A Dissertation

entitled

A Relational Hermeneutical Approach to Human Rights Education

by

Fuad Al-Daraweesh

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______________________________
Dale Snauwaert, Ph.D., Committee Chair

______________________________
Mary Ellen Edwards, Ph.D., Committee Member

______________________________
Lynne Hamer, Ph.D., Committee Member

______________________________
Revathy Kumar, Ph.D., Committee Member

______________________________
Dr. Patricia R. Komuniecki, Dean
College of Graduate Studies

The University of Toledo

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This research is an effort to transcend the debate of universalism and cultural relativism by offering a new conceptualization of human rights. The conceptualization is presented through the development of a theoretical framework in the form of an epistemology. The research articulates and defends the epistemology, which is grounded on relationalism and hermeneutics. Fusion of horizons emerges from the relational hermeneutical epistemology as an essential process that values each tradition of human rights, and their equivalents, as a valid dialogical element in the epistemology. A critical pedagogy emerges from grounding human rights education on a relational hermeneutical epistemology. Thus, the dissertation argues for grounding human rights education across cultures on the described epistemology.
For those absent: My father and Dr. Rane Arroyo.

For those present: My mother, brothers and sisters, Dr. Samir Abu-Absi, and Dr. Dale Snauwaert.
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Table of Contents

Abstract iii
Acknowledgments v
Table of Contents vi

I. Introduction 1
   A. The Background of the Research 1
   B. Purpose of the Research and Research Questions 5
   C. The Framework of the Research 6
   D. The Nature of the Research 9
   E. The Rationale of the Study 9
   F. The Significance of the Study 10
   G. Structure of the Research 12

II. Hermeneutics: A Methodology for Human Rights Education 14
   A. Introduction 14
   B. Culture 15
   C. Hermeneutics 21
      a. Whole and part. 24
      b. Ontology. 26
      c. Fusion of horizons. 27
      d. Sociology of knowledge. 30
      e. Representational validity. 34
      f. Experiential meaning. 35
      g. Geography of logic. 38
h. Categorical structure. 45

i. Postulates of the methodology. 46

D. Conclusion 47

III. Fusion of Horizons 49

A. Introduction 49

B. Human Rights 51

C. The Isomorphic Equivalents of Human Rights 52

a. Isomorphic equivalents of human rights in Buddhism. 60

b. Isomorphic equivalents of human rights in Confucianism. 75

D. Why Fusion of Horizons and the Isomorphic Equivalents of Human Rights? 91

a. The institutionalization of rights. 92

b. Effect-history and effect-culture. 93

c. Language construction. 95

d. Towards plural impartiality. 100

E. Conclusion 104

IV. Towards a Pedagogy of Human Rights Education 106

A. Introduction 106

B. Anti-educational Orthodoxies and Issues 106

C. A Pedagogy for Human Rights Education 118

a. Elements of human rights education
pedagogy.

i. *Culture and education.*


i. *Dialectical pedagogy.*

ii. *Experiential learning.*

D. Pedagogy in the Classroom

E. The Epistemology, the Pedagogy, and Human Rights Education

F. Conclusion

V. Conclusion

A. Concluding Discussion

B. Significance of the Study

C. Implications for Further Studies

a. The epistemology and the idea of justice.


c. The need for a feminist epistemology.

D. Concluding Statement

References
Chapter One

Introduction

The Background of the Research

One of the most controversial issues for the past twenty years has been the 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. Human rights, for Universalists, are considered as:

A moral right, something which all men, everywhere, at all times ought to have, something of which no one may be deprived without grave affront to justice, something which is owing to every human being simply because he is a human. (Cranston, 1973, p. 36)

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” (Healy, 2006, p. 515). As these quotes attest, human rights are perceived as entitlements for all individuals by virtue of their humanity. Thus, human rights exist independent of culture, ideology, moral and social value systems.

For Universalists, the universalizing of human rights, ad hoc, is to bring justice to humanity, which has witnessed an abundance of cruelty as a result of wars, totalitarianism, and natural and unnatural disasters. Universalists presume the validity of universal human rights, while Cultural Relativists invalidate the possibility of universal human rights, on the grounds of the incommensurability thesis, which claims that, “different cultures have incommensurable fundamental moral principles or incommensurable moral outlooks” (Talbott, 2005, p. 45).
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. Cultural Relativists “regard different cultural traditions as constituting ‘different worlds,’ which, being fully determined by their own distinctive beliefs, values and practices, are impervious to the requirements imposed by human rights standards” (Healy, 2006, p. 516). Relativism emphasizes that values of human rights are at odds with traditional intercultural beliefs. At the heart of relativism is the belief that human rights can impede the ability of some cultures to control their own destiny. The incommensurability thesis could emerge as deficient, since total incommensurability could be claimed to justify human rights violations.

Thus, the incommensurability argument can be utilized as immunity to the accountability requirements of human rights protection. Meanwhile, the Universalist conceptualization of human rights is also problematic, since Universalists, in general, have not considered the possibility of intercultural dialogue, with regard to human rights (Healy, 2006; 1979; Keet, 2007; Pollis & Schwab) that could ultimately lead to a universal consensus on the overlapping human rights corpus across cultures.

As a human rights learner, I struggled with the debate between universalism and cultural relativism. At one point I was a Universalist, at another I was a Cultural Relativist. In my opinion, it is important to preserve human dignity in the recognition of human rights, but it seems that other cultures are skeptical about human rights, since the discourse is perceived as a threat to cultural, political, and social autonomy.
This research 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 conceptualization. This study is an alternative narrative of human rights, based on a “plural impartiality” of human rights, as a means to realize global justice. The traditional narrative of the discipline has laid the emphasis on efforts to universalize human rights through a set of instruments, such as the Universal Declaration of Human Rights (UDHR).

Human rights educators who utilize the UDHR as the most important narrative of human rights have impeded the realization of global human rights awareness, since the narrative has eliminated the fact that most cultures express their moral commitments to human rights through local conceptualization of the discipline (Pollis & Schwab, 1979; Keet, 2007; Healy, 2006). Instead, the traditional narrative has singled out cultures that embrace human rights through the UDHR as good, while signaling out cultures that are reluctant to embrace the UDHR as morally flawed (Galtung, 1994).
Consequently, the efforts have fallen short in realizing global human rights awareness, and in cultivating a global commitment to the protection of human rights.

This dissertation is based on the assumption of a narrowly defined universalism and cultural relativism. My critique of Universalism is summarized by Mannheim (1940), who maintains: “We must realize once and for all that the meanings which make up our world are simply an historically determined and continuously developing structure in which man develops, and are in no sense absolute” (p. 76). In this sense, the meanings that make up human rights are historically determined and continuously developing. In light of this claim, human rights knowledge, as presented by Universalists, is not to be considered as absolute, since human rights knowledge is a developing field of inquiry, which changes over time, according to the imperatives of the historical context. The problem with cultural relativism is its incapacity to generate cross cultural understandings of human rights, since it holds that human rights should be considered only in countries that originate them, namely Western democracies. In addition, the incommensurability thesis, as Healy (2006) and Li (2001) argue, could be, and has been, used by oppressive regimes to justify human rights violations.

The problem with theorists on both sides of the spectrum is found in the level of abstraction, which makes both theories incapable of progressive development, since both theories resist systematic formulation. Mannheim (1940) argues:

It is not an accident when a certain theory, wholly or in part, fails to develop beyond a given stage of relative abstractness and offers resistance to further tendencies towards becoming more concrete, either by frowning upon this tendency towards concreteness or declaring it to be irrelevant. (p. 248)
The assertions from both sides have led to a considerable myopia regarding bridging the differences and focusing on the similarities of human endeavor with regard to rights and their equivalents. If we, as human rights educators, seek to liberate ourselves from the absolutism of the Universalist approach and the implausibility of the Relativist approach, and the dangerous aspects of both – cultural imperialism in the former case, and injustice in the latter, we should critically scrutinize the issue from sociological and philosophical perspectives.

**Purpose of the Research and Research Questions**

The purpose of this research is the articulation and defense of the epistemological foundation of human rights education across cultures, from the perspective of relational and hermeneutical methodology. It is the focus of this research to examine, philosophically, the manifestations of human rights concepts within two traditions, namely Buddhism and Confucianism. This examination invalidates the Relativist claim by presenting cross-cultural evidence of the existence of a human rights corpus. The evidence could, potentially, lead to a universal recognition of human rights, based in different traditions. Sourcing human rights universality from cross-cultural examination of human rights is a genuine endeavor for human rights education. Thus, as a prerequisite, it is important to develop a methodological/conceptual framework to inform human rights education across cultures.

**Research questions.**

The research is framed by one main question, which I seek to address by posing three sub-questions.

**Main question.**
What constitutes a theoretical epistemological framework for human rights education that preserves the cultural, social, and political autonomies of the targeted populations, transcending dichotomies inherent in the Universalist-Relativist debate?

Sub-questions.

1. In a culturally diverse world what is the source and constitution of knowledge? I dedicate Chapter Two to the exploration of this question.

2. From the perspective of a relational, hermeneutic epistemology, what constitutes human rights knowledge? I seek to answer this question specifically in Chapter Three.

3. From the perspective of a relational, hermeneutic epistemology and isomorphic equivalence of human rights across cultures, what constitutes the pedagogy of human rights education? I seek to answer this question in Chapter Four.

The Framework of the Research

The philosophical framework I use to explore the research question is based on Mannheim’s (1940) notion of relationalism. For Mannheim (1940), relationalism is a framework that relates the social subject to his/her total historical and cultural structure. Thus knowledge, according to Mannheim (1940), 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 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. (Mannheim, 1940, p. 70-71)

In this sense, human rights knowledge ought to be consistent with the values and
position of the subject. The totality of the subject and knowledge, also, ought to be
consistent with the social context. However, relationalism, as Mannheim (1940) warns,
should not be confused with Cultural Relativism, which:

…denies the validity of any standards, and of existence of order, in the world.
Just as the fact that every measurement in space hinges upon the nature of the
light does not mean that our measurements are arbitrary, but merely that they are
only valid in relation to the nature of light, so in the same way, not relativism in
the sense of arbitrariness, but relationalism that applies to our discussion. (p. 254)

Therefore, cultural relativism with regard to human rights could be invalidated as a
theory, if human rights concepts are proved to exist across cultures. In this case, the
burden is on human rights educators to develop an epistemology which is structurally
related to a given social/cultural/ political situation. This constitutes the nature of
relationalism, with regard to human rights.

The relational epistemology 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” (Mannheim, 1940, p. 76). 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 best understood
as relational and can be formulated, or educated for, with reference to the position of the learner in his/her social/cultural milieu. The approach, from a sociological perspective, is articulated by Mannheim (1940) who argues:

Just as the individual who participates in a complex of vital social relations with other men thereby enjoys a chance of obtaining a more precise and penetrating insight into his fellows, so a given point of view and a given set of concepts, because they are bound up with and grow out of a certain special reality, offer, through intimate contact with this reality, a greater chance of revealing its meaning. (p. 72)

Human rights knowledge that grows out of a set of concepts, which are related to a certain social reality, reveals great significance and meaning to human rights learners. In this case the issue lies in contextualizing human rights knowledge.

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 to be channeled towards contextualizing human rights concepts through experiential meaning. This view sheds light on the isomorphic equivalents of human rights. Isomorphic equivalents of human rights, as I refer to them in this research, are notions comparable to human rights language, as they are referred to in the literature as “structural equivalents of human rights,” “homomorphic equivalents of human rights” (Renteln, 1990), and “functional equivalents of human rights” (Bell, 1996). I use the term “isomorphic,” since it captures the essence of the meaning, function, and structure of moral concerns succinctly.
The meaning of isomorphic equivalents of human rights is informed by the fact that most non-Western societies express their moral concerns within a different framework of rights, which is similar in function to the rights discourse in Western societies. Healy (2006), Bell (1996), Chiba (1987), Panikkar (1982), Renteln (1990), and Rosemont (1998) are scholars who advocate for the use of the isomorphic equivalents of human rights as a source of justification and legitimacy for human rights and human rights education.

**The Nature of the Research**

This research is an alternative conceptualization of human rights epistemology, which is informed by a comparative assessment of justice, as manifested in human rights. The conceptualization is embodied in the isomorphic equivalents of human rights, and grounded on hermeneutical methodology. This methodology is based on Healy's (2006) *Human rights and intercultural relations: A hermeneutico-dialogical approach to human rights*. Healy provides the framework whereby I venture for further development of the methodology and its importance in human rights education across cultures. The philosophical issue here is the sociological understanding of knowledge, as explained by (Mannheim, 1940), and the implications of such understandings on human rights and human rights education. This research considers the isomorphic equivalents of human rights as a source of justification, as well as a source of pedagogy and methodology, for human rights education across cultures.

**The Rationale of the Study**

The literature review on human rights education displays what Andreopoulos (1997) refers to as “a poverty of our conceptual tools” (p. 9). Human rights education
has been “under theorized,” according to Keet (2007). In light of these claims, this study offers new ground in considering the universality of human rights in relation to culture, an approach that comes as a response to Maran (1997), who argues that, “the critical issue of the universality of human rights in relation to culture has yet to be raised” (p. 200). This research is also meant to offer an innovative conceptualization of human rights, which seeks a “concept cluster within both ethical statements and an ethical theory [that] can be articulated, which can be applicable to, and appreciated by, all of the world’s people” (Rosemont, 1998, p. 168). The research is meant to explore the possibility of Rosemont’s (1998) proposal, through exploring the human rights “concept cluster” within ethical systems, as developed in some traditions. Concept cluster, in Rosemont’s proposal, refers to the isomorphic equivalents of human rights.

**The Significance of the Study**

This study makes an innovative contribution to human rights education through exploring the concepts of isomorphic equivalents of human rights. In addition, the research offers a new conceptualization to inform human rights education through a hermeneutical epistemology of human rights. The problem I seek to address is significant to the field of human rights education, since most of the literature in the discipline has acknowledged the fact that human rights education is under theorized. The study is significant, since scholars like Pollis and Schwab (1972) 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 ideologies, and their divergent values, any universals that may exist” (p. 1). Building on this need of rethinking human rights, the research
examines, cross-culturally, some of the values that exist in certain traditions. This examination is focused on the identification of overlapping values among traditions that attest to the relational universality of human rights concepts across cultures, and relate these findings to human rights education.

The research is meant to contribute to the third and fourth generations of human rights theory. Evans (2008) accounts for the evolution of human rights theory through dividing the theory into four generations. The first generation established the principles of human rights, through the Universal Declaration of Human Rights, in 1948. These principles are referred to as civil and political rights. The second generation of human rights is mainly referring to the 1960s, 70s, and 80s, in which “the bulk of what is now referred to as ‘international human rights law’ was formulated” (Evans, 2008, p. 28). As Evans (2008) argues, the second generation of human rights theory was mainly concerned with setting the standards. The third generation of human rights refers to more recent cultural, environmental and developmental rights, and the fourth generation (future) is/will be primarily concerned with the realization of human rights.

The theoretical framework I offer in this research is meant to contribute to the third and fourth generations of human rights. Through the preservation of the social, political, and cultural autonomies of the targeted populations, I propose a relational epistemology for human rights education. In addition, a hermeneutical epistemology offers a methodology for human rights education that has the potential to obtain mass cultural legitimization, which could eventually lead to human rights institutionalization, through the embrace of human rights knowledge, utilizing the isomorphic equivalents of human rights.
Structure of the Research

In Chapter Two, I explore a hermeneutical approach to human rights. It is a new conceptualization for human rights education. It was first originated by Healy (2006), and could potentially bridge the intellectual gap between universalism and cultural relativism. This section is where I try to capture the essence and implication of, and the justification for, the aforementioned methodology. This methodology is used to alleviate the challenges that face the discipline, through the inclusion of cultures as mediums for human rights education.

Chapter Three explores the meanings and manifestations of isomorphic equivalents of human rights in two non-Western traditions: Buddhism and Confucianism. A comparison is then made with human rights conceptualization in the Western tradition. This comparison highlights the importance of fusion of horizons as a process to inform rights conceptualization in differing traditions. This chapter explores how the ethical systems within Buddhism and Confucianism can be used as a source and a justification for human rights and human rights education. The chapter also attempts to explain the complexity of human rights codification within each non-Western tradition.

In Chapter Four, I seek to account for the consequences that have resulted in the absence of fusion of horizons. The results include the formation of anti-educational orthodoxies, and the subsequent issues that have arisen, in non-Western countries. I also examine how the new relational and hermeneutical epistemology, embodied in the isomorphic equivalents of human rights, could constitute a pedagogy, which is critical
in nature, for human rights education. This claim is based on the contribution of the epistemology to experiential and dialogical learning.
Chapter Two

Hermeneutics: A Methodology for Human Rights Education

Introduction

This chapter provides an examination of the relational and hermeneutical epistemology. The epistemology constitutes a methodology, which is important in human rights education, since it paves the way for global mass cultural legitimization, with regard to human rights. The methodology is a constructive means to transcend dichotomies inherent in the Universalist-Cultural Relativist debate. In this chapter, I seek to focus on the methodology, while later on in Chapter Four, I seek to establish a relationship between the methodology and human rights education.

The methodology and its relation to human rights is first articulated by Healy (2006). Healy draws on hermeneutico-dialogical principles to “advance the global implementation of a viable human rights regime in a manner commensurate with the preservation of culture-specific differences” (p. 513). The focus of Healy’s theory is on the justification of a hermeneutical and a dialogical approach, which constitutes the preservation of cultural differences, with regard to the conceptualization of human rights. Healy (2006) emphasizes the productivity of this approach to human rights, since the outcome is fostering the “implementation of international human rights regime in a manner that can do justice to core intra-cultural beliefs, values and practices” (p. 513). This approach constitutes a movement from the debate of universalism and cultural relativism to a global recognition of human rights. The recognition is based on “the endorsement of the comparable validity and dialogical equality of the established traditions and cultures” (Healy, 2006, p. 513). Thus, the approach suggests comparison
of human rights concepts within different traditions, in addition to the importance of valuing each tradition as a valid dialogical element in the epistemology of human rights.

In his presentation of hermeneutico-dialogical principles, Healy (2006) discusses one pillar of these principles, the notion of a fusion of horizons. Ancillary to fusion of horizons, Healy explains the postulates of the hermeneutical approach. His hermeneutical approach is forged by his understanding of Gadamer’s (1976) notion of fusion of horizons.

In this chapter, I seek to advance Healy’s approach to human rights by adding, in addition to the fusion of horizons, the ideas of culture and hermeneutics, whole and part, distanciation, ontology, sociology of knowledge, representational validity, experiential meaning, geography of logic, and categorical structure. These ideas have been discussed by diverse scholars, who have investigated the idea of hermeneutics and the social sciences.

**Culture**

The relational and hermeneutical epistemology is based on the idea of contextualizing the domain of knowledge in general, and with regard to human rights in particular. Contextualizing knowledge requires an understanding of culture and how culture functions as a medium to transmit knowledge conducive to human rights. It is through culture that a commitment to human rights protection and dissemination can be cultivated. This is the reasoning behind discussing culture at length in the subsequent lines.

I use both of the terms culture and society interchangeably, not to suggest that both terms have the same identical meaning, but rather to highlight that both terms are
an interrelated correlate. I use the term society to refer to the interaction between an
individual, a collective body of individuals, and ideas and knowledge that are formed
within the aforementioned collective body.

Culture is one of the most elusive terms to define because the term has been
used in various contents and contexts. It is then easier to define, or at least to
understand the boundaries of the term, with regard to both content and context. Thus,
the epistemological focus in this chapter is not the definition of culture, but rather the
analysis of the variations in human mentalities across socio-cultural groups, with regard
to knowledge, beliefs, and actions. Hence, the study of culture requires an appropriate
epistemological methodology to capture the essence of meaning in social life, which
explains my reason behind utilizing a hermeneutical approach.

The purpose of investigating relational and hermeneutical theories of knowledge
is to uncover and illuminate the epistemological foundations and rationale for the use of
isomorphic equivalents of human rights as a basis for a pedagogy of human rights
education across cultures. This rationalization is carried out through the analysis of the
relationship between culture, society, and knowledge. As follows, the choice of
methodology for human rights education is determined by the cultural context whereby
human rights concepts are to function. To this end “a pluralistic conception of culture”
(Shweder, 2003, p. 6) is presented in the coming lines.

The term culture has been discussed in various books and articles, wherein each
author tries to define the term consistently within the content of her/his overall
discussion. In *When: A Conversation about Culture*, Borofsky, Barth, Schweder,
Rodeseth, and Stolzenberg (2001) propose that the concept of culture often carries, in
its different renditions, various political overtones. In other words, the concept becomes predetermined by the content. It is important to note that the concept of culture was “discovered” during the age of colonialism and used as an effective tool to carry on comparative studies of European cultural superiority, versus the inferiority of socio-cultural groups in distant parts of the world.

The Eurocentric view is the characteristic of modernism, which permeates most disciplines like ethnography, philosophy, sociology, anthropology, etc. To detach the phenomenon of culture from its political overtone, I propose, in this study, the use of the concept of “distanciation,” which was introduced by Gadamer (1976) and explained by Ricoeur (1981). Distanciation is the focus of hermeneutics, and implies an assumption of maintaining a distance between one’s tradition, knowledge, and experience. This distance is not meant to disconnect the person from his/her traditions but rather to provide each individual with a critical ability to question his/her stand with regard to knowledge within one’s own tradition as well as other traditions. Distanciation is made possible by abstaining from prejudice and predisposition (Ricoeur, 1981). To be prejudiced means to articulate a judgment too quickly, whether concerning one’s own tradition or concerning other’s traditions, while predisposition refers to following traditions, customs, or authority blindly (Ricoeur, 1981). Prejudice and predisposition distort knowledge and truth. Although precipitating knowledge from ideology is almost impossible, in hermeneutics the focus is to distance knowledge from ideology as much as possible (Ricoeur, 1981).

