Position of Power and Notions of Empowerment: Comparing the Views of Lee Kuan Yew and Aung San Suu Kyi on Human Rights and Democratic Governance *

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This essay compares the human rights views of two Asians who in their own ways have been influential not only on their own fellow countrypersons but whose influence extend beyond their national borders. It is submitted that both Lee Kuan Yew[1], a Singaporean and Aung San Suu Kyi[2], a Burmese, have made their impact internationally.And I further submit that their influence and impact are at least partly due to their ideas though of course, in the case of Lee Kuan Yew his influence is perhaps primarily due to Lee 's role in the "miraculous transformation in Singapore's economy while maintaining tight political control over the country ... [resulting in] Singapore's per capita

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[1] Lee Kuan Yew (hereafter cited as Lee) was Prime Minister of Singapore from 1959 to 1990. This period includes the brief union with Malaysia when Singapore was part of the Federation of Malaysia. Since late 1990 he has been a Senior Minister in the Singapore government. Lee Kuan Yew's influence one submits, is at least partly due to Singapore's economic success as well as his articulate and prominent role in criticising certain aspects of Western culture(s) including Western political culture. For a brief biographical note of Lee see *Who's Who in theWorld* (1995), 1133.

[2] For a brief biographical note of Aung San Suu Kyi, see *Who's Who in the World*, n1, 63. Aung San Suu Kyi (hereafter referred to as Suu Kyi) is the daughter of Burmese independence hero General Aung San who was assassinated in 1947 when she was 2 years old. Suu Kyi rose to national and international prominence in August 1988 at the height of the Burmese democratic uprising and later was one of the founders of Burma's leading opposition party the National League for Democracy (NLD). She was put under house arrest ("restricted residence") on July 20, 1989 by Burma's ruling military junta the State Law and Order Restoration Council (SLORC) under a 1975 law intended to "protect the State from hostile, subversive elements". During her house arrest the Nobel Peace Prize Committee announced the conferring on her of the 1991 Nobel Prize for Peace on October 14, 1991. The Prize was accepted on her behalf by her elder son at a ceremony in Oslo on December 10, 1991. (She has yet to deliver her Nobel Peace Prize lecture and although she has accepted an invitation to visit Norway it is not known when she will do so.) Although she was alleged by the junta to have "endangered the State" by her activities she was never formally charged or tried. She was unexpectedly released from house arrest on July 10, 1995. Since her release Aung San Suu Kyi has called for dialogue between the military and the democratic forces in Burma. She also continues to be an articulate and leading spokesperson for Burma's democratic movement. (See for example "I will not be silent, says defiant Suu Kyi"*The Australian,* July 14, 1995, p.8. In particular (a theme which is of relevance to this paper) she has spoken out against the Association of South East Asian Nations' (ASEAN) policy of "constructive engagement". (See for example "People are more important"*The Nation,* Bangkok, Thailand, August 1, 1995 where Suu Kyi asked these questions about the role of constructive engagement: "Was it constructive for for the forces of democracy? Was it constructive for the Burmese people in general? Was it constructive for a limited business community? Or was it constructive for SLORC? This is the question: for whom was it constructive?"(ASEAN has, from July 1997, admitted SLORC as a full member into their organisation.) This question is also tied in with another raised by Suu Kyi as to who decides, in the Asian context, which human rights norms or standards are or are not compatible with a nation or society's "culture". See text and notes accompanying *infra* notes 9,10,11,64,65.

GNP [being] now higher than that of its erstwhile colonizer Great Britain".[2a]

The comparison of Suu Kyi's and Lee's views on human rights and democracy should be of some relevance and interest in the light of increasingly substantial contemporary literature on democratisation and international law.[2b]

The comparison of Suu Kyi 's and Lee's views is based mainly on two interviews given by Lee[3] and two articles written by Suu Kyi. The first article by Suu Kyi appeared in the essay "In Quest for Democracy" in her book *Freedom from Fear and other writings*. [4] Suu Kyi's views on human rights and democracy can also be discerned in an address to the World Commission on Culture and Development. Suu Kyi's paper entitled "Empowerment for a Culture of Peace and Development"was read at her request and on her behalf by Mrs Corazon Aquino on 21 November 1994 at a meeting of the Commission. [5]

Lee's and Suu Kyi's views on the Universal Declaration of Human Rights

Both Lee and Suu Kyi have made comments on the Universal Declaration of Human Rights (UDHR). The writer will start with Lee's views on the Universal Declaration as it relates to certain civil and political rights. He, in effect, argues that many developing and Asian countries had not participated in the original drafting of the UDHR and therefore they could arguably make a point that some provisions of the UDHR does not morally or legally bind them.[5a] He also implies that certain provisions of the UDHR such as freedom

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[2a] Introductory comments of Fareed Zakaria in *Foreign Affairs*, interview with Lee *infra* note 3, 109.

[2b] See eg Franck "The Emerging Right to Democratic Governance" (1992) 86 *American Journal of InternationalLaw* 46. See also Fox, "The Right to Political Participation in International Law"(1992)17 (2) *Yale Journal of International Law,* Steiner,"Political Participation as a Human Right"(1988)1*Harvard Human Rights Yearbook* 77. See also Boutros Boutros- Ghali
"The United Nations at Fifty" (1995) 20(1) Melbourne University Law Review 9, especailly at 12.

[3] The first interview appeared in June 14, 1993 edition of (1993) 141 (2) *Time Asia* 21 under the heading "Society v. The Individual" (Hereafter cited as "Society v. The Individual".) Another interview with Lee (and *Foreign Affairs* magazine Editor Fareed Zakaria) appeared in the March/April 1994 issue of *Foreign Affairs* (1994) 73(2) *Foreign Affairs,* 109-126. (hereafter cited as *Foreign Affairs,* Lee's interview)

[4] edited by Michael Aris, Penguin Books, 1991, 167-179. Hereafter cited as "Democracy".

[5] To the extent that the writer was able to verify, Suu Kyi's paper has not been published as yet. I thank Ms Amanda Zappia of the Australia Burma Council for sending me a copy of Suu Kyi's paper. Extracts of Suu Kyi's statements from this paper will be quoted as "Empowerment".

[5a] Lee argues : "Let's get the history right. The Universal Declaration was written up by the victorious powers at the end of World War II ... The Russians did not believe a single word ... The Chinese ... were espousing the inalienable rights and liberties of man to get American aid to fight the communists." ("Society v.The Individual", Lee's interview note 3)[When the Universal Declaration was adopted by the United Nations General Assembly in December 1948 China was still ruled by the Kuomintang government and the communists obtained power in mainland China only in October 1949.] Taken into account Lee's questioning of the circumstances surrounding the adoption of the Universal Declaration and in comparison Suu Kyi's almost reverential attitude towards it (see texts accompanying *infra* n 16 and 17) can one say that

of speech and freedom of assembly are not part of Asian culture.[6]

He makes the point that in Asian societies duties rather than rights are the predominant norms. Finally it can be gleaned from his interviews that "Western" human rights such as certain civil and political rights embodied in the UDHR are too individualistic; in Asia, collectives such as the State and society prevail over that of the individual and the individual's rights must be subordinated to that of the "society".[7]

Aung San Suu Kyi writes in her article "In Quest of Democracy" (which was published about two years before Lee Kuan Yew's interviews[8]) that "There is nothing new in Third World governments seeking to justify and perpetuate authoritarian rule by denouncing liberal democratic principles as alien". She continues:"By implication they claim for themselves the official and sole right to decide what does or does not conform to indigenous cultural norms".[9]

The claim of "democratic culture" being "alien" is also raised in the paper Suu Kyi presented to the World Commission on Culture and Development:"It is claimed usually without adequate evidence, that democratic values and human rights run counter to the national culture, and therefore to be beneficial they need to be modified-perhaps to the extent that they are barely recognizable. The people are said to be as yet unfit for democracy, therefore an indefinite length of time has to pass before democratic reforms can be instituted".[10] Hence Suu Kyi raises the question of "who is the decider of cultural norms?"

