

Debating Asian Values: Saying Too Little or Saying Too Much?

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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.

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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.

In mid-1980s, Deng Xiao-ping forcefully asserted that China had different ideas of human rights compared with that of the Western nations,¹ and the challenge he posed was taken up by many Asian political leaders, especially Lee Kuan Yew of Singapore and Mahathir Bin Mohamad of Malaysia.² The controversy reached its height during the Second World Conference on Human Rights organized by the United Nations in Vienna in 1993.³ 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

1. For Deng Xiaoping's position on human rights, see speech to the Sixth Plenary Meeting of the Twelve Central Committee of the Chinese Communist Party, September 28, 1986. Also his comments, " Upholding Bourgeois Liberties is the Equivalent of Taking the Capitalist Road," May and June, 1985. Both items are reprinted in Reference Materials Concerning China's White Paper on Human Rights, published by Hung-chi Publishing Company, Beijing, November, 1991. pp 38-39

2. For the position of Lee Kuan Yew of Singapore, see Fareed Zakaria, " Culture is Destiny: A Conversation with Lee Kuan Yew," Foreign Affairs, 73 March/April 1994. pp.109-126. For Mahathir, see Mahathir Bin Mohamad, Keynote Address, JUST International Conference, "Rethinking Human Rights," Kuala Lumpur, 1994.

3. For China's position, consult the speech by the Vice-Foreign Minister H. Q. Liu, "Proposal for Human Rights Protection and Promotion," at the Vienna Conference. For the position of the government of Singapore, see K. S. Wong, "The Real World of Human Rights," at the same conference. Also consult the Vienna Declaration which categorically opts for "the universal nature of the rights and freedoms," and vaguely recognizes the "significance of national and regional particularities and various historical, cultural and religious backgrounds".

and an urge to break from Western cultural domination.⁴ 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.⁵ 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.⁶ 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

4. See for example, Christopher Patten, East and West: China, Power, and the Future of Asia, especially chapter five, Times Books, Random House, Inc. New York, 1998. Also Joseph Chan, "The Asian Challenge to Universal Human Rights: A Philosophical Appraisal." in James T. H. Tang, ed. Human Rights and International Relations in the Asia-Pacific Region, London: Pinter, 1995.

5. In October 1997, Beijing signed the International Covenant on Economic, Social and Cultural Rights in anticipation of Ziang Tse-min's visit to the U. S. A.; a year later it signed the International Covenant on Civil and Political Rights after the visits of President Clinton and Mrs. Mary Robinson, the High Commissioner on Human Rights of the U. N. They have not, however, ratified either of the two conventions.

6. For example, three workshops on "The Growth of East Asia and Its Impact on Human Rights," organized by the Carnegie Council on Ethics and International Affairs were held in 1995 and 1996. Many papers presented there will be cited in this study.

traditions. Other scholars concede that human rights are useful, but there are higher values that deserve commitment.⁷

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.⁸ Instead I propose to approach the debate from a different angle, hoping to contribute to a meaningful discussion of the issues involved.

I

7. For examples Professor Joseph Chan, Dr. Chandra Muzaffar of the JUST World, Malaysia and Dr. Sulak Sivaraksa, whom this writer had the good fortune of meeting at the Carnegie Council Workshops. Their positions are discussed in detail in this paper.

8. Consult for example, Amartya Sen, "Human Rights and Asian Values: What Lee Kuan Yew and Li Peng don't Understand about Asia," in New Republic, July 14, 1997. Amartya Sen, "Human Rights and Economic Achievements," paper presented at the Carnegie Council workshop at Tokyo/Hakone, Japan, June, 1995. Also Jack Donnelly, "Human Rights and Asian Values," paper presented at the Workshop on "The Growth of East Asia and Its Impact on Human Rights," sponsored by the Carnegie Council on Ethics and International Affairs, Hakone, Japan, June 23-27, 1995. Also Christopher Patten, East and West: China, Power and the Future of Asia.

The challenge of Deng Xiaoping, Lee Kuan Yew and Mahathir 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. Deng did not spell out his reasoning in any details in his comments. He was patently angered by the appeal of the human rights activists to President Carter for helping promote human rights in China in 1979.⁹ He simply asserted that "What are human rights?... Are they the rights of the majority or the rights of the minority? What in the West is called human rights is a different matter from what we designate as human rights. We have different perspectives."¹⁰ However, in a meeting with President Nixon, Deng did emphasize his commitment to state sovereignty and national dignity. He said, "We are all concerned with the well-being of our countries; we manage the affairs of state with state interests as the supreme guiding principle. We can never forget the sovereignty of state, nor the dignity of the state and the nation."¹¹ This meeting, it need be noted, was held in October 1989, four months after the June 4th suppression of the "counter-revolutionary" students and citizens in Beijing.

9. See Deng Xiaoping, "On Upholding the Four Basic Principles," comments made on March 30, 1979, in Reference Materials, p.38.

10. See Deng Xiaoping, "Bourgeois Liberalization is the Equivalence of Taking the Capitalist Road," in Reference Materials, p. 39.

