

Asian or Human Values: a never-ending dispute

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Abstract

The debate as regards the universality of Human Rights is continuing in the dialogue between the East and the West and has scratched, somehow, the merit of relations between the world chief civilizations and their leading authors. There are two schools of thought about this: those who cling to the positivist view of international law anticipate a 'globalized' dimension for the attributes of human dignity and those who foresee signs and reasons of distinction either by a cultural-biased world vision or by a communitarian view that puts the collective above the individual and his demands of self-reliability and autonomy. In this article the author follows a liberal assessment of the question and seeks to explain why Asian nations by adhering to the international covenants that depart from the United Nations Charter had lent their hand to construct, by themselves, a concurrent idiosyncrasy of rights and of the relationship between the State and the individual. The article looks in detail at the humanist tradition of Kantian-led Human Rights and to the collective-inspired Asian values and concludes that the disregard for that universality is basically biased and serves national and authoritarian purposes. Looking at the biggest power in Asia, China has given ammunition to this quarrel, raising the argument of interference whenever it is pressed by the U.S. or the E.U. about its low observance of the international standards in the area of Human Rights, but this isolated stand enters into contradiction with its long-esteemed ambitions to become a regional leader and to the sectorial dialogues China maintains with the E.U. and several of its member states.

Key-words: Human Rights, Asia, China, East-West relations, Humanism, Confucianism.

One of the essential and decisive points of debate in these first decades of the 21st Century, is occupied by the question of the universality of Human Rights and the lumber this problem brought to the international relations study and its impact in the foreign relations of states and the discourse of international organizations and other political actors.

In recent years, this contest has immersed the heart of the relations between the West and the East, nourishing misunderstandings, intensifying animosities and sensitivities that some identify in the sequels of a common and mainly tumultuous colonial past.

How different are Asians and Westerners in terms of core values and projects of life?

Some people argue that some Asians have become more wealthy than many Europeans because of different identity characteristics, but a more comprehensive explanation remains a subject of controversy. Some commentators, from the East, affirm that the reason for the Asian success during the last thirty years is rooted in confident 'Asian Values'¹, such as the deference to or the awe of managers and rulers, the dedication to work and profession, the strict obedience to orders and commands from the superiors, i.e., a complex web of circumstances that has contributed to the exceptional economic growth of the majority of the Southeast Asian nations.

The advocates of this 'soft authoritarianism' argue that the Confucian and Malaysian cultures that inspire these societies favour economic success, the cohesion and social peace within communities, the sense of community and collective success. While Westerners take their individualism to the edge, forcing their reasons and a win-win solution, Asians prefer harmony, leaving the past to the past, showing tolerance in the face of adversity and wisdom inside a conflict situation that enables them to attain their goals with greater success than its correlatives, in the West.

¹ 'Asian values' or 'Confucian values' used by the Anglo-Saxon school of thought with political science and sinology.

This explanation may be too simplistic and fade aspects of a reality that is basically complex and multifaceted as globalization became the vital factor for the interpenetration of cultures, traditions and needs carrying the question of Human Rights to the public sphere and making it a component of modern life. Last year, the government of Vietnam issued a domestic law stipulating sanctions for administrative violations in the fields of marriage and family that include administrative penalties for acts such as brokering sham marriages for immigration purposes, profiteering from marriage registrations, sexual abuse, and labour exploitation. At the same time, the Vietnam government approved a National Plan of Action (Programme 130) in order to respond to the worrying problem of human trafficking².

During its analysis of the sixth periodic report of Japan, on its implementation of the International Covenant on Civil and Political Rights (ICCPR), the UN Human Rights Committee raised its concerns and questions on the issue of 'comfort women' and affirmed during the sessions that the system of institutionalized sex slavery used by the Japanese Army before and during World War II was the most compelling example of the crime of sexual slavery and denial of justice to victims³.

The committee pointed out that the issue of 'comfort women' was one that ruthlessly injured the honour and dignity of numerous women, and that although the Japanese government insisted its legal responsibility and obligation towards compensation had already been settled by citing the San Francisco Peace Treaty and other bilateral agreements, 'there were differences in interpretation of these agreements, especially with regard to their scope and substance'.

In an interview given to the *Korea Joongang Daily*, Song Sang-hyun, president of the International Criminal Court (ICC), headquartered in The Hague remarked: "Asian values? That's just an excuse for human rights problems and a universal value such as human rights should not be applied differently because it is Asia."⁴ Song Sang-hyun pointed out a considerable number of Asian countries that try to refute criticism by the international community on their Human Rights records by claiming that they have their own 'Asian values' and shouldn't be evaluated by Western standards.

These three cases extracted from three different Asian countries are convergent with Prof. Adriano Moreira's statement that "the Declaration of 1948, was with some basis, considered dependent on the scale of European values and models, and therefore regarded as thorny to understand in the areas, for example, of predominant Islamic culture, or of prevailing Asian humanism. Nonetheless, this evaluation of the human rights of the first generation contained in the Declaration of 1948, change direction in the face of the codification enforced by the Treaty on Civil and Political Rights of 1969 (...). Not just seems unfounded to claim that these rights are Europe-biased, as it seems clear that human rights correspond to a system based on international law, such as has been underlined by Volkmar Koler, a system which has precedence over domestic law" (Moreira, 1996, p. 204).

Although it is accurate with what Moreira remarked earlier, we need to go deeper to assess the different perceptions of the political actors, to find the exact reasoning behind the animosity of Asian leaders on the question of Human Rights and the habitual argument of interference that

² Programme 130 was inspired by the United Nations Mekong Region Projects' Initiative, a programme that co-ordinates anti-trafficking efforts in the Mekong region. See *Euroasia Review*, 'Geopolitics Of Sino-Vietnamese Mail-Order Brides – Analysis', available at <http://www.eurasiareview.com/25072014-geopolitics-sino-vietnamese-mail-order-brides-analysis/>

³ *Xinhua Agency*, 'Japan questioned on "comfort women" in Human Rights Committee', 17.07.2014, in http://news.xinhuanet.com/english/world/2014-07/17/c_126762087.htm

⁴ *Korea Joong Daily*, 'Korea must lead by example, ICC president says', 12.07.2014, in <http://koreajoongangdaily.joins.com/news/article/article.aspx?aid=2991891>

they raise when this issue is advanced within bilateral talks or pushed into the final communiq  s of the East-West gatherings. Human Rights have been for a long time an issue that has been approached by Europeans and Americans as a condition *sine qua non* for a normal, adult and reciprocal relationship between Western and Asian states, and become commands that need to meet a broad compliance in international practices and patterns of behaviour⁵.

We should not minimize, however, that the concept of Human Rights is not unequivocal within western political thought, nor purged from any connotations or ideological evaluations. Some difficulty still exists in defining this concept among contemporary commentators in the vast area of political studies. The legal positivism of the *common law* identifies rights origin in a pre-figurate set of rules, making them dependent on the existence of a norm that defines the 'right' and its extension.

Other pundits stress that rights are 'normative attributes' that belong to the people, empowering them with the necessary attributes. Others identify rights as 'commitments to act'. Even others argue that rights are always attributes of manhood, i.e., related to what is good a person to have^[R1]. Common to all these perceptions is the idea that rights can be claimed, demanded and used by the human person.

