

Human Rights and Human Rights Education: Beyond the Conventional Approach

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The last three decades have witnessed an intellectual conflict between two diametrically opposed schools of thought on human rights. The first school of thought concerns the universalism of human rights, and the second is based on cultural relativism. Universalists are committed to the view that, while the discourse of human rights originated in the West, a common set of human rights standards can, and should, apply across cultures. For Cultural Relativists, there is no universally moral doctrine, since morality is viewed as a relative social and historical phenomenon. As follows from the relativist approach, human rights are valid only in and for those cultures that established the discourse of rights. Relativism emphasizes that values of human rights are at odds with traditional intercultural beliefs.

This paper is an attempt to go beyond the dichotomy inherent in the Universalist-Relativist debate. As a prerequisite, to move beyond the debate, it is essential to acknowledge the nature of the dichotomies in existence (universalism versus cultural relativism, Western vs. Non-Western). This study is an effort to translate one perspective into another and discover a common denominator for the variance in perspectives.

In this study, I argue for a third conceptualization of human rights that is based on efforts to reconcile the dichotomy that informs the debate between Universalists and Cultural Relativists. While acknowledging the necessity for global awareness of human rights, we must consider, at the same time, negotiating with cultures to embrace the human rights corpus, through local cultural representation: conceptualization. This approach has a potential in cultivating human rights across cultures, while reconciling the intellectual conflict between two hard-lined schools of thoughts on human rights. The theoretical framework, I use in this paper,

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is originated in the work of An-Na'im,¹ Bell,² Taylor,³ and Healy.⁴ These philosophers have articulated the core claims of my argument. However, I venture to expand the theoretical framework of the aforementioned philosophers by dwelling on Mannheim's thoughts on sociology of knowledge and connect these thoughts to human rights and human rights education.⁵ This connection, I shall argue, is an unconventional strategy to go beyond dichotomies, and to offer a new approach, which potentially could overcome some of the problems that are facing human rights and human rights education. The validation of my argument is achieved through four main steps. First, I shall define relationalism and place it within the context of sociology of human rights knowledge. The isomorphic equivalents of human rights emerge as a manifestation of the relational approach. Second, I shall define human rights and the isomorphic equivalents of human rights, and I shall discuss the historical and sociological underpinnings of both concepts. Third, I shall connect the first two steps to human rights education by accounting for the consequences of failing to contextualize human rights knowledge, through the excessive use of one conceptualization of human rights as a representative of all. Finally I shall explain how a relational approach could create a critical pedagogy for human rights education.

The Problem: A Singular Conception of Human Rights Education

The conventional approach to human rights education is based upon using a singular conceptualization of human rights as representative of all other conceptualizations. This tendency has exacerbated the problems facing human rights and human rights education. The utilization of one tradition, with regard to human rights and human rights education, has nurtured anti-educational orthodoxies. Okafor and Shedrack argue that human rights education has produced three unfavorable orthodoxies: the hell and heaven binary, the one-way traffic paradigm, and the abolitionist paradigm, all of which constitute a challenge for human rights education.⁶ Okafor and Shedrack explain that the mainstream human rights discourse pertains to a dichotomous binary; "the one hellish and the other heavenly... Those who employ it basically view the world as... the one respective of human rights, and the other violative of human rights."⁷ Thus, the conditions and the states of geographical locations are expressed in terms of heaven and hell. Western society, according to most of the narratives employed by the

1. Abdullahi An-Na'im, "The cultural mediation of human rights," in *The East Asian challenge for human rights*, ed. Joanne Bauer & Daniel Bell (Cambridge: Cambridge University Press, 1999).

2. Daniel Bell, "The East Asian Challenges to Human Rights: Reflection on an East West Dialogue," *Human Rights Quarterly*, 18, no.3 (1996): 641-667.

3. See Charles Taylor, "The Politics of Recognition," in *Multiculturalism*, eds. Charles Taylor, and Amy Gutmann (Princeton University Press, New Jersey, 1994).

4 Paul Healy, "Human rights and Intercultural Relations: A Hermeneutical- Dialogical Approach," *Philosophy and Social Criticism* 32, no.4 (2206): 513-541

⁵ See Karl Mannheim, *Ideology and Utopia* (New York: Harcourt & Brace Company, 1940).

6. Obiora Okafor, Shedrack Agbakwa, "Re-imagining International Human Rights Education in Our Time: Beyond Three Constitutive Orthodoxies," *Leiden Journal of International Law* 14, no.3 (2001): 563-590.

7. *Ibid*, 566

discourse, is portrayed as heaven, while third world countries are “virtually constituted by incessant epidemics of the most horrendous sorts of human rights violations.”⁸

The heaven and hell dichotomy is a result of grounding human rights knowledge on one tradition, namely the Western construction of human rights. People in the heavenly domain, that is Western countries, believe if a society has not met the expectations that result from human rights knowledge, it is automatically rendered hellish. Expectations and judgments about the hellish domain are expressed in the form of a narrative of human rights violation and abuses. These violations, according to the narrative, only occur in Non-Western societies. In addition to the oral narrative, there is also a textual narrative, which is based on the same typology of heaven and hell. It is important to note, at this conjecture, that the textual narrative informs the oral narrative in the discourse. Okafor and Shedrack claim:

The existing corpus of international treaties and instruments is too often conceived as heavenly and infallible...[since] it presents a particular picture of the good life that ought not to be challenged...[is] incontrovertible. Gospel like, it is a final set of truths.⁹

The international treaties and instruments on human rights have contributed to the Western conceptualization of human rights. These treaties and instruments connote a picture of what ought to be realized with regard to human rights. Consequently the conceptualization of rights is perceived by Non-Western society as an obligation to realize the picture of the good life, which ought not to be challenged. This conceptualization makes human rights a set of final truths, which all countries and cultures are to uphold. Other contexts, and contents, that are related to human rights, are completely obliterated in order to empty a space for the heavenly to take over the hellish.

