

# 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 sensitise 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