

# Cultural Relativism and the Attitude of Certain Asian Countries Towards the Universality of Human Rights

*Professor Henry J Steiner*

My remarks today are part of a work in progress. My topic is the theme or argument of cultural relativism in relation to a broad presumption, held particularly but not exclusively in the West, of universalism in human rights. The examples that I shall draw on at the end of my remarks to illustrate one of my points come from East Asia, especially the People's Republic of China (PRC) and Singapore, but also from other South-East Asian countries.

In a sense, this topic has more currency and geographical relevance when examined in your country than in mine. But these issues are of a global significance. There was a great tug and pull, a contest of wills and political systems, at the recent Vienna World Conference on Human Rights on precisely these notions.

## *Introduction*

Let me introduce my topic by telling you briefly what I mean by human rights and cultural relativism. Human rights refer to the international human rights movement that started during the closing years of the Second World War. We are familiar with the Nuremberg trial. In a sense, it constituted the movement's official launching, one of its decisive moments. Over five decades this movement has grown in ways that no one, surely not Jeremy Bentham, would have believed. If Bentham thought that rights

were nonsense on stilts for the English, what would he have thought of the even bolder imposition of this notion on many other cultures?<sup>1</sup>

We talk today of the human rights movement as it is expressed through its so-called International Bill of Rights — that is, the Universal Declaration of Human Rights of 1948, and the two principal covenants that became effective in 1976, one on civil and political rights, the other on economic, social and cultural rights. Over 120 states are now parties to the two covenants. It is fundamentally civil and political rights that figure in this discussion.

By cultural relativism I mean a stance which can range from very strong to very mild — a stance that asserts that one or another aspect of international human rights or, some would argue, the rights corpus in its entirety, has no application to a given culture. In a typical version, relativism holds that all values are encoded in cultures. Notions of right and wrong differ throughout the world because they inhere in different cultures. Hence claims that, say, the International Bill of Rights is binding universally must be exposed as pretensions, as aspirations of one political culture to which those rights are familiar to impose on all others.

The extreme version of relativism goes well beyond describing a diversity of beliefs about right and wrong among cultures. It argues that since beliefs about rights stem from socialisation within a given culture, no culture ought to impose what must be understood as its own ideas on others, whether or not it endows its own ideas with the flattering attribute of universality. Some relativists would further argue that each culture ought to respect the values of other cultures, but such tolerance or respect does not seem to be required by the relativist position. It leads to patent absurdities; ought one to respect slavery or genocide within another culture?

Relativist arguments thus qualify or reject the trend of the postwar movement toward viewing human rights as universal; as the same everywhere. But relativist arguments are not totally at odds with this human rights corpus, this International Bill of Rights. One important aspiration of human rights norms is to preserve difference, to allow groups to maintain their own cultures, languages, religions. Each culture has the right to survive, insulated to some extent from the forces of the larger world that would uproot some of its essentials and perhaps destroy it in its entirety by absorbing it into, say, mainstream global modernisation. This other aspect of the human rights movement, the value placed on the separateness and survival of cultures, is not entirely distinct from the relativist position that I will explore today — namely, universal human rights cannot touch my culture, they are not really universal.

The fading away of the Cold War accompanying the collapse of the Soviet empire brought to an end the decades-long debates about socialism versus capitalism: we socialists have a different conception of rights that, for example, stresses the meaninglessness of many liberal rights like free speech while giving paramount importance to economic and social rights. One might have thought that the world community could at last move towards universalism and avoid diversion to these polemical exchanges between East and West. That thought turned out

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<sup>1</sup> Harry Evans, the Clerk of the Senate, observed in his welcoming address to Professor Steiner that he thought it was Jeremy Bentham who had said that the idea of universal human rights was not only nonsense but nonsense on stilts. Evans went on, 'However, notwithstanding that statement by the distinguished philosopher, the historians of the future may well recall that the idea of universal human rights has been the most powerful idea ever to come into the human mind. It has literally brought down kings, emperors and dictators, and destroyed empires in recent times.'

in a short time to be chimerical. In place of two vast antagonistic ideologies, we now see cultural and other forms of particularism exhibited in a great range and number of ethnic conflicts. The extraordinary violence that has attended these conflicts is all too familiar to us: abhorrent actions, systematic destructiveness.

New oppositions displaced the capitalist-socialist, democratic-Marxist conflicts of the cold war period. Those oppositions included the example that I will use today: radically different views of human rights in parts of the third world and in liberal Western states. Relativist argument became resurgent. Other trends — political, philosophical, cultural — encouraged this resurgence. For example, our fragmented, ‘post-modern’ world sees everywhere the growth of multicultural societies, through demographic shifts including immigration and through cultural changes, often accompanied by a stress on the particular rather than universal. In this multicultural world of alternative understandings the cultural relativist debate fits as does a hand in one’s glove.

### *What international human rights are about*

Let us return briefly to the meaning of ‘international human rights’ so that we can better understand what the new oppositions are. There are many ways of conceptualising and categorising the different rights involved, most of which are cast individually in the universal human rights instruments — every person shall have the right to ..., no person shall be subject to ...

A useful categorisation for our purposes, one that anticipates our later discussion of cultural relativism, starts with the core rights to physical security or bodily integrity. The second category includes the familiar due process rights, particularly those relating to police conduct and judicial trials. A third category involves a range of equal protection or non-discrimination rights, which have been of the essence in the international human rights movement. Those rights have extended beyond racism and religion to include gender relations in ways that have been controversial and challenging.

We move next to the category of associational and expressive rights, including the right to form all sorts of groups, and thus to speak with a collective and aggregated voice through pressure groups such as political parties, religious, cultural, social or athletic groups or whatever. The fifth and final category for our purposes deals with modes of political participation, including particularly elections.

These categories fit roughly on a spectrum moving from a more-or-less universal consensus over norms (such as physical security norms like the prohibition of torture), even though state practice often falls short of compliance, to much dissent over the content of norms, as with respect to free speech and the forms and substance of political participation. That is, at the level of agreement over formal norms, we move from universalisation to dissent that is often based on arguments of cultural relativism. These categories are by no means a precise tracking, but they have something of that image to it.

I want now to suggest some of the animating ideas that I understand to underlie the human rights movement, although I cannot assert that everyone would see them in this way. There is a lot of dispute. Those ideas are undeniably related to Western liberalism, and the attacks on many (not all) human rights as growing out of the Western liberal and democratic traditions

cannot be satisfactorily disposed of simply by stating, 'Yes, but you signed up. This covenant has 120 parties. Don't come and whine afterwards. If you did not like it, you did not have to sign it.'

There were many reasons for signing, such as buying into an accepted and respectable international discourse when there did not appear to be the remotest chance at the time of ratification that the human rights movement would have any effect within the country concerned — say, Zaire, or the former U.S.S.R. Some of the most violent and untrustworthy people on earth were proud signatories of many human rights instruments, and had achieved until recently a formal record of ratifications way ahead of the United States. So ratifications do not mean everything. They may indeed mean nothing, although generally I believe that ratified human rights instruments exert, even in repressive societies, an internal force and persuasiveness that will over time reveal themselves — sometimes over a lot of time! Consider the transformation of Eastern Europe.

Let us continue with the identification of some animating ideas of the movement as a whole. Certainly individual dignity, autonomy, choice and self-realisation are conceptions that lie at its core. Both in national bills of rights and in the treaties, the individual remains the starting point, while the state is the characteristic bearer of the duties correlative to the individual's rights. We find only rare references to collective groups like peoples, although one of the regional arrangements, the African Charter, includes the words 'people's rights' in its very title and it is quite insistent on references to collectivities as it goes ahead.

A second notion would be that both types of the fences that John Locke talked about in relation to rights are much in evidence in these basic instruments — that is, fences between us and the government whose inviolability should be assured by the courts, as well as fences between you and me, among all of us, which government must safeguard to assure that we cannot trespass on others' bodies, reputation and property — that we no more than the state can violate an individual's rights with impunity. Governments' obligations then go well beyond a 'hands-off' idea; governments indeed must lay firm hands on society, must legislate and regulate and enforce and award compensation and punish, must act affirmatively to assure the rights that these instruments declare.

A third notion invokes the maxim of Lord Acton — power tends to corrupt and absolute power corrupts absolutely — that informs the entire human rights movement. It is distinctively relevant in today's post-decolonisation world in which many new states as well as older ones have vastly increased their powers and mastered the modern technology of repression. One could well argue that the need for the protection of the individual is all the greater today than when the world had more diffuse and less state-centric political arrangements, less concentration of power at the centre of territorially defined states, less capacity to penetrate everywhere. The anti-idealisation and suspicion of the state that inheres in human rights norms remain among the healthiest aspects of the movement.

A fourth notion is that of an open and pluralist setting in which non-governmental associations interact with government. Those associations are very much part of a complex interlocking governing process. Human rights protect the degree of collective action through associations that characterises modern societies. Indeed, the charge has always seemed to me overstated that human rights are entirely individualistic and that Western cultures are so individualistically based that they simply cannot grasp the vast differences in the Asian,

African, Latin American and Middle Eastern cultures, with their communitarian and collective trends.

Of course there is a basic truth to some of these assertions; Western states are not formed to the same degree as many other states of deep-rooted ethnic, religious and linguistic communities each of which may have its distinctive inner life and organisation. But the assertions go too far in labelling the West as entirely individualistic. People associate with others of the same ethnicity or religion in forming what may be essentially identity groups. People achieve political voice by gathering in groups, exerting advocacy and pressure, amassing funds and so on. Groups constantly interact. This group pluralist process is vital.

Finally the human rights corpus is permeated by a deep doubt. I would not say scepticism; doubt may even be an overstatement. Human rights norms assume an open field for the ongoing search for any kind of truth, imposing an obligation on those who have found their truth to leave open the processes of inquiry for others. I may be committed to my fundamentalist belief, but I cannot impose that belief on you.

One recent contentious position within the human rights movement, accelerated by the collapse of what our President Reagan called the 'evil empire', has been the emphasis on democratisation. That is, many states now assert that the human rights instruments require one more or less concrete form of political and social organisation that we know as democracy. Specific formal characteristics are stressed, such as periodic elections. This position and related pressures have provoked a sharp debate with numbers of states like the PRC, Vietnam, Singapore and others in East Asia.

### *Human Rights Discourse of Relativism*

The aspirations of the movement toward universality are apparent on its face. One does not talk in human rights instruments of Americans or Australians, Cambodians or Bolivians, Nigerians or whatever. One talks of rights that inhere in us by virtue of our simple humanity, by virtue of being human. These are abstract postulates; they abstract human beings from their many particular contexts and treat all equally. When applied to me, Henry Steiner, these postulates mean that I am purged of my different partial identities — perhaps not in all respects such as age which puts me in some ways in a distinct category (although I increasingly think that age would be a nice thing to be purged of). I am purged of my religion, race, and in more and more respects purged almost completely of my gender. I am status free, and accorded rights as an abstract human being. That method has an implicit universality in it.

The norms of the universal treaties and declaration also make no concession to relativism as such. Even the recent human rights treaty that reaches deeply into culture to declare rights of children does not distinguish among Asian and African children, or between Christian and Islamic children. It speaks of children in general. When however you look at the regional conventions, particularly the African ones, you see some norms that are meant to be distinctive to the region rather than necessarily applicable to human beings everywhere.

The cultural relativist challenges this universal aspect of human rights. In today's circumstances of the human rights movement, what does this discourse of relativism mean? How has it changed during recent decades? What does its evolution signify?

In the debates on this topic, the concept of culture is used in a very diffuse way. In the anthropological literature, we find a multitude of pages about how to understand the mythic, symbolic or ritualistic aspects of culture. Such sophisticated questions are rarely asked in the politicised debate about cultural relativism involving human rights, whether at the world stage at the recent Vienna Conference, at the UN General Assembly or in regional or bilateral contexts.

The idea of culture in these debates may be rooted in religion or in a tradition that may shade into legal custom. In the argument over cultural relativism in the East-West debate prior to the collapse of the Soviet Union, the idea of culture was particularly applied to states by virtue of the basic political and economic ideology that they were said to express: Marxism-Leninism or democracy, socialism or capitalism. You think of it this way, we think of it differently. Hence, the Soviet Union argued, we emphasise different kinds of rights within our broad political ideology, such as economic-social rights, or we emphasise that citizens merit rights only if they perform their duties.

The idea of culture can also be used so diffusely as to mean simply a way of life. Sometimes the cultural relativist uses the concept in the broadest possible way — 'Your American or Western culture is alien in every sense to our, whatever, Islamic-based or Asian community-oriented culture.' Sometimes it is applied discretely to a given practice that is isolated from a more complex cultural web, such as a form of punishment.

The concept may also be used to defend a practice that is not state imposed but that has been institutionalised in popular culture. Consider for example female circumcision or, as it is increasingly referred to, genital mutilation. That practice is not religiously based in the parts of Africa and to some extent in the Middle East where it is prevalent, but nonetheless has become a prime debating field for cultural relativists: the strong feminist and Western challenges to these practices, the rage even of African feminists about the ways in which that attack has been made. Defences of this practice are rooted deeply in custom, in ways to which many Africans would say the West is supremely insensitive.

In current human rights debate over cultural relativism, we find a dangerous conflation of culture with state. That conflation benefits the state viewed by others as a violator, for that state can advance in defence of its practices all the traditional justifications in support of cultural diversity: the preservation of difference in an increasingly homogenised world, the respect for different ways, the protection of more fragile cultures against the cultural imperialism of the West, and so on. Indeed, it seems to me that some states today, including several in East Asia, invoke the justifications of cultural relativism in a hypocritical effort to sustain in power those who, at the moment, hold it.

Of course the assertions of large cultural differences may be incontestable; what is contestable is the implication of those differences for practices viewed by, say, the West as violating human rights. The Vietnamese are different from Americans. Well, that is not a very astute observation, but it is a starting point leading us then to ask: what do we make of that difference? Do we say that each state then goes its own way? Or do we continue to contend that there are universal norms embracing all cultures? If so, how do we justify or give specific

content to that contention? Beyond postulating universality, or drawing in a positivist spirit on the many widely ratified human right treaties, do we seek commonality of standards by looking into each culture to see what is shared among them to form a minimum common standard?

There have been well developed methods in the West to justify universality of rights. We have studied these methods and justifications in political and moral theory. They range from Locke to Kant, and then to nineteenth century and contemporary theorists like John Rawls. Postulates about rights and human beings, and related conceptions of contractarianism, states of nature and veils of ignorance, are all familiar ways of justifying individual rights in the West. That Western tradition developed within a culture with shared icons and great figures.

To apply that tradition of justification of universal rights to cultures in which contractarianism is genuinely nonsense on stilts — with all of its assumptions about a state of nature — and to argue about states of nature or veils of ignorance to a culture resting on a cosmology that hardly treats human beings as the beginning of all things may be a patently ineffective way of trying to communicate the importance of universality.

Given the complexity of developing justifications that speak to the East and South as well as to the North and West, it is not surprising that the human rights treaties are shy on justifications. Their norms rest principally on terse postulates of equal human dignity, deep elements of faith. That is all that the preambles to the covenants say. They go no further.

### *Challenges to the West and to Rights*

The efforts to defend non-Western parts of the world against the West's cultural as well as economic imperialism is not a new phenomenon, nor of course have attacks on the part of the West toward the modern and secular come exclusively from other parts of the world. There was, for example, a strong, conservative Catholic reaction in Europe in the late eighteenth and early nineteenth centuries to the trends toward markets, liberalism, science, and secular life. Thinkers like Joseph de Maistre attacked the trends of that period on grounds that, when translated into our very different modern idiom and context, sound somewhat like the arguments of Lee Kwan Yew, who talks about the need to support Asian values in Singapore. Today, he and others argue that a traditional Asian stress on community values, discipline and duty is surrendering to atomism, individual licence, lack of common decent values, and so on. These are complex and similar notions of traditions bowing to uprooting and destabilising change in which new ideas, beliefs and faiths and new centres of power emerge. (Of course, there is an irony in such arguments issuing from a state like Singapore, which is on the forefront of numbers of trends like materialism associated with the West.)

British imperialism in its heyday moved around the world, introducing new types of consciousness accompanied by related new legal forms like the mortgage. We know that such forms, in regions like India and Burma, had massive effects in destroying traditional arrangements of land holding and creating new patterns of commerce and life. They encouraged people to act in ways totally outside their culture's traditions. Many then too attacked Western imperialism for its profound insensitivity toward cultures that had an integrity and separateness from the rest of the world. Today we confront a more complex question in considering such attacks on Western cultural penetration: how much of that inner

integrity, cohesiveness and separateness of non-Western states remain after decades of colonialism followed by decades of Western economic, political and cultural penetration?

And today arguments based on preservation of cultural distinctiveness and integrity resist the introduction of rights rather than the mortgage. Let me illustrate the kinds of deep challenges that can be made. A cultural relativist might assert that a given culture is characterised by notions of duty rather than of right, notions that both foster and reflect a very different type of social order. Or the oppositions might be between individualism and community, or secularism and religion. The duty-right contrast refers to something distinct from the notion of duties that are correlative or corresponding to rights — for example, that my right not to be tortured imposes a correlative duty on the state not to torture. The duties here referred to are generally those of individuals rather than of the state. Judaism, Christianity and Islam offer many examples of duty-based rather than rights-based notions — the individual more significantly a duty-bearer than a rights-bearer.

In different religious traditions and in many tribal societies, individual duties may run diffusely through the society. Or they may run, as in the African Charter on Human and People's Rights, concretely to family members or to elders. Indeed, in the African Charter there is an attempt to develop these conceptions to the point of imposing a large duty of loyalty to the state itself and its transient managers. The conception of right with its sense of individual possession and autonomy is alien to such notions of duty. The duty tends to socialise life by drawing us all together rather than to fragment us as some would say rights discourse does.

Rights are often linked to remedies. We think of the right and remedy together. What good to me is my right if I don't have a remedy against those violating it? In Western liberal culture, the remedy is frequently thought to be judicial. A duty orientation could be very different. The remedy may be divine, setting the world straight in a different way. A violation of some duty may be worked out informally within the community, rather than through distant institutions known as courts. Such characteristics of a duty-oriented culture may be vital to understanding the relativist objection — namely, that importing the culture of rights may tear apart community ways of settling disputes in a more traditional and culturally accepted way.

The very idea of civil society may be at odds with a duty-oriented society that tends to be more interrelated, more internally integrated. The notion of a vibrant private sector of individuals and institutions marshalling power, inventing ideas, putting pressure on the state, and displacing governments at elections may be anathema to a culture in which duties are meant to be continuous and not open to popular re-formulation.



*Problems in the debate*

I would like to sketch some of the problems that I see within this debate. Argument is often very broad and general so that, say, those taking the position of cultural relativism do not make particular what their claims are — whether, for example, they object to universal norms about political participation or about procedural due process in one or another form, or indeed whether they claim that a culture has the right to torture or to ‘disappear’ political opponents.

The debate can become a kind of hopeless exchange of massive insults as universal human rights are resisted without any definition of just where the sore spots in a given state are. Once you define these sore spots, you have a much better chance of coming to terms with the objections. If the culture of rights as a whole is objected to, on grounds that its introduction into a given state may radically transform that state and uproot its traditional communities, one is entitled to ask how many cultures today can claim the kind of integrity, purity and cohesiveness that could have been claimed by India or Burma of the eighteenth and nineteenth centuries in their resistance to British colonialism.

We have seen too much interpenetration of cultures during this century to be able to identify, outside of smaller and territorially coherent communities like some types of indigenous peoples, many examples of states (for, after all, cultural relativism is an argument advanced by states to resist human rights) speaking for distinct traditional, coherent and relatively pure cultures. In fact, one of the many ironies in contemporary argument is that the very states taking positions of cultural relativism may be those intent on quashing aspects of traditional culture within them that block some aspects of modernisation, national unity, or whatever may be in the rulers’ interests.

There seem to be basic trouble areas that come up time and again in arguments over cultural relativism. Perhaps the most significant is gender, related to sexuality and family and discrimination. Also, religion — apostasy, blasphemy, equal protection for religions — remains a fundamental divisive issue in parts of the world. Political participation, dissent and democracy raise further vexing problems for many countries. How is a country governed? Who holds power? How is power exercised?

Consider some aspects of the Bangkok meeting among many Asian states, prior to the Vienna World Conference on Human Rights. That meeting brought most Asian governments together, to prepare positions to be taken at Vienna. It had more of a relativist ring to it than the comparable regional meetings prior to Vienna in other parts of the world. What emerges from Bangkok is the sense that, yes, some rights are universal, but basically one must be very attentive to local tradition, custom and culture.

The first broad point is that the argument of Asian states about relativism returned to some of the classic themes of an older international law, like a stress on state sovereignty and domestic jurisdiction. The state is indeed sovereign in every respect, equal to all other states and subordinate to none, inviolable within its frontiers even with respect to international organisations. Cultural relativism here is linked to, at times almost merges into, traditional reaction against the ‘interventionist’ character of the international human rights movement — intervening with rhetoric, with resolutions and investigations, with sanctions and at times

with force. Such was China's position in its important White Paper on human rights a few years ago.

The second and related point made by the Asian states is that the West is always posturing, and that its hypocritical lecturing should cease. The record of the West from slavery and colonial domination to the holocaust, to two world wars, to massive poverty and underclasses in numbers of countries, should lead Western states to stop claiming moral leadership, and to stop insisting that rights which it failed to honour as little as a few decades ago should today be honoured by states at earlier stages of economic development.

The third point is that, to some extent, the critique of human rights growing out of the Asian challenge seems at times more relative to time than to space. As used by countries such as Singapore, the critique says in part, 'Well, maybe there is an evolution toward rights, but don't forget that you states in the West took several centuries to move in that direction.' Changes in the West that occurred a century ago or less are now considered sacred. In my country, women gained the franchise as a matter of constitutional right only in this century. Many other protections related to freedom of speech and equal protection of the laws were declared by our Supreme Court only in the decades after World War II. So, some Asian states say, do not expect us to move with great speed now toward realisation of human rights. Progress in many sectors must be made before Asia can absorb more of the West politically. At a later stage we may be able to, but now we must censor the press, control dissent and stamp out ethnic conflict through careful control. We must have preventive detention to get rid of trouble-makers; we cannot afford disruption; we need political stability.

Finally, there is a notion that economic and social rights, the welfare rights to food and shelter and so on, have such transcendent importance in these countries that civil and political rights, which remain the core issue in cultural relativist debate, simply cannot be allowed to interfere with conscientious efforts to bring a better standard of living to many people. If states allow too much popular participation, there will be chaos. The five or ten year plan may fail. There is much more that one could say, but you will be happy to learn that I shall resist the temptation to say it, so as to allow time for some questions.

**Questioner** — You talk about surrogate discourse in terms of the government's approach to these issues in Asia, I wondered if you would like to comment on what seems to be yet another alternative discourse on human rights, which is actually coming from the non-government sector in Asia. For example, at the meeting in Bangkok before Vienna, you referred to the declaration of states, but at the same meeting another declaration came from non-governmental organisations, from a group of people much more closely linked, it seems to me, to the kind of discourse that we are dealing with in terms of universality and indivisibility. In talking about the positions taken in countries in Asia, for example, it seems to me that it is important to recognise that that is very much a state discourse and that other discourses do exist. I wondered if you would like to comment on that.

**Professor Steiner** — Those are perceptive comments. One of the great problems in the relativist debate was and remains: who speaks for the culture? When, for example, the PRC in its recent White Paper asserts that non-intervention and domestic jurisdiction are the cardinal principles; and that the proper field for action in human rights should be restricted to traditional north-south issues and selected traditional issues like non-racism, whose voice are we hearing?

Why is the government entitled to speak for the entire Chinese people? Of course it is not so entitled. It remains in power pursuant to no popular mandate, no elections. It suppresses dissent ruthlessly. So in many of these cultures non-governmental organisations, such as those gathering at Bangkok, intellectuals, the dissenters and a dissenting press may take positions that, in many respects, are very congenial from a Western perspective.

The West should not be dogmatic and take the position that all other cultures must comply at once with every comma and period of the universal human rights canon. Such a position is nonsense; we took centuries and clearly other countries will take a long time as well to institutionalise the forms and spirit of popular participation, to institutionalise respect for difference. The stress thus far in the human rights movement has been on stopping torture and killings, and even at that basic level we have seen the difficulties of arresting abominations over the half century of the human rights movement. Realising notions of free speech and participation rights will not be realised overnight in these repressive countries. That we all know, and in setting their priorities, non-governmental and inter-governmental organisations act consistently with that knowledge no matter what they and the international instruments say.

One of the most revealing subjects for thinking about who has participated in the formation of positions about human rights is the status of women. In many cultures, leaders and other men speak entirely for women. But in those cultures, many women may totally accept, while other women may not accept, the structures of religious or other belief that consign women to a certain way of life.

One of the very difficult issues in the debates over cultural relativism is precisely who is formulating a position, even when you do not witness explicit political dissent. Should the position rejecting universal values — say, with respect to equal protection — be accepted if the voice of the subordinated or oppressed community is heard to say, ‘Yes, we acquiesce in what others may see as our oppression, but we see it as part of our status and part of our ordered world’? It is a tremendous issue.

**Questioner** — I value the idea that you put before us so clearly. I think I am a remnant of responsible citizenship. I believe that we have lost sight of the whole view of democracy and the democratic processes. It seems to me that to get back to recognising the sovereignty of the person, we need to recognise our responsibilities. When we said, ‘We, the people’ in the United Nations charter, most of us in Europe meant it, but it has not been happening. I believe that it is time we found a way to express our universal concern for human beings by arranging — through banks, not fund-raisers — a method of subscribing voluntarily for the first few years to United Nations humanitarian work so that we make it clear that we do care and we are involved.

**Professor Steiner** — I certainly share your view about the need to support the humanitarian efforts. The world cries out for it in place after place. I simply say: as vital as that work is, I am always torn by the choice between charitable contributions to movements which have some promise of transforming structures and those that deal with alleviating today’s miseries. Humanitarian relief work will change none of the entrenched structures of oppression, of denial of rights and the consequences of those denials. As vital as that work is, it is only a companion to the more significant work of transforming the structures of government.

**Questioner** — I am from Burma. I taught for almost four years in two law faculties in Malaysia. I have two comments or ‘addendum’ to what you have said and a question. I am glad you raised the issue of ‘who decides the culture’ or what is or is not consonant with one’s culture in assessing the validity and applicability of human rights norms. A few months ago at a dinner talk at a conference, the Deputy Prime Minister of Malaysia, Anwar Ibrahim, commented to the effect that he rejected the assertion that some Third World governments are using ‘culture’ as a means of enhancing State power. He said that a Japanese garden, and a Malay Islamic garden have their own beauty. I am not endorsing his statement just repeating it.

Aung San Suu Kyi my fellow country person writes that, ‘There is nothing new in Third World governments denouncing human rights norms as alien and stating that they and they alone have the right to decide what is or is not in consonance with indigenous traditions.’ Suu Kyi in effect writes that the concept of human rights can be compared with aspects of Burmese Buddhist culture such as ‘The Ten Duties of Kings’. Lee Kwan Yew contends that certain aspects of the Universal Declaration of Human Rights such as freedom of speech and freedom from culture are not in full conformity with Asian culture.

When I asked my Malay students to comment on the pieces by Suu Kyi and Lee Kwan Yew one of them wrote, ‘Lee Kwan Yew is a seasoned politician who knows about and had exercised power. Suu Kyi is an idealist and has never been in power. I would at any time take Lee Kwan Yew over Suu Kyi.’

Your mention of culture and human rights reminds me of three books written by your fellow countrymen, namely *Culture and Imperialism* by Edward W. Said, *The End of History and the Last Man* by Francis Fukuyama and *The Clash of Civilisations* by Samuel Huntington. As far as relationship between culture and human rights are concerned with whose position are you closest to or furthest from vis-à-vis the three authors’ viewpoints?

**Professor Steiner** — I think it is incorrect to say that Lee Kwan Yew exercised a far greater power than Suu Kyi. In the long run, hers will likely be the greater power — maybe even in the world today.

Your question is an amplification of the question put initially. Just as one cannot speak authoritatively for all people in a given state, how can one speak for all Asians, with the astonishing diversity of a region including India, Burma, Thailand, Vietnam, the PRC and Japan?

The claims of those who would speak broadly and abstractly about African or Asian culture are not illuminating. That abstraction blocks progress. Discussion has to be made more concrete and contextual, so that to an African who says, ‘We believe in a communitarian interacting culture where we help each other’ — as is true I think in the customary notions of African society — ‘and we will reach out and help our relatives because that is part of our interlocking duty’. I would answer, ‘Yes, that is different from the West, where we tend to be profoundly neglectful in the private sector of those around us. Yet just what does that justify in the way of exceptions from universal human rights principles?’ We have to go past the broad cultural differences and identify where the objections to universal human rights lie. It cannot be that communitarian concern for your neighbour or distant relatives permits torture. What then does it encourage or permit that offends universal human rights? Does it

permit traditional leadership or oppressive rule rather than popular participation? Why? We have to get into that debate, but the positions here are not yet joined.

As for the three books, suffice to say, I have deep disagreements with each, which is perhaps inevitable.

**Questioner** — I have just spent a month in north-east India. Rupert Murdoch's *Star TV* has been there for a year or two. I was alarmed when told of the effect this has had on the culture of young people and the way that it has distanced them from the older people. The sorts of programs they are getting are some of the worst of our Western junk. Does this alarm you? I do not know whether there is an awareness of the impact of Western media on other cultures. Is there any way that this can be investigated?

**Professor Steiner** — It is really a searching question. In terms of world news, Murdoch or CNN undoubtedly have serious effects in shaping what people know and understand. Take the American insistence on protection of freedom of speech, our First Amendment. It has been used very strongly, particularly in recent decades. When the United States ratified the International Covenant on Civil and Political Rights, it reserved that covenant's clause requiring states to outlaw warmongering speech or speech that incites racial or religious discrimination or violence. We could not accept that consistently with our Constitution. Nonetheless, it would seem to me to be patent arrogance and nonsense to claim that our exact ideas of free speech should govern all parts of a world where millions die because of ethnic hatred and all forms of discrimination.

Similarly, an episode like Salman Rushdie — which was properly strongly condemned by the West when the Ayatollah issued his death sentence to be carried out anywhere — nonetheless raises difficult questions. A blanket prohibition of blasphemy, broadly conceived, would again violate the American conception of free speech, and properly so in American culture. But I would not view censorship with respect to material in a more religious and unified culture that is considered deeply blasphemous by that culture as offending a deep conception of universal human rights. The punishment, precisely what is done to the author, that is a serious issue. Other cultures surely need not follow the constitutionally based doctrines of certain states in the West, including my own.

For the rest, the corruption of cultures — including I would say my own, through the extraordinary degree of violence and vulgarity that dominates so much TV — is a global problem. Where is the will or power to control, with faxes and e-mail and internets and TV now telling everyone about everything, from pornography to human rights violations to popular material culture to high level philosophical discourse? Information seems to have escaped all national barriers — a phenomenon that was so relevant at the time of Tiananmen Square. That astonishing flow serves many valid purposes, but I agree with you that it also can foster the worst kind of modernisation, and can compromise the claim to a cultural integrity that seeks protection.

So I have not effectively responded to your very good question about where the world is heading under these new related impulses of media and markets. How long can we stay on this path without reaping terrible consequences, including the dangers of a media-bred global homogenisation which the populations of many Third World countries often seem to desire, at least by what their populations look at? Seduction by the West. I do not think that human

rights instruments would or could serve as an affirmative instrument justifying exclusion of foreign ideas and culture. The problem is one that the entire culture must wrestle with.

**Questioner** — It seems to me that an underlying theme is what can the West and human rights with a universal perspective give to other cultures? What of the reverse? Is there any work being done in looking at the positive aspects of non-state, perhaps community based, participation and citizenship, in asking about how that works in terms of human rights? It is much the same as a Western view of ethics as being an export. What are we taking back? Are we even looking for positives in other cultures?

**Professor Steiner** — I am not quite clear who the 'we' is. I do not know if it is your country and mine or a broader notion. The answer empirically would be no, except to the extent that we — countries like yours and mine — absorb ethnic communities from different cultures that struggle to maintain their own integrity and way of life in our countries. This integrity and way of life — including the extended family, strong notions of an inner morality and almost a family-centric rather than a state-centric conception of what the relevant unit is in social life — stand apart from and may inform the prevailing culture. Distinct ethnic groups have such a hard time existing as they move into a culture like my own, with its massive tendency to absorb culturally in some ways and with the great attractions to the young who are starting out and competing and achieving.