



Bridging Eastern and Western Human Rights: A Comparative Analysis and Convergence

Francis E A Owakah

Centre for Human Rights and Peace (CHRP), University of Nairobi, Nairobi.
francis.owakah@uonbi.ac.ke

Abstract

The quest to harmonize Eastern and Western perspectives on human rights has become increasingly salient in a globalized world where cultural norms and values often clash. This paper seeks to evaluate the complexities of this issue by conducting a comparative analysis of key human rights principles within Eastern and Western contexts, with a focus on identifying areas of convergence. By exploring the historical, philosophical, and cultural underpinnings of human rights in both regions, I aim to get possibilities of gaining a deeper understanding of the fundamental principles that underpin these divergent perspectives. Through this comparative lens, I seek to bridge the gap between Eastern and Western conceptions of human rights, ultimately aiming to promote dialogue, mutual understanding, and the advancement of a universal framework that respects the diverse expressions of human dignity across different cultural landscapes.

Keywords: Human Rights Convergence, Eastern-Western Perspectives, Cultural Relativism, Universal Human Dignity, Comparative Human Rights Analysis.

پژوهشگاه علوم انسانی و مطالعات فرهنگی
پرتال جامع علوم انسانی

Cite this article: Owakah, F. (2025). Bridging Eastern and Western Human Rights: A Comparative Analysis and Convergence. *Philosophy of Law*, 4(1), p. 47-54. <https://doi.org/10.22081/PHLQ.2025.77881>

Received: 2024-10-15 ; **Revised:** 2024-11-20 ; **Accepted:** 2024-12-13 ; **Published online:** 2025-04-09

© The Author(s).

Article type: Research Article

Publisher: Baqir al-Olum University



1. Introduction

Some scholars have argued that the teachings of Eastern religions could be said to be proto-human rights. The main emphasis of religion is on the obedience of duties, rather than the realization of rights. This is a common thread in all the religions.¹

In this paper, I examine the values of Eastern civilizations and their contribution to the development of the UN Human Rights agenda. Rejecting the argument based on 'Asian Values' that is often used to undermine the universality of human rights, the paper argues that secularism, personal liberty and universalism are at the heart of both Hindu and Buddhist traditions. An analysis of Hindu and Buddhist traditions reveal that the focus on the norms underpinning these two seminal Eastern philosophies already have human rights values embedded in them.

Traditionally, it is highly understood that human rights can be protected by law on the domestic, regional or the international level. International human rights law provides different layers of protection and promotion of human rights. These include the global system, in which the United Nations (UN) is the key player, and which is potentially applicable in one form or another to every person in the world; and the regional systems which cover three parts of the world, namely, Africa, the Americas and Europe. If one's rights are not protected at the domestic level, the international system comes into play, and protection can be provided by the global or the regional system. All three regional human rights systems mentioned above form part of regional integration systems with a much broader mandate than just human rights. In the case of Africa, the parent organization is the African Union (AU); in the Americas it is the Organization of American States (OAS); and, in Europe it is the Council of Europe (CoE). Other parts of the world also have regional integration bodies, but without a similar human rights mandate.

Regional human rights systems strengthen the protection and enjoyment of human rights by taking into account regional considerations, such as shared regional customs, values, culture, and practices. Three principal regional human rights instruments can be identified, the African Charter on Human and Peoples' Rights, the American Convention on Human Rights (the Americas) and the European Convention on Human Rights. The Eastern regional human rights framework is one of these.

1. See: Understanding human rights from eastern perspective

2. Background and Significance of Bridging Eastern and Western Human Rights

The interaction between Eastern and Western human rights ideologies brings to light a complex blend of cultural, historical, and legal dynamics that shape the contemporary discourse on human rights. As highlighted in the comparative analysis of anger metaphors in English and Mongolian (Choi Jin, 2021), cultural nuances play a pivotal role in understanding the conceptualization of emotions, illustrating how language reflects societal norms and experiences. Similarly, the impact of New Media on women's status in India and Turkey underscores the role of technology in empowering marginalized groups and advocating for gender equality (Alam, 2020). By bridging the Eastern and Western perspectives on human rights, a deeper understanding of universal values and contextual differences can be achieved, paving the way for a more inclusive and effective approach to human rights discourse globally. This convergence holds immense significance in fostering mutual respect, dialogue, and collaboration between diverse cultural frameworks, ultimately advancing the cause of human rights for all individuals, irrespective of their geographical or cultural backgrounds.

