

Human Rights Futures : Backlash and Beyond

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Human Rights Futures: Backlash and Beyond

Overview

This seminar was a book launch for *Human Rights Futures: Backlash and Beyond*, edited by Stephen Hopgood, Jack Snyder, and Leslie Vinjamuri and published by Cambridge University Press in 2017. This seminar was held on March 17, 2018, at Kyushu University and co-sponsored by the Kyushu University Association of Law and Political Sciences and the Kyudai Interdisciplinary Colloquium. This book is unique, in that it provides four perspectives: views on the scope conditions, backlash, localization, and utopia and end times related to human rights. *Scope conditions* are embodied in a variety of conditions including a mobilization of social movements to initiate political change, an alliance with powerful actors to promote human rights ends when persuasion is insufficient, and the material capacity of the state to realize the legal commitments. *Backlash* is initiated by actors who are threatened by human rights and who have a power to resist. They exploit the opportunity to reshape, or even demonize, global rights to organize and mobilize the masses against the human rights discourses. *Localization* signifies where global principles are translated into local struggles. Local human rights actors examine how they use human rights in their own customized way to achieve their priorities. *Utopia and end times* imply debates over the future of human rights; although some argue in a pessimistic way that more genuine freedom and equality are the hallmarks of an illusionary and mistaken path, others claim more optimistic views to understanding human rights in more normative, universal, and liberal terms. This seminar invited two of the editors, Jack Snyder and Leslie Vinjamuri, and they

presented a brief summary of the book, including introductions of key arguments in the book, such as the four perspectives as mentioned above. The three discussants made comments about their presentations and crystalized the arguments on the future of human rights.

Panelists for Book Seminar

Chair: Toru Oga (Kyushu University)

Speaker: Jack Snyder (Columbia University) “New Approaches to Empowering Rights.”

Speaker: Leslie Vinjamuri (SOAS, University of London) “Human Rights in Global Context: is Trump’s America a Game Changer?”

Discussant: Ian Neary (University of Oxford)

Discussant: Ayako Hatano (New York University/University of Tokyo)

Discussant: Kiyotaka Kawabata (Fukuoka Jo Gakuin University)

Toru Oga:

Welcome to the book seminar on *Human Rights Futures: Backlash and Beyond*. *Human Rights Futures*, which was co-edited by Stephen Hopgood, Jack Snyder, and Leslie Vinjamuri and published by Cambridge University Press in 2017. It is our great pleasure to have invited Professors Snyder and Vinjamuri to join us today. Let me introduce today’s panelists: Jack Snyder, Belfer Professor of International Relations at Columbia University, and Leslie Vinjamuri, Associate Professor of International Relations and Director of the Centre on Conflict, Rights, and Justice at SOAS University of London. We also have three distinguished discussants from various fields: Ian Neary is a professor in the Politics of Japan and Course Director for Japanese Studies at the University of Oxford. He conducts research on human rights issues in East Asia, especially development and implementation of the Dowa policies in Japan.

(Historically, there have been outcast groups at the bottom of Japanese society; they have been the victims of severe discrimination. This is one of the major human rights issues in Japan.) Ayako Hatano is a visiting scholar from New York University and a Ph.D. candidate at the University of Tokyo. She is currently engaged in a research and practice on gender equality, development and human rights issues in Asia. Kiyotaka Kawabata is a professor at Fukuoka Jogakuin University. He is a former political officer for the United Nations and worked for many years in policy coordination at Peace Keeping Operation (PKO). Finally, I am Toru Oga, Associate Professor in International Relations in the Faculty of Law at Kyushu University and chair of today's seminar.

Jack and Leslie will make their presentations, and then the three discussants will make comments, after which we will move on to a discussion with the floor. This seminar is sponsored by the Kyudai Interdisciplinary Colloquium and the Kyushu University Association of Law and Political Sciences. First, let us hear from Professor Jack Snyder, please.

Jack Snyder:

We wondered whether people would consider it a human rights violation to schedule a seminar on a Saturday morning, so we are extremely appreciative of the fact that you came out and gave up your beautiful Saturday morning to listen to us talk about Human Rights.

I am extremely grateful to Professor Oga for arranging not only the seminar but for spearheading my first (and way overdue) trip to Japan. I have been interested in Japan for a long time. I read a lot about Japan for a book project that I did some years ago, and, I even read many Japanese novels, so, it's really wonderful for me to get to know at least a little bit of this country first hand. We are also really appreciative of the discussants that we have, who are not only very knowledgeable but also so diverse in their expertise.

Let me tell you a little bit about our project. Human rights have never been

under attack in quite the same way as they are now. We started our book project several years ago before the current crises of human rights and the growing opposition to human rights in world politics, so our book turns out to be, I think more timely than we even imagined it would be. It is time arguably time to take stock of where human rights project stands, how it is doing, and what tactics and strategies advocates of human rights should adopt to move their project forward under these adverse circumstances.

My own view of Human rights movement is it has done a tremendous service in insisting on high standards of human rights observance and calling attention to abuses. Human rights are of course valuable in themselves to the individuals who exercise their rights, but I think it is also important to remember, especially in this day in age when this is called into question, that Human Rights has very great practical, even instrumental value in making society work well. For example, we know that no two democratic societies ever fought a war against each other, but that is only true for democracy that have a high level of observance of civil liberties and Human Rights. Elected regimes that have a poor human rights record, fight wars with each other and with mature, stable democracies all the time. It is not just the democracy, it is also the rights that make a peace between similar liberal states. Likewise, today we are all very impressed by the rapid economic growth of China. It makes a lot of people think, 'it is okay to have an authoritarian regime because you can be wealthy and powerful without being a democracy'. But the track record of economic development shows that, so far in the history, that there is no country that has passed what is called 'middle income trap' without switching from a system of authoritarian politics and patronage economics to a fully liberal democratic system with rule of law and human rights except for states of oil producing states and Singapore.

My point here is that high stakes are at risk in the success of the human rights project not only the Human Rights itself but for other values that we care about,

especially peace and prosperity. What is the strategy that human rights advocacy has focused on for the most part in the last few decades? I think it is not too much of a caricature to say that the strategy is based on legalism, moralism, and universalism. The formula is to sign a treaty, collect information on how well the states are complying with their treaty obligations, name and shame the ones that are not fulfilling those obligations, and make sure that the rules of the game are universal--one size fits all. This formula initially did a good job of motivating the activists who were often idealistic in their motivations, legalistic, and moralistic in their style of thinking. But recently there has been considerably more criticism about this approach both in general public discourse around the world and also in academic circles, especially among empirical social scientists who have been studying how well the human rights project is doing, and how well the typical tactics used by the Human Rights activists work in different environments.

Human Rights Futures starts off with an introduction that includes what we call a research audit of human rights outcomes. We look at the general question of whether human rights around the globe have been continuously improving over the past few decades, or whether they are now on a plateau where there is no longer a great improvement and where the results are flattening out.

There are disputes about this which are well represented in the book. A couple of the authors argue energetically that the rights are improving and the others argue that there is evidence of a lot of push back against the human rights project and that in many areas human rights have not been improving. But on that general question we agree to disagree in the book. Interesting to me was the high level of agreement among our fifteen prominent authors, all of them doing serious empirical research either case studies or statistical analyses or both, on a list of what we call scope conditions. These are the conditions that are found when rights are likely to be improving to a high level, and also the

conditions in which the traditional mainstream legalist, moralist, and universalist approach can succeed.

