

The Priority of the Right and the Obligation? — The Implications of Demonstrate to Human Rights Education on Asian Value

YU-NAN SU

Assistant Professor, Department of Educational Administration and Management, National
Dong Hwa University, Hualien, Taiwan, ROC

Correspondence to; Yu-Nan Su; e-mail: foci@mail.ndhu.edu.tw

Abstract:The opposition between The United Nations Universal Declaration of Human Rights and Asian Value contains many important issues about relativism against universalism in human rights. However, there are few studies on this topic. Taiwan, located at East Asia, inherited by the tradition of Confucian culture, can reflect and research the issues of Asian Value to consider the priority between right and obligation, economy and human right, Liberalism and Socialism. Through this study, it reveals the Confucian culture and reflects on Human rights education.

Keywords: human rights education, Asian value, Confucian culture, The philosophy of education

I Introduction

The concepts of "global village", proposed by M. McLuhan (1964), and "world neighbors", proposed by the United Nations, have provided a new vision of the world, making people aware of the increasing inter-connectedness of various countries. The impact of this rapidly developing and interconnected network on the international transmission of ideas and values is even more rapid than in the past. Viewing the current human rights education in Taiwan in this context shows that we are bound to face and pursue this conceptual framework under the universal values stipulated in the international covenant on human rights. When discussing the content of human rights education in Taiwan, as well as Taiwan's absorption and conversion of the international covenant on human rights, we must consider the cultural context in different locations. Taiwan is located in East Asia, and the language and inherited cultural tradition belong to the circle of Confucian cultural values. As a conceptual analysis, the concept of human rights in Confucian culture has become the human rights spirit intrinsic to Taiwanese culture (Jingsheng Zhuang, 2006; Minghui Li, 2002; Junjie Huang, 1997; Qingsong Shen, 1988; Shuxian Liu, 1986). These rights have become traditional elements in the concept of human rights education in Taiwan's corpus that we analyze and discuss (Meiying Tang, 2009; Minjun Zhu, 2006). Confucianism and the traditional concepts of communitarianism, including unity, filial piety and forgiveness, "Five Relationships", and universal social concepts, are on the spectrum of human rights concepts, and the cultural traditions in Taiwan accept them. These concepts are also deeper cultural factors in developing human rights concepts. However, the Confucian concepts of communitarianism significantly differ from the concepts of liberalism and equal rights stipulated in the "United Nations Universal Declaration of Human Rights (UDHR)".

The "Universal Declaration of Human Rights" stipulates the basic value that "human rights should be universal" and says the following in its preamble: "[The] recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. ... therefore, The General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, ..." The Declaration describes the basic principles of "universal human rights" and insists that there should be no so-called "Asian standard", "regional standard" or "Taiwan's point of view". All peoples and countries should agree, so the general public can develop an awareness of human rights. The key is "the implementation of human rights education" or the fundamental issue of "how to

implement human rights” (Bojia Li, 2005). The abovementioned viewpoints agree with that of human rights theorists: as long as human beings are humans, they have human rights (Donnelly, 1985: 1; Donnelly, 1999:79; Freeman, 2002:110; Gewirth, 1982:1). Rights are attached to the identity of “human”, meaning that a human has an individual awareness of human dignity. Humans and animals are different. Human reason and the corresponding respect for the value of a human cannot be abandoned or conferred at will. The efforts and enhancements for this value principle highlight the self-discipline and maturity of humans and are recognized by group reason.

Asian values centered on Confucian culture are the first to publicly refute the argument of the Universal Declaration of Human Rights (Jingsheng Zhuang, 2006; Xianchao Ou, 2002; Lee Kuan Yew, 2000; Chunying Xin, 1996) and express dissatisfaction with the concept of universality in the international covenant on human rights. Asian values have thus become an important framework for understanding Asian thinking in many fields, including politics, economics and culture. However, the content and concept of Asian values are suspended from the human rights education discussion in Taiwan; the concepts of priority between rights and obligations are important in human rights education and can become discussion topics. There is no relevant paper in human rights education, which is a pity; therefore, this paper aims to fill this gap. Following Lee Kuan Yew, a former Prime Minister of Singapore, the concepts of Asian values are often summarized as a confrontation between Confucian and universal human rights. Analyzing the rise and content of Asian values can greatly help us understand not only human rights concepts as they arise in Asia but also important human rights concepts, including the priority among rights and obligations, as well as the merging and contradiction between communitarianism and individualism. This paper discusses the perspective of education philosophy within the context and meaning of Asian values and the situation in Taiwan.

II The origin and content of Asian values

On June 14-25, 1993, the United Nations held the Second World Conference on Human Rights in Vienna, 45 years after the release of “Universal Declaration of Human Rights”. The conference adopted the “Vienna Declaration and Programme of Action”, emphasizing universal human rights. Many Asian countries at the conference expressed different views, and these views had a strong cultural relativism, known collectively as "Asian values". The delegate from the People's

Republic of China stated that "...one cannot, and should not make the human rights standards and models of some countries absolute, and then require all of the countries in the world to implement accordingly". The delegate from Indonesia stated "by nature, human rights are indeed universal, but at present, it is generally recognized that its specific manifestation and implementation should be under the authority and responsibility of individual governments. This means that the relevant issues, and the complexity and diversity of different economic, social and cultural reality, as well as the dominant, unique value system of each country should also be considered. This state authority is not only based on the principle of sovereignty, but also the logical result of the principle of self-determination". The delegate from Singapore stated "Singapore people bear the responsibility of Singapore's future. We don't use abstract theory or recognition of foreigners to prove to our people that we are right.... we do not believe that our arrangements are suitable for everyone, and they are only suitable to ourselves. This is the most basic test of any political system"(Chunying Xin, 1996:25-26).

There are generally two important reasons for the rise of Asian values. First, after World War II, Asian countries, especially Southeast Asian countries, became independent. Most of these countries were still developing after colonial rule. Many countries developed behind Western countries. In the globalization process, many countries thus mainly accepted Western values, which encouraged much reflection, especially with the many waves of scientific and technological media. Many Asian countries attempted to balance between subjectivity and learning from the West, arguing that Western values cannot be directly absorbed because of the many differences between Eastern and Western culture. Lee Kuan Yew stressed that there are fundamental differences between East and West: "Asian societies and Western societies are different, and the basic difference is... that Eastern societies believe that personal values exist in the family... We are fortunate to have such a cultural background and moral value"(Zakaria, 1994:10; Yuqing Wang, 2007:11). Yew also mentioned in his memo that "regardless of the golden age or an era of confusion, Asian societies have never placed individual values above social values. Society has always been more important than the individual and I think this is the value that saved Asia from great suffering. "(Lee Kuan Yew, 2000:570 -571). This difference in nature, i.e., communitarianism values are more important than individual values, is an important path of self-identity and subjectivity in Asian countries. When faced with the universality argument from Western countries, cultural relativism unites Asian countries.

The second reason for the rise of Asian values relates to the successful economic development in Asia. Due to successful economic development, Asian countries are more confident that they do not have to follow the value of West countries, and they attribute this success to the advantages of traditional culture. Since the 1960s, gross domestic product (GDP) has grown substantially in both East and Southeast Asian countries. The success of these economies has also strengthened their views of their own cultures, and the economic growth has become an excellent response to human rights issues. Furthermore, many Asian leaders have strongly criticized Western values. Suharto, the former Prime Minister of Indonesia, criticized Western democracy. Mahathir Mohamad, the former Prime Minister of Malaysia, criticized the gay family in Western countries, arguing that if one pair of gays or lesbians adopts a child and practically form a family recognized by law, then only "illegitimate children" are produced. Children like this may marry their own brothers and sisters, leading to incest, a characteristic of Western demoralization. After Michael Fay, an American teenager, intentionally vandalized cars in Singapore, Lee Kuan Yew stated that "The United States does not dare to punish or restrict individual behavior. It forgives anything performed by an individual, which is why the entire country is in chaos: drugs, violence, unemployment and homelessness" (Rodan, 1996:345; Xianchao Ou, 2002:26-27).

The above reasons show that because most Asian countries were under colonial rule during World War II, they are extremely sensitive to Western countries, particularly any imperialist ideology. Under slow developmental conditions, many Asian countries must accept much "Western modern thinking", which naturally leads to criticism. Conversely, Asian countries have a unique culture system and, compared to Western countries, attach greater importance to community values. While their economies were generally recovering after World War II, Asian countries have built confidence in subjectivity and community solidarity values and are skeptical about the rights of individuals intrinsic in universal values.

The cultural identity of these Asian values is also manifested in the "Asian Human Rights Charter"¹. Section 1, Chapter 6 states that "the rights to life involve not only

¹ The "Asian Human Rights Charter" can be traced to "Our Voices: The Bangkok NGO Declaration on Human Rights", released by civil society organizations in Asian countries in Bangkok in March 1993, while the United Nations Conference on Human Rights was being held in Bangkok. The Declaration recognizes the desire for human rights. At the "Asian Human Rights Commission (AHRC)" in 1994, the participating countries believed it

material condition, but also the necessary spiritual and moral condition that enriches the meaning of life. This meaning not only depends on the individual, but is also based on his/her/their shared life experiences. Asian traditions particularly emphasize the importance of a common cultural identity, and cultural identity helps individuals and community to overcome the pressure of economic and social change. In an era of turbulent change, cultural tradition endows life with meaning and is the fountain of self-esteem and the sense of security. Similar to other places, there are many vulnerable communities in Asia, and his/her/their culture is being threatened and taunted. Asian people and governments must respect the culture and traditions of different communities within the region". Compared to the provision for cultural rights, Article 15 of the "International Covenant on Economic, Social and Cultural Rights" states that "The State Parties to this Covenant recognize the rights of every individual: (1) to participate in cultural life; (2) to enjoy the benefits of scientific progress and application; (3) to enjoy the protection of the moral and material interests resulted from any scientific, literary or artistic work of his/her own". The rights of an individual in cultural activities are thus not to be deprived. However, the values of culture and its meaning to an individual are not addressed. When referring to culture, the "Asian Human Rights Charter" emphasizes the concept of "identity" because culture is the source of the meaning of life, and the shared cultural experience provides a sense of identity, which is inseparable from human rights and is particularly important to those Asian countries experiencing threats to their culture.

This argument of cultural relativism primarily in Asian countries can be summarized by three perspectives:

1. Argument for the order in which to develop rights

This argument arises because the economic development of most Asian countries lags behind that of Western countries. When leaders of Western countries advocate

necessary to have a Charter to reflect the importance that the peoples of Asia attach to the human rights violations and protecting human rights in Asian countries. After the conference, over one hundred Asian non-governmental organizations (NGO) human rights groups proposed human rights issues of concern in their respective countries. A six-member drafting committee from "Asian Human Rights Commission" took responsibility for drafting "Asian Human Rights Charter" and decided to release "Asian Human Rights Charter: A peoples' Charter" in Gwangju, Korea, at the fiftieth anniversary (May 14-18, 1998) of the "Universal Declaration of Human Rights" (Jianyuan Zeng, 1999:143-144).

the concept of universal human rights, Asian countries easily view these words as "high-sounding words". Asian values emphasize economic and social development before protecting individual liberty. Only when the basic conditions are satisfied is it possible to address protecting human rights. Protecting too many rights hinders improving a country's economy. Due to inconsistent economic development levels, human rights priorities are also different. In poor countries, rights to life are the most direct and substantial issue. As Marx said, "rights can never exceed the economic structure of society and the cultural development constrained by the economic structure of society." Due to the history, culture and economic levels of different countries, Asian values require different ways or steps to realize protecting human rights and reject the absolute concepts of democracy, freedom and human rights.

2. Argument for the order of rights and obligations

This argument opposes the unilateral emphasis of individual rights in the Western Covenant on Rights, which does not consider an individual's obligations. Many Asian countries have a different understanding of democracy and human rights than do Western countries. Asian countries place obligations above rights, the State above an individual and the value of obedience to the community above individual rights. The idea proposed by Singapore is especially typical, as stated by Lee Kuan Yew, the former Prime Minister: "Many social problems in the United States are due to the weakened moral foundation and the increasingly neglected personal responsibility. The theories of some liberal intellectuals in the USA, ... will only encourage Americans to rightly abandon the moral dimension and ethical basis in society" (Lee Kuan Yew, 2000:570 -571) "Singapore will never want to become a Western-style, liberal, individualistic society (similar to the United Kingdom and the United States). If this happens, Singapore will be bankrupt" (Rodan, 1996:342; Xianchao Ou, 2002: 27). The difference in understanding the priority of moral values affects the argument for the order of rights and obligations.

3. Argument for religious differences

In Islamic Muslim countries, an emphasis on human rights is a presumption. The presumption is somewhat contrary to the revelation of God, which attaches importance to absolute obedience to the divine decree; personal obligations must therefore be greater than rights, and human rights should submit to religious law. Brems (2004) believed that when Muslims equate the religious law of Islam to human rights, they reject human rights in the world, which is not conducive to promoting universal human rights. Re-interpreting the concept of human rights using religious law seeks to confront the Western concept of universal human rights

(Carle, 2005). The Muslim world thus naturally integrates the argument of Asian values and uses their differences in religion and civilization against Western ideas. This respect for religious moral superiority is the foundation of its criticism of Western values. When religious law is equivalent to individual values, developing democracy, reason and human rights is extremely difficult; this equivalence also rejects universal human rights in the world.

III The discrepancy of Asian values

When considering the disputed topics of Asian values and universal human rights for most views of "Asian values", Confucian (e.g., East Asian regions, such as China and Singapore) and Islamic ideology (e.g., Iran, Afghanistan, Yemen, Saudi Arabia and Turkey) are jointly listed as playing major cultural roles in Asia and are widely regarded as the "whole" by which the outside world represents Asian values. However, are the two ideologies the same? The following section reviews the possibility of integrating the two ideologies with the concept of universal human rights and discusses, step-by-step, the possible compromise between universalism and cultural relativism.

1. Confucian civilization

In his article, "Freedom as an Asian value", David Kelly believed that although the concept of freedom has not always played an important role in Chinese civilization, it can survive in the Confucian tradition. The argument of freedom among internal reformers has always existed in Chinese civilization. As a major path along which Buddhism spread to East Asia, China has already developed the opportunity to accept Western liberal ideas. Buddhism, Taoism ideology and Lao Tzu's philosophy have all sought freedom of the inner spirit to confront worldly oppression. Prescient reformers in the late Qing Dynasty, including Sitong Tan and Qichao Liang, have also discussed Chinese values about the intrinsic spirit of freedom. The spirit of liberalism and antinomianism, which are intrinsic in Chinese values, has also provided favorable conditions to accept universal human rights (Kelly, 2000:187-195). Marina Svensson has re-analyzed the statement of the Chinese delegate at the 1993 United Nations World Conference on Human Rights, who rejected universal human rights:

"The concept of human rights is the product of historical development and is closely connected with the country-specific social, political, economic, historical, cultural conditions and values. Different stages of historical development demand different human rights. Because of the different stages of development or different historical

traditions and cultural background, the understanding and practice of human rights in different countries are naturally different." (Tang, 1995:214).

The above view can be regarded as the argument of Asian values as a whole: it shows that there are still huge differences between Asian countries, and the Confucian tradition is not the emphasis for all. Even Confucian countries have different demands. China emphasizes differences in economic development, while Singapore pursues its lost dignity and demands cultural respect and subjectivity because its economy has not yet developed (Svensson, 2000:209). Cultural differences are thus not the main cause of the East-West confrontation. Regarding Confucianism as the barrier to accepting universal human rights is problematic because it is not the direct point of conflict but is a tool of "Asian values" to oppose Western countries. Judging from the academic articles published in the *China Eastern Journal*, the critical remarks about Asian values from the so-called "dissidents", including Shenzhi Li, Yung-Hui Lee and Junning Liu, show that the Chinese government uses Confucian culture as an amulet to avoid criticism about human rights from Western countries (Svensson, 2000:210). Confucian culture and much Chinese traditional thought have room to absorb the Western concepts of universal human rights and freedom. The feelings of modern Chinese history and the state of mind of those who control State affairs, not Confucian culture, are the real obstacles to progress in achieving human rights in China.

2. Islamic civilization

While Confucian traditional ideology has room to accommodate the Western concept of universal human rights, the Islamic civilization is culturally and fundamentally contradictory to Western values. Although Islam once shared the same religious roots as Christianity or Judaism, it lacks the process of rational thinking and the "Enlightenment" in the West. The Islamic religion is thus more powerful than any other aspect of Islamic civilization, which makes it impossible to develop the basic concepts of reason and rights. Because Muslims strictly obey Islamic religious law, it is difficult for them to accept the concept of democracy or other Western values. Even if it is possible to find the potential awareness of democracy and freedom in the original Koran, conservative forces advocating religious traditions do not allow progressively developing such awareness (Hood, 2001:111-118; Yuqing Wang, 2007:11). Because the people of Islam depend on the human rights framework of its laws, they have serious doubts about the Western concepts of human rights and do not seek philosophical or rational arguments for human rights. Under these circumstances, it is difficult to develop a meaningful

human rights framework. Individual rights under the international covenant on human rights are a precondition and priority of human rights, and appropriate legal protection is provided against the government (Mayer, 1995:66-68).

In such countries as Indonesia, the powerful totalitarian rule is founded on religion, making it especially difficult to undermine religious law. One dilemma in developing human rights in Islamic countries comes from integrating religion and politics (Halldorsson, 2000:128-129). Although member states of the United Nations jointly adopt and vote on major international covenants on human rights, including the "Universal Declaration of Human Rights", the concept of human rights in the Declaration, to a great extent, is closely associated with Western concepts of human rights. A developed concept of human rights in Islamic religion still lags behind the international consensus, and Islamic countries can thus only resort to cultural diversity to combat the concept of universal human rights.

IV Argument of Asian values

The above discussion indicates that using a singular set of "Asian values" to refer to Asia as a whole is difficult. Aside from the internal criticism, there is a huge difference between Confucian and Islamic civilizations' acceptance of the Western concept of human rights. There is a unique historical origin in the development of Confucianism, and both its traditional virtues and moral values have great value. Under the influence of Confucianism, China has not really developed a political system of democracy and freedom, though Confucianism tolerates the concept of freedom. After contact with Western democracy and values, Confucianism can learn and accept the universal concept of human rights. Confucian culture is also not contradictory to Western culture. Conversely, there is much to learn from each, which can be seen in the recent "Post-Confucianism", a product of integrating Confucian traditions and capitalism. This new trend is not only considered to be the reason of the economic miracle of East Asian countries, but it is also observed as the product of integrating Eastern and Western culture, thereby attracting learning and research from various countries.

Compared to Confucianism, the religious traditions of Islam were closer to Western religions, such as Christianity and Judaism, in its early stages; in modern times, Islam has become totally opposed to the values of Western civilization. Integrating absolute obedience and totalitarianism is fundamentally contradictory to democracy and freedom. Islam also has a goal to challenge Western values, and there is no reconciliation at present. There is a possibility of reconciliation in East Asian

countries through "Post- Confucianism", though there are still intense civilization clashes in Islam. Considering complex value systems, such as Hinduism, it is difficult to develop "Asian values" by seeking common ground from traditional values. Conversely, "Asian values" conceal the diversity and discrepancy within Asia, where there is a voice of democracy and freedom.

"Asian values" do not totally reject, but selectively accept and oppose, European and American values. First, rights to life take precedence over the rights of freedom, which is tantamount to abandoning political freedom to embrace economic freedom. The idea is that Western countries should demand various States to implement human rights with high ethical standards after their economies are highly developed. An overview of the current situation in Asian countries shows that the content of human rights is also shown in the rights to life in Asian values, and rights to life are more important. However, this situation does not appear only in Asia. In European countries and the United States, there has been an uneven distribution of wealth under capitalism since the 19th century, which also leads to a confrontation between social welfare and capitalism. The capitalist system remains imperfect and still faces considerable criticism. However, the need for a subsistence economy does not necessarily mean sacrificing human rights and freedom, and the two are not incompatible; on the contrary, they can benefit each other. If there is no freedom of political democracy, the government cannot determine the trend of public opinion or obtain enough information through different channels, and they cannot thus truly protect people's rights to life and economic interests.

The "Asian Human Rights Charter" comments on this: "Compared to the disregard of many Asian governments for human rights, people have become increasingly aware of the importance of rights and freedom. They understand that poverty and a lack of political forces are inseparable from the deprivation of their rights and freedom. They believe that political and economic systems must operate in a framework of the protection of human rights, to ensure economic justice, political participation, the responsible authority and social peace. At present, many social movements strive to protect the rights and freedom of the people" (Article 1, Chapter 6). The universality and integrity of human rights are further addressed: "We endorse 'Universal Declaration of Human Rights', 'International Covenant on Economic, Social and Cultural Rights', 'International Covenant on Civil and Political Rights', and other international covenants on the protection of human rights and freedom. We believe that human rights are universal. As long as an individual is born as a human being, he/she is entitled to enjoy the human rights. Although

cultural traditions influence how a society organizes a variety of internal relationships, they do not destroy the universality of human rights. Human rights are mainly related to the relationship between the citizen and the State, as well as the inherent dignity of individuals and groups. We believe that human rights and freedom are inseparable. Some people believe that some rights can be suppressed in the name of other rights, which is a fallacy. An individual has all sorts of needs and wants: social, cultural, and economic. They are mutually dependent, and cannot be divided or separated. The civil, political, and cultural rights do not make much sense, unless an individual has access to economic resources to exercise these rights. Similarly, if there is no political freedom, no opportunity to develop and express individualism, and no opportunity to participate in the discussion of cultural and other topics, the pursuit and procurement of material wealth will end in vain." (Article 2, Chapter 2).

Examining the development of human rights within three generations, civil and political rights are the first to develop followed by economic, social and cultural rights. Simply considering the world's resource distribution, economic development is more difficult to achieve than civil and political rights, not the reverse. The system of democracy and freedom is not necessarily the most perfect system, and there may be issues in the interest distributions among groups, but these issues may not hinder economic development. The economic miracles in Japan and Germany after World War II has dispelled this myth.

The argument for the order of rights and obligations can be divided into two points. If the proposition is that an individual has an absolute duty to obey the state, and other countries cannot intervene in this relation, then it is a relation between sovereignty and human rights. For the priority between sovereignty and human rights, "Asian values" also highly embrace the Western concept of sovereignty and question the value of human rights. As Article 6 of the 1993 Bangkok Declaration states, "emphasis of respect for the principles of national sovereignty, territorial integrity and non-interference in internal affairs, especially, the importance of not using human rights as a means of exerting political pressure". That claim completely lags behind the consensus in international covenants that focus on individual rights. Moreover, the premise for questioning this claim is that sovereignty and human rights are not compatible.

Sovereignty means protecting human rights. Human rights are the principal part of sovereignty, and sovereignty is the form of the principal part of human rights. While

there is still room for discussion about the balance between human rights and sovereignty, sovereignty cannot be made absolute and separate from human rights. The concept and function of the two are closely related. However, the issue of sovereignty involves identifying values.

When an individual is considered a victim or oppressed by national atrocities in accordance with Western values but is still considered a criminal or a person undermines national security according to his own national values, how should the issue be handled? International law stipulates that when an individual lives in the jurisdiction of a State with internationally recognized rights and freedoms, the political system and law of the State can interpret and limit the scope of individual rights and freedoms, but this limitation is not unlimited and is directly related to other countries. One of the fruits of the recently developed international community is that the relationship between a government and its citizens is no longer an exclusive domestic issue of a "reserved domain" but has also become a matter of international concern. The "Vienna Declaration and Programme of Action" adopted by the Second World Conference on Human Rights on June 25, 1993 also states that the "promotion and protection of all human rights is a legitimate concern of the international community" (Chunying Xin, 1996:78 -102). The international consensus, as the standard for value judgments, should not be entirely decided by the sovereignty of a country, especially in cases involving human rights issues. Protecting individual rights is not only the obligation of government but is also the subject of international law.

The obligations to community should take precedence over individual rights. Many previous studies have attempted to clarify the specific value orientation in the complex religious, cultural and social traditions in Asia. Currently recognized values include honesty, compassion, kindness, care for other beings as a central component of good behavior, humor, tolerance, food-sharing, care for the poor, the intelligence and humility of the ruler, care for the young, the integrated development of the physical body and mind, harmony of human species with the rest of nature, seeking wisdom, family, special care for the physical and mental disabled, the society built on trust rather than contract and a political view of ethics and morality (Fernando, 1994). This list of values shows that Asians have special value preferences with a stronger orientation toward communitarianism than is observed in Western values, and it helps us understand the shock when facing Western-style individualism. However, communitarianism is not unique in Asia, and there are also relevant requirements for rights and obligations in "Universal Declaration of Human Rights".

The previous arguments show that there are many modifications to liberalism in the West; the Eastern and Western value systems are not exclusive to each other. Common civics and moral education must maintain liberalism such that it does not become egoism. If communitarianism is not based on human rights and the rule of law, it can easily become a fig leaf for persecuting human rights; when ethical values disintegrate, the mechanisms of the rule of law and the concept of rights are still needed to rescue individual rights.

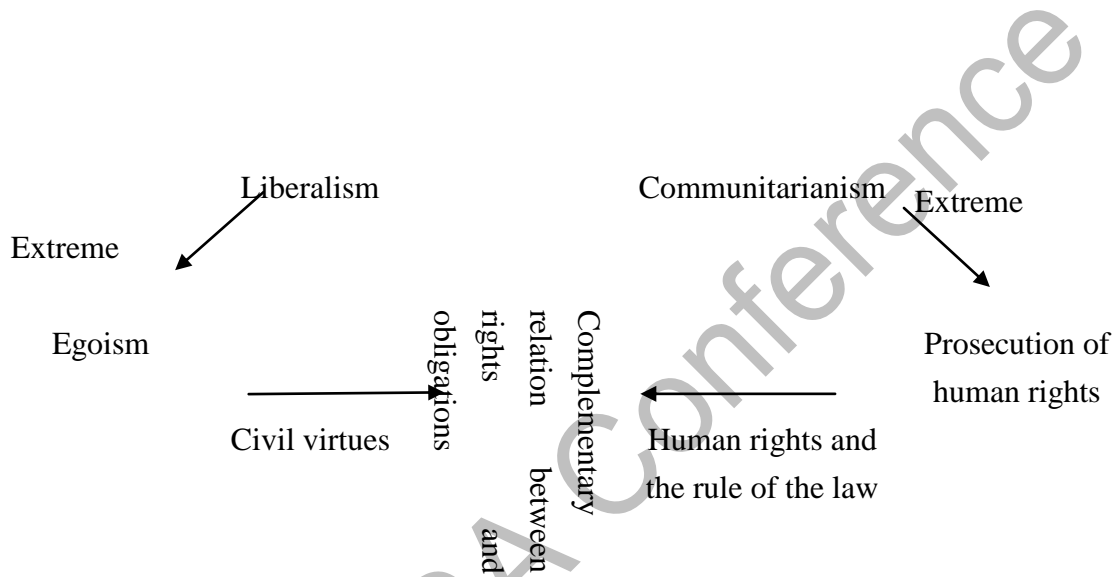


Figure 2 Illustration of liberalism and communitarianism

Data source: Authors

For Taiwan, in an interview with the Washington Post, the former President Teng-hui Lee (Ke-Fu Cheng, 1997) stated that "Asians are human beings. They have their own culture, history and traditions, and they are different. However, you cannot say that human nature is different". In 1996, Teng-hui Lee was elected as president in the general election. In 2000, he called for "founding of the state based on human rights". On March 31, 2009, the Legislative adopted two human rights covenants: the "International Convention on Civil and Political Rights" and "International Convention on Economic, Social and Cultural Rights". After three rounds of review, both became law. Taiwan thus differs from "Asian values" and has an attitude of sovereignty among the people. For the debate between liberalism and communitarianism, based on our current educational legal standpoint, the trend is toward a stronger liberalism and is anticipated to integrate with communitarianism.

V Revelation

1. The universality and relativity of culture

For the revelation about realizing human rights education in Taiwan, cultural relativism should be acknowledged first. In human rights education, thinking about cultural relativism and universality should be introduced and guided toward the concept of universal human rights. The ethical and moral implications should be considered, and human dignity, which is the basis for universal human rights, transcends cultural boundaries and includes the rights to education itself. The idea of cultural relativism can occur after modifying the practice level of universalism. The internationally recognized concept of human rights education using the theory of universalism may reference three important human rights documents: the “Declaration of Human Rights”, “International Covenant on Civil and Political Rights” and “International Covenant on Economic, Social and Cultural Rights”. The human rights thinking in the above documents is as follows. Extended from human dignity are the free development of the individual and the right to self-realization, and these ideas form the complete concept of individual rights. Individual rights in education are realized as “the rights of every individual to receive education”, i.e., rights to education. Extended from the rights to education are “freedom” and the rights to freedom of study, for parents to choose education, freedom to run private schools, cultural participation and academic autonomy. In this formulation, “equality” includes equal rights to education, compulsory education and public information; “unity” involves rights to tolerance and peace.

Returning to Confucianism, “human honor” and “heaven honor” are also found in the doctrine of Mencius². Compared to the “human honor” obtained through political status, the doctrine attaches greater importance to the “heaven honor” achieved through moral self-discipline. Zongsan Mu believed that “being good to self is good and is heaven honor. Human honor means the superiority to others and is not good to self. The “good to self” is the dignity proposed by Kant, is an intrinsic and inherent absolute value and is above all relative values, that is, there is no equivalent”. Both Chinese and Western values have deduced that human dignity is the highest value. Unless we completely overturn or deny the above concepts, judging the internationally recognized rights to education from the perspective of cultural relativism can easily fall into nihilism and lead to the denial of education as

² Chapter 16, “Mencius, Admonish to Children”. Mencius said: “there are people with heaven honor and there are those with human honor. Virtue and faithfulness, and tirelessness in caring for others earn heaven honor. Bureaucrats and public officials earn human honor. In ancient times, people strove to earn heaven honor, and human honor followed. Nowadays people strive to earn heaven honor in order to obtain human honor. Once human honor is obtained, heaven honor is abandoned, which causes confusion and will ultimately fail”.

a human right required by human nature. Communitarianism or cultural relativism may be modified to shape the "differential, universal belief in the education of citizens" and implement the common moral and civic education with an attitude of democracy and freedom.

2. The developmental order for rights and obligations

The legitimacy of the concept of universal human rights is based on human nature, rather than the existence of other moral values because only through human rights can individual freedom be realized. We cannot ignore the challenge of cultural relativism faced by universal human rights in the international covenant on human rights, but we cannot forget the abovementioned arguments regarding the concepts and separate the concepts of sovereignty and economic rights from human rights. Realizing human rights is essential to the legitimacy of a regime and is a practical law as part of the most basic of international law. For a revelation in education, one of the goals of human rights and freedom is to serve social development. A good and well-built society should assemble a variety of voices to develop the country, and protecting human rights can ensure that there is open supervision of national policies for information input, forming demands, decision-making and feedback. The civic values of human rights education should thus not be tools for political correctness, but they should be the educational goals and an important criterion of a democratic society under the rule of law. Individuals achieve ideals in life in their respective political communities.

Considering the order for rights and obligations, currently, the provisions of the rule of law and the concept of education in Taiwan lean toward liberalism. Reading the Confucian classics hints at communitarianism, which does not mean that we must choose sides in education. In the face of rising consumer culture and social values in utilitarian pursuits, traditional materialized education and the view of educational profit have been completely non-existent. Communitarianism can modify the bias toward egoism, guide rational reflection on the tools, remodel the thinking on obligations under the template of rights and form any law and regulation. Rather than being exclusive, the concept of sharing in a society, under the premise of not violating personal rights and the consensus of international covenants, can practically realize equality in different contexts, cultivate ideal and civic personhood in the country and establish a common belief under a maintained social order and political system.

3. Building human rights through education

The attitude towards democracy and freedom is the fundamental value of human rights education, and it should be recognized and cultivated during education. An important purpose of education is to shape the concept of human rights. Only by having human rights can self-realization be possible. The concept of the right to education comes from personality rights, and its meaning is in line with the goals of education. This concept can be explored in both Chinese and Western ideas and can promote the common virtues of human rights education and a common belief in civic education. Teaching human rights is not only the purpose of education, but it is also a process to mode human rights and personality. Human rights education itself is thus a link to protecting human rights. During education, individual human dignity already exists; it should be given due respect, and its differences should be tolerated. The concept of human rights in a democratic society under the rule of law is a moral value and a legal right. This right is one of the links in overall human rights. Civic education concerning common virtues cannot ignore the concept of human rights education recognized by the international covenant on human rights. This concept does not need to start from the metaphysics standpoint of burdensome universal values, nor does it need to prove its superiority with a cross-cultural gesture, but it must be regarded as a common goal in which equality is pursued with pluralistic aspirations. Education regarding human rights is pursuing common values in civic education. Human rights education integrates the consensus of the citizens under the rule of law to protect human dignity and establishes the system of democracy and freedom. These concepts of freedom, equality and unity form the necessary concepts in human rights education, which may be used to inspect the front-line campus or legal system. Human rights education can also be used as a standard for civic virtue. The common values described above can promote a friendly campus environment and legal reform and continue to advance individual self-realization and cultivate education.

References

1. Chinese

Yuqing Wang (2007). Separate Confucianism and Islam: the response of the Western concept of universal human rights to Asian values. *National Development Research*, 7(1), 7-40.

Zongsan Mu (1985). *Theory of Perfection and Goodness*. Taipei: Lianjing.

Lee Kuan Yew (2000). *Memo of Lee Kwan Yew (1965-2000)*. Taipei: World.

Bojia Li (2005). The concept and practice of human rights education in primary schools in Taiwan. *Human rights education information newsletter*, 24.

Minghui Li (2002). Confucian traditions and human rights, Junjie Huang (Editor).

The agitation and merging between the traditional Chinese culture and modern values (I) (Page 229-256). Taipei: Himalayas Research and Development Foundation.

Minjun Zhu (2006). *The study of the concept of rights and freedom in Confucian ideology – an exploration of the theoretical basis of human rights on campus*. National Institute of Education, Taipei Municipal University of Education, Master thesis, unpublished, Taipei.

Qingsong Shen (1988). The original Confucianism and democratic ideas. *Oriental Magazine*, 21, (7), 12-19.

Chunying Xin (1996). *Will there be a unified concept of human rights in pluralistic world?* Nanlai Liu (Editor), *Universality and particularity of human rights* (Page 29-43). Beijing, Social science literature.

Fucheng Ke (November 9, 1997). *The full text of the interview of President Lee by the Washington Post*. Washington Post. December 29, 2009, from <http://web.cdn.com.tw/daily/1997/11/09/text/861109c6.htm>

Jingsheng Zhuang (2006). *Correlation study of contemporary human rights and Confucianism*. Zhongshan Institute of Humanities and Social Sciences, National Political University, Unpublished, Taipei.

Junjie Huang (1997). *Confucianism and human rights: Classical views of Mencius*. Shuxian Liu (Editor), *Confucianism and modern world* (Page 33-56). Taipei: Preparation Office, Institute of Chinese Literature and Philosophy Institute, Central Research Institute.

Meiying Tang (2009). Culture exploration of the development of human rights education in Taiwan: a dialogue between particularity and universal values. *Education newsletter*, 37, (1/2), 29-56.

Jianyuan Zeng (1999). The voices of human rights from civil society in Asia – review of Asian Human Rights Charter. *Humanities and social sciences teaching communication*, 10(6), 136-154.

Shuxian Liu (1986). *Exploration of contemporary neo-Confucianism*. Shuxian Liu (Editor), *Exploration of culture and philosophy* (Page 279-307). Taipei: student.

Xianchao Ou (2002). *Interpretation and practice of Asian values – case study of Singapore*. Institute of Politics, National Sun Yat-sen University. Master thesis, unpublished. Kaohsiung