Hermeneutics seeks to interpret reality, as represented in the social life, without any modification or deformation. As Ricoeur (1981) argues, “hermeneutics is a
demystification, a reduction, of illusion” (p. 194). In order to interpret and understand social reality within traditions, it is important to employ distanciation towards understanding, to detach culture from its political overtones. Taylor (1976) further develops the idea: “The rise of the inter-subjective meaning of the civilization of work is seen as the increase of correct perception of the political process at the expense of ‘ideology’” (p. 187). Considering Ricoeur’s (1981) and Taylor’s (1976) theories, the discussion of culture within a hermeneutical framework is a plausible approach to explaining and understanding cultural elements as they are enacted in social reality, since the framework focuses on interpretation and understanding. As the approach to detaching culture from ideology is clarified, it is now possible to define the culture and to set the boundaries for this study.

When talking about culture, Borofsky, et al. (2001) claims:

Culture, then, is not a set term - some natural phenomena that one can consensually describe…culture is what various people conceive it to be and, as the definition makes clear, different people perceive it in different ways for different ends. (p. 433)

Chris Jenks (1993) offers a four-type categorization of culture. The first type is “culture as cerebral, or certainly cognitive category: culture becomes intelligible as a general state of mind” (p. 11). According to Jenks, this type is related to a high level of individualism, or a commitment to diversity and particularity. The second type is “culture as more embodied and collective category: culture invokes a state of intellectual and moral development in a society” (Jenks, 1993, p. 11). This type links
culture to the idea of civilization. It was first pioneered by Charles Darwin, and early evolutionist anthropologists who adopted Darwin’s theory.

Evolutionist theory linked culture to the discourse of 19th century colonialism through the binary opposition of the “civilized” versus the “barbaric.” The third type of culture, “as a descriptive and concrete category: [views] culture as the collective body of arts and intellectual work within one society” (Jenks, 1993, p. 12). This refers to the daily language usage of the term. The term carries with it a sense of particularity and elitism. The fourth type, articulated by Jenks (1993), refers to “culture as a social category: culture regarded as the whole way of life of a people” (p. 12). According to Jenks (1993), this type refers to the democratic sense of the term, which includes the pluralistic perspective, or accounts, about “other” social groups.

In this dissertation, I am interested in the first and the fourth types of culture, namely cultures that serve as a cognitive structure and a whole way of life of a people. Both types constitute the framework of the literature that has been written about culture utilizing a hermeneutical ground. In speaking about culture, it is important to avoid using value judgments to refer to a certain culture, since culture represents a way of life. Geertz (1965) proposes:

There is no such thing as a human nature independent of culture. Men without culture would not be the clever savages of Goldings’ Lord of flies thrown back upon the cruel wisdom of their animal instincts; nor would they be the nature’s noble men of enlightenment primitivism or even, as classical anthropological theory would imply, intrinsically talented apes who had somehow failed to find themselves. They would be unworkable monstrosities with very few useful
instincts, fewer recognizable sentiments, and no intellect: mental basket cases.

(pp. 112-113)

Geertz (1965) emphasizes the fact that culture is an idiosyncratic entity that cannot be detached from human nature or human development, because it is the cognitive tool for human growth. Culture also provides humans with a sense of belonging and identity. Culture is a shared social life, which evokes a sense of common identity. In addition to that, culture enriches the cognition in humans with mechanisms, like cultural schemata, to structure information or to reflect on information. Culture, in this context, is a sui generis expression of a shared experience.

Culture provides the society with norms, values, ideas, beliefs, attitudes, etc., which all help to shape the interaction between individuals within a social group, and among other groups. Society and culture inform knowledge, and thus inform education. Marx and Engels (1965) argue that the ideas of any age are dependent wholly on the interaction of the social members of any given society. The interaction defines all the aspects of social life. Marx and Engels (1965) maintain:

The production of ideas, of conceptions, of consciousness, is at first directly interwoven with the material activity and the material intercourse of men, the language of real life…The same applies to mental production as expressed in the language of politics, laws, morality, religion, and metaphysics of a people. Men are the producers of their conceptions, ideas, etc. real, active men, as they are conditioned by a definite development of their productive forces and of the intercourse corresponding to these, up to its furthest forms. (p. 13-14)
Ideas are a product of a language, and they are a product of the material structure of a society. Laws, morality, religion, and metaphysics influence, and are influenced by, the dynamic of the social structure from which they emerge. Thus, ideas are contingent on the nature of the productive forces in a society, which then legitimates the idea. Ideas in this context become very consistent with the material structure of the society.

For Marx and Engels (1965), consciousness does not exist outside the material production of the society; rather, it is highly responsive to the structures in place. The material production in a society influences the ways in which the society perceives the world. Rather, the way the society conceives of other societies is dependent on its material production. Each culture has a certain tradition which influences knowledge and education in general. Those traditions are entrenched in social life and processes, which are sometimes indispensable from the totality of life within a culture. The question that motivates this research is: how can we educate for universal human rights across cultures, while at the same time retaining cultural autonomy psychologically, sociologically, and politically?

**Hermeneutics**

In order to answer the aforementioned question, I utilize a hermeneutical approach to culture. This approach stresses the importance of considering the sociological, social, and political-legal construction of knowledge, which is related to human rights within the structure of a society. This approach might not be comprehensive enough to include all the ideas, with regard to hermeneutics. Rather it is a selective approach that seeks to appropriate hermeneutical epistemological ideas relevant to the understanding of culture, and consequently relevant to pedagogy for
human rights education. In order to explain my proposition, I seek to provide a
summary of the main points, pertaining to the hermeneutic epistemological
methodology. This epistemological methodology is the foundation of a pedagogical
approach to human rights education, mediated by the isomorphic equivalents of human
rights. In this section of the research, the purpose is to explain the methodology. It is
important, at this point, to propose a definition of hermeneutics.

Hermeneutics is defined as a methodology, a way of interpretive knowing, that
enables the knower “to translate, interpret, make intelligible…[it is an] inquiry into, or a
type of, the nature or methods of interpretation” (Maunter, 1996, p. 188). Overall,
hermeneutics is perceived as the art of interpretation. As Protevi (2006) claims that
hermeneutics “can be characterized in epistemological terms as pluralist” (p. 282). It is
pluralistic, since it recognizes the existence of diverse ways of knowing, or different
traditions of knowledge. Diversity, in this context, is important because each tradition
perceives knowledge differently. In hermeneutics, “the arts, humanities, and social
sciences have an epistemic dignity of their own” (Protevi, 2006. p. 282). This entails
that knowledge in arts and humanities has diverse manifestations across cultures. Thus,
knowledge about art in one culture is perceived in a particular epistemology that might
not correspond directly to other epistemological perceptions in different cultures.

Understanding is a prerequisite in the social sciences, since understanding,
grounded in hermeneutics, is able to develop a reliable knowledge of historical
experience, based on the society. Dilthey (1976) explains hermeneutics as “the art of
understanding [which] focuses on exegesis or interpretation” (p. 106). Hermeneutics, in
this context, is a theory of understanding and interpretation, which seeks to understand
meaning through the totality of the social, sociological, and historical. Dilthey (1976) argues that, “such a work is always true and it is capable of a complete and objective interpretation” (p. 106).

Although hermeneutics was first used as a tool to discover the meaning of biblical interpretation, as Maunter (1996) tells us, the conceptual model has evolved to permeate the disciplines of geography, politics, literature, philosophy, archaeology, and sociology. Sociology and phenomenology are deeply rooted in hermeneutics, because there is an overlapping ground, which is the interpretation of social life and practices (Ricoeur, 1981). Thus, it becomes important to dwell on sociological writings that pertain to hermeneutical tendencies, in order to come to an understanding of culture and its underlying paradigms of social interaction and practices, which are related to education in general, and human rights education in particular.

Hermeneutics was first employed to interpret texts; however, it has developed to address the meaning of human actions as a text. Ricoeur (1981) builds the connection between the text and action on Weber’s definition of the text as “meaningfully oriented behavior” (As cited in Ricoeur, 1981, p. 203). With this understanding, a meaningful action is an objectification of ideas, similar to a text, which is an objectification of spoken language. In this manner, hermeneutics refers to human actions and social phenomena that can be explained by interpreting the subjective meaning of social action. As I progress through this research, I appropriate hermeneutical ideas that can serve as an edifice for pedagogy of human rights education.
Whole and part.

The first important rule in a hermeneutical methodology is articulated by Dilthey (1976): “The whole of the work must be understood from individual words and their combinations, and yet the full comprehension of the details presupposes the understanding of the whole” (p. 115). Gadamer (1976) points in the same direction when he argues, “we understand the whole in terms of the detail and the detail in terms of the whole” (p. 117). This rule pertains to reciprocity between the elements, which makes the dichotomy of part and whole the center of the epistemological process. Although Dilthey (1976) and Gadamer (1976) are referring to literary texts, in the context of this dissertation, this rule is appropriated as a part of the methodology for the study of culture.

This rule is applicable to human rights and the isomorphic equivalents of human rights. Both human rights and the isomorphic equivalents of human rights are part of a moral system; neither one represents the whole moral system. The moral system, in this context, is the whole, while the part is either human rights or the isomorphic equivalents of human rights. As follows, an appropriate understanding of human rights, or the isomorphic equivalents of human rights has to draw on the moral system, which is the whole, from which the notion of rights or their isomorphemes emerge. Hence, there is no center for the epistemology; rather knowledge is drawn from both part and whole. The progression is from part to whole, then from there to the consideration of the understood meaning, constituting a harmony.

Harmony is perceived by Gadamer (1976) to be the criterion whereby any correct understanding is judged. Gadamer (1976) states, “the harmony of the details
with the whole is the criterion of correct understanding. The failure to achieve this harmony means that understanding has failed” (p. 117). Harmony is an epistemological process, which entails a movement of understanding from the whole to the part and then back to the whole, or vice versa. The movement is crucial to a valid interpretation, understanding, and knowledge. In human rights context or their isomorphemes, the movement is from the notion of rights, or their isomorphemes, to the moral system from which the notion emerges, then back to the notion of rights, or their isomorphemes.

Harmony, in this context (from whole to part, or part to whole), can be initiated from the moral system to the notion of rights or their isomorphemes, then back to the moral system. The understanding of the newly emerged meaning resides in the details of the whole, which results from the details of its component parts. This process is necessary to form a valid understanding of knowledge in general, and human rights concepts in particular, since the movement represents a unity between components of knowledge. For example, understanding the meaning of human rights in the United States with little knowledge about democracy, or without an implicit connection between human rights and democracy in the American context, does not represent a valid understanding of either rights or democracy. This is due to the epistemological fact that knowledge of parts and whole has to represent, in a harmonious relationship, a unity, which represents knowledge about the subject.

In addition to harmony, the interplay between the whole and part relationship becomes the dynamic “between the movement of tradition and the movement of the interpreter…[which] describes an ontological structural element in understanding” (Gadamer, 1976, p. 119-120). Understanding, in this context, reaches a high level of
validity, since it is perceived as “being-in-the world” (Gadamer, 1976, p. 120). I explained earlier the movement of tradition, which is the movement from the whole to part, or vice versa. The movement of the interpreter is explained, in detail, by Gadamer (1976). The idea of the movement of the interpreter presumes that in any interpretation or understanding there is prejudice, which comes from predisposition, or as Gadamer (1976) refers to it, “anticipatory movement of fore understanding” (p. 120). The interpreter, or the knower, has a biased understanding of his/her own tradition as well as other traditions. The movement of the interpreter is a movement from a biased knowledge to a neutral knowledge. As follows, the focus is to move from fore-understanding to a valid understanding. In hermeneutics, the focus is on the precipitation of knowledge from its ideological residue, which includes a distanciation, a concept I explained earlier, from ideology, whether in a local or a global context.

**Ontology.**

The idea of an ontological tendency is best explained in conjunction with what Gadamer (1976) refers to as the role of “effect-history.” The term refers to the importance of maintaining a historical distance between the knower and knowledge. The knower, or the interpreter, must set him/herself within the ideas and thoughts of the era. He/she interprets knowledge according to the historical epoch. In this manner, the knower cultivates knowledge that is characterized with an historical objectivity. This objectivity is a criterion of intelligibility, as Gadamer explains, which presumes that “the other presents him/herself so much in terms of our own selves that there is no longer a question of self and other” (p. 126). Gadamer (1976) emphasizes that it is important “to recognize the distance in time as a positive and productive possibility of
understanding” (p. 123). This recognition is important to Gadamer because it is filled with the continuity of customs and traditions. Also, ignoring the “effect history” process would result in “an actual deformation of knowledge” (p. 127). To reach an adequate understanding of any phenomenon, one needs to place oneself within the historical horizon whereby the phenomenon takes place. This placement, in consequence, will facilitate one’s understanding, since it provides a background of the historical situation through which the concepts related to the phenomenon are generated.

In addition to effect-history, I propose another mechanism, which I refer to as “effect-culture,” or “effect-society,” in an attempt to explain forms of human rights that exist in other cultures. Effect-culture, or effect-society, refers to the knower, who sets himself/herself within the spirit of the cultural or societal tradition. This means that the knower must think within the culture’s ideas, thoughts, and structure. The placement of the knower within a different culture, or society, will aid in the cultivation of an objective knowledge. Thus, ancillary to the recognition of the distance in time, we recognize the distance in place. The recognition is positive and productive, since it bridges the distance between places through bridging the distance between the self and the other. Consequently, effect-history and effect-culture transcend the positionality of the situation.

**Fusion of horizons.**

Gadamer (1976) explains that in pursuing knowledge, there is a limitation to knowledge imposed by a situation. He defines a situation, which is worthy of quoting at length since it paves the way for the subsequent discussion:
We define the concept of ‘situation’ by saying that it represents a standpoint that limits the possibility of vision. Hence an essential part of the concept of situation is the concept of ‘horizon.’ The horizon is the range of vision that includes everything that can be seen from a particular vantage point. (Gadamer, 1976, p. 128)

A situation refers to one’s position, with regard to his/her own tradition. This positional relationship can be antithetical to knowledge: unless one transcends this positionality, knowledge is not valid. Transcending a situation can be achieved by employing processes I discussed earlier, which include distanciation, effect-history, and effect-culture, in addition to the result of expanding one’s horizon.

The search, in hermeneutics, is focused on the expansion of one’s horizon by opening up the possibilities of learning and understanding new horizons. Valid knowledge is formed by the transcendence of one’s positionality to his/her horizon. For example, if the study under investigation refers to a historical background, an examination of effect-history is important, since the process enables one “to see the part in terms of its own being, not in terms of our contemporary criteria and prejudice, but within its own historical horizon” (Gadamer, 1976, p. 128-129). By the same token, the process of effect-culture enables one to see other cultural traditions in terms of its own beings, precipitating knowledge from one’s criteria and prejudice, and placing knowledge within its own cultural horizon. Thus, “to acquire a horizon means that one learns to look beyond what is close at hand - not to look away from it, but to see it better with a larger whole and truer proportion” (Gadamer, 1976, p. 131). The concept of a horizon suggests a wider vision that the person must have. To have a historical
horizon means to understand the relationship between part and whole, and to be capable of placing this understanding within a historical and cultural framework.

The “historical horizon” is a prerequisite knowledge to universal claims and generalizations. Gadamer (1976) argues that placing oneself in a historical horizon involves, “the attainment of higher universality that overcomes not only our own particularity, but also that of the other” (p. 131). This universality is based on what Gadamer refers to as a “fusion of horizons.” To my mind, Gadamer’s notion of fusion of horizons forms an authentic form of universalism that recognizes the details within each horizon, in addition to its recognition of each horizon. This form of universality is more authentic, because it transcends the ethnocentric universalism to offer a form of universalism that is based, as Healy (2006) explains, on a dialogical equality of different traditions.

Fusion of horizons, which is grounded on effect-history and effect-culture, could transcend the limitation imposed by one’s situation. A fusion of horizons calls for posing questions in one’s interaction with other cultural traditions (horizons). Posing questions within local traditions, or within different traditions, makes learning feasible, because the process facilitates learning from different horizons. Healy (2006) articulates the importance of fusion of horizons, since it results in a dialogical approach, which “actively valorizes the encounter with difference as an indispensable stimulus to the rationality motivated growth of understanding and learning” (p. 527). Healy’s (2006) idea, here, is an elaboration on Gadamer’s important question. In *The Historicity of Understanding*, Gadamer (1976) poses an important question, and seeks
to answer it, which is worth quoting at length, since it has some implications on hermeneutics, and consequently on human rights education:

Why do we speak of the fusion of horizons and not simply of the formation of one horizon, whose bounds are set in the depths of tradition? To ask the question means that we are recognizing the special nature of the situation in which understanding becomes a scientific task, and it is necessary to work out this situation as a hermeneutical situation. (pp. 132-133)

For Gadamer (1976), utilizing one horizon is not appropriate, since this causes a dependence on the horizon, and consequently gives the horizon the criterion of scientific epistemology. From the perspective of the fusion of horizons, which incorporates diverse cultural horizons, all cultures and societies are recognized as intrinsically equal in the formation of horizons. The amalgamation of these horizons constitutes a powerful epistemological methodology. Thus, in this fusion of horizons, all forms of prejudgments, judgments, fore understanding, and understanding are open to critical challenge which is facilitated by the engagement with other horizons.

**Sociology of knowledge.**

In hermeneutics, and in some sociological strands, there is an emphasis on “action concepts” and “constitutive meaning.” Fay (1975) argues that hermeneutics and its application in the social science, “starts with the fact that a large part of the vocabulary of the social science is compromised of action concepts” (p. 71). Human actions are directly related to a certain meaning prescribed either by the action itself, or by the meaning, which springs from the object that directs the action. Since humans assign certain meaning to certain behaviors, this requires the observer to go beyond the
immediate observations and get engaged in hermeneutical explanations to uncover the
actor’s reason, or intention, as a means to understand the subjective meaning. This idea
is of cardinal importance in understanding human rights, since human rights start also
with action concepts. Those concepts involve both subject and inter-subjective actions.
Thus, there is a correlation between human rights and hermeneutics. To better explain
the action concept requires delving deeper into the field of sociology and culture. The
field offers some insights, with regard to knowledge formation and understanding,
within a society or a culture.

Culture provides a complex educational source and a resource that cannot be
marginalized in the educational process. Mannheim (1940) proposes that underneath
the knowledge formulated by a society lies:

The inexact mode of thought used by logicians and philosophers constitutes a
complex which cannot be readily detached either from the psychological roots of
the emotional and vital impulses which underlie it or from the situation in which
it arises and it seeks to solve. (p. 2)

Knowledge born in a certain social setting is unique, since there is a link between the
psychological roots of this knowledge and problems that are sought to be resolved by
the knowledge. Culture is the ground where knowledge is projected and facilitated. It
is a cognitive tool, used to facilitate and legitimize the educational process. In addition,
culture is “the impulse to act which first makes the objects of the world accessible to the
acting subject, and it may be further that it is this factor which determines the selection
of those elements of reality which enter into thought” (Mannheim, 1940, p .4).
Culture provides the acting subject with knowledge about a static object. It is through this interaction between culture, subject, and object, that problems and issues arising in a certain culture are solved. Thus, the object exists in interaction with the culture, which presents it to the subject. Mannheim argues:

The ultimate criterion of truth or falsity is to be found in the investigation of the object…but the investigation of the object is not an isolated act; it takes a place in a context which is colored by values and collective-unconscious, volitional impulse. (1964, p. 4)

The representation of an object within its contextual culture provides a valid reality to the subject. Culture legitimates the existence of knowledge about the object as well as a scope of action to the subject. Therefore, culture is the mediator and the informer of both the subject and the object.

For example, it can be argued that transforming current realities that are inconsistent with human rights is one of the goals of human rights education. To explain this in a more comprehensive fashion, I need to assign some roles to the concepts at hand. The object, here, is human wrongs, as opposed to human rights, the subject is the learner, and culture is the medium, which presents the learner interacting with human rights abuses. In order for human wrongs (the object) to gain a transformational pattern by subjectivity, it has to appeal to the inner experience of the subject (the learner). The external experience is represented in the object itself. This appeal can be facilitated through culture (the medium), which motivates the subject to carry out an action consistent with the transformation of human wrongs into human
rights. This process offers a theory and praxis of ontology, with regard to human rights and knowledge in general.

Mannheim (1940) claims that the atomization of any phenomena from its ontological existence bears a threat to the representational validity of the phenomenon, since the process hides the concealed meaning of the phenomenon. Atomization, in this context, means the separation of the phenomena from its cultural and social milieu. For Gadamer (1976), it means looking at a situation with no reference to its historical or cultural horizons. Mannheim asserts “the meanings which our ontology gives us served to integrate the units of conduct and to enable us to see in a configurative context the individual observational elements which otherwise would tend to remain discrete” (1964, p. 19). Thus, it follows that understanding should draw on the ontology of a certain group’s experience to avoid posing a threat to the representational validity of the experience.

Representational validity offers the subject, the object, and the culture a coherence and unity that guide the conduct of the subject, which in this case, is the learner. For example, in teaching about racism, or human rights, in the American context, educators seem to draw a relationship between knowledge about racism and human rights and the culture of the civil rights movement. This relationship offers a representational validity to the form of knowledge, because there is coherence for the learner, allowing him/her to relate to the culture of the object.
Representational validity.

Representational validity assumes an important role in presenting knowledge as a truth to the subject, since it is related to the social historical construction of knowledge. Mannheim (1940) argues:

The notion of knowledge in general is dependent upon the concretely prevailing form of knowledge and the modes of knowing expressed therein and accepted as ideal, but also that the concept of truth itself is dependent upon the already existing types of knowledge. (p. 262)

Knowledge is constructed in terms of accepted paradigms of explanation. Paradigms of explanation are held as ideal, since they are grounded on the logic of a society, or culture, which vary across geography. This idea will be further developed later on when I discuss the geography of logic. Building knowledge on the accepted paradigms of knowing adds representational validity to knowledge. Consequently, this process facilitates the institutionalization of knowledge. This form of knowledge becomes what a social group holds as a truth.

Luckmann and Berger (1966) posit:

It becomes necessary to interpret [the meaning of institutional order] to [the social groups] in various legitimate formulas. These will have to be consistent and comprehensive in terms of the institutional order, if they are to carry conviction to the new generation. (p. 58)

In this methodology, the meaning of the object of knowledge is interpreted to the subject in a legitimate formula, which builds knowledge on an existing knowledge. Consequently, the understanding becomes a part of the subject and inter-subjective
conviction, since “[Knowledge] is learned as objective truth in the course of socialization and thus internalized as subjective reality. This reality in turn has power to shape the individual” (Luckmann & Berger, 1966, p. 63). Knowledge is learned objectively. Once knowledge is connected to one’s experience through socialization, it is internalized as a subjective reality. Thus reality, or truth cultivation, is contingent on how objective knowledge is internalized. The important factor here is to build objective knowledge on one’s experience, which ultimately leads to subjective reality.

