

Rights and Pluralism in a Globalising World:
The Role of Civilisation Dialogue

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Any discussion of rights and governance in a plural world must first come face to face with the multifaceted and mutually reinforcing upheavals that have buffeted the international system this past century: the phenomenon of ‘total war’ as reflected in two world wars and the possibility of nuclear war, the profound and seemingly unbridgeable gap between rich and poor, and the increasingly dangerous disruption of planetary ecosystems. To this must be added the organised mass slaughter of innocents, which is at the centre of much contemporary experience – one need only mention the German Holocaust, Hiroshima and Nagasaki, the Cambodian ‘killing fields’, the ethnic cleansing practices that followed the breakup of the former Yugoslavia, and the Rwandan genocide. These indelible stains on the collective human conscience have inevitably given added poignancy to the human predicament, and paradoxically enough engendered a steadily expanding consciousness of a shared human destiny.

Since the end of the Second World War we have seen the slow but steady rise of ‘world opinion’, and increasing attention focused on gross human rights violations, war crimes, crimes against humanity, and more generally the abuse of power. The communications revolution, itself the product of the globalisation of market forces, has provided the material basis for a vastly expanded arena of ethical discourse that cuts across national, cultural and religious boundaries. As a consequence, we are seeing, at least embryonically, the growth of new forms of discourse and action that do not replace but complement those of the past. National debate continues to serve as an important form of social participation, but increasingly it interacts with new forms of cultural and political expression and activity, which centre as much on local, regional, transnational and global as on national space (Urry 1999, 266).

Ethical discourse does not, of course, offer instant answers to hard and contentious questions: How are we to interpret the changing face of terrorism and its social and political roots? How appropriate is the ‘war on terror’ as a response to the problem? What constitute effective and acceptable approaches to the administration of criminal justice on a global scale? When is ‘humanitarian intervention’ legitimate? How stable or defensible is the present balance between nuclear haves and nuclear have-nots? How can the Arab-Israeli conflict be resolved? Do unilateralist ‘coalitions of the willing’ have a place in the management of international crises? What is the future of regional and global institutions? In one way or another each of these questions points to the need for dialogue centred on the rediscovery, renegotiation and reinvigoration of the twin notions of human rights and humane governance.

The analysis proposed here rests on two assumptions: first, that since the late 1980s human rights have moved much closer to the centre stage of international affairs; and secondly, that this trend is unlikely to be reversed in the foreseeable future. Events in Burma, Cambodia, Rwanda, Indonesia/East Timor, the former Yugoslavia, Afghanistan, Iraq, to name only the most dramatic examples, and the international response to these events make it clear that human rights have become an integral part of the economic, social and political agenda, whether conceived in national, regional or global terms. The contention of this paper is not that the tensions surrounding the theory and practice of rights have been resolved – or that they can ever be fully resolved – but that dialogue offers the only creative response to these tensions.¹ Our concern here is not therefore to reformulate the competing claims of

¹ This paper draws substantially on, but also develops, the analysis offered in *Regionalism in the New Asia-Pacific Order* (Camilleri 2003, 280–295).

universalism and cultural relativism, much less to adjudicate in favour of one or other claim.² The aim is rather to explore the meaning, usefulness and modalities of dialogue as a response to cultural pluralism.

The idea of ‘rights’ and cultural pluralism

We begin the analysis by briefly revisiting the Western conception of human rights. Daniel Skubik describes the Western, and more specifically Anglo-American, tradition in terms of the following key attributes: (1) individuality (each human being is considered to be a separate, distinct whole.); (2) moral agency (each person, is a free, autonomous agency); (3) moral equality (each individual is deemed inherently equal); (4) rationality (each individual has access to reason); (5) individual integrity (each person has an inherent dignity concomitant with his or her individuality) [Skubik 1992, 31]. These attributes help to explain the Western preoccupation with negative rights understood as freedom from undue interference or repression by political authority. The stress on negative rights and individual choice is in sharp contrast to the idea of positive rights (understood as freedom to) which emphasizes the needs of others and supports principles of justice.

