Towards a Unified Approach to Human Rights: The “Asian Values” Challenge

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October 4, 2015

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Come near, come near!
Since you are me and I am you
There is no more separation, We are Light upon Light
Why this conflict, this stubbornness?
We are all one complete being, why this double vision?
Why do the rich look at the poor with distaste?
Why does the right hand look upon the left with disgust?
Since both are part of you, what is good about the right
What is distasteful about the left?
We are entirely one essence, one intellect, and one head
Yet we see double because of our misconceptions.
How much longer will you drag this baggage
Of the five sense and the six directions?
Draw near to Unity!
Rise above your selfishness and merge with all!
On your own, you are only seed of grain
But together with all, you are a gold mine.
Know that the spirit is one but bodies are countless
Just as almonds share the same quality of being oily.
The meaning of a word is the same in different languages
The water becomes one once the cups are broken.
Spirit sends news to everyone with vision
For in Unity the heart is free from the bondage of words.¹

-- Rumi, thirteenth-century Persian poet

On August 30, 2015, during the conference dedicated to the twentieth anniversary of the Constitution of the Republic of Kazakhstan, President Nursultan Nazarbayev answered the accusations of autocracy directed at him in the following manner: “We are told to move faster towards democracy practiced by Western countries, from the USA to Europe. We understand it all well. Democracy is a path towards development of humanity. We are making our way there. But we also have to consider that our country is an Asian society. Our traditions differ from Western ones. Our cultural and religious views are different. That is why we must pave our way

Justifications of authoritarian governance on the grounds of cultural differences between the West and the East and on the grounds of the necessity of following a unique path are not new. This rhetoric of cultural relativism has been vociferously championed from Singapore to Central Asia, from Putin of Russia to Ayatollah Ruhollah Khomeini of Iran. Despite the waning in importance of Asian values since the initial years of the ‘Asian economic miracle’ and loss of rigor and power, particularly after the Asian financial crisis of 1997, the debate still remains relevant today and the cultural relativist arguments continue to contrast widely with Western ideals of human rights and democracy.

The rapid boom of Asian economies between the 1960s and 1990s and the emergence of the so-called ‘Asian tigers’ gave rise to debates over contending values, non-Western conceptions of human rights and debate over “Asian values,” in particular. (Donnelly 2002, 107) Throughout the 1990s, notable East Asian leaders, such as Lee Kwan Yew of Singapore and Mahathir bin Mohamad of Malaysia, insisted that the Western conceptions of human rights, with strong emphasis on individual freedoms, need not to be universally applicable and that cultural and historical context plays an equally important role in determining and defining human rights. Thus, one of the main questions that emerged was whether it was possible to reconcile incompatible elements of ‘Asian values’ with universal human rights. During my presentation today, exploring different debates over human rights and ‘Asian values,’ I will investigate with you whether human rights are universal. I will also contend that the champions of “Asian values”

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values” have assumed a monolithic Asian values system, although Asia is too large and diverse to have a single values system, and I will demonstrate that retreat to culture has been widely utilized to justify authoritarian regimes’ dubious practices in East Asia. I will conclude by emphasizing the importance of mutual dialogue and demonstrate that Asia has a lot to offer to enrich the universal conception of human rights and that universal human rights leave much space for the exercise of cultural differences.

Political theorist Daniel A. Bell rightfully pointed out that there is little debate over the universality of certain minimal human rights such as “rights against murder, torture, slavery, and genocide (Bell 1996, 663). However, rights that lie beyond this minimum are widely contested. Among these contested views one finds the clash of individual and communitarian rights, with the emphasis on the former in the West and on the latter in Asia. The latter view claims that where necessary individual rights can be sacrificed, if doing so benefits the state, others, and society (Donnelly 2002, 114).

One of the main justifications for the infringement of human rights that the champions of ‘Asian values’ have made was related to developmental issues. Many have argued that short-term sacrifices of human rights are necessary for the achievement of long-term economic growth and development (Donnelly 2002, 109–10 and Bell 1996, 644). For instance, Lee Kwan Yew once stated, “Contrary to what American political commentators say, I do not believe that democracy necessarily leads to development. I believe that what a country needs to develop is discipline more than democracy. The exuberance of democracy leads to undisciplined and disorderly conditions which are inimical to development. The ultimate test of the value of a political system is whether it helps that society establish conditions which improve the standard
of living for the majority of its people, plus enabling the maximum of personal freedoms compatible with the freedoms of others in society” (Lee 2013, 27).

