

# Session 1

## What Are Human Rights?

### **OBJECTIVES:**

- To exchange ideas about what are universal human rights, and where they come from.
- To consider when and where human rights apply – in the family, community, and in the world at large.

### **In This Session:**

Embedded in the idea of human rights is the notion that human rights are universal – that they apply to everyone, irrespective of gender, class, creed, or any other distinction. The universality of rights is what makes them so powerful, and it is frequently what makes them so controversial. Universality crosses borders, ignores legal status, and upends the sanctity of traditions and cultures where individuals are not treated equally. At the same time, embracing “universality” is not something that can simply be decreed.

The universality of rights exists not because of international agreements, but because human rights are what make us civilized human beings. For that reason, human rights can be understood through innate intuition, self-examination, and conversation with others. Traditions and religion frequently help inform our considerations and conversations about human rights. What we understand as being human rights comes as much from our assessment of our own society as from international covenants. In other words, you do not need know international law to understand what human rights are.

International human rights agreements provide a common language for describing human rights and a shared framework for measuring different societies’ compliance with human rights norms. In this session, we will read from the Universal Declaration of Human Rights, drafted by the United Nations’ Commission on Human Rights in the first years after the founding of the United Nations. We will consider how the earliest drafters of an international human rights agreement sought to explain the principle of universality. The reading selections that follow are from three renowned human rights advocates. They are different perspectives on how human rights are rooted in common cultural values and religion, while at the same time they protect individuals despite custom and cultural practices. Discussion questions and a group exercise follow the reading selections.

---

## Reading Assignment:

### The Universal Declaration of Human Rights<sup>4</sup>

The Universal Declaration of Human Rights (UDHR), a non-binding agreement, was adopted as a declaration of aspirations by United Nations members in 1948. The rationale for fundamental human rights is explained in the UDHR's first few articles:

Article 1 begins: *“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”*

Article 2 explains to whom the rights apply: *“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status . . . .”*

And Article 3 states three basic rights, which establish all the other rights that follow in the Declaration: *“Everyone has the right to life, liberty, and the security of person.”*

---

## Team Exercise:

Break the group into three or four teams. Ask each team to make a list of what the participants believe are the most important human rights (8 to 15 rights) – that is, what they believe are basic rights that apply to everyone. It is not important for the participants to consider what rights are enumerated in the international documents. Rather, in this exercise participants should consider what they *personally* believe are important rights. The teams should record their lists on large sheets of paper so that the papers can be posted next to each other for comparison during the group's follow-up discussion.

After the teams have completed their lists, bring the full group back together. Discuss the rights that appear on all or nearly all of the teams' lists. Discuss why these rights seem to be obvious rights for all people. What is it about these rights that everyone agrees are universal?

Discuss the rights, if any, which only appear on one or two of the teams' lists. Why do these rights seem to be less obvious? Does the group think they *are* universal, even though they did not appear on all the lists? Why or why not?

---

<sup>4</sup> The entire text of the UDHR appears in **Appendix A**. A fuller discussion of the UDHR, its origins, and applications, follows in **Session 11**.

---

## Reading Assignments:

*“[H]uman rights seem to prove a useful way to protect other values. . . .”*

*Andrew Clapham<sup>5</sup>*

Modern rights theorists have sought to justify the existence and importance of rights by reference to some overriding value, such as freedom, autonomy, or equality. Such philosophical excursions are helpful because they tell us *why* we might want to protect human rights. We can see that rights can be instrumental to build a society that allows people the freedom to develop as autonomous individuals, while allowing participation based on equality in the community’s decision-making process. In other words, we can start to admit that political arrangements are useful for protecting human rights, not because every community must be about protecting God-given rights, but rather because human rights seem to prove a useful way to protect other values, such as dignity and participatory democracy.

## On Safeguarding Human Dignity

*HRH Prince Hassan bin Talal of Jordan<sup>6</sup>*

The new millennium echoes with the familiar cries of hatred, anger and violence. My greatest fear is that if we continue to depend on the rule of force, on power, as a deterrent, we will eventually be unable to disable violence. We must become more sensitized to the concept of consequences: the consequences of poverty, illiteracy, oppression, lack of opportunity, despair and anger, which can all lead to the contemplation of violence.

]If the world cannot grow beyond the new “tribalism” of “regionality” or unilateralism that has developed apace over the last year, we are going to face a very uncertain future.

However, if we can search for commonality through a dialogue of universal values, and establish a code of ethical conduct, we could perhaps achieve the security that safeguards human dignity and enables the fulfillment of human needs through solidarity, ridding society of its erroneous need for individuals who seek to terrorize us.

We must therefore learn to work together globally, recognizing our common ground.<sup>7</sup>

---

5 Andrew Clapham, *Human Rights: A Very Short Introduction*, Oxford: Oxford University Press, 2007, pp. 13-14. Clapham is Professor of Public International Law at the Graduate Institute of International and Development Studies in Geneva.

6 HRH Prince Hassan established Jordan’s Royal Institute for Inter-Faith Studies (1994). In 2003, he was appointed to the Independent Eminent Experts group, to implement the Declaration and Programme of Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

7 Quoted in Necil Nedimo lu, Rapporteur General of the Expert Colloquy, “Dialogue serving intercultural and inter-religious communication,” held by the Council of Europe in Strasbourg, 7-9 October 2002, [http://www.coe.int/t/e/com/files/events/2003-02-culture/colloquy\\_experts\\_conclusions.asp#P245\\_67256](http://www.coe.int/t/e/com/files/events/2003-02-culture/colloquy_experts_conclusions.asp#P245_67256).