Constitutive texts, that provide experiential meaning of human rights, exemplified in Buddhism, Confucianism, Taoism, African traditions, Christianity, Judaism, and Islam (etc.), are rendered irrelevant in the process of applying binary typologies. Consequently human rights learners seem to recognize that violations of human rights only occur in the hellish domain. The National Center for Human Rights Education, which is based in the United States of America admits the existence of this binary and its consequence: “There is no global human rights movement in the United States. To the majority of Americans, human rights violation occurs overseas.”¹⁰

Utilizing one conceptualization of human rights, to serve human rights education across cultures, is a major contributor to the heaven and hell binary. A human rights learner may think because the concept of human rights has been originated in X country, or culture, that human rights are preserved and recognized in that culture. Thus, X culture or country is perceived as

8. Ibid.

9. Ibid.

10 Ibid.

the guardian of human rights, which contributes to its link to the heavenly domain in the imaginations of the learners. Okafor and Shedrack plead that:

The dichotomous binary contributes to the alienation from human rights message many addressees of IHRE [International Human Rights Education] experience, thus detracting from the effort to generate a measure of mass cultural legitimacy for the human rights project. The real message of IHRE is all-too-often occluded by the operation of this binary.¹¹

There is a void between praxis and theory, which has led to the impotency of human rights education in cultivating any learning outcomes, beyond knowledge content. The binary opposition comes into play to exacerbate the problems already facing human rights education, which contributes to the notion of absolutism that is a characteristic of the heaven and hell binary. The binary “hinders the cross-fertilization of human rights ideas and thinking across the Western-Third World.”¹² For this reason, human rights education, which is supposed to cultivate universal human understanding, is deviated to split the world into an old colonial text of the “savage” and the “civilized.”

Under these circumstances the current paradigm is “not [a] suitable philosophical posture for any human rights project that hopes to gain widespread legitimacy among historically skeptical Third World mass populations.”¹³ How is it possible for human rights education to gain mass cultural legitimization, when the culture whereby human rights are to apply, is already being redeemed as hellish? Rather, the philosophical posture for any human rights project should be established on the equal dignity of all contributors and receivers of human rights education. This step facilitates cross-cultural understanding and dialogue with regard to human rights and their equivalents.

The second orthodoxy that has resulted from current human rights education applications, is the use of what Okafor and Shedrack call the “one-way traffic paradigm”. The one-way paradigm is the outcome of the dependence on one tradition with regard to human rights conceptualization, mainly Western conceptualization. This traffic flows exclusively from the heavenly source of human rights narrative, whether oral or textual. Human rights education has utilized this paradigm, which is manifested in the Western conceptualization of human rights. Thus, the interest becomes the transmission of human rights knowledge from heaven to hell. The transmission is carried out through legitimizing the one-way traffic paradigm, embedded in the goodness of the text of human rights, which is designed in the heavenly domain. This design is supposed to bring about the same effect on the hellish ground. Consequently, the flow of this paradigm is exclusively transmitted from the utilization of one tradition with regard to the conceptualization of human rights. This paradigm has resulted in blindness, on behalf of the human rights learner, in the recognition of human rights violations in the heavenly hemisphere.

¹¹ Ibid, 574

¹² Ibid, 575

¹³ Ibid, 574

Grounding universal human rights on one ethnocentric concept of rights contributes to the one-way traffic paradigm. The problem with the one-way paradigm is that it is incoherent, since “there is no infallible human rights heaven and there are no absolutely fallible human rights hell...[instead] there must be a two-way traffic on matters of human rights - real dialogues.”¹⁴ The relational approach could transcend the issues that have resulted from the use of the one-way paradigm. This is a more authentic step towards a cosmopolitan consensus on human rights. Such consensus cannot be formed by a mere monologue, in which the “western view is uncritically proselytized without benefiting from” other views on human rights and human rights education.¹⁵ It is only through a genuine dialogue that is based on equality and respect, between and among peoples of both divides, that an appropriate paradigm will be fostered, one that is inclusive and conducive to human rights education. Okafor and Shedrack wonder:

How can a people feel the kind of sense of ‘ownership’ of a human rights movement if they have had no input regarding the validity of the basic philosophical foundations of the human rights corpus, or as to the relevance of the priorities of the movement to their own lived experience?¹⁶

If human rights are to be realized and recognized globally, through human rights education, it is important to consider inputs in relation to the human rights corpus and conceptualization from diverse cultural backgrounds. The plurality, with regard to human rights inputs, could initiate a sense of ownership between human rights and their isomorphemes, and the population whereby rights are to apply. In addition to ownership, a dialogue, with regard to the matter at hand, could contribute to the enlargement of the human rights ethos and corpus. This idea constitutes another reason for considering plural conceptualizations with regard to human rights education.

The third orthodoxy is the abolitionist paradigm. As a result of relying on one conceptualization with regard to human rights education, educators and some scholars in the field seek the “abolishment of local practices that contravene the dictates of international human rights law.”¹⁷ The abolishment of cultural traditions that contravene the conceptualization of human rights has challenged human rights dissemination in these same cultures. This is due to the suspicions that the abolishment movement has spread in the mind of the populations in the targeted culture. Consequently, the efforts have fallen short in acquiring mass cultural legitimization with regard to the Western conceptualization of human rights. Culture, in this context, is perceived as an obstacle to human rights education, and to human rights enjoyment. Following this logic:

¹⁴ Ibid, 581

¹⁵ Ibid, 575

¹⁶ Ibid, 582

¹⁷ Ibid, 584

These abolitionist responses create the impression that women's rights do not exist in custom or local practices, and the solution, therefore, lies in substituting custom and local practices with alternatives offered by national legislation or the international human rights regime.¹⁸

In this paradigm, human rights are perceived as diametrically opposed to culture and cultural practices. Thus, human rights education needs to be de-contextualized, since scholars and educators view "local practice and culture, both historically and non-contextually, as monolithic, static, ossified and generally incapable of being transformed by the local population themselves."¹⁹ This logic indeed perpetuates the dichotomy we explained earlier. It also marginalizes the human agency in different cultures. This abolitionist paradigm is ethnocentric and deterministic.

