

Anthropologists and Global Alliances

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Fadhil Lubis, 'Institutionalization and the unification of Islamic courts under the New Order', *Studia Islamika* 2(1), pp. 1-51, 1995, and other articles in this trilingual, international journal of Indonesian scholarship on Islam; see also C.W.

Watson's summary of Amir Syarifuddin's legal analysis in his 'Islamic family law and the Minangkabau of West Sumatra', *Cambridge Anthropology* 16 (2), pp. 69-84, 1992/1993 (the entire issue of which is devoted to Islamic social and legal topics.)

7. For excellent studies along these lines see Messick B. *The calligraphic state: textual domination and history in a Muslim society*. Berkeley: U. of California P., 1993, and Rosen L. *The anthropology of justice*. Cambridge: CUP, 1989.

8. See the articles by Taylor, Habermas, and Walzer in Taylor C., et al. *Multiculturalism* (2nd ed.). Princeton: U.P., 1994, and W. Kymlicka, *Multicultural Citizenship*, Oxford: OUP, 1995.

9. On the question of whether liberalism does, as is often assumed, provide for more autonomy than, say, Hindu or Muslim social arrangements, see Bhikhu Parekh, 'Decolonizing liberalism', in A. Shtroum, ed., *The End of 'Isms'? Reflections on the fate of ideological politics after Communism's collapse*, pp. 85-103, Oxford: Blackwell, 1994.

10. See the articles in Mahnaz Afkhami (ed.) *Faith and Freedom*, Syracuse, NY: Syracuse U.P., 1995.

and comment on these questions, and have become at least passably literate in the normative discussions about civil society and the public sphere carried out by Charles Taylor, Michael Walzer, Jürgen Habermas and many others. Yet we may have forgotten that these projects begin from a particular Western tradition of liberal democracy that prescribes certain limits to the set of feasible outcomes of political analysis.

Current discussions, it seems to me, revolve around two models for public pluralism. One model is of a shared public culture that incorporates one religious tradition in a more or less explicitly dominant position – naively, as when 'Judaean-Christian tradition' is invoked on the floor of the U.S. Congress, sophisticatedly, as when Stephen Carter defends public Christianity in the U.S. or Charles Taylor defends Quebecois cultural preservation. Advocating this model will always end up excluding religious groups that differ strongly from the dominant tradition. These groups can only then exist as counter-publics. Contrast how your average American would respond to the idea of a Muslim U.S. President, to how the Million Man March so effectively fused Christian and Muslim themes and speakers.

A second available model is of a resolutely public secularism plus private cultural differences, as in the modern French insistence on public *laïcité*, or, to mention a philosophical version, Jürgen Habermas's vision of an infra-cultural German public sphere of rational civic discourse. This model appeals to our post-Enlightenment selves. But it has the twin defects of being capable of incorporating *neither* those public religious practices that do in fact form a strong part of public life, such as the hanging of crosses on Bavarian school walls or around the necks of French schoolchildren, *nor* those public religious practices that followers of other religions consider divinely mandated, such as wearing Islamic dress in public schools or announcing worship times over loudspeakers.⁸

Neither model, *a fortiori*, countenances a distinct system of religious law. Religious legal structures lie out-

side the modern, post-1648 political consensus. And yet they not only exist in miniature in all the countries mentioned – most interestingly in Jewish family courts in New York State – but have been adopted as alternative starting points for social change elsewhere. In Indonesia, and in other countries, it may come to pass that, for certain issues (and I have discussed only family law ones) two or more distinct systems of social justice – each formulated in its own sphere of discourse, rational unto itself – will come to coexist, linked through tacit acquiescence in practical compromises, or by state ideologies, or by local ideas of history. We need to develop theoretical models that can encompass such systems, perhaps starting with Walzer's notions of dominance and autonomy across spheres, and Habermas's idea that individual autonomy requires that citizens sense that the laws are their own. We also need to countenance the social science possibility that having their own religious law may make a community more accepting of differences on other, say on electoral or cultural, planes.⁹

A final question. Can we hold in our minds both a plurality of starting points regarding law and civil society, *and* our stands on human rights and tolerance for diversity? I believe that we can, and that the way to do so is to begin by studying, as good anthropologists, the ways in which people engage in translating socio-moral imperatives across legal systems. I have mentioned one example – the translation by Islamic scholars between Indonesian local inheritance practices and Islamic law. Let me end with another, international one: the efforts by a network of 'Women living under Muslim laws' to exchange knowledge, often by living in each other's country, on the diversity of Islamic interpretations, and then to use this new knowledge to change jurisprudence and legislation in their home countries.¹⁰

Anthropologists can usefully intervene by studying, communicating, and supporting ongoing efforts to translate and reinterpret legal ideas and practices, thereby recognizing a plurality of possibilities for rational discourse and social tolerance. □

comment

ANTHROPOLOGISTS AND GLOBAL ALLIANCES

Mining companies and lawsuits were far from my mind when I first visited Papua New Guinea about a decade ago. Inspired by the work of my anthropological predecessors, I planned to study the ritual and cosmology of the Yonggom people living along the border between Papua New Guinea and Irian Jaya, Indonesia. Yet despite the remote location of the village where I did fieldwork, on moonless nights we could see the lights of the Ok Tedi copper and gold mine located 100 km. to the north in the Star Mountains.

