systems' that need to be developed.<sup>1</sup> Such social properties in their varied forms in which they originally existed may not have been as explicit as they are now expressed in the modern international system. Nevertheless they provided the seeds from which the international system sprouted as well as the visions<sup>2</sup> of sages, prophets and law-makers of different historical eras, who saw in the far distance, the normative system that has now become a reality.

However, in spite of the above, societies around the world have not consistently and widely protected and promoted human rights. In many societies around the world, millions of people neither live in 'those conditions' nor have 'those resources' that 'constitute the minimal conditions for human existence.' In every culture and society in the world today, considerable numbers of individuals and groups suffer abuses of their rights in one way or another. For example, African governments and societies continue to deprive their citizens of their rights through repressive laws or cruel customary practices, Western European governments and societies deny immigrants treatment that accord with human rights norms and the United States of America (USA) government deny prisoners of war one human right or another. Ironically, this is against the background of increase in constitutional arrangements that entrench many human rights policies in domestic political and judicial systems.

Yet, as a 'common standard of achievement for all peoples and all nations...'<sup>3</sup> the concept of human rights has, to varying degrees, created awareness and inspired agitations towards rearrangement of political, social and economic orders around the world. Though there is still a long way to go, it can be observed that the use of the language of human rights has increased in political and social discourse in many societies. Apparently, many factors, which existed before the ascendancy of the modern normative system, have facilitated this modest spread of human rights culture. Such factors include elements external and internal to the various societies. In this chapter, an attempt is made to set out a framework for the exploration of ways in which the international normative system of human rights may serve to activate and nurture values which have been described as 'social properties of cultural systems' that conceptually or practically share affinities with it through a dialectical relationship with local cultures. To achieve this, we propose a model of inculturation of human rights. This model is also proposed as a response to the challenge of cultural relativism.

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<sup>1</sup> Herbert, *Religion and Civil Society*, 150.

<sup>2</sup> Lauren, *Evolution*, 39 -71; Jerome J. Shestack, 'The Philosophical Foundations of Human Rights' in Janusz Symonides (ed.), *Human Rights: Concepts and Standards* (Aldershot: Ashgate. /UNESCO, 2000) 31 – 68.

<sup>3</sup> Preamble to the Universal Declaration of Human Rights (UDHR).

### 3.2 Culture

In spite of the avalanche of criticisms that Huntington's clash of civilizations<sup>4</sup> thesis has attracted, the awareness that culture has, in contemporary times, become an important discursive category in world politics has not grown less.<sup>5</sup> 'Culture' has assumed an important role in power discourse. The powerful in society invoke it, ostensibly, against perceived intrusions on the identity and ways of life of the whole society. However, very often, the actual objective of such invocations is the preservation of the privileges of the custodians of power and the continued subjugation of the weak.<sup>6</sup> In other cases, such invocations are resorted to in attempts to exclude other people and justify politics of attrition against others.<sup>7</sup> The power of this form of culture discourse lies in the fact that it provides vehicles for the mobilization of a group identity-consciousness that serves to submerge internal inequities and inequalities under general group interests, which in most cases, are actually those of the elite. It serves as the invisible firewall against the preying influences of all outside forces that would want to obliterate 'our' distinctiveness and assimilate 'us,' leaving 'our' children with no roots. Such discourse is intensely anti-universalist. Culture discourse in this manner tends to obfuscate other issues of value such as those that have to do with right and wrong inherent in social institutions and structures of particular societies; and it presents a false front of a simple monolithic cultural voice.

It appears that the context of culture and its related discourse offers the safest bastion against the advance of transformative ideas such as human rights. Perhaps arguments made against the viability of human rights as a cultural project have been made within this framework. Chanock observes with emphasis the incompatibility of human rights with culture,

It is not easy to combine ... a cultural view of rights, which implies that a consensus about rights is deeply embedded in, and reflective of, cultures. Rights would seem to belong to the disputed realm of politics rather than a deeper expressive realm of culture.<sup>8</sup>

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<sup>4</sup> Samuel P. Huntington, 'The Clash of Civilizations?' *Foreign Affairs*, summer (1993), 72/3. Only few articles have been as influential as this one in matters concerning strategic security and international relations in contemporary times.

<sup>5</sup> In the last two decades, the theme of 'culture' has become an important concern for the European Union (EU). See for example, European Parliament Decision No. 508/2000/EC of the European Parliament and of the Council of 14 February 2000 Establishing the Culture 2000 Programme, *Official Journal of the European Communities* L 63. Among academic works that deal with the issue of culture in the context of the EU are: Clive Barnett, 'Culture, Policy, and Subsidiarity in the European Union: from symbolic Entity to the Governmentalization of Culture' in *Political Geography*, 20 (2001) 405 – 426; Marc Abeles, 'Virtual Europe,' in Irene Bellier and Thomas M. Wilson, *An Anthropology of the European Union: Building, Imagining, and Experiencing the New Europe* (Oxford: Berg: 2000) 31 – 52; and C. Shore, *Building Europe: The Cultural Politics of European Integration* (London: Routledge, 2000). Perhaps events at the Vienna Conference on Human Rights in 1993 were among the clearest manifestations of the importance of 'culture' as a term often invoked in modern political discourse.

<sup>6</sup> For example, in the immediate post-independence era many African leaders who invoked 'culture' as the basis for the rejection of 'Western' human rights did so in order to keep the international community away while oppressing their own peoples. See Dunstan M. Wai 'Human rights in Sub-Saharan Africa' in Pollis and Schwab (eds.), *Human Rights*, 113- 413.

<sup>7</sup> An example is when Western leaders such as Bush and Blair claim the values of their people are under threat by terrorists and set out to invade other nations in order to extend the 'cornerstone value' of Western culture – democracy – to those nations.

<sup>8</sup> Chanock, 'Human Rights and Cultural Branding,' 39 -40.

In spite of this, culture stands as an important discursive category in talking about group difference in contemporary times. Culture seems to have superseded previously dominant terms such as 'race, class or nationality,'<sup>9</sup> which were easily susceptible to manipulation in Cold War politics. This stress on culture requires a readiness from human rights advocates to find appropriate resources from within cultures to strengthen people's sense of entitlement to human rights as an integral part of their cultural self-awareness and expression. Presenting a global idea such as human rights in local idiom and symbols is one of the most effective ways to get people to understand, accept, and identify with it.<sup>10</sup> Thus, culture need not be seen as an obstacle to the promotion and protection of human rights as it has generally been the case in human rights work.<sup>11</sup>

### 3.2.1 *The Meaning of Culture*

Culture as a single homogenous and fossilized entity - a concept, which for a long time, was taken for granted in anthropological studies<sup>12</sup>- is no longer a suitable proposition. Much of the culture talk in the dispute between universalism and relativism emanates from powerful segments of the societies concerned and often does not represent the voices of the majority.<sup>13</sup> This necessitates subjecting culture as a discursive variable to critical analyses based on the context, purpose and meaning of its use.<sup>14</sup> Nevertheless, it has been possible to draw together a synthesis of meanings based on the fruits of years of scholarship about culture since the 19<sup>th</sup> century. From that time onward, culture has been regarded as a take-for-granted concept both among scholars and in the wider public.

A survey of a number of influential definitions of culture yields the following descriptive and explanatory meanings:<sup>15</sup> it is a 'complex whole'<sup>16</sup> or the 'sum total'<sup>17</sup> of all that contributes to shape and to enable a human being to live effectively in their environment and as a member of

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<sup>9</sup> Chanock, 'Human Rights and Cultural Branding,' 41. As one of the responses to the 'Clash of Civilizations' and 'End of History' theses, the UN sponsored a publication, marking the 'Decade of Dialogue'. This publication authored by some of the eminent thinkers and commentators on issues of international public interest, drawn from across the world, obviously acknowledges the importance of culture as an important term in describing group interest. (See Giandomenico Picco et. al, *Crossing the Divide: Dialogue Among Civilizations*, (South Orange, N.J.:The School of Diplomacy and International Relations, 2001).