Hence, practitioners and scholars must rethink the content of human rights education across culture to move beyond these orthodoxies and problems that face the discipline. Therefore, it is important for any human rights education to start with the recommendation of the People's Decade of Human Rights Education, which entails "an aspiration of human rights education is to engage individuals and communities dialectically... This aspiration requires more than knowledge of the content and mechanisms of international human rights instruments, which is the focus of much traditional human rights teaching."²⁰ To fulfil these aspirations, practitioners in the field "must latch on to, and mobilize, culturally legitimate signs, forms, artifacts, and languages that make its message more resonant, more inviting, and more palatable among the target population."²¹ Therefore, human rights education becomes more authentic through seeking a constitutive, mass cultural legitimization in the form of inputs and dialogue.

Cultural legitimization of human rights could offer a conducive environment for learning that nurtures dissemination of learning beyond content knowledge. The divorce between the current form of human rights education, and the targeted culture, has challenged the successful implementation of human rights education, since, every society struggles to better embody human rights principles. The embodiment of human rights principles is contingent on engaging culture and community, not only as a partner and supporter of the educational process, but also as an informer and director of education. This is due to the fact that:

Every moral philosophy offers explicitly or implicitly at least a partial analysis of the relationship between an agent to his or her reason, motives, intentions, and actions, and in doing so generally presuppose some claims that these concepts are embodied or at least can be in the real world.²²

The efforts of human rights education programs to draw on the agent's reasons, motives, and intentions have fallen short, considering that human rights education has mainly been

¹⁸ Ibid, 584

¹⁹ Ibid, 585

²⁰ Ibid, 585

²¹ Ibid, 588

²² Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, (Indiana: University of Notre Dame Press, 1981) 22

informed by the Western traditions of human rights. Therefore, this tendency has caused some issues in human rights education. One of these issues pertains to the abstractness of the educational process, since the educational process draws its pedagogy and curriculum from the Western traditions on rights. Human rights education depends on some of the socio-cultural norms. These norms provide a representation for the concepts of human rights. Thus the efforts, in the relational approach, are manifested in searching for an embodiment of human rights moral substance that draws on the agent's motives, reasons, and actions.

Current human rights education is directed to the dissemination of content knowledge about human rights. Although content knowledge is important, it is but one possible outcome from the educational process. Tibbitts explains that human rights education seeks to cultivate “all possible learner outcomes: content, critical thinking, values, and social action.”²³ Human rights education across cultures has not successfully affected learners, beyond content knowledge. This is due to the fact that the Western conceptualization of rights has constituted the source of curriculum and pedagogy of human rights education. Thus, learners and educators have been engaged in education utilizing what Freire refers to as “the banking model,” which holds that the bank is the student, the currency is Western traditions, and the teacher is the banker.²⁴ This model is rejected because it seeks to treat students and learners simply as receptacles, to be filled with information. In this model, learners are deprived of their critical consciousness. The model portrays knowledge as a static object, rather than a continuous process of inquiry and reflection.

The current discourse of rights is characterized by “education about human rights.” In this model, education has been a tool to disseminate and transmit knowledge about Western conceptualization of human rights. Most of the educators and scholars involved with this model were concerned with the urgency of disseminating human rights knowledge. Although these educators and scholars were motivated by a genuine concern to disseminate human rights knowledge globally, the efforts for their goal has not gone beyond drawing on arrangements about human rights education. This idea constitutes the orientation of human rights education in the current paradigm.

Toward a Relational Paradigm of Human Rights Education

Relationalism is an epistemological framework for a socially contextualized conception of knowledge. Thus knowledge, according to Karl Mannheim, cannot be formulated absolutely, but rather knowledge is formulated in terms of the perspective of a given situation. Relationalism is defined as:

A modern theory of knowledge, which takes account of the relational as distinct from the merely relative character of all historical knowledge, must start with the assumption that

²³ Felisa Tibbitts, “Understanding What We Do: Emerging Models for Human Rights Education,” *International Review of Education* 48, no. 3-4 (2002): 159-171, 164

²⁴ See Paul Freire, *Pedagogy of the oppressed*. (New York: Continuum, 2005)

there are spheres of thought in which it is impossible to conceive absolute truth independently of the values and position of the subject and unrelated to the social context.²⁵

In this sense, human rights knowledge ought to be consistent with the values and position of the subject. However, relationalism, as Mannheim warns, should not be confused with Cultural Relativism. Since Cultural Relativism denies the validity of any standards in the world, relationalism relates standards to a society, and vice versa.

The relational approach signifies that all elements of meaning in a given situation have reference to one another and derive their significance from this reciprocal interrelationship in a given frame of thought. In other words, the elements of meaning for human rights knowledge in a certain context are related and interrelated within a frame of thought. This necessitates a careful consideration of the context for human rights knowledge, as well as the frame of thought whereby this knowledge of rights is to be disseminated. Human rights knowledge is, it is argued here, relational and can be formulated, or educated for, with reference to the position of the learner in one's social or cultural milieu.

Contextualizing concepts and providing experiential meaning for human rights is a prerequisite for its cultivation. Hence, the development of a theoretical framework for human rights education, in this research, is channelled towards contextualizing human rights concepts through experiential meaning. This view proposes the idea of the isomorphic equivalents of human rights as a way of contextualizing human rights knowledge. Isomorphic equivalents of human rights are notions comparable to human rights language. These notions are referred to in the literature as "homorphic equivalents of human rights,"²⁶ and "functional equivalents of human rights."²⁷ However, I believe that referring to these notions as isomorphic equivalents captures the meaning more accurately.

The problem I seek to address is significant to the field of human rights, since one of the main underlying causes for violation of human rights standards, as An-Na'im argues, is the lack of cultural and contextual legitimacy for human rights standards.²⁸ Hence, this research acknowledges the importance of cross-cultural legitimization by providing a theoretical framework to inform the cultural legitimization and institutionalization of human rights. The study is significant, since scholars like Pollis and Schwab have emphasized repeatedly the importance of rethinking the conceptualization of human rights. The re-conceptualization of human rights is defined as, "an effort...to distill from the multiplicity of philosophies and

²⁵ Mannheim, *Ideology and Utopia*, (emphasis added), 70-71.