3. The Context

Eastern human rights have long been a topic of debate and scrutiny in the international community. While many Western countries pride themselves on their strong commitment to upholding human rights, the situation in Eastern countries is often seen as more complex and controversial.

One of the main criticisms leveled against Eastern countries is their perceived lack of respect for basic human rights such as freedom of speech, assembly, and religion. Governments in these regions are often accused of cracking down on dissenting voices and stifling political opposition through censorship and intimidation.¹

However, it is important to consider the cultural and historical context in which these violations occur. Many Eastern countries have experienced periods of colonization, war, and economic instability which have shaped their approach to governance and human rights.

Furthermore, it is essential to recognize that progress is being made in many Eastern countries towards greater respect for human rights. The international

1. See: UDHR, ICCPR, ICESCR among others

community should engage with these nations through dialogue and cooperation rather than resorting to punitive measures which may only serve to further entrench authoritarian regimes.

While there are certainly challenges when it comes to upholding human rights in Eastern countries, it is crucial that we approach this issue with nuance and understanding. By working together towards a common goal of promoting universal human rights standards, we can create a more just and equitable world for all.

Furthermore, when examining the comparative analysis of Eastern and Western human rights, it is essential to acknowledge that both regions have unique historical, cultural, and political contexts that shape their respective approaches to human rights. While Western countries often prioritize individual liberties and freedoms, Eastern societies may place more emphasis on communal values and social harmony. For instance, China's concept of 'human rights with Chinese characteristics' emphasizes economic development and social stability over Western notions of civil and political rights. This divergence highlights the complexity of human rights discourse and the need for a nuanced understanding of cultural relativism. Despite these differences, there is also evidence of convergence between Eastern and Western human rights standards, particularly in the recognition of universal values such as the right to life, freedom from torture, and equality before the law (Peerenboom & et al., 2006/09/27). This suggests that while there are distinct regional perspectives on human rights, there is also potential for mutual understanding and collaboration in advancing a more inclusive and comprehensive human rights framework.

4. Eastern and Western Human Rights: A Comparative Analysis

Eastern human rights frameworks are rooted in deeply ingrained cultural values and principles that shape the understanding and implementation of human rights in these regions. Key principles such as harmony, moderation, and collective well-being are central to Eastern views on human rights. In contrast to the emphasis on individual rights in Western human rights discourse, Eastern perspectives prioritize the interconnectedness of individuals within society. This communal focus underscores the importance of social cohesion and the maintenance of harmonious relationships. Additionally, the concept of filial piety, which places a strong emphasis on respecting and caring for one's elders, plays a significant role in shaping Eastern human rights values. These principles guide the development of policies and practices that

prioritize the welfare of the community over individual rights, reflecting a holistic approach to human rights protection in Eastern societies that differs from Western frameworks.

In examining the convergence of Eastern and Western human rights, it becomes evident that although rooted in diverse cultural, historical, and philosophical backgrounds, there are significant overlaps and common values between these two systems. The East-West dialogue on human rights has led to a mutual understanding and recognition of core principles such as dignity, equality, and liberty. While Western human rights discourse emphasizes individual autonomy and civil liberties, Eastern perspectives often stress collective well-being and social harmony. Despite these differences, there is a growing consensus that both Eastern and Western societies can benefit from integrating elements of each other's human rights frameworks. This process of convergence involves a respectful exchange of ideas and practices to create a more inclusive and comprehensive approach to human rights protection worldwide (Peerenboom & et al., 27/09/2006). By bridging the gap between Eastern and Western ideologies, a more holistic understanding of human rights can be achieved, ultimately leading to a more effective and universal protection of human dignity and freedom.