**Experiential meaning.**

The inner experience, which is formulated through the interaction between the learner (the subject), and knowledge (the object), is more likely to present the subject with an appealing effect, if it is grounded on a contextualization of the object of knowledge within the group’s experience. An understanding that is reluctant to involve culture and group experience becomes “ex post facto of elements voided of meaningful content [which] does not bring home the unity of conduct” (Mannheim, 1940, p. 19). It is only within a meaning given that understanding can succeed in achieving its goals. McDowell (1994) argues that a conceptual scheme must be linked to a representational content in order to make the experience more meaningful. McDowell builds his argument on Kant’s proposition, “thoughts without content are empty” (as cited in McDowell, 1994, p. 4). Thought, in this context, is knowledge, which is rendered empty if not grounded on a representational validity that provides the content and ultimately yields meaning to knowledge.

Continuing in the same line, Taylor (1976) calls for experiential meaning in understanding some concepts, with regard to a culture. Certain concepts are linked to
other concepts, and for this reason, Taylor recommends an experiential meaning to construe associated concepts that are related to a specific culture. Taylor argues, “To understand these concepts we have to be in a certain experience, we have to understand a certain language, not just of words, but also a certain language of mutual action and communication” (p. 163). Taylor advocates not a linguistic meaning per se, but also an experiential meaning to construe the meaning residing in the interplay between the subject, the object, and the culture. Thus, language becomes a unique representation of a certain social group. Taylor (1976) maintains, “we make sense of action when there is a coherence between the actions of the agent and the meaning of his situation” (p. 163). He furthers his argument, “to be a living agent is to experience one’s situation in terms of certain meaning” (p. 167).

The coherence between the meaning, the agent, and the society is important for an understanding of knowledge about the world that is consistent with the knowledge that exists in society. Meaning, in this context, becomes consistent with the norm of explanations, which is congruous with the behaviors of one’s society. Hence, meaning becomes related to actions, and actions are manifested through practices. Taylor (1976) maintains that a description of actions within a social reality is a description of practices that “cannot be identified in abstraction from the language we use to describe them, or to invoke them, or to carry them out” (p. 174). In this frame of reference, it is invalid to separate language, the object, the subject, the social reality, and the meaning it describes. This is what constitutes the hermeneutical circle, which explains the world in general, and social life in particular. This circle varies from one culture or society to another, since “the range of human desires, feelings, emotions, and hence meaning is
bound up with the level and type of culture, which in turn is inseparable from
distinctions and categories marked by the language people speak” (Taylor, 1976, p.
165). Along these lines, meaning, reality, and truth ascribe their validity from the
society. The validity is represented unanimously by members of a social group that is
characterized by their inter-subjectivity.

Group experiences vary among and across groups; inter-subjectivity is one of the
main factors for the formulation of a group’s identity. Inter-subjectivity is an
unconscious social contract of thoughts and ideas of a certain group, which direct the
group towards a common goal, or a vision. Inter-subjectivity is the vision that is
unanimously woven by a group. This is based on cultural values and beliefs.
Mannheim (1940) argues:

We belong to a group not only because we are born into it, not merely because
we profess to belong to it, nor finally because we give it our loyalty and
allegiance, but primarily because we see the world and certain things in the world
the way [the group] does. … In every concept, in every concrete meaning there is
contained a crystallization of the experiences of a certain group. (p. 19)

Culture, in this example, becomes the lens through which any group sees the world. It
also serves as background knowledge. Knowledge is defined by a group’s experience,
which is shaped by inter-subjectivity that is in turn based on culture. For example, one
of the possible reasons behind human rights abuses could be the divorce between norms
and behaviors. Galtung (1994) explains, “if the norms are very strong, in the sense of
being internalized (conscience) and/or institutional (reward/punishment), they will win
out” (p. 41).
**Geography of logic.**

At this point, it is important to exhibit the difference in modes of thought among cultures, which is directly related to the scheme and content of thoughts that vary from one culture to another. Lewis (1960) argues “there are, in our cognitive experience, two elements: immediate data, such as those of sense, which are presented or given to the mind, and a form, construction, or interpretation which represents the activity of thought” (p. 36). The data, in this context, represents the content, while the form represents schemes whereby the content is deciphered.

Davidson (2001) elaborates further, defining concept of scheme as:

>[An] asset of concepts suited to the task of organizing experience into objects, events, states, and complexes of such; or the scheme may be a language…The contents of the scheme may be objects of special sort, such as sense data, percepts, impressions, sensations, or appearances; or the objects may dissolve into adverbial modifications of experience. (p. 41)

The scheme may vary from one culture to another, and this variance is linked to language, the preferred medium of communication. The scheme may inform the content and vice versa. Both scheme and content inform logic and experience, and consequently, inform all aspects of social life. In the following lines, I seek to demonstrate the variance in scheme and content, with regard to the ancient Greeks and the Chinese experiences, as captured by Nisbett (2003).

Although the Nisbett (2003) reference, in this context, is to ancient civilizations, the scheme and the content used in both civilizations still persist in cultural experience, and in the logic of the contemporary civilizations. The purpose of this demonstration is
to expose the complexities of scheme and content, their variance and manifestation across cultures. Galtung (1994) answers the question as to “whether a single tradition can work equally well in different cultures, it obviously cannot” (p. 40). Galtung’s idea is a reiteration of Gadamer’s (1976) idea of fusion of horizons. One single tradition cannot work equally in different cultures. To attest the impossibility of utilizing one single tradition across cultures, in the following lines I seek to discuss the divergence in experience and logic between the ancient Greeks and the ancient Chinese. This discussion exposes the differences in logic, objectivity and subjectivity, individualism versus collectivism, contradiction versus non-contradiction, and the difference in perception with regard to the role of law.

Differences in experience and logic cause differences between Western and Eastern ways of thinking. Nisbett (2003) traces back the difference of the logic used in both cultures to the ancient Greek and Chinese cultures. The Greeks, whose traditions have been adopted by most Western cultures, had a sense of agency. They felt that they were in charge of their own destiny, and as such, were in charge of their own lives. This notion set them to act freely as they chose.

The ancient Greeks viewed themselves as unique individuals, with distinctive attributes and goals. In order for the ancient Greeks to organize their experience, they speculated about the nature of the world and created models of their observations. As Nisbett (2003) tells us, “They constructed these models by categorizing objects and events and generating rules about them that were sufficiently precise for systematic description and explanation” (p. 4). The Greek language itself, as Nisbett proposes, is focused on attributes and on turning attributes into abstraction. The Greek logic utilized
a categorization of objects, according to abstract attributes, and then they sought to understand the object, independently of its environment; both the object’s nature, and the cause of its actions, “on the basis of rules governing categories” (Nisbett, 2003, p. 5). They concluded that the object behaved in a certain manner that was consistent with the rules.

In ancient Chinese culture, harmony was the equivalent of the Greek’s sense of agency. The Chinese perceived themselves to be a part of, “a collective, or rather several collectives, the clan, the village, and especially the family” (Nisbett, 2003, p. 65). The Chinese believed in the importance of relations to others, family and environment, unlike the Greeks who perceived happiness as a free expression of distinctive individual talents. The Chinese sought happiness through harmony with the social network. The Greeks expressed their individuality by attending plays and poetry readings, and enjoying leisure time in general, the Chinese expressed themselves by visiting friends and family members especially during holidays. Thus, the way each culture represented itself had a great impact on the way the Greeks and Chinese perceived logic and experience, respectively. The Chinese experience has been influenced by Taoism, Confucianism, and later, Buddhism. Each philosophy emphasized harmony and discouraged abstract speculation. The traditions of the aforementioned philosophies lacked a conception of individual agency. That would help to explain why the Chinese perceived the world as, “a mass of substances” rather than a “collection of discrete objects.”

For the ancient Greeks, the categorization of objects was helpful in learning new categories, by applying rules that govern categorization and making inductive use of
categories. The ancient Chinese organized the world in terms of perceived relations and similarities. The Greeks were independent and engaged in argument and debates to find out the “truth.” They perceived themselves as individuals with unique properties, as separate entities. Greek logic and philosophy started from the individual object. The world becomes simple because of its categorization into distinctive objects. This tendency encouraged the Greeks to think about parts of the world as objects with specific attributes, and rules that govern them. In China, things were different, as individualization, or independence, was not of great importance. The harmony between humans and nature, and the harmony between humanity, constituted the main principle of Chinese philosophy. The Chinese perceived the world, people, and objects to be connected and interrelated. The Chinese logic perceived objects with regard to their contexts.

The divergence in approach to logic and experience, in Western and Eastern cultures, impact the way both cultures view notions of contradiction versus non-contradiction. The ancient Greeks made a distinction between objective and subjective worlds. For them, objectivity was an external concept that represented individuality. As Nisbett (2003) argues, “So in effect, objectivity arose form subjectivity, the recognition that the two minds could have different representations of the world and that the world has an existence independent of either representation” (p. 21). This is due, according to Nisbett, to the fact that Greece was a trading center and the Greeks regularly encountered people with different notions about the world. Those interactions could have encouraged the ancient Greeks to differentiate between objectivity and subjectivity.
The ancient Greeks were fond of debates. Debating was based on finding a flaw, or a contradiction, in one’s proposal, and rejecting the debate for having contradictory elements. This is due to the fact that their focus was based on salient objects and their attributes, which consequently led to their failure to understand the nature of causality, as Nisbett (2003) claims, “The Greeks lived in a world of discrete particles” (p. 81). The Greek logic was obsessed with the concept of contradiction. If one proposition is inconsistent with another, the proposition was rejected. The Greeks had a tendency towards “decontextualization” of propositions, objects and meaning. They functioned by, “stripping away the meaning of the statements and leaving only their formal structure” (Nisbett, 2003, p. 25). Then they would scrutinize the formal structure for further contradictions. Functioning in Chinese culture was a very different experience.

In ancient China, the perception of the world as consisting of continuously interacting substances, made them more aware of the complexities of the relation between the objects and the context as a whole. Nisbett (2003) proposes that, “The Chinese therefore had a kind of recognition of the principle of action at a distance two thousand years before Galileo articulated it” (p. 22). The Chinese believed in the wholeness of the universe, and in the balance of the forces of the body, and that helps to explain why Chinese medicine was reluctant to perform surgeries, because the relationships between the organs of the body were seen to be interrelated and connected. The Chinese perceived that “decontextualization” had some consequences, and as a result they tried to avoid extremes, in order to avoid contradictions.
The Chinese used the notion of contradiction in order to understand and revisit their understanding of the relationship between parts. This understanding was focused, “to transcend or integrate apparent oppositions” (Nisbett, 2003, p. 27). This notion was known by the Chinese, who emphasized the importance of contextualizing parts into whole, and finding a middle way to ascribe meaning to the part, as well as the context. Nisbett (2003) states that the numeral zero was rejected by the Greeks, on the grounds that each number needed to represent a value, and that zero was a contradiction to that representation. The Greeks utilized decontextualized logic to find contradictions about a certain proposal, and consequently, if contradictions were found, rejected that proposal. In contrast, the Chinese utilized contextual logic to further harmony between parts and whole. If contradiction was observed, the Chinese tended to find a compromising ground between the contradictory parts, or found an opportunity to reorient their understanding of the relation between part and whole.

These varying perceptions of the world have influenced both cultures in the way they perceive change in life. For the ancient Greeks, life was static, continuing in the same direction, at the same rate, with a more or less linear program. Change, in Western culture, has been grounded on the notion of human efforts and human nature. Western philosophy has been based on the notion that objects are separate from their environment; objects or individuals are in control of their own fate. Any progress observed is due to the object’s ability or efforts, which later becomes attributes for the object. So there is little room for speaking about change in Western culture. Change, if present, is characterized by progress, from one extreme to another. Causality in Western culture is seen as due to the object’s attributes, or as a result of one’s own
action towards objects. This has encouraged Westerners to assume they are in control of their own destiny.

On the other hand, Eastern philosophy has been grounded on Taoism, Confucianism and Buddhism. In the aforementioned philosophies or religions, change is more likely to take place, because humans are conceived to be a small part of the environment they live in. Life is complex, in which stability is the exception, and change is the norm. Besides humans, there are other factors that shape one’s life, for example fate and divinity. As Nisbett (2003) argues, “The greater the number of factors operating, the greater the likelihood that some variable will alter the rate of change, or even reverse its direction” (p. 103). In Eastern cultures, change is perceived in terms of cycles, from one extreme to another, and then the cycle is reversed.

Another domain in life, in which we may be able to detect divergence between Eastern and Western cultures, is the perception of law and its function in the societal system. In Western society, law becomes an instrument of justice, used to discriminate between right and wrong, and consequently, to declare a winner and a loser. Nisbett (2003) explains that, “Conflict between individuals in Western countries is handled to a substantial degree by legal confrontations, whereas it is more likely to be handled in the East by intermediaries” (p. 194). Thus, justice is served in Western countries by making one individual win over another, while in the East justice is served by finding a compromising ground between the conflicting parties, which eventually leads to a harmony in the social network. In China, judicial systems try to reduce hostilities between individuals through compromise between individuals; as Nisbett (2003) articulates, “Chinese justice is an art, not a science” (p. 194). The art entails the
maintenance of harmony between humans, even if they are confronting each other, by finding a compromising ground to satisfy both conflicting parties.

**Categorical structure.**

As I have demonstrated, through the exposition of the variance in logic and experience in Greek and Chinese life, it is evident that schemes and contents influence the mode of thoughts which, consequently, influence logic and experience. Mannheim (1940) maintains:

> We can see clearly that there are differences in modes of thought, not only in different historical periods but also in different cultures. Slowly it dawns upon us that not only does the content of thought change but also its categorical structure. (p. 73)

Thus, it is not a matter of preference to think within collectivist or individualist tradition, but rather it is a matter of the “categorical structure” of the mode of thoughts, which vary across cultures and social groups. Certain forms of knowledge become more meaningful, once contextualized, within a social structure. “The existence of and the complex interrelationship between the problems of a given time and place must be viewed and understood against the background of the structure of the society in which they occur” (Mannheim, 1940, p. 97).

Mannheim refers to the importance of viewing the phenomena against the social background, which provides a framework for understanding a phenomena and how it occurs. The relationship between a phenomena and a society is important, since “the forms and methods of transmitting the social and psychological subject-matter vary with the peculiarity of the structural foundations of the group on which they rest”
The process of understanding has to dwell on the modes of thought, categorical structures, schemes, and content within and across cultures.

**Postulates of the methodology.**

The hermeneutical methodology is contingent on two postulates, as explained by Healy (2006), namely: comparable validity and dialogical equality. Comparable validity is concerned with an acknowledgement of the limitation of one’s positionality, with regard to “others.” It is also contingent on refraining from passing value judgments or comparing one’s notion of a good life as superior to another. Comparable validity is consistent with “the Kantian injunction ‘to act so as to treat humanity, whether in our own person or that of another, always as an end and never as a means only’” (Healy, 2006, p. 520). The emphasis, in this context, is to celebrate humanity through respecting and preserving the differences between cultures. Comparable validity is a form of recognition that there is legitimacy in being different. The postulate of dialogical equality “enjoins that we stop presupposing that we are well positioned to stand in for another culture, by representing its views better than it is capable of doing itself” (Healy, 2006, p. 520).

Rather than passing value judgments on other cultures:

Hermenutico-dialogical thinking commits each side in the debate, modernists and traditionalists alike, to holding their prejudgments open to critical challenge under the impetus of engagement with the other culture’s constitutive belief system. (Healy, 2006, p. 527)

As follows, the epistemological methodology is to encourage engagement within and across cultures, and to refrain from committing the fallacy of prejudgment and fore
understanding. As a pre-requisite, each culture “must satisfy a substantive accountability requirement” (p. 520).

There is a need for internal and external accountability, according to Healy (2006), which is enforced by the hermeneutical methodology. Internal accountability is achieved through meeting the need for an internal discourse to preserve human rights and dignity, in accordance with local cultural mediation. External accountability is achieved through mutual and intercultural understanding and learning, which is based on the presumption that “each culture remains inherently open to critical appraisal from other cultural standpoints” (Healy, 2006, p. 531). Accountability, whether internal or external, facilitates inter-cultural dialogue with regard to human rights. The dialogue is imperative, as it can inform cultures on how “to decide what is required ‘based on what has been understood in the history of culture, and by contrast, with other cultures’” (Healy, 2006, p. 533).

**Conclusion**

This chapter has established the nature of the relationalist-hermeneutical epistemology. This epistemology is originated by Healy (2006), as a possible compromising ground, to transcend the Universalist-Relativist debate. The application of a hermeneutical epistemology to the teaching of human rights could possibly transcend the conflicting debate, since the emphasis in this epistemology is on drawing from fusions of tradition. In this manner, there is a move from ethnocentric universalism to a form of universalism that draws generalization and consensus from diverse traditions. In this chapter, I sought to lay down the foundations of the hermeneutical epistemology. This epistemology emphasizes the importance of fusion
of horizons, which is an epistemological process to inform human rights and human rights education. In the following chapter, I seek to develop this process and relate it to human rights.
Chapter Three

Fusion of Horizons

Introduction

The purpose of this chapter is to offer a conceptualization of human rights based on fusion of horizons. 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, this part of the dissertation is built on the relationalist hermeneutical approach to human rights. The approach is relationalist because it considers the importance of recognizing human rights conceptualization in relation to the moral system from which the notion emerges. Ancillary to relationalism, the epistemology is hermeneutical since it considers the dialogical equality of the different traditions, with regard to human rights, in a process perceived as fusion of horizons. In the following lines, I seek to explore the different traditions, with regard to human rights. These traditions are exemplified in two main horizons: Human rights, as constructed by Western countries, and the isomorphic equivalents of human rights, as manifested in the moral systems of non-Western countries. Each horizon has different traditions, depending on the country, culture, society, economy, and moral system.

At the outset, I dwell on the definition of human rights discourse, as perceived in Western traditions, then I draw a relationship between human rights and the isomorphic equivalents of human rights. Recognizing more than tradition, in human rights and human rights education, is an epistemological imperative, as this chapter sets out to prove. In addition to that, I explore the isomorphic equivalents of human rights in two
traditions: Buddhism and Confucianism. The reasoning behind the consideration of isomorphic equivalents of rights is due to the vague construction of human rights language that does not correspond to human rights knowledge in other traditions, which I will explain in detail later on in this chapter. In the final section of this chapter, I argue for the consideration of the notion of isomorphism in the process of institutionalizing human rights knowledge.

There is one important caveat to bear in mind when discussing traditions like hermeneutics, Buddhism, and Confucianism. This study involves traditions that have different manifestations and subdivisions, for example, hermeneutics refers to many hermeneutical traditions, such as “conservative hermeneutics, moderate hermeneutics, radical hermeneutics, and critical hermeneutics” (Gallagher, 1992). The question that might arise when considering the different schools of hermeneutics is: On what tradition is the theoretical framework of the research grounded? The research is, and can be, grounded in all traditions, or in some of them. The emphasis, in this study, is on the essence of the hermeneutical tradition, which is conducive to the theoretical framework required for human rights education to gain mass global and cultural legitimization.

Similar to the caveat, mentioned above, is the idea that Buddhism varies across cultures. There are three schools of Buddhism: “The Theravada or Hinayana in Sri Lanka and South East Asia, and the Mahayana in China, Mongolia, Korea, and Japan…[and] a third school, the Vajrayana [which] has long traditions in Tibet and Japan” (Columbia Encyclopedia, n.d.). In addition, Confucianism also has different manifestations and teachings, depending on space and time. Therefore in speaking about Buddhism and Confucianism, what is the tradition on which I build the concept of the
isomorphic equivalents of human rights? Again there is no reference to one particular tradition, with regard to Buddhism and Confucianism, rather the reference in this research is to the essence of the moral teaching of both traditions.

**Human Rights**

Human rights are defined by Donnelly (1989) as the rights one has because he/she is a human being. Donnelly further 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” (Donnelly, 1989, p. 9). 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. (Donnelly, 1989, p. 9)

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; Chiba 1987; Donnelly, 1989; Healy, 2006; Hsiung, 1985; Keet, 2007; Panikkar 1982; Pollis & Schwab 1972; Renteln, 1990). Donnelly attests to this fact, by stating:
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. (p. 50)

To my mind, 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, 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 human rights and the isomorphic equivalents of human rights, which I will discuss in the subsequent lines.

**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. Renteln (1990) attests to this claim, “Even if non-Western societies do not express moral concerns in a framework of human rights, they may nonetheless address them in some other conceptual framework” (p. 11). Most traditions in the world have recognized some form of human rights. Finnis (1980) argues:

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. (pp. 83-84)

All traditions 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. These isomorphemes constitute the overlapping principle between the conceptualization of human rights in Western traditions and the conceptualization of human rights in non-Western traditions. A differentiation calls for naming the latter isomorphic equivalents of human rights. The difference and similarities between both traditions, Western and non-Western, necessitates not only the typological naming of rights, but also the epistemological grounding of rights conceptualization. These conceptualizations will be further explored in this chapter.

It is also important to note, as an injunction, 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
center 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 showing their vulnerability in the process of fusion of horizons.

Donnelly (1989) argues, “Human rights specify a structure of social practices to achieve a particular realization of human potential” (p. 18). In a similar fashion, the isomorphic equivalents of human rights are a structure of social practices, or moral system, that is established to achieve a particular realization of human potential. The structure varies across cultures, while the function of the isomorphic equivalents of human rights is to organize human relationships within a society, in a manner conducive to preserving and protecting human dignity and aiding individuals within social groups, to realize their full potential. This organization of relationships is grounded on a particular moral vision. Hence, human rights, and their isomorphemes, function in a similar fashion within multiple societies.

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. The differences between human rights and the isomorphic equivalents of human rights can be traced to the difference in the geography of logic, which I explained earlier in Chapter Two, and which I will dwell on in the following lines. As evident in Donnelly’s (1989) 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.