Our contributors agreed that these mainstream tactics tend work best in states that are far along in a transition towards the democracy. Such tactics also tend to work where the legal system, although not perfect, has a considerable degree of independence and professionalism, and also where the civil society in the country has the at least some room to organize itself to press for continue improvements in rights. The magnum opus that demonstrates this most effectively is Beth Simmons's *Mobilizing for Human Rights*. Simmons is one of the chapter writers in our book. What she finds is that in the countries that have those characteristics, sometimes their leaders sign human rights treaties not necessarily expecting that they are going to really implement all of the things they promised. But then they find that, because the legal system has a degree of independence and because the civil society actors have room to mobilize, forces are brought to bear that push the state into greater compliance.

Even most the contributors who are critics of the mainstream legalist approach tended to agree that under those scope conditions, the traditional tactics work pretty well. However, people in our book also tended to agree that there are many conditions in which the traditional tactics do not work very well to improve rights. They are much harder to make work in authoritarian regimes, where signing a treaty is just cheap talk and there is no mechanism to hold the state to comply. They do not work very well when the state is too strong and it is opposed to rights like, say, China. They do not work too well when the state is too weak, where there is no capable actor that can be shamed and pressured to do better, as in Somalia. People in our book agreed it is much harder to use traditional approaches to promote rights when the rights abuses are diffusely imbedded in the traditional culture of the society. This is the cases for problems such as early marriage, child labor, or women's rights in patriotic societies, where signing treaties, naming and shaming, often do not

get much traction. Furthermore, the traditional approaches do not work very well where facilitating institutions are weak, where there is no efficient rational legal bureaucracy, where the legal system is very poorly institutionalized and professionalized, or where the media are not professional or independent.

We also agreed that in states that are surrounded by authoritarian war-torn refugee producing states, in other words bad neighborhoods, it is very hard to succeed using the mainstream tactics. In general, all the social science findings show that the factors that correlate most strongly with bad human rights outcome are being at war and having an authoritarian regime. We do have one chapter in our book that focuses specifically on what to do when the facilitating system for human rights improvements are absent. It is Thomas Risse's chapter that looks particularly at weak states so I will recommend that one to you for the hard case problem. We have at least two very good chapters that are mainly what we call mainstream approaches to human rights that use the traditional tactics of Human Rights Watch, which I have been describing. Those are by Beth Simmons and by Kathryn Sikkink. They are very well documented, very well supported with statistics, powerfully argued. Nonetheless, other contributors to the book met their arguments with three different kinds of critique. The first critique focuses on what I like to call a social power. Here the idea is that getting good human rights outcome in a country requires you to think in terms of who is powerful there, what is the self-interest of the powerful groups, and what are the possibilities for pragmatic bargaining to strengthen ineffective coalition of actors that have a stake in human rights.

Especially important is whether the key actors believe that they themselves will benefit and gain important protections for their special concerns if human rights are improved. Leslie likes to describe this approach as 'politics leads, justices and rights follow'. My chapter is an analysis in this vein. I look at three canonical cases of great historical human rights' successes: the anti-slavery movement, Gandhi's movement for social justice and independence in

India, and Martin Luther King's civil rights movement in the US. I find that the characterization of these movements by the mainstream human rights advocates leaves out crucial dimensions. Mainstream advocates portray these as idealistic movements that were uncompromising and relentless in pursuing their idealistic goals. What I notice though, in addition to those features, is that unlike the contemporary Human Rights movements, which is mostly professionals working in a elite organizations, these successful historical human rights movements were all mass social movements with huge numbers of people drawn from the main majority groups of their society or had massive support from the majority groups in their society.

In each of these three cases, the ideas and social networks behind the mass movements were religious. If it had not been for religious ideals, networks, and organizations, these movements would not have gotten off the ground. In contrast, in contemporary movements for human rights, contemporary activists to promote improvements in human rights are normally secular and not in tune with the religious sensibilities of the communities that they are trying to convince to improve rights. In addition to needing idealistic highly motivated groups of activists, and in addition to needing a mass social movements to get behind reform, success also requires the rights movements to work closely with a pragmatic reformist political party. These were, for British anti-slavery movement, the wig faction in parliament; for the US anti-slavery movement, Abraham Lincoln and republican part; for Gandhi, the Indian Congress Party, and for Martin Luther King, the Democratic Party in the early 1960s. What the political parties provided was the ability to arrange bargains among the core groups that expect to benefit directly from rights, groups that are indifferent to rights but could be persuaded, and the groups that really didn't care about the rights at all but were willing to support rights in exchange for votes in favor of their own objectives.

So that is the social power approach to promoting rights. We also had a

second line of critique, which we called either localization or vernacularization. Here the idea is that a lot of human rights persuasion is carried out by secular people from advanced democracies, many embedded in western cultures, who use language that is legalistic and often culturally alien to the sensibility to the people that they are trying to persuade. The vernacularization critique asks why not try to translate human rights language into the language of a local normative discourse drawn from religion or cultural traditions. We have a few chapters that explore that.

Our third and final critique is a social justice critique. Stephen Hopgood, Leslie's colleague at SOAS, and Sam Moyn, who is now a professor at Yale law school, make this argument. They say that human rights activism these days is missing the big picture. The big issues in global justice politics today are poverty, economic opportunity, and economic inequality. Human rights either ignores those issues or touches on them in a minor, legalistic, technical way. Hopgood and Moyn argue that human rights advocates are missing an opportunity to focus on the justice matters in a deeper, more socially embedded way than the thin veneer of law that they focus on.

We end the book by talking about some different scenarios for the future development of rights. We describe four futures, which we labeled: stay the course, pragmatic partnership, global welfarism, and human rights becomes an irrelevant sideshow. In addition to imagining alternative futures, we also offer a research agenda on how to tailor pragmatic or vernacularization tactics to specific circumstances.

Let me now pass the baton to Professor Vinjamuri, who co-wrote the introduction and conclusion of the book and has her own chapter on backlash.

Leslie Vinjamuri:

Thank you. It is wonderful to be here. I have not been to this part of Japan, I have been to Japan very little, and it is a wonderful opportunity to meet all of

you and especially to go far beyond Tokyo and to visit your University, and thank you Professor Oga, for your help is extraordinary in the arrangement and shepherding us around Japan and helping us to understand this part of the country and taking us to the trips, very been tremendous and I am deeply grateful. Thank you.

This book was great fun to be part of. In large part because we all disagreed so much, we all had known each other for quite a long time for very scholarly debates and conferences and I would even say that some us in the book, at certain point, earlier in some of these debates would have hard time being in the same book. It took a while to come through some of the disagreements and needed a room and say, well, these are valid disagreements and it is worth putting them in the same book and perhaps in the next stage. There are authors in the book that continued to have very sparky debates and I had the pleasure of inviting Kathryn Sikkink to SOAS where she came to give a talk about for last week. People are very passionate about the debates, about the future of human rights. They take it very seriously in the real world and scholars also take it very seriously. I am not something to take for granted, that people managed despite very serious disagreements to come together and contribute to a collective volume.

I would also say that the debates are not resolved and so it is a unique book project in that sense. Frequently, people write with people with whom they share a common perspective. This is the quite reversal of that I would like to say just a few words about the context, and maybe Jack's initial comments. He said that things look worse now than they did when we were writing the book and I think that is obviously a question that is up for some debate. When I join SOAS in 2007 I hosted a number of Human Rights activists working in the large Human Rights NGOs across the world. At that time the most common line that I heard from the leaders of the big NGOs was that the greatest barrier to Human Rights was the United States.