Lee is, in modern day parlance, a "deconstructionist", sceptic and pragmatist whereas Suu Kyi is a "traditionalist", believer and idealist?

[6] "Society v. Individual", n 3. In the interview Lee does not dispute or reject the interviewer's question cum statement that some Asian governments may feel that "some .. rights like freedom of speech and assembly are not part of their culture". See also *Foreign Affairs,* Lee's interview, n 3 especially at 113-117.

[7] *Ibid.* See also the position statement of many Asian governments at the Bangkok regional meeting which was held before the 1993 Vienna Conference on Human Rights where almost all Asian governments stated in effect that they would not support any document (to be issued at the Vienna conference) which did not specifically state that States' and societies' rights always prevail over that of the individual. (See for example, *Asiaweek,* June 30,1993, 24 .) However it must be pointed out that this view of Asian governments are not "The Asian view" and that there are (in Yash Ghai's words) "Other Asian Voices". See Y. Ghai "Human Rights and Governance:The Asia Debate"(1994) 15 *Australian Yearbook of International Law* 1,13-24. Hereafter cited as Yash Ghai. Compare:"The Bangkok Declaration on human rights was adopted only over the voices of some noisy Asian critics .... More than 240 spokesmen [sic] for Asian nongovernmental groups also turned up to challenge the 'Asian concept' of democracy as a 'facade' for the suppression of democratic aspirations".*Time Asia* , June 14, 1993, 19.

[8] An excerpt from Aung San Suu Kyi's article "In Quest of Democracy" first appeared in October 28, 1991 edition of (1991) 138 (17) *Time Asia*, 12-13, a week or so after the Nobel Peace Prize Committee awarded her the 1991 Nobel Peace Prize. The excerpt appeared under the title "Human Rights are not Alien to Burma". She was also on the cover of that particular issue of *Time* magazine under the title "Lady in Waiting". The interview with Lee Kuan Yew appeared more than 18 months later in the June 14, 1993 issue of *Time Asia* , n 3, under the cover story "Democracy: Asia Finds Its Own Way". (hereafter cited as "Asian Way")

[9] n 4 at 167.

[10] "Empowerment" n 5. Compare Lee's "Society v. The Individual" n 3. Compare also Lee 's

which was not addressed at least directly by Lee in either of his two interviews.

The issue of who "decides" and who speaks for Asia on human rights and governance has also been discussed by Yash Ghai in his article[11] when he makes the point that there is a dichotomy if not conflict between "the 'official' views of human rights of a number of influential Asian countries (Singapore, China, Malaysia, Indonesia)"[12] and "other Asian voices" which include but is not limited to those "of the middle classes ... ethnic minorities ... which challenge the governments' claim of political monopoly ... intellectuals who are alienated from the State, and for the most part are not apologists for the regime" as well as NGOs.[13]

As for the non-participation of the developing countries in the actual drafting of the UDHR Suu Kyi writes: that the Declaration was "not drawn up by Burmese is an inadequate reason to say the least, for rejecting it, especially as Burma was one of the nations which voted for its adoption in December 1948".[14] She adds that "[i]f ideas and beliefs are to be denied validity outside their geographical and cultural bounds of their origin, Buddhism would be confined to north India, Christianity to a narrow tract in the Middle East and Islam to Arabia."[15]

While Lee is sceptical about the inception and implementation of the Universal Declaration, Suu Kyi's attitudes towards the Declaration can be said to be unqualifiedly positive. Writes Suu Kyi: "It is also difficult for them [the Burmese people] to understand how *any* of the rights contained in the thirty articles of the Universal Declaration of Human Rights can be seen as *anything but wholesome and good* .. It is a

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unfavorable views of the one man-one vote system in *Foreign Affairs* Lee's interview n3, 119. ("I am not intellectually convinced that one man-one vote is the best ... we would have a better system if we gave every man [sic] over the age of forty who has a family two votes .. He is more likely to vote in a serious way than a capricious young man under 30 ... at 60 they should go back to one vote, but that will be difficult to arrange") The question that could be raised here is: Does Lee 's proposal for a single and multi vote patterns for the same individual based on age, amounts to modifying democratic values, (in Suu Kyi's words), "to the extent that they are barely recognizable"?

[11] Yash Ghai n 7

[12] *Id* 7

[13] *Id* 13

[14] "Democracy" n 4, 175. Burma was a member of the United Nations (having gained independence from Britain in January 1948 and having being admitted as an UN member in April 1948) when the Universal Declaration was adopted by the UN General Assembly on December 10, 1948. Singapore -not being an independent State then- was not the signatory to the Universal Declaration. Hence Lee 's contention that " .. every nation that joined the U.N. [after the Universal Declaration was adopted] was presumed to have subscribed to it". It needs to be pointed out that neither Burma nor Singapore is a party either to the 1966 International Covenant on Economic, Social and Cultural Rights or to the International Covenant on Civil and Political Rights.

15 "Democracy" n 4, 175. Compare a 1991 publication of the Government of Singapore entitled *Shared Values*, where the rhetorical question was asked "Can we build a nation of Singaporeans, in South-East Asia, on the basis of values and concepts native to other peoples, living in other environments?". Quoted from Yash Ghai n 7, 11.

puzzlement to the Burmese how concepts which recognize the inherent dignity and the equal and inalienable rights of human beings, which accept that all men are endowed with reason and conscience and which recommend a universal spirit of brotherhood, can be inimical to indigenous values".[16]

Rights and Duties in Asian Societies

Suu Kyi is not unaware of the concept of "duties" in Asian societies. However, in the context of Burmese society, it is arguable that she attempts to derive the rights of the King's subjects and the peoples from the Buddhist concept of "Ten Duties of Kings". It is significant that Suu Kyi's emphasis in the particular article, is on the duties of *rulers* rather than the duties of *subjects*. Hence Suu Kyi makes the same point[17a] as Yash Ghai when he writes that ".. in the hands of an intolerant government, the concept of duties can become a justification as well as an instrument of authoritarianism." Yash Ghai continues: "This is perhaps not inherent in the notion of duties because duties are also laid upon rulers in the best Islamic and Confucian traditions, and indeed the notion of duties can be truly revolutionary"[17b] Compare this line of argument with this statement found in a textbook about law: "For the liberal, the rule of law is to do more with duties on *governments* than on citizens. It obliges governments to rule only by way of laws. In fact, some philosophers argue that the rule of law actually justifies *disobedience* if governments did not govern with certain norms which are at the real core of the ideal [rule of law] ".[17]

Suu Kyi also tries to analogise the tenth duty of the King *avirodha*, non-opposition to the will of the people with the concept of "the legitimacy of government [which] is founded on the consent of the people, who may withdraw their consent at any time if they lose confidence in the ability of the ruler to serve their best interests".[18] One should

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[16] *ibid.*Emphases added.

[17a] See eg *infra* n 18, n 19.

[17b] Yash Ghai, n 7, 19 .