Production at the mine began several years before I arrived. Marine life in the river had already been affected by cyanide spills. After a landslide caused the collapse of a planned tailings dam, the mine received permission from the government to discharge millions of tons of mine waste directly into the river each year. Soon the

Ok Tedi River was transformed into a muddy torrent. The fertile river banks where the Yonggom made their gardens were covered by tailings. When it rained heavily in the mountains, the Ok Tedi River overflowed its banks and swept the tailings into the adjacent forests, upstream into the lesser tributaries of the river, and into the sago swamps that provide the Yonggom with the bulk of their diet. Today, nearly 50 sq. km. of rain forest along the Ok Tedi River stand currently lifeless.

In the mining industry, large-scale projects like the Ok Tedi Mine are referred to as 'elephants', and Papua New Guinea is known as 'elephant country' because of the number of large mines that it supports. Given that the state does not collect taxes from its rural populations, it must ride on the back of the elephants in order to pay its

bills (C. Filer, personal communication). Papua New Guinea's dependence on natural resource extraction projects, and its reluctance to anger the other elephants, kept the state from imposing stricter environmental standards on the Ok Tedi Mine.

The resulting social and ecological nightmare remained a mining company secret because the Yonggom lacked the political skills and resources necessary to communicate effectively on their own behalf. This has changed substantially over the last five years as the Yonggom and their neighbours have taken the lead in the formation of a global alliance of landowners, ecological activists, anthropologists and lawyers. Together they have mounted a worldwide campaign to stop the mine from polluting the Ok Tedi and Fly Rivers.

Two Yonggom leaders, Rex Dagi and Alex Maun, stand out in the challenge against Broken Hill Proprietary (BHP), Australia's largest corporation and the managing partner of the mine. Assisted by the Wau Ecology Institute in Papua New Guinea, Dagi and Maun presented their case against the Ok Tedi Mine to the International Water Tribunal in The Hague. Invited to Bonn by several church groups, they urged German shareholders in the mine to press for environmental reform. Dagi attended the 1992 Earth Summit in Rio de Janeiro, while Maun recently spoke to indigenous leaders in northern Canada regarding BHP's bid to gain the concession for a diamond mine. Through these experiences, they have developed a broader understanding of their stand-off with the mine, and have become capable political leaders.

The central component of their challenge to the mine was a set of lawsuits directed against BHP in the Australian courts. The suits were filed by Melbourne lawyers Slater and Gordon on behalf of 30,000 indigenous inhabitants of the Ok Tedi and Fly Rivers.

The out-of-court settlement of the litigation announced on 12 June 1996 provides an opportunity to evaluate the usefulness of cooperative endeavours joining indigenous peoples, anthropologists and activists. The working principle of these coalitions is that political responses to the problems caused by multinational corporations must focus on global interconnections. For such campaigns to be successful, indigenous leaders such as Dagi and Maun must take the leap from the rain forest to international meetings, to press conferences, and to the courts. For anthropologists, renewed attention to our own society's responsibilities for conditions elsewhere in the world creates an opportunity for us to apply our skills closer to home, where they may be more effective.

The lawsuit against BHP attracted international attention in part because it was an example of an 'alien tort' case, in which multinational corporations are held legally accountable by the courts in their home country for their actions abroad. Several other cases of this type are currently under way in the United States. An American company which owns a gold and copper mine in Irian Jaya, Indonesia, faces a suit in the USA on environmental grounds, as well as for alleged collusion with Indonesia's military forces. A case against Texaco's petroleum operations in the Amazonian Oriente, in Ecuador and Peru, may soon be heard in New York.

Several major factors contributed to the settlement of the litigation against BHP. The Papua New Guinea government regarded the Australian legal action as a threat to their sovereignty, and lawyers from BHP helped them draft legislation that criminalized participation in certain foreign legal proceedings.¹ The new law faced a

constitutional challenge and international opprobrium. When Dagi and Maun indicated their willingness to face prison in order to see justice done, the Australian media dubbed BHP the 'Big Australian Bully'. On the American front, influential consumer advocate and legal activist Ralph Nader spoke out against the mine at approximately the same time that BHP was expanding its copper holdings and setting up a new American copper division. Negative publicity and campaigning by Yonggom landowners put future BHP prospects in jeopardy. The crisis management team in BHP headquarters was working overtime, spending millions of dollars.

