

public and private employment, but it is also right for the state to accommodate to a degree civil institutions that assign women a subordinate status or otherwise unfairly discriminate on the basis of gender, race, or sexual orientation. For example, churches that exclude the ordination of women are not legally prohibited, nor should they be. Even if such exclusions would not exist in a world of perfect gender justice, any effort to prohibit them would be indefensible. But the indefensibility of such a policy should not lead us to conclude that the state should avoid taking sides in the dispute between traditionalists and proponents of gender equality. The state has legitimately taken sides with the proponents.

When, if, and how existing injustices are to be accommodated is a political problem of the highest importance. Professor Galston has spoken eloquently and insightfully of the need for principled accommo-

dation with those whose views about justice we liberals regard as seriously mistaken. I have spoken, less eloquently but — I hope — no less cogently, of the liberal state's obligation to take sides against injustice even as it must make principled accommodations with those who conscientiously dissent from a liberal conception of justice.

— Andrew Altman

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"Asian Values" and the Universality of Human Rights

Orientalist scholarship in the nineteenth century perceived Asians as the mysterious and backward people of the Far East. Ironically, as this century draws to a close, leaders of prosperous and entrepreneurial East and Southeast Asian countries eagerly stress Asia's incommensurable differences from the West and demand special treatment of their human rights record by the international community. They reject outright the globalization of human rights and claim that Asia has a unique set of values, which, as Singapore's ambassador to the United Nations has urged, provide the basis for Asia's different understanding of human rights and justify the "exceptional" handling of rights by Asian governments.

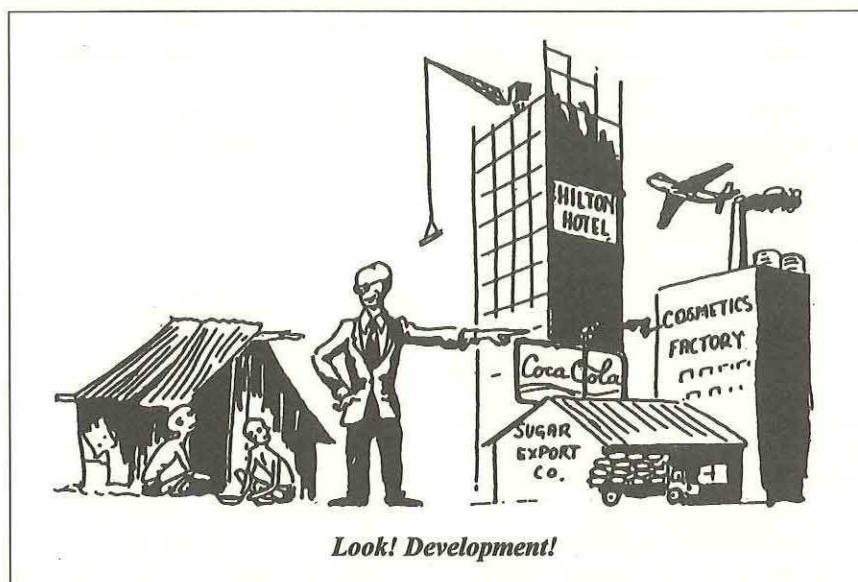
Is this assertion of "Asian values" simply a cloak for arrogant regimes whose newly gained confidence from rapidly growing economic power makes them all the more resistant to outside criticism? Does it have any intellectual substance? What challenges has the "Asian values" debate posed to a human rights movement committed to globalism?

Though scholars have explored the understanding of human rights in various Asian contexts, the concept of "Asian values" gains political prominence only when it is articulated in government rhetoric and offi-

cial statements. In asserting these values, leaders from the region find that they have a convenient tool to silence internal criticism and to fan anti-Western nationalist sentiments. At the same time, the concept is welcomed by cultural relativists, cultural supremacists, and isolationists alike, as fresh evidence for their various positions against a political liberalism that defends universal human rights and democracy. Thus, the "Asian values" debate provides an occasion to reinvigorate deliberation about the foundations of human rights, the sources of political legitimacy, and the relation between modernity and cultural identity.

What challenges has the "Asian values" debate posed to a human rights movement committed to globalism?

