

Joining East and West: A Confucian Perspective on Human Rights

Author(s): TU WEIMING

Source: *Harvard International Review*, Vol. 20, No. 3 (SUMMER 1998), pp. 44-49

Published by: Harvard International Review

Stable URL: <https://www.jstor.org/stable/42764005>

Accessed: 09-05-2019 07:56 UTC

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.

Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>



JSTOR

Harvard International Review is collaborating with JSTOR to digitize, preserve and extend access to *Harvard International Review*

Joining East and West

A Confucian Perspective on Human Rights

Human rights are inseparable from human responsibilities. Although in the Confucian tradition, duty-consciousness is more pronounced than rights-consciousness—to the extent that the Confucian tradition underscores self-cultivation, family cohesiveness, economic well-being, social order, political justice, and cultural flourishing—it is a valuable spring of wisdom for an understanding of human rights broadly conceived. The argument that Confucian

BY TU WEIMING

humanism is incompatible with human rights needs to be carefully examined.

Human rights as “the common language of humanity,” to borrow from former United Nations Secretary-General Boutros Boutros-Ghali, is a defining characteristic of the spirit of our time. For the past half-century—since the ratification of the Universal Declaration of Human Rights in 1948—an unprecedented international effort has been made to inscribe not only on paper but on human conscience the bold vision of a new world order rooted in respect for human dignity as the central value for political action.

The Enlightenment's Effect

In an historical and comparative cultural perspective, this vision

This article is based on an expanded version of Professor Tu's “Epilogue” in *Confucianism and Human Rights*, edited by William T. de Bary and Tu Weiming (Columbia University Press, 1998).

emerged through a long and arduous process beginning with the Enlightenment movement in the modern West in the eighteenth century. The Enlightenment mentality is the most dynamic and transformative ideology in human history. Indebted to the Enlightenment mentality are the values that underlie the rise of the modern West: liberty; equality; progress; the dignity of the individual; respect for privacy; government for, by, and of the people; and due process of law. We have been so seasoned in the Enlightenment mentality that we assume the reasonableness of its general spiritual thrust. We find the values it embodies self-evident.

However, we must be acutely aware of the destructive power of the Enlightenment mentality, as well. As the Western nations assumed the role of innovators, executors, and judges of the international rules of the game defined in terms of competition for wealth and power, the stage was set

for growth, development, and, unfortunately, exploitation. The unleashed juggernaut blatantly exhibited unbridled aggressiveness toward humanity, nature, and itself. This unprecedented destructive engine has for the first time in human history brought into question the viability of the human species. Mainly because of our own *avidya* (the Buddhist concept of ignorance), we have joined the list of endangered species.

Human rights discourse may be conceived as the contemporary embodiment of the Enlightenment spirit. While it does not directly address the question of human survival, it specifies the minimum requirements and basic conditions for human flourishing. It is a powerful, if not the most persuasive, universal moral discourse in the international arena. It may very well be the most effective, if not the only, “instrument” by which states' ordinary standards of behavior can be judged by outsiders without

TU WEIMING is Professor of Chinese History and Philosophy at Harvard University.

infringing the prerogatives of sovereignty.

The Evolving Discourse

The universality of human rights broadly conceived in the 1948 Declaration is a source of inspiration for the human community. The moral and legal imperative that any civilized state treat its citizens in accordance with the political rights guaranteed by its own constitution is still a compelling argument. The desirability of democracy as providing to this day the most effective framework in which human rights are safeguarded seems self-evident. However, human rights movement as a dynamic process rather than a static structure requires that the human rights discourse be dialogical, communicative and, hopefully, mutually beneficial.

The gradual evolution of the human rights agenda in the United States illustrates the dynamism of the process. While the framers of the US Constitution were profoundly serious about political rights, they were not particularly concerned about either civil or economic rights. It was not until the late nineteenth century that socialists, indeed communist thinkers, addressed the maldistribution of wealth and income, the concentration of capital, and the exploitation of labor as central political issues. It was in the late 1960s that the civil rights movement made substantial progress in solving the problem of racism in the United States, which to this day remains a serious threat to the vitality of the American body politic. This clearly indicates that a sophisticated understanding of human rights as an evolving enterprise in the West itself requires historical consciousness, geopolitical analysis and, most of all, self-reflexivity.