The settlement reached between the Papua New Guinea government, which is a minority shareholder in the mine, BHP, and the landowners, includes plans for pumping the tailings from the mine into a lowland catchment area, along with dredging and environmental rehabilitation. The Ok Tedi Mine will also set up a US\$100m. trust fund for the people living along the rivers, and another US\$35m. trust for the most severely affected communities along the lower Ok Tedi River. BHP will also pay the landowners' legal fees, and a 10% share of equity in the mine will be set aside for the benefit of the province.² It may be possible to galvanize the international conservation organizations that have taken an interest in the case into providing oversight and monitoring of the implementation of the agreement.

The central component of the settlement is a binding commitment to resolve the fundamental problem, the responsible handling of tailings and waste rock from the mine. Yet remedial action probably comes too late for the people of the Ok Tedi River, where environmental damage has already crippled subsistence production. Fortunately, however, this level of environmental impact will probably not be replicated downstream of the Fly, the major river of the province. For the moment, the parties have something to agree on, although it is doubtful that this opportunity will last long, as no form of economic compensation will ever replace what they have lost. Hopefully, mining companies have learnt that they will be held accountable for their environmental impact and that they need to build stronger relations with landowners downstream.

The jury remains out on the value of alien tort cases. The case was settled before the judge issued a ruling on whether his court had jurisdiction to hear the case. Nevertheless, it was the legal proceedings that boxed BHP into a corner and focused international attention on the people living downstream from the mine.

What can one learn about global alliances of the kind that led to the settlement of the Ok Tedi case? Their achievements are likely to be moderate, because they are built on a chain of compromises. Leaders from the affected communities must gain the skills

and knowledge that they need in order to make their own, informed decisions. Corporations may employ bully tactics to break up the alliance, including legal threats, offers of employment, and hiding behind host governments. Ultimately, however, the combination of public scrutiny and legal pressure can sometimes carry the day.

What can be learnt about the potential contribution of anthropologists to such alliances? We are in a good position to analyse the social costs of environmental problems and to suggest potential remedies. Although we can be effective advocates for indigenous communities, it is preferable to assist them by providing information that they can use to support their claims. While the risk of political fallout from taking an activist stance cannot be ignored, it may be muted when anthropologists focus on the responsibilities of their own societies to regulate business and industry, including their overseas operations.

Such global alliances may only be practical for the most egregious of circumstances. They also may not always succeed, as Ken Sero-Wiwa's execution and the ongoing protest of the Ogoni against Royal Dutch Shell in Nigeria illustrate. Nonetheless, the outcome of the Ok Tedi case is encouraging. While the courts have generally been reluctant to acknowledge their jurisdiction over corporations operating abroad, other political and economic strategies, such as linking political risk insurance to compliance with standards for industry at home, have promise as effective sanctions as well. Some anthropologists may be concerned that such activism may compromise our status as impartial social scientists. In my view, however, this activism is a responsible extension of the anthropological commitment to maintain reciprocal relations with the people with whom we work. □

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Parts of the article relating to BHP were referred to them for comments, which are summarized as follows.

1. The PNG government did close the mine for a period, but made a political judgment, on the balance of advantage, to permit riverine disposal of the tailings.

2. The impacts on the Yonggom are balanced by positive impacts on other tribes around the mine, e.g. sharp reductions in infant mortality and increases in life expectancy.

3. Certain leading PNG politicians and civil servants deserve much of the credit for brokering the supplementary package of benefits for the Yonggom and Awin people of the Lower Ok Tedi. A reconciliation process was sponsored by the Minister for Mining and Petroleum.

4. The Restated Eighth Supplemental Agreement (R8SA), as enacted, contains no provisions that criminalize participation in foreign legal proceedings. The Compensation (Prohibition

of Foreign Legal Proceedings) Act of 1995 was enacted by the PNG Government without consultation with BHP or the mining company.

5. BHP question some of Kirsch's summary of the technical terms of the legal settlement. Since Stuart Kirsch is uncontactable in Papua New Guinea as we go to press, we must leave the

resolution or clarification of any significant points of law for a subsequent issue of ANTHROPOLOGY TODAY. *Editor.*

conferences

THE SOCIETY FOR THE ANTHROPOLOGY OF CONSCIOUSNESS (SAC) CONFERENCE 27-31 March 1996

This conference was held at the Holy Spirit Retreat Center in Encino in Los Angeles. The society is a section of the American Anthropological Association and holds its annual conference in spring, usually in California. The aim of the SAC is to 'provide a forum for the exploration of consciousness from cross-cultural, experiential, and theoretical perspectives'. SAC also hosts sessions at the AAA Annual Meeting and publishes a quarterly refereed journal, *Anthropology of Consciousness*. The theme of the conference this year was trance-formation and the majority of the paper sessions were on themes such as trance, shamanism, dreaming, religious and mystical experience, altered states of consciousness, cyberspace and anomalous psychic phenomena.