Amartya Sen, a renowned political economist and expert on human rights, is skeptical of this claim, arguing that there is little evidence that authoritarian governance and stifling of human rights are conducive to economic growth and development (Sen 1997, 11). Rather, he argues that evidence from history suggests that no country with “a relatively free press” has ever experienced famine (Sen 1997, 12). He further elaborates that other factors also need to be taken into account such as openness to competition, accessibility of education, industrialization, etc. (Sen 1997, 11). However, even were we to accept the notion that certain types of rights need to be sacrificed in order to attain economic growth, these infringements could be justified only as short-term policies at most (Donnelly 2002, 109–10). In the words of human rights scholar Jack Donnelly, “such sacrifices ought to be a matter of profound regret and discomfort” (2002, 110).

Similarly, another expert on human rights Daniel Bell concedes that in the short run certain rights may have to be sacrificed for economic growth. However, he emphasizes the importance of specificity and context. Thus, he writes, “particular rights may need to be curbed in particular contexts for particular economic or political purposes as a short-term measure” (1996, 645). Thus, permanent violation and sacrifice of human rights for economic growth cannot be justified, even under the rhetoric of a short-term rights/development trade-off.

Furthermore, the argument that the development–rights trade-off is an Asian value is a dubious claim. Rather, as Donnelly shows in Universal Human Rights in Theory and Practice, there is nothing Asian about this claim, and it is a characteristic trait of capitalism, widespread across different countries, cultures, and regime types (2002, 109). He argues that this trade-off has been widely imposed by the IMF and other international financial institutions (1999, 72). In
fact, one can argue that the trade-off argument, as well as other developmentally focused arguments about state capitalism, were initially devised in the West and later transmitted to Asia.

Next, what needs to be stated is that universal human rights are not a distinctively Western invention and thus are not intended solely for Western audiences, but rather their roots can be traced to different cultures. Sen contends that what is important is not whether anti-freedom values are present in Asian cultures, “but whether the freedom-oriented perspectives are absent there” (Sen 1997, 17). He argues that ideas of freedom and tolerance can be found in Asian history and ancient Asian texts (Sen 1997, 17–27) For instance, he demonstrates that the importance of freedom can be seen in Buddhism (17) and that universal and egalitarian tolerance is seen in the writings of Emperor Ashoka, who ruled in the 3rd century BCE in the large landmass that comprises parts of modern day India, Afghanistan, Pakistan, Bangladesh, Iran, Nepal, and Bhutan, and that was one of the largest empires in the world at the time (19–20). At the same time, we cannot witness egalitarian tolerance of the same kind in Ancient Greece or Rome, the patrimonies of Western civilization. He also adds that religious freedom and tolerance in Asia during Akbar’s time (he ruled in the Moghul Empire, mainly located in the Indian subcontinent, between 1556 and 1605) coincided with the notorious Inquisition and religious intolerance in Europe (23). Finally, he finds support for his argument that Confucius, despite emphasizing the importance of filial piety and obedience, nevertheless did not recommend “blind allegiance to the state” (17) Thus, Sen concludes that although democracy and freedom in the full modern sense cannot be found either in the East or the West before the Age of Enlightenment, nevertheless, their constituent components can be traced to both ancient Asia and Europe. The point of Sen’s arguments is to show that limiting freedom-seeking to the West and obedience to the East is fallacious, and that both of these elements are common to
humanity (1997, 27). Thus, a notion that rights and freedoms are alien to Asians is due to a flawed and misconceived understanding of world history and cultures.

What is also pertinent and important to current discussion is the realization that Asia is too big and too diverse to have a unified value system. Seeing Asia as a unified and monolithic unit is, ironically, a Europocentric view (Sen 1997, 13). Even culturally similar East Asian countries – China, Korea, and Japan – greatly differ from each other in various cultural aspects (Sen 1997, 14). This can be seen in Japan’s reluctance to endorse the emphasis of the Bangkok Declaration\(^5\) on communitarian points, as opposed to China, which embraced communitarianism, and in Japan’s support of universalism at the UN World Conference on Human Rights in Vienna in June 1993 (Foot 2000, 157). Even if one were to concede that East and Southeast Asian countries do share a lot in common, one must also take into account that South Asia, Central Asia, and the Muslim world greatly differ both from one other and from East and Southeast Asia. Thus as it has been rightfully pointed out that Asia “encompasses countries far too diverse to be lumped into a single monolith of presumptively shared values” (Leong 2008, 133). The creation of and insistence upon a unified system of values labeled as “Asian values” is at best far-fetched, and at worst devised to justify violations of universal human rights.