But this does not guarantee, as we shall see later, the acceptance of its universality from the principles point of view and their expediency in diverse social and civilizational environments. Even today, we are faced with its rebuttal in many parts of the world, usually in the name of cultural identities or systems of belief that are considered incompatible with the current state of mind that prevails in industrialized societies and is fond of its global observance.

We will look to the question of Human Rights considering it along the western philosophical thought, and we will detain ourselves in the characteristics of the Asian societies in order to conclude if the paradigms of society that lie below them are conflicting, exclusive or coexisting.

II. How Human Rights are treated in the Western political thought^[R2]

Since its doctrinal autonomy during the seventeenth century, Human Rights or fundamental rights – rights, individual rights or liberties, in the current lexicon of Political Science – were visualized as relations of citizenship with a certain State, requiring every nation to respect the rights of the citizens subject to their sovereign power (Axford, Browning, Huggins & Richard^[R3], 2002, p. 37).

The English *Bill of Rights* (1688) starts with a complaint towards King James II accusing him of subverting these rights and concluding with the demand that from its signature, citizens' rights would be respected by the Prince of Orange, "and they do claim, demand, and insist upon all and singular the premises, as their undoubted rights and liberties; and that no declarations, judgments, doings or proceedings, to the prejudice of the people in any of the said premises, ought in any wise to be drawn hereafter into consequence or example"⁶.

The *Declaration of Independence of the United States* (1776) contemplates the grievances of the British colonies against King George III and proclaims the independence of the new government,

⁵ In a recent visit to China, the German Chancellor Angela Merkel raised the issue of Human Rights publicly invoking the fall of the Berlin Wall and telling students their country needed "free dialogue".

Merkel noted in her remarks at Tsinghua University that China and Germany have a forum to discuss rights and added: "To me, this dialogue is very important because 25 years ago, when the peaceful revolution took place in the former GDR, this finally led to the fall of the Berlin Wall and enabled us to have a free dialogue," *Channel Newsasia*, 'Merkel raises human rights on China trip', 8.07.2014, <http://www.channelnewsasia.com/news/asiapacific/merkel-raises-human/1245070.html>

⁶ *English Bill of Rights*, 16.12. 1689, available at http://www.constitution.org/bor/eng_bor.htm

to be formed by the united colonies on the basis that ‘a Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of the people’⁷.

For its part, the French *Declaration of Human Rights* (1789) advocated the inalienability of rights ‘des citoyens’, emphasizing the duty to respect the rights of the Nation, understood as the source of every sovereign power.

The idea that the attitude of governments towards its citizens has relevance (and legal consequences) for the rest of the world has gained greater acceptance following the Second World War, to the extent that the world has become mainly aware of the severity of Nazi or Japanese barbarity. That is why the Second World War’s winners, in the logic of the universalization of their ideological canons, have included in the Charter of the United Nations an apparent guarantee of (universal-driven) Human Rights, by saying in article 55 that ‘with a view to the creation conditions of stability and well-being, which are necessary for peaceful and friendly relations among nations based for respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote: (...) c) the universal respect for and observance of Human Rights and fundamental freedoms for all, without distinction of race, sex, language or religion’⁸. Article 56 complements the principle by stating, ‘all members pledge themselves to take joint and separate action in cooperation with Organization for the achievement of the purposes set forth in article 55’.

In the following years, countries bolstered their commitment by signing a sequence of international covenants such as the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (Brownlie, 1990, p. 570), the International Convention of Civil and Political Rights (1966), the Inter-American Convention on Human Rights (1969), the Helsinki Agreements (1975), the International Convention on Economic, Social and Cultural Rights and the African Charter of Peoples and Human Rights (1981), to name a few⁹. But in spite of this collection of legal instruments, it is imperative to recognize that little progress has been achieved in order to institutionalize an appropriate international mechanism to safeguard fundamental rights and assure global observance beyond a mere proclamation of conceptions, the attempt of new definitions, the production of statements creating institutions with limited powers to defund, research, exert pressure on governments or through recommendations, encouraging the media to collaborate in the denunciation of Human Rights violations.

That is why civil society has attempted to respond to this lack of enforceability and dual procedure process in the field of international law, as the fundamental rights are concerned, by incentivizing the creation of Non-governmental Organizations (NGOs) to strengthen the international monitoring on the poaching and the violation of Human Rights. Such NGOs retain - as agents for structuring the international public opinion - a stand that is increasingly relevant towards a more universal compliance to the conventional legal framework about Human Rights. Concurrently, throughout the 1980s and 1990s, several industrial governments, such as the United States and the European Union, have made the question of Human Rights an objective within its foreign policy and a compulsory point in the covenants and treaties that are signed with other

⁷ Charters of Freedom, ‘Declaration of Independence’, available at www.archives.gov/exhibits/charters/declaration_transcript.html

⁸ *Charter of the United Nations* available at <http://www.un.org/aboutun/charter>.

⁹ The practices of the Government in relation to the fundamental rights - this is the respect for freedom of expression and association, the right to legal action, equality before the law and for the rights of “its citizens not to be subjected to a punishment cruel and degrading” – became a rule accepted in relations between nations next to consensus as traditional ‘agreements of external security and the market practices’. See John Kueger, *The Oxford Companion to Politics of the World* (Oxford: Oxford University Press, 1993) p. 403.

nations. Several governments of North Europe started to produce reports on the situation of Human Rights in the countries where they may provide economic and technical assistance and make that dependent on a certain level of compliance with international patterns. Following the ratification of the Treaty of Lisbon, the EU started to issue an annual report on Human Rights and democracy in the world, which charts the work of the Union in this area, which turned into a reference on the member states' relations with countries that have sustainable problems in the area of Human Rights.

Important points of departure for the problem of Human Rights were the revolutions in Central Europe and Eastern Europe (in 1989), the collapse of the Soviet Union and the Warsaw Pact in the same year¹⁰. Other incidents relevant for the weight of the issue were the Tiananmen Democratic Movement that erupted also in 1989, in China, the atrocities committed by Serbia during the Bosnia-Herzegovina civil war, and the process of self-determination in East Timor following Indonesian brutal repression of the Christian Timorese minority. More recently, the question of Human Rights is central to the Velvet Revolution in Egypt and the protests in other countries of the Middle East and in the condemnation that the American intervention in Iraq received in international public opinion.

The role of Human Rights within Western philosophical thought is exemplary and fruitful. We do not need to return to just naturalism to realize that Human Rights encompass a fundamental dimension that has to do with the inalienability of the inherently human nature of Man (to recall St Thomas Aquinas) and with the fact that, in our cultural and religious traditions, Man is a small representation of the Creator, as Man was made in His image. Already in the transition from the 17th century to the 18th century, in the eruption of the Enlightenment, several philosophers took a stand in combining appeals to human freedom with the preservation of cohesion and order in the political society.