This was during a period when the United States was under scrutiny for sanctioning torture tactics. It was seen to be a deeply problematic time for Human Rights advocate. The US was viewed as a barrier. Brad Adams, the head of the Asian Division at Human Rights Watch, said that this was a particular problem in Asia every time he stood up to speak, people would point to America's record.

Kiyotaka Kawabata: Excuse me, can I ask you a question? Or should I wait until the end of the lecture.

Leslie Vinjamuri: I don't mind.

Kiyotaka Kawabata: Okay. So you just talked about the United States and how it has been the biggest obstruction Are you specifically talking about current administration of the United States of America in general?

Leslie Vinjamuri: This was a comment made by a number of people at Amnesty international and Human Rights Watch. The people who were making these comments were not differentiating between the people or the government, they just referred to the United States. It is a really important question actually because somebody said to me in 2011 when we were discussing the intervention in Libya that from the perspective of locals, it doesn't really matter whether it is an NGO that is based in the United States, or the United States government, the local population associate all of this activity with "the United States." It is all seen as foreign interaction by the United States regardless of the differentiations we know are very important to most, different components of the American society and the American government.

Leslie Vinjamuri:

But the debates that Jack talked about in the book among the scholars are also debates that are very active in the Human Rights advocacy community and I think we are trying to disentangle whether or not there should be more

pragmatism, a different kind of strategy, or whether the strategies that Jack identified, legalism, moralism and universalism, naming and shaming, treaty signing are working. Although those debates are not necessarily reflected in the real world of advocacy, I think internally, in the Human Rights movement, these debates are taking place and are seen as having very high stakes. The context in which we are writing was one in which activists were talking very much about the shrinking space for Human Rights advocacy in places like Russia, Turkey, Egypt, China and beyond. This was a great concern. One of the very significant debates for the Human Rights community is whether or not to work in these very difficult spaces, or whether to retreat and to engage selectively in places where it is easier to have more impact. Do you stay in the game and keep the space alive or do you make much more pragmatic decisions. I think the constraint on those debates was intensified by the fact that there was more pressure placed on spending money wisely especially in the aftermath of the 2008 financial crises. The movement of high network individuals on to boards of international Human Rights NGOs also drove a more pragmatic approach.

The second context I mentioned was the Arab Spring. This was something that my colleagues at SOAS were thinking about a lot. It quickly became clear that Human Rights was not only about political and civil rights but also economic and social concerns. These were paramount and especially in discussions about transitional justice this question came up a lot. Transitional justice historically focused on accountability, political and civil rights, mass atrocities. So it was difficult to grapple with economic concerns, in particular corruption. These were really brought to light in Arab Spring.

I wrote about the International Criminal Court (ICC) in this book. And at the time we were working on this project, a lot of a global attention on ICC was focused on whether or not the ICC was unfairly fixated on African countries. There was a very robust debate between those people who said the

reason that the international criminal court is looking at so many cases in Africa is because African countries voluntarily signed up, and often made referrals to the ICC. Others have felt that the ICC was unfairly focused on Africa, and that this was in a sense a remnant of western imperialism and is deeply fraught. The specific debate in my chapter looks at the backlash against human rights. Kathryn Sikkink makes the argument that the backlash against Human Rights it is a natural stage in the construction of new norms. Progressive social change inevitably entails backlash.

We focus very much on whether or not the move to prosecute individuals perpetrators in conflict situations (like the former Yugoslavia, and Libya) contributed to peace or instability. My motivation in writing this chapter was to show that backlash takes many forms, some more strategic than others. Strategic backlash is used by states to contain human rights. States sometimes try to create new institutions that alter the balance between individual rights and state rights and put politics on a different course.

Kenya tried to rewrite the norms of accountability to protect sitting heads of states and shift the locus of the authority away from the ICC and towards regional mechanisms in Africa, so that the states within Africa would have more control over this question of accountability.

Democracies also work strategically to contain human rights accountability. The Bush administration attempted to rewrite the law to justify the use of torture. So that chapter is aimed at vethiaking the debate about backlash and demonstrating a broader range of forms that it takes. Alex Cooley looks at the Post Soviet space and the idea of counter-norming: creating new norms that are designed to displace liberal norms.

On the question of Trump and human rights. Is Trump a game changer ? One argument is that America has always been selective and also instrumental in its engagement with Human Rights. Trump maybe using Human Rights instrumentally when he talks about Human Rights with respect to North Korea

and Iran, or when he used military force to sanction Syria for its violation of an international humanitarian norm (the Chemical Weapons Convention). Trump is selective in his engagement and his style might be different, but some might argue that this is more of the same and that America has always behaved this way.

A second argument is that we are seeing a decline in American power and alongside this, a decline in human rights. Some scholars believe that human rights have always been linked to American power and that as American power declines, the significance of human rights globally is also diminishing.

A third argument is that words matter and that verbal support by the United States and others for Human Rights globally matters (even regardless of their behavior), because it creates a resource for civil society actors, for local actors around the world, to draw on as they mobilize against rights-violating states. When the United States, stops using the language of rights, and withholds its support for Human Rights, this has a very real and very negative impact globally. There is also a domestic component to this line of argument. It refers to the symbolic power of states, especially powerful liberal states like America. The strength of the United States, and also its weakness, as a promoter of human rights is not only a product of its foreign policy, but very much defined by what takes place at home. Domestic respect for civil liberties, and race and rights matter. The domestic norms of hegemonic power like the United States, have great consequence for the international Human Rights.

Toru Oga:

Thank you very much. Thanks to Jack and Leslie, I will just summarize the main ideas of the book—those I particularly wanted to point out. In the introduction, they provided four perspectives, on the scope conditions, backlash, localization, and utopia and end times. In the conclusion, they address these four different directions, as Jack mentioned: the state of the present situation,

the maintaining of a presence strategy for universalizing human rights, the problematic nature of partnerships and global welfarism, and the side of absolute declines in human rights.

Broadly, I think that there are three or four main points for argument in the book. The first, which I think this is a good starting point: human rights as a goal or human rights as a means to an end. This is kind of like the “human rights versus human welfare” thesis. I think, as Jack mentioned about Singapore and China, pursuing human rights is not the only way to embark human welfare. Further, sometimes there are authoritarian regimes that do not protect human rights, but they still enjoy economic development and seem to handle human welfare well. However, in relation to this issue, I think the best finding is in Chapter 2. The question is whether people tend to think that the protection of human rights is contrary to economic development. Actually, this is not the case, according to Chapter 2. In the statistical findings, we can see that human rights protection and economic development are comparable in most democratic countries.

The second point focuses on Western-centric views of human rights. First, we have a debate between political and civil rights’ centrality in terms of economic, social, and cultural rights emphases. Also we have, especially for the Asian countries, the Bangkok Declaration of 1993. This argued that human rights are universal, but their application and policy practices should be adjusted to suit cultural particularities. I think that many traditional approaches to human rights in the ASEAN countries use this approach.

Now, we have kind of a dilemma, if we attack the Western centralization of human rights, by which I mean human rights discourse. They sometimes justify Western centralism, but at the same time, the critiques of human rights rather justify the authoritarian regimes of cultural relativism.

