

Paper for recommendation to ODHIR and state delegations

Paper for the OSCE: Human Dimension Implementation Meeting – Tolerance and non-discrimination
Wednesday 4th October 2006. Jasdev Singh Rai, Sikh Human Rights Group

Addressing causes of discrimination and unintended discrimination from first principles

Gender discrimination has complex roots but cultural and theological statements often form the tool that men have used to marginalize women when faced with competitive demands or sustain their hegemony. For most of the twentieth century, the west has responded to this by driving religion and cultural pontifications to the margins of the public sphere and proceeded with secularization of social philosophies. Yet gender disparities remain in the west. These disparities need to be addressed with even more immediacy as religions, faiths and cultures are encroaching back into the public political and social agenda, particularly as the dynamics of conflict are now increasingly based on religion and culture rather than political ideologies which characterized the cold war.

It is therefore important that constructive dialogue takes place on gender issues between the re-emerging religious doctrines and the public policy discourse that has evolved in the late twentieth century so that theoretical justifications for discrimination can at least be removed. I say this because the Sikh Gurus recognized the obtrusive influence of cultural and theological assertions on reform. They sought to end it within Sikhs by a poignant challenge to man, questioning, that 'Since a woman gives birth and nurture to Kings how can man be superior to her. Women have enjoyed significant freedom to achieve their potentials role within Sikh societies but men being men, they still find ways to promote their advantage.

In western countries, it is not the Sikh woman who faces discrimination but the men. The Sikh man has become victim of restrictive world views which fail to look at other traditions and civilisation from basic principles or alternative paradigms.

I make no apology for being critical of the shortcomings of some leading western societies, particularly in Europe, which claim to be philosophically enlightened, yet seem rather inflexible and mono dimensional from our perspective.

One of the fundamental differences between western and eastern civilizations is the foundation of the core perspective. The definition, that is, trying to classify and understand a phenomenon from an atomistic approach lies at the core of western civilization, be it the law, public policy, political theory or even metaphysical assertions. Eastern civilizations tend to put the definition, at the margins while their core is often a grey area of complex interplays appearing to lack clear articulation due to limitations of human linguistics. This is perhaps a simplified over view.

At a practical level this creates problems for the Sikh man. Variably defined as belonging to a religious, cultural, ethnic or even orthodox tradition, he has become an unintended victim of this linguistic atomization. His rights and scope for equality are enjoyed under the category a particular state or a society chooses to define him. Yet the Sikh man does not see himself limited to any single of these classifications. There are Sikh men who spend long hours in meditation and contemplation of religious doctrines. Yet there are Sikh men who are agnostics and even atheists in western sense. There are those who can claim to be culturally distinct yet there are others who do not share the cultural practices

of many others. There are Sikh men who belong to the dominant Punjabi ethnic background yet there are others who would not fit into this ethnicity at all.

These paradoxes were clearly understood at Durban World conference against racism when it was conceded that conventional classifications and policies to redress discrimination often work against Sikhs because of the limitations of language. Hence Para 67 was constructed, reading

Paragraph 67 states that: *'We recognise that members of certain groups with a distinct cultural identity face barriers arising from a complex interplay of ethnic, religious and other factors as well as their traditions and customs and call upon states to ensure that measures, policies and programmes aimed at eradicating racism, racial discrimination, xenophobia and related intolerance address the barriers that this interplay of factors creates.'*

It is important that if we are to tackle discrimination, then we deal not only with intentional discrimination, but unintended discrimination that arises from public policy and a mono dimensional world view. It would be an irony if some societies claim to be free of the restrictive and exclusive outlook that derives from assumptions of divine truths, yet are blind to the fact that this phenomenon is still rooted deep within their approach. What is the difference in believing faithfully that one's civilization is unparalleled in intellect and understanding and failing therefore to appreciate other paradigms, from the claims of religious dogmatism which blinds itself to other views.

My question is boldly directed at France and other European countries who have joined it in hiding behind inflexible administrative practices that unintentionally discriminate and harass the Sikhs in Europe. What makes you think that the enlightenment changed your perspective? Haven't you inherited the baggage of dogmatism into your post enlightenment worldview? Simply dismissing God from the public sphere does not make a philosophy more intellectually advanced if it does not have the ability to understand its own limitations and see other perspectives. Why is it difficult to work from basic principles instead of imposing and clinging dogmatically to inadequate classifications that subject some people to unintended discrimination.

The principles and history behind the Sikh turban are 'freedom of conscience and a challenge to enforced conformity' adopted as a resistance when Indians were being subjected to forced conversions. Aren't these the fundamentals of modern western civilization? Yet the Sikhs find ourselves confronted with the same dogmatism that we fought 300 years ago; challenging political, commercial and social forces of conformity. .

I hope that the OSCE countries will look carefully at the intellectual depth of para 67 of the Durban Declaration and explore the possibilities that it offers in ending unintentional discrimination arising from the limitations of language and academic theories.

Sikh Human Rights Group

Contact Ms Sukhvinder Kaur or Dr. Jasdev Rai on:

PO Box 45, Southall, Middlesex, UB2 4SP, United Kingdom

www.shrg.net | skaur1@shrg.net | 020 8840 3222