Seen from comparative cultural and trans-generational perspectives, the inclusive agenda of the UN Uni-

versal Declaration of Human Rights reflects both the pragmatic idealism and optimistic aspirations of the post-World War II mentality at its most generous and future-oriented moment. It may not be farfetched to characterize it as a manifestation of the American spirit in its most broad-minded internationalist incarnation. All three generations of human rights as an evolving moral discourse are accounted for: (1) political rights, (2) economic, social and cultural rights, and (3) group rights. Implicit in such a document is the idea of a good society, the value of a humane form of life for all members of the human community, and the ethic of responsibility of all "civilized" governments to work toward a common goal of universal peace. With this background understanding in mind, although the situation in the 1990s presents new challenges unanticipated and perhaps unimaginable nearly 50 years ago, it also affirms the prescient goodwill of the original drafters of this unprecedented historical document.

The recognition of interdependence between democracy, development, and human rights led to the cooperation of international organizations and national agencies in broadening the concept of human rights to include the right to development. While this confluence of social and economic concerns may have undermined the effectiveness of some national and international instruments focusing on well-defined political rights, it has engendered new mechanisms for the promotion of human rights.

The Confucian Challenge

This renewed awareness of the ecumenical character of the original UN Declaration serves as a critique of the claim that since human rights are understood variously according to culture, history, stage of economic de-

velopment, and concrete political situation, they cannot be universally appreciated as values and aspirations for the global community. However, this does not call into question the underlying assumptions of Confucian "core values": the perception of the person as a center of relationships rather than simply as an isolated individual, the idea of society as a community of trust rather than merely a system of adversarial relationships, and the belief that human beings are duty-bound to respect their family, society, and nation. Indeed, these values are not only compatible with the implementation of human rights; they can, in a sophisticated way, *enhance* the universal appeal of human rights. The possible contribution of an in-depth discussion on Asian values to a sophisticated cultural appreciation of the human rights discourse must be fully explored.

Actually there is virtual consensus that since respect for rights and exercise of responsibility are evidence of human dignity, individual rights and responsibility are inseparable in all domains of human flourishing: self-cultivation, regulation of family, order in society, governance of state, peace throughout the world, and harmony with nature. In any concrete experience of human encounter, rights and responsibility form an interactive mutual relationship signifying a necessary continuum for human well-being. The danger of using Confucian values as a cover for authoritarian practices notwithstanding, the authentic possibility of dialogue, communication, and mutually beneficial exchange must be fully explored. The perceived Confucian preference for duty, harmony, consensus, network, ritual, trust, and sympathy need not be a threat to rights-consciousness at all.

The critique of acquisitive individualism, vicious competitiveness,

pernicious relativism, and excessive litigiousness helps us to understand that Enlightenment values do not necessarily cohere into an integrated guide for action. The conflict between liberty and equality and the lack of concern for community have significantly undermined the persuasive power of human rights based exclusively on the self-interests of isolated individuals. Confucian values as richly textured ideas of human flourishing can serve as a source of inspiration for representing human rights as the common language of humanity. The challenge is how we can fruitfully introduce a Confucian perspective on the evolving human rights discourse without diffusing the focused energy of the national and international instruments that have been promoting political rights with telling effectiveness in some selected areas of the world.

In the long-term, the best strategy is to cultivate a communal critical self-awareness that instruments for promoting human rights, while universally connected, are firmly grounded in indigenous Asian conditions, as well. Through intercultural dialogue, face-to-face communication and mutually beneficial exchange, a truly ecumenical conceptualization of human rights can overcome the narrowly defined instrumental rationality, intellectual naivete, and self-imposed parochialism characteristic of the current state of affairs in North America. The time is ripe for a comparative civilizational discourse on human rights: not only a moral basis for the new discourse on world order, but a spiritual joint venture for human coexistence and mutual flourishing.

Community and Family

A key to the success of this spiritual joint venture is to recognize the apparent absence of the idea of community and family, let alone the global community, in the Enlightenment project.

Family, which plays so crucial a role in political order, is not absent in the major classics in Western political thought. Still, as Professor Joshua Cohen of the Massachusetts Institute of Technology notes, the main thrust of the political theories from Aristotle to Hegel is to make a clear distinction between the affective and ethical bonds operative in the family on the one hand and politics on the other. By sharply contrasting political obligations from filial piety, they perceive a major rupture between familial and political relation. Understandably, they do not see the relevance of ethical behavior in the privacy of the family to the moral obligations of the public domain. It seems curious that the family is absent in the definition that man is a political animal.