In human rights discourse, rights are perceived as assertive claims on the society. To give the idea its due, further elaboration is required. 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). (p. 10)

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 fulfillment 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, fulfill 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.
To explain the idea further, I use a Donnelly (1989) 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 a certain group. Drawing on morality in rights enforcement is important, since “the moral force of human rights will often be greater” (p. 15). The moral force, which characterizes duty fulfillment, is a strong sense of rectitude, because it relies greatly on intentionality (Dworkin, 1977).

As it becomes clear, 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 could be traced to the fact that each tradition emerged from a different sociopolitical system. Hsiung (1985) argues, “the meaning of ‘human rights’ in the West is inseparable from the adversarial legacy in which they were conceived” (p. 5). Hsiung explains the adversarial tradition, with reference to the long historical clash between classes, in Western tradition. This class clash yields to human rights conceptualization. This, according to Hsiung (1985) explains the individualistic connotation embedded in 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 (Hsiung, 1985). This is due to the divergence of logic, which I explained in detail in the geography of thoughts earlier in Chapter Two. 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” (Hsiung, 1985, p. 12). That does not mean that 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 difference pertaining to due process and the justification of rights.

The dissemblance between orientations and traditions of the Western and non-Western concepts of human rights is the reasoning behind adopting a relational hermeneutical epistemology with regard to human rights. There is a divergence with regard to the subject and the due process of rights. Ancillary to this reasoning is the question regarding the importance of recognizing diverse traditions, with regard to rights, instead of relying on one tradition. To reiterate Gadamer’s (1976) terminology, acknowledging that one tradition ought to be representative of all traditions means that, “we are recognizing the special nature of the situation in which understanding becomes a scientific task” (p. 132). In addition to this reasoning, recognizing one tradition, while ignoring others, does not do justice to other traditions, since this process marginalizes other human rights horizons, namely the isomorphic equivalents of human rights.

The dissemination of human rights and their equivalents does not require that the targeted country or culture must build its human rights knowledge on liberal
Western philosophy of human rights. Rawls (1999) explains that human rights enforcement and protection does not require all regimes to be liberal. This is due to the fact that a “non-liberal society will accept the same law of peoples that well-ordered liberal societies accept” (p. 16). In order to become a reality human rights, and their equivalents, or “the law of the peoples,” as Rawls refers to it, must satisfy certain conditions of legitimacy. Rawls (1999) defines the law of the peoples as, “a legal system [which] satisfies certain requisite conditions of legitimacy in the eyes of its own people; and, as a consequence of this, it honors basic human rights” (p. 17). One of the challenges that human rights and human rights education face, is satisfying the conditions of legitimacy concurrent with global human rights education, since this involves more than one country and more than one culture.

Bell (1996) addresses the issue of legitimacy by advocating for “situation specific justification” (p. 641) of human rights. Situation specific justification satisfies the conditions of legitimacy with regard to human rights and human rights education, according to Bell (1996), as it refers to cultural traditions that may well provide “the resources to justify and increase local commitment to values and practices that in the West are typically realized through a human rights regime” (p. 642). Building on specific local justification of human rights, and channeling this process towards human rights education, could overcome one of the challenges that face human rights education. Bell (1996) explains:

If the ultimate aim of human rights diplomacy is to persuade others of the values of human rights, it is more likely that the struggle to promote human rights can
be won if it is fought in ways to build on, rather than challenge, local cultural tradition. (p. 652)

The issues of justification and legitimacy could be properly addressed if human rights educators utilize the isomorphic equivalents of human rights as a source of justification, legitimacy, and education about human rights.

Thus, human rights knowledge, protection, and dissemination become relational, depending on the culture. The relational approach facilitates the justification, legitimization, and education, with regard to human rights, or their equivalents. In this fashion, the relational approach requires one to draw on local traditions to justify human rights or their equivalents. Consequently, the justification legitimizes knowledge and its dissemination within local culture. The justification and legitimization would also facilitate the process of education, since the relational hermeneutical epistemology provides legitimate knowledge to the learner that has the potential to cultivate more than content knowledge.

The isomorphic equivalents of human rights, as I have mentioned in the introduction, are notions comparable to human rights discourse, as evident in the Universal Declaration of Human Rights. Isomorphic equivalents of human rights have the structure and function of human rights in different cultures; they regulate human relationship within a culture and between cultures. These equivalents are either codified in law, or codified in the ethical systems within cultures. In the following sections, I seek to account for what constitutes the isomorphic equivalents of human rights within two traditions: Buddhism and Confucianism. In light of Bell’s (1996) proposal for the culture specific justification of human rights and human rights
education, isomorphic equivalents of human rights can be considered as a justification and a source for human rights knowledge that potentially could lead to mass cultural legitimization.

**Isomorphic equivalents of human rights in Buddhism.**

Buddhism has a moral system in place to enforce the concept of rights as rectitude. This moral system includes the Four Noble Truths, the Eightfold Noble Path, and the Five Precepts. The concepts of love, compassion, patience, forgiveness, humility, and tolerance, in addition to many other concepts, are embedded in the Buddhist moral system. The concept of rights as entitlements is not totally consistent with Buddhist tradition, because Buddhists seek to attain a stage referred to as *Aṇātman*, which means non-self. This stage is antithetical to the notion of entitlement. This does not mean that rights are not recognized in Buddhism; rather, rights recognition in Buddhism follows a different path. The path is oriented towards a pursuance toward enlightenment, which includes; right view, right thought, right speech, right action, right livelihood, right effort, right mindfulness, and right contemplation. These “rights” are consistent with the concept of rights, as rectitude, in Western traditions.

The difference between rights construction in the Western tradition, and the construction of isomorphic equivalents of human rights in the Buddhist tradition, is in relation to the justification of rights and their isomorphemes. The concept of rights as entitlement is justified in Western tradition by the importance of recognizing individuals and their claim against the society. In Buddhism, the notion of non-self leaves no space for an individual’s attachment to a claim for recognition. In the
following lines I seek to elaborate on the isomorphic equivalents of human rights in Buddhism.

Inada (1990) explains that Buddhism crossed the geographical and political boarders of Asia, to form a bond that captures the imagination of people who are touched by Buddhist traditions. In Buddhism, “there is a basic feeling for a larger reality in one’s own experience, a kind of reaching out for a greater cosmic dimension of being, as it were. It is a deep sense for the total nature of things” (p. 91). This description is embodied in a quest for knowledge based on the proper relationship of one’s self in the world. One’s relation to others, and to the world, is perceived as a unified whole as opposed to the perception of the world as fragmented. In Buddhism the existential reality refers to “the perception of the world as a singular unified whole, we ordinarily perceive it in a fragmented way because of our heavy reliance on the perceptual apparatus and its consequent understanding” (Inada, 1990, p. 93). The notion of holism pertains to a particularity in Eastern thought and philosophy which is the result of different religious and philosophical traditions. I explained this idea earlier in Chapter Three, where I compared the difference in logic between Eastern and Western Cultures, based on Nisbett’s (2003) *The Geography of Thought*.

In the following discussion, I seek to highlight some of the concepts held in Buddhism that may constitute the overlapping principles between the concept of human rights as rectitude, as perceived in Western tradition and Buddhism. These overlapping principles could constitute a powerful form of methodology, epistemology, and pedagogy for human rights, especially in the Buddhist context. These principles are referred to as the isomorphic equivalent of human rights. Buddhism is not totally
consistent with the human rights discourse, since there is a difference in orientation in human rights; Buddhism stresses the importance of understanding human nature, while the rights discourse lays more emphasis on understanding the rights of a human. Buddhists are concerned with the well-being of humanity, and this concern lies in their efforts to understand human nature, and to prescribe an ethical code that is consistent with achieving self-enlightenment. Thus, the current concept of rights is cultivated in Buddhism through the ethical codes that Buddhists abide by.

However, Buddhism is not totally consistent with the human rights discourse, since there is a difference in orientation with regard to the due process and justification of rights. Buddhism emphasizes the need to learn more about human nature in the form of enlightenment. Although the orientation is different, there is an “overlapping consensus” on some principles with regard to humanity. Dwelling on the overlapping principles is crucial for human rights education, as well as human rights understanding, and its diverse cultural manifestations. The overlapping consensus could emerge if a relational hermeneutical approach is applied to human rights.

The Dalai Lama (1999) emphasizes the need for multiplicity of religion, and traditions, if we are serious about human rights. He advocates that “we develop a genuine sense of religious pluralism in spite of the different claims of different faith traditions. This is especially true if we are serious in our respect for human rights as a universal principle” (p. 228).

In addition to the aforementioned recommendation, I think it is of cardinal importance, especially within democratic tradition, to recognize the multiplicity of cultures and traditions in different geographies and histories around the globe, since
democracy is a doctrine of inclusion and diversity, rather than exclusion and homogeneity. This recognition is important in cultivating human rights recognition universally. In addition to the fact that the equivalents of human rights exist in most cultural traditions, recognizing other religions and cultural traditions shows a good faith that eventually will cultivate *Pacta sunt servanda* (the observation of an agreement) with regard to the universality of human rights, as articulated by the Universal Declaration of Human Rights. Buddhist traditions have emphasized the importance of human well-being. For Buddhists, a sense of gratitude, rather than rights as entitlements, is regarded as important to humanity (Unno, 1988). Gratitude is the result of compassion. It is “born from a profound appreciation for all of life and nature, and it is expressed in various acts of compassion and thanksgiving” (Unno, 1988, p. 129).

In Buddhism the meaning and the content of *Anātman*, “is translated variously as “not-self,” “non-self,” and “non-ego,” which forms the essence of personhood” (Unno, 1988, p. 130). The realization of non-self, in Buddhism, is liberation from all kinds of attachment in life. The process of realizing non-ego is the outcome of a deep awareness. As described by Unno (1988), “it is an awareness that the true self is more than what the self is normally conscious of as self” (p.130). It is, rather, the self in non-egoistic form, interrelated with a holistic perspective of the universe. This notion produces the power of critical analysis that leads to the insight that “there is no permanent abiding entity called the self” (p. 130). Ancillary to that, Buddhism stresses a reliance on the power of analysis and autonomous reason, and rejecting authority or tradition as a source of knowledge.
At the heart of Buddhism is the teaching of *Dharma*, which is “an explication of the path to transcending the rounds of existence and attaining *Nirvana* (self-enlightenment)” (Peek, 1995, p. 527). Self-enlightenment is a process towards personal development, which involves a continual self-examination that “draws upon the just nature (Buddhahood) within us all” (Peek, 1995, p. 532). Thus, the journey towards *Nirvana*, in Buddhism, includes accumulating positive thoughts and actions (*Karma*), which “comes with thinking and behaving in a manner consistent with that which is morally just” (Peek, 1995, p. 528).

In this context, behaving in accordance with what is morally just informs the concept of right as rectitude. This idea constitutes an overlapping principle between Western traditions and the isomorphic equivalents in Buddhist tradition. The law of *Karma* is “the law of action and reaction: all deeds will generate, inevitably, their proper rewards and punishment, whether immediately, in the next life, or in the lives ahead” (Lee & Lai, 1978, p. 1315). Buddhists seek to attain a positive *Karma* through the recognition of the Four Noble Truths. The notion of *Karma* forces behaviors to be consistent with the established moral system in Buddhism.

The subject of the Buddha’s first teachings was the Four Noble Truths. The First Noble Truth is the truth of suffering. Human suffering occurs due to “ignorance, attachment, and anger” (Dalai Lama, 2008, p. 33). The Second Noble Truth is to understand what causes us, as humans, to suffer. Thus, understanding the roots and nature of human suffering is perceived as a Noble Truth, which requires us to transcend human nature. The Third Noble Truth is *Nirvana* or “the cessation of suffering” (Dalai Lama, 2008, p.34). The elimination of suffering has to draw on the First and Second
Noble Truths. The Fourth Noble Truth is that there exists a path that leads to *Nirvana*. To achieve the cessation of suffering, one has to follow a path. The path to cease suffering is the Eightfold Noble Path, which includes “right views, right thought, right speech, right action, right livelihood, right effort, right mindfulness, and the right contemplation” (Peek, 1995, p. 528).

Right view is discerning and analyzing one’s view in thinking after meditation. Right thought is to understand how meaning is viewed and constructed through reason. Right speech is to honestly demonstrate to others the nature of reality, free from deceit or manipulation. Right conduct is pure behavior, convincing others “that all our activities conform to the doctrine and are harmonious with pure ethics” (Dalai Lama, 2008, p. 39). Right livelihood is “to convince others that our livelihood is proper, not mixed with the evil fruits of wrong livelihood and free from wheedling behavior, flattering speech, and so forth” (p. 39). This entails that wealth should be obtained legally; one should live in a righteous way. Right effort entails that mental energy is the force behind right efforts, which ultimately bring humans closer to the good and further from the bad. This right can be actualized through meditation. Right mindfulness is to “retain the object of calm abiding and insight meditation without forgetting it, which acts as an antidote to the secondary delusion forgetfulness” (p. 40). It is to perceive things as they are, with clear consciousness. Right contemplation, through a contemplation of body, feeling, state of mind, and phenomena, leads to the development of a mental force in a manner that aids humans to realize their full potential.

In addition to the Eightfold Noble Path, the core principle of Buddhism is the Five Precepts, which are “to abstain from killing, stealing, sexual misconduct,
falsehoods, and intoxicants” (Peek, 1995, p. 529). Those Five Precepts are similar in concept to the Ten Commandments, in concept. The Five Precepts constitute a moral code whereby Buddhists must abide. As follows, every one abides with the aforementioned moral code, since not abiding with it generates certain consequences. Thus, “a morally unjust act radiates a negative Karma that harms not only the victim but ultimately the actor as well” (Peek, 1995, p. 529). As follows, preserving human dignity is achieved by abstaining, in the form of a duty, from acting unjustly towards others.

The rights and precepts, explained above, are connected to a system of ethics and morality in Buddhism. The Dalai Lama (1999) explains:

An ethical act is one where we refrain from causing harm to others’ experience or expectation of happiness. Spiritual acts we can describe in terms of those qualities…of love, compassion, patience, forgiveness, humility, tolerance, and so on, which presumes some level of concern for others’ well-being. (p. 61)

There is an emphasis in Buddhism on the capability of connecting to other people. Empathy is an important human quality. “As our innate capacity for empathy is the source of the most precious of all human qualities, which in Tibetan we call Nying Je” (p. 73). Empathy allows humans to imagine the potential harm that some actions may bring upon others. Thus, empathetic humans can differentiate between rights and wrongs. Nying Je, as the Dalai Lama (1999) explains, “belong to the category of emotions which have a more developed cognitive component…we can thus understand Nying Je in terms of a combination of empathy and reason” (p. 74). Nying Je is a notion that pertains to both reason and sentimentality. Reasoning helps individuals
abstain from causing harm to others, while sentimentality is manifested in the form of empathy. Buddhists acknowledge the interest and happiness of others; as the Dalai Lama (1999) explains, “when we act to fulfill our immediate desires without taking into account others’ interests, we undermine the possibility of lasting happiness” (p. 53). In this manner, happiness and self-enlightenment are qualities Buddhists seek to attain, through following the Eightfold Noble Path.

The Eightfold Noble Path is embodied in an ethical code, which is advocated by the Dalai Lama. This ethical code includes the ethics of restraint, virtue, compassion, suffering and the need for discernment. The Dalai Lama stresses the importance of compassion, as he maintains, “we need to restrain those factors which inhibit compassion. On the other hand, we need to cultivate those which are conducive to it...what is conducive to compassion is love, patience, tolerance, forgiveness, humility, and so on” (Dalai Lama, 1999, p. 81). Compassion can be cultivated as a result of inner restraint. Inner restraints include traits like patience and tolerance.

Failure to restrain one’s response to difficult emotions makes actions unethical and obstructs personal happiness. It may also lead to an infringement on others’ happiness, since an unrestrained mind “inevitably undermines our experience of inner peace” (p. 86). An unrestrained mind is the source of negative feelings like hatred, anger, pride, lust, etc. Compassion is extended to the environment as the unrestrained use of “the earth’s resources can amount to depriving the not yet born of the opportunity for self-enlightenment…In sum, just as Buddhism calls upon man to treat his fellow man in a non-violent manner, it calls upon humanity to also treat nature in a non-violent manner” (Peek, 1995, p. 537). Thus, Buddhists refrain from violence against the
environment, since treating the environment abusively may infringe on others’
happiness in the present and in the future.

In addition to refraining from negative actions and thoughts, cultivating positive
qualities is considered virtuous by Buddhists. The Dalai Lama (1999) points out a
practical ideal in Buddhism, which is referred to as Sö Pa:

*Sö Pa* is translated simply as ‘patience,’ though its literal meaning is ‘able to
bear’ or ‘able to withstand.’ The word also carries a notion of resolution. It
denotes a deliberate response (as opposed to an unreasoned reaction) to the
strong negative thoughts and emotions that tend to arise when we encounter
harm. (p. 102)

*Sö Pa* is referred to by the Dalai Lama (1999) as a practice of “true non-violence” (p.
103), since the ethic provides humans with the strength to resist suffering and protect
humans from losing compassion, even when harmed. The principle “enables us not
only to refrain from physical reactions when we are provoked, but it enables us to let go
of our negative thoughts and emotions too” (p. 103). *Sö Pa* becomes the quality that
enables humans to prevent negative thoughts and emotions from taking hold of
themselves, which ultimately will bring inner peace to humans, even in the most
difficult of situations.

Compassion, an ethical dimension of Buddhism, is judged by humans’ ability to
share and feel others’ suffering. Compassion comes with a sense of responsibility
towards others. “This causes the one who is compassionate to dedicate themselves
entirely to helping others overcome both their suffering and the causes of their
suffering…this ultimate level of attainment is called Nying Je Chenmo, which literally
means great compassion” (Dalai Lama, 1999, p. 124). Compassion causes happiness
and satisfaction in life. When individuals lack compassion their activities are dangerous
and might be destructive. As the Dalai Lama (1999) explains “the ethic of compassion helps provide the necessary foundation and motivation for both restraint and the cultivation of virtue” (p. 128). Compassion is a source of virtue in Buddhism.

Discernment, and the cultivation of this quality, is also considered a virtue by Buddhists. In case of a dilemma, Buddhists consider the situation with reference to a tradition known as the union of “skillful means” and “insight.”

Skillful means can be understood in terms of the efforts we make to ensure that our deeds are motivated by compassion. Insight refers to our critical faculties, and how, in response to the different factors involved, we adjust the ideal of non-harming to the context of the situation. (Dalai Lama, 1999, p. 149)

Thus, each daily life context requires the capacity for discernment in order to avoid making people suffer. The virtue of discernment is an edifice for bringing happiness and avoiding suffering, whether it is personal or related to others. It becomes unmistakable that concepts like virtue, compassion, and patience have a functional weight in enforcing the right conduct. This functional weight is similar to the one manifested in the rights discourse, although it has a different justification.

Moreover, Peek (1996) argues that the components of a bill of rights are consistent with Buddhism, and include:

1. Freedom to select the government;
2. Right to petition the government for a redress of grievance, and to receive compensation;
3. Freedom from cruel and unusual punishment, such as torture, the death penalty, and inhuman internment;
4. Right to equal and fair treatment under the law;
5. Freedom of religion and conscience;
6. Freedom from discrimination on the basis of race, creed, economic class, or gender;
7. Right to education;
8. Right to work and receive just compensation including health care;
9. Freedom from want, for those unable to work through social security programs;
10. Right to clean environment. (p. 540)

Those rights are embodied in a moral system in Buddhism. For example, the journey towards self-enlightenment entails an awareness of rights. Thus, an enlightened Buddhist would demand, and appreciate, the freedom to select a leader. Also, an enlightened Buddhist would recognize, and appreciate, the right to education, the right to a clean environment, the right to freedom from discrimination, and the right to equal treatment.

In addition to self-enlightenment, there are some virtues within Buddhist tradition that facilitate the cultivation of some of the aforementioned rights. For example, compassion facilitates cultivating the freedom from cruel and unusual punishment, the freedom from want, and the right to work and receive just compensation. The moral system in Buddhism seeks to understand human behaviors based on the nature of human beings, as opposed to understanding human behaviors based on the idea of human beings as separate entities, as manifested in the Western notion of rights.
Inada (1990) argues that the concept of human rights in Western tradition is based on hard relationships. This claim by Inada is due to the fact that “persons are treated as separate and independent entities or even bodies, each having its own assumed identity or self-identity” (p. 94). Thus objects, things, and individuals are perceived as disparate realities. This approach, according to Inada, is deeply rooted in scientific methodology, which dwells on the Cartesian dualism of body and mind. Thus:

A hard relationship is a mechanistic treatment of human beings where the emphasis is on beings as such regardless of their inner nature and function in the fullest sense; it is an atomistic analysis of beings where the premium is placed on what is relatable and manipulable without regard for their true potential for becoming. In a way it is externalization in the extreme, since the emphasis is heavily weighted on seizing the external character of beings themselves. (Inada, 1990, p. 95)

In Buddhism, the emphasis is on the inner nature of humans, which functions to allow humans to realize their full potential. In soft relationships the premium is placed on the internal nature of the concept of the right, while in hard relationships the premium is placed on the external nature of the concept of the right. In the latter case, a right is perceived as if it is an entitlement and can be claimed against other individuals. The emphasis on the external character is devoid of the values of human rights from their psychological, philosophical, ontological, and emotional depth. As follows, the inner content of human rights in hard relationships exists only with a theoretical ambience that distracts itself from ontological existence.
The isomorphic equivalents of human rights in Buddhism are “primarily oriented in soft relationships…. this relationship governs the understanding of the nature of human rights” (Inada, 1990, p. 95). Thus, according to Inada, a soft relationship delves deeper into the human realm to unfold certain traits and paths to realize humanity in its fullest. As follows, a soft relationship “softens, if you will, all contacts and allows for the blending of any element that comes along, even incorporating the entities of hard relationship” (Inada, 1990, p. 96). This makes the case for blending Buddhist traditions into human rights education more possible, given the fact that, “the former could easily accommodate and absorb the latter, the reverse is not the case” (Inada 1990, pp. 96-97). The blending of human rights and reality, in Buddhist tradition is conceivably pragmatic since:

This is made possible by knowledge and intimacy with the ‘soft’ side of human endeavors. For the ‘soft’ side has a passive nature characterized by openness, extensiveness, depth, flexibility, absorptiveness, freshness and creativity, simply because it remains unencumbered by ‘hardened’ empirical conditions. (Inada, 1990, p. 97)

The soft relationship is oriented in existential ontology, since it relates to human nature and the hidden desires and conflicts that are on display.