Thomas Hobbes, a political philosopher who lived between 1588 and 1679, was the first Western thinker to use the concept of Human Rights in the sense that we attach to him today. In *De Cive* (1642) and in *Leviathan* (1651), Hobbes introduced the notion of a social contract and said that all the laws of nature and all duties and social or political obligations which stem from the Law of Nature, the natural right of the individual to self-preservation is subordinated to those rights (Hobbes, 1651):

‘A law of nature, *lex naturalis*, is a precept, or general rule, found out by reason, by which a man is forbidden to do that which is destructive of his life, or taketh away the means of preserving the same, and to omit that by which he thinketh it may be best preserved. For though they that speak of this subject use to confound *jus* and *lex*, right and law, yet they ought to be distinguished, because right consisteth in liberty to do, or to forbear; whereas law determineth and bindeth to one of them: so that law and right differ as much as obligation and liberty, which in one and the same matter are inconsistent.’

But Hobbes admitted that there are certain inalienable rights that cannot be transferred to the sovereign, following the multilateral and simultaneous renunciation of all rights operated through the social contract. So there is no duty for a man who does not emerge from his individual action and because every act looks presumably to achieve an end that is good for him. Therefore no contract, being there comprehended as the social contract, can be designed with the purpose to

¹⁰ Our western design dominant, with the best expression in Declarations of Human Rights, which have been progressively an accession that tends to the world and today assumes dignity from the point of view of reference for assessing the legitimacy of the action of the political power of the international community as a whole, is a right anterior and superior to the State, a natural law, even indefinable matrix, a set of values, as expressed in the synthesis that is called the dignity of man. See Adriano Moreira, *Theories*, p. 220.

deprive Man of what is the condition of the good for him, his life and the means to ensure that good. Man can with justice disobey the entire command to kill or injure himself, or ignore what he needs to survive. The law of self-preservation is inviolable (Strauss & Cropsey, 1999, p. 446).

Another contemporary of Hobbes, John Locke (1632-1704), developed the theory of the social contract that was introduced by Hobbes in a book, *Two Treatises of Government*, setting the issue of rights even more in the centre of the *polis* (and its building-up). According to Locke, men are by nature free and equal against claims that God had made all people naturally subject to the sovereign. Locke argued that people have rights, such as the right to life, liberty, and property, rights that have a foundation independent of the laws of any particular society. The philosopher used the assertion that men are naturally free and equal as part of his justification for understanding a legitimate political government as the result of a social contract where people, in the state of nature, conditionally transfer some of their rights to the government in order to ensure the stable, comfortable enjoyment of their lives, liberty, and property. Since governments exist by the consent of the people to protect their rights and endorse the public good, governments that fail to do so can be resisted and replaced with new governments. Locke is thus also important for his defence of the right of revolution that emerges from a context where citizen rights are deprived by the action of a tyrant (Locke, 1823).

It will be impossible to make an adequate synopsis of the Western political thought, about the relevance of Human Rights, without taking into account Montesquieu, Voltaire and Jean-Jacques Rousseau, philosophers whose contribution to the development of humanism in the 18th century was crucial. This also makes us take into consideration the influence that humanism¹¹ had on two important political thinkers, Immanuel Kant and William Blackstone.

From Rousseau, Kant retains the idea of the primacy of morals over philosophy, action over contemplation, practical reason over theoretical reason¹². In Kant the idea that the primacy of morals leads to equality along with the dignity of every human being and that the contents of this morality coincides with Human Rights is recurrent. In this philosophy persists the idea of a code of ethics and politics *a priori*, based on a freedom conceived as self-legislation implying a criticism of metaphysical dogmatism, theology and speculative psychology, and of the dogmatism of scientific experimentation. The science of nature, says Kant, is the ‘spontaneous’ effect of comprehension. The right of the individual to be treated as an equal or at least to see certain aspects of his dignity respected, is not founded on the presumption that he is equal or respectable but on the obligation to treat every man as equal or respectable. If the respect of Human Rights is founded on morals this is so before everything because morality is defined by the respect for rights (Strauss & Cropsey, 1999[84], p. 652).

William Blackstone (1723-1780), English lawyer and judge, author of *The Commentary on the Laws of England* (Blackstone, 2002) distinguishes between absolute and relative fundamental rights. The first and main objective of human laws is to maintain and regulate these absolute rights, considering them ‘the rights that relate and which belong to men as individuals, belonging to individuals in the state of nature’. As for the relative rights, Blackstone explains them as the

¹¹ Humanism is used here as an equivalent or as a particular variant of republicanism, meaning a conception of politics in which government is in principle the common business of the citizens and the ‘city’ provides the environment for human fulfilment. Moulakis, Athanasios, ‘Civic Humanism’, *The Stanford Encyclopaedia of Philosophy* (Winter 2011 Edition), Edward N. Zalta (ed.), <http://plato.stanford.edu/archives/win2011/entries/humanism-civic/>

¹² Practical reason means the general human capacity for resolving, through reflection, the question of what one is to do. Theoretical reason means the reflection about questions of explanation and prediction and looking backward to events that have already taken place, it enquires the reason why they occur. Wallace, R. Jay, ‘Practical Reason’, *The Stanford Encyclopedia of Philosophy* (Summer 2014 Edition), Edward N. Zalta (ed.), <http://plato.stanford.edu/archives/sum2014/entries/practical-reason/>

secondary and more artificial rights of the individual as they are framed in the legally bonded relations among individuals, from the public relations of rulers and ruled, the relations between master and servant, of husband and wife, of father and son, and similar things, which are consequential to the civil society.

The idea that the natural law is the foundation of Human Rights and that is common to the previous authors and to the social doctrine of the Church was attacked by conservative authors such as Edmund Burke, Jeremy Bentham, Henry Maine, and John Austin, and in the 19th century by the socialist ideologies.

Karl Marx (1818-1883) rejected the unitary character of the monist liberal view, replacing it with the prescription that morals, philosophy, religion and politics, taken together, are the result of the conditioning of man by society and the expression of a given and dominant mode of production, in such a society. Therefore, the well-known Marxist classification of societies into slavery, feudal, capitalist and socialist, in which each type of dominant force of production makes compulsory a specific vision of social, political and economic relations.

The capitalist society that was for Marx a *fragmented society* – divided by certain capabilities that direct men to certain social functions that induce relationships of domination or subordination – denounces its imperfections in the civil society, comprehended as an individualistic enclave in society, the domain of the private in everything that is to be opposed to the community. The civil society (Marx, 1844) is the stratum of common life in which the self-affirmation of men, one against another, in the name of inalienable and irreducible rights acquires its essential characteristic. The ‘holiness’ of these rights that authors like Locke kept as the foundation for the preservation of freedom and humanity of men, is discarded by Marx, who considers them the origin and the expression of the dehumanization of man. The egalitarianism of the theory of rights that lies underneath is also rejected by Marx as it fails in the recognition of the real inequalities between individuals or by reducing these human beings to one-dimensional workers (Marx, 1875).

In short, Human Rights represented for Marx a false vision of the human nature, egoistic, of men conceived as misanthropes, isolated from the community they belong to and to their needs for development and progress. This vision of the fragmented nature of the ‘bourgeois’ rights that oppose the sociability of ‘socialist’ rights would have continuity in the writings of Lenin and Trotsky and materialization in the socialist society that started with the Russian October Revolution (1917). This philosophy of collective rights was adopted by the sequence of uprisings that accompany the collapse of the European empires in Asia and Africa and conclude in the self-determination of those colonized peoples. This movement, denying the validity of individual rights in deterrence of collective rights, encountered an exception in the Indian process of self-determination (from England) as the Founding Father of India’s democracy considered himself an heir of the liberal-garantistic political tradition that came from England.