[17] S. Bottomley, N.Gunningham, S. Parker, *Law in Context*, (Federation Press, 1993) 44. (emphases in original) Compare Suu Kyi's quotation from Lao Tzu (in "Empowerment" n 5 at footnote 14 of the article): "the best of all rulers is but a shadowy presence to his subjects". Suu Kyi adds that the "notion that 'in a nation the people are the most important, the State is next and the rulers the least important ' is to be found not in the works of a modern western political theorist but in that of Mencius".

[18] "Democracy" n 4,173. Can "withdrawing the consent of the people" be equated or analogised with disobedience by the people "if governments did not govern in accordance with certain norms" (text accompanying n 18) such as that of "non-opposition to the will of the people"? Before her house arrest in 1989 Suu Kyi did express her views on "unjust laws" and "laws which are not in conformity with the rule of law": "... there would not be any need to disobey any order or regulation if they are in conformity with the principles of rule of law. In the current situation however there are many orders which are not in conformity with the rule of law, many orders and laws which violate the human rights of the people. Therefore we have a duty to defy these unjust laws. If we do not fulfil this duty we cannot progress, we cannot win democracy. However this defiance and disobedience of unjust laws need to be done in a disciplined and peaceful manner"*Kyaut-yun-chin-hma-kin-lut-yai (Freeedom from Fear)*(Burmese version)(1993) 223. (Translation by this writer from a speech by Suu Kyi at "Press conference Number 6"). And again ".. A King who goes against the wishes of the people does not follow the Ten Duties of Kings and the

compare this statement with Article 21 (3) of the Universal Declaration of Human Rights: "The will of the people shall be the basis of authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret votes or by equivalent free voting procedures".

Western Ideas and the Burmese Freedom Movement

However, it should be pointed out that at least in Burmese political history one does not discern any concrete demand of civil and political rights by the people from the King in a formal, quasi-legalistic manner, as in say, the Magna Carta. Indeed there is not even a rough equivalent of the French Declaration of the Rights of Man or the American Declaration of Independence in Burmese political history at least until the mid to late colonial period during the 1920s and 1930s. Then the freedom struggle began and Burma regained her independence in 1948.

This is not to deny that there aren't any notions of civil and political rights in Burmese political thought, but to state that, in the writer's opinion, the movements for freedom, democracy and human rights in the Burmese context began to take concrete form, mainly during the struggle against British colonialism.This movement which had its inchoate beginnings in the early twentieth century reached its heights in the 1930s and 1940s as a result mainly of nationalist sentiments against the colonialists. The movement itself is also partly influenced by the exposure to Western thought among Burmese intellectuals and the populace.[19a]One could say that Communist and Fascist ideas as much as Western liberal ones had their impact on the Burmese nationalists of the pre-War years.[19]

In mentioning this it must be made clear that one is not trying to diminish the assertion of Asian scholars like Suu Kyi and Kim Dae Jung, who has eloquently argued that democracy and human rights are not alien to Asian societies.[20] Still, to a certain extent, it may be true to argue that "[Western] liberalism was the kitchen" which makes it possible for certain Asians to take pride in their ancient and (Asian) concepts of democracy.[21]

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people will not accept him. This is in accordance with Buddhist beliefs. In Christian thought also, good and noble Kings are required to act with compassion and love." (Speech given at NLD headquarters, Myaung Mya, 16 January 1989) quoted from *id* at 277. Translation from Burmese by the writer.)

[19a] For a comparative study of other colonial peoples' primarily cultural struggle against colonialism and imperialism, see the chapter "Resistance and Opposition" in Edward W. Said's *Culture & Imperialism*, (1993, Chatto & Windus) 230-340. Even though Said rejects the thesis that "exclusively Western ideas of freedom led the fight against colonial rule" he is still of the opinion that "[w]ithout metropolitan doubts and opposition, the characters, idiom, and very structure of native resistance to imperialism would have been different". (*id*, 240-241)

[19] See eg Suu Kyi's own essay "Intellectual Life in Burma and India under Colonialism" in *Freedom from Fear*, n 4, 82, especially at 113-135. See also "Literature and Nationalism in Burma"*id* , 140, 153-159.

[20] For Kim Dae Jung's argument which was written in response to Lee's interview in *Foreign Affairs* n 3, see "Is Culture Destiny?" (1994) 73 (6)*Foreign Affairs* 189-194.

[21] The "liberalism as kitchen" is paraphrased from the following quotation from "Asian Way" n 8, 19 : "Lao-tzu remarked 2500 years ago, 'Ruling a great country is like cooking a little fis h-that is, a light touch is needed. As the heirs of Master Kung take pride in their feast today,they might recall that liberalism was the kitchen". Compare Fareed Zakaria's assertion n 2a, 126: "But to be modern without becoming more

Individualism in Western Societies v. Societal Values of the East

The writer hasn't come across Suu Kyi specifically commenting on the subject of individual rights versus collective rights. One could venture to submit though that she may not entirely disagree with Lee that, in many countries of the West and especially in the United States "individualism" has in certain aspects become too rampant and distrubing from the perspective of Asian societies and that the assertion of rights of the society with the attendant instillation of moral responsibility are needed to redress this.[22] Lee had given the example of the United States to vindicate his assertion of the drawbacks of "the liberal intellectual tradition, [which argues that] everybody would be better off if they were allowed to do their own thing and flourish".[23]

Suu Kyi is also critical of certain aspects of American society. However, she asserts: "Many of the worst ills of American society .. can be traced not to the democratic legacy but to the demands of modern materialism".[24]

To be fair, Lee does not specifically blame"democracy"or "democratic culture" as the cause of America's social ills but he did mention "liberalism" as a cause of the ills not only in the United States but also in other Western societies. Says Lee: "Westerners have abandoned an ethical basis for all society, believing that all problems are solvable by a good government, which we in the East never believe it possible".[25]

This statement, coupled with Lee's own definition of liberalism defined a few sentences earlier,[26] raise the question of whether all liberals believe in and espouse the view that "all problems are solvable by a good government". "Neo-classical liberals" and "Kantian Liberals" would dissent from the view that "all problems" are or should be "solvable by a good government".[27] However "teleological liberals" who "have .. a particular

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Western is difficult; the two are not wholly separable. The West have left a mark on 'the rest', and it is not simply a legacy of technology and material products. It is perhaps most profoundly, in the realm of ideas." "Liberalism as Kitchen" is used in the *Time* magazine article in the context of Confucian culture and Western political norms. Perhaps the same can be said of the "fusion" of Buddhist political culture (Ten Duties of Kings) and Western political concepts of rule of law,etc, where liberalism would, if not the "kitchen", then also be part of the cooking ingredients. Suu Kyi herself apparently recognises this when she writes ("Democracy "n 4, 178): "In their quest for democracy the people of Burma explore not only the political theories and practices of the world outside their country but also the spiritual and intellectual values that have given shape to their environment".

[22] See eg *Foreign Affairs,* Lee's interview n 3. " ... I find parts of [American society] totally unacceptable: guns, drugs, violent crime, vagrancy, unbecoming behavior in public - in sum the breakdown of civil society. The expansion of the right of the individual to behave or misbehave as he pleases has come at the expense of orderly society (p. 111) ... [American society is characterised by] the erosion of moral underpinnings of a society and the diminution of personal responsibility". (p112)

[23] *Id,* 112.

[24] "Empowerment", n 5.

