

## BOOK REVIEWS

# The Transformative Evolution of Human Dignity in Asia's Modern State-Building Projects

*Human Dignity in Asia: Dialogue Between Law and Culture*. Edited by Jimmy Chia-Shin Hsu. Cambridge: Cambridge University Press, 2022. 386 pp. US\$140.00  
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Human dignity is a universal legal concept that often serves as a useful tool to limit state power and guarantee individual rights and personal autonomy. To mark the end of the inhumanities of World War II, while initiating their modern state-building projects, many Asian countries gradually incorporated the idea of human dignity into their constitutional texts and judicial decisions to guarantee the protection of human rights. However, the grasp of how human dignity evolved within and across discrete Asian nations in the context of global constitutionalism remains little understood. It is thus exciting to see *Human Dignity in Asia: Dialogue Between Law and Culture*, edited by the leading comparative constitutional law scholar Professor Jimmy Chia-Shin Hsu, which effectively fills this gap in human rights and constitutional scholarship. This valuable book carefully examines the historical trajectory of the transplantation and development of the idea of human dignity in Asia.

The book comprises an introductory chapter followed by 15 independent chapters of varying length and quality. The introductory chapter, which is written by Professor Jimmy Chia-Shin Hsu, provides readers with an excellent overview of how the concept of human dignity has developed in Asia. This chapter is not a mechanical summary; instead, it highlights the various challenges that may transform or even threaten the evolution of human dignity in Asia and beyond. Challenges to human dignity include the recent rise of global populism, democratic backsliding, the threat of authoritarianism, and cultural discontinuity and conflicts across the globe, which helps readers to reflect on the prospects for the future of human dignity in Asia and elsewhere. The rest of the book is divided into two major parts. The first part is made up of nine chapters and conducts a country-by-country study of India, Japan, South Korea, Taiwan, the Philippines, Indonesia, Hong Kong, China, and Singapore. The concept of dignity is context-dependent and varies significantly according to jurisdiction and over time. Thus, each chapter examines how political, constitutional, and historical contexts shape the idea of human dignity in each Asian jurisdiction. Every chapter also evaluates how each country's constitutional or apex court has interpreted the concept of dignity in discrete landmark constitutional cases. The size and diversity of Asia also mandate a detailed examination of how the perception of dignity is influenced by major political philosophies such as Confucianism and leading worldwide religious traditions, including Islam, Christianity, and Buddhism. Hence, the second part of the book, which includes six chapters, not only analyzes the cultural, philosophical, and religious foundations of human dignity in the context of Asia, but also effectively elucidates the conceptualization of human dignity in the predominant Asian religious traditions and philosophical frameworks.

As the essays in the first part of the book discuss, constitutional and apex courts in Asian liberal democracies play a vital role in shaping the meaning of human dignity in their local contexts. Dignity-related judicial narratives serve at least four basic functions

in Asian nations. First, dignity is used as a rationale for the protection or expansion of constitutional rights. For example, the chapters on Japan, South Korea, Taiwan, Hong Kong, the Philippines, and India indicate that judges use dignity-related arguments to strengthen individual rights such as autonomy, self-determination, freedom from discrimination, and so on. Additionally, the chapters on Indonesia and Hong Kong evince that dignity-based rhetoric is also used to justify prohibitions against torture and other forms of inhuman treatment, which protect people from severe physical and mental torment inflicted by public authority. In India, the expansive use of the concept of dignity by Indian Supreme Court effectively delivers increased freedoms and potentially guarantees a certain amount of social and economic justice through initiatives assuring free public education or universal health care. Second, dignity is invoked in handling conflicts between rights and values. For example, the chapters on Japan, South Korea, and Taiwan demonstrate that the dignity is used as much as limitations to freedom of speech to protect against reputational harm or as a weight to strike a balance between the interests of community (such as a family or nation) and the individual. Third, dignity functions as a justification to recognize new rights. For instance, the chapter on Taiwan presents that the Constitutional Court of Taiwan relies on the rationale of dignity to recognize certain unenumerated rights: among others, the rights to privacy, reputation, personality, and same-sex marriage. Finally, in South Korea, dignity functions as a concrete right through judicial recognition to examine the constitutionality of the actions of public authority.

Outside the courts, as a principled basis of support for contemporary human rights initiatives, human dignity plays a transformative role in broader social and political contexts in most liberal countries represented in the book. For example, the chapters on South Korea, Taiwan, the Philippines, and Indonesia illuminate that human dignity functions politically to facilitate democratic transformations or steer social reforms. Similarly, in India, the concept of dignity evinces the potential to transform a hierarchical society into a modern and democratic nation. In countries such as South Korea and Hong Kong, dignity also can advance the social and political equality of women and other minority groups as well as alleviate disadvantaged conditions of the poor and the marginalized.

Notably, the notion of human dignity has also functioned significantly in the illiberal contexts of Singapore and China. The chapter on Singapore discusses the coexistence of egalitarian and hierarchical versions of human dignity in Singapore's "communitarian-oriented relational constitutionalism," shaping the normative relationship between individuals and society. The chapter on China presents that personal dignity is widely referenced in legislation and public policy documents despite a political environment being unfriendly to implementation. The progress of the legal usage of dignity can offer legal protection and improve the socioeconomic wellbeing of the average citizen. As the essays in the first part analyze, as one major language of modernization, human dignity encompasses both descriptive and normative aspects. The importance and relevance of dignity in the legal and constitutional framework across Asian nations are indisputable, even though some nations embrace them more vigorously than others.

To broaden the understanding of dignity in philosophical and cultural settings, the focus of the book shifts in the second part to the major religious influences on the evolution of the conception of dignity in Asia. Chapters in this section are divided equally to attend to Buddhist, Confucian, and Hindu traditional religions in Asia. They also examine the impact of Catholic, Protestant, and Islamic practices that are more widespread elsewhere but exhibit a significant presence in Asia. As the introductory chapter suggests, readers can approach the book linearly or read chapters in pairs. For example, Chapter 3, "Constitutional Discourse on Human Dignity in South Korea," could be paired with Chapter 15, "Protestantism and Human Dignity in South Korea." Chapter 5, "Human Dignity Factor in the Philippines," could be read in tandem with Chapter 14, "Catholicism and Human Dignity in the Philippines." Similarly, Chapters 6 and 13,

respectively, consider human dignity in constitutional jurisprudence and Islam, and could be read as companion pieces. When reading in this way, readers can not only expand their perception of dignity as a legal concept in the constitutional jurisprudence of multiple Asian jurisdictions, but also discern how human dignity is understood by people espousing a predominant religious or philosophical belief.

As a pioneering academic project, this remarkable collection enriches our comprehension of the development and practice of human dignity. It also provides a historical, political, and cultural account of human dignity in the broader context of constitutionalism in Asia. The discussions mooted in the book's chapters elicit further questions. What similar and different features of human dignity jurisprudence exist in the Asian and Western contexts? In what ways and to what extent do the diverse meanings and functions of human dignity shape various forms of constitutionalism in liberal and illiberal settings? This valuable book successfully lays the groundwork for further comparative studies on human dignity in both liberal and illiberal settings with Asian narratives. It deserves to be read by anyone interested in human rights and constitutionalism in Asia.

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## SCO and New Horizons for the Multi-Polar World

*The Shanghai Cooperation Organization: Exploring New Horizons*. By Sergey Marochkin and Yury Bezborodov (eds.), New York: Routledge, 2022. 262 pp. Hardcover \$153.00  
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A collective monograph, *The Shanghai Cooperation Organization: Exploring New Horizons* from the series “Routledge Studies on Asia in the World” is an example of a timely, comprehensive, and unbiased analysis of the largest Eurasian interstate association—the Shanghai Cooperation Organization (hereinafter the SCO, the Organization).<sup>1</sup>

The book was written by an international team of authors from Russia, India, Kazakhstan, Kyrgyzstan, China, and Uzbekistan. Interdisciplinary in content, the project has brought together researchers in law, political science, international relations, history, economics, etc. It is carried out in line with contemporary international studies of international organizations' law and amply mirrors the current state and potential of the SCO. It is of necessity to endorse the editors' idea to avoid unilateral assessments of the SCO Member States' authors therefore the chapters are written by two or three researchers from different countries; and to evaluate the Organization's activity primarily in light of regional security. As well as the importance of the SCO, its global outreach may have been accentuated, especially after Russia's special military operation in Ukraine in February 2022 and the US government's anti-Chinese sentiments, including recent sanctions against China.

The subject of the analysis is both the nature and activities of the Organization and the specifics of its Member States, which have much in common: strong influence of traditions, religion, and Soviet law, etc. The monograph reveals the reasons for the unification of states within the SCO, their relations, and how well the SCO responds to challenges related

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