The concept of hard and soft relationships is another example of why a relational epistemology of human rights is important in contextualizing human rights knowledge within traditions. The relational approach captures the essence of the complexities within each tradition. For example, a hard relationship, as opposed to a soft relationship, is the consequence of institutionalized morality, which is a distraction from the
ontological context. Morality, in a hard relationship, corresponds more to politics than morality itself. Inada (1990) explains, “To speak of symbols being institutionalized or internalized without the proper existential or ontological context seems to be a bit artificial and has strains of meaning toward hard relationship” (p. 97). As a prerequisite for the realization of human rights within a certain tradition, it is essential to build knowledge about rights on symbols that correspond to the context of the tradition.

In Buddhism, there are strains of meaning that are channeled towards a dynamic being in the form of soft relationship. To elaborate more on the idea of symbols and their relation to ontological structure, Swearer (1990) argues:

The adaptation of symbols of Theravada Buddhism presupposes an underlying ontological structure. The symbol system of Buddhism, then, is not to be seen only in relationship to its wider empirical context, but also in relationship to its ontological structure. This structure is denoted by such terms as Dharma or absolute Truth, emptiness and non-attachment. These terms are denotative of what Dhiravamsa calls ‘dynamic being.’ They are symbolic, but in a universalistic rather than particularistic sense. (As cited in Inada, 1990, p. 98)

Thus, ontological cultural symbols are primarily characteristics of soft relationship. Both are grounded in the dynamic being and correspond highly to the demand of modern society and the changes that might occur as humanity proceeds. To support Inada’s argument, the Dalai Lama (1999) explains the importance of the context or the religious ambient in dealing with ethics: “the notion of absolute truth is difficult to sustain outside the context of religion, ethical conduct is something we engage in because it is something right in itself” (p. 26).
Soft relationships, as evident in Buddhism, “manifest themselves in terms of intangible human traits that we live by as patience, humility, tolerance, deference, non-action, humanness, concern, pity, sympathy, altruism, sincerity, honesty, faith, responsibility, trust, respectfulness, reverence, love and compassion” (Inada, 1990, p. 98). These traits are the edifice of the Buddhist quest to understand humanity, which should be an integral part for understanding human rights within a Buddhist context, given that these traits and human rights are related. In addition to the universality of the dynamic being discussed earlier, the Dalai Lama (1999) advocates for a sense of universal responsibility through the actualization of these ethics.

The Buddhist tradition that is similar to the notion of universal responsibility is called *Chi sem*, “which means literally, universal (Chi) consciousness (sem)” (p. 162). By the *Chi sem*, Buddhists entail the basis of concern for the well-being of other sentient beings, which include humans and non-humans. As the Dalai Lama explains “what is entailed, therefore, is not an admission of guilt but, again, a reorientation of our heart and mind away from self and towards others” (p. 162). In this context, adapting the Western construction of human rights as a source of justification, legitimization, and epistemology ignores the existence of ontological cultural symbols that can be utilized as mediators of human rights meaning in Buddhist context.

Buddhist traditions can be utilized towards creating rights awareness. In line with notion, Satha-Anand (1999) argues that Buddhist traditions can be utilized in dealing with human rights violations. Thai culture, which heavily draws on Buddhist tradition, can resuscitate these traditions in combating female prostitution in Thailand. The process is maintained by conjuring up Buddhist traditions that empower women,
since one of the reasons for women’s disempowerment is the patriarchal system that privileges men over women. The process follows the dynamic of transformation by implanting the dynamic within traditional cultural values.

Satha-Anand (1999) explains, “When our male-centered sociopolitical world is overturned by the cultural empowerment of women, then women’s self-understanding through Thai Buddhistic culture will be transformed to include a more equal relationship with men, with increased possibilities for rights awareness” (p. 211). In addition to prostitution there are other human rights violations that can be alleviated by a relational epistemology that utilizes the cultural values to promote the desired values. Drawing on the analysis of the isomorphic equivalents of human rights in Buddhism, we recognize that although there is a body of rights in Buddhism, its justification is different than human rights as constructed in Western countries.

**Isomorphic equivalents of human rights in Confucianism.**

In Confucianism, there is a structure of social practices that are channeled towards a realization of human rights potential. The structure of the moral system in Confucianism is grounded on a realization of a particular moral vision, and is different than the structure of the moral system in Buddhism. Confucianism, as represented by the thoughts of Confucius and Mencius, is compatible with the Western construction of human rights. This compatibility is explained in terms of the Confucian humanist outlook, the Golden Rule, and a concern for humanity that is embedded in the concept of Ren. There are some overlapping concepts, such as freedom of expression, that are efforts of Confucian traditions to alleviate social inequality. The Confucian concepts, and ideas, are compatible with the concept of rights as rectitude in Western traditions.
The Western conceptualization of human rights and the isomorphic equivalents of human rights are different in orientation. The difference is contingent on the variance in sociopolitical traditions. Confucianism is characterized as a consensual tradition (Hsiung, 1985). In the consensual tradition, the due process of rights is manifested differently than in the Western tradition, and is characterized by a duty fulfillment, or role-playing morality. Ancillary to the divergence of due process, the concept of Western law was perceived, in the Confucian context, as an amalgamation of two concepts, Fa and Li (explained further in the coming paragraphs). The divergence in conceptualizations highlights the differences between human rights in Western traditions and the isomorphic equivalents of human rights in Confucian context. In the following lines, I seek to explain in detail the isomorphic equivalents of human rights in Confucianism.

Asian philosophers have emphasized that Confucianism and human rights have, to some extent, the same function, which is directed towards maintaining the social order and preserving human dignity. Williams (2006) argues that there is “a plethora of parallels between human rights and Confucian discourse, rendering the two traditions perfectly compatible” (p. 40). Chan (1999) also agrees that Confucianism, as represented by the thoughts of Confucius and Mencius, is compatible with the idea of human rights. The notion of compatibility between Confucianism and human rights is premised on the idea that Confucianism, as a doctrine, seeks to cultivate a humanist outlook. Liu (2009) explains that Confucianism is a humanist theory, “…because it pays most attention to the problem of “how to become a true human”” (p. 173). The first rule in Confucianism is, “Do not impose on others what you yourself do not desire”
This is known, throughout the world, as “the golden rule,” which regulates inter- and intrapersonal relationships within and among societies. This rule constitutes the first moral imperative in Confucianism. Confucianism is a way of learning to be humane.

Inada (1990) explains that Confucianism has a great doctrine of humanity (Jen), which involves the famous statement “All men are brothers” (Inada, 1990, p. 92). In this statement, humanity becomes related, since all humans are brothers. This tradition is likely to advocate for common understanding between brothers, based on common human experience. The dictate of brotherhood:

...is not a mere abstract concept but one that extends concretely throughout the whole sentient existence...[that] means humanity is not something external to a person but that it is constitutive of the person’s experience, regardless of whether one is conscious of it or not. (Inada, 1990, p. 92)

Humanity is extended in Confucianism to fit into a cosmological pattern. It is perceived in terms of “heaven, earth, and mankind” (Inada, 1990, p. 92).

The main elements of the Confucian perspective of human rights can be summarized in the following four points:

1. There are human rights that protect important interest in ren or humanity;
2. Such protection should be seen as a fallback apparatus: Rights are important when virtues fail to obtain or personal relationships break down;
3. Human rights should be inflated; that is, they should not be considered constitutive of valuable personal relationships or necessary for the display of
virtue, and they should not be intended to offer protection for debased acts, as well as good ones;

4. Rights instruments should be the last means to resolve conflicts. (Chan, 1999, p. 234)

Through the perspective of the four points aforementioned, I will discuss the relation between human rights and Confucianism.

De Bary (1998) states that Mencius had explained that the order of heaven is well established in the conscience of all humans, so humans are impelled to rights injustices and are justified in overthrowing rulers who violate the ordinances of heaven. Williams (2006) explains that Confucianism has overlapping principles with natural law, as both doctrines claim:

The ultimate end of government was moral, and the principles responsible for changes in the world were accessible to understanding by reason. Confucianism believed that government existed to help people realize their potential as humans, and to do this the government had to lead by example and act with virtue. (p. 60)

In addition, democratic disposition, with regard to governing, is evident in Confucianism, as manifested by Confucius and Mencius’ insistence on the freedom of expression. Chan (1999) testifies that Confucius and Mencius hold that social and political participation is cardinal in preventing the society from degradation. Confucius elaborates, “If what [a ruler] says is not good and no one goes against him, then is this not almost a case of a saying leading the state to ruin” (As cited in Chan, 1999, p. 228).

Confucianism is perceived as a doctrine which seeks to alleviate some social problems, including inequality. De Bary (1998) explains, “Confucians accepted social
distinction as an inevitable fact of life and believed that differences in age, sex, social status, and political position had to be taken into account if equity were to be achieved in relations among unequals” (p. 168). This tradition is similar in nature to the egalitarian spirit, which is grounded in democracy, in Western tradition. In this sense, local cultural traditions are not in contradiction with the dictates of universality, as evident in the human rights conceptualization with Western tradition. Rather, there is a common ground highlighted by the similarities between human rights and the isomorphic equivalents of human rights, represented here in Confucianism. Both are intended to maintain and regulate the social order and cohesiveness of the social groups, in addition to preserving human dignity.

Human rights perception in Confucianism is manifested through “the underlying principles of reciprocity (Shu) and equity or propriety (Li)...[both] were blended to serve [as] a moral equality among persons understood to derive from life and the human order which fostered that life” (De Bary, 1988, p. 186). This conclusion is based on Mencius’ remarks: “Heaven confers titles of nobility as well as man. Man’s titles of nobility are duke, chancellor, great officer. Those of Heaven are humanness, righteousness, true-heartedness and good faith” (As cited in De Bary, 1988, p. 186). As De Bary argues, in Confucianism, human rights are understood in terms of rites that are based on reciprocity, not in terms of entitlement of some principles. Lü Liu Lang (1629-1683), a Chinese philosopher, explains the intrinsic link between rites, rightness, and principles:

Rites represent the principles of things and affairs, rightness represents what is appropriate to the time. As to their source, although they are there in our minds-
and-hearts, rites and rightness have no pertinence apart from given matters or specific instances in time. (As cited in De Bary, 1988, p. 183)

This quote highlights the importance of the relational hermeneutical epistemology, with regard to rightness, since it is a product of a particular space and time. The principles of rites represent the justification of the concept of rights in the Confucian context.

For De Bary (1988), rites are a formulation of principles in relation to facts and circumstances, while right or rightness pertains to a particular trait of an action that fits in a certain historical context. In this manner, rites are the embodiment of morality, understood and perceived in the social group according to a particular frame of reference. Another implication of rites, for De Bary (1988), is:

[Rites] covers some ground as our rational and moral consideration of rights, expressing the principles of propriety and respect towards others in the broadest sense - that is, respect not only for other human beings but also for things and affairs in the world at large, including the entire natural order. (p. 196)

The notion of rite is embedded in the concept of Li (Ames, 1988). According to Ames, Li is a broad concept that embraces everything, from manners to mediums of communication, and to social and political institutions. Li defines social relations in Confucian context. It is perceived as an “apparatus for ordering society” (Ames, 1988, p. 199), a mechanism that guarantees the social order. Ames argues that the rites implied in Li involve, to some extent, role-playing morality. He explains:

The process of extending and deepening these roles bring with it a greater felt significance...ritual preserves and transmits culture. Ritual socializes a person and makes one a member of a community. It informs one’s shared values. It
provides an opportunity to integrate oneself into the community in a way which maintains and enriches community life. (Ames, 1988, p. 201)

In this sense, *Li* also provides the human rights learner with an educational tool that imbeds the learner in the community and paves the way for local transformation. In addition *Li* is utilized in the Confucian context to maintain harmony among social groups. Ames claims that throughout Confucianism, harmonious relationships rely on people to refine themselves in rites. Thus, personal integrity and social integrity are perceived to be inseparable.

In China, the equivalent of the Western notion of law is embodied in two different concepts of law, which are *Fa* and *Li*, as explained by Lee & Lai (1978):

*Li* is translated, variously, as propriety, ethics, or moral rules of correct conduct, and good manners. *Li* embodies, chiefly, the teaching of Confucius, and in particular, the “five relations,” which are: ruler and subject, father and son, husband and wife, elder and younger brother, and friend and friend. (p. 1308)

The nature and the dynamic of the five relations is explained by Mencius, who thinks that:

Between father and son, there should be affection; between sovereign and subject, there should be righteousness; between husband and wife, there should be respective duties; between the elder and younger brother, there should be order; between friends, there should be sincerity. (As cited in Lee & Lai, 1978, p. 1311)

The five relations contribute to the concept of rights, as rectitude, in Confucianism. Those relations regulate human relationships in a manner that preserves human dignity
and aid individuals within Confucian context to realize their full potential as humans. The due process of the concept of rights is characterized by reciprocal duties in the form of *Li*. *Li* is perceived as a regulator of human relations. It is, rather, a form of “social control over unrestrained expression of human desires” (Lee & Lai, p. 1308). *Li* is defined, in a broad sense, as “custom that has acquired the force of law, characterized by moral teachings, the use of persuasion, the appeal to reason and good sense, and the exemplification of good conduct and behavior” (Lee & Lai, 1978, p. 1326).

The concept of law called *Fa* is a tool put in place to punish criminal acts. Although *Fa* “has been translated as “law,” it is actually much narrower in scope” (Lee & Lai, 1978, p. 1309). *Li* is the moral code enforced by the society, while *Fa* is the code enforced by the government. According to Lee and Lai, both concepts were intended to coordinate and complement each other.

Preserving the social order in the Confucian context requires the coexistence of *Li* and *Fa*. Overall traditional Chinese society preferred *Li*. The reason for this preference is articulated by Confucius, who explains “if the people are guided by *Fa*, and order among them is enforced by means of punishment, they will try to evade the punishment, but have no sense of shame, but if they are guided by virtue and order among them is enforced by *Li*, they will have the sense of shame and also be reformed” (As cited in Lee & Lai, 1978, p. 1310). Thus, order is maintained in Confucianism through highlighting virtue, and its intrinsic value in human relations, rather than abiding by law and consequently avoiding punishment. This preference of *Li* should inform human rights education in a Confucian context. *Li* can be utilized as an edifice to build on human rights knowledge, since it involves morality.
Ames (1988) contends that “the conceptual content and function of penal law can be only understood against an appreciation for the way in which ritual practice works to constitute a person in a society” (p. 202). My presentation of Li and Fa concepts within Confucian tradition is to shed light on the complexities of human rights within this tradition. Rather than introducing Western human rights conceptualization, which is not related to reality, building on concepts like Li and Fa is more appropriate for the dissemination of human rights in the Confucian context. The dynamic between Li, or rites, and Fa, which refers to penal law, is explained by Ames (1988): “Law instructs with deterrent force in what is minimally acceptable. Where ritual action prompts creative cultural adventure and reifies what is most significant in cultural achievement” (p. 202). As follows, rights and rituals are both social practices which establish and define the limits among individuals within a particular state. The difference between rights and rites is: “rights–based [order] strives to guarantee a minimum and yet vital sameness, [and] ritual-based order seeks to guarantee tolerance” (Ames, 1988, p. 208).

Confucianism holds a view that includes the fact that “humans are moral agents capable of realizing Ren, which means…a certain ability or disposition to care for and sympathize with others” (Chan, 199, p. 217). Although the site for Ren realization is exhibited in personal relationships, the extension of the site to include civil relations, relations between groups, countries, nations, etc., is definitely compatible with traditions of Confucianism. The tradition emphasizes harmony in groups. Mencius (as sited in Chan, 1999) explains, in discussing sympathizing with others, that no man is devoid of the Ren – which means sensitivity to the suffering of others. These “others
are not confined to those personally known. Rather, they include all people within the ‘Four Seas’ everywhere in the world” (p. 218).

Sensitivity to others’ suffering is motivated by a brotherly love for other fellow humans. Mencius explains, “A gentleman retains his heart by means of benevolence (Ren) and rites (Li). The benevolent man loves others, and the courteous man respects others” (As cited in Chan, 1999, p. 218). The Ren is perceived to be the ultimate goal of every individual in Confucianism. Thus, the justification of freedom, propriety, benevolence, and virtue is contingent on the individual in fulfilling his moral role towards the maximum moral good embodied in the social harmony, which is the underlying justification that motivates individuals towards a culture which respects others’ rights and recognizes them. In this sense, “the immediate justification [of Ren] is a contribution to the social, cultural, and political activities, the flourishing of which help promote the Ren. In this immediate sense, the justification appeals to the social good rather than [to] the individual good” (Chan, 1999, p. 229). Caney (as cited in Chan, 1999) argues that “benevolence as a virtue is more desirable if based on knowledge of one’s rights and entitlements. It has a greater degree of intentionality” (p. 221).

In contrast to the human rights discourse which is based on rationality, Confucianism, to some extent, is based on sentimentality, with regard to morality. “Confucian thinkers seem to regard the human first of all as an emotional being and more specific inborn or learned moral emotions (Ging) as the intrinsic element that distinguishes humans from other animals” (Liu, 2009, p. 174). In addition, Confucius repeatedly “stressed the importance of such moral sentiments as Ren (humaneness) and
Xiao (filial piety) to being a true human. He said, ‘if one is without Ren, what has one to do with ritual propriety?’” (p. 174). The purpose of this quote is to highlight the importance of the concept of universal love for humanity embodied in Ren. Liu (2009) explains that the significance of Ren is to function as a moral pillar for a universal responsibility towards humanity. Confucianism prompts some roles and activities to be performed by individuals as fulfilling their duties. Liu (2009) explains, “The ‘true human being’ identified by it may be also ‘incarnated’ by some specific roles - a human person, a filial son, a loyal subject, etc., - in real life.” (p. 177). The Ren is also another edifice that contributes to the overlapping principles between traditions on the concept of rights as rectitude.

The idea of individualism and litigation stands in opposition to Confucianism, since the doctrine emphasizes harmony. Thus, emphasizing individual rights over harmony is contradictory to human rights epistemology in the Chinese context. In the Western construction of human rights, rights are understood as claims or entitlements for any subject. The idea pertains to the possibility of utilizing litigation as a tool to enforce rights. This packaged concept of rights is inconsistent with the Chinese context that uses a role-playing morality to enforce the concept of rights and maintain the social order, through harmony.

Chan (1999) perceives the notion of rights, as evident in Western traditions, to be a threat to the social harmony in the Confucian context, as it “would turn social relationships from harmonious to conflictual, or litigious. The Confucian ideal of social harmony emphasizes the virtues of concession and yielding rather than competition and self-assertion” (Chan, 1999, p. 226). Thus, competition, self-assertion, litigation and
quarrel are not desirable in Confucianism. Confucius explains, “In hearing litigation, I am no different from any other man. But if you insist on a difference, it is, perhaps, that I try to get the parties not to resort to litigation in the first place” (p. 226). Confucians avoid litigation, and prefer mediation instead, since litigation is not responsive to the greater good in the Confucian context, which is to preserve harmony among individuals.

Peerenboom (as cited in Chan, 1999) further explains Confucian mediation:

Such mediation offers many advantages. Both parties save face, fully participate in the proceeding, and shape the ultimate solution. The process, usually faster and cheaper than formal methods, allows for a more particularized justice and for the restoration of social harmony, with both sides feeling they have received their due. (p. 227)

Hence, the goal of mediation is to reach a compromising ground between the conflicting parties, in which both parties feel that they have received their dues and justice has been served.

It is unmistakably clear that “Confucians do not favor the use of legal coercion to foster virtues or prevent people from indulging in the bad and debased. Confucius reckons that legal punishment cannot change one’s heart or soul; only rites can” (Chan, 1999, p. 232). This conclusion is dependent on Confucius’ remarks: “Guide them by virtue, keep them in line with the rites, and they will, besides having a sense of shame, reform themselves” (As cited in Chan, 1999, p. 232). Confucius’ remarks entail that the cultivation of virtue and propriety is contingent role-playing morality that is manifested in the notion of rites. Legal punishment is undesirable in Confucianism, simply because legal punishment is not efficient in transforming individuals and desires.
Chan (1999) states, “Confucians are generally reluctant to use legal punishment for the purpose of moral edification. They aim at transforming people’s desires rather than suppressing them” (p. 223). The transformation of humanity is carried out through sentiments, in Confucianism, rather than legal punishment. Thus, Confucians resolve conflicts “by means of education, mediation, and compromise in order to preserve the spirit of mutual caring and trust” (Chan, 1999, p. 237). This is grounded on the notion that the essence of Confucianism is learning how to be a human and becoming a better human. “This entails a ceaseless, unending process of self-transformation both as a communal act and as a dialogical response to heaven” (Williams, 2006, p. 46). The self-transformation, seen in Confucianism, is achieved through conformity with certain principles which are characterized by fulfilling certain duties towards other individuals and towards the society.

Confucianism may provide a justification for human rights, “but this justification differs from the dominant strand in Western liberalism” (Chan, 1999, p. 215). The difference in justification is due to the fact that Confucianism pertains to “a pure role-based view of morality. According to this view, moral duties or rights arise solely from social relations, such as familial relationships, friendship, and political association” (Chan, 1999, p. 217). Human rights are recognized regardless of one’s role. Thus, each individual has a responsibility in maintaining the social order. As Chan (1999) argues, “Confucianism recognizes that human individuals have rights irrespective of their roles” (p. 219). This is evident in reciprocal duties, where one has a right, as well as a duty, to respect other individuals’ rights.

Overall both the Confucian and the human rights traditions:
…may converge upon a certain list of human rights, which includes at least personal rights, such as the right against torture, and some basic civil liberties, such as freedom of expression, but this consensus does not reach to the level of justification and scope. (Chan, 1999, p. 237)

In this manner, it is of cardinal importance to examine the principles and values that extend along between the Western conceptualization of human rights and the isomorphic equivalents of human rights in Confucianism, through communication and dialogue (Chan, 1999; Williams, 2006). Dialogue is an essential part of the relational hermeneutical epistemology, since it facilitates cross-cultural communication, and understanding, in relation to human rights conceptualization.