[25] *Foreign Affairs*, Lee's interview , 112

[26] text accompanying n 23, n 25

[27] For a definition and exposition of the beliefs of the "neo classical liberal" and"Kantian liberal"

conception of the good"[28] (which could arguably be achieved in part with some government intervention)may agree that certain social problems are "solvable" [or should be solved] by a good government.[29] Lee seems to be against both the neo-classical liberal position of maximising liberty and the attendant belief in"the right over the good"[30] and also the teleological liberal or utilitarian position that "good" governments should occasionally play an interventionist role to solve society's problems.[31]

One noteworthy feature in Lee's comment about "we in the East never believ[ing] that it is possible for good governments to solve society's problems" is that, notwithstanding this "nonbelief" in the governments' ability on this aspect, it is a commonly held perception that "Singapore .. decidedly govern a lot".[32] Would Lee have agreed with "Malaysian scholar Zakaria Haji Ahmad['s]... half-jokingly turn[ing] [of] an old liberal shibboleth on its head: [In Asia] 'You could say that those that govern best are those that govern most'"?[33] If he does, would he have argued that there is no inconsistency between his belief for a "strong government" that "governs a lot" and "Easterners" "non-expectation" of and "strong" government's non-duty to solve all the problems of society?

(Western) Political Liberalism v. (Western) Economic Liberalism

The writer has mentioned Lee's criticism of American and Western societies on the basis of Westerners' "liberal" political beliefs. Lee does mention individualism and lack of personal responsibility in Western societies as the causes of the ills that engulfed Western societies. However, in the writer's opinion, he is not as explicit about the ills of capitalism and "cut-throat" economic morality characteristic of capitalistic societies as possible contributing factors to the moral decline in the West and even those of developing and "newly-converted" former communist countries.

Suu Kyi is categorical of the economic dimensions of the moral problems and dilemmas faced by American society.[34] "Gross individualism and cut-throat morality arise when *political and intellectual freedoms are curbed* on the one hand and on the other *fierce economic competitiveness is encouraged* by making material success the measure of

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("deontolgical liberal") see *Law in Context*, n18, 26-30.

[28] *Id,* 27

[29] *Id* , 34-35.

[30] See text accompanying n 23

[31] See text accompanying n 26

[32] "Asian Way" n 8 , 17.

[33] *Ibid*

[34] See text accompanying n 25.

prestige and progress".[35]

Suu Kyi is not afraid to tackle head on "the concept of human development" as interpreted and put forward by certain elites from the developing world: "While the concept of human development is beginning to assume a dominant position in the thinking of international economists and administrators, the Market Economy not merely adorned with capital letters but seen in an almost mystic haze, is increasingly regarded by many governments as the quick and certain way to material prosperity. It is assumed that *economic measures can resolve all the problems facing their countries* ".[36] Compare this statement with that of Lee who claims that "we in the East do not believe that all problems can be solved by a good government". In a sense, one could argue that Lee's statement, at least in part, reflects the (Western)Reaganite or Thatcherite position against "Big Government".[37a]

In the light of his scepticism of the allegedly Western notion of "good governments solving all problems", is Lee equally sceptical about the Western concept of economic rationalism which is practiced by many Western countries as well as developing ones, which in effect states that "good (read Market Economy or Capitalism) economics" would, in effect, be the best "solution" for all societies?

Would Lee, like Suu Kyi be sceptical of the notion that "economics is the most important key to every lock of every door"?[37] One finds the Confucian values of hard work, thrift, family responsibility being praised and Western liberal political culture of too much individualism and liberty being assailed in Lee's interviews, but this writer does not find in Lee's interviews (in contrast to those of Suu Kyi's articles) criticism of certain Western and non-Western economic practices such as those of crass materialism and economic rationalism.[38]

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[35] *Ibid.* Emphases added.Would Lee agree with Suu Kyi's assertion that "the curb[ing] of political and intellectual freedoms" also contributed to the rise of "gross individualism and cut-throat morality"?

[36] "Empowerment" n 5. Emphasis added.
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[37a] Lee's criticism of "Big Government" a la Reagan or Thatcher seems only to government intervention in economic issues and "relying on government to solve all problems " (n 26). A Singapore government publication *Shared Values* (cited in Yash Ghai, n 7, 11-12) is critical of "the Western idea that a government should be given as limited powers as possible, and should always be treated with suspicion unless proven otherwise" preferring instead the "concept of a government by honourable men (*junzi*) who have a duty to do right for the people, and who have the trust and respect of the population". As far as the allegedly Western concept of "treating government with suspicion" is concerned, this writer notes that in Burmese Buddhism "Kings" together with "floods", "fire", "robbers", "those whom one doesn't like" are considered as the five "enemies" and a Burmese Buddhist prayer includes, among others, the supplication that one be "eternally free from the five enemies". The writer also remembers reading an observation apparently attributed to Confucius: "An oppressive government is more to be feared than a tiger".

[37] The phrase is quoted in "Empowerment" n 5. It is apparently quoted from a book *Towards a New Asia*,A Report of the Commission for a New Asia, 1994, 9. "Empowerment" n 5 at note 7 .

[38] This writer have elsewhere expressed the dichotomy of the views of certain East Asian elites concerning "Western" capitalism and "Western" human rights. In my review of Richard Nixon's last book *Beyond Peace* in the *New Straits Times* (Kuala Lumpur, Malaysia, March 11,1995, 34) I mentioned that Nixon glowingly wrote about "the East Asian tigers 'explosive economic growth' as well as Malaysia's and

Even though Suu Kyi would probably agree with Lee on the moral erosion of Western society and excessive individualism characteristic of Western societies the writer submits that they may not necessarily agree about the "causes" of the malaise that afflict Western societies. For Lee, the cause of this malaise is seen mainly in terms of the West's political liberalism[39]; for Suu Kyi the concept of seeing "economics ... as the *deus ex machina,* the most important key to every lock of every door"[40a] is also one of the causes of the trouble with Western societies. Moreover according to Suu Kyi "economics first" doctrine, so popular among certain Asian elites is certainly not the magic solution for developing countries .[40]

Thailand's freemarket economic policies." But I drew attention to the fact that "though many of the East Asian tigers embraced (Western-style) capitalism, quite a few of them .. have questioned the efficacy or relevance of Western-style politics and even questioned 'Western human rights 'on 'cultural grounds'". I surmised that "the developing world as far as Western political -in contrast to economic- norms are concerned may not only be 'freedom's last frontier' but may also remain just there for a much longer period than the optimists' projections"

Kim Dae Jung has also written in the same vein as Aung San Suu Kyi (n37). In "Is Culture Destiny?" (n21) "the South Korean human rights activists argues :

> Some people conclude that the Soviet demise was the result of the victory of capitalism over socialism. But it represented the triumph of democracy over dictatorship. Without democracy, capitalism in Prussian Germany and Meiji Japan eventually met its tragic end. The many Latin American states that in recent decades embraced capitalism while rejecting democracy failed miserably. On the other hand, countries practicing democratic capitalism or democratic socialism despite temporary setbacks, have prospered. Inspite of these trends .. doubts have been raised mainly by Asia's authoritarian leaders, Lee being the most articulate among them [about the prospects of democracy] in Asia.