Consumed by the last cycle of totalitarian-inspired regimes and of the absolutism of the State and the collective with the end of the Soviet Union and its satellites, contemporary political philosophy and constitutional theory returned in a way to Hobbes, as they refocused the debate of post-modernity on the question of Human Rights and of the dignity of the human soul. The French philosopher Jacques Derrida argued that after the end of the Cold War, when globalization was taking place, the fragility of the nation-state was being tested more and more and through the work of agencies such as the International Criminal Court, ‘the demand for universal human rights encroach on nation-state sovereignty’ (Lawlor, Encyclopaedia, ‘Derrida’). But the result of this ‘worlding’ (“mondialisation” in French) is that the concept of war, of enemy, and even of terrorism, along with the distinctions between civilian and military or between army, police, and militia, all of these concepts and distinctions were losing their pertinence.

Non-governmental Organizations such as Amnesty International and Asia Watch exploit their discourse to the limit and temper their action through a certain maximalism of the Human Rights issue in the political discourse and in the moral and philosophical discussions. An unavoidable example of this last trend (extreme) has been the work of the U.S. anthropologist, David Singer, and his apology for free euthanasia and ‘animal rights’ (Singer, 1990).

Bearing in mind the question of Human Rights in terms of the benchmarks of modern political systems, the illustrious Harvard scholar, Prof. Samuel Huntington, recalls in the celebrated *Clash of Civilisations and the Remaking of World Order* (Huntington, 2011, p. 71) that many of the elements that characterize western society have contributed to the emergence of a sense of individualism and a tradition of individual rights and freedoms unique among civilized societies, individualism persisting as a distinguishing mark of the West among the civilizations of the 21st century. Individualism prevails in the West as collectivism is dominant elsewhere and values that are most important in the West are less important worldwide (Hofstede, 1983, p. 52).

But is this really accurate? Have not the economic globalization, first, and the political and security globalization afterwards, placed the issue of Human Rights, as an integral part of the so-called overlapped consensus of the various conceptions of good and ‘truth’ that live side by side in a liberated and broad-minded society like ours (Rawls,^[R5] 1971)? Can anyone, individual or nation, put itself ‘outside’ this reality without being labelled as marginal or rogue?

III. Cultural Diversity, the Discourse of Asian Values and the National Interests

In his book *Preparing for the Twenty-First Century* (1994), Paul Kennedy explained in a sort of foreword to a new era, two centuries ago, Immanuel Kant noted that nature employs two means to separate peoples: ‘differences in language and religion’, leading both ‘to mutual hatred and war’. With time – Kennedy continues - Kant hoped ‘the progress of civilization’ would lead at last to the concord amid all. Maybe one day, but the evidence of this suggests that we have a long way to go, and that the progress of ‘civilization’ is not to ensure the path in accordance with these changes that are altering our planet and to challenge our traditional political concepts. On the other hand, fundamentalist forces, partly in response to globalization, gain force to react, while even in democracies, political and nationalist movements and against everything that is foreign gain weight -sacrificing their chances to be prepared for the future.

Re-reading this quote some decades later, it still keeps much of its actuality as it catches some of the most fundamental questions of our societies and surely drops an alert in the relevance of the debate about the universality of values and its clash with the issues of cultural differentiation, sense of the self and ethnic and religious particularities. Such subjects may explain the current behaviour of societies that in their colonial past were submitted to a process of acculturation and assimilation from which they seek, now, to liberate. Still quoting Huntington ‘the unity of the non-West and the East-West dichotomy are myths created by the West being that the consequence of the universal practice of calling European civilization Western civilization’ (Huntington, 2011, p. 33). It will be more appropriate to speak of ‘the West and the rest’ a categorization that implies the existence of many non-West, as he sums it up. The concept of European superiority became part of the intellectual baggage of educated Europeans, soaked in their intellectual references by doctrines of philosophers and social thinkers such as Montesquieu, Adam Smith, Richard Jones, Friedrich Hegel, Karl Marx and Leopold von Ranke (Svensson, Institute of Asian Nordic Studies^[R6]). All of them have issued the image of an Asia delayed and inert, composed of despotic States and repugnant in a different order and lower to the one produced by the European civilization. Their trials were not based on observations at first hand or in experience. They were superficial, uninformed and biased, but have played a fundamental role in the justification and consolidation of European expansion.

It is important to clarify that the European concept of superiority is due to the evolutionary view that explains history through a continuous one-directional process that is adopted by the Enlightenment and the Lights and accosts Marxist thought and its vindication of the communist society. The crucial idea present in both intellectual movements is that of ‘progress’, which carries the implicit idea of the supremacy of technology and reason over nature and the ‘mirage’ that human evolution is oriented to increasingly high and perfectible forms of social organization and human evolution.

Against this Enlightenment stance, several intellectuals and leaders introduced the fashion – antagonist to Fukuyama’s paradigm of the ‘end of history’ – to retreat to a time when Asia was the cradle of human civilization. Particular values such as social harmony, consensus making, devotion to community, submission to upper authority, rejection of dissent, sanctity of the family, strong government, and economic growth, were invoked to justify a particular ‘Asian way’. According to these views (see also Reed & Little, 1989) Asia’s prosperity is derived from a set of Asian values that included ‘rule by men, or virtue, rather than by law’, ‘institutional pragmatism and rule by officials’, and ‘rejection of Western individualism as spiritual pollution’.

Their argument converged with the constructionist standpoint that ‘ideas and discourse matter’, and that norms, values and identity are concepts that heavily influence political life (Yosef^[R7], 1996, pp. 210-14). This represents some sort of cultural determinism which implies that cultural values restrain modes of social and economic organization, including patterns of political relationships, political participation, citizenship and government. According to this view, societies or regions which embrace a common cultural heritage evolved to discrete systems of political and social arrangements distinct from and normally in opposition with the rest of the world. On the basis of this, these culturally embedded arrangements have been argued to explain and underpin such important issues as relative economic performance and social cohesion, and to determine crucial issues of international relations between cultural groups (Inoguchi & Newman, 1997).

Following this line of thought, liberal democracy is seen as a form of imperfect government and individualism, as socially inconvenient and disgraceful, incompatible with the reality of Asia. Shintaro Ishihara, Japanese author and politician, co-author of the book *The Voice of Asia: Two Leaders Discuss the Coming Century* (in partnership with the former Prime Minister of Malaysia, Mahathir Mohamed) writes:

‘The policy is a means which determines the direction in which a nation or a society is addressed. The values that support the policy options are markedly different. A comparison between the South-East Asia and Western Europe, in particular, clearly demonstrate this fact. In Europe the individualism, respect for the individual is given also to a vile criminal who commits usually hideous crimes. Views denying the existence of God are openly expressed, without being seriously challenged, but in an Islamic society, express them leads to death. The tolerance of the society, in spite of everything, with groups such as the neo-Nazis, in the name of freedom of thought, is a phenomenon that many Asian people cannot comprehend. Many Asians would agree that the social order can be maintained through the punishment and that there are more important things. Asians do not appreciate a democracy that tends to be permissive with regard to an excessive freedom and without inhibitions, no matter how much respect by “individual” that is emphasized. It is the Asian stoicism that rejects this individualism.’ (Ishihara & Mahathir, 1996)

Perhaps it is around this idea of stoicism (Moreira, 495^[R8]) that we prefer to call neo-Confucianism, that the line differentiating the Asian tradition embodied in the ancient Chinese civilization and in the Khmer, Malay or Javanese counterparts may be traced in opposition to the cultural and philosophical conceptions that prevail in the West.