My next point is that Jack talks about legalism, moralism, and universalism. In this, I have a quick question. Human rights movements matter in terms of

legalism and professionalism, and the human rights movement is somewhat different from other types of social movements. This is very much related to professionalism and legalism. My question is, how do we mobilize the human rights movement to gain mass support? I think, in the present situation, the human rights movement and some affairs are somewhat shy about appearing in mass movements, so how do we mobilize to gain mass support?

The other point I would like to make is that human rights discourse can be either political or non-political. I think, according to the history of the human rights movement, that it tends to be seen as a radical challenge to the existing political order. This is true not only of authoritarian regimes, but also even in democratic states, so that human rights reforms have been made by political coalitions, among progressive political parties, mass social movements, mass media activists, and intellectuals. I found a very good passage about this on page 311, "Human Rights now plays a significant part in the conduct of international relations." I like this phrase very much, but I think Chapters like 2, 5, and 6 are very much influenced and rely on constructivists' logic of international norms and international relations. Maybe this is a question for Jack Snyder. What do you think is, or what part of a realistic perspective on human rights can be found, in international relations?

Finally, I have a quick question for Leslie. I think a major insight of Chapter 5 is the conceptualization of the broader meaning of 'backlash,' like strategic backlash and tactical backlash, and distinguishing between the logic of a backlash and the logic of confrontation. According to this framework, how can we analyze the Abe Administration's use of liberal terms of with a conservative meaning? That is, the Abe Administration very often uses liberal words and phrases, such as "proactive contribution to the peace," "gender equality," "diversity," and "multicultural co-existence," but they are using these typically liberal words and phrases for conservative means. Can we say this is a backlash, or something else? Or, can we say this is a contesting or other form of backlash?

These are my questions. First, we will move on to discussions and comments, and then come back to Jack and Leslie to respond to the discussions and comments.

Ian Neary:

It is difficult to act as a discussant to a volume with chapters because you are not engaging with a single argument but with a dozen or so different arguments. So rather than do that, which is probably impossible anyway in less than 15 minutes, I thought I would focus on the introductory chapter and then the two chapters by the two authors present today because at least they are able to defend themselves or otherwise develop their arguments. My first point has already been made by Jack, but the basic question of the book is to ask, I suppose, 'Are there still reasons to be cheerful?' In Japan, at the end of 1990s it was not unusual to see references to the 21st century as being 'the century of the Human Rights'. It has not turned out like that, well not yet anyway. Despite the fact that various structural changes that took place in the first ten years of the 21st century within the United Nation and Human Rights Council for example which is all covered in the first chapter.

However, as Jack said, the record of the last ten years has been bad news from almost every direction, hardly a day goes by without there being some more evidence of this move away from human rights commitment. Yesterday it was the Philippines, earlier last week it was Saudi Arabia, but then there is the United States under President Trump, and of course, also the United Kingdom, which too, is moving gradually away from any kind of firm commitment to the Human Rights agenda that seemed to be solidly grounded only twelve or thirteen years ago. It is starting to make people think that Martin Luther King's notion that despite the occasional setbacks, the overall trajectory being progressive is starting to look increasingly delusional. And, although I hope you will persuade me out of it, I am increasingly taking up that position. So the

question that we are addressing today, and the authors are addressing in this book is whether I am correct in my pessimism or whether this is just a temporary if serious setback. Maybe even a setback that we might have anticipated as indeed the book suggests.

I suppose I should just preface anything else that I say by just talking about my personal context. I was focused on Human Rights in East Asia until around 14 or 15 years ago, at which point I moved to Oxford university and became involved in a Japanese studies institute, so at that point my focus really shifted from a broad Human Rights interest to one which is much more about Japan and the implementation in Human Rights ideas there over the past 100 years or so. I got out of the main stream of the academic debate on human rights, so one pleasure in reading this book was to re-engage with that debate, and to realize how much had been written, and how much the arguments have moved forward over the past fifteen years. So even if we do with some reluctance conclude that Human Rights practices and promotion across the world has declined, it is pretty clear from this book that the scholarship on Human Rights remain strong, indeed it is getting stronger.

I think most of what I am going to say as a discussant reflects the fact that I now focus more on Japan than on Human Rights in general. So, one of the things I did when I looked through this book was in an almost mechanical way try to spot the references about Japan. And in fact, there are not many, the index only indicates one. Now this is not a book that is western centric, not at all, there are references to Mexico, India, China, Tajikistan, among others, but almost no reference to Japan. Now one might ask why and one reason might be there is not really much to be said in the sense that there have been no serious human rights violations committed there at least for the last 70 years or so. However, I am currently engaged in a writing a chapter for a book, that when published will probably have a title something like 'Human Rights Futures in Japan'. My fellow authors are writing chapters about discrimination against

women in family law, the excessive use of force by the police, the lack of LGBTQ rights etc. The whole tone of their chapters is that the situation for Human Rights in Japan is not good and is getting worse.

So, I was wondering why there are so few references to Japan in the book, not to blame the authors, but maybe to blame us, because it seems that the work we are doing about Human Rights in Japan is not getting out there in the mainstream. It has not been picked up by people like you when you putting together a collection like this. Indeed, apart from the one or two references to North Korea, there is not great deal about Taiwan or Korea either, I will come back to that in a minute. So, one question as a discussant that I would want to ask is what can we do to make sure that East Asia is embraced by Human Rights scholars in the same way in which much of the rest of world is embraced by you and the other authors of this book?

To move on to talk about your two chapters. What I picked up from them was firstly your focus on the way in which there is great potential for change when social movements, elite NGOs (particularly those which focus on legal change) connect with, thirdly, a political party. Together, you argue, this three-level approach makes change in the protection of the promotion of Human Rights possible. As I was reading that, it occurred to me that was a very good description of reform process both in South Korea and Taiwan. That if you are trying to explain how change took place in those places in the 1980s through into the 1990s, it was precisely because things moved forward with coordination between activists working at those three different levels.

I wish I had described it as clearly as you did, or that you had written this book twenty years ago so as I could have read it as I was trying to understand what was happening in Taiwan and South Korea. Because then, if you think about why the contemporary campaigns in the Philippines were not successful, it can probably be explained by the fact that the three parts of the movement were not working together for whatever reasons. And if we ask why Human

Rights and democratic practice were not further deepened in Japan in 1980s through to the end of the 1990s, again, it is because the processes were not working well together on these three levels. Within Japan, NGO and legal professional support for Human Rights continued to be powerful, but they were no longer supported by a mass movement, the labor movement had been subverted years ago and there was no political party in the 1990s prepared to taken on board those Human Rights ideas.

Secondly in the chapter by Professor Vinjamuri, the key idea is 'backlash'. When I mentioned to a colleague of mine, Leigh Payne, that I was going to act as a discussant for this seminar she suggested I should read more of your work if I was to understand your ideas. As I read through some of it, the idea of 'backlash' appeared all over the place, so clearly this was something you have been interested in for a long time and you define it clearly in this most recent chapter as 'attempts to alter, subvert and resist the application of human rights practice'. I found this very helpful and I started to wonder whether we could think of 'Asian values' discussion of the 1990s as an example of that kind of 'backlash'. It was a combination of legalism and localization in which, the representatives of the government in the Singapore and Malaysia were trying to reject the emancipatory potential of the Human Rights and instead suggest a much tighter definition which focused simply on certain aspects of civil and political rights. They certainly were involved in trying to change the balance between national sovereignty and the individual within this conception of the Human Rights.