In the light of certain Asian governments vociferous assertion that societies 's right as (these governments interpret them) always prevail over that of individual rights the writer sees an irony in the admiration, by government officials and elites of Malaysia and Singapore of Lady Margaret Thatcher the doyen not only of "neo-classical economics" but also arguably of individualism and libertarianism whose political philosophy is partly based on the notion that "there is no such thing as society".(See *Law in Context*, n 34 at 22).Of course it could be rebutted that these elites admire and support Lady Thatcher's economic actions and "the economic revolution" that was brought forth by her and not necessarily her political views. If so, then, can it be said that these Asian elites from the newly industrialised countries of East Asia in effect while embracing the mainly Western concept of "neo-classical economics" rejects the mainly Western concept] of political liberalism? But compare the writings of Suu Kyi and Kim Dae Jung, in text accompanying n4, n5, and n 21 .

[39] See texts accompanying n 24 , n 26.
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[40a] This quotation taken from *Towards a New Asia*, n 38 by Suu Kyi in "Empowerment", n 5

[40] "Empowerment" n 5. See also text accompanying n35, n36, n 37. However, in the writer's opinion, this "economics" first concept so popular both among Western and many Asian officials, is unlikely, both in theory and practise, to lose its aura and influence for a long time. For the theoretical aspect, the writer agrees with this statement: " .. for the moment at least , the Chicago school [of economics] approach [to law and economics] remains pre-eminent. It is also both important and durable". (*Law in Context*, n 18, 155). On an issue of more relevance to this paper, and on a practical aspect of "economics

The Bangkok Declaration on Human Rights

From the above analysis one could infer that Suu Kyi would have dissented from quite a few of the assertions of manyAsian governments in the 1993 Bangkok regional meeting of Asian governments. This meeting was held prior to the 1993 Vienna Conference on Human Rights and at the end of the meeting the Asian governments issued a Declaration. Among others the Declaration includes the claim that States' and societies' rights always prevail over that of the individual[41], endorses the concept of "cultural relativism"[42], limits

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first" doctrine, the writer asserts that "the constructive engagement" of the SLORC by the Association of South East Asian Nations (ASEAN) is based mainly on economic grounds. "The Asian Way"(or is it the ASEAN way?) of dealing, with SLORC, so vociferously claimed and defended especially by the governments of Thailand and Singapore has also been criticised by Suu Kyi. (See n 2). But the "economic juggernaut", in terms of foreign investment in Burma and trade with the junta, seems to be almost overwhelming, at the moment, for the forces for democracy and human rights in Burma. For a not-so up-to-date but relevant article on the economics issues "locking up" the aspirations for Burmese democracy and "opening every lock of every door" for the foreign investors to the Burmese economic and human resources see "Day of the Generals: A More Open Myanmar Junta Gains Regional Acceptance" (1994) 20(7)*Asiaweek* , April 27,1994, 22-25.

[41] See *Asiaweek*, June 30,1993, 24. Fernando R.Teson in his book *Humanitarian Intervention:An Inquiry into Law and Morality* (1988) at 53-94 called the doctrine of States "having rights *qua* states' rights that are logically independent from the rights of the individual that populate the state as 'The Hegelian myth'". In my review of Teson's book I wrote that "[t]aking into account the vociferous assertions of state sovereignty and claims that states and societies'rights always prevail over that of the individual by many Asian governments at the 1993 United Nations [human rights] Conference in Vienna 'The Hegelian myth' might as well be called 'The Asian myth'. " [Book Review, (1992) 19(1&2) *Journal of Malaysian and Comparative Law*, 237, 242)]. The writer now believes that "The Asian myth" should properly be called "Asian elites' myth". For, as correctly pointed out by Yash Ghai, there are also the views of the Asian NGOs and other Asian voices that need to be listened to. Nevertheless as Yash Ghai aptly puts it and sadly so "it is the particular perspective of a particular group, that of the ruling elites which gets international attention ... [f]or the most part, the political systems they represent are not open or democratic, and their publicly expressed views on human rights are an emanation of these systems, of the need to justify authoritarianism and occasional repression." (Yash Ghai n 7, 13-24.) One might add that from a "consequentialist" viewpoint it seems that it is the elites' views that "matter". It is submitted that Suu Kyi 's voice, clear and principled, if also idealistic and -to those cynics - "naive" belongs to that of "other Asian Voices" and that Lee's is definitely "The Official View". Taiwan's oppositionist Yao Chia-wen asserts: "Lee Kuan Yew uses the argument against liberal democracy as a means to put down his own opposition. Lee Kuan Yew is the ruler, not the people". ("Asian Way", n 8, 18-19)

[42] The relevant phrase of the Bangkok Declaration is ".. while human rights are universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional peculiarities and various historical, social, economic, and cultural conditions of various nations, and involves a process of historical development. Owing to tremendous differences in historical background, social system, cultural tradition and economic development, countries differ in their understanding and practice of human rights". (Yash Ghai, n7, 8). In contrast, Asian NGOs "endorsed the view that human rights are universal, and are equally rooted in different cultures ... Since in its view human rights are of universal concern and universal value, it does not regard the advocacy of human rights as an encroachment upon national sovereignty ... The NGOs signatories of the statement support the principle of the indivisibility and interdependence of human rights".

"the document's disavowal of torture to a single mention"[43] and in effect promotes "the 'Asian concept' of democracy[44].

The writer's opinion that Suu Kyi would dissent from the "Asian elites myth" that societies or States' rights always prevail over that of the individual is based on Suu Kyi's strong belief in and reliance on Buddhist concepts which are individualistic. "Individualstic" not in the sense of "excessive individualism" of certain Western societies which both Lee and Suu Kyi in their own ways are critical of[45] but in the sense that the individual is worthy of protection and respect and need not always be "subjugated" to that of States or societies.[46]

Suu Kyi places much empahasis on the value of the individual: "The people of Burma view democracy not merely as a form of government but as an integrated social and ideological system based on respect for the individual".[47] Compare this statement with Lee's assertion that " .. Asia has never valued the individual over society. The society has

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[43] "Asian Way" n 8, 19.

[44] *Ibid.Time Asia* also stated that "More than 240 spokesmen [sic] for Asian nongovernmental groups also turned up [at the Bangkok regional meeting] to challenge the 'Asian concept ' of democracy as a 'facade' for the 'suppression of democratic aspirations' ".

[45] See eg texts and notes accompanying n 23, n 24, n 26 for Lee's criticism of certain aspects of American society. For Suu Kyi's views on US society and one of the underlying reasons for its ills see texts accompanying n 24, n 36, n 37.

[46] Lee seems to be deriving support from the Confucian tradition both for the rejection of the notion that "a good government should solve society's problems" (n 24) and also apparently -or at least by implication from his own governments 'actions if not in so many words- for " having tight control [by the government]over the country " (text accompanying n 2a) and for "governing a lot " (see text accompanying note 34). On the other hand Suu Kyi not only draws from her own Buddhist tradition ("Democracy" n 4) but also from the writings of Lao Tzu and Mencius to argue that "in a nation the people are the most important, the State is next and the rulers the least important". ("Empowerment", n 5) . In asserting the primacy of the "State" or the "society", it seems that the Asian elites or "rulers" have "turned an old [Mencius] shibboleth on its head"-to paraphrase Zakaria Ahmad's phrase, text accompanying n 34- and thus relegating to themselves the sole right to decide who the State, people and rulers are and who should come 'first' (to paraphrase Suu Kyi's statement, text accompanying n 9). In my review of *Dilemmas of World Politics:International Issues in a Changing World* (1992) (in *New Straits Times*, January 29, 1994, 33) I was more specific :

> The increasingly vociferous assertions by some governments including many from Asia that the State always prevail over the individual is indicative of a tremendous resistance to "interdependence" perspectives as regards sovereignty of States. It may also reflect minimally speaking , a burning desire on the part of these elites to see the further increase in the powers of the State itself. (But what is the State as per these elites? Louis the XVI was more honest -and he sure 'paid for it '- when he said , "L'etat c'est moi!").

[47] "Democracy", n 4, 173.

always been more important than the individual."[48]

It may be argued that Suu Kyi 's and Lee's statements are not necessarily in conflict and perhaps not even incompatible since Lee is not saying that the individual is not to be valued nor is he stating that he or she is not worthy of protection. Instead, it might be argued, Lee is only asserting that in his view, in Asia "the individual is never valued over society". However the fact remains that in Suu Kyi's view the basis of democracy lies with "respect for the individual". On the other hand Lee would, in his notion of democracy in the Asian milieu, put less emphasis on the individual than Suu Kyi does. Moreover, the question of who decides what are societies' rights and what are individuals' rights and how and in what manner societies' rights prevail over that of the individual remains a question which was not addressed by Lee but touched upon by Suu Kyi.[49]

Yet it needs to be mentioned that the issue of reconciling individuals and societies' rights cannot be seen only through the prism of who the"decider" is as to the identity and meaning of individuals and societies. Even in "individualistic" modern Western political philosophy there is a wide range of ideas ranging from the communitarian views of John Rawls[50] to the libertarian views of Robert Nozick.[51]

One also should note the generally acknowledged fact that in Asia the concept of community is stronger than that of the West. Yash Ghai argues that "thoughtful Asians .. holds on to some important distinctions between the West and Asia, which they consider are rooted in culture ... [Western human rights concepts give rise] to the the transformation of values as legal rights ... [thus] rights-based emphasis leads to the impoverishment of society, so that in the search for the protection of the citizen against the State, the community collapses and non-State actors become the principal source of oppression and insecurity (making it unsafe to be on the streets of major metropolises after sunset)".[52] Lee and many others Asian elites would heartily agree with this statement but Yash Ghai makes a telling

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[48] "Society v. The Individual", n 3, 21. Lee was making the statement in reply to the question "What about human rights?". Hence Lee sees the issue of human rights fundamentally through the dichotomy of "individual and society".

[49] "Democracy" n 4, text accompanying n 9. Of course it could always be argued that the concept of democracy as "majority rule" embodies the concept of the wishes of the majority prevailing over that of the minority including the individuals who are part of the minority. However, democracy not only involves majority rule but also protection of individuals and minorities from arbitrary and unwarranted interference be it from the government the "majority" or "society". Suu Kyi herself notices this majority-minority dichotomy in her paper "Empowerment" (n5). Perhaps partly in response to the *minority* Asian elites so loudly clamouring that the majority's and society's rights prevail over that of the individual Suu Kyi quotes, Ronald D. Renard with approval "Minorities .. are those people with poor access to power". Adds Suu Kyi: "And when the dispossessed 'minority' is in fact an overwhelming majority, as happens in countries where power is concentrated in the hands of the few, the threat to peace and stability is ever present even if unperceived".

[50] J. Rawls, *A Theory of Justice*, (Oxford University Press, 1971)

[51] R. Nozick, *Anarchy,State and Utopia*, (Basic books,1974)

[52] Yash Ghai, n. 7 18-19.

point when he states that "Asian governments ... fall into the easy but wrong assumption that *they or the State are the community"*.[53]

Hence the discussions here are not intended to trivialise or marginalise the legitimate differences as regards individual and communitarian approaches that may exist between Eastern and Western societies and indeed within Western and Asian societies themselves. However, one needs to be aware that, the official Asian view asserting the supremacy of society's rights over that of the individual, could also result in, "unfruitful polarities"[54] between "Western" and "Asian" human rights.

If there is a genuine dichotomy, even tension and potential conflict between individual and collective rights what would the position of Suu Kyi be on this matter? Suu Kyi has not discussed the matter specifically and in detail in her writings. However one could probably postulate that she might have suggested the Buddhist concept of the "Middle Way" would point to a position of avoiding both the extremes of "individualism" and "collectivism".[55]

Issues and Projections

In conclusion, the writer's comments can be classified into four categories: (1)Culture? (2)Decider? (3)Power? (4)The Future?: all of them followed by "question-marks".

Culture?

Both Lee and Suu Kyi in their interviews and articles about human rights and governance have mentioned "culture" as a major though not exclusive issue. Suu Kyi's article "Empowerment for a Culture of Peace and Development" was addressed to the

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[53] *Id* 17. Emphasis added. Compare this writer's own (and independently written) comments in my review of *Dilemma of World Politics* excerpted in n 47. In the writer's opinion, the assertion by certain Asian governments that so-called "society" -and for that matter"development "and "economics"- always prevail over that of any individual rights may not merely be "assumptions"; in fact their claims may amount to "deception" at least of the soft kind in that the argument "amounts to the hoodwinking of those on the receiving end of the argument [about Individualism v. Society] and even those on the giving end"(the quotation is taken from *Law in Context*, n 18). The "context" of the discussion from which the quotation was extracted was whether "formalism [in law] involves deception" but it could as well be transposed to the Asian elites claims concerning human rights and democratic concepts.

[54] Yash Ghai n 7, 21.

[55] As a Buddhist, Suu Kyi usually and extensively quotes from and applies the concepts of Buddhism in her intellectual and political writings as well as her speeches. See eg "Democracy" n 4, and what is arguably her most famous essay "Freedom from Fear" in *Freedom from Fear and other writings* n4, 180-185. The Buddhist concept of the "Middle Way" exhorts that a Buddhist should avoid both the extremes of ascetic practices and indulgence in sensual pleasures. Perhaps the East Asian concept of "Ying-Yang" of opposites existing in harmony and complementing each other can also be used as a paradigm or a model to "balance" individual and collective rights within societies and not necessarily by aping certain Western libertarian notions of "individual" rights nor by unthinking acceptance of the Asian governments' Bangkok declaration of "societies" rights prevailing over that of the individual.

meeting of the World Commission on Culture and Development.[56] Fareed Zakaria who interviewed Lee for *ForeignAffairs* wrote a short comment "A Coda on Culture"[57] since Lee's comments covered a lot of cultural issues mainly from the vantage point of Confucianism. It would be reasonable to postulate that Lee's position and arguments on culture and governance are based mainly on his own views and perceptions of Confucian culture.

Suu Kyi does quote briefly from Lao Tzu and Mencius[58] as well as from Christian thought[59a] but inasmuch as she uses culture as an argument, hers is from the standpoint and perspective of the Theravada Buddhist.

Hence it should be emphasised that Lee and Suu Kyi are making their points from different cultural perspectives. The writer does not intend to discuss whether Theravada Buddhist culture and Confucian culture have different impacts on the debate regarding Asian human rights and governance. Suffice to say that the writer is aware of an article which highlights the differences in the Western and Buddhist notions of human rights from a perspective somewhat different from that of Suu Kyi.[59]

But even when speaking only about Confucian culture, Fareed Zakaria observes that"when East Asia seemed immutably poor, many scholars -most famously Max Weber- ... argue[d] that Confucian based cultures discouraged all the attributes necessary for the success of capitalism. Today, scholars explained how Confucianism emphasizes the essential traits of economic dynamism".[60] And again : ".. the tight regulation of society as in China and Singapore [is not] particularly Confucian. Confucius argued against reliance on law and coercion, and advocated a government of limited powers and functions ...Confucianism is .. mistakenly today regarded as development oriented rather than as preserving the status quo as traditionally regarded".[61]

One realises however that indidviduals and groups do have different interpretations and perspectives of a religious tradition or secular thought. They can also emphasise certain aspects of a tradition and even reinterpret them in various ways. Contrast

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[56] n 5.