The unintended negative consequences of this inattention to the relevance of family to politics are grave. The incongruence between what we do as a responsible and responsive member of the family and as a rights-bearing and self-interested political animal is a case in point. Our willingness to tolerate preposterous inequality, faith in the salvific power of greedy self-interest, and the unbridled affirmation of aggressive egoism have greatly poisoned the good well of progress, reason, and individualism.

The need to express a universal ethic for the formation of a global village and to articulate a possible link between the fragmented world we experience in our ordinary daily existence and the imagined community for the human species as a whole is deeply felt by an increasing number of concerned intellectuals. This requires at the minimum the replacement of the principle of self-interest, no matter how broadly defined, with the Confucian golden rule: "Do not do to others what we would not want others to do to us." Since the new golden rule is stated in the negative, it will have to be augmented by a positive principle: "In order to establish ourselves, we

must help others to establish themselves; in order to enlarge ourselves, we must help others to enlarge themselves." An inclusive sense of community based on the communal critical self-consciousness of the reflective minds is an ethico-religious goal as well as a philosophical ideal. The centrality of the family as politically significant and self-cultivation as a public good rather than a private concern must be recognized.

Spiritual Resources

The mobilization of three kinds of spiritual resources is necessary to ensure that this simple vision be grounded in the historicity of the cultural complexes informing our way of life today.

The first kind involves the ethico-religious traditions of the modern West, notably Greek philosophy, Judaism, and Christianity. The very fact that they have been instrumental in giving birth to the Enlightenment mentality makes a compelling case that they reexamine their relationships to the rise of the modern West in order to create the new public sphere for the transvaluation of typical Western values. The exclusive dichotomy of matter/spirit, body/mind, sacred/profane, man/nature, or even creator/creature, must be transcended to allow supreme values such as the sanctity of the earth, the continuity of being, the beneficiary interaction between the human community, and nature, and the mutuality between humankind and heaven to receive the saliency they deserve in both philosophy and ideology.

The second kind of spiritual resources are derived from non-Western historical civilizations, which include Hinduism, Jainism, Sikhism, and Buddhism in South and Southeast Asia; Confucianism and Taoism in East Asia; and Islam. These ethico-religious traditions provide very sophisticated and practicable resources in world views, rituals, institutions,

styles of education, and patterns of human relatedness. Moreover, they can help to develop new ways of understanding the world and styles of life, both as continuations of and as alternatives to the Western European and North American exemplification of the Enlightenment mentality.

Industrial East Asia, under the influence of Confucian culture among other indigenous traditions, already has developed a less adversarial, less individualistic, and less self-interested modern civilization. The coexistence of a market economy with government leadership, of a democratic polity with meritocracy, and of individual initiatives with group orientation has made this region economically and politically the most dynamic area of the world since the Second World War. It is too facile to generalize that the Islamic, Buddhist, Jain, and Hindu ethics can all become contributory factors in the development of the spirit of capitalism. Still, the Confucian example suggests that, given the right combination of economic, political, social, and cultural forces, intertwined with, if not generated by, the ethico-religious traditions of a specific area, all of these non-Western forces can become congenial to modernization (marked by market economies, democratic polities, and individualism). Strictly speaking, these traditions will persist in the modernizing process and shape modernity in a variety of forms.

The caveat, of course, is that having been humiliated and frustrated by the imperialist and colonial domination of the modern West for more than a century, the rise of industrial East Asia symbolizes the instrumental rationality of the Enlightenment heritage with a vengeance. Indeed, the mentality of Japan and the Four Mini-Dragons is today characterized by mercantilism, commercialism, and international competitiveness. Surely the possibility of their developing a more humane and sustainable community should not be exaggerated.

Confucian principles are not inconsistent with modern notions of human rights.



Nor should we undermine the promise of an alternative and yet more appealing form of modern civilization.

The third kind of spiritual resources involve the "primal" or the indigenous traditions, such as Native American, Hawaiian, Maori, Taiwanese, and numerous other nativistic tribal traditions. They have demonstrated with physical strength and aesthetic elegance that a sustainable human form of life has been possible since the Neolithic age. Their style of human flourishing is not a figment of the mind but an experienced reality in our modern age.