At the time, and maybe still now, there are two ways to deal with this 'Asian values' argument: One is to reject entirely as a simply a legitimation of the authoritarian structures of a Singapore, Malaysia, and of course China (because these two states were really acting as proxies of China in all those discussions). Or to investigate if the rights rhetoric of United Nations regime really was at cross purposes with what was going on locally.

But to come back to Japan, I was interested particularly in the notion of backlash where it subverts the application of the policy. And I think this is what you just described as ‘the use of liberal words in conservative ways’. It seems to me, that this a very effective description of what seems to have been happening in Japan in the past two or three years in the Human Rights dimension. Abe frequently talks in international forums about value-based diplomacy, about the importance of Human Rights, democratic practice without, until recently showing any sympathy with democratic practice or Human Rights promotion in Japan. Then in 2016 without much warning two or three pieces of legislation were introduced that seemed to further commit the Japanese state to Human Rights in particular the law on Hate Speech and Buraku discrimination.

Except that when you look at them carefully, they do not really. They talk the language of Human Rights, they condemn hate speech, they condemn discrimination, but they don’t put in place any kind of machinery that is able to implement those ideas. So, they are not only subverting the idea of Human Rights, they are also subverting the machinery of Human Rights. This legislation was enacted because of the criticism that came from UN Human Rights committees in 2014 about the lack of state action on hate speech and Buraku discrimination. Japan’s response was to pass these two pieces of weak legislation, so that in couple of years times, when the next report is due, the Japanese government will be able to show that it has acted. But has acted in a way that is not at all effective – just, as you put it, ‘the use of the liberal words in a conservative way’.

I must confess that I did not find the great deal that was reassuring in this book to convert me from my pessimism. These days even if there are very few examples of rights rejection there are more examples of subversion of the ideas. So I suppose then, there are two sets of questions both of which have been raised already but it seems to me are the crucial questions about Human Rights in Asia: Firstly what is the future for Human Rights in China which will affect all of

Asia, indeed all of Eurasia. And then secondly, in the context of Jack's central idea, what can be the role of these three levels, in sustaining Human Rights once they are in place. In other words, what can be the roles of these three levels: social movements, elite NGOs and political parties in preventing 'backlash'?

Toru Oga: Okay, thanks a lot. Next we will move to Ayako.

Ayako Hatano:

Thank you very much to Professor Snyder and Professor Vinjamuri for producing this book which is full of valuable, thought-provoking and timely discussions from various view points. Also, I would like to thank Professor Oga for the invitation and giving me this precious opportunity to discuss the book. As my research is focusing on internalization of the international human rights law and norms in domestic context, my comments will highlight a particular part of the book on vernacularization or localization. The first point I'd like to raise concerns legal and political framework on internalization, international laws, and norms particularly in Asia. Then, I would like to introduce some examples of the internalization of international human rights based on my empirical research and practical experience in gender equality and hate speech in Japan, which may add interesting cases not included in the book, echoing the comments of Professor Nearly.

Professor Sally Engle Merry is one of the authors of the book writing about vernacularization, which she defines as "the process to convert universalistic human rights into local understanding of social justice" in page 213 of the book. Her chapter discusses various cases in China, Peru and India, and it is very interesting to compare how international or domestic NGOs domesticate international human rights norms in different local contexts of each country. While the discussion is based on ethnographical research on civil society movement, incorporation of international human rights laws into a domestic legal sphere is

also an area of interest from a legal point of view. The chapter reminds me of an argument between international law and constitutional scholars in Japan over whether or not international human rights laws are directly applicable to private person in domestic cases. Constitutional law Professor Takahashi Kazuyuki argues that domestic human rights and international human rights belong to different systems while International Law Professor Onuma Yasuaki rebutted to this argument as international and domestic human rights intertwine each other. I concur with Professor Onuma that we cannot really separate international and domestic human rights discourses which interact with each other in a vibrant cross-cultural dialogue where global human rights standards and local cultural norms collide and compromise (Professor Onuma insists we must grasp international law from “trans-civilizational perspective” to interpret international law not only from a prevalent State-centric international perspective and Western-centric transnational perspective).

The chapter on vernacularization, as well as the discussion on Asian values Professor Neary suggests, also reminds me that human rights discourses including the “backlash” always relate to power structures in international relations and local politics. Working on human rights and development in Asia, I see development of Asian countries and emerging donors are gaining more importance in international development finance and reshaping world order including human rights architecture. For example, some Asian countries received funds from Western donors who promote human rights and democratic governance as the heart of their development aid policy, which drove the receiving countries to engage in liberal democratic orders. But now, they do not need to follow those orders as they become more autonomous with their own economic development and have emerging donors and partners who do not demand recipient countries to institutionalize a human rights-based approach. Actually, I’ve heard.

Some donors and investors from China insist they are more concerned about “economic and social rights” rather than civil and political rights which they

alleged have gained disproportional attention by Western donors and were also used for them to intervene in sovereign issues. This is one example where economic development and power politics influence human rights internalization discourse. A similar situation is also observed in Africa where China's investment is soaring at a significant speed. This international power shift casts a serious influence on the domestic human rights situations. As is already raised in our discussion, we observe a space for civil society working for human rights is shrinking dramatically. Human rights NGOs in the states with authoritarian governments have been cracked down on in many ways with restrictive legislation, hindrance of meetings by government officials and arrests in peaceful demonstrations.

In this challenging and critical time for human rights defenders, I am interested in whether or not localization or vernacularization can make human rights an effective tool to protect fundamental rights of individuals. In this sense, we may need to note the ongoing localization of the United Nation's Sustainable Development Goals (SDGs) as they are strongly linked to international human rights and aspire to compromise social justice and development. This may relate to the question and comments of Professor Oga on the relationship between human rights and economic development. Human rights protection and economic development can be compatible (at least theoretically) in achieving inclusive development under the banner of SDGs. It should also be noted that the role of the private sector is becoming more importance than ever as a stakeholder to protect human rights globally and locally.

Next, related to internalization of international human rights and SDGs, I would like to introduce an example from Japan on gender equality. As you may know, Japan has been under performing in achieving gender equality, being ranked at 114th among 144 countries in the World Economic Forum's Global Gender Equality Rankings for 2017. This low rank chiefly reflects the lack of political participation of women. Japan had a big feminism movement in the

1980s with the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) but a “cultural” backlash from the conservatives against gender equality has followed (and still continued). The current Abe administration is taking policies aimed at increasing female labor supply through enhancing career and employment opportunities for women in Japan (called Womanomics). But those policies are more driven by economic interest, rather than enhancing women’s rights or gender equality. This instrumental approach may not lead to transformation of the society achieving full realization of gender equality based on the concept of fundamental rights and dignity of individuals. We may be able to see here the tension between state centric economic interests and ideas based on human rights. Last year, the *#Me too* movement became a global phenomenon but in Japan, the movements did not gain as much traction as in other countries. I think cultural or institutional obstacle to achieving gender equality in this country are still significant even years after ratifying human rights treaties and repeated reviews on women’s rights. We are still facing the question on how to vernacularize these international human rights norms and gender equality in the social and cultural context of Japan in an ongoing internalization process.