[57] n 3 "A Coda on Culture" *Foreign Affairs*,, Lee's interview, 125-126.

[58] See text accompanying n 17.
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[59a] See note accompanying n 18.

[59] Kenneth K. Inada "A Buddhist Response to the Nature of Human Rights" in C.E.Welch Jr and V.A. Leary (eds) *Asian Perspectives on Human Rights* (1990, Westview Press) 91-103. A Singaporean national, a lawyer and a former Burmese citizen of at least part Chinese ethnicity told the writer in April 1989 that unlike Confucian culture, Buddhist culture do not have a "work ethic". That, in his opinion, partly explains why Burma, a Buddhist country, lags behind so much in economic performance from those of the East Asian countries with a Confucian cultural background. But compare the observations of Fareed Zakaria in text accompanying *infra* note 60.

[60] "A Coda on Culture", n 58 , 125

[61] Yash Ghai n 7, 19-20

Suu Kyi's emphasis on "Ten Duties of Kings" and her argument of Buddhist political philosophy being comparable with modern concepts of democracy and human rights[62] with that of Inada's basic contention that the approaches to human rights of Buddhist and Western traditions are different since ".. in Buddhism .. the emphasis is not so much on performative acts and individual rights as it is on the manner of manifestation of human nature itself".[63]

Decider?

Suu Kyi raises a pertinent point in her essay "In Quest of Democracy" as to who "decides" what aspect of human rights norms is or is not indigenous to local culture.[64] One would feel reluctant to claim that the arguments and protests of the Asian elites about the dichotomy of "Asian culture" versus "Western" human rights is entirely cynical and politically exploitative. Nevertheless the fact that these elites are in power coupled with the fact that their publicly expressed views on human rights are at least designed in part to defend the authoritarian nature of their rule make their pronouncements fall into the category of "suspect classification", if one is allowed to borrow a phrase from American constitutional parlance. At least the pronouncements of the official views of human rights should be studied and analysed with a degree of healthy scepticism.[65]

Power?

In early 1994 the writer was teaching at the Law Faculty of the National University of Malaysia. As part of an assignment in public international law, I gave my

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[62] "Democracy" n 4

[63] Inada n 60, 94. However Inada affirms that " [f]or [both the Buddhist and Western traditions] the basic premise is still one that is focussed on human beings intimately living together in the selfsame world.A difference in perspective does not mean non-communication or a simple rejection of another's views, as there is still much more substance in the nature of conciliation, accommodation and absorption than what is initially thought of."

[64] "Democracy" n 4. Asian government officials are also aware that there has been "counter-challenges" on their own challenges of "Western human rights" which are, according to those officials, based on "cultural grounds". In an after-dinner speech at the Pacific Economic Cooperation Council meeting in Kuala Lumpur in March 1994, Datuk Seri Anwar Ibrahim, Deputy Prime Minister of Malaysia stated in effect that: "We have been accused by some in the West that we are using 'culture' as an excuse to defend breaches of human rights. We humbly reject this contention. A Japanese garden, a Malay Islamic garden have their own beauty". However it needs to be pointed out that it is not only "the West" which are sceptical of the "culture" argument of certain Asian officials. A large number of Asian non-governmental organisations rejects the "culture" aspect of the Bangkok Declaration. Hence the point is not about denying or affirming the beauty of a Japanese garden or a Malay Islamic garden but who is to decide what aspects of human rights are so alien to indigenous values as to weed them out or banish them from the precincts of the gardens. Which persons are to acts as censors or deciders to banish, in Eliot's phrase, "the other voices that inhabit the garden"?

[65] For the writer's own "suspicion" of certain aspects of the Asian official view see n 47. Yash Ghai (n7) also uses fairly strong terms in criticising certain aspects of the "official view" .He decribes them as "Janus faced"(p.16), "shaky" (p.20), "inaccurate, ahistorical" (p.21).

students copies of Lee's interview in *Time Asia*[66] and Suu Kyi's article "In Quest of Democracy"[67] and asked them to comment on their human rights views. One of them,in effect, wrote: "Suu Kyi is idealistic, she has never been in political power. Lee Kuan Yew is a seasoned politician. I would take Lee any time over Suu Kyi".[68]

At a lecture on "Aspects of the Concept in International Human Rights of Culture Relativism" by Professor Henry J. Steiner of the Harvard Law School at the Federal Parliament House in Canberra in August 1994, I recounted the comments made by my former student. Professor Steiner responded that he didn't quite agree with the statement that Lee has more "power" than Suu Kyi. "Ultimately Suu Kyi's ideas will prove to be more powerful than that of Lee" he opined.

Are we talking here about two different kinds of "power"? The writer's former student was talking about "raw political power", to paraphrase the description of Boris Yeltsin's actions by former British Prime Minister John Major, during the unsuccessful communist coup in Moscow of August 1991. (At that time Major praised Yeltsin's "sheer raw courage".) Steiner, one gathers, was talking about the power of ideas. But even in the realm of "power of ideas"the writer submits that "sheer raw power" does play a role inasmuch as the implementation and enforcement of the power of ideas depend

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[66] "Society v. Individual", n 3

[67] "Democracy", n 4

[68] The writer regrets that he cannot remember the name of the student who made that insightful if pragmatic (in the non-derogatory if not so complimentary sense of the word) comment. Indeed as I read and reread Suu Kyi's writings and Lee's interviews I appreciate all the more how (this time in a "content-neutral" sense of both words) idealistic Suu Kyi is and how pragmatic Lee is. In this connection of Lee being a "seasoned politician" one possible factor (apart from that of gender which the writer would not pursue here) that may or may not be relevant in comparing Suu Kyi's views with those of Lee is that of age. Does the fact that there is a "generation gap" between Suu Kyi - born June 19,1945, Source: *Who's Who in the World,* n 1, 63- and Lee - born September 16,1923, Source: *Who's Who in the World*, n 1, 1133- have any bearing on their views?

Lee was already Prime Minister of Singapore in 1959 at the age of 35 or 36. Suu Kyi rose to national and international prominence and entered the arena of Burmese politics, at the age of 43 during the Burmese uprising of 1988. Hence Lee is definitely a "seasoned politician". I should immediately add that the fact of Suu Kyi becoming actively involved in Burmese politics only during 1988 does not mean that she didn't or doesn't understand Burmese politics. As Suu Kyi herself stated in her first public speech "in Burmese to a mass rally on the open ground west of the great Shwedagon Pagoda" (*Freedom from Fear and other writings,* n 4, 198): "Another thing which some people have been saying is that I know nothing of Burmese politics. The trouble is that I know too much. My family knows best how complicated and tricky Burmese politics can be and how much my father had to suffer on this account". (*Id*, 199)

Lee 's interview ("Society v. Individual") together with Time Asia 's cover story on "Asia's Different Drum" ("Asian Way", n 8) was distributed to his constitutional law class by a colleague of mine at the Law Faculty of University of Malaya in 1993. When I suggested to him that he should also distribute Suu Kyi's article "Democracy" (n 4) to let the students compare it with that of Lee's he refused, saying that Suu Kyi's views contained "too many religious concepts". Advantage Lee.

on the position, attitude and actions of those in political power.[69]

One could perhaps say that Lee's pronouncements and views on human rights can be partially be explained by the fact that he has been in a position of political power for more than three and a half decades now. Suu Kyi's "position", as the title of her address to the World Commission on Culture and Development indicates, is that of "empowering" the people of Burma and indeed of all peoples for a true culture of peace and development and one might add that of democracy and basic human rights. Hence her views can be described as based on and suffused with "notions of empowerment". What impact these notions of empowerment will ultimately have in the context of prospects for democracy and respect for and promotion of human rights in Burma is for the future to tell.

