

Whose Democracy? Which Rights?

A Confucian Critique of Modern Western Liberalism

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I. INTRODUCTION

One of the major reasons for engaging in comparative philosophical research is to make a small contribution to the intercultural dialogues that are becoming a more prominent part of international affairs, especially those dialogues that take up basic human issues such as democracy, human rights, and global justice – with the ultimate goal of these dialogues being to increase the probability that the over six billion human citizens of the global community will live more peaceably with one another in the twenty-first century than they did in the twentieth.

If this ultimate goal is to be realized, it is essential that the dialogues be genuine dialogues, with give and take, and with all sides being willing to entertain seriously the possibility that their own moral and political theories might not capture the essence of what it is to be a human being.¹ The necessity of the dialogues being genuine is of especial importance to citizens of the United States, for it is clearly the most powerful voice in virtually every international gathering; the World Court would be a far more effective institution if the United States would agree to abide by its decisions, our oceans would be much more ecologically sound if it would sign the Law of the Sea, and the world would be safer if it would agree to the Comprehensive Test Ban Treaty it urges other nations to ratify. But if the United States is to become more internationally responsible, its regnant ideology must be challenged. We certainly have a monopoly on power, but once the political rhetoric is seen for what it is, it is by no means clear that we occupy a similar position with respect to concepts of truth, beauty, justice, or the good.

The regnant ideology I wish to challenge may be loosely but usefully referred to as “modern Western liberalism,” meaning by the expression support for a partial welfare state so long as it does not conflict with the basic concern of classical liberalism, namely, to protect individual freedom against the power of the state.² But challenges will come to naught if they are based on premises or presuppositions that are either factually mistaken, or embody basic values that modern liberalism finds abhorrent. Thus it will do no good to defend, for example, female genital circumcision solely on the grounds that it is embedded in a culture different from the West’s but with its own integrity, and hence should be left alone to evolve in accordance with its own dynamics. Similarly, Western liberals – and many others – are rightfully skeptical of arguments that a particular people aren’t ready for democracy yet, or that rights are a luxury the peoples of poor nations cannot afford. I wish, in other words, to question the conceptual framework of liberalism, but at the same time believe that those who accept the framework nevertheless have moral instincts that closely approximate my own.

To be at all useful then, a challenge to modern Western liberalism will have to show that certain values central to the Western intellectual tradition cannot be realized so long as other values championed by modern liberalism dominate our moral and political discourse, and that a rival tradition – in the present case, classical Confucianism – is superior to liberalism in this regard.

It is for this reason that I have entitled my paper to signal an indebtedness to the writings of Alasdair MacIntyre.³ MacIntyre is, of course, as deeply suspicious of modern Western liberalism as I am. He is usually portrayed as an arch-conservative, fully committed to a modern version of Aristotelian Thomism. But he is not a relativist – pragmatic or otherwise – and unlike the great majority of “liberal” philosophers and political theorists, he takes Confucianism seriously as a genuine rival moral tradition.⁴ Perhaps most important, he has argued well that incommensurable discourses between rival traditions can be made commensurable if certain conditions are met, and thus genuine dialogue can indeed take place. In his own words:

[T]he only way to approach a point at which our own [moral] standpoint could be vindicated against some rival is to understand our own standpoint in a way that renders it from our own point of view as problematic as possible and therefore as maximally vulnerable as possible to defeat by that rival. We can only learn what intellectual and moral resources our own standpoint, our own tradition of theoretical and practical inquiry possesses, as well as what intellectual and moral resources its rivals may possess, when we have understood our own point of view

in a way that takes with full seriousness the possibility that we may in the end, as rational beings, have to abandon that point of view. This admission of fallibilism need not entail any present lack of certitude, but it is a condition of worthwhile conversation with equally certain antagonists.⁵

Most philosophical conversations of this kind, because of historical determinants, are being conducted in English, as are the great majority of the intercultural dialogues on human rights, democracy, and justice. This linguistic hegemony, if such it is, is not merely owing to the economic and military superiority of the West, for which English is now the lingua franca. It is deeply embedded in and has established the agenda for the intercultural dialogues themselves. There are no traditional close semantic equivalents for “democracy,” “justice,” or “rights” in most of the world’s languages; these are Western. The former two have their origins in Greek *demos* and *dike*, and “rights” we owe largely to the writings of John Locke, with conceptual roots that may go back to the *sokes* and *sakes* of late medieval England, and perhaps earlier.⁶

Thus, if we are to follow MacIntyre methodologically, we must allow the other their otherness, and, without in any way surrendering rationality, nevertheless allow for the possibility not only that we don’t have all the answers, but also that we may not have been asking all the questions in as universal a vocabulary as has hitherto been presupposed. Specifically for the early Confucians, there are, in addition to “rights,” “democracy,” and “justice,” no analogous lexical items for most of the modern Western basic vocabulary for developing moral and political theories: “autonomy,” “choice,” “private,” “public,” “dilemma,” and – perhaps most eerie of all for a modern Western moral theorist – no term corresponding to English “ought,” prudential or obligatory.⁷ Thus the comparativist must be especially sensitive to the choice of terms employed in dialogue, so as not to beg the questions, for or against, the views under analysis and evaluation.

Another narrative difficulty facing the comparative philosopher is that the hypothetico-deductive, adversarial style of discourse common in Western analytic philosophical work is not found in most non-Western philosophical writings (which is why a great many analytically trained Western philosophers do not take the non-Western writings seriously).

Still another narrative difficulty facing comparativists is that the texts they study do not as tidily separate metaphysical, moral, religious, political, and aesthetic human concerns as do their Western counterparts. This problem is painfully acute for a student of classical Confucianism for, as I shall be suggesting in some of the pages to follow, much of the persuasiveness of the Confucian vision lies in its *integrating* these basic

human concerns, rather than seeing them as disparate spheres of human life. But in order to make such a case, I would have to take up each of these areas (each treated in specialized journals) in the depth they deserve, resulting in this essay becoming much longer than the entire anthology of which it supposed to be only a small part.