Lastly, I would like to briefly share a recent hate speech case in Japan as a good example of internalization of human rights in a domestic context. Hateful speech and demonstrations against ethnic minority group in Japan has recently become a social phenomenon. In 2013, the Court ruled that the hateful rallies in Kyoto constituted racial discrimination as defined by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and ordered unprecedentedly high amount of compensation to the members of ultra-nationalistic group which conducted the hateful demonstrations. This ruling was groundbreaking as it is not common for Japanese courts to refer to international laws. In the context of Japan, it would be important to see how international human rights discourse has got into the language of court decisions

related to the discussion over the strategy to build rule of law, which can help further develop and deepen the discussion on localization of human rights. Civil society movements which vernacularized the language of universal human rights combatting the racial discrimination in their strategy was also encouraged by this judicial ruling. A big wave of social movements against hate speech in Japan as well as recommendations from international human rights bodies finally led the government to develop the first anti-hate speech law in 2016 (The law is criticized as weak as Professor Nearly mentions but some data show it still has some effect on preventing hate speech demonstrations.

Presented are some examples of internalization of international human rights in Japanese domestic context. I would be happy to discuss any of the issues further with you later. Thank you.

Toru Oga: Thank you. Finally, Professor Kawabata Please.

Kiyotaka Kawabata:

Thank you Professor Snyder and Professor Vinjamuri for your inspiring lectures. I joined the United Nation in 1988 as a political affairs officer and worked there for a quarter century until four years ago. I started my UN career during the waning days of the Cold War. That was the time we worked on the assumption that political disputes were separate from Human Rights and Humanitarian activities, and thus should be dealt with separately. Indeed, it was taboo to discuss Human Rights in the Security Council, which had been dysfunctional due to the East-West ideological rivalry. Today, this is no longer the case and, as the book persuasively argues.

When the Cold War ended, we suddenly faced the necessity to take a holistic approach to international problems by incorporating elements like Human Rights. We tried to incorporate human rights and humanitarian considerations into our peace operations everywhere in the world. However, our initial

attempts on nation-building ended up in disaster in such trouble spots as Somalia, Rwanda and Bosnia. Since those initial failures, we have been experiencing trials and errors with a view to finding more effective approaches to a conflict situation, to make a stable, to make a foreign faction states come to negotiating table to help them to agree on the relatively peaceful treaty.

Of the many important points in your book, I am particularly interested in the question you asked, whether Human Rights are an end itself or means. Initially, the United Nations tried to impose Human Rights as a universal norm, but we failed. Then we ordered our political and other departments to find more effective and practical approach. After many trials and errors, we decided to take a different approach, using Human Rights as one of the means to persuade the warring factions. We have had some successes and failures since then.

The other point I agree with the authors is that the ultimate role of the international peace operations is not just Human Rights but to transfer a country at war into a stable, peaceful country in which the Human Rights are respected. When the people are starving or killing each other, there are no Human Rights. We must stop the killing first and put food into their mouth. That is our priority.

The third point I agree with the authors is that we have to have the “bigger picture”. As an example, you referred to the need to eliminate poverty or facilitate development. I should like to add that political stability is also indispensable. In a politically instable society, there will be no Human Rights respected, people tend to fight each other. We also have to ensure good governance.

Yes, we need an integrated approach, encompassing political, Human Rights and humanitarian activities. The real question is how we do it. It is always a big question. I myself have encounter a huge problem in this regard. It is easier to say, in theory, that we have to work together with various agencies and organizations. After all, we share the same goal of helping attain a peaceful

and stable country, The problem, however, is that those agencies and organizations have different agendas, different priorities, and different notions as to the time span they intend to accomplish our goals.

Let me give you a concrete example. I spend 7 years, from 1995 through 2002 acting as the special assistant to several Special Representatives of the Secretary-General in Afghanistan. During those 7 years I focused on the political negotiations to make peace in that country. When we first went to Afghanistan in 1995, we had no choice but to talk to the Taliban, an ultra-radical Islamic fundamentalist group and also a rising power who had already conquered most parts of Afghanistan. After our first encounter with the Taliban in Kandahar, the UN negotiating team was immediately criticized by Human Rights and Humanitarian people, including those working for the UN agencies and NGOs. Their typical responses were: "How could you talk to those terrible Human Rights violators, if not murderers or rapists!"

However, we had no choice but to talk to the Taliban because they were in power. However reprehensible their conducts might be, they were the ones with guns and thus held tremendous political power, which could not be ignored. If we wanted to stop the killing, we had to negotiate with the Taliban. Five years later, after several failed attempts for peace with the Taliban and the spread of terrorism by al- Qaeda which was protected by the Taliban, we finally decided to confront the Taliban by imposing sanctions through the UN Security Council. However, once again, we were criticized by Human Rights people and Humanitarian people who blamed us by saying "How could you do this!" Their criticized us for "alienating" the Taliban by imposing on them sanctions and thus destroying the hard-built bridge with them for humanitarian access to the Taliban-controlled areas. I just gave you an idea on how difficult it was to make a coordinated approach in a conflict situation.

Before concluding, let me give you some other examples. You talked about possibility of holding a "pragmatic bargaining" with Human Rights violator or

regimes with despicable Human Rights records. For example, when we talked to the Taliban, at first, they were very rigid because they believed they were the ones who were protecting Human Rights under the Sharia Islamic Law. At that time, we quickly realized that their concept of Human Rights was different from ours. What the Taliban leaders were talking about were the Human Rights in the 7th century when the Mohammad was born. In other words, they were talking about the Human Rights based on their interpretation of the Koran. In their mind, a perfect peace existed during the time of Prophet Mohammed and their country should return to that time by strictly abiding by his teachings. The Taliban thought that our Human Rights were wrong, controlled by the Western countries who had, in their view, a different agendas.

Obviously, there existed a huge perception gap between the UN and the Taliban due mainly to the lack of effective communications. So we decided to make more pragmatic approach to this fundamentalist group, which were composed mainly of young Pashtoons in their 20s and 30s. For example, when the Taliban closed elementary schools for girls, we tried to make a practical deal with the Taliban.

We told the Taliban: “Okay, let us build a new elementary school for boys and you Taliban, in exchange, allow us to make a girls school at the same time”. The Taliban considered our offer and, although reluctantly, accepted the compromise. At that time, we know that while the Taliban were strictly abiding by the Sharia Islamic Law, they were more than willing to send their own daughters to the neighboring Pakistan so that their daughters were able to go to school.

In Syria, we tried very hard to protect ordinary people who were caught between the warring factions in the midst of the civil war. One idea was to create a UN-protected “humanitarian corridor” bridging isolated Syrian cities with the neighboring Turkey or Jourdan. However, the idea had been killed by China and Russia who retain the power to veto any resolution.

Those are the few examples we tried to integrate Human Rights aspects into

our political activities. Our records were mixed – we succeeded often but not all the time.

During the Cold War, it was unthinkable to talk about Human Rights in the Security Council. But now it is possible. And finally, under the new concept of “humanitarian intervention”, we could even intervene in matters of internal affairs. The idea of the “Responsibility to Protect (R2P) was contained in the Outcome Document adopted by the General Assembly in 2005. A test case for R2P was Myanmar when it was hit by a huge Cyclone several years ago. Over a hundred thousand people were killed by the Cyclone alone, and another hundred thousand were feared to die if they did not gain access to emergency food and medicine quickly. However, the military-led government refused the international humanitarian aid and denied international access to the disaster areas. To break the deadlock, the UK proposed to intervene forcefully into Myanmar. They were not talking about military intervention, but they were talking about military protected humanitarian activities in the Irrawaddy River areas in Myanmar. Fortunately, the government changed mind and allowed international humanitarian access before the Security Council went further. Let me stop here.

Toru Oga: Thank you. Now, we will move on to Jack and Leslie’s response but before that, it might be better for that, you need to define what you mean by pragmatism. That is the key word in this book.