A critique of the Enlightenment mentality and its derivative modern mindset from primal consciousness as interpreted by the concerned and reflective citizens of the world is already underway. It may not be immodest to

say that we are beginning to develop a fourth kind of spiritual resource from the core of the Enlightenment project itself: our disciplined reflection, a communal rather than an isolated individual act, is a first step towards a new kind of thinking envisioned by religious leaders and ethical teachers. The feminist critique of tradition (especially the broadly conceived and yet, at the same time, historically and culturally grounded humanistic feminism), the environmental concerns (notably the spiritually informed project of deep ecology), the persuasion of religious pluralism, and the various forms of communitarian ethics (Aristotelian, Thomist, Hasidic, or republican) are obvious examples of this new awareness. The need to go beyond the Enlightenment mentality without either deconstructing or

abandoning its commitment to rationality, liberty, equality, human rights, and distributive justice requires a thorough reexamination of modernity as a layered concept and modernization as a complex process.

The Confucian Way

Asian intellectuals have been devoted students of Western learning for more than a century. Now that Asian intellectuals are well informed by the Enlightenment project of the West without losing sight of their own indigenous resources, the time seems ripe for European and American intellectuals in academia, government, business and the mass media to appreciate what Confucian humanism, among other rich spiritual resources in Asia, has to offer toward the cultivation of a global ethic. On this view, the human rights advocacy need not be a thinly disguised modern Western hegemonic discourse.

The Confucian way is a way of learning, learning to be human. Learning to be human in the Confucian spirit is to engage oneself in a ceaseless, unending process of creative self-transformation, both as a communal act and as a dialogical response to Heaven. For Confucians, the mutuality between self and community, harmony between human species and nature, and continuous communication with Heaven are defining characteristics and supreme values in the human project.

Since Confucians take the concrete living human being here and now as their point of departure in the development of their philosophical anthropology, they recognize the embeddedness and rootedness of the human condition. Therefore, the profound significance of what we call primordial ties—ethnicity, gender, language, land, class, and basic spiritual orientation—intrinsic in the Confucian project is a celebration of cultural diversity. This is not to be confused with any form of pernicious relativism. There is a recognition that each

one of us is fated to be a unique person embedded in a particular condition. By definition, we are unique particular human beings, but at the same time each, and every one of us has the intrinsic possibility for self-cultivation, self-development, and self-realization. Our freedom, embodied in our responsibility for ourselves as center of relationships, creates our worth. That alone deserves and demands respect.

The Confucian way for human survival and human flourishing, then, is predicated on the two basic ethical principles already mentioned: “do not do unto others what we would not want others to do unto us.” This is a principle of considerateness, a principle of reciprocity. The reason that it is stated in the negative is based on the belief that what is best for me may not be best for my neighbor. This, on the surface, seems to violate the basic requirement of universality in ethical thinking.

The second principle is duty-consciousness; it is a manifestation of the ethic of responsibility: “In order to establish ourselves, We must help others to establish themselves; in order to enlarge ourselves, we must help others to enlarge themselves.” This is not simply altruism; it is not that because I have a great deal of surplus energy or extra resources available, I might as well share with others. Rather, as I am a center of relationships, my own human flourishing necessitates that I involve myself, in the spirit of empathy, to be sure, in the affairs of others. The word “help,” added in the English translation, directs toward not only the others but ourselves, as well, for, in the literal sense, the Chinese text simply notes “desiring to establish ourselves (myself), we (I) establish others.”

We can actually envision the Confucian perception of human self-development, based upon the dignity of the person, in terms of a series of concentric circles: self, family, community, society, nation, world, and cosmos. We begin with a quest for true

personal identity, an open and creatively transforming selfhood which, paradoxically, must be predicated on our ability to overcome selfishness and egoism. We cherish family cohesiveness. In order to do that, we have to go beyond nepotism. We embrace communal solidarity, but we have to go beyond parochialism to realize fully its true value. We can be enriched by social integration, provided that we overcome ethnocentrism and chauvinistic culturalism. We are committed to national unity, but we ought to transcend aggressive nationalism so that we can be genuinely patriotic. We are inspired by human flourishing but we must endeavor not to be confined by anthropocentrism; the full meaning of humanity is anthropocosmic rather than anthropocentric. Indeed, it is in the anthropocosmic spirit that we find communication between self and community, harmony between human species and nature, and mutuality between humanity and Heaven. This integrated comprehensive vision of learning to be human is the core of Confucian humanist concerns.

