



FAU Studien aus der Philosophischen Fakultät 19

Hyungjoon Jun

Beyond Asiatic Perfectionism –

Reflections on the legitimacy of Enforcing Morality and Hopes for Human Nature through an in-depth study on ‘Asian values’ and Asiatic Perfectionism



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der Friedrich-Alexander-Universität
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To my beloved wife Hyun Jung Lee
and my sons

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Preface

The present work is the version of the philosophical dissertation that I submitted to the Philosophical Faculty of the University of Erlangen – Nürnberg in February 2021 under the title of “Beyond Asiatic Perfectionism - Reflections on the legitimacy of Enforcing Morality and Hopes for Human Nature through an in-depth study on ‘Asian values’ and Asiatic Perfectionism”. The first supervisor is Prof. Dr. Dr. Heiner Bielefeldt, the second reviewer is Prof. Dr. Michael Krennerich.

I am particularly indebted to my supervisor, Prof. Dr. Dr. Heiner Bielefeldt, not only for his critical suggestions and valuable comments regarding this work; but also because he has strongly and lastingly shaped my thinking since I have started to study in master human rights in the University of Erlangen – Nürnberg in Fall, 2015. I am sincerely grateful to his support. Without it, I could not complete this thesis throughout all the difficulties during my study.

I want to express my gratitude to thank Prof. Dr. Michael Krennerich, the second reviewer of this thesis for giving me in-depth insights about economic, social and cultural human rights through his lectures and seminars during my study. And, I would also like to thank Prof. Dr. Laura Clérico, the third reviewer of my oral exams for some kind advice while I took the two seminars of hers. Finally, I would like to thank Prof. Dr. Jan-Reinard Sieckmann, and Prof. Dr. Marcus Krajewski in the law faculty for their support throughout the completion of this humble thesis.

I dedicate this Ph.D thesis to my sons – Hyunsu, Joon, Yeonsu, Eunjun, and Yoon. Particularly, writing this thesis would not have been possible without the support of my wife Hyun Jung Lee, who gave me the opportunity to study through her commitment and dedication.

Hyungjoon JUN, 전형준

February, 2021

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Chapter 1. Introduction

The ideal of Confucianism is for the leadership of a society to achieve a good life with *benevolence* or *goodness*. In this thesis, the concept of *benevolence* or *goodness* is defined as the same concept of *ren* 仁, which Tu Wei-Ming has explained in his writings. Basically, *benevolence* or *goodness* means compassionate hearts that are often described as affection, love or kindness. *Ren* 仁 is defined as to be of “one body with Heaven and Earth and the ten thousand things.”¹ Basically, *ren* 仁 means the concept to make everything as unified as one; furthermore, “All people are my brothers and sisters, and all things are my companions.”² After all, *benevolence* or *goodness* is regarded as equal to *ren* 仁, which basically means the compassionate hearts of humans, as explained by ancient Chinese philosophers Zhuang Zi³ and Mencius⁴. Zhuang Zi has claimed that “we cannot listen merely with our ears; we have to use our heart/mind to listen, along with our energy or spirit”⁵.

Such a claim is positively related to governing people as following *ren* 仁 with *benevolence* or *goodness*. To achieve that, Mencius conceptualizes *min* 民 (‘the common people’) as the object to be governed by *benevolence* or *goodness*. It is “absolutely not a passive element to be manipulated by rulers”⁶. From my understanding, the concept of *benevolence* or *goodness*

¹ Tu Wei-Ming (2002), *Confucianism and Liberalism*, A Journal of Comparative Philosophy, published in December 2002, Vol. II, No. 1, p.3

² Ibid. p. 3.

³ Zhuang Zi (莊子, 369-289 BC) is known as the author of the book of Zhuangzi, which is an ancient Chinese text from the late Warring States period. And the main themes of this book are spontaneity in action and of freedom from the human world as well as its conventions. (referred from “Encyclopedia of Philosophy (2009) published by editing committee of Encyclopedia of Philosophy, Joon-Won Culture”)

⁴ Mencius (孟子, 372-289 BC) was a Chinese Confucian philosopher, and the main belief of his teaching was that all humans are innately good from birth and it is only necessary to provide cultivation and the right environment to maintain such a quality of being good in order that it can flourish. (referred from “Encyclopedia of Philosophy (2009) published by editing committee of Encyclopedia of Philosophy, Joon-Won Culture”)

⁵ Tu Wei-Ming (2002), *Confucianism and Liberalism*, A Journal of Comparative Philosophy, published in December 2002, Vol. II, No. 1, p.4.

⁶ Tu Wei-Ming (2002), *Confucianism and Liberalism*, A Journal of Comparative Philosophy, published in December 2002, Vol. II, No. 1, p. 6.

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is no different from the traditional Confucian concept of *ren* 仁, which was claimed by the ancient Chinese philosophers *Zhuang Zi* and *Mencius*. Such an idea of *ren* 仁 is very well clarified in another writing of *Tu Wei-Ming*. According to *Tu*, *ren* 仁 means goodness or humanity, and it is regarded as the most crucial concept in the dynamism of the Confucian tradition with other three principal virtues of *yi* (義, righteousness), *li* (禮, propriety), *chih* (智, wisdom)⁷.

People who have faith in Confucianism are mostly believed not to consider liberal values as essential elements of a good life. As I intend to challenge such an idea that Confucianism does not care about liberal values, it is essential to discuss the concept of Confucianism. Confucianism is a pervasive concept to define; however, I consider that it is necessary to explain the concept to some extent because it is a critical concept throughout this thesis. Confucianism is a rather broad concept since it refers to a system of thought and behaviour originating in ancient China. It is variously described as tradition, a philosophy, a religion, a humanistic or rationalistic religion, a way of governing, or only a way of life⁸. Among many virtues taught in Confucianism, such as the importance of family and social harmony, I want to emphasize *humanistic* characteristics. *Juergensmeyer* also referred to Confucianism as humanist philosophies in his writing of *Religion in Global Civil Society*⁹. As I mentioned in the explanations about *benevolence* or *goodness*, Confucianism believes that humans are fundamentally sound. It is only necessary to teach, cultivate, and improve to maintain their original goodness.

So, to return to the question raised previously: Does Confucianism not care about liberal values? Instead of not caring about liberal values at all, a characteristic of modern Confucianism lies in the acceptance of democratic institutions, but they prefer meritocracy and guardianship models.¹⁰ In my opinion, the foundation of Confucianism starts by recognizing that all humans cannot stand to see others suffering pain. As the background to

⁷ Tu Wei-Ming (1968), *The Creative Tension Between Jen and Li*, Philosophy East and West, Jan 1, Vol. 18(1), p. 29.

⁸ X. Yao (2000), *An Introduction to Confucianism*, Cambridge University Press, pp. 38-47.

⁹ M. Juergensmeyer (2005), *Religion in Global Civil Society*, Oxford University Press, p. 70.

¹⁰ J. Chan (2007), *Democracy and Meritocracy: Toward a Confucian Perspective*, Journal of Chinese Philosophy, p. 191.

justify the virtues of *meritocracy* and *guardianship*, Mencius¹¹ has also emphasized such an attitude to care about other people. In addition, he claimed that rulers always have to take care of their ordinary people just as parents take care of their children. In this context, *the Analects of Confucius*¹² deals with establishing a relationship with others as its main topic¹³.

The Confucianists question whether it is necessary to embrace modern democratic values, such as individual liberty or personal autonomy. This is because the ultimate goal is the people's good life. In some ways, this position, similar to a utilitarian perspective, has gained worldwide interest in East Asia through the 'Asian values' debate¹⁴. I want to clarify this issue a little bit further: why do the Confucianists question the need to embrace such modern democratic values? Why do I consider it similar to the

¹¹ "The ancient kings had a commiserating mind and, accordingly, a commiserating government. Having a commiserating mind and effecting a commiserating government, governing the world was like turning something around on the palm of the hand.

Here is why I say that all human beings have a mind that commiserates with others. Now if anyone were suddenly to see a child about to fall into a well, his mind would always be filled with alarm, distress, pity, and compassion. That he would react accordingly is not because he would use the opportunity to ingratiate himself with the child's parents, nor because he would seek commendation from neighbor and friends, nor because he would hate the adverse reputation." (Mencius 2A:6)

¹² Confucius (孔子, 551-479 BC) is known as the author of the book of the Analects of Confucius, a Chinese philosopher and politician of the *Chungqiu* (春秋, Spring and Autumn) Period. The philosophy of Confucius is known as Confucianism (referred from "Encyclopedia of Philosophy (2009) published by editing committee of Encyclopedia of Philosophy, Joon-Won Culture")

¹³ D. Bell and T. Metz (2012), *Confucianism and UBUNTU: Reflections on a Dialogue between Chinese and African Traditions*, Journal of Chinese Philosophy, Supplement to Volume 38, p. 82.

¹⁴ The debate around 'Asian values' seems to have started from the nineteenth-century scholars of Asia, especially from Japan, who opted for the unity of Asia on the grounds of a somewhat unique tradition of Asia. They regarded Asia as one big single community, and such a perspective has had a profound impact on western societies. Besides, it also influenced on Japan, when it started colonizing some Asian countries. Such a discussion at the initial stage had disappeared through colonization, war, westernization, and economic development, even before the scholars in the West in the 1970s attempted to analyze the causes of economic development in Asia. Since then, the controversy about 'Asian values' has evolved into a totally new pattern, coupled with some confidences in the Confucian culture of Asia in the 1990s. In particular, some economists have pointed out that 'Asian values' would be the main cause of Asian economic development. Other economists including *Dong-Hyun Jung*, argue that 'Asian values' are not related at all to the causes of economic growth. (Referred from 'Dong-Hyun Jung (2003), *A Critical Review of Controversies on Asian values, Research of Economy*, volume 21 (4), pp. 148-149'.)

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utilitarian view? Similarities come from posing such questions of Confucianists: their purpose lies in that they are ready to embrace liberalistic values such as individual liberty or personal autonomy only when necessary for more people's happiness. This intention also implies that they will not adopt such values if they are not helpful for a better life. After all, the people should embrace what a state wants to accomplish as the good life of the people. A state will not accomplish the good life of the people if the people do not embrace it as the good life. Giving priority to a good life of the people could also mean that individual interests could be excluded or limited on behalf of the majorities' happiness if they are contrary to public interests. At this very point, I see the similarities as a utilitarian perspective where the greatest happiness of the greatest number is regarded as the best value.¹⁵ Ever since the 1990s, economic prosperity and social stability have been believed to become possible only through decisive state intervention for the good life of the individual. Such beliefs are fundamentally based on Confucianism, posited as the governing principles of many Eastern Asian countries from 2,500 years ago up until the pre-modern era.

One particular thing to be noted is that the background where the scholars in the West have become interested in East Asia's Confucianism is much closely related to the relativistic tendency that has taken place in the society of the West. Relativism¹⁶, which originated in cultural anthropology,

¹⁵ Confucianists do not explicitly claim that individual freedoms or liberties could be limited as long as majorities are happy; however, their intentions with such a claim are hidden behind their questions on 'whether it is necessary to embrace modern democratic values'. They question it because they believe that individual liberty or personal autonomy can be limited if they are not helpful for accomplishing a good life for the people. This is a very important point of my thesis. The main idea of Confucianism, whether or not it was the actual original intent, was ultimately linked to a well-being of large number of people or the happiness of the public. Such happiness of the public can be expressed as social order, public order, desirable morals, good habits, or good traditions. People who believe that our society has to preserve such a good way of life will give consideration to the possible limitations of liberty or autonomy of other people who think differently from themselves. It is actually difficult in Confucianism to find traces of thoughts on personal autonomy, individual liberty seriously, at least more seriously than on the life of the people. This is the very point where I found similarities with the utilitarian perspective. Rather ironically, Asiatic Confucianism comes from the ideas of Confucius some 2000 years ago. It is paradoxical that such a tradition has somewhat similar or common contexts to the philosophical thought of the West in the 19th century. Such efforts in the West have led to communitarianism of today.

¹⁶ Relativism is a more interesting issue, which is appreciated as a necessary healthy challenge despite also being subject to criticism. Although phenomena itself about relativism create certain tension, taking relativism as an entry point can become arguments for universalism. Plausible consequences of relativism can be human rights because human rights start with

has criticized modernism. Modernism was actually very influential worldwide by the mid-20th century. While some communities in the West experienced an economic crisis after the oil shock, it has still been challenging to explain the reasons for East Asia's rapid economic development. Such background for why societies in the West became interested in the Confucianism of East Asia. After all, the real reason for the financial crisis and relativism as the flow of thoughts triggers the study of Confucianism. It is a well-known fact that cultural relativism is the result of efforts to find a replacement for the consciousness of crisis in the societies of the West that became widespread due to the development of capitalism and the accompanying intensified social contradictions. It has been reaffirmed that some uncivilized societies still retain essential values such as respecting natural power, a closely connected community life, and spiritual vision that have already been lost in many societies in the West. Such recognition has become the source of critical reflections on the civilization of the West.¹⁷

The positive aspect of relativism is to overcome cultural imperialism, which has been claimed by some scholars in the past and has become the basis of modernism, which was *linear development theory* of societies. Cultural imperialism claims that some cultures are superior to other cultures. And such other cultures are inferior. Overcoming such cultural imperialism is achieved through cultural relativism's basic idea; each culture has its cultural particularity, and no culture is inferior to other cultures. At the same time, cultural relativism has brought out the separation between cultures as its negative aspect. Each culture should be respected as its own unique culture without distinguishing superiority from inferiority. However, cultural relativism makes it impossible to intervene in cultures to legitimize discrimination in the name of 'own cultures.' Even if cultural relativists would not have expected such from the beginning, it has come to support discriminating against cultures as a result. Another critical point concerning cultural relativism is that it has to be distinguished from multiculturalism¹⁸. The most significant difference is the compatibility with universal human rights; multiculturalism presupposes the compatibility.

the assumptions of diversities as we have to organize our coexistence in diversities through communication. More discussions about relativism, universalism, and pluralism will be dealt in chapter 5.

¹⁷ G. E. Marcus, Michael M. J. Fisher, (1986), *Anthropology as cultural critique - An Experimental Moment in the Human Science*, The University of Chicago University Press, p. 129.

¹⁸ For further discussions on this, see section 5.3. in chapter 5. of this thesis.

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On the other hand, if cultural relativism is strongly advocated, it is not readily compatible with universalism. One example to show such difference is that significant oppositions against the legislation of the Universal Declaration of Human Rights ('UDHR') have existed from different cultural backgrounds except for some countries at the beginning of a discussion on the UDHR.

The remnants of *Linear development theory*, such as the theory of cultural evolution, has spread in Europe since the mid-nineteenth century. Such remnants have somewhat diffused dichotomous thinking of civilization or barbarism. Through these processes, cultural relativism has appeared from a deep reflection against such a dichotomy. This relativistic way of thinking has developed into humanism in the West's societies in response to the expansion of individual freedom and liberalism that oppose various discriminations and has spread to non-West societies.¹⁹

However, since the 1990s, such a flow has emerged much differently in East Asia. Unlike the reflection on Europe's cultural supremacy, East Asia's 'Asian values' based on Confucianism did not reflect the dominance of those cultures. But, 'Asian values' rather emerged from the confrontational perspective against the West. At the beginning of the debates on 'Asian values', 'Asian values' were projected as if they were against the thoughts of the West because the debate has been known by the Asian politician, *Lee Kuan Yew* and many scholars agreed with him. And they actively advocated traditional Confucianism in response to the Western society. Meanwhile, some scholars from the West such as *Samuel Huntington* later jumped into such debate. And this has created a confrontational structure between East and West. It was presented in quite a different way from self-reflection or remorse, which is considered as being essential Confucian teachings. It cannot be denied that Asian values have served to overcome the West's challenges and function as a political ideology to defend the current political system in East Asia. The 'Asian values' debate among scholars in East Asia is based on the philosophical premise where the system of the concept in East Asia is regarded as different from Europe's. Furthermore, the difference between the two make translation between them impossible. However, if such a belief is pushed too strongly and different cultures are

¹⁹ Myung-Ki Yoo, (1993), *Cultural Relativism and Anti Cultural Relativism*, Cross-Cultural Studies (1), Institute of Cross-Cultural Studies of Seoul National University, p. 37. (The titles and publishers of the works by most Korean scholars cited in this doctoral thesis have been translated from Korean into English by myself.)

believed to have different conceptual designs to each other, it will ultimately become the same as the act of *mental suicide*.²⁰

I argue that cultures in the West and East Asia have different languages that can be translated into each other, having only weak meaning of *incommensurability*. This weak meaning of *incommensurability* certainly does not entirely deny the possibility of communication between heterogeneous cultures and groups. However, if something like cultural imperialism exists, it is impossible to have such communication. In other words, dialogues and communications with different cultures are possible only when each counterpart acknowledges the culture's core. If it is believed that other cultures or groups are completely wrong, a strong meaning of *incommensurability* will exist between those two cultures.²¹ Cultural relativism has a substance as a criticism of modernism, which could be considered as the cultural version of *linear development theory*. In this sense, accepting cultural relativism could be an excellent way to overcome "civilized arrogance." It represents the dichotomy of civilization and barbarism. Such *linear modernism theory* has originated from Western-centred thinking. And it is still quite influential. In the late 20th century, criticisms on such *linear modernism*²² began to appear. However, on the other hand, rejecting different cultures from a relativistic standpoint and negating universal values and conceptual systems can also be nothing but confusing political ideology with learning.

Cultural relativism implies tolerant and egalitarian perspectives. Such perspectives consider that there are no essential differences in intellectual capacity and moral values between different cultures, races, and ethnic groups. It also implies a pluralistic view that specific universal and absolute standards cannot judge distinctive culture, human perceptions, and human values.²³ If cultural relativism is advocated in an extreme way, it is necessary to recognize the error of supporting the anti-humanistic traditions. For example, even if some cultures have a slavery system, or

²⁰ H. Putnam, (1982), *Why Reason Can't Be Naturalized*, Synthese 52, p. 20.

²¹ Yoo-Shin Kim, Sang-Geun Yun (2011), *Cultural Pluralism, Cultural Identity, Incommensurability*, Dae-Dong Philosophy, 57th edition, pp. 175-179.

²² Nevertheless, linear modernism of West-centralistic still has considerable power. We still use the dichotomized terms of developed countries and underdeveloped countries. Cultural relativism has strengthened its role in overcoming it. In addition, linear modernism was not only claimed by Western scholars only. It has been claimed both in Asia as well as Western societies since the late 19th century as if everyone should follow the routine that Western society has taken and experienced.

²³ Myung-Ki Yoo (1993), *Cultural Relativism and Anti Cultural Relativism*, Cross-Cultural Studies (1), Institute of Cross-Cultural Studies of Seoul National University, p. 33.

maintain a hereditary status and discriminate against people based on sexual orientation, should these be recognized in the name of cultural relativism? In my opinion, the tolerant and egalitarian perspective implied in cultural relativism means an essential attitude in favour of dialogue with other cultures. It is challenging to communicate with other cultures without standing in a position of cultural relativism. Among those implications, it is modernist Confucianism that highlights such a pluralistic perspective and emphasizes their own culture's superiority.

1.1 Aims of this study

Confucianism claims that the state should offer a particular moral good for pursuing good individual life. To attain such a good life for an individual, it is argued that community prosperity has to be given priority over guaranteeing individual rights. Such a perspective will be criticized throughout this thesis. This doctoral thesis aims to discuss 'the good' and 'the justice' more profoundly. It further criticizes Asiatic Perfectionism that has misinterpreted the values of Confucianism from my perspective. It sets out to prove that the genuine meaning of individual happiness is not the concept that is far away from 'the good' and 'the justice.' This doctoral thesis ultimately attempts to prove that universal human rights can be, are, and must be compatible with Confucianism.

The ruler's primary role in East Asian Confucian culture is often suggested as pursuing the happiness of the ordinary people, who are themselves the subjects to be ruled. In my thesis, such a concept²⁴ of people's happiness is not the same as 'the good.' Instead, it should be distinct from 'the good' because ordinary people's good life lies in 'happiness' itself. The *meritocracy* of the Asiatic perfectionists of Asia, such as *Joseph Chan*, which will be mentioned frequently throughout this doctoral thesis, claims that ruling by the Elite is also to pursue the happiness of the common people. In this regard, this doctoral thesis proceeds to criticize such Asiatic perfectionism. For the criticism, this thesis avoids the confusion of people's happiness and 'the goodness.' Furthermore, it discusses the concepts of 'the goodness' and 'the justice' in more depth. I cannot entirely agree with the claim of Asiatic perfectionism, because it regards an individual's happiness as matching entirely with the concept of 'the good.'

The concept of 'the good' can be understood as a somewhat symmetrical concept to 'the justice'; however, at the same time, these concepts may not

²⁴ Some important definitions and key concepts are discussed in the following section of 1.2. more in detail.

be significantly related to the happiness of the individuals. From this conceptual basis, this thesis criticizes Asiatic perfectionism as well as 'Asian values.' Individual happiness will be attained as long as 'the good' and 'the justice' are in the same category as the happiness. Furthermore, the aim is to clarify that 'the good' and 'the justice' are not completely separate from the concept of individual happiness unlike the common recognition of Asian public. It should be remembered that Asiatic perfectionism or 'Asian values' regard individual happiness as something very far from universal human rights and 'justice.'

This doctoral thesis aims not just to purely criticize Confucianism but also to seek the resolution of the conflict between universal human rights and Asiatic values. To clarify this, it is necessary to know that 'the good' is not the same concept as a good life. Moreover, 'the good' and happiness must be distinguished conceptually. Happiness is a relatively complex concept because it is possible to attain it only when 'the good' and 'the justice' are together. Instead, the idea of happiness is regarded as being similar to a good life. In this regard, the study aims not to criticize the original meaning of Confucianism but to criticize Asiatic perfectionism, which supports elite politics. Asiatic perfectionism is a misinterpretation of the original meaning of Confucianism so that it justifies moral enforcement by the state. Under the original meaning of Confucianism, the concepts of *the sage* or *Junzhi* entail both 'the good' and 'the justice'. My doctoral thesis's essence is to show that 'the good' and 'the justice' play vital roles, such as a bird's left and right wings. As *the sage* or *Junzhi* under the original concept of Confucianism is already equipped with the two essential concepts of 'the good' and 'the justice', there is no reason to oppose universal human rights. In this sense, this thesis shows no legitimate reason why universal values such as human rights are incompatible with Confucianism by its nature.

The rationale for seeing that the state has to present moral ideas as an indicator of a good life begins with the classification to differentiate the concepts of *the sage* or *Junzhi* with *villain (inferior person)* or *Xiaoren*. In other words, wise men of *the sage* or *Junzhi* have no other choices but to govern and teach the masses of *villain* or *Xiaoren*. Wise men of *the sage* or *Junzhi* are regarded as devoting themselves to the community and abandoning their own interests through the process of self-cultivation. In contrast, *villains* or *Xiaoren* are regarded as being greedy for their trivial interests.

However, such a belief in the people is strikingly similar to the idea concerning humans that many scholars in the West have developed ever since the advent of capitalism. It is nothing but a human pursuit only for personal interests. Such beliefs are still held and have led to Confucianism

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in East Asia, which politically supports elite politics. This raises the question of what would happen if such a view on human is broken. What would happen if a human emerges who has realized that selfish choice alone is not always useful for pursuing a good life? Would it still be appropriate for the elite group to teach and govern the masses' moral good? Could it be justified even with the emergence of a new type of human?

A person who recognizes and tolerates others does not fit the idea of a selfish human who has only limited rationality. Identifying others or other groups with different customs or cultures from 'myself' or 'my own group' can build a foundation where 'I myself' can also be recognized. Cultural differences are instead a general feature of humans who attain universal moral sentiment, rather than some kinds of extreme situations where interactive dialogue is impossible. The rapid growth of capitalism has brought about the loss of humanity and alienation and has led to human rationality being institutionalized. On the other hand, universal moral sentiments and public reasoning have made it possible for humans by themselves to recognize each other as functioning as the complementary role of limited rationality.

Similarly to the questions that have been raised from the beginning of this thesis, Confucianism in the 'Asian Values' debate that emerged since the 1990s has a solid philosophical and cultural foundation. Among East Asia, countries influenced by Confucian culture have preserved their Confucian traditions under Western colonial rule since modern times. In addition, their cultural traditions have provided the basis for the belief that individual rights can be reserved for accomplishing state's economic success after globalization.

In such a sense, this study aims to look through the development of the 'Asian values' based on Confucianism and further criticize the perfectionist perspective embedded therein. The character of humans as ordinary people who Asiatic perfectionists presumed in their claims is originally selfish humans. Interestingly, such selfish humans are surprisingly similar to the humans supposed by classical economists in the West. For this reason, it would be particularly helpful to look at the character of cooperative humans, which has recently emerged from behavioural economics, to criticize the nature of selfish humans. Another essential aim of this thesis is to justify universal human rights to strongly clarify how important individual freedoms and values have been mostly denied in Confucianism. To deny a selfish type of a human is as difficult as denying old traditions. However, it is time to provide a valid criticism of Confucianism because it now functions very powerfully as a challenge to universal human rights.

1.2. Definitions and Key Concepts of the Study

In this section, some necessary definitions and key concepts will be explained in order to understand my arguments throughout this thesis. Some of them are adopted from other scholars, and others will be mainly clarified in terms of how I know them and what they mean in this thesis.

Autonomy expresses a subjective as well as an independent human figure. Unlike in Asian culture, autonomy is regarded as ‘the central idea of modern practical philosophy’²⁵ in the West's studies. *Sieckmann* defines autonomy as self-legislation, meaning establishing the validity of a norm by the addressees’ own normative decisions. Following his concept, ‘autonomous agents determine for themselves which norm is valid for them.’²⁶ In that autonomy stresses human characteristics of determining for themselves and subjectively, I agree with *Sieckmann’s* concept of autonomy. Although there is a strong insistence on autonomy in the West's studies, it is a somewhat unfamiliar concept in East Asia. For this reason, the concept of autonomy does not appear either in Asiatic Perfectionism or ‘Asian values.’ In my understanding, autonomy is a crucial concept in terms of not being invaded by external power. Furthermore, autonomy is the most important tool to criticize Asiatic Perfectionism throughout the discussion in this thesis.

Consensus means by definition²⁷ general agreement, or the judgment arrived at by most of those concerned. Furthermore, consensus means group solidarity in sentiment and belief. The conceptual meanings of normative consensus and empirical consensus are referred to from the concept by *Habermas*. “From *Habermas*, social integration is based on rational and normative consensus among people, whereas system integration is based on empirical consensus among people and the government.”²⁸ From such a statement, it can be inferred that normative consensus is based on the shared understanding reached by the people. In contrast, an empirical consensus is based on the government's steering media of money and power²⁹.

²⁵ Jan-R. Sieckmann (2012), *The Logic of Autonomy: Law, Morality and Autonomous Reasoning*, Bloombury Publishing, p. 1.

²⁶ *Ibid.* p. 1.

²⁷ The definition of consensus is adopted from “Merriam-Webster dictionary”, <https://www.merriam-webster.com/dictionary/consensus> (Lastly accessed on 14 June 2020)

²⁸ Si-Wai Chan (2012), *Using Habermas’s Theory of Communicative Action to analyze the Changing Nature of School Education in Hong Kong (1945-2008)*, Published by Red Publish, p. 66.

²⁹ *Ibid.* p. 66.

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Culture/cultures are mainly discussed in chapter 2 of Asian values and the debate in this thesis. Culture/cultures mean the customary beliefs, social forms, and material traits of a racial, religious, or social group³⁰. *Zimmermann* defines culture as encompassing “religion, food, what we wear, how we wear it, our language, marriage, music, what we believe is right or wrong, how we sit at the table, how we greet visitors, how we behave with loved ones, and a million other things.”³¹ As seen from such definitions, culture has a more comprehensive concept, and it includes value judgments in itself as well. In such a sense, I agree with *Choi*'s understanding that culture can be understood as a relationship between the value system and analogy³². The value system is understood as a collection of values, and analogy means what the community members share in their life styles including belief or social form. Another vital characteristic to include in the definition of culture from my understanding is that culture is primarily handed down through generations by using languages and scripts particular to a certain culture.

Democracy is very importantly dealt with throughout this thesis, and I applied several types of democracy, such as deliberative democracy, Confucian democracy, maximum/minimum democracy, liberal/illiberal democracy. First, deliberative democracy is used as the concept to criticize ‘Asian values’ mainly in Chapter 5 of this thesis. I refer to *Habermas*³³ and *Benhabib*'s position on deliberative democracy. In my opinion, the essence of deliberative democracy from the clarification by *Habermas* is “the assent

³⁰ A dictionary definition of culture defines it as the characteristic features of everyday existence such as diversions or a way of life shared by people in a place or time. In addition, culture is defined as the characteristics and knowledge of a particular group of people, encompassing language, religion, cuisine, social habits, music and arts (as stated in from the Merriam-Webster dictionary)

³¹ Kim Ann Zimmermann (2017), *What Is Culture?*, Live Science, <https://www.livescience.com/21478-what-is-culture-definition-of-culture.html> (Lastly accessed on 12 June 2020.)

³² Chul-Gyu Choi (2003), *Universal Human Rights and Asian Values*, Sogang University, Department of Political Diplomacy, p. 15.

³³ The idea of *Habermas* on deliberative democracy can be referred from his writing in the book of *Between Facts and Norms*: “To obtain sufficiently selective criteria for the distinction between the principles of democracy and morality, I start with the fact that the principle of democracy should establish a procedure of legitimate lawmaking. Specifically, the democratic principle states that only those statutes may claim legitimacy that can meet with the assent of all citizens in a discursive process of legislation that in turn has been legally constituted. (J. Habermas (1996), *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Polity Press, p. 110.)

of all citizens in a discursive process of legislation.”³⁴ A further essential idea concerning deliberative democracy can be found in *Benhabib's* statement³⁵, which expands the moral or political dialogue into the civil public sphere. In this context, the most crucial feature of deliberative democracy is not the results achieved through the system of democracy but the process of realizing democracy through dialogue and discourse.

Confucian Democracy is the term invented by people who advocate ‘Asian values,’ which will be discussed in detail in the following chapter 2 of the concept of ‘Asian values’ and development of the debate. Confucian Democracy sounds unnatural, something like a strange combination of words just like illiberal democracy. ‘Asian values’ advocates use the concept of Confucian Democracy to claim that democracy or democratic values are already embedded in the idea of Confucianism. Among these advocates for Confucian Democracy, some support the concept of Confucian Democracy and claim that illiberal democracy is the same as Confucian Democracy. These groups of people³⁶ understand illiberal democracy as a contrasting concept of liberal democracy, which is regarded as democracy developed in the West's society. Deliberative Democracy has appeared to overcome some limitations of such liberal democracy. On the other hand, other groups of people believe that democratic constituents of the West are already existent in Confucianism. Such beliefs lead to the idea where the liberal democracy of the West and Confucianism are compatible, and these ideas seem more reasonable to me.

The maximum/minimum democracy concept is further discussed in the following chapter 7 of democracy in South Korea. In the maximalist view³⁷, democracy is consolidated when the new democratic rules are “becoming

³⁴ J. Habermas (1996), *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Polity Press, p. 110.

³⁵ *Benhabib* states about deliberative democracy: “As opposed to privileging of legal regulation and adjudication in the political liberalism model, deliberative democracy would expand the moral/political dialogue into the civil public sphere. Deliberative democracy sees the free public sphere of civil society as the principal arena for the articulation, contestation, and resolution of normative discourses.” (Seyla Benhabib (2018), *The claims of cultures: equality and diversity in the global era*, Princeton University Press, pp. 114-115.)

³⁶ These groups of people are regarded as Confucian Democracy extremists because they consider what they believe as Confucian democracy as equal to illiberal democracy. On the other hand, other groups of people who are considered as Confucian Democracy mildest claim that democratic factors are already embedded in Confucianism. I believe that the ideas from the latter group of people are more reasonable than the one from the former group.

³⁷ The maximalists reason that democracy is a consolidated when the new democratic rules are “becoming effective” which means democracy is in a state of deepening, habituating, internalizing and taking deep root. (Croissant, 2002, Pravda, 2001)

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effective” which means democracy is in a state of deepening, habituating, internalizing, and taking a deep root³⁸. On the other hand, the minimalist perspective on democracy considers “institutionalization of democratic competition” as a strong priority condition for democracy.³⁹ This minimalist perspective⁴⁰ regards the transfer of power as taking place through free and competitive elections as a vital and essential element of democracy. Such an institution-centred view still exerts considerable influence on academia and the public. This perspective has a significant impact on people's existing confusion between actual national institutions and their desired institutions. In other words, those who believe that their democracy fulfils a certain level of stability considers the government's composition as a result of almost free elections as its minimum requirement. Naturally, these views believe that democracy may not be the best regime when the government has not implemented the public policies for realizing a living that the public wants.

To distinguish Morality from Ethics could solve significant problems that can be raised in the state intervention because determining the two could help resolve conflicts between universal human rights and the states in many cases, as *Habermas*⁴¹ stated. The need for self-critical interpretation and evaluation of life lessons in tradition and lifestyle that are mutually subjective and shared with a specific life history is manifested in individuals and communities. As a result, ethical discourse becomes inevitable. On the other hand, moral discourse is universal and difficult to change because it is subject to the fair regulation of conduct conflict. I applied Morality and

³⁸ A. Croissant (2002), *Majoritarian and Consensus Democracy, Electoral Systems, and Democratic Consolidation in Asia*, Asian Perspective, Vol. 26 (2), p. 10.

³⁹ For further discussions on minimalist perspective on democracy, see: J. Linz and A. Stephan (1996), *Problems of Democratic Transition and Consolidation: Southern Europe, South American, and Post-Communist Europe*, Baltimore: Johns Hopkins University Press., A. Przeworski (1999), *Minimalist Conception of Democracy: A Defense*, IN: L. Shapiro and C. Hacker-Cordon (eds.), *Democracy's Values*, Cambridge: Cambridge University Press.

⁴⁰ The minimalist perspective emphasizes “institution design” when assessing the level of democracy. To assess the level of a democracy, they underlined the competitiveness for political participation, the competitiveness of electing heads of government, the openness of recruiting government leaders and the checks on government executive power. In addition, they stressed electoral competitiveness and checks and balances between the administration and the legislative branch (Marshall and Jagers, 2002, Vahhanen, 1997, Przeworski et al., 2002).

⁴¹ “The modern ideas of self-realization and self-determination signaled not only different issues but two different kinds of discourse tailored to the logic of ethical and moral questions.” (Referred from ‘J. Habermas (1996), *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Polity Press, p. 95.’)

Ethics concepts to criticize 'Asian values' because the central claim of 'Asian values' is 'illiberal democracy.' It ignores the ethical decision of the individual by putting morality to the forefront. Followers of 'Asian values' have argued that the individual ethical choices are always lower than the State's moral principles, which is not the approach taken here.

From my understanding, the good and good life are not equal concepts. In the Confucian culture of East Asia, the prominent role expected of the rulers is to realize the happiness of common people who they rule over. In this context, happiness should be distinguished from the good, or rather the good life of common people in happiness itself. In this context, the good has to be distinguished from happiness; instead, the concept of a good life is similar to the concept of happiness. While the good is different from a good life, happiness should not be distinguished from a happy life. Such happiness or happy life is only possible when the good and the justice are together because individual happiness is not a concept separate from the good or the justice. Understanding these relations among the good, good life, happiness, and the justice is important because they are applied to criticize Asiatic Perfectionism and Asian values. Individual happiness is regarded as being very distant from universal human rights and justice. I do not entirely agree with it. It will be further discussed in the following chapter 5.

The concept of human rights can be understood as political and legal claims to equal freedom and the fundamental rights and freedoms that belong to every person in the world, from birth until death⁴². Human Rights apply regardless of where an individual is from, what they believe, or how they choose to live their life. Furthermore, human rights cannot be taken away without any legitimate grounds, although they can sometimes be restricted under certain conditions. As essential elements in the explanation of human rights, *Heiner Bielefeldt* considers "Human rights constitute political and legal standards," which means human rights require political and legal implementation through national, regional, and international institutions⁴³.

From my understanding, the philosophical roots of individualism can be found in liberalism which strongly opposes state intervention. Basically, individualism focuses on protecting individual rights from state

⁴² The concept of human rights are taken from the definition provided by Equality and Human Rights Commission (<https://www.equalityhumanrights.com/en/human-rights/what-are-human-rights>, lastly accessed on 14 June 2020.)

⁴³ H. Bielefeldt, (1995). *Muslim Voices in the Human Rights Debate*. Human Rights Quarterly, 17(4), pp. 587-617. Retrieved on 14 June 2020, from www.jstor.org/stable/762483

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intervention. In my thesis, individualism is defined as negative aspects derived from liberalism. Such negative elements imply that each individual only consider their own interests up to the point of asserting their rights and yet thinks that any sort of sacrifice for the community is useless. In my thesis, strictly speaking, individualism is understood as lying at the exact antipodal point of communitarianism.

Lifeworld or living world is the concept explained by *Habermas*⁴⁴. To *Habermas*, the idea of a life-world or living world ('Lebenswelt' in German) is understood as inter-subjectively shared. At the same time, it is the concept of horizons of communicative behaviour. The obviousness of the lifeworld is given to an individual, and there is no doubt about it. The idea of a system is understood as being precisely opposed to the lifeworld, and both system and lifeworld constitute societies. Under such understanding, the system is considered an area separated from the lifeworld. And it appears after the adjustment means have become institutionalized following the era of modernization. And such a system comprises two – a political one where power is institutionalized as an adjustment medium and an economic one where money is institutionalized as an adjustment medium.

⁴⁴ To *Habermas*, the concept of the life world or living world ('Lebenswelt' in German) is regarded as the basis as well as background to communication. And this concept is considered as a supplementary concept of communicative behaviour. ('J. Habermas, *Theorie des kommunikativen Handelns*, Bd. 2, Frankfurt a. M. 1995, p. 182.') In addition, this concept is understood as culturally handed down and linguistically structured (ibid. p. 189). *Habermas* explains that a norm that enables communication exists a priori in our language itself. *Habermas* further argues that this life world could fundamentally take a certain direction as long as the life world is influenced by communication. Such can be characterized by the tendency of 'rationalization of the life world' (ibid. p. 223). Particularly the existence of 'System' is quite unique, and this 'System' is understood to be different from, furthermore in opposition to the life world. As the rationalization of the life world proceeds, first, a system such as law has come to appear. And based on this, a mechanism of a system regulation is formed. And this mechanism is based on the non-verbalized medium of communication such as money and power (ibid. p. 275). Such a mechanism of these systems gradually comes to form the lower foundation of the lifeworld through the differentiation of the lifeworld. Then, this mechanism comes to function as a different and threatening element to the normative order of the life world that has been previously formed by communication relationships. *Habermas* sees that the lifeworld finally separates from the system when the structure of the system is no longer under control through interpersonal communicative actions. After all, *Habermas* argues that the life world and the system are separated. After the separation of the life world and the system, the system has been further expanded to the point of suppressing the life world. In other words, it reaches the stage of destroying the inclusive power of the living world ('Fassungskraft' in German). And such a stage is referred as 'the colonization of the living world' ('Kolonialisierung der Lebenswelt' in German) (ibid. p. 293).

Neutrality refers to state neutrality related to questions about whether the state can intervene or the legitimacy of state intervention. In this thesis, neutrality's main interest lies in state intervention: can morality be coerced upon individuals by the state? Can the state intervene for such a purpose? Asiatic Perfectionists claim that morality has been created for common people by the enlightenment of wise men, *the sage* or *Junzhi*, and such morality can indeed be coerced upon common people by the state. However, I am afraid that I disagree with such claims because they do not have any answers related to defining morality. My position to neutrality is that there are cases where state intervention is needed to ensure fundamental rights and equality; however, such intervention must not be allowed comprehensively as the ideology of the ruling class as Asiatic Perfectionists claim. The problem with the claims by Asiatic Perfectionism is that they generalize state intervention, thereby allowing the state to coerce morals upon the common people, in a situation where the wise people determine such morals. The materialized version of the wise people is the second chamber⁴⁵; however, this does not have any legitimacy to represent common people because elections do not enable it.

Perfectionism as a moral theory is defined as any state or activity of humans, for example, knowledge, achievements or art-creating activities, which has value regardless of the pleasure and happiness it brings, and morally correct behaviour promotes such human splendour and completeness⁴⁶. Perfectionism can be interpreted as claiming that social and political communities must strive to enable individual members to recognize and encourage their potential and excellence and live a morally valuable life⁴⁷. From my understanding, strong perfectionism is a concept that is more like Asiatic Perfectionism. In strong perfectionism, some rules must be followed in order to maintain the community; furthermore, the state actively intervenes to live a specific moral life such as a night traffic ban⁴⁸ or the

⁴⁵ *Second Chamber* is well explained in the chapter 4 of his book 'Confucian Perfectionism: A Political Philosophy for Modern Times' by *Joseph Chan*, in this thesis, it is further discussed in the Chapter 3 of Confucian perfectionism and Multiculturalism.

⁴⁶ T. Hurka (1998), *Perfectionism* in Encyclopedia of Philosophy (Edward Craig ed. (1998), Routledge), vol. 7, p. 299.

⁴⁷ Young-Gi Kim (2017), *Liberalism and Perfectionism*, Study on Philosophy, Vol. 144, p. 84.

⁴⁸ The night traffic ban system in South Korea started on September 8, 1945, immediately after the U.S. Army was stationed. This night-time ban was later issued to ban "the people in the region of Korea occupied by the U.S. Army" from 10 pm to 4 am, and this military decree was inherited even after the founding of the Republic of Korea, and the start time was shortened by 11 pm depending on the security situation, or in some cases it was extended from 8 pm or 10 pm. The prohibition system continued to expand nationwide after the Korean

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promotion of folk songs where there is coercion to listen to some songs or not to listen to other songs. On the other hand, weak perfectionism is understood as perfectionism that can be agreed upon not only in Asia but also in the West's society. For example, if it is advised to clear away snow in front of your house so as to prevent injury to passers-by, it can be regarded as weak perfectionism. From my understanding, a particular behaviour is enforced by the state, when there is legal coercion, and is to be punished if not followed, and this is strong perfectionism. On the other hand, a particular behaviour is suggested as an advisory level without any punishment, which is considered weak perfectionism.

I adapted how to understand Recognition from a theory of recognition by A. Honneth⁴⁹. Honneth emphasizes that the driving force to transform the inter-subjective ordinary life is not a fight for the self-preservation as the physical being, but a battle to be recognized by others. We always live in the context of an inter-subjective ordinary life, where the struggle between agents has gone beyond the effort to ensure survival in a purely natural state. Instead, humans fight to gain recognition in an inter-subjective ordinary life, and the dissatisfaction of such life context is a factor that causes the struggle or fight. Slaves live under the illusion of their purpose as being that of devoting themselves to the master. And they can finally free themselves only when they are aware of their freedom through the process of self-consciousness as well as the struggle to be recognized. In this context, a battle to be recognized is no different from the process of looking for yourself, your identity. It is crucial that being oneself is only possible with the realization that the goal to be achieved is the result of one's own will. And this can be finally accomplished not by claiming it, but by being recognized by other people.

Recognition is to recognize others, which means that 'I' know that others and 'I' are equal beings. Discrimination occurs because they do not respect others, but recognition should preferably be done first. Racism occurs when racists do not recognize black people or Asians who they discriminate against as equal agents. In such a sense, the struggle to be recognized must be carried out by those who have not been recognized. After all, recognition must be a prerequisite for respect because others cannot be respected if they are not recognized.

war, and it existed until being abolished on 5 January, 1982: taken from "Night ban" in Encyclopedia of Korean Culture, <http://encykorea.aks.ac.kr/> (accessed lastly on 14 June 2020)

⁴⁹ Regarding a theory of recognition, I referred mainly to the book of "A. Honneth (2005), *Verdinglichung. Eine Anerkennungstheoretische Studie*, Suhrkamp."

Values are understood in the context of the 'Asian values'⁵⁰ debate in my thesis. It presupposes that human values are given and imply 'evaluation' and 'comparison' to the innate meaning. Thus, 'value' often refers to the hierarchy of real or ideal objects that satisfy the will of subjectivity or emotional demands.⁵¹ In general, when the word 'value' is used in conjunction with 'judgment,' it implies the characteristics of subjectivity. Such a subjective nature, which the word 'value' has, can be considered to necessarily imply the concept of 'closure' or 'exclusiveness.' Therefore, the term 'universal values' on the one hand can be viewed as the basis of subjective judgment, which almost everyone would agree with.

The topic of universalism, especially between strong universalism and weak universalism,⁵² is still very contentious. From my understanding, strong universalism argues that universal values should be obeyed regardless of cultural differences because this is a universal value. Claimants for strong universalism regarding human rights say that human rights have to be respected regardless of different cultures or religions. On the other hand, weak universalism on human rights admits that human rights have universal value. Weak universalists argue that universal values should be accepted while acknowledging some cultural differences. Nevertheless, the degree of respect varies according to different contexts such as culture or religion; moreover, being respected can be different. Some similar concepts of weak universalism are the margin of appreciation doctrine, which is the legal method applied by the European Court of Human Rights. For example, the European Court of Human Rights considers the right of same-sex couples to be recognized as being covered by universal human rights; nevertheless, the Court allows a certain breadth of margin of appreciation to each member state. In other words, each member states that it knows the best how to adapt the specific measures.

⁵⁰ 'Asian values' are literally defined as a unique system of values that Asian culture holds. (taken from 'Seung-Hwan Lee (1998), *The Discourse analysis on 'Asian Values'*, Open Intellectuals Quarterly (4), p. 313.)

⁵¹ Dae-Hee Lee (1999), *The problem and history of the value theory*, Jeong-Lim Publishing (Seoul), p. 13.

⁵² I explained the distinction of strong and weak universalism not because I agree with making distinction of strong and weak universalism, but because I feel as if I should introduce that such distinctions exist in discussing the topic of universalism and it is controversial about making such distinction at the same time.

1.3. The methodology of the study

My first initiative of research interest regarding this thesis begins with the 'Asian values' debate, which exist as a challenge to human rights' universality. Before I write this thesis, I have thought 'Asian values' debate as one of the political values suggested by *Lee Kuan Yew*, the former minister of Singapore. However, while writing this thesis, I became familiar with various academic literature written by philosophers interested in the 'Asian values' debate. My research interest is to study in-depth whether 'Asian values' stand in the antipodal point as human rights or democracy that are regarded as being a universal value. With such a looking at more philosophical discussion under this theme, a group of people are arguing in favour of Asiatic Perfectionism. Asiatic Perfectionism has appeared as a modern version of the claim to be the most central point of Confucianism as well as of 'Asian values.' Asiatic perfectionists believe that society's leadership can coerce common people to accept morals, which is the topic I want to show through this thesis as being inapplicable in general.

The methodology that has been used in this thesis begins by describing the debate on 'Asian values' historically. Exploring the discussion of 'Asian values' will be a very effective way to understand the background of why East Asian culture representing Confucianism has been able to lead to the debate on 'Asian values.' On the one hand, such a historical approach considers that most readers of this thesis will be unfamiliar with the concept of 'Asian values' or Confucianism. On the other hand, understanding the current debates on 'Asian values' could provide the basis to understand Perfectionism's full attention. Perfectionism is generally understood as being the academic background of 'Asian values.' Civilization theory manifests how poorly scholars from the West understand Confucian perfectionism. Such an approach to civilization only highlights a confrontational perspective regarding values in the West. However, that perspective is merely the particular parts of the whole debates on 'Asian values.'

Another essential aspect of the methodology applied in this thesis is to offer alternatives by means of analytical criticism. Academic scholars' responsibility is not only to criticize social issues through philosophical theories but also to seek somewhat new solution to problematic issues. It is not intended merely to disseminate the extent of knowledge that an individual scholar has acquired, but to use such knowledge to warn and challenge old social practices and beliefs that are already manifested throughout the society. Such a responsibility well explains the desirable attitude of intellectuals that Confucianism pursues.

I have selected sources according to the flow of my arguments: to clarify why moral coercion by the state cannot be generally accepted, I first looked up the literature to describe Asiatic perfectionism as well as 'Asian values,' after that, I selected sources which are missing in the claims of Asiatic perfectionism and 'Asian values,' which were some values that are more developed in the society of the West, and represented by the scholars of West such as individual human rights and autonomy. As philosophical literature that is needed to criticize Asiatic perfectionism, I selected the theory by *Habermas*, *Rawls* and theory of Recognition by *Honneth*. My purpose of this thesis is not merely to criticize Asiatic perfectionism but also to suggest a new form of humanity who cooperate with each other rather than ignorant, selfish, interest-oriented humans presupposed in Asiatic perfectionism. When looking for such cooperative humans' theoretic background, I have been inspired by the literature on behaviourist economics.

Literature about a theory of recognition or other philosophical backgrounds of the West provides more subjective ground – for example if a theory of recognition claims that we must recognize other people; such a claim is based on subjective reasoning such as which must be done subjectively or is necessary to be done, or which is the most critical element for coexistence with other people. The following question is, which literature can provide objective grounds in other ways? In my thesis, such relatively objective hints can be found in the literature about behavioural economics. Literature about the game theory of behavioural economics provides insights on cooperative humans – when the game is repeated, humans tend to cooperate with others instead of making selfish choices. Certain people work together, and literature about behavioural economics reveals a picture of humans who are not focused only on their own interests. Such economics theory provides a theoretical background of people who cooperate and act strategically whilst remaining on the sympathetic and empathetic level for other people.

I selected many sources from Asia, mainly Korea, because of my topic and my own initiative. Since my main topic of this thesis is 'Asian values' and Asiatic perfectionism, much research on Asia has been carried out in this area. Since the topic is more relevant to scholars in Asia, there are many types of research to discuss this topic very profoundly and in-depth. Yet such research has not been widely known in the West. Since I originally come from South Korea, I tend to read lots of Korean philosophers' literature. I chose their literature not only because their debates on Asiatic perfectionism as well as 'Asian values' are more in-depth than those done in the society of the West, but also because their interpretation of the

theory of philosophers in the West such as *Habermas* and *Rawls* is very profound. By selecting their literature as my sources, I want to introduce some of the great works done by philosophers of Korea and Asia.

1.4. The emergence of cooperative humans

Suppose an individual's good life is given by other people's will instead of being acquired as a result of his or her own decisions or self-decisions. In that case, it can also affect the loss of human self-esteem that is considered an essential value. Under the critical thinking of human beings, self-esteem is positioned as a fundamental ground for living a good life. Not only from people's experience of being ignored by others but also if another person continuously presents the standard of 'my' happiness will it also lead to 'my' self-esteem. Loss of self-esteem can lead to a decline in the function of critical reasoning. If such an essential role of reason does not work correctly, human civilization could quickly become destructive. This has been already experienced throughout human history. The critical rationale of humans is regarded as being fundamental to guarantee individual freedom. It is a fundamental role of a state to protect people from famine, starvation, disease, or wars; it is challenging to guarantee individual freedom without such basic protections.

The role of the state lies in the realization of freedom through the activities of critical reasoning. The state exists for the people; the people do not exist for the state. This is why such a truth, an ordinary but very essential truth, has to be remembered at all costs. Throughout history, where states have become the subject to cause people misfortune in the name of the state's interests. The state's role, which is active but limited, has been concerned. Humans have experienced a paradox in which they have suffered significant disasters from what they have made for themselves. In this respect, states can become both monsters or handy tools.

If we recognize this fact, we have no other choice but to ask whether the people who make up the modern state should consider the state's role to be either minimal or broader. This is because we have two options: First, we could make the grave mistake of imagining some giant monsters appearing in front of us. As a second option, a new concept of community can come into the world. In such a new community, revolutionary well-being or welfare can be provided to humans just like a washing machine, which has freed most women from the hard labour of washing clothes. Therefore, people's good lives can inevitably only be very closely related to the state's role.

Furthermore, it is necessary to research human nature⁵³ as viewing a good life. Over time, scholars and many others have agreed with the belief that humans are rational as well as selfish. This is absolute obedience to human reasoning and has led to the trust that human reason and science will make every human happy. However, the two world wars, massive hunger and refugees or starvation that still exist after the 20th century have made such beliefs very doubtful. Humankind has had to make a great deal of effort to discover that human beings as rational egoists are not able to live together in society. Greedy people do not seem to have much interest in living with others or in the future of humankind.

Here comes an important question: why do we accept the presumption that humans are initially selfish? Even if some humans commit unselfish acts, do we still have to presume that narcissistic characteristics underlie those characteristics? Is non-selfish behaviour a kind of deviation of the individual against universal human nature? This is rather nonsense because people respect those who overcome their selfishness. Then, is there a false belief in the assumption that humans are selfish? Metaphorically, it is like forcing people to wear clothes that do not fit them at all. Since some scholars or leaders pressured people to do so, they had no other choice but to wear unsuitable clothes as enduring inconveniences for particular periods of time. Such questions resemble the questions of whether our cultures are always mutually exclusive. Exclusivity may not be so common in some of the inherent properties of culture. After all, the question of whether humans are selfish is analogous to the question of whether culture is originally exclusive. Should we accept presumptions that cultures are exclusive? If so, should we assume that heterogeneous cultures cannot communicate and they clash with each other. Is it proper to believe this? If humans are assumed to be completely selfish beings, democratic values such as universal human rights can be challenging to attain. Many problems are difficult to solve if humans are too greedy. On the other hand, if humans are not that selfish, many issues can be solved. People who cooperate with others and sympathize with others' problems think that this

⁵³ Since the term "human nature" has both descriptive and normative meanings, it should be distinguished. Throughout this thesis, the descriptive meaning of "human nature" can be understood as the nature of feeling, thinking, and acting of humans, which may be considered as elements to form the essence of humans. In Asia, the term of "human nature" is mostly understood as normative meanings because "human nature" is viewed as a fundamental element to form morality. Especially in Confucianism, "human nature" is understood as *benevolence*, *righteousness*, *propriety*, and *wisdom*. Therefore, 'cooperative human nature,' which is dealt importantly throughout this thesis can be regarded as normative meanings of "human nature".

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connects their problems with others' problems. In this respect, communication is a great strength for such cooperative humans. That means that they make efforts to overcome human irrationality through conversation, debates, discussions, and cooperation. Human irrationality is indeed short-sighted instead of making their choices considering the long term perspective. Furthermore, irrational humans tend to put priorities over the interest of some particular groups. They are neither interested in what is good for all nor what they can do for the protection of minorities. After all, irrational people are quite ignorant of the consequences of their choice in the long term perspective.

Besides, irrational humans are not able to establish their own identities spontaneously as well as independently. External impacts of other people easily influence them. These irrationalities have created some beliefs that reasonable individuals will bring about the best and optimal results through the cooperation of individual choices. For that to happen, people believe that the state should not intervene for a long time. That is, since we have overlooked the fact that individual choices could be irrational, the choice of markets and groups through such personal preferences could attain only short-term rationality. Sadly, the development of science has historically shown that science has not played a sufficient role to complement such human irrationality. Instead, history has shown that science might be able to threaten human well-being.

A state is not a community of people with a long history, as is commonly thought. Cooperative humans have no difficulties in thinking beyond such limited boundaries that a state has. If people limit their perspective only to the interests of their own country, such way of thinking often makes people react to other states as having a posture of competition or opposition, rather than having a dialogue and making cooperation. Regarding the same subject seeking the good lives of people, egoists with bounded rationality have great fears that the state could intervene in individual choices. Such worries are natural because there are many cases where states have historically suppressed individual freedoms.

The state's proper role is to provide a minimum level of economic equality for individual autonomy. Furthermore, the role should remain within the scope of prohibiting the infringement of individual freedom without legitimate reasons. As a result, states have become indifferent to severe economic inequality within the country. Such assertion still should be taken seriously that the role of the state which must be limited to the protection of the individual's negative freedom may ultimately also fail to guarantee the security of the individual's negative freedom or civil and political freedom. In other words, the virtue of non-intervention, which has

regarded the state as a monster, has led to the result of harming individual freedom and the good life through the overconfidence in individual rationality.

Nevertheless, it would help if you were not utterly indifferent to the possibility of a state turning into a monster. It is doubtful that individual autonomy can survive in a pluralistic society if it is readily accepted that a nation can set the standards for the good life of an individual. New types of cooperative humans are always able to prepare for this instability. Elimination of discrimination in society is one of the state's roles, but some problems remain: by what standard should the grounds of discrimination be established? Who decides on what constitutes discrimination and what does not: States or leaders? It cannot be seen only as the role of the state alone. The reason and rationality of cooperative humans can play a crucial role. Interest in inequalities within the society will be a fundamental characteristic that collaborative people attain. The distinction between ideals and illusions is a vital factor in eliminating inequality.

It is necessary to bear in mind that if 'my' environment is a little better than others, and if this is not the basis of 'my' goodness and efforts, the poor environment of others does not originate with their sins or faults or anything similar. In many cases, 'my' excellent abilities are often not the result of any of 'my' predecessors or good deeds. Abilities and circumstances do not really have to do with an individual's goodness. In other words, one does not have a certain ability or particularly good circumstances because he or she is good in the character or personality. In many cases, one's origins and abilities are merely the product of chance or coincidences. In this regard, 'my' superiority cannot be viewed as starting from 'my' inherent abilities. Maybe if we apply one of the teachings of Confucianism to modern times, it could be that everyone may need to work for the development of abilities, and they may have to be humble in what they already have.

An essential characteristic of cooperative people is the modesty or humbleness over their abilities. Being humble presupposes reflexive thinking. Before criticizing others' cultures, it is necessary to criticize 'my' own faults and flaws first and foremost. This is precisely the attitude that many people should take towards universal human rights towards different backgrounds and cultures. Severe criticism of other cultures' anti-human rights elements can easily take away all the opportunities for further debates or communications on the topic. Cooperating humans can also thoughtfully communicate with those who see universal human rights as moral imperialism. It is possible for them because they can understand the hidden scars beyond their expressed claims. Within the struggle or

conflicts between universal human rights and cultural relativism, those who insist that universal human rights do not need agreement or consent will be at the centre of the right struggle and conflicts.

The conversation does not wait and start until the counterpart is ready to speak, but begins by bringing people who are not prepared for the discussion to the place of the conversation. That is how communication happens. If someone insists that 'you' are not admitted as the counterpart of our communication because 'you' are not ready for the conversations, and that 'you' just do not accept 'my' argument even if 'my' idea is right, that someone who insists so is also not prepared to start the conversation.

1.5. Raising the issue

Relativists had made the challenge to the universal character of the Universal Declaration of Human Rights (1948, 'the Declaration') before the Declaration was proclaimed. In particular, countries that had been through colonial periods doubted whether the Declaration might aim to dominate the rest of the world with another West-centred ideology. Such challenges have been made in the wake of the widespread doubts that there might be some hidden intentions behind the concept of universal human rights. However, many not so strong countries have actively participated in the process of the Declaration as well. Meanwhile, cultural relativism has gained strong supports under the dichotomy of dominance and domination. It is, however, also confirmed that cultural conflicts would cause people to misunderstand universal values. We should admit that it is difficult for the rest of the world to accept human rights as a universal value, as believed to originate from the West's powers. The forces themselves have committed numerous human rights violations during the colonial period. *Hyo-Jae Cho*⁵⁴, a renowned human rights scholar in Korea, confesses difficulties with the universal value of human as follows:

'Even if we can talk about this issue between equal power relations, such dialogues can be difficult. Moreover, political and economic overwhelming forces are raising human rights for the Asian-African people, who are still struggling to survive poverty under the colonized period's shadow. For this reason, the universal concept of human rights can be seen as being full of doubts that this may be related to an imperialist idea.'⁵⁵

Cho's remarks show how Asian people have been misunderstood regarding universal values. *Cho's* statements show how people have misunderstood

⁵⁴ Hyo-Jae Cho (2007), *Grammar of Human Rights*, Humanitas publishment.

⁵⁵ *Ibid.* p. 206.

Asian people and how much they worried about universal values. Ideas such as *Cho's* are not meant to change thoughts on the universalism of Asian people who have experienced colonization. Instead, in my opinion, *Cho* wants to explain the actual situation of the Asian people to some scholars who advocate universalism too strongly without understanding the real condition of the Asian people. *Cho's* words are not intended to defend Asian people but to explain to the scholars whom Asian people opposed. The Declaration has been challenged by cultural relativists, although many comparatively weak countries actively participated in its establishment. Meanwhile, society has continued to challenge modern universal values, including human rights. The problem initiated by non-West regions, including Asia, is whether democracy or human rights, which are commonly regarded as historical products of the modern West, can also be applied to non-West regions, where history and culture are entirely different from those of the West. This question has gained more support and proliferated because of policy of the United States towards Asia since the 1980s.

The United States put pressuring on Japan with the policy of 'free trade' in the 1980s and culturally regarded China's Confucian culture as a potential challenge to their Christian civilization centred in America. The United States has imposed economic sanctions on several Asian countries, including Myanmar, due to the problem of human rights violations. The reasons for the sanctions were for the sake of advocating human rights.⁵⁶ These relatively recent experiences played a role in the Asian public's regarding a relatively simple question of whether a value in the West should be appropriate for Asia with different cultures and histories or not as an contentious issue. Besides, *Samuel Huntington*, a conservative scholar in the United States, classified civilization and discussed the clash of civilization. His claim has also served as transforming rather roughly formed mass opinions into an academically and socially refined argument. *Amartya Sen* states the following regarding such a claim of *Huntington*, "In some ways, civilizational analysis mirrors and magnifies common beliefs that flourish in not particularly intellectual circles. The invoking of the values in 'the West' against what those 'others' believe is rather commonplace in public discussions, and it makes regular headlines in tabloids as well as figuring political rhetoric and anti-immigrant oratory. In the aftermath of September 11, the stereotyping of Muslims came often

⁵⁶ Je-Guk Jeon (1999), *Rethinking East-West Debates on 'Asian Values'*, Korea and International Politics, Spring/Summer, p. 192.

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enough from people who are no great specialists, if I am any judge, on the subject. But theories of civilizational clash have often provided allegedly sophisticated foundations of crude and coarse popular beliefs. Cultivated theory can bolster uncomplicated bigotry.”⁵⁷

The most significant feature of the 'Asian values' debates in the 1990s will be that 'Asian values' has been initially raised to cause economic development. As *Amartya Sen* points out above, the 'Asian values' as an economic cause increasingly supported the Asian authoritarian political system's legitimacy. The first appearance of 'Asian values' began with a group of scholars in the West, who studied the causes of several East Asian countries' economic miracles. Later, however, it turned into a form of political challenge to universalism. Unlike studying the relationship between early economic development and Confucianism, the 'Asian values' after the 1990s have become a kind of confidence expression for East Asian countries. And, the influence seems to be ongoing, despite all public criticisms of 'Asian values'. Then, by looking carefully at the development and significance of the so-called 'Asian value' debate, the direction could be predictable regarding how those challenges to universal values could be moving forward, such as human rights and the institution of democracy. Of course, this doctoral thesis will mainly discuss the relationship between cultural relativism and 'Asian values' in detail. However, it is also necessary to recall how 'Asian values' has become more concrete in the flow of cultural relativism discussing such a relationship.

Does one culture inevitably conflict with another culture because it is exclusive to each? The first objective of this doctoral thesis is to show the process of finding the answer to this question. The debate of 'Asian values' seems to have started with Asia's nineteenth-century scholars, mainly from Japan, who opted for Asia's unity on the grounds of a somewhat unique Asia tradition. They regarded Asia as one big single community, and such a perspective has had a profound impact on societies in the West. Furthermore, it also influenced Japan when it started colonizing some Asian countries.

Such a discussion at the initial stage had disappeared, through colonization, war, westernization, and economic development, even before the scholars in the West of the 1970s attempted to analyse the causes of economic growth in Asia. The rapid economic development of Korea, Taiwan, Hong Kong, and Singapore, which were called 'Four Miraculous Nations of East Asia,' initiated by Japan, was in contrast to the West's economic downturn

⁵⁷ A. Sen (2006), *Identity and Violence – The Illusion of Destiny*, Penguin Books, p. 44.

at that time. And the causes of such economic growth could also be found in the reasons for the downturn in the West's economy at the same time. Since then, the controversy surrounding 'Asian values' has evolved into a new pattern, coupled with some confidences in Asia's Confucian culture in the 1990s. In particular, some economists have pointed out that 'Asian values' were the leading cause of Asian economic development. On the other hand, other economists argue that 'Asian values' are not related at all to the causes of economic growth. Such a claim, instead, seems to have much evidence. As such, *Dong-Hyun Jung*⁵⁸, one of those economists, notices that several major Latin American countries' growth rates in the 1960s and early 1970s were as high as four East Asian 'tigers,' but soon their economies plummeted. *Jung* explains that the reason behind this was that they indulged in a reckless spending spree, remaining uncommitted to production and productivity improvement under twisted political leadership. Finally, they began to borrow from Wall Street to close loopholes in fiscal deficits.

In contrast with Latin American countries, East Asian leadership limited the borrowed money so that it was used exclusively for production investment. While there was no improvement in productivity, both deficits and foreign loans increased significantly. That eventually led Latin American countries to the moratorium. After all, the Korean philosopher, *Dong-Hyun Jung* concludes that this is a matter of a leader's decision making, not a matter of either culture or values.⁵⁹

Of course, some East Asian nations are evaluated as having demonstrated strong leadership to achieve economic development. At the same time, those leaders are seen as great helpers to overcome the financial crisis. Even the political leaders of East Asia who used 'Asian values' for their political purpose, including *Lee Kuan Yew*, the former prime minister of Singapore, have been fully supported by the people. However, they were criticized heavily at the same time. Such phenomena show a potential strong correlation between some strong political leadership and economic development in Asia. Unfortunately, however, there are many more examples of the opposite cases. It is difficult to claim that strong leadership or a good leader is essential for developing the economy and overcoming the financial crisis. After all, if someone argues that cultural elements like 'Asian values' have no relation to economic development, it could negate some social aspects that already exist in some societies. Countries that have

⁵⁸ Dong-Hyun Jung (2003), *A Critical Review of Controversies on Asian Values*, Research of Economy, volume 21 (4), Dec. 2003, pp. 148-149.

⁵⁹ Ibid. pp. 148-149.

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achieved economic growth in East Asia should not overlook the fact that there are distinctive cultural characteristics of the public and authoritarian governments or great leaders. With all these backgrounds, economic development and the institution of democracy have become the primary basis for the debate on 'Asian values.'

Efforts to link Asian economic development with Confucian culture, which sounds like defending authoritarian regimes, have faced considerable resistance in Korea and other Asian countries. In particular, Korea has been keen on political democratization and criticized 'Asian values' regarding their role in advocating authoritarian military governments in the past. Meanwhile, Korean people tried very hard to find an orientation towards a new democracy. In other words, 'Asian values' did not acquire full support from Asian people. Instead, they have tried to reflect on the pre-modern anti-democratic elements of Confucian culture. And they made efforts to show their willingness to accept universal values such as democracy and human rights. Some politicians in Asia critically approached the view of taking culture as an exclusive character and tried to escape from the idea of emphasizing Asian culture to overcome their colonial pasts. This effort became an opportunity to overcome the controversy between the West and Asia by arguing in favour of 'Asian values.' And such arguments seemed to emerge as the first resistance to Euro-centrism. The 'Asian values' debate could act as a catalyst to 'Asian values' as a tool to overcome West-centralism and get away from the framework of the conflict between West and Asian values.

There is yet another question. Is it challenging to accept the value of human dignity through the dialogue between different cultures? Is it not that easy to overcome the bad memory of the experience of colonization? It is also essential to draw one single consensus. Still, if different cultures or religions can communicate with each other, then culture and religion could no longer be the conflicts' subject. In that sense, are there any effective ways to overcome disputes without severe collisions in our societies, where many cultures and religions are mixed? This question may still be an awkward theme to discuss in Asian communities. In Korea, for example, the institution of democracy was introduced in 1948, but then the public under authoritarian dictatorship continued to struggle for democracy for decades. After all, democracy stabilized somewhat in South Korea only after the 1990s. We could not avoid such a long process to reach the stabilization of democracy. People valued democracy merely as a formal result-oriented institution, rather than democracy as a process of debate and consensus, due to the failure of acquiring both economic development and political progress at the same time. In such a sense, the criticism of 'Asian values'

through deliberative democracy is meaningful while keeping our consciousness of those present and potential problems.

It will be an arduous task to criticize every problematic aspect of the 'Asian values' debate, especially from deliberative democracy. Above all, the controversy has existed in such wide and multifaceted ways from the viewpoints of political, social, and economic aspects. And the scholars in the West and Asia have actively discussed each and every aspect of 'Asian values' so far. Therefore, this doctoral thesis will primarily focus on the debate on 'Asian values'. Meanwhile, Euro-centrism will be critically discussed as being the primary basis of the origin of the debate on 'Asian values.' In the last part of this thesis, deliberative democracy will be discussed, along with some limitations that 'Asian values' might have.

Many countries in Asia still interpret the meaning of democracy according to their political institutions in various ways. In particular, they have accepted democracy as a formal institution, but some have not yet taken on the concept of universal values like human rights and democracy. Besides, some countries lag in such processes, although they have already achieved economic development. Despite economic growth, in Asia, freedom of conscience, freedom of thought, and freedom of speech as human beings' absolute fundamental rights still lag far behind the West. A critical review on 'Asian values' will help to resolve these irrationalities that Asian people have on their own. 'Asian values' have operated so far because such freedoms could be reserved for the purpose of economic development. In addition, Asian countries need to pursue universal values by understanding how 'Asian values' served as an obstacle to justifying reservations of core freedoms. Such results-centeredness has resulted in the process of rapid economic development. However, it should be criticized from a deliberative democratic point of view, which will also be an important opportunity to look back on Asia's problems.

One of the essential purposes of this doctoral thesis is to find out how 'Asian values' could explain the discriminations that have been heavily ignored under economic achievements. Minority groups, including women, have indeed been discriminated against so far. It will be quite important for the followers of 'Asian values' to offer some solutions for those discriminated groups.

1.6. Preliminary considerations

Asia had made certain economic and cultural developments before the West's countries entered into Asia in the 19th century. East Asia was mostly more economically affluent than the West of the pre-industrial Revolution

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due to the centralized political system based on the monarchy influenced by Chinese culture. However, the advancement of the West led to the collapse of the Asian region. Since then, Asia has been regarded as an inferior region to Europe in politics, economy, and culture. Such a subordinate position of Asia has been gradually reversed, primarily through the rapid economic development of East Asian countries. In particular, scholars in the West began to study economic growth in Asia in the 1970s. And they have paid particular attention to East Asian countries' characteristics, which are different from the West. Such ideas have spread out to scholars in the West and Asian scholars and politicians. And this is how so-called 'Asian values' have been formed as a result of being advocated by these people.

The initiative of the 'Asian values' debates can be found in East Asia's economic development, with the opening of the Pacific era. The era was centred on the United States and the downfall of the Eastern bloc in the early 1990s. In other words, the debate on 'Asian values' comes from the psychological confrontation between the United States, which emerged as the protagonist of the post - Cold War era, and East Asia. In the meantime, they gained confidence in post-war economic miracles.⁶⁰ The end of decades of military rivalry made the world's attention turn from ideology to economic development. And it was time to make efforts to analyse the causes of the economic miracles in East Asia where the actions of East Asian nations restored their self-esteem as a follower of liberal democracy.

The 'Asian values' debate has come full swing in such outsets. *Seung-Hwan Lee* explains the background to initiating the debate on 'Asian values' as follows: Western nations in the late nineteenth century at the time of imperialism said that economic development like the West could not occur in Asia because of the cultural characteristics Asian societies have (*Max Weber*). However, as East Asia achieved rapid economic growth in the 1970s and 1980s, people in the West ironically attributed the success to Asian cultural characteristics (*Herman Kahn*). To explain the economic crisis that broke out in East Asia in the late '90s, people again pointed out 'Asian values' as being the leading cause of the economic breakdown. But only a few years later, when Korea and Malaysia seemed to overcome their economic crisis, people again claimed that the reasons lay in 'Asian values' (*Samuel Huntington*). As in the old Korean saying, 'It is because of the ancestor even if it does well, but it is because of the ancestor even if it is

⁶⁰ Je-Guk Jeon (1999), *Rethinking East-West Debates on 'Asian Values'*, Korea and International Politics, Spring/Summer, p. 192.

not good'; the debate over 'Asian values' is like that.⁶¹ Even when Asia grows economically, the scholars in the West say it is thanks to 'Asian values.' On the other hand, when Asia suffers from financial crisis in the late 90's, they say it is because of 'Asian values.' Asian scholars, including myself, criticize such a posture of the scholars in the West.

Starting with *Herman Kahn's* assertion that Confucian ethics in Japan and East Asian countries provided great potential for economic development in East Asia, discussions among cultural scholars about the relationship between Confucianism and economic development became the basis for further debate after the 1990s.⁶² They paid attention to all four so-called 'small dragons' of Asia; South Korea, Singapore, Taiwan, and Hong Kong, which belong to the Confucian culture. Therefore, they argue that Confucian values such as strong leadership, passion for high education, and family-like relations have become the driving force of East Asian economic development.⁶³

Such debates on 'Asian values' have led to another discussion on the damage to 'Asian values' after the Asian financial crisis. Scholars try to find the causes of the Asian financial crisis in corruption as well as crony capitalism. And they further argue that 'Asian values also cause these.' However, shortly after the Asian financial crisis, Malaysian Prime Minister *Mahathir* warned that the crisis's first cause was not 'Asian values,' but rather 'capitalism of the West.' Besides, *Lee Kuan Yew*, the ex-Prime Minister of Singapore, claimed that 'Asian values' should not be accused of the Asian financial crisis. If so, he argued that it would be difficult to explain why the Philippines got through many more difficulties than Hong Kong and Singapore.

While democracy of the West and freedom of speech were praised in the Philippines, Singapore was hardly affected by the financial crisis⁶⁴. *Lee Kuan Yew* reaffirmed the 'Asian values' by arguing in favour of such differences in the difficulties of the Philippines and Singapore. In fact, contrary to Korea's acceptance of the IMF (International Monetary Fund)'s high-intensity tightening policy, Malaysia has effectively overcome the financial crisis by implementing capital control policies. Regarding such

⁶¹ Seung-Hwan Lee (1983), *The Debate of 'Asian Values' and the Future of Confucian Culture*, The 6th International Conference on *Toegye* Studies Presentation Paper, p. 198.

⁶² Min-Ho Kook (2007), *East Asian Development and Asian Values – Focusing on the Case of Korea*, *Asian Social Thought*, Volume 15, p. 189.

⁶³ Seung-Hwan Lee (1983), *The Debate of 'Asian Values' and the Future of Confucian Culture*, The 6th International Conference on *Toegye* Studies Presentation Paper, p. 199.

⁶⁴ Sung-Gun Kim (2011), *the Advent of Asian Centuries and Asian Values*, *The Journal of Asian Studies*, 14(1), March 2011, pp. 84-85.

differences, some scholars, such as US economist Paul Krugman point out that we should admit that the Malaysian domestic economy has been protected from some speculative forces through such control policies.⁶⁵ As such, the debate on 'Asian values' has come up with various opinions according to the different circumstances such as the economic development, crisis of East Asia, and the process of overcoming the crisis. When 'Asian values' were regarded as the cause of economic growth, they were praised as the value behind economic development. Furthermore, such a value has often been compared to Protestantism.⁶⁶ Besides, after the financial crisis, Asian countries rapidly overcame the economic crisis, unlike Latin American countries in the past. And such a difference has also been evaluated as being largely thanks to 'Asian values.'⁶⁷ 'Asian values' are indeed considered in both extremely positive and negative ways, depending on the changing economic situation. What could be the reason for two such significantly different evaluations?

Of course, the ambiguity of 'Asian values' could be the most crucial reason for such polarized appraisals. Many scholars in the West have diagnosed that 'Asian values' represented by Confucianism were uniquely different from the West. And such particularities of 'Asian values' might have caused Asian countries to achieve economic development. Others claim that the financial crisis happened due to a negative influence on 'Asian values.' Moreover, East Asian scholars have taken similar stances, especially among the former scholars who have used the 'Asian values' as a slogan to resist the West's domination. Two such different explanations show that the word 'value' can be accepted differently according to individual subjective judgments; the controversy has flowed in extreme ways according to the situation and position. After all, this proves how difficult it is to define the characteristics of 'Asian values.'

The origin of the controversy comes from the process of finding the cause of East Asian economic development. This treats people in the West primarily as audiences to listen to the debate on the 'Asian values' because they are the ones who had the first inquiries of 'Why could Asia attain such rapid economic development?'⁶⁸ Before we discuss whether cultural justification is needed to explain the cause of economic development, it is

⁶⁵ Ibid. p. 83.

⁶⁶ Jung-In Kang (2001), *Asian values and Eurocentrism*, New Asia, volume 8(1), p. 80.

⁶⁷ Jung-In Kang (2014), *Are Asian values the Functional Equivalent to the Protestant Ethic?* Classical Studies on Asia, Vol. 58, p. 331.

⁶⁸ Tatsuo Inoue (1997), *Liberal Democracy and Asian values*, Law Review 38(1), December 1997, p. 124.

necessary to question whether the 'Asian values' should be adequate to answer the West's question. In other words, in most cases, our discussion already starts with some limitations by inevitably jumping into the West-to-non-West controversy. Such rules exist because we deal with the ambiguous concept of 'Asian value' with a format to answer the West's questions. In Asia, especially in East Asia, there are no unified concepts of 'Asian values.' Instead, there should merely be some speculations or opinions to start wondering whether there might be a close relationship between 'Asian values' with Confucianism or Buddhism.

Moreover, it is usually difficult to answer people in the West who do not even live in Asia and whose culture is unlike that of Asians when they question 'Asian values'. For example, *Max Weber* defines China as a stagnant society in which capitalism could not develop because of its traditional Confucian culture. In his study of the causal relationship between Protestantism and capitalism, he found that capitalism could be well developed in the West because of the Christian culture. He even emphasizes the West's success in capitalism by using Asian and Chinese Confucianism as counterexamples⁶⁹.

On the other hand, *Lucian Pye* stresses the following: "Weber goes into great detail describing the Chinese character as being well adjusted, as having 'unlimited patience' and 'controlled politeness,' of being 'insensitive to monotony' and having a 'capacity for uninterrupted hard work.' But these, he insists, were not the qualities that could spontaneously produce capitalism. At the same time, *Weber* was remarkably prescient in recognizing that they were qualities that could make for great skill in emulating capitalistic practices. He wrote that 'the Chinese in all probability would be quite capable, probably more capable than the Japanese, of assimilating capitalism which has technically and economically been fully developed in the modern culture area.'⁷⁰ And *Pye* added, "In fact in many ways, *Weber* shared the Enlightenment's positive views about China. The historic fact remains, however, that the Asian successes came about through access to the world economic system and not as the result of internal, autonomous developments."⁷¹

We have to admit both positions regarding *Max Weber*. Maybe this is because it was particularly necessary for people in the West to find the answer regarding the causes of Asia's change and development. It is the

⁶⁹ Masako Hirota (2001), *the analysis of debate on Asian values*, Yonsei University, p. 2.

⁷⁰ Lucian W. Pye (2000), *Asian Values': From Dynamos to Dominoes?* IN: L. E. Harrison and S. P. Huntington (eds.), *Culture Matters*, Basic Books, p. 248.

⁷¹ *Ibid*, p. 248.

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form of the Asian answer to the West's question and the Asian question and the Asian answer. In other words, what happens if Orientalism is applied to the interior of the Orient rather than to the dichotomy between Orient and West? What is 'our' to Koreans? Is not the problem of imperialism and Orientalism an issue which is equally applicable to Sino-centrism and Japanese imperialism, not to the one of the West?⁷²

Such a question asks what differentiates East Asian countries from the past's 'neutrality' or 'Japanese imperialism.' And it precisely shows the problem with the generalization of the term 'Asian.' Based on the discussion of *Edward Said's Orientalism*, *Sang-Jung Kang*, the Korean scholar, has explored the colonialist discourse mobilized by the expansionism of Japanese imperialism. *Kang* further has researched the process of forming the dual identity that Japan has had as a 'West in the East' and found some similar flows to the controversy surrounding 'Asian values' inside Asia.⁷³

In general, the debate on 'Asian values' took the defensive stance as merely responding to questions raised or some pressures from the West. And the debate has developed from such a perspective to further questions such as: whether values from the West, such as democracy and human rights, could be compatible with 'Asian values,' or whether 'Asian values' can be complementary to values in the West. After all, the 'Asian value' debate has developed based on such conflicts and tensions between the West and non-West.

1.7. Structure of the thesis

This thesis has mainly two main parts. The first part explores the development of the 'Asian values' debate and critically examines Asian perfectionism based on Confucianism. In particular, it critically analyses, from a philosophical standpoint, the argument for the possibility of compatibility between Confucianism and democracy. The second part aims to criticize the justification of the elite governing doctrine for common people's well-being, as Confucian perfectionism claimed. The criticism will mainly focus on a new type of human as being cooperative.

Chapter 2 examines the background and development of the emergence of the 'Asian values' debate. How to view Asia and the position of pros and cons regarding 'Asian values' amid controversy will provide significant

⁷² Chai-Bong Hahm (1999), *The East and the West, and the identity of Korean intellectuals*, *Quarterly Intellectuals*, 10 (1, Spring), p. 22.

⁷³ Chul-Gyu Choi (2003), *Universal human rights and Asian values*, Sogang University, Department of Political diplomacy, p. 11.

background. The so-called Confucian capitalism and Confucian democracy, which appear in the debate, must still be regarded as critical issues ever since the full and active debate on 'Asian values' has formally begun. This chapter will also examine the types of challenges to West centralism based on the classification of South Korean professor *Jung-In Kang*.

Chapter 3 deeply examines what Confucian perfectionism is. In the discussion on Confucian perfectionism, there are very closed as well as exclusive perspectives. Yet, at the same time, there is a very sophisticated Confucianism. Confucian perfectionism is an important theme to explain the relationship between a good life and the state. Some Asian philosophers including *Joseph Chan* claimed Confucian perfectionism by fusing perfection of the West or community-oriented ideas with Confucianism. This is an essential part of this thesis. For people in the Confucian culture, a good life seemed to be always closely connected with states or rules. Common people in the Confucian culture are already very obedient and fail to recognize individual freedom. Thus, community-oriented ideas and perfectionism can only be utterly different from how people in the West recognize such.

It will mainly discuss how one state accepts and applies liberal democracy that has been regarded as being largely historical products of the West. This chapter further discusses whether the decision-making standard of such acceptance and application depends on the state's cultural decision or the group's particular own one. Otherwise, this chapter reflects on whether 'Asian values' appear as a mere defensive logic to oppose democracy as universal values. In addition, through understanding such positions, the West's philosophy will not be cited as a mere criticism tool. Once again, I would like to highlight that I do not entirely agree with some extreme dichotomized perspective to contrast values in the West with East Asian Confucianism. My criticism of East Asian Confucianism does not mean that I agree with such a dichotomized view.

Chapter 4 examines the good life that is at the core of Confucian perfectionism. We also look to find answers to the different meanings of the good life in diversified cultures. If there is a weak meaning of incommensurability between different cultures, it is very significant how mutual recognition is possible to overcome this. Perfectionism can again be criticized in search of clues to search for communication and recognition. Chapter 4 particularly examines whether understanding others in one cultural community is an important element of a good life. It is necessary to see if a good life has no relations with the right life. This argument will extend to dialogues between different cultures. Furthermore, it will discuss how to overcome intercultural heterogeneity. Such a solution

Chapter 1. Introduction

will be justified at the individual level, and will seek to cover a justification of universal values.

Chapter 5 will analyse critically whether the good life that 'Asian values' claim will ever be feasible without considerations regarding the right life. In particular, the process of seeking answers to currently valid questions about whether the collective tradition and culture can be compatible with individual autonomy and freedom or not will be a fair criticism on 'Asian values.' In this chapter, I would like to clarify that the following two arguments are different from each other: the first argument is to claim that a good life 'Asian values' claim is possible only through the community. The second argument is to highlight the importance of the role of the state in the realization of universal values.

Chapter 6 reflects how universal human rights can be justified. If human rights could be justified, it would reveal a human rights element in all cultures, despite the challenge from pluralistic values opposed to universal human rights. Chapter 6 argues that it is possible to establish an international human rights security system in Asia through discussions on international law's constitutionalisation. The rise of awareness of universal human rights through the Internet, displayed separately from the issues such as intensified competition and widening gaps between rich and poor, and brought about by globalization, can be the driving force behind these discussions. It also seeks to overcome the challenges for universal human rights, such as overcoming the tragedy of communal lands, through mutually cooperating humanities that overcome competition found in behavioural economics. This chapter deals with the justification of human rights in a philosophical and behavioural economic context. Philosophically, this chapter takes up the similarity between the universality of the communication rule and human rights. In behavioural economics, it will further take a look at the justification of human rights, inspired by solving 'the tragedy of the commons'.

Chapter 7 introduces the discussion on democracy in South Korea. For the introduction, the relationship between culture and democracy, and the relationship between institutions and democracy will be further examined. Also, if the problem of democracy can resolve the establishment of the institution why the term of 'democracy crisis' has come up in the case of South Korea will be further investigated. Therefore, this chapter deals with the importance of the quality of democracy.

Chapter 8 is the conclusion. The type of human being assumed in Asian perfectionism is refuted by the appearance of the '*Homo-Reciprocans*' whose characteristics of humans not only focus on self-interest but whose reaction depends on other people's strategies. "*Homo-Reciprocans*" would

not merely deny the universal values of human rights due to their culture. This is the aim of my humble thesis. Because if we presuppose a selfish type of human, we can be obsessed with our selfishness, which might cause us to collapse.

Chapter 2. Concept of 'Asian values' and development of the debate

The cause of the 'Asian values' debate, which is mainly discussed in this chapter, can probably be found in the world's economic recession in contrast with Asia's economic development. In other words, before that, the word 'Asian values' itself did not have philosophical or social scientific meaning or any intention of integrating Asia in general. The debate on 'Asian values' began in earnest in the 1990s when the challenges and reflections on the neo-liberal trend also started. Therefore, I will examine the historical background of the debate on 'Asian values' in this chapter. And the discussion within East Asia regarding the compatibility of 'Asian values' and democratic values will then follow.

2.1. Concept of 'Asian values'

The 'Asian values' are defined as some unique systems of values that Asian culture holds.⁷⁴ However, as we can see from this expression, the words 'culture' and 'value' are by themselves very vague and difficult to discuss as confined to one specific time or region. Nevertheless, this debate was able to spread worldwide for a short period because people tried to clarify such ambiguities.

It presupposes that human values are given and imply 'evaluation' and 'comparison' to the innate meaning. Thus, 'value' often refers to the hierarchy of real or ideal objects that satisfy the will of subjectivity or emotional demands.⁷⁵ In general, when the word 'value' is used in conjunction with the 'judgment,' it implies the characteristics of subjectivity. Such a subjective nature that the word 'value' has, can be considered to possibly mean the concept of 'closure' or 'exclusiveness.' It is because 'value' entails some subjective judgments about what is right, which implies that something different could be wrong. However, if some values seek to eliminate such 'closure' or 'exclusiveness,' it can be paradoxical because there will be no more 'closure' or 'exclusiveness' in the concept of such values. Therefore, the term 'universal values' on the one

⁷⁴ Seung-Hwan Lee (1998), *The Discourse analysis on 'Asian Values'*, Open Intellectuals Quarterly (4), p. 313.

⁷⁵ Dae-Hee Lee (1999), *The problem and history of the value theory*, Jeong-Lim Publishing (Seoul), p. 13.

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hand, can be considered as the basis of subjective judgment, which almost everyone would agree with.

On the other hand, 'universal values' could have some characteristics that could somewhat force the criterion of judgment, as formed in one group and transferred to another group. In other words, the continuous actions or decisions of an individual or a group would play some crucial roles in developing the individual or group's value. Also, 'value' further affects the behaviour and judgment of the individual or group. Sometimes, such social values force the members of society to behave and judge according to their values. Besides, the 'value' of these individuals or groups stays in one society and affects other groups and communities.

Culture is regarded as having a more comprehensive concept that includes value judgments in itself. Some of the things invented by humans are intangible as well as tangible; some of them are intangible with some destructive nature. It may be controversial whether the tradition of a self-destructive nature can also be called a culture. Related to this controversy, a following question can be asked: can such freedom of expression still be guaranteed as freedom of expression if the expression claims to abolish freedom of expression itself? It can be a question of whether the claim to abolish freedom of expression can be protected as fundamental rights under the name of freedom of expression. Likewise, it is also unreasonable to recognize the tradition of destroying its community as a culture. After all, we do not consider war, torture, murder, etc., as a culture. In other words, culture is what has traditionally been inherited from one group, as preserving the character continuously into the future.

Culture is very vague in itself, but it is primarily handed down through generations using their languages and scripts. The real world's concept, shaped by letters, does not tend to be very flexible but relatively fixed. And through the accumulation of these somewhat fixed concepts, human lifestyles have been transmitted and propagated to others continuously. Furthermore, such a written imagination sometimes enables the notion of an ideal that is not existent to be possible. Humans struggle to realize the idealistic ideology, which comprises various symbol systems through their actions. Such practices could be another fundamental characteristic to define culture, as presented as some appropriate forms of proposition that can be called 'morality.'⁷⁶

⁷⁶ Jong-Hyun Baek (1995), *Culture, Philosophy and Reality*, Volume. 26, The version of autumn, The research center of philosophy and culture, pp. 295-297.

It is challenging to describe one country or a group of countries as belonging to one specific culture. In other words, if some regions are classified as constituents in a particular culture, the specific culture should include all the different cultural characteristics the members in those regions have. If some people belong to the same region or culture, they are usually supposed to share something similar. Nevertheless, it is not difficult to find counter examples. It also makes it easier to justify some exclusions if a different culture is attained in one culture. Since 'culture' is understood to include geography, political system, and religion quite extensively, it would be difficult to say that cultures between the two countries are entirely different from each other in modern societies. Regarding such difficulties, Lawrence E. Harrison explained as follows:

"Culture is difficult to deal with both politically and emotionally. It is also difficult to deal with intellectually because there are problems of definition and measurement and because cause-and-effect relationships between culture and other variables like policies, institutions, and economic development run in both directions."⁷⁷

The term 'Asian culture' is generally referred to as the limited region of Asia, and the geographically 'Asia' is very broad. Originally, the word 'Asia' seems to have full geographical meaning, but actually this is no longer the case.⁷⁸ People in the West started to refer to 'non-West' as 'Asia,' and it has gradually expanded the use of the term in such ways. As we can see from the fact that we do not use the word 'non-Asian,' although we often use the terms of 'the West' or 'non-West', the term 'Asia' itself shows that it is a product of dichotomous thinking, from the perspective of centring on Western Europe. Even though 'Asian values' are not opposed to Western or universal values, early debates on 'Asian values' somehow started from such a dichotomized thinking.

'Asia' is very comprehensive to define because it covers extensive geographical area in the world. If 'Asia' should be defined geographically from a certain point to another, it is difficult to say exactly that 'Asia' refers from where to where. For example, if 'Asia' is defined from Turkey to Japan horizontally and from Mongol to Indonesia vertically, 'Asia' could refer to Islamic, Hindu, and Confucian cultures. That makes even impossible for

⁷⁷ Lawrence E. Harrison (2000), *Why Culture Matters*, in L. E. Harrison and S. P. Huntington (eds.), *Culture Matters*, Basic Books, p. 13.

⁷⁸ Chai-Bong Hahm & Seok-Geun Kim (2000), *Confucianism, Asian values, and Democracy – possibility and prospect of Confucius Democracy*, published in the 2nd Korea-Japan Academic Exchange Seminar, p. 5.

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'Asia' to refer to one civilization in terms of cultural aspects. Then, it must be difficult to define 'Asian values' clearly as well. In particular, East Asia's identity is also unclear because of its geographical diversity, cultural differences, various forms and development among countries, and the incongruous combination of economic growth and 'Asian values.'⁷⁹ In other words, the term 'Asian values' should not be regarded as signifying the opposite of 'universal values' under any circumstances.

While 'Western values' are not considered as universal, 'Asian values' are not supposed to be universal. Of course, they are the values from a particular region of Asia, but at the same time, they emerged as a concept corresponding to Western values. Similarly, it will also be challenging to define Western civilization simply as Christian culture. Even if Western values are used to correspond to 'Asian values,' it is still not clear whether the West is confined only to Europe or if it includes North America. At the same time, there are some doubts about whether they have similar cultures or historical backgrounds. Europe, especially Western Europe, has been greatly influenced by Christianity. So has North America, which was ruled for a long time by Western Europe before becoming independent. However, they could not be geographically bound to one domain, nor necessarily should they be. Similarly, it is hard to see 'Asian values' as the concept as only limited to Asian region, and necessarily they should not be.

However, it is much more meaningful to look through the background of how the 'Asian values' debate has emerged and how the debate has progressed, rather than merely trying to define 'Asian values' specifically. 'Asian values,' as discussed earlier, are too ambiguous for specific definitions. *In-Sung Jang* describes such a background as follows in a somewhat self-mocking tone. "Is Asia truly a 'monster' or a 'freak'? Is the 'monster' just an incarnation of a desire or by-product from fear? When some 'poor' East Asian nations try to achieve their economic desires, could 'Enriching East Asia' be a hope, and could 'Value' be ornamental to hide their non-identity or weaknesses?"⁸⁰

His question could be why 'Asian values' are supported in Asia for quite a long time. The West may have been a desired object for Asia. Since Asia has expected to become like the West for such a long period, Asia may have attempted to beautify the past of the West in order to justify the past as a background of the economic growth the West has accomplished. The reason why Asia wanted to follow the routes the West has taken could be

⁷⁹ In-Sung Jang (2001), *Asian values and Japanese identity*, New Asia, Volume 6(1), p. 146.

⁸⁰ Ibid. p. 147.

the perspective affected by Orientalism. However, there have been some challenges to such a view from the past. Furthermore, such attempts to challenge it are ongoing, not only in the West but also in Asia.

2.2. Asian and Western perspective to look at Asia

The perspective of Civilizational Determinism has existed in the West as well as in Asia. The Civilizational Determinism refers to that civilization is defined by the unique characteristics that each region has. For example, Asia is considered as Confucian civilization or the West is regarded as Christian civilization. In the latter half of the nineteenth century, East Asia's relatively progressive scholars accepted Western perspectives without any critical analysis. At the same time, they studied and travelled in the West. *Fukuzawa Yukichi's* *Escape from Asia*, published in 1885, was probably the first written document in which the Japanese scholar expressed his views on Asia while using the term of 'Asia'.⁸¹

Fukuzawa's writing shows how the Japanese perceived themselves as well as their neighbouring countries at that time. Even if Japan is located on Asia's east side, its national spirit has already shifted away from somewhat conservative old-fashioned Asia to Western civilization. Meanwhile, the Japanese felt very unfortunate to have China and *Joseon*⁸² as their neighbouring countries. Unlike Japan, China and *Joseon* were in similar situations where they did not know how to reform the country. *Fukuzawa* expressed his regret about that by saying that "Since we are living in the era when traffics around the world have become very convenient, people in both countries might have seen or heard about new civilizations. Nevertheless, they probably might not have been affected by new knowledge. They still stick to the ancient customs from a hundred thousand years ago. As Western civilization flows into the East, there seems to be no way for those two countries to maintain their independence. Suppose significant intellectuals in those countries do not try to reform the government for the sake of the country just as in the phase of Japan's restoration movement. In that case, it is probable that those countries will fall within a few years to be handed over to a world civilization power. Such situations often become obstacles to Japan's diplomatic policy, which is a big misfortune for Japan. Nonetheless, Japan does not have enough time to wait until these neighbouring countries reform. Rather, Japan has to move

⁸¹ Won Goh (2015), *The Historical Perspective on the concept of 'Asia'*, Journal of Central Historical Studies, volume 42, p. 293.

⁸² *Joseon* is the former name of Korea. *Joseon* Dynasty existed in the Korean peninsula from 1392 to 1910.

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away from retarded neighbouring countries and move forward together with civilized Western countries. Japan should not treat China and Joseon with care only because they are neighbouring countries. Japan must treat them just as the way Western countries deal with other countries. Those who are friends with bad people cannot escape from being notorious altogether. I sincerely reject all the relationship with those bad friends from eastern Asia”⁸³.

It is difficult to find out whether *Fukuzawa's* prophecy has come true or not. After twenty-five years after *Escape from Asia* was published, *Joseon* was colonized by Japan. From the viewpoints of the Japanese scholars, who expressed their opinion from the end of the nineteenth century to the beginning of the twentieth century, it would be complicated to claim that there may be some close relations between economic growth in East Asia and Confucianism. *Fukuzawa's* harsh criticism implied that it was more plausible for Asian countries to achieve economic miracles after attacking and overcoming Confucianism, rather than supported by Confucianism.

In his writing, *Watanabe Hiroshi*, a Japanese scholar in the late twentieth century, quoted *Fukuzawa's* opinion. *Hiroshi* claimed that Confucianism assisted the 'refinement' of Japanese society to a certain degree, but it justified and helped despotic governments of the past. Further, he supported the idea that it produced 'mental slaves' of ancient sages, who were ignorant of 'the universal law of progress.' According to *Hiroshi*, Confucianism was a fundamental cause for the stagnation of Japanese society. He believed that people must engage in the practical, useful learning introduced from the West, rather than in the old Confucian education. And since the mentally independent individual was the key to 'civilization,' people had to become such individuals to promote Japan's civilization and secure its independence.⁸⁴

Besides, *Okakura Tenshin*, a Japanese writer, published the book introducing Asia to the United States people in the early twentieth century. *Tenshin* insisted that 'Asia is one!' in his book. It had a significant influence on the formation of Americans' view on Asia, since they had almost zero information about Asia until then. It is astounding how the Asian intellectual of that time influenced the future perspective. His perspective expressed in the writing seemed to accept the Western point of view,

⁸³ Fukuzawa Yukichi (2012), *Escape from Asia, 1885*, The world we live, Kyung-Hee University, pp. 346-347.

⁸⁴ Watanabe Hiroshi (1996), "They are almost the same as the ancient three dynasties" – *The West as Seen through Confucian Eyes in Nineteenth-Century Japan*, in *Confucian Tradition in East Asian Modernity* edited by Tu Wei-Ming, Harvard University Press, p. 130.

equating Western society with civilization itself. Such an idea seems to be repeated in a relatively relaxed manner in the debate on 'Asian values' a century later. Therefore, the West may not have forced Asia to accept the dichotomized concept of 'Western' and 'non-Western,' and 'the civilized' and 'non-civilized.' Instead, Asia itself played an essential role by taking and spreading such a view within Asia.

The initiative might be a common interest in economic development, as the background where similar viewpoints on Asia have formed and the debate on 'Asian values' has become very controversial. Up until the nineteenth century, there was competition between Western countries advancing to the East, which was even called as 'the war of colonization.' In this context, the debate on 'Asian values' is not about general controversy all over the Asian countries. Still, it is limited to only a few East Asian countries, generally considered to have a Confucian culture.

Perhaps, *Samuel P. Huntington* will be one of the influential scholars who best reveals his beliefs about the close relationship between culture and economic growth. He asserted: "In the early 1990s, I happened to come across economic data on Ghana and South Korea in the early 1960s, and I was astonished to see how similar their economies were then. These two countries had roughly comparable levels of per capita GNP, similar divisions of their economy among primary products, manufacturing, and services; and overwhelmingly primary product exports, with South Korea producing a few manufactured goods. Also, they were receiving comparable levels of economic aid. Thirty years later, South Korea had become an industrial giant with the fourteenth largest economy globally, multinational corporations, major exports of automobiles, electronic equipment, and other sophisticated manufacturers, and a per capita income approximating that of Greece. Moreover, it was on its way to the consolidation of democratic institutions. No such changes had occurred in Ghana, whose per capita GNP was now about one-fifteenth that of South Korea's. How could this extraordinary difference in development be explained? Undoubtedly, many factors played a role, but it seemed that culture had to be a large part of the explanation. South Koreans valued thrift, investment, hard work, education, organization, and discipline. Ghanaians had different values. In short, cultures count."⁸⁵

⁸⁵ Samuel P. Huntington (2000), *Foreword, Cultures Count*, in L. E. Harrison and S. P. Huntington (eds.), *Culture Matters*, Basic Books, p. 13. (I put it *Huntington's* paragraph as direct quote because I wanted to show how he illustrated to draw a conclusion of 'culture matters.' In the following paragraph, I interpreted his remarks and put my critical view on him.)

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Although this view faced a lot of criticism, its influence is still considerable and has lasted for a long time. Such a 'civilization' approach has relatively coercive characteristics. And the approach has become a hindrance to theoretical questions about why miracles of economic development have occurred. One of the limitations of *Huntington's* claims is whether it is possible to connect some groups or countries as a single civilization. Korea and Ghana will be easily seen as having different civilizations from each other. Yet, that does not make it reasonable to regard some neighbouring countries of one country as having the same civilization, without an analysis from these countries' members.

Another problem is that such a view may lead to the fatalism. The destiny of both developed and underdeveloped countries is fixed from the beginning if culture is regarded as the leading cause of economic development. Instead, it is more reasonable to see culture as only one of many other factors leading to economic success or failure. Such problems may be similar to the side effects of recognizing political authoritarianism as an attribute of 'Asian values' or 'East Asian model'.⁸⁶ The side effect treats the supports for the 'East Asian model' merely as some nostalgic feeling for *Park Chung-Hee*⁸⁷'s authoritarianism. Or people may believe that the current economic turmoil happens because we don't have an authoritarian government anymore.⁸⁸ 'Asian values' cannot be seen as a tool to overcome Western values. One of the explicit criticisms against it was made by the Asian scholar from India; *Amartya Sen*. He criticized *Huntington's* view as follows:

⁸⁶ Jong-Kuk Baek (1998), *Criticism on the theory of East Asian Model: focusing on the discussion about Korean foreign exchange crisis*, Korean Political Science Review 32(3), p. 12. (In his paper, Baek used the term of 'East Asian Model' to refer to 'Asian values'.

⁸⁷ *Park Chung-Hee* was the ex-president of Korea during the military dictatorship installed by the May 16 military coup d'état in 1961. He occupied the presidency from the year of 1962 to 1979 for 17 years until he was shot by *Jae-Gyu Kim*, the director general for Korean communication and information agency on October 26, 1979. He became President following a military coup d'état in 1961, and proclaimed a new constitution to ensure long term rule in 1972. Politically he enfeebled constitutionalism, oppressed labor movement, and democracy, but has received high evaluation as a respectable president among Koreans in various public opinion surveys because of the economic growth in his presidency. (cf. In this thesis, I have written Korean names as first name of two syllables linking with '-' and last name as the way of writing names in English. Nevertheless, I have written this name of Korean ex-president because his name is written as this way of last name, first name of two syllables linking with '-' in many international documents.)

⁸⁸ Korean Research Academy on politics (1998), *Overcoming Park Chung-Hee*, Puronsup Publishing (Seoul).

“There were many important differences - other than their cultural predispositions -between Ghana and Korea in the 1960s. First, the class structures in the two countries were quite different, with a much bigger - and proactive - role for the business classes in South Korea. Second, politics were very different too, with the government in South Korea willing and eager to play a prime-moving role in initiating business centred economic development in a way that was not true in Ghana. Third, the close relationship between the Korean economy and Japan, on the one hand, and the United States, on the other, made a big difference, at least in the early stages of Korea economic expansion. Fourth - and perhaps most important - by the 1960s South Korea had acquired a much higher literacy rate and a much more expanded school system than Ghana had. ... On the basis of the slender scrutiny that backed *Huntington's* conclusion, it is hard to justify either the cultural triumphalism in favour of Korean culture or the radical pessimism about Ghana's future to which *Huntington* is led through his reliance on cultural determinism.”⁸⁹

Despite *Sen's* harsh criticism as above, *Huntington's* conservative and civilization-determinant views have still greatly influenced societies up until now. However, suppose the development in one region is determined according to its culture and civilization. In that case, it will not be easy to recognize the importance of universal values, which are considered as universal regardless of cultures or civilizations. Furthermore, suppose a certain value is claimed as 'universal' based on the strength or the logic established by the first 'developed' civilization. In that case, people who are regarded as living in a comparatively 'less developed' civilization will have a hard time accepting that as a 'universal' value. After all, if we stick to *Huntington's* claim, each civilization's values will eventually collide with one another.

It is not very important whether *Huntington's* view is acknowledged as belonging to an academic mainstream or not. A more critical issue related to his argument is that human beings' faiths will also be hurt if the civilization is divided using crude evidence with the excuses of complicated proof. The human faiths refer to the faiths in value pluralism as the fundament of democracy and value pluralism is the belief that various

⁸⁹ A. Sen (2006), *Identity and Violence – The Illusion of Destiny*, Penguin Books, pp. 107-108. (I put *Sen's* paragraph as a direct quote to show the livelier contrast with *Huntington's* paragraph. My interpretation will follow in the following paragraphs regarding *Sen's* remarks.).

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cultures can coexist in one society. If it is claimed that Korea belongs to Chinese culture, most Korean people will probably be angry with that claim. And they will argue, as asking what the grounds behind such claim are. Korea has indeed preserved Confucian culture in certain areas, even better than China. And Confucianism originally comes from China. However, that does not make the entire Korean culture or civilization identifiable as 'Chinese civilization.' This is quite different from the Western scholars who claim that the West belongs to a Christian civilization. The West could be categorized as a Christian civilization because many in Europe or North America are Christians.

Nevertheless, there are also many other religions, making it challenging to categorize some regions in Europe or North America as a Christian civilization. On the other hand, what religion means in the West is utterly different from what religions means to people in the East Asia, especially Korean. In other words, unlike Christianity, Confucianism tries to preserve its tradition, but the members do not have any sense of religious belonging to it. That makes it absurd that Koreans, Chinese or Japanese people belong to one community of Confucian tradition. Nevertheless, the efforts have been made both in the West and Asia for quite a long time to define civilization or culture, especially Asia, with an unreasonable and crude basis.

According to Professor *Tatsuo Inoue's* somewhat effective analysis, 'Asian values' can be defined as an opposing concept to social democracy. He claimed that if social democracy has conceived a system of 'political liberty without economic freedom' by sustaining the compatibility of economic socialization and democratization of politics, the Asian way may believe in "economic freedom without political liberty."⁹⁰ According to *Inoue*, if Western social democracy is a compromise between political liberty and economic socialism while distinguishing political liberty from economic freedom, 'Asian values' are in opposition to Western social democracy. Of course, *Inoue* criticizes such 'Asian values' as some sort of distortions from Western liberalism. Such a metaphor *Inoue* uses is so effective that he might be regarded as reading the essence of the long-lasting controversy about 'Asian values.'

Inoue criticizes 'Asian values,' claiming that the Asian theory of value puts strong reservations on the Western concept of human rights but accepts Western sovereignty without limitations. He further argues that 'Asian

⁹⁰ Tatsuo Inoue (1997), *Liberal Democracy and 'Asian values'*, translated by Chang-Rok Kim, Law Review, 38(1), p. 122.

values' seem to make sovereignty even sacred, as an all-round talisman or charm to reject the "bothersome" request of respecting human rights.⁹¹ He further points to religious and cultural diversity as attributes used to generalize about Asia. In particular, according to him, Asia's internal diversity could be measured as incomparably larger and more diverse than that of the West. He claims that it is unjust, even as a cartoonist, to describe Asia as a Confucian civilization compatible with Christian West or Confucius Islamic civilization. At last, *Inoue* warned that it is politically dangerous to classify civilization.⁹²

The trial to classify civilizations easily could be viewed as a form of civilization pluralism, but in essence, it represents the dichotomy of the West and non-West. If somebody claims that culture and personal freedom could be in opposition to each other, he/she regards culture as something fixed, which is not. Further, he/she ignores that culture could change according to individual abilities. The idea of suppressing individual freedom in protecting cultures is an attempt to destroy a culture. It is difficult to realize universalism as ignoring the specificity of each individual. On the other hand, cultural relativism, in that universal values of human rights or democracy are excluded, could proceed without legitimacy. The next claim by *Tatsuo Inoue* is pointing out the most important part of the debate on 'Asian values.'

"The communitarian element of Asian society – its importance should not be exaggerated nor be ignored at the same time – is not a deterrent to democratization, but rather a facilitator."⁹³

Of course, cultural diversities should not be ignored because they exist in our real lives. Nevertheless, in cultural diversities, it is not a desirable idea that universal values do not fit into Asia or Asian people because they originate from the West. Such an idea is mere memory from the dark colonial past, which confines public thoughts to misconceptions. This is why the debate on 'Asian values' has become a popular topic for Asian scholars and Western scholars for a significant period.

2.3. Pros and Cons of 'Asian values'

It is difficult to say that there was a controversy from the time when the term 'Asian values' appeared for the first time. The Singaporean government explicitly started to use the period in the late 1990s, as

⁹¹ Ibid. p. 125.

⁹² *Tatsuo Inoue* (1997), *Liberal Democracy and 'Asian values'*, translated by *Chang-Rok Kim*, *Law Review*, 38(1), p. 143.

⁹³ Ibid. p. 158.

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Singaporeans were instead getting through the challenge of identifying themselves due to the rapid success of the Westernization policy. Before that, the term was also used by politicians and intellectuals from China, Korea, and Japan, who felt relatively threatened by the penetration of Western culture to Asia⁹⁴.

First of all, it would help examine the development of the 'Asian values' controversy by analysing the subject people who refer to the term. The Korean Professor of philosophy, *Seung-Hwan Lee*, divides those subjects into four types. Such a classification is an instrumental analysis for understanding 'Asian values,' so it will be introduced here.

The first subjects are Western scholars who see 'Asian values' as the main factors to explain Asia's economic development. They use the concept of the Asian development model and regard Asian culture as the prototypes of the 'Asian values.' This is how the argument led to the interpretation that the 'Asian values' became the driving forces of economic growth. According to *Seung-Hwan Lee*, Western scholars such as *Hermann Kahn* and *Ezra Vogel* have introduced the 'Asian development model.' And the 'Asian development model' is based on the proposition that all four small dragons in Asia belong to the Confucian culture. *Lee* further explains that such a proposal led to the interpretation that it became the driving force. In other words, the strong leadership in the Confucian culture, the passion for higher education, the family-oriented human relationship, and some other cultural factors such as cooperation and diligence have become the driving forces of economic development in this region of Asia (*Lee* explains this phenomenon as "Confucian Capitalism" as well).⁹⁵

This position can be called the most classical form of the 'Asian values' theory, which Western scholars recaptured after Asia was introduced to the West by Japanese scholars in the late nineteenth century. Such a position held by these Western scholars is nothing more than a result of an effort to analyse the contradictory phenomenon of the Western recession and Asia's economic development, without a clear understanding of Asia. As the cause of economic growth is considered 'Asian values,' the cause of Asia's economic crisis in the late 1990s was also found as the harm caused by

⁹⁴ Jung-In Kang (2014), *Are Asian values the Functional Equivalent to the Protestant Ethic?* p. 331.

⁹⁵ Seung-Hwan Lee (2000), *The Debate on 'Asian Value' and the future of Confucian culture*, published on the 6th International Conference on *Toegye** Study. (**Toegye* is the pen name of the old Korean scholar, *Yi Hwang* (1501-1570), one of the two most prominent Korean Confucian scholars of the *Joseon* Dynasty, the other being his younger contemporary *Yi Yi* (*Yulgok*). *Toegye* is regarded as a key figure of the Neo-Confucian literati and he set up the *Dosan Seowon*, a private Confucian academy.).

'Asian values.' Even after Asia's economic crisis, Western society started to criticize Asian capitalism as 'crony capitalism.'⁹⁶ Furthermore, they advised Asia to follow the logic of the market. Such criticisms could easily be attacked again for being used as an ideology for rationalization of Western domination over the Asian economy.

The second position is the perspective of Asian scholars. Like Western scholars, they have argued about 'Asian values' as a variable to explain Asia's economic development. According to *Seung-Hwan Lee* regarding this perspective, the representative case is *Genji Shimada*, who argued that Confucianism, in combination with capitalism, could make economic development possible, just like the combination between Puritanism and Capitalism. The period when the Confucian capitalism theory was activated in Japan was in the 1980s. At that time, real income in Japan increased as the Japanese currency continued to rise, and the Japanese people's confidence grew as well. From a retrospective perspective, such faith from rapid economic growth played an essential role in the rise of the "Asian management model" and "Confucian capitalism," especially in Japan and Korea.⁹⁷

The third type refers to 'Asian values' as a decolonization discourse. Malaysia and Singapore, for example, are multiracial, multi-religious, and multilingual nations. These countries needed ideological centripetal points and strong political leadership for national unity after independence from the United Kingdom. As newly independent countries, these countries needed to advocate for cultural particularities, which had to be different from those of colonizing countries. For this reason, 'Asian values' were utilized as an ideology of national integration.⁹⁸

The fourth position is to insist on 'Asian values' as a postmodern discourse to complement modernity's negative effects in the West. This position is to criticize Western culture because it has run only towards the overly individualistic and material aspects since modern times. This is regarded as resulting in loss of values, moral vacuum, self-fragmentation, and dismantling of families and communities. 'Asian values' are suggested as a postmodern project because Confucian value is placed in opposition to the

⁹⁶ So-called 'crony capitalism' refers to an economy in which businesses thrive not as a result of risk taken for them, but rather, as a return on money amassed through a nexus between a business class and the political class. (this definition cited from 'D. C. Kang (2002), *Crony Capitalism: Corruption and Development in South Korean and the Philippines*, Cambridge University Press').

⁹⁷ Seung-Hwan Lee (2000), *The Debate on 'Asian Value' and the future of Confucian culture*, 2000, published on the 6th International Conference on Toegy Study, pp. 198-199.

⁹⁸ *Ibid.*, pp. 200-202.

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values of the West and Confucian value is used as a substitute for societies in the future⁹⁹. In this position, scholars include *Tu Wei-Ming* at Harvard University, *Roger Ames* in Hawaii University, and *David Hall* at the University of Texas.

As we discussed above, the very nature of the early 'Asian values' debate seems to have sought appropriate parameters to explain the cause of economic development. Japan and Korea's cases show that 'Asian values' have gained quite strong supports with their economic growth. Coincidentally, the countries that grew economically did not have sufficient natural resources, population, technology, and capital. Simultaneously, the authoritarian government could not be seen as the only driving force of economic prosperity in Asia. In a similar period, countries in Southeast Asia and Latin America were overcoming economic frustrations. And that made it more difficult to explain how East Asian economies became relatively successful. After all, the scholars who failed to find the cause in political or economic grounds eventually paid their attention to cultural variables to look for some common cultural points in the area. After all, such frustration led scholars to Confucianism, which could not be excluded from potential substantive causes.

One of the prominent Korean philosophers, *Min-Ho Kook*, commented about such a perspective. According to *Kook's* illustrations, Confucian culture's influence can be found especially in ethical norms and practices. In other words, the promotion of collective consciousness through cooperation and obedience, the high saving rate resulting from a frugal lifestyle, the dedication to the group through familial relationships, and ultimately the harmonious social construction effort both among individuals and between individuals and nature. *Kook* explains that among these, the influence of Confucian ethics practically appeared as the motto of "strong nation," "family-oriented," and "Passion for higher education." Scholars who emphasized Confucianism have created a nation with a strong relation between sovereign and subject, a family with the strong affection between father and son. At the same time, a passion for higher education founded the basis for economic growth by providing low-income, well-trained, and high-quality labour at the early stage of industrialization.¹⁰⁰

⁹⁹ Seung-Hwan Lee (2000), *The Debate on 'Asian Value' and the future of Confucian culture*, 2000, published on the 6th International Conference on *Toegye Study*, p. 202.

¹⁰⁰ Min-Ho Kook (2007), *East Asian Development and Asian Value – Focused on South Korea*, *Oriental Social Thoughts*, volume 16, p. 192.

Contrary to the economic downturn in the West, Asia's near-miraculous economic development triggered the debate on 'Asian values.' Those scholars regarded as mainstream thought that the Asian economy should develop through Westernization because modernization seemed to be equal with Westernization. Accordingly, Western scholars began to search for the cause of rapid economic growth in Asia, starting from Japan's example. However, such a question has been brought by Asian scholars, who proposed 'Asian values' as an alternative, because most social problems occurred through the Westernization process.

These scholars believed that Asia had some unique value structure that widely influenced the thoughts and behaviours of Asian people. They thought these values were linked to Confucian cultural traditions and Confucian ideology, which largely affected East Asian economic prosperity. Without a proper explanation of the links between Confucianism and economic growth, such a claim could have limitations in itself. Nevertheless, these arguments played a role in motivating lively debates. The following chapters will introduce the controversy on 'Asian values.' Especially in Korea, the public was actively engaged in the argument by comparing the ex-Prime Minister of Singapore *Lee Kuan Yew* to Korean Dictator *Park Chung-Hee*.

Lee Kuan Yew is considered the main person who made 'Asian values' a global debate issue. He was the former Prime Minister of Singapore from 1959 to 1990, and he was a leader with substantial power. Somewhat ironically, *Lee* was educated in Western society. Singapore is regarded as a country as a multicultural and multiracial country model, although *Lee* vehemently insisted on 'Asian values.' To *Lee*, Western values were something that Asians had to overcome, and 'disorganized' individualism could not achieve economic development by any means. He claimed that an individual only exists in the form of family, who never exists as an isolated being in the Asian society. Families are parts of the kinship group, groups of friends, and larger society. According to *Lee*, it is not the government but the family or relatives who provide individuals what they want.¹⁰¹ *Lee* worried that excessive democracy and individual rights in Western societies are bringing about the collapse of morality. As a result, the Western political system does not fit into family-oriented East Asian society. According to *Lee*, although modernized Western lifestyles could be accommodated, Western democracy could not fit into Asia.¹⁰² The former

¹⁰¹ Lee Kuan Yew and Zakaria (1994), *Culture is Destiny*, the issue of March and April, Foreign Affairs, pp. 109-126.

¹⁰² Masako Hirota (2001), *The analysis of debate on Asian values*, Yonsei University, pp. 37-38.

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Malaysian Prime Minister, *Mahathir*, presented similar thoughts and arguments as *Lee*.

Their position, as politicians, is to emphasize the culture of Asia exclusively. They argue that the institution of democracy based on Western liberalism does not fit with Asian culture and tradition. As many Korean people showed great interests in *Lee's* thoughts when he died in 2015, the people from countries that experienced authoritarian regimes in East Asia tended to somewhat agree with *Lee's* claim. Maybe, many would not have known how *Lee* could rule for such a long time among those Korean people. They might have assumed that legitimate party politics were operating in Singapore, and that *Lee* also won regular elections in Singapore, although both assumptions were far from the truth.

However, Singapore is far from the country where freedom of speech, press, and association is guaranteed. Like *Lee's* assertions, Singaporeans worshiped and respected him as 'the country's father,' their political freedom had to be limited in exchange for economic prosperity. *Lee* called himself the country's father and regarded the people as his children, as the country was an extended form of the family. In *Lee's* logic, the father teaches morals and regulations to his children while he could punish them when they do not obey him. The critical role of the father is respected since he is responsible as the family's breadwinner.

The former Korean president, *Kim Dae-Jung*¹⁰³ was a South Korea leader from 1998 to 2003. Before becoming the president, he had suffered under the military dictatorship government. The Korean dictatorship was somewhat similar to the Singaporean government, but more like the military government in Latin America. Kim was the politician who argued about 'Asian values' against *Lee Kuan Yew*. In the argument, *Kim* emphasized the need to establish the true meaning of democracy and improve universal human rights in Asia. He believed that universal human rights' most significant obstacle is not the traditions but authoritative political leaders.

Lee Kuan Yew claimed that democracy might be reserved for any economic reasons for a certain period. *Kim* criticized such a claim as the not being

¹⁰³ *Kim Dae-Jung* (6 January 1924 – 18 August 2009) was president of South Korea from 1998 to 2003, and he was the 2000 Nobel Peace Prize recipient. He was sometimes referred to as the 'Nelson Mandela of Asia' (CNN, *Kim Dae-Jung: Dedicated to reconciliation*, 14 June 2001. Available at <https://web.archive.org/web/20060922050400/http://archives.cnn.com/2001/WORLD/asiapcf/east/06/12/bio.kim.daejung/>). Cf. Just as the same reason of Park Chung-Hee (as written in the footnote number 84), the name is written in the format of family name, two syllables of first names linking with '-:')

the genuine meaning of 'Asian values,' but the Asian value of the *Lee Kuan Yew* himself. *Kim* further asserted that human rights could never be reserved according to different cultures. Regardless of cultural differences, democracy should be developed in Asia, and Asia's economic system should also move forward to a free market economy. *Kim* also argued that he found many democratic elements in the Asian tradition; thus, democracy could never be regarded as the West's unique invention.¹⁰⁴ Of course, *Kim*, not as a scholar but as a political leader, tried to appeal to the public by looking for a universal character such as democracy or human rights in our own culture and traditions of Asia.

2.4. 'Asian values' and Confucian capitalism

While a theory is needed to explain the rapid economic growth in East Asia, the concept of Confucian capitalism was suggested as a solution. Confucian capitalism is the concept invented through the combination of the Confucian hypothesis and development state theory. The Confucian hypothesis is that the mentality and ethics of people who were raised in a particular set of Confucian values other than Western individualism and rationalism played a significant role in East Asian economic growth.¹⁰⁵ The Korean scholar of philosophy, *Chai-Bong Hahm*, agrees with the government-led economic policy. *Hahm* claims that the core of the East Asian development model is to increase the national wealth through exports. And the domestic industrial infrastructure is led by the government at the same time. In the process, according to *Hahm*, a government with a strong power promotes the strategic industries by controlling industrial policies. *Hahm* further illustrates that there are some prerequisites for such a model to be successful. First of all, the government must have the power that is strong enough to allocate limited resources to some specific strategic industries. Secondly, political leaders and bureaucrats have the power to mobilize scarce resources, technology, and labour and the knowledge, insight, and judgment that can efficiently and strategically put everything all together into practice. The third element is the attribute that the people must-have. They should be willing to comply with the country's firm economic development policy, abide by regulations, be diligent, disciplined, and have a high passion for education. Then, *Hahm*

¹⁰⁴ *Kim Dae-Jung* (1994), *Is Culture Destiny?* 1994, the issue of November and December, Foreign Affairs, p. 190.

¹⁰⁵ *Tu Wei-Ming* (1996), *Confucian Traditions in East Asian Modernity*, Harvard University Press, pp. 1-10.

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concludes that they will successfully adjusted to the rapid transition from the agricultural to the industrial-oriented society.¹⁰⁶

However, there are still problems from the economic perspective in East Asian development models and Confucian capitalist advocates' claims. The government played an exceptionally active role in some East Asian countries, excluding Hong Kong. Nevertheless, East Asian countries did not invite the strategic industry by itself, but the government helped entrepreneurs invest in the industry by providing relatively low-income labour. East Asian countries tried to introduce loans from foreign countries or attract foreign direct investment while considering that domestic capital is insufficiently accumulated. East Asian countries implemented the export-driven policy, away from the relatively narrow domestic market.¹⁰⁷ That does not directly mean that East Asia accomplished economic growth due to the strong government or government-driven policy.

Herman Kahn and *Ezra Vogel* introduced the concept of the 'Asian development model' to explain the economic miracles of East Asia that achieved rapid growth in the 1970s and 1980s. They gave their attention to the fact that all four countries called 'Dragons of Asia' belong to a Confucian culture. And they interpreted it as if Confucian values worked as the driving force of the economic success in these countries. They argued that cultural factors, such as strong leadership, passion for higher educations, family-like human relations, attributes of cooperation, and diligence played essential roles.¹⁰⁸ Until now, many scholars in the West agreed with the idea that Asian values are closely related to Asian development, at least implicitly, and thus to the real economy. They acknowledged that Asia's cultural tradition, family ties, and community consciousness would lead to economic growth as their common value norms. Additionally, the people's consciousness and the so-called 'good or strong' government has been seen as more advantageous to economic growth than the ineffective government of the democratic system such as India or the Philippines.

However, such an argument was developed in the opposite direction when Asia had an economic crisis in the late 1990s. The cultural reasons used to explain the growth was ironically pointed out as also being the reasons for

¹⁰⁶ Chai-Bong Hahm (2000), *Confucian Capitalism and Democracy*, 2000, Tradition and modernism, p. 79.

¹⁰⁷ Won-Hyuk Lim (2001), *Confucian Capitalism and Confucian Democracy: theory and reality*, Comment on Social Science, the 21st version, pp. 149-150.

¹⁰⁸ For further details, see 'Seung-Hwan Lee (2000), *The Debate on 'Asian Value' and the future of Confucian culture*, published on the 6th International Conference on Toegy Study.'

the crisis. They explained that the grounds for the crisis are familial management style, cronyism, and nepotism which are considered in the Confucian culture. And such a claim lit the fire of the debate on 'Asian values' again. As all of Asia overcame the foreign exchange crisis, American scholars fell into the kind of fantasy of taking pride in that 'We are the world.' They believed that the collapse of the Asian market in 1997 led to the American model of the free market, just as the fall of the Berlin Wall in 1989 led to the American model of liberal democracy.¹⁰⁹

By the early 1980s, the anxiety was quite significant among Americans because they felt that the United States of America could be economically subordinated to Japan. In that sense, the expression of 'We are the world.' was not exaggerated at all to them. According to the opponents of 'Asian values,' Asia has fallen into the crisis due to the East Asian development model's inherent limitations. The crisis's reasons are the symbiotic relationship between the government and business, the corruption triangle among banks, enterprises, and the government, closed policy decision processes, authoritarian political structures, and the opacity in the financial trade. And the roots of all these are 'Asian values.'

In this regard, the United Kingdom's 'The Economist' reported that "Asian values led to economic collapse." The examples of family-oriented systems were transformed into nepotism, and the respect for informal relations led to cronyism. Furthermore, the emphasis on consensus and harmony led to corrupt politics, and obedience for authority and conservative tradition were linked to rigidity and incapacity for reforming. Lastly, great passion for education led to memory-oriented education and the destruction of creativity.¹¹⁰ The scholars who claim against 'Asian values' tried to dismiss some fantasy-like thoughts regarding 'Asian values'. During the period of economic development, the claimants in favour of 'Asian values' praised Confucian culture to be the ground of such development. Then, when the financial crisis deepened, the scholars against 'Asian values' criticized the claimants in favour of 'Asian values' as stating 'Asian values' as cronyism and fiction. They concluded that the previous economic development in Asia was only a temporary phenomenon led by foreign capital.

In 'the theory of development' that first emerged with the Confucian hypothesis of culturalism, the government had a leading role in its economic development. Especially in underdeveloped countries, 'intervention' is necessary because efficient resource allocation and a fair

¹⁰⁹ D. K. Emmerson (1998), *Americanizing Asia?* Foreign Affairs, Vol. 77. No. 3 (published in May/June 1998)., pp. 46-56.

¹¹⁰ The Economist (1998), *Asian Value Revisited*, published on July 25, 1998, pp. 23-28.

economic system could not be achieved autonomously by the market. The theory explains how governments played active roles in East Asia, which leads to economic development. The government acts as a significant industrialization agent by actively intervening in the market in the theory of development. As expected, however, the government's active intervention might imply the possibility of advocating an authoritarian government. Without a well-functioning democratic system, there are not many checks and balances on the government's policy failures. The intervention might be necessary only for the early stage of development in the underdeveloped countries. However, it should be limited after the market and economy become stabilized. This is in line with the neo-classical schools of economists, considered as the mainstream of economics. Neo-classicists claim that the intervention must be done only in some exceptional cases. The intervention is accepted in the event of 'market failure' as an example of a public goods market. Excessive intervention could lead to 'government failure.'

Neo-liberalism, which had been widespread in the global economic system before the financial crisis in 2008, could be regarded as the modern version of a neo-classical school. From their perspectives, Asia's rapid growth seems to be unusual because it has been the result of the government's excessive intervention in the market. There might be some changes in the neo-liberal trend's main flow due to the reflection after the financial crisis. To them, 'Asian values' turned out to be mere illusions through the Asian financial crisis in the late 1990s because 'Confucian capitalism' has been understood as same as 'crony capitalism.' In conclusion, a lot of scholars began to argue that in 'Confucian capitalism,' economic development and social modernization could be accomplished through the combination of Confucianism and capitalism; just as Puritanism could be adjoined with Capitalism in the West, Confucianism could also be seen to have many elements that also could be beneficial for Capitalism. In the aftermath of the crisis, economists criticized the limitations that the 'Asian development model' has. However, such criticisms instead functioned as catalysts to rapidly overcome their economic crisis.

2.5. 'Asian values' and Democracy

Could 'Asian values,' especially Confucian cultural traditions, become compatible with democracy? According to the Korean professor of philosophy, *Chai-Bong Hahm*, the goal of 'Asian values' is to build a community-oriented and illiberal democracy, taking lessons from the social ills brought by Western liberal democracy and excessive

individualism.¹¹¹ Such a view is somewhat contrary to some Western scholars' cultural determinism, who claim that democracy, as the product of Western Christian civilization, cannot be rooted in Asia's Confucian culture. *Hahm's* view is somewhat in line with politicians' claims who actively promoted 'Asian values.'

However, the concept of illiberal democracy¹¹² can also be seen as an attempt to overcome the limitations and problems of democracy in the non-Western region from the West's perspective. The illiberal democracy presupposes democracy as a universal value and tries to look for some elements which could be compatible with the universal democracy in the Asian traditions. Such a strategy to overcome a Western-oriented view seems to be typical as supported by many scholars. Such a strategy's representative product is 'good governance,' which Asian politicians, including *Lee Kuan Yew*, suggested as being a concept corresponding to Western democracy. 'Good governance' asks a fundamental question as follows: 'Is Western democracy really good?' Such a fundamental question attracts many people because that results in a thorough consideration about the objective of democracy. While the core principles of Western democracy respect diversity, freedom of thought and expression, the right of fair procedure, and the right to equality, 'good governance' emphasizes that the aim of guaranteeing all these principles is a better human life through 'good governance.'

¹¹¹ Chai-Bong Hahm (2000), *Confucian Capitalism and Democracy*, Tradition and modernism, p. 120.

¹¹² The illiberal democracy claimed by some advocates of 'Asian values' is surprisingly similar to the distinction between liberalism and democracy of *Carl Schmitt*, furthermore; analogous to *Schmitt's* theory on irreconcilable hostile relation between the two. According to *Schmitt*, all democracies in reality are based on not only treating everything equal as equal, but also treating everything unequal as unequal per an unavoidable consequence of the former. What belongs to democracy is, inevitably, first of all, homogeneity, and second – if necessary – excluding or eliminating heterogeneous things. In this regard, *Schmitt* thinks that the universal meaning of democracy does not yet exist all through human history. *Schmitt* claims that universal as well as individual liberalism is understood as opposed to democracy where the distinction between heterogeneous and homogeneous is fundamental. After all, *Schmitt* concludes that democracy is only possible in a dimension based on ethnic homogeneity. According to him, the belief in the discussion is not from democracy, but from liberalism. Of course, such considerations later contributed to open up the possibility that democracy and liberalism could be harmonized through *Rawls* and *Habermas* later. But, in any case, it cannot be denied that *Schmitt* exercised influence on posterity scholars. However, it cannot be clearly confirmed whether the advocates of 'Asian values' were influenced by the claim of *Schmitt*. (referred from 'Carl Schmitt (1996), *Die geistesgeschichtliche Lage des heutigen Parlamentarismus*, pp. 18-21.)

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Of course, all the principles and institutions have their purposes. The purpose of an institution was the primary concern for the advocates of 'Asian values.' In this sense, 'good governance' basically recognizes that the institution of democracy could be adapted into Asia as a universal value. At the same time, 'good governance' argues that Confucianism worked well to realize the purpose of democracy in East Asia. In this regard, 'good governance' is considered as the strategy to overcome Eurocentrism.

As we have already seen through the controversy of Confucian Capitalism, Western scholars have found the cause of the rapid economic development in East Asia from East Asia's Confucian culture. On the other hand, Western scholars have pointed out that the Asian culture lacks a democratic factor from the East Asian economic crisis experience. Asia responds to such a claim, arguing that the democratic element of the West could also be found in the Confucian culture of East Asia. Furthermore, Asia responds that it was able to achieve economic development through 'good government' instead of surpassing Western democracy, and finally, it was able to overcome the crisis as well. In other words, Western scholars seemed to have taken a similar approach to find the cause of economic development in East Asia, while the East Asian scholars try to overcome Euro-centrism. Such a similarity might already be predicted from the beginning when scholars tried to find the common determinant in both the economic development and the crisis. The cause of the development was explained through cultural characteristics. At the same time, the crisis was explained due to the side effects of the same cultural aspects. Such a fallacy has been made because the different results are regarded as coming from the exactly same cause. Likewise, it is also a limited approach that they try to overcome Euro-centrism by arguing in favour of Confucianism.

If so, could 'Asian values' be incompatible with democracy? Perhaps the question first needs to be asked as to whether we need to answer this question before replying to this question. This is because it could not be denied that the implications of such a question itself reveals the limitations of 'Asian values.' 'Asian values' mean that the cultural traditions of Asian people have their own values, through which Asian people could lead their own good lives. The challenge that such concepts are bound to encounter is the confrontation with universalism, which should be faced inevitably in modern societies. In this sense, it is also possible to say that 'Asian values' were born from such a confrontation with universalism.

The positive aspect of the 'Asian values' debate highlighted the value and identity of 'Asia' as a regional concept. And it pointed out the necessity of theoretical efforts to analyse how cultural elements of a particular region or countries are related to modernization and democratic development. On

the negative side, the first is the error of recognizing all the value systems in Asia as 'Confucian values.' The second is that it was denigrated as a Eurocentric point of view. Under such a view, Confucian tradition is perceived as obstacles to achieve accomplishments such as freedom, equality, participation, and human rights. Furthermore, it is also somewhat problematic that the debate on 'Asian values' focused only on the relativity of democracy while failing to offer any alternatives.¹¹³

The debate on 'Asian values,' which began with the search for the cause of East Asian Economic growth, has spread to the themes of Asian democracy or Confucian democracy. Confucian democracy, having emerged as a counter concept to Western democracy, finds some democratic elements in the Confucian culture and better conforms to the people with the same tradition. People who claim a particular Asian democracy often regard Asian values' as its background of Asian democracy. They argue that the Western form of liberal democracy does not fit into Asia as Asian democracy does not fit into the West because 'Asian values' originate from the cultural differences between the West and Asia. The former Ministry of Foreign Affairs in Singapore, *Bilahari Kausikan*, argues that Asian people are against the government, not because they want a democracy, but because of economic problems. According to *Kausikan*, one explanation of these inconvenient contradictions in Asian public attitudes is that popular pressures against East and Southeast Asian governments may not be so much for 'human rights' or 'democracy' but for good government: for effective, efficient, and honest administrations able to provide security and basic needs with good opportunities for an improving standard of living. *Kausikan* concludes that, to be sure, good government, human rights, and democracy are overlapping concepts.¹¹⁴

The essence of Asian democracy is to create consensual politics rather than competitive party politics, 'good government' rather than a democratic government. Through those processes, an orderly society should be created first, and then individual freedom should be enjoyed under some limitations to keep the order and stability of the society. In this sense, a democracy conforming to the Asian culture means a good government that achieves economic growth in an orderly society, where some individual freedom can be reserved or limited. The logic of the Asian style democracy,

¹¹³ Jung-Ho Kim (2008), *Limits of Confucianism-centered 'Asian Values' Debate and Searching for East Asian Alternative Value System*, The Journal of Political Science & Communication, 11(1), published in June 2008, pp. 126-145.

¹¹⁴ B. Kausikan (1993), *East and Southeast Asia and the Post-Cold War International Politics of Human Rights*, Studies in Conflict and Terrorism. Vol. 16 (October-December), p. 251.

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claimed by the advocates of 'Asian values', seems to have no tradition of individual political freedoms in Asia. It appears to have only communisms and state interventions there. Of course, such an idea is the result of a giant leap of logic.

Perhaps, many scholars attempted to reveal that the tradition of democracy exists within Confucianism without actively denying 'Asian values.' Of course, it is difficult to say that the efforts of these Confucian scholars were useless. Instead, their efforts played some crucial roles, refuting the claim that Confucianism is equivalent to communalism by finding various democratic traditions of Asia's Confucian culture. Likewise, it is also unreasonable to generalize Western culture as one with individualism or liberalism without any communistic attributes. Francis Fukuyama stated the following:

“Moreover, even in the American tradition, the inherent individualism of the constitutional-legal system has always been counterbalanced in practice by strongly communitarian social habits. This high degree of communal participation derived originally from religion (that is, the sectarian from the Protestantism dominant in the United States) and later from the communal habits of America's ethnic groups as well.”¹⁵

After all, the compatibility between Confucian culture and democracy can be regarded in terms of whether there are any factors related to modern democracy. However, there may be some differences depending on each culture. Such a question is meant for those who would actively advocate 'Asian values.' It is crucial to find the democratic elements in the Confucian tradition. Still, a more appropriate question is whether Confucianism lies in opposition to modern democracy because the answer to that is obvious. The Western Christian tradition is not opposed to democracy. Likewise, there are also no such things as Confucianism in opposition to the democracy. Asia accepts Western democracy and abandons its monarchy, not because it leaves its traditional belief in 'good government,' but because democracy certainly provides an opportunity to avoid the worst through the process of discussions or interactive communications. Most modern countries formally accept democracy as their political institution because there were no opportunities given in the existing monarchical system.

¹⁵ F. Fukuyama (1995), *Confucianism and Democracy*, Journal of Democracy, Vol. 6.No. 2 (published in April 1995), p.31.

2.6. Discussion about Euro-centrism

The reason to discuss eurocentrism in this section is that the emergence of Asian values was partially due to Western-centric thinking, especially the opposition to Euro-centrism. Even though the full-scale debate about Asia began in the West directly due to the economic downturn, it can be seen that the argument in East Asia probably started as a number of challenges to Euro-centrism.

2.6.1. Concept of Euro-centrism

If the early stage of the 'Asian values' debate was conducted by considering Confucian culture as a cause and a crucial factor for the rapid economic growth in East Asia, the debate has been carried out in response to the question of whether it is compatible with Western democracy, among the discussions on democracy and 'Asian values.' The implication of the debate on the relationship between 'Asian values' and democracy would be entirely meaningful. In modern society, most countries seem to have implemented democratic institutions regardless of their success. In this context, it is worth asking whether East Asian countries have successfully implemented democracy or not, and whether a unique democracy could exist in their own culture. In this sense, if the concept of 'Asian values' is considered as a system of unique values and culture, it is necessary to examine the background of 'Asian values,' focusing on how they were formed in East Asia.

The contrast between Europe and Asia in the middle Ages, when Europe was in a defensive position against Asia, was expressed through European Elitism based on Christianity and Islam's religious dichotomy. However, Europe became secularized with the Renaissance along with the discovery of the 'New Continent,' and the 'Ottoman Empire' lost power after the latter half of the 17th century. Therefore, European travellers and thinkers characterized the Asian empires as politically tyrannical and economically negating the private property system (especially for the common people). And they regard this as the deficiency of Asia as opposed to European freedom and prosperity. Under the background of such an intellectual history, *Montesquieu*, a French Enlightenment thinker in the early 18th century, formularized Europe and Asia as 'European Freedom' versus 'Asian subordination.'¹¹⁶ Such a view of the Western scholar provided an ideological basis to justify their imperial aggression and emphasize the

¹¹⁶ Jung-In Kang (2014), *Are Asian values the Functional Equivalent to the Protestant Ethic?* Classical Studies on Asia, Vol. 58, p. 336.

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European superiority within the European - Asian confrontational framework. In particular, this perspective has infused the mission and the responsibility of Western people, based on the dichotomy of 'Civilization versus Barbarianism.' Such a position was immensely influential until quite relatively recently, as could be seen from the debate on modernization, which appeared in the United States in the 1960s.

Euro-centrism is examined here because it is closely related to the background of the debate on 'Asian values.' The 'Confucian capitalism' or 'Confucian democracy' comes from the West, and such an idea is based on a dualistic perspective, whether it combines, or accepts, or blends with the Confucianism. The debate over 'Asian values' has developed on the stage of the economic system of capitalist industrialization and the political organization of democracy versus authoritarianism. This shows that the discussion is taking place in the context of the discourse about Euro-centrism.¹¹⁷ Of course, the various attempts to overcome Euro-centrism have enriched the debate and enabled us to have a critical viewpoint, instead of only praising or preserving pre-existing values.

It should be kept in mind that the claim for universal values can be suspected of being connected with other forms of imperialism in the areas with imperialistic experience in the past. In the same context, it is necessary to know that Euro-centrism can also be misunderstood as a new imperialism in the sense of being ideologically opposed to the Orient. In other words, regardless of the original meaning of universal values, it could be seen suspiciously from the standpoint of victims of imperialism. Due to these and other circumstances, human rights' universality needs to take severe and full consideration of the cultural differences and the historical, cultural contexts around the various regions. If universality cannot be identified and supported in the various historical and cultural contexts, it will become void as a concept.¹¹⁸

In particular, universalism seems to have some normative values, which are applicable to different communities with diversified cultures and histories all over the world. From this point of view, human rights and democracy could be legitimized through universal values. And it becomes possible to spread it to other communities. However, such universalism has encountered some resistance through aggressive warfare as a pretext for propagating human rights or democracy in reality. On the other hand,

¹¹⁷ Jung-In Kang (2001), *Asian values and Eurocentrism*, New Asia, volume 8(1), p. 83.

¹¹⁸ Eun-Joo Chang (2003), *Is 'the universalism of Human Rights' an abstract universalism? A Reply to Critics*, Korean Society for Social Philosophy, (5), published in April 2003, p. 98.

cultural relativism opposes universalism in that some normative values are applicable regardless of time, space, ideology, and value system.

The Eurocentric view is that the human conception is a Western production, arising from a capitalist economic system, liberalism, democracy, and human rights. For many countries, including Asia, accepted the formula whereby modernization equals Westernization throughout the 20th century, Eurocentrism originating from the West. At the same time, however, Eurocentrism is also widely accepted in the non-Western region. The modernization concept implies that the institutions and customs traditionally held by Asia are rather pre-modern; therefore, Asians cannot perform the development using their institutions and traditions. Among the centralism of the own culture, although some sorts of culture could appear in different forms, Eurocentrism has been the most influential in the world since the nineteenth century.

Before that, Chinese culture or Confucianism wielded relatively strong influences in many East Asian countries. Of course, still, Confucian cultures and traditions remain in people's consciousness in East Asia, but they seem to fall behind as a result of the confrontation with Eurocentrism. According to the Korean scholar, *Jong-Suk Na*,¹¹⁹ such an influence is still been considerable. Eurocentrism is not only used in objectively otherizing the tradition and history of our society, but also is effectively used to regulate our society in a certain way. *Na* exemplifies that, in our society, civilization-oriented Eurocentrism evaluates the economic growth of developing dictatorship positively. And *Na* concludes that Eurocentrism makes us feel the capital market economic system to justify the retreat of democracy in the disguised name of civilization, just as the only existing option.¹²⁰

Eurocentrism is an academic term and shows a significant influence on the thinking of the general public in non-Western societies. In the Korean language, the term 'Western' or 'European' refers to the lifestyle, consumption pattern, taste, or appearances, which are generally regarded as superior to Korean or developed as synonyms of high quality.¹²¹ Regarding the tendency of changing the flow of consciousness, the Korean professor *Jung-In Kang* stated that there has been the clash between the claim of the West to universality and that of the Chinese civilization to superiority. And such a clash started in the 19th century when the West

¹¹⁹ Jong-Suk Na (2016), *The Return of Eurocentrism*, Philosophy Studies (published in May 2016), p. 138

¹²⁰ Ibid. p. 87.

¹²¹ Jung-In Kang (2004), *Beyond the Shadow of Eurocentrism*, ACANET, Seoul, Korea, p. 53.

began to dominate the Orient. In addition, this clash could be said to have ended with the complete victory of Western civilization.¹²²

Such an expression shows that something 'Asian' is not to be kept, but to be abandoned as a remnant of the past while something 'Western' is to be accepted for the future. The change in the flow of culture in such a short time – less than a hundred years – was possible because the people in Asia accepted the West's power relatively readily. For example, among the Asian tradition or cultures, it was easier for society's members to agree on the need to respect ancestors and parents in order to maintain society. However, the abolition of the old systems such as the caste system in Asia was done with the help of the West rather than independently. In other words, if the Confucian culture had had the power to eliminate those systems, it would have been difficult for Western centrists to establish itself among Asian people so easily and quickly.

Jong-Suk Na harshly criticized Eurocentrism as claiming that it is nothing but a myth that the West takes the lead in world history. According to *Na*, there are many criticisms about the views to see the west as a result of unique Western civilization factors, elevating the West to a superior status in the nineteenth century. However, *Na* emphasizes that *Marshall Hodgson* criticized the exceptional European belief as a 'tunnel' concept of history. It is believed that Europe has accomplished the development because Europeans had an outstanding perspective. Such a belief claims that Europe's unique positive factors would enable such a development, even called the 'miracle of Europe' from the pre-modern era. *Na* concludes that a view of Western modernization becoming dominant in world history which ignores all the contributions by non-European countries in favour of focussing only on the causes and consequences of internal Europe is like looking out at things from the inside a cramped 'tunnel.'¹²³

Likewise, the issue of the 'Asian values' debate emerged as a challenge to Euro-centrism in the latter half of the 20th century when many kinds of efforts to overcome Euro-centrism in various aspects appeared.

2.6.2. Challenges to Euro-centrism

As we have discussed so far, Euro-centrism has had a broad impact not only on the Westerners but also on non-Westerners. Such Euro-centrism has become an obstacle for accepting universal values in non-Western regions and even affected non-Westerners so that they have suggested various

¹²² Jung-In Kang (2001), *Asian values and Eurocentrism*, New Asia, volume 8(1), p. 83.

¹²³ Jong-Suk Na (2016), *The Return of Eurocentrism*, Philosophy Studies (published in May 2016), p. 97.

strategies arguing against Euro-centrism. In particular, it was easily expected that there would be some heated debates over the prevalence of human rights' universality, among many other discourses on values that had existed before. Euro-centrism, which originated from the dichotomous thinking of the West and non-West, is also considered as a meta-ideological mechanism that eventually could allow one group of people to accept suppression by other groups naturally.¹²⁴ Such centrism has been seen in East Asia, and Sino-centrism has been one of the widespread influences until now. In this chapter, I want to focus on the types of Asian strategies aiming to deal with Euro-centrism.

Jung-In Kang classifies the strategies to cope with Euro-centrism into four categories. His classifications are entirely consistent with other scholars' positions who look at Asian values; thus, they provide appropriate criteria for the classification. Before we enter into the discussion about each type, we need to discuss why classification of the types of response strategies is required. In other words, it must be remembered to point out that there are different strategies in response to Euro-centrism in East Asia, in addition to the one as commonly known. In that position, 'Asian values' could be misunderstood, claiming East Asia has developed not through universal values derived from the West through 'Asian values,' but through purely Asian traditions and cultures. Regarding that, *Kang* further explains that as long as overcoming capitalism does not guarantee the transition to a society such as 'the society without any classes' or 'the society where human domination by other groups of humans does not exist anymore,' the post-capitalism society will also exercise a repressive function with a particular centrality, depending on which class, state, civilization or sex will dominate the society. And *Kang* concludes that such a centrality will be somewhat comparable to Euro-centrism.¹²⁵

This narrative implies that, when discussing 'Asian values,' the response strategy to Euro-centrism should not only be looked at from a perspective of resistance. In fact, many scholars have interpreted 'Asian values' as the counterargument to the West and claimed that Asia would take the lead in the new era. This is also one of the positions that appeared under the development of the 'Asian values' debate. Therefore, although 'Asian values' could be seen as the response strategy to Euro-centrism, it is useful to have various classification forms as *Kang* claimed. It is necessary to recognize that the 'Asian values' debate is not the result of only one kind of aspect.

¹²⁴ Jung-In Kang (2004), *Beyond the Shadow of Eurocentrism*, ACANET, Seoul, Korea, p. 426.

¹²⁵ *Ibid.* p. 431.

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According to Kang's classifications, there are assimilative discourse, reverse discourse, syncretic discourse, and deconstructive discourse as the strategies for Euro-centrism. The assimilative discourse and reverse discourse strategies will be briefly explained in the following sections because these two positions mostly represent the features of the 'Asian values' debate.

The Reverse Discourse is summarized as "to claim the independence and superiority of the suppressed group and to refuse the assimilation, by denying the universality or superiority of the hegemonic discourse of the suppressing group."¹²⁶ In other words, in the Reverse Discourse, Euro-centrism is defined as the strategy to suppress Asia by the dominant forces. Furthermore, universal values are rejected because they come from these forces whilst at the same time, Asian values are presumed as being more universal values. According to this Discourse, the West is an individualistic society, while Asia is a community-oriented society. Therefore, to overcome the shortcomings of American democracy, Asian democracy could be regarded as a good alternative and even reverse status over Western democracy.

Maybe it will not be difficult in our daily life to encounter those claims to emphasize our own culture, as rejecting Western culture and discourse without full considerations, in order to overcome the dominant discourse of the West. Paradoxically, such an approach would reproduce and reinforce Euro-centrism.¹²⁷ Above all, it is necessary to explain not by using the example of America, but of Asian society, to justify Confucianism's reversal value. To explain that the 'Asian values' are superior to the Western value, if emphasizing only the negative aspects of the West and the positive aspects of Asia, such a claim will inevitably face many criticisms as the 'reverse Euro-centrism.'¹²⁸

In the Assimilative Discourse¹²⁹, the Confucian scholars find common ground between the Western universal values and the Asian values, by studying traditional democratic elements and human rights concepts in Confucianism. They claim that the relationship between the two is not very different or confrontational. In particular, the idea of human respect is

¹²⁶ Jung-In Kang (2004), *Beyond the Shadow of Eurocentrism*, ACANET, Seoul, Korea, p. 439.

¹²⁷ Ibid. p. 442.

¹²⁸ Chul-Gyu Choi (2003), *The Universality of Human Rights and Asian values*, Sogang University, Department of Political diplomacy, p. 42.

¹²⁹ This specific expression was devised by Korean professor of philosophy, *Jung In Kang*, which I personally do not agree with. Nevertheless, I applied this expression in my thesis to show that such movements have existed in the discussion of 'Asian values.' Limits are quite clear regarding the view that democratic values have existed within 'Asian values.'

included what *Mencius*¹³⁰ mean by humanism. And such an idea of human respect could lead to the modern concept of human rights. According to this argument, it is necessary to study the aspect of human dignity in the Confucian tradition, which could not lead to the modern human rights concept. The scholars of this Assimilative Discourse, unlike the Reverse Discourse, claimed that the value of human dignity was already present in the Confucian tradition. Why could not *Mencius's* ideas be reflected actively in the modern political system, although the ideas are quite similar to the modern concept of human rights? The analysis of Confucianism itself could not identify the answer to this question. To this end, it is necessary to analyse the transforming process of Confucianism while competing with other ideological elements.¹³¹

However, the limitation of this position is that it is quite difficult to find the modern concept of human rights, especially the fundamental human rights, in the logic of Confucianism. Many Asian scholars argue that the idea of human rights is not unfamiliar to Asian traditions. Yet, there has been no refutation to the fact that there were no concrete mentions of individual fundamental rights in Confucianism. As the Korean scholar *Seung-hwan Lee*¹³² claimed, we cannot say that there was no human rights concept if there was no concept of equal rights. As *Lee* argues, the Confucian spirit of conscience has emphasized 'substantial democracy,' although 'procedural democracy' was not fully developed yet. Nonetheless, that does not directly mean that traditional Confucianism already contains the concept of modern democracy or human rights. As it is difficult to find concepts similar to modern human rights, Confucian teachings such as *Mencius's* are not directly rejected in the debate on the 'Asian values.' Indeed, Confucianism has always that demanded people in East Asia learn the concepts of frugality or cooperation, especially some closely related to the modern idea of human rights.

¹³⁰ Mencius or Mengzi was a Chinese philosopher who is the most famous Confucian after Confucius himself. Mencius's interpretation of Confucianism has generally been considered the orthodox version by subsequent Chinese philosophers, especially by the Neo-Confucians of the Song dynasty. Mencius's disciples included a large number of feudal lords, and he was actually more influential than Confucius had been. (Taken from "Charles O. Hucker (1978), *China to 1850: A Short History*, Stanford: Stanford University Press, p. 45.").

¹³¹ Wm. Theodore de Bary (1998), "Introduction," *Confucianism and Human Rights*, Wm. Theodore de Bary and Tu Wei-Ming, New York: Columbia Univ. Press. p. 14.

¹³² Seung-Hwan Lee (2000), *The Debate of 'Asian Values' and the Future of Confucian Culture*, The 6th International Conference on Toegye Studies Presentation Paper, p. 221.

2.7. Conclusion

The word 'Asian values' sounds somewhat coercive or oppressive. This is because the term includes the value of uniting Asia as one region. Asia, from the perspective of Europeans, as ranging from the Middle East to the East Asian region, but it is the word of Asia worthy of representing the entirety of the vast region. Even those who are not familiar with 'Asian values' must easily recognize that it is hard to believe that there is one value in Asia's vast landmass. 'Asian values' refer to the unique cultural system that Asian people have attained and still cherish. Such a unique cultural system refers to a particular cultural system that is different from non-Asian cultural systems. The term 'globalization', which has been widely known since the late 20th century, elaborates a phenomenon beyond the limits of such a specific cultural system leading to the sharing of a single system. When discussing globalization, the first thing that comes to mind will certainly be democracy. Democracy has become valuable as the common pursuit of the world's inhabitants through globalization. Of course, not all states have accepted democracy as a single and shared institution. However, the world has come to share the close relationship between democracy and the common people's well-being.

Why did the debate on 'Asian values' become controversial so actively around the same time that globalization has begun to take off? Firstly, the debate on 'Asian values' largely implies the challenge for negative intentions hidden in globalization. This is because the 'Asian values' have great significance for the challenge towards the values of the West. The first Western scholars interested in Asian peculiarities sought the causes of Asian economic development. The civilization theory, such as the one of *Samuel Huntington*, claimed that the scholars of the West have been relatively amateur in East Asia because they considered the Confucian culture of Asia as the cause of economic development. Awareness of how rapidly East Asia achieved such rapid economic success was the starting point of the West's civilization approach on East Asia.

Perhaps at the base of this perception in the West could be an attempt to make their economic development closely related to their Christian culture. However, East Asia's economic development is not based on Confucian culture, as civilization theorists claim. Instead, on the one hand, East Asian could accomplish economic growth because the United States of America provided full support during the Cold War from the political reason. On the other hand, it is due to war and autocracy. For example, Japan could develop its economy because of Korean war, and autocracy became the ground for the economic growth in the countries such as South Korea,

Singapore, and Taiwan. Besides, as can be seen in the case of South Korea, it is possible to view not only accepting democracy as an institution but also overcoming the limitations left by Confucian culture and proceeding to strengthen democracy.

In other words, there is a clear answer to the question of whether Confucianism and democracy are compatible or not. Confucianism and democracy are compatible, are currently compatible, and furthermore, have to be compatible. This is because such questions are based on the belief that some specific cultural characteristics would better match democracy. If the clock of history was turned back to 200 years ago, no one could be convinced that the Western world would take the path of democracy, and East Asia would take another path away from democracy. The advocates of civilization theory have a similar belief to many people who challenge the values of the West and strongly insist on 'Asian values'. This implies that it is nothing but a fallacy that opponents of Orientalism cannot escape from the chain of anti-Orientalism. It is also akin to claiming Asia-centrism to oppose to Euro-centrism or Western-centricity. In conclusion, the concept of 'Asian values' is a discourse that dares to unify extensive and diverse values into one Confucian value. In addition, whether Confucianism and democracy are compatible or not can ultimately raise questions about putting East Asian cultural characteristics in opposition to Western cultural aspects. After all, Confucianism must be compatible with democracy, and it has to be compatible with democracy.

Chapter 3. Confucian perfectionism and Multiculturalism

The rapid progress of globalization in the late twentieth century has undoubtedly stimulated the debate on universal human rights. Anti-human rights groups have tried to transform human rights-related discourses into those with ideological characters. Still, despite the increase in dialogue as well as communication after the 1990s, economic polarization, inequality, and deepening conflicts have also been revealed in society. An important challenge has emerged as to whether democracy could work well in respecting multiculturalism in such a context. In other words, efforts to compromise between multiculturalism and universal human rights were significant in the past. Then, such attempts to affirm the *originality* of the identity, which had been ignored, overlooked, and assimilated into the dominant identity as a politics of recognition to endorse an individual or group's unique identity¹³³, could be respected.

The 'civilizational explanations', which reflected common-sense beliefs to be well-known to the groups that were not considered as particularly intellectual merely provided a sophisticated foundation of further arguments to the common public¹³⁴ in the past. In present, however, such an analysis has now become a potent powerful weapon for the masses. After all, 'civilizational explanations' came to play a leading role in attacking different cultures or universal human rights. As such contexts have become a completely different aspect from the past, it is no longer easy to find the essence of struggles over multiculturalism. Globalization played a role in spreading universal human rights and diffusing a challenge on the universality of human rights. Rooms for multiculturalism to embrace the spirit of tolerance and recognition have become continuously smaller as closed relativism has increased in power.

Moreover, this kind of reactionary reinforcement strengthens the fundamentalist belief: the barriers to universal human rights, such as the barrier of national state sovereignty and cultural relativism, should eventually be removed. Meanwhile, something like sovereignty or cultural relativism – which are considered as being incompatible or having tension with universal human rights – cannot be easily ignored. Therefore, efforts

¹³³ C. Taylor (1994), *Politics of Recognition*, in *Multiculturalism*, ed. by Amy Gutman, Princeton University Press, pp. 60-61.

¹³⁴ A. Sen (2007), *Identity and Violence - The Illusion of Destiny*, Penguin Books, p. 44.

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have to be made to alleviate such tensions. Of course, such a belief is highly likely to emasculate any further efforts to justify universal human rights through a minimal agreement among disparate groups. People in the non-West are drawn to define their identities primarily in terms of 'difference' from people in the West. And such non-Western or sometimes anti-Western views have functioned to allow them to become independent of colonial rules, but it should be admitted that such ideas are rather externally dependent¹³⁵. If there are no attempts to communicate among heterogeneous cultures, efforts towards consensus or justification could hardly be achieved. In this regard, it is an obvious mistake that Asians, who admire or oppose the West, are considered to have one common sense of community.

Instead, such considerations could be compared to a common sense of sympathy among those who support the same soccer team. Indeed, the pride of being a Korean or a sense of community is not a strong sense of homogeneity at the individual level. This is because it has often originated from the sharing of history or the emphasis on ethnicity as part of political ideology during the military regime. Even if it is assumed that Asians, even those of some East Asian countries with Confucian culture, share a sense of homogeneity, such a thought is a conclusion from their own experiences. And there is no profound understanding of different cultures.

Intercultural communication is believed to be necessary among different cultures. And such a belief is based on seriously acknowledging other people. However, the belief has also faded into the globalization of capitalism. Even when a multicultural struggle occurs, it cannot be denied that there is the effect of concealing capitalism as a universal world system. The multiculturalists' work may be merely a finding of a proxy outlet in the process of struggling for cultural differences where critical energy leaves without damaging the capitalist world system. In other words, a critical approach to multiculturalism is deeply related to the attitude of implicitly abandoning the analysis of capitalism as a global capitalist system and accepting capitalist economic relations as an unquestionable framework.¹³⁶ It is not to ridicule or demean all other struggles or movements for the rights of minorities. However, it seems as if the world has come too far from the days of debates on primitive civilization, only after twenty years.

¹³⁵ A. Sen (2007), *Identity and Violence - The Illusion of Destiny*, Penguin Books, pp. 91-92.

¹³⁶ S. Žižek (1997), *Multiculturalism or the Cultural Logic of Multicultural Capitalism*, in *New Left Review*, Vol.225, Sep./Oct. 1997, p. 46.

3.1. Confucian Perfectionism

The Confucian view on human beings has several positions; for example, human beings are born, either good or evil, or a completely innocent and naïve state without being good nor evil. What is common among them is that one seeks an ideal state by means of the personal effort. However, from the standpoint of universal human rights, such Confucian perfectionism could be a perilous challenge. Even if the distinction between a good life and a right life is inevitably taken into consideration, it should be acknowledged that putting more priority on a good life could cause the fear of repeating the overwhelming human experience such as tyranny or autocracy. If a good life is universally existent, and especially if its superiority is admitted, the minority opinion is likely to be ignored. This is because the primary concern of the Confucian view on human beings is not the freedom of each individual but the harmony of the community.

A further problem in Confucian perfectionism in the question of who eventually could determine a good life. The Confucian view of human beings is that individuals could find the most common and ideal life through their inherent nature. Furthermore, such a life can be reached through practices and disciplines even if they have forgotten such things through their lives. A good life, which any human being can agree with, does exist. However, in this case, even if many members of the society agree with such a good life, the problem still remains. How to see those who disagree with such an ideally good life that the majority agree with? Could criminal law force them to believe the moral life as majorities believe? The Confucianists do not provide an answer as to whether moral views of majorities to see specific acts or institutions as immoral could be the constitutional basis for criminal punishment. This is because they implicitly assume that there will be no problem as long as the majority agree. Majorities cannot enforce their opinion on the rest of society, nor can using the state's power to force certain moralities based on a particular religion or tradition be justified. Nevertheless, the fact that Confucian perfectionism is gaining influences in East Asia – where the debate on individual freedom has not been sufficient historically – awakens the need for a genuine discussion on individual freedom and the state's role.

“If so, the principles of democracy we follow do not call for the enforcement of consensus, for the belief that prejudices, personal aversions and rationalizations do not justify restricting another's freedom itself occupies a critical and fundamental position in our popular morality. Nor would the

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bulk of the community then prejudice, rationalization, or personal aversion."¹³⁷

Listening to *Dworkin's* claims, it can be seen that the simple sum of majority opinions does not guarantee any kind of trust in morality. It is not essential to find out the existence of community morality, but to ask why it is crucial. As *Dworkin* claimed as above, no legislator can simply ignore public anger. Public anger will eventually set a politically possible range and a strategy for persuasion or coercion within that range. However, we should not confuse strategy with justice at any cost. Nor should the fact of political life be confused with the principles of political morality.¹³⁸ The principle of democracy should not be confused with the fact that prejudice, personal hate, and rationalization included in the majority's opinion could eventually affect others' freedoms. Democracy gives procedural justification and provides the members of the community with the opportunity to participate in communications.

By allowing people to live morally imperfect lives, one can admit that it is necessary to have the appropriate scope to impose specific values on them. For example, those who have fallen into a deep pit or do not have a suitable target group, such as those chased by beasts in the desert, have no condition to enjoy real autonomy. In this regard, *Raz* sets out the requirements for the appropriate choice. The first condition is that the proper target group includes both short-term and intermediate decisions. And such decisions do not have much impact on the long-term as well as broad-based consequences. Not just the number of choices matters, but diversity of opinions does, too.¹³⁹ Of course, this extreme example cannot be ignored. At the same time, it is relatively important. In other words, the target group of people in extreme social situations is minimal. And the state's role is necessary in this case.

Nevertheless, this does not mean that the state's role should be guided in the direction of representing a large number of narrow perspectives. In other words, the state's role is justified as long as it ensures at least the capacity of individuals or groups in extreme situations to secure autonomy. The argument that the state leads the good life in Confucian perfectionism makes big leaps to the conclusion without sufficient justifications. This is because the majority of opinions cannot decide the rules of a good life. The state has no reasonable basis for discriminating against the belief of minorities in the good and the right. And it intended to is to solve the

¹³⁷ R. Dworkin (2013), *Taking Rights Seriously*, Bloomsbury Academic, p. 304.

¹³⁸ *Ibid*, p. 305.

¹³⁹ J. Raz (1986), *The Morality of Freedom*, Oxford University Press, pp. 374-375.

ethical environment problems of the democratic community according to the will of the majority.

Regarding the ethical perspectives related to a good life, priority should be given to a discourse on ethical perspectives that emphasize universal grounds for judging the right and the wrong without any biases. When moral norms related to fundamental human rights and justice conflict with specific cultural norms, the practical wisdom of the discourse participants is required. In principle, however, moral norms should be applied first. This is not because the legitimacy of the cultural norm itself concerning the matter of good life is weaker than that of the moral norm. Rather, it is because the moral norm's legitimacy is related to a comprehensive and less biased justice. Indeed, the good can be subsumed in the right, and the two can be compatible. As mentioned earlier, the most significant limitation for those who participate in discourse will be the realm of recognition. The right to participate in discourse is not what is naturally granted to individuals. Still, it focuses more on active participation to know and be ready to recognize other participants. Creating minimal empathy through discourse participation will improve the likelihood of solidarity with other groups different from me. Participation in discourse will also lead to the realization of democracy and help link the good of the individual with social justice. Such participations should not be discriminated against or restricted by the individual's competence, and it should be eliminated if such discrimination exist as well as restrictions.

In Confucian democracy, democracy is defined as a stagnant system in which citizens have the right to participate in competitive elections to determine their government.¹⁴⁰ In such a definition, democracy seems to be interpreted in a limited way, and it is regarded as a simple procedure without any regard to political equality or human rights. There appears to be a good reason to view democracy as such in Confucian democracy. By separating democracy from moral values as a political system, they try to ensure the procedure's legitimacy for the good life they want to claim. It is also a strategy of using democracy to bring about the welfare of the people, which is the fundamental idea of Confucianism, by borrowing such modern procedures. *Chan* distinguishes liberal democracy from democracy itself, when claiming that Confucianism supports democracy. According to him, democracy is a concept related to the source and distribution of power. At the same time, liberalism is primarily concerned with the scope and limits

¹⁴⁰ J. Chan (2014), *Confucian Perfectionism: A Political Philosophy for Modern Times*, Princeton University Press, p. 81.

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of political power (and hence the scope and limits of individual freedom).¹⁴¹ After all, the legitimacy of political power concerning who should govern is never natural sovereignty or political equality of the people or individuals, but the people's welfare.

Confucianism's ideal political relations are that the ruler is committed to ruling the people in a trustworthy and caring manner, and the people in turn are willing to support the ruler. In this situation, the ruler's sovereignty in Confucian political ideology, in his view, does not come from the universal rights of the people, as conventional liberal democrats think, but from securing the common good. Democracy is a process that helps to achieve this Confucian political ideal. How Confucianism supports democracy is that democracy as a political system is a tool which can contribute to expressing or realizing Confucian political ideology. Democracy can be connected with Confucian political ideologies expressively or instrumentally. At first, democracy was emphasized only in order to achieve the Confucian doctrine, but gradually it has focused more on representing the ideal of Confucianism.¹⁴²

The basis of such an argument is in line with the claims made by advocates of 'Asian values'. These advocates oppose liberal democracy because they believe the origin of it mostly stems from the West. Traditional Confucianists lack the basic concept of democracy. Because Confucianism in the past had a more substantial character of scholarship than religion, later being harmonized with both and finally being accepted as the idea of national governance, it has never had the characteristics of democracy. This attempt was made to forcibly join Confucianism as a national governing ideology with the modern system of democracy. Such a view is also connected with the dichotomy of Western and non-Western division, which argues that East Asia's unique values can be overcome and made to complement the deficiencies of the disorderly institutions originating from the West.

This argument suggests a somewhat unrealistic system called 'the second chamber' to overcome problems of representative democracy. *Chan* emphasizes human virtue, not civic virtue, especially under democratic institutions. The background of this assertion lies in the belief: by overcoming the limitations of procedural democracy and by cultivating virtue, society's members themselves can change society's competitive atmosphere and overcome the deficiencies of institutions with the abilities

¹⁴¹ J. Chan (2014), *Confucian Perfectionism: A Political Philosophy for Modern Times*, Princeton University Press, p. 90.

¹⁴² *Ibid*, p. 85.

of individuals. Once again, Confucian political ideology is the ruler's governing philosophy, and there are few concerns about democratic elements in it. Confucian democracy's main slogan of Confucian democracy is to cultivate the virtue of individuals through moral education and let them accept the commitment to the public interest. Only humans with proper moral virtues can participate in politics effectively. This is in line with the main teachings of Confucianism: extending from the relationship between children and parents at home, and the teacher-disciplinary relationship at school and further training to actively accept the individual's concept in the relationship between rulers and ruled in the society.

Chan's concept of “Non-democratically Elected Second Chamber” reflects the extreme view of those who support Confucian democracy. This system has been proposed as a supplement to the existing election system because it cannot be expected to select people who are morally virtuous enough. So, on what basis can this second parliamentary system be operated? According to *Chan*, there are three problems with the operation of such a second legislator. The first problem is whether it has legitimacy or not. The second question is how to elect a person who is morally virtuous as well as capable? The third problem lies in handling a conflict that arises when there is a clash between the National Assembly and the second legislator.¹⁴³ Despite these problems, *Chan* presents a second lawmaker as an ideal way to meet public interests. His view of democracy is in itself a limit because it sees the value of democracy only as a tool for the realization of a good life. One of the reasons is that the limits of liberal democracies of the West could be overcome as long as it complements procedural democracy through moral education to the citizens as well as the second legislator.

Democracy is not a perfect institution, but it not only exists as a tool for the people's good life. Instead, it is also a place for people to practice their own universal and moral thinking through the process of learning democracy. It is to misunderstand the nature of democracy if democracy is regarded only as a system. The complementary new system will be better for the good life of the people. Democracy does not exist by rulers. Rather, it is the system to provide the basis for democratic experimentation in their lives through self-learning and self-realization by the people themselves.

¹⁴³ J. Chan (2014), *Confucian Perfectionism: A Political Philosophy for Modern Times*, Princeton University Press, pp. 101-102.

3.2. More refined Confucianism

Below is an article to show the point of view from modern Confucianism:

“One of these obvious problems is the three bonds (*sangang* 三綱), which states that the subject is to be guided by the ruler, the son is to be guided by the father, and the wife is to be guided by the husband. From the modern point of view, these three bonds are absolutely unacceptable. We have to abandon them. However, the five constant virtues (*wuchang* 五常) of humanity (*ren* 仁), righteousness (*yi* 義), propriety (*li* 禮), wisdom (*zhi* 智), and fidelity (*xin* 信) are different. They are what Confucians ask people to follow, whether they are a king or a common person, in order to become a desirable human. In contemporary society, these five virtues are not only moral principles which are still valid but are also even more necessary. Similarly, I believe that the five basically reciprocal relationships (*wulun* 五倫), those between ruler and minister, father and son, husband and wife, older and young brothers, between friends, are also still valid.”¹⁴⁴

From this article, some profound thoughts of a modern Confucianist are noted. Governing people with virtue is the highest value of Confucianists, but then there remains the question of controlling people by virtue, who have different opinions. Whether humans are born good or bad, they have no choice but to be influenced by the environment. And the environment means a community where people live together. If it is asked to name the country that rules by virtue in East Asia, even Confucianists will have to think back thousands of years ago. This means that it is challenging to find a country who has governed people by virtue. The relationship of the ruler and the ruled under the Confucian view on humans is quite similar to the relationship in the religion – between a religious prophet or leader and its followers. In the Confucian thought of humans, the individual's autonomy is admitted when he tries to overcome his desires. Deviating from this, individual autonomy is deprived, transformed into education, and sometimes punishable by a person or organization trusted as a ruler or by a state. In Confucianism, if national leaders make efforts for the people, the people should only obey such leaders.

¹⁴⁴ Tu Wei-Ming (2002), *Confucianism and Liberalism*, A Journal of Comparative Philosophy, December 2002, Vol. II, No. 1, pp. 1-20.

The Korean Scholar *Chai-Bong Hahm* argued that one could know and practice objectives and moral things through human reason according to the worldview of traditional Confucian political thoughts. The intellectuals who can acquire objective and moral knowledge and put it into practice can pursue the public good beyond personal interests. The critical factor there is the state itself.¹⁴⁵ At the same time, he claims that he has not seen anything like Confucianism infringing on human rights or promoting human rights abuses. For these reasons, he argues that the concept of the right does not mediate human relations and society, but the concept of the moral does.¹⁴⁶

His argument has been shared by many Eastern and Western scholars who argue for the compatibility of Confucianism, democracy, or human rights. In short, it is only natural that people who have superior qualities through personal discipline can rule the people who are less superior to them. And such rulings are well justified. If these arguments are looked into in detail, it is sure that the elitism of the leaders studying abroad has been firmly established. That is to say, to justify and perpetuate the distinction between the ruling class and the subjugated class, the ideology of the ruling class only needs to be implanted with the modern meaning of freedom or equality. Strong academic relationships in Korean society are the representative product of elitism, stemming from Confucianism.

Depending on which schools or universities they are from, the climate where the seniors are helping juniors in many ways is deeply embedded in Korean society. Such might be very hard to imagine in Western civilization. It is the logic that it is possible to create an ideal society, but only by the ruling class who can dedicate or sacrifice to the public interests such as a nation or a public, rather than individuals. This logic is difficult to capture in-depth concepts such as freedom and equality in a modern sense. Most of the Confucian teachings are only about methodologies. It mainly focuses on how individuals can abandon their interests or greed and realize their ultimate reason or logic.

The cultivation of an individual's morality is not a concept regardless of one's social status. Could the freedom of the individual, as *Chai-Bong Hahm* himself particularly refers to, right to life, right to freedom and security of the individual, freedom from illegal arrest and detention or deportation, right to fair trial in an independent and neutral court, freedom of thought, conscience and religion, and freedom of peaceful assembly and union be

¹⁴⁵ Chai-Bong Hahm (1996), *Confusion Tradition and human rights thoughts*, Quarterly Intellectuals, Institute of Social Sciences, December 1996, pp. 117-118.

¹⁴⁶ *Ibid*, p. 118.

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found in the teachings of Confucianism? It is essential to know that the lessons of Confucianism, of course, endeavoured to accept liberalism appropriately. Through the rapid spread of capitalism, the collapse of the traditional community and the alienation of humans seem to require efforts to find the actual human figure as the subject of his life. In a sense, traditional agricultural societies did not need to stipulate individual rights through complex laws. The law and rights seemed to be born as the product of industrialization processes in modern Western society. Such a position denies the universality of human rights. Rather, it is in line with the view of human rights as a product of the West.

However, rights do not have the attributes conferred on an isolated individual. Human rights do not discourse on the rights or obligations within one remote community. It is about mutual recognition and acceptance, not for some orders or regulations within a closed community. According to *Habermas*, when the starting point of human rights discourse is heuristically reflected upon by the participants from different cultural traditions, we tend to be concerned with the normative content in the implicit preconditions of all discourses aimed at mutual understanding. When all the human rights discourse participants are free from their cultural background, they intuitively know that conviction-based consensus cannot be reached without presupposing an asymmetrical relationship among the communication participants. Mutual sympathy, acceptance of mutually reciprocal perspectives, and joint preparation to observe and learn from one another's traditions with each other's eyes must be premised.¹⁴⁷

For those who advocate Confucian democracy, mutual understanding and reciprocity may be concepts that could exist only in the ruling class or the intellectual of one community. Mutual understanding and recognition among the public is something they have learned for the maintenance of the community. Instead, it does not seem to have been spread by a ruling class faithful to Confucian teaching. Confucianism emphasizes the 'learning' and 'reflective thoughts' of the 'leaders' elites to achieve unity and well-being for the entire community, rather than considering the interest-focused relationship of the individual. On the other hand, Confucian ethics of moral virtues, which play different roles in one community and emphasize special 'care' to the 'others' of attention to which 'self' is concerned, ultimately are based on a kind of organic worldview where its

¹⁴⁷ J. Habermas (2007), *The Postnational Constellation*, First Published in 2001, Reprinted in 2007, Polity Press, p. 129.

roles in the community define the individual.¹⁴⁸ Such a view of Confucianism is regarded as a worldview that dreams of an ideal community and opposes the Western idea where its members have contractual relationships.

If we consider the criticism of universal human rights from this point of view, it is valid to reverse the question raised by Korean Confucians: Is Confucianism anti-human rights? Are universal human rights anti-Confucian? Which part of the universality of human rights is trying to attack East Asia's Confucian traditions and implement Western values? Acknowledging that past Confucian teachings do not contain universal freedom or equality does not deteriorate Confucianism's role or meaning. There is no way that consensus on universal human rights abandons Confucian tradition. Nevertheless, East Asian proponents of Asian values seek to strategically defend Confucian traditions amongst the debate on universal human rights and cultural relativism. It is wrong to argue that opposition to the West is absurd only because many Asian leaders have studied in the West. It may come from the so-called 'victimized mentality' to argue that universal human rights are not suitable for East Asia; only many proponents come from the West.

3.3. Some remarks on multiculturalism

Discussions on multiculturalism have been undertaken to recognize the coexistence of diverse cultures within a society and evaluate the positive aspects caused by such coexistence. Therefore, we have no choice but to refuse to discuss the superiority or assimilation among cultures. According to 'Cultural Relativism,' morality or its standards are justified through social conventions and practices: culture. Multiculturalism has been so far controversial to eliminate cross-cultural discrimination and enhance integration when multiple cultures exist within a country.

In particular, differences in language, culture, religion, and lifestyle can cause economic and social, cultural and political discrimination and structural fixation. Therefore, in order for various cultures to coexist in a country, multiculturalism policy aims to dispel assimilation and structural discrimination.¹⁴⁹ There are many policies to enhance multiculturalism

¹⁴⁸ Young-Bae Song (2000), *On the Meaning of Confucian Ethics in the Age of Globalization*, Korean Journal of Philosophy 62, 2000.2, 5-30, Korean Philosophical Association, p. 20.

¹⁴⁹ Kyeon-Seo Koo (2003), *The Theoretical System of Multiculturalism*, [Symposium: Globalization and Cultural Change], The Korean Journal of Humanities and the Social Sciences 27(3), p. 46.

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within a country, but the most representative ones are multilingual education policy and multilingual media policy.¹⁵⁰ Forcing immigrants and ethnic minorities to use only the country's language will also be a violation of multiculturalism. In particular, it is an essential element in the policy of dealing with migrants in the future in mono-national countries like Korea. It will be apparent that the abolition of assimilationism or pre-modern policy within the state should be the priority. This is because the importance of communication to migrants in a country is of paramount importance.

Some misconceptions of multiculturalism lie in that It is assumed to be the same as cultural relativism. Understanding multiculturalism begins with knowing that different cultures can coexist with each other in one society. Heterogeneous cultures must exist in one society, especially those that make up the majority, support cultural minorities, and open up coexistence. While human rights discourses consider their own cultural backgrounds, it is possible to overcome the limitation that rather asymmetrical communicative relationships among the participants could have. This is because social consensus can be reached only after assuming that such asymmetrical relationships will be resolved. It should be premised on communal preparation to recognize each other symmetrically, accept each other's mutually beneficial viewpoints, observe each other's traditions with a rather objective perspective, and learn from each other¹⁵¹. Only after such assumptions are made possible, discussions on justifications of universal human rights will follow. If community members with different cultural backgrounds disagree with the community's positive laws, it is difficult for them to find the legitimacy of complying with such laws. This implies how important it is to keep proportional relationships between members with different cultural backgrounds within one society.

Personal choices do not mean an abandonment of fundamental human rights. Just as we cannot oppose the socially vulnerable group's guarantee based on individual preference or ability, we cannot force them to assimilate into mainstream society for migration reasons. For example, in some societies, women are directly discriminated against if they have limited social activities just because of their child-rearing responsibilities. Also, if there are many discriminatory cultures or traditions in society, it is necessary to prevent discrimination by law and institution. The state has not only a negative obligation not to mandate discriminatory laws or

¹⁵⁰ Ibid, p. 47.

¹⁵¹ J. Habermas (2007), *The Postnational Constellation: Political Essays*, Polity Press, p. 129.

institutions, but it also has a positive obligation to prevent further discrimination from continuing.¹⁵² Ethical consideration is a matter of choice, in which individuals who seek their cultural roots must make their own choices and continue to reshape them. At the same time, ethical consideration has to be freely and cooperatively accepted by everyone. States can pursue some universal principles of proper morality, which all the people should agree with.

Nevertheless, if states force a collective decision as ignoring an individual's ethical decisions, it is nothing but to infringe individual freedoms¹⁵³. That is, it is so rare that individual ethics are necessarily in line with universal morality. In a society where various cultures and traditions exist, it is important for a state to fulfil its positive state obligations without violating individual freedoms and autonomy at the same time.

After all, multiculturalism plays a role in ensuring individuals' racial and cultural rights and contains the meaning of the right to life in the following aspects. First, it should be extended to the whole people. The expansion of human rights begins with overcoming the problems of education, labour, poverty, and inequality. Secondly, it has a systemic characteristic that guarantees the rights of life to all citizens. Therefore, human rights issues are not just the provision of legal and institutional mechanisms to punish political violence or physical infringement in times of authoritarian regimes. Human rights are multi-level rights because they include economic, social, cultural rights, as well as civil and political rights. Third, the expansion of human rights improves the quality of democracy by improving discriminatory situations. After all, human rights can be interpreted not only as political and legal rights¹⁵⁴ but also as more comprehensive rights. How about extending this multiculturalism across countries? Is this problem even more complicated if we expand across countries with

¹⁵² A fairly difficult problem has emerged in this regard. It is necessary to maintain a pluralism of values in order to maintain equality as well as freedom in a society composed of diverse cultural backgrounds. Then, the question is how to decide whether a state should defend a particular value or ban a specific culture. In this respect, *Habermas'* distinction between moral and ethical is of great significance. Morality is universal and a norm that applies to everyone, while ethics represent a particular value in an individual or the collective life of a community. (taken from, "J. Habermas (1996), *Between Facts and Norms*, polity press, p. 97.")

¹⁵³ S. Fredman (2008), *Human Rights Transformed*, Oxford Press, pp. 21-22.

¹⁵⁴ G. M. Antonio (1996), *Human Rights in Democratization Processes*, IN: Elizabeth Jelin & Eric Hershberg (eds.), *Constructing Democracy: Human Rights, Citizenship, and Society in Latin America*, Westview Press, pp. 55-56.; Young-Chul Kim (2005), *Multiculturalism and Human Rights in Latin America: Human Rights of Black in Brazil*, *Asian Journal of Latin American Studies* 18(4), December 2005, p. 75.

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different cultures? Through globalization, the boundaries among other countries and peoples are being broken down in many areas. Accordingly, multiculturalism needs to be demanded more broadly. Policies within a country are only the decisions within a country, but decision-making processes are more complex, depending on the state's political system or the degree of mainstream culture's closure. The Yemeni refugee crisis in Korea in 2018 highlights the closeness of Korean culture.¹⁵⁵ Therefore, to view individuals as entirely subordinate to society and culture can be a limitation that multiculturalism has.

There is no utterly homogeneous society without any internal disagreements. An individual who belongs to a specific culture does not necessarily have only the characteristics of that culture. If we look inside the culture, aren't the members thoroughly layered according to economic and social power structure? One culture can develop by itself by interacting with other cultures. It is such a misunderstanding that other sectors, irrespective of anti-human rights, are also called into question because different cultures and customs are uncomfortable. If individuals are encouraged to live in what they consider to be a valuable life without being bound by ongoing traditions, cultural diversity will be expanded and boosted. The significance of cultural diversity cannot be unconditional. When our focus is on individual freedom, its relevance must change corresponding to cultural diversity in helping people make better choices¹⁵⁶.

¹⁵⁵ "As the subject of Yemeni refugees became a wider social issue, some Koreans strongly argued that a clear distinction should be drawn between who is and is not a "real" refugee. These arguments heated up in the Korean media, with commentators using the terms "fake refugees" and "real refugees". The unprecedented high number of arrivals and the suddenness of their appearance on Korean soil contributed to the media hype. The reporting of unconfirmed facts about refugee application "brokers" and the swirl of rumours that many of the asylum seekers were actually economic migrants.

The more serious problem was a xenophobic response to the Yemeni refugees. In justifying their opposition to accepting Yemeni asylum seekers, some Koreans cited a number of recent high-profile crimes committed by Muslim refugees in Europe. Islamophobia had already taken root in Korean society, spawning fear of Muslims. Some Koreans viewed the applicants, whether Yemeni, Syrian, Egyptian or from elsewhere, primarily as Muslims rather than as refugees. In this understanding, Muslim refugees from Islamic countries and fear of Islamic terrorists were conflated. This attitude has been freely reported by the media and has been spreading through social media. For this reason, claims to distinguish between real and fake refugees have gained traction." <https://www.mei.edu/publications/south-koreas-yemeni-refugee-problem> (lastly accessed on 21 Oct. 2019)

¹⁵⁶ A. Sen (2007), *Identity and Violence – the illusion of destiny*, Penguin Books, pp. 114-116.

3.4. Criticism on Multiculturalism

Indeed, the Universal Declaration of Human Rights' preamble states that rights and freedoms are secured universally and effectively to not only the people from the member states of the United Nations but also those of the colonial territories under the jurisdiction of the United Nations member states. Depending on what you understand from such a statement, it's hard to tell whether it should be regarded only as grateful or sceptical about mentioning the guarantee of only human rights. It seems somewhat reasonable to doubt that Western imperialist forces, who had committed all kinds of human rights violations during colonial rule, are now on the brink of neo-colonial economic exploitation to justify political domination. One of the characteristics of the people of colonized countries is the so-called colonized mind¹⁵⁷. One such phenomenon is to abandon their own culture and try to identify and subordinate themselves to the country or culture that dominated them. The consciousness of being subordinate to the culture that ruled their own country could be then rationalized for several reasons and meant to aspire and identify as a member of the ruling culture even after the reign was over. Many political leaders who argued for "Asian values" also rejected their own cultures' subordination into Western, but they claimed 'Asian values' to counteract Western logic. It is a typical colonial identification of cultures.

Of course, as expected, linking the roots and developments of human rights thoughts into Europe and North America is related to the understanding where such ideas are only part of 'Western' culture and 'Western' traditions with the perspective of criticizing universalism. According to this argument, although most colonial-controlled non-Western states clearly express human rights in their constitutions, it is a merely sustained Western state, not a unique culture or an expression of their tradition¹⁵⁸. If such a position is accepted without criticism, it would be awkward to criticize Western culture based on their own culture since most countries today use Western derived systems. The study of which system came from where should not be used to justify the culture from which it originated or, conversely, limit the remarks of the cultures or states that accepted the system that did not come from themselves. This is because the debate about where democracy and human rights systems come from is not to prove any

¹⁵⁷ Ibid. pp. 88-93.

¹⁵⁸ A. Pollis/ P. Schwab (1980), *Human Rights: A Western Construct with Limited Applicability*, IN: dies: Human Rights. Cultural and Ideological Perspectives, New York 1980, 10.; Sung-Hwan Choi (2011), *Multiculturalism and the problem of human rights*, Philosophical Investigation 30, published in November 2011, p. 362.

culture's superiority. Thus, whether through colonization or globalization, the fact that the world has a similar legal system and institutions is intended to overcome the gaps and heterogeneity among different cultures. The fundamental belief that difference must not be a basis for discrimination when recognizing such differences is a common lesson throughout human history, not from any particular cultures or countries' efforts. Societies with largely homogenous ethnic, cultural, and religious identities, have discriminated against others who are different from themselves, both East and West, across the entire world to varying degrees. It should be a common task for humankind to reflect on how the majority with high homogeneity has treated the minority and how they should treat from now on.

3.5. Revisiting criticism of perfectionism

Scholars in East Asia have tried hard to engage with democracy, which seems to be unlikely to be in line with Confucianism. This effort has become an essential pillar of the debates on 'Asian values' and has emerged as an odd outcome of Western and East Asia's academic convergence. Such a result was advocated by *Joseph Chan*, called 'Confucian perfectionism.' This chapter critically examines Confucian democracy, which is generally accepted in East Asia, especially Korean society, in claiming Confucian democracy.

Here, it is necessary to look at Confucian democracy or Confucian moralism, which emphasizes the moral ethics of Confucianism as the ideological background of 'Asian values'. Confucian perfectionism' argues for the existence of inherent values in Asia by insisting that Confucianism has a democratic nature. This argument is manifested as somewhat different in East Asia, especially in Korea, China, and Japan, with some claims being more refined and others less so. However, it cannot be denied that such arguments generally challenge the universality of human rights based on that tradition or as a way to maintain their tradition.

According to the scholars who argue for Confucian democracy, the idea of liberal democracy begins with the judgment that the desires and selfishness that can be regarded as the most 'instinct' and 'natural' aspects of man can never be controlled through discipline and moral cultivation.¹⁵⁹ Such was an attempt to complement liberal democracy based on Confucian moralism by some of those who emphasized Confucianism's moral ethics. In the

¹⁵⁹ Chai-Bong Hahm (1998), *Asian values and Democracy: Is Confucian Democracy possible?* The Society of Philosophical Studies, p.55.

meanwhile, the Confucian political concept is a mixture of Communitarianism and Perfectionism. Such can be seen that most of those who have been influenced by Confucian political philosophy, especially those who have been educated in East Asia, have such characteristics intuitively.

The original Confucian political philosophy was not concerned with establishing or analysing objective social principles but instead focused on how individuals can cultivate virtues. In Confucian political philosophy, if the community's good exists and is considered to be more important than any other concept of the good, it basically assumes a perfectionist position. The idea of Confucian perfectionism has had a strong influence based on economic development in East Asia. Such a concept has been accepted as a model of authoritarian state or a development model of developing countries by scholars who advocate 'Asian values' or analyse economic development drivers in Asia.

Moral perfectionism admits that there is a good life that is ideal as well as universal. In moral perfectionism, any human states or activities, including knowledge, work, or artistic creation, have their values, regardless of the pleasures or happiness that they bring. Morally righteous conduct can be defined as promoting such human excellence or perfection.¹⁶⁰ However, in political philosophy, perfectionism is defined as the assertion that the socio-political community should strive to live a morally valuable life so that each member can recognize and promote their potential and excellence. Human reasons can help us judge which a good life is and fulfil such a good life. According to this position, there is a premise that good and right exist and that there is a hierarchical order among the good and the right. Moral perfectionism, in particular, believes that individuals can find criteria for judging what is good and bad and what is right and wrong. When such moral perfectionism is extended politically, it is regarded as that states can fulfil such an ideal life and those states are desirable.

However, what to be discussed here is not to intervene in the state's neutrality debates among scholars. In fact, in the debate over state neutrality, the scholars who emphasize state neutrality based on liberalism claim that states should not force individuals to view any particular 'good.' Furthermore, they argue that anyone should not be punished or discriminated against because the government does not recognize their

¹⁶⁰ T. Hurka (1998), *Perfectionism*, in *Encyclopedia of Philosophy* (E. Craig eds., 1998, Routledge), vol. 7, p. 299.

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ethical beliefs¹⁶¹. On the other hand, perfectionists or liberal perfectionists insist that the purpose of all political actions is to pursue 'valid conceptions of the good,' as preventing them from pursuing evil or vain values¹⁶². The gap exists between the two positions of advocates of state neutralism and perfectionists. Nevertheless, few scholars claim the neutrality of the state completely. It is also hard to get any substantial support for the argument that states have to push a particular good or justice firmly. It is desirable to punish those who do not follow such a specific good or justice. It is because the state is a delegated authority, and at the same time, it has the responsibility to protect the people and to guarantee autonomy.

In addition, it should not be overlooked that the violation of an individual's autonomy, which is the most critical point in their debate, is much closely related to the situation in which the individual encounters. This does not mean, however, that such an argument of mine is advocating the positive role of the state to eliminate the wrong set of values from individuals or force them to have good values, as *Raz* argues. Individual competencies have a substantial impact on their perspectives on values. Even the notion of freedom can only be affected by the situation of the individual. In other words, the state's role should be to create a safe place where the minimum level of public reasoning can be exercised and to ensure the minimum stability of the living world in which individuals can participate in the debate.

Just as economically, the minimum wage system is no longer incompatible with the free market economy. It is no longer hard in modern economics to find a liberal economist who wants to reject the minimum wage system or economic support for the socially weak because such are socialist products. Of course, there may be some who make such extreme claims. It could also be in every country. But, their arguments do not directly dominate or overwhelm public reasoning. There is a clear need to understand the controversy over state neutrality. Consider, for example, a soccer referee. The referee's role is to ensure that both parties follow the same rules of the game, and the referee will not take any part in either side because it should be in the neutral position. In addition, referees do not actually block some other factors that could influence the game's result, such as the player's physical conditions, capabilities, or some fortunes.

¹⁶¹ R. Dworkin (2000), *Sovereign Virtue - The Theory and Practice of Equality*, Harvard University Press, p. 281.

¹⁶² J. Raz (1986), *The Morality of Freedom*, Oxford University Press, p. 133.

Such neutrality may be called *negative neutrality*.¹⁶³ Neutrality, however, contains something more than the image of a game referee.

Recalling the ideal judicial process, the key or essence to neutrality can be easily found out that active efforts have to be made to ensure that factors such as wealth, race, gender, and education of the parties in the conflict do not affect the outcome of the trial. The key to Neutrality is to establish and maintain conditions that actively neutralize factors that should not affect a trial's result and are not related to the trial process. Neutrality also encompasses 'favouring neither one side nor the other.' Furthermore, it means actively regulating not to affect the judicial process and the outcome of certain factors. This may be called *positive neutrality*.¹⁶⁴

The question is: how often does a country play the role of a referee in a game, and what should a referee do in an unfair match? In other words, if the elementary school team and the national representative team play together, it is evident that the state cannot serve as a referee. In such a game, the role itself as a referee is meaningless because the game is already extremely unfair from the very beginning. It may be under a classical perspective if the role of referee only as surveillance observing the rules in the game is regarded as equal to the role of the state, but it seems to be also unreasonable to emphasize the view further. First of all, it has to be admitted that individual members are in different situations according to their abilities and luck.

For example, if women's parental leave is acknowledged in the military while men's parental leave is disapproved, the country behind such an acknowledgment seems to be based on traditional stereotypes. However, in this case, the state violates the gender equality of men and women, and the state is obliged to intervene and correct it.¹⁶⁵ That is to say, the state has a duty to actively resolve the problem if discrimination is brought from the stereotypes created by individual abilities, circumstances, and even traditions. If strong perfectionism is applied to this case, it is inevitable to ask what a good life should be and how the state has to support it.

¹⁶³ P. Jones (1989), *The Idea of the Neutral State*, in: R. Goodin and A. Reeve (eds.), *Liberal Neutrality*, London. p. 9.

¹⁶⁴ A. Montefiore (1975), *Neutrality and Impartiality*, Cambridge, p.5.

¹⁶⁵ In the case of 'European Court of Human Rights, *Konstantin Markin v. Russia*, judgement of March 22, 2012', the Court decided that Russia's refusal to grant serviceman parental leave had violated Article 14 (Prohibition of discrimination) taken in conjunction with Article 8 (Right to respect for private and family life) of the European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms, as amended (1950)).

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In the case of strong perfectionism, there is no way to doubt the state's choice or decision. It would be something very ideal for a state or similar organization to have a strong sense of goodness and to lead an individual through it without significantly hindering the autonomy of the individual. To accept moral pluralism and to support perfectionism is like to acknowledge the contradictions by themselves. Raz argues that not all perfectionist political acts impose specific lifestyles on life forcibly. Many perfectionist political acts encourage citizens to do the right kind of behaviour and avoid doing undesirable things. He also sees that perfectionism is compatible with moral pluralism, which recognizes that many life forms are morally valuable. Those forms of life can be incompatible with one another.¹⁶⁶

However, even if there are widespread disagreements about the good life among the members, it may be difficult to establish any justice principles among the members. In other words, it is difficult for a state to attain legitimacy in having a sense of value for a certain good without drawing consensus among its members in a morally plural society. Furthermore, it is not easy to find a good life or a good value with the condition of the consensus among the members. Raz's example against such criticism seems to be away from the very core of the problem. He illustrates the example of 'monogamy,' in which states should offer optional choices to individuals. According to Raz, 'monogamy' is not enforceable by an individual, assuming that it is the only form of marriage that is morally worth it. 'Monogamy' requires a culture that endorses it, and such a culture supports 'monogamy' through public attitudes as well as through its formal institutions.¹⁶⁷

After all, the state must create an institution to make individual choices possible. The argument of Raz's is, of course, correct. However, if narrowing down such debate, it will show that the argument is right, but with some limitations. It is valid only in some instances that the existence of an individual option ensures individual autonomy. For example, consider a situation where a same-sex couple cannot exercise their marriage rights because the state does not institute same-sex marriage or an equivalent legal acknowledgment.¹⁶⁸ In this case, rights were violated

¹⁶⁶ J. Raz (1986), *The Morality of Freedom*, Oxford University Press, p. 161.

¹⁶⁷ *Ibid*, p. 160.

¹⁶⁸ In the case of 'European Court of Human Rights, *Oliari and others v. Italy*, judgment of 21 July 2015,' Italy violated Article 8 (Right to respect for private and family life) of the European Convention on Human Rights (Convention for the Protection of Human Rights and Fundamental Freedoms, as amended (1950)) because there was no prevailing

because there were no options for same-sex couples, discrimination based on sexual orientation. As *Raz* said, individuals cannot create such a system, nor can they exercise their rights within existing law boundaries. Therefore, in such a case, a certain duty arises for the state to formulate a formal system as a so-called 'positive obligation' of the state.

However, *Raz* seems to give an example that is far from the statement: the state has to decide what makes a good life. That is, 'monogamy' cannot be regarded as a suitable example in that context because 'monogamy' has already obtained public consent, although it is not well observed for religious reasons in some countries. Rather a suitable example can be when states have to intervene when there are conflicts over good values in the morally pluralistic society. As perfectionism argues, the claim that the state should provide individual choices for the importance of goodness seems to overlook public reasoning's ability done through social consensus.

On a far more abstract level of a good life, it is presumed that reasonable people will anyway agree on some core natures of the 'good'. The 'good' cannot and should not be neutral on such an abstract level of ethics. And the abstract convictions about this 'good' can create enough reasons to support one definition. The conceptual aspects of good life also include debates over the source of ethical problems, who is responsible for making life good, and good life measures.¹⁶⁹ However, some concrete ethical issues can be conflicted due to severe disagreements. In other words, the assertion where the state has to establish a common good and lead individuals en bloc could imply that the people are regarded merely as state accessories or some ideas of elitism. Active state intervention can be essential in certain areas. This is why intervention needs to proceed even in certain areas where the question of how far the state can intervene exists.

The view that the good should be respected as the most significant cannot help empirically challenging. Among such challenges, the most important is the answer to the problem of distribution. From a utilitarian point of view, by emphasizing the priority of good over right, it is natural for people to act to attain their greatest 'good' or act to fulfil their reasonable end as long as such acts do not adversely affect others. Thus, what is rational for individuals will be justified for the group in society and will eventually lead to society's happiness as a whole. Just as an individual's happiness is achieved by a series of satisfactions experienced in several moments of his

community interest against which to balance the applicants (same-sex couples)' interest to have their relationships legally recognised.

¹⁶⁹ R. Dworkin (2000), *Sovereign Virtue - The Theory and Practice of Equality*, Harvard University Press, p. 239.

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or her life, a society's happiness is also constituted by the fulfilment of the desire system of many individuals who belong to the society. As an individual's principle promotes his or her own system of well-being and desire, the principle of society is as well promoting the welfare of the community as much as possible. Accordingly, the principle of society is maximizing the realization of the comprehensive system of desires formed by the needs of its own members.¹⁷⁰ After all, in any case, where the total amount of satisfaction is distributed to individuals, it is regarded as the right distribution if it yields the maximum satisfaction at all costs.¹⁷¹ This utilitarianism in the classical meaning implies a problem in which individual differences cannot be acknowledged. It inevitably leaves silence on the issues of distribution and equality.

These utilitarians' moral principles were supplemented by the theory of 'impartial spectator' or 'ideal observer.' The moral principle has been chosen based on this hypothetical choice theory. And this principle argues that the universal problem can be solved on the following assumption: such a fair observer or an ideal observer can, totally objectively without any prejudices, find out what unethical facts are. The 'impartial spectator' established by utilitarianism in the hypothetical selection theory has a role of organizing all the people's desires as one coherent organism; it became possible to unite many people into one through such an organization and construction. In this way, the 'impartial spectator' strives to adjust the social system's rules and maximize satisfaction. Thus, individuals in this social system are regarded as a mere series of people assigned with their rights and obligations. The rules are followed for achieving the maximum satisfaction of the desires, which are selected by the rational legislator and are distributed with the means of insufficient satisfaction. This view results from the expansion of "the principle of rational choice for one man"¹⁷² into society. Furthermore, it results from the belief that all humans can be united as one through the imagination of the 'impartial spectator' so that such expansion can function properly. In this regard, utilitarianism cannot deal with the differences between individuals prudently.¹⁷³ This utilitarian position seems to view society as a kind of a single organism. In this sense,

¹⁷⁰ "The appropriate terms of social cooperation are settled by whatever in the circumstances will achieve the greatest sum of satisfaction of the rational desires of individual." (taken from "J. Rawls (1971), *A Theory of Justice*, Harvard University Press, pp. 25-26.")

¹⁷¹ Ibid, p. 26-27.

¹⁷² J. Rawls (1971), *A Theory of Justice*, Harvard University Press, pp. 26-27

¹⁷³ Ibid, p. 27.

such a position can be seen similarly in the Confucian view on humans. However, this Confucian view does not seem to have any commonalities with utilitarianism in terms of geographically and in terms of era. The individual's autonomy is reserved for the increase of the happiness of the whole society, in which fair distribution cannot be actually expected. Thinking about the judge's judgment makes it easier to understand the problem of a utilitarian or pragmatic viewpoint. It has been a considerable matter of debate whether judges can make value judgments in making court decisions. On the one hand, it is claimed that the judgment should be made only for the legislator's original purpose according to the basic formal principles of democracy. On the other hand, judges have to get involved in making value judgments actively. Such an issue is closely related to the role of the state. However, suppose this problem is aimed at protecting and guaranteeing human rights as the basic premise. In that case, it will eventually lead to the strengthening of democracy, and thus the suitability of judicial review of state positive obligations can be justified.¹⁷⁴ Therefore, the current trend has led to the expansion of judicial review from civil and political rights to economic and social rights, unlike in the past.

Of course, it has been argued that judges' value judgments should be limited to constitutional traditions, such as the history of interpretation accumulated through the constitutional cases. *Dworkin* warned that this could lead to legal pragmatism and argued that pursuing only good results would be at the expense of individual rights. According to him, no matter how good a result can be for society as a whole, if it violates individuals' rights, that individual right must prevail.¹⁷⁵ *Dworkin's* argument was, after all, given priority to individual rights. It only warns against the involvement of moral value judgments in judges' judicial review, not based on principles but based on outcomes. The value of democracy is neither in the opinion and decision by majority vote nor in aiming at obtaining the best result even through neglecting the procedure. Even if you stick to the majority decision principle, the decision of the majority is a matter of morality, but there is no problem with legitimacy. Therefore, if the judge decides and interprets the issues decided in majority opinions in accordance with his or her moral values, it could cause problems.

But in a pluralistic society, the majority decision is considered one precondition rather than meaningful. Even if the majority decides the

¹⁷⁴ S. Fredman (2008), *Human Rights Transformed*, Oxford Press, p. 232.

¹⁷⁵ R. Dworkin (2013), *Taking Rights Seriously*, Bloomsbury Academic, p. 92.

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matter, if moral defects there exist, they need to be re-judged and re-adjusted. *Dworkin's* 'partnership conception of democracy' regards the core of democracy as its members recognize each other as partners and participate in a kind of "joint enterprise of self-governance."¹⁷⁶ The principle of democracy is similar to the principle of partnership based on respect and consideration among the members who live together. This view can be found from the sense of fellowship that employees have as the company members or from the attitudes to respect each other that belong to voluntary clubs. Within such organizations, although positions and titles exist, there is a respect and consideration culture for each other. The injustices that arise within them are addressed to find suitable solutions by internal and voluntary efforts. Suppose there is a culture within this that ignores the opinion of the minority and forces decisions to be made by the opinion of the majority. In that case, the organization will be difficult to last long. Likewise, the basic principles of democracy can be realized on the basis of mutual faith and respect among the public, and these principles affect all members equally.

It is essential to look at whether individual ethics and justice are on a sort of continuum or disconnected from each other. *Rawls* deliberately eliminates the debate about what is good in the process of consensus on what is fair. Such eliminations are done by putting a 'veil of ignorance' on values about what is good in the so-called primitive position of choosing principles of justice as conditions of fair cooperation. According to *Rawls*, the principle of justice originates independently, without presupposing specific values. Moreover, he claims that individual rights take precedence over the consideration of the common good. Therefore, they can maintain their opposition to utilitarianism and pursue their own values without violating each individual justice principles. This avoids the conflict of justice principles that must be drawn from the values of the good of the individual and the wider society's consensus.

It cannot help but admit someone else's good life or freedom can be inevitably violated from state's intervention. And such interventions were supposed to guarantee somebody's freedom in the event of conflicts between individuals with different values or freedom regarding the good life. In this regard, *Rawls* argued that members of society would be willing to accept the terms of social cooperation if they knew that others would do the same as themselves.¹⁷⁷ Knowing that others will act with the same

¹⁷⁶ R. Dworkin (2006), *Justice in Robes*, Harvard University Press, p. 133.

¹⁷⁷ J. Rawls (2001), *Justice as Fairness*, Harvard University Press, p. 6.

reasoning as 'myself' is to admit towards social cooperation. Likewise, people will feel that their happiness or freedom has been violated as the state intervenes and arises costs for someone in a more vulnerable position than 'me.' It is explained by reciprocity that the state has to naturally intervene in supporting people who are socially less advantaged than 'me.' An expression of belief in *deliberative rationality*¹⁷⁸ will imply that all of the individuals will agree with 'the good' even if they have different ideas about good things.

There is one crucial question in this regard. If so, are the good lives of individuals and social justice *incommensurable*? Regarding this question, *Dworkin* provided a pivotal hint to the perfectionist, especially the Confucian perfectionists. He regards 'justice' as a parameter of 'ethics.' *Dworkin* suggests 'challenge view' as claiming that justice helps to see what truth lies in the Platonic idea, which regards justice not as a sacrifice to impair a person's ability to live a successful life, but as a precondition for such a successful life.¹⁷⁹ This model places the ethical values of life on the individual's skilful performance acting on the challenges raised appropriately for the individual. A good life does not put values on the results achieved, but on how to react and respond towards them. Individuals respond well to some particular situations, which accordingly determines whether their lives are successful or not.¹⁸⁰

According to *Dworkin's* argument, a person who is denied having an adequate resource to be distributed at the request of justice cannot live a good life because he or she cannot attempt the right challenge. Likewise, he who enjoys a fair share of his resources but who nevertheless tries to increase his share unfairly will live a failed life because he does not react appropriately to life's challenges.¹⁸¹ In real life, people tend to experience and conflict with such a dilemma many times. Such dilemmas ask a question like this: why do non-moral people live well, and people who are far from justice seem to enjoy more happiness?

The thoughts of these individuals, however, are nothing more than a momentary intuition. For the most part, humankind has sought to be just and have recognized that a just society can provide high happiness for its members. From there, it could be, to some extent, outlined what the role of the state is. The state should remove the unjust elements and ensure

¹⁷⁸ J. Rawls (1971), *A Theory of Justice*, Harvard University Press, pp. 416-424.

¹⁷⁹ R. Dworkin (2000), *Sovereign Virtue - The Theory and Practice of Equality*, Harvard University Press, p. 240.

¹⁸⁰ *Ibid*, p. 259.

¹⁸¹ *Ibid*, pp. 244-246.

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justice for a happy life for individuals. The state exists not to direct individuals' happy lives but to eliminate social injustices that hinder a good life. No one claims that an unjust society is much better for the happiness of its members. *Dworkin's* claim that liberalism can be reconciled and become happy with justice should be carefully reckoned with by those who profess Confucian perfectionism or Confucian democracy. In particular, those who insist on unique values in East Asia seem to be obsessed with liberalism, among other thoughts from Westerns philosophy. And they tend to regard liberalism as a representative value of the West. However, such is a misleading result of the close relationship between justice and good life, and inter alia the role of the state.

Dworkin considers the relation and connection between the content of individual ethical life and the belief in life's ethical value.¹⁸² He explains this problem by distinguishing the additive view from the constitutive view. The *additive view* suggests that valuable experiences and achievements contribute independently to the values of people's lives so that they can judge the good or bad of their lives without consulting their view of life. On the other hand, the *constitutive view* sees that no component can contribute to the value of a person's life without the support of the person who has it. In particular, his constitutive view shows what position the state should take in dealing with the 'good life.' If a constitutive view is followed, it shows that it is not the condition of a person's good life. The state judges and pursues whether or not an individual's disorderly behaviour ultimately brings happiness to the individual. In this matter, *Dworkin* believes that only modest interference is acceptable when it is short-term and limited, without taking strict, rigid anti-paternalism. This part is not so simple to explain. It is an important principle that an individual's life cannot be improved by forcing it against others' wills and beliefs. But, in most cases, we experience such to some extent, and it is not easy to admit that we tend to accept it on a limited basis.

Some countries in East Asia with Confucian traditions need to accept more liberal ideas and thoughts. The values to put community as core are ultimately for the well-being of the member of the community. Therefore, it is rather contradictory to fulfil 'the good' of the community while restricting individual freedom. The state's involvement and intervention in the good life of the individual, whether universal or not, should give a priority to create an atmosphere of procedural consensus within the

¹⁸² R. Dworkin (2000), *Sovereign Virtue - The Theory and Practice of Equality*, Harvard University Press, pp. 248-249.

community. This is because state intervention in relation to the values of a person's good life may mean individual sacrifice and submission in the Confucian tradition.

For non-Asians, the well-organized and well-ordered society of some East Asian countries may be something they are longing for. But at the same time, it is necessary to know that such a well-organized and well-ordered society could be possible at the expense of individual freedom. However, to create such a society cannot be used as an excuse to restrict the individual freedom of the members. Freedom of thought and expression is the most fundamental right, but civil and political rights are still not receiving much attention in Confucian culture. Confucian ethics, as the so-called Confucianists emphasize, focus on finding a happy life for themselves spontaneously through moral education for the members of society. Furthermore, such moral education is limited to Confucian culture and is generally regarded as universally applicable to other cultures. This idea is as well half correct and half wrong.

In Confucian culture, moral education is centred on universal love. And the content of such a moral education includes caring about the neighbours who are in need and protests against injustice. In the end, however, Confucianists must dream of a well-organized and safe and society where it is not allowed to deviate or break away from common values. The belief that moral education can guarantee individual rights properly and ultimately bring about a good life will function only as a governing philosophy that disrespect and treat individuals not as master of society, but as a mere part or component of a society.

3.6. Conclusion

Confucian perfectionism sets the good life of the people as the nation's fundamental goal and justifies the ruling of a group of elites for this purpose. Among such a process of this debate, the voice of the minority could be naturally excluded. The majority follows the logic of the governing group, and the minority, of course, has no other choice but to follow. In this process, the morality of the community cannot help ignoring individual freedom. How many or a group of elites could accept morally imperfect people is the most critical factor in enhancing democracy. It has given the head of an organization to a country that has a role to resolve and remove the anti-democratic and anti-human rights within the culture. In conclusion, a good life cannot be determined by the elite, and no one would have such rights to punish or discriminate against minorities because they disagree with the majority.

Chapter 4. A good life and theory of recognition

A question arises regarding a good life: Is a sense of justice closely related to a good life? It can also be an excellent question to ask whether a good life in itself is incompatible with universal human rights because a good life is accepted differently according to different cultures. It is likely to maximize the difference between cultures – if people should admit that universal moral standards to penetrate through such different cultures cannot exist, because good living standards differ from one culture to another. Another reason is stated as it is not easy to communicate across different cultures. Most societies have some conflicts according to classes due to differences in income and between groups with heterogeneous cultures. However, there is little evidence that this conflict leads directly to the hate towards other different groups. Mutual recognition between individuals plays a role of inclusion within the group, and such recognition can lead to understanding among different groups. Perhaps the most crucial part is that cross-cultural recognition will be possible enough if the individual's capacity is well equipped for recognition across different cultures.

We can communicate with each other because we have accepted the rules of communication. If we don't take these rules, effective communication will be impossible, even if they have the same language or have shared the same culture. This universal rule of communication is closely related to the parties' willingness to participate in the communication process. In other words, readiness to listen to others means recognition of the other persons. Such enthusiasm is commonly regarded as a characteristic of communication participants. If there is a communication rule that we cannot accept, it is probably the rule that wants to break the communication. Good communication focuses on the participant's story with the willingness to continue the communication. And such communications can continue without depending on one specific participant's intention. This way of communications shows a limit to accepting the characteristics of universal human rights in terms of some challenges to cultural specificity. Participants are not involved in communication to break the communication process, nor do they participate in hearing one specific person's voice.

Also, good life and social justice are like two wheels of wagons going together with each other. It is hard to believe that a person's good life could

exist in an unjust society. In other words, justice has an inseparable relationship with the good life of individuals. If one culture has a negative element of injustice, the members of the culture have no choice but to communicate with each other with the intention of mutual recognition. If that is impossible or not allowed in one culture, it is like admitting that the culture is closed. A profound reflection on individual freedom should precede the good life of the people of Confucian perfectionism in East Asia. Furthermore, it will be vital to realize that social justice and equality are the driving forces towards a good life.

4.1. Veil of Ignorance – Justification of a good life

Is it possible to analyse multiculturalism from a microscopic perspective? Again, borrowing an assumption from one of *John Rawls's* well-justified theories would make such an analysis possible as well. *Rawls* envisioned the hypothetical situation of the original position to establish a fair process that would make any principle agreed and consented therein to be well justified as just. Its purpose is to use the notion of purely procedural justice as the basis for formulating a theory. Somehow, we must negate the consequences of the remarkable coincidences that make people discord each other and further tempt people to create social and natural conditions favourable to themselves.

To do so, however, it is assumed that the parties must be in a veil of ignorance.¹⁸³ Some solutions could be found to solve how we could rule out the belief that regards one culture as superior while another culture is inferior. Suppose we do not know which culture I belong to, and if we do not have any information about our surroundings, how will those affect us to make some judgments about the two different cultures? It can be assumed that we do not know the level of our own culture, the economic and political situation of the society we belong to. Such assumption shows us how great it was for *Rawls* to awaken our sense of justice and further to act based on the sense of justice. This effort must accept the limited rationality that human reason must be limited by the information provided. However, even if *Rawls* suggests a hypothetical situation, it does not mean that his beliefs in human rationality fundamentally disappear. According to *Rawls*, considered judgments have considerable possibilities to be affected by chance and distortion even if they were done under some favourable conditions. When an intuitive, appealing explanation is suggested to some people regarding their senses of justice, they will have

¹⁸³ J. Rawls (1971), *A Theory of Justice*, Harvard University Press, pp. 136-142.

chances to modify their judgments according to those provided principles, even if the explained theory does not precisely correspond to their current judgments. In particular, they would modify their original judgments when some clear clues could be found in the explanation, which could shake their firm conviction about their original judgment. Or some provided suggestions could yield the judgment they believe they can now accept.

From the point of view of moral theory, the best explanation of people's moral senses is not the explanation that corresponds to their judgments before reviewing a particular perspective on justice. Rather, the reason is in line with their judgments in the status of reflective equilibrium.¹⁸⁴ The sense of justice which human beings attain can make them draw righteous judgments if some hypothetical situations are given. And in such situations, they could be influenced by contingencies or distortions as minimally as possible. Such a state is called a reflective equilibrium. *Rawls* also responds negatively to the concerns that people in their inherent stance will be naturally indifferent to other people's interests. This is because the fact that the communicating parties are inherently indifferent to each other does not lead to the following conclusion: those who live on agreed principles will also be indifferent to one another in their everyday lives or an orderly society.¹⁸⁵

A similar concept emerges in the name of the impartial spectator in Adam Smith's book of *The Theory of Moral Sentiments*. A fair observer is a kind of morality that overcomes the selfishness that humans originally possess. It seems to be a universal moral principle irrespective of social customs or traditions. Observers do not just mean passive observers or bystanders, and implying by 'fair' means that they are not biased to either side. After all, fair observers can be interpreted as a moral principle through which people can figure out what they ought to do as positive actions from the third person's point of view away from their own, others, or any interest-related relationships.¹⁸⁶

In the same book of *Adam Smith*, he further explains moral sentiments as rationality or reason, principle, moral conscience, the inhabitant of the breast, the man within, the great judge and arbiter of our conduct. According to his explanations, whenever we try to do something that could affect others' well-being or happiness, it is the moral sentiments that raise

¹⁸⁴ J. Rawls (1971), *A Theory of Justice*, Harvard University Press, p.48.

¹⁸⁵ *Ibid*, pp. 147-148.

¹⁸⁶ For further discussions, see 'E. Schliesser (2016), *The Theory of Moral Sentiments in Adam Smith, His Life, Thought, and Legacy*, edited by P. Hanley, Princeton University Press, pp. 33-45'.

their voices astonishingly loudly to the most shameful passion in our hearts. That is to say, we are merely only one amid the masses, and in no way are we any better than anyone else among the masses. He further warns that we could end up with dissatisfied, hated, and cursed parties if we blindly put ourselves above other people without regarding such acts as shame.¹⁸⁷

In other words, *Smith's* 'fair observers' are considered as humans' ability to enable their lives as social beings to overcome their selfish feelings. It is also not a desire based on human selfishness, enabling effective communications among disparate societies and cultures beyond one single society. It would probably affect *Smith's* explanations of 'fair observers' to the cores of background where many scholars of later generations have not taken the cultural relativism's challenge to the universalism of human rights seriously. *Smith's* opinion can be seen as a mandate which imposes universal responsibilities on the acts of human dignity to consider all rational human beings not as means but as purposes themselves.

If such *Smith's* opinion is taken seriously, how will individuals make judgments regarding different cultures from their own? It seems pretty clear that they will not try to have an unjust culture. They will make such judgments as refusing to belong to a specific culture because they will consider it unfair if the culture will tolerate discrimination based on the conditions that are not given by their own choices. Since the hypothetical situation is given to individuals, a society, which is a collection of individuals, is forced to abandon its existing discriminatory culture if it must reflect and respect individuals' choices. However, it is not easy to explain two different cultures through such discussion. Because the hypothetical setting itself of the individual situation is considered as microscopic, it is easy to apply within a country or society, but it is not easy to apply the sense of individual's sense of justice beyond the boundaries of culture. It is also applicable when a person has a purpose that does not need to be a condition for being a reasonable human individual.¹⁸⁸ It is an important task to understand the principle of justice and apply it universally to all situations. This is especially true in a situation where cultural relativism or multiculturalism are conflicting with universal human rights. Further, it leads to a disconnection among different cultures, inconsistent with the situation of globalization.

Bhikhu Parekh finds clues in terms of the balance between human commonality and cultural differences on the incomparableness of culture.

¹⁸⁷ E. Schliesser (2016), *The Theory of Moral Sentiments in Adam Smith, His Life, Thought, and Legacy*, edited by P. Hanley, Princeton University Press, pp. 33-45.

¹⁸⁸ J. Rawls (1971), *A Theory of Justice*, Harvard University Press, pp. 253-254.

He considers that it is only half right if cultures are considered as incomparable to other cultures; they should be judged only according to the inner logic of that culture. Since culture provides a unique and very complex view of a good life, it cannot be compared because the differences cannot be understood according to one general criterion. However, *Bhikhu Parekh* further argues that different cultures can be compared to each other according to which culture enriches human life or shows more respect for universally shared human characteristics.¹⁸⁹ His extraordinary claim clearly shows how to view cultural relativism from the standpoint of universalism. It cannot be denied that there are unique cultures of people in different communities and their own sense of morality. Nevertheless, having its own culture and its own sense of morality does not justify denying universal values.

4.2. Hints from the Incommensurability between different cultures

A specific culture's identity is not absorbed and disappeared by globalization as a universal culture that transcends the world's respective cultures. Rather, it can be said that through the interaction among different cultures, their organic association forms a contemporary cultural identity, and each culture becomes an individual bearer of the cultural identity of the same age. Cultural identity is an advocate of tradition, history, and morality handed down from generation to generation, and it is a term of mental and ethical values. All cultures form part of the common heritage of mankind. The cultural identity of a people is renewed and enriched through contact with others' traditions and values. Culture is dialogue, exchanging ideas and experience, and appreciating other values and traditions; it withers and dies in isolation¹⁹⁰.

Cultural identity is a principle of life that lies at the base of all practically important decisions, modes of action, and behaviour. And, it lies at the base of a dynamic process that allows a society to develop consistently while at the same time accepting change while preserving its characteristic uniqueness.¹⁹¹ In this sense, culture is not just a combination of customs and lifestyles but a principal-agent that serves to unify the relationships among members within the community. It is not possible to interpret

¹⁸⁹ B. Parekh (2000), *Rethinking Multiculturalism*, Cambridge: Harvard University Press, pp. 172-174.

¹⁹⁰ *Final Report from World Conference on Cultural Policies* (1982), United Nations Educational, Scientific and Cultural Organization, p. 8.

¹⁹¹ U N E S C O Mexico City Declaration on Cultural Policies World Conference on Cultural Policies Mexico City, 26 July - 6 August 1982.

today's culture merely as a coincidence product. Rather, the role of culture is to recognize as a source of change to realize that the common attributes of the future community can be sustained. It is not clear that cultural identity is based on something that culture has invariably. But there must be some continuity or consistency with cultural identity in changes and in developments of cultures. Cultural identity is a bundle of importantly handed down beliefs that constantly have organic connections and interrelations over time. Cultural identity is not denied only because there is a sense of distance or separation from other groups or cultures.

Just because the price of a soccer ticket is the same as a ticket to a concert, few people think that the amount of pleasure is equal to each other. If the amount of pleasure that a football game provides is equal to the amount that a musical performance offers, that would make watching a soccer game equally good as watching a musical concert. Most people, except utilitarians such as *Jeremy Bentham*, will deny the possibility of measuring and improving pleasure by quantity. Many would disagree with the view that the pleasure of watching a football match or the pleasure of listening to a musical concert can be measured in an objective measurement unit, such as the weight or volume of an object.

The idea that a common standard cannot measure personal human pleasure, that is, explained by *incommensurability*, has been a long-standing belief among the general public. Furthermore, it is also true that among scientific philosophers, the view that competitive scientific theories are also *incommensurable* has gained many consensuses in expanding the debate.¹⁹² In this context, according to *Thomas Kuhn*, and scientists who believe in two different theories have to see different things because experiences tend to depend on theories. At the same time, there are no higher authorities than theories (paradigms) that are the source of experiences. For this reason, scientists cannot have any other grounds to depend on than what they see with their own eyes or other instruments.¹⁹³ If such logic is applied to different cultures in a comparatively weak sense, it seems almost impossible to communicate between two different cultures. In this context, it would be useful to look at the analysis done by Korean scholars *Yoo-Shin Kim* and *Sang-Geun Yun*.¹⁹⁴ The source of experience for

¹⁹² Bo-Hyun Kim (2003), *The Problem of Incommensurability and Laudan's Instrumentalist Solution*, *Journal of Korean Philosophical Society* 88, p. 3.

¹⁹³ T. S. Kuhn (1962), *Structure of Scientific Revolution*, The University of Chicago Press, p. 114.

¹⁹⁴ Yoo-Shin Kim, Sang-Geun Yun (2011), *Cultural Pluralism, Cultural Identity, Incommensurability*, *Dae-Dong Philosophy*, 57th, December 2011, pp.170-173.

a person who belongs to one culture is a common way of living handed down within that culture. If a culture's development is seen as a shift from one culture to another culture, a sudden break due to a revolutionary change of attitude brings out a sharp change or break in people's lives. Due to the rapidity of change, conflicts between generations and powers exist, but it is hard to say that incommensurability is presupposed. Rather, such a weak meaning of incommensurability will be applicable in developing one culture.

Stuart Hall, a British multicultural theorist, defined cultural identity as a fluid concept that is influenced by the times. According to him, one identity is influenced by history or by differences from other identities, which are constantly being redefined. The reason why 'I' define myself as who 'I' am is not because of any practical self-identity inside 'me' but because of how other people perceive 'me.' After all, a person's identity is not determined solely by purely biological or natural factors.¹⁹⁵ *Hall's* definition presupposes an *encumbered self* whose cultural identity is defined by its surroundings. It also includes the political and economic aspects that influence the process of forming a person's identity. Therefore, cultural identity should not be regarded as merely different from material deprivation or equality of opportunity or direct discrimination. Instead, cultural identity should be regarded as closely related to such disadvantages as stated.

According to *Hall*, racial discrimination based on differences in cultural identity is a structure of discourse and representation to exclude the minority in a symbolic sense. However, the minority wants to communicate with other groups, escaping from the unfriendly and exclusive perspectives that majorities have. No minority group would hope that their marginalization lasts forever, nor they consider such lasting as desirable.¹⁹⁶ For example, within a nation-state, when the majority asks the minorities whether they are also a member of 'us,' what matters here is not whether it is a problem of economic survival or legal rights, but is whether the minority is recognized as social existence. *Hall* thus points out the importance of the cultural struggle to form a real social identity, and he further advocates the incommensurability of cultural differences.¹⁹⁷

So is the belief that there exists *incommensurability* among different cultures so powerful that it cannot be overcome at all? Is it possible to

¹⁹⁵ S. Hall (1991), *Ethnicity, Identity, and Difference*, *Radical America* 23, No.4. pp. 15-16.

¹⁹⁶ S. Hall (1991), *The Local and Global: Globalization and Ethnicity*, Anthony King, eds. *Culture, Globalization and the World System*, London: MacMillan, pp. 19-29.

¹⁹⁷ S. Hall (1993), *Culture, Community, and Nation*, *Cultural Studies* 7, No.3, pp. 260-261.

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assume that there is no *incommensurability* between different cultures? Can we state that *incommensurability* does not exist between heterogeneous cultures? In order to answer these questions, it is necessary to distinguish *weak incommensurability* from *strong incommensurability* as below:

Weak Incommensurability: There exists fundamental commensurability when comparing two theories or cultures. In other words, weak incommensurability recognizes the extent of commensurability as long as admitting that there exist at least some differences between the two groups.

Strong Incommensurability: Two theories or two cultures refuse the common fundamental commensurability, which makes it possible to compare those two. Therefore, it is impossible to recognize or respect that two cultures have a difference between them.

Yoo-Shin Kim and Sang-Geun Yun deny the strong sense of *incommensurability* between human cultures because *strong incommensurability* could lead to total scepticism. It is better to view *weak incommensurability* as being already accepted in the interpretation process through the formation of cultures, human beings' existence, and the nature of language as the core of culture. For such a view, of course, it is necessary to supplement some other perceptions that the consciousness of identity can exclude many people firmly just and embraces others warmly.

In a well-integrated community, the members of the community treat each other inside the community with considerable respect which is built through direct face-to-face relationship and solidarity. Ironically, such a community could simultaneously be the same community that throws bricks at the windows of migrants who newly enter the community. The misfortune of exclusion can be directly in line with the gift of inclusion.¹⁹⁸ If one understands cultural identity as a simple integration of lifestyles, the call for consideration and respect for other cultures is also unlikely to have much meaning. It seems to be very clear that we have to ask ourselves whether we have understood cultural identity in a too simple sense so far. If communication processes work very well, there will naturally be overlaps between cultures. Thus, in this sense, although the overall *commensurability* is denied, *commensurability* should remain slightly. In order to make the communication processes work well between different cultures, some following conditions are needed. It should not destroy the cultural identity of others and recognize and respect the norms of other cultures. Still, it does not imply any obligations to accept other cultures no

¹⁹⁸ A. Sen (2007), *Identity and Violence, The Illusion of Destiny*, Penguin Books, pp. 2-3.

matter what. This is because the dialogue between cultures is not a way for a particular culture to be privileged and absorb different cultures, but rather as a way of free creative cultural knowledge to multiply and extend. Such knowledge can be shared, or every individual can develop that knowledge as their own through the process of self-interpretation. Culture develops freely through the proliferation process of new cultural modalities. It is most important to acknowledge that another different position or another different culture from its own can also be legitimate. Besides, such an acknowledgment does not mean that they have to give up their cultural heritage. Simultaneously, recognizing that another different position is right does not mean that they have to give up the claim that their position is correct.

Incommensurability makes us necessarily accept the appearance of others. Such 'others' are not impossible to talk with, but it is impossible for 'us' to persuade such 'others' fully. *Weak incommensurability* recognizes the existence of a culture that emerges from the possibilities of collective communication among the human species. Therefore, even if we do not give up our culture, we can keep on having a dialogue that recognizes the identity of multiculturalism and our own culture. Then, we should not force other cultures that have their own cultural identities to change such cultural identities by way of persuading as well as compromising the process. Instead, they can only maximize communication with each other through dialogues, through the reinterpretation of themselves, on top of the constituent identity change. Therefore, we should not hurt the cultural identity of other people. The dialogue between two cultures that existed in *incommensurability* is neither expanding one particular culture nor absorbing/ compromising. Instead, the dialogue functions something like the creation of a new culture. Such creation does not bring about any compromises or changes of their pre-established position, but a new identity composition through creative interpretation of oneself.¹⁹⁹

Incommensurability can be applied in explaining the possibility of dialogues between two different cultures. And such an application is very useful for Universalists who have to deal with the members of heterogeneous cultures because they have no choice but to take the position of relativism. It is also essential to exclude other cultures' views as simple collisions or distinctions as *Samuel Huntington's* way. Conversation between two groups with different cultural identities is in fact, impossible

¹⁹⁹ Yoo-Shin Kim, Sang-Geun Yun (2011), *Cultural Pluralism, Cultural Identity, Incommensurability*, Dae-Dong Philosophy, 57th, pp. 175-179.

through the process of simple compromise or assimilation. Even inside of Asia, where Korea-China or Korea-Japan are adjacent to each other, it seems to share a similar culture between them from the Western perspective, but this is a great illusion. This is why *Amartya Sen's* argument is half right and half wrong. The argument seems to be too optimistic to see the reality. Even if a cultural identity has no visible shape, the cultural identity cannot be denied. *Sen* claimed as below as criticized communists: "That may be plain enough, but it is important to see that this illusion receives well-intentioned but rather disastrous support from practitioners of a variety of respected—and indeed highly respectable—schools of intellectual thought. They include, among others, dedicated to communitarians who take the community identity to be peerless and paramount in a predetermined way, as if by nature, without any need for human volition (just "recognition" —to use the much-loved the concept), and also unswerving cultural theorists for partition the people of the world into little boxes of disparate civilizations."²⁰⁰

Sen's argument, of course, is meaningful as a warning to the side effects of overemphasizing the role of cultural identity. Let us take 'my' personal case as an example. Since 'I' have a Korean nationality and have followed and inherited Korean customs and traditions, 'I' would share a certain common sense with other Korean. *Sen* calls such a mistake as something like an illusion. In this context, his insights as such have to be also recognized. This is because the fact cannot be ignored that 'I' am a Korean but a philosopher and a resident of Germany, as *Sen* points out.

Sen claims: The classification by civilization stops us from respecting other different ways of classifications. Such ways of classifications include the distinction between the poor and the rich, the distinction between different social classes and occupations, the distinction between people of different political beliefs, the distinction among people of different nationalities, the distinction of people from different residing regions, and the distinctions between language groups.²⁰¹ Such a claim is precisely in line with the discussions on civilization conflicts. In addition, his point is genuinely applicable to the era when the topic of dialogue between civilizations was the main subject. However, it is half right and half wrong in the current era when the negative effects of high globalization are covering the world. That is, as he pointed out, the classification according to civilization may have been an illusion. Rather, the other classifications he listed are accelerating

²⁰⁰ A. Sen (2007), *Identity and Violence - The Illusion of Destiny*, Penguin Books, p. 4.

²⁰¹ *Ibid*, pp. 10-11.

and intensifying conflicts. Moreover, these conflicts are found in different cultures and are extremely expressed within a particular culture.

The concern as of today is the question of how it is possible to create a new culture through revolutionary change. At the same time, the question concerns how to effectively overcome the obstacles of relativism among different cultures with *weak incommensurability*. Creating a new culture in this context does not mean creating a new lifestyle or tradition at all.

4.3. Overcoming *incommensurability* and mutual recognition

William J. Talbott, in his book of 'Which Rights should be Universal,' argues that Western society has had no tradition of respect for human rights and that human rights in Western society have developed only relatively recently. This can be seen from the Christian tradition of the exclusive 'intolerance' of Western society. Moreover, such is suggested that the rule of the absolute monarchy has even continued to modern times.²⁰²

Talbott further points out the issue of cultural imperialism argumentation. In this context, he harshly criticizes so-called extreme moral relativism, which claims, (1) each culture has its own norms and values; (2) it is inappropriate to judge members of one culture according to the criteria provided in another culture; (3) Members of one culture should act freely according to their cultural standards.²⁰³

As we have seen earlier, effective dialogue or communication between two different cultures does not seem easy unless such different cultures with incommensurability to each other do not go through some creative changes. It is difficult to impose one moral value on its members in a pluralistic society; much more difficult to assess one moral value between different cultures. It can be regarded as the *Tower of Babel* of our time.²⁰⁴ Likewise, suppose the lifestyle of one particular culture is forced to the people who have lived with completely different cultures without minimal understanding or tolerances, such a pressure is also a manifestation of the idea that only 'you' are right or the truth.

Talbot presents the principles of cultural relativism to inherent norms as a candidate principle of universal morality. According to this, members of a culture must be free to act according to their own cultures' intrinsic norms. Therefore, there is no moral basis for a member of one culture to criticize

²⁰² W. J. Talbott (2005), *Which Rights should be Universal?* Oxford University Press, pp. 41~43.

²⁰³ Ibid, p.99.

²⁰⁴ J. Sacks (2003), *Dignity of Difference: How to Avoid the Clash of Civilizations*, Bloomsbury, p. 201.

another culture's inherent norms. However, he evaluates that although these principles provide some basis for universal rights, they simultaneously create some difficult problems in the relationship between groups and individuals. In connection with the fact that some cultures have inherent standards that do not respect individual human rights, cultural relativism to such ingrained norms means cultural relativism to human rights.²⁰⁵ It is not easy for outsiders to evaluate other cultures'²⁰⁶ inherent norms, but it is undeniable that universal moral judgment is necessary. No matter how different the history, customs, and lifestyles they have, such difference is never trespassing or comparable to significant boundaries between human and animal.

4.4. Recognition theory

It is never an easy task to create a righteous structure of life within one society. Such a righteous structure of life begins by recognizing the need to actively associate one's freedom with that of others. Also, as the nature of freedom, which was enjoyed was the mainstream view of the past, we must escape from the flow of thinking that only someone's involvement is the nature of freedom. That is to say, if we recognize that the difference between 'my' ability and the ability of others is not righteous, the difference in the freedom that can be derived from the difference in ability is likewise not justified by the difference in our ability.

A question can be raised: Is it already fully agreed that state intervention must be implemented to ensure individual freedom? I would say yes, but there are still many who would deny this at the same time. According to them, state intervention has to be minimized even in such cases. Apart from their claims, another question should be asked about the basis where the state has to recognize the right to life of children with disabilities or their families and intervene there. The questions are: what could be the basis for legitimate intervention of the state? In other words, can a state intervene individual judgments or attitudes? It is possible to limit individuals' lifestyles through legislation and arrangements of institutions,

²⁰⁵ W. J. Talbott (2005), *Which Rights should be Universal?* Oxford University Press, pp. 39-47.

²⁰⁶ To avoid ambiguity, normative meanings of the term "culture" should be distinguished from descriptive meanings. Under the descriptive meanings, the term "culture" is understood comprehensively as covering knowledge, beliefs, customs, arts, rituals, religions, and architecture, etc. Nevertheless, the term "culture" as the object of judgment in this sense has normative meanings, which can be understood as value system (as defined in the Section 1.2. of Chapter 1 in this thesis).

but it will take a long time until they can affect individual judgments or attitudes.

The state can intervene mainly from two perspectives. First, they can directly support children with disabilities based on the criteria of discrimination regardless of their own choices. Such support can include physical assistance to the disabled in their activities and the removal of devices or elements that harass people with disabilities within the society. This direct support could provide an opportunity for people with disabilities and their families to regain a certain level of 'good life.' The second is to try to make efforts to eradicate discrimination in society. This is where the concept of recognition is needed. Successful self-realization of individuals is essential to a 'good life.' All individuals must be respected as ends in themselves, who share the same homogeneity of being humans.

Nevertheless, that does not naturally consider the differences that each individual can have with each other. Therefore, when recognizing these limitations, an ethical position to protect individual specificity becomes critical. Suppose the principle of justice of treating all people equally is distorted by equal treatment among majorities who share a specific identity. In that case, such a principle of justice could exclude as well as oppress those who are minorities vulnerable groups such as women, immigrants, sexual minorities. In that sense, it is necessary to go beyond merely looking at others' existence as universally and evenly. Further, it is needed to respect the differences that others have, and recognize them as they are. Therefore, if such a limitation is premised, the ethical position to protect the individual's specificity appears as 'the other' of justice. Suppose the principle of justice, which treats everyone equally, is distorted by equal treatment among most people who share a specific identity. In that case, the principle of justice is neglecting the exclusion or oppression of 'others' such as women, migrants, homosexuals who belong to minority groups that do not belong to society's mainstream.

If particular identities are elevated to universal humanity, other identities owners may lose their equal status as human beings. Racism or the sexual objectification of women does not recognize others as subjects with the same personality as 'myself,' but as objects or things. The concept of reification can be called as a 'habitual observational attitude.' The attitude of treating others indifferently without any feelings as if dealing with objects or things is the attitude regarding the mutual subjective relationship of humans as objective relationship with objects. What is essential with such an attitude is not the intrinsic qualitative personality of

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persons but the quantitative characteristics of objects.²⁰⁷ The objectification of 'others' will be one of the primary sources of discrimination within the capitalist society that we can easily encounter. Going one step further, *Habermas* makes a paradigm shift in identifying social relations among different subjects by regarding communicative rationality as the basis of the constituting social critique model. Human reason is not related to the object in terms of recognition and action. Rather, it refers to the ability to communicate with other subjects about the object of recognition and action. Such communicative competence is achieved as a form to integrate the actions of each other through the formation of agreement with others. Therefore, as assuming the relationships between the different subjects, human social relations are not functional relations for dominating other objects. Rather, it is more like the agreement building relations through verbal interaction.

After all, *Habermas* has offered an alternative of making reconciliation between humans based on communicative reason. And the communicative reason is seen as a central axis of social criticism model to the ills of modern society. Furthermore, in this society, the conflicts among different social classes have deepened so that humans are objectified merely as functional factors of social systems.²⁰⁸ In order to form agreement and consensus with others, it is vital not to look at the other person as an object or a thing. The other persons should also be respected as the same person who has their personalities as 'me' and needs some positive feedback for their self-realization just like 'me.' Communication was crucial to *Habermas* for the sake of affirmation. And, it became more important to analyse the universal as well as primary conditions of possible verbal behaviour for effective communications, namely the analysis based on the validity of verbal behaviour.

Mutual recognition between individuals is often experienced around us. For example, we experience love from our mothers when we are young. When we realize that her love is unconditional, we become very sad because our mothers are already old and their beautiful appearances as we remember from our childhood are already gone. Almost without many other exceptions, men experience their first recognition from their mothers. And childhood experiences with peer groups are struggles for recognition

²⁰⁷ For further details, see 'A. Honneth (2005), *Verdinglichung. Eine Anerkennungstheoretische Studie*, Suhrkamp, pp. 61-75.'

²⁰⁸ Do-Sik Suh (2006), *From Habermas to Honneth Recognition-theoretical Turn of the Frankfurt School's social critique-model*, *Journal of the Society of philosophical studies* 73, p.130.

within the social range of experiences outside the family. And by going to school and competing in it, they are driven to a new recognition struggle through their parents' and friends' relationships.

Recognition inside the family is mostly a process for 'me' to be recognized until 'I' will have my own family. It would not be an exaggeration to regard the process of the efforts for the recognition from the parents as a history of a person's life as it is. The opposite will come within the family when 'I' become a parent to be in the position to recognize someone else. Such recognition has to be acknowledging someone else as its existence. In other words, this recognition should come without any other preconditions. This process of recognition is an individual's history and a part of the history of mankind to some extent. As practicing to recognize others not as objects but as subjects, individuals tend to end their lives without completing the task. In that sense, it actually could be a too big dream to be able to recognize others as a full subject completely.

The struggle for recognition at the individual level has a similar meaning among scholars, although different scholars have different expressions. It tells us what a true attitude we should take practically about the world. Whether things or people, we should never observe any beings only objectively from any cognitive distance. Rather, we should take an attitude that identifies those beings emotionally as ourselves. It is also important to note that such kinds of recognition processes will eventually reach the community level. Recognition at the individual level does not appear as recognition at the social status through simple individual-level recognition collections. This is because their characters of both levels have changed so much in the age of modern capitalist globalization. It is no longer when the expansion of small-town communities in the past became a state. For this reason, the process of individual recognition is different from that of civil society in its characteristics. The process of recognizing a group in society as a subject is most likely to fall into a mere perception.

The process where males recognize females not as objects but as substantial subjects requires completely different abilities even though the mothers of males are also females. In this process, the community's culture, instead of the market exchange system, plays a very important role in recognition of citizens' individual values and abilities. Motivation makes individuals define themselves as independent persons and be proud of their values and abilities. The source of such motivation is not the interaction of individuals that occurs in the exchange of market systems. Rather it is the community power that gives the individual the ability to act independently. This community's power is not restored through the simple interactions of individuals. Nevertheless, it can be a source of motivation for individuals

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to realize themselves. At last, it helps individuals to live a good life in a fragmented modern society. Community power means that the people's living power normatively institutionalized within the political system can fully function amongst humanistic deliberation and discussion.

If so, more practical considerations are needed on how personal recognition can be achieved within the community. Class inequality or economic inequality and status in society are so intertwined that focusing only on them will have limitations in such approaches. Of course, the deprivation of recognition opportunities resulting from economic inequality is still profound. However, it has been long since cultural domination reached the point where it can no longer be seen as an unexpected problem caused by economic inequality. The deprivation of social recognition from the inequality of economic opportunity is becoming more structurally fixed. In addition, the struggle for the basic standard of living has been continued. Meanwhile, such deprivation of social recognition stemming from the discrimination of economic opportunity has become a key task for society to solve class inequality.

Politics of redistribution and politics of recognition have indeed been developed separately from each other. Such separate development is told by the birth of cultural politics as well as politics of difference. Some who advocate egalitarian redistribution may reject the politics of recognition and view the demand for recognition of differences as an obstacle to the pursuit of social justice. Conversely, some advocates of recognition politics look down on the politics of redistribution. They see redistribution policy as obsolete materialism that neither reveals nor challenges the experience of a major injustice. The main ground of such argumentation is that economic egalitarianism, insensitive to differences, fails to package justice for minorities and women.

Thus, we eventually face the moment to choose this or that. Which is: Redistribution or recognition?²⁰⁹ The redistribution paradigm pays attention to the injustice deeply rooted in our society's economic structure and takes specific examples of exploitation and economic marginalization. Therefore, the following prescriptions deal with economic restructuring as their main tasks. The deprivation of economic opportunity is an essential source of problems in social discrimination. It also contains important issues such as economically exploited working class, racial discrimination, women as workers, and discrimination against immigrants. Differences of

²⁰⁹ N. Fraser (2003), *Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation*, IN: N. Fraser and A. Honneth (eds.). *Redistribution or Recognition: A Political-Philosophy Exchange* (London: Verso), p. 8.

groups are not some intrinsic attributes of the group itself, but rather from the social construction of the unfair economy. After all, the claim that differences among groups should be eliminated without being acknowledged has played an important role in the discussion of how to correct the injustice system of a society for quite a long time. On the other hand, the view that the deprivation or restriction of participation opportunities in communication due to cultural domination and disapproval or non-recognition is regarded as injustice. And such injustice emerges as an essential theme where respect and recognition of cultural diversity are emphasized. The perspective of cultural diversity is to value highly the identity and the group's products that have been under-evaluated or neglected so far. Furthermore, the view is to recognize cultural diversity, and to give more positive value to such diversities.

The ultimate goal is to transform the whole society into adapting communication so that everyone can change their social identities. Thus, the suffering group can be defined not only by the relations of production but also by recognition concerns. For example, ethnic minorities, sexual minorities, and women's groups have been discriminated against by non-mainstream and minorities. Such discrimination occurs in most societies with some differences from each other, regardless of the extent of economic development. The discrimination may also have a political and economic background for fixing cultural backgrounds or traditions and economic inequalities. This cultural domination-controlled relationship has adequately functioned as a tool for fixing social inequality, and the question of recognition is no longer a marginal issue.

According to Fraser's 'status model of recognition,' to see recognition as a matter of justice is to regard recognition as an issue of social status. This requires exploring how institutionalized cultural value types affect the relative position of social actors. If that type constitutes actors as peers who can equally participate in social life, reciprocal recognition and status equality could be actively discussed. On the contrary, if institutionalized cultural value types make some actors inferior, exclude them, make them battered or invisible, fall below a full partner who can participate in social interactions. False recognition and status dependence are the next themes discuss.²¹⁰ Recognition is a condition for equal participation in social interaction, and a society that does not have or accept distorted recognition is a society where equal participation is impossible. The prerequisite for

²¹⁰ N. Fraser (2003), *Social Justice in the Age of Identity Politics: Redistribution, Recognition, and Participation*, IN: N. Fraser and A. Honneth (eds.). *Redistribution or Recognition: A Political-Philosophy Exchange* (London: Verso), p. 29.

social justice as well as the self-realization of individuals is recognition. Not being recognized by others or being disrespectful means that prerequisites for normal communications at the individual level are collapsed. At the same time, if people are not recognized, they will not make any more efforts possible to pursue what is socially right and to eliminate discrimination.

Fraser's recognition status model justifies recognition claims as morally binding under the modern condition of value pluralism. Under such conditions, there is not only one universally shared concept of self-realization or good life, nor can it be established authoritatively. Therefore, any attempts to justify an assertive advocate of self-realization or the concept of a good life can be inevitably sectarian-related.²¹¹ A just society needs an atmosphere where all members of society can interact and communicate with each other. Equal participation is thus significant. False recognition occurs when objective conditions for fair participation are not established. The distribution of material resources should be able to ensure the independence and voice of the participants. Besides, institutionalized cultural value types must express equal respect for all participants and ensure equal opportunities to obtain social values.²¹² The purpose of recognition is not to be recognized for my unique identity. There must be mutually subjective conditions for equal respect for each other.

Fraser argues that we must accept that there is a concept of the good life in each sector in a pluralistic society. In this situation, it is hard to accept the argument that a certain group's cultural identity should be acknowledged because it guides its members to a good life. It is because such an argument could not only fall into the problem of relativism but also to risk separatism. Suppose it is necessary to recognize the cultural identity of a particular group. In that case, it is more precise to promote equal participation rather than to achieve the good life that is unique and original to its members.

The important thing is to resolve status-dependent relationships within the community, not to ensure self-realization. If the subordinate status of that group can be improved because a group's unique cultural distinction is recognized, it should necessarily be so. Only accreditation requests that promote equal participation can be morally justified. However, there is no use if the cultural identity which is unique to the group is recognized if one is denied a common humanity.²¹³ Through the common humanity, one can participate equally as a member of social life. Recognizing each group's

²¹¹ Ibid, p. 30.

²¹² Ibid, p. 36.

²¹³ N. Fraser (2001), *Recognition without Ethics?* Theory, Culture & Society 18 (2-3), pp. 30-31.

tradition as a good life in the name of counteracting the common sense of injustice pervading social institutions is not a proper problem-solving approach. But rather, it is necessary to make every effort to realize universal principles. Such universal principles could reorganize the cultures and institutions of injustice that are included in tradition into the way of justice. That is the culture of equal participation. Equal participation is like a shout of sharp criticism for eliminating the old system and evil habits brought by mankind in the past.

However, such arguments of *Fraser's* seem to be too far from the self-realization of individuals or the concept of the good life and social justice. As *Fraser* argues, disapproval plays a role in strengthening cultural domination. Justice of the society, then, should eventually be seen in the sequence of individual self-realization. There should be many ways for the individual to fulfil the self-realization. The most crucial basis in modern culture is the recognition within the society. Especially for the minority or the discriminated class, self-realization is considered as the most important. After all, if the justice at the individual level is not justified, the expansion of the debate on social justice becomes inevitably more difficult.

Mutual subjective acknowledgment or recognition becomes a condition for an individual to fulfil self-realization after having positive self-consciousness freeing from external coercion or internal fear. Considering that a specific group's social recognition is eventually possible for solidarity, recognition at the individual level becomes very important for the solidarity for such recognition. Individuals get easily hurt when their positive response to one's expectations of others is frustrating, making it impossible for the person to fulfil self-realization as well as positive self-consciousness successfully.

On the other hand, the experience of being recognized by others gives the individual a positive self-consciousness and eventually realizes his life without any fears. If you think that a happy life is the same as a successful life, self-realization, acknowledgment, or recognition is a condition of happiness. And this happiness allows an individual to be satisfied with himself and live his life without any hesitations. What matters is the act of acknowledgment being the evaluation of an individual's identity, not any formal principle or compliance with the normative order. The rational criterion for correct acknowledgment is not about whether a certain normative order is legitimate but about which personal attribute or form of life is worth it. Therefore, it is fundamentally a matter of representation of good life and personal choice and determination about such a good life.

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One of the very tricky questions raised here is whether the state can advocate or prohibit certain values and their basis. In that context, *Habermas's* distinction, as follows, is very significant and meaningful:

“In contrast to ethical deliberations, which are oriented to the telos of my / our own good (or not misspent) life, moral deliberations require a perspective freed of all egocentrism or ethnocentrism. Under the moral viewpoint of equal respect for each person and equal consideration for the interests of all, the henceforth sharply focused normative claims of legitimately regulated interpersonal relationships are sucked into a whirlpool of problematization. At the post-traditional level of justification, individuals develop a principled moral consciousness and orient their action by the idea of self-determination. What self-legislation or moral autonomy signifies in the sphere of personal life corresponds to the rational natural-law interpretations of political freedom, that is, interpretations of democratic self-legislation in the constitution of a just society.”²¹⁴

Of course, it is hard to justify state intervention only with this. Although universal morality could be applicable to all, the conflict with ethics to exist in the group's unique culture would not be totally lost at all. Such distinction could be a clear criterion for how to view the relationship between the state and individual moral or ethical choices. But still, the conflict between individual preferences and state intervention remains a problem, and this issue has not yet been resolved. Also, the remaining question is how to establish universal moral principles. The conflict between personal ethical principles and universal moral principles is due to the presence of sharply conflicting issues such as abortion and homosexuality. It is evident that universal moral principles cannot be compelled to accept without any conditions for an individual with other ethical principles. If the reason is asked why such an individual cannot accept something, or if someone claims that making agreement on a certain issue is even unnecessary, such attitudes could be another meaning of moral imperialism even if it is insisted as universalism.

It is quite apparent that the diversity of ethics due to cultural differences cannot be the basis of discrimination. It is hard to ignore the possibility that a strong universalism to require no consensus can be some arrogance from the cultural background of those who claim it. Although the consensus is not necessary, in fact, most of today's universally recognized human rights are the products of consensus arising from reflections on human errors in the past. Certainly, it cannot be denied the coincidence of

²¹⁴ J. Habermas (1996), *Between Facts and Norms*, Polity press, pp. 97-98.

the historical situation and the specificity of the cultural context in which the idea of human rights emerged in the West.

However, to see and understand the idea of human rights only in terms of occurrence is, from the ideas of the West or from the standpoint of the West, to know the adequacy of human rights ideals too insignificant. Consensus, of course, is only a process of estimating legitimacy, but it does not in itself mean legitimacy. The values of justice, equality, and freedom are to be found through consensus²¹⁵, and sometimes consensus can deviate from the values or get lost in the process of searching for the values. If we are to follow one outstanding leader's guidance, we may be lucky to reach good legitimacy. However, there is no reason for everyone to follow, and there is no justification for such. Even if it is not a general agreement, a little expansion of the area where a certain amount of agreement is possible will be a way to harmonize good life with what is right.

4.5. Increased communication reasonableness and recognition

This section is to discuss what communities or societies mean in the recognition discourse. The question arises why the recognition in our individual lives is not achieved by the recognition of society or community. The reason is that *Habermas's* second stage social outlook is constructive for such an analysis. In short, the idea of *Habermas* is that the rationalization of society should not be confused or reduced with the rationalization of the system²¹⁶. According to him, the proper perception of modern social development depends on understanding the world and systems of living. The level of social development goes with the degree of rationalization of the lifeworld ('Lebenswelt').

The development of capitalist market economy system must be accompanied by the conditions of judicial rationalization and administrative system arrangements. Such conditions define the relationship of rights among private individuals. Hence, the system's smooth operation responsible for the material reproduction of society depends on how much of the members' lifeworld preconditions can be fulfilled. In this way, the lifeworld organization, that is, the lifeworld's rationalization shows the degree of social development. Unlike in the past,

²¹⁵ Descriptive meanings of the term "consensus" may mean simple agreement or decision generally accepted and agreed on. Nevertheless, in this context, "consensus" should be understood more as normative meanings. Under the normative meanings of the term "consensus" is likely to be based on the shared understanding reached by the people.

²¹⁶ J. Habermas (1995), *Theorie des kommunikativen Handelns*, Bd. 2, Frankfurt/ M., pp. 230-231.

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the maintenance of the national system and the world of living became closer. Accordingly, the rationalization of the system has led to the rationalization of human life. In addition, according to modern society's functional specialization, some of the systems of action are self-reliant in the integrated social action area based on the values and mutual understanding of the life world.

So society is regarded as a lifeworld and a system. The realm of the social system is the realm mediated by money or power, and the living realm of its members is the realm of language. It means that the mechanism of action coordination is composed of two different layers through such mediation. As the first floor comes first and then the second floor can be established on it, the lifeworld as the socially integrated order is given as the fundamental order. From there, the social system as the socially integrated order is derived from the rationalization process.²¹⁷ As system complexity increases and the rationality of the lifeworld grows, the system and the lifeworld are distinguished from each other. In particular, rationalization of the lifeworld is the process of unlocking the potential for the rationality of communication. The unity of the lifeworld means that the conditions of social integration are moving away from the traditional values and norms. Furthermore, such conditions are increasingly transferring into the process of linguistic consensus formation. The value of better argumentation increases and the conditions of consensus-building depends on its authority.

Lifeworld is revealed in daily practice from members of society, in particular, the real and overall culture of the society. Social-cultural reproduction, which is not material reproduction, is maintained through the members' communicative actions. Therefore, the whole lifeworld is like a continuous network of autonomous communication activities. In this very life world of society, members of the society who pursue mutual understanding have the normative power that regulates or criticizes their daily interactions. The root for this is inherent in the rationality included in communicative actions related to the normative potential that constructs and sustains the life world.

'Communicative action' is an interest-oriented action that tries to understand human thoughts and actions, unlike strategic actions. This understanding-oriented act is the one of interacting with each other. And, through the performance of interaction, the listener and the speaker reach

²¹⁷ J. Habermas (1995), *Theorie des kommunikativen Handelns*, Bd. 2, Frankfurt/ M., p. 230.

the level of mutual subjectivity.²¹⁸ This assessment of the rationality of the lifeworld has surprisingly similar commonalities in different cultures. After all, we have a process of continually understanding through dialogue with someone else. This is purely to try to 'understand' the other, unlike when it is a strategic action.

When the counterparty treats 'me' with such rationality, it can be well known that we have a lot of room to solve the problem between the two, or the issues which the community of the other party confronts. Rationality inherent in the acts of dialogue is different from rationality as a means. When dealing with another person with some kind of purpose, the person will be unpleasantly looking at such behaviour, and genuine communication meanings will no longer be possible. Perhaps for such an analysis to be possible, a society where capitalism has been around for a long time would have comparative advantages. If the system of capitalism is well established in everyday life and thus deeply affects the lifeworld, the room for strategic action increases. And, the rationality of the life world is bound to be subordinated.

This subordination leads to the lifeworld crisis, which has the effect of breaking down the distinct boundaries between the system and the lifeworld. The spectre of expanding instrumental rationality diminishes the communicative behaviour in the life world. If communication behaviour continues to shrink, the public sphere, the realm of the lifeworld, will also shrink accordingly. Will the expansion of the realm of the system beyond the intention of the individual and subordination into it make all the reflections of our past disappear?

Although the process of rationalization of the lifeworld made it possible to increase the system's complexity, the system's orders liberated from the lifeworld due to the excessive growth of such complexity have destroyed the capacity of the lifeworld instrumentalized by the system.²¹⁹ That is to say, the colonization of the lifeworld means that the mechanism of action coordination and the principle of socialization are replaced by the system's mechanism and socialization principle. Therefore, the reproductive function of the society, which the lifeworld inherently has, fails to play its role. To explain this easily, mutual recognition between individuals does not lead directly to a culture of recognition in society or community. This phenomenon causes the complexity of capitalism to penetrate deeply into the world of life, namely, our individuals' lives, to lose the ability to transfer

²¹⁸ J. Habermas (1995), *Theorie des kommunikativen Handelns*, Bd. 2, Frankfurt/ M., p. 28.

²¹⁹ *Ibid.* pp. 232-233.

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mutual understanding or empathy into the system. Substituting such a view into reality is not a difficult task. It is easily found too frequently. As the system's influence on the life world has deepened, social conflict has changed a lot unlike the past, but the rationality of communication among members is changing accordingly.

Every community has an ethical environment that creates differences in the lives of members of the community. Within a community of ethical standards that discriminate against women, the parties, as well as the parents raising the daughter, cannot be free from conflicts for the future of the daughter. Some believe that the differences between those two societies²²⁰ actually harm them. For example, they think it is much harder to raise their children to absorb the propensities and values they recognize by themselves.²²¹ It is not possible to maintain the community only by not harming other people. In the colonized life world, it is no longer possible to expect empathy or mutual understanding from others, and this creates a community with an ethical environment that is completely different from what was passed on as a culture and what was done at the individual level. Those who are in the original position need to be assumed that they are rational²²². No one will accept such a position if the original position is unfortunate. Thus, the original position means quite a hypothetical situation. Although the feeling of morality is not only a topic on individuals' level but also on social level, we tend to force ourselves to feel that the feeling of morality is a topic on individual's level. Such feelings are not sensed when we are primarily in the situation where the original position is unfortunate. So many people may refuse to think about the original position intentionally because the originally unfortunate situation did not happen to 'me.' It is no different from the belief that my successful life is due to my ability and that it has nothing to do with the social atmosphere or the environment. In other words, when we meet sexual minorities around us, we may not feel many objections to them. It is because such a thing happened on a personal level. If it is extended socially; however, if the ethical unit is extended to society or group rather than to an individual, it is not easy to go against the culture and ethical atmosphere of society.

²²⁰ For example, one society criminalize same sex relations between consenting adults. On the other hand, another society does not criminalize same sex relations between consenting adults. Then, some people will believe the difference between those two societies is harmful to them.

²²¹ R. Dworkin (2000), *Sovereign Virtue - The Theory and Practice of Equality*, Harvard University Press, p. 213.

²²² J. Rawls (1971), *A Theory of Justice*, Harvard University Press, p. 142

Furthermore, individuals who can be exposed to cultures that do not tolerate sexual minorities repeatedly will also colonize their original ethical judgments. Of course, most processes of conflict are left to individuals. Nevertheless, with the advancement of the system, even if the members' lifeworld is not entirely prevented from being subordinated to the system of capitalism, civil society and constitution of the state are interlocked with each other. As civil societies are somewhat voluntary organization and the constitution guarantees their pluralism, that enables true meanings of communication in the end.

Again, instrumental rationality across capitalism and political systems is a global phenomenon. It is also true that this phenomenon undermines and controls the rationality of the essential meaning of communication among individuals. This internal colonization of the lifeworld can be overcome based on democratic autonomy. Paradoxically, the system's complexity is not intended, but it also provides autonomy in the life world. It is not as simple a domination-controlled relationship as in the past. And, now it is not relatively easy to point out which class is the ruling class. After all, the boundary between the ruling and the ruled has become also very ambiguous. However, this complexity should not be overlooked. It can affect the system and subordinate the system through the maturation of autonomous public spheres to transfer autonomous systems into the lifeworld.

4.6. Conclusion

The human sense of justice is inevitably closely related to a good life.²²³ A good life cannot actually exist far away from a right life, or it cannot be given priority to a good life as considering a right life later. The virtual primitive situation assumed by John Rawls serves to facilitate the discovery of moral emotions, which is inherent in humans. Indeed, a good life cannot exist outside the community, but it is clear that individual autonomy is not also a property that can only be manifested within the community. Of course, communities need to intervene in the lives of individuals in certain circumstances. The lifeworld cannot be free from capitalism and power. And, we have experienced that individual freedom can be forgotten in a complex environment and trampled under the name of the community. However, to guarantee human rights and individual freedom, it is necessary to maintain a position different from the existing liberal position to minimize state intervention.

²²³ The definition of 'a good life' can be found in the Section 1.2. of chapter 1 in this thesis.

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This is because, as communitarians insist²²⁴, the classical liberalism representing as *Friedrich Hayek* to minimize state intervention in order to guarantee freedom is to admit that it is ultimately forcing another moral position. The two positions have encountered – on the one hand, the position in the past that state intervention must be minimized to guarantee individual liberty, and on the other hand, the position that state intervention is rather needed to ensure human rights. It is because state intervention and the limitations of individual freedom are not in incompatible conflicts anymore, different from the past position where individual freedoms and rights are believed not to be guaranteed under state interventions. The relationship between human rights and state intervention leads to the question of who can better guarantee human rights, no matter which position is supported. Besides, it can be derived from how the relationship between human rights and a ‘good life’ is interrelated to each other. After all, state intervention is quite necessary to guarantee fundamental freedoms and rights, and such an argument is a deviation from the common debates between communitarians and liberalists. The relationship between human rights and state interventions would be better to be discussed on how the relationship between human rights and a good life is relevant, rather than on arguing which claims can more effectively guarantee human rights.

If people distrust one another in the community, the laws and institutions also have to lose their trust. It is complicated to recognize heterogeneous groups and cultures. It may be similar to some horrible feelings when small children live with strangers in the house, other than the mother they have lived with since birth. Fear of the unknown is very natural to human beings. However, it doesn't take too long until they experience and regard such unknowns as companions and familiar neighbours. Perhaps, that's the history of humankind's recognition of each other towards a good life. Furthermore, it is easily seen that there was always a belief in what was right behind such matters. This belief is that rejecting others means that ‘I’ can also be rejected some other day.

²²⁴ M. Sandel (2005), *Public Philosophy – Essays on Morality in Politics*, Harvard University Press, pp. 133-141.

Chapter 5. Compatibility of Universalism and Pluralism

This chapter will point out the limitations of the 'Asian values' debate, focusing on *Habermas* and *Benhabib's* position on *deliberative democracy*. Many scholars from many countries, including South Korea, have discussed *deliberative democracy*. Nevertheless, there has never been a critical review of the 'Asian values' debate from the perspective of *deliberative democracy*. Criticism and reflection on the 'Asian values' discussed in earlier chapters will naturally occur through the processes of introducing and understanding *deliberative democracy* in this chapter.

5.1. Criticizing 'Asian values' from the standpoint of deliberative democracy

5.1.1. Should the State be neutral?

Is promoting a good life the role of the state? The decision to make a good life lies in the realm of the individual, not the state. The state is actively responsible for self-inhibition, having the obligation to impose as self-constraint. 'Asian values' seem to be the exact opposite of this claim. This debate's very heart is how far the government could intervene in the activities of individuals who make decisions on what is a good life and in such life itself. However, the 'Asian values' debate has replaced all of such arguments with a matter of economic development.

The argument that freedom can be achieved by transcending one's desires and pursuing reason is relatively old. This argument presupposes that human beings are not rational in their natural state. Freedom means that an individual becomes and acts as the master of their life. But in natural states, people will not orient towards such freedoms. Therefore, genuine meaning of freedom can be obtained by agreeing with the obligations which were voluntarily imposed by individuals in pursuit of the common good. However, contradictions can arise when the whole group's will be forced on the group members in the name of higher freedom after rational individuals have agreed. To resolve this contradiction, *Berlin* argued that it is necessary to distinguish active freedoms from passive freedoms. He further argues that the state need to be strictly neutral among particular values or certain worldviews in order to guarantee passive freedom. However, *Sandra Fredman* argues that the problem with conclusions that

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assert such passive freedom lies in the assumption that the state can be value-neutral.²²⁵

Nevertheless, the role of the state in pursuing what is right remains as a problem. In particular, what grounds are to be used to determine the matters that the state should not intervene with. In these areas, it is reasonable and necessary to ensure the pluralism of values in order to maintain equality and freedom within various societies. Here arises another question: concerning which matters can the state advocate or prohibit certain values? Do 'Asian values' differentiate between where the state should intervene and where not? One solution to this critical problem is to distinguish morality from ethics. Even if the two are distinguished, it is not easy to establish universal moral principles. However, such distinction helps resolve some conflicts between the state and universal human rights that would occur in many cases.

Regarding this distinction, *Habermas* claimed as:

"The modern ideas of *self-realization* and *self-determination* signalled not only different issues but two different kinds of discourse tailored to the logic of *ethical* and *moral* questions." ²²⁶

The demand for self-critical interpretation and evaluation of life lessons has emerged in individuals and communities from lifestyles, specific life histories, and traditions shared inter-subjectively. As a result, the ethical discourse has become inevitable. On the other hand, the object of moral discourse is a fair regulation about conflicts of conduct. Thus, the moral discourse is considered as universal, and it is difficult to change. Unlike ethical considerations aimed at 'my' or 'our' good life, moral considerations target principles free from self-centeredness or nationalism. What problems do 'Asian values' encounter when applying such a standard?

One claim of 'Asian values' is 'non-liberal democracy'. These two somewhat contradictory constituent words – 'non-liberal' vs. 'democracy' – prioritize morality while ignoring individual ethical decisions. Proponents of 'Asian values' have insisted that individuals' or groups' ethical choices are always below and subordinate to the state's moral principles. After all, the advocates of 'Asian values' consider that democracy is fulfilled on the premise where individuals follow the morals pursued by the state. It is argued that this tradition is the value that could accomplish the development of the national economy. Of course, the individual's ethical

²²⁵ S. Fredman (2008), *Human Rights Transformed*, Oxford Press, p.20

²²⁶ J. Habermas (1996), *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Polity Press, p. 95.

choices sometimes fall below and are subordinate to moral principles. Does the state have the responsibility to intervene when moral principles become more important than an individual's ethical principles? It is only possible when someone's ethical decisions violate another person's right to be respected equally.

However, it can be seen that such a passive role of the state is gradually expanding in modern times to ensure the active protection of human rights. In the past, economic, social, and cultural rights have been difficult to proactively address and guarantee due to *indeterminacy* and the problems of available effective resources in each country. In particular, the strong challenge to human rights was the assertion that the government's positive duty to guarantee fundamental rights should be left to political decision making in each country. This argument is valid given that there are no specific standards regarding the extent of individual needs to be fulfilled in social contexts. However, this objection can serve as argumentation and reasoning for fundamental social rights and civil and political rights. After all, the preservation of human rights according to specific situations of each country is difficult to explain according to one simple standard.

We consider human rights exceptional not because of the different kinds of lists, but because of the core characteristics of human rights. According to *Freedon*, human rights are conceptual tools that serve as 'protective capsules' to prioritize and protect the human and social attributes which are deemed necessary for human existence above all other values.²²⁷ Such metaphor of 'protective capsules' clearly illustrates the state's minimum core obligations, in the face of the objection that particular values or traditions can withhold human rights.

Thus, Confucian democracy's claim that a good government can be constituted and a certain level of individual freedom can be reserved overlooks the state's minimum core obligations for guaranteeing human rights. Instead of requiring specific standards for good government or good governance, priorities are more important issues to discuss. The minimum state obligations that are considered the most important and critical countries can certainly not be pushed back.

5.1.2. Do 'Asian values' guarantee women's rights?

The relationship between 'Asian values' and democracy has been defined so far by way of finding democratic elements in Asian tradition or culture or looking for solutions to the problems of modern democracy. Such an

²²⁷ M. Freedon (1991), *Rights*, Minneapolis: University of Minnesota Press, p. 7.

approach is no different to that of advocates of 'Asian values' who consider that they can realize a good life for individuals through preventing social disorder. That could be overcome by looking for communitarian elements in Asian tradition and some alternatives to those of the advocates of 'Asian values.' Maybe in the Korean academic world, some representative cases can be found. As in *Habermas's* public sphere, the politics of the public sphere existed in the Joseon Dynasty, which was the Korean dynasty from the end of the 14th century up until the beginning of the 20th century.

According to this position, which applies the public sphere as the evidence of the Confucian modernity based on the concept of Confucianism, the core of the modern sphere of *Habermas* is as follows: public authority, which was exclusive to the feudal system, and the public opinion of this group of people, which influences the direction of national policy. It is also claimed that the place where the more modern public sphere first appeared was not Europe but China. After all, China is the birthplace of the modern-level public sphere, which greatly surpassed the early modern Confucian public sphere level.²²⁸ Above all, Korea has experienced military dictatorship, and dictatorships as well as authoritarian political systems are partly advocated in the name of 'Asian values' in Asia. Therefore, in both Korea and in Asia, we must reflect on what political implications from the interpretations of the following history.²²⁹ Particularly, South Korea has experienced military dictatorship, and dictatorships and authoritarian political systems are supported under the disguised name of 'Asian values' in Asia.

As discussed above, the significant problem with the effort or approach to finding commonalities of modern democracy originated in the West. Therefore, in the traditions and institutions of pre-modern East Asia, it is paradoxical to analyse the values of the West and 'Asian values' from the dichotomized point of view. After all, one cannot help but wonder if such a presupposition made it difficult to overcome the conflicting dichotomy. Such an approach is based on finding some advantages and complementing problems presupposing superiority and inferiority. It is also far from the approach in modern civil society in which the public discussion has mainly only taken place within the group of Confucian scholars.²³⁰ Civil society is distinct from the state, economy, and other social functional systems and

²²⁸ Hyung-Sik Yun (2013), *Habermas's Concept of the Public Sphere and the Gongnon of the Neo-Confucianism*, Korean Society for Social Philosophy (26), pp. 123-124.

²²⁹ *Ibid.* p. 155.

²³⁰ The group of Confucian scholars in the Korean history refers to a collective of bureaucrats and scholars who have a political power, focusing on the Confucian studies in the Joseon Dynasty.

is composed of various non-state and non-economic associations. They perceive social problems in their everyday lives and transfer those issues to the public sphere by publicizing them.²³¹

Furthermore, if a group or a society claims their own identity too vigorously, especially in the age of multiculturalism, that could lead to old or new conflicts. This is the question of how to accept discrimination in minority cultures within the group. The issue is fundamental and essential, especially for the advocates of 'Asian values.' They come to insist on the inherent value of Asia against the West and are silent on or persists in discrimination against minorities in Asia. Could a patriarchal Confucian culture be a culture that has been allowed to receive the permission of obedience from women? Unfortunately, it is hard to find any discussion about this in the 'Asian values' debate.

Most of the 'Asian values' debate was quite confined to the relationship between economic development and the Confucian culture, and most attempts to overcome the limitations of the democracy in the West through Confucian democracy. In the end, while they insist on 'Asian values,' they focus only on the cultures and institutions in the West. The advocates of 'Asian values' have remained silent to the contradictions and discriminations inside Asian society. If we accept culture as a given condition that cannot be selected while not recognizing individual choice, minority groups, or cultures within the society cannot help avoiding being discriminated against. Here, the critical question is: Could the subject refuse the autonomous choice of women or minority groups, which conflict with the assertion of the social identity represented by multiculturalism? In other words, could the subject reject some attributed culture or accept it through a whole new interpretation?²³² *Benhabib* raised the question about this issue as follows:

“Focusing on the dilemmas of multiculturalism and women’s issues in countries with pluralist traditions, I will argue that as long as these pluralist structures do not violate three normative conditions, they can be quite compatible with a universalist deliberative democracy

²³¹ Myoung-Hag Chang (2003), *Habermas' Conceptions of Public Sphere and Deliberative Democracy*, Korea Politics Research (12) 2, p. 14.

²³² Sook-Hyun Nam (2009), *The Deliberative Democratic Approach Concerning the Conflict of Multiculturalism and Feminism - Centered on S. Benhabib's Deliberative Democratic Multicultural Politics*, Ephiosophy, Vol. 20 No. 3, pp.447- 448.

model. I call these the conditions of *egalitarian reciprocity, voluntary self-ascription, and freedom of exit and association.*" ²³³

For the most important question since the mid-twentieth century, which has been missing from the 'Asian values' debate, she raised the most questions of multiculturalism and women's issues as referring to the three conditions: even though the individual is no longer able to fully autonomously choose himself or herself as a member of the group due to being subordinated to society's tradition and culture, it is a problem because in the context of 'Asian values' the debate remained silent without looking for some solutions.

5.1.3. Civil Society and Public Sectors

Have we ever tried to draw some consensus around the process rather than the outcome? If it is asked about the most crucial point in the controversy of 'Asian value,' it is probably 'good governance.' That is to say, is every rule of a government or political ideology ultimately for 'good governance'? The key to this question is that we have 'good governance,' in that the process is important for good results.

The problem that we can find intuitively in this question is similar to the problem found in the 'Asian value' debate. It is an individual who has disappeared in the grand discourse of governance. The 'Asian value' as an alternative to overcoming individualism in the West argued by the advocates of 'Asian values' is where the 'individual' lies in Asian society because of the Western essence and the dichotomy of Asian communitarianism. Due to the dichotomy, following questions have been overlooked: what is the position of 'individual' in Asian society like? How can the individual's ability to participate in good governance be obtained? In the case of the individual's ability to participate in the public sphere being overlooked, the problem arises because societies could be made uniform. That is, as it were, *Huntington's* classification of a society or a nation, or a civilization. The absence of the individual's ability to move from one category to another makes it challenging to agree on modern personal and social analysis.

The more cultural differences are emphasized, the more likely the universal principles are undermined and flown into relativism. If too much emphasis is put on the universal principles, there is a problem of being insensitive to

²³³ S. Benhabib (2018), *The claims of cultures: equality and diversity in the global era*, Princeton University Press, p. 19.

differences.²³⁴ This is a genuine issue, so emphasizing one necessarily implies ignoring the other. It should not be abandoned in either way. That does not mean either of them can be easily given up. If universal principles or theories are abandoned while recognizing cultural differences, an unfortunate history of the past is more likely to be repeated. It is an error from dichotomization to consider that only one has to be chosen between universal values and inherent cultural values because the two are incompatible with each other. If the perspective is taken to focus on possible problem that can arise if cultural differences are given up, ignored, or overlooked, it is likely that such ignorance will cause various problem in the future. The theory of democracy has always been developed in the context of tensions and confrontations between the two principles of human rights protection and national sovereignty.²³⁵ It can be seen that 'Asian values' emphasized national sovereignty as an essential axis of the protection of human rights, which was an old conflict in democratic theory. On the principle of democracy, *Habermas* said,

“To obtain sufficiently selective criteria for the distinction between the principles of democracy and morality, I start with the fact that the principle of democracy should establish a procedure of legitimate law-making. Specifically, the democratic principle states that only those statues may claim a legitimacy that can meet with the assent ('Zustimmung' in German) of all citizens in a discursive process of legislation that in turn has been legally constituted. In other words, this principle explains the performative meaning of the practice of self-determination on the part of legal consociates who recognize one another as free and equal members of an association they have joined voluntarily. Thus, the principle of democracy lies at another level than the moral principle.”²³⁶

Is it possible to protect human rights as well as to defend sovereignty at the same time? Or is the nature of the two concepts fundamentally incompatible? The constitutionalization of international law could ultimately have been derived from the belief that sovereignty and universal

²³⁴ Dong-Jin Jang & Sung-Wook Baik (2005), *The Recognition of Difference and Moral Universalism – Critical Evaluation of Habermas's Democratic Discourse Theory*. The Research on Political Thinking (11) 1, published in May 2005. p. 178.

²³⁵ Hae-Rim Yang (2006), *Human Rights and Democracy – centered on the between Facts and Norms in Habermas*, The Philosophical Research (96), published in November 2006. p. 364.

²³⁶ J. Habermas (1996), *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*. Polity Press, p. 110.

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human rights are neither incompatible nor subject to conflict. There is no reason to reserve the guarantee of human rights to succession and preserve the unique culture that each community has.

The institutional characteristic of democracy is to embody the basic principles of direct democracy through a representative democracy, which reflects the public's will through the election of representative organizations. But, there are two fundamental problems here. First, as we have seen above, does the will of the masses exist in the democratic system? Furthermore, is there a way to evaluate the will of the masses in the system of democracy? It is an old awareness of a problem, and there is a problem that it is difficult to check if the will of the public supports the sharing of 'us' and 'them'. Furthermore, due to these limitations of today's democratic system, it is also interesting to find the democratic elements of Confucianism in 'Asian values.' Because democratic principles, such as general suffrage or the rule of law, are not enough to overcome the crisis of universal democracy, a new 'value' may be needed to overcome the crisis. In fact, 'Asian values' are inappropriate to meet such demands. It is necessary to embrace some heterogeneity in the practice of universal democracy. The 'Asian values' lack the most basic universal democratic elements. On the other hand, there is a factor that overcomes the democratic institutional limit of 'Asian value.' The religious conflicts in East Asia compared to those of the West are not so conspicuous. This seems to be due to the factor of tolerance, one of the characteristics of Confucianism. In other words, it is relatively tolerant of other religions and different cultures.

However, such a perception may come from people's misunderstanding. Confucianism in East Asia was historically a fundamental idea of a government. Therefore, the activities that violate the Confucian principle were punished by the national law, and therefore, Confucianism was also the ideology that dominates the daily life of the masses. There is, of course, a consensus within the ruling class, but hardly anything else. In fact, some tolerance for other religions and other cultures are more serious. And their exclusiveness might come from the Confucian ideology irrespective of whether they are the ruling forces or the general public, as seen through the resistances to trade with the West until the end of the nineteenth century. Therefore, what seems to be religious and culturally tolerant in some modern East Asian countries is, in fact, the will or the habit of trying to avoid conflict or a disguised form of a tolerance due to the Western-style education. It is a misunderstanding that Confucianism and 'Asian values' are related with what looks to be tolerant. Many East Asian countries still

pursue the universality of democracy because they cannot accept the deliberative democratic elements to embrace other 'us positively'.

The basic principle of democracy is not only in the protection of equal and subjective rights but also in the guarantee to make a consensus as to what purpose and norms of free and equal citizens fit the common interests of all. Most advocates of 'Asian values' may overlook this perspective. In order to overcome the problems of modern democracy, the Confucian tradition is quite impressive, since it takes sacrifice and loyalty for the community for granted while ignoring the original goal of democracy. However, the problem of modern democracy lies in the lack of devices for overcoming social conflict and deriving social consensus.

To overcome this, *Benhabib* stated,

“As opposed to privileging of legal regulation and adjudication in the political liberalism model, deliberative democracy would expand the moral/political dialogue into the civil public sphere. Deliberative democracy sees the free public sphere of civil society as the principal arena for the articulation, contestation, and resolution of normative discourses.”²³⁷

The most crucial feature of deliberative democracy is not focusing on the results achieved through the system of democracy but concentrating on fully implementing democracy. The struggle to secure civil and political rights has continued throughout the last century, but there is still a long way to go. Furthermore, the assurance and the acquisition of economic, social, and cultural rights lie far ahead. Why, then, with a good system, do we have to face the challenge of ensuring fundamental rights that seem to be justified? Discussions on deliberative democracy are the answer to this and the outcome of reflection.

Power must have legitimacy. A legitimate regime abandons oppressive measures of the past and can integrate society. This legitimate power is “co-original”²³⁸ with legitimate law enactment. The public sphere of civil society no longer belongs to the realm of the state, but a public sphere and public opinion is formed. Citizens are required to participate in the public sphere actively and to express opinions. Citizens are no longer passive assemblies that gather for economic issues only, or protest against the government. There is an active citizen in the public field who is required to

²³⁷ S. Benhabib (2018), *The claims of cultures: equality and diversity in the global era*, Princeton University Press, pp. 114-115.

²³⁸ Dong-Soo Lee (2001), *Two Powers in Habermas*, *The Research on Political Thinking* (5), published in Autumn 2001, p. 163.

actively participate in communicative activities for settlement. Of course, this process is complicated. The reason for the lack of consensus or consensus is that the characteristics of individual participants vary.

5.2. Should a 'good life' be given priority over a 'right life'?

A good life does not remain on the personal and individual level or reside only in faith. In other words, pursuing a good life is the responsibility of the individual. Furthermore, pursuing a good life is closely related to the culture of a society and community, just as only the responsibility does not seem to rest in each individual's hands. Recognizing something different from me is not a matter of the individual dimension, but it depends on society's culture. Inheriting and transmitting a culture that recognizes others' positions leads to discourse in a personal realm; therefore, it is also a responsibility for the colonized individuals to escape to create a culture where the vulnerable people are mistreated just because they are unlucky. The economic environment in which we live affects us more clearly than our ethical environment affects us.²³⁹ The impact of economic environment, which is no longer new does not lead us to any negative thoughts. Most pre-modern societies, such as in agricultural Korea in the past, would have had a similar culture. But, the system of caring for the underprivileged in the community without any costs of capitalism is now hardly found anywhere. Nevertheless, this does not directly mean that the current sense of equality at the individual level has disappeared just as lightning goes away. Such reasons will still remain inside us as fair observers.

Recognition refers to an activity carried out in accordance with the primary intention to affirm the other in relation to an individual's identity, and above all, is an essential condition for the individual's successful self-realization. This is because an individual can actively realize his or her own self confidence without any fears or oppression by continually experiencing recognition of his or her identity. Thus, the experience of ignoring others or being ignored by others will eventually destroy the confidence of self-realization on a personal level. This concept of recognition can be linked to social criticism. Socially ignoring small groups or heterogeneous cultures has the effect of trampling on those cultures or groups' identity. This is in line with the experience that can be found at the individual and micro-level. In this regard, personal experiences can be presented as such a substantial

²³⁹ R. Dworkin (2000), *Sovereign Virtue - The Theory and Practice of Equality*, Harvard University Press, p. 213.

basis. In other words, attention should be paid to those who have continuously experienced neglect or ignorance at the individual level whose self-esteem has been affected. If self-realization at the individual level is regarded as too microscopic and difficult to connect with social phenomena, such a view is merely to separate individual from society without any legitimate grounds.

Recognition also means the action performed with the primary purpose of affirming the other person in relation to an individual's identity and lifestyle. Such recognition is, above all, an essential condition for an individual's successful self-realization.²⁴⁰ Social recognition and disregard for a particular individual or group are not solely determined by unique preferences of the individual but depend on the general belief system shared by members of society. In this regard, discussions on recognition should not stop at the level of individuals but extend to social recognition. According to *Habermas*²⁴¹, the self-consciousness that is premised on forming an individual's identity is obtained not by objectifying himself as the subject of recognition but by recognizing himself among others. If the mechanism of social recognition is too rigid, the 'self-esteem' of the individual has to be low because 'self-esteem' is accomplished when the individual is recognized as a moral subject. The principle of social justice must cover not only enjoyment of the same rights as others but also being recognized as a human with his or her own unique values. Therefore, 'recognitional infrastructure' is crucial because it could create an atmosphere to recognize other individuals socially. This is because individuals are mostly "dependent on this recognitional infrastructure for their autonomy, being subject to autonomy-related vulnerabilities: harms to and neglect of these relations of recognition jeopardize individuals' autonomy."²⁴²

The experience of meeting and living with other people who are different from 'me' must restrain the tendency to discriminate or disapprove of those other people as a specific culture, such as in schools if they are discriminated against on the grounds of different inclinations, race, languages or other people within a small group. Otherwise, if the school

²⁴⁰A. Honneth (2003), *Der Grund der Anerkennung. Eine Erwiderung auf kritische Rückfragen*, Kampf um Anerkennung, Suhrkamp, p. 320.

²⁴¹ J. Habermas (1988), *Individuierung durch Vergesellschaftung. Zu G. H. Meads Theorie der Subjektivität*, Nachmetaphysisches Denken, Suhrkamp, p. 215.

²⁴² J. Anderson and A. Honneth (2005), *Autonomy, Vulnerability, Recognition, and Justice*, IN: *Autonomy and the Challenges to Liberalism. New Essays*, J. Christman and J. Anderson (eds.), Cambridge University Press, p. 145.

neglects such a student and continues to sit by and only watch such discrimination, a culture of recognition cannot be expected in that school's small community. School experience extends to larger workplaces and village communities, and this culture becomes a local culture in that area. It is philosophically relatively unfamiliar in Asia to establish self-identification based on mutual recognition. This is because Asia, especially in South Korea, still has a strong tradition of prioritizing the meritocratic order. The meritocratic traditions are sometimes viewed as the principle of merit or ability first. Mutual recognition based on such traditions mean that those considered as having more merit or better abilities recognize those who lack them²⁴³. Meritocratic traditions aim to improve the ability of all the members of society as an essential task. Nevertheless, at the same time, such traditions have no choice but to avoid being concerned about the social problems that arise from the differences in abilities. In order to enhance the overall well-being of society, it has to be ensured that the survival, as well as desires of the members of the society, are ensured. In addition, societies' members should be considered as beings having the ability to think reasonably. There is no justification for a good life depending on personal attributes and abilities.

A good life comes from the fact that an individual is a community member and finds and realizes his or her self with a good connection to the members of the community. However, the view that a person's good life can be guaranteed in the virtue of community is a misunderstanding of the process as a result. That is, we do not treat others as an end for the sake of my good life. To think in this way, however, even if it is said that such claims are different from utilitarianism, still lies in the range of the utilitarian tradition. The reason why the state should not be neutral comes from the idea that individual freedom can be violated by state intervention. Yet, some confusion with ideals and reality causes such an argument; it is the result of being too optimistic about the history of human beings if the realization of the community's virtue is regarded as ensuring the good life of the individual. It is hard for a 'good life' to become hard to escape from many tyrannical politics imposed by majorities when it is far from 'a right life.'

If so, although cultural exchanges happen very naturally in the era of globalization, can a culture that tolerates such discrimination and non-recognition remain as it is? This is mainly because the uncontrollable

²⁴³ Eun-Joo Chang (2016), *Meritocracy and the politics of dignity in relation to the problem of the formation of civic subject*, published by Korean society for social philosophy (32).

individual's economic needs, according to our conception, have met with the creation of the era of globalization. Globalization has made it possible to quickly share information from around the world, providing more opportunities to recognize differences between cultures. However, how to recognize different cultures is not something that you can easily learn from someone else through the processes of globalization. Globalization and *Kant's* cosmopolitanism are not the same concept. The state of *Kant's* cosmopolitanism is just a long-lasting peace state. The concept of a cosmopolitan constitution that guarantees the "Union of all peoples under public laws" means not only tentative but true and "genuine" decisive peace.²⁴⁴

Unlike the global order of the past, globalization's current situation is seen as the acceleration of the new disorder. In the past, in the state-centred economy, efforts to correct unfair competition, whether within or between countries, were undertaken throughout the mid-20th century with national efforts. But, in the 21st century, economic competition is becoming fiercer, and multinational corporations have an essential position. After all, it is competition itself which eventually leads to globalization. It is taking a toll, eventually leading to the globalization of competition. Of course, there may be a view that the development of information and communication and the integration of markets create a better environment for universal values to be realized. On the other hand, as mentioned above, the current struggles of capitalist competition and survival among individuals are not the same as those of the past. Instead, it is important to keep in mind that it is very different. In addition, anticipating the outcomes of the current confrontation between the United States and China as the side effects of globalization, it is difficult to determine future changes in individual life.

Then, is a good life closely related merely to good luck? Good luck is, of course, included in such luck, but the luck here is usually bad luck. This is the best thing about liberalism that emphasizes ability because luck is usually not related to ability. According to one of Korea's proverbs, somebody's luck is also regarded as the person's ability. However, such sayings imply self-deprecation, meaning laughing at the situation where the result tends to be generated regardless of individuals' actual ability or efforts. Globalization has usually brought good luck or bad luck, irrespective of ability or effort. It is a problem with the system. The relatively recent reactions to the United States' global financial crisis have shown how much more closely the world is connected than we thought. In

²⁴⁴ J. Habermas (2006), *The Divided West*, Polity Press, pp. 121-122.

this context, a country's complete economic independence is now like an unrealistic dream story. If so, the response to the economic crisis in a fair society will be a recovery of trust. Trust is a form characterized as a public good and cannot be purchased in the market, but if the trust is built, economic efficiency is accordingly achieved by promoting collaboration among members while reducing social costs at the same time.²⁴⁵

Trust between the members of society is one of the most critical fundamental features of democracy. Trust among members of society begins with keeping promises and leads to compliance with the law. The moral hazard that emerged in the process of overcoming the financial crisis has spread worldwide through globalization, which has broken the trust within society. The authority of law stems from the trust among the members who observe it, and it is fundamental that the law will be applied to all the people in the society without any discrimination. However, if discrimination exists within the society as a result of luck, the trust will be inevitably destroyed. The credibility of the law is the foundation for society's composition, and its dependence on luck can lead to the destruction of the authority of the law. Furthermore, societies' members will eventually abandon their willingness to fulfill their abilities. Therefore, for a society to be governed by law, the most important thing is that society should not let the good life of its members be determined by luck.

*Joshua Cohen*²⁴⁶ criticizes the position of justifying and extracting the contents of human rights based on 'global overlapping consensus' as a combination of *substantive minimalism* and *justificatory minimalism*. *Substantive minimalism* considers the core of human rights and the aim of global justice to prevent common people from unjust suffering and physical atrocities and protect their *physical security*. Therefore, human rights are limited to the protection of passive freedom. However, the concept of human rights as a right to *physical security* cannot be identified as a valid subset of moral rights. Rather, it is considered an example of a valid subset. Thus, as a valid subset, human rights can be extended beyond the content of minimalism.

*Justificatory minimalism*²⁴⁷ adopts *global public reason* to justify the concept of human rights based on the principle of tolerance in an ethically

²⁴⁵ Do-Kyun Kim (2013), *Collective Action, Trust, and Law – A Study on the Foundations of Public Trust*, Seoul Law Journal Vol. 54 No. 3, p. 575.

²⁴⁶ J. Cohen (2004), *Minimalism About Human Rights: The Most We Can Hope for?* the Journal of Political Philosophy 12 (2), pp. 190-213.

²⁴⁷ J. Cohen (2004), *Minimalism About Human Rights: The Most We Can Hope for?* the Journal of Political Philosophy 12 (2), pp. 190-213.

pluralistic world. *Global public reason* aims at the primary contract between different politics and societies. However, the stance of *justificatory minimalism* recognizes that different religious and ethical traditions compete in an ethically pluralistic world. But, without the knowledge of the traditions and political distributions of such diverse societies, the idea of human rights are determined through agreements or consensus. In this case, however, the idea that is expressed with the use of the most competitively elaborated language tends to be adopted as the final principle. After all, the result of *global public reason* in the position of *justificatory minimalism* is likely to be the product of the idea of a particular society, especially a liberal society.

Therefore, *Cohen*²⁴⁸ points out that human rights norms should be constructed with the aim of presenting global norms and standards that are reasonable enough to be accepted by different political societies. The idea of human rights as a valid subset of *global public reason* is based on self-determination, obligations, and tolerance. His discourse on *minimalism* seems to have made *Rawls'* overlapping implications more politically realistic. The conflict between universal character and cultural relativity of human rights can in no way be resolved by a binding agreement. Even if it is conditional that the participants in the agreement are rational as well as reasonable, they can still be discussed on an equal level. Additional conditions are (1) based on a strong universality view, and (2) they believe so. Such misunderstandings have to be removed at all costs. In this respect, his view on *minimalism* is very significant. Furthermore, in the agreements with other cultural and traditional actors, it is not essential to bring them into the discussion and reach an agreement before knowing the culture and tradition's content. It is necessary to bear that in mind.

Human rights discourse should be avoided to remain merely at the moral level. Human rights, of course, have moral content for all humans, but as *Habermas* pointed out, human rights have *Janus's face* to look at both law and morality. In other words, human rights include the content of morality but have the form of law.²⁴⁹ Taking this position frees the criticism from moral fundamentalism or moral imperialism. The discussion on the legal nature of human rights, in turn, provides the opportunity to clarify the relationship between human rights and democracy. This is because the legitimacy of the democratic legislative process affords the validity of

²⁴⁸ Ibid. pp. 190-213.

²⁴⁹ J. Habermas (2001), *The Postnational Constellation*, The Polity Press, p. 118.

human rights, and human rights vice versa become an internal prerequisite for democratic legislative processes.

Habermas's deliberative democracy model, based on modern autonomy and self-legislative ideology, emphasizes autonomy in the public sphere as the principle of sovereignty. At the same time, the model strengthens that autonomy in the private sphere since human rights is a condition of the establishment of public autonomy. For this reason, the principle of human rights and the principle of national sovereignty are regarded as compatible for *Habermas*. The sense of sovereignty towards citizens' rights is based on moral responsibility. In other words, the subjective consciousness of citizens' rights participates in the public sphere, and the principle of national sovereignty is created based on such participation.

This discussion can be expanded later into the debate on *global civil society*. The recognition of individual rights extends to the rights of global citizens and is based on moral responsibility. A morally responsible individual no longer refuses to have his destiny influenced by others' judgments, decisions, or luck. This is why we can have consciousness of universal human rights as a global citizen, just as we have a sense of sovereignty as a country's citizen. Likewise, universal human rights can no longer be in conflict with the sovereignty of a nation.

5.3. Conditions of Human Life-The Question about Compatibility of Universalism and Cultural Pluralism

Universalism is derived from the reasoning of the fundamental principles, but that does not make universalism incompatible with pluralism. Criticism that universalism overlooks the context of the life of a community living with others is natural. This is because universalism seems to make the impression of forcing heterogeneous beings to accept one single criterion in order to integrate them somehow. Cultural Pluralism is much more comfortable and easier to accept due to human experience. Strong universalism will inevitably encounter some resistance because of religious traditions or human beings' underlying weakness.

The question raised here is the most critical. If so, why has the question been raised continuously about the compatibility of the universality of human rights and pluralism? This question itself is premised on the relationship between the two being inherently hostile to each other. This is a question that has arisen from the confusion between reality and the desire that humans must perform some specific acts with regard to the original human characteristics, overlooking human nature. Human beings do not have only one-personal character and, at the same time, do not have only

pluralist characters that are different from each other. This question may not be closely related to the good life of human beings. A more realistic question might be something like 'what is the process whereby we lose our attitudes to respect for others?'

Human beings can live by respecting mutual differences within tradition and culture. Likewise, they can eventually expand the realm so that they can recognize the universality of one species living together with the global village and enjoying human culture. Furthermore, it is also possible to respect a slightly different features from other people. The issue of universality requires the destruction and harmonization of the traditional *Ethos* that society has. Therefore, human rights discourse may not be too complicated if it is known that traditional moralities of the society are in a state of transformations or changes in the process of conflicts between the rise of pluralistic culture and recognizing such differences. It may be necessary to discuss more pluralistic and diverse efforts on possible actions that can be realized as a result of human actions, as well as human nature. If the law at least protects and provides stability for human life within the meaning of the society and allows the ideal of the real self-realization of the individual in that sense, universality must never violate human dignity in any case.

At present, pluralism is an undeniable phenomenon. In particular, it is too evident that what is good for each individual is different as are the standards of happiness that individuals feel. Is there a universal happiness that everyone feels the same way? If so, the question may arise as to whether someone else as a third party can forcibly guarantee or provide it. Nowadays, every community exists for the happiness of its members. Indeed, this must be so. Yet, that does not naturally justify the state's active involvement or positive intervention in individuals' well-being or good life. For this proposition, the bitter memory of mankind is inherently included. Fundamentally, a state is regarded as a subject that is delegated to exercise physical power. For this reason, a state excises the only power in human life that cannot be denied, and this power is exercised as well as enforced by law. In this sense, the nature and legitimacy of the law are inevitably critical. Therefore, the question of whether a state can intervene in the excellent life of individuals should be asked if all of our interests are similar to each other.

Chapter 5. Compatibility of Universalism and Pluralism

Dworkin²⁵⁰ claims that we should recognize that our desire to simplify happiness is not valid through the categorization of *volitional* and *critical* interests. To clarify, the happiness that we have is divided into what can be called *volitional* happiness and *critical* happiness. Thus, we can determine what happiness or interests can be seen as a standard of a good life. According to him, and for that reason, the *volitional* happiness of the person can be improved. Additionally, his concept of *critical* happiness is improved when a person has or accomplishes something that makes his or her life better.

“Sailing well and freedom from dentistry are part of my own volitional well-being: I want them both, and my life therefore goes better, in the volitional sense, when I have them. I take a different view of other things I want: having a close relationship with my children, for example, securing some success in my work, and - what I despair of attaining - some minimal grasp of the state of advanced science of my era. These I regard as a critical interest because I believe that my life would be less successful one if I failed to have, or wholly failed to achieve, these goals.”²⁵¹

This classification seems reasonable because human interests or happiness are considerably complex and complicated. Some people feel happy about listening to lectures and participating in academic discussions at school. On the other hand, some people do not like going to school and do not want to listen to lectures. Nevertheless, they feel happy hanging out with friends at school and making everyday conversations with them. The only similar thing the first group and second group of people have in common is that they go to school, but that does not mean they have similar tastes for happiness. Therefore, a good life cannot be unified so easily. Of course, the two interests are interconnected in various ways. However, the way of making connections is also different from person to person, and it would be reckless to formalize it. Some people enjoy receiving dental care and may feel happy; while children may feel happy the farther, they are from dental clinics. In particular, the community's special values and the individual's preferences may conflict with each other, but they must also be influenced by each other.

However, the fact that these individuals have various preferences and interests does not directly justify the state's non-intervention. Because each member of society has a variety of interests, if they are neglected except with minimal intervention, society's unpredictability and uncertainty will

²⁵⁰ R. Dworkin (2000), *Sovereign Virtue - The Theory and Practice of Equality*, Harvard University Press, p. 242.

²⁵¹ *Ibid.* p. 242.

increase dramatically. That is to say, a good life is important to the individual, but after all, it is the community where the individual should enjoy and live such a good life. For this reason, a fair community culture is closely related to a good life of individuals. This is where individual good life and social justice come into contact.

5.4. Conclusion

Even if an individual's good life is possible within a community, this does not directly mean that the virtue of the community is the most critical determinant of an individual's good life. The advocates of 'Asian values' strongly emphasize that an individual's good life is closely related to the community. This view sounds very attractive, as I have argued previously. The community they refer to is precisely a state, a government, rules, and the whole edifice. In this case, the state is somewhat different and ambiguous as opposed to the state we know. This is because there is a lack of individual freedom, especially in a community without arguments to counter discrimination. For individuals, a state is a vast body that governs the people. At the same time, it is a fictitious system of governance that may guarantee the good life of the individual but has no place for individual opinions to participate autonomously. Thus, the individuals who make up the community exist only as subsystems that make up an organism.

Totalitarian governments were able to exist, especially in Asia, for a long time, and it is still possible because of such thoughts about putting a community before an individual. Many Asians and Confucians may still be waiting for a 'good and wise King,' as they miss the monarchy that disappeared more than a hundred years ago. So, to them, the liberal democracy of the West seems rather disordered and chaotic. In their view, the most beautiful society would be how people live their responsibilities within a system built by one or a few capable elites. The figure for such a beautiful society they hold must contain only the theme they are already familiar with. Thus, discrimination and inequality do not have room to exist at all. However, the reality is different from this description and Confucianists should find out whether justice does exist in their country.

Chapter 6. Justification of Human Rights

This chapter analyses the proliferation and crisis of democracy and the consequent potential for establishing human rights protection systems in Asia. The advent of the era of globalization, as is well known, has encouraged the aspects of accelerated competition, the conflict of explicit sovereignty and universal values, as well as the aspect of the proliferation of democracy. Yet, it could very well be the most beautiful attempt at a solution to share universal human rights with countries of different cultural backgrounds. This chapter will also take a rather exotic approach, which will analyse human rights from the perspective of behavioural economics. This chapter will limit the discussion to the level that raises awareness about the topic. This chapter aims to examine the similarities between human rights and public goods through behavioural economics introduced in this chapter. Since human rights are a common asset to all of us, there are sometimes possibilities to abuse them. It is hoped that this somewhat extraordinary approach will sometimes alleviate rigid conflicts over universal human rights.

6.1. Discussions on Constitutionalisation of International law

The most critical factor in establishing an international human rights protection system in Asia is the expansion and participation in the debate on the constitutionalisation of international law. Given that social change leads to the formal and substantial change in the law, the discussion of human rights protection in Asia will begin with the recognition of the constitutional value of international law for the purpose of the protection of human rights in Asia. The justification for establishing a regional human rights system in Asia through the provisions of the Asian Human Rights Convention and the Asian Human Rights Court is the necessity of establishing transnational governance to implement the international human rights system in Asia.²⁵² This process will also provide a legitimate basis for international intervention in human rights violations in one country to be non-political. Furthermore, this process will make such intervention possibly to be done through constitutionalisation of international law.

²⁵² Zin-Wan Park (2016), *Constitutionalization of International Law and European Human Rights Law Regime*, Legislation, p. 45.

6.1.1. Globalization and its Paradoxical Results

The system of international law, established in 1648 with the conclusion of the Westphalia Treaty, is based on a state-centric perspective on international law and since then has been transformed and developed. Such state-centred international judges have limited the role of the state in the international community as the subject of the application and responsibility of law in international relations. Yet, the effects of globalization have been economical and have demanded changes in a state-led or state-centred system of international law. The product of capitalization, globalization, paradoxically calls for a change in the structure of international law that works or fails to operate according to the interests of the countries.

Globalization brings about a close integration of the global economy. This becomes possible because communication costs, transportation costs, and artificial barriers to goods as well as production factors have been reduced dramatically. Globalization includes not only goods and services but also capital, knowledge, and increasing flow of labour, including the integration of markets and the emergence of a global civil society.²⁵³ Globalization is no longer confined to the economic realm but also to the formation of the public sphere. This shift from state-centred social organization to globalized world civil society places an obligation on a country's government to strive to survive in the race of globalization. The collapse of nation-states caused by economic reasons has led to the disappearance of traditional social solidarity in society. Communities that share a single religion and ethical system continue to lose their solidarity.

The modern world order was thought to be under reasonable control, but recent globalization is regarded as a new global disorder.²⁵⁴ Trade disputes between countries are expanding beyond the two countries' problems and are becoming global ones. In addition, the change of one country due to this globalization cannot be overcome by forming a block between several countries. State-based traditional economic systems are no longer acceptable in the age of globalization. Furthermore, pressure exerted by capital to open markets has already accelerated the collapse of communities which had been inherent within a country for decades. Although capital and markets affecting nation-states are globalized,

²⁵³ J. Stiglitz (2003), 'Globalization and Development', IN: D. Held and M. Koenig-Archibugi (eds.), *Taming Globalization: frontiers of governance*, Cambridge: Polity, p. 37.

²⁵⁴ Sang-Don Yi, Klaus Günther, Jong-Pil Byun (2004), *Legal Policy and Legal Culture in Globalization*, *The Research on Legal Philosophy* 7 (1), *The Korean Study on Legal Philosophy*, p. 9.

nation-states' ability to determine economic-related policies remains as territorially limited sovereignty. Thus, there are small possibilities of establishing and enforcing independent legal policies as democratic states based on public opinion of their citizens as well as democratic decision-making. That is to say, sovereignty, is weakened proportionally.²⁵⁵

The weakening of sovereignty in individual countries also leads to the weakening of the initial public sphere, which has been limited within the country. Given that democratic decision-making is still in development for many Asian countries, the side effects of economic globalization also play a role in preventing civil society from maturing. As *Habermas* argues, "The ideological core of neoliberalism is the tacit reduction of democratic constitutionalism to the implementation of economic liberties. The substitution of the private autonomy of producers and consumers for the political autonomy of citizens proceeds in tandem with the replacement of political regulation by the imperatives of deregulated market."²⁵⁶ To clarify, such neoliberal ideology reduces the democratic constitutional order into the narrow framework of economic freedom: replacing the political autonomy of citizens with the private autonomy of producers and consumers, and replacing political regulation with the absolute command of deregulated markets.

In the end, neoliberalism played a role in replacing the political and civil liberties of individuals with the expansion of the field of economic freedom. This influence is much more pronounced in the region of Asia than it is in Western society. Asian states have only relatively recently begun to unfold the democratic public sphere after being outside the pre-modern community for quite a long time. For Asians, the history of capitalism is much shorter than in the case of the West, and the realm of democratic communication achieved through World Wars in the society of the West is much slower in Asia. Thus, the processes in which the debate over economic inequality or social justice is resolved is inevitably different between Western society and Asia.

Nevertheless, neoliberalism has rapidly penetrated Asian countries, which have been forced to transfer to economic autonomy by the system of neoliberalism before they even fully embody political autonomy. In the absence of either political or public autonomy, such a shift to economic and

²⁵⁵ Sang-Don Yi, Klaus Günther, Jong-Pil Byun (2004), *Legal Policy and Legal Culture in Globalization*, The Research on Legal Philosophy 7 (1), The Korean Study on Legal Philosophy, p. 24.

²⁵⁶ J. Habermas and J. P. Arnason (2000), *Globalism, Ideology and Tradition*, Thesis Eleven, No. 63 (published in November 2000), p.2.

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private autonomy has resulted in the weakening of the strong solidarity that was present in the nation-states in the past. As *Habermas* states in his writing of 'Crossing Globalization's Valley of tears,' "The loss of autonomy means, among other things, that a state can no longer count on its own forces to provide its citizens with adequate protection from the external effects of decisions taken by other actors or from the knock-on effects of processes originating beyond its borders."²⁵⁷ After all, the autonomy of a nation-state is lost in that it cannot protect its citizens from decisions made by actors other than citizens of that country and from external processes outside the borders of the state. The state's role was very different in the past when the state mainly focused on internal matters, and foreign policy was limited to diplomatic meaning.

From the perspective of the past, the states' roles are shifting from an autonomous role to a passive one. As there is a lack of a mechanism to effectively control the subjects moving in the interests of international relations, it is necessary to solve this problem. In response, there is a need for a comprehensive fundamental norm that can hierarchically govern subjects' activities from the entire international community.²⁵⁸ After all, in international relations, norms such as the Constitution are needed to control and impose obligations on individual states.

It is essential to provide a mechanism that accepts the globalized economic order but at the same time, allows for political regulation. Regarding this matter, *Habermas* considers that individual states are unable to carry out these tasks and argues for the need for a broader political coalition at a regional level across national boundaries. He suggests that the welfare state's ability to promote economic growth by ensuring economic efficiency, while at the same time strengthening political freedom and social security for social integration, should extend to a broader political unit than that present in the nation-state. *Habermas* actually proposes to grow as much as the level of the already denationalized market, and suggests to increase by level.²⁵⁹ On the basis of these proposals, there are problems such as economic polarization brought about by globalization and changes in the

²⁵⁷ J. Habermas (2000), *Crossing Globalization's Valley of tears*, Thinkery (Published in Fall 2000), p. 52.

²⁵⁸ T. Kleinlein (2012), *Between Myths and Norms: Constructivist Constitutionalism and the Potential of Constitutional Principles in International Law*, 81 Nord. J. Int'l L. 79, pp. 97-99.

²⁵⁹ J. Habermas (2000), *Beyond the Nation-State? On Some Consequences of Economic Globalization*, IN: *Democracy in the European Union: Integration through Deliberation?* (E. O. Eriksen and J. E. Fossum (eds.)), Routledge, p. 33.

role of the state. As the selfish product of capital, globalization has paradoxically led to the global spread of universal human rights awareness. Citizens with this universal human rights awareness are no longer concerned only with human rights issues in one country but have turned their attention to the world. Such a change can be seen as a strong challenge to conventional state-centred international relations. This paradoxical change also results from pressure towards pluralization or diversification domestically. The expansion of awareness of universal values promotes the growth of civil society, which, unlike past interests, places importance on forming communication as the public sphere.

6.1.2. Constitutionalisation of International Law as extending the scope of trust

The mere extension of individual ethics is not the moral of the community. Additionally, the expansion of the human rights view based on cultural differences within the state cannot be the basis of international trust. The move to further strengthen states' borders based on national or ethnic traditions is no longer supported. The communication process of rational citizens cannot be restricted within a single country but can be extended regionally and globally. If Confucian democrats can agree with this position in the era of globalization, they should participate in the communication discourse. Nation-states can no longer secure their territorial boundaries, the foundations of their own lives, or the material preconditions for society's reproduction on their own.²⁶⁰ Within the international order, diplomatic relations are no longer independent, unlike in the past. These symptoms meet halfway with the ongoing constitutional process of international law.²⁶¹ The nation-states are a political community of individuals within the states, but it is no longer the only political community.

If a Korean works for international organizations, they will be more concerned with international affairs as a member of the international community than a Korean with Korean identity. In such contexts, since 'I' live in Germany and my children attend German schools, 'I' am no longer very much interested in the Korean school system, but a parent who is more interested in the German school system. In this way, if globalization gradually expands and exchanges between countries become more natural, the nation-state can no longer be the only political community. If 'I' as a

²⁶⁰ J. Habermas (2006), *The Divided West*, Polity Press, p. 176.

²⁶¹ *Ibid.* p. 177.

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Korean live in Germany and am interested in German and social issues within the EU, does the focus continue to lie on being Korean or living in Germany? If 'I' work for the protection of human rights in the refugee problem, do I do such work as a Korean? Or do I act on such matters as a citizen of the world?

Perhaps, 'my' advantage in dealing with such issues as above is that 'I' can comment on German or European issues more from a third person's point of view rather than German. Such an example can lead to the issue of understanding between Europeans and non-Europeans. After all, the establishment of norms for universal human rights and a guarantee of peace is not established by the power of any specific culture or country. Yet, it is already within us quite profoundly, as taking advantage of globalization's benefits as given by chance.

Höffe strongly argues in his book of 'Democracy in an Age of Globalisation' as follows:

“Who is to decide over a Nation's right to self-determination, the right to secession and the massive human rights violations that call for so-called humanitarian interventions? Are these internal problems of states in an absolute sense, so that the world republic may not interfere? Or are they only relatively internal, maybe even only supposedly internal matters so that the world republic is responsible?”²⁶²

Höffe's claim is rather fundamental to how to make the world peace we are pursuing at this time possible. Globalization is another large project aimed at increasing the trust of citizens between countries. In order to maintain a binding legal order, Höffe proposes the 'World Dispute Court' and 'International Criminal Law' under the name of 'World Court'. In particular, the so-called international criminal law is discussed in detail at the levels of 'national', 'beyond the border', and 'global citizenship'. He is also proposing an institution like the 'world council'. Höffe further claims as follows:

“Sixth, a second chamber of the world parliament, a World Congress as the global representation of citizens, is to be established. ... As was the case in the initial stages of the European Parliament, representatives could, in the interim, be elected by the national parliaments. Non-government organizations should also be

²⁶² O. Höffe (2007), *Democracy in an Age of Globalisation*, Springer, Translated by D. Haubrich with M. Ludwig, p. 269.

represented, although an oligarchy of their richer, well-organised entities must be avoided. In the long run, the civic chamber should be directly elected by the global citizenry.”²⁶³

This proposal of his is not in vain but is soon expected to be discussed at the local level. First, the local human rights court should play a more active role in that sense. In particular, an institution such as ‘the Asian Court of Human Rights’ – although it does not exist yet – has to be established in Asia. This would require active participation from the countries that agree to establish it as soon as possible. The fact that the human rights courts in Asia has not yet been established was not due to the ethnocentric nature of Asia, nor the long history of authoritarian governments compared to other continents. An analysis of the reasons for the non-establishment of the Human Rights Court in Asia would not be meaningful. Most importantly, discussions about the establishment of such a human rights court must be carried out at the citizen level. Human rights here include economic, cultural, and social rights beyond civil and political rights. Future disputes between countries can be resolved not by war but by the degree of keeping security and imposing criminal punishment, which occurs within the current state.²⁶⁴ The dream of the world republic is not only a dream, but it is a way to go, even if it is not easy.

Höffe²⁶⁵ continuously argues that the establishment of global democratic order has to be done with great caution because ‘global society must never endanger its relative state of peace and the rule of law.’ He continually emphasizes the need to increase the degree of democracy and the rule of law that has already been achieved. In addition, he argues that a collective improvement is not enough because each constituent part of the world republic has an intrinsic moral value as does every natural person. This cannot be put at risk for in order to improve the global order. Like this beautiful metaphor expressed of his, we will now have the virtues of world citizens, which we used to have as citizens belonging to one community. This is why it is necessary to discuss the establishment of a human rights court in Asia. No longer can Asia’s own culture or colonial rule of the powers of the West be an excuse to prevent the first steps towards the World Republic. In the realm of the world republic, it would be quite

²⁶³ Ibid. p. 236.

²⁶⁴ J. Habermas (2006), *The Divided West*, Polity Press, p. 123.

²⁶⁵ O. Höffe (2007), *Democracy in an Age of Globalisation*, Springer, Translated by D. Haubrich with M. Ludwig, p. 308.

impossible that a few politicians could decide or control the fate of the people of Asia as well as of the people in the world.

6.1.3. How to Justify Human Rights?

It is hard to find a person who is totally against the caste system, gender discrimination, and racism that have been observed for a long time in both the East and the West. In short, it is hard to argue that universal human rights, whether in the strong or weak sense, originated specifically in one culture. Instead, it can be said that certain cultures have more characteristics that are compatible with universal human rights than other cultures. In addition, the assertion that universal human rights are derived from Western culture and therefore does not fit Asian culture can be regarded as Western-oriented as scholars who assert the universality of human rights too strongly and hastily. Since the criteria or standard is 'Western', concepts such as 'Asian values' are said to resist it. Dialectically, 'Asian values' are obsessed with 'Western' to oppose them.²⁶⁶

Micheline Ishay claims that the debate on universalism and cultural relativism has been exacerbated by three errors. The first fallacy is the tendency to treat the second generation and third-generation human rights as one bundle; the second fallacy is combining the first and second-generation human rights and seeing both only from the Western perspective. Finally, the last fallacy is to forget that the third generation of human rights is rooted in the West.²⁶⁷ She distinguishes the first-generation human rights perspective as a liberal human rights view, the second-generation human rights perspective as a socialist human rights view, and the third-generation human rights perspective as a culturalist human rights view. Her idea of the debate between cultural relativism and universalism as written in the preface of her excellent book of 'The History of Human Rights', despite her brilliant work, shows that she must also be Western-oriented to prevent unilateral criticism directed towards the West. According to *Micheline Ishay*, the claims to advocate for 'unique' non-Western cultural traditions, which are in complete contrast with the Western values, were illogical. To support her argument, she further counter-questions whether anti-colonial and national liberation leaders such as *Jawaharlal Nehru*, *Léopold Senghor*, and *Ho Chi Minh* were also

²⁶⁶ A. Sen (2007), *Identity and Violence, The Illusion of Destiny*, Penguin Books, p. 95.

²⁶⁷ M. Ishay (2004), *The History of Human Rights: From Ancient Times to the Globalization Era* (Berkeley: university of California Press) in Introduction.

educated in the West as well as being inspired by various traditions of human rights in the West.²⁶⁸

However, this type of question is highly likely to be seen as the admiration of the West. Moreover, the history of the struggle for national liberation in Asia has been made by some western-educated leaders due to not knowing the exact history of the struggle. For example, in South Korea alone, there are examples of citizens who started as anti-dictatorship struggles, including the April 19 Revolution in 1960²⁶⁹, the *Gwangju* uprising in 1980²⁷⁰, the democratization struggle in 1987²⁷¹, and the so-called 'candlelight civil revolution' in 2016²⁷². Such examples show that it is an illusion that the system in the West or the people educated in the West will undermine the legitimacy of criticism against the West.

It is also a great surprise that the teachings of Confucianism are reflected upon in the Universal Declaration of Human Rights. *Peng Chun Chang*, a representative of China who participated in the process of the Universal Declaration of Human Rights, received a doctoral degree in educational philosophy under the supervision of *John Dewey* at the University of Columbia, USA, as did several leaders in Asia that *Micheline Ishay* mentioned as examples. *Peng Chun Chang* is evaluated as having played a significant role in making the Universal Declaration of Human Rights a truly universal declaration, as being out of the Western central framework. He explained the basis of human rights to the UN delegation and described it as 'two-man mindedness,' as the attitudes towards each other when two people are present. Although he was educated in the West, he applied the

²⁶⁸ Ibid. p.46.

²⁶⁹ The April 19 Revolution were mass protests in South Korea against President *Syngman Rhee* and the First Republic from April 11 to 26 in 1960. The Revolution finally led to *Syngman Rhee's* resignation. Such protests were started by student and labour groups in the south-eastern port city called *Masan* on 11 April 1960.

²⁷⁰ *Gwangju* is the name of a city in South Korea. The *Gwangju* Uprising was a popular uprising in the city of *Gwangju*, South Korea, from May 18 to 27 in 1980. The citizens of *Gwangju* took up arms when local university students who were demonstrating against the martial law government were fired upon, killed, raped and beaten by government troops.

²⁷¹ Major demonstrations occurred throughout the country of South Korea, with an estimated 240,000 people participating in 22 cities including Seoul, the capital city. It is called 'the June Struggle' that generated mass protests from 10 June to 29 June in 1987.

²⁷² The so-called 'candlelight civil revolution' in 2016 was held spontaneously every Saturday, aiming at the resignation of president *Park Geun-Hye*. Citizens held demonstrations all through the country, and it finally led to the resignation of *Park's* regime. *Park* was arrested on 31 March 2017, and was formally charged with abuse of power, bribery, coercion and leaking government secrets. One 24 August 2018, *Park's* sentence was increased to 25 years in prison.

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interpretation of 'human' in Chinese characters in explaining the concept of human rights²⁷³. His efforts have allowed the Universal Declaration of Human Rights to escape from some Christian human rights views of the West. Imagine what would happen if the Christian worldview was reflected upon in the Universal Declaration of Human Rights? The debate between the universalism of human rights and cultural relativism is still very lively nowadays, even without the Christian perspective on human rights.

The possibility of reconciliation has opened up between moral and ethical universalism and pluralism resulting from cultural differences via the distinction between universal morality and personal ethics. However, the concrete and practical method have not yet been thoroughly discussed. By simplifying such a discussion, some potential answers can be found. For seeking such potential answers, reconciliation between individual ethics and universal morality will be discussed first. After that, how the state determines universal morality will be discussed. In the society we belong to, individual ethics cannot remain outside the boundary of law, which is regarded as the coercion of universal morality. Then, how is it that we spontaneously come to agree with such limitations of freedom? Or, why do 'I' follow as well as telling others to follow the morals of a community that I have never agreed to? Human Rights formalize human rule/formulation for moral self-responsibility as well as a shared responsibility²⁷⁴. Human rights are the minimum guidelines for human beings to connect with others, form a society, and live in society.

For humans to live freely in society and to be autonomous, it is important not to infringe on the freedom of others. But, it is also essential to prevent the infringement from occurring by individuals or by the state. To this end, there is a belief that human freedom should be guaranteed and that the state should not intervene. This belief may be derived from the bitter memories of the past. Those who have experienced a history of the trampling of individual rights or freedoms by the state have no choice but to claim that the highest value is minimum involvement/interference carried out by the state. On the other hand, those who claim that the state has to intervene actively will be those who have an exceptionally strong distrust of human autonomy. The human invention of human rights is to stipulate a sense of responsibility that encompasses such complex and

²⁷³ S. B. Twiss (2011), *Confucian Contributions to the Universal Declaration of Human Rights: A historical and philosophical perspective.*, IN: Arvind Sharma (eds.). *The World's Religions: A Contemporary Reader*, Augsburg Fortress, MN: Fortress Press, pp. 102-114.

²⁷⁴ H. Bielefeldt (1998), *Philosophie der Menschenrechte: Grundlage eines weltweiten Freiheitsethos*, Darmstadt, p.36.

diverse human beings' experiences and retains a certain level of universal humanity.

Robert Alexy²⁷⁵'s belief that human rights exist if they are justified shows how many barriers the justification of human rights have had up to now. Some have argued that the universality of human rights cannot be accepted based on experiences of imperialism in the West. Furthermore, it is true that such a position has held quite a strong position for a considerable amount of time. Such a position has continuously challenged the universality of human rights on the basis of the strategic support from multiculturalism or cultural relativism. In fact, it is considered not so easy to counter cultural relativism. The subject of this debate is not only the people in the non-West who argue for cultural relativism but also the group in the West who sharply criticize such a position and assert strong universality.

The existence or justification of human rights is difficult to identify or guarantee only by the agreement of the community members alone. Furthermore, finding a consensus is also an arduous task. Even if a certain conclusion is reached by implied consensus, we cannot simply ignore the problem that the conclusion is not considered permanent. Nevertheless, a realistic strategy to find a consensus cannot be given up for the purpose of finding the truth. Yet, we should not abandon the realistic strategy of consensus to find the truth. This is because the task of demonstrating whether human rights really exist or not should always be accompanied by a strategy of establishing consensus.

Habermas reflects on the universalistic justification of human rights as communicative prerequisites. Such prerequisites include specifically mutual symmetrical recognition, acceptance of mutually reciprocal perspectives, and common preparation for each other to observe and learn their traditions with the eyes of others. Only when such prerequisites can be premised, the universalistic justification of human rights will be possibly established.²⁷⁶ Attempts to universalize human rights from an interactive point of view have great significance. This is because such attempts to find universality across all human cultures usually entail a side effect of making conflict-induced differences something very natural. In other words, even if people find common elements between disparate cultures or conditions

²⁷⁵ R. Alexy (2011), *The Existence of Human Rights*, 2011 LAW UKR.: LEGAL J. 102, p. 111. A special report for the plenary session of the XXV World Congress of Philosophy of Law and Social Philosophy <Law, Science, Technology> held on the 15-20 August 2011 in Frankfurt am Main, Germany (translated by S. Maksimov).

²⁷⁶ J. Habermas (2007), *The Postnational Constellation*, p. 129.

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that members of society at least agree on, they only have the effect of calming the conflict below the surface, instead of revealing its universality. The approach and justification of the universality of human rights from the interactive point of view have the effect of alleviating this tension. The basic principle of interactive dialogue is that everyone has no other option but to agree. Even if 'I' only claim my own arguments, the purpose of this is not to disregard others. Instead this is done in the hope that 'my' opinions will be communicated to others. Imagine a child who claims that he cannot accept the words of one adult who is much bigger than the child because the adult hit the child so much in the past. At present, the child has a real knife. In the meantime, the adult admits what he has done wrongly and claims that he is now totally different from how he was in the past. Additionally, the child with the real knife at present has nothing to be afraid of. Therefore, no matter how rationally the adult tries to discuss with the child, even if the adult comes to the child with an ice cream in hand, the child may wonder whether the ice cream could be poisoned. And the child will stop the adult from approaching him by swinging around the knife, or the child will run away. The problem in this metaphor is ice cream because ice cream is not necessary. To clarify, what a child with a knife in his hand needs is not ice cream, but shared rules for further interactive conversation. It is difficult but essential to create an atmosphere where the child can talk with the adult without running away, but this aspect has been overlooked. Since the conversation should be made between two people, it is most important to accept each other's rules and listen to each other. Such could be precisely applied to the case of human rights.

The question of how to justify human rights will eventually depend on getting people to recognize and accept the existence of human rights. If human rights are justified, then the difficult problem of various challenges to the universality of human rights has to be solved. At the same time, insisting on the universality of norms without reaching a consensus can develop into like violence, where reality is manipulated with theory. The arguments among scholars about the universal concept of human rights are diverse and conflicting. *Rawls* sees human rights based on universally valid moral principles that people of various cultures, religions, and ideologies can reach through 'overlapping consensus.'

On the other hand, *McIntyre* argues that the concept of universal human rights is an imaginary fiction that lacks community grounds.²⁷⁷ This kind of conflict presents a challenge for modern universal human rights to

²⁷⁷ A. MacIntyre (1981), *After Virtue*, Notre Dame University Press, pp. 69-70.

overcome. One must overcome the nation-state's physical boundaries on the one hand, and the other must overcome the moral boundaries resulting from cultural differences, on the other hand.²⁷⁸ In the process of seeking the justification of human rights, I have looked over the process how humans are socialized ever since they are born – the process of having a family, learning at a school, and getting a job. Considering the process of justifying human rights reminds me of looking back at the process of being born and socialized as human beings: being raised in the family, then a school, and then having a job. In the entire process, where is anything like the anti-human rights process among all through the process? It must inevitably be asked which parts of all the processes are against the teachings of freedom of equality of human beings.

In the view of cultural relativism, one of the most potent challengers to the universality of human rights, it is not easy to find any civilization whose tradition is absolutely against human dignity, freedom, and equality. Historically, there was a time when there was no community consensus on universal human rights, but human history created such tasks to be overcome. First of all, *Robert Alexy's* argument proving the existence of human rights is fascinating. According to him, the approach to justify human rights is an *explicative-existential* method. This approach implies that the practice where humans debate, ask questions, and discourse must presuppose a specific rule, which is meant to recognize others' dignity. This recognition, after all, means recognizing the rights of others and embraces the idea of freedom and equality, which is considered the basis of human rights.²⁷⁹

As *Alexy* argues, humans continuously communicate with each other within a certain boundary of reasonable rules.²⁸⁰ In order to make an illogical or irrational argument, one must eventually break such human rules. If anyone intentionally breaks the rules, it is like refusing to communicate with each other. To make proper communication possible, it is inevitable to be considerate to others. Rules for communication can easily be found as similarities in other languages. Even if a person may not know the meaning of the German sentence of 'Ich liebe dich,' but at the

²⁷⁸ Nam-Kook Kim (2010), *Cultural Rights as Universal Human Rights?: From UDHR to UNESCO Convention on Cultural Diversity*, *The Korean Journal of International Studies* 50 (1), p. 262.

²⁷⁹ R. Alexy (2011), *The Existence of Human Rights*, 2011 LAW UKR.: LEGAL J. 102, p. 111. A special report for the plenary session of the XXV World Congress of Philosophy of Law and Social Philosophy <Law, Science, Technology> held on the 15-20 August 2011 in Frankfurt am Main, Germany (translated by S. Maksimov).

²⁸⁰ *Ibid.* pp. 102-110.

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same time, it can easily be established that the rules in German are surprisingly similar to the meaning of Korean. Why do such universal rules exist despite cultural differences? Why is it impossible to find a dogmatic language in any of our languages that does not care about others?

For example, suppose there is a language in a society with rules that do not respect others. The expression 'I love you' will be an expression that conveys my sincerest heart to others. Suppose a phrase expresses this same feeling with the expression, 'I loved you and burned all of your books.' Unfortunately, we can only see this expression in ironic situations. Or, such expressions can be said to apply to the situation when someone worries about you a lot because you are studying too much. However, if this phrase is expressed very seriously, communication with each other will be nearly impossible. Even if there are some differences in the degree to which human beings live in society, there are minimum levels of etiquette or rules to be observed. Therefore, such a linguistic expression cannot exist as a language in the first place because such a linguistic expression is not considerate of others' feelings at all. That expression exists not as proper language, but only as a spiteful remark to himself or herself.

Then why does our language have to consider the feelings of others? How is it that human language has developed in this direction? As members of society, we have both rights and responsibilities. If the principle of democracy includes free and equal participation of individuals, the freedom not to participate should be included in that freedom. This means, if there is freedom for the individual to participate or not, high confidence in the objective and rational judgment of human beings will be based on it. Yet, if we go one step further in terms of freedom to participate or not, we, as members of society, need to impose responsibility on ourselves for both keeping and developing our society in a healthy way.

Most of the 'Asian value' proponents want to emphasize their unique culture. But even they are already in a way communicating in the form of a response to the West. They have also been carrying out the process of caring and persuading others in a common way and rule of mankind. This process, in turn, shows that they recognize some universal concept of human rights. Such a process leads us to think about why you want to communicate with others – the purpose and aim of such communicative interaction. People who speak the same language easily experience times when they have difficulties in making appropriate communication. Even within family members at home, the husband and wife's language clearly uses the language where the same rules are applied. Nevertheless, they often feel that conflict arises. Additionally, adolescents and parents communicate in a language that uses the same rules. However,

communication sometimes does not lead to proper conflict resolution. Even if a language is used between individuals who share the same rules, communication is not always efficient.

Furthermore, even when communication is carried out effectively, such communication does not always resolve the parties' conflict. The problem can be even worse when we think of communication between groups that use similar rules but use completely different languages. For example, in one family who use the same language and is not hostile to each other, we sometimes feel as if effective communication is difficult. Communication between groups who speak different languages can be much more difficult. Then we need to simplify the discussion further. When can the conflict be resolved? Keep in mind the example of the home. First, in the home, one of the parties to the conflict yields to another party. To put it plainly, conflict can be resolved if either husband or wife, either parent or child, yields. Of course, in this case, you can also suggest a certain condition such as "I give up this time, but I want you to do this instead." In most assumptions, these conditions do not necessarily have to be compulsory conditions. The second solution is to continue to communicate thoughtfully until a particular agreement is reached. The process can be relatively difficult and requires considerable patience, but you can expect voluntary participation and action from other members once you reach an agreement. Perhaps this second solution can be regarded as the ideal way to resolve conflicts.

There is a premise to these methods. One must know the rational way of talking to participate in the discussion and acknowledge the rules. It is an essential and absolute premise. On the other hand, the agreements or conclusions drawn from the process of communication must be observed. Of course, this often does not work out well; however, the process of reaching such a consensus is critical. Last but not least, if you disagree with this process or result, you should not lose or attempt to lose your status as a member. The rules may not be acceptable to everyone. To clarify, not everyone can be a rational participant in the process of communication. One may not agree with the agreement reached until the end. Others may feel that there is a problem with the process or that their opinion has not been fully reflected. Nevertheless, this does not mean that they will not be abandoned or dismissed. That is because, in the end, consensus through rational discussions with rules does not exclude people who disagree or hold different opinions but to embrace them.

As we look at the debate on cultural relativism and universal human rights, we need to refer to the explanation by example as above. Again, the rules of the conversation are very important. The rules of dialogue must be acknowledged before they can communicate with others. Even people who

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claim cultural differences and relativity could relatively find easily that there are certain logical rules within the culture. Furthermore, they can also easily find that these rules are similar to universal rules. Let me provide a very typical example in my country, South Korea. In a patriarchal family, a smart boy left for the West to pursue his study. The father and mother expected the child to return home after studying abroad, support the family, and become a source of pride in the family. However, the first time the child returned, he pointed out that something was wrong with the family and demanded a change. The son claimed that the father was too authoritarian, and it was unreasonable for the mother to live a life deprived of rights. The father becomes angry with such a child and eventually the child abandons the father and mother and severs contact with them.

It sounds like a very extreme example, but it is a typically common case which was easily found in South Korea in the past. Terms of human rights did not even exist in such traditional and patriarchal assumptions. In the example, this family communicated in a language using the same rules and grammar but failed to communicate with each other. They had a language as a tool for resolving existing conflicts but failed to communicate through a language that has the same rules. Only conflict and scars remain at the end of their communication. Furthermore, if we take two groups that speak different languages to each other, the communication difficulties can become much worse. Even in the same languages with similar rules, delicate nuances are complicated to convey smoothly.

As concluding remarks, it was believed by the people in Asian societies that no one could have their rights without fulfilling their obligations because traditional Asian societies are made up of obligations as the core²⁸¹. Such beliefs can be seen as the result of confusing the limits of exercising rights with the obligations to follow the possession of rights²⁸². Rights are not qualified in the sense that they are obtained only after fulfilling the corresponding obligations. When we communicate with others, it is not considered as an obligation to acquire the language system as well as following the rules. Likewise, even if some aspects of universal human rights are difficult to accept in some particular cultures, this does not mean that universality of human rights is no longer justified. If human rights discourse disappears, it could cause some consequences which would

²⁸¹ Hung-Chao Tai (1985), *Human rights in Taiwan: Convergence of Two Political Cultures?* IN: James C. Hsiung (eds.), *Human Rights in East Asia: A Cultural Perspective* (New York: Paragon House Publishers), p. 90.

²⁸² J. Donnelly (1996), *Universality of human rights and 'Asian values,'* *Quarterly Thought*, institute of social sciences, published in December 1996, p. 39.

distort altruistic human nature from a world dominated by choices as well as compromises based on their own economic interests.

6.2. Collective Action, Globalization, and Mutual Trust

According to the concept of interest groups in the past, today's civil society organizations operate on the basis of universal values. But, at the same time, it is only natural that the interests of corresponding groups exist behind such values. *Olson* argues that larger groups are more likely to generate more free riders than smaller groups. A large group is less likely to be maintained than a small group because there are more free riders in a large group. Free riders are individuals who do not contribute to the activities needed to pursue the group's public goals, and in large groups, the likelihood of this contribution is low.²⁸³ He also opposes the idea that groups of humans are expected to act in their common interests, as individuals are usually expected to act in their own personal interests. Reasonable, self-interested individuals, etc., would not act in pursuit of their common or collective interests unless the numbers were significantly smaller or if they were not forced to pursue common interests.²⁸⁴ It is intuitively natural to say that smaller groups are less likely to have free riders. This is because individual and group intimacy among members will be high. If there are many free riders in a small group, the group will be difficult to maintain.

Olson's argument is that at the individual level, individual self-interest may conflict. Yet, it is rational to society as a whole, and society is maintained through the process of mutual coordination. He sees the state as a group that is expected to promote the common interests of its members. The state's goal is to provide public goods, and members must follow the state's compulsions. However, this traditional view seems to confuse the state with society and interprets the role of the state very narrowly. His significant insight, which appeared before the word globalization was used, seemed to have faded before the argument that the nation should no longer be viewed as a subject of passive duty.

The reason why *Olson's* famous theory of collective action is introduced here is that we are reminded that the role of the state in the era of today's globalization is different from the past. Universal values are not fundamentally one single absolute value as they were regarded in the past, but pluralism has become the essence of the concept. The state is no longer

²⁸³ M. Olson (1965), *The Logic of Collective Action*, Harvard University Press, p. 45.

²⁸⁴ *Ibid*, p. 7.

a simple sum of rational and selfish individuals and a simple sum of such states do not constitute the world. Mutual trust among members is the only way to solve the side effects of the paradox of globalization: such as the deepening of conflicts between countries, the widening gap between the rich and the poor, the destruction of the environment, and the continuing colonization of the life world. A community that had a culture of trust in others can no longer sustain its cultural tradition in the face of globalization. The introduction of the theory of discourse on political autonomy opens up a whole new perspective. The concept explains why citizens' freedom to communicate must be mobilized to produce legitimate laws. According to this explanation, legislation relies on the production of a new type of power, which is the production of communicative power.²⁸⁵ Unlike the problem of individual ethics, the issue of justice cannot be said to belong to a particular community. It requires universal validity and must be in harmony with moral principles. It creates conditions for fair participation in the process of communication, and when it is enacted, it acts to integrate society. Thus, the practical use of equal communication freedom will be the method to overcome the paradoxical situation in the era of globalization.

6.3. Human Rights and Behavioural Economics

This section focuses on solving the conflict between human rights in the form of cooperating humans from behavioural economics rather than the selfish humans as assumed in classical economics. The assumption of humanity in law and philosophy has been quite different from that of classical economics. Selfish and rational human beings would instinctively make the most reasonable choice for the benefit of the individual. And, this assumption suggests a new human character as a result of the discovery of collective action which could not be explained in recent years and the process of publicizing the problem of public goods. We are basically burdened with the powerful remnants of the selfish character of humans assumed in traditional economics and the utilitarian tradition. Therefore, it is expected that such a brief discussion on this new character of humans could help the human rights discourse to go well.

6.3.1. The tragedy of the commons and the Human Rights

Humans, as assumed in classical economics, make selfish and rational choices. This character of human is closely related to the interests of the

²⁸⁵ J. Habermas (1996), *Between Facts and Norms*, Polity Press, pp. 146-147.

individual in keeping with the law. In other words, a selfish human does not need any special public motivation to form a social community. ‘The prisoner’s dilemma’ is the model that describes the problems, which arise when one assumes a selfish human. This model has led us to doubt the belief that rational humans can achieve reasonable results.

Regarding this topic, *Campbell* argues:

“Quite simply, these paradoxes cast in doubt our understanding of rationality and, in the case of the Prisoner's Dilemma suggest that it is impossible for rational creatures to cooperate. Thus, they bear directly on fundamental issues in ethics and political philosophy and threaten the foundations of the social sciences. It is the implication of these consequences that explains why these paradoxes have drawn so much attention and why they command a central place in philosophical discussion.”²⁸⁶

As above, this article insightfully expresses the conflict of irrationality, which is based on the desire for rationality and the selfish desires that humans have. This expression sounds as if *Campbell* made a prediction of the conflict between universal human rights and cultural pluralism today. Assuming that the nature of human rights is similar to characteristics of public goods, human rationality may result when locked in a prisoner's dilemma. Property of human rights is that they are enjoyed and preserved equally by everyone. Nevertheless, the individuals who use them tend to enjoy the results as well as effects but do not want to pay for the costs. Thus, the rationality of an individual does not seem to bring about optimal conditions for society as a whole. If all participants choose to free ride, collective benefits will not be produced. The temptation of free-riding will dominate individual choices, resulting in undesired results that no one is willing to obtain.²⁸⁷ This is the very moment when traditional belief is broken. It is believed that an individual’s focus on their own interests will benefit society. If individuals act only for the sake of their own benefit, there is no way to stop situations such as the tragedy of the commons. However, the new term of ‘*Homo Reciprocans*’²⁸⁸ has relatively well-illustrated cooperative behaviour that does not depend on selfish motives.

²⁸⁶ R. Campbell (1985), *Background for the Uninitiated*. IN: R. Campbell and L. Sowden (eds.) *Paradoxes of Rationality and Cooperation*, Vancouver: University of British Columbia Press, p. 3.

²⁸⁷ E. Ostrom (2015), *Governing the Commons- The Evolution of Institutions for Collective Action*, Cambridge University Press, p. 6.

²⁸⁸ ‘*Homo Reciprocans*’ tend to respond cooperatively to those who have a cooperative attitude, and to retaliate against those who deviate from social norms even at the expense of

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The hypothesis that explains such a state effectively is the repeat-interaction hypothesis. This hypothesis attempts to explain altruistic behaviour through human altruistic behaviour that occurs when repeating the prisoner's dilemma, which is regarded as a typical example of traditional game theory.

In other words,

		Player II	
		Cooperates	Betrays
Player I	Cooperates	1, 1	-1, 2
	Betrays	2, -1	0, 0

Table 1. Case of One-time game

		Player II	
		Conditionally cooperates	Betrays
Player I	Conditionally Cooperates	$\frac{1}{1-\delta}, \frac{1}{1-\delta}$	-1, 2
	Betrays	2, -1	0, 0

Table 2. Case of Repeating the game

What is shown in Table 1 as above is a game to represent the traditional prisoner's dilemma. Table 1 assumes that the game is played only once. The scenario is based on the selfish behaviour of each player. The players here are regarded as society as a whole; the strategy for both players is to choose to betray each other, even in the case when they cooperate with each other. Looking at this principle, from the point of view of player I, betrayal is favourable in all cases. Given that the previous number is the utility or

themselves. The more people there are, who criticize people who throw away trash everywhere and punish the evil by strictly distinguishing between the good and the evil, the cleaner the environment will be and the stronger the social norms will be. If everybody only focuses on his/her own gain, everybody throws trash anywhere, or if good and evil become unclear, and evil grows in power, it is quite apparent that this path will collapse for everyone. For further information about 'Homo Reciprocans', see 'E. Fehr and S. Gächter (1998), *Reciprocity and economics: The economic implications of Homo Reciprocans*, European Economic Review 42, pp. 845-859; 'S. Bowles and H. Gintis (2002), *Behavioural science: Homo reciprocans*, Nature (Vol. 415, Issue 6868)'

happiness the player I will get; betrayal is advantageous to the player I whatever the counterpart chooses.

Similarly, the player's opponent will make the same choices, so both of them will choose to betray so that the overall utility will be equal to zero. Once again, this game theory is an attempt to prove how humans make altruistic choices economically. Thus, assumptions and premises always follow a certain scenario to draw simple and straightforward conclusions, which economists usually take for granted. Going back to the table above, if we eventually run the game only once, both parties are not interested in society's utility as a whole but instead make choices for their interests on one single occasion, which leads to neither making the best choices for the benefit of either of them.

However, if the game is repeated, the strategies taken by both counterparties will change. First of all, the term of conditional cooperation strategy here means a strategy of betraying forever without reciprocating with forgiveness once the other person betrays. Such a strategy means that 'I' decide 'my' strategy, based entirely on the strategy to be taken by the counterpart. If 'I' choose a conditional coordination strategy, both counterparties can continue to earn the compensation of '1' each time until the game is stopped. The payoff would then be 1 to one time, 2 to two times, 1 to 3 times, etc. 'My' total utility depends on the probability of the game being repeated, as 'I' have to consider the probability of the game being repeated each time.

If the probability that the game is repeated is 0.8, then the

$$\text{Total utility} = 1 + 1 \times 0.8 + 1 \times 0.8^2 + 1 \times 0.8^3 + \dots = \frac{1}{1 - 0.8} = 5$$

The total utility, in this case, is equal to 5.

Now, if the opponent is a conditional collaborator and 'I' choose a betrayal strategy, 'I' get 2 at the first time. But from the second time, the opponent also chooses a betrayal strategy, so 'I' will get 0. Therefore, in the conditional coordination strategy, the higher the repetition probability of the game, the higher the utility 'I' can get. Thus, the probability of the game being repeated should be greater than:

The Cost of Altruistic Behaviour

Benefits that the counterpart gains from Altruistic Behaviour

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When this happens, the game no longer has the structure of a prisoner's dilemma and becomes to a *Stag Hunt Game*^{289,290}. What this model explains is whether we are as selfish as we think and whether we are as reasonable as we think. The other's choice inevitably influences my choice; that is, my rationality is limited or increased by the other. Such interactions can give clues to solving unexpected economic challenges if they have a positive impact.

It is *the tragedy of the commons* that many are already familiar with. When cattle graze on unclaimed pastures, the grazing capacity of these common pastures is soon reduced if the owners only think about their interests. In order to solve the problem, every farmer decided to set a certain rule where each farmer grazes the cows at one time according to the set time. However, in this case as well, if someone broke the promise, they could not prevent the common ground becoming desolate.²⁹¹ Basically, public goods, unlike private goods, cause free-rider problems. Therefore, people hide their preferences and want to acquire just returns or utility while not paying for it. Economics has also suggested theoretical and empirical alternatives to address the tragedy of common goods through direct government intervention or to show various solutions beyond countries and markets.²⁹² Let us take another example.

(a) Suppose you have been exposed to a severe illness that (if you get sick) causes death within a week. When exposed to a disease, the actual chance of getting sick is 0.001%. How much are you willing to pay for a cure?

(b) Volunteers are to be recruited to conduct research on the above diseases. When exposed to an illness, the probability of getting sick is 0.001%, as shown in (a). Will you apply for this program? How much do you want to receive, at least for doing this?

In both situations, the probability of death from the disease will be the same as 0.001%, but there was a big difference in response. The survey found that participants are willing to pay \$ 200 to buy a drug (a). And respondents want to receive \$ 10,000 to apply for a risky program (b). It

²⁸⁹ Stag Hunt Game refers to Rousseau's coordination game. In this game, hunters who jointly intend to hunt deer take the strategy of hunting deer by each blocking his own way. If the hunter who keeps the path no longer blocks his own track because the rabbit passes by, the hunter will miss the deer. (for more, see: "Jung-Kyu Choi (2004), *The emergence of altruistic humans*, Roots and leaves publishing, p. 110").

²⁹⁰ Jung-Kyu Choi (2004), *The emergence of altruistic humans*, Roots and leaves publishing, pp. 114 - 121.

²⁹¹ G. Hardin (1968), *The Tragedy of the Commons*, Science, 161, pp. 1243-1248.

²⁹² E. Ostrom (2015), *Governing the Commons- The Evolution of Institutions for Collective Action*, Cambridge University Press, p. 2.

suggests that people tend to spend less money on ‘acquiring health’ (the case of ‘a’) than the rewards needed to ‘sell their own health’ (the case of ‘b’).²⁹³

If you ask the same question about human rights, people will judge morally, but actual behaviour will depend on intuitive and personal experiences. That is to say, the costs people pay for human rights will be significantly lower until they are actually harmed by human rights. The reason for opposing human rights in accordance with culture can be judged as above. Culture is embedded in intuition or personal experience, and human rights can only be accepted by relying on rational judgment.

From the standpoint of classical Economics to the pre-World War I, the trust in human reason was great. Such trust in reason has indeed recognized the intervention of the state as a significant barrier to cumbersome and rational judgment. Because the involvement of others or the state in an individual’s free judgments and decisions interferes with the optimal choice of society as a whole, the involvement of the state is limited to the extent that it hurts others or does harm to others. This position is still widespread in academia as well as throughout the public, except when it demanded a reflection on human reason after World War II. Indeed, the idea that moral judgments based on the individual’s rational reason would be self-evident seemed sufficient to be attacked by Confucianists in East Asia.

6.3.2. The difference between human rights and meadows

Next, how can human rights with the characteristics of public goods avoid experiencing the tragedy of public goods? Consequently, assumptions on human characteristics first need to turn selfish humans into co-operative humans. Farmers who raise cattle in the tragedy of common land are typical capitalist humans. Presupposition itself is different from humans dealing with human rights discourse because the capitalist human presumes that they are wasting the common resources if ownership is not set. Human rights do not rest on the belief that respecting others adds to the cost of the individual. Nevertheless, the possibility still exists to choose ‘my’ own strategy based on other people’s strategies. However, even if the state implements policies to guarantee human rights, ‘my’ own human rights will never be violated. Additionally, the belief that such a guarantee will reduce our quality of life from which ‘I’ could have otherwise acquired, is wrong.

²⁹³ Eun-Gyung Lee (2017), *Contribution of professor Richard H. Thaler on behavioural economics*, Fiscal Forum, p. 54

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Let our discussions develop further with the following example of *Amartya Sen's* argument about the pluralistic tendency that human beings have²⁹⁴. Hypothetically, three children - *Anne*, *Bob*, and *Carla* are arguing over who should be the flute owner. You have to decide, among these three children, who should be entitled to have a flute. First, *Anne* claims to own the flute because *Anne* is the only person who can play the flute among the three, and it would be very unreasonable that the person who can play cannot have the flute. On the other hand, *Bob* is the most impoverished child among the three. He argues that he should have a flute because he has no other toys to play with. Finally, *Carla* claims that she has worked very hard to make her flute for several months and complains that the two greedy people try to take the flute away from *Carla* as soon as she finishes her job. Through the story of three children and their reasons, each of the various theorists, who subscribe to utilitarianism, economic egalitarianism, and libertarianism, will try to solve the problem according to their perspective. Economic egalitarians could endorse the poorest *Bob* because economic inequality will be reduced between the people. *Carla*, who has made the flute, will receive support from libertarianism. In the case of utilitarianism, the decision-making process can be somewhat complicated. Utilitarian will focus on the fact that *Anne* gets the most pleasure on the basis that *Anne* is the only child who can play the flute. But, they will also believe that it is also necessary to consider that *Bob's* happiness from having a flute is very large because of his poverty whereas the right of *Carla* to have what she has made cannot be directly recognized by the utilitarian. Yet, if considered more deeply and, more thoughtfully, it may be noted that creating a society in which the creation of utilities is sustained and strengthened by owning what they have produced in their efforts will be a labour incentive.

There are other reasons which make such decisions very difficult. The liberalists' grounds that flutes must be given to *Carla* are in line with the grounds for utilitarian incentives for labour, as explained above. That is because liberalism emphasizes the rights that people have to own what they have made in their efforts. When focusing on the concept of the right to the price of one's work, liberalism and Marxism are based on totally different political horizons yet can reach the same conclusion.

What can be confirmed here is that none of the above three children can overlook the enjoyment. In our real lives, the question of who needs to have a flute provides some specific answers. The question of who should rightfully own what is produced by someone's efforts is assumed for a

²⁹⁴ A. Sen (2010), *The Idea of Justice*, Penguin Books, pp. 12-15.

matter of debate, but in practice, there is no question in the capitalist system. However, if the flute is replaced with culture and human rights rather than some specific products, the question becomes more meaningful. Or the flute can be replaced with the public good. If the flute is replaced with a road, rail, river, electricity, or air, a more serious discussion will follow.

Take the road as an example. If some people claim to own the road because they have built it with their efforts, this argument is invalid. Then, the cost of building the road was expensive, so if only those who have paid a certain amount of money receive their license or ownership for the road, that can indeed be a problem. Because the primary purpose of roads is to provide the convenience of public transportation, granting a license (or ownership) only to a specific group of people who have paid the cost would be against such a primary purpose. In that way, the primary purpose has disappeared because it is intended to provide the convenience of moving only to the people who can pay the cost.

In this context, another problem is hidden. The following question is whether roads exist only for those who own cars or automobiles. Of course, someone will argue that such the cost can be borne by anyone since you can also get cheap buses. However, it seems reasonable to raise such a question about whether roads could exist on behalf of the only people who can use or own transportations. These types of public goods can actually be considered as restricted public goods. This is because it cannot be seen that the service is provided relatively to everyone. Then it is necessary to look for some public goods that benefit everyone fairly. This will be one of the most challenging tasks. Would the services provided for people to drink non-contaminated water be regarded as such services? Not necessarily. In some countries, water is no longer a rich and abundant public good as it was in the past. Public goods, in the purest sense, mean something which is not processed by human efforts; nevertheless, something whose benefits could be enjoyed by everyone. However, such a meaning must be altered today according to the change in circumstances or conditions.

Importantly, if the nature of universal human rights is seen from the perspective of the right to private property, confrontations and conflicts are unlikely to be triggered. Of course, public goods such as electricity, water, harbours, railroads, and roads were naturally viewed as a public good in the past. However, since the 1980s, such aspects of industrial competitiveness have been emphasized, and such services have been privatized. Attempts to privatize such services are still vigorous. Nevertheless, looking at other aspects of such an assertion, there has undoubtedly been benefits of

enhancing competitiveness through privatization, as well as disadvantages causing damage to consumers due to oligopoly.

On the other hand, national defences, security, and education are still largely perceived as being public goods. Defining public goods is not so simple and easy. Public goods mean a situation in which it is difficult to exclude members of society from consuming certain goods and where the need to compete for consumption is considered comparatively weak. To further clarify, it means non-rival consumption and non-exclusion goods, and sometimes the character of non-excludability is regarded as a standard of public goods. Broadcasting such as radio and television or computer software is often considered as having the characteristics of public goods.²⁹⁵ Public goods connote the difficulty of privatization in itself because 'public' is in symmetrical relation with 'privatization.' For example, living in a particular area does not mean that the inhabitants can own the air in that area. What would then be the case when a foreigner entered the area. And if the local residents own the air in the area, an unrealistic situation would occur where passers-by and visitors cannot breathe the air in the area. Such a character is 'non-rivalry in consumption.' This means that even if an outsider consumes the air from the area, the air taken by the local people does not decrease at all. If some goods have characteristics such as non-excludability from benefits or non-rivalry from consumption, then in economics, such goods will be seen as implying market mechanisms that do not function efficiently.

Fundamentally, the market believes that goods with a clearly distinct ownership function perfectly in the market system. Simply speaking, it is difficult or very inefficient in the market system to trade such goods whose ownership is unknown, unclear or could belong to everyone. Such a concept is regarded as bringing about imminent 'market failure'. As mentioned above, it is very difficult to find goods that have the full nature of the two characteristics, namely, non-excludability as well as non-rival consumption in the real world situation. Traditional mainstream economics is mainly interested in how such public goods can be effectively provided. After all, they focus on finding ways which provide them to consumers most efficiently without going through the market mechanism. As a solution to this as worthy of remark, first, efficient choices can be made through negotiations among participants. Secondly, the government can intervene. The first perspective can be expected when the size of a group is

²⁹⁵ R. G. Holcombe (2000), *Public Goods Theory and Public Policy*, *The Journal of Value Inquiry* 34, pp. 125-129.

relatively small. However, there is a drawback that the transaction cost becomes enormous when the expected size of the group is enlarged. Regarding the second perspective, if the government intervenes, it is expected to allocate public goods, for example, through a political process of voting. In this case, the problem remains as to whether it is possible for members to participate voluntarily. It is then necessary to see if it is possible to apply the concept of human rights as mentioned above to the characteristics of public goods viewed from the perspective of economics in traditional meanings. Before that, what should be kept in mind is to discuss the evaluation of human beings' image from the viewpoint of traditional mainstream economics. This is because such an image is quite different from the human figure seen in behavioural economics, which will be discussed below. Perhaps the only area in economics that does not easily conclude when one reasonably looks at humans is the efficient allocation of public goods. This is because selfish people, such as the famous allegory of 'tragedy of the common,' are likely to abuse public land, that is, public goods, because public goods do not have specific ownership. It is an old task for scholars. In particular, the characteristics of human cognition found in behavioural economics can be summarized as bounded rationality, bounded willpower, and bounded self-interest. These are due to the fallacy of misjudgement. Such characteristics mean the type of human beings who have very different traits from selfish and reasonable human beings who are presupposed in traditional economics. However, the fact that we possess characteristics other than selfishness and reasonableness will be seen without difficulty even without very complicated analysis.

Such debates are closely related to the failure of government as well as market failure, which has been the subject of long-standing controversy in economics. If we can pursue answers with a certain degree of public reason through democratic deliberation and debating procedures, we could reach an answer as to whether it is right or important to decide specific ownership of the flute. Ownership-based liberty, which we take it granted without any doubt, is one of the main factors that trigger conflicts among individuals in the community. The difference between a community with a culture of assertive ownership and culture without one tends to be more intense than some other differences between cultures.

Here is a straightforward example: In the old days, there was a village on an island far from the land. All the arms of those who lived there could not bend, which made their life very inconvenient. They could not eat the food by themselves because of their non-bending arms, even if the food were in front of them. In order not to be hungry, someone had to feed another and give the food to him or her. The village on this island had two kinds of

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people. One group consists of people who 'know to help others', and the other group was people who 'care only for themselves.' If anyone who 'knows to help others' sees hungry people, they will pick up food and feed another by bringing it to the mouth of the hungry people. On the other hand, the people who 'care only for themselves' could receive some food from other people. But, they never feed the food to others²⁹⁶. As seen from this simple example, it can be well explained by a relatively simple story that being cooperative makes it possible for people who are insufficient or incomplete by themselves to make their lives better by helping each other

²⁹⁶ Jung-Kyu Choi (2004), *The emergence of altruistic humans*, Roots and Leaps Publishing, p.23.

Chapter 7. Democracy in South Korea: Institution Matters? or Culture Matters?

7.1. Theoretical Background

Regarding the Korean development of democracy, it is generally agreed that the transition to democracy began in 1987. Korean society since 1987 is regarded as having fulfilled the state of sustainable democratic consolidation, even by varying degrees exist. The 2018 GNI per capita reached \$ 30,600 in South Korea, and it is the 15th largest economy in the world.²⁹⁷ This is well more than the GNP level of US \$ 6,000 per capita, known as the minimum requirement for sustainable democratic consolidation.²⁹⁸ From such a remarkable political and economic performance of Korea, no one will doubt the questions of whether South Korea's democracy is consolidated enough or not. Nevertheless, ironically, South Korean people are not satisfied with the level of their democracy at all.²⁹⁹

These democratic dissatisfactions of the Korean people led to the Candlelight Revolution in the fall of 2016, following the injustice and corruption of the ex-president *Park Geun-Hye*. The Candlelight movement eventually led to President *Park* being sentenced as well as impeached by the decision from the Constitutional Court of Korea. The series of processes from Candlelight movement to legal decisions are also in line with the question of why democracy is retreating, despite the institutionalization of democracy and the achievement of economic stability. In this regard, it is possible to ask why the people in South Korea are still dissatisfied with the state's democracy, regardless of the establishment of a consolidated democracy. Therefore, it can be interpreted that democracy does not meet the people's expectations despite all the positive figures stated above.

7.1.1. The Position of emphasizing the institution

The position of emphasizing the institution claims that a certain level of economic development is necessary to stabilize the institution of

²⁹⁷ World Bank Report, <https://data.worldbank.org/country/korea-rep> (Lastly accessed on 26 February 2020.)

²⁹⁸ A. Przeworski, M. E. Alvarez, J. A. Cheibub, and F. Limongi (1996), *What Makes Democracies Endure?*, Journal of Democracy, Vol. 7(1).

²⁹⁹ Seong-Yi Yun, Hee Min (2012), *Democracy in South Korea: Consolidated but in Deficit*, Korea Observer, Vol. 43 (1), p. 147.

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democracy based on several countries' case analyses. Furthermore, these analyses highlight that the system of democracy is consolidated through such economic progress. They claim that such consolidated democracy can no longer move backward. Some institutional requirements must be prepared for a successfully stabilized democracy.³⁰⁰ Studies on democratic consolidation can be classified into two different perspectives: the minimalist and the maximalists. The minimalist view considers the 'institutionalization of democratic competition' as a vital priority condition for democracy.³⁰¹ This minimalist perspective regards the transfer of power taking place as a result of free and competitive elections as a vital and important element of democracy. Such an institution-centred perspective still exerts a great deal of influence on academia and the public. This perspective has a great impact on the existing confusion of the people between actual national institutions and their desired institutions. To clarify, those who believe that their democracy fulfil a certain level of stability consider the government's composition through almost free elections as its minimum requirement. Naturally, these views come to believe that democracy may not be the best regime when the government has not implemented the public policies that the public wants.

Such mistakes are based on the beliefs of the scholars in the West, who argued in the past that democracy needed to spread further. This is because rapid globalization has created a situation where it is difficult to see free elections as a solid condition of democracy worldwide. Free elections are held regularly, but the government and political parties have grown whilst becoming less responsive. At the same time, the economy has matured, but inequality has become severe. In the meanwhile, separation and conflicts have threatened unity, consolidation, and trust in society. That is why the quality of democracy has to be discussed.³⁰² Nor does such a minimalist perspective distinguish a neo-democratic state from a country that had

³⁰⁰ R. A. Dahl (1958), *A Preface to Democratic Theory*, Chicago: University of Chicago Press. A. Lijphart, (1985), *Non-Majoritarian Democracy: A Comparison of Federal and Consociational Theories*, *Publius*, Vol. 15 (2), pp. 3-15.

³⁰¹ J. J. Linz (1990), *Transitions to Democracy*, *The Washington Quarterly*, Vol. 13 (3), J. Linz and A. Stephan (1996), *Problems of Democratic Transition and Consolidation: Southern Europe, South American, and Post-Communist Europe*, Baltimore: Johns Hopkins University Press., A. Przeworski (1999), *Minimalist Conception of Democracy: A Defense*, IN: L. Shapiro and C. Hacker-Cordon (eds.), *Democracy's Values*, Cambridge: Cambridge University Press.

³⁰² In-Sub Mah, Hee-Ok Lee (2014), *The Search for 'Good Democracy' in Asia: Concept and Evaluation*, *Comparative Democratic Studies* Vol. 10 (1), p. 24.

long ago adopted democracy and experienced change and development. Therefore, the minimalist perspective will be very sensitive to the small anti-democratic movements that take place in relatively new democracies and question whether democratic retreat will occur or not.

The view taken by maximalists comes from the criticism of this minimalistic perspective. The maximalist point of view claims that democracy is consolidated when the new democratic rules are in a state of "becoming effective."³⁰³ Becoming effective can be seen as meaning that the system does not stop at the system's introduction and existence, but that it is continuously well managed. To complement or overcome the harmful effects of a majority voting decision and better implement the spirit of consensus, complementing democracy will naturally be a more modern context through implementing democracy. Interest in the link between East Asian economic development and democracy starts with both pride and doubt about achieving a high economic growth level without adopting the 'Anglo-Saxonic market ideology'. Then, the democratic recession that occurs in countries where economic growth has taken place to some extent would be of interest to political scientists. Interestingly, although the insights on the relationship between markets and democracy are not so simple as to determine the right answer, some scholars seem to have already made accurate decisions on the correlation between democracy and markets.

Another important point that should not be overlooked is the rather painful experience: If newly developed democracies in some East Asian countries do not follow the 'laws of the market' due to the wave of globalization following democratization, their economies, as a basis for the livelihood of their citizens could collapse. The countries of the West, which have already experienced such negative effects of capitalism decades ago, have phased out projects aimed at achieving democracy and implemented structural adjustments to a 'market-friendly' political policy under the state-led economic policy. Such policy does not have pure market omnipotence as described in several terms such as 'social democracy,' 'Keynesianism' and 'welfare nation'.³⁰⁴ There are many different positions depending on the extent as for how closely related the market economy system with democracy.

³⁰³ A. Croissant (2002), *Majoritarian and Consensus Democracy, Electoral Systems, and Democratic Consolidation in Asia*, Asian Perspective. Vol. 26 (2).

³⁰⁴ Hyug-Baeg Im (1998), *Market Economy and Democracy: from tension towards co-existence*, Quarterly Thoughts, Institute of Social Sciences, p. 8.

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Yet the relationship between markets and democracy is regarded as *asymmetric*. Such asymmetry comes from the fact that the market economy does not mandatorily require democracy, and it can even be combined with authoritarianism.³⁰⁵ This fact is evident from the empirical evidence of how western developed countries have increased their economies accompanied by democratization in an essential and mutual relationship.

With reference to this, *Ha-Joon Chang* stressed the following,

“Why then are the advanced countries so ignorant of their own historical development? Is it because of the natural tendency for people to interpret history from the viewpoint of their current intellectual and political agenda, which can often obscure a historical perspective? Or is it because, as has happened repeatedly, countries have a vested interest in imposing policies and institutions which they themselves had not used during their own development, but which are beneficial for them once they have reached the technological frontier? In short, are the developed countries trying to ‘kick away the ladder’ by insisting that developing countries adopt policies and institutions that were not the ones that they had used in order to develop?”³⁰⁶

Even though the history of democracy in the West did not evolve in an indispensable relationship with capitalism, capitalistic democrats have always claimed that market economy and political democracy operate in a way that is based on the same mechanism. According to this, the price in a perfectly competitive market most accurately reflects the relative scarcity of resources and personal preferences. Accordingly, people’s collective choice through the vote under democracy in a highly competitive political system creates an optimal distribution of political power. Additionally, social welfare can be maximized by means of the optimal distribution of social welfare.³⁰⁷ This view, while present globally for a long time, still has a strong influence. Could we not have expected the ruinous aspect of market competition’s self-destructive nature that disrupts humans and communities? As a matter of fact, if being on behalf of the interests of individuals destroys the community that will serve as ultimate sources of individual interests, individual interests are limited finally from the long

³⁰⁵ Ibid, p. 9.

³⁰⁶ Ha-Joon Chang (2005), *Kicking Away the Ladder - Development Strategy in Historical Perspective*, Anthem Press, p. 139.

³⁰⁷ Hyug-Baeg Im (1998), *Market Economy and Democracy: from tension towards co-existence*, Quarterly Thoughts, Institute of Social Sciences, p. 12.

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term perspective. Such thoughts spread to the claims of highlighting individual freedom and competition more and more through ‘small government theorists.’

These claims resemble the illusion of the so-called paternalistic autocracy advocated by East Asian Confucians. This is why Confucianism’s claims fit well with the ideal form of authoritarianism. *Maravall* described this well as follows:

“Only when a state is insulated from particularistic pressures, it was argued, can it behave as the universalistic agent it needs to be to ensure efficient economic performance. Authoritarian regimes appear to meet this requirement: because they are less dependent on popular support and do not have to concern themselves with electoral cycles, they have a greater capacity to implement policies that may be unpopular. Of course, if the regime process is to be successful, these policies have to be the right ones, and unless the dictators are themselves enlightened, their decisions may be the right ones only if the rulers are responsive to enlightened outside the pressures (for example, those exerted by international economic institutions).”³⁰⁸

We have seen that these illusions have been broken in the experiences of most dictatorships. Is the market economy genuinely strengthening democracy? Or is the democracy a prerequisite for the market economy? Such claims would be difficult to keep up with if we look at the reality of polarization of wealth and the collapse of a traditional community after more than 20 years ever since the debate on the relationship between globalization and democracy began. In particular, the consolidation of institutional democracy is the stabilization of democracy grounded in the point of view of the West. *Freedom House*³⁰⁹ and *the Economic Intelligence Unit*³¹⁰ have valued South Korea as a country undergoing democratization

³⁰⁸ J. M. Maravall (1994), *The Myth of the Authoritarian Advantage*, *Journal of Democracy*, Vol. 5 (4), p. 18.

³⁰⁹ Freedom House (2016), *Freedom in the World: Korea*, available online at <https://freedomhouse.org/report/freedom-world/2016/south-korea> (Lastly accessed on 26 February 2020)

Freedom House (2017), *Freedom in the World 2017: table of Country Score* <https://freedomhouse.org/report/fiw-2017-table-country-scores> (Lastly accessed on 26 February 2020)

³¹⁰ Economic Intelligence Unit. (2017), *Democracy Index 2016*, available online at https://www.eiu.com/public/topical_report.aspx?campaignid=DemocracyIndex2016 (Lastly accessed on 26 February 2020)

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for a relatively short time. And the consolidation of institutional democracy is an essential criterion at the base of such vision. That is to say, when assessing the extent to which democracy has become consolidated, the most important aspect is free and competitive elections, the segregation of power, check and balance, the protection of political freedom and rights. Of course, the guarantee of political freedom and rights is somewhat different in traits from the first two. It is right to believe that the guarantee of the democratic system is ultimately proportional to the guarantee of political freedom and human rights.

At the heart of this chapter is a criticism of this point. There are broadly two groups: Western Democratic countries as the first group, and second, the countries that have been transplanted with democracy without any autonomous or internal reflections after the 1950s. The first group of countries – mostly Western Europe and North American countries – have been equipped with democracy as a result of critical struggles. How imprudent is it to compare those two groups simply without all those necessary considerations? Therefore, it is necessary to point out how such a reckless comparison is based on ignorance with the correlation between East Asian democracy and culture.

7.1.2. The Position to emphasize the cultural vision

Doh Chull Shin stressed,

“Those habits motivate citizens to welcome a resurgence of those methods, which impedes the growth of democratic citizenship.....

The social norms of *datong shehui* (大同社會), a community of grand unity or harmony, encourage people to become Conformist or followers in interacting with others.”³¹¹

According to him, the Confucian tradition has contributed to three aspects to the deconsolidation of democracy in the *Park Geun-Hye* presidential period. The first is that norms of political paternalism led the democratically elected president to rule the country, believing that she was the president of the kingdom, not the president of the republic. Secondly, such political norms caused her subordinates to respond to the president's anti-democratic and undemocratic impulses and look up to her as a paternalistic ruler. Finally, conformists and anti-plural social norms

³¹¹ Doh-Chull Shin (2018), *The Deconsolidation of Liberal Democracy in Korea*, Korea Observer, Vol. 49 (1). p. 111.

prevented the people from opposing the government both internally and externally.

The cultural theory on democratic deconsolidation is based mainly on two thoughts: firstly, it is believed that most ordinary people in the countries where the government is authoritative or undergoing the democratic process do not cognitively distinguish between democracy and other alternatives. Secondly, people who spent their youth in the authoritarian government are viewed as having a preference for authoritarian rule as well as democratic regime at the same time.³¹² East Asian citizens have a tendency to feel ambivalent about democracy and thus the newly developed democracy in East Asia has stopped or retreated slightly. Besides, many East Asian democracies struggle with nostalgia for authoritarianism as people compare living under democracy and growth-oriented authoritarian regimes with their prosperous non-democratic neighbours.³¹³ Korea is a country that fits this diagnosis well.

7.2. Is Korean Confucian culture compatible with democracy?

Shin raised questions, “What type of political attitudes and beliefs comprise cultural software compatible with liberal democracy politics? What type of those attitudes and beliefs comprises an incompatible one?”³¹⁴ As *Shin* points out, in Confucianism, a good government is a government with a paternalistic system like the parents and children of a family.³¹⁵ In Confucianism, the state is responsible for taking care of the people well, and the people believe that such a government is a good government and should follow it. Such is the belief of Confucianists in East Asia and some Western scholars who are studying East Asian Culture. It is noteworthy that this belief is only held by a few elites, but that it has spread throughout Korea and East Asia. Under the Confucian tradition, the relationship between the state and the people is like that of the father and the other members of the family. The father should make an effort for the child, and then the child follows the father.

³¹² Pew Research Center (2017), *Globally, Broad Support for Representative and Direct Democracy But many also endorse nondemocratic alternative*.

³¹³ Yu-Tzung Chang, Yun-Han Chu, and Chong-Min Park (2007), *The Democracy Barometer (Part I): Authoritarian Nostalgia in Asia*, *Journal of Democracy*, Vol. 18 (3), pp. 66-80.

³¹⁴ Doh-Chull Shin (2018), *The Deconsolidation of Liberal Democracy in Korea*, *Korea Observer* Vol. 49 (1), p. 111.

³¹⁵ *Ibid.* p. 112.

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The incompatibility argument contends that Confucian tradition fits authoritarian rule, not democratic politics. According to the people who support the incompatibility argument, the rule of morality is more in line with Confucian tradition than the rule of law.³¹⁶ The incompatibility argument is often used to justify authoritarian rule in Confucian societies by paying attention to the Confucian Values of social hierarchy, group primacy, and social harmony.³¹⁷ Notably, communitarianism or group primacy combined with benevolent paternalism softens the negative effect of individualism by offering collective welfare.³¹⁸ It is undeniable that the reciprocity of Confucianism has the effect of preventing individuals' atomization and uniting society internally.

7.3. Maximalist View³¹⁹

The maximalists reason that democracy is consolidated when the new democratic rules are 'becoming effective,' which means democracy is in a state of deepening, habituating, internalizing, and taking deep roots.³²⁰ *Heo* and *Hahm* argue that the minimalist view is not universally applicable despite the empirical clarity of its merits.³²¹ Therefore, they insist that the maximalist view should be applied to Korea's case as in the following because Korea is regarded as undemocratic political behaviour and the lack of mature democratic institutions in Korea.

- (1) Lack of Respect for the Majority Rule in the National Assembly
- (2) Refusal to Concede in the Party Nomination Competition
- (3) Lack of Respect for Public Authority and the Rule of Law³²²

³¹⁶ Bao-Gang He (2010), *Four Models of the Relationship Between Confucianism and Democracy*, *Journal of Chinese Philosophy* 37, pp. 18-33.

³¹⁷ Eun-Jung Choi, Jong-Seok Woo (2018), *Confucian Legacies and the Meaning of Democracy in South Korea: A Cultural Interpretation*, *Korea Observer*, Vol. 49 (3), pp. 499-500.

³¹⁸ Doh-Chull Shin (2011), *Confucianism and Democratization in East Asia*. New York: Cambridge University Press; Eun-Jung Choi, Jong-Seok Woo (2018), *Confucian Legacies and the Meaning of Democracy in South Korea: A Cultural Interpretation*, *Korea Observer*, Vol. 49 (3)

³¹⁹ Uk Heo (2013), *What Delays Democratic Consolidation in South Korea?*, *Korea Observer*, Vol. 44 (4), pp. 569-591.

³²⁰ A. Croissant (2002), *Majoritarian and Consensus Democracy, Electoral Systems, and Democratic Consolidation in Asia*, *Asian Perspective*, Vol. 26 (2).

³²¹ For further details, see 'Uk Heo and Sung-Deuk Hahm (2014), *Political Culture and Democratic Consolidation in South Korea*, *Asian Survey*, Vol. 54 (5).'

³²² Uk Heo (2013), *What delays Democratic Consolidation*, in: *South Korea?* *Korea Observer*, Vol. 44, No. 4, published in Winter 2013, pp. 573-577.

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In South Korea, a politically influential political leader who belonged to a political party has appeared to persuade the people of his or her intentions and goals. Regarding the party system, it should also be pointed out that the party's internal structure is inevitably hierarchical because it is a system financially supported by the political leaders. Another significant point here is regionalism, which is still one of the biggest problems in Korea. The political leader's support from the people of his region led to the emergence of regionalism. However, the fact is that the 1971 presidential election strategy of President *Park Chung-Hee*, who was a military dictator, was the starting point of regionalism. Of course, in the 1967 presidential election, the vote was divided into East and West. In the year of 1971, regionalism became even worse. The opposing presidential candidate was *Kim Dae-Jung*, who became the President in 1997 later, he was from *Jeolla-do* province³²³, and *Park Chung-Hee* was from *Gyeongsang-do* province³²⁴. *Kim Dae-Jung* won the election and lost the ballot count, and this election was known as an unfair election.³²⁵ Following this election, *Yushin*(유신:維新)³²⁶ was proclaimed, all constitutional order was stopped, and the path of dictatorship under *Park Chung-Hee* was taken. This can be seen in the presidential election of 1950s, in which urban and rural votes were divided into progressive and conservative rather than regionalism.

³²³ *Jeolla-do* province was one of the historical eight provinces of Korea during the Kingdom of *Joseon* in today southwestern Korea. It consisted of the modern South Korean provinces of North *Jeolla*, South *Jeolla* and Gwangju Metropolitan City as well as the *Jeju* Province. The provincial capital was Jeonju, the current capital of Northern *Jeolla*. The entire inland region was called as *Honam* as meaning South of the Lake, which is still commonly used today in Korea.

³²⁴ *Gyeongsang-do* province was also one of the eight provinces of Korea during the *Joseon* dynasty as *Jeolla-do* province as stated as above. *Gyeongsang-do* was located in the southeast of Korea. The provincial capital was *Daegu*. The region is known as the birthplace of the Kingdom of Silla. The region also has a significant role in modern Korean history, since six previous South Korean presidents of *Park Chung-Hee*, *Roh Tae-Woo*, *Chun Doo-hwan*, *Kim Young-Sam*, *Roh Moo-Hyun*, and *Park Geun-Hye*, as well as the current president of *Moon Jae-In*, were born in this *Gyeongsang-do* province.

³²⁵ Joon-Pyo Jung (2014), *The Origin of Regionalism and Its Patterns of Change in Korean Presidential Elections*, Korean Politics Study Vol. 24 (2).

³²⁶ On 17 October 1972, President *Park Chung-Hee* announced the Presidential Declaration, which aimed at unconstitutional martial law, dissolution of the National Assembly, and suspension of the Constitution. In this Declaration, *Park Chung-Hee* announced four emergency measures and, under these emergency measures, destroyed the Constitution by unconstitutional procedure. The period in which the *Yushin* Constitution took effect was called *Yushin* dictatorship. Under this system, the president appointed one-third of the members of parliament and all the judges, had the right to emergency action and the dissolution of parliament, and was able to reappoint the president unlimitedly.

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In this sense, it seems to be implausible to link the history of undemocratic politics in South Korea with Confucianism as *Heo* claims. In the history of democracy development in South Korea, the introduction of the democratic institution has been carried out much earlier than the growth of citizens' consciousness. The consciousness of Korean citizens according to democracy started to appear only through the struggles against dictatorship. Still, civil society has relatively low influence on Korean society considering the stability of the democratic institutions.

7.4. Congruence of Institutions and Culture³²⁷: Consolidated but in Deficit³²⁸

Political culture can be congruent or incongruent with the structure of the political system. If political culture continues to be mixed, 'inevitable tensions' arise between cultures and institutions, resulting in structural instability. Sometimes, political culture and political systems are stabilized where they are not congruent.³²⁹ The relationship between economic development, values, and democratic institutions is very significant in Korea's case. It is not easy to clarify this objectively, but there are some clues from some scholars.

Inglehart stated that economic development conditions exist first and that changes in values lead to changes in institutions.³³⁰ Culture leads to democracy rather than democracy to culture. *Welzel* and *Klingemann* also found that as public demand for democracy grows, political elites modify the system more democratically to meet this demand. Therefore, the response for democracy first appears when the general public demands further expansion of democracy on the demand side and when a man of power institutionalize and accepts democratic freedom on the supply side. This view is contrary to the position that institutions lead to cultural change and gradually create new identities, values, and changed forms of power. If the phenomenon is incongruent between institution and culture, what comes first – either institution or culture affects what comes later.

³²⁷ Yang-Ho Rhee, Hyeok-Yong Kwon & Eun-Ju Chi (2013), *Democracy in Korea: The Incongruence between Institutions and Culture*, Korea and International Politics, Vol. 29 (2)

³²⁸ Seong-Yi Yun, Hee Min (2012), *Democracy in South Korea: Consolidated but in Deficit*, Korea Observer, Vol. 43 (1).

³²⁹ G. A. Almond and S. Verba (1965), *The Civic Culture: Political Attitudes and Democracy in Five Nations*, Boston: Little, Brown.

³³⁰ R. Inglehart (2003), *How Solid Is Mass Support for Democracy: And How Can We Measure It?*, Political Science and Politics, Vol. 36 (1), pp. 51-57.

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In Korea's case, an analysis of complete democracies shows that Korea is in the middle of representative / participatory democracy but far behind other complete democracies in terms of political culture. To further clarify, it does not deviate much from coordination, but institutions are more stabilized in a democratic way than culture. The point of political culture development is the proliferation of post-materialism and values of self-expression expressed as 'liberal' values.³³¹ According to this idea, it is compelling to admit that, unlike the Korean system, culture is still lagging behind the institution of democracy. Materialism and polarization in Korean society are accelerating, and social welfare is still lacking. In addition, the forces that prevent this transition to 'liberal' values are still strong. Fortunately, after the candlelight revolution of 2017, conflicts between the old and the pursuit of new values have emerged, and the repetition of these conflicts will change society's value.

Korean society's characteristic is that it is moving toward democratic and cultural correspondence in the long run. It would be better to say that Koreans' intimacy with authoritarianism is not because they preferred authoritarianism but because of their recollection of economic development under the authoritarian government. It may be more convincing that the vertical cultural structure is a characteristic of Confucian culture and the remains of militaristic colonial colonies and military governments. Of course, gender equality consciousness and the understanding of sexual minorities are still low, but the fact that the expansion of deliberative democracy is emerging among citizens who hold candles in the square is significant. South Korea suffers from both consolidations of democracy and a deficit of democracy. The deficit of democracy is the difference between people's expectations and demands of the political system and the results of actual democracy.

7.5. Conclusion: The journey towards good democracy

Governance based on Confucianism means *virtuous, benevolent*, and reigns by a wise man, not the rule of law.³³² In a nutshell, supporting governance based on Confucianism means disagreeing with governance based on universal values such as democracy and human rights. Rulers naturally believe that they must be moral and dedicated to the benefit of the

³³¹ C. Welzel and Hans-D. Klingemann (2008), *Evidencing and Explaining Democratic Congruence: The Perspective of 'Substantive' Democracy*, World Values Research, Vol. 1 (3), pp. 57-90.

³³² Pyong-Choon Hahm (1967), *The Korean Political Tradition and Law*, Seoul: Hollym, p. 40.

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community. In this context, I want to raise two questions here. At first, what if the ruler is wise and not moral? Unfortunately, in Confucianism, there are references to the attitude that rulers should have for the community. Yet, it is difficult for the public and the masses to find a way to behave on behalf of community if they do not have wise and moral rulers. As we can see in many historical lessons, it is difficult to see in Confucian politics a system in which the masses can deal with corrupt and ruling rulers. The second question is that *public morals* are the basis for good governance over states. In this case, who decides these *public morals*? Some argue that such public morals are already given and known to everyone; yet it is not such a simple matter.

The growing order of neo-liberalism and the deepening of the division's polarization in the midst of the economic crisis has put the quality of democracy, in both East and West, on the table for discussion. That is to say, the question of whether there is another national consciousness that applies to the system of democracy is a question that did not read the trend of the times correctly. The recent phenomenon of democracy in East Asia, especially in South Korea, which appears to be a democratic regression, is part of a global phenomenon, rather than a special one concerning Confucian democracy. Korean society had a concise period of time between 1987 and 1997, when it experienced rapid industrial development and a period of the authoritarian military government. Korea was experiencing democracy and economic development simultaneously at that time. During this period, the country experienced democratic transition and economic development at the same time. However, the economic crisis in 1997 forced the country to adopt a neo-liberal economic system that had never been experienced before, resulting in the bankruptcy and sale of many companies and large numbers of unemployed people. Of course, the international community has acknowledged that this had been overcome earlier. However, the neo-liberal change that had already begun could not then be reversed. Large corporations no longer recruit on the scale that they did in the past leading to a situation in which workers have no choice but to be marginalized because of a social atmosphere, where circumstances are simply harsh and unfriendly.

Institutions and mechanisms that monitor the political elite and hold them responsible for their political actions are essential for good democracy to be realised. Freedom and equality are inseparable from responsible

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responsiveness, which is the ultimate goal of good democracy.³³³ Monitoring the political elite and holding them responsible for their political acts is different from that they carry out their political responsibilities on their own. In Korean society, there has been an aspiration for a system that monitors and holds the political elite accountable since the transition to the authoritarian military government into institutional democracy over a long period. However, despite such efforts, most discussions can be focused on concern for the proper implementation of the system. The news I heard in Korea recently is that the new bill for the investigation of high-ranking officials passed the parliament. The new bill is expected to monitor and control the prosecution's excessive power and the injustices committed by high-ranking officials in Korean society. It is a positive new because the new bill can open a new path of surveillance.

The strong theory of democracy, which concentrates on the political system's output side, cannot explain why the masses fail to be satisfied with democracy and its government.³³⁴ The political system may only be a shell unless citizenship matures due to participation and restraint. Some viewed democracy as having been stabilized or strengthened with the institution in place and that it has been implemented successfully without breaking the system for a long time. Nevertheless, such a view now seems to lack credibility.

These concluding remarks cite the words of South Korea's scholar *Seong-Jin Park*: 'Based on one-dimensional reasoning process, the reasons promoted by vested interests are rampant. Furthermore, the efforts to realize democracy has been stopped because democracy has been believed to have achieved only from the appearance of democratic institutions. It was precisely how the Korean society looked like before the Candle Revolution and Korea at that time was a 'one-dimensional democracy' society. Korea has been happy about democracy with a peaceful change of government and the arrival of a democratic government. And this feeling of satisfaction and complacency created a staggering income gap, inequality, and powerless nihilism.'³³⁵

³³³ Miong-Sei Kang (2014), *Political Foundations for Good Democracy*, Comparative Democratic Studies, Vol. 10 (1), p. 100

³³⁴ Seong-Yi Yun, Hee Min (2012), *Democracy in South Korea: Consolidated but In Deficit*, Korea Observer, Vol. 43 (1), p. 171

³³⁵ Sung-Jin Park (2017), *Candlelight Citizenship: Citizens beyond Civil Society*, Journal of Citizen and World, Vol. 30, pp. 18-19.

Chapter 8. Conclusion

8.1. The Enforcement of Morality based on Autonomy

The state's positive role in achieving a good life has to be carried out only to the extent where the individual's ethical realm is not violated. The state must not extend its intervention to impact individual morality for its people's good life. Asiatic perfectionism should not be seen as allowing the state to intervene in the individual's ethical realm. Liberalism still faces major challenges in Asia. The basis for the challenge to the universal values offered by Asiatic perfectionism comes from cultural relativism. The basic perception of cultural relativism lies in human rights-based moral rights and rules which strongly support cultural and historical diversity. According to *Jack Donnelly*, this perception can be divided into three perspectives.

The *first* is fundamental relativism. This perspective claims that culture is the origin of all values. It also denies human rights that are independent of society. Therefore, it denies the universality of human rights. The *second* is the substantial meaning of relativism. This perspective considers culture as the primary origin to form the validity of moral rights or rules. Strong relativism recognizes the usefulness of universal human rights standards as a check against potential excesses of relativism. Therefore, this perspective accepts only a few fundamental rights that are practically universally applicable. The *third* perspective of weak relativism views culture as an essential origin of the validity of moral rights or rules. Therefore, while assuming universality, this perspective restrains the potential excess of universality based on the relativism of human characteristics, communities, and rights. Weak relativism comprehensively recognizes universal human rights and limits regional diversity and exceptions in a limited and strict manner.³³⁶ The range to which the believers of 'Asian values' and Asiatic perfectionists belong can be seen as middle points between the strong meaning of relativism and fundamental relativism. The theoretical foundation they provided is not liberal democracy, but democracy based on Asian culture.

The belief that the state can enforce morality presupposes the distinction between individual morality and political morality. *Individual morality* refers to morality, such as what actions are preferable and correct in an

³³⁶ J. Donnelly (1989), *Universal Human Rights in Theory and Practice*, Cornell University Press, pp. 109-110.

individual's life. *Political morality* deals with desirability as well as accuracy regarding the composition and operation of the state and society³³⁷. Such a distinction is also a challenge to the faith in that the state should abandon the belief that is able to judge what is desirable and what is not. In that sense, let us look at the claim of the state's neutrality. For example, as a referee in a soccer match, the referee's role is to ensure that the two parties follow the game's rules. The referee must not take sides with either side. In addition, the referee cannot prevent the factors such as the ability, physical strength, and luck of the parties involved in the match from affecting the outcome of the match.

If the role of the state is compared to the role of the referee in the game, the role of the state can be *negative neutrality*.³³⁸ At the heart of the logic that will defend state neutrality is the belief that individual autonomy is the essence of a good life. This is nothing less than an *endorsement - argument*. This argument implies that any life cannot be a good life as long as it is run according to the value given by external sources that the parties do not support. At the same time, a life run from the inside in line with my values is none other than a good life.³³⁹ A good life for an individual begins with no one interfering with it. The judgment of right and wrong must be made personally. It means that forcing someone to do something will only make it impossible to achieve a good life. Such political philosophies of liberalism provide that the essence of individual freedom lies in diversities.

On the other hand, perfectionism believes in the objective existence of an ideal life. From the standpoint of perfectionism, of course, there are two kinds of life in an individual's life – a good life or not a good life. The main interest of perfectionism is the matter for the perfection of the individual - an individual's good life that exists universally as well as objectively. In this respect, communitarians argue that an individual's good life is possibly formed through the communities the individual belongs to. Therefore, from the standpoints of perfectionism as well as communitarianism, states must not be neutral. Perfectionism believes that a particular way of life is fundamentally better than another way of life. A particular kind of life is considered as essentially good. Such a good life means meeting the objective criteria of what is considered good, distinguished from what individuals believe in what is good. Each individual's ultimate interest is to live a life that meets the objective standards of a good life and these

³³⁷ J. Raz (1986), *The Morality of Freedom*, Oxford, p. 3.

³³⁸ P. Jones (1989), *The Idea of the Neutral State* IN: R. Goodin and A. Reeve (eds.), *Liberal Neutrality*, London, 1989, pp. 9-10.

³³⁹ W. Kymlicka (1990), *Contemporary Political Philosophy*, Oxford: Clarendon Press, p. 203.

interests become the standard for assessing the states. The function of the state is to promote the most valuable life of its citizens. In the same sense, a good government means a government that can make the life of the citizens objectively the most valuable life.³⁴⁰

Communitarianism would determine the form of a good life through the community. If the community here is seen as a state, such communitarianism can refer to state perfectionism. Perfectionism is a more comprehensive concept than communitarianism. In Asia, state perfectionism makes it difficult to explain a good life based on individual autonomous judgment. In a multidimensional society, an individual's choice can sometimes be less than optimal.³⁴¹ However, repeated experiences lead humans to become closer to optimal choices, and these optimal choices reveal humans' altruistic characteristics. Even if imperfect humans do not make choices on behalf of communities' good life, manifestations of an individual's autonomy will lead to a good life. It must be remembered that individual autonomy should be the goal of the state's role in order to make perfectionism take root in Asia.

8.2. Beyond Asiatic Perfectionism

Legal moralism justifies the exercise of coercion because of the immorality of the act itself, regardless of the harm that some acts do to the person or others. Such ideas of legal moralism have great similarities to the ideas of 'Asian values,' in that law can punish immoral acts, and enforcing morality is part of the law's unique function.³⁴² The consistent claim by the advocates of 'Asian values' is that the family basically takes up the role of teaching morals in Confucianism, and the concept of the state is also an extended version of family. The state plays roles like the father of a family by teaching and practicing morality to individuals. Seen in this way, such roles of states have similarities to the ideas from legal moralism in the discussions of legal moralism and guardianship.

Confucianists claim that liberal democracy recommends proactively expressing each individual's 'self-interest' rather than resolving social conflicts in the individual's inner world. Furthermore, according to the understanding of Confucianists, the place where people encounter such social conflicts is 'society.' And, the concept of 'rights' is sacred in order to

³⁴⁰ T. Hurka (1995), *Indirect Perfectionism: Kymlicka on Liberal Neutrality*. The Journal of Political Philosophy, vol. 3, No. 1 (published in March, 1995), pp. 36-38.

³⁴¹ Refer to 6.3. Human Rights and Behavioural Economics in chapter 6.

³⁴² J. Feinberg (1988), *Harm to Others*. The Moral Limits of the Criminal Law Vol. 1., New York: Oxford University Press, pp. 27-28.

prevent such conflicts from falling into a situation that could destroy the community.³⁴³ Such understanding implies that an individual must first learn morality within the family's institutional framework. Morality can be learned broadly within the community. And, the subject who teaches morality is someone who knows morality first – a father in the family and a national leader in the state.

There are positive aspects of such meritocracy because the prevalence of the idea was not status, but the ability can determine an individual's life. Meritocracy is a system of recognition that evaluates individuals differently depending on how they contributed to society. It is regarded as a different dimension from the universal legal relationship that recognizes all society members as mature moral subjects.³⁴⁴ Likewise, the Confucian tradition could offer the hope that all society members can be evaluated based on their abilities. Such hopes seem to be great soil for modern democracy. Nevertheless, what is missing in these discussions is that the public good which Confucianism seeks to achieve is not in seeking liberty or freedom. If it is not freedom of majorities to accomplish by enforcing morality, it is questionable what is the understanding of Confucianism about morality.

Under paternalism ideas, states can better understand each their citizens' interests and protect them in the same way as the parental intervention is justified in taking care of children³⁴⁵. Paternalism seeks greater profits at the cost of some restrictions on an individual's freedom. The examples of greater profits are protections of life, health, or national security. While the harm principle justifies the intervention of an individual's freedom only to prevent harm to other persons, paternalism justifies state interventions in the name of being good for individuals. Furthermore, legal paternalism claims that states can intervene. The basis of the harm principle is that individuals are familiar with both their interests as well as possible sources of harm.³⁴⁶ The harm principle has served as justification to emphasize the significance of individual autonomy under liberalism. However, there are also moral interventions by states that cannot be sufficiently well explained by the harm principles. This is why it is difficult to admit that you can do something that could be dangerous to you because it does not harm others.

³⁴³ Chai-Bong Hahm (1998), *Asian values and democracy: is Confucian democracy possible?* The Society of Philosophical Studies, p. 46.

³⁴⁴ Eun-Joo Chang (2017), *Meritocracy and Democracy: in the Context of Confucian Modernity*, Journal of The Society of philosophical studies 119, published in December, p. 6.

³⁴⁵ J. Feinberg (1971), *Legal Paternalism*, Canadian Journal of Philosophy 1, pp. 106-124.

³⁴⁶ H. L. A. Hart (1963), *Law, Liberty and Morality*, Oxford: Oxford University Press, pp. 30-34.

Likewise, accepting choices that harm individuals can generate expenses to be paid socially. It is hard to doubt state intervention which claims that driving a motorcycle without a helmet generates social costs although it is my own choice. The claim that states cannot enforce morality as long as it does not harm others has been substantial in the past as the rationale behind resistance to excessive interventions by states. Nevertheless, it is difficult to accept such argumentation entirely today.

It is still important to accept that individual autonomy should exist as the foundation of moral enforcement by states. Notably, it is often overlooked that moral enforcement by states revealed in the discussions of 'Asian values' largely focuses on eliminating offensive behaviour to achieve the aim of the community. Morality, which is claimed by the believers of 'Asian values,' seems to be aimed at a unified society under one value. However, what is more important is not to eliminate differences although differences cause uncomfortable feelings due to the belief: what is good for the community is equal to what is good for individuals. As an example, in Korean society, it is still prevalent to doubt whether one's own beliefs fit the ideas of majorities even if one's own thoughts are not same as the idea of majority. The limitations of individual freedom do exist. Nevertheless, such limitations cannot be decided solely based on whether it is harmful to the community or not.

One of the well-known arguments over moral enforcement is the dispute between *Devlin* and *Hart*. To summarize *Devlin's* ideas briefly, society can apply the law to protect morality because the protection of shared morality is essential to the survival of society.³⁴⁷ As an example of monogamy, breaking it can be punished by law because the moral ideas of reasonable people have decided it. Accordingly, adultery is an act that could shake the foundation of society, even if the violation takes place secretly.³⁴⁸ On the other hand, *Hart* criticizes the fact that a premise is hidden in such positions as *Devlin*. The assumption is that moral change could lead to social collapse. *Hart* argues that customary morality can change towards allowing homosexuality as an example, and such a change will not cause the society collapse or be overthrown.³⁴⁹ The two have different thoughts especially related to the *harm principle*: *Hart* considered *harm principle* and *paternalism* to be compatible, but *Devlin* argued that the core of public morality must be protected by law based on the *harm principle*. According to Perfectionism's ideas, morality can be protected as well as enforced

³⁴⁷ P. Devlin (1965), *The Enforcement of Morals*, Oxford: Oxford University Press, p. 11.

³⁴⁸ *Ibid.* pp. 9-10.

³⁴⁹ H. L. A. Hart (1963), *Law, Liberty and Morality*, Oxford: Oxford University Press, p. 50.

through legislation, and states should have an opinion about what is right – what is a moral life for all. Confucianists have connected ideas of perfectionism with Asian traditions, which is referred to as *Asiatic perfectionism*.

Legal moralism or the strong meaning of perfectionism do not fit Asia's special circumstances, mainly because Confucianism prioritizes the state's positive role and does not regard individual freedom as an essential value. Therefore, soft paternalism or liberalistic paternalism can be a good alternative. The role of a state-centred on freedom is the direction in which Asian perfectionism should proceed. It is important to accept the universal value of human rights based on individual autonomy. A state's role can be limited to 'an interference with another for his good.'³⁵⁰ States can limit individual freedom only to an extent that does not violate individual autonomy. The definition by *Scoccia* can be referred to as 'Soft paternalism,' which does not violate autonomy³⁵¹.

Even if it is for the sake of the public good, individual autonomy cannot be violated. For example, warning texts or photos regarding the potential harm from smoking – although still controversial – are relatively easily accepted. However, it is not so simple to answer the question of whether blood transfusions can be forced to save the lives of adult believers of 'Jehovah's Witnesses' against their wills. Likewise, Confucianists' perfectionism under the discussions over 'Asian values' should not discuss the role of states whilst ignoring the issue of individual autonomy. What is essential is not to pursue the goodness of community that can be obtained by neglecting individual autonomy, but to attain individual autonomy itself.

8.3. 'Asian values' meets the universal value of human rights.

In conclusion, a nation's indigenous culture, state or territory, and universal human rights are compatible with each other. Cultural specialties must not be accepted as universal human rights issues. It must be remembered that a unique identity, which starts with a cultural peculiarity, can be the basis of the identity that one should have as a global citizen. The guarantee of universal human rights is one of the best means whereby remarkable cultures can be more effectively preserved. Cultural traditions

³⁵⁰ D. VanDeVeer (1986), *Paternalistic Intervention*, Princeton: Princeton University Press, pp. 16-24.

³⁵¹ "Soft paternalism" is paternalism that does not violate autonomy. Since only coercion, deception, and the like violates autonomy-influencing others' behaviour via incentives does not-it follows that hard paternalism must employ one of those unsavory means." (D. Scoccia (2008), *In Defense of Hard Paternalism*, Law and Philosophy, p. 358).

with anti-human rights elements can indeed change with the times. This kind of change does not easily disappear even if the culturalists object to it. It is no longer possible to find a country that officially permits slavery where it was allowed more than 100 years ago. Due to the patriarchal nature of culture, the human rights of women have been greatly infringed. However, many countries have perceived harmful consequences from violations of women's rights even if the progress seems to be quite slow. Recognition of social, cultural, and racial minorities in one specific society can ultimately be an effective catalyst for the universality of human rights. Through the usage of terms such as cultural relativism or the challenge of multiculturalism to the universality of human rights, I have found it inevitable to doubt how cultural specialties exist as powerful entities. I made every effort in this thesis to strongly emphasize that the value of any particular group can never be enforced on other groups in the name of universal human rights. Another important aspect I wanted to highlight is that the characteristics of human rights and special cultural values are neither absolute nor incompatible.

As a scholar from East Asia, who largely grew up under the strong influence of Confucian culture in South Korea, I have sought to ask myself deeply how universally Confucian democracy has existed as a valid concept. Due to the Confucian culture's remnants, it was illegal in South Korea for couples with the same surname and same place of family origin to get married up until the year 2005. That outlawed the love of men and women for many decades. Such a prohibition of marriage between persons of the same surname and same place of family origin would be an absurd law. It made marriages of a large number of couples illegal up until 1997 when the constitutional court of Korea decided that such a prohibition was unconstitutional. Before 1997, such couples could not officially marry, and their children could not have legal birth certificates, which excluded them from all of the legal benefits as a legal family. Such a laughable history of the past that no longer exists was nevertheless a reality just over 20 years ago. In July 2000, the Korean Ministry of Justice submitted a bill to amend the Civil Code, including abolishing such a marriage prohibition, which eventually passed the Korean parliament in 2005. As such, it disappeared into history. It was the most irrational as well as a classic example of violating gender equality and marriage rights based on Confucian culture. As the Confucians complain, attempts to look for democratic elements may probably be extended to reaffirm their insurmountable barriers. Because Confucians do not know whether there are elements of democracy within Confucianism, their continuous attempts could meet difficulties with seeking. They can argue this way: since non-democratic aspects of the past

throughout many different cultures, there is no legitimate reason to claim that such non-democratic elements in Confucianism are particularly problematic. However, such a claim's legitimacy depends on how they have strived to resolve their bad old habits of the past. Of course, even if the West accepted liberal democracy earlier, that does not exactly mean that gender equality was introduced earlier in Western Europe. In fact, even in many European countries, the introduction of women's right to vote was adopted only in the twentieth century. Criticism of Confucianism must be accepted neither as admiring the cultures in the West nor as demeaning Asian cultures. It is most important to be able to perform self-reflection as well as self-criticism on the anti-human rights elements of one's own cultures. It has to be realized that the inheritance of a desirable tradition within a given culture is not a cultural follow-up but a critical acceptance. These claims not only apply to Asian Confucianists but also to others in a more general context.

The globalization that began to appear in the latter half of the 20th century and the multi-nationalization of capital markets is confronting a new shock of the integration of the world, transcending the challenges from ethnic-state systems as well as different cultures. Another critical task to tackle is the deepening conflicts between other economic and social classes. Globalization is unlikely to lead to the victory of only rational egoists, as economists think. Globalization has set up a sphere, and people who cooperate can communicate both more easily and effectively. They can no longer focus only on national issues but also speak out on global issues without many difficulties. This is quite a new phenomenon that has never been seen before. As a result, globalization has caused companies to become huge due to the flow from supranational capital, which has further exacerbated the gap between rich nations and developing nations.

However, technology has been much developed as it has also brought about globalization. Such a development has made it possible that '*Homo Reciprocans*' who are trying to solve their own problems limited to one specific country or region will have more extensive access to others' problems. These phenomena have led to the extension of universal human rights issues to global issues, which used to be regarded as the property of several countries in the West. The most distinctive feature of a reciprocal person is the logical nature of communication. They are there to communicate with others and adhere to and abide by our grammar knowledge. They respect others' grammar and attain the ability and attitude to listen carefully to the discrimination others suffer from. Such ancillary results or effects were not intended by capital to drive

globalization, and the development of technology could and would not have been able to predict these results.

Such '*Homo Reciprocans*' are willing to access a better life spontaneously. For them, the State is not the subject which will bring them a good life. Instead, they require the State to act as the minimum safety device required for a good life. This is the very point overlooked by Confucian culture of the past. '*Homo Reciprocans*' no longer accept the fact that those who first realized the world's rationality through personal fulfilment can set a good life and the rest of the people should follow this. For all that, '*Homo Reciprocans*' do not try to minimize the role of the state. This is because they judge that the role of the state is crucial if the efforts to communicate with the so-called rational egoists fail. The minimum level of financial support has to be performed by the state to prevent the fixation of discrimination and guarantee fundamental human rights. Such perspectives are different from classical economists' claims in the past where the role of the state should be restricted to the role of police, and all others should be left to the market system. Some cynical remarks from professor *Ha-Joon Chang* made us reflect on ourselves:

"People do not necessarily know what they are doing because our ability to comprehend even matters that concern us directly is limited -or, in the jargon, we have 'bounded rationality'. The world is very complex, and our ability to deal with it is severely limited. Therefore, we need to, and usually do, deliberately restrict our freedom of choice in order to reduce the complexity of problems we have to face. Often, government regulation works, especially in complex areas like the modern financial market, not because the government has superior knowledge but because it restricts choices and thus the complexity of the problems at hand, thereby reducing the possibility that things may go wrong."³⁵²

The market neither decides on the perfect price nor determines the optimal price as a result of comprehensive rational judgment. *Herbert Simon*, who received the Nobel Prize in Economics in 1978, argued that our rationality was limited. He claimed that humans made an effort to be rational but that humans' ability is severely constrained. What is important is not the absence of information but the shortage of data processing ability. The advent of globalization and information has brought us considerable quantities of information, but it has not improved our information

³⁵² Ha-Joon Chang (2010), *23 Things They Don't Tell You about Capitalism*, Penguin Group, pp. 168-169.

processing capacity.³⁵³ It should be remembered from such facts that markets are not mechanisms which possess a powerful function that gives us a good life. Instead, markets are considered as a part of a journey that we have to take to find a good life. It is because we as individuals are not sufficiently smart to evaluate the comparison between immediate gains and long-term and social benefits.

For Koreans, Confucianism is not a religion. However, the Confucian tradition and values are indeed spread widely in Korea and other East Asian countries. The sacrament is kept in a Confucian way for ancestors, and the idea of filial piety is still strong enough for Westerners to understand. In addition, the concept of the nation is also derived from the Confucian idea that always prioritizes the community. Many East Asian people can be said to be 'practical Confucian.'³⁵⁴ In addition, the 'Asian values' debate began with Western scholars turning to the economic recession in the West and, in turn, to the economic development of Asia. Scholars studying East Asian economic development pointed to Confucianism as a common element in the country. Since 1990, the debate has shifted to Asian democracy, which has challenged Western democracy by Asian political leaders such as *Lee Kuan Yew*. Of course, it is vital in this controversy that the Asian people have actively cooperated with 'Asian values' from the standpoint of challenging the values in the West, but in fact, there are entirely different aspects. Unlike the position of political leaders, especially in Korea, many scholars did not neglect efforts to realize democracy but instead took a critical view of 'Asian values.'

Especially in Korea's cases, Confucian values were changed into two stages through the Korean War, military dictatorship, and democratization. Confucian values can be said to have developed in Korea in two ways. The first is that we generally know about Confucianism and dedicate ourselves to the community. That is to say, the Korean War became an opportunity to remind Koreans that the existence of the nation is closely related to the survival of the individual. For the post-war Koreans, ideology was merely a survival tool, and many politicians have used it to maintain the regime. The wounds of war have played a role in strengthening Confucian values. It also cannot be denied that the Confucian values present in the consciousness of the people played a considerable role in the background of the long-term military dictatorship. The economic growth achieved during this period is

³⁵³ Ha-Joon Chang (2010), *23 Things They Don't Tell You about Capitalism*, Penguin Group, pp. 173-174.

³⁵⁴ For further details, see 'Joon-Shik Choi (1995), *Korean Religion Story*, Hanwool, published in March 1995'.

another product of the capitalist economy that was identified as the cause of the 1997 East Asian economic crisis. In other words, Korea's economic development during the post - Korean military era is a result of strengthening a particular aspect of Confucian values that emphasize community rather than the individual. Paradoxically, crony capitalism has been pointed out as the cause of the economic crisis after democratization. 'Asian values' are a new product of these strengthened Confucian values. The 'Asian values' that is one of the causes of the Asian economic development that the scholars in the West have paid attention to is difficult to identify precisely, but it cannot be said that there is no such value. The second stage is the phenomenon that emerged after the democratization struggle in 1987. It is a step to overcome the Confucian democracy - there are democratic elements of the West within Confucian values. It does not affirm or aggravate the conflict between religions or classes. On the contrary, it is a development stage that is conscious of the problem that democracy must be sought. In particular, the forces that led the so-called 'Candlelight Revolution' at the end of 2016 are far from the pre-modern Confucian values. They accept Confucian values and culture in total but tried to take their demands on the street. Those in their 20s to 40s aim for universal human rights and democratic values because they regard the state or ruler as objects of communication rather than challenging them. This development and change attempt to overcome the type of thinking that is the dichotomy inherent 'us' and 'other,' 'Orient' and 'Western,' and of 'there is some good thing in us.' It attempts to overcome the standards of 'good' and 'bad' that comes from tacitly functioning competition ideology. The interest of the participants in the 'Candlelight Revolution' is not only economic wealth but mainly democracy. The democracy they are interested in is a question of the form of government and enabling and realizing the dignity of every human being in a community. It is another name for the most creative form of all human life focussing on solidarity, which produces the most significant possible collective and practical subjectivity.³⁵⁵

In Korea, democracy has been defined by people and political leaders as a participatory democracy. This resulted from trying to implement democracy as a system for eliminating the remnants of the old generation that still remained and avoiding minority discrimination. Yet this participation is different from deliberative democracy. This is because

³⁵⁵ Eun-Joo Chang (2003), *Is universalism of human rights considered as abstract universalism?: Answer to the criticism*, Korean Society for Social Philosophy (5), p.107.

simple participation is not the process of consensus that democracy is aiming at. Additionally, Korea's multicultural environment is changing its character based on deliberative democracy as a device to guarantee the rights of cultural minority groups in the institutional guarantee of 20th-century democracy. It is still the case that we are not accustomed to using debate as a procedure for reaching consensus, rather than results. This problem is an issue that discussions regarding 'Asian values' in Asia do not answer. Efforts to find answers to issues in 'Asian values' are likely to hinder internalizing values such as new democracy and human rights guarantees. Therefore, if we cannot help but call it 'a new Asian value,' it will be a functioning value as a basis for actively accepting and practicing universal values such as democracy and human rights. Whatever the background of 'Asian values' in the past, the transition from a closed country or society to a multicultural society is not negligible as it is experiencing both the spread and collision of universal values. However, if there are new concepts of 'Asian values', they are not discoveries of the indigenized value of Confucian capitalism or Confucian democracy, but the possibility of reconciliation with universal values.

The realization of democracy in Asia was considerably different from that of the West. Many East Asian countries have experienced colonization and subsequent isolation during the post-colonial order. After these disconnects, they have undergone or are still undergoing a process of chaos in society, and many traditional values have vanished or become distorted. The debate on 'Asian values' may have been expanded because of the delusion from some scholars in the West as well as the political desire of some Asian political leaders. However, various Asian countries' political environments are now diverse and far more complicated than in the West. There are many countries with democratic political institutions. However, the opinions of the people in the countries are still closed or uniform and some countries that have been influenced by liberalism in the 20th century deny the state's capacity for intervention in good living. There are also authoritarian states that control many aspects. Attempts to tie this diversity into Confucianism are indeed somewhat difficult. Selling Confucian values like political slogans such as 'Asia is one' is also a problem that could hurt people studying Confucianism.

In conclusion, 'Asian values' certainly exist, but they cannot cover Asia as a whole. There are also some questions which raise many problems that we cannot answer, although they have to overcome in the process of transforming to a multicultural society. The State in the modern meaning exists for the good life of the people in the footsteps of democracy and universal value. To assert that 'Asian values' play a role in modern times

will be possible after accepting and guaranteeing such a central premise. Throughout this thesis, I have attempted to deliver the following messages to Asian people. Our beautiful Asian tradition has involved fighting off competition with others and living with people in vulnerable situations. In Asian culture, people have fully supported even people from outside by seeing them not people to be envied or persecuted. Instead, various assistance is given to them so that they can co-exist well with other people without any serious difficulties since they are considered as entering our sphere of life. Such cultural traditions can never be cited as one specific religion or value, namely Confucianism.

In Asia, in addition to Confucian traditions, various cultures and religions, from Buddhism, Islam, Taoism, folk religion, and Christian culture since the 18th century, have been scrambled together. Therefore, regarding all of this as one specific flow will be inaccurate. However, the tradition of coexistence was evident everywhere at all times. The influx of capitalism after the 19th century denigrated existing traditions as closed cultures, either by themselves or by outside forces. Indeed, when looking at the history of South Korea, the concrete and widespread conflict between the class of vested rights and the common class was only revealed for the first time through the East School Peasant Movement in 1894. Such a fact particularly shows how unfamiliar common people were in the face of the challenge to feudalism. If 'Asian values' or Confucian values had existed in the past, their traditions and culture had to be spread to the general population. Unfortunately, in the case of Korea, the Confucian tradition has only served the people as a kind of governing philosophy that supports the existing system. The people's integration and culture of consideration are more like a learning process for the purpose of survival than Confucian culture. The community-centred lifestyle with which ordinary people have lived is not a Confucian tradition, but the wisdom of life that individual members have learned from their ancestors.

In the case of Korea, at the end of the 16th century and in the early 17th century, after the war between Japan and China, the social order collapsed, and the morality of the ruling class broke down. The governing hierarchy did not follow the Confucian teachings they had espoused and did not protect the people for their benefit and interests. In the *Imjin War* between Korea and Japan in 1592, the Japanese invasion caused the king of Korea (Joseon Dynasty) to escape to the northernmost tip of Korean territory allowing the Japanese invasion forces to occupy two-thirds of the country. In doing so, the Japanese military discovered something strange in the reactions of the Korean people. To this extent, Korea – Korea's official name was the Joseon Dynasty – had to surrender to Japan from the Japanese

perspective unconditionally. Instead of surrendering, the so-called 'righteous soldiers (義兵)' of Korea instigated vigorous uprising in the region where the attack of Japanese troops defeated the official Korean soldiers. These achievements of righteous soldiers of Korea were awe-inspiring. The righteous soldiers, consisting of common people, with the official Korean military's cooperation, won multiple battles against Japan. That is to say, these 'righteous soldiers' were not people who had been educated by Confucian teachings, but rather relatively common people, such as farmers and monks. From the Japanese perspective, where battles have taken place only between local feudal lords, it was unique that ordinary Korean people have spontaneously organized troops in order to resist Japan. Those who claim 'Asian values' probably want to claim such common people's sense of community as one of Confucian's teachings. However, there are too many counterexamples for such a simple claim to be made.

What Asians should keep in mind is the fact that within their own tradition, the concept of individual freedom and rights has been very weak. This means that it should be more necessary to embrace as well as pursue somewhat unfamiliar concepts of individual rights even before finding the community consciousness of the 'one Asian identity.' We have well observed how the Regional Human Rights Courts and the Regional Human Rights systems have played significant roles in improving and promoting individuals' human rights. It can also be sufficiently proved that the state has played a positive role in promoting fundamental human rights. Raising an individual's awareness of human rights is not only a challenge of democracy but also a consequence of democracy. As some Confucianists have argued, it is entirely inappropriate, especially for Asians, that states have set standards of a good life and reflected upon such standards in the state's governance for the purpose of the enhancement of people's good lives. More appropriate is that a good life comes naturally when people's awareness of human rights increases, and public discourse actively participates in democracy. The reason why Koreans are not very used to debate in public is that democracy was not attained through the self-acquiring process but was provided without enough critical thought by the countries in the West after the Korean War. After all, democracy and human rights do not automatically make people happy simply by transplanting those systems. Instead, it is inevitably necessary to go through all those processes where common people both positively use as well as actively criticize such systems. What is needed for Asians is not the

search for a sense of community which they already possess, but to explore the essence of individual freedom.

8.4. Path to coexistence - The Creative Tension between Confucianism and Democracy

In the past, humans used pesticides indiscriminately to eradicate pests and increase grain productivity. The result was unexpected, with insects and butterflies disappearing and the bird population decreasing in large numbers.³⁵⁶ Ultimately, this negatively affected humans. How is it that human beings are not able to predict such negative effects? Delusion in productivity and efficiency still dominates over society. Of course, not many people deny that such a method will not eventually be advantageous to a human being. Considerable increase in grain productivity was expected to resolve the problem of famine; however, this has not been the case. Increasing cereal productivity did not cause a certain consequence of resolving famine. Productivity has increased, but there was still famine. Instead, the indiscriminate use of pesticides depends only on the ideas of a capitalist, selfish human being. The human being, who only considers profit and efficiency, did not care about the future of mankind. In smaller contexts, an extended form from 'my' interests and the interests of 'our family' can be regarded as nationalism. To clarify, making the best choice for the benefit of our community has been regarded as natural, which corresponded to human nature at the same time.

Therefore, how is it that humans make choices for the benefit of their community anymore? Why have you now decided to discard such selfish methods of the past? The belief has existed that the development of science would bring infinite happiness to human beings; however, people have come to realize what is more inevitably necessary along with the development of science. That is precisely nothing but *coexistence*. Men and women, powerful majority and vulnerable minority groups, adults and children, entrepreneurs and workers, nature and human beings are the subjects as well as objects of such *coexistence*. The belief that a system in which one governs the other brings great happiness to society can be the same as that specific entity making a deal with the devil in a good faith.

Beliefs that aim at destroying the community do not recognize themselves as destructive. The surfaces of those beliefs are paved with a sacrifice at the expense of benefit for all. The beliefs towards *coexistence* are not the concept of value that contradicts tradition or own culture. Despite those

³⁵⁶ For further details, see 'R. Carson (2002), *Silent Spring*, Boston, Houghton Mifflin.'

many negative effects, globalization has reminded us that today's world can no longer be isolated. A global situation has been reached where we can no more adhere to our own specific culture. Yet, the challenges towards the West that many East Asian masses still have would require further clarification to be well understood. Such challenges coming from their wounds are sometimes expressed as victim mentality or presented as arrogance. Such hurt self-esteem is something to be cured. There is no doubt that their unique cultural values have to be respected. However, at this point, it is necessary to look carefully at who claims that cultural values and universal human rights are mutually opposed to each other. And we should observe which interests or benefits such claimants have acquired through advocating such cultural values. It is because the challenges towards universal human rights and memories of the history and consequences of the invasion from the West do not have the same origin at all.

The question of how universal human rights can be injected into communities with different cultures is never a simple task. It is not difficult to understand the claims made by those who argue that human rights' universal value has to be accepted unconditionally. At the same time, it is also necessary to avoid creating unnecessary hurdles.³⁵⁷ Advocating universalism too strongly³⁵⁸ could instead bring about obstacles to promoting universal human rights.

8.5. Conclusion of conclusions- The unexpected appearance of cooperative human beings

Countries that can be included in the 'Asian value' debate are China, South Korea, Japan, Taiwan, Hong Kong, Singapore, and Vietnam in East Asia in the strict sense. Of course, more other countries could be regarded as being included in the debate. Although Malaysia has always followed the leadership of 'Asian values' as the nations' governing philosophy, it is excluded from the debate because it is difficult to regard Malaysia's ordinary people as sharing Confucian culture from the past. Those countries included in the 'Asian values' debate can be seen to have more

³⁵⁷ J. Cohen (2004), *Minimalism About Human Rights: The Most We Can Hope for?* The Journal of Political Philosophy: Vol. 12, No. 2, p. 213.

³⁵⁸ With the expression of "too strongly" in this context, I want to emphasize the need to understand the feelings of people who may have been hurt by the term "universal" while advocating for universal values. Of course, even in this case, it may be difficult to regard those who challenge universal values in the name of tradition or relativism as objects of understanding.

Confucian culture than other countries. Such a Confucian culture has been regarded as a background to rapid economic development in such a discussion. These cultures require previous literati-officials to have the highest moral standards achieved through personal self-cultivation.³⁵⁹ The societies that social leaders have sought in past Confucianism set the high ethical standards required for those responsible for inducing a multi-layered society to live in harmony.³⁶⁰ To clarify, these societies, using the high moral standards of the leadership, want to reach a condition in which society as a whole can overcome the “public predicament”³⁶¹ and all the members of the society can live in such a harmonized society.

As *Young-Bae Song* points out, it is admitted that the debate over ‘Asian values’ has been disregarded by the historical realities of social and political systems based on Confucian ethics and ideals.³⁶² This discussion focuses on the economic development and decline of Asia since the twentieth century in which those who defend ‘Asian values’ have concentrated on summoning memories as support mechanisms against their opponents. It is no wonder, then, that the conflict between Asia and the West has naturally become a major concern in the ‘Asian values’ debates. What is characteristic here is that Asians do not have enough information about people from the West. Likewise, people in the West do not have sufficient information about Asians. There is still a lot of superficial understanding of each other, albeit some aspects are better known through globalization. Many who pursue Confucian values argue that individual rights of the West should be given priority over social order and harmony. On the other hand, many scholars in the West sarcastically argue that Asian cultures do not respect individual rights enough. They criticize such cultures as not being compatible with democracy.

Such debates on ‘Asian values’ are based more on a primitive and less sophisticated civilization theory. Compared to these debates, discussions on the state’s role in the ‘good life’ are much more complicated as well as more sophisticated. As *Chan* claims, Perfectionism seems to have a powerful appeal and looks even attractive in Asia. At first glance, *Chan’s* claim appears to have similar arguments to those of the role of the state, which is asserted by the scholars dealing with human rights studies. Does the state need to treat citizens who oppose defence or social justice policies

³⁵⁹ Young-Bae Song (2002), *Crisis of Cultural Identity in East Asia: on the meaning of Confucian ethics in the age of globalization*, Asian Philosophy, Vol. 12, No. 2, p. 111.

³⁶⁰ Ibid, p. 112.

³⁶¹ Ibid. p. 112.

³⁶² Ibid, p. 113.

not as means but as objectives? That is to say, the question asks whether the state has to protect the freedoms of those citizens who oppose such core policies of the state. It is also related to the fact that we are now living in an era where such questions have a far more powerful influence than in the past.³⁶³ Furthermore, Perfectionism becomes even more potent when it starts asking Asians to ask how Western liberalism has historically led to a peaceful era from the perspective of Asians. In the history of the West, religious clashes were not elements such as tolerance and coexistence, but one of the sources of conflict, cruelty, and war.³⁶⁴ The assertion that a nation would realize its concept of a good life for its citizens and practice it to prevent conflict would again become considerably influential after such a long time. It is because the fear of disorder or conflict among humans has become even more significant and more outstanding despite the great development of scientific technologies.

In addition, like the question asked by *MacIntyre*, if a person as a moral being is doing his best in the work he or she undertakes, and asks if this is morally correct at the same time, and the person answers as 'I do not know, and I am not in the position where I do not need to know'³⁶⁵ - are such answers appropriate? It is not a trivial question at all to ask whether individuals who negate justice or deny moral sentiment should be left as they are. Therefore, what of the claim that the state should take as its role to teach the whole community's moral sentiment for the good life of the individuals? If such a claim can be extended to human rights discourse, it may receive much more agreement from more people.

However, there is something missing in the claim that the state has to decide what a good life is. The critical question has been overlooked as to why the state must decide so. Such claims have most probably confused the community with the individual, by arguing that the state has to decide about the good life and individuals should follow such a decision. As is evident in fact, Confucians have a belief that community order, rather than individual rights, predominates and that individuals within such a community could enjoy a good life. Community order and harmony can be attained where *the sage* or *Junzhi* (a wise person) who have benevolence, or goodness, or *ren* make every effort to govern the general public which does not have any of those values. Surprisingly, such a belief is very similar

³⁶³ J. Chan (2000), *Legitimacy, Unanimity, and Perfectionism*, Philosophy & Public Affairs 29, no. 1, Princeton University Press, p. 9.

³⁶⁴ *Ibid.* p. 10.

³⁶⁵ A. MacIntyre (1999), *Social Structures and their Threats to Moral Agency*, Philosophy 74, Cambridge University Press, pp. 311-312.

to the idea in the West that humans are selfish, and that means rationality at the same time, as already mentioned. If so, what is meant by the cooperative and mutual humans found in the behaviouristic economics of the West? Confucianism has stressed the human being of *Xiaoren* who are only interested in acquiring trivial interests for themselves. However, as such *Xiaoren* has come to attain the appearance of cooperation; those *Xiaoren* are no different from *the sage*. If the majority becomes *the sage*, the role of the state, as discussed in Confucianism, can only be disrupted because its argument can no longer be justified anymore. In fact, there have been mutual cooperative people in the past as well. However, in the eyes of a ruler, they were only regarded as the people who were simply pursuing their gains. This is the point where Confucianism has its limitations. People who have believed in selfish humans have never anticipated the emergences of many such human beings that understand each other and cooperate.

Autonomy does not depend on the conditions under which she or he has or does not have the ability to think reasonably. Democracy does not merely mean a system of decision-making by the majority. Rather, democracy is important because it makes people learn to respect and live together with others through participation. The emergence of cooperative humans who help each other collapses the hypothesis that humans' nature is selfish. In my doctoral thesis, I sought to clarify the process by which humans make socially stupid decisions through selfish choices. In addition, I argued that mutual cooperation is the best choice for society as a whole after repetitive simulations. What is important here is that selfish choices could turn into altruistic choices. Interestingly, such turning does not happen by others such as the State. Rather, individuals turn their choices strategically by themselves through repetitive trials and learning.

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Confucianism claims that the state should offer a particular moral good for pursuing good individual life. To attain such a good life for an individual, it is argued that community prosperity has to be given priority over guaranteeing individual rights. Such a perspective will be criticized throughout this thesis. The ruler's primary role in East Asian culture is often suggested as pursuing the happiness of the ordinary people, who are themselves the subjects to be ruled. This study aims to look through the development of the 'Asian values' based on Confucianism and further criticize the perfectionist perspective embedded therein. The character of humans as ordinary people who Asiatic perfectionists presumed in their claims is originally selfish humans. Interestingly, such selfish humans are surprisingly similar to the humans supposed by classical economists in the West. For this reason, it would be particularly helpful to look at the character of cooperative humans, which has recently emerged from behavioral economics, to criticize the nature of selfish humans.

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