

Human Rights in East Asia, edited by James C. Hsiung

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BOOK REVIEWS

HUMAN RIGHT IN EAST ASIA, A CULTURAL PERSPECTIVE.
Edited by James C. Hsiung. New York: Paragon House Publishers,
1986, 165 pp., \$21.95 (hardback).

This book raises very big questions. We generally assume that the concept of human rights is a universal one. Even the socialist states which tamper with human rights nevertheless feel obliged to pay lip service to this universal concept. We are comforted in this opinion by the very existence of the Universal Declaration on Human Rights, adopted in 1948 under the aegis of the United Nations. Human rights could be, however, a misconception, and the main thesis of the contributors to this book is that for a variety of cultural reasons the concept of human rights, as understood in the context of western cultures, did *not* emerge similarly in East Asia (*i.e.*, Japan, both Chinas, and both Koreas), and does not have the same meaning as in western societies. One of the most interesting articles is the editor's, entitled "Human Rights in an Eastern Asian Perspective."¹ The core of the article is that East Asian civilization has developed in a specific cultural pattern which is opposite, in many respects, to the western model due specially to the role of religion in both cultures and its influence on the definition of the individual.

Once this cultural approach is adopted, according to Professor Hsiung, there exists essentially three main differences:

1. The western society rests on several main divisions such as individual versus state and public versus private. Its model is, in almost every field, an *adversarial* one. As Professor Hsiung aptly states: "The meaning of human rights in the West is inseparable from the adversarial legacy in which they were conceived." Hence, the emphasis is placed on freedom and emancipation, and therefore on individual rights. The concept of human rights in our societies has a combative ring. We do not find the same adversarial tradition in East Asia. China, Korea, and Japan share another cultural pattern which could be called Confucian and a *consensual* model of decision making.

2. In East Asia, public and private human rights are considered in a continuum rather than separately. What is important to know is whether government and people can work together to enhance society's

1. Hsiung, *Human Rights in East Asian Perspective*, in HUMAN RIGHTS IN EAST ASIA, A CULTURAL PERSPECTIVE, 1-30 (J. Hsiung ed. 1986).

total returns. Professor Hsiung develops an interesting comment on the consequences of this continuum approach:² "The focus is on wholeness rather than individuality, and on *simultaneous* rights for all parties instead of one person's rights against another's."³

3. The western fashion to make demands first for individual political rights is not the most proper way to achieve human rights in East Asia. Freedoms "to" (positive rights) are equal to and perhaps more important than freedoms "of" (negative rights). Hence, the emphasis will be put on the enforcement of social and economic rights.

Professor Hsiung's conclusion is a call not to confuse human rights defense and self-righteousness. As he states: "All (the) contributors have suggested the undesirability of arbitrarily grafting the western notion of human rights into the East Asian cultural corpus."

Other notable ideas Professor Hsiung discusses include the following. First, the role of religion in the framing of the western concept of individualism is more complex and ambiguous as Professor Hsiung states. At the beginning of Christianity, individual and community were deeply inter-related. Still now, this trend of thought, which sets apart the person as a human being from the individual as a rational and self-sufficient entity, persists in the Roman Catholic tradition.⁴ Besides, the western model of rights is far from being only an adversarial one. What is generally true, as applied to the United States, is much more debatable in western Europe. France, for example, in its Constitutions of 1946 and 1958, has long emphasized the importance of the *positive* rights, mainly of a social and economic nature. The same emphasis is evident in several of the constitutions elaborated in Continental Europe elaborated after World War I.

The other contributions deal more specifically with four countries: South Korea, Taiwan, the People's Republic of China, and North Korea. All the articles are stimulating, even though the chapter devoted to Japan left this reviewer partially unsatisfied. Professor Burks underlines rightly that "it is the *unique* Japanese interpretation of human rights within the context of society's needs which is worthy of attention."⁵ This historical and sociological pattern would have been valuable if it had been enlightened and explained. That was not the case, however, despite an interesting conclusion.

2. *Id.* at 23.

3. An example of the focus on all parties is evidenced in the Asian approach to labor strikes.

4. Compare this to the "personnalisme chretien" in France.

5. Burks, *Japan: The Bellwether of East Asian Human Rights*, in *HUMAN RIGHTS IN EAST ASIA, A CULTURAL PERSPECTIVE* 37 (J. Hsiung ed. 1986).

The chapter devoted to China⁶ and the one to Taiwan⁷ are certainly worth reading, especially the latter. Before examining the evolution of Human Rights in Taiwan, Professor Hung-Chao Tai opposes, in a very convincing way, the western concept of human rights and the traditional Chinese political culture. Of a particular interest are the developments dealing with the Confucian ethical code, as applied to a traditional agrarian society and to a modern industrial one. Perhaps this distinction is the key to a better understanding of the present student created social disturbances in China.

Finally, there are two interesting chapters devoted to each Korea. The "accommodation" between Marxism-Leninism is discussed in the chapter devoted to North Korea,⁸ and the traditional cultural traits of the United States is emphasized in the chapter devoted to South Korea.⁹

As we may see, such a book is challenging and thought provoking. It compels us to face this central question: taking into consideration the diversity of state conceptions about what human rights are, is this notion of a Universal Declaration on Human Rights equally binding on a world scale meaningless and hypocritical? The reviewer asserts that he still believes in some fundamental and absolute rights which, transcend cultures, ideologies, and even religions are recognizable to all concerned individuals "Let us make man," Hobbes once said.

*Jean-Pierre Lasalle**

6. Wilson, *Rights in the People's Republic of China*, in HUMAN RIGHTS IN EAST ASIA, A CULTURAL PERSPECTIVE, 109-28 (J. Hsiung ed. 1986).

7. Tai, *Human Rights in Taiwan, Convergence of Two Political Cultures?*, in HUMAN RIGHTS IN EAST ASIA, A CULTURAL PERSPECTIVE, 77-108 (J. Hsiung ed. 1986).

8. Lee, *North Korea and the Western Notion of Human Rights*, in HUMAN RIGHTS IN EAST ASIA, A CULTURAL PERSPECTIVE, 129-151 (J. Hsiung ed. 1986).

9. Kim, *Human Rights in South Korea and U.S. Relations*, in HUMAN RIGHTS IN EAST ASIA, A CULTURAL PERSPECTIVE, 55-76 (J. Hsiung ed. 1986).

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