For example, as Singaporean sociologist and human rights expert Wai-Teng Leong argues, behind the rhetoric of Singapore Exceptionalism lies gross violations of human rights, abuse of foreign domestic workers (2008,124), stifling of local media (2008,131), and the poor condition of both civil society and human rights organizations (2008, 126-27). Singapore has not ratified any human rights conventions besides the Convention on the Rights of the Child and, with reservations, the Convention on the Elimination of All Forms of Discrimination against

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\(^5\) The Bangkok Declaration is the founding document of the Association of Southeast Asian Nations, adopted in 1993.
Women (2008, 123). Finally, Leong argues that the rhetoric of “Asian values” and Singapore Exceptionalism has been extensively used both to dismiss foreign criticism and “to justify steep pay increments for government elites” (2008, 131). Similarly, in her account of China’s involvement with the international human rights regime,6 British human rights scholar Rosemary Foot notes that, after the Tiananmen Square massacre of 1989, China aligned itself with the “Asian values” camp through diplomatic maneuvering in order to escape diplomatic isolation (Foot 2000, 155). China turned out to “Asian values” when it most needed it. Thus, it is not difficult to be convinced that quite often, behind the rhetoric of cultural relativism, states with authoritarian regimes conceal their inconvenient human rights records.

It also needs to be argued that cultures are not static and that they change and evolve over time. Cultures are malleable (Donnelly 2002, 123) and thus are subject to evolution and change. Sen concludes that citizenship, national borders, and cultural differences do not preclude humans from enjoying their rights, as these are not based upon culture or origins, but rather on “our shared humanity” (Sen 1997, 29). In his essay, “Human Rights, Southern Voices,” Yash Ghai, Kenyan scholar of constitutional law and human rights, provides a strong perspective on cultural relativism; he rejects the notion that rights are “emanations or reflections of culture” and rather argues that “‘rights’ are valuable because they are ahead of ‘culture.’” (2009, 113). Thus, if we accept this argument, rights become paramount to culture, and no one can claim the necessity of violating individual rights for cultural or communitarian reasons. Although this is a strong claim that I sympathize with, it also entails potential dangers for being seen as imposing Western rights and standards on other countries.

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6 International regimes are defined “as sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations.” Krasner, Stephen (1982). Structural Causes and regime consequences: regimes as intervening variables. *International Organizations* 36(2), 185-205.
Against the claim that imposing one’s own countries’ human rights on other countries is violating the right to sovereignty, it can be countered that the rights that are being imposed are “those of the Universal Declaration of Human Rights” (Donnelly 2002, 108). However, it needs to be noted that the UDHR was developed without significant participation from East Asia (Bell 1996, 655) and thus may seem alien to East Asians. Furthermore, as Yash Ghai points out, the contemporary concepts of human rights “did not originate in Asia” and “came, indirectly, through colonialism or other forms of influence from the West” (Ghai 2009, 148). It seems to me that the insistence on “Asian values” is also largely caused by notions of patriotism and by what Sen identifies as “the need to resist Western hegemony” (1997, 28). In order to ensure the universal nature of human rights, it is important to involve Asian states in shaping the universal human rights regime. Thus, intercivilizational and intercultural dialogues are necessary to give universal appeal to human rights (Yasuaki 1999, 120). Renowned Canadian philosopher Charles Taylor points out that “Westerners are often unable to see their culture as one among many” (1999, 143), and this inability serves as an obstacle to achieving a genuine consensus on human rights or, in liberal philosopher John Rawls’s words, an “overlapping consensus” (1999, 124). In this regard, I strongly believe that, if our goal is to convince everyone about the importance of human rights, we need to build these rights on local cultural traditions (Bell 1996, 652). Rather than justifying human rights on Western philosophical grounds, it would be more effective to propagate human rights through seeking justifications in local cultures (Bell 1996, 656-57).

Moreover, I think that, in currently prevalent notions of human rights in the West, not enough attention is paid to economic and cultural rights. Thus, I think that Asia can offer values such as “discipline, respect for elders, consensus over conflict,” and more, as complementary to Western values of individual rights and freedoms. Ultimately, inculcating respect and caring
toward one’s parents in people and institutionalizing this, if necessary, rather than leaving one’s aged parents adrift, is a superior value, in my view. Finally, acceptance of universal human rights leaves enough space for the exercise of cultural differences. What this human rights approach essentially suggests is that everyone is entitled to choose for oneself the best kind of life (Donnelly 2002, 122). Inclusiveness, respect, and mutual dialogue are necessary if our goal is to develop a common vocabulary of human rights and rediscover our shared language: the language of humanity. Ultimately, I believe this is the idea that Rumi’s poem tried to convey to us in the beginning of this essay, when he proclaimed that “the meaning of a word is the same in different languages.” Let’s draw near to Unity!

Works Cited:


