

Nestor Mahinou is the executive secretary of Synergie Paysanne (Peasant Synergy), a peasant farmers' trade union in Benin.



NESTOR MAHINOU

In the name of liberalism and globalisation, what we are seeing today is centralised control of all that we usually call “goods”, whether they are owned collectively or individually. The freedom to believe, to learn and to share with others is diminishing and we are losing the capacity to live without the multinationals. They control everything, including our food supply. At the heart of this control lies a set of property “rights”, patents and other registered trademarks.

Property rights pound traditional practices

All this is the prerogative of those enterprises and companies that invest in new technology, which gives a pounding to our traditional practices, standards and customs. In fact, we have a right in our country to have healers with recipes and formulas to treat illnesses. Although healers have this knowledge, they do not hesitate to pass it on to their children, friends and relations. They may exchange it for goods or money, but in all cases there is a respect for hierarchy.

The same system operates for the peasant who selects his own varieties of seeds. He shares them with his neighbours and does not claim any rights of invention. The same is true of a craftsman who innovates when he makes a piece of furniture. They are the property of everybody, a common good.


However, when a company creates a hybrid variety that is more resistant, can be harvested earlier or

has a high yield, the farmer must pay to plant the hybrid and faces restrictions on its use. This is extremely harmful, because it curtails the farmer’s freedom, makes it impossible to innovate, and harms the local culture. It prevents users, consumers and peasants from doing what they want with the creative work done by other people.

The right to intellectual property is now the main source of profit in what we could call the economy of knowledge. We must fight such practices; consumers, producers and users must feel free to adopt or reject any new invention. What is involved is the right of farmers, healers and other users of public goods to choose what they do with collective goods.

Maximising peasant strength

What we need is a peasant organisation that allows us to maximise our collective strength and enables us to have control over and access to agricultural biodiversity. We need to continue to develop agricultural systems that respect the environment and human health. If we accept a bad definition of the concept of rights, our legitimate right of access to natural resources will come to an end.

Companies must not be allowed to appropriate our rights through patents. It is therefore imperative to establish rules that protect indigenous wealth and knowledge. We must be able to codify these rules to ensure that farmers maintain their true rights, such as the freedom to keep and share seeds. 



Farhad Mazhar is a leading member of Bangladesh’s Nayakrishi Andolon (New Agricultural Movement), which practises and promotes biodiversity-based ecological agriculture.



FARHAD MAZHAR

Any discourse of “rights” presupposes an autonomous and egocentric subject. In contrast, Nayakrishi Andolon is concerned not with “persons” or fictitious subjects endowed with “rights”, who exist outside society or the community, but with “relations”. A social

formation, including its political structure, is composed of the totality of concrete relations – ecological, economic, cultural, political, and so on – upon which the community is organised. Given the present as it is, Nayakrishi explores the possibility of creating the conditions for joyful relations. Strategically, it would like to engage in

tasks that may reveal a particular but determining relation in a historically specific context that in turn determines all other relations or edifices of a society and state.

We think that, in Bangladesh, agriculture is the site where we should explore this relation, and our strategic political activity takes place around seed and genetic resources. Understanding seed as the point at which various ecological, economic, social, political and cultural relations culminate is crucial for our work. Seed is also a powerful metaphor, and it opens up new horizons to explore relations. As a very first step, simply from a common-sense perspective, Nayakrishi is critical of organising society around egocentric assertions and privileging the individual over and against the community or nature. Therefore we reject all uncritical discourses of rights that knowingly or unknowingly promote fictitious and autonomous subjects and that locate the essence of personhood in the privatisation and colonisation of nature, resources and knowledge, thus breeding violent competition that culminates in war and destruction.

"Rights" not translatable

Interestingly, in the Bangla language we do not have any word like "rights" – it is translated as "*odhikar*", which is Sanskrit, rather than Bangla. The absence of such a word or concept implies either that the society is organised around different principles, in contrast with the generalised egocentrism of capitalist formations, or that egocentrism is still not the general foundation of the society. Since Nayakrishi intends to ground itself on the history and culture of Bengal, we had to research the unique foundations of our communities and explore their possibilities in the era of predatory globalisation. If our societies were simply forms of pre-capitalist societies, implying a stage of underdeveloped egocentrism, we would still need to deconstruct this ego in order to deal with the predatory nature of the "self", which views the world only as an object of consumption and appropriation, and reduces other human beings simply to means to satisfy needs and desires.

While we had no word for "rights", we have words such as "*daiy*" (obligation) and "*daya*" (caring for the other) and, taking into account other historical, anthropological and cultural data, we concluded that the culture we inherit gives greater importance to our obligation to care for others than to rights. But we have a problem too, for the caring and the obligations towards others could also become

oppressive if it is reduced to a mechanical and lifeless relation.

Therefore, rather than looking for notions similar to rights, we need to search our history for the discourses that people in our past used to organise themselves against oppression. What did they imply by the slogans and notions they developed during their struggles? If people organised socially, politically or culturally, there must have been notions to indicate who was the oppressor and who was oppressed and what they meant when they said that they wanted to be free from oppression.

When we studied the history, we noticed that there were "modernist" trends that could be called "political discourses of rights", but these were quite recent, taking shape mainly during the colonial period. There were also other powerful trends that could be classified as a "political discourse of responsibility", which can be traced back to the past, mainly to the Buddhist phase of Bengal, though it also flourished during the "Sultani Amal" – or Muslim periods of sultans. Various spiritual-political movements demanding submission of the self to all-encompassing Nature, or to her playful relation ('Lila') manifesting as Subject and the Object – the human being and the material world – anticipated a possibility of cultivating relations that are not predatory, where one domineers over the other. Such ideas can be located in the ancient Hindi Nathpanthi poets, in the Bengali Hindu tradition of Sahajiya Vaishnavism, in Muslim Sufi traditions, and so on. One notices a creative intermingling of Hinduism, Buddhism and Islam shaping the minds of the people of Bengal; this was later derailed by colonialism and subsequently by the ideas of modernity, "development" and technology. Interestingly, while the political discourse of rights does not include responsibility as an integral component, the discourses related to the politics of responsibility are actually grounded on the idea of "rights" as free will or the unconditioned freedom of the spiritual being of the individual.

Integrate the whole being

Such discourses are abundant in Hindu Bhakti and Muslim Sufi movements – the varied spiritual traditions of Bengal, particularly those that stand politically, socially and culturally against caste, class, patriarchy or, for that matter, any form of predatory, oppressive or violent relation. The concept of freedom in these discourses can be summarised as follows: freedom of the spirit is experienced by its capacity to stand above predatory, oppressive or violent relations to another, and thus



the relation appears in an experience of Ananda (joy), reaffirming freedom in a concrete reciprocal relation, and not as an abstract notion or fictitious state of mind of an autonomous subject. But such a capacity can be achieved only if we learn and develop all our human faculties simultaneously. If our intellect or reason is developed alone, while emotion, affection and love are lacking, we cannot resolve predatory, oppressive or violent relations. Similarly, if among our senses only the eyes dominate, while other senses, such as our olfactory, tactile, auditory or gustatory capacities, are degraded, we will physically lose the capacity to enjoy our “body”, which is the same thing as the spirit. There is no spirit outside the body. No body without spirit. This simultaneous cultivation of all the faculties of the body is known as “Shahaj”. So Nayakrishi adopted the principle, which is now well known: the “Shahaj way to Ananda”.

These discourses achieved their highest expressions in the songs of Fakir Lalon Shah, who is not from the distant past, but a thinker of recent times. He is unique in many ways. Experiencing the joy of the free being is for him the capacity to undertake absolute responsibility, the capacity of the supreme being to be a dash (slave). Spirit is truly free when it wilfully employs freedom for the good of others. Wilfully becoming a “slave” to the community is a capacity that belongs to the higher spiritual order of an individual. In Lalon’s songs one gets suggestions that people who are capable of becoming the “slave” of the community are those who are totally and absolutely free in the first place. It is this that he is referring to in his song: “I wish to be the slave of my Guru and through Guru I am obliged to the world – animate or inanimate, life or not-life”. He is, in fact, celebrating the spirit as the supreme freedom to undertake absolute obligation and thus to become the caretaker of the world. “Right” here appears not as the rights of the individual as against the community or others, but the right to experience the supreme joy of the free spirit, which can do nothing else but show absolute obligation to the other – to the community, to nature at large, and so on.

If one reads Lalon politically, one will readily understand that he is indeed overturning the prevalent notion of dash – the lower caste of the community who have no rights but only obligations to the upper castes. He is the philosopher of the “dalits” and rejects the master’s narrative in order to demonstrate the higher spiritual order of the dash or dalits. This is extremely significant, for otherwise one cannot understand why in Bengal the anti-caste movement has always essentially

been a spiritual (Bhakti–Sufi) movement and why Islam could easily find a fertile bed in which to spread here. Since dalits were already powerful in political and philosophical movements, Islam (mainly Sufis) had ready ground to win. Needless to say, Islam does not subscribe to slavery or the caste system.