Though the Western conception has its origins in the Judeo-Christian notion that all men are equal in the sight of God, its modern expression is inextricably linked to the growth of capitalism and to the rise of the merchant and manufacturing classes that gradually displaced the power of monarchs and feudal lords. Over time it became an integral part of the culture of modernity with its emphasis on rationality, efficiency, predictability, scientific advance and productivity. Partly as a consequence of its global economic, political and military dominance the West has come to believe in the universality of its dominant discourse and to measure progress in the light of its own achievements.

Western modernity has, in practice if not in theory, tended to rupture the traditional attachments to local community and to create instead mobile and atomised populations whose claim to humanity rests more and more on the assertion of individual rights vis-à-vis an impersonal, distant and bureaucratized governmental apparatus. An important part of the explanation for this trend is to be found in Western epistemology, and in particular its bias for analytical thinking, the net effect of which has been to interpret and segment society in zero-sum or adversarial terms, and to view one of the primary functions of conflict as identifying winners and losers. Galtung’s characterisation of ‘Western social cosmology’ as a complex process of fragmentation and marginalization, though oversimplified is nonetheless illuminating. It rightly points to the separation of one individual from another, material from non-material needs, and the private from the public sphere. While civil and political freedoms are considered the norm in the public sphere, they can coexist, both normatively and practically, with the widespread incidence of poverty and inequality in the private sphere (Galtung 1990).

To draw attention to these shortcomings is not to ignore the very substantial contribution of the Western liberal tradition, but rather to indicate that it does not represent the last word in human rights discourse. Vincent rightly reminds us that ‘three worlds of democracy’ have found philosophical and political expression in the West: one modelled on civil and political rights (Locke); the second on social and economic rights (Marx); and the third on collective rights (Rousseau) [Vincent 1986, 51–2]. It is fair to say that of these three the Lockean view

² The issues are well rehearsed by Jack Donnelly (1989), Renteln (1990) and Michael Freeman (2002).

has thus far been the dominant one. The same three tendencies are also to be found in the non-Western world, but here the mix has assumed a different and more subtle complexion.

The contemporary international human rights regime has, of course, been guided largely by the West, which helps to explain the dominance of the liberal democratic tradition. Many of the international human rights instruments were shaped at a time when the vast majority of Asian and African societies had scarcely asserted their right to self-determination. Even in the aftermath of political independence, most Third World countries, though formally participating in human rights forums and institutions, could exercise only limited leverage over a process that was still driven largely by Western perceptions and priorities. The 'Asian versus Western values' debate of the late 1980s and 1990s may therefore be interpreted as a reaction to this phenomenon (Camilleri 2000, 389–91). Though their motives varied widely, East Asian elites, encouraged by their economic success, found it useful to challenge the assumption of a universal human rights consensus (Lee 1994; Mahbubani 1995, Koh 1996). Whether they judged the prevailing Western discourse as prejudicial to their political and economic interests, or whether they hoped to use cultural and civilizational arguments to advance alternative conceptions of regional integration is open to debate. Whatever the motive, the net effect was to call into question the hegemonic control of human rights discourse (Camilleri 2003, 273–80).

The ensuing acrimony, for example between the United States and China or between the European Union and ASEAN, seemed at first sight to give added weight to the notion of an impending 'clash of civilizations'.³ Both sides of the divide were no doubt hoping to extract political advantage from the notion of a deep and perhaps unbridgeable civilizational gap between cultures. The view that the world's major religious and ethical traditions were heading for a civilizational clash based on diametrically opposed conceptions of rights and responsibilities, though seldom explicitly made, became a clearly discernible undertone of much public comment. Such a view is simply not sustainable.

To substantiate this claim we have reviewed elsewhere the social cosmology of four of Asia's most influential religious and ethical systems: Hinduism, Buddhism, Confucianism and Islam (Camilleri 2003, 280–95). The normative structure of any culture is, of course, a complex phenomenon which cannot be reduced to a religious or ethical tradition, however dominant it may be. On the other hand, for most of the societies under consideration the religious and ethical world-view is so closely inter-connected with other social and cultural variables as to offer useful insights into the dynamics of social and political discourse. The survey, it should be stressed, did not set out to establish some fictitious identity between Asian and Western cultural traditions, but rather sought to sift the evidence pointing to either differences or commonalities.