This essay makes a preliminary attempt to identify the myths, misconceptions, and fallacies that have gone into creating an "Asian view" of human rights. By sorting out the various threads in the notions of "cultural specificity" and "universality," it shows that



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Courtesy of the Bulletin of Concerned Asian Scholars.

the claim to "Asian values" hardly constitutes a serious threat to the universal validity of human rights.

Defining the "Asian View"

To speak of an "Asian view" of human rights that has supposedly emanated from Asian perspectives or values is itself problematic: it is impossible to defend the "Asianness" of this view and its legitimacy in representing Asian culture(s). "Asia" in our ordinary language designates large geographic areas which house diverse political entities (states) and their people, with drastically different cultures and religions, and unevenly developed (or undeveloped) economies and political systems. Those who assert commonly shared "Asian values" cannot reconcile their claims with the immense diversity of Asia — a heterogeneity that extends to its people, their social-political practices and ethnic-cultural identities. Nonetheless, official statements by governments in the region typically make the following claims about the so-called "Asian view" of human rights:

Claim I: Rights are "culturally specific." Human rights emerge in the context of particular social, economic, cultural and political conditions. The circumstances that prompted the institutionalization of human rights

in the West do not exist in Asia. China's 1991 White Paper stated that "[o]wing to tremendous differences in historical background, social system, cultural tradition and economic development, countries differ in their understanding and practice of human rights." In the Bangkok Governmental Declaration, endorsed at the 1993 Asian regional preparatory meeting for the Vienna World Conference on Human Rights, governments agreed that human rights "must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional peculiarities and various historical, cultural, and religious backgrounds."

Claim II: The community takes precedence over individuals. The importance of the community in Asian culture is incompatible with the primacy of the individual, upon which the Western notion of human rights rests. The relationship between individuals and communities constitutes the key difference between Asian and Western cultural "values." An official statement of the Singapore government, *Shared Values* (1991), stated that "[a]n emphasis on the community has been a key survival value for Singapore." Human rights and the rule of law, according to the "Asian view," are individualistic by nature and hence destructive of Asia's social mechanism. Increasing rates of violent crime,

family breakdown, homelessness, and drug abuse are cited as evidence that Western individualism (particularly the American variety) has failed.

Claim III: Social and economic rights take precedence over civil and political rights. Asian societies rank social and economic rights and "the right to economic development" over individuals' political and civil rights. The Chinese White Paper (1991) stated that "[t]o eat their fill and dress warmly were the fundamental demands of the Chinese people who had long suffered cold and hunger." Political and civil rights, on this view, do not make sense to poor and illiterate multitudes; such rights are not meaningful under destitute and unstable conditions. The right of workers to form independent unions, for example, is not as urgent as stability and efficient production. Implicit here is the promise that once people's basic needs are met — once they are adequately fed, clothed, and educated — and the social order is stable, the luxury of civil and political rights will be extended to them. In the meantime, economic development will be achieved more efficiently if the leaders are authorized to restrict individuals' political and civil rights for the sake of political stability.

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Claim IV: Rights are a matter of national sovereignty. The right of a nation to self-determination includes a government's domestic jurisdiction over human rights. Human rights are internal affairs, not to be interfered with by foreign states or multinational agencies. In its 1991 White Paper, China stated that "the issue of human rights falls by and large within the sovereignty of each state." In 1995, the Chinese government confirmed its opposition to "some countries' hegemonic acts of using a double standard for the human rights of other countries . . . and imposing their own pattern on others, or interfering in the internal affairs of other countries by using 'human rights' as a pretext." The West's attempt to apply universal standards of human rights to developing countries is disguised cultural imperialism and an attempt to obstruct their development.

Elsewhere and Here

In this essay I address the first three claims that make up the "Asian view," particularly the argument that rights are "culturally specific." This argument implies that social norms originating in other cultures should not be adopted in Asian culture. But, in prac-

tice, advocates of the "Asian view" often do not consistently adhere to this rule. Leaders from the region pick and choose freely from other cultures, adopting whatever is in their political interest. They seem to have no qualms about embracing such things as capitalist markets and consumerist culture. What troubles them about the concept of human rights, then, turns out to have little to do with its Western cultural origin.

