HUMAN RIGHTS AND ASIAN VALUES
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Human Rights and Asian Values
Contesting National Identities and Cultural Representations in Asia
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In recent years an often acrimonious East-West debate has arisen on issues of democracy, human rights, good governance, etc. One aim of this series is to augment traditional political studies with more culturally sensitive treatments so that our knowledge of local interpretations of democracy and political legitimacy is improved. Accordingly, welcome additions to the series will be studies of local political structures and political cultures (and their operation within national political processes), new avenues of transnational interaction, and the meeting between what governments interpret as democracy and local cultural and political realities. In so doing, the series will contribute to the discussion about democracy, democratization and democratic alternatives in Asia, and provide a natural meeting place for scholars working in this field.
HUMAN RIGHTS AND
ASIAN VALUES

Contesting National Identities and
Cultural Representations in Asia

Edited by

MICHAEL JACOBSEN AND OLE BRUUN

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Preface

The chapters of this volume all derive from papers presented at a workshop held in Copenhagen in May 1997 under the title ‘Human Rights and Asian Values’ and jointly organized by the Nordic Institute of Asian Studies, the Institute of Anthropology, University of Copenhagen, and the Danish Centre for Human Rights. The Danish Ministry of Foreign Affairs provided generous support for the workshop, which gathered over 70 scholars and students from four continents.

The editors also acknowledge the cooperation of all contributors to the volume and appreciate their patience during the editorial process, which for various reasons extended far beyond expectation. Yet we believe that the theme of the book is no less relevant today than it was at the time of the workshop.

Thanks are also due to the staff of the NIAS publication unit, Gerald Jackson, Leena Hoskuldsson and Andrea Straub, whose professional work speaks for itself, as well as to the anonymous referees who provided helpful criticism and suggestions.

Finally, we recognize the support and understanding of our loved ones—Michael Jacobsen’s wife Jytte and Ole Bruun’s wife Karen and his children Philip and Esther, to whom we dedicate this book.
Introduction

Ole Bruun and Michael Jacobsen

Are there such things as Asian values, understood as a common social morality embraced by that half of humanity living in Asia today? Hardly, we contend, apart from the common humane values that are also shared by the other half of humanity. This anthology intends to show that there is no distinctively ‘Asian’ perspective, entirely different from Western or other perspectives and unanimously shared by all Asian societies. Accordingly, we are not concerned with identifying a specific Asianness in the approach to human rights, but with investigating the background for what has now established itself as the Asian values argument in international politics as well as with tracing similarities and dissimilarities in the current controversies over human rights and national cultures in Asian societies.

Since Asian values are used to promote cultural relativism as an argument against the universality of human rights, it has created a sense of urgency among critical intellectuals and in human rights circles. First of all, the crude sense of culture that derives from phrasing a common set of values as expressive of a national culture, of which an authoritarian state is the rightful defender, simply invites a response from the modern scholarly world. Second, from a straightforward human rights point of view the real challenge embedded in Asian values is less their ideological content than the prominence they derive from being articulated in government rhetoric and official statements. For instance, in 1993 at a regional meeting prior to the UN Human Rights Conference in Geneva, a wide range of Asian states, representing—or controlling—a third of humanity, signed a declaration, known as the ‘Bangkok Declaration’, problematizing the universality of human rights. The wording of the declaration itself is ambivalent, containing clauses supporting the universality of human rights and at the same time containing other clauses stressing the imperative significance of national and regional particularities and various historical, cultural and religious backgrounds. Despite inconsistency, from an academic point of view the
Bangkok declaration meant that an old debate on universalism versus cultural relativism had taken a new turn and a political consensus on the Asian values rhetoric had been established among many Asian governments.

Our joint approach in this volume derives mainly from critical social science. We shall look behind the popularized and frequently quite vulgar proclamations by Asian values proponents to raise some critical issues: in the context of Asian social and political realities, who defines values and for whom? Whose culture is represented at the national level? What alternative visions of society exist? And how far is cultural relativism on human rights being shared by the national and cultural groups in question? A very general theme is therefore who has the power to define culture and values and what are the power relations in society when such cultural axioms are applied to the practice of human rights. The universal human rights obviously produce contesting representations of culture, identity and the national heritage in Asian countries. We all share the view that the idea of universal human rights is a fairly modern conception intended to create local or global solidarity in the struggle against injustice—as a mere set of ideas it has no boundaries and tracing its history tends to be non-essential for its application. Yet we are not primarily concerned with human rights and their possible violations in an Asian context, but with the diverse ideologies, traditions, values and cultural orientations that are mobilized when notions of human rights are introduced into Asian societies. As will become clear, the Asian values dispute is not limited to East against West, but is as much a dispute cutting across regional, social and cultural boundaries.

THE ASIAN VALUES DISCOURSE

When looked upon in isolation, Asian values closely resemble commonplace conservative values: strong leadership, respect for authority, law and order, a communitarian orientation placing the good of the collective over the rights of the individual, emphasis on the family, etc. These are known from all continents, in recent history being symptomatic for historic predicaments of rising authoritarianism at the expense of democracy and civil rights.

The so-called Asian view of human rights focuses on the following interrelated themes, which will only be outlined here as they are treated in more detail in the following chapters. First of all there is the straightforward ‘cultural’ argument, that human rights emanate from particular historical, social, economic, cultural and political conditions—
in short, that they are culturally specific—and less relevant in other cultural settings such as the contemporary Asian societies.

Second, there is the reflexive, ‘collective’ argument that Asian values differ from Western ones by being communitarian in spirit, with family and community obligations being the core of social life as opposed to Western individualism and an atomistic perception of society, which entails social disintegration, crime and drug abuse. Since the community takes precedence over individuals, individual rights are destructive to the social order and the harmonious function of society.

Third, there is the ‘disciplinary’ argument, stressing the importance that Asians allegedly attribute to voluntary discipline in all social life, including family relations, labour relations and politics, particularly with a focus on the necessity of this for superior economic performance. A derivation of this claim is that social and economic rights take precedence over civil and political rights, stressing, for instance, the ‘right to development’—that is prioritization of second-generation rights. Political rights thus become subordinate to feeding and clothing the populace and the workers’ right to form unions is secondary to a system of stability and efficient production.

Finally, there is the ‘organic’ argument, building on a notion of state and society as a single body, intimately connected with the mandate to rule for the common good of everyone. As a consequence of this notion, the political leadership is ordained to handle the interests of the entire society and criticism against it is deducible to a challenge to state power. In foreign relations the organic argument is expanded into an unyielding policy of state sovereignty and international non-interference, denying foreign governments and NGOs the right to monitor domestic human rights.

This cluster of arguments has been advanced at numerous occasions, either as a whole or fragmentedly, by state representatives and establishment intellectuals primarily from China, Singapore, Malaysia, Vietnam, Burma, Indonesia and Thailand, while it has had resonance among some scholars in Japan, Korea and India.

The rise of the debate might be linked to several international trends and events. The collapse of the Soviet Union and the void it left in international politics must certainly be emphasized. Western governments have frequently been accused of exploiting this void for a crusade against Third World countries, linking democracy and human rights to trade agreements. During the same period of time national and international aid agencies, as well as the IMF and World Bank, have begun more customarily to tie human rights issues to international cooperation and aid. China and several ASEAN members particularly have
expressed their bitterness over this development: there is some correspondence here with those countries, whose leaders and prominent intellectuals have actively promoted Asian values. Equally prominent in the debate has been the question of a hidden agenda, with which the West is supposed to introduce universalist issues into Asian societies in order to cause disturbance and stall the rising political and economic significance of Asian economies with a view to maintaining its own hegemony.3

Also country-specific events such as the Tiananmen massacre in China in June 1989, resulting in international condemnation of the Chinese regime, and the extensive house-arrest of Burmese opposition leader Aung San Suu Kyi, which also attracted immense international attention, obviously have animated several Asian governments to promote Asian values in their external relations.

There must be no doubt, however, that the Asian values rhetoric was energized by East and Southeast Asia’s economic muscle and the ensuing self-confidence in international politics that the entire region gained up through the 1980s and 1990s until the Asian crisis began in 1997. The self-celebration that follows in the wake of economic success and the search for functionalist-type explanations of one’s own superiority is known from nineteenth century Europe—Max Weber’s Protestant ethic is a prominent example4—and echoed in post-war Japanese and Korean emphasis on the Confucian ethic. Once Japan and Korea were established modern economies, the search for a native values resource base shifted to the up-coming economies in Southeast Asia and later mainland China.

The formulation of Asian values conveyed a wish to match economic success with a societal design distinctly different from the Western model and to counter what was perceived as rampant ‘Westernization’. Thus it is a cultural relativist approach, specifying the balance between citizens’ rights and the integrity of state power. It is also of cardinal importance that Asian values are rooted in aspirations for contemporary society rather than in unreflected respect for cultural traditions of the past. Asian values are meant to strengthen a given public morality in a changing world. It may even be questioned if they are at all concerned with values or if they only operate in the field of concrete politics.5

Although the concept of Asian values is of recent date, perhaps reaching its peak in the mid-1990s, we should not be misled to see it as a novel phenomenon. Asian values have many localized precedents in colonial and post-colonial history; the late nineteenth-century Chinese debate on ‘self-strengthening’, the post-war Indonesian Pancasila ideology, the Panchayat system in Nepal, the ‘Basic Democracy’ policy in Pakistan and the more recent Malaysian ‘2020-vision’ under Premier
Mahathir are all examples of struggles to activate a native values resource in the service of nation-building and frequently in the face of foreign domination. On top of these are countless Asian examples of emergency orders, which may rest on similar principles. It is the unit of geographical reference, Asia as a whole, that institutes a new dimension to the struggles with post-colonial identity and mobilizes new actors.

Taken together, however, these motifs have provided a powerful normative framework through which state power has been justified and exercised, and perhaps even more importantly, it has allowed the ‘constitution of a sense of legitimate social purpose to be pursued by the exercise of state power’. That is, of course, if it resonates with popular notions of justice or fairness—but by what means can we evaluate if this is really the case or if such framework merely provides a verbal distraction from authoritarian rule, entirely dependent on the exercise of force? In real-life politics the critical matter tends to be whether authoritarian government can deliver the promised goods. Fulfilling the material expectation of elite and middle-class citizens will at least win them a respite—on the contrary, they may also lose political legitimacy overnight, as seen in Indonesia as a result of the economic crisis.

An engaging feature of the Asian values debate is the vigorous defence of Asian values by many members of Asian elites, who in this way convey an implicit message of ‘a revolt against the West’. The ‘West’ becomes subject to demonization as the spooking other, ascribed a range of negative characteristics. Crude dualism appears necessary for constructing the positive image of Asia as morally superior, politically stable, committed to common cause and economically viable. It is perhaps this new self-identity in the form of occidentalism, or self-orientalism one could say, promoted by some Asian leaders and establishment intellectuals that baffles us the most. The authors of this volume feel a joint responsibility to analyse the implicit meanings and underlying assumptions in these abstract formulations of a common Asianness. Given the diversity in political and economic systems, philosophical and cultural traditions, historical and colonial experiences and present government type, Asia is too large and polychrome to allow any deeper consciousness of shared values and a common heritage.

**A CRITICAL APPROACH**

Thus the general significance of Asian values for human rights is, first of all, that it has opened a debate on the legitimacy of cultural interpretations of human rights, and second, the derived question of what social and political significance these interpretations may have for
Asian societies. Some of the following chapters will attack these issues from a transnational, theoretical angle, while others will scrutinize the rise and significance of the Asian values debate from a regional perspective.

With the Asian values debate cultural relativism has been marketed anew in defence of different human rights practices. This inevitably leads to the critical issues of power and representativeness. Indeed, some East Asian countries seem to exploit the language of cultural relativism to justify gross repression. Evaluating this debate is acutely important in identifying exactly who claim to be the true bearers of cultural traditions and by what means they defend their right to interpret, or ‘publish’, common values for others to ‘subscribe’ to. Another, derived, question is of even greater importance to this volume: who do not have the right to speak up in public and what alternative voices are heard underneath the official rhetoric in the countries in question?

Much of the recent literature on Asian values has narrowly equated ‘East’ with authoritarian Asian governments and ‘West’ with the USA. After the end of the cold war the United States has gained unprecedented power and recognition as the land of economic opportunity and political freedom, thus for many Asian elites acquiring the double role of model and splinter in the eye. Still, Europeans inevitably will wonder how easily the West is taken for the US in this debate, while Northern European countries with massive state management are hard to fit into the East—West contention. The debate accordingly is constrained by positions of US superpower status and human rights championship against rising Asian self-assuredness and ability to set its own terms, with attempts to find ‘common ground’. Others, in dis-agreement with this trend, have attempted a philosophical comparison between Asian and European values. Opposing cultural models, monolithically and incompatibly represented, are really conceptual exercises more than positive realities, aimed at reducing a multiplicity of social and political factors to a single, overriding element, interpreted as ‘our culture as opposed to that of others’. Apart from the immense difficulties of defining geographically Asia and the West, the regions themselves are meaningless terms for cultural and historical unities. But the core of our argument is really that culture itself is too dynamic and creative to allow such stereotyped constructions: any ‘culture’ embraces distinct, historically co-existent traditions and interpretations, competing values and continuous cross-cultural exchange. Variety will unfold once a region, a state, a nation or a local group is broken down into its constituent parts—and in the final analysis these are and will always be individuals. Yet the polarities and stereotypes generated by cultural determinism cannot easily be dismissed.
as having no consequence. They are much too convenient instruments in creating some measure of meaning, order and legitimacy in a world of change and challenge. As pointed out by Stephanie Lawson, ‘In their simplicity and accessibility to unthinking minds they are indeed the stuff of myths’.15

We wish to broaden the perspective, comprehending the human rights and Asian values issue as a global concern: human rights everywhere need to be constantly guarded against political and cultural myth-making and any country can improve its human rights performance by assimilating out-of-culture visions of human dignity. Comprising several disciplines, including Asian studies, political science, sociology, history, law and anthropology, the authors of this volume will demonstrate various approaches to analysing the cultural relativist claims of Asianness, and they come from a wide selection of countries: Australia, Denmark, England, Iceland, Ireland, Hong Kong, Norway, the Philippines, Sweden, Taiwan, USA and Vietnam.

Several of the present chapters follow a straightforward approach of testing the values rhetoric put forward by governments on behalf of nations against what is commonly understood to be the fundamental values contained within a given national culture. Tine Gammeltoft and Rolf Hernø measure the values rhetoric of the Vietnamese government against fieldwork experiences concerning reproductive rights and economic rights; Mab Huang traces the development of liberalism in Chinese culture; and Maria S.Diokno discusses the role of indigenous values and cultural resources in building democracy and respect for human rights. Not unexpectedly, the existence of cultural variation and multiple traditions frequently both contradict official policy and rule out any absolutist interpretation of the national culture. What may have special significance for several Asian nations, however, is the remarkable contextuality of cultural representations, constituting, as it appears, several layers of well-established forms, each with a consistent and seemingly consensus-based set of shared values for social behaviour and inter-human relations. Continued analysis along this route is almost bound to end up with a focus on power-relations in the society in question, as it quickly becomes evident that collectively shared values are linked to a hierarchical positioning of mentors, emissaries and receivers, and quite commonly subjected to reformulation from above.

Another general approach is one of cultural appraisal, building on now-established perceptions of culture as complex, contested and constantly changing and on a dynamic view of interacting cultural precepts.16 Compared to the other approaches outlined here, this quite consistently points to universalist formulations of human rights and democracy as the
unconditional prerequisites for cultural life to unfold and for free cultural exchange, both within nation states and internationally. Michael Freeman discusses the doubtful position of culture as restricting rights, and David Kelly traces how freedom as a concrete value has developed in China.

The cultural dimension of human rights has been subject to renewed interest outside Asia, too. Several American, Latin American and European theorists have put forward a communitarian critique of liberalism in recent years, including criticism of the universality of human rights. Communitarianism is one parallel to the Asian values discourse; another, more sinister, version of cultural relativism is the now notorious theory of clashing civilizations put forward by Samuel Huntington, apparently with great thrust around the globe. Both Edward Friedman and Hugo Stokke argue strongly against Huntington’s scenario. Out of real cultural appraisal beyond simple essentializing of cultural elements comes a forceful attack on notions of civilizations as even those Asian states that appear the most homogeneous, such as the examples of China and Vietnam covered in this volume, are rife with internal contradiction over their cultural traditions and fundamental social values. Vo Van Ai paints a picture of an alternative Vietnamese mindset, where not Asian, but Buddhist values are the profound resource for building human rights. Even though most will agree that cultural and philosophical traditions must be considered in setting credible standards, empirical research shows that conflicts over the interpretation of human rights cut across cultural boundaries, allowing ‘conservative’ and ‘liberal’, or ‘traditional’ and ‘modernist’ positions to be discerned.

A third approach could be identified as ‘aggregate’ as it attempts to paint a complete picture of the debate on human rights and related values in a specific country or region, including the views and arguments of government, establishment intellectuals, dissidents, exiled intellectuals, NGOs, labour unions as well as common citizens. Marina Svensson documents the wide spectrum of thought and debate on rights and values in China. Hearing many voices is a useful tool in refuting common proclamations of the primacy of economic and social rights over civil and political rights; voices from the Asian hinterlands may tell a different tale of so-called economic growth for the benefit of all than that told by government. A real thrust in this approach, however, is a capacity to develop a schematic method for identification of all relevant actors and evaluation of their standpoints in the human rights and cultural values debate in any country in question.

A contemporary historical approach is applied by several writers, who trace the establishment of the human rights instruments in the context of international politics, historical processes and national traditions. Jon
Halldorsson pursues the ideological debate in Indonesia from Pancasila to Islam to democracy. Deborah Milly traces the development of human rights protections for migrant workers in Asia over the past decade.

The approaches outlined above are merely indications of possible routes to contest Asian values and several authors tend to combine them. Even so, all authors share an essentially anthropological position on the origin of human rights in relation to history and culture. Cutting across the ongoing attempts to trace notions of human dignity if not human rights in Confucian, Buddhist, Muslim and a myriad local traditions, this position would not see the existence of certain human rights notions at any point in history as a precondition for their realization in the present. To reconsider local traditions in order to trace in them possible proto-human rights elements mostly appears far-fetched and unnecessary. Abstract notions of natural rights may find stronger representation in European thought than elsewhere, but so do their negations, for instance in feudalism, Marxism, Fascism, post-modernism and other important trends, just as modern history has positively shown how easily political traditions may be reversed and authoritarianism manufactured.20 The notion of a ‘democratic West’ is more of a myth often mistaken for a historical truth. Similarly, several modern Asian histories have shown us that the absence of indigenous rights thinking does not preclude the realization of human rights. Thus it is not ideas or ‘systems’ in themselves that shape history, but human actors who engage them in a social context.21 Correspondingly, it is not so much the cultural traditions in themselves that present obstacles to human rights as it is their authoritarian apologists. Both ‘Asian’ and ‘Western’ values are modern constructions—as are in fact all the international human rights instruments. The distinction between Asia and the West on these matters is false and subject to myth-making; when East and West are properly compared, much of the supposed cultural distinctiveness of one or the other swiftly disappears.22 Moreover, in terms of human rights performance, close scrutiny will leave no doubt that all nations can do better.

Values, Asian or otherwise, do change, and particularly in the field of human rights and democracy, remarkable processes of value-change have altered politics in, for instance, the Philippines, South Korea, Taiwan and most recently in Indonesia. Agents of change, whether dissidents, intellectuals, opposition parties or NGOs, call for special attention in any debate on Asian values. Richard P.Claude shows how government-sponsored processes of active value change are set in motion in several countries with human rights education programmes, and this is exactly
what NGOs across the region call for to counter elitist biases in school curricula.  

**NATIONHOOD IN DISTRESS**

The international human rights movement is carried along by globalization—as much as it forms part of and gives intellectual substance to a global ‘ecumene’. Despite academic debate as how to define human rights with an adequate cross-cultural perspective, we experience that in real-life politics, universal moral rights are an expansive force that inspire radical change in many societies. What happens when universalist ideas are written into local histories? It has been suggested, by Yash Ghai among others, that in the West human rights merely serve as ‘fine tuning’ of existing political culture, whereas in Asia they have a real transformative potential, demanding institutional changes and at least some transfer of power. Many Asian writers in particular find this issue extremely relevant for their own societies, as Joseph Chan argues in this volume, because human rights need the construction of a ‘thick’ account and the development of a public morality in order to fit in.

Human rights are a rising force across Asia, just as they rose in Europe and America in recent history when slavery was terminated, colonialism abandoned, electorates broadened, women liberated, and so forth. The transfer from a privileges-to a rights-type of thinking is not an easy one as it interferes with the state’s access to allocating privileges to a narrow elite according to political virtue. In fact, it is difficult to imagine this transfer without a full transformation of the structure of society. Especially in strongly authoritarian states a human rights movement inevitably forms a prototypical revolutionary force, the full impact of which may compare to historical markers such as anticolonial movements or Communist revolutions. Human rights strike at the core of traditional elite values just as they provide the tools to overturn prevailing power structures. In the span of a very short historical period they were institutionalized at the international level and subsequently entered nearly all modern constitutions, whether by intent, pressure or force. That they are constantly expanded, beyond recognition some would argue, and in some ways redefined, does not alter their process of advance.

A question felt to be of great importance, but also of great abstraction, is how human rights relate to globalization. It is a reasonable hypothesis that the 1948 Universal Declaration of Human Rights, an internationally accepted document which claims universal validity and applicability, represents a unique intersection in world history. Its appearance
coincides with the globalization of the market economy, which has, particularly in the latter part of the 20th century, penetrated and connected all nations and peoples on Earth into an interdependent network. Roland Robertson uses the notion of a ‘time-space compression’ to describe this development. 25 As human rights continue to capture centre stage attention in international conflicts of the post-cold war period, the question of how to establish a moral foundation for the international community necessarily poses itself. 26

A focus on globalization will inevitably confront the cultural relativist reservation towards the transcultural applicability of human rights. Instead of using the dissimilarities of historically determined value systems as a point of departure for defining the normative content of contemporary human rights, we should concentrate on how globalization, understood as global economic integration, global environmental issues, rising prominence of international organizations, revolutionizing development in military and communications technology, etc., affects human beings, regardless of differences in terms of culture, values or religion. As argued by Hugo Stokke in the present volume, the international human rights regime is but a rational response to the demands of efficient government faced by every single nation in a world of rising complexity.

Globalization provides the arena for cross-cultural conversation, for instance by submitting human rights to a continued scrutiny of ‘public reason’ around the world. An idea that has thus survived the test of rigorous scrutiny will be reasonable or valid not just within the boundaries of particular cultures. 27 We are perhaps approaching the establishment of a moral foundation for a global community—a moral community—in which democracy and human rights are leading principles, 28 but many philosophical and religious traditions compete and entwine on the global arena, with a great many Asian traditions involved, including Buddhism, Confucianism and Islam. The emergence of supra-national moral constructs such as universal human rights creates new platforms for NGOs and ethnic groups to forward issues at the international level, with a real potential of initiating qualitative shifts in people’s lives and living conditions. But globalization runs unevenly, increasing both risks and opportunities for social groups and individuals who become both objects of and participants in global processes. Ethnic groups through their individual members are increasingly confronted with standardizing processes influencing consumption, life styles and perceptions of values. 29

Does somebody feel threatened by these trends? Yes, of course, but not only Asian governments sense the danger. In fact, every modern state
with significant, but hidden, unrepresented or underrepresented minorities is faced with the mobilizing potential provided by direct links between local groups and the international community, frequently in defiance or even mockery of local state authority. One may ask whether the Asian states, or any assembly of states, can turn the tide of globalization and obstruct the construction of universal moral rights? We think that the answer is self-evident: these globalizing trends have turned human rights into a species-wide concern, supported by international organizations and forcefully monitored by entirely new entities such as independent television networks and the international printed media.

Human rights are both a crucial concern for and a rising challenge to national identities. Asian values are clearly expressive of a growing need to explicitize own culture in the face of rapidly modernizing and globalizing forces outside the control of national elites. At a very general level, too, we can sense a crisis of values in many Asian societies as conventional institutions such as kinship organization cease to play a dominant part in maintaining social morality. Some Asian nations are perhaps rediscovering their cultural traditions—or rediscovering a sense of self—to meet the challenges that their unique transformation to industrial societies in recent decades has posed.

An important reading of Asian values holds that despite Asian societies having adapted well to modernization and industrialization, their political morality and national identity are still quite underdeveloped. In this thinking a major problem faced by any modern society is the balancing of interests between individuals and between individuals and the common good as defined by the state. More fundamentally this involves making conscious decisions concerning which interests are relevant enough to count. Thus the concept of Asian values, as defined by the state, does not necessarily reflect a common vision, but a commonly felt need to develop and articulate one’s own independent national identity, setting own standards for the balancing of interests mentioned above. This is a kind of national soul-searching exercise for entire Asian nations, necessary for handling the question of violations, not least in terms of public morality. Balancing of interests between public and private has a fundamental—or universal—requirement, however, namely the freedom of expression and association, since no person or entity in society can be the authorized arbitrator of culture.