²⁶ See Allison Renteln, *International Human Rights: Universalism Versus Relativism* (Newbury Park: Sage Publications, 1990)

²⁷ See Bell, "The East Asian Challenges to Human Rights," (emphasis added)

²⁸ An-Na'im, "The cultural mediation of human rights," (emphasis added)

ideologies, and their divergent values, any universals that may exist.”²⁹ Building on this need of rethinking human rights, the research examines, cross-culturally, the overlapping values among traditions that attest to the relational universality of human rights concepts across cultures, and relate these findings to human rights and human rights education.

It is essential in this approach to recognize different traditions, with regard to human rights conceptualization, in a manner that could transcend the dichotomies inherent in the Universalist-Relativist debate. Thus, the argument is built on the relational approach to human rights. The approach is relationalist because it considers the importance of recognizing human rights conceptualization in relation to the horizon of the moral system from which the meaning of rights emerges. It considers the dialogical equality of the different traditions, with regard to human rights.

Human Rights Traditions and Isomorphic Equivalent

Human rights are defined, by Donnelly as the rights one has because she is a human being.³⁰ Donnelly defines human rights with relation to two concepts: rectitude and entitlement. “In the first sense, of rectitude, we talk of something being right; in this sense we say of an action that it is right. In the second sense, of entitlement, we talk of someone having a right.”³¹ In the first sense, rights are judged in terms of their conformity with the established moral and political traditions, while the second sense is a claim, which demands recognition of entitlement. The concept of rights, as entitlements, is defined as:

Titles that ground claims of special force: To have a right to x is to be specially entitled to have and enjoy x. The right thus governs the relationship between right-holder and duty bearer...to have a right is to be empowered to press rights claims.³²

Rights, as entitlements, mean that rights are justified demands to the enjoyment of basic social goods for a life of human dignity. The construction of human rights concepts emerged from Western democracies; namely the United States of America, Britain, and France (Bouandel (1997),³³ Donnelly,³⁴ Healy,³⁵ Hsiung,³⁶ Pollis & Schwab,³⁷ Renteln.³⁸ Donnelly attests to this fact:

²⁹ Adamantia Pollis, Peter Schwab. “Human Rights: A Western Construct with Limited Applicability,” in ed. Adamantia Pollis, Peter Schwab (New York: Praeger Publishers, 1972), 11

³⁰ Jack Donnelly, *Universal Human Rights in Theory and Practice* (Ithaca and London: Cornell University Press, 1989)

³¹ Ibid, 9

³² Ibid, 9

³³ Yousef Bouandel, *Human Rights and Comparative Politics*. (Aldershot: Dartmouth Publishing Company, 1977)

³⁴ Donnelly, *Universal Human Rights in Theory and Practice*, (emphasis added)

³⁵ Healy, “Human rights and Intercultural Relations: A Hermeneutical- Dialogical Approach,” (emphasis added)

Human rights represent a distinctive set of social practices, tied to a particular notion of human dignity, that initially arose in the modern West in response to the social and political changes produced by modern states and modern capitalist market economies.³⁹

The concept of human rights as rectitude is a universal concept, since it exists in most cultures around the globe, while the concept of rights as entitlements is a Western conceptualization of rights. This conceptualization is a product of particular moral, cultural, social and historical relational contexts. Human rights as entitlements, or claims against a society, are a Western construction, which privileges individuals and recognizes their claims against others, or against the society. But the concept of human rights as rectitude exists in most traditions in the world. This is the point of departure, which differentiates between human rights and the isomorphic equivalents of human rights.

Different cultures represent and express their moral concerns in a framework that is similar, in function, to human rights discourse. Most traditions in the world have recognized some form of human rights. Finnis explains:

All human societies show a concern for the value of human life. . . in none is the killing of other human beings permitted without some fairly definite justification. . . in all societies there is some prohibition of incest, some opposition to boundless promiscuity and to rape, some favour for stability and permanence in sexual relations. All human societies display a concern for truth, [and] all societies display a favour for the values of co-operation, of common over individual good, of obligation between individuals, and of justice within groups. All know friendship. All have some conception of meum and tuum, title or property, and of reciprocity. All display a concern for powers or principles which are to be respected as superhuman.⁴⁰

Traditions and cultures across the globe value human life, and respect it, in a manner that organizes the relationship between individuals in different societal groups. I refer to the forms of human rights concepts as rectitude, in non-Western societies, as the isomorphic equivalents of human rights, because isomorphemes partake in the same function as Western human rights discourse. Isomorphemes pertain to rights in the sense of moral righteousness, “what is right”.⁴¹ These isomorphemes constitute the overlapping principle between the

³⁶ James Hsiung, “Human rights in an East Asian Perspective,” in *Human Rights in East Asia*, ed. James Hsiung (New York: Paragon House Publishers, 1985)

³⁷ Pollis, Schwab. “Human Rights: A Western Construct with Limited Applicability,” (emphasis added)

³⁸ Renteln, *International Human Rights: Universalism Versus Relativism*, (emphasis added)

³⁹ Donnelly, *Universal Human Rights in Theory and Practice*, (emphasis added), 50

⁴⁰ John Finnis, *Natural Law and Natural Rights*. (Oxford: Clarendon Press, 1980), 83-84.

⁴¹ See Jack Donnelly, “How Rights And Duties Are Correlative?” *Value Inquiry* 16 (1982)

conceptualization of human rights in Western traditions and the conceptualization of human rights in non-Western traditions.

It is also important to note that in comparing the isomorphemes in non-Western cultures to human rights discourse in Western cultures using the term “equivalent,” my intention is not to privilege the Western conceptualization of human rights as a template whereby any comparison is made, or upon which human rights discourse is founded. Therefore, the Western conceptualization is entitled to be the centre of the discourse. The comparison I make between traditions is not to privilege one and repudiate another, rather the purpose of such a comparison is to highlight some of the similarities, and differences, which illuminate both traditions, giving them equal dialogical dignity and vulnerability.