We would start by pointing out that human values define the essence of our lives. We have structured our lives according to some beliefs about what is important to us and what is not. Values identify also what we as individuals are, or may be, the goals of the society and the political system we live in. Nonetheless these values may vary over time, from generation to generation, from epoch to epoch.

Confucianism, understood as the doctrine of Confucius (*Kung Fu-Tze*) (514-479 BC) and his disciples Mencius (*Mèng Zǐ*) (372 – 289 BC) and Hsün Tzu (312–230 BC) is elaborated in the so-called Five Classics: the *I Ching* (The Classic of Change), the *Shu Ching* (The Classic of History), the *Li Ching* (The Classic of the Rights), the *Chu'un Ch'iu* (The Annals of Spring and Autumn) and the *Yuch Ching* (The Classic of Music) as well as in other works attributed to Confucius such as the *Analects* (*Lunyu*), the *Great Learning*, the *Doctrine of the Sense* and the *Book of Mencius*. The *Analects* remains, however, the traditional source for information about Confucius' life and teaching and most scholars argue that it is possible to extract from them several philosophical themes and views that may be safely credited to Confucius (Richey,^[R9]). These themes are primarily ethical and moral¹³, rather than analytical-logical or metaphysical in nature, and include Confucius' claim that *Tian* ('Heaven') is aligned with moral order but dependent upon human agents to actualize its will; his concern for *li* (ritual propriety) as the instrument through which the family, the state, and the world may be aligned with *Tian*'s moral order; and his belief in the 'contagious' nature of moral force (*de*), by which moral rulers diffuse morality to their subjects, moral parents raise moral children, and so forth (Richey,^[R10]).

This ethical system that is applicable to the Chinese society, the State and the Culture, identifies five types of cardinal relations that depart from what Confucius names the five constant virtues of Confucianism, namely: benevolence 仁, righteousness 義, propriety 禮 |礼, wisdom 智, and fidelity 信.

The five types of cardinal relations are determined by the association of *Tian* with human actors to accomplish its will and this is the reason why Confucius insists so much on moral, political and social activism from humans: the relations between the sovereign and the ministers; between father and son, between husband and wife, between older siblings and younger siblings, and between friends. Confucius emphasizes what should be the qualities for these relations: Father – magnanimity; Son – filial piety; elder Brother – goodness; younger Brother – respect; Husband – rectitude; Woman – respect; Sovereign – benevolence; Ministers – loyalty. Confucius' teachings are directed to ensure three intertwining kinds of order: an aesthetic, a moral and a social order. The instrument for accomplishing this desideratum is *li* (the ritual property): by giving rigorous attention to *li* as a blueprint for good manners, taste, morality and social order, the objective of a 'harmonious order' is achieved. Good manners demonstrate concern for others and the perception of one's place in society and entail that the 'good' practice of them in intra-group relationships keeps the order, the social order, fit and grounded (Richey,^[R11]).

We may speak of Confucius' 'agnosticism' which coincides with the nature of his ethics fundamentally based on the pronouncement of human values and norms of conduct. The teachings of Confucius are 'engaged' by nature, focused on a practical ideal of man, the 'good man', the *jun-zi*君子 (in the sense of the son of the sovereign) as opposed to the *xiao-ren*小人

¹³ In the *Analects*, Confucius identifies himself as the one 'who transmits, but does not innovate' (7.1) assuming the role of the guardian of tradition who demands his disciple to emulate the sages of the past and help to restore the moral integrity of the state disunited during the 'Warring States Period' (403-221 BC). What does Confucius transmit? The *dao* (way) of the ancients. The pursuit of this wise way is associated with the qualifications Confucius attributes to the deity (*Tian*, Sky or Heaven): *Tian* is aligned with moral goodness; depends on human agents to actualize its will; and is dependent on the unpredictable nature of its partnership with mortal actors. See Jeff Richey, "Confucius", Internet Encyclopaedia.

(the small man). The order envisioned by Confucius is intrinsically moral and basically harmonious: when people and things are in their proper places relations are smooth, operations are without effort and the good is sought and performed voluntarily. What is below is to reflect what is above: so a moral ruler, a wise prince or monarch will diffuse morality to his subject and vassals as he so expressly reveals in these passages:

‘Let the ruler be a ruler, the subject a subject, a father a father, and a son a son.’ (*Analects* 12.11) or

‘Direct the people with moral force and regulate them with ritual, and they will possess shame, and moreover, they will be righteous.’ (*Analects*, 2.3)

In the *Analects*, two type of persons opposed to one another emerge: one is the *junzi* (the gentleman) and the *xiaoren* (the small man). The difference between these two is not rooted in their social origins but in their ‘sense of morality’. As Confucius says ‘the gentleman understands what is moral; the little person understands what is profitable’ (*Analects*, 4.16). The *junzi* is the individual who always reflects the quality of *ren* 仁 (benevolence, humaneness) in his person and the quality of *yi* in his actions and attitudes. *Ren* is the way two people should treat one another:

The *junzi* is the recipient of the moral virtues that Confucius admitted would be the *junzi* of his time. Something that needs to be achieved not by imposition from above but by the practice of self-cultivation (the Master’s Way is nothing but other-regard 忠 (*zhong*) and self-reflection 茶 (*shu*)) (*Analects*, 4.15). The meaning of ‘other-regard’ is loyal dutifulness, i.e., loyalty to the ruler on the part of an officer; the meaning of ‘self-reflection’ is a derivation of the Kantian moral rule: what you do not desire for yourself do not desire for others.

For 2000 years, this ethical-philosophical system that has a lot of similarities with Kantian morality was obeyed in China as part of the state apparatus and doctrine and disseminated to the area that was, then, part of the Chinese Empire and corresponds today to countries like Korea, Japan, Mongolia, Manchuria, Nepal or Tibet.

Confucianism can thus be characterized as a kind of humanism, rationalism and moralism. It emphasizes the tuning of all human behaviours through ethical consensualization, the preservation of interpersonal harmony, the inconvenience of moral confrontation or conflicts, the ability in a personal or institutional dispute that the other person would not ‘lose face’, leaving always a door open so that it does not appear in the eyes of society, as a loser. Finally Confucianism involves the defence of the Family perceived as an intellectual unit, the basic unit of society. The concept is constructed around ‘filial piety’ that means respect and reverence for one’s parents extended to one’s teachers and elders (Rainey, 2010, p. 24)¹⁴.

Still quoting Shintaro Ishihara:

‘A house for a Japanese is still the place where three generations of parents and children living in a harmonious manner, on the same roof. It is through this profound notion of family that metaphysic solidarity of respect for the ancestors of each one is nurtured and a societal emphasis on honouring the ancestors, some that transcends religion, is a fact of life. The family tradition of honouring the ancestors strengthens a sense of solidarity, responsibility and obligation in relation to the discipline, which extends to the whole of society, beyond the one that borders the family, in a natural way.’ (Ishihara, 1996)

¹⁴ According to Confucius the relationship between fathers and son trumps all other considerations, even laws and justice. Confucius says we owe our parents for the gift of life and nothing we can do can ever repay that. Parents care for us when we are helpless; as we growth older we must repay that care. See Rainey, *Confucius & Confucianism*, p. 25.

Hence the very special type of relationship that emphasizes the bonds between sovereign and subjects and vice versa, is like the relationship between a father and his son, made of foresight, on the one hand and respect, on the other hand:

‘If the Dao, the Way, is being followed in the world then show yourself; if is not, then retire in seclusion. In a state that has the Way, to be poor and of low status is a reason for you to be ashamed; in a state that does not follow the Way, to be rich and famous is equally a cause for being ashamed of yourself.’ (*Analects*, 8:13).

It is by working on the basis of moral virtues, with an attitude of humanity and by practicing the rituals that anyone may turn into a gentleman, or a sage. Cultivating moral virtues demands education, not just apprehending facts but understanding the sense and the logic of moral behaviour, so this self-cultivation is a long process that normally only ends with death. According to Confucius the process of self-cultivation, of treating the other with humanity, implies that the practices of government need to be reformed and changed from the top to the bottom and this has to do with the use of proper words, not hiding things and giving them fictional names in disguise. Confucius believed that governments (and rulers) existed for the benefit of the people, for the satisfaction of the people’s needs and not to gain and retain power. So this thought was in his time relatively subversive and this explains why his teachings were rejected in modern China and the founder of the People’s Republic was such a ferocious opponent of his ideas and teachings.

It is straightforward to understand that the liberal doctrine, the western defence of Human Rights is strange to this framework and has enormous difficulty being comprehended and to prevail in societies in which the appeal for social and good order, tradition, obedience and respect to those above the common man is vital and unconditional. A very interesting study on the constitutional Chinese tradition recalls that, ‘the rights (in China) do not derive from the human person but of citizenship or of belonging to “people”; rights are conferred by the State and can be changed by the State; the rights are programmatic; rights are subject to the limitations of law, instead of being a limitation to the law; the legislative body cannot be supervised by other bodies; and the popular sovereignty often recognized as a principle has no provision to allow its effectiveness’ (Edwards, Henkin & Nathan, 1986). Prof. Albert Chen explains, “in the Chinese constitutional practices and system of belief most writers on constitutional law in the PRC do not accept Western notions of human rights or civil liberties in an unqualified manner. While they concede that ideas of natural rights did make a positive contribution to the bourgeois struggle against feudalism and sovereignty’s ‘divine’ right to rule and were to this extent progressive in nature, they argue that constitutional guarantees of human rights and freedoms in capitalist countries only benefit capitalists, and that the protection given to the masses are illusory” (Chen, 1992, p. 51).

It is essentially based on these assumptions, that Deng Xiao Ping, the great reformer of modern China, declared in a speech to the Second Plenary Session of the 12th Central Committee of the Chinese Communist Party (October 12th, 1983) under the title “The Party’s urgent tasks on the organizational and ideological fields”:

‘It is true that in the study of current problems some comrades deviated from the Marxist orientation. Involved in discussions about the value of the human person, humanism and alienation and only interested in criticising the socialism, not capitalism. Of course that humanism must be studied as a theoretical issue and ethics. But there are thousands of definitions of humanism. What we need is to make a Marxist analysis of it, dissected it and practice the socialist humanism criticising the bourgeois humanism. The bourgeoisie always proclaim his humanism and attacks the socialism as inhumane. I am surprised how some comrades of the Party exalt the humanism, the value of the human person in terms so abstract. They do not realize that neither in the capitalist society, nor in socialist society, there may be an abstract value of the human person or a humanism abstract, because even in our society, there are bad people, outgrowths of the old and the new company, enemies of

socialism. It is true that the standard of living and education of the people is not high, but the discussion on the value of the human person or about the humanism will not raise them. Only real efforts to achieve material progress, ideological and cultural can implement it.' (Deng, 1987)

There is here, clearly, a natural convergence of this Chinese vision with the Marxist tradition of a collective dimension of rights-duties (and not individual) conferred by the State to commoners in a socialist society. Rights allowed to be enjoyed just in the condition of achievement of the ends of the State. It stems from the conceptualization of rights as provided and allowed by the State, what has to do, if one uses the well-known Marxist aphorism, with the superstructure and not with the infrastructure of society. If the issue of rights is related to the superstructure of the State we are in the field of *jus imperii*, that means a balance of the powers and duties and the safeguarding of the entire state apparatus. This is the reason why Chinese commentators responded so harshly to international criticism concerning the repression of the students' democratic movement in June 1989 labelling it interference in China's internal affairs and a playing card used by the United States against Chinese sovereignty (Suisheng, 2003, p. 240):

'The chronically raising of the 'human rights' issue with China as the main target, both in the U.S.-China relations and international stances, reminded the Chinese leaders of the U.S. policy of 'containment' toward China during the Cold War (...) a strong ideological character is inherent in U.S. foreign policy. As a rule, any foreign policy statement by any U.S. administration invariably contains the principle of promotion of liberty and democracy.'

This sort of culturalism perceives China as the only true civilization, one that embodied a universal set of values of all those who accepted its teachings and principles, including alien dynasties like the Mongo-Yuan and Manchu-Qing courts, could be incorporated within its cultural bounds. According to Benjamin Schwartz this underlying nationalism, "represents a fundamental 'turn' in modern Chinese culture." (Schwartz, 1993, p. 247)

Even if we may signal an important evolution in China's stance regarding the Human Rights international framework of national adaptation and accountability to global patterns of Human Rights preservation, domestic values and interests have sometimes been a powerful constraint on behavioural consistency with global norms (Foot & Walter, 2010, p. 284). The leadership's assumption is that the policy priority of economic growth has a societal value and is the preference for social and political stability that needs to be appreciated in conjunction with business and other interests that rise from the reform era. The signature of the core international treaties in terms of Human Rights has not led to a norm-consistent behaviour because of the maintenance of the one-Party state that has given precedence over other concerns (Foot & Walter, p. 285). It is, nevertheless, true that by signing these treaties and abiding itself to the international instruments that enshrine the universal values of Human Rights, China is obliged (with its partners in the world scene) to participate in the efforts to uphold them (Van Rompuy & Barroso, 2012).

How regionally-based is this vision of constrained Human Rights as something that is openly tradable with the relevant dictates of national interest and elite surviving? [R12] How does this have implications for the global landscape in terms of freedom in the world?

Taking into account the annual report on Freedom in the World made available by independent watchdog organization Freedom House, the number of countries considered 'free' is constant over the last ten years (88) as is the number of 'non-free' countries (48). During this period four countries went from being considered 'not free' to 'partly free'. This gives a picture of a world

where the ‘free’ nations represent 45% of the total of world nations¹⁵. China was ranking as a non-free country in 1978 (launching of the Open-Door Policy) with a rating of ‘6’ in ‘political rights’ and ‘6’ in ‘civil liberties’¹⁶. China fell down to a rating of ‘7’ in both ‘political rights’ and ‘civil liberties’ from 1989 to 1998 following the repression of the Tiananmen Democratic Movement. From 1999 until 2013 it has recovered slightly by seeing its rating on ‘civil liberties’ rise to ‘6’ although it continued to be labelled as a non-free country according (6.5 in average) to the aforesaid charter.

In some field reports, Freedom House accredited some improvements in the situation of Human Rights following the announcement by the Chinese government of plans to abolish the system of labour camps and enlarge the number of Chinese citizens that may be allowed to have two children¹⁷. At the same time, the organization ascribed the strengthening of state control in the area of the internet and the rise of censorship¹⁸. In its country report, Freedom House stated that President Xi Jinping initially raised hopes that the CCP might become tolerant of dissent and may loosen political controls but despite a reinvigorated anticorruption campaign, remarks about improving the rule of law, and invitations for input from society, such early optimism faded, as the year progressed. The authorities – said the same report – increased campaigns to intensify ideological controls; the second half of 2013 was marked by crackdowns on anticorruption activists, new judicial guidelines expanding the criminalization of online speech, and the detention of both prominent social-media commentators and ordinary users¹⁹.

In regional terms, in 2003 in a total of 39 countries that shape the Asia-Pacific Region, 18 were rated as ‘free’ against 10 ‘partly-free’ and 11 as ‘non-free’. In 2009, there was a set-back in this positioning with 16 countries getting the rating of ‘free’, 15 ‘partly-free’ and 8 ‘non-free’. This is the comparative situation of China toward the more significant Asian countries:

Chart I
(Asian Countries in terms of Freedom)

Country	Average	Free	Partly Free	Non Free
Bhutan	6.2	-----	-----	X
Cambodia	4.7	-----	X	-----
China	6.5	-----	-----	X
Indonesia	3.0	-----	X	-----
India	2.5	X	-----	-----
Japan	2.4	X	-----	-----
Laos	6.5	-----	-----	X
Malaysia	4.0	-----	X	-----
Myanmar	5.5	-----	-----	X
Mongolia	2.0	X	-----	-----
North Korea	7.0	-----	-----	X
Pakistan	6.7	-----	X	-----
Philippines	3.0	-----	X	-----
Russia	8.1	-----	-----	X
Singapore	6.7	-----	-----	X

¹⁵ See Freedom House, *Freedom in the World: Country Ratings*, available at <http://www.freedomhouse.org/report-types/freedom-world>

¹⁶ Countries that fall between 5.5 and 7.0 are considered non-free. See [www.freedom.house](http://www.freedomhouse.org)

¹⁷ Freedom House, ‘China’s Reforms Not Enough to End Abusive Practices’, 15. 11.2013.

¹⁸ Freedom House, ‘China’s New Leaders Advance Internet Control’, 24.07.2013.

¹⁹ Freedom House, *Freedom in the World – China-2014*, available at <http://freedomhouse.org/report/freedom-world/2014/china-0>

South Korea	1.5	X	-----	-----
Taiwan	2.6	X	-----	-----
Thailand	2.5	X	-----	-----
Vietnam	6.0	-----	-----	X

Source: Freedom House www.freedomhouse.org

So in a sample of 18 countries China joins 7 other countries in the rating of ‘non-free’ countries which accounts for 44% of the total number. The worst classification in the charter is occupied by Russia, North Korea and Pakistan. If we take into consideration the religion worshipped by the majority of the population, China is close to Bhutan (FC), Cambodia (PF), Japan (F), Laos (NF), Myanmar (NF), Mongolia (F), Singapore (NF), South Korea (F), Taiwan (F) and Thailand (F) in an informal rank of countries that worship some sort of Buddhist faith. This variety of data may take us to the conclusion that no connection exists between the religion that is veneered and the quality of conformity to the international standard (and norms) of Human Rights.

IV. Conclusions

Lee Kwan Yew and Mahathir Mohamad, former Prime Ministers of Singapore and Malaysia, have ennobled the paradigm of *homo asiaticus*, discipline, devotion to work, respect for family and social order, obedience to government and rulers in general, and the lack of individualism and spirit of dissent as clues that make the Asian experience more successful when compared to their Western counterparts. Both foment an authoritarian republicanism, in the fashion of Sparta and Imperial Rome, which combined, in apparent (or muzzled) harmony and bonhomie, a Victorian despotism and an atomistic capitalism that praised a minimal state intervention and the absence of citizen participation in politics. This style of leadership that was systematically opposed to the Western emphasis on Human Rights and civil liberties was rhetorically rooted in differences of culture, religion and even race characteristics.

Both politicians withdrew from political life, becoming a sort of ‘senators of the Republic’, guardians of old values and traditions winning an important chapter in the history of their countries. But the world moved forward and because of the transformations carried on by globalization and financial markets the problems of the world became perceived as global and common and a culture of humanity and caring for others wherever they live became patrimony of the international society, was incorporated into international law and structured the action of international organizations like the United Nations, and its agencies. The covenants made since the self-determination movements of the 1950’s became the legal foundation for the liberation of the colonial peoples turn into the rules of the game of becoming part of a world with no definitive divisions of hate, race, religion, language, wealth, colour of skin and sense of dignity. By adhering to these covenants countries were submitted to a system of international monitoring that make them accountable to the United Nations as a whole, to the public opinion, and to the scrutiny of the media. Periodically, reports are published revealing the behaviour of states and the way they treat their citizens in a way that can make their leaders accountable not only nationally but in terms of international responsibility. So it becomes increasingly clear that no excuses exist, either political, legal or moral for the poor treatment of people by their rulers and for the crushing of Human Rights and the destruction of human dignity as all individuals are humans and expressions of their Creator.

The argument of ‘Asian values’ and Asia’s particulars revealed itself a hoax, a mystification for political grounds. Economic prosperity, the exercise of economic freedoms soon or later turned out to be the priming of political freedoms, because with the extension of the social base, with the emergence of a middle class claiming more freedoms and to echo in the decisions of the governments that impetus will transform itself in a claim for democracy and universal suffrage. This is what we assisted some time ago in Indonesia, in the Philippines, South Korea, Taiwan,

Myanmar, Malaysia and is now becoming irresistible in Singapore, Hong Kong and mainland China.

The quest for human dignity, the protection of fundamental rights - the right to life, to profess the religion of one's choice, the right to elect our leaders, the freedoms of speech, thought, and expression - is an end in itself. The mould of 'Asian values' was invented by old leaders to confront western countries, to emphasize some singularities and stop the standardization coming from the process of globalization and the strengthening of interdependencies. It is still invoked by some remaining authoritarian leaders and monolithic parties to repress political dissidents and to constrain the aspirations of the new generations that do not review themselves in their logic.