<sup>10</sup> N. Daniel, *The Cultural Barrier: Problems in the Exchange of Ideas* (Edinburgh: Edinburgh University Press, 1975) 211.

<sup>11</sup> For a discussion on how culture has been misrepresented and blamed for abuses in human rights documents see Sally Engle Merry, 'Human Rights Law and the Demonization of Culture' *Polar: Political and Legal Anthropology Review* 26/1 (2003) 55-77.

<sup>12</sup> E. A. Nida, *Customs and Cultures: Anthropology for Christian Missions* (New York: Harper and Brothers, 1954) xii; See also A. F., Droogers 'Changing Culture and the Missiological Mission' in I. Daneel, C. Van Engen and H. M. Vroom (eds.) *Fullness of Life for All: Challenges for Mission in the Early 21<sup>st</sup> Century* (Amsterdam: Rodopi, 2003) 60 – 71.

<sup>13</sup> Kate Nash, 'Human rights for Women' in *Economy and Society* 31/3 (August 2002) 424.

<sup>14</sup> Chanock, 'Human Rights and Cultural Branding,' 42.

<sup>15</sup> A. L. Kroeber and C. Kluckhohn brought together 164 different definitions and claimed that about three hundred were actually used in their book. See Kroeber and Kluckhohn, *Culture: A Critical Review of Concepts and Definitions* (Papers of the Peabody Museum of American archaeology and Ethnology. XLVII/1, Cambridge, Mass., 1952) 38 – 40, 149.

<sup>16</sup> E. B. Tylor, *Primitive Culture* (London: J. Murray, 1871), cited in Makhan Jha, *Introduction to Anthropological Thought* (New Delhi: Vikas Publishing House, 1983) 21.

<sup>17</sup> Robert H. Lowie, *The History of Ethnological Theory* (New York: Rinehart, 1937) 3.

society. It is a community's 'complete design' of living,<sup>18</sup> and 'learned behaviour' in the sense that it is acquired.<sup>19</sup> The content of the 'complex whole,' the 'sum total,' and what is 'acquired' includes knowledge and how to acquire it, belief, art, morals, law, customs, artistic norms, food-habits, institutions, ideas and values. Which means it is the store of knowledge of a group contained in 'memories, objects, and documents of men for further use.'<sup>20</sup> This agrees with the highly influential definition by Geertz, which emphasises the transmission of 'meanings embodied in symbols,' or 'inherited conceptions expressed in symbolic forms.'<sup>21</sup> This is in keeping with the 2001 Universal Declaration on Cultural Diversity (UDCD) of UNESCO. The UDCD states, 'culture should be regarded as the set of distinctive spiritual, material, intellectual and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs.' Conscious of the tendency to misconstrue culture and abuse it, the declaration provides in article 4 that 'No one may invoke cultural diversity to infringe upon human rights guaranteed by international law.' Cultures are considered distinctive to societies and underpin all aspects of life of the individuals and groups within societies.

Yet several more years of scholarship since the middle of the twentieth century, and transformations that have taken place with rather unsettling speed, drawing the world together in a way that makes it impossible for cultures to exist in isolation have led to the questioning of the old assumptions about cultures. The emergence of rather sophisticated forms of communication and information and a phenomenal increase in migration have led to the general awareness that 'no cultural situation is homogenous, that no culture exists in isolation, and that cultural specificity can only occur by virtue of a local, parochial boundary maintenance in the face of an expanding world-wide field of locally available and perceived cultural alternatives.'<sup>22</sup> The implications of this for the concept of culture in contemporary scholarship are far-reaching. It means that culture as a bounded, unique, holistic entity tied to an ethnic group and a particular place is no longer a viable concept. No individual or group of any society can be said to be the possessor of only one specific cultural form that is all-embracing and internally coherent.<sup>23</sup>

Notwithstanding the point made above, the concept of 'culture' or 'cultures' continues as a self-evident category that is undisputed. Thus the classical concept of culture that has been marked by the use of ethnonyms such as *Akan* culture, *Yoruba* culture and *Gonja* culture is still popular in various sectors, including the political realm. Certain pragmatic factors are responsible for this situation. In the first place, culture is the context for the expression of primary identity. It is easy to express one's identity as unique and different from others by invoking culture. Whether at the local, national or international level, the concept of culture is the first choice weapon in the arsenal of actors in negotiating conflicts over issues of power. The concept of 'culture' or 'cultures' has also become a device in the effort to achieve unity and coherence as well as a

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<sup>18</sup> C. Kluckhohn, 'The Study of Culture' in P. I. Rose (ed.) *The Study of Society* (New York: Rinehart, 1967) 86 – 102.

<sup>19</sup> E. B. Tylor, *Primitive Culture*, (ibid); Kroeber, *Anthropology: Race, Language, Culture, Psychology, Prehistory* (New York: Harcourt, Brace and Co., 1948) 8; Lowie, *The History of Ethnological Theory*, (ibid)

<sup>20</sup> C. Kluckhohn, *Mirror for Man* (New York: McGraw-Hill, 1949) 17.

<sup>21</sup> C. Geertz, *The Interpretations of Cultures: Selected Essays* (New York: Basic Books, 1973) 89.

<sup>22</sup> Wim van Binsbergen, 'Cultures Do not Exist: Exploding Self-Evidences in the Investigation of Interculturality' in *Quest. XIII/ 1-2* (1999) 45.

<sup>23</sup> Binsbergen, 'Cultures do not Exist,' 82.

device for legitimising fragmentation. It is a mechanism for maintaining the stance of cultural relativism, justifying difference and widening gaps between peoples. With positions such as those upheld by the thesis of ‘Clash of Civilizations,’ ‘culture’ becomes a concept that underlies presumed irresolvable differences between peoples. In relation to human rights, cultural differences were said to be so fundamental that, as we have already mentioned, the UN human rights project was doubted in terms of its universalist claims at its conception.<sup>24</sup>

So ‘culture’ or ‘cultures’ continue to exist as a self-evident reality in the consciousness of scholars, policy makers, and the general public. ‘Cultural studies’ remains an important field of study; and therefore our model inculturation, as a model for the exploration of issues of intercultural relevance remains viable and worthy of pursuit. However, cultures are complex subjects to investigate. They have outer or external aspects and invisible or internal aspects.<sup>25</sup> The former includes the most obvious aspects of any culture, for example: dancing, dressing, greeting, food-habits, and the way mothers carry their babies. The latter include worldviews and systems of values that are expressed through ritual, symbols, art and literature (written or oral); and these are not normally readily obvious to casual observers or outsiders.<sup>26</sup> Cultures are communitarian phenomena, that is, they are not about isolated individuals but societies. There is recognition that cultures are neither monolithic nor static. There are sub-cultures within the big representations; and change is a constant feature of cultures.<sup>27</sup> Our operational definition of culture stated in chapter one takes cognizance of these ramifications of the term.

### 3.3 Inculturation

Inculturation as a concept emerged in twentieth century Christian theology. It emerged in the practical context of the mission field in response to the widely felt need to relate the Christian faith – its theology, liturgy, and institutions – to the different local cultural and social contexts of the world. The term is actually an adapted form of ‘enculturation,’ which in cultural anthropology connotes the ‘process of acquiring the cultural traditions of a society.’<sup>28</sup> In dealing with human rights, one wonders whether the concept ‘contextualisation’ instead of ‘inculturation’ would not have been more appropriate. This question is raised in the light of the oft repeated distinction drawn between the two: that whereas ‘contextualisation’<sup>29</sup> and ‘liberation’<sup>30</sup> deal with issues of politics and social justice, ‘inculturation’ deals only with issues

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<sup>24</sup> The statement by the American Anthropological Association issued in reaction to the United Nations’ draft UDHR in 1947 cited above. It claimed that the draft Declaration was ‘a statement of rights conceived only in terms of the values prevalent in the countries of Western Europe and America.’

