

Ethnic and Religious
Cohabitation and Conflict

Ed. by H.-C. Günther

East and West.
Philosophy, ethics, politics
and human rights

Band 4

ed. by H.-C. Günther and Li Yong

Advisory Committee:
Anwar Alam, Ram Adhar Mall, Sebastian Scheerer

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Verlag Traugott Bautz GmbH

Bibliografische Information Der Deutschen Nationalbibliothek
Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der
Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind
im Internet über <http://dnb.d-nb.de> abrufbar.

Cover:

The Old Mosque in Hohhot with the Arab Palace,
photo: H.-C. Günther

Verlag Traugott Bautz GmbH
99734 Nordhausen 2017
ISBN 978-3-95948-223-3

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Editor's Preface

This volume collects papers written for two conferences in the PR of China, one in Chongqing (SWUPL) in 2016 (Van der Braak, Bendixsen, Van der Velde/ Zwart, Günther, Mass Immigration ...) and one in Changsha (CSU) in 2015 (Alam, Widiyanto, Magarotto, Apostolidou), as well two external contributions by Peter Cohen and Donald Rayfield. The papers of the Chongqing conference will also be published in Chinese translation in the Human Rights – Journal of SWUPL.

A large part of this volume is dedicated to issues regarding Muslims. Most of these papers come from the conference in Chongqing. However, it was revealing that no paper was delivered on this conference (which dealt with minority rights) on the treatment of Muslims in China. If China does not have an appalling record of slaughtering Muslims around the globe like the West (due to its sane peaceful exterior politics) China does however today have a most shameful record of Muslim discrimination inside the country. In Xinjiang that record is so awful that it is not by chance that nobody in China dares to speak of it: it is worse than the terrible interior record of the West. I have long been silent about what is going on there for certain reasons, so this volume does not contain a paper on this aspect. I shall,

however, in the future deal with this dark side of Chinese contemporary politics too.

However, the most burning issue in the present conflict with Islam and the daily slaughter and torturing of Muslims is the problem of the state of Israel, a topic covered by a shameful silence in the west on all levels. As a frightful document of the unbearable pressure for suppressing free speech even in an academic environment I cite here an e-mail I received from a now deceased scholar who was at the time one of the most prominent representative of humanities in a top position in one of the world's leading universities. I received the following e-mail after sending a paper raising questions concerning Israel:

“Dear Hans, I read your letter and attachments with strong sympathy. Unfortunately you have come up against a big TABOO. Whatever we feel about Israel (and I personally believe the Haredim are a menace to the future of that country, and Netanyahu has capitulated to them in order to hold on to power), whatever one feels we risk being labelled antisemitic, and the journals that print our criticism also risk accusations, if they attempt any criticism of Israel. I grew up in a liberal school that was 20-25% Jewish, and well informed of the horrors of the holocaust; in Princeton I supervised liberal secular Israeli graduate students whose dissertation topics the department of religion would not risk

accepting. We must accept an unwarranted silence, or even more unjustified obloquy. For your own sake, can you stay away from these tendentious topics? Even my own favorite paper the Guardian, is kowtowing. And the USA senators and congressmen have been bought by AIPAC subsidies.

Sorry, but do protect yourself from misreading and the antidefamation league!”

In view of the unacceptable blackmail of the world by bunch of despicable people who pretend to represent Jewish interests whereas they are merely defending a murderous regime endangering world peace and reveling in crimes against humanity I am particularly glad to print here an excellent article of Peter Cohen who is one of the few intellectuals in Europe who have the spine to stand up against the shameful consensus of silence dominating western mainstream society.

H.-C. Günther, Müllheim

January 2017

List of Contributors

Anwar Alam is currently associated with Policy Perspective Foundation, New Delhi. Earlier he served as Professor at Zirve University, Turkey, Jamia Millia Islamia, and Jawaharlal Nehru University, New Delhi. Among others, he is recipient of the prestigious Alexander von Humboldt Post Doctoral Fellowship.

Eleni Apostolidou holds a PhD in Law, University of Sorbonne, Paris. Her areas of expertise are Constitutional Law, Tax and Public Finance, in which she has published several articles. She was a visiting doctoral student at the Institute for Austrian and International Tax Law (WU, Vienna). She has an experience in teaching European and International Public Law. She has been an activist of the movement for Federal Cyprus.

Synnøve Bendixsen is a Postdoctoral Fellow at the Department of Social Anthropology, University of Bergen (Norway). Her research interests include irregular migration, political mobilisation, Islam and Muslims in Europe, the study of inclusion and exclusion, and processes of marginalization. She has written a number of articles, book chapters, and edited volumes and one monograph: *The Religious Identity of Young Muslim Women in*

Berlin (Brill 2013). Since 2013 she is the co-editor of the *Nordic Journal of Migration Research*.

Peter Cohen studied social psychology , sociology and political science at the University of Amsterdam. PhD thesis “Drugs as a social construct” 1989 University of Amsterdam. Directed the UvA Centre for Drug Research (CEDRO) from 1985 to 2004 Investigated drug use in household populations, and cannabis, cocaine and amphetamine use among experienced consumers. Was active in drug policy reform away from prohibition, in favour of legal access to all drugs.

He retired in 2007. He is involved in Anti-Zionism since the 2006 Israel-Lebanon war.

Hans-Christian Günther, Prof. Dr., is professor for Classics at the Albert-Ludwigs-Universität Freiburg. His research interests span from Classical Antiquity to Philosophy, Ethics and Politics. He is also the author of many verse translations from various languages. Luigi Magarotto, Prof. Dr., is emeritus Professor of Russian at the University of Venice. He is not only an eminent expert of Russian

literature and history with a very broad outlook, but also—beside Donald Rayfield—the internationally leading authority on Georgian literature and history. From 1999 to 2003 he was Director of the Ph.D. programme in East European Studies at the University of Venice. Since 2006 he has served as Chair of the Department of American, Iberian and Slavic Studies. He is honorary professor of the Pedagogical University of Tbilisi. He is member of the Academy of Sciences of Georgia.

Donald Rayfield, Prof. Dr., is emeritus Professor of Russian at the school of Languages, Linguistics and Film, Queen Mary, University of London. He is the author i.a. of a History of Georgian Literature (OUP), a History of Georgia and a book on ‘Stalin’s Hangmen’ (translated into various languages). He is also editor-in-chief of a Georgian-English Dictionary. Recently he is writing a book on the Tartar Khanate of Crimea.

André Van der Braak is professor of Buddhist Philosophy in Dialogue with other World Views at the Faculty of Theology of Vrije Universiteit Amsterdam. His earlier publications include *Religion and Social Cohesion: Western, Chinese and Intercultural Perspectives* (2015; co-edited with Dedong Wei and Caifang Zhu) and *Nietzsche and Zen: Self-overcoming Without a Self* (2011).

Mi Jung (Jumi) Van der Velde is researcher and lecturer at the Hague University of Applied Sciences in the Netherlands. Mediator and trainer in Intercultural competences. Graduated in International Law, Islam and Arabic and International Relations and International Organizations. Fields of expertise: Human Rights, sustainable development, gender, indigenous people, peace and conflict studies and intercultural communication.

Asfa Widiyaqnto, Dr., is senior lecturer at the State Institute for Islamic Studies (IAIN) Salatiga, Indonesia. His research interests include Islamic studies, sociology of religion and philosophy

Tom Zwart is professor of human rights and cross-cultural law at the Law Department of Utrecht University. He is a director of the Cross-cultural Human Rights Centre, which is aimed at drawing the attention of Northern audiences to Southern human rights ideas and concepts.

Human Rights Protection of Ethnic Minorities

A cross-cultural perspective

by André van der Braak,

Human rights in China are a highly contested topic, on which the government of the People's Republic of China and its supporters, on the one hand, and Western critics and human rights organizations, on the other, have starkly different views. PRC authorities, their supporters, and other proponents claim that existing policies and enforcement measures are sufficient to guard against human rights abuses. With regard to the human rights protection of ethnic minorities, for example, it is claimed that the PRC's Constitution and laws guarantee equal rights to all ethnic groups in China and help promote ethnic minority groups' economic and cultural development.¹ Furthermore, ethnic minorities enjoyed preferential treatment in being exempted from the population growth control of the One-Child Policy, prior to its abolishment in 2015. Ethnic minorities are represented in the National People's Congress as well as governments at the provincial and prefectural levels. Some ethnic minorities in China live in what are described as ethnic autonomous areas. These

¹ <http://en.people.cn/constitution/constitution.html>

"regional autonomies" guarantee ethnic minorities the freedom to use and develop their ethnic languages, and to maintain their own cultural and social customs. In addition, the PRC government has provided preferential economic development and aid to areas where ethnic minorities live.

According to some Western observers, such as Amnesty International and Human Rights Watch, as well as foreign governmental institutions such as the U.S. State Department, however, the human rights situation in China, also with regard to the protection of ethnic minorities, leaves much to be desired. They claim there is a strong government control on ethnic minorities, resulting for example in the violation of worker's rights (the hukou system which restricts migrants' freedom of movement), and in discriminations against rural workers and ethnic minorities. Furthermore, they claim there is a lack of religious freedom, with regard to being able to found or maintain religious organizations, the establishment and maintenance of religious sites, the education of clergy, the installment of religious leaders (especially when foreign influence is at play, such as with the Vatican or the Tibetan government-in-exile in Dharamsala). Only the national organizations of the five religions (Buddhism, Daoism, Islam, Protestantism, Catholicism)

are officially recognized, and are closely monitored by the government.²

How come there is such a wide discrepancy between some Western and Chinese views, when it comes to human rights? This paper wants to argue that it is, to some extent, due to philosophical hermeneutical issues. The dialogue between the West and China is filled with difficulties in the philosophical arena and breaks down almost completely in the area of human rights. The concept of human rights, that is the rights that attach to an individual human being, apart from his or her place in a social order and apart from considerations of citizenship, ethnicity, class, religion, or gender, is a relatively recent one. It has its origin in certain recent developments in the Western philosophical tradition, such as the natural rights tradition of Hobbes and Locke in the 17th century, and was given perhaps its most rigorous formulation by Kant in the 18th century. These early formulations of the idea of individual human rights have led to the Universal Declaration of Human Rights (hereafter UDHR) adopted by the General Assembly of the United Nations on December 10, 1948.

² See for example:

<https://www.hrw.org/world-report/2015/country-chapters/china-and-tibet>

Undoubtedly, the adoption of the UDHR has been a major step forward in the protection of human rights of ethnic minorities all around the world. However, there is still much discussion about the universal applicability of the UDHR. Given their Western origins, is it truly the case that human rights are universal? In this paper, I want to investigate what steps can be taken in order to broaden the world wide appeal of the UDHR.

Supra-cultural and super-cultural

The American/Indian scholar Joseph Prabhu distinguishes three approaches to the legitimization of world wide consensus to the UDHR, which he describes as supra-cultural, super-cultural and inter-cultural. The *supra-cultural model*, as he describes it as exemplified in the natural rights tradition, for example, “attempts to rise above or transcend the realm of the cultural by invoking some divine or natural essence that is alleged to be the true mark of our humanity.”³ Such a divine essence has been, for some, the Christian God. However, such a divine essence always needs to be mediated through human and cultural understanding. In the light of cultural and religious diversity, it is difficult to hold on to the

³ Prabhu 2011.

notion of a divine essence. Therefore, at its establishment, the UDHR deliberately kept its distance from religion:

A cloak of silence was thrown over the question of religion, not only because of reasons of universal appeal, but also because of the vast diversity of religious sentiment and the complications of having to deal with it. When the Declaration was drafted, it was generally felt that religions by their exclusive and absolute nature tend to be divisive and conflict-producing forces. Not only was there a difference of opinion among the drafters as to whether human rights ought to be regarded as sacred, there was also dissension as to the grounds of any purported sacredness.⁴

The other option is to ground human rights in a secular universal value. At the drafting of the Declaration, the notion of “human dignity” was used as such a universal value:

the preamble to the Declaration indicates that “human dignity” was chosen as the foundational concept on which the notion of HR was based, without further

⁴ Prabhu 2006.

inquiries into where that dignity came from and why that dignity ought to be protected with rights.⁵

However, the use of such a universal value leads to many questions. On what philosophical grounds do human beings have rights? What kind of philosophy of human nature is implicit in such an assumption? As a possible strategy to avoid such problems, one could argue that human rights are not intrinsic entitlements, but merely pragmatic ones. However, if human rights are not intrinsic, then why should we take them seriously?

The supra-cultural model is hard to defend in light of cultural diversity. Whether one posits a divine essence (“God”) or a biological essence (“human nature”), its expression is always culturally mediated. And especially in the light of the diversity of many ethnic minorities in China, it is difficult to revert to a so-called “universal value” in a way that is acceptable to these many minorities.

In light of such challenges to the supra-cultural model, many take refuge in a *super-cultural* model. According to Prabhu, the super-cultural model claims that

human rights thinking represents an advanced state of cultural evolution, which not all cultures have

⁵ Prabhu 2006.

achieved. In actuality, it is Western culture alone which is alleged to have done so, and the universal nature of human rights means, in effect, that non-Western cultures now have to embark on the same journey and path of modernization as the West. Just as, for example, the West moved “beyond” its religious heritage to arrive at a “mature” secular outlook that could serve as the proper basis for human rights, other cultures must be expected to do the same, if human rights are to be truly universal.⁶

However, Prabhu argues that in such a model, universality is confused with uniformity. The standards of the West, as being the most evolved culture, are used as universal standards that need to be emulated by less evolved, non-Western cultures. In order to meet this objection, one could argue that their discovery in the West does not make human rights less universal. Newton’s laws of gravity also happened to be discovered in the West, but that doesn’t make them less valid. However, the notion of universal individual human rights is not merely a prescriptive idea, but a normative claim. It involves the universalization of a very

⁶ Prabhu 2011.

particular idea, which has meaning and validity only in the philosophical context of Western culture.

The super-cultural model, Prabhu argues, represents a form of cultural imperialism. It imposes a Western ethnocentric standard on the rest of the world in order to arrive at universality. It also suffers from epistemological blindness: it does not recognize that the dominant Western way of conceiving human rights represents only one way of looking at things, and that there are other, non-Western perspectives on human rights that need to be explored. In order to come to such an exploration, that can lead to a fuller and richer interpretation of the various ways in which human rights can be conceived, Prabhu recommends the encounter and dialogue of different interpretations of human rights: a cross-cultural perspective.

The intercultural model

Such an encounter is made possible by the third model, the *intercultural* model. The intercultural model

starts from the humble premise that one's culture is only one among many, with diverse strengths and achievements but also partialities and blind spots. This model, which I am advocating, attempts neither to