
Review

Reviewed Work(s): Confucianism and Human Rights by Wm. Theodore de Bary and Tu Weiming

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Indeed, many of the peculiarly Chinese patterns Weller observes appear to be no more than rational adaptations to objective situations. Take, for example, the peculiar practice of revolving credit associations and the prominent role that women play in them. These are revealed in Weller's own text to be simply responses to a government policy that restricts credit to small business, precisely the business sector where women are most heavily represented (and not just in Taiwan or China, one must add, but the world over). This begs the question: if credit were readily available to small business, would revolving credit associations persist? Probably not. What role, then, for Chinese "culture"?

Despite its shortcomings, Weller's book is a valuable addition to China studies — as a thoughtful, nuanced and expertly observed picture of modern Taiwanese civic life. However, whether this represents a unique product of Chinese culture, or has anything to do with Taiwan's transition to democracy, or is likely to be replicated in China, remain entirely open questions.

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Confucianism and Human Rights, edited by Wm. Theodore de Bary and Tu Weiming. New York: Columbia University Press, 1998. xxiii + 327 pp. US\$40.00 (hardcover).

A substantial body of scholarship has been published on the relationship between human rights on the one hand and Confucianism or, more broadly, indigenous East Asian values, on the other. The book under review deserves a very prominent place in this body of literature — especially since it reduces the lack of clarity that has characterized discussions of this subject to date. What, precisely, is meant by human rights? Is it a universalistic claim or the product of a particular historical evolution? Is it to be perceived deontologically or pragmatically? Are human rights an ideation or are they embedded in mores and institutions? As for Confucianism, *whose* Confucianism? Is the debate about essentials or instrumentalities? Is it about past tradition or about what might, conceivably, be projected forward from present understandings (however partial, biased or revisionist) of a heritage? Wm. Theodore de Bary's introduction sets out the pertinent issues of this discourse and astutely describes and critiques how each chapter of this conference volume is relevant to them.

The book examines Confucianism through a particular prism. The location of this particular Confucianism is China, not Japan or Korea, and references to the present-day condition of Confucianism in Chinese society and politics overwhelmingly pertain to the People's Republic of China, not to Confucianism in Chinese communities elsewhere. Seventeen of the eighteen contributors, moreover, are American or Canadian or have received advanced degrees from American or Canadian universities. The one contributor from the PRC, Yu Feng of the Chinese People's University, was able to participate in the 1995

conference that generated this collection of papers only because he was in the United States when it took place. These peculiar facts are explained by De Bary in the preface. The present volume is the product of the first of three successive conferences initiated by the PRC-based International Confucian Association and three American institutions to resuscitate humanistic exchange four years after the Beijing massacre of 1989. (The publication of papers from the subsequent two meetings is projected.) Unfortunately, attendance by PRC scholars was limited by severe tensions that arose between the US and PRC governments because of the Taiwan Strait crisis of 1995. This says a great deal about the difficulty of engaging in constructive dialogue on value systems under conditions of sharp cultural and political conflict.

Confucianism and Human Rights thus is a discussion — by Sinologists and scholars of law, politics and ethics — largely within the idiom of Western academe. Nevertheless, the complexity of the subject, the variety of approaches, as well as the high intellectual calibre of all the contributors, render the discussion rewardingly varied and rich.

Indispensable to the cohesion of the volume is the lead article by Sumner Twiss, a scholar of comparative ethics. Concerned about what he regards as a “serious misunderstanding of the nature, source, and function of human rights” (p. 30), Twiss outlines “three distinctive generations [types] of human rights” which have emerged since World War II, “each not supplanting the earlier one[s] but rather adding to, as well as nuancing, the earlier” (p. 32). These three “generations” of human rights are: civil-political rights and liberties, principally concerned with establishing powers and safeguards of individuals vis-à-vis their governments; socioeconomic rights, which protect the livelihoods and cultures of groups; and developmental-collective rights, which promote people’s self-determination and political, economic and cultural development, often in the face of maldistributed wealth and resources, both locally and globally. Twiss laments the common preoccupation with “generation-one” rights, which, because of their close relationship historically with the European Enlightenment and rhetorically with Euro-American cultural chauvinism, often become sources of intercultural contention. (This is so despite, as Twiss shows, their wide acceptance and advocacy outside the West).

If the whole postwar evolution in conceptions of human rights is taken into consideration, Twiss avers, then degrees of compatibility can be seen with the “basically communitarian outlook” (p. 40) of Confucian moral and political thought. He concludes, first, that the moral content of the Confucian tradition overlaps with international human rights in their three generations; second, that this overlapping content can plausibly be framed in the idiom of human rights; and third, that the overlapping content, even if not framed in human rights language, is sufficient to justify the inclusion of Confucianism in an international human rights consensus (p. 45). Thus, from Twiss’s perspective, it is unjustifiable to narrowly insist that human rights advocacy focuses on freedoms of and for presumably autonomous individuals. At the same time, it is unnecessary to impugn the human rights discourse as an imposition of Western concepts on the rest of the world.

Other contributors are less sanguine about Western concepts. Du Weiming sees them as having engendered a “willingness to tolerate preposterous inequality, greedy self-interest, and aggressive egoism” (p. 301). Henry Rosemon observes that “the concept of civil and political rights has consistently served to protect wealth, power, and privilege” (p. 62). The renowned legal scholar Louis Henkin provides a counterweight to some of these charges. While agreeing that the development of moral character, especially in political leaders (as emphasized in Confucianism), is necessary for promoting an atmosphere of civil respect, he asserts that “for the human rights movement, one cannot rely on character alone; it is necessary to articulate norms and establish institutions”. The individual must be able to depend “on self-governance through his/her elected representatives, on law, on articulated norms administered by an honest, competent officialdom, enforceable by an independent judiciary” (pp. 311–12).

The remaining contributions fall into three categories. The first comprises insightful and informative parsings of the history of Confucian philosophy and Chinese legal-institutional thought for evidence, for and against, of compatibility with any of the above-mentioned generations of postwar conceptions of human rights (Julia Ching, Irene Bloom, Wejen Chang, Chung-ying Cheng, Ron Guey Chu, Yu Feng and Alison Conner). The second group examines the ways in which Chinese intellectuals at the turn of the twentieth century, who still embodied Confucian culture, interpreted such Western ideas as human rights, equality and democracy and promoted those interpretations in politics and society (Joan Judge and Peter Zarrow). And the third group of chapters collectively suggest, in effect, that it is too late, so far as the vast majority of Chinese are concerned (including most professionals and intellectuals), to call for a dialogue on Confucianism and human rights because scarcely anyone, anymore, understands Confucianism in the ways that the contributors find conducive to such a dialogue (Randall Peerenboom, Merle Goldman and Jeremy Paltiel). After a century of scorching anti-Confucian movements and scouring changes in lifestyles and politics, most Chinese today seem able to associate Confucianism — positively or negatively — only with an emphasis on group harmony (rather than individual interests), disciplined hierarchy (rather than liberal democracy), and native character (rather than cosmopolitanism).

It is highly unlikely that China will revive education in Confucian thought or that a “New Confucian” moral philosophy will be aggressively proselytized in China. In this light, substantive dialogue will continue to be largely academic, and common ground will continue to be hard to find. Perhaps constructive consensus could be reached more readily by speaking in terms of universal human values in relation to Chinese or East Asian values, removing what appears to be an awkwardly joined two-part obstacle: “rights” and “Confucianism”.

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