<sup>25</sup> Kluckhohn, *Mirror for Man*, 17.

<sup>26</sup> Recognition of the complexities of ‘culture’ as a field of study has led to the careful and systematic methodologies developed by anthropologists. The two approaches designated are the *emic* (insider-view) and the *etic* (outsider-view) are examples.

<sup>27</sup> Kate Nash, ‘Human rights for Women,’ 424.

<sup>28</sup> G. A. Theodorson and A.G. Theodorson, *Modern Dictionary of Sociology*, (New York: T. Y. Cromwell, 1996) 13. See also Oliver A. Onwubiko, *Theory and Practice of Inculturation: African Perspective*, (Enugu: Snaap Press, 1992) 8.

<sup>29</sup> A. A. Roest-Crollius, ‘Inculturation and Incarnation: On Speaking of the Christian Faith and Cultures of Humanity’ in *Bulletin, Secretaries Procon Christianes 12* (1978) 138 – 140. Cited in J. S. Pobee, *Skenosis: The Christian Faith in an African Context* (Gweru: Mambo Press, 1992) 39.

<sup>30</sup> For a more detailed discussion of this see Emmanuel Martey, *African Theology: Inculturation and Liberation* (Maryknoll, N.Y: Orbis Books, 1993).

of culture narrowly defined as involving such elements as ‘language, symbols and rites.’ However, as Brinkman points out, culture goes beyond these elements to include ‘conditions for material existence.’<sup>31</sup> We opt for ‘inculturation’ because we agree with Brinkman that it ‘can express the normative element better.’<sup>32</sup> Thus, the discussion includes in this concept all the issues often isolated and dealt with under ‘contextualisation’ or ‘liberation’ theology as well as those that became the focus of the post-cold war African theology of ‘reconstruction.’<sup>33</sup>

In applying a model of inculturation to human rights, the original ecclesial–theological associations of the term are also recognised. However, for the purposes of the present work, the model is proposed as a neutral hermeneutical model in response to the challenge of cultural relativism and the increasing recognition of the propriety of embedding human rights in the various cultures of the world. The strength of this model in negotiating the tensions between a universal culture and local symbols and their meanings is what this work attempts to exploit to address some of the claimed or apparent disharmonies between universal human rights and local particularities. The position that the various cultures of the world contain original seeds of ideas cognate to human rights which could be developed in support of the international system makes the inculturation model proposed appropriate for the purposes of this study.

### ***3.3.1 Inculturation and Culture***

The inculturation of human rights results from a long process of encounter of the universal culture with the local at the deepest level. The danger to any process of inculturation is to engage a culture at the superficial level, dwelling on the explicit, to the neglect of the deeper underlying invisible dimensions. Inculturation engages culture at all levels but, especially, at the deep level of meaning. Yet cultures, in their most widespread reach, are not represented by what their sophisticated intellectuals and famous artists think. Nussbaum cautions,

It would be bizarre to treat Plato (an aristocratic disdainful of the democratic culture around him) as representative of ‘ancient Greek values,’ just as it would be bizarre to treat Karl Marx as representative of ‘German values,’ or James Joyce as representative of ‘Irish values.’<sup>34</sup>

She notes that people commonly make such mistakes when they study distant cultures. She advises broad reading and an effort to ‘discover a wide spectrum of popular thinking’ as a way of avoiding such mistakes.<sup>35</sup> The directional or formal dialogue element involved in the ‘process of inculturation’ as discussed above takes this piece of advice into account.

Current realities make it prudent to treat culture in any local context as involving diverse segments and given to continuous processes of construction and reconstruction. The dynamic nature of local cultures must be too obvious to point out; though scholars who fail to take notice of this fact have not been few. In the case of Africa, a long history of intra-regional encounter as

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<sup>31</sup> Brinkman, *The Non-Western Jesus*, 6.

<sup>32</sup> Brinkman, *The Non-Western Jesus*, 6.

<sup>33</sup> For an elaborate exposition on African ‘theology of reconstruction’ see J. N. K. Mugambi, *From Liberation to Reconstruction: African Christian Theology after the Cold War* (Nairobi: East African Educational Publishers, 1995).

<sup>34</sup> Nussbaum, *Cultivating Humanity*, 128.

<sup>35</sup> Nussbaum, *Cultivating Humanity*, 128, 129.

well as encounter with the wider world has, together with other factors, produced a situation of continuous cultural change that affects institutions, creates new symbols and reinterprets old ones, and continuously alters the people's understanding of and attitudes to the various forms of power arrangements at the various levels.

The drawing of the curtain on the colonial experience was followed by a scene depicting hurriedly contrived 'European-model' nation-states, mostly made up of previously independent ethno-political societies struggling to achieve integration. In terms of culture, therefore, African societies, in the majority of cases, are not only dynamic and plural but also complex and hybrid. But this view about cultures as dynamic, complex and hybrid is true of almost all societies anywhere in the world. Cultures are 'complex mixtures, often incorporating elements originally foreign.'<sup>36</sup> In that sense, the study of culture in Africa as elsewhere must pay attention to the varied sensibilities at play in what is often treated as a single referent as in phrases such as 'African culture,' or 'Asian values.' The different strands, the 'conflicts' and 'rebellions,'<sup>37</sup> and the processes of evolution and incorporation of new ideas must be taken note of in any study that would claim contemporary relevance.

### **3.4 Human Rights and Cultural Relativism**

The concern that the UDHR could be an imposition of values peculiar to Western Europe on other areas of the world, if it were uniformly applied, was expressed even before the document was born. In 1947 The Executive Board of the American Anthropological Association (AAA) issued a statement which they submitted to the UN Commission on Human Rights. The statement queried: 'how can the proposed Declaration be applicable to all human beings, and not be a statement of rights conceived only in terms of the values prevalent in the countries of Western Europe and America?'<sup>38</sup> Another portion of the statement said categorically that 'man is free only when he lives as his society defines freedom.'<sup>39</sup> The statement implies the idea that the values upheld by the human rights regime are defined differently by different societies and that it is unjustifiable to apply them uniformly and universally. Thus, cultural relativism has been a challenge to international human rights from the very beginning.

Cultural relativism as a challenge to the concept of universal human rights did not go away after the UDHR was adopted in 1948. It came to be surrounded by a long controversy that was fuelled frequently by ideological rivalries for influence in world politics and the interest of political elites with various agenda in several non-Western countries. The debate gained renewed momentum, when in 1994 the former prime minister of Malaysia Mahathir Mohamad claimed that human rights as espoused by the UN system were different from what he referred to as 'Asian values.'<sup>40</sup> Promoted by other leaders of Asia such as Shintaro Ishihara, governor of Tokyo in Japan and Lee Kuan Yew of Singapore, the debate surrounding Asian values came to epitomise the universality versus cultural relativism controversy in human rights discourse.

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<sup>36</sup> Nussbaum, *Cultivating Humanity*, 117.

<sup>37</sup> Nussbaum, *Cultivating Humanity*, 117.

<sup>38</sup> AAA, 'Statement,' 539.

<sup>39</sup> AAA, 'Statement,' 543.

<sup>40</sup> H. Makarruddin (ed.), *Politics, Democracy and the New Asia: Selected Speeches by Dr. Mahathir Mohamad* (Malaysia: Prime Minister's Office, 2004) 207.