The isomorphic equivalents of human rights do not represent a set of invariable rights equivalents that are the same across cultures, but rather these equivalents vary across traditions. The isomorphic equivalents of human rights exist either in the moral system, or are codified in the legal system. As evident in Donnelly’s definition, the emphasis in human rights conceptualization within Western traditions is on rights as claims for entitlements. The notion of entitlement refers to subjective rights; for example, it is a claim of an individual against the society for recognition of an entitlement to a right. The emphasis, in this context, is on the individuals who are the subjects of rights. Thus, the entitlement of an individual’s right is a priority to the concept. In the isomorphic equivalents of human rights, the priority is to maintain the social harmony of a group. The emphasis is on group harmony because the due process is different between human rights and the isomorphic equivalents of human rights.

Donnelly (1989) explains rights as entitlement:

A has a right to x (with respect to B)...[which] Specifies a right-holder (A), an object of the right (X), and a duty bearer (B). It also outlines the relationships in which they stand as a result of the right. A is entitled to x (with respect to B). B stands under correlative obligations to A (with respect to x).⁴²

Rights, in this sense, are perceived as an assertive demand for recognition of A’s right to X against B. This dynamic characterizes the due process in Western conceptualization of human rights. The isomorphic equivalents of human rights have a different due process, which is manifested in one’s duties towards others and towards the society at large. Thus, a fulfilment of a duty, of a certain nature, results in a right entitlement. Although this due process is not necessarily perceived as such, it is logical to claim that if two individuals, for example, fulfil their duty in respecting each other’s personal lives, then both individuals are entitled to the same right without any claims or demand for recognition, since reciprocity of respecting a right is an entitlement of a right.

⁴² Donnelly, *Universal Human Rights in Theory and Practice*, (emphasis added), 10

To explain the idea further, I use a Donnelly's paradigm: If A has a duty towards B with respect to X, then B has a duty towards A with respect to X. Both A and B are entitled to X by the nature of their reciprocal obligatory duties towards each other and towards other individuals in a society. This dynamic characterizes the due process in the isomorphic equivalents of human rights. The isomorphic equivalents of human rights are enforced by fulfilling duties, which draw on the morality of certain groups.

Donnelly (1982) introduces four ways in which rights and duties might be correlative:

- “ (1) A right of A against B implies a duty of B to A.
(2) A duty of B to A implies a right of A against B.
(3) A right of A against B implies a duty of A to B
(4) A duty of A to B implies a right of A against B.”⁴³

1, and 2 are characteristics of rights claims in the Western conception of human rights which demand entitlements with a special force to the enjoyment of certain rights. 1, 2, and 3 are characteristics of the isomorphic equivalents of human rights which demand a duty fulfilment on the right and duty holder. Rights and duties are perceived, here, as essential components of the recognition of rights, with a slight difference in the due process, among others.

There is a difference between Western traditions of rights and the isomorphic traditions in conceptualization. The divergence between human rights and the isomorphic equivalents of human rights can be traced to the fact that each tradition emerged from a different socio-political system. Hsiung argues, “the meaning of ‘human rights’ in the West is inseparable from the adversarial legacy in which they were conceived.”⁴⁴ Hsiung explains the adversarial tradition, with reference to the long historical clash between classes, in Western tradition. This class clash has been influential in informing human rights conceptualization. This, according to Hsiung explains the individualistic connotation embedded in Western human rights conceptualization.

The non-Western conceptualization of human rights is influenced by the process of consensual legacy, which prioritizes the social harmony over the concept of individual rights, as Hsiung claims. This divergence in conceptualization makes the kind of urge for freedom found in the West incompatible with the urge for freedom in other traditions. In non-Western traditions, “there was neither a legacy of adversarial relations, that would press the people to search for abuses of their rights, nor any comparable adversarial experience to enable them to appreciate the significance of the Western notion of human rights.”⁴⁵ That does not mean that

⁴³ Donnelly, “How Rights And Duties Are Correlative?,” (emphasis added), 288

⁴⁴ Hsiung, “Human rights in an East Asian Perspective,” (emphasis added), 5

⁴⁵ Ibid, 12

there is no room for freedom, or rights, in non-Western traditions. Rather, the idea at hand is to explain the difference in orientations and traditions between human rights conceptualization in the West and the isomorphic equivalents of human rights conceptualization in non-Western traditions. A discussion of the differences in human rights conceptualizations and the implications on education shall be the force in the next section.

Toward a Relational Conception of Human Rights Education

The current paradigm for human rights education focuses on “education about human rights,” while the relational paradigm emphasizes “education for the realization of human rights and their equivalents.” In the latter, the focus is on disseminating rights knowledge utilizing cultural knowledge, while in the former, attention is placed on disseminating rights knowledge, by utilizing the Western conceptualization of human rights.

The application of the relational approach could aid in the realization of the goals of human rights education. In this approach, human rights are learned within one’s tradition, as well as through other traditions. The relational epistemology imparts knowledge about rights that goes beyond content knowledge. The resulting knowledge can be applied within societies and cultures, in a manner that fosters the attitudes and behaviors necessary to uphold the human rights of all individuals in the globe. In addition to transcending the Universalist-Relativist debate, the relational epistemology would also eliminate some of the previously described anti-educational orthodoxies and issues.

Meintjes defines empowerment as, “a process through which people and/or communities increase their control or mastery of their lives and the decisions that affect their lives.”⁴⁶ If people and community are to increase control of their lives, as a prerequisite for empowerment, then human rights education has to draw on the knowledge that exists in the community, which is utilized towards empowerment of individuals and communities simultaneously. In this sense, education is the link between the culture and human rights. This link facilitates the educational process, and represents an embodiment of human rights principles. This link also draws on the individual’s reasons, motives, intentions, and actions, and cultivates all possible learning outcomes. Educating for human rights, as a result, becomes more authentically directed towards empowerment. Furthermore, A critical pedagogy emerges from applying the relational approach to human rights education. The pedagogy is characterized by being meditational and dialectical in nature. These characteristics shall be explained in the following discussion.