11. People's Daily, November 1, 1989.

Following Deng's footsteps, Ziang Tse-min blamed the June 4th affairs on the misguided idea of freedom on the part of the youth. In meeting with President Carter and his entourage in 1991, Ziang asserted that China was most solicitous of human rights, and that the most important human rights are the right to exist. China, he said, "has solved the problem of feeding and clothing more than 1 billion populations."¹²

It is not necessary to cite the statements of other government officials. They said more or less the same thing. 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.¹³

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.¹⁴ From time

12. People's Daily, April 15, 1991.

13. See State Council, the People's Republic of China, China's Human Rights Situation, (White Paper)

14. The Amnesty International was found in the early 1960s and was dedicated to helping prisoners of conscience. It has become a world wide organization with grass-root support. It is now also committed to the abolition of death penalty. The Human Rights in China was found by a group of young scholars, many of them scientists and students of Professor Feng Li-zhi in New York City in early 1989, a few month before

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.

Against this background, Deng and his colleagues' opposition to the international standards of human rights was not surprising. 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. The visit of Ms. Mary Robinson, the U. N. High Commissioner of Human Rights to China was clearly part of the equation. So probably was the visit of President Clinton to China. 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 attached to rectification. It is equally difficult to say

the June Fourth suppression of the demonstrations in Beijing. It has become a highly reputable human rights NGO, and has done much work to publicize the human rights situation in China.

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.

The cases of Lee Kuan Yew and Mahathir can be seen as variations of the same theme. Lee was not far behind of Deng in his assertion of Asian values and in his condemnation of the United States. When Lee spoke of Asian values he really had in mind traditional Chinese values. He was agitated by what he saw happening in America: "As a total system, I find part of it totally unacceptable: guns, drugs, violent crime, vagrancy, unbecoming behavior in public--in sum, the breakdown of civil society."¹⁵ Convinced that civil and political rights hindered social order and economic development, he was ambitious enough to chart a new course for Asia. He was particularly concerned with the "erosion of the moral underpinnings of a society and the diminution of personal responsibility." The Western "liberal idea of the inviolability of the individual has been turned into a dogma," and the faith that "everybody would be better off if they were allowed to do their own thing and flourish" simply has not worked out, and never will, he said. The family is "the basic concept of our civilization. Governments will come, governments will go, but this endures."¹⁶ In the Vienna Conference on Human Rights referred to above, his Foreign Minister came close to deny the universality of human rights: "universal recognition of the ideal of human rights can be harmful if universalism is used to deny or mask the reality

15. See Fareed Zakaria, "Culture is Destiny: A Conversation with Lee Kuan Yew," *Foreign Affairs*, Vol.73, #2, March-April, 1994.

16. *People's Daily*, November 1, 1989.

of diversity.”¹⁷

Mahathir was equally vocal in his criticism of the West. He complained that "it would seem that Asians have no right to define and practice their own set of values about human rights." Again, the Western nations "threaten sanctions, withdrawal of aid, stoppage of loans, economic and trade boycotts and actual military strikes against those they accuse of violating human rights."¹⁸

So much for the accusations against the West and the defense of Asian values by Asian governments. Their arguments, however, were devastated by their dismal human rights record. Asian values, as they had been formulated by the Asian elites, tended to be nothing more than a rationalization. This is so because they are so truncated, tailored to serve the interests of the ruling elites, namely, an orderly society, political stability and aggrandizement of governmental power. In all these Asian nations, the citizens hardly could be said to have enjoyed fully the freedom of speech and thus could have indicated their preference for those cultural and traditional values. They were told what they should have chosen. To this extent, the defense of the Asian values mounted by the authoritarian governments can be described as saying too little.

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

17. See Foreign Minister of Singapore K. S. Wong' speech at the Vienna Conference.

18. See Mahathir's Keynote Address JUST International Conference, "Rethinking Human Rights," Kuala Lumpur, 1994.

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 citing a few phrases from the Analects or the Koran would 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? Professor Joseph Chan of the University of Hongkong has been fairly sympathetic to Asian values, for example. In an article written in 1994, he valiantly aimed at presenting a philosophical appraisal of the Asian challenge to universal human rights, and ended up with a position quite accommodating to the Asian states. He argues that as the non-liberal cultures-read Asian cultures- do not give so much weight to autonomy, and "put great emphasis on communitarian values such as family bondage, communal peace, social harmony, sacrifices for the community and patriotism," a "different understanding of the scope, weight and ranking of civil and political rights was justified." And all this is due to the unique set of threats and problems the developing countries and their people face. In conclusion, Professor Chan asserts that Asian states are entitled to "claim a wide (but surely not arbitrary) margin of appreciation in interpreting the proper scope and limitation of human rights."¹⁹ This is hardly a convincing argument: what unique set of threats and problems facing the developing countries that universal standards of human rights must be discarded? Is the freedom of speech, for example, really incompatible with economic development as Lee Kuan Yew had asserted?