Although there is a significant waning of interest in the cultural relativism versus universality debate, this question still lurks around in the corridors of international politics and resurfaces occasionally. The AAA whose statement seems to have sparked off the debate has modified its position<sup>41</sup> and the advocates of distinct 'Asian values' seem to have become less enthusiastic in staking their claims. However, while a consensus on the universality of human rights seems to have been reached, recognition of differences in cultural situations of regions and countries is implied in several declarations and attitudes of regional groupings and countries regarding human rights. Already mentioned is the Vienna Declaration and Programme of Action, which in the view of this study represents a significant stage in the process of synthesising human rights. Regional mechanisms for the protection of human rights have been fashioned and are working in almost all the regions of the world. These mechanisms ostensibly reflect regional cultural peculiarities. For example, the African Charter of Human and People's Rights has been described as an 'African cultural fingerprint.'<sup>42</sup> The doctrine of 'margin of appreciation' of the European Convention on Human Rights (ECHR) is another example of the tacit recognition of differences in the contextual interpretations of universal human rights norms.

### **3.4.1 Responses to Cultural Relativism**

Cultural relativism as a challenge to the universal regime of human rights has engaged the attention of both Western and non-Western scholars, policy implementers and activists. Diane F. Orentlicher has identified four major responses.<sup>43</sup> They are substantive accommodation, moral anthropology, procedural inclusiveness, and transnational collaboration.

Substantive accommodation refers to approaches that allow some measure of local exception or variations in the interpretation and application of universal human rights norms. She refers to the 'margin of appreciation'<sup>44</sup> allowed to contracting parties in the European Convention on Human Rights (ECHR) and what Jack Donnelly calls 'weak cultural relativism'<sup>45</sup> as examples of this strategy. The second response, moral anthropology, seeks to locate a justification for universal human rights in their necessity to protect human agency based on the experience of grisly abuses visited by humanity on humanity in history. Such strategies derive from a natural intuition that human rights are necessary to assure the protection of human dignity because of the lessons of history. She cites as an example of this position, Michael Ignatieff's argument that it is the

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<sup>41</sup> The American Anthropological Association (AAA) issued a statement on human rights in June 1999 which states as follows: 'People and groups have a generic right to realize their capacity for culture, and to produce, reproduce and change the conditions and forms of their physical, personal and social existence, so long as such activities do not diminish the same capacities of others. Anthropology as an academic discipline studies the bases and the forms of human diversity and unity; anthropology as a practice seeks to apply knowledge to human problems.' It continues, 'As a professional organization of anthropologists, the AAA has long been, and should continue to be, concerned whenever human difference is made the basis for a denial of basic human rights, where 'human' is understood in its full range of cultural, social, linguist, psychological, and biological senses.' See AAA website: <http://www.aaanet.org/stms/humanrts.htm>, accessed on December 16, 2008.

<sup>42</sup> Mutua, 'The Banjul Charter,' 68.

<sup>43</sup> Diane F. Orentlicher, 'Relativism and Religion' in Amy Gutmann, (ed.) *Michael Ignatieff, Human Rights as Politics and Idolatry* (Princeton/Oxford: Princeton University Press) 141 – 158.

<sup>44</sup> Orentlicher, 'Relativism and Religion,' 142.

<sup>45</sup> Orentlicher, 'Relativism and Religion,' 142; Jack Donnelly, 'Cultural Relativism and Universal Human Rights' *Human Rights Quarterly*, 6 (1984) 401.

common human experience of pain in history and the capacity to imagine the pain of others that inform the basic intuitions to protect individuals from violence and abuse.<sup>46</sup>

Procedural inclusiveness starts with the acknowledgement of the exclusionary nature of the drafting process of the fundamental international human rights instruments, but points to the fact of the involvement of all states as ostensible equal partners<sup>47</sup> in subsequent international norm-setting as a progressive step toward achieving universal legitimacy. The fourth, which she says is closely related to procedural inclusiveness, is transnational collaboration. This is a practical strategy to secure the compliance of states with human rights norms. But it also has far-reaching implications for establishing and strengthening the legitimacy of human rights norms in, and across, the diverse world cultures. In this type of response, groups and individuals, principally non-state actors across the world, create relationships of networks in the pursuit of human rights. This enhances the power of the efforts made by local activists in securing compliance by their governments. But more importantly, such collaborations promote cross-cultural dialogue on human rights and thus help reinforce the acceptance of human rights as a genuine global culture.<sup>48</sup>

Abdullahi An-Na'im and Jeffrey Hammond have proposed a 'cultural transformation' approach to human rights.<sup>49</sup> The approach recommends using the dynamics of cultural transformation for the promotion of human rights in such a way that the validity of local variations is consistent with the universal norms in their implementation.<sup>50</sup> They argue that the universality of human rights is to be achieved through a confluence of internal societal responses to injustice and oppression rather than transplanting ready-made concepts and implementation mechanisms developed in one context into another.<sup>51</sup> The model of inculturation which is being proposed in the present work is underpinned by a similar assumption. Societies around the world and down the ages have had standards of justice and freedom, and have developed ways to respond to their aberrations. Such responses may not have been expressed in explicit rights language, but they are indications that the concept of rights is not alien to such societies.<sup>52</sup>

When the international concept and its related practices and institutions encounter these local standards and responses in a dialectical relationship, opportunities are enhanced for far-reaching transformations that can lead to the mutual benefit of the local and the international. If people at the local level recognise universal standards in familiar currency, they will be more open to accepting them and thereby reinforcing the legitimacy of the universal system. The widespread and persistent violations that occur have led to the widespread conviction that no system of

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<sup>46</sup> Orentlicher, 'Relativism and Religion,' 147.

<sup>47</sup> Although the fairness of international processes of setting norms is hugely undermined by the imbalances in power relations among states, developments in this direction offer a greater hope towards the attainment of genuine international consensus on human rights. This is especially so since, as Orentlicher points out, participant states in such process have common expectations of being treated as moral equals.

<sup>48</sup> Orentlicher, 'Relativism and Religion' 154.

<sup>49</sup> Abdullahi A. An-Na'im and Jeffrey Hammond, 'Cultural transformation and Human Rights in African Societies' in Abdullahi An-Na'im (ed.) *Cultural Transformation and Human Rights in Africa* (London/New York: Zed Books, 2002) 13.

<sup>50</sup> An-Na'im and Hammond, 'Cultural Transformation and Human Rights,' 15.

<sup>51</sup> An-Na'im and Hammond, 'Cultural Transformation and Human Rights,' 16.

<sup>52</sup> Richard Dagger, 'Rights,' in Terrence Ball et al., (eds.), *Political Innovation and Conceptual Change* (Cambridge: Cambridge University Press, 1989) 286.

enforcement can be adequate in securing compliance with human rights norms. It is increasingly being acknowledged that voluntary rather than enforced compliance ought to be the norm; and this can more easily happen when human rights norms have become an integral part of the moral psychology of persons and of the ethos of the community. Thus, it is

important to look for popular acceptance and support for human rights norms beyond official formulations, which means serious and sustained engagement with cultural moral traditions. That is to say, we need to develop a strategy that is sensitive to both the goal of universality on the one hand, and the reality of particular cultural traditions on the other.<sup>53</sup>

### ***3.4.2 Cultural Relativism and Inculturation***

The challenge of cultural relativism requires an effective response in order to advance the legitimacy and effectiveness of human rights across cultures.<sup>54</sup> The model of inculturation is most appropriate in discussing the issue of cultural relativism as a persistent problematic in human rights discourse. In the first place, while inculturation is sensitive to cultural diversity, it pursues a non-relativist approach to human rights. Although it upholds the legitimacy of different cultural expressions of human rights, it does so through a creative dialogue with the universal concept and expressions found in other cultures. Ter Haar actually draws a difference between cultural relativism and cultural sensitivity and points out that cultural relativism leads to a separate development of human rights while cultural sensitivity makes possible a process of mutually enriching dialogue.<sup>55</sup> Secondly, it enables the previously colonised African and Asian communities to use important values, original to their own cultural heritage, in the cause of human rights. Their ways of life have previously been commonly written off as of no moral or historical worth by the colonialists.<sup>56</sup> Thirdly, inculturation takes seriously the facts of cultural pluralism and diversity. In inculturation, cultural particularities are not denied but affirmed and enabled to absorb the universal in a creative way, so that the universal becomes identified with the local without suffering distortions.