## Universal Truths: Human Rights and the Westernizing Illusion

*Amartya Sen*

### **Excerpts**

Is it right, the question is often asked, that non-Western societies should be encouraged and pressed to conform to “Western values of liberty and freedom”? Is this not cultural imperialism? The notion of human rights builds on the idea of a shared humanity. These rights are not derived from citizenship of any country, or membership of any nation, but taken as entitlements of every human being. The concept of universal human rights is, in this sense, a uniting idea. Yet the subject of human rights has ended up being a veritable battleground of political debates and ethical disputes, particularly in their application to non-Western societies. Why so?

### **A Clash of Cultures?**

The explanation for this is sometimes sought in the cultural differences that allegedly divide the world, a theory referred to as the “clash of civilizations” or a “battle between cultures.” It is often asserted that Western countries recognize many human rights related, for example, to political liberty, that have no great appeal in Asian countries. . . .

Are there really such firm differences on this subject in terms of traditions and cultures across the world? It is certainly true that governmental spokesmen in several Asian countries have not only disputed the relevance and cogency of universal human rights, they have frequently done this disputing in the name of “Asian values,” as a contrast with Western values. The claim is that in the system of so-called Asian values, for example in the Confucian system, there is greater emphasis on order and discipline, and less on rights and freedoms.

Many Asian spokesmen have gone on to argue that the call for universal acceptance of human rights reflects the imposition of Western values on other cultures. For example, the censorship of the press may be more acceptable, it is argued, in Asian society because of its greater emphasis on discipline and order. . . .

. . . There is a tendency in Europe and the United States to assume. . . that it is in the West – and only in the West – that human rights have been valued from ancient times. This allegedly unique feature of Western civilization has been, it is assumed, an alien concept elsewhere. . . . By arguing that the valuing of toleration of personal liberty, and of civil rights is a particular contribution of Western civilization, Western advocates of these rights often give ammunition to the non-Western critics of human rights. . . .

### **Confucius and Company**

. . . . There is much variety in Asian intellectual traditions, and many writers did emphasize the importance of freedom and tolerance, and some even saw this as the entitlement of every human being. The language of freedom is very important, for example, in Buddhism, which originated and first flourished in South Asia and then spread to South-

east Asia and East Asia. . . . In this context it is important to recognize that Buddhist philosophy not only emphasized freedom as a form of life but also gave it a political content. To give just one example, the Indian emperor Ashoka in the third century BCE presented many political inscriptions in favor of tolerance and individual freedom, both as a part of State policy and in the relation of different people to each other. The domain of toleration, Ashoka argued, must include everybody without exception.

. . . Both in Asia and in the West, some have emphasized order and discipline, even as others have focused on freedom and tolerance. The idea of human rights as an entitlement of every human being, with an unqualified universal scope and highly articulated structure, is really a recent development; . . . it is not an ancient idea either in the West or elsewhere. But there are limited and qualified defenses of freedom and tolerance, and general arguments against censorship, that can be found both in ancient traditions in the West and in cultures of non-Western societies.

### **Islam and Tolerance**

Special questions are often raised about the Islamic tradition. Because of the experience of contemporary political battles, especially in the Middle East, the Islamic civilization is often portrayed as being fundamentally intolerant and hostile to individual freedom. But the presence of diversity and variety within a tradition applies very much to Islam as well. The Turkish emperors were often more tolerant than their European contemporaries. The Mughal emperors in India, with one exception, were not only extremely tolerant, but some even theorized about the need for tolerating diversity. The pronouncements of Akbar, the great Mughal emperor in sixteenth century India, on tolerance can count among the classics of political pronouncements, and would have received more attention in the West had Western political historians taken as much interest in Eastern thought as they do in their own intellectual background. For comparison, . . . the Inquisitions were still in full bloom in Europe as Akbar was making it a State policy to tolerate and protect all religious groups.

A Jewish scholar like Maimonides in the twelfth century had to run away from an intolerant Europe and from its persecution of Jews for the security offered by a tolerant Cairo and the patronage of Sultan Saladin. Alberuni, the Iranian mathematician, . . . was among the earliest of anthropological theorists in the world. He noted and protested against the fact that “depreciation of foreigners. . . is common to all nations towards each other.” He devoted much of his life to fostering mutual understanding and tolerance in his eleventh-century world.

### National and Cultural Diversity

To conclude, the so-called “Western values of freedom and liberty,” sometimes seen as an ancient Western inheritance, are not particularly ancient, nor exclusively Western in their antecedence. Many of these values have taken their full form only over the last few centuries. . .<sup>8</sup>

---

#### Questions for Group Discussion:

- How do ideas from religion and culture enhance our understanding of human rights? Which ideas and practices from your religion and your culture support human rights?
- Does the adherence to human rights make someone less traditional or more traditional? More modern or less modern? Why?
- Does the observance of human rights complicate or interfere with an individual’s ability to conform with her or his traditions? Why or why not?
- Would it be possible to conceive of human rights without universal human equality and dignity? Why or why not?
- Do rights exist in the family in the same way they exist in society?
- Is it possible for a right to be universal, but at the same time to appear to conflict with another right? (For example, are there some rights that seem to conflict with the freedom to practice one’s religion or the freedom to observe one’s cultural practices?) If so, what are some examples? How would you resolve the conflict?

---

8 Amartya Sen, “Universal Truths: Human Rights and the Westernizing Illusion,” *Harvard International Review*, Vol. 20, no.3 (Summer, 1998), pp. 40-43. Sen is an economist from India who teaches at Harvard University in the U.S. and Cambridge University in the U.K. In 1998, he was awarded the Nobel Prize in Economic Sciences.