The Future?

The future prospects of democracy and promotion of human rights in Asia is the brief focus of this section. Kim Dae Jung in his article in *Foreign Affairs* predicts :"I believe that democracy will take root throughout Asia around the start of the next century".[70]

As a Burmese and being overwhelmed, as it were, by the tyranny of the here and the now and seeing as one does, the durability and unending succession of tyrants in Burma and also that of quite a few "Asian values champions" and authoritarian leaders having their long days in the sun (in the case of Burma, it might well be described, as an unending Arctic night), this writer is an incurable"pessimist".[71] But suffused with and

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[69] Though one is not directly making any inferences or comparison, who is the more influential or powerful even in the realm of ideas: Nicolo Machiavelli or Mahatama Gandhi? Michael H. Hart in his book *The Hundred:A Ranking of the Most Influential Persons in History* (1978) did include Machiavelli in his ranks but excluded Gandhi who only got an "honourable mention" of why the author did not believe that Gandhi's influence was not as impactful as those who made it to the ranks. Similarly one wonders who is more "powerful" globally and across cultures: Lenin or Martin Luther King, Jr ? (Both Gandhi and King are acknowledged by Suu Kyi in her speeches and writings to be sources of inspiration. After her release from house arrest, she also expressed her admiration for Nelson Mandela. In fact comparisons with her and Mandela has already been made: see *The Economist's* editorial, July 15, 1995, 11, entitled "Asia's Mandela?"See also Greg Sheridan, "Burma's Mandela" *The Weekend Australian*, July 15-16, 1995, 29)

[70] "Is Culture Destiny?", n 21 , 192

[71] Kim Dae Jung was expressing his opinion regarding the whole of Asia. When I say "the here and the now" I am mainly referring to the current and past events in Burma. During the 1988 uprising in Burma the writer perhaps like hundreds of thousands of Burmese as well as interested non-Burmese, thought that a bright future for Burma's democracy was just around the corner: an optimism articulated by Suu Kyi at that time. Writing under the heading "Belief in Burma's Future" in the September 12, 1988 issue of *The Independent* (London) (reproduced in *Freedom from Fear* n 4, 209) Suu Kyi expressed her belief thus: "I cannot help but feel that the future of Burma is assured". That "corner" turned out to be a treacherous one with the military take over in September 1988 and, perhaps it can be argued that Burma's "future" from the perspective of the past of 1988 was not assuring or comforting at all.

In the after math of the May 1990 elections where Suu Kyi's party won a landslide victory yet another false "corner" was turned. *Time International* (June 11, 1990, p. 17) quoted a foreign diplomat inBurma as saying "The SLORC will be in power next week [ie. June 1990] and two years from next week [ie June 1992]". How truly he or she spoke. In the context of failed expectations of the past *Time* also wrote (*id* 19): "The Burmese know that appearances can be deceiving. In September 1988 they thought that their

inherent in that pessimism is a very conscious wish that the "optimists" like Kim Dae Jung and for that matter, Aung San Suu Kyi will prove to be right.

Karl Marx was once supposed to have said about the need to find a "balancing point" or "intersection" on the continuum of "suffering" and "thinking" so as to make "suffering people think" and "thinking people suffer" .[72] In the context of the future prospects for democracy in Burma and Asia in general, perhaps there is a need to locate an "intersection" where "positions of power" and "notions of empowerment"could meet. The desirability for, if not necessity of, a dialogue and dynamic interplay between these two forces[73], have, one hopes, been implicitly made in comparing the views of two influential Asian figures of the times.

* This paper is based on a short presentation given by the writer at the Third Annual Meeting of the Australia and New Zealand Society of International Law (ANZSIL) in Canberra on July 8, 1995. Two days after the writer's presentation Aung San Suu Kyi was unexpectedly released from nearly six years of house arrest by the ruling State Law and Order Restoration Council of Burma. This paper mainly relied on two interviews given by Lee Kuan Yew and two articles written by Aung San Suu Kyi in attempting to highlight and compare their views on human rights and principles of democratic governance. During the meeting of ANZSIL, Volume 15 (1994) of *The Australian Yearbook of International Law* became available and the writer has throughout this paper relied on and quoted with approval from Professor Yash Ghai's article "Human Rights and Governance: The Asia

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massive public protests had brought them within a few hours' reach of democracy. Then all too suddenly, the army's firepower proved them wrong."

After her release from house arrest on July 10, 1995 Suu Kyi again stated that she"knows" the Burmese people will achieve democracy since "that is what the people of Burma want". Quoting her father's statement, when he was leading the freedom struggle for independence from Britain in the 1940s, she also said in a television interview that she and her supporters should "hope for the best but be prepared for the worst". Compare also the lead article in the July 15, 1995 issue of *The Economist* which was published a few days after Suu Kyi's release from house arrest: "The generals who run Myanmar [Burma]still seem determined to hang on to power. They insist that Myanmar is politically too immature to cope with democracy. Plenty of Asian [elites] agree and they have reservations about democracy in their own countries too. Recent events elsewhere in South-East Asia may seem to be proving them right. Such setbacks however do not mean that in the end democracy will not flourish successfully in Asia as anywhere else." ("Asia's Mandela", n 70)

[72] The writer first heard a quotation to that effect in a key note address by Professor Upendra Baxi at a Commonwealth Legal Education Association Conference in Hong Kong in April 1992. My apologies to Marx as well as Professor Baxi for not remembering the exact quotation or perhaps even for the possibility of improvising on or misquoting, albeit only in part, of the quotation.

[73] That is the forces " (and also ideas) of those who are in "positions of power" and the "forces", ideas and aspirations of those who believe in, dedicated their lives to and work for the implementation of "notions of empowerment". In a statement that was issued after her release from house arrest, on July 11 , 1995 Suu Kyi was more straightforward: "We have to choose between dialogue or utter devastation ... I would like to think that human instinct for survival alone, if nothing else, would eventually lead us to prefer dialogue". ("Let's talk: Freed democracy activist stresses reconciliation", *Far Eastern Economic Review*, July 20, 1995, p.15.)

Debate" that appeared in the Yearbook. Indeed the writer finds much support in and take "sustenance" from Professor Yash Ghai's perceptive comments in comparing Lee's and Suu Kyi's views as well as in presenting the writer's own perception, perspective and "slant" on those views.

In comparing the views of these two persons I do not claim to be entirely objective nor is any inference made here that, were Lee or Suu Kyi themselves be comparing their own views, they would have reached similar conclusions or even based their comparisons from the same premises as the writer did. To take an analogy from modern physics the "observer's" own position and stand-point invariably affects "the observed phenomena" and this essay does not claim to be free from the biases of the observer. An attempt has been made to present as fairly and accurately as possible the views of both Mr Lee Kuan Yew and Daw Aung San Suu Kyi. If there are any errors or "misrepresentations" of either or both persons' views it is stated here that they are unintentional and made "without malice or prejudice". The writer's own comments on the views of the two persons as well as the comments "second-guessing" what Lee Kuan Yew or Aung San Suu Kyi would have said or thought on particular points are personal to the writer.

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