

***Building Competences to Develop Policies and Programs for Building Human Rights-infused
Intercultural Competencies***

**Some reflections by Christoph Eberhard
for the UNESCO meeting in Paris on 10/04/2013**

The three documents are very rich and touch on too many points for me to tackle them in detail. I hope I will be able to provide more useful precise feedback in our discussions.

Generally speaking, I would find the following points paramount :

1) Raise awareness that we move from a *Universe* to a *Pluriverse*

We live in a world where pluralism and interculturalism are on the rise. We could say that we are entering a 'pluriverse'. Nevertheless, we continue to think a lot in terms of our modern world vision of the 'universe'. In the terms of Boaventura de Sousa Santos, what we are moving toward is a 'heterotopia': we discover a new world through a displacement from the center to the margins of our current systems of knowledge and practice. On the one hand, this is a shock as we are not used to it. On the other hand, it reveals amazing potentialities (ex: pluripolarisation of the world, taking into account, through the incentive to 'participation', of 'informal practices', 'traditional knowledge' etc.). It seems paramount to me to recognize this paradigmatic shift as the new emerging horizon where any project on human rights and intercultural dialogue can make sense.

2) The link of pluralism and dialogue

The 'pluriverse' is rooted neither in universalism nor in relativism: it is rooted in pluralism, the understanding that we are one AND many at the same time. Pluralism is not only an intellectual problem or a challenge for public policies (see the debates on interculturalism / multiculturalism). It is a way of seeing the world as going beyond our reasoning about it. The world is fundamentally

pluralistic. Even if we only take into account the human world, we realize that while we do share reason, at the same time we share the ability of constructing very different world views which will orient the way that we use reason. Pluralism thus calls for a method of dialogue which is not only a debate in the field of Reason/Logos (right / wrong etc.) but which entails the mutual discovery of our underlying horizons of meaning / Mythos which remain invisible to us as long as they are not confronted to different ones. Raimon Panikkar thus proposes to complement a *dialectical dialogue* by a *dialogical dialogue*, the first focusing on objects, the second focusing on the subjects that dialogue and that mutually uncover each other during the encounter.

Acknowledging the horizon of pluralism and the related renewed approach to dialogue gives rise to an important distinction: *intercultural theorization* and *intercultural approach*.

In an *intercultural theorization*, we start from our world view, open up to another world view. Then, we translate what we have perceived through the other cultural window into our cultural window, thus opening it up more (ex: we translate other ways of organizing society as “legal pluralism” etc. but applying our categories or creating our categories to make sense of them).

In the *intercultural approach*, we recognize that even though we may translate between different windows – and although this is paramount and mutually enriching – the different windows will always exist. How to deal then with the in-between of windows? (ex: how to dialogue between Western anthropocentred Law and Indian cosmocentred Dharma?).

An intercultural theory, or intercultural opening up of our frameworks is paramount. But we fool ourselves if we think that the challenge ends here. Even the ways of learning or conveying ‘interculturality’ may be very different from one culture to another. Frames, forms are important. There is not only one way of learning, of sharing, of dialoguing. How to articulate this with the idea of ‘best practices’ ?

3) The need to link intercultural dialogue to socio-politico-legal reflections

Culture or interculturality is not something out there to be organized by a ‘neutral’, ‘universal’ ‘non-cultural’ system. Law, economics, politics, human rights, development etc. are also culture. I must underline that in my view this does not take away from their value. But if we want to tackle the questions of interculturality seriously, we must recognize that everything is cultural, while at the

same time recognizing that everything is *not only* cultural. And we must always keep in mind that culture is an evolving and complex reality.

The teachings of the anthropology of law may be very enlightening here as the core of the discipline has been and still is the understanding of the link between law, culture, society.