Professor Snyder: Do you want to go first?

Professor Vinjamuri: No.

Professor Snyder

Toru, your comments ask what do we mean by pragmatism, and what do we have to say about realist view of human rights. At least one of the things that we mean by pragmatism and realism is the ethics of consequentialism..

Whether an action is a right action depends in substantial part on what its consequences are. Leslie and I wrote an article debating with political philosophers on this. We are consequentialist as opposed to being strictly deontological where the action is right in itself regardless of its consequences. In the real world everybody is at least sort of consequentialist, and we are very consequentialist. We have a rule of thumb that, for example, if you are engaging in pragmatic bargaining to end the war because war is causing huge human rights disaster. And you need to make a deal with the devil. to end the war. How do you decide whether this is an ethically appropriate deal? Our rule of thumb is that it is ethical if you can tell a convincing story describing a path forward whereby the deal that you make is not just a momentary expedient to get a very short term results, but it prepares the way for the strengthening of a human rights coalition over time, and creates the capacity for building the institutions that you need to implement human rights in a rule of law state.

On your question of how to mobilize civil society for effectively implementing rights, let me list a few things. In the Arab Spring, Egyptians were pretty good at getting million people to show up in Tahrir Square to protest against Mubarak. What they are not good at was sustaining a social movement that would outlive the excitement of the mass demonstration and create social organizations in all the neighborhoods and villages of Egypt so that they could coordinate the strategy for elections, monitor elections, and create a social activists network that would sustain progress on women's rights and women's health. When Leslie and I were in Cairo during the two week period between the first round of the presidential election and the run off round that had the Muslim brotherhood candidate Morsi running against military candidate Shafik. human rights advocates were in dismay. They asked how was it possible that they were stuck with the choice between Morsi and the Shafik. Where did we go wrong, they asked themselves? Some of their answer was that the Muslim brotherhood commanded an organized mass movement that was sustaining itself

overtime, had grassroots power, and could really mobilize and act. Shafik, for his part, had an armed force that he could wield. In contrast, the human rights movement had only fax machines that they could use to issue press releases; they did not have a mass movements.

Kiyotaka Kawabata

I agree with your assessment as to the Arab Spring in Egypt. We were looking at the situation in dismay from New York. As you appeared to indicate in your book, Human Rights alone might not be able to change the whole situation. But what those young Egyptian call for democracy were lacking was an effective system/mechanism through which they could mobilize the voices of ordinary people into political power. Human Rights are very important element but not good enough to transform a country under dictatorship into a democratic country, as they have to change the whole system. Nation-building requires a comprehensive approach and may take a long time and a lot of energy as well as political mobilization. That was missing in Egypt. Next time, I hope they would do better.

Jack Snyder

I have a couple other points on my check list of how to mobilize. Daniel Schlozman has a really good book on the history of social movements in the United States, starting with the anti-slavery movement and going down to the TeaParty. He argues that social movements are effective when they are in a symbiotic relationship with an ideologically aligned political party. The social movement provides a connection to the popular base for the political party,, so that the party understands what average people in the base really want. What the party provides to the social movement is the ability to bargain, make deals, and get pragmatic outcomes.

Continuing with my check list on how to mobilize: mobilize people not just

based altruism, but mobilize them based on self-interest. Lincoln mobilized the “free soil” movement. The working class and small farmers in the North wanted to have an opportunity to go west and get land to farm and other employment opportunities on the western frontier without having to compete with slavery. For that matter, they also wanted not to compete with the free black labors in the West. This was the key self-interested economic base for Lincoln and the Republicans. They really did not care on an altruist basis about African slaves in the South, but they understood that Lincoln was going to get them free soil in the west.

A final tactic is to mobilize religion. Think about liberation theology, in Latin America, which was one of the major forces promoting progressive change in that continent in recent times.

Ian Neary gave me great comments on optimism. I am actually an optimist, and it has to do with the global welfare human rights future. In this scenario the economically advanced liberal democracies go back to the formula of the welfare state and the Bretton Woods type of international economic institutions, stepping away from the idea that rational markets always produce perfect outcomes through the invisible hand of the market.. This system performed effectively in the well-regulated liberal democracies in the fifties and the sixties, when America was the hegemonic leader of progressive change, and Japan was rising and establishing itself as very effective liberal state. Then somehow the era of Reagan and Thatcher forgot all of that. There is no reasons that old formulas that worked forty or fifty years ago cannot still work now.

On the question of how does the tripod of social movement, rights activists, and progressive political party preventing backlash: Kurt Weyland’s book looks at Latin America and 19 century western Europe. He starts with the revolutions of the 1848, which were of course a big failure. He says it was all just a flash in the pan. People wanted liberal nationalism, and self-determination, and free speech in 1848, and it lasted for couple of weeks and then was done.

Weyland compares that to successful moves for liberalization, democratization, and civil rights later on in Europe and Latin America. What was different was sustaining it and institutionalizing it through the combination of professional activism, mass mobilization, and political parties. This is basically my point about Tahrir square. The tripod is an instrument for not only creating but sustaining a social movement over a long period of time. These are three different, mutually supportive tools of social power.

Why didn't we talk about Japan? We should have talked about Japan. I have actually written some stuff about Taisho democracy and what happened to it, why it flopped, what lessons for politics of the liberalism we can take away from that. I hope to write about comparison of Germany and Japan in the 1920s, the ways in which they were liberalizing, and how the failures to institutionalize international economic and security cooperation pulled the rug out from under those liberalizing forms.

My last point on 'stop the killing first, stop the starving, build the nations.', We could debate those issues all day long, and probably agree on a lot of that but also agree that it is also very hard. For me, the starting point is not so much to try to meddle in very hard problems where the chance of failure is extremely high, and chance of actually doing harm is at least fifty-fifty. For me, the starting point is to strengthen the facilitating conditions in the international environment more generally in the security environment and the international economic environment. Things went really badly for almost everywhere in the world in 1929 because the people who had been working to create a stable security and economic environment did not really have the knowledge and the tools, and did not set up complete institutions to do that. This caused a lot of human rights problems for that reason. After 1945, they learned a lot about what would work better in security and the economic institutionalization of stability, and I would argue that creating that kind of broad structure of international stability in the international liberal order is really job one. That will do

more for the Human Rights in Afghanistan or Burundi, than sticking our nose into their business and trying to macro-manage their affairs despite our ignorance of their local conditions., In that sense, I am an optimist.

Leslie Vinjamuri:

Also, I would like to add few comments. It is too easy to argue that we got it right in 1950s and to then assume it would be easy to go back. It will not be easy to go back because of the changes in the global economy. Which is not to say it is not right to renegotiate international liberal order. I think it is certainly is, but it is not easy to go back. We ask a lot more of the international liberal order now than we did before. We didn't ask for Human Rights in the 1940s and 1950s in the way we do now, this is one example of a radical change in expectations.

I would like to add one comment to Jack's remarks about what it takes to make advocacy and mobilization work. I would like to add a side note on the transitional justice side. There are a lot of movements that scholars of transitional justice like to look at because these have been successful in getting recognition, or getting accountability, or getting the truth. Victims or their families have been deeply active, in these movements, often the mothers, for example the mothers of the Plaza de Mayo in Argentina. Transitional justice has often deeply rooted in advocaey by domestic groups that want that accountability, in South Africa for example. Mothers seem to be an important force in Yemen as well. But on this question of why Japan and china do not feature neavily in this volume. A lot of the work on Human Rights and especially on transnational justice draw on lessons from Latin America and also. Ireland. There is also a divide between those who look to Africa, and those who look first to Latin America. During the Arab Spring people did not know how to respond, or whether existing lessons were relevant

I also wanted to take up the question of subversion of rights through liberal

words, that you raised, Professor Oga. What are the longer term implications of this. Schdars frequently debate the implications of hypocrisy. Constructivists argue that when you articulate a commitment to the value, the principal, the norm, even when this is merely lipservice, it still matter. I think things are much more complicated. So I think the debate about the effect of hypocrisy is very important one.