⁴⁶ Garth Meintjes, “Human rights education as empowerment: Reflections on pedagogy,” in *Human Rights Education for the Twenty First Century*, ed. George Andreopoulos, Richard Claude (Philadelphia: University of Pennsylvania Press, 1997)

Meditational Pedagogy

At the outset of this section, it is important to dwell on the meaning of the word “pedagogy.” Daniels states that the term pedagogy should be constructed in reference “to the forms of social practice which shape and form the cognitive, effective, and moral development of individuals.”⁴⁷ Pedagogy is linked to the socio-cultural theory, with regard to education and educational psychology. Since the emphasis is on theorizing and providing methodological tools for investigating the processes by which social, cultural, and historical factors influence human cognition and function within a society.

The socio-cultural theory emphasizes the social, cultural, and historical context, in which learners are nurtured. The social and cultural context has a profound influence on thinking and learning. The socio-cultural context can also be used as an effective instructional practice. The theory asserts that during the social interactions within a community, learners encounter certain ways of thinking, which are characteristic of certain social and cultural patterns of thought. In this theory social interactions need to include mediation if they are to affect cognitive growth. Mediation refers to, among others, to cultural mediators of meaning, which included, “language; various systems for counting; mnemonic techniques; algebraic symbols; works of art; writing; schemes, diagrams, maps and mechanical drawings; all sorts of conventional signs.”⁴⁸ These tools and signs are the means by which interactions between the subject and object are mediated. Therefore, the process of mediation helps learners to create a shared understanding with others within a given society. In this context, mediators are means that direct the mental process(es), and are significant aspects of the learners’ culture.

Culture, according to Daniels, provides learners with psychological tools that are important in the learners’ cognitive growth. As an example, in this case, the subject is a human rights learner, the object is human rights knowledge, and the tools refer to the relational epistemology, as expressed in the isomorphic equivalents of human rights. Therefore the tools are the mediator of the meaning and the concept and are a part of the pedagogy of human rights education.

Bruner differentiates between two theories with regard to education. The theories are of pivotal importance, since they are related to human rights education and to the described approach.⁴⁹ The first theory contains the hypothesis that the mind could be conceived as a computational device, which is defined by Bruner as “computationalism.” Computationalism is related to the banking model of education, explained by Freire.⁵⁰ The banking model of education and computationalism, marginalize the learner’s agency as a human being, since

⁴⁷ Harry Daniels, *Vygotsky and pedagogy*, (New York: Routledge Falmer, 2001), 1

⁴⁸ Ibid, 15

⁴⁹ See Jerome Bruner, *The Culture of Education*, (Massachusetts: Harvard University Press, 1996)

⁵⁰ See Freire, *Pedagogy of the oppressed*, (emphasis added)

information is spoon fed to the learner. The learner is presumed to process information like a computer. This process includes an input and a predicted output.

The second theoretical approach is defined by Bruner as “culturalism.” It is “the proposal that mind is both constituted by, and realized, in the use of human culture.”⁵¹ In this approach, the emphasis is on the nature of mind, since this nature is linked to “the development of a way of life where ‘reality’ is represented by a symbolism shared by members of a cultural community in which a technical-social way of life is both organized and constructed in terms of that symbolism.”⁵² Cultural symbols represent a system of communication that is shared by a community. This system constitutes a conserved form of culture that is elaborated on, preserved, and passed on to succeeding generations, which contribute, maintain, and continue the culture’s identity and way of life.⁵³

The relationship between computationalism, culturalism, and epistemology is manifested in knowledge construction, with regard to human rights. To elaborate further, utilizing one tradition, with regard to human rights conceptualization, as representative of all traditions in the educational process, is an embodiment of both the banking model and computationalism, because the primary focus is placed on feeding the learner with uncontextualized human rights knowledge that does not correspond to the reality of the learner. The uncontextualized knowledge is delivered through “the complex ‘universal models’ [computationalists] proposed are sometimes half-jokingly referred to by them as ‘TOEs,’ an acronym for ‘theories of everything.’”⁵⁴ Thus, to capitalize on the Western conceptualization of human rights knowledge as a universal knowledge about rights is as unmistakably a philosophical fallacy as it is an educational one. In this scenario, human rights knowledge marginalizes the learner, culture, and cultural symbolism that could be viewed as cardinal in cultivating and disseminating rights knowledge.

As opposed to computationalism, culturalism places emphasis on symbolism, which uses contextualized meaning from appropriate cultural contexts, to deliver meaning about information: in this case, human rights knowledge. The quest for constructing meaning is almost impossible without symbolism, since:

Nobody can do it unaided by the culture’s symbolic system. It is culture that provides the tools for organizing and understanding our world in communicable ways...Without those tools, whether symbolic or material, man is not a ‘naked ape’ but an empty abstraction.⁵⁵

⁵¹ Bruner, *The Culture of Education*, (emphasis added), 2

⁵² Ibid, 3

⁵³ Ibid

⁵⁴ Ibid, 5

⁵⁵ Ibid, 3

Human rights education, which is aided by cultural symbols, cultivates beliefs, skills, and feelings that correspond to a culture's way of interpreting the natural and social world. Human rights dissemination, which is grounded on a relational epistemology, advances human rights education in a manner corresponding to the culture's way of interpreting the world. This advancement is contingent on using cultural symbols that contribute to meaning-making within a relational context. Contextualizing meaning, with regard to human rights education, aids cultures in their adaptation to change, since the opposite is perceived as "when education narrows its scope of interpretive inquiry, it reduces a culture's power to adapt to change."⁵⁶

The pedagogy involves "a vision (theory, set of beliefs) about society, human nature, knowledge and production, in relation to educational ends, with terms and rules inserted as to the practical and mundane means of their realization."⁵⁷ To appropriate this definition of pedagogy to human rights education means that this pedagogy is to consider how social, historical, and cultural institutions impact the process of teaching and learning.