Each of the great traditions represents, admittedly with considerable variation, a subtle cosmology that combines the individual and the whole. Notwithstanding the importance which the caste system has acquired over the centuries, the Hindu tradition not only tolerates periodic challenges to the hierarchical order, but gives expression to a complex cosmology in which each group respects 'the rights and dignity of the others' (Thompson 1980). The central concept of duty or *dharma* itself points to an ideal of society that provides for 'the righting of injustices, the restoring of balance which men in their ignorance or out of selfish

³ The term was first coined by Bernard Lewis (1990) and subsequently adopted by Samuel Huntington (1993) as the central ordering concept in his analysis of the contemporary international system.

passions had disturbed' (Chatterjee 1983, 19). Buddhism, which emerged as a corrective to Hinduism in the fifth century BC, takes the notion of the renunciation of self to its ultimate conclusion. Human beings are seen as transient or impermanent. On the other hand, the life of the individual is recognised as a unique experience, a unique combination of past and present relationships and experiences. The life of the person is inseparable from the totality of life, hence the centrality of the twin notions of non-injury [ahimsa] and compassion in the treatment of sentient beings (Mabbet 1998, 21). Confucianism, for its part, offers an ethical code rather than a supernatural or metaphysical cosmology. But within the complex Confucian and neo-Confucian interpretations of social relationships, we find a profound attachment to personhood, hence the importance of manners, customs and traditions which define obligations, but at the same reflect and nurture the 'humaneness' and 'humanity' of Confucian ethics (De Bary 1988).

Islam

Islam merits somewhat closer attention here because of the centrality it has assumed in contemporary geopolitics, but also because it is central to the concerns of the Workshop to which this paper contributes. Though Islam is often associated with the societies of North Africa and the Middle East, its demographic centre of gravity lies in South and Southeast Asia, with its adherents accounting for the majority of the population in Pakistan, Bangladesh, Malaysia, Brunei and Indonesia, and for significant minorities in India and the Philippines. In its geographical but also cultural and political manifestations, Islam is itself a highly pluralistic community. One need only consider the composition of the Organization of the Islamic Conference, in which some fifty-seven Muslim governments represent a rich spectrum of political systems and ideologies, "including monarchies and republics, conservatives and revolutionaries, practitioners of capitalism and disciples of various kinds of socialism, friends and enemies of the United States, and exponents of a whole spectrum of shades of neutrality" (Lewis 1998, 24). There is clearly much more to Islam than the stereotypical image of religious fundamentalism and political extremism conjured up by much media reporting in the West.

There is nevertheless among Muslims of widely diverse religious and political persuasion a sense of unity derived from the precept of 'primordial divine unicity' (*tawhid*) and reflected in the 'communitarian construction of the flock of the faithful' (*umma*) [Sheikh 2003, 21]. Viewed within the context of this cosmopolitan unity, the Islamic faith ascribes considerable importance to the closely related concepts of rights and duties. Islamic scriptures, beliefs and traditions do not accord with the Western secular philosophy of the rights of citizens, but a spate of pronouncements and declarations by religious and political leaders suggest that the connections are both numerous and illuminating (Fitzgerald 1993, 19–21). The 1980 Colloquium of Kuwait, jointly sponsored by the International Commission of Jurists, the Union of Arab Advocates and the University of Kuwait, reached the following conclusions: (1) *the Qur'an* and the *Sunna* present a total way of life which assures both men and women their freedom and their rights; (2) minorities in Islamic countries have the right to practise their faith, to engage in work of their choice, and to avail themselves of public resources; (3) Islam gives learning and science an honoured place in the community, and recognizes freedom of opinion and expression; (4) Islamic law is based on the principle of social equality; (5) in the area of penal law Islamic principles have regard to individual security (e.g. prohibition of torture and false arrest) and the well-being of society. The Colloquium conceded that Islamic practice did not always match Islamic law, and insisted on the need for a periodic review of the *Shari'ah* (i.e. codification of Islamic law) to deal with the unforeseen circumstances of modern life (*Human Rights in Islam* 1982, 22–25; Traer 111–12).

A more conservative but comprehensive statement, the Cairo Declaration on Human Rights in Islam, was issued by the Nineteenth Islamic Conference of Foreign Ministers in August 1990. It affirmed the principle of human equality, without distinction of race, colour, language, religion, sex, political affiliation or social situation, and declared human beings to be born free, with no one having the right to enslave, humiliate, oppress or exploit them. Numerous other Islamic scholars, jurists and religious leaders have since returned to the same theme, arguing for the compatibility of human rights and Islamic faith, and setting out the basic principles in Islam which define and legitimate these rights (Traer, 113–14).