Inculturation allows no room for a monolithic approach to expressing universal cultural phenomena. In the context of ecclesiology, inculturation theologians of the non-western Churches confidently ply their trade in the full assurance that their own brand of contextualized Christianity is not inferior to the Western forms. They have support in official church documents. In Vatican II, *Gaudium et Spes* (no. 58), it is stated,

The church, sent to all peoples of every time and place, is not bound exclusively and indissolubly to any race or nation, nor to any particular way of life or any customary pattern of living, ancient or recent. Faithful to her own tradition and at the same time conscious of her universal mission, she can enter into communion with various cultural modes, to her own enrichment and theirs too.<sup>57</sup>

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<sup>53</sup> John Kelsay and Sumner B. Twiss (eds.), *Religion and Human Rights* (New York: The Project on Religion and Human Rights, 1994) 36.

<sup>54</sup> Orentlicher, 'Relativism and Religion,' 142.

<sup>55</sup> Ter Haar, *Rats, Cockroaches and People*, 8.

<sup>56</sup> See for example, G. F. W. Hegel, *The Philosophy of History* (New York, 1944) 39 -99.

<sup>57</sup> Taken from W. M. Abbott (ed.), *The Documents of Vatican II* (London: Geoffrey Chapman, 1967) 264.

Perhaps, the sense of worldwide mission, which guides the vocation of the Christian theologian and which inspires a conviction of the universality of their gospel, makes it almost natural to accept as valid the varieties of Christian expressions. In a similar way, the founding vision of human rights as a universal value-system with which various nations have bound themselves in covenants and conventions, allows for variations. Indeed, the UN system of human rights, at its founding, did not envisage sudden maturation of societies in the application of the norms it sets forth. Rather, the UDHR is proclaimed to the end that ‘by teaching and education’ and by ‘progressive measures,’ ‘universal and effective recognition and observance’ shall be secured.<sup>58</sup>

Fourthly, inculturation is appropriate because it starts at the level of the grassroots in the context of the concrete experience of the encounter between the local culture and the universal one. The relevance of this last point for effective human rights advocacy and activism cannot be overemphasised. Since inculturation is bound to employ symbols and other means of communication that are intimately familiar to the ordinary people, the unintended alienation from the desired goals of much human rights work in Africa which often happens may be effectively avoided. In inculturation, approaches to human rights education that make sense mainly to the elite, are not indiscriminately resorted to.<sup>59</sup> The language of inculturation is often the language of the ordinary person.

Fifthly, the inculturation model is appropriate also because it applies to all cultures. In the context of Christian history, inculturation is seen as having started as soon as Christianity began to encounter other cultures.<sup>60</sup> What this means is that all forms of Christianity, including Western European ones, are inculturated.<sup>61</sup> The conviction of the missionaries is that the gospel transcends all cultures yet it is also potentially immanent in all of them.<sup>62</sup> Missionaries look for God’s self-manifestation within the ‘values, relational patterns and concerns of the culture.’<sup>63</sup> But the Christian message may also challenge the culture to rethink some of its ideas, beliefs and attitudes and refine practices in a way that deepens the faith and enriches its core values. In the end both the local culture and world Christianity gain good dividends from the encounter.

Sixthly, the appropriateness of inculturation lies in the fact that one of its underlying convictions is that cultures are not static and change in response to both internal promptings and external stimuli. This recognition in itself is an important stimulus to the study of processes of cultural transformation. Lastly, in most countries of the South, traditional institutions and customary laws continue to form the context within which the dignity of individuals and groups find grounds for protection. The process of modernization has not, in many cases, been accompanied by the establishment and adequate growth of appropriate institutions of governance that can ensure the

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<sup>58</sup> See the Preamble of the UDHR

<sup>59</sup> Harri Englund, *Prisoners of Freedom: Human Rights and the African Poor* (Berkeley/Los Angeles/London: University of California Press, 2006) 96. See also Chidi Odinkalu, ‘Why More Africans Don’t Use Human Rights Language’ in H. J. Steiner and P. Alston(eds.), *International Human Rights in Context*(Oxford: Oxford University Press, 2000) 946 -947.

<sup>60</sup> Lamin Sanneh, *Translating The Message: The Missionary Impact on Culture* (Maryknoll: Orbis Books, 1990) 70.

<sup>61</sup> Sanneh, *Translating the Message*, 79 – 80.

<sup>62</sup> In the doctrine of *preparatio evangelica* Christian missiologists have insisted that the cultures of the world had elements that prepared them for the gospel even before the first missionary arrived. (See M. A. C. Warren, ‘Introduction’ to J. V. Taylor, *The Primal Vision: Christian Presence Amid African Religion* (Philadelphia: Fortress Press, 1963) 10.

<sup>63</sup> Bevans, *Models of Contextual Theology*, 49.

protection of human rights. Most people, therefore, continue to depend on traditional institutions and customary law.<sup>64</sup> Inculturation, while it does not disrupt the cultural life of communities, sets in motion a process of transformation that utilizes the virtuous elements of a culture and prunes it of undesirable ones. It is, therefore, most appropriate for any attempt to embed human rights in such societies. The inculturation model treats elements of culture such as religion and custom as allies in purposive dialogue with, rather than obstacles to, human rights.<sup>65</sup>

The self-conscious attempts made at the very beginning by the international community to make human rights neutral of all belief systems has already been noted. This stance was adopted in the hope of securing a universally acceptable system. However, the persistently strong challenge posed by cultural relativists seems to suggest that this hope is yet to be realized. Relativists insist that moral claims do not have universal validity and that they derive meaning and legitimacy from their particular cultural contexts. They maintain that the modern normative system of human rights is not universal but an expression of Western European Enlightenment values.<sup>66</sup>

While it may be conceded that the procedures for enforcement and protection, as well as the dominant language employed in the human rights system, are mostly derived from the historical experience of the West,<sup>67</sup> the values they represent are not exclusively Western. As argued in the previous chapter, the claim by almost all religious traditions to have ‘fathered human rights,’ and the formulation of inter-faith and intra-faith versions of the UDHR, as well as the emergence of regional and national mechanisms, rather than being seen as evidence of the alleged alien nature of human rights to most cultures, must be understood as proof of the universal nature of the values they represent. Although, acknowledgement must be made of the fact that not all such attempts may pass a ‘test of orthodoxy,’ if rigorously applied.<sup>68</sup>

In matters of intercultural nature, modern Western scholarship has tended to be less evaluative of other cultures. This tendency seems to be partly the result of the relativist challenge. It also seems to stem from a feeling of guilt caused by the realization that many of the earliest reports about non-Western societies and the conclusions based on them were spurious. This feeling of guilt is often exploited by politicians of the South who in many cases, in their attempts to cover up their misrule, blackmail Westerners by constantly reminding them of the ‘evils’ of colonialism and imperialism. With the loss of credibility of former paradigms that guided Western scholarship on non-Western societies and the missionary enterprise, the new paradigm that emerged was in the category of what Martha Nussbaum calls, *normative skepticism*.<sup>69</sup> In the academic study of religion, especially, the student is normally taught to ‘suspend’ all normative judgments regarding truth and falsehood. Similarly, so much of African scholarship about

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<sup>64</sup> Abamfo Atiemo, ‘International Human Rights, Religious Pluralism and the Future of Chieftaincy in Ghana’ *Exchange*, 35/4 (2006) 360 – 382.

