

## Human Rights & Asian Values

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### Abstract

This paper describes and analyzes the debate on human rights and Asian values. It is primarily concerned with the positions of some authoritarian governments in Asia and scholars sympathetic to Asian values. The former, it is argued, had been motivated largely by their desire to maintain power while the latter easily succumbed to nostalgia or apology. As a result, the authoritarian governments tend to have little to say on Asian values; they were much exercised by resentment and criticism of the West. In contrast, the scholars are inclined to expand the scope of their discourse, dealing with God, religion, spirituality as well as national identity; in a word, saying too much. In conclusion, this writer proposes a different approach to the debate: take seriously Chinese and Asian liberalism, examine its strengths and weaknesses and pay heed to its future development.

There is a widespread belief, both in Asia and in the West, that an 'Asian challenge' to the idea of universal human rights on the basis of 'Asian values' has become an important force in international relations. However, the nature of this challenge and even its very existence are subject to much confusion. The principal source of this confusion is the lack of consensus among Asians about the character of Asian values and how they are related to human rights and democracy.

The debate on Asian values and human rights erupted as suddenly as it subsided. Within the space of a few years, its fury seems to have been dissipated. What was the debate about? Could it proceed differently or fare better? And has it made any difference in the future development of Asia? This paper aims a preliminary analysis and clarification of these and some related questions.

**Main Words-** Asian values , Human right, covenants, legitimacy Collective needs

### Introduction

In mid-1980s, it was forcefully asserted that China had different ideas of human rights compared with that of the Western nations, and the challenge he posed was taken up by many Asian political leaders. The controversy reached its height during the Second World Conference on Human Rights organized by the United Nations in Vienna in 1993. Could it be that the consensus on universality and indivisibility that had been painfully achieved in the previous decades was shattered? Many observers have attributed this dispute to the great success in economic growth of the East Asian nations. According to this reasoning, the economic growth gave the East Asian nations a sense of pride and an urge to break from Western cultural domination. Were this conjecture correct, it should come as no surprise that with the onslaught of the financial crisis, and the political turmoil in its train, especially in Indonesia and Malaysia, the challenge to the international human rights standards would just

as quickly subside. In signing the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights, China was forced to confront the issue of human rights. As for Malaysia and Indonesia, their governing elites are fighting for survival. Advocacy of Asian values could hardly be uppermost in their minds.

Yet this attack on the international human rights standards as a product of Western culture and a tool of foreign policy of the Western nations was only part of the debate. Soon the scholar community, both in Asia and in the West, began to join in. Many an international conference was held, and many a learned paper was rushed into print. The hard core argument, as could be anticipated, revolved around the role and use of traditional Asian values. Some scholars argue that given the diverse cultures, an universal standards of human rights simply could not be sustained; the Asian cultures and societies should be entitled to understand and interpret

human rights differently, guided by their traditions. Other scholars concede that human rights are useful, but there are higher values that deserve commitment.

Many faceted and richly textured as the debate may be, it could still be argued that the exercise was, from the very beginning, futile as well as misguided. It was futile for it was motivated on the part of Asian governments primarily by political expediency, and when power relations shifted, the momentum of the debate was not, and could not be maintained; misguided in that many scholars tend to succumb to either to nostalgia or fantasy. The inescapable conclusion is that the debate so far has been saying too little or saying too much, hardly having any impact on the direction Asia is heading. We are not here concerned with refuting the arguments on behalf of Asian values, some of which bordering on pretentious non-sense, eg. Theory of Asian illiberal democracy. Indeed many scholars have effectively rebuked most of the fashionable yet confused and confusing ideas. Instead I propose to approach the debate from a different angle, hoping to contribute to a meaningful discussion of the issues involved.

**I-** The challenge to the international human rights standards can only be fully understood if their concern for power is firmly grasped. Cultural heritage or historical pride are secondary factors, or selectively endorsed at best. In the case of China, human rights for a long time had been a taboo and no discussion was tolerated. The Party line was that socialism was superior to the bourgeois society, and it was obviously beneath the dignity for socialist China to engage in a discussion of human rights. Later the justification was shifted to arguments of state sovereignty and national dignity.

It is not necessary to cite the statements of other government officials. The White Paper issued by the State Council in 1991 precisely argued on behalf of the government by citing the provisions of the state constitution and laws, although it largely neglected the issue of their implementations.

This pretension that human rights were actually enjoyed by the people simply because they are on the statute books is, of course, one of the most serious blind spot of China's human rights

record. The fact is that for long years, there were hardly any freedoms of speech, assembly and association. Due process of law was consistently violated and torture was rampant. The working class and peasantry, in whose name the Chinese Communist Party came to power, was exploited, and women were discriminated against. And Tibet was subjugated and governed with an iron fist. The list can go on and on. Many reputable NGOs, such as Amnesty International and Human Rights in China (headquarters in New York City) have for long years devoted much of their time and energies to research and criticize China's human rights record. From time to time, the government of the U. S., European Union and the United Nations has also expressed their concern. Finally no evidences can be more conclusive than the opposition and resistance to authorities by individuals and groups in China. More on this later. It camouflaged the need to face resistance and criticism and the desire to hold on to power. When the power relations changed, it stands to reason, the attitude and policy of the Chinese Communist Party and the government would be duly adapted to the new situation. The need to compromise with the international standards of human rights was clear. As referred to above, the signing of the International Covenant of Economic, Social and Cultural Rights in 1997 and that of the International Covenant of Civil and Political Rights in October, 1998 at the United Nations Headquarters was part of this strategic maneuver.