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In any case, there are no grounds for believing that norms originating *elsewhere* should be inherently unsuitable for solving problems *here*. Such a belief commits the "genetic fallacy" in that it assumes that a norm is suitable only to the culture of its origin. But the origin of an idea in one culture does not entail its unsuitability to another culture. If, for example, there are good reasons for protecting the free expression of Asian people, free expression should be respected, no matter whether the idea of free expression originated in the West or Asia, or how long it has been a viable idea. And in fact, Asian countries may have now entered into historical circumstances where the affirmation and protection of human rights is not only possible but desirable.

In some contemporary Asian societies, we find economic, social, cultural, and political conditions that foster demands for human rights as the norm-setting criteria for the treatment of individual persons and the communities they form. National aggregate growth and distribution, often under the control of authoritarian governments, have not benefited individuals from vulnerable social groups — including workers, women, children, and indigenous or minority populations. Social and economic disparities are rapidly expanding. Newly introduced market forces, in the absence of rights protection and the rule of law, have further exploited and disadvantaged these groups and created anxiety even among more privileged sectors — professionals and business owners, as well as foreign corporations — in places where corruption, disrespect for property rights, and arbitrary rule are the norm. Political dissidents, intellectuals and opposition groups who dare to challenge the system face persecution. Meanwhile, with the expansion of communications technology and improvements in literacy, information about repression and injustice has become more accessible both within and beyond previously isolated communities; it is increasingly known that the notion of

universal rights has been embraced by people in many Latin American, African, and some East and Southeast Asian countries (Japan, South Korea, Taiwan, and the Philippines). Finally, the international human rights movement has developed robust non-Western notions of human rights, including economic, social, and cultural rights, providing individuals in Asia with powerful tools to fight against poverty, corruption, military repression, discrimination, cultural and community destruction, as well as social, ethnic, and religious violence. Together, these new circumstances make human rights relevant and implementable in Asian societies.

Culture, Community, and the State

The second claim, that Asians value community over individuality, obscures more than it reveals about community, its relations to the state and individuals, and the conditions congenial to its flourishing. The so-called Asian value of "community harmony" is used as an illustration of "cultural" differences between Asian and Western societies, in order to show that the idea of individuals' inalienable rights does not suit Asian societies. This "Asian communitarianism" is a direct challenge to what is perceived as the essence of human rights, i.e., its individual-centered approach, and it suggests that Asia's community-centered approach is superior.

However, the "Asian view" creates confusions by collapsing "community" into the state and the state into the (current) regime. When equations are drawn between community, the state and the regime, any criticisms of the regime become crimes against the nation-state, the community, and the people. The "Asian view" relies on such a conceptual maneuver to dismiss individual rights that conflict with the regime's interest, allowing the condemnation of individual rights as anti-communal, destructive of social harmony, and seditious against the sovereign state.

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At the same time, this view denies the existence of conflicting interests between the state (understood as a political entity) and communities (understood as voluntary, civil associations) in Asian societies. What begins as an endorsement of the value of community and social harmony ends in an assertion of the supreme status of the regime and its leaders. Such a regime is capable of dissolving any non-governmental

organizations it dislikes in the name of "community interest," often citing traditional Confucian values of social harmony to defend restrictions on the right to free association and expression, and thus wields ever more pervasive control over unorganized individual workers and dissenters. A Confucian communitarian, however, would find that the bleak, homogeneous society that these governments try to shape through draconian practices — criminal prosecutions for "counterrevolutionary activities," administrative detention, censorship, and military curfew — has little in common with her ideal of social harmony.

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Contrary to the "Asian view," individual freedom is not intrinsically opposed to and destructive of community. Free association, free expression, and tolerance are vital to the well-being of communities. Through open public deliberations, marginalized and vulnerable social groups can voice their concerns and expose the discrimination and unfair treatment they encounter. In a liberal democratic society, which is mocked and denounced by some Asian leaders for its individualist excess, a degree of separation between the state and civil society provides a public space for the flourishing of communities.