<sup>65</sup> This is contrast with the conventional attitudes to culture and religion in human rights discourse. Normally these are seen as obstacles and are virtually ‘demonised.’ See Sally Engle Merry, ‘Human Rights Law and the Demonization of Culture (And Anthropology along the Way)’ in *Polar: Political and Legal Anthropology Review* 26/1 (2003) 55- 77.

<sup>66</sup> Pollis and Schwab, (eds.), *Human Rights*, 1. See also, Tony Evans, ed., *Human Rights: Fifty Years On: A Reappraisal* (Manchester: Manchester University Press, 1998).

<sup>67</sup> Gutmann, Michael *Ignatieff: Human Rights as Politics and Idolatry*, 4 -5.

<sup>68</sup> Analyses of some of such documents have revealed serious inconsistencies with international norms.

<sup>69</sup> Martha Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (Cambridge/London: Harvard University Press, 1997) 136.

African culture also lacks critical evaluation. Gifford observes how East African inculturation theologians, particularly, romanticise African culture and dismiss positive contributions of modernity to African civilisation.<sup>70</sup>

The inculturation approach, when employed in the African context does not need to give up on evaluative attitudes. In its original setting in Christian theology, it does not encourage the romanticization of any culture. It is not indifferent toward moral differences. In dealing with a global culture such as human rights it would be a fundamental deficiency to be non-evaluative. The realm of human rights is the realm where issues of justice and injustice are clarified and sorted out; where liberty is clear virtue over any form of oppression. It is the realm of fundamental equality where exclusion is always a vice and inclusion a virtue. Issues that affect the wellbeing, the survival, the sense of worth and the general happiness of individuals and groups constitute the focus of human rights. In issues of such nature, one must go beyond being neutral, tolerant or respectful of a culture. Deprivation, discrimination and cruelty encountered anywhere must be named for what they are, even if they are clothed in the colourful apparel of an exotic culture.<sup>71</sup> Therefore, this study does not approach culture as fixed and unchanging; neither does it ignore the conflicts of perspectives underlying the tensions about which of the versions constitute the true version of a society's culture.

Finally, a clear strength of inculturation over other approaches is that it supplies grounds for drawing on both 'positivist' and 'naturalist' positions. This meshes well with the decision to take as the starting point of this study the understanding of human rights in terms of the contemporary normative system. Grounded in 'human dignity,' they represent and articulate values that transcend positive law;<sup>72</sup> especially so, when such values predate their positivist expressions in the contemporary normative system. These values, representing the finest and, for most part of history, the ideal virtues in world cultures, have been articulated, developed and spread in answer to the cry and yearnings of many suffering individuals and groups in various societies.

### **3.5 Inculturation of Human Rights: A Working Definition**

It is appropriate, at this point, to set out boundaries around what is meant by inculturation of human rights in this study. Twentieth century contextual Christian theologies were interdisciplinary in orientation, combining the social, economic and political sciences with religious studies, cultural anthropology and the traditional theological disciplines based on the Bible and other Church traditions.<sup>73</sup> Inculturation theology is one of such theologies. Discourse on contextual theologies has included questioning the appropriateness or adequacy of the various terms and the concepts they imply<sup>74</sup> and whether they address comprehensively the missionary concerns of specific contexts. Houtepen and Ploeger capture such concerns concisely in their delineation of three audiences with which Christianity had to dialogue as part of mission in the

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<sup>70</sup> Paul Gifford, 'Africa's Inculturation Theology: Observations of an Outsider' *Hekima Review* 38, (May 2008) 18 – 34.

<sup>71</sup> Cf. Nussbaum, *Cultivating Humanity*, 137

<sup>72</sup> Goldewijk & Fortman, *Where Needs Meet Rights* 4.

<sup>73</sup> Anton Houtepen and Albert Ploeger, 'Introduction' in A. Houtepen and A Ploeger (eds.) *World Christianity Reconsidered* (Zoetermeer: Meinema, 2001) 11.

<sup>74</sup> For example, Pobee, *Skenosis*, 23 – 41.

twentieth century: the poor, living faiths of humankind, and manifold cultures.<sup>75</sup> In this study, the engagement of these three audiences by the Church is understood as part of the inculturation process. That means, we do not share the view, which seeks to compartmentalise contextual theological approaches into ‘contextualisation’ or ‘liberation’ and ‘inculturation’ or ‘ethnographic’ approaches.<sup>76</sup> Thus, inculturation in the context of this work does not leave out the concern to address socio-economic and political injustice, which are conventionally placed under ‘contextualisation’ and ‘liberation.’ These concerns, together with other phenomena such as beliefs, symbols, ritual, language and issues of identity, are part of cultures.

Existing definitions of inculturation have emphasised the following: that it is a process;<sup>77</sup> that it involves the transmission of religious values and patterns of expressing them;<sup>78</sup> that the recipient culture appropriates what is transmitted;<sup>79</sup> that it involves dialogue between the transmitting culture and the recipient one;<sup>80</sup> that it is transformative<sup>81</sup> and that such transformation affects both the new context and the adopted concept. It also emphasizes that the various inculturated versions of Christianity share common core elements, which affirm the catholicity of the faith.

Therefore, in a sense, inculturation is a process that eventually reorient a local culture in such a way that it becomes harmonised with the universal in essentials while its unique set of local expressions becomes a pattern that adds to the richness of the universal. Following from this, what is meant by ‘inculturation of human rights’ in this study is clarified thus: it is the process of providing local expressions of the global culture of human rights in such a way that the particular local version overlaps in meaning and practice with other local versions. The overarching international regime then comes to find justification in ‘multi-local’ groundings.<sup>82</sup> This is in keeping with the spirit of movements in Africa and elsewhere that claim the existence of original, but unique, understandings of human rights in their own cultures or traditions and therefore attempt to establish linkages between their own culture and modern human rights in order to address problems of cultural legitimacy.

Inculturation of human rights does not mean the abolition of the local culture by the global one, or the assimilation of the local by the global, or the local culture seeking to preserve itself against the global. It is the two cultures -the global and the local -engaging each other in a creative encounter at the conceptual and the practical levels in order to discover, develop and use appropriate concepts, values and other aspects of the local culture for the enhancement of human rights in the local context and for the enrichment of the universal regime. This comes close to Brinkman’s concept of double transformation.<sup>83</sup>

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<sup>75</sup> Houtepen and Ploeger, *World Christianity*, 11.

<sup>76</sup> See an elaborate discussion of these in Robert Schreier, *Constructing Local Theologies* (Maryknoll, NY: Orbis Books, 1985) 12 – 16.

<sup>77</sup> Laurenti Magesa, *Anatomy of Inculturation: Transforming the Church in Africa* (Maryknoll, New York: Orbis Books, 2004) 5.

<sup>78</sup> Brinkman, *The Non-Western Jesus*, 6.

<sup>79</sup> Brinkman, *The Non-Western Jesus*, 6.

<sup>80</sup> Magesa, *Anatomy of Inculturation*, 5; Aylward Shorter, *Towards an African Theology of Inculturation* (New York: Orbis Books, 1980) 11.

<sup>81</sup> Brinkman, *The Non-Western Jesus*, 6.

<sup>82</sup> Gutmann, (ed.) *Michael Ignatief: Human Rights as Politics and Idolatry*, xxii – xxv.

<sup>83</sup> Brinkman, *The Non-Western Jesus*, 17.

