

Human Rights as an Object of Study

History:

- The history (evolution) of the present international HR system
- The roots of the present system in the West
- The roots of human rights-like ideas in past societies
- The roots of HR in modernity (contemporary societal challenges)

Social sciences:

- The functioning of the system at different levels: local, national, international
- The spread of the system, how to explain variations?
- How to promote HR

Philosophy:

- How to justify HR; in what ways are HR universal?

(Vs law: can this action be typified as a HR violation?)

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**
- **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

- **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., construe 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 relational 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, other people must have 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 Komon: clans that move together
- The Komon as an enabling environment: acquiring and practicing respect
- Making government: respecting sacred equilibria
- Clashes with the (nation-)state: A right to water?
- Defending ourselves by writing constitutions
- Rawasil: the way it should be; a blueprint of the Right Order
- Awas: transgression and its consequences

A Mayan Approach

Justifying Human Rights in Mayan Guatemala?

- The mature person is the person that is respected and that shows respect
- Is respectability a basis for the pursuit of happiness?
- How is respect acquired?
- Can human rights ensure the conditions for acquiring respect?

In a society where the people is the sovereign, probably not

- Human rights both protect and destabilise the komon