Nayakrishi Andolon as a peasant movement had to reckon with the peasants’ spiritual and political history. Grounding in our language and culture is necessary, not because Bengali culture is uncritically superior to European cultures, but because the capitalist world order has either destroyed or is in the process of destroying these elements, and without them we cannot globally imagine a post-imperial, post-capitalist world order. We need to recollect, invent and organise our language and discourse to develop a viable politics against the Empire.

Mutual obligation

So the dominant discourses of rights create serious problems for Nayakrishi Andolon. Its intimate corollary – obligations and responsibility – is also a problematic area, since it articulates the deficit in the original notion of rights in order to retain the privileged position of rights. This is the reason why obligations and responsibility are not posited first as independent of rights, but only in conjunction with rights, for example in the phrase “rights and responsibilities”. In contrast, Nayakrishi would like to explore the relation of obligation to the other – human beings and the non-human world – in order to experience real joy in life and in order to create the possibility of a post-imperial and post-capitalist global order. Nevertheless, we will have to demonstrate in practical terms what it implies when we say we promote the Shahaj way to Ananda. This demonstration must first be revealed in our lifestyles, in our food systems, the clothes we wear, the friendships we make, and the literature, poetry and imagination we cultivate. Whether human beings are violent by nature, or their private property is essential to manifest their personhood: these things are irrelevant to us to the extent that the task is not simply to explain what we are, but where we would like to go.

The notion of “rights” is inseparable from the history of “property” or privatisation of nature, resources, processes, knowledge, and so on, for appropriation, consumption and control by the powerful, who can take possession of objects by force, excluding others. In the global capitalist or imperialist order, the historically specific juridical



relation of "rights" can be nothing other than the rights of corporations as legal persons competing against the fictitious abstract persons constructed by the discourses of private property. The debate over property relations in general and intellectual property rights in particular hinges upon these juridical implications.

This explains why the juridical notion and practice of "rights" is absolutely integral to the imperial world order and necessary for the abstract self-expansion and accumulation of capital as against the particularities of real life. Ecological movements that would like to see the flourishing of human possibilities cannot but oppose such a juridical notion. The claim that communities can benefit if intellectual property rights are allowed to govern seed and genetic resources is flawed. The claim that farmers should, like corporations, have the "right" to patent their seeds and knowledge is based on an uncritical understanding of the abstract juridical notion of "rights".

Against this trend, Nayakrishi's position is neither juridical nor "closed". It is surprisingly simple. The position we have adopted came from the farmers – particularly women farmers, who first coined the simple but effective slogan of the movement: "Sisters, keep seeds in your hand". Keeping seed "in the hands of farmer women" is not a property relation or a juridical proposition. It is a demand for power.

Nayakrishi Andolon is aware that what we are indeed discussing is a battle, not for "rights" or "property", but for power, a battle between corporations and the people of the world. Once the people of the world are united to create alternative power we will be able to go beyond the present phase of capitalist history and reveal the joy that is possible in community and global relations. From the perspective of the Shahaj way to Ananda, "rights" and "persons" are only a passing phase of history, and we should engage politically to make this phase as short as possible.



Terry Boehm is a farmer in western Canada. He is the vice-president of the National Farmers Union of Canada. He has worked for many years on issues concerning seeds and intellectual property, as well as transport, orderly marketing and supply management.

TERRY BOEHM

Rights have historically been both a defensive response to power and a tool to impose power structures. The "divine rights of kings" is as an example of the latter. In Western societies, movements for "no taxation without representation" have been examples of the former.

What is critical is not just the intent of rights but their definition and construction, coupled with mechanisms that allow rights to be exercised with their true intent. This also creates obligations for those who hold certain rights to participate and exercise them. Voting rights come rapidly to mind in this regard. One has to make a distinction between rights that are societal (democratic, human, and so on) and those constructed to protect property or commercial gain. At the level of the nation state, constitutions have been carefully constructed to protect democratic rights. At the international level, nation states have been ceding their sovereign rights to international corporations, either by coercion or duplicity. These states willingly give their resources and sovereignty to private entities when the public

good becomes defined as anything that promotes private economic gain. This is largely due to the acceptance of property rights being established over an increasing dominion and the belief that there are no alternatives.

Areas such as seeds become subject to international constructs such as the International Union for the Protection of New Varieties of Plants (UPOV), Trade-Related Intellectual Property Rights (TRIPS), and the World Intellectual Property Organisation (WIPO), which are endorsed and enforced by the nation state. Increasingly, there is a shift where all decisions incorporate a "market" component, and rights become characterised by property and trade relations rather than custom and tradition. Ultimately, the fight for rights has become reactionary, a form of resistance necessitated by commercial control.

There is an inherent association between the word "right" and justice. So even intellectual property rights benefit from this implicit assumption on the surface.