Two years later, in a conference on Asian values and human rights sponsored by the Carnegie Council in Bangkok, Professor Chan went on to discourse on a Confucian perspective on human rights. He made it clear that he was using the word "Confucianism" in the sense of "a tradition of philosophical

19. See Joseph Chan, "The Asian Challenge to Universal Human Rights: A Philosophical Appraisal,"

thought rather than a state ideology or actual state practices." He further limited his discussion to early Confucianism, namely that of Confucian and Mencius.²⁰ Despite his great effort to be fair and objective, modifying his arguments carefully so that he would not be mistaken, Professor Chan nevertheless was cautiously optimistic that Confucianism will potentially be "an important force in shaping the Chinese nation in the future."²¹ However, in contrast to this faith, when it comes to concrete rights, his discussion of the freedom of expression in Confucian perspective is as contrived as it is tortuous, to put it mildly.²²

Professor Chan's latest paper, "Thick and Thin Accounts of Human Rights-Lessons from The Asian Values Debate," delivered in a conference in Copengahen, Demark in June, 1997, set out to assess the debate on Asian values. By using the metaphor of thick and thin after Professor Michael Walzer, he managed to return to his earlier theme that "human rights are not merely abstract moral principles standing on their own. The determination of the scope, limits and prioritization of human rights requires a detailed analysis and evaluation of the thick political morality of the particular societies."²³ So far so good. Yet Professor Chan was not satisfied. He pushed on to argue that political morality is in reality a search of national identity. To quote:

I have argued for the legitimacy and significance of a thick account of human rights for Asian societies, an issue often unnoticed or played down in the debate on Asian human rights. The search for human rights norms implies the search for a coherent political morality, which ultimately implies a search for

20. Joseph Chan, "A Confucian Perspective of Human Rights,".

21. Ibid.

22. Ibid.

23. Joseph Chan, "Thick and Thin Accounts of Human Rights--Lessons from the Asian Values Debate,".

national identity. For many Asian societies this soul-searching task is a tall order..."²⁴

In arguing for the compatibility of Confucianism and contemporary human rights, Professor Chan is far from being original. Indeed his position is comparable to that of Professor Yu Ying-shi. In a presentation at Columbia University in 1991, Yu argued that the idea of human rights is not uniquely the product of Western culture, neither that of Judaic culture nor classic Greece or a combination of the two. The idea of human rights is embedded in the tradition of Confucian culture. The main difference, Professor Yu went on to assert, lay in how the idea was expressed: either through the idea of rights or the idea of duties. To quote: "In Chinese tradition, the idea of human rights was manifested in the concept of duty: the duties of the emperor, the duties of the father, the duties of the sons, etc. But the duties of the emperor were nothing less the power of the people, and the duties of the father towards the son the power of the son. To the extent that the idea of human rights is closely related to human dignity and human worth, Confucianism and the Chinese civilization as a whole definitely value the dignity and worth of man, even though Confucianism can be said to have stressed even more the equality of men. As for the idea of freedom, especially the modern idea of individual freedom, it can be seen in the Daoist ideas."²⁵ Or take for example Professor Tu Weiming. For many years, Professor Tu has been known for his idea of the third era of Confucianism, painting a highly optimistic picture of the future development of Confucian doctrines. As late as October 1998, in a discussion paper he presented to a symposium at Trier

24. Ibid.

25. Comments at the Conference on International Human Rights Standards and the Present Human Rights Situation in China, Columbia University, New York City, January 18-19, 1991, from proceedings published by the Human Rights in China, New York City, 1992, p.34.

University, Germany, Professor Tu was still committed to the rise of a Confucian East Asia.²⁶ These are indeed brave words.

In his paper "Thick and Thin Account of Human Rights," Professor Chan has perceptibly widen his horizon, attempting to deal with Asian values by borrowing from contemporary Western philosophy.²⁷ Yet he can not help leaving the impression that when he equated political morality with national identity, he was saying far too much. National identity in what sense: the search for a common historical past, a national language or perhaps a shared religion? To which Asian societies is this argument applicable?

This tendency to say too much, to begin with ideas and doctrines from the past, and not taking seriously what is happening in the societies here and now, is fairly prevalent in the discourse on Asian values. Of course, scholars and intellectuals from diverse backgrounds, for examples, from Muslim and Buddhist societies, would have very different things to say compared with Dr. Joseph Chan. For example, Professor Abdullahi An-Na'im was known for his contention that Islam and human rights are not incompatible, and that many human rights concepts such as the rights to found a family, to freedom of religion and of movement, and to practice one's culture, are provided by Islam.²⁸ The feminist thinker Dr. Norani Othman valiantly asserts that women's rights are protected in Islam, particularly in the Qur'anic concept of human dignity, which

26. See Tu Weiming, " Multiple Modernities: Implications of the Rise of 'Confucian' East Asia," Discussion paper presented at the International symposium on China and the West in Dialogue: Ethical Bases of Our Societies. Trier University, Germany, October 23, 1998.

27. See Michael Walzer, Thick and Thin: Moral Argument at Home and Abroad. University of Notre Dame Press, Notre Dame, 1994.

28. See Abdullahi Ahmed An-Na'im, Towards an Islamic Transformation: Civil Liberties, Human Rights, and International Law. Syracuse University Press, N. Y. 1990. Also his paper "Participating in the Cultural Mediation of Human Rights: the Case of Al-Arqam in Malaysia," presented at the Carnegie Council workshop in Bangkok, March, 1996.

refers to humankind as "an undifferentiated whole." She argues that Islamic law forbids domestic violence against women and requires that property be equally inherited among male and female descendents.²⁹ The case of another well-known Muslim scholar Dr. Chandra Muzaffar, former Director of the Just World Trust in Malaysia, however, was most instructive. Dr. Muzaffer was prepared to agree that human rights ideas as the international community understands them, have contributed to human civilization. As he put it: "Mainstream human rights ideas have contributed significantly to human civilization in at least four ways. One, they have endorsed the individual with certain basic rights such as the right of free speech, the right of association, the right to a fair trial and so on. Two, they have strengthened the position of the ordinary citizen against the arbitrariness of power. Third, they have expanded the space and scope for individual participation in public decision-making. Fourth, they have forced the State and authority in general to be accountable to the public."³⁰

The achievements referred to above, nevertheless, did not go far enough for Dr. Chandra Muzaffer. He aimed at the higher goal of human dignity through the sacrifice of personal interests for the wellbeing of others. He was highly critical of contemporary capitalism and democratic rule as practiced in the West, and he believed that only the noble ideas of sacrifice and service embedded in all religious traditions could rescue the world from disasters.³¹

From this commitment to human dignity through religious traditions, it is

29. See Norano Othman, "Grounding Human Rights Arguments in Non-Western Cultural Term: Shari'a and the Citizenship Rights of Women in a Modern Nation State," Paper presented at the Carnegie Council Workshop in Bangkok, March 1996.

30. See Chandra Muzaffer, "From Human Rights to Human Dignity," Paper delivered at JUST International Conference, "Rethinking Human Rights," Kuala Lumpur, 1994.

31. Chandra Muzaffer, "Asian Economies: Development, Democracy and Human Rights," Paper presented at a conference on "Development and Democracy" at the Southeast Asia Center, Bochum, Germany.

only a short step for Dr. Chandra Muzaffar to attribute the ills of our world to the denial of a spiritual vision of the human being. As he saw it, the contemporary era was beset by the ills of 1) a widening gap between the rich and the poor, 2) political suppression, 3) ethnic conflict, 4) environmental degradation, and 5) drug trade and drug abuse. To cure them, a spiritual vision was absolutely indispensable. For example, in discussing political suppression, Dr. Muzaffar laments over the fact that "Is it possible that these (third world nations) elites who are often estranged from their own traditions do not realize that freedom and dissent are sacred values, which should be accorded due respect? . . . These spiritual perspectives on power, freedom and accountability have very little influence or impact upon ruling elites in the Third World. And yet to check their wanton abuse of power we have no choice but to harness these germs of truth from our traditions and show these elites that they are wrong in what they are doing."³² Or on ethnic conflict: Most ethnic conflicts, for instance, reveal that the justice which a particular community demands is often sectarian in character. . . . One of the main arguments for non-sectarian justice in Islam is that humanity is one, humankind is of one family. . . . The ability to transcend sectarian boundaries, the ability to be truly universal in attitude and outlook, is according to the spiritual traditions, one of the essential pre-requisites for inter-ethnic harmony. It is, in fact a crucial condition for peace and happiness within the entire human family"³³ Nevertheless, Dr. Muzaffar is optimistic that a religious reform movement is beginning to take shape. The main element of these spiritual visions is no doubt the belief in God, transcendence and the primacy of absolute values. Despite all the opposition and skepticism, this

32. Chandra Muzaffar, "A Spiritual Vision of the Human Being," in JUST Commentary, #1, (New Series) July 1997.

33. Ibid.

"alternative to the existing secular, materialistic, consumerist, (and) utilitarian notion of the human being will definitely prevail."³⁴

It is not difficult to admire Dr. Muzaffar's noble aspirations. Yet to formulate the debate in such a fashion is to aim at a comprehensive discourse on civilization, God and man. It is to succumb to saying too much.

The approach to human rights of Dr. Sulak Sivaraksa, a Thai Buddhist scholar and charismatic national leader, deserves to be noted. It provides opportunity for comparison, both with the Confucian perspective and that of Muslim. In a paper presented in 1996 in Bangkok, Dr. Sulak Sivaraksa discusses the different levels of Buddhist teaching on human rights. He emphasizes "the Buddhist teaching of anatta or non-self, developed by the Mahayana as Sunyata or emptiness, [which] holds that at the absolute level there is no such thing as a separate, permanent self. Entities, including individual human beings and nation-states, are simply collections of ever-changing conditions, interdependent with the entire universe. At the absolute level there is no self to hold rights or responsibilities. The Buddhist discourse in this area therefore deals with the empirical, relative self and upaya or skillful means...Even at this relative level, the classical Buddhist texts do not refer to rights, human or otherwise, but rather to duties or responsibilities. The duties of the Sangha are outlined in the rule or Vinaya, those of rulers in the Dasarajadhamma, while guidelines for lay people are found at various places in the Buddhist canon such as the Sigolavada Sutta, the Five Precepts, the Noble Eightfold Path and the Jataka Tales"³⁵

Then what is the use of human rights? Dr. Sivaraksa attributes it to the

34. Ibid.

35. Sulak Sivaraksa, "Buddhism and Human Rights in Siam," Paper prepared for the Carnegie Council on Ethics and International Affairs Workshop: The Cultural Sources of Human Rights in East Asia," March 24-27, 1996.

social disintegration of our time, i.e. the emergence of the nation-state, consumerism, the growth of the modern city, the disintegration of the village, among other things.³⁶ As he sees it, the principal contribution of Buddhism to the discourse of "rights and ethics is the stress it places on the psychological dimensions of human action." Concretely speaking, it is the need to be free of all covetousness or possessiveness, and to change man's attitude towards both fellow human beings and the natural world. Only thus would humankind be capable of saving themselves from war and destruction, and consumerism and greed.³⁷

To think of human rights as useful but far from being adequate to deal with the ills of our time, Dr. Sulak Sivaraksa is not different from Professor Joseph Chan or Professor Chandra Muzaffer. Coming from different religious backgrounds, they all seek a dramatic and complete transformation of mankind and the world we live in.

III

The thinkers discussed above, without exception begin with traditional values, and set out to adapt the traditions to the need of contemporary life. Plainly, this approach has many advantages. Among them it is highly desirable to be able to say that the contemporary values espoused are not alien but indigenous; that traditional values can be drawn upon to help the societies navigate the rapid change and find an anchor in the modern world. In a word, it is highly desirable in the psychological sense; it provides the elites and the

36. Ibid.

37. Ibid.

people a sense of being securely rooted. Nevertheless, this mode of thinking can easily succumb to the temptation of being nostalgic, to indulge in conjuring up a lost world to compensate for the trials and tribulations of the cruel predicaments of the present era.

Given the fact that the debate on Asian values has been either an exercise in cross-purposes or a nostalgic excursion, it is time to face up squarely the issue of Asian liberalism. Through the decades, in China and elsewhere in Asia, many intellectuals and activists have been and are prepared to break from the past, to move in a new direction. These liberal thinkers and activists by and large would be favorably disposed to Western ideas. They are committed, in particular, to the ideas of individual rights and democratic rule. They really understand the foundations of the achievements of the Western nations. They are not, as they have been so often accused, ignorant of the weaknesses and defects of the Western societies, nor are they oblivious of the attack and criticism mounted by the Marxist, communitarian or die-hard conservative thinkers on liberalism. These critics of liberalism have repeatedly asserted that it has suffered from serious internal theoretical weaknesses, such as atomic individualism and bias towards selfishness or status quo. Nevertheless even if these accusations are true, it can still be argued that in Asia liberalism has never carried the day and is only now being put to test as the guiding principles for structuring the society. Everywhere in Asia, individuals and NGOs have been and are risking their lives for rights and freedom. Before the Asian societies face up to this challenge, they can hardly present themselves as moral communities, nor communities of stability and peace.

China is a case in point. Liberalism was far from being unknown in the country by the end of the nineteenth century. Many a brilliant mind wrestled with it with style and verve. Convention has it that modern Chinese liberalism

was born in Peita (Peking National University) and its fortune was closely tied in the early years to the academic community.³⁸ Through the decades, many individuals and groups have been rising to challenge the authorities, be they the Warlord governments, the Nationalist Party or the Communist Party. Chen Du-xiu in the 1910s, Hu Shih and Luo Longji in late 1920s, Wei Jingsheng and his colleagues in the late 1970s and Ding Zilin and her friends in the 1990s, to cite a few well-known persons and groups. They were liberal thinkers in that they were inspired by the Western ideas of individual rights and democratic rule. They did not rely on the values of traditional China to make their case. Of course, many of them had been deeply influenced by the traditional ideals of personal integrity and social responsibility, especially the generations brought up before the Communist revolution. Nevertheless, their arguments without exception are right-based arguments. Chen Duxiu in his early years, for example, was a zealous advocate of individual rights and freedoms, and his condemnation of the Confucian values and of the traditional family system was as severe as it was uncompromising. China to be saved must be reconstructed from ground up.³⁹ Although Chen was soon converted to communism, his early commitments and the legacy of the May Fourth Movement in which he played a prominent role, have been influential down to the present time.

Hu Shih and Luo Longji in the late twenties and early thirties were no doubt the embodiment of Chinese liberal spirit. They and many colleagues rose to challenge the Nationalist Party when that revolutionary party was quickly consolidating its power and anxious to work out a political ideological system

38. See John K. Fairbank, The United States and China, 3rd Edition, Harvard University Press, 1977, pp.247-253.

39. See Chen Duxiu, "Letter to the Youth," in New Youth, Vol.1, # 1, 1915. Also consult Chow Tse-tung, The May Fourth Movement, Harvard University Press, Cambridge, Mass. 1960.

based on the teachings of Dr. Sun Yet-sen. Of many articles that Hu published, two were particularly significant. In an article on human rights Hu took the Nationalist Party to task for its vague commitment to the protection of rights and liberties. Referring to an ordinance promulgated on April 20, 1929, he complained that it did not make clear what specific freedoms and properties were protected and against whom. He argued that to secure the foundation of the rule of law, a constitution must be adopted. At the very minimum, a constitution for the Tutelage Period would be definitely needed. In his article on democracy, he took the position that democratic rule is by itself an educational experience. When people participate for the first time in the political process, they inevitably make mistakes; but they should not be denied the right to take part because they make mistakes. Tutelage without a constitution or a provisional constitution, Hu concluded, could only be tyranny; it could not lead to democratic rule.⁴⁰ For his audacity, Hu Shih was severely attacked by the Nationalist Party and made to pay a price.

Luo Jongji was not as well known as Hu, yet his contribution to the liberal thinking was equally great. His long article On Human Rights was indeed one of the most systematic and well-thought out piece published in China up to the 1930s. He boldly defined human rights as the right to live a full life of a human being. He began with life itself, with the need to maintain life, e.g. the basic needs, food, clothing and shelter, etc. Yet to maintain life, the right to work must be recognized. Then come physical security and a fully developed personality, or as Luo put it in English in the text, to "be myself at my best."

40. See Hu Shih, et al. editors, Collected Essays on Human Rights, published by the Crescent Society, Shanghai, 1930. Also consult Zhang Chongdong, Five Essays on Hu Shih, Yin Shen Cultural Enterprise Company, Taipei, 1987. Jerome B. Grieder, Hu Shih and the Chinese Renaissance: Liberalism in the Chinese Revolution, 1917-1937. Harvard University Press, Cambridge, Mass. 1970.

Plainly, the development of the individual personality requires freedom of speech and thought, of assembly and association, etc., and only when these conditions are met, will a man live a full and happy life.

Moreover, Luo argued that every individual is only a member of the group, and his existence as well as his happiness is closely tied to that of the community. Thus, an individual must not only be concerned with oneself, he must contribute to the well-being of others, "the greatest happiness of the greatest number."

Although Luo Longji insisted that he took a functional approach to the discussion of human rights; he was equally partial to the natural right ideas. He was prepared to cite the English Great Charter of 1215, the French Declaration of the Rights of Man and Citizens as well as other great historical documents to make his plea. State, he concluded, is merely an instrument for promoting and protecting human rights.⁴¹

Fifty years later, China was confronted with a drastically different situation. The Chinese Communist Party had been in power for almost thirty years; the tyrannical rule of Mao Zedong had ended with his death and the Great Cultural Revolution had begun to lose its ghostly haunting power. Deng Xiaoping was consolidating his position in the Party by promoting economic reforms. Yet there was a sense of *deja vu*. The people were still denied rights and freedoms and they were agitating for a better and dignified life. Among the many individuals and groups that emerged in the Democratic Wall Movement of 1978-1979, Wei Jingsheng was most unyielding in his criticism of Communism and dictatorship. His writing at that time made his position clear:

Human Rights is a term used to denote the rights of an

41. See Luo Longji, "On Human Rights," in *Crescent*, #2, 1929.

individual as a human being. He has the right to live, to live a meaningful life. . . We all know that every human being occupies some position in life. If he can not establish an independent and autonomous position through his own strength and inherent rights, he will be forced by virtues of others to occupy a subservient position. We call such a position servitude.

Again,

From the moment he is born, a human being has the right to live and the right to strive for a better life. These are what people call heaven-given (natural) human rights. For they are not bestowed by any external thing. Just like the right of any object to exist, they are bestowed by the fact of their existence itself. This is like the case of stone: since it occupies a bit of space by virtue of its existence, it has the right of existence relative to the things around it. No external thing has to give it right. It has it most naturally.⁴²

As for democracy, Wei was equally defiant. The Chinese people did not enjoy democracy, but they deserved it as something rightly belonging to them. By true democracy he meant the right of the laboring classes to hold power, to elect representatives to work according to their will and in their interest, and to dismiss them when they failed to serve the interest of the people. Thus democracy is not an end in itself, it is a social condition insuring that all have equal opportunity to attain rights and freedom. In a word, democracy is

42. See Wei Jinsheng, "Human Rights, Equality and Democracy--A sequel to the Fifth Modernization," Exploration #3.

indispensable for modernization efforts.⁴³

Wei Jingsheng, like many of his predecessors, was jailed for challenging the authorities. What is more instructive, I think, is the similarity, if no identity, of his and Luo Longji's thinking. Both were sympathetic to the Western idea of natural right, and neither had recourse to traditional Chinese values in presenting their arguments. Luo was, of course, deeply influenced by utilitarianism while Wei by humanistic Marxism. Moreover, Wei and his colleagues, living under communist rule, obviously did not know much about the West; they did not have access to the most elementary discourses of Western ideas of rights and freedom. What they relied upon in their criticism of the Chinese Communist rule was their bitter experience under tyranny, and traveling through China during the Great Cultural Revolution, their witness of the devastation of the country and the unbearable sufferings of the people governed by an omnipotent and omniscient elite. This is why their condemnation of the Chinese Communist regime was so uncompromising and unyielding. This is also why scholars sympathetic to Asian values completely ignored them; these pundits simply did not know how to read them.