The motivations for signing the covenants are plainly complex. It could also be assumed that in the assessment of the Party and government leaders, the signing of the two covenants would not exact much of a price; they could easily contain the dissidence and opposition from within. In contrast, the government would gain a greater degree of legitimacy in the world arena. It is of course too early to say whether their judgement was correct. Nor to predict whether and when they would rectify the two covenants or what reservations they would attach to rectification. It is equally difficult to say even after rectification, whether China would implement the covenants and carry out their obligations. Nevertheless, one thing is

certain: China was opening a human rights dialogue with the international community, and from now on, it would be more difficult for the leaders of China to adhere to the Asian values position as they had formulated it.

**II-** If the authoritarian governments had little to say about Asian values, hardly dwelling on Asian cultures and traditions, many scholars who are sympathetic to the idea of Asian values, no matter how they were defined, tend to emphasize precisely culture and tradition. These scholars need not be supporters of their governments, yet they are without exception critical of the contemporary liberalism of the West. They turn to the past for support and comfort in facing the present. Above all, they tend to present a comprehensive vista of an ideal society by drawing upon the past. In a word, they are saying too much. It was not until the challenge of Asian values had reached its height at the Vienna Conference that the scholars began to join in the debate. Apparently, academic circles and universities in the West felt an urgent need to take up the controversy. Many an international conference was held and books and articles soon appeared. It was a testimony of the resources and vitality of the intellectual community of the West. And it should come as no surprise that the West was keenly interested in an alternative perspective, in what the Eastern scholars had to offer in discussing Asian values. Just as the government elites in authoritarian Asian states were motivated by desire for power, the intellectuals and scholars who are sympathetic to the idea of Asian values were plainly searching for support and strength from cultural heritage and traditional values. This quest indeed could be traced in all Asian societies to the beginning of contact with the West. The 1990s, of course, are drastically different from the end of the 19th Century, and the approaches taken should be different as well. It is, for example, no longer sufficient just to assert that traditional China or Malaysia enjoyed human rights as they are understood in our time; nor would citing a few phrases from the Analects or the Koran be accepted as having settled the debate. The methods and techniques used have to be more sophisticated. Although their lineage with their predecessors probably could be easily

uncovered, they are, nevertheless, similar arguments in different times.

As far as the debate on China goes, it is almost exclusively concerned with Confucianism. Are Confucian teachings compatible with human rights as they are understood in our time? Or can they be drawn upon to provide resources for promoting the respect of human rights?

The "Asian values" thesis maintains that certain patterns of development and politics are reflected throughout the region. Whilst this is to an extent self-evident, demonstrating a connection between these arrangements and cultural values is a formidable task. Nevertheless, some generalizations can be made which reflect a divergence from the liberal democratic model of the West. In fact, the divergence contributes to a process of democratic proliferation which makes it difficult to define the criteria of democratic government. The classical liberal characteristics of democracy require a multiplicity of parties representing competing policy agendas and clear political alternatives, limitations on governmental authority and guaranteed rights of free expression and association. In an adversarial system, there is effectively a government-in-waiting. Citizenship ensures the opportunity to have an input into one's destiny and to participate in a public sphere of debate about all public issues in the context of a constitution and the rule of law. Out of this rigorous political competition comes good governance and accountability. The spirit of US democracy is characterized as guarding against government excesses as much as with endowing the government with the authority to define and enforce the public good. As Samuel Adams wrote, "When the government fears the people, there is liberty. When the people fear the government, there is tyranny."

East Asian democracies differ from this rather romanticized democratic ideal. Most have evolved through hard or soft developmental authoritarianism to some form of democracy, in the sense of having elections, universal suffrage and political parties. Yet in some cases they appear to be based upon a different social premise. Strong government invested with the responsibility of upholding collective needs, an absence of many liberal democratic practices,

and longevity of political elites seem to be the norm. Singapore, for example, has been ruled by the People's Action Party since independence, and under the leadership of Lee Kuan Yew between 1959 and 1990. Singapore has even been described as a "consencracy". The ruling Golkar party of Indonesia, with the support of the military, has won all elections since the present political system was established in 1975. A similar longevity of power has been experienced by the Liberal Democratic Party in Japan, the United Malays National Organization in Malaysia, the elite in Thailand, the alliance of bureaucratic and military forces until recently in South Korea, and the Kuomintang in Taiwan. Can this be attributed to an East Asian preference for harmony, consensus and an adversity to confrontation?

#### **Conclusion**

If a case could ever be made for "Asian values", it would not be as a coherent, ahistorical, monolithic bloc. Much of this discussion is a reflection of East Asian politics but not necessarily East Asian values. Every East Asian

value exists to some extent in the West and the contest between tendencies -conservative and liberal, authoritarian and democratic - is a struggle within these regions just as much as between them. Arguably it is just at a different stage in East Asia. Even if there is a case for cultural determinism in an abstract sense, there is still great dissent regarding an "East Asian culture". Fukuyama, for example, argues an interconnection of family ties, citizenship and society which is quite different from most generalizations. In the West there have been difficulties in defining and upholding the "common good" and reconciling it with the aspirations of individualism and liberty. A similar discourse is in evidence in East Asia. Governments emphasize the need for "an environment of social and political order", but this conception of the "common good" is always in the interest of particular groups. However, this perennial democratic paradox is complicated and enlivened in East Asia by rapid change and the controversial relationship between economic development and political liberalization.

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