It is not the aim, in this study, to establish the existence of a transcendent element that may be regarded as a universal foundation for human rights. It is rather to identify ‘social properties’ of the local culture that explicitly or implicitly resonate with the concept and practice of international human rights. It is also to show how the two, encountering each other in a constructive engagement, may lead to the activation of those local social properties to serve as familiar currencies in which international human rights norms could be easily recognized and expressed by members of the particular culture. Inculturated human rights regimes must, therefore, not be seen to deviate from standards of the universal one, and must of necessity overlap with other inculturated versions. They must stand the test of orthodoxy and easily converge with the international regime in terms of the core values and the principles they represent.

### **3.6 Inculturation of Human Rights: Four Elements**

The process of the inculturation of human rights, as proposed in this work, involves four elements: spontaneous or popular dialogue, translation, confrontation, and directional or formal dialogue. These are neither unconnected nor sequential stages. They are overlapping elements that may be present together at the same time throughout the endless process of social change. In the context of Christian theology too different levels have been discerned. Arrupe observed, ‘Inculturation includes various and diverse levels which must be distinguished but which cannot be separated.’<sup>84</sup>

The first element in this model of the inculturation of human rights, *spontaneous or popular dialogue*, may be identified at the primary stage of the process. In most cases, inculturation starts as a practical process of transformation, engaging concrete situations at the popular level, independent of, and in most cases, outside the awareness of the formal or official sectors of the society. Scholars and technocrats who eventually come to take notice of the development may then take steps to theorize or give formal intellectual or policy direction to it.<sup>85</sup>

History, ancient or modern, throws up countless instances of how elements of culture or civilizations have spread and established themselves, beginning with the less reflective masses (though, almost always, what appear to be spontaneous actions of the grassroots have actually sprouted from seeds dropped from the high towers of sophisticated thinkers of contemporary or by-gone eras). Such elements eventually develop into dominant paradigms, sometimes rendering anachronistic old and established systems that have been thought traditional. David Thompson notes the ‘remote and indirect’ connexion between the ideas of leading thinkers like Voltaire, Montesquieu, Diderot and Rousseau and the occurrence of the French revolution.<sup>86</sup> At the stage of the spontaneous/popular dialogue, inculturated elements

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<sup>84</sup> P. Arrupe, *Carta Sobre La Inculturación*(14.v.8), in *La Identidad del Jesuita en nuestros tiempos*, (Sal Terrae, Santander, 1978) 96. Taken from translation by Onwubiko, *Theory and Practice*, 4.

<sup>85</sup> The levels of *spontaneous/popular dialogue* and *formal/directional dialogue* correspond with ‘inculturation from bottom up’ and ‘inculturation from top down’ respectively in Christian theology. See Joan F. Burke, *These Catholic Sisters are all Mamas! Towards the Inculturation of Sisterhood in Africa. An ethnographic Study* (Leiden: Brill, 2001) 193.

<sup>86</sup> He argues that the significance of the influence of such scholars prior to the outbreak of the revolution lay in the fact that their work fostered a ‘critical and irreverent attitude’ toward all existing institutions: ‘They made the men ready, when the need arose, to question the whole foundation of the old order.’ See David Thompson, *Europe Since Napoleon*, (Penguin Books, 1985) 24.

often include high doses of ambiguities;<sup>87</sup> but they provide the starting point for a continuous and unavoidable dialogue toward the emergence of a new cultural reality.

In many instances in history, the slow spread of ideas and other cultural elements explode in revolutions when the environment is conducive.<sup>88</sup> In other instances, their spread leads to milder agitations that compel powerful segments of communities to enter into negotiations with the lower and weaker segments in order to rearrange the political, economic and social norms in saner ways.

It has been held in some quarters that the emergence and development of human rights has been characterised, not by peaceful consensual processes but by clamorous contestations and violent revolutions.<sup>89</sup> The revolutionary origins of classical rights documents such as the American Bill of Rights and the French Declaration of the Rights of Man are cited in support of this position. Martin Chanock, for example, takes this position and maintains that human rights have grown in societies by 'a repudiation of the immediate political and legal order' and not by historical evolution.<sup>90</sup>

However, it has been observed that unlike Europe and elsewhere where human rights have had what has been called 'catastrophic origins,'<sup>91</sup> the African experience has been one of peaceful evolution because of the culture of consensus building in matters pertaining to politics and social change. Though this is largely true, in the local histories and traditions of several African ethnic states or chiefdoms, one can find examples of general discontent exploding into popular revolts and compelling power-holders to negotiate with their people. Sometimes such revolts have resulted in the overthrow of a particular ruler, though they hardly result in complete overhaul of political arrangements as occurred in the case of France, for example. In Ghana, for example, the settling of political and social issues have sometimes taken the form of crisis marked by sustained agitations against the custodians of power by commoners led by *Asafo* groups.<sup>92</sup> Adu

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<sup>87</sup> David Thompson points out that when the ideas of the *Philosophes* came to be used in the French revolution, they were used in ways in which the *Philosophes* themselves would have opposed. See David Thompson, *Europe Since Napoleon*, 24. Martin Luther's experience with the peasants and other enthusiastic movements who took his ideas beyond interpretations he never intended is another example.

<sup>88</sup> This seems to have been the case in most of Africa. In Ghana, it is observed that the encounter with the outside world, especially Europe, involved the sowing of new ideas of freedom and rights and the nurturing of old ones, which ignited sustained agitations when the time was ripe. For example, as early as 1896, the people of Southern Ghana, under the leadership of the Aborigines Right Protection Society (ARPS), successfully resisted attempts by the colonial government to take over private lands, and also refused to pay taxes without being represented in the estates of governance. See A. A. Boahen, 'The Concept and Practice of Human Rights in Ghana', in *Human rights and the Democratic Process* (Proceedings of the Ghana Academy of Arts and Sciences, XIX 1980) 29.

<sup>89</sup> U. K. Preuss, 'Constitutional Power Making for the New Polity: Some Deliberations on the Relations Between Constituent Power and the Constitution' in Michel Rosenfeld, (ed.) *Constitutionalism, Identity, Difference, and Legitimacy: Theoretical Perspective*, (Durham, NC: Duke University Press, 1994) 150.

<sup>90</sup> Chanock 'Human Rights and Cultural Branding,' 40.

<sup>91</sup> Preuss, 'Constitutional Power Making,' 150.

<sup>92</sup> *Asafo* is a traditional social institution made up of all able-bodied men and women in a town or village. It is organized differently in different communities. It plays several roles. It plays the role of civil society, representing the voice of the people at the grassroots and ensuring good governance by traditional political authorities. It is also a military organization and its members are mobilized to ensure the security of the community. For a detailed treatment of *Asafo*, see A. E. A. Asiamah, *The Mass Factor in Rural Politics: The Case of Asafo Revolution in Kwahu Political History* (Accra: Ghana Universities Press, 2000) 8.

Boahen reports of an incident in Kwahu in 1915 in which widespread dissatisfaction among the citizenry of the Kwahu state led to agitations that culminated in the signing of a document that set out to address the problem of arbitrariness in fines imposed by the courts of the chiefs. The document also sought to make the Kwahu Traditional Council more representative.<sup>93</sup>

An old tradition of the *Ga*, recorded by C. C. Reindorf, points to the occurrence of stormy political developments in pre-colonial times which led the ordinary people to find ways of freeing themselves from the tyranny of cruel rulers. The tradition tells the story of Dede Akaibi, a strong-willed queen whose tyrannical rule over the people of Accra ended when she was buried alive.<sup>94</sup> The details of the story provide an illustration of what Kwasi Wiredu refers to as the 'futility of any attempt to control people's thinking.'<sup>95</sup> Before her tragic end, the queen had ordered the young men in her dominion to eliminate all the old and elderly by killing them; but this cruel injunction had not been widely obeyed. People hid their elderly relatives and reported that they had been killed. Definitely, after such a traumatic political experience, the people of Accra would have taken steps to reorganise power relations in ways that would minimise abuse and enhance the welfare of citizens.<sup>96</sup>

*Translation* forms the second element in our inculturation model. Again, the history of religions demonstrates the power of translation in the rooting of purported trans-cultural elements in the soils of recipient local cultures. Lamin Sanneh, especially, has drawn attention to how translation of the Christian scriptures into the various mother tongues in Africa led to cultural renewal.<sup>97</sup> The preservation of indigenous terms for basic doctrinal and ethical concepts in the process of translation has been a significant factor in making Christianity indigenous to the African. For example, societies that have retained the indigenous name for God in the translation of the scriptures seem to have experienced a more rapid expansion of the Christian faith than others have.<sup>98</sup> The same is said about Islam among the Hausa in northern Nigeria. The *vernacularisation* of the Arabic alphabets and translation of some major texts of Islam into Hausa language has made Hausaland the most important and influential Islamic centre in West Africa.<sup>99</sup> It is also said that Buddhism came to be so deeply rooted in Tibet because of the translation of the Buddhist texts into the mother tongue.<sup>100</sup> Similarly, it is explained that the early rapid growth of Christianity in Korea was due to the use of vernacular from the very

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<sup>93</sup>Boahen, 'The Concept and Practice,' 26 -27.

<sup>94</sup>C. C. Reindorf, *History of the Gold Coast and Asante*, 2<sup>nd</sup> edition, (Accra: 1966) 29 -30.

<sup>95</sup>Kwasi Wiredu, *Cultural Universals and Particulars: An African Perspective* (Bloomington and Indianapolis: Indiana University Press) 168.

<sup>96</sup>Ga political and social arrangements, like those of other ethnic-states in southern Ghana, have over the years developed into a complex system of checks and balances that ensures the prevention of abuse of power.

<sup>97</sup>Lamin Sanneh, *Whose Religion is Christianity? The Gospel Beyond the West* (Grand Rapids/Cambridge: W. B. Eerdmans, 2003) 16 - 18.

<sup>98</sup>Lamin Sanneh, *Whose Religion*, 18.

<sup>99</sup>Peter B. Clarke, *West Africa and Islam: A Study of Religious Development from the 8<sup>th</sup> Century to the 20<sup>th</sup> Century* (London: Edward Arnold Ltd., 1982) 123.

<sup>100</sup>Robert Thurman, 'Foreword' in *The United Nations and the World's Religions: Prospects for a Global Ethic* (Cambridge: Boston Research Centre for the 21<sup>st</sup> Century, 1959) viii.

beginning.<sup>101</sup> Accessibility to transforming ideas and concepts in a people's mother tongue is an important route to creativity and sustainable development.<sup>102</sup>

Translation does not occur simply at the level of linguistics. Translation, in this case, refers to engagement between international human rights and the local culture at the deep level of meaning so that the local expressions will spring out of the inner worlds of an indigenous culture in a natural, effortless way. This might include translation in the linguistic sense but it goes beyond that into the deep recesses of the culture, linking up with its central myths or meta-narratives, finding expressions in its symbols and institutions, and reflecting in the reshaping of systemic arrangements. Such translation, when it serves as the basis of formal translations, involves very little danger of rendering human rights abstract ideals that are unrelated to the concrete, real-life situations of the vulnerable masses.<sup>103</sup> But translated cultural elements often entail distortions or plain syncretistic aberrations, and it is always necessary at the directional or formal dialogue level to examine critically and refine existing popular translations.

*Confrontation* in inculturation refers to the situation whereby seemingly diverse and incompatible elements clash. It involves contestations, negotiations, rejections and compromises. It leads to the clarification, re-conceptualization, and rearrangement of aspects of the host culture that imply a contradiction with the values, which the international system sets out to protect and promote. Inculturation does not imply a free for all enterprise, with an independent parochial interpretation and expression of the universal culture in which everything is true or right and none is given. In the context of Christian theology, for example, there is a recognition of, and advocacy for 'criteria for orthodoxy'.<sup>104</sup> It is possible, however, in confrontation, to gain new perspectives that might point to a weakness in, or a blurred side of, the global culture which needs rethinking. An example, which is rather too general, could be seen in the dialectical relationship between the traditional Western idea of human rights which to a large extent dominated the UN system at its beginning, and the ideas of countries of the South that are late-comers to the international regime. Many commentators have noted the ever-expanding frontiers of human rights to include issues that the dominant Western conception left out of its list. If economic, cultural, social and environmental issues have become inseparable aspects of the contemporary human rights system, it is because of confrontations in the encounter of cultures. In the same way, societies of countries in the South have been compelled to rethink their understanding of issues of individual autonomy and related liberty rights which they previously under-emphasized or even ignored.

*Directional or formal dialogue* in the inculturation model refers to formal interventions aimed at clarifying ambiguous aspects of the inculturated version. It is mainly technocrats and scholars that are engaged in the process. At this level state institutions at all levels of governance are involved. Parliaments and equivalent subordinated institutions at the lower levels, including the courts and other relevant institutions, may now in their work consciously and deliberately take

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<sup>101</sup> David J. Silva, 'Western Attitudes toward the Korean Language: An Overview of Late Nineteenth and Early Twentieth-Century Mission Literature,' *Korean Studies*, Volume 26/2 (2003) 270-286.

<sup>102</sup> K. Twum – Barima, *The Cultural Basis of our National Development* (Accra Ghana Academy of Arts and Sciences, 1985) 9 -13.

<sup>103</sup> Englund, *Prisoners of Freedom*, 47 -49.

<sup>104</sup> J. de Mesa and L. Wostyn, *Doing Theology: Basic Realities and Processes* (Manila: Maryhill School of Theology, 1982) 86.

into account what socio-cultural treasures are available to exploit or build upon. State institutions dedicated to human rights advocacy, education and implementation, especially, would have to pay attention to emerging inculturated versions of the international concept.

### **3.7 Conclusion**

The inculturation model presented in this chapter focuses on culture not as an impediment to developing a viable human rights culture but as enhancing any such project. The model, as it has been defined for the purposes of this study, does not approach culture as a unified, static and fixed entity without aspects that fall below the moral standard of the normative concept as enshrined in the UDHR. Ghana shares in the problems that former colonial African states commonly face in terms of challenges presented by the need to weld together the different ethnic groups that are brought together to form one nation with a common culture. Moreover, interactions with the outside world have, to a certain extent, inserted Africa into the phenomenon of globalisation. This further compounds the problem of African societies with respect to the issue of 'national' cultures. While most countries struggle to weld their peoples with diverse ethnic cultures into one, they also have to be able to manage the continuous intrusions from foreign cultures via the many vehicles that enable easy accessibility – travel, education, internet and other media.

Yet Africans do not only talk about 'African culture,' they also talk about cultures of the individual countries, for example, 'Ghanaian culture,' 'Nigerian culture,' or 'Guinean culture.' Within individual countries, differences between various ethnic or 'tribal' groupings are expressed in terms of culture. Therefore, in Ghana, for example, there is still talk about 'Ashanti culture,' 'Ga-Adangme culture,' 'Dagomba culture' and 'Gonja culture.' Yet, there is widespread talk about 'Ghanaian culture' which is deemed self-evident. This is legitimate; it fosters a sense of being one people and unique from all others. But one would want to find out whether, in such cases, the reference is to a 'unified culture,' and to what extent such collective 'national cultures' in post-colonial Africa have developed. For that reason, the next chapter seeks to answer the question: 'Is there a common Ghanaian culture?'