Ames (1988) argues that Confucianism might be a re-course for thinking about our notion of autonomous individuality. Individualism prioritizes individuality over society, and the environment, which “effectively render[s] a context of means to individual ends. An obvious weakness here is the priority of individual freedoms over communal and environmental duties” (p. 212). As follows, the link between individualism, embodied in the rights discourse, and its justification in preserving human dignity, becomes weak in the Confucian context, since “individual autonomy does not necessarily enhance human dignity. In fact, if dignity is felt worthy, the exaggeration of individuality might be anathema to the ultimate project of human rights, which is precisely to protect and foster human dignity” (Ames, 1988, p. 213). In the Confucian context, human dignity is preserved through moral role-playing. In this sense, each individual strives to fulfill his obligations towards others. For Confucians,
human dignity is realized through fulfilling one’s duties towards other individuals and towards the society as a whole.

The reason for the advocacy of Confucianism to serve as a source of justification and epistemology in China is due to the fact that some of the concepts of human rights, as articulated by Western traditions, are contradictory to the Chinese notion of harmony. Chan (1999), Taylor (1999), and Williams (2006) advocate Rawls’ “overlapping consensus” concept. Overlapping consensus is an agreement between different traditions over certain values of human rights, which extend along these traditions. These values function as a moral, or a penal system that preserves human dignity, through the observation of certain human rights. Consequently, this observation contributes to the realization of full human potential based on the Confucian moral vision.

Recognizing and understanding the overlapping values among traditions is followed by a global commitment to human rights. Although the commitment is universal in its recognition of human rights, the justification of rights and its epistemology remain relational and culturally specific. The outcome of this consensus is pragmatic. For example, Confucians may believe that freedom of expression should be protected, but may not accept the Western liberal justification that it is necessary to prioritize individual autonomy over group harmony. In this sense, the difference between liberal and Confucian notions of human rights becomes a matter of justification, which is grounded on the epistemological differences.
The cultural and moral justification of human rights should be left to local culture and local moral philosophy to cumber with. Williams (2006) writes that the cultural justification is:

…a thin right, [which is] the ‘safety net,’ the moral minimum over which thick relationships can be layered. Human rights are only a part of morality rather than an entire moral system, so human rights thinking and activity in the world today draw and, indeed, depend on the diverse moral understandings or people across different cultures. (p. 46)

The minimum moral requirement is relational, since it depends on culture, society, and the moral system from which the conceptualization of rights concept emerges. Thus, drawing on the diverse moral understanding of human rights and their equivalents is a prerequisite for a global dialogue.

Williams (2006) believes that “a constructive dialogue between human rights and Confucianism is necessary. This dialogue will facilitate the use of Confucian sources to justify human rights in a way consistent with Chinese traditions” (p. 40). The dialogue is important to the universal recognition of human rights in China. The dialogue facilitates the global recognition and dissemination of human rights and their isomorphemes, depending on the local justication, epistemology, and legitimization of rights knowledge.

For Williams (2006), Confucianism is a perfect justification for human rights in the Chinese context, since “there is no explicit philosophical or political justification for human rights” (p. 40). In China, individualism, for example, is not favorable to their culture. The Chinese prefer harmonious relationships that are characterized by duty,
rather than rights as entitlements. That explains why Confucianism, in the Chinese context, can serve human rights dissemination better than any other tradition. Williams (2006) emphasizes that “An international dialogue will undermine mutual misunderstandings and misconceptions, and assist in the dissolution of destructive and ill-informed dichotomies” (p. 66). The dialogue is an important component of the epistemology, since it draws on the overlapping principles, which ultimately transcend dichotomies.

According to Williams (2006), the dialogue should focus on transcending a politically charged dichotomy by offering other concepts of human rights that are grounded upon relations between individuals and groups, rather than utilizing one tradition, which is not related to the targeted society. It follows that, “this dialogue underscores the need to avoid ossification of the infant human rights discourse and ensure it remains an evolving and inclusive procedure aimed at alleviating suffering across the globe” (Williams, 2006, p. 66). Thus, human rights and their isomorphemes contribute to the creation of a human rights culture, which is based on the inclusion of diverse cultural forms of knowledge that are related to human rights.

**Why Fusion of Horizons and the Isomorphic Equivalents of Human Rights?**

In this section of the dissertation, I seek to articulate the reasoning behind the utilization of the hermeneutical approach, with regard to human rights, as manifested in the process of fusion of horizons. Ancillary to this account, I offer a reason for advocating for a relational epistemology of human rights, as exemplified in the isomorphic equivalents of human rights. In the consecutive lines, my aim is to explore the rationale for incorporating the process of fusion of horizons and the isomorphic
equivalents of human rights. This exploration is based on the idea of rights institutionalization, effect-history and effect-culture, human rights language construction, and the idea of plural impartiality, with regard to fusions of horizons and the isomorphic equivalents of human rights.

**The institutionalization of rights.**

The universal dissemination of the Western construction of human rights might succeed in establishing human rights norms across cultures, but it will be difficult to channel these norms towards institutionalization. The process of institutionalization might be more feasible if the isomorphic equivalents of human rights (IEHR) are employed as a medium to cultivate the normalization and the institutionalization. In addition the IEHR establish coherence between the norms and the process of their institutionalization. “Knowledge is from the very beginning a co-operative process of group life, in which everyone unfolds his knowledge within the framework of a common fate, a common activity, and the overcoming of common difficulties” (Galtung, 1994, p. 26).

In deduction, if human rights are to be recognized globally, they unfold within the framework of culture. In this case, human rights become more tangible in the behaviors of the group’s experience. Because they unfold from within, they appeal to the inner experience of subjectivity. This forms coherence in knowledge and ultimately leads to unity in action. Mannheim (1940) postulates: “So a given point of view and a given set of concepts, because they are bound up with and grow out of a certain social reality, offer, through intimate contact with reality, a greater chance of revealing its meaning” (p. 72). Contextualizing knowledge provides a meaning to human rights,
which directs a culture towards the path of implementing human rights while preserving cultural autonomy.

**Effect-history and effect-culture.**

In addition to the consideration of culture, human rights conceptualization needs to consider using the historical representation of human rights, which refers to a contextual experience as evident in the isomorphic equivalents of human rights. Contextual historical experience could be employed in global human rights dissemination if consistent with the goals and objectives of human rights. Baxi (1996) testifies that the discipline “depends on the *modes of struggle* which will make both *probable* and *possible* the condition and the circumstances of [human rights] survival, across the globe, in *ways which nurture human futures*” (para. 2). The problem with global human rights epistemology is manifested in the marginalization of historical factors that produced, if not necessitated, the notion of rights against injustice and tyranny. Baxi (1997) writes, “the contemporary mode of production of human rights and fundamental freedoms [should not] be considered in isolation from the history of these struggles” (p. 143).

Human rights knowledge is embodied in a cultural repertoire of knowledge about rights and duties in a society, ranging from intergenerational folk stories to complex judicial texts. This recognition serves as the basis to build human rights knowledge. In this example, previous knowledge shapes the new knowledge, and offers a solid ground to establish and validate the new knowledge, since:

The inner form of historical individuality existing at any given time, be it that of an individual personality or folk spirit, and the external conditions together with
the past that lies behind it, determine the shape of things that are to be. It is for this reason that historical configuration existing at any given time cannot be artificially constructed, but grows like a plant from its seed (Mannheim, 1940, p. 210).

Disseminating the Western conceptualization of human rights in other cultures is, to some extent, contributing to the artificial construction of knowledge about rights. This is due to the fact that rights knowledge is relational and the product of historical and cultural context. To avoid constructing knowledge artificially, it is essential to consider the isomorphic equivalents of rights. Some of these equivalents exist in the form of intergenerational narrative, as in the case of some traditions in Africa. In these cultures, human rights dissemination starts with the intergenerational form and builds on it a more complex understanding of human rights or their isomorphemes.

The correlation grounds human rights knowledge on cultural context and builds on it a universal form of human rights recognition. The recognition of culture and its relevant representations of human rights is important in the human rights discourse because it has the potential of being perceived as truth or an ideal, which is sought to be pursued. Truth is related to knowledge and its social historical construction. Mannheim (1940) posits that:

The notion of knowledge in general is dependent upon the concretely prevailing form of knowledge and the modes of knowing expressed therein and accepted as ideal, but also that the concept of truth itself is dependent upon the already existing types of knowledge. (p. 262)
In this fashion, it is essential for human rights educators to seek a correlation between its epistemology and the existing forms of knowledge about human rights in different settings that are related to it. If this correlation is achieved, human rights could potentially be perceived and recognized as a universal truth.

**Language construction.**

A relational hermeneutical approach to human rights is of utmost importance if we consider that there is a problem in the construction of human rights language. This language, as constructed by Western traditions, pertains to vagueness for interpreters who belong to non-Western cultures. Thus, the word “rights” invokes different meanings and senses, “when we start to use the definite or indefinite articles, or put it in the plural, and speak of your rights or my rights” (Taylor, 1999, p. 103). Shestack (1998) testifies to the vagueness of the term:

Certainly ‘rights’ is a chameleon-like term that can describe a variety of legal relationships. Sometimes ‘right’ is used in its strict sense of the right holder being entitled to something with a correlative duty in another. Sometimes ‘right’ is used to indicate an immunity from having a legal status altered. Sometimes it indicates a privilege to do something. Sometimes it refers to power to create legal relationship. (p. 201)

Hence, the meaning of the term rights is fluid and does not denote a clear-cut concept or signifier. Also the notion of subjective right both “serves to define certain legal powers, and also provides the master image for a philosophy of human nature, of individuals and their societies. It operates both as legal norm, and underlying justification” (Taylor, 1999, p. 104). For example, regarding human rights
dissemination in China, subjective rights as an underlying justification of human rights will be opposed, since subjectivity in this sense stands at odds with cultural logic, with schemes and contents.

As I have explained earlier, collectivist categorical structure has characterized the mode of thought in China since the establishment of Confucianism and Taoism. Subjective rights, as a justification, are incongruous with Chinese experience, since “certain intellectual standpoints are connected with certain experience” (Mannheim, 1940, p. 72). In this fashion, individual autonomy, in the Western construction of human rights, is connected with an adversarial legacy, which is the experience that links individual autonomy to rights recognition, while social harmony is connected to a consensual legacy, which is a characteristic of the isomorphic equivalents of human rights. This is due to the fact that “mental structures are inevitably differently formed in different social and historical settings” (Mannheim, p.238). As follows, the “mental structure” in China pertains to collectivism that would be best served by the justification of human rights through the notion of harmony. Consequently, a packaged form of human rights would be opposed, since they are perceived to pose a threat to the harmonious relationship within the consensual culture, because of their basis in subjective right justification.

Authentic global human rights dissemination starts from the bottom up, since this form is consistent with democracy (Zinn, 1995). The bottom up approach starts from within a culture. Culture can be utilized as a pragmatic tool in institutionalizing human rights because individuals draw upon cultural resources, tools, justification, and the codification of human rights within a culture’s legal, political, and social
boundaries. It is only with the relational hermeneutical epistemology that a globalization of human rights can occur from the bottom up, based upon a universalized respect for differences between countries, regions, cultures, and civilizations.

The relational hermeneutical epistemology is consistent with what David Held (as cited in Savic, 1999) argues for: “Non-violent, consensual internationalization of the universal norms of human rights will in the future have to be tied to the project of a global civil society, with the programme of building a cosmopolitan, transnational democracy” (p. 8). In addition to recognizing the Western construction of human rights, the recognition of the isomorphic equivalents of human rights, is a step towards building cosmopolitan transnational democracies.

At this juncture, it is important to point out that most of the opposition to universal human rights is related, not to rights themselves, but rather to the universality of justification. In this context, Taylor (1999) argues:

Each would have its own way of justifying this form [human rights] out of its profound background conception. We would agree on the norms, while disagreeing on why they were the right norms. And we would be content to live in this consensus, undisturbed by differences and profound underlying belief. (p. 101)

A disagreement on the justification of rights is inevitable, since there is no valid universal theory of justification. Also, the justification of rights is considered the framework of culture whereby human rights are to apply. Thus, there is an agreement on the norms, which should govern human behaviors. In this sense, there is an
agreement on the “overlapping consensus” (Rawls & Kelly, 2001, p. 192) between traditions over the conceptualization of human rights.

Maritain points toward an argument in the same direction, with regard to the justification validity. He argues:

I am quite certain that my way of justifying belief in the rights of man and the ideal of liberty, equality, fraternity is the only way with a firm foundation in truth. This does not prevent me from being in agreement on these practical convictions with people who are certain that their way of justifying them, entirely different from mine or opposed to mine…is equally the only way founded upon truth. (As cited in Taylor 1999, p. 101)

Thus, a theory, or praxis, with regard to justification is to be formulated from within culture. This idea will become clearer when I discuss the human rights conflict between rights and goals.

Dworkin (1977) argues that the relationship between rights and goals is complicated. Thus, to have a set of rights, as in the case of Western construction of the concept, is to marginalize some of the goals determined by a community. Dworkin entails, “Rights are psychologically or culturally determined by goals…perhaps men and women choose collective goals to accommodate some prior sense of individual rights, rather than delineating rights according to collective goals” (1997, p. 94). To enlarge the scope of understanding, the difference between rights and goals, it is important to seek a differentiation between both concepts. Dworkin explains that rights are based on principles, which serve to justify the notion of a right. Goals are
“arguments of policy [which] are intended to establish a collective goal” (Dworkin, 1997, p. 90). Both concepts are related, if not necessitated, by a political theory or aim.

Rights and goals are contingent on a political theory, or aim which justifies the interplay between both concepts; rights and goals. Dworkin (1997) maintains “a political theory takes a certain state of affairs as a political aim” (p. 91). There are factors that contribute to the formation of rights that have not been taken into consideration in the construction of universal human rights. Those factors include the interplay between rights and goals, a political theory, and a certain state of affairs. The factors are determined by the community, culture, and society, whereby human rights are to apply.

To utilize a Western tradition of rights construction as representative of all traditions is a flawed approach, because the political theory, which incorporates these rights, is never declared. Also, the state of affairs, which corresponds to the rights and goals, is not clearly articulated. In the absence of a universal political theory, an acceptable universal theoretical justification by all traditions, and a universal state of affairs, human rights, as articulated in Western tradition are deemed ambiguous and vague. Political theories are not homogenous; they differ from each other, depending on the state of affairs each seeks to legitimize. Hence, the difference is in the way each political theory, “connects the goals, rights, and duties it employs” (Dworkin, 1977, p. 171). As follows, any political theory within any community seeks a balance between rights, duties, and goals. This balance is contingent on the state of affairs it theorizes.
In addition to the separation between rights, the political theory, and the state of affairs, if the goal of human rights recognition is justice, then justice should be defined by the community. Consequently, an education for social justice has to draw on cultural knowledge of justice. In this manner, the political theory hinges on culture, since the state of affairs necessitates the existence of the political theoretical frame and presents it to the culture for legitimatization. The conflict between rights and goals is unmistakably manifested in the debate over the prioritization of civil and political rights over economic, social, and cultural rights. Both forms of rights are not exclusive, rather each inform the other. A delicate balance of the two forms of rights should emerge from within the culture, or the state of affairs, in place. Thus, culture is considered sovereign, as long as it recognizes human rights, and respects human dignity.

Towards plural impartiality.

The human rights discourse has been informed by the Western tradition’s conceptualization of human rights. This conceptualization has not considered the potentially diverse conceptualizations that exist elsewhere, as in the example of the isomorphic equivalents of human rights. It can be argued that the formation of the discourse of human rights has been informed by closed impartiality, because the formation has excluded notions of rights in different cultures. Sen (2009) differentiates between two distinctions of impartiality, one closed and the other open:

With ‘closed impartiality,’ the procedure of making impartial judgments invokes only members of a given society or nation…for whom judgments are being made…In contrast, in the case of ‘open impartiality,’ the procedure of making
impartial assessments can (and in some cases, must) invoke judgments, among others, from outside the focal group, to avoid parochial bias. (p. 123)

The procedures of constructing the meaning and concept of human rights in the Western tradition have not been established on the inclusion of an authentic global dialogue with regard to human rights. Rather, the construction of the concept has invoked judgments within Western traditions based on closed impartiality. In this context, fusion of horizons and the isomorphic equivalents of human rights, constitute a procedure that could facilitate plural impartial scrutiny with regard to human rights conceptualization. Consequently, human rights conceptualization moves from the cul-de-sac of closed impartiality to an authentic dialogue with regard to the comparative assessment of human rights conceptualization.

Plural impartiality is an important element in global human rights awareness, since the audience for human rights is the human population of the globe. Utilizing closed impartiality limits “the range of perspectives that are allowed to count in public deliberations” (Sen, 2009, p. 199). In dealing with the global audience, it is essential to consider that there is more than one public deliberation, and consequently, we must build an “overlapping consensus” based on plural impartiality, that engages nations, states, cultures, societies, etc. Plural impartiality is one of the human needs in the context of human rights globalization.

In addition to closed impartiality, human rights have been a tool to hegemonically disseminate, as Evans (1998) argues, a Western construction of rights which has failed to represent other cultures or at least to understand how knowledge and
the cultivation of knowledge is constructed at a societal level. It is essential to discuss hegemony when discussing human rights, due to that fact that:

Any assessment of the dominant idea of human rights must include an analysis of interests, power and hegemony. Unless politics and power are added to the debate, our understanding of the status of human rights in the past and future eras remains incomplete. (Evans, 1998, p. 3)

Evans explains that the potential power that exists within human rights can become empowering or subjugating. Human rights are empowering for individuals within nations to realize their rights, while the discourse pertains to hegemony. “Hegemony is exercised in two ways: externally, by influencing behavior and choice through rewards and punishment, and internally by shaping personal beliefs, opinions and values that reflect prevailing interest” (1998, p. 5). Hence, human rights pertain to power either from within tradition or from an outside tradition.

There is a typology of power associated with the human rights discourse with an exercise of power, both inside and outside of a society, in the forms of:

Political/decision-making power: you do because it was decided;
Military/coercive/stick/power: you do or else you will suffer;
Economic/contractual/carrot power: you do and you will benefit; [and]
Cultural/normative power: you do because you know it is right. (Galtung, 1998, p. 217)

The typology of power, and the idea of power, for this matter, is contradictory to the humanitarian nature of the discipline of human rights, which is based on the notion of aiding humans to realize full potential according to a particular moral vision. For this
reason, Galtung (1998) concludes, “for human rights to meet the needs in the context of globalization and privatization, the form of the human right, and some of the content, will have to be reconsidered” (p. 216). To my mind, given the nature of the relational hermeneutical epistemology, the needs within the context of globalization can be met utilizing this epistemology. The needs can be explained in terms of local justification and legitimization, which draws on relational epistemology with regard to human rights. At the same time, the epistemology is a reconsideration of the content of human rights.

Baxi (1997) explains, “the discourse of rights ought to be pluralistic, according to equal dignity of all traditions of the world” (p. 151). Utilizing one tradition to speak for all traditions is not appropriate for pluralism, or plural impartiality. Instead, fusion of horizons and consideration of the isomorphic equivalents of human rights are procedures conducive to the recognition of equal dignity of all traditions, Western and non-Western alike.

Galtung (1994) attests that what is Western about human rights “is not the content of the norms but the construction itself…this construction is expressed in a discourse of rights and duties from above rather than human compassion” (p. 12). The construction of rights language and rights content is clearly problematic in some traditions. Bell (1996) enumerates some drawbacks, with regard to human rights conceptualization, as encountered by non-Western traditions. Bell (1996) explains:

First, the argument that human rights is a distinctive invention of the West unwittingly plays into the hands of nasty forces in East Asia who seek to stigmatize human rights voices as ‘agents of foreign devils’ and defamers of indigenous traditions.” (p. 652)
There is general skepticism that surrounds human rights, due to the fact that the formulation of the discipline generally originated in Western countries. Thus, an advocate of Western construction of human rights in a non-Western country is labeled as an agent of the West and a defamer of his/her own traditions. This is another obstacle of human rights dissemination, which is most likely to arise in the absence of fusion of horizons.

Second, since human rights and human rights education have appealed to the Universal Declaration of Human Rights (UDHR) as a standard for promoting human rights in East Asia “without significant input from East Asia” (Bell, 1996, p. 655), this appeal has, consequently, led to “the Bangkok Declaration [which] was significant because it was the first organized expression of Asian opposition to the UDHR” (Bell, 1996, p. 656). The lack of an agreement that is based on a cultural dialogue, with regard to human rights, has resulted in an opposition to human rights and their dissemination.

**Conclusion**

In this chapter I sought to explain the process of fusion of horizons which emerges from the hermeneutical methodology. I also explored the meaning of the isomorphic equivalents of human rights and how this concept is related to human rights. Isomorphism emerges from the relational epistemology. I explained the isomorphic equivalents of human rights, which exist in all cultures around the world, in terms of two traditions, Buddhism and Confucianism.

The last section of this chapter is an explanation of why it is important to consider the process of fusion of horizon and the isomorphic equivalents of human
rights, with regard to issues of concern to human rights dissemination. Some of the isomorphic equivalents of human rights represent an overlapping consensus on the concept of rights as rectitude. These isomorphemes represent a fusion of horizons, where each cultural form of knowledge on rights is explored. This process initiates a global dialogue with regard to rights, based on plural impartial scrutiny. The process of fusion of horizons is characterized by a dialogical equality of all traditions that contribute to the formation of the horizons. I end this chapter concluding that it is of utmost importance to consider more than one tradition in realizing and disseminating human rights on a global basis because the current construction has some drawbacks. The issue will be explained in detail in the following chapter of my dissertation in terms of producing anti-educational orthodoxies.
Chapter Four  
Towards a Pedagogy of Human Rights Education

Introduction

In this chapter, I enumerate the drawbacks that have resulted from the utilization of one tradition, with regard to human rights conceptualization. These drawbacks have turned into anti-educational orthodoxies and issues. I also seek to establish the elements of the pedagogy, which emerges from the application of a relational hermeneutical epistemology to human rights education. The aim of this chapter is to explore the pedagogical implications of the epistemology through the body of theoretical work I have developed during this research. At this juncture, I define both of the terms “pedagogy” and “human rights education.” Then, I proceed to illuminate the nature of the pedagogy, which pertains to elements of the relational hermeneutical epistemology. The last section of this chapter is an examination of why it is necessary to utilize a relational hermeneutical epistemology in human rights education. I will explain the relationship between the epistemology, its accompanying pedagogy, and human rights education.