Bibliography

Axford, B., Browning, G. K., Huggins, R., & Rosamond[R13], (2002). *Politics: An Introduction*.London and New York: Routledge.

[Bauer,[R14] Joanne R. e Daniel A. Bell, *The East Asia Challenge for Human Rights* (Cambridge: Cambridge University Press, 1999).

Blackstone, W. (2002). *Commentaries on the Laws of England*. Chicago: University of Chicago Press.

Brownlie, I. (1990). *Principles of Public International Law*. Oxford: Clarendon Press.

Campbell[R15], T., *The Left and Rights* (London: Routledge, 1983).

Chen, A. H. Y. (1992). *An Introduction to the Legal System of the People's Republic of China*. Singapore: Butterworth.

Confucius. (2008). *Analects*. Oxford: Oxford University Press.

Davies[R16], Michael C., *Constitutional Confrontation in Hong Kong* (London: MacMillan, 1989).

Deng X. . (1987). *Fundamental Issues in Present-Day China*. Beijing: Foreign Languages Press.

Donnelly[R17], J., *The concept of Human Rights* (London: Croom Helm, 1985).

Edwards, R., Henkin, L., & Nathan, A. (1986). *Human Rights in Contemporary China*. Columbia, DC: Columbia Press.

Fang[R18] Lizhi, *Democracy, Reform and Modernization*, in Schell, Orville and Shambaugh, David (ed.), *The China Reader: the reform era* (New York, Vintage Books, 1999), pp 178/182.

Fewsmith[R19], Joseph, "Generational Transition in China", *The Washington Quarterly*, Autumn 2002, 25:4, pp. 23.35.

Finnis[R20], J., *Natural Law and Natural Rights* (Oxford: Clarendon Press, 1980).

Foot, R. & Walter, A. (2010). *China, the United States and Global Order*. Cambridge, Cambridge University Press.

Freedeen[R21], Michael, *Rights* (University of Michigan: Open University Press, 1991).

Freedom House, China's New Leaders Advance Internet Control, 24.07.2013.[R22]

Freedom House[R23], 'China's Reforms Not Enough to End Abusive Practices', 15. 11.2013.

Freedom House, 'Freedom in the World – China- 2014'. Retrieved from <http://freedomhouse.org/report/freedom-world/2014/china-0>

Freedom House, "Freedom in the World. Country Ratings". Retrieved from <http://www.freedomhouse.org/report-types/freedom-world>

Hessen[R24], Reinhart, 'Crossroads or roundabouts: where now for Europe?', Open Democracy, 23.96.2004, available at www.openDemocracy.net .

Huntington, S. (2011). *Clash of Civilisations and the Remaking of World Order*. New York: Simon & Schuster.

Hobbes, T. (1651). *Leviathan or the Matter, Forme, & Power of a Common-wealth Ecclesiasticall and Civill* by Thomas Hobbes of Malmesbury, (London, printed for Andrew Crooke, at the Green Dragon in St. Pauls Church-yard, 1651). Retrieved from <http://socserv2.socsci.mcmaster.ca/econ/ugcm/3113/hobbes/Leviathan.pdf>

Hofstede, G. (1983). National Cultures in Four Dimensions: a Research-based Theory of Cultural Differences among Nations. *International Studies of Management and Organization*, 13, 52.

Inoguchi, T., & Newman, E. (1997). Introduction: 'Asian Values' and Democracy in Asia. Proceedings of the Conference 'Asian Values and Democracy in Asia', *First Shizuoka Asia-Pacific Forum: The Future of the Asia-Pacific Region*. Hamamatsu, Japan: United Nations University. Retrieved from <http://archive.unu.edu/unupress/asian-values.html>

Ishihara, S., & Mahathir, M. (1996). *The voice of Asia: Two Leaders Discuss the Coming Century*. [R25] International.

Ishihara, S. (1996). *Towards a New Civilization*. Communication presented at the University of Leiden, August 1996 (not yet published).

Kennedy, P. (1994). *Preparing for the Twenty-First Century*. [R26] Vintage.

Lapid, Y., & Kratochwil, F. (Eds.). The *Return of Culture and Identity in IR Theory*. Boulder, CO: Lynne Rienner.

Lawlor, L. (2014). Jacques Derrida. *The Stanford Encyclopedia of Philosophy*. Retrieved from <http://plato.stanford.edu/archives/spr2014/entries/derrida/>

Locke, J. (1823). Two Treatises of Government. In *The Works of John Locke. A New Edition, Corrected. In Ten Volumes*. Vol. V. London: Tegg, Sharpe and Son. Retrieved from <http://socserv2.socsci.mcmaster.ca/econ/ugcm/3ll3/locke/government.pdf>

Marx, K. (1844). On the Jewish Question. In *Deutsch-Französische Jahrbücher*. Retrieved from <http://www.marxists.org/archive/marx/works/1844/jewish-question/>

Marx, K. (1970). Critique of the Gotha Program, 1875. In *Marx/Engels Selected Works*, Vol. 3, 13-30. Moscow: Progress Publishers. Retrieved from <http://www.marxists.org/archive/marx/works/1875/gotha/>

Melden [R27], A. I., *Human Rights* (Belmont California: Woodworks, 1970).

Moreira, A. (1996). *Teoria de Relações Internacionais*. Coimbra: Almedina.

Paine [R28], T., *Rights of Man* (Collins Editions, Harmondsworth, Penguin, 1969).

Pomfret [R29], John, "China Orders Halt to Debate On Reforms", *Washington Post*, August 27th, 2003.

Rainey, L. D. (2010). *Confucius & Confucianism*. [R30] Wiley-Blackwell.

Reed, W., & Little, R. (1989). *The Confucian Renaissance*. [R31].

Richey, J. Confucius. In *Internet Encyclopedia of Philosophy*. Retrieved from <http://www.iep.utm.edu/conficiu/>

Schwartz, B. I. (1993). Culture, Modernity, and Nationalism—Further Reflections. In T. Wei-Ming (Ed.). *China in Transformation*. Cambridge, MA: Harvard University Press.

Singer, P. D. [edit] [R32], *Embryo Experimentation: Ethical, Social issues*. Cambridge: Cambridge University Press. and also Singer, Peter and Regan, Tom, *Animal Rights and Human Obligations* (Longman Higher Education, 1976). [R33]

Strauss, L., & Cropsey, J. (1999). *Histoire de la Philosophie Politique*. Paris : Quadrige, Presses Universitaire de France.

Suisheng, Z. (Ed.). (2003). *Chinese Foreign Policy. Pragmatism and Strategic Behaviour*. [R34] E.Sharpe.

Svensson, T. *Nordic Institute of Asian Studies, Newsletter*. Retrieved from <http://nias.ku.dk/what-nias>

Tucks [R35], R., *Natural Rights Theory* (Oxford: Oxford University Press, 1984).

Van Ness [R36], Peter, *Debating Human Rights* (Australia: Australia National University, 1998).

Van Rompuy, H., & Barroso, J. M. (2012). Increasing interdependence demands closer EU-China cooperation. *China Daily*, 4 February.

Vatikiotis [R37], Michael, R., J., *Political Change in Southeast Asia* (London: Routledge, 1996).

Vincent [R38], J., *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986).