4) The need to recognize the cultural shock and the existential aspect of intercultural dialogue

It seems paramount to emphasize a point which is very often neglected. To put it in a nutshell, let me quote Robert Vachon, former director of the Intercultural Institute of Montréal and of its journal *Interculture*: “Intercultural dialogue is crucifying... but liberating.” There is a tendency not to talk too much about the “crucifying” part. We always insist on the enrichment, the peace building, the sharing etc. But there is always an intercultural shock... - if we really dialogue and do not stay in our comfort zone just pretending to dialogue. According to our situation we may be more or less forced to open up to another culture. It is never easy, as well as it is not easy to belong to multiple cultures. Intercultural dialogue shakes us in our deepest convictions and thus leads us to existential crises which trigger us to change – to use the vocabulary from above : we leave one mythos, one invisible horizon of understanding that structured our world for another one. To some extent each intercultural journey is leaving a universe and entering a pluriverse... or/and discovering the pluriverse underlying our universe.

The existential aspect of intercultural dialogue points to the importance of promoting respect for the human being in all its dimensions, and also for its fragility and its link to all others. Unfortunately, this seems to be exactly at the opposite of what can be observed in the world of teaching and research (the one I know better being an academic) where it is about making people ‘strong’ and ‘effective’ in a system and where the human aspect gets more and more pushed aside.

5) Alterity, complexity, interculturality and humanity as four poles, or four cultural disarmaments on the path of intercultural dialogue

In my two decades of researching and teaching in the field of intercultural dialogue in relationship to law, governance, globalization, sustainable development and the meeting of different knowledge systems, these four poles emerged. Each of them can be expanded into hours and hours of

discussions and into thousands and thousands of pages. They are the basic seeds of an intercultural journey as I understand it, or its ‘cornerstones’.

Alterity: recognizing that our culture is not the only one. There are other cultures. We must “disarm” our culture and recognize the existence of others. This also entails to make an effort to understand another culture from its own point of view. This endeavor takes a more structural turn.

Complexity: recognizing that everything is not only cultural. We have to disarm the notion of culture in its pretension to globalize, to crystallize, to freeze identities and to get stuck on these aspects only. Cultures are changing, interacting – human rights issues are to be understood culturally AND at the same time socially, economically, historically, politically. This endeavor is a more dynamic approach.

Interculturality: recognizing that pluralism goes beyond our intellect. It is not only an intellectual problem. It is an existential reality. Pluralism is irreducible. We do share a world. We do all share from our own window. The different windows will always exist. There can never be a 360° perspective. How to disarm on an existential level and open up to the mystery of life? This endeavor entails a more existential approach.

Humanity: this may be a very Western point – it is very dear to me being a Westerner and becoming aware little by little that all my intercultural endeavor actually is rooted in the understanding that we are all humans. If I did not have this basic understanding, I would not care about the other and his/her point of view. I may still respect it and accept it. “They’re different.” But it wouldn’t touch me deeply if I was not questioned by the fact that it is another human being who sees or experiences things so differently from myself and thus challenges, questions, enriches my own humanity. This pole also invites us to be very humble and to recognize how fragile we are individually and collectively. This fragility for me is not something bad – on the contrary: it is what allows us to open up to ourselves, others, our surroundings, life. It is a root for responsibility: response-ability.

This is a very succinct presentation of points that I find paramount. All these points can be developed much more. You can start to deepen their implications with food for thought from the little reading list below.

Some readings

ALLIOT Michel, 2003, *Le droit et le service public au miroir de l'anthropologie. Textes choisis et édités par Camille Kuyu*, Paris, Karthala, 400 p.

BAXER Joseph, 2007, *Vivre à l'interculturel. Robert Vachon : un itinéraire spirituel à la croisée des cultures et des religions*, Montréal, Médiaspaul, 238 p.

DAS Kalpana, 2007, « Médiation interculturelle ? », *Interculture*¹, n° 153, p 5-7.

de SOUSA SANTOS Boaventura, 1995, *Toward a New Common Sense - Law, Science and Politics in the Paradigmatic Transition*, New York-London, Routledge, After the Law Series, 614 p.

de SOUSA SANTOS Boaventura, 2007, « Beyond Abyssal Thinking : From Global Lines to Ecologies of Knowledges », *Review*, XXX – 1 – 2007, p. 45-89.