This was the second year running that I had attended the conference and I was again impressed by the intellectual and experiential adventurousness of the proceedings. I was the only member from the U.K. but there were several Continental European anthropologists among the 60-70 SAC members there. The conference was held in a beautiful Catholic retreat center in the hills, far from the reputed horrors of downtown LA. To the backdrop of beautiful flora and fauna and the occasional giant butterfly the proceedings unfolded in a well organized way.

To me the defining feature of this academic group is its attempt to integrate experiential process and intellectual, anthropological analysis. Every other anthropological conference I have been to relies almost entirely on intellectual proceedings alone, perhaps with some artistic recreation planned in. SAC however balances experiential workshops with paper sessions. This year there were about 40 papers and five workshops. I will describe most of the experiential sessions first to give a flavour of the proceedings.

The conference effectively began with an opening ceremony given by Philip Scott from Ancestral Voices. Whilst all opening ceremonies have a ritual academic and organizational focus, this one was more obviously invocative and was based on North American Indian shamanic traditions, and used the evocative multi-media potential of drum, candle, rattle, flute and didgeridoo. Californian anthropology indeed, or at least one variant of it. Whereas typical groupwork

sessions will utilize in a secular way the potential resources of 'sitting in circles', holding hands, leaving your 'personal baggage behind' and the invocation of specific goodwill for the proceedings, this particular beginning went further in its explicit determination and attempt to create a 'sacred (or special) space' for the conference. Whether the invocation of the 'ancestors' was effective or not I cannot directly answer; but certainly the ritual did appear to generate high levels of group bonding.

The second experiential workshop was intended to consider the use of dream as an ethnographic resource and was run by myself. Running a dream workshop in California did feel a bit like taking coals to Newcastle, where coincidentally I come from. However, 30 people came to this evening session and lay down and to the sound of the drum. Participants visualized finding their own 'garden of dreams' wherein they could meet key 'dream figures' experienced during their life, and focus on those images that appeared to relate to their anthropological work. The session lasted three hours and allowed plenty of sharing of the experiences and memories generated; all but one person among those who stayed to the end reported significant and spontaneous experience. Whilst the intention of the workshop was to further reflect on the dream's potential role as a professional resource in fieldwork through its potential to inspire, suggest, problem-solve and even assist in the theorizing of the ethnographic process, most of the time was spent on the visualization process and the sharing of experience. Probably the ethnographic potential of dream was only really manifest through a paper I gave the following day reporting the contribution to my fieldwork and theorizing that a series of dreams in the early 1980s made.

The afternoon workshop the following day, entitled 'The lovers' journey: A Quest for the Inner Man and Woman' by Peggy Owen from Michigan State University. I have to confess to missing it, as I was in recovery mode following my paper and workshop. However, it sounded very moving and was broadly based on Jung's psychology and his method of active imagination, and more particularly derived from the work of Paul Rebillot in which the

aim is to better integrate participants' positive and negative images of male and female. Participants improvised, danced, drew and meditated on either their negative male or female image and the climax was a dance of trance-formation through which the negative image was transformed into a positive one. About which I cannot say more.

The next workshop by Joanne Combs and Rian McGonical on the healing power of sound was stunning. Particularly memorable was Rian's demonstration and use of voice, shamanic drumming, didgeridoo and Tibetan singing bowls, as part of the treatment of cancer patients at the nearby Simonton cancer treatment centre. As well as a practical demonstration of the effects of sound there was considerable theoretical and research-based data on the healing properties of sound on the human body.

The final workshop and keynote address was by Ralph Metzner. The main part of this workshop was a guided sound-visualization exercise in evolutionary remembering, reliving (in the imagination) the pre-vertebrate, vertebrate, amphibian, reptilian, mammalian, primate and human phases of our existence. Having first guided our consciousness through these various forms of life back to our 'memory' of cellular existence, the second part was through action to slowly progress forwards through the evolutionary phases to the human state. As well as being 'fun' (if you like that sort of thing) the drama was effective in triggering aspects of 'embodied knowledge' and gave me definite insight into the relationship of human consciousness to earlier life forms that, from an 'archaeology of the self' perspective, remain innate within us. An excellent exercise to undertake with anthropology students as part of a course in human evolution.

Such workshops are both generally creative in their own right and also symbolize the Society's perhaps unique perspective on anthropological theorizing. For this society, no human experience is necessarily outside the gamut of both academic consideration and at least tentative experiencing (obviously ethical considerations would also significantly delimit the field though). No inner experience is necessarily outside the academic pale and there is an implicit affirmation that it is possible to both