Wei Jingsheng and his fellow agitators in 1978-79 was not the last of the line in fighting against the state. A decade after Deng Xiaoping's reforms, the economy had apparently turned around, albeit still burdened with serious problems, yet political freedoms and basic rights were still far from being protected. The suppression and killing on June 4th, 1989 of the students at Tiananmen Square had dealt a severe blow to whatever pretensions of political reforms the government had promised. In part to counter the pressures from abroad, the government of Xiang Tse-min took hesitant steps to open up human

43. Ibid.

rights dialogue with Western nations and to sign the two international covenants on human rights. At this juncture dissidents in Beijing and in many other cities again hoisted the banners of human rights against the regime. On September 22, 1998, a group of intellectuals boldly issued two Declarations: A Declaration on Civil Rights and Freedom, and a Declaration on Civil Rights and Social Justice. Drafted by Professor Jiang Peikun, husband of human rights activist Ding Zilin and father of a martyred son in the June 4th tragedy, both declarations had been in the making for some years, and many people, including intellectuals, scientists, professional classes and working people had been consulted. The declarations set out to analyze the Communist rule and read like a litany of complaints against the government. The former argues forcefully for freedom. Citing the Universal Declaration of Human Rights and the two international human rights covenants, it asserts that "human rights are innate, [and] that everyone is born free. This freedom belongs to each of us, regardless of race, color, sex language, religion, political or other views, nationality or class origin, wealth, birth or other identity."⁴⁴ Among the freedoms, the Declaration explicitly emphasizes "the freedom to choose his or her own way of living and the freedom to pursue self-realization in accordance with his and her individuality and aspirations."⁴⁵ Further more, given the deep-seated tradition of deferring to national and collective interests, the Declaration urges the whole nation to engage in a soul-searching and rid of the traditional mentality.⁴⁶ The latter is mainly concerned with social justice, especially the corruption and abuse of power by the privileged and the powerful since the beginning of the economic reforms in the 1980s. It urges that only with the implementation of the

44. Declaration on Civil Rights and Freedom, in China Rights Forum, Spring 1999, p.5.

45. Ibid.

46. Declaration on Civil Rights and Freedom, in China Rights Forum, Spring 1999 p.9.

rule of law could the citizens enjoy their rights.⁴⁷

Parallel to the activities cited above, the rush of the democrat activists to register with the government in their efforts to organize opposition political parties deserves to be noted. In many cities around the country young activists were agitating for the right to organize political party. Apparently caught by surprise, the government hesitated for a short time, then decided not to tolerate the challenge. For example, a group of thirteen activists in Hangzhou, Zhejiang were detained after they attempted to register the China Democracy Party during President Clinton's visit to China. They include Lin Hui, Ahu Zhenming, Wany Peijian, Cheng Fan, Hu Gaoxin, Wang Donghai, Zhu Yuyu, and Wang Qiang. All were released after spending a few hours to a few weeks in detention. The Zhejiang Public Security Bureau told the activists that although the application to register the China Democracy Party was not illegal, the printing and distribution of leaflets prior to the approval violated the law.⁴⁸ On November 2, Wang Youcai, in connection with his leading role in setting up the Chinese Democracy Party, was detained by the authorities. He was brought to trial and convicted of conspiracy to subvert state power and sentenced to 11 years' imprisonment by the Hangzhou Intermediate Court on December 17. His crimes included using e-mail to send party materials abroad and accepting funds overseas to buy a computer. In the same month, 214 dissidents across the country announced that they would stage a hunger strike to protest the arrest of Chinese Democracy Party supporters and political prisoners. Several individuals, including Yang Wei and Tang Yuanjun, were briefly detained as the police tried to quash their plan. Others, like Wu Yilong and Mao Qingxiang, were detained

47. Declaration on Civil Rights and Social Justice, in China Rights Forum, Spring 1999, pp. 10-13.

48. China Rights Forum, News Update, Fall, 1998, p. 49.

as they protested against the trial of Wang Youcai. In the face of protests against the harassment and detention at home and abroad, Foreign Ministry spokesman Zhu Bangzao stated that those detained for their support of the Chinese Democracy Party "are suspect of activities that undermine state security. This has nothing to do with efforts to promote human rights in China." A fairly peculiar perspective on human rights indeed.⁴⁹

If I have dwelled at some length on the case of China, the intention is simple: to illustrate the point that we can speak meaningfully of contemporary Chinese liberal thinking, which is distinguishable from using the traditional values to face the future.

This emphasis on a break with the past, and to begin from the ground up, moreover, is not the unique experience of the Chinese liberal dissidents. In Asia, there is an extensive network of human rights activists, both thinkers and doers, from all walks of life, who are committed to the ideas of rights and democracy. They did not completely repudiate their past. But they refused to succumb to a dream world that lies in the past. After long years of consultation and many a regional conference, more than two hundred human rights NGOs got together in Kwangju, Korea in May 1998 to promulgate the Asian Human Rights Charter- A People's Charter. In this Charter, the Asian NGOs openly declared their support for the universality and indivisibility of human rights. To quote:

We believe that rights are universal, every person being entitled to them by virtue of being a human being. Cultural traditions affect the way in which a society organizes relationship within itself, but they do not detract from the universalism of rights which are primarily concerned with the relationship of

49. [China Rights Forum](#), News Update, Spring 1999, p. 75.

citizens with the state and the inherent dignity of persons and groups. We also believe that rights and freedoms are indivisible and it is a fallacy to suppose that some types of rights can be suppressed in the names of other rights. . . ⁵⁰

As for some traditional values which are oppressive, seen from the ground up, and not from selective citations from the classics, such as the discrimination of women by the patriarchal family system, caste system or religious fundamentalism, they must be eliminated. What prevailed in the past can not be used as excuse for violating the universal principles of human rights.⁵¹ There are no ifs and buts. Nor are new rights, such as the right to peace or the right to development neglected in the Charter. In sum, this is a new charter of the people, for a new age.

IV

The force of the accusations by the Asian authoritarian governments against the West, as we have seen, is rapidly depleted, given the primary motivation for maintaining themselves in power. The Western nations are indeed faced with serious problems, ranging from poverty, crimes to environmental degradation. Yet the Asian authoritarian governments are hardly doing better. The financial crisis cruelly exposed the political weaknesses of the ruling elites. The crux of the matter, in my opinion, as in the opinion of many dissidents in Asia, is the denial of rights and democratic rule. As long as the Asian elites refuse to take political reforms seriously, they can not hope to satisfy the needs

50. Asian Human Rights Charter, p.7.

51. Asian Human Rights Charter, p. 15.

of their people, let alone competing with the West. Fairly or not, the resources in the possession of the Western nations, and the lead in science and technology they have enjoyed, would insure that the West would continue to dominate the world for some time. In face of this predominant power and the need for capital and technology, the Asian authoritarian governments have made and definitely would continue to make compromise, part of which is to grudgingly yield on human rights disputes.

As for the scholars who are sympathetic to Asian values and seek guidance from the past, they so far have not succeeded in proposing a viable solution to the present predicaments. In part their weaknesses lie in being oblivious to how the people live their lives. They tend to substitute book knowledge for an understanding of the chaos and vitality of modern times. I have great sympathy for them. It is indeed difficult to leave the ivory tower and learn about the market place.

In China as well as in many Asian communities, to opt for a liberal position is to expose oneself to many risks, not the least of which is to be accused of being the running dogs of Western cultural imperialism. Yet it can be seen that by making a clear break, by beginning not with a body of thought but with how daily life is lived, the liberal thinkers and activists are compensated in being able to think more clearly and to act more resolutely.

In conclusion, the debate so far has not contributed much to the clarification of the controversy; it goes without saying that it has not led to an "unforced consensus" on human rights.⁵² A better approach is to face up to the maligned Asian liberalism, to study and assess its strengths and weaknesses, to

52. For "unforced consensus," see Charles Taylor, "Conditions for an Unforced Consensus on Human Rights," paper delivered at the second workshop sponsored by the Carnegie Council on "The Growth of East Asia and Its Impact on Human Rights," Bangkok, March 24-27, 1996.

anticipate its future development without fantasy or apology. In a word, to begin with a fresh idea for a new era.

有關亞洲價值的論辯： 說得太多？或說的太少？

黃 默

這篇文章，針對歷年來亞洲價值與普遍人權的爭議作一初步的釐清與分析，尤其著重於若干亞洲威權政府，以及同情亞洲價值的學者立場的分析。初步結論是，前者對亞洲價值的辯護與宣導，大部分建立於鞏固政權的動機，而後者容易流於為政府辯護或者念舊的情懷，對傳統文化的嚮往，因之，亞洲威權政府對亞洲價值與普遍人權的爭論，並沒有提出比較有系統、深刻的論點，而若干同情亞洲價值的學者卻把討論的重點擴大到神與人的關係、宗教的情懷、人的精神面向等等。基於以上所說，作者提出一個較為不同的途徑，主張我們應該面對亞洲自由主義，就其優點與缺點，以及今後可能發展，深入討論，才能對亞洲價值與普遍人權的爭論有所幫助。

關鍵字：亞洲價值、普遍人權、威權政府、中國自由主義、亞洲自由主義、
傳統文化