EBERHARD Christoph, 2001, « Towards an Intercultural Legal Theory - The Dialogical Challenge », *Social & Legal Studies. An International Journal*, volume 10, number 2, june 2001, p 171-201.

EBERHARD Christoph, 2005, « Opening Up Spaces for Peace. A Dialogical and Transmodern Challenge », *Indian Socio-Legal Journal*, Vol. XXIX, n° 1 & 2, p 1-14.

EBERHARD Christoph (dir.), 2005, *Droit, gouvernance et développement durable*, numéro spécial des *Cahiers d'Anthropologie du Droit*, Paris, Karthala, 376 p.

EBERHARD Christoph (dir.), 2005, « La pauvreté comme violation des droits de l'homme. Enjeux et perspectives d'une dynamique émancipatrice », UNESCO, *La pauvreté, une question de droits humains ? Actes du séminaire international et des conférences publiques, 18-19 octobre 2004, Maison de l'Unesco, Paris*, Paris, Unesco, 337 p (40-63).

¹ *Interculture* exists in French and English versions.

EBERHARD Christoph (dir.), 2008, *Traduire nos responsabilités planétaires. Recomposer nos paysages juridiques*, Bruxelles, Bruylant, 756 p.

EBERHARD Christoph, 2008, « De l'univers au plurivers. Fatalité, utopie, alternative ? », DILLENS Anne-Marie (dir.), *La mondialisation : utopie, fatalité, alternatives*, Bruxelles, Publications des Facultés universitaires Saint Louis, Bruxelles, Publications des FUSL, 196 p (67-104).

EBERHARD Christoph, 2008, « Dialogue interculturel », Andriantsimbazovina Joël, Gaudin Hélène, Marguénaud Jean-Pierre, Rials Stéphane & Sudre Frédéric (dir.), *Dictionnaire des Droits de l'Homme*, Paris, Quadrige / PUF, pp 280-283.

EBERHARD Christoph, 2008, “Rediscovering Education Through Intercultural Dialogue”, Contribution to the International Meeting of Experts Cultural Diversity and Education, UNESCO / UNESCOCat, Barcelona 14-16 January 2008, 22 p, publié partiellement comme « Intercultural Competencies : The Basics », UNESCO (dir.), *Unesco World Report : Investing in Cultural Diversity and Intercultural Dialogue*, Paris, Unesco, 2009, 402 p (45-46) et consultable dans son entièreté sur <http://www.dhdi.free.fr/recherches/horizonsinterculturels/articles/eberhardeducation.pdf>

EBERHARD Christoph, 2009, « Au-delà de l'universalisme et du relativisme : L'horizon d'un pluralisme responsable », *Anthropologie et Sociétés – De l'anthropologie des moralités à l'éthnoéthique*, Vol. 33, n°3 / 2009, p 79-100.

EBERHARD Christoph, 2009, « L'approche pluraliste du Droit : un enjeu central pour une gouvernance légitime », Institut de Recherche et Débat sur la Gouvernance / IRG (dir.), *Chroniques de la gouvernance 2009-2010*, Paris, Éditions Charles Léopold Mayer, 287 p (87-92).

EBERHARD Christoph, 2009, « Le dialogue interculturel : outil et horizon d'action pour s'ouvrir à l'altérité dans les politiques publiques et les services sociaux ? », Gilda Farrell & Myriam Jézéquel (dir.), *Accommodements institutionnels et citoyens : cadres juridiques et politiques pour interagir dans des sociétés plurielles*, Strasbourg, Conseil de l'Europe, Col. Tendances de la cohésion sociale, n° 21, 351 p (299-318).

EBERHARD Christoph, 2009, « Intercultural Dialogue : a Tool and Framework for Action for Opening Up to Otherness in Public Policies and Social Services ? », Gilda Farrell & Myriam Jézéquel (dir.), *Institutional Accomodation and the Citizen : Legal and political Interaction in a*

Pluralist Society, Strasbourg, Council of Europe, Col. Trends in Social Cohesion, n° 21, 325 p (275-293).