A final narrative difficulty facing (at least) the classical Chinese comparativist is that in the texts more purely philosophical statements are closely interwoven with judgments about current events in the lives of the writers, a style I shall follow, even though it is altogether alien to the modern Western philosophical tradition of discourse. (How much of the horror of the Thirty Year Wars is discernible in Descartes' *Meditations*?)⁸

As a consequence of all of these methodological difficulties attendant on engaging in comparative philosophical dialogue, comparativists must steer between the Scylla of distorting the views, and the manner in which those views are presented, in the non-Western texts they study and the Charybdis of making those views, and the manner in which they are presented, appear to be no more than a sociopolitical screed, and/or philosophically naive to the analytically trained Western philosopher. Briefly, what follows is Confucian in narrative flavor (I think) but, for all that, rational (I hope). My focus will be on the concept of what it is to be a human being, with special reference to human rights, and, to a lesser extent, to democracy. Current events loom large in my narration, I will employ the technical philosophical vocabulary of contemporary English as little as possible, and I will run together the aesthetic, the political, the moral, and the spiritual in using a hurried sketch of the early Confucian vision to challenge modern Western liberalism in its variant philosophical guises, the challenge itself occupying center stage throughout.

II. CONCEPTUAL BACKGROUND

Although the scholarly study of Confucianism in the West looks very different today than when it began with the first Jesuit mission to China, at least one feature of those studies has remained constant: Western investigators have sought similarities and differences between Confucian principles and those principles embedded in their own Western conceptual framework.

Originally that framework was Christianity, and beginning with Father Ricci, running through Leibniz, and even extending in some circles to the present, many scholars have declared Confucianism, in either its classical or Song formulations or both, to be compatible with basic Christian

principles and beliefs.⁹ Other scholars, beginning with Ricci's successor Nicolo Longobardi, running through Malebranche, and again even extending to the present, found Confucian principles and beliefs sufficiently unChristian to necessitate their rejection as a precondition for conversion.¹⁰ But however much these two groups differed in their analyses and evaluations, they shared the same presupposition, namely, that the fundamental principles and beliefs of Christianity were universal, and, therefore, binding on all peoples.

To be sure, not all Christians agreed on what the fundamental principles and beliefs of their faith were, or ought to be; there was much room for theological and metaphysical debate. But at least a few beliefs were indeed fundamental, paramount among them being the Passion of Christ from which much else of Christianity follows.

A somewhat different conceptual framework is employed by contemporary students of Confucianism. Most Western scholars – and not a few Chinese – now seek similarities and differences between Confucian moral and political principles and beliefs and those embedded in a conceptual framework that clusters around the concepts of democracy and human rights. While Christian concerns may still underlie some research, they no longer have pride of place in the great bulk of comparative studies.¹¹

This change has been significant, and it is equally significant, I believe, that many scholars have argued cogently that much of Confucianism is compatible with the modern Western moral and political principles and beliefs centered in the concept of human rights, and democracy.¹² What has not changed, however (or so it seems to me), is that almost all contemporary scholars share a common presupposition, in this case the presupposition that the rights-based Western conceptual framework is universal, and therefore binding on all peoples.

To be sure, within this conceptual framework of rights, there is room for legitimate disagreement (just as in the framework of Christianity). For those who embrace deontological moral and political theories, especially of a Kantian sort, rights are absolutely central; whereas for most consequentialists, they are more adjunctive. But again, some things are fundamental, paramount among them being that human beings are, or ought to be, seen as free, autonomous individuals. If, for Matteo Ricci and his colleagues, the rejection of the Passion of Christ was tantamount to turning the world over to the Devil, so today the rejection of the free, autonomous individual seems tantamount to turning the world over to repressive governments and other terrorist organizations. But just as one can be skeptical of Christian theology without endorsing Old Scratch, so too, I believe, one can be skeptical of a rights-based conceptual

framework, and a uniquely American notion of democracy, without giving any aid or comfort to the Husseins, Milosevics, or Li Pengs of this world.

In other writings, I have taken into account differences between rights theorists on such issues as natural rights, absolute rights, rights as “trumps,” defeasible rights, and so forth, but herein I want to concentrate on what binds them together (and binds them as well to most social scientists, especially economists): the vision of human beings as free, autonomous individuals, rational and self-interested.¹³ For myself, the study of classical Confucianism has suggested that rights-oriented moral and political theories based on this vision are flawed, and that a different vocabulary for moral and political discourse is needed. The concept of human rights, and related concepts clustered around it like liberty, the individual, property, autonomy, freedom, reason, and choice, do not capture what it is we believe to be a human being, have served to obscure the wrongness of the radical maldistribution of the world’s wealth – both intra- and internationally – and, even more fundamentally, cannot, I believe, be employed to produce a coherent and consistent theory, much less a theory that is in accord with our basic moral intuitions, intuitions that have been obscured by concepts such as “human rights” and “democracy” as these have been defined for us in the contemporary capitalist West. Other definitions are possible.

III. WHOSE DEMOCRACY?

The basic moral ideal that underlies our espousal of democracy is, I suggest, that all rational human beings should have a significant and equal voice in arriving at decisions that directly affect their own lives.¹⁴ This is indeed an ideal, for it does not seem to ever have been realized even approximately in any nation-state, with the possible exception of Catalonia for a few months in early 1937 before the Communists and the Falange combined to crush the anarchist cooperatives established there.¹⁵

If this be granted, it follows that all ostensible democracies are flawed, and consequently must be evaