

# **Human Security in Asia: by Universal Human Right or Cultural Relativism?**

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**Abstract:** Considering the debate between universal human Right doctrine and cultural relativism this paper attempts to discuss the conflict between the liberal doctrine of universal human rights and cultural relativism from the view point of human security in Asia. Using the Universal Declaration as a reference point this paper discuss the levels of conflict between human rights standard and cultural differences in Asia. It also discusses the criticisms about universal human right doctrine from relativist point of view and responses from a Universalist approach. This essay aims to consider various claims about `Asian Values` made in relation to development and human right to find Asian way of promoting human security. And what becomes clear from the essay is universal human right doctrine does not have to be abandoned on the grounds of cultural diversity. So, to promote human security in Asia the way forward is therefore to work on a better and more impartial implementation of human right doctrine rather than leaving it to governments to judge which culture is worth protecting and which elements of a culture can be legitimately oppressed.

**Key words:** Human security, Human right, Cultural relativism, Asian values.

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## I. Introduction

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

.....A promising start to the Universal Declaration of Human Rights (United Nations, 1948) adopted by the General Assembly of the United Nations in 1948. But, having opened with such noble sentiments, did it go a little too far in terms of detailing specific rights that no-one, realistically, could have expected every country to observe, by reason of cultural relativism? For example, in states where arranged marriages are customary, one would expect clause 2 of Article 16 ('Marriage shall be entered into only with the free and full consent of the intending spouses') to be routinely disregarded, while the Iranians who placed a fatwah on Salman Rushdie clearly felt justified on religious grounds to ignore Article 19 ('Everyone has the right to freedom of opinion and expression . . .'). Cultural relativist view universal rights as insensitive to cultural differences and an instrument of oppression itself. Some Asian developing states call the human rights doctrine a new form of western imperialism. They argue that human right should be more `culture relative` rather than universal. Asian states also refer the right to economic development as basic to the implementation of other human rights to promote human security. They argue that in the process of development, human right violations are unavoidable and therefore the level of development should be taken into account when the UN judges the human rights records of states. So, they try to promote `Asian Value` to secure development, human right and human security in Asia. But these grounds of need for more culturally relative human right doctrine to promote human security seems unjustified when in many Asian countries cultural relativism is clearly used by regimes to

justify their own appalling human rights records. Thus sometimes in the name of cultural relativism regimes try to suppress individual or group right threatening human security in individual as well as community and group level.

Considering these grounds the main aim of this paper is to discuss the conflict between the liberal doctrine of universal human rights and cultural relativism from the view point of human security in Asia. Using the Universal Declaration as a reference point this paper discuss the levels of conflict between human rights standard and cultural differences in Asia. It also discusses the criticisms about universal human right doctrine from relativist point of view and responses from a Universalist approach. This essay aims to consider various claims about `Asian Values` made in relation to development and human right to find Asian way of promoting human security. And what becomes clear from the essay is universal human right doctrine does not have to be abandoned on the grounds of cultural diversity. So, to promote human security in Asia the way forward is therefore to work on a better and more impartial implementation of human right doctrine rather than leaving it to governments to judge which culture is worth protecting and which elements of a culture can be legitimately oppressed.

## **II. Universal Human Right; Cultural Relativism and Human Security**

The conflict between Universal human right doctrine and cultural relativism is found from the very beginning of adoption of Universal human right doctrine in 1948. But this conflict found new momentum when scholars tried to find out how these two conflicting matters

can influence human security. So, to understand this conflict and relation to know how they influence each other before going to the main discussion it is important to define these three terminologies. The UN general assembly (United Nations, 1948) proclaims the Universal declaration of Human Rights as,

“a common standard of achievement for all peoples and all nations”

So, such rights must be considered core rights to which every human being is entitled by virtue of being human. In the main part they are-or should be-common to all cultures and societies and the denial of any of these by any reason of cultural relativism is surely indefensible.

On the other hand in cultural relativism, all points of view are equally valid, and any truth is relative. The truth belongs to the individual or her or his culture. All ethical, religious, and political beliefs are truths related to the cultural identity of the individual or society. The United Nations Department of Public Information defines cultural relativism as,

“the assertion that human values, far from being universal, vary a great deal according to different cultural perspectives. Some would apply this relativism to the promotion, protection, interpretation and application of human rights which could be interpreted differently within different cultural, ethnic and religious traditions” (Diana, 1995). Also, “cultural relativism maintains that there is an irreducible diversity among cultures because each culture is a unique whole with parts so intertwined that none of them can be understood or evaluated without reference to the other parts and to the cultural whole, the so-called pattern of culture” (Lawson, 1998).

In other words, according to cultural relativist view, human rights are culturally relative rather than universal. And these two definition shows that there are ground of

conflict between Universality of human rights and cultural relativism.

On the other hand in defining human security there are frequent disagreements about the nature and meaning of human security—it's what and how. The UN Human Development Report 1994 defined human security as “freedom from fear and freedom from want”. “Freedom from fear” focused on the political dimension of violent conflict and basic human rights, while “freedom from want” addressed social and economic threats to human beings and the promotion of their well-being (UNDP, 1994). King and Murry offer a definition of human security that is intended to include only ‘essential’ elements, meaning elements that are ‘important enough for human beings to fight over or to put their lives or property at great risk.’ (King and Murry, 2000). And using this standard, they identify five key indicators of well-being- poverty, health, education, political freedom, and democracy-that they intend to incorporate into an overall measure of human security for individuals and groups. Lincoln C. Chen has defined 3 key strategies to achieve human security- protection, promotion and prevention (Chen, 1995). These require legalized guarantee in the national and international level in the form of equal and common for all human being. And adoption of Universal Human Right doctrine is such a guarantee to secure human security irrespective of cultural differences. But from the very beginning of adoption of this doctrine there are lots of arguments about it, especially in some Asian and African societies. By arguing from different levels and cultural relativist ground one can find of course there are some points of debate to use Universal human right doctrine to promote human security in Asian context. And this debate offer more space of research to find out Asian way of promoting human security.

### **III. Asian Views and Conflict between Human Rights and Cultural Relativism**

Today`s world shows sign of positive progress towards the universal system of human rights. The globalization of human rights began when the world was awakened to the crimes committed under one government (Hitler), and the need for a more universal system of accountability and responsibility. But many Asian societies reject outright the globalization of human rights and claim that Asia has a unique set of values, `Asian Values`, which provide the basis for Asia`s different understanding of human rights and justify the ``exceptional`` handling of rights by Asian governments. In asserting these values, leaders from the region find that they have convenient tools 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.

According to the scholars the universality of human rights can be challenged by cultural relativists on three different levels (Donnelly, 1989). The first level is the substance of the list of human rights to be protected. The thesis of cultural relativism holds that different societies have different perceptions of right and wrong, so human rights substances should also be different. But it is absurd to make a critical standard of morality dependent on the level of support it has from various societies as every society try to set it according to their own interest.

The second level where cultural differences may challenge the universality of the human rights doctrine is the interpretation of specific rights. According to cultural relativists interpretation of human rights is also relevant with cultural perspectives. But

apart from the question of whether or not people differ a lot in how they interpret human rights and what they consider to be violations of them, it is not possible to allow for major differences in interpretation of human rights standards if they are to give any serious protection to individuals at all.

Thirdly, there may be differences of form in how human rights are implemented in different cultures. But Independent of the form of implementation, the minimum standard set by the international human rights doctrine must be met. Differences in institutional implementation cannot be used as justification for lack of protection of universal human rights.

So, though controversial there are some grounds for cultural relativist to fight for a culturally relative human right doctrine. But these grounds became irrelevant when we see many Asian states and leaders endangering human security by violating basic human and group rights in the name of `Asian values` and trying to justify it in the name of cultural relativism.

#### **IV. Criticisms from a Relativist Point of View and Responses from a Universalist Approach to Promote Human Security in Asia**

Human rights have been described as the core of human security (Sabina, 2002) and as a normative framework for human security<sup>1</sup>. Human security is a broader concept, comprising fundamental rights as well as basic capabilities and absolute needs (ibid).

Human security, in contrast to human rights, seems to comprise threats that human rights

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<sup>1</sup> See the declaration adopted by the Workshop on Relationship between Human Rights and Human Security, San Jose, Costa Rica, 2 December 2001, <http://humansecurity-chs.org/doc/sanjosedec.html>: "*We reaffirm the conviction that human rights and the attributes stemming from human dignity constitute a normative framework and a conceptual reference point which must necessarily be applied to the construction and implementation of the notion of human security*".

are not primarily concerned with and it stretches towards threats from State and non-State actors alike and thus is not concerned with the private/public divide which we find in human rights. Human rights are part of human security and cultural relativism in many cases act as a catalyst to endanger human security. In many Asian states thus in the name of cultural relative human rights the proponent of `Asian Values` are found to threatening human security.

This conflict between Universal Human Right and Asian views and how they endanger human security in Asia are evident from the following debates:

***1. Rights are ``culturally specific`` in Asia and distinctive than Western views***

In the debate of culturally relative human right in Asia two versions of cultural relativism can be distinguished. The first one claims that human rights are a Western ideal and do not apply in the same way to non-western societies. The second one formally accepts human rights as universal, but believe that the cultural differences between the West and non-western societies should influence the assessment of non-western states by the UN. For example, in article 8 of the Bangkok Declaration of 1993 Asian states declared 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 particularities and various historical, cultural and religious backgrounds.”<sup>2</sup> China`s 1991 White Paper stated that “owing to tremendous differences in historical background, social system, cultural tradition and economic development, countries differ in their understanding and practice of human rights” (PRC, 1991). Again in argument regarding the interpretation of human rights, there is also strong criticism expressed especially by the

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<sup>2</sup> Article 8 of the Bangkok Declaration, sourced from the think center website at <http://www.thinkcentre.org/article.cfm?ArticleID=830>

African states. Western definition of democracy as basically any form of multi-party system of political representation is criticized by non-westerns. Making overseas aid conditional on democratization is generally seen as a way to impose Western norms, values and cultures on African states ( Barya, No date) .

This criticism about distinctive nature of Asian culture and that the West is imposing its culture on other countries can be seen in tile light of the human rights violations committed by non-western states, especially many Asian and African states where violation of human rights is justified by states by this ground. The accusation of the universal human rights doctrine for not being compatible with non-western cultures rests on an oversimplified account of these cultures. But the Asian culture for example has a tradition of theories of justice that included human rights concerns even if they were not always cast in those terms. And in the Bangkok Declaration, Asian states themselves adhere to universalism, which is inconsistent with the claim that human rights are alien to Asian culture (Ng, 1995).

## ***2. Precedence of Social and economic rights than political and civil rights***

Proponent of Asian values argues that Asian societies rank social and economic rights over individual`s political and civil rights. And the West is accused of prioritizing civil and political rights over social, economic and cultural rights. Ching,1993 states “The US state department, issues annual reports on the human rights situation in countries around the world, but the reports cover only political rights, not social, economic and cultural rights.” The Chinese White Paper (1991) stated that “to 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.

This criticism from Asians is in direct conflict with the doctrine of cultural relativism and found to use by many Asian states to gain support for violation of human right and endanger human security. When it is authoritarian regime or leaders who pose this dilemma, one should be particularly suspicious. The sad truth is that an authoritarian regime can practice political repression and starve the poor at the same time. 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. Conversely, an end to oppression often means the alleviation of poverty-as when to borrow Amertya Sen`s example, accountable governments manage to avert famine by heeding the warnings of a free press (Sen, 1999).

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 citizen`s rights to express political opinions will also be beyond reproach and accountability for failures to protect citizen`s social-economic rights. Thus by taking advantage of this claims many Asian states are violating human rights in individual, group or community level and endangering human security.

### ***3. Economic Development rights should get priority over other human rights***

Asian states refer to the right to economic development as basic to the implementation of other human rights. In the process of development, human rights violations are unavoidable and therefore the level of development should be taken into account when the UN judges the human rights records of states, according to the Asian states (Indonesian Statement to the World Conference on Human Rights, 1993). It is evident that there are close relation among economic development, human development, human right and human security in many aspect. And emphasis on the human dimension of development in recent years clearly has reinforced the place of human security in the international policy agenda. Foreign Minister Surin pointed out this close linkage between human development and human security in the following way: “Human security and human development are two sides of the same coin. One cannot be considered in isolation from the other. They are mutually reinforcing. Human security provides an enabling environment for human development and vice versa” (Surin, 1999).

But this argument precedence of economic development right is not supported by evidences from many Asian states. Economic development does not always enhanced human rights records, rather they degraded human rights and endangered human security for example in the case of authoritarian governments of Malaysia where Malaysia’s Internal Security Act has been used to “detain without trial not only communists but government critics and opposition activists” (Harold,1993). Similarly, there are many allegations about violation of human rights against many economically developed Asian states like, China, Japan, and Thailand. And from the development pathway of a state it is also not clear that human rights violations would be necessary to the goal of achieving economic development, so this is not a justification for human rights violations. Rather

many Asian states by taking the advantage of this claim endangered human security by violating individual and group rights in different ways.

#### ***4. Prioritizing of group and communal rights over individual rights***

Another claim in favor of `Asian value` is that the individualism of the human rights doctrine is said not to be suitable for the Asian culture. And 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 individual`s inalienable rights does not suit Asian societies.

However, this Asian view creates confusions by collapsing ``community`` into the state and the state into the 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. This Asian view relies on such a conceptual maneuver to dismiss individual rights that conflict with regime`s interest, allowing the condemnation of individual rights as anti-communal, destructive of social harmony, and seditious against the sovereign state.

At the same time, this view denies the existence of conflicting interests the state (understood as 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 imposing any restrictions on the right to free association and expression or dissolving any non-governmental organizations it dislikes in the name of `community interest.` And thus violating basic human rights many Asian states endanger human security in the name of cultural relativism.

Again collective or group rights are also potentially worrying because it is not always clear which group should have the right to self-determination, for example, and who belongs to the group. In the words of Alan Gewirth: ‘the emphasis on individual rights is not only compatible with, but requires a conscientious concern for, the common good.’ (Freeman, 1993). Thus the claim for cultural relative human right in Asia found to justify the violation of human rights in many Asian states endangering over all security of human being.

***5. More regional instruments and less global directives should be included in the Universal Declaration of human rights***

In terms of form of the universal Human rights doctrine, the Asian cultural relativist view is that the world community needs more regional instruments and less global directives from the UN. The form in which human rights are protected should also be more cooperative rather than confrontational. This would lead to human rights instruments that are better applicable to specific regions for their culture by taking account of “geographical complexity, diversity and vastness of the region as well as their historical background and levels of political stability, economic development and social progress” (Statement from Indonesia at the World Conference on Human Rights, 1993) (UNHCR,1993).

This demand for more regional instruments seems a way to deflect attention by the UN and the world community as a whole from human rights violations and endangering human security in the region. In practice, the European regional instruments are most detailed and are most adhered to. The other regional organizations have not been successful in implementing very stringent human rights norms on a regional level (Donnelly, 1989).

## ***6. Discriminatory application of Human rights***

A final major complaint from all non-western states and many Asian states is that human rights standards are applied discriminatory. Some well-known dictatorships in Africa and Asia have been propped up with support from the West whereas socialist countries were forced by conditionality to enter global free market capitalism. And although China has been criticized formally, it has been granted most favored nation status.

Though this argument against the double standards in applying the instruments of universal human rights has some strong ground but it is not attacking the character of human rights itself. The use of the international instruments by the international community is not a conceptual problem or a matter of differences in culture. It is a problem of politics in the international community in general. So, in this ground of discriminatory nature of the human rights there should not be any room for Asian states to violate human rights to endanger human security.

## **V. Discussion and Conclusion**

So, the philosophical level of attacking the Universalist approach of Human right doctrine from the Asian cultural relativist point of view is not sustainable. The factual claim of cultural differences does not entail any conclusions as to what level of interference with specific cultures is allowed. And finally, the normative claim that cultural differences need to be protected is incoherent in a cultural relativist approach, since it relies on the fundamental right to tolerance of diversity, if it is not possible to justify universal norms, than this must count, too for norms of tolerance (Nickel, 1987).

Again, cultural relativism has the inherent danger that individuals are denied fundamental rights dependent on the state they happen to be in. It is frequently used by regimes to justify their own appalling human rights records by endangering human security. In 1992, the year before the Bangkok Declaration was published, Amnesty International documented the cases of thousands of prisoners of conscience, hundreds of disappearances, extra judicial executions and reports of torture in many Asian countries.

So, the debate between universalism and relativism in Asia should be a non-issue. Universal goals and cultural sensitivities can be reconciled in the establishment of realistic strategies to promote human security in Asia. However the debate in its present form contributes to divert attention from more important issue of ensuring human security to other less important issues. And thus different interest groups and regimes in Asia use this debate to suppress ethnic or religious minority or political rival groups or even general people of the state to secure their power. Thus by using cultural relativism an issue they are endangering human security. So, to promote human security in Asia the effective protection of human rights requires a transformation not only of government and laws but of the non-state institutions and practices that the present Human Rights doctrine-universal or relative-does not touch. And to do so the inherent strength of the concept of human security must be stressed, as it has human beings as its central interest rather than power or territory. The involvement of third parties should be encouraged to solve conflicts taking place in the region. Thus, governments need to be more open to the involvement of outside parties. The idea of “the responsibility to protect” should be promoted among governments, as it is an acceptable framework emphasizing the obligations of sovereignty from within, rather than seeking to impinge upon it from outside to ensure human security.

So, we can conclude that in Asian context the Human rights doctrine may be western, liberal and Universalist, but that does not mean to say that differences in culture cannot be accommodated for. Even more, minority cultures often need the protection of human rights organizations to prevent them from oppression. And this type of protection can ensure human security in Asia. Again it should be also bear in mind that human security expands the notion of human rights towards threats that do not only emerge from states. Human security might allow for a better explanation of why acts by private parties and non-state actors should be seen as human rights violations. Thus in Asian context promotion of human security can also promote human right. But for that it is necessary to promote human right coming behind the so called `Asian Values`. We should always bear in mind that no one culture is 'right'. We must respect the cultures of others while avoiding extremism and unreasonableness to promote human security in Asia.

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