Toru Oga: OK. Thank you very much. Shall we move to the questions and answers from the floor. If you have any questions or comments please raise your hand. Firstly, we will take the all questions and comments and then back to the Jack and Lesley. So if you have any questions please raise your hand.

Ayako Hatano: Thank you very much for great responses. I have a question for Professor Snyder. You pointed out that social movements are effective if aligned with political party's ideology or self-interest of the people. I understand that in democratic country, political parties are concerned about public opinions, but in powerful authoritarian states, the government may not need to be concerned about public opinions. I am wondering if arguments on social movement can be also fully applied in the context of non-democratic countries?

Toru Oga: OK. Are there any other questions?

Audience: One question. The title of Human Rights Futures, the intitled Futures has an economic literal, so I was wondering if,

Jack Snyder: We did not think of that at all! We never thought of that! That's fascinating!

Audience: That wasn't intended when you made that?

Jack Snyder: I wish we have intended that. That's cool.

Audience: Well, from an economic stand point, recent type of the prediction of the Future value some of views proceed the future value of the Human Rights

of the prediction of what would be investment in that prediction. But I have another question, my question is, I read, I read some, I am American so, I read in the book that author said that Americans tend to value freedom over equality, and in UK's case, similar point American in the UK tends to value freedom over equality, I don't know if it is true but. Europeans tend to value equality over freedom. So, in this conversation of Human Rights, I was curious of between about panelists' opinion about you guys, especially from an economic standpoint to talk about Human Rights. The Questions are quite similar to the in scope of the economical view point, I think Professor Snyder mentioned about economical, economically donor countries like China is refusing to take actions for the protection of the Human Rights, because it is costly. But whether implement on the economical work, a job, how would the future approach, like, for the international organizations like the UN, for that situation, I think I missed that part, so I would like to ask in more detail.

Jack Snyder: So, just if you could clarify, you are talking about reforms at the international level? Or within some country? Or?

Audience: International level

Jack Snyder: And it is costly for whom and why?

Audience: It is costly for the Chinese government, domestic. It is about the problem in domestic, domestic problem, uhm.

Jack Snyder: You mean, international, WTO, and its liberal state backers could say to China, sorry we are not going to trade with you anymore, unless you have a legal system that is like ours because, and if you get rid of state owned enterprises because with your current legal system and government run economy, trade with you is just like a rip off. You cheat us just automatically, as the result of the way of your structure, so you need to become a liberal state in order to trade with us on a fair footing. That kind of thing?

I just,

Audience: Basically, yes.

Jack Snyder: OK. Got it.

Toru Oga: Any other points? Please.

Leslie Vinjamuri: I will talk about the freedom and equality question. I moved to the UK in 2006 and have been working in the university system. The thing that took me longest to adjust to was that fairness and equality absolutely trumped meritocracy, (which is a form of freedom almost). Fairness norms, equality norms are tremendously strong in my view in University system of the UK amongst academic staffs in a way that is not the case in the US. It is undoubtedly the case you get, different dimensions of rights that there are different bonds right? There are different national and social contexts.

Jack Snyder: So you can organize your economy and your political system in a way that sharpens the trade off between freedom and equality. And especially if you hold to deregulation, less affair, neo-liberal view, of what the economy demands, then that is going to be really sharply in conflict with your equality goal because it is going to lead to and has lead to a huge increase in economic inequality in many society. But if you have a different notion of what real economic freedom is, sort of a FDO freedom from one, talking point, that says, wait a second, to have an economic work well as a whole, it also to have it work well with the people who are after all the voters in the democracy, you need to have some kind of social safety net. You need to have regulation and market trend actions, you need to at least ask the question; whether the social consequences of unliberated capital mobility and so that way of looking at how to organize a free modern society, with equality before the law, makes freedom and equality less opposed and more neutrally supportive. So on the social movements in authoritarian regimes, you know you can go either of two opposite ways with this. So I got a student who wrote term paper for me where in China, two kind of gender rights issues one in which was pursued by the NGO, that treated this as a challenge to the policy, and the authority of the state. And they got crushed, they did not get anywhere.

And other NGO treated their issue, which in some ways was like even more difficult issue than the first, as kind of a social problem, matter of culture, tradition, and habits, and didn't direct the criticism at the state and the state's authority. They actually got a support from the state in order to you know to make some progressive change in the issue. You can go that route. You can not confront authoritarian power in your tactics. And you know, I think that is a smart rule of thumb. On the other hand, you can go the other rout. And you can say sorry our goal depends on changing the system as a whole and we have a chance to change the system as a whole because this authoritarian illiberal patronage based system, say like China, is increasingly malfunctioning, lots of people are pissed off at this state because it is not performing well, and because it is performing in a way it is unfair, unequal, prevents freedom. And so you know, mass social movements can conceals on issues of corruption, basic social justice, failure of regime performance with a hope of bringing the regime down in a social revolution. Social revolution will cause a lot of Human Rights abuses to happen but you know, that is a strategies too. Depends on what you have and what price you are willing to pay. And also your view of what the social movement theorist called the opportunity structure of the moment.

So I will tag your point on to that. So how to pressure China. I think it is completely, I don't know, maybe this is a little too strong, completely pointless to, for liberal democratic states to publicly directly confront China on Human Rights, issues such as the way it treats dissidents. That is never going to get you anywhere. However, I used to believe that liberal democratic states that traded with China, invested in China, through an international institutionalize system like the WTO, could go to their Chinese business partners and governor regulators and say, 'Come on, we have rules here. You have to, not only say that you follow the rules but also have to give us the legal system like any other countries in the World has a legal system that works

according to the law for business transactions. So, at least for the business peace you need to have reforms that will make things work better and use it as a strategy to, for professionalizing the lawyers of the China. And getting people used to thinking this way. So Iain Johnston, has kind of a book that is called *Social States* that has this kind of an argument about Chinese participation in international organizations more generally, as a way to gradually socialize China to liberal ways of doing things. I used to believe in this, everything I read says that this strategy really isn't working. But I think the fact that it isn't working now very well doesn't necessarily mean that it will never work.

Ayako Hatano: I fully agree with your point that there are many ways in which civil society organizations can work strategically even under an authoritarian regime. However, I have become a little pessimistic about social (in particular revolutionary) change in authoritarian states after attending a conference held in New York University last year on the human rights situation in Asia which included the crisis of freedom of speech and dramatically shrinking civic space in and about China. With those authoritarian countries and governments having absolute power with their economic development, they are becoming a normative power in international society as well, which may lead to change in the international order from what we have had over the past few decades. In this challenging time, I feel the desperate need to work on human rights more than ever and the responsibility of academics to provide solid and pragmatic research on global human rights and their localization.

Toru Oga: Do you have a quick reply? Thank you. It is my special pleasure to organize this seminar inviting distinguished speakers and discussants and interesting questions from the fellows. Thanks for joining us and thanks for your cooperation and kind attention.

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