For Islam human rights, it should be said, are not merely or even primarily the rights of individuals, but the rights of the community. In the Islamic conception freedom is affirmed as the necessary foundation for the establishment of a stable community, in which people cooperate for the sake of the common good. Conversely, the function of the stable community and of the resultant political system is to utilise resources so as to satisfy human needs and promote human creativity. The four types of freedom identified by Islam (personal freedom, freedom of expression, freedom of religious beliefs, and freedom of private ownership) form part of an ‘egalitarian, community-oriented approach to freedom’, which distances itself from individualistic liberalism in order to stress participation in cultural creation (Said and Nasser 1980, 75–6).

One other feature of the Islamic understanding of governance is worth highlighting. Whereas the modern Western conception of democracy is often associated with the notion of popular sovereignty, in Islamic theory, as indeed in medieval Christendom, rulers are but God’s representatives on earth; their rule ultimately rests on divine authority. The Islamic state becomes a vehicle for God’s will, which among other things requires it to prevent all forms of exploitation and injustice and to nurture instead qualities of purity, beauty, goodness, virtue, success and prosperity (Mawdudi 1980, 9–11). Not surprisingly, in the Islamic tradition it is the duties of rulers rather than the rights of subjects which find stronger expression.

As already intimated, Islamic thought and practice constitute an intricate tapestry of different cultural and theological strands, which in part explains the ambiguous and at times elusive relationship of Islam to governance and rights. The acute tension between traditionalists and modernisers is but one manifestation of this diversity. The idea of the Islamic state is itself open to numerous and at times conflicting interpretations. For some the Islamic state is the set of institutional and legal arrangements which express and entrench Islamic principles, including notions of justice, equality and the dignity of the human person. For others the Islamic state is an antidote to the social ills of modernity, offering a path to the restoration of divine will. For others still it is a response to long years of Western political and cultural domination and to widespread disillusionment with Western lifestyles and the Western model of development (Mayer 1988, 99–100). A vast debate is currently under way within the Muslim world as to the appropriate relationship of religious faith to legal and political practice.

Commonality, difference and complementarity

The preceding sketch hardly does justice to the complex relationship between rights and cultural and religious plurality – the sketch we have offered hardly exhausts the cultural or religious diversity to be found globally, regionally or even nationally, nor does the broad brush we have used permit an adequate characterisation of any one of the major ethical

traditions. Enough has been said, however, to indicate that plurality entails the subtle coexistence of both difference and commonality, which in turn raises the interesting but often neglected possibility of complementarity.

In any case, the conjunction of reciprocal influences across cultures and civilisations is anything but static. The multiplicity of influences, both indigenous and external, which are helping to shape the political culture of any society, are furiously interacting with each other and are, in the process, contributing to the slow but steady transformation of norms and expectations. The emphasis of much conventional analysis on “the primordial, essentialist, and immutable nature of religion or religiously based social identities, ideational communities, civilizations or culture areas” is at best questionable (Thomas 2000, 13). As Pollis makes clear, ‘norms and values are in continual contention and flux in both the West and elsewhere’ (Pollis 2000, 24). Which strains are dominant within a given religious tradition at a given moment is likely to be determined by the interaction of multiple social and political forces at that historical juncture. Cultural values and beliefs are the subject of periodic reinterpretation, which cannot but affect inter-religious and inter-cultural communication.

Given these important caveats, what useful generalisations might we make when considering the nature of religious pluralism? First, as numerous writers have observed, the major non-Western religious and ethical traditions, notably Hinduism, Buddhism, Confucianism and Islam, share with Western liberalism and the Judeo-Christian tradition from which it springs a sense of the dignity of human life, a commitment to human fulfilment, and a concern for standards of ‘rightness’ in human conduct (Muzaffar 1999, 25–31; Pollis 200, 23). A striking commonality, derived from these bedrock principles, is a shared commitment to humane and legitimate governance, although the criteria of legitimacy may vary considerably from one tradition to another. There is, one may reasonably conclude, sufficient common ground between these religious and ethical world-views to make possible an on-going conversation about human ethics in general, and political ethics in particular (Friedman 1999, 32–55).

