The Language of a Human Rights Culture

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Creating a Language for Overlapping Karoi
A Formative Rights Language
A Moral Language of Human Rights
Conclusion

Creating a Language for Overlapping Karoi

"We have to stand against the language of entitlement in the human rights movement", said the participants coming from a Western country. It was the first joint conference of the World Council of Churches, the World Alliance of Reformed Churches and the Lutheran World Federation of Churches, held in Geneva in 1997. I had the privilege of being asked to chair the gathering. Surprisingly, I saw another hand of a delegate coming from Africa reluctantly sticking out. "Please," I said! This human rights champion responded enthusiastically: "Our human rights problems are not the same as the problems of countries in the North. Our language will have to be different. We have still have to speak about the rights our peoples are entitled to after colonization and the abuse of power by African leaders."

It was then that I coined the phrase "overlapping karoi". The analysis of historical time described in Ecclesiastes chapter 3, is a luxury in the South African context. We live in overlapping karoi. We are confronted with the post-apartheid kairos of social abolition as well as with the pre-millennium kairos of social transformation and reconstruction. South Africa represents, in a sense, a micro-cosmos of a global rights problem, namely the problem of intersecting the human rights language of the have-nots with the human rights language of the haves, regardless of whether the latter are white or black. Although the quest of the human rights movement is for a common, universal language, the existing universal chasms between these two kairotic languages cannot be ignored. South Africans have to honour the language of legal entitlement in so far as it is an abolitionist language and the language of moral integrity in so far as it is a formative language. Language of entitlement, I suggest, has a place only in so far as it is rooted in the kairos of the abolition of injustice. Affirmative action, is an example of abolitionist kairos language in so far as it prioritises the rights to be claimed as people are entitled to them. Such kairotic claims differ fundamentally from what some people discard as the "culture of entitlement". Cerotic entitlement does not represent or justify an eternal culture that stamps the identity of a nation. It merely establishes the human rights context of the time. This provides space for the contextual search for social redress and restitution. There is a time for redress and restitution in transitional situations.

On the other hand, kairotic entitlement cannot by itself fully identify the human rights culture of a country. North America has been dubbed the "complaint society" because of this language gaining national dominance in a skewed way. A skewed, and may I dare to say an idolatrous, kairotic language of entitlement will lead to the demise of the unemployed in the labour market as the workers may continue to demand them; the exclusion of the poor from the benefits of direct investment as the wealthy may continue to demand them; the recognition of political power as the majority may continue to demand them; social instability as the Afrikaners regard themselves as naturally (i.e. in terms of a theology of creation) entitled to the separate development of a minority over against the majority; etc. This skewed rights language will be compounded by the emergent individualism in certain sectors of South Africa where rights are spoken of only as claims made and entitled to by people over against the state, or of individuals over against institutions, or of victims over violators, or of workers over against the unemployed. When one rights language dominates, the way to the good future of a pluralistic society is linguistically interrupted and the path of right-fundamentalisms, structurally forged.
A Formative Rights Language

On the other hand, and totally underplayed, the language of value-formation is a very serious challenge to the South African society. South Africa is challenged by "the overlapping kairoi" in which the human rights past of violations is abolished and a human rights future of values is formed. At the centre of the formative quest for a human rights culture is the development of a language around the values inherent to the Bill of Human Rights.

Although the notion of the development of values is a problematic academic area, its viability for the quest of a human rights culture is ignored only at our national peril. A formative rights language is first and foremost a language of the values intrinsic to a human rights culture. As such, the ethical grammar of a human rights language merges with the grammar of value formation.

My reading of the ethical language scenario in South Africa tells me that we have gone from a legal language to a moral language in the human rights movement. More people in politics, the private sector and civil society are pointing towards the necessity for a moral summit where a moral language will be established. This shift was brought about by the growing awareness of another contextual kairos, i.e. another moment of opportunity and challenge, described as the crisis of morality that is seen as mainly manifested in criminality, corruption and violence. This provides the search for a rights language with a concrete moral context. Here at the dusk of the nineties, our nation has moved beyond the focus on a formative language that has mere structural ends in mind. We have thus moved beyond the ideas of a theology of reconstruction as proposed at the dawn of the decade. Beyond the language of structural formation, we have become more aware of the need for another language of formation, namely the language of moral formation.

Politicians and religious people have begun to understand the limitations of a theology of reconstruction. They are now asking for a theology of moral formation and its particular language. A people borne of a singular legal-based or structure-based language is now looking for a human rights bilingualism in which morality provides the basic grammar.

A Moral Language of Human Rights

Egbeke Aja, a philosopher of the University of Nigeria, declares that:

> If the various African societies cannot agree to adhere to basic moral values in their dealings with each other, their strength will be spent in wars and preparations for wars, and civilizations as we know it will elude the countries (The Journal for Value Inquiry 31: 1997:531).

In the study of the Igbo tribe this researcher found that religion and social morality are closely interwoven in African societies. Debates about the quest for moral formation in the religious community is, therefore, negated at the detriment of our own future. A human rights language that has to form the moral fabric of society should cater for two conditions: it has to encourage embodiment and academically describe social practices. These two conditions, obviously, relate to each other.

Genuine practices are performed by people who genuinely embody the values inherent to the practices. Identifying those who "speak" the rights language genuinely is as important as the need to identify the practical language, its grammar and its first language speakers. It is a mistake to take for granted that people representing the liberal theoretical persuasion or some form of neo-liberalism will naturally become exemplars of our new human rights values.

The quest for an African Renaissance needs the recognition that legal rights require performers of such rights. Ignoring this challenge leads to a situation in which people are confronted with legal or civil obligations of rights which academically assumes that the nation has already produced the kind of human beings embodying and practising the values underlying the Bill of Human Rights.

Instead we need to recognize that the goods inherent to a human rights language can only be accessed through the practice of these rights. What some of our politicians and theoreticians correctly identified as the most important moral problem of our human rights culture, is a problem of embodiment and practices. Practices, confined to the definitions of jurisprudence indeed have external goods, such as money, fame, power and the benefits of being a celebrity. However, the internal goods of these practices can only be experienced when the participants genuinely practice the values of such a human rights language.

Conclusion

Knowing the human rights language in the Bill of Human Rights, is a miniscule part of the formation of moral values inherent to a human rights culture. In order to get our nation to experience the feel of the goods internal to a human rights culture, we need embodiment and practices that capture the personhood and the activities inherent to the principles of a human rights reality.
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