A False Dilemma

The third claim of the "Asian view," that economic development rights have a priority over political and civil rights, supposes that the starving and illiterate masses have to choose between starvation and oppression. It then concludes that "a full belly" would no doubt be the natural choice. Setting aside the paternalism of this assumption, the question arises of whether the apparent trade-off — freedom in exchange for food — actually brings an end to deprivation, and whether people must in fact choose between these two miserable states of affairs.

When it is authoritarian leaders who pose this dilemma, one should be particularly suspicious. The oppressors, after all, are well-positioned to amass wealth for themselves, and their declared project of enabling people to "get rich" may increase the disparity between the haves and the have-nots. Moreover, the most immediate victims of oppression — those subjected to imprisonment or torture — are often those who have spoken out against the errors or the incompetence of authorities who have failed to alleviate

deprivation, or who in fact have made it worse. The sad truth is that an authoritarian regime can practice political repression and starve the poor at the same time. Conversely, an end to oppression often means the alleviation of poverty — as when, to borrow Amartya Sen's example, accountable governments manage to avert famine by heeding the warnings of a free press.

One assumption behind this false dilemma is that "the right to development" is a state's sovereign right and that it is one and the same as the "social-economic rights" assigned to individuals under international covenants. But the right of individuals and communities to participate in and enjoy the fruit of economic development should not be identified with the right of nation-states to pursue national pro-development policies, even if such policies set the stage for individual citizens to exercise their economic rights. Even when "the right to development" is understood as a sovereign state right, as is sometimes implied in the international politics of development, it belongs to a separate and distinct realm from that of "social-economic rights."

The distinction between economic rights and the state's right to development goes beyond the issue of who holds these particular rights. National development is an altogether different matter from securing the economic rights of vulnerable members of society. National economic growth does not guarantee that basic subsistence for the poor will be secured. While the right to development (narrowly understood) enables the nation-state as a unit to grow economically, social-economic rights are concerned with empowering the poor and vulnerable, preventing their marginalization and exploitation, and securing their basic subsistence. What the right of development, when asserted by an authoritarian state, tends to disregard, but what social-economic rights aspire to protect, is fair economic equality or social equity. Unfortunately, Asia's development programs have not particularly enabled the poor and vulnerable to control their basic livelihood, especially where development is narrowly understood as the creation of markets and measured by national aggregate growth rates.

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A more plausible argument for ranking social and economic rights above political and civil rights is that poor and illiterate people cannot really exercise their civil-political rights. Yet the poor and illiterate may

benefit from civil and political freedom by speaking, without fear, of their discontent. Meanwhile, as we have seen, political repression does not guarantee better living conditions and education for the poor and illiterate. The leaders who are in a position to encroach upon citizens' rights to express political opinions will also be beyond reproach and accountability for failures to protect citizens' social-economic rights.

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Political-civil rights and social-economic-cultural rights are in many ways indivisible. Each is indispensable for the effective exercise of the other. If citizens' civil-political rights are unprotected, their opportunities to "get rich" can be taken away just as arbitrarily as they are bestowed; if citizens have no real opportunity to exercise their social-economic rights, their rights to political participation and free expression will be severely undermined. For centuries, poverty has stripped away the human dignity of Asia's poor masses, making them vulnerable to violations of their cultural and civil-political rights. Today, a free press and the rule of law are likely to enhance Asians' economic opportunity. Political-civil rights are not a mere luxury of rich nations, as some Asian leaders have told their people, but a safety net for marginalized and vulnerable people in dramatically changing Asian societies.

Universality Unbroken

The threat posed by "Asian values" to the universality of human rights seems ominous. If Asian cultural relativism prevails, there can be no universal standards to adjudicate between competing conceptions of human rights. But one may pause and ask whether the "Asian values" debate has created any really troubling threat to universal human rights — that is, serious enough to justify the alarm that it has touched off.

The answer, I argue, depends on how one understands the concepts of universality and cultural specificity. In essence, there are three ways in which a value can be universal or culturally specific. First, these terms may refer to the *origin* of a value. In this sense, they represent a claim about whether a value has developed only within specific cultures, or whether it has arisen within the basic ideas of every culture.