Anti-educational Orthodoxies and Issues

The utilization of one tradition, with regard to human rights and human rights education, has nurtured anti-educational orthodoxies. Okafor, Agbakwa, and Shedrack (2001) 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. Okafor, et al., argue 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” (2001, p. 566).
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 discourse, is portrayed as heaven, while third world countries are “virtually constituted by incessant epidemics of the most horrendous sorts of human rights violations” (Okafor, et al., 2001, p. 566).

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. To explain the subject further, Okafor, et al., 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. (2001, p. 566)

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.

In deduction, constitutive texts, that provide experiential meaning of human rights, exemplified in Buddhism, Confucianism, Hinduism, African traditions, 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” (Okafor, et al., 2001, p. 567).

In my opinion, 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 the guardian of human rights, which contributes to its link to the heavenly domain in the imaginations of the learners. Okafor, et al. (2001) plead that:

The dichotomous binary contributes to the alienation from human rights message many addressees of IHRE 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. (p. 574)

At this juncture it is important to introduce a clarification point with regard to Okafor, et al., who use the term international human rights education to refer to human rights education across cultures. I prefer to refer to it as human rights education across cultures.

As I explained earlier, 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” (Okafor, et al., 2001, p. 575). 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” (Okafor, et al., 2001, p. 574). 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 the term Okafor, et al. (2001) coin as the “one-way traffic paradigm” (p. 575). 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.

Grounding universal human rights epistemology on an 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” (Okafor, et al., 2001, p. 581). Fusion of horizons is a process that 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” (Okafor, et al., 2001, p. 575) other views on human rights and human rights education. 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, et al. (2001) 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? (p. 582).

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 “beneficial modification or enlargement of the human rights ethos and corpus” (p. 582). 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” (Okafor, et al., 2001, p. 584). 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:

> 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. (Okafor, et al., 2001, p. 584)

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” (p. 585). This logic indeed perpetuates the dichotomy I 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, the methodology and the epistemology for 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” (Okafor, et al., 2001, p. 588). To fulfill 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” (Okafor, et al., 2001, p. 588). 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” (Tibbitts, 2002, p. 161). 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. (MacIntyre, 1981, p. 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 been mainly informed by the Western traditions of human rights. Therefore, this 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. Inagaki (2002) writes about human rights education in Indonesian schools, and he describes one of the challenges as being: “to link the concepts of human rights with daily life activities, especially in cases where students felt a contradiction between universal human rights values and the socio-cultural norms of their own communities” (p. 280). Human rights education depends on some of the socio-cultural norms. These norms provide a representation for the concepts of human rights.

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 (2002) explains that human rights education seeks to cultivate “all possible learner outcomes: content, critical thinking, values, and social action” (p. 164). 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 (2005) 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. 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 empowerment of individuals at the
societal level, in the Western conceptualization of rights, excludes the social construction of knowledge, which is directly related to human rights.

The current discourse of rights has been 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. These educators include, but are not limited to: Andreopoulos (1997), Claude, (2009) and (1997), Dias (1997), Hicks (1997), Howard (1997), Maran (1997), Marks (1997), and O’Brien (1997). 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. Hence, the difference between this paradigm and the paradigm I have developed is the theoretical framework, which is explained in terms of orientation.

The current paradigm for human rights education focuses on “education about human rights,” while the relational hermeneutical paradigm emphasizes “education for the realization of human rights and their equivalents.” In the latter, the focus is on disseminating rights knowledge utilizing cultural epistemology, while in the former, attention is placed on disseminating rights knowledge, by utilizing the Western conceptualization of human rights. In grounding education for human rights on a relational hermeneutical epistemology, there is a potential for transcending the described educational orthodoxies and transcending the Universalist-Relativist debate. Human rights education, which utilizes the Western conceptualization of human rights, yields to
anti-educational orthodoxies and constitutes an education that is based on the banking model.

Ancillary to the banking model deficiency, the purpose of human rights education is supposedly directed towards the empowerment of individuals and communities. Meintjes (1997) 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” (p. 65). 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.

Another issue that shakes the steady foothold of the current paradigm is the reality of human rights education across cultures. The discipline has developed heterogeneously, depending on the culture and the experience of the group. Tibbitts (2002) explains:

In developing countries, human rights education is often linked with economic and community development, and women’s rights. In post-totalitarian countries, or authoritarian countries, human rights education is commonly associated with the development of civil society and the infrastructure related to the rule of law.
and protection of individual and minority rights. In older democracies, human rights education is often conjoined favorably with the national power structure but geared towards reform in specific areas such as penal reform, economic rights and refugee issues. (p. 160)

Tibbitts’ insights attest to the different manifestations and priorities that have been informed by cultural inputs. Thus, it is substantially important to consider culture and the targeted community, since cultures have important inputs in directing human rights education. Culture offers an embodiment of the norms and values of human rights, thus it is constitutive to include it in education.

The anti-educational orthodoxies and issues surface as a result of grounding human rights epistemology on one tradition. These results necessitate the need for a reconsideration of this conceptualization, which calls for applying a relational hermeneutical epistemology to human rights education across cultures. Before proceeding any further, it is important to introduce a definition for human rights education. The World Programme for Human Rights Education defines human rights education as:

Education, training and information aimed at building a universal culture of human rights. A comprehensive education in human rights not only provides knowledge about human rights and the mechanisms that protect them, but also imparts the skills needed to promote, defend and apply human rights in daily life. Human rights education fosters the attitudes and behaviours needed to uphold human rights for all members of society. (UNESCO, 2006, p. 3)
The application of the relational hermeneutical 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 on the globe. In addition to transcending the Universalist-Relativist debate, the relational hermeneutical epistemology would also eliminate some of the previously described orthodoxies and issues.

A Pedagogy for Human Rights Education

The questions that I seek to answer in the following lines involve the nature of the relationship between human rights education and the relational hermeneutical epistemology, and how this relationship is forged. At the outset of this section, it is important to dwell on the meaning of the word “pedagogy.” Daniels (2001) 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” (p. 1). 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 the 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. Vygotsky attests “that social interactions do not just influence cognitive development, but rather create individuals’ schemas and thinking processes” (As cited in Moreno, 2010, p. 89).

According to Vygotsky, social interactions need to include mediation if they are to affect cognitive growth. Mediation is “when a more capable individual interprets a child’s behavior and helps transform the behavior into a representation that has the same meaning to the child and others” (Moreno, 2010, p. 89). Therefore, the process of mediation helps learners to create a shared understanding with others. Daniels (2001) argues that, “the social/cultural/linguistic mediation of meaning serves to create a range of individual possibilities for understanding” (p. 10). For Vygotsky, “all higher mental functions are mediated processes” (As cited in Daniels, 2001, p. 49). In this context, mediators are means that direct the mental process, 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. Vygotsky describes the psychological tools as devices for “mastering mental processes. [The tools] were seen as artificial and social, rather than organic and individual in nature” (Daniels, 2001, p. 15).

Vygotsky enumerated some of these psychological tools, which represent 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” (As cited in Daniels, 2001, p. 15). These tools and signs are the means “by which interactions between the subject and
object are mediated” (p. 15). 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 hermeneutical 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.

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” (Daniels, 2001, p. 4). 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. Thus, the pedagogy that ultimately emerges from the approach to human rights education as a relational hermeneutical epistemology is defined by two main ideas, the elements and the characteristics of the pedagogy, which I will discuss later on in this chapter.

**Elements of human rights education pedagogy.**

The elements of the pedagogy are parallels to elements of the epistemology I have explained in detail in Chapter Two. The pedagogical elements are grounded on whole and part, fusion of horizons, effect-culture, and representational validity. The first rule of the hermeneutical approach is to understand the whole in terms of details and the details in terms of the whole. The whole, in this context, can be explained with reference to the moral system, while the part is the notion of rights, which emerges from the whole. This rule has a great applicability toward teaching human rights through the isomorphic equivalents of human rights, which nurture a contextualized human rights perspective. In
this case, it is important to recognize the reciprocity between the part and whole relationship, since it is difficult to understand part of morality without a reference to the whole pattern of the moral system in a society. In a different assignment of the whole and part relationship, human rights education represents the whole in this example while the isomorphic equivalents of human rights represent the part. There is no center for the educational process; rather, the center hinges on the context, which defines part and whole. Thus, in order to realize the whole, one needs to recognize and comprehend the parts.

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 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. The dynamic interplay between the whole and the part will provide a more comprehensive understanding of the concept of human rights. In addition to that, the interplay between either the part or the whole, and the individual interpretation of each, will produce an ontological tendency, since it draws on the cultural representation of human rights concepts, as Giddens (1993) alludes to, which correlate with the social reality. 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. Human rights education builds knowledge on rights concepts, which are related to the learner’s experience. In this fashion, education for human rights that utilizes the isomorphic cultural equivalents of rights starts with contextualizing those isomorphemes within one’s horizon.
It is essential for human rights education to seek a correlation between itself and the existing forms of knowledge about human rights in different settings. As follows, if truth is correlated to an existing form of knowledge, then the process will be legitimized and eventually institutionalized. In other words, if human rights are to be institutionalized in a certain culture, they have to build on preexisting forms of knowledge that are relevant to human rights. This correlational process will legitimize both the scheme and the content of the educational process. Consequently, the process will facilitate the institutionalization of human rights within a culture or a society. In addition, building on contextualized rights knowledge or the isomorphic equivalents of rights, has a potential to create a reality that has the power to shape individuals’ attitudes and behaviors in a manner conducive to recognizing rights knowledge.

In deduction, if human rights are to be recognized globally, human rights education has to unfold its pedagogy within the framework of culture. In this case, human rights become more tangible in the behaviors of the group’s experience. Because they unfold from within, they appeal to the inner experience of subjectivity. In chapter two, I introduced the concept of effect- culture as part of the hermeneutical relational epistemology. In the subsequent section I discuss the idea of effect- culture, in detail, in relation to education.

*Culture and education.*

Bruner (1996) 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 epistemology. 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 (2005). The banking model of education and computationalism, marginalize the learner’s agency as a human being, since 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” (Bruner, 1996, p. 2). 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” (Bruner, 1996, p. 3). 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 (Bruner, 1996).

To my mind, 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’” (Bruner, 1996, p. 5). 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. This idea will be further explored as I elaborate more on culturalism.

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. (Bruner, 1996, p. 3)

It is important to note that symbols here refer to the cultural mediators or the psychological tools I have accounted for earlier in this chapter.

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 grounds knowledge on a relational hermeneutical 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 adaption 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” (Bruner, 1996, p. 15).

In deduction, a relational hermeneutical epistemology aids human rights education in enlarging the scope of interpretive inquiry. Consequently, the epistemology empowers cultures to adapt to change. In this approach, the center point is on how learners construct human rights realities and meaning that adapt learners to the cultural system on a relational level, since “education is a major embodiment of a culture’s way of life, not just a preparation for it” (Bruner, 1996, p. 13). This statement has some implications on human rights education. Human rights education has to be consistent with the culture’s way of life. This consistency can be realized if the isomorphic equivalents of human rights education across cultures serve as the epistemological foundations for human rights and human rights education. The importance of consistency is based on the claim that knowledge is justified beliefs (Bruner, 1996). Thus, the isomorphic equivalents of human rights can be viewed as justified knowledge on rights.

The isomorphic equivalents of human rights and the relational hermeneutical epistemology pertain to a pedagogy of human rights education. The pedagogy is to empower human rights learners. This claim is based on Bruner’s (1996) proposal; “If a pedagogy is to empower human beings to go beyond their ‘native’ predisposition, it must transmit the ‘toolkit’ the culture has developed for doing so” (p. 17). The term “toolkit” refers to the cultural symbols and the unique cultural logic of perceiving the world. In
the relational hermeneutical epistemology, the toolkit is the isomorphic equivalents of human rights, developed culturally to transmit, preserve, and recognize rights knowledge. In this case, utilizing the cultural toolkit can transcend the learner’s inherent limited mental predisposition by having recourse to a more powerful symbolic system.

The importance of the symbolic system lies in its pivotal role to equip learners with the needs for the educational process. The idea of symbolism is linked to the social construction of reality and knowledge. Bruner (1996) explains:

Reality construction is the product of meaning-making shaped by traditions and by a culture’s toolkit of ways of thoughts. In that sense, education must be conceived as aiding young humans in learning to use the tools of meaning-making and reality construction, to better adapt to the world in which they find themselves and to help in the process of changing it, as required. (p. 20)

If the purpose of human rights education is to aid humans in realizing their potential, it has to unfold from a relational epistemology. The epistemology varies from one culture to another. It is not a set of principles, but rather a theoretical framework that is consistent with meaning-making and reality construction across cultures, since it is relational in nature. The theoretical framework aids cultures in adapting to change realities, which are inconsistent with human rights. It also encourages learners to use their skills, minds, passion, knowledge and action in pursuing their full potential as humans.

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
(2009) 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” (p. 2). 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.

This pedagogy, which is grounded on relational hermeneutical epistemology, is a step in the direction described by Reardon, towards developing capacities. The banking model and computationalism could be viewed as a threat to education, since both approaches serve the continuation of the status quo. Both approaches do not represent a fertilized ground for human rights education. Reardon (2009) argues instead for an active learning and learning from actions, which is an effective pedagogy that develops the capacity of learners. The pedagogy at hand can be conceived as an active learning pedagogy. This claim will be further explained as I discuss characteristics of the newly emerged human rights pedagogy.

**Characteristics of human rights education pedagogy.**

The pedagogy, which emerges from the relational hermeneutical epistemology, is characterized as dialectical and experiential learning. In the following lines I elaborate on both characteristics of the pedagogy as I relate them to human rights education.

**Dialectical pedagogy.**

A dialectical pedagogy flows from the relational hermeneutical epistemology. The pedagogy is dialectical in relation to internal and external context; mean that the
dialectic tendency becomes evident in one’s tradition and among traditions. The external dialectic represents the dialogue between traditions, an imperative I explained earlier in Chapter Three. I shall explain in detail the internal dialectical pedagogy in the subsequent lines. The nature of internal dialects 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” (Freire, 2005, p. 36). 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” (Freire, 2005, p. 38). In grounding human rights education on a relational hermeneutical 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. It is important, in this context, not to separate between subjectivity and objectivity. Freire (2005) emphasizes:
One cannot conceive of objectivity without subjectivity. Neither can exist without the other, nor can they be dichotomized. The separation of objectivity from subjectivity, the denial of the latter when analyzing reality or acting upon it, is objectivism. On the other hand, the denial of objectivity in analysis or action, resulting in a subjectivism, which leads to solipsistic positions, denies action itself by denying reality. (p. 50)

This quote has some implications with regard to human rights education and the Universalist-Relativist debate. As the quote attests, objectivity and subjectivity together produce pedagogy for human liberation. Thus, to educate for human rights globally, utilizing one tradition is a separation between subjectivity and objectivity, because the denial of an objective contextualized knowledge of rights results in subjective knowledge that is irrelevant to the context of the subject. “It is to admit the impossible: a world without people” (Freire, 2005, p. 50).

Utilizing a Western construction of human rights as a model for human rights education, on a global basis, is a marginalization of objective experience with regard to rights or their equivalents. Hence, a relational hermeneutical epistemology is more appropriate for human rights education, since the epistemology recognizes both the people and the interaction that occurs between them in the world. In brief, the dialectical relationship occurs between the subjective knowledge embodied in the learner’s experience and the objective knowledge embodied, in this context, in the isomorphic equivalents of human rights.

The unity of objective and subjective knowledge is decisive in human rights education, considering that knowledge is cultivated in solidarity with actions that are
conducive to human rights dissemination and recognition. Objective knowledge legitimizes and buoy actions on behalf of the learner. Freire (2005) 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, which is to be the object of their transforming action, the more critically they enter that reality. (p. 53)

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 (Freire, 2005). To achieve this praxis, it is necessary to trust the learner and his/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” (p. 66). To appropriate Freire’s (2005) 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, this pedagogy:

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. (Freire, 2005, p. 48)

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 an established concept, 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.

*Experiential learning.*

Experiential learning emphasizes the central role that experience plays in the educational process. In human rights education, which applies a relational hermeneutical epistemology, the learner is presented with knowledge about rights or their isomorphemes, as well as a context to experience knowledge. In this case, there is a context of knowledge of rights and their isomorphemes, which correspond to the learners’ experience about the subject, which is part of his/her social reality. In this fashion, relational hermeneutical epistemology presents the learner with experiential learning. This approach to learning offers “the foundation for an approach to education and learning as a lifelong process” (Kolb, 1984, p. 3). This lifelong process involves learners and their traditions.
Grounding human rights knowledge on a relational hermeneutical epistemology exhibits a critical linkage between knowledge presented to the learner and the learner’s role in disseminating and cultivating the outcomes of human rights knowledge. This approach to learning “stress[es] the role of formal education in lifelong learning and the development of individuals to their full potential as citizens” (Kolb, 1984, p. 4). Experiential learning aids in the development of the learner’s mental structure, since it provides not only the concepts but also the corresponding content of human rights knowledge. This knowledge is grounded on a relational moral system, which empowers individuals to realize their full potential as humans. Thus, the learner is placed in direct contact with the phenomenon he/she is studying. “The learner is directly in touch with the realities being studied…It involves direct encounter with the phenomenon being studied rather than merely thinking about the encounter or only considering the possibility of doing something with it” (Kolb, 1984, p. 5).

The epistemology locates the learner directly with the context whereby knowledge emerges and whereby it is to be applied. Thus, the learner does not just think about rights knowledge, but rather the learner is always in direct encounter with it. The process attests for the translation of abstract ideas into concrete practical reality in the learner’s life. It is for this reason that a relational hermeneutical epistemology aids in the dissemination and realization of human rights, since there is no gap between the abstract idea of rights concepts and its relation to the learner’s context.

Consequently, human rights concepts move from the ivory tower of abstraction to the concrete practical reality of the learner’s life. This approach to learning supports the development of the learner’s mental capacity since “intelligence is not an innate internal
characteristic of the individual but arises as a product of the interaction between the person and his or her environment” (Kolb, 1984, p. 12). The interaction between the learner and his/her experience encourages the learner to observe and reflect on knowledge and its related experience, which yields to the formation of abstract concepts.

Experiential learning is characterized by continuity. Kolb (1984) explains that, “knowledge is continually derived from and tested out in the experience of the learner” (p. 27). In human rights education, dwelling on the relational epistemology is characterized by a continuity of learning manifested in the continuity of space and time, historical continuity in the case of the former, and cultural continuity in the case of the latter. Hence, learning becomes continuous, because it draws from historical and cultural knowledge that is related to the learner’s experience. In addition to continuity, experiential learning becomes a holistic process of adaptation to the world. Kolb (1984) explains:

Experiential learning is a molar concept describing the central process of human adaptation to the social and physical environment…[because] it seeks to describe the emergence of basic life orientations as a function of dialectic tensions between basic modes of relating to the world. (p. 31)

The idea here, with reference to the relational hermeneutical epistemology, is of an essential nature. The epistemology could contribute to human development, since it provides contextualized knowledge on human rights. The knowledge is beneficial to the learner, who can adapt to the social environment according to the acquired knowledge. Consequently, the learner relates human rights knowledge to his/her local context and relates human rights knowledge to a global context.
Pedagogy in the Classroom

The following section provides a tentative analysis of how this pedagogy translates into classroom practices with references to the pedagogical dialectical and experiential nature. The following lines do not represent, in any way, a worked out explanation of the relationship between practice and the relational hermeneutical framework; rather, these lines are an attempt to draw attention to the practicing of human rights education in a classroom. In addition, since the epistemology is relational and the pedagogy is experiential, it is of cardinal importance to leave space for the creativity of human rights educators across cultures, depending on the context.

The dialectical pedagogy is divided into internal and external areas, in relation to the context of rights.

For the external context, students are encouraged to learn from other conceptualizations of human rights through the hermeneutical process of fusion of horizons. Therefore, fusion of horizons is a part of the dialectical pedagogy, since it constitutes the substance of the dialectic, whether internal or external. Fusion of horizons promotes a contextually specific understanding of human rights and their equivalents. In addition, the process helps to establish the different manifestations of human rights traditions as stimuli for learning from diversity. Thus, human rights, and their equivalents are compared and contrasted with the learner’s contextual conceptualization of rights. Therefore, learners are educated about other conceptual horizons. For example, a human rights learner in the Confucian context is encouraged to compare between the concept of rights equivalents, with reference to Confucianism and the Western conceptualization of human rights. This process takes the learner beyond his/her
positionality, in relation to his/her contextual understanding, to the possibility for a broader global understanding to be formed.

In educating for the internal context, human rights educators are encouraged to use Freire’s (2005) model of problem-posing as an alternative to the banking model or computationalism. In problem posing, educators and learners discuss and analyze their experience and knowledge from a contextual perspective. Thus, educators and learners explore problems and issues that are antithetical to their contextual morality. As a result, they are able to identify human rights and their equivalents, as well as violations. Suggestions and recommendations emerge from the discussion, as possible ways to transform the current situations.

Shor (1987) describes problem-posing as applied in the classroom as a situation where students are approached as a “fellow dialoguers.” In this sense, the dialogue is established on the content of the historical and cultural realities, which shape individuals’ experiences and circumstances. Thus, dialoguers (teachers/students of human rights) approach the imperative of transforming social reality and the political ideology that is adversary to the recognition of human dignity. Learners make connections between their conditions and the conditions of the social reality. Thus, learners/dialoguers consider the ways whereby such knowledge about the social reality could be deconstructed and transformed. As a prerequisite, dialoguers identify some dominant ideological myths and whose interests these myths serve. As a result, dialoguers deconstruct these myths and interests and aid in the preservation of human dignity.