The Discourse on Human Rights

Confucians ask fundamental questions. Should we understand the self as an isolated individual or as a center of relationships? Should we approach our society as a community based upon trust or simply the result of contractual arrangements of conflicting forces? As we begin to appreciate that we are so much embedded in our linguistic universe, not to mention our historicity, that we cannot escape a *de facto* parochialism, no matter how open-minded we intend to be and how liberated we think we are, we must respect alternative intelligence and radical otherness.

East Asian intellectuals are earnestly engaged in probing the Confucian traditions as spiritual resources for economic development, nation building, social stability, and cultural identity. While they cherish the hope

that their appreciation of their own cultural values will provide ethical moorings as they try to locate their niche in the turbulent currents of the modern world, they remain active participants in the Enlightenment project. The revived Confucian values are no longer fundamentalist representation of nativistic ideas; they are, by and large, transvaluated traditional values compatible with and commensurate to the main thrust of modern ideology defined in term of Enlightenment ideas. Actually, since East Asian intellectuals have been devoted students of the modern West for several generations, the Enlightenment values, including human rights, have become an integral part of their own cultural heritage.

The critical issue, then, is not traditional Confucian values versus modern Western values, but how East Asian intellectuals can be enriched and

are harsh realities in practical living. The enhancement of liberty, economic efficiency, development, individual interests, and rights are highly desirable, but to pursue these values exclusively at the expense of equality, social justice, stability, the public good, and duty is ill-advised.

As the supposed exemplifications of modernity—North America and Western Europe—continue to show ignorance of the cultures of the rest of the world and insouciance toward the peoples who do not speak their languages, East Asia cannot but choose its own way. It is in this sense that a Confucian perspective on human rights is worth exploring.

Confucian humanism offers an account of the reasons for supporting basic human rights that does not depend on a liberal conception of persons, and that operates from within an ethical outlook dominated by notions

fulfill their responsibility of caring for the good of society. The basic human rights can, therefore, flow from political leadership. Rights understood in this way are not derived from “ascribed roles in a social hierarchy justified by religious or aristocratic values.” Nor, strictly speaking, are they derived from “duties and obligations owed to society.” It is in the dignity and worth of the self as a center of relationships that the justification for rights is located.

East Asian Confucian ethics must creatively transform itself in light of Enlightenment values before it can serve as effective critique of the excessive individualism, pernicious competitiveness and vicious litigiousness of the modern West. Yet those of us who are blessed with the political rights in the first world must recognize that, in a comparatively cultural perspective, our style of life, corrupted

Since East Asian intellectuals have been devoted students of the modern West for several generations, the Enlightenment values, including human rights, have become an integral part of their own cultural heritage.

empowered by their own cultural roots in their critical response to the already partially domesticated Enlightenment heritage. The full development of human rights requires their ability to transform creatively the Enlightenment mentality of the modern West into a thoroughly digested cultural tradition of their own. This, in turn, is predicated on their capacity to creatively mobilize indigenous social capital and cultural asset for the task. They must be willing to confront difficult and threatening challenges, identify complex real options, and make painful, practicable decisions.

The conflicts between liberty and equality, economic efficiency and social justice, development and stability, individual interests and the public good, not to mention rights and duty,

of persons as embedded in social relations and subject to the obligations associated with those relationships—it is, therefore, an account that responds to the concern about sectarianism.

Furthermore, Confucians believe that, as bearers of obligations, we can demand proper treatment as conditions for fulfilling the obligations we are assumed to have. Similarly, as our human worth is predicated on our ability to fulfill responsibilities, we can demand of others—as a condition of acknowledging that worth—that they assure the conditions required for fulfilling our responsibilities. If we become more powerful and influential, we are more obligated, responsible, and duty-bound to assure the well-being of others. As a corollary, we can demand that those in power

by excessive individualism, pernicious competitiveness and vicious litigiousness, is not only endangering the well-being of others but also detrimental to our own wholesomeness. Our willingness to learn from significantly different conceptualizations of the rights discourse and to respond openly and responsibly to criticisms of deficiency in our own human rights records must serve as a precondition for our determination to share our experience with the rest of the world and to make sure that human rights violations are clearly noted and properly corrected by the instruments at our disposal. An inquiry on global ethics, with this attitude in mind, is relevant to and crucial for human rights discourse on the international scene toward the next century. ■