

## **Human Dignity and Human Rights from Asian Perspectives**

CONVENORS: Jimmy Chia-Shin Hsu (Academia Sinica, Taiwan)  
Chaihark Hahm (Yonsei University, South Korea)  
Pritam Baruah (O.P. Jindal Global University, India)

This special workshop inquires into the idea of human dignity and the theory and practice of human rights in Asia. We are especially interested in the complex dynamics between the universal and the particular elements in Asian human rights discourse and jurisprudence. Human dignity as a constitutional concept has made a significant entry into Asian constitutional discourse in recent decades primarily as a result of the third-wave democratization, in lieu of post-war pioneers of Japan and India. This fact reminds us of how far we have come from the “Asian values” debate in the 90s. The adjective “human” attached to “dignity” sounds a significant chord of human rights universalism, recognizing that there are rights possessed by persons simply because they are human beings, irrespective of collective identities and personal attributes. The increasing importance of this concept, however, brings new challenges to such Asian jurisdictions as India, South Korea, Taiwan, Hong Kong, the Philippines, and Indonesia. This concept is facing higher demands of conceptual precision as it plays more important roles in constitutional adjudication. Even though etymologically “dignity” has ancient roots in Asian languages, “human dignity” as a rights-generating constitutional value is a legal transplant. How its western origins negotiate with Asian cultures is an issue into which we would like to inquire.

To the extent that human dignity is considered a central concept of human rights discourse, the inquiry into human dignity is no less an inquiry into human rights in general. The advancement of a universal concept, however, may not necessarily entail universalism in conceptual substantiation and implementation. Human rights globalization brings not only convergence but also consciousness of difference. Economic development and modernization has brought significant social changes to many of the East and Southeast Asian societies. The developmental success not only gave some East and South East Asian societies the self-confidence to assert their own cultural distinctness against the West, but it has also unleashed social forces moving these societies toward a higher degree of gender equality, the rise of expressive individualism, change of family structure and power relationships, and higher protection of individual rights. Despite all this, cultural legacies such as stronger family ties, a paternalistic model of governance, patrimonial patterns of social networks, and greater emphasis on social harmony may continue to shape a modernized, but not necessarily westernized Asia. In view of such complexities, we would like to study the extent to which contemporary Asian human rights jurisprudence exhibits Asian features in its course of deep political, social, and economic transformation. Last but not the least, to the extent that the ideas and institutions of human dignity and human rights originate from the West, we are also interested in engaging with these ideas in the West from Asian perspectives.

▪ List of papers to be presented

1. Jimmy Chia-Shin Hsu, Associate Research Professor of Law, Academia Sinica, Taiwan

**\*Human dignity in the jurisprudence of Taiwan Constitutional Court**

2. Chaihark Hahm, Professor of Law, Yonsei University, South Korea

**\*Constitutional Discourse on Human Dignity in South Korea**

3. Pritam Baruah, Associate Professor of Law, Jindal Global University Law School, India

**\* Human Dignity in Indian Constitutional Adjudication**

4. Xiaobo Zhai, Assistant Professor of Law, The University of Macau, Macau, China

**\*The Meanings and Uses of Personal Dignity in China's Legal and Constitutional Discourse**

5. Sungmoon Kim, Professor of Political Theory, City University of Hong Kong

**\*Virtue, Dignity, and Constitutional Democracy: A Confucian Perspective**

6. Etin Anwar, Associate Professor of Religious Studies, Hobart & William Smith Colleges

**\*Human Dignity and Islam: Contexts and Contestations in Indonesia**

7. Kumie Hattori, PhD candidate, Waseda University, Japan

**\*Predicaments of Dignity in Legal Positivist Context and its implication about 'self-respect'**

8. Chaochin Chan, PhD candidate, University of Göttingen, Germany

**\*On Human Dignity by Mencius: Attempt to conciliate the Individualism and the Communitarianism**