Non-Western Approaches to Human Rights

How can Human Rights be Universal?

• The Tzeltal translation: By turning the UDHR into a book of counsel applicable to all
• Deontological approaches: finding secure, norm-based arguments about morally required choices
• Prudential and utilitarian arguments: HR promotes general welfare and a good order
• Religious (as revealed) approaches
• Pragmatic (Nickel): HR is both socially and historically the existing and best answer to the challenges of modernity
  – the bureaucratic state
  – mass society
  – market economy
Non-Western Approaches to Human Rights

Se and Karatsu: A Japanese Approach

Goal of article: to demonstrate a non-Western approach, to sensitivise the West, and to enrich Human Rights (finding ‘internal resources’)

- Are HR ’Western’ (and justifiable in the West only)?
  - I.e., individualising (v. communitarian), atomising, neo-imperialist, etc.
  - and prioritising civil and political rights?

- What are the functions of HR?
  - Guaranteeing common conditions for the pursuit of the good life to all, equally
  - (cf. Nickel’s ’four secure claims: have a life, lead a life, etc.)

- Different views of ’self’ and morality
  - Japan: relational self, situation-based morality
  - The West: independent self, abstract moral principles

- In both case however the goal is to mature and realise one’s potential
A Japanese Approach: Se and Karatsu

What is necessary for enabling such a maturing process? I.e., construing a mature and realised self?

Interdependent self construal: defining oneself with reference to others and to the situation

- Maturing in Japan is managing relations: a mother’s admonitions, learning empathy (*omoyari*) at school; internalising a generalised other through internalising others
- Not managing relations/situations: shame, loss of face

Independent self construal: defining oneself with reference to abstract principles

- Maturing in the West focusses on the self; internalising a generalised other by deducing from abstract norms
- Not managing (not knowing morals): guilt, sin
A Japanese Approach: Se and Karatsu

- Human Rights (growing up in freedom and equality) is what guarantees the growth of both interdependent as well as independent selves.

- A formal theory of human rights: If all people are to pursue the good life, equally, all people must have secured the necessary conditions for maturing and self-realisation. To internalise the ‘generalised other’ necessary for being mature, also other people must enjoy the same security.

- A Japanese addition: the right to be brought up in an intimate community.
A Mayan Approach

Mayan Guatemala: A Communitarian Society

• The community (komon) as an enabling environment: acquiring and practicing respect (nimanik) through warnings of awas

• Awas: Transgression of the sacred norms—and its consequences: pain and disorder

• Rawasil: the sacred order, the way it should be; the sum of awas’es that guard proper behaviour, the ‘owners’ (ajaw) of the sacred equilibria on which community cohesion rests

➢ Nimanik: comparable to human rights?
A Mayan Approach

Comparing nimanik/awas to human rights/human rights violations:

• Contrasting human rights reporting to complaints from community leaders: extrajudicial killings and discrimination v community divisions and culture loss (= lack of respect)

• Uses of awas in child upbringing: alerting (cautioning) the child to the dangers of disturbing the sacred (the fundamental) and teaching them respect

• Accumulating respect through participating in community government and obeying authority (the cargo system)
A Mayan Approach

Comparing nimanik/awas to human rights/human rights violations: Can equality be incorporated in a rawasil-based order?

• From physical to oral instruction in child upbringing (new thinking about what causes pain)

• From rule of the elders to rule of the general assembly, from oral norms to written rules

• The room for dialogue and reciprocity in learning new practices

In any case: Human rights both protect and destabilise the Mayan community