No one on either side of the "Asian values" debate thinks that human rights are universal with respect to their origin. It is accepted that the idea of human rights originated in Western traditions. The universalist does

not disagree with the cultural relativist on this point – though they would disagree about its significance – and it is not in this sense that human rights are understood as having universality.

Second, a value may be culturally specific or universal with respect to its prospects for *effective (immediate) implementation*. That is, a value may find favorable conditions for its implementation only within certain cultures, or it may find such conditions everywhere in the world.

Now, I don't think that the universalist would insist that human rights can be immediately or effectively implemented in all societies, given their vastly different conditions. No one imagines that human rights will be fully protected in societies that are ravaged by violent conflict or warfare; where political power is so unevenly distributed that the ruling forces can crush any opposition; where social mobility is impossible, and people segregated by class, caste system, or cultural taboos are isolated and uninformed; where most people are on the verge of starvation and where survival is the pressing concern. The list could go on. However, to acknowledge that the prospects for effective implementation of human rights differ according to circumstances is not to legitimize violations under these unfavorable conditions, nor is it to deny the universal applicability or validity of human rights (as defined below) to all human beings no matter what circumstances they face.

Third, a value may be understood as culturally specific by people who think it is *valid* only within certain cultures. According to this understanding, a value can be explained or defended only by appealing to assumptions already accepted by a given culture; in cultures that do not share those assumptions, the validity of such a value will become questionable. Since there are few universally shared cultural assumptions that can be invoked in defense of the concept of human rights, the universal validity of human rights is problematic.

An idea that has survived the test of rigorous scrutiny will be valid not just within the boundaries of particular cultures, but reasonable in a non-relativistic fashion.

The proponents of this view suppose that the validity of human rights can only be assessed in an intracultural conversation where certain beliefs or assumptions are commonly shared and not open to scrutiny. However, an intercultural conversation about the validity of human rights is now taking place among people with different cultural assumptions; it is a conversation that proceeds by opening those assumptions

to reflection and reexamination. Its participants begin with some minimal shared beliefs: for example, that genocide, slavery, and racism are wrong. They accept some basic rules of argumentation to reveal hidden presuppositions, disclose inconsistencies between ideas, clarify conceptual ambiguity and confusions, and expose conclusions based on insufficient evidence and oversimplified generalizations. In such a conversation based on public reasoning, people may come to agree on a greater range of issues than seemed possible when they began. They may revise or reinterpret their old beliefs. The plausibility of such a conversation suggests a way of establishing universal validity: that is, by referring to public reason in defense of a particular conception or value.

If the concept of human rights can survive the scrutiny of public reason in such a cross-cultural conversation, its universal validity will be confirmed. An idea that has survived the test of rigorous scrutiny will be reasonable or valid not just within the boundaries of particular cultures, but reasonable in a non-relativistic fashion. The deliberation and public reasoning will continue, and it may always be possible for the concept of human rights to become doubtful and subject to revision. But the best available public reasons so far seem to support its universal validity. Such public reasons include the arguments against genocide, slavery, and racial discrimination. Others have emerged from the kind of reasoning that reveals fallacies, confusions, and mistakes involved in the defense of Asian cultural exceptionalism.

— Xiaorong Li

Sources: *The Straits Times*, Singapore (November 21, 1992); John Gray, "After the New Liberalism," *Social Research*, vol. 61, no. 3 (Fall 1994); Yash Ghai, "Human Rights and Governance: The Asian Debate," Occasional Paper Series No. 1, The Asian Foundation's Center for Asian Pacific Affairs (November 1994); Richard Rorty, "Human Rights, Rationality, and Sentimentality," in *On Human Rights — The Oxford Amnesty Lectures, 1993* (Basic Books, 1993); Bangkok NGO Declaration on Human Rights (March 27, 1993); *Human Rights in China*, Information Office, the State Council of the People's Republic of China (1991), and *The Progress of Human Rights in China* (December 1995); Michael Davis, ed., *Human Rights and Chinese Values* (Oxford University Press, 1995); Amartya Sen, "Our Culture, Their Culture," *The New Republic* (April 1, 1996).