On the other hand, there is no denying that each civilisational current and cultural formations has its own distinctive features. There are at any given historical moment significant differences in metaphysical conceptions, symbolic frameworks, and ethical codes. It must not be assumed, however, that differences are necessarily inimical to fruitful normative discourse either within or between the major civilisational strands. One of the key contentions of this paper is that the dialogical process may benefit as much from difference as from commonality. Differences certainly lead to sharp disagreement and even violent conflict, but they also offer an avenue for the exploration of much needed complementarities.

It is at least arguable that the non-Western traditions we have reviewed, not least Islam, can richly contribute to the universality and comprehensiveness of the evolving global governance and human rights regimes. Five dimensions may be said to characterise their collective contribution. First, they provide a richer and more varied conception of political space, by establishing a closer connection between human rights and human needs, notably those of the disadvantaged (hence the emphasis on social and economic rights). Secondly, they offer a more holistic understanding of the human condition by establishing a closer connection between rights and obligations and between the individual and the community (hence the dual emphasis on rights and responsibilities). Thirdly, they help to situate citizenship within a larger social context, opening up new possibilities whereby the individual can think and act not as a disaggregated atom but as a member of several overlapping

collectivities. There is much to be said for a deeper understanding than is evident in the Western liberal tradition of the rights of indigenous peoples, of minorities, but also of the collective rights of peoples to a healthy environment, to security, to a share of the common heritage of humanity (Camilleri 1994).

The other two dimensions flow from the preceding three but have an importance of their own. The first involves a rejection of Western hegemony, that is, a rejection of the view that the West enjoys a monopoly on the definition of human needs and human rights. Western liberal formulations (and the idea of progress on which they rest) are not seen as applying universally across time and space. Human rights standards may be universal in scope at a given moment, but how these standards are understood and applied is likely to change over time. This brings us to the last aspect of the non-Western contribution to human rights discourse, namely the emphasis on consensual decision-making. If participation is one of the criteria of legitimate governance of a nation's affairs, then presumably the same criterion applies when the arena shifts from national to international governance, be it regional or global. In other words, an international system of law and rights is more likely to command universal respect to the extent that it proceeds by way of negotiation, involves all parties concerned, and incorporates the insights of their respective traditions.

Civilisation dialogue: functions and modalities

The immense challenges posed economic and technological globalisation suggest that over the next several decades a dialogue of global proportions will need to emerge – global in the sense that it cultivates the sharing of insights across the major faultlines in the geopolitical and geocultural landscape, not least the faultline separating Islam and the West. Numerous steps have already been taken in this direction, including the establishment of several research and educational centres of 'civilisation dialogue' in different parts of the world, the expanding body of scholarly literature exploring the deeper meaning, modalities and practical possibilities of such a dialogue, and the steps taken by the United Nations, the Asia–Europe Meeting (ASEM) and other international organisations to give added legitimacy and potency to the idea.⁴ In the course of the twentieth century, and especially since over the last fifty years, inter-faith dialogue, not least in Australia, has gained increasingly wider currency and legitimacy (Pratt 1994, 8–11; Baldock 1994 21–22; Phillips 2003).⁵

Here it may be useful to dwell, however, briefly on the nature and meaning of inter-civilisational dialogue, so succinctly and sensitively expressed by Mohammad Khatami:

... 'dialogue' pertains neither to skeptics, nor does it belong to those who believe the truth to lie solely within their own claws and under their own domination. Rather, understanding reveals its beautiful, albeit veiled countenance, only to the wayfarers of the path whose followers travel hand in hand, and in step with each other.

The phrase 'dialogue among civilizations and cultures', which should in fact be interpreted as the process of 'speaking and listening among civilizations and cultures', is based upon such an account of truth (Khatami 1999).

⁴ The UN General Assembly (see resolutions 53/22 of 4 November 1998, 54/113 of 10 December 1999 and 55/23 of 13 November 2000) declared 2001 the 'Year of Dialogue among Civilizations'.

⁵ Of particular interest in the Asia-Pacific context of Muslim-Christian dialogue was the First Asian Gathering of Muslim Ulama and Christian Bishops in Asia, held Manila, 18-20 August 2003 (see *Info on Human Development* 2003).

In similar vein Hans Koechler has described civilisation dialogue as the process where ‘the “other” serves as the “corrective” of one’s own understanding of the world and one’s system of values, and not as the adversary against whom to aggressively assert one’s identity and ensure one’s very survival’ (Koechler 2002). Dialogue is envisaged here as a communicative process, in which the ‘seer’, that which is seen, and the very act of seeing are reinterpreted in ways that are tailored to the needs of the unipolar moment, taking advantage of but also critically responding to the material unification of a shrinking yet fragmenting world.

What, then, are the principal aims of the dialogical project? First, and most obviously, it has to break through the material and psychological walls that have been painstakingly built to protect institutional interests and the politics of fear. Secondly, such dialogue must deepen not only the appreciation of diverse civilisational achievements and perspectives but also the awareness that such diversity is “the collective heritage of humankind”.⁶ To misunderstand, belittle or exclude any of the major civilisational strands is to impoverish the collective inheritance and to diminish each of its heirs. Thirdly, dialogue needs to encourage and draw sustenance from an emerging conception of citizenship that understands the value of both commonality and difference, and enables them to co-exist, illuminate and reinforce each other.

None of this is to suggest that the theory and practice of dialogue and the wider normative framework of governance are likely to evolve without pain or confusion. The modalities of dialogue will be developed in multiple ways that reflect the specificities of time, space and cultural and political setting. Two important dimensions of the dialogical process are worth stressing. First, citizens and the various communities to which they belong must come to terms with the difficult task of reconciliation. The history of each civilisation is steeped in the experience of suffering at the hands of others. Many societies and communities have endured – some continued to endure – the violence and humiliation to which others have subjected them. Yet, many of these same communities and societies have themselves been the perpetrators of violence. Reconciliation will require citizens and communities to share their stories, to listen to one another’s experience of pain, to acknowledge past wrongs, to accept responsibility for righting the wrongs of the past.

To the extent that dialogue facilitates reconciliation it becomes a force for healing. This primary function is, however, closely connected with and supportive of a second function. Insightfully applied, dialogue can nurture a powerful ethic for reappraising the adequacy of existing forms of human organisation and reinvigorating the advocacy of new ones. The implications for states and international organisations, be they regional (e.g European Union, ASEAN) or global (e.g. UN security council, IMF, WTO, WHO) are far-reaching. These institutions have a tendency to appropriate normative and ethical ideas and symbols in the pursuit of vested interests. Official rhetoric is often used to find favour with powerful constituencies, be they domestic or international. The

⁶ See UN General Assembly Resolution 56/6, 21 November 2001, *Global Agenda for Dialogue among Civilizations*.

dialogical project, by definition, subjects the collective fatalism or determinism of powerful structures to probing scrutiny, and allows the diverse civilisational currents to feed the utopian imagination.⁷

The preceding analysis offers no more than a possible trajectory of civilisational dialogue. Such a possibility may or may not materialise depending on several interdependent variables, two of which merit particular attention: the extent to which the national state will allow the voices of civil society sufficient political space to express themselves, and conversely the extent to which the discursive practices of civil society will be able to draw on the deepest civilisational insights to influence the political processes of states, but also the international rule of law and the constantly expanding network of regional and global institutions.

In Australia the pronouncements and actions of national government have not in recent years been especially kind to the culture or politics of dialogue. In foreign and defence policy, as in immigration, refugee and multicultural policy, the accent has been on finding comfort and sustenance in the white Anglo-Australian heritage and the global preponderance of American power. Yet Australia remains well placed to engage in civilisation dialogue, for in its midst are represented many of the world's religious and cultural traditions. History and geography have endowed the country with a unique opportunity to weave together the wisdom of diverse civilisational strands – evident in Australia's cultural and religious diversity, in the encounter between Indigenous and non-Indigenous Australia, and in its proximity to the extraordinarily rich cultural and religious mosaic that is Asia Pacific. Whether in the years ahead Australia's schools and universities, its media, and its religious and political institutions will find ways of making the dialogue of civilisations an integral part of everyday life remains an open question.

⁷ This dimension is a frequently recurring theme in the work of the Office for Human Development of the Federation of Asian Bishops' Conferences (Wilfred 2002).

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