It is only with the relational /meditational approach/ pedagogy that an authentic universality, and generalizations of rights, can be recognized. An-Na'im asserts:

It is not a matter of choice between cultural mediation and other approaches to the universality of human rights. Rather, it is simply that there is no alternative to the cultural mediation approach if genuine and lasting universality of human rights is to be achieved.⁵⁸

The pedagogical aim in this context emphasizes the importance of cultural mediation, symbols, the isomorphic equivalents of human rights, and channels this process towards global human rights education, which cultivates a genuine sense of concern to the well-being of humanity. The approach "demands a respect for the authenticity of mediated frames of meaning: this is the necessary avenue for understanding other forms, that is, generating descriptions that are potentially available to those who have not directly participated in them."⁵⁹ In this context, the approach at hand demands respect and recognition of the isomorphic equivalents of human rights to be a starting point for education about human rights in some cultures.

Human rights education should also be buoyed to infer a common universal experience, based on the particularity of each unique cultural experience. The inference is to consider cultural artefacts, signs, symbols, forms, language, folk stories, texts, etc., or any part of the culture in question, which should be part of the sub-alternate narrative on human rights and human rights education.

⁵⁶ Ibid, 15

⁵⁷ Daniels, *Vygotsky and pedagogy*, (emphasis added), 4

⁵⁸ An-Na'im, "The cultural mediation of human rights," (emphasis added), 186.

⁵⁹ See Anthony Giddens, *New Rules of Sociological Method*, (Stanford: Stanford University Press, 1993), 152

Dialectical Pedagogy

In human rights education it is of cardinal importance to refrain from using the banking model as pedagogy for education. The issue with this pedagogy lies in its impotency in transforming the social reality that is antithetical to human rights. Reardon testifies, “Most current practices in education focus on transfer of knowledge rather than on the development of the capacities to produce and internalize it; so they remain mechanisms for the pedagogies and politics of the status quo.”⁶⁰ The utilization of one way of thinking, with regard to human rights, does not cultivate knowledge beyond content knowledge. Thus, the focus in this approach is on transferring knowledge. A genuine endeavor would focus on the development of learners’ capacities.

The nature of dialectical approach relies on the fact that education for human rights unfolds from within. Thus, the learner reflects on the context through learning and active experimentation of the contextual meaning of human rights or its isomorphemes. In this manner, education becomes empowering to learners, considering it makes possible “for people to enter the historical process as responsible subjects.”⁶¹ As responsible subjects, learners are enrolled in a search for self-affirmation in a form of engagement meant to transform concrete objective reality that is antithetical to the preservation and recognition of human dignity.

Dialectics is premised on the interaction between subjective and objective experience. It is through the amalgamation of two kinds of experiences that a dialectical pedagogy emerges. Thus, “the subjective aspect exists only in relation to the objective aspect (the concrete reality, which is the object of analysis). Subjectivity and objectivity thus join in a dialectical unity producing knowledge in solidarity with action, and vice versa.”⁶² In grounding human rights education on a relational epistemology, the subjective aspect to human rights knowledge is linked to the concrete reality of knowledge analysis. Hence, a dialectical pedagogy emerges as human rights learners acquire objective knowledge from the tradition. Reflecting on objective knowledge is the subjective aspect of knowledge acquisition. Freire elaborates:

To explain to the masses their own action is to clarify and illuminate that action, both regarding its relationship to the objective facts by which it was prompted, and regarding its purposes. The more the people unveil this challenging reality,

⁶⁰ See Betty Reardon, [Human Rights Learning: Pedagogies and Politics of Peace] (Keynote Address, the University of Puerto Rico, April 2009), 2.

⁶¹ Freire, *Pedagogy of the oppressed*, (emphasis added), 36.

⁶² *Ibid*, 38

which is to be the object of their transforming action, the more critically they enter that reality.⁶³

By the same token, human rights education, which is established on a relational epistemology, as in the case of the isomorphic equivalents of human rights, presents human rights knowledge in relation to the objective facts that prompted the recognition of human rights, or their equivalents. Hence, the epistemology is perceived, not in terms of explaining to the learners the importance of human rights recognition per se, but rather in terms of dialoguing with learners about their actions and knowledge of rights or their equivalents.

The dialogue is critical and liberating, to human rights learners, assuming it is based on a critical reflection which ultimately leads to engagement, in the form of action. Engagement, in this sense, becomes praxis as the object of critical reflection.⁶⁴ To achieve this praxis, it is necessary to trust the learner and her ability to reason. “Whoever lacks this trust will fail to initiate (or will abandon) dialogue, reflection, and communication, and will fall into using slogans, ...monologues, and instruction.”⁶⁵ To appropriate Freire’s notion of praxis to human rights education implies that human rights knowledge is contingent on history and culture. History and culture provide continuity and potency as sources of the praxis.

The dialectical pedagogy is necessary for human emancipation from wrong-doing, it is also a necessary stimulus to human rights recognition. Thus, human rights education:

Must be forged *with*, not *for*, the oppressed in the incessant struggle to regain their humanity. This pedagogy makes oppression and its causes objects of reflection by the oppressed, and from that reflection will come their necessary engagement in the struggle for their liberation.⁶⁶

For Freire, to liberate humans within a certain context, it is important to first establish a pedagogy that draws on their condition of existence, as opposed to having a set of principles or established concepts, as a recipe for their liberation. This is due to the logical conclusion that prescribing uncontextualized recipes for human liberation is depriving humans from the process of reflection. This process is an integral part of education, as well as liberation.

In deduction human rights education across cultures assumes validity, since it offers the concepts of human rights a representational validity from cultural repertoire of knowledge about human rights. Thus, human rights learners can recognize the possible adequacy of some different understandings and learn from differences continually to enrich their own

⁶³ Ibid, 53

⁶⁴ See Ibid

⁶⁵ Ibid, 66

⁶⁶ Ibid, 48

understanding. This approach to human rights education has pragmatic implications on the educational process, since it offers a suitable, contextualized means (isomorphic equivalents of human rights) to serve the broader end, which is the goal of human rights education.

There are two consequences which follow from this approach that influence education locally and globally. On a local level, one assesses the adequacy of understanding human rights with others within the same culture. This provides a potent environment that nurtures human rights dissemination through communication. On a global level, one is able to understand others' perspectives on human rights, through a comparison between one's own understanding, and other cultural interpretations of the same topic.

The ethnocentric views on human rights are an important component in human rights education. Habermas maintains:

In moral discourse the ethnocentric perspective of a particular collectivity expands into the comprehensive perspective or an unlimited communication community, all of whose members put themselves in each individual's situation, worldview, and self-understanding, and together practice an ideal role-taking.⁶⁷

Habermas enumerates four advantages to a border crossing approach, which could be also the advantages of the relational approach. First, it expands one's understanding. Second, it provides an "unlimited communication community." Communication is based on shared understanding within one culture and across cultures. Third, this approach closes gaps between cultures and nations, and builds bridges that are based on empathy. Fourth, the total process is ideal for "role-taking." In this approach, each culture or tradition expands its understanding, and accordingly, takes the role necessary to educate for human rights.

Concluding Remarks

Relationalism is the claim that human rights are to be consistent with the values and the position of the subject in relation to, but not limited to, her context. Thus, there is no absolute truth independent of the values and position of the subject and unrelated to the subject's context.⁶⁸ This idea means that knowledge should be taught with reference to the subject (the learner) and to the object (human rights), taking into consideration the reciprocal interrelationships between both. In addition to that, this reciprocity has to unfold from a context-specific historical and cultural experience, given that history and culture inform knowledge in diverse epistemological manifestations.

Consequently, an adequate understanding of global human rights has to dwell on the relationship between human rights and the isomorphic equivalents of human rights in other

⁶⁷ Jürgen Habermas, *Justification and Application*, (Massachusetts: MIT Press, 1994), 162

⁶⁸ See Mannheim, *Ideology and Utopia*, (emphasis added)

cultures. Thus, human rights education is to expand its source, instead of relying on one tradition. The exploration of more than one tradition is beneficiary to the learner, since it expands the learner's horizon. Understanding, in this context, reaches a high level of validity, since it is perceived as being-in-the world, rather than learning about an abstract conceptualization that does not correspond to the social reality.

Further studies emerge from this paper that could broaden the collective understanding of relationalism with regard to traditions of justice. Some questions arise, such as: Is justice a universal conception? Is justice a culturally relative concept? It is plausible to argue that justice is a relational concept, since justice is contingent on the culture and the moral system of a certain group. In addition, the implementation of justice has due processes and procedures, which vary across cultures. Thus, the relational epistemology could further our understanding of justice, and its aims. As a prerequisite, it is essential not to fall a prey to the dichotomy of Universalism and Cultural Relativism.

The dichotomy of Universalism and Cultural Relativism has led to a considerable myopia with regard to the possibility of disseminating human rights globally. This paper has offered an alternative conceptualization of human rights by exploring the sociological foundations of human rights knowledge, which is based on relationalism. The relational approach illuminates the difference between human rights and their isomorphic equivalents, which necessitates a contextual consideration of human rights knowledge. This approach could potentially contribute to the legitimization and the institutionalization of human rights, if considered as means towards that end.

Bibliography

- An-Na'im, Abdullahi. "The cultural mediation of human rights." In *The East Asian challenge for human rights*. Edited by Joanne Bauer, Daniel Bell, 147-168. Cambridge: Cambridge University Press, 1999.
- Bell, Daniel. "The East Asian Challenges to Human Rights: Reflection on an East West Dialogue." *Human Rights Quarterly*, 18, no.3 (1996): 641-667.
- Bouandel, Yousef. *Human Rights and Comparative Politics*. Aldershot: Dartmouth Publishing Company, 1997.
- Bruner, Jerome. *The Culture of Education*. Massachusetts: Harvard University Press, 1996.
- Daniels, Harry. *Vygotsky and pedagogy*. New York: Routledge Falmer, 2001.
- Donnelly, Jack. *Universal Human Rights in Theory and Practice*. Ithaca and London: Cornell University Press, 1989.
- _____. "How Rights And Duties Are Correlative?" *Value Inquiry* 16, no 22 (1982): 287-294.
- Freire, Paul. *Pedagogy of the oppressed*. New York: Continuum, 2005.

- Finnis, John. *Natural Law and Natural Rights*. Oxford: Clarendon Press, 1980.
- Habermas, Jürgen. *Justification and Application*. Massachusetts: MIT Press, 1994.
- Healy, Paul. "Human rights and Intercultural Relations: A Hermeneutical- Dialogical Approach." *Philosophy and Social Criticism* 32, no.4 (2006): 513-541.
- Hsiung, James. "Human Rights in an East Asian Perspective." In *Human rights in East Asia*. Edited by James Hsiung, 1-30. New York: Paragon House Publishers, 1985
- MacIntyre, Alasdair. *After Virtue: A Study in Moral Theory*. Indiana: University of Notre Dame Press, 1981.
- Mannheim, Karl. *Ideology and Utopia*. New York: Harcourt & Brace Company, 1940.
- Meintjes, Garth. "Human rights education as empowerment: Reflections on pedagogy." In *Human Rights Education for the Twenty First Century*. Edited by George Andreopoulos, Richard Claude, 64-79. Philadelphia: University of Pennsylvania Press, 1997.
- Okafor, Obiora ., Agbakwa, Shedrack . "Re-imagining International Human Rights Education in Our Time: Beyond Three Constitutive Orthodoxies." *Leiden Journal of International Law* 14, no.3 (2001): 563-590.
- Pollis, Adamantia., Schwab, Peter. "Human Rights: A Western Construct with Limited Applicability." In *Human rights: Cultural and ideological perspectives*. Edited by Adamantia Pollis, Peter Schwab, 1-18. New York: Praeger Publishers, 1972.
- Reardon, Betty. [Human Rights Learning: Pedagogies and Politics of Peace]. Keynote Address, the University of Puerto Rico, April 2009.
- Renteln, Allison. *International Human Rights: Universalism Versus Relativism*. Newbury Park: Sage Publications, 1990.
- Taylor, Charles. "The Politics of Recognition." In *Multiculturalism*. Edited by Charles Taylor, and Amy Gutmann, 25-75 . Princeton University Press, New Jersey, 1994.
- Tibbitts, Felisa. "Understanding What We Do: Emerging Models for Human Rights Education." *International Review of Education* 48, no. 3-4 (2002): 159-17.