5. Identification of Commonalities and Differences

As we delve into the intricate realm of identifying commonalities and differences between Eastern and Western ethical values, a nuanced understanding emerges from the comparative analysis presented by (Hu, 2018) and (Richardson, 2018). (Hu, 2018) elucidates the divergences in concepts of fairness and efficiency between the East and the West, underscoring the emphasis on fair pay and equal rights in Western ethical values, juxtaposed with China's focus on justice and fairness as the cornerstone of administrative ethics. This stark contrast illuminates the underlying cultural paradigms shaping ethical frameworks in both regions. Conversely, (Richardson, 2018) sheds light on the profound discrepancies in communication styles and worldviews between traditional Aboriginal and Western cultures, offering insights into how these differences hinder effective intercultural dialogue and trust-building. By synthesizing these perspectives, a deeper appreciation of the multifaceted layers of commonalities and differences between Eastern and Western ethical values and communication dynamics is achieved, fostering a more holistic approach towards bridging cultural divides in the context of human rights discourse.

6. Implications of Bridging Eastern and Western Human Rights for Global Human Rights Discourse

Furthermore, the implications of bridging Eastern and Western human rights for global human rights discourse are profound. By acknowledging and incorporating the diverse perspectives and values from both regions, a more inclusive and comprehensive understanding of human rights can be achieved on a global scale. This can lead to the development of more effective policies and initiatives that are sensitive to the cultural, social, and political contexts of different regions. Moreover, bridging Eastern and Western human rights can help to address the criticisms of cultural relativism and universality in human rights discourse, creating a more nuanced and balanced approach towards human rights advocacy. Ultimately, this convergence can contribute to the promotion of human rights norms that are more widely accepted and respected across different cultures and societies, fostering greater solidarity and cooperation in advancing human rights worldwide.

7. Conclusion

In conclusion, the comparative analysis of Eastern and Western human rights reveals both differences and commonalities that can contribute to a more comprehensive understanding of this complex global issue. While Western human rights frameworks prioritize individual autonomy and civil liberties, Eastern perspectives often emphasize collective responsibilities and social harmony. Despite these divergent approaches, there is evidence of convergence in areas such as the recognition of basic rights and the importance of non-discrimination. By acknowledging these similarities and differences, policymakers and human rights advocates can work towards a more inclusive and culturally sensitive approach to human rights promotion on a global scale. Future research should continue to explore the nuances of Eastern and Western perspectives, taking into account historical, cultural, and political factors that shape the interpretation and implementation of human rights principles. Ultimately, a nuanced understanding of the relationship between Eastern and Western human rights can facilitate greater cooperation and dialogue in the pursuit of a more just and equitable world (Peerenboom & et al., 2006).

References

- Alam, M.K. (2020). *Changing Status of Women through New Media: A Comparative Study of India and Turkey*. URL=
<https://www.semanticscholar.org/paper/701142c19d33a25cc27a86db83c1232f0d0b7949>
- Choijin, Z. (2021). *Anger Metaphors in English and Mongolian*. URL=
<https://www.semanticscholar.org/paper/05c59ccc4537b4873aa9a9f33c885576e23608c8>
- Hu, M. (2018). *Comparison of Differences in Eastern and Western Ethical Values*. URL=<https://www.semanticscholar.org/paper/88d3ecc1a7d140a3a050f9cbcb7d58554bace55c>
- Peerenboom, R., Petersen, C. & Chen, H. (2006). *Human Rights in Asia*. Psychology Press. URL=
http://books.google.com/books?id=1sABmQEACAAJ&dq=How+do+Eastern+and+Western+human+rights+converge+in+a+comparative+analysis%3F&hl=&source=gbs_api
- Peerenboom, R., Petersen, C.J. & Chen, A.H.Y. (2006/09/27). *Human Rights in Asia*. URL=https://play.google.com/store/books/details?id=2j6GNiMMc1oC&source=gbs_api
- Richardson, J. (2018). *Effective consultation in remote communities: a new perspective on the language we use*. URL=
<https://www.semanticscholar.org/paper/eb92df11090ce105b7345735816903c842e94175>

پژوهشگاه علوم انسانی و مطالعات فرهنگی
 پرتال جامع علوم انسانی