During experiential learning, the formulation of the emerging pedagogy involves four stages, which are similar to Freire’s (2005) problem-posing model: concrete
experience, reflective observation, abstract conceptualization, and active experimentation (Kolb, 1984). In the emerged pedagogy, human rights knowledge is presented to the learner according to his/her relational experience. Concrete experience yields to reflective observation, which ultimately leads to abstract conceptualization of both knowledge and experience. This process, then, involves the learner in an active experimentation with the acquired knowledge.

As an example, in human rights education educators and learners are encouraged to visit prisons or impoverished areas to experience how people live under different circumstances. This experience encourages learners to become observant of what might constitute violations of human dignity. Educators are to identify places whereby human dignity or rights are vulnerable, and encourage learners to examine their experience. In this example, learners directly encounter violations of human dignity, which buoys a sense of engagement on behalf of the learners. Therefore, a concrete experience with reality encourages reflective observations. Learners, as a result, start the process of abstract conceptualization. This process might be manifested in the form of generalization about the circumstances and reality of human rights violations. These experiential learning stages lead to the learner’s active experimentation in finding alternatives to human dignity violations in which learning becomes an active experience.

The four stages focus on the interaction between the learner and the context. Thus, the focus is on “the transaction between the internal characteristics and external circumstances, between personal knowledge and social knowledge. It is the process of learning from experience that shapes and actualizes developmental potentialities” (Kolb, 1984, p. 133). Knowledge, in its pedagogical formulation, becomes a social process,
which draws on the cultural knowledge embedded in the social system. The interaction and transaction between learners and context becomes fruitful in aiding learners to develop their full potential as humans.

**The Epistemology, the Pedagogy, and Human Rights Education**

Applying a relational hermeneutical epistemology to re-conceptualize human rights and human rights education can enhance the learner’s experience and understanding with regard to human rights. The pedagogy that emerges from the epistemology adds another perspective to an already assumed position. Wranke (1999) argues, “Norms of action, as well as moral and constitutional principles, can be considered text-analogous in so far as they have meanings we must interpret and are therefore subject to differences in interpretation” (p. 134). Principles are the main component of rights, as articulated by Dworkin (1977). In this sense, human rights, as formally articulated by the Universal Declaration of Human Rights, represent a text, which should be interpreted and appropriated depending on the culture whereby it is to be disseminated. In some cultures, there is a pre-text for appropriation, which is the isomorphic equivalent of human rights.

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, “we can recognize the possible adequacy of some different understandings and learn from our differences continually to enrich our own understanding” (Wranke, 1999, p. 134). 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. In this and only in this, are the discrepancies or potential conflicts between rights and goals, reduced to a minimum in this approach. If they are determined by culture, rights and goals become one entity, since “a rationally justified choice of means requires comparisons and weighings” (Wranke, 199, p. 134). This process is carried out according to the culture, which specifies a political, moral, and social theory that is consistent with rights and goals. In addition, culture becomes a cognitive tool in learning and teaching human rights as exemplified in the isomorphic equivalents of human rights.

In the hermeneutical framework, human rights education becomes reflective of the culture at hand. It engages culture, and learners, in a dialogical process, with regard to the concept of human rights, and its cultural and social representation. With this background, learners will be encouraged to think in terms of “Who am I, and what would I like to be” (Habermas, 1994, p. 3). Hence, human rights education becomes part of one’s identity as belonging to a certain social group, and as belonging to humanity in general. Rights and ideals become connected to the cultural values and the intersubjectivity of shared tradition. Simply stated, one’s understanding of human rights is bounded with one’s heritage. Human rights education, in this tradition, moves from the abstraction of human rights conceptualization towards a tangible reality that corresponds to a relational praxis and theory with regard to rights. In this reality, the learner is empowered by assuming an active role in transforming the social reality, which is antithetical to human rights. In this process, the learner is given an ownership over tools, means, and the end of the educational process.
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.

Habermas (1994) reiterates this idea elegantly:

Serious value decisions result from, and change with, the political cultural self-understanding of a historical community. Enlightenment over this understanding is achieved through a hermeneutics that critically appropriate traditions and thereby assists in the intersubjective reassurance of renovation of authentic life orientations and deeply held values. (p. 160)

Human rights education is an endeavor that is based on value decisions, since the educational process postulates the importance of values that are related to humans. Thus, it is an imperative to recognize the cultural and historical representations that are related to education, which could be accomplished by applying hermeneutics. The process appropriates values that are related to human rights within a culture, and accentuates those values. This provides an authentic assurance in the values and the process itself, since it utilizes the inter-subjectivity as means for education. Consequently, a renovation of orientation emerges.

The ethnocentric views on human rights are an important component in human rights education. Habermas (1994) 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. (p. 162)

Habermas enumerates four advantages to a border crossing approach, which could be also the advantages of the method at hand. 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, and this communication emerges from the process of fusion of horizons. 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.

Habermas (1994) maintains that, “highly contextualistic interpretations of the situation come to the fore which depend on the different self-understandings of the world views of the actual participants” (p. 162). A contextualized understanding of rights conceptualization is evident in the relational hermeneutical epistemology and the isomorphic equivalents of human rights. These equivalents depend on different self-understandings of the world-views. This understanding is channeled towards the preservation of human dignity depending on a contextual moral outlook. If this epistemology is applied to human rights education, it will add authenticity to education, as well as to human rights. Human rights education becomes “a sensitive, non-coercive,
and coordination of different interpretive perspectives” (p. 229). Therefore, different interpretive perspectives draw on contextualized justification and legitimization.

It is only with the methodological/epistemological/pedagogical approach that an authentic universality, and generalizations of rights, can be recognized. An-Na’im (1999) 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. (p. 168)

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. Thus, the process of cultivation yields to a lasting universality of human rights and human rights education.

Human rights education, within hermeneutical methodology, invalidates the use, and abuse, of one conceptualization of human rights discourse as a standardized method to educate for human rights across cultures. This methodology is concerned with other forms of human rights that exist in different cultures, to serve as pedagogies for human rights education in those cultures. Giddens (1993) states that, “human beings transform nature socially, and by humanizing it they transform themselves; they do not, of course produce the natural world, which is constituted of an object-world independent of their existence” (p. 168). The transformative process, which is an integral part of human rights education, involves culture and society. Thus, transforming culture comes from within,
socially. The concepts that necessitate the transformation should also come from within. Therefore, contextualized concepts of human rights, or their equivalents, yield to a coherence between means and goals, goals and rights, and rights and priorities. It is important to utilize the isomorphic equivalents of human rights as a means toward transformation, which should be a part of human rights education, in order to ensure a coherence between the different aspects that impede human rights education.

As follows, human rights education is provided with what Giddens (1993) refers to as, “recognizable characterization” (p. 169), which is similar in meaning to the cultural representation I explained earlier and refers to the representational validity. This recognizable characterization is a result of an immersion in a form of life within a certain culture. For Giddens (1993), hermeneutic analysis “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” (p. 152). In this context, the methodology 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. In hermeneutic methodology, human dignity is respected through the cultural recognition of values that are related to human rights education.

It is unmistakable that current human rights education pertains to a problematic paradigm. The problems arise from the use and abuse of human rights discourse, and consequently, of human rights education itself. The discipline, which is supposed to bring about the universality of a shared common human experience, has been dedicated accentuating the differences in human experience. In this context, a reconsideration of
the scope, curriculum, pedagogy, and methodology of human rights education is necessary to remodel the current educational process. This remodeling should be oriented toward an understanding of cultural experiences and traditions. 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 artifacts, 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. This approach is coherent with the notion of rights and goals that I explained earlier.

In addition to coherence, this approach cultivates more than knowledge content, with regard to human rights. Furthermore, the notion concerning the “fusion of horizons” can contribute to the enlargement of the pedagogy and curriculum of human rights education. It also facilitates a cultural legitimization of human rights, their education and dissemination. Although throughout the research, I have mentioned some dichotomies like (Universalism vs. Cultural Relativism, West vs. non-West), the purpose of this research is to go beyond any dichotomy that denotes sharp differences in experience. When we, as human rights educators, utilize a relational hermeneutical epistemology, we avoid signaling out the differences between humans by stressing the conceptual similarities of our shared humanity and considering the dialogical equality and comparable validity between and among human rights or their equivalents as part of the epistemology.
Conclusion

I have sought, in this chapter, to account for the anti-educational orthodoxies and issues that have resulted from utilizing one tradition, with regard to human rights conceptualization. These issues necessitate the consideration of the relational hermeneutical epistemology to human rights education, which yields to a critical pedagogy. The pedagogy has similar elements to the described epistemology. The pedagogy is also dialectical and based on experiential learning. The elements and characteristics of the pedagogy illuminate its importance in going beyond the banking model and computationalism. Thus, the emerged pedagogy is grounded in active learning, where learners become active in disseminating knowledge about rights and in taking an active role in transforming the social reality.
Chapter Five

Conclusion

Concluding Discussion

The aim of this dissertation was set to find a compromising ground between two hard-lined schools of thought on human rights: universalism and cultural relativism. This line of reasoning directed the research from its infancy, and this dissertation has acknowledged the debate by offering a third conceptualization of human rights, based on relationalism. Relationalism is informed by the recognition of the importance of global human rights dissemination, seeking, at the same time, to preserve the cultural, political, social and psychological autonomy of the population, whereby such dissemination is to occur. I explain the steps I undertook to illuminate the importance of the third conceptualization in this research, in terms of two broad concepts: relationalism and hermeneutics.

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, his/her context. Thus, there is no absolute truth independent of the values and position of the subject and unrelated to the subject’s context (Mannheim, 1940). 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. Thus, the issue, with regard to human rights, becomes manifested in finding a methodology for human rights education that recognizes
relationalism. This methodology could potentially retain cultural autonomy and could make culture simultaneously a part of global, plural, and impartial scrutiny. Culture becomes entitled to autonomy by using cultural epistemology, which is relevant to human rights education. As a prerequisite there are internal and external accountabilities that traditions have to satisfy, in order to be recognized as autonomous.

Internal and external accountability is part of the hermeneutical methodology for the interpretation of a text. The hermeneutical method is developed, in this research, to interpret human rights traditions that are grounded on cultural epistemology, embodied in the isomorphic equivalents of human rights. Culture, in this context, is a foundation stone that could aid globally in the realization and dissemination of human rights. Relational theory is incomplete in itself, which explains why I combine relationalism with hermeneutics. Hermeneutics is complementary to relationalism because it provides the former with critical processes and tools in an attempt to precipitate traditions from ideology. This is an attempt to open the learner’s eye to the importance of being critical of local traditions, in order to transcend their positional confinement in the discourse of human rights and its implications. In applying hermeneutics to human rights education, the whole and part dichotomy, fusion of horizons, representational validity and categorical structure evolve into epistemological, methodological, and pedagogical elements, which are very significant to human rights education.

The elements of the whole and part entail that human rights are part of a moral system that is not manifested wholly in the process of human rights conceptualization. Thus, there is a relationship between the whole and part that calls for a relational perspective (in this context) to construe how the dynamic between whole and part and
part and whole is orchestrated within a context-specific epistemology. Fusion of horizons is a process that opens up the doors for plural impartial scrutiny, as each human rights tradition is scrutinized internally and externally. Hence, the process becomes an effective tool that can be utilized towards a pedagogical formulation, where human rights education exposes learners to human rights traditions, within each learner’s context, and in comparison to other contexts.

In addition, representational validity could also serve in the pedagogical formulation of human rights education across cultures. The concept of representational validity draws on the symbolic, cultural, and psychological tools that represent a valid embodiment of human rights knowledge. I refer here to the isomorphic equivalents of human rights, which represent a contextual understanding of rights discourse, based on coherence between the goals and rights within a certain context. This understanding is established on the categorical structure of knowledge in general, and of human rights knowledge in particular. In addition, categorical structure differs across cultures, because the concept is contingent on logic and its geography.

The difference in logic exposes the difference between human rights and their isomorphemes. The dissemblance between both traditions, human rights and their isomorphic equivalents, is explained in relation to the logic and legacy that persist in both traditions. The term “equivalents of human rights” is not to be perceived in any way as a privilege for human rights traditions; rather, the term is used to explain the similarities and differences between both traditions, emphasizing the dialogical equality and the comparable validity of human rights and their isomorphic equivalents. This task is accomplished by exploring expressions of the isomorphic equivalents of two traditions:
Buddhism and Confucianism. Another admonition, in this context, is explained in terms of reference to the specific traditions I explored in the comparison between Buddhism, Confucianism, and human rights in the Western tradition.

In discussing Buddhism, for example, there is no reference to a particular or specific tradition of Buddhism, rather the reference is to the core moral teachings of Buddhism. The same is applied to Confucianism. Human rights in the Western tradition have been explored with reference to two terms: rights as entitlement and rights as rectitude. Most traditions, across the globe, are compatible with the concept of human rights as rectitude. This claim calls for a recognition of these traditions as a source for educational tools on human rights education.

A context-specific education for human rights and their equivalents is more appropriate for the cultivation of respect for human dignity. Thus, the specificity springs from the relational hermeneutical epistemology, from human rights and their isomorphemes. The specificity yields to a critical pedagogy, which ultimately occurs as a result of combining human rights with relationalism and hermeneutics. The characteristics of this pedagogy are dialogical and experiential in nature. These two characteristics are conducive to human rights education, because of their insistence on developing full human potential.

The connection between the epistemology and the pedagogy used in the classroom is not intended to provide a definitive or exhaustive analysis, but merely to equip the reader with a cursory understanding of this connection. An exhaustive analysis would have to draw on various traditions across the globe, comparing and contrasting the methods used and lessons learned in the classroom. I emphasize that the epistemology
and the emerged pedagogy serve as a basis for human rights dissemination and realization in a culturally diverse world. This approach produces a fertilized environment for transformative behaviors. In addition, a relational hermeneutical epistemology brings forth a capability to accommodate differences and similarities between traditions. This capability is an integral part of Sen’s (2009) notion of comparative assessment of justice, as well as plural impartial scrutiny. Hence, human rights epistemology advances the growth of understanding and learning among traditions in human rights education.

5-2 Significance of the Study

The literature review I have conducted in writing this dissertation, proves that human rights education has not acknowledged the debate between universalism and cultural relativism. Rather, human rights education has been established as an aqueduct to disseminate the Western conceptualization of human rights on a global basis. This claim suggests particular courses of action to be taken by human rights educators. Human rights educators should establish human rights education on a relational hermeneutical epistemology. If this is achieved, the discipline could gain mass cultural legitimization and credibility, and eventually could transcend the dichotomies discussed in this research. In addition, human rights education, which is grounded on the described epistemology, could eliminate some of the anti-educational orthodoxies that have occurred. Furthermore, the emerged pedagogy is responsive and conducive to the development of human dignity. These claims necessitate the importance of changing the route that has been taken by human rights educators.
Implications for Further Studies

Further studies that emerge from this dissertation that could broaden the collective understanding of the research topic are accounted for in terms of three points. The first point is the relationship between the relational hermeneutical epistemology and the idea of justice, in general, with reference to Sen’s (2009) theory on justice. The second point is the relationship between human rights education, which is grounded on a relational epistemology, and the notion of human rights learning, which is advocated for by Reardon (2009). Thirdly, human rights conceptualization has excluded women’s rights, which calls for a reconsideration of both human rights and feminist epistemology.

The epistemology and the idea of justice.

In discussing the relational hermeneutical epistemology, with regard to human rights and human rights education, there are questions that might arise, such as: “Is there a universal conception of justice?” and “Is justice culturally relative?” To my mind, justice is neither universal nor culturally relative, but rather it is a relational concept. If this is the case, then does the epistemology constitute a valid methodology to study justice? The idea of justice is contingent on the culture and moral system of a certain group. Thus, in order to reach a valid universal claim of justice, it is imperative to draw on Sen’s (2009) concept of comparative assessment of justice. This concept, which ultimately leads to plural impartiality on justice, is similar, in my opinion, to fusion of horizons, a process I have explained and stressed throughout the dissertation. In addition, the implementation of justice has due process and procedures that might vary across cultures. In light of these claims, one could ask two questions: “What is the implication of the relational hermeneutical epistemology on the idea of justice?” and “What is the
role of this epistemology in identifying universal elements to compare and assess justice globally?"

**Human rights education and human rights learning.**

Reardon (2009) argues that a sustainable and peaceful world can only be maintained by the universal actualization of human dignity, rather than rights. For Reardon, human rights are a means to actualize human dignity, but they are not universal, in the sense that all individuals have to abide by them. Human rights are perceived as tools to achieve universal recognition of human dignity. Human dignity is a necessary condition for the well-being of all humans in the world. Reardon links human rights learning to the pedagogies and politics of peace. There are five assumptions that underlie this connection between human rights, pedagogies and the politics of peace:

First: A sustainable world peace can only be assured through the universal actualization of human dignity; human rights concepts and standards are tools for the realization of the conditions necessary to human dignity. Second: Holism and critical reflection are essential and necessary to the transformation of thinking (and the transformational thinking) conducive to the political processes requisite to the realization of human rights as the basis of peaceful world order. Third: A truly democratic, nonviolent politics of peace would be a politics of learning, learning being a process of internalized change through which we, and our societies, become who and what we are. Fourth: Human rights learning - active learning and learning for action - offers lively and effective means to develop our capacities to be human and to prepare citizens to devise and engage in a politics of peace. Fifth The International Year of Human rights Learning, 2009, provides a moment for the advancement of the critical pedagogy espoused by Paulo Freire,
whose dialogic method is still the most conducive to induce transformative and social and political learning. (Reardon, 2009, p. 1-2)

There are some overlapping principles between human rights education, within a relational hermeneutical epistemology, and human rights learning advocated by Reardon. It seems that both approaches emphasize the importance of the dialogical inquiry with regard to human rights. In addition, rights education and learning are channeled towards critical reflection, an essential component to transformational thinking. Ancillary to dialogical inquiry and critical reflection, the epistemology accentuates the essential nature of active learning and education with regard to human rights. Both approaches have similar components to human rights dissemination. There are further implications that emerge from comparing human rights education within a relational hermeneutical epistemology to human rights learning. First: “What is the difference between both approaches to human rights?” Second: “What is the epistemological nature of human rights learning?” Third: “How far do both approaches to human rights converge on the pedagogical implications?” and forth: “Is there a link between relational hermeneutical human rights education and peace?”

The need for a feminist epistemology.

As it is obvious from Cranston’s (1973) definition of rights cited at the beginning of Chapter One, human rights are written from a patriarchal point of view. Some of the traditions, which pertain to the notion of isomorphism, are also patriarchal. In either case, there is a reluctance to acknowledge women’s experience in human rights. This reluctance is exhibited in the Universalists’ and Cultural Relativists’ attitudes towards feminism. As a result, “feminists who advocate the recognition of women’s rights as
human rights have encountered opposition from both cultural relativists and liberal human rights activists” (Kim, 1993, p. 49).

Relativists, in this context, view women’s human rights as an expansion of Western cultural hegemony (Kim, 1993). Kim’s response to cultural relativism is that feminism fights gender oppression, which is systematic and cross-cultural. Thus, “feminism does not impose Western values upon societies in non-Western countries; rather it opens up options that enable women (in both Western and non-Western countries) to become ‘cultural participants’ rather than cultural victims” (Kim, 1993, pp. 49-50).

In liberal Western cultures, the oppression of women remains largely unchallenged. This claim necessitates the reconsideration of human rights. In light of this consideration, dealing with the inclusion of feminist epistemology in human rights and human rights education becomes an imperative, since women have historically been oppressed by a patriarchal global system. This oppression is manifested in “legal, cultural, and religious discrimination [which] make women second-class citizens” (Reardon, 1993, p. 71). For Reardon (1993), the discrimination against women needs to be uplifted in order to achieve peace. This claim has been premised on the fact that women have suffered long-standing injustice. In order to achieve a vision of global peace and security the issue of women rights becomes an “urgent necessity” (Reardon, 1993). This is premised on the idea that human rights are the foundations of peace.

The questions that might arise, in considering this idea, include: Is there a universal feminist epistemology? If there is a universal character to feminist epistemology, then should it be applied in human rights education? My concern, in
thinking about this idea, is: If feminist theory is taught and disseminated, within a particular frame of reference, then it might pose threats to cultural autonomy and produce orthodoxies like the ones explained in Chapter Four. Thus, if French feminist theory, for example, is universalized, then most likely there will be a hell and heaven binary, one-way traffic paradigm, etc. In addition, this universalized theory will face challenges in gaining mass cultural legitimization, since other women’s experiences were not accounted for or included. Hence, in my opinion, feminist epistemology should be included in human rights education, if it is grounded on a relational and hermeneutical approach. This entails that feminist epistemology is not a set of principles or values, and consequently absolute, but rather feminism should be informed by the relational women’s struggle across the globe.

Kim (1993) seems to agree with me when she writes “[feminist theory] rejects the notion that there is one absolute truth and focuses on the multiplicity of ‘truths’ dependent upon the subject and the context” (p. 62). Furthermore, “feminist theory cannot set an agenda of issues upon which all women agree” (Kim, 1993, p. 103). The consideration that these claims call for is an acknowledgement of the importance of applying a relational hermeneutical epistemology to feminism and including the newly emerged feminist epistemology in human rights education across cultures. Thus, feminist epistemology becomes characterized by difference and continuity. The difference is in regards to the manifestations of women’s experiences, and the continuity occurs because there are bridges between feminisms in different traditions. Hence, women’s experiences are enriched by learning from other women from different cultures. As a deduction, feminism could be included in human rights education across cultures. These ideas imply
further scrutiny of feminist epistemology, which is grounded on a relational hermeneutical approach.

**Concluding Statement**

One of the ultimate goals of human rights and human rights education is the preservation of human dignity. In *Educating for Human Dignity*, Reardon (1995) explains, “Within a human rights framework, society is not an abstraction divorced from notions of ethics and qualities, but is the forum for human moral development, applied to public and social, as well as to private and personal, relationships and behaviors” (p. 2-3). Reardon’s argument entails that it is of cardinal importance to refrain from educating for human rights in an abstractive form. Education for human rights, which is based on a Western conceptualization, is deemed an abstraction unless it is reoriented towards the reality of human rights and their knowledge. It is only within a relational hermeneutical ground that a reorientation of the discipline of human rights education could possibly occur. The epistemology cultivates a commitment to human rights and human rights education in diverse cultural settings and refrains from abstraction by contextualizing rights and their equivalents.
References


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