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## ARE HUMAN RIGHTS A WESTERN CONSTRUCT? FROM THE CONFUCIUS PEACE PRIZE TO THE PRACTICE OF SUTTEE IN INDIA

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### Abstract

Raimundo Pániker, a Hindu- Roman Catholic theologian and academic states in his paper, *Is the Notion of Human Rights a Western Concept?*, “Does another culture also have the notion of Human Rights? --assuming that such a notion is absolutely indispensable to guarantee human dignity. No question is neutral, for every question conditions its possible answers. . . Human rights may turn out to be a Trojan horse, surreptitiously introduced to other civilizations. . . Can democracy imposed and remain democratic?”(Panikkar, 1982: 238). Pániker argues the notion of Human rights is a western construct, non-universal and should be subjected or be malleable to the features of local culture (cultural relativism) or risk human rights being introduced like a Trojan horse, risking the survivability of local cultures (Panikkar and Panikkar, 1982: 247). In this paper I will argue while human rights are indeed a western concept, the adoption of human rights as a universal concept is a necessary one. I will base my reasoning upon the case study of the practice of Suttee in the Indian subcontinent.

**Key Words:** Asian Value; Authoritarianism; Cultural Relativism; Democracy; Human Rights; Suttee; Universalism.

### 1. Asian Values

The recent award of the 2010 Nobel peace prize to the Chinese dissident Liu Xiaobo, antagonized the PRC government (BBC, 2010). So much so that Taiwanese Politician Lien Chan was awarded the Confucius Peace Prize to “promote world peace from an Eastern perspective”(BBC, 2010). This decision by the Nobel committee was quickly condemned as an arrogant push for western values on the Chinese system and an infringement on national sovereignty (Wall Street Journal, 2010: 21). This debate of Asian value versus Western Values is nothing new, during the 1990s, the former Singapore Prime Minister Lee Kuan Yew, a champion of ‘Asian values’ stated, “With few exceptions, democracy has not brought good government to new developing countries...What Asians value may not necessarily be what Americans or Europeans value.”(Kampfner, 2009: 156). The term Asian value was meant to be a counterpoint to the universalism of western human rights, while there is no definition of Asian value, it is generally accepted this concept encompasses the idea of economic growth, single party rule, social harmony, and loyalty above individualism, individual rights and political pluralism, packaged around a vague notion of Confucius values (Barr, 2002: 39). As Ian Buruma writes,

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“Stability, based on soft authoritarianism, is the Asian way, now followed by China. Asians don’t like the messy contentiousness of parliamentary democracy”(Buruma, 2009: 89). This notion of course has been rejected by South Korea, Thailand, Taiwan, Japan, and Indonesia amongst others(Cauquelin, Lim, and Mayer-König 2000: 164).

## 2. Cultural Relativism

What is termed ‘Asian values’ is of course a form of cultural relativism, the idea that local traditions and cultural practices shape the extent and limit of rights enjoyed by citizens of a particular society (Cauquelin et al. 2000). This is based upon the notion, every culture is inherently different and the rights, duties and moral standards should be determined according to a local standard rather than any external measurements(Barr, 2002: 54). Political figures such as the former President of Taiwan Lee Teng-hui and Kim Dae Jung the former President of South Korea and the 2000 Nobel peace laureate, argue governments have used cultural relativism as a shield for repressive policies. While former leaders such as former Indonesian President Suharto, former Prime Minister of Malaysian Dr. Mahathir Mohamad and former Singapore Prime Minister Lee Kuan Yew argue, economic growth and social stability are paramount; this in fact is official PRC policy as Chinese Premier Wen Jiabaorepeatedly emphasized ‘harmonious society’ and economic growth in Fifth Session of the Tenth National People’s Congress.(Fornari, 2007) As Lee Kuan Yew states that such Western values have led to the proliferation of ‘guns, drugs, violent crimes and vagrancy...in sum the breakdown of civil society.’This debate is framed as us vs. them, the dichotomy that split cultural relativism and the universal human rights as a western construct (Barr, 2002: 57). Mark R. Thompson argues this critique of liberal democracy is not new, several sub-Saharan African dictators in the 1970 assert their power according to African traditions, Imperial Germany in the late nineteenth early twentieth centuries distinguished the German identity as separate from other democratic states , claiming that, “industrialization ought not to lead to democratization, for democracy was alien to German culture”(Mark R. Thompson, 2004:67). However the notion of cultural uniqueness collapses like a house of cards, as soon as underpinnings of economic growth fail. This is because these values are in fact not inherent in traditional identities, cultural values have been brought forward to shieldan opaque elite from genuine debate, cultural relativism at least in the Asian context is not an indigenous grassroots creation, but imposed by the leadership (Mark R. Thompson, 2004: 78).

## 3. Practice Of Suttee (Sati)

Suttee is the practice of a widow who immolates herself on the funeral pile of her husband. The practice is linked to the Hindu myth of the goddess Sati, who immolates herself in a flame created through her yogic powers after her father Daksha’s humiliation to her husband, the god Shiva (Edward John Thompson, 1928: 45). This practice was famously highlighted in Jules Verne’s novel *Around the World in 80 Days*. The practice of Suttee was common in the Indian subcontinent from the 10<sup>th</sup> to the early 19<sup>th</sup> Century. One could argue this practice was indigenous to the Hindu religious traditions, in the Hindu scripture of sacred laws the *Vaishnava Dharmasâstra* states:

“It is proper for a woman, after her husband's death to burn herself in the fire with his corpse; every woman who thus burns herself shall remain in paradise with her husband 35,000,000 years by destiny.”

“The wife who commits herself to flames with her husband’s corpse shall equal Arundathi and reside in Swarga (heaven).”

“Accompanying her husband, she shall reside so long in Swarga as the 35,000,000 of hairs on the human body.”

“As the snake-catcher forcibly drags the serpent from his earth, so bearing her husband [from hell] with him she enjoys heavenly bliss.”

“Dying with her husband, she sanctifies her maternal and paternal ancestors and the ancestors of him to whom she gave her virginity.”

“Such a wife adorning her husband, in celestial felicity with him, greatest and most admired, shall enjoy the delights of heaven while fourteen Indras reign.”

“Though a husband had killed a Brahman, broken the ties of gratitude, or murdered a friend she expiates the crime.”(Stein, 1978: 45).

However when firstly the Portuguese colonized Goa and later the British ruled across the India subcontinent, this practice was banned, as famously attributed to General Charles James Napier, whom when confronted by heated delegation of Hindus that the prohibition of Sutte was an attack of their culture, ““You say that it is your custom to burn widows. Very well. We also have a custom: when men burn a woman alive, we tie a rope around their necks and we hang them. Build your funeral pyre; [then] beside it, my carpenters will build a gallows. You may follow your custom. And then we will follow ours.”(Stein, 1978: 87). This is a clear case of Western rights constructs imposed upon and overruling millennia of religious and local tradition. Cultural relativism being sweep aside by the Sati Regulation, XVII of 4 December 1827, declaring centuries of practice illegal and punishable by death. Yet few in modern India would argue for this practice today, and fewer would pine for a reversion to the pre-colonial traditional practices of Sutte.

#### 4. Conclusion

Whether human rights are universal or a western construct is unimportant, globalization and more importantly modern communication and travel means there is a meritocracy of idea and values intermixed between cultures, there is neither pure Western ideology nor a pure indigenous Asian ideology. Just like the Marxist ideology has given way to capitalism, societies must change not just on an economic basis but also political basis. As Chandra Muzaffar states “Main stream human rights ideas...have contributed significantly to human civilization in at least four ways. One, they have endowed the individual with certain basic rights such as the right of free speech, the right of association, the right to a fair trial and so on. Two, they have strengthened the position of the ordinary citizen against the arbitrariness of power. Three, they have expanded the space and scope for individual participation in public decision-making. Four, they have forced the State and authority in general to be accountable to the public” Human rights offer protection against the excesses of governmental power, and strength institutions via free speech by the meritocracy of idea. Hence the as in the banning of the practice of Sutte, an imposition of ideas from a foreign source should not be rejected merely because it offends against local customs and traditions. Expression of individuals in society should be protected regardless of whether rights are universal in nature or termed a Western construct.

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