EBERHARD Christoph, 2010, *Le Droit au miroir des cultures. Pour une autre mondialisation*, Paris, LGDJ / Lextenso, Col. Droit et Société Classics, 2ème édition revue et augmentée, 254 p.

EBERHARD Christoph, 2011, *Droits de l'homme et dialogue interculturel*, 2ème édition revue et augmentée, Paris, Éditions Connaissances et Savoirs, 587 p.

EBERHARD Christoph, 2012, *Vers une société éveillée. Une approche bouddhiste d'un vivre-ensemble responsable et solidaire*, Paris, Éditions Connaissances et Savoirs, 230 p.

EBERHARD Christoph (dir.), 2012, *Le courage des alternatives*, Paris, Karthala, 318 p.

EBERHARD Christoph, 2012, « L'impact méthodologique de l'analyse plurale dans l'étude anthropologique des cultures juridiques », Ghislain Otis (dir.), *Méthodologie du pluralisme juridique*, p 53-96, Paris, Karthala, 284 p (53-96).

EBERHARD Christoph, 2012e, « Human Rights and Intercultural Dialogue. European Challenges », Léonce Bekemans (dir.), *A Culturally Oriented and Value Driven European Future*, Brussels, Peter Lang, 242 p (97-112).

EBERHARD Christoph, 2013, *Oser le plurivers. Pour une globalisation interculturelle et responsable*, Paris, Connaissances et savoirs, 414 p.

FARREL Gilda & JÉZÉQUEL Myriam (dir.), 2009, *Accommodements institutionnels et citoyens : cadres juridiques et politiques pour interagir dans des sociétés plurielles*, Strasbourg, Conseil de l'Europe, Col. Tendances de la cohésion sociale, n° 21, 351 p.

FOBLETS Marie-Claire, GAUDREAULT-DESBIENS Jean-François & RENTELN Alison Dundes (dir.), 2010, *Cultural Diversity and the Law. State Responses from Around the World*, Bruxelles, Bruylant / Éditions Yvon Blais, 1007 p.

FOBLETS Marie-Claire & SCHREIBER Jean-Philippe (dir.), 2013, *Regards croisés sur les assises de l'interculturalité / De Rondetafels van de Interculturaliteit / The Round Tables on*

Interculturalism, Bruxelles, Larcier, 501 p.

GOODALE Mark & MERRY Sally Engle (dir.), 2007, *The Practice of Human Rights. Tracking Law Between the Global and the Local*, New York, Cambridge University Press, 384 p.

INTERNATIONAL COUNCIL OF HUMAN RIGHTS POLICY, 2009, *When Legal Worlds Overlap : Human Rights, State and Non-State Law*, Geneva, ICHRP, 176 p.

LE ROY Étienne, 1999, *Le jeu des lois. Une anthropologie « dynamique » du Droit*, Paris, LGDJ, Col. Droit et Société, Série anthropologique, 415 p.

LE ROY Étienne, 2004, *Les Africains et l'Institution de la Justice*, Paris, Dalloz, 283 p.

MERRY Sally Engle, 2006, *Human Rights and Gender Violence. Translating International Law into Local Contexts*, Chicago and London, The University of Chicago Press, 2006, 269 p.

OTIS Ghislain (dir.), 2012, *Méthodologie du pluralisme juridique*, Paris, Karthala, 284 p.

PANIKKAR Raimon, 1978, *The Intrareligious Dialogue*, USA, Paulist Press, 104 p.

PANIKKAR Raimon, 1979 *Myth, Faith and Hermeneutics - Cross-cultural studies*, USA, Paulist Press, 1979, 500 p.

PANIKKAR Raimon, 1984, « The Dialogical Dialogue », WHALING F. (éd.), *The World's Religious Traditions*, Edinburgh, T. & T. Clark, 311 p (201-221).

PANIKKAR Raimon, 1984, « La notion des droits de l'homme est-elle un concept occidental ? », *Interculture*, Vol. XVII, n°1, Cahier 82, p 3-27 (paru initialement dans *Dyogène* en 1982).

PANIKKAR Raimon, 1990, "The Pluralism of Truth", Harry James Carger (éd.), *Invisible Harmony. Essays on Contemplation and Responsibility*, USA, Fortress Press, 1990, 210 p (92-101)

PANIKKAR Raimon, 1995, *Cultural Disarmament - The Way to Peace*, USA, Westminster John Knox Press, 1995, 142 p.

PANIKKAR Raimon, 1999, « La découverte du métapolitique », *Interculture*, n° 136, p 24-60.

SACHS Wolfgang (dir.), 1997, *The Development Dictionary. A Guide to Knowledge as Power*, Great Britain, Zed Books, 306 p.

SEN Amartya, 2007, *Identity & Violence. The Illusion of Destiny*, London, Penguin Books, 215 p.

SIZOO Édith (dir.), 2008, *Responsabilités et cultures du monde. Dialogue autour d'un défi collectif*, Paris, Éditions Charles Léopold Mayer, 328 p.

UNESCO, 2009, *Investing in Cultural Diversity and Intercultural Dialogue. Unesco World Report 2009*, Paris, UNESCO Publishing, 402 p.

VACHON Robert, 1985, « Le désarmement culturel et la Paix », *Interculture*, Vol. XVIII, n° 4, Cahier 89, p 37-43.

VACHON Robert (dir.), 1990, *Alternatives au développement. Approches interculturelles à la bonne vie et à la coopération internationale*, Victoriaville (Québec), Institut Interculturel de Montréal - Éditions du Fleuve, Col. Alternatives, 1990, 350 p

VACHON Robert, 1990, « L'étude du pluralisme juridique - une approche diatopique et dialogale », *Journal of Legal Pluralism and Unofficial Law*, n° 29, p 163-173.

VACHON Robert, 1990, « Du développement endogène à la solidarité interculturelle – Pour une réorientation radicale des ONG », in Robert VACHON (dir.), *Alternatives au développement. Approches interculturelles à la bonne vie et à la coopération internationale*, Montréal, Éditions du Fleuve, p. 289-348.

VACHON Robert, 1992, *La nation Mohawk et ses communautés. Chapitre 2 : Cultures politiques : occidentale et Mohawk. Une mise en contraste*, *Interculture*, n° 114.

VACHON Robert, 1995, *Guswenta ou l'impératif interculturel - Première partie : Les fondements interculturels de la paix*, *Interculture*, Vol. XXVIII, n° 2, cahier n° 127.

VACHON Robert, 1995, *Guswenta ou l'impératif interculturel - Partie 1, Volet II : Un horizon commun*, *Interculture*, Vol. XXVIII, n° 3, cahier n° 128, 43 p

VACHON Robert, 1995, *Guswenta ou l'impératif interculturel - Volet III : Une nouvelle méthode*, *Interculture*, Vol. XXVIII, n° 4, cahier n° 129, 47 p

VACHON Robert, 1997, « Le mythe émergent du pluralisme et de l'interculturalisme de la réalité », Conférence donnée au séminaire *Pluralisme et Société, Discours alternatifs à la culture dominante*, organisé par l'Institut Interculturel de Montréal, le 15 Février 1997, 34 p. Consultable sur <http://www.dhdi.org> à <http://www.dhdi.free.fr/recherches/horizonsinterculturels/articles/vachonpluralism.pdf>.

VACHON Robert, 1998, « L'Institut Interculturel de Montréal et sa revue. Une alternative interculturelle et un interculturel alternatif », *Interculture*, n° 135, p 4-75.

VACHON Robert, EBERHARD Christoph (dir.), 2011 *Défis de l'interculturel à la gouvernance – Governance : Challenges of Interculturality*, numéro 158 thématique d'*Interculture*, consultable sur: <http://www.iim.qc.ca/publications/Documents%20PDF/interculture-158.pdf>

von BENDA BECKMANN Franz, 2002, “Who's afraid of legal pluralism ?”, *Journal of Legal Pluralism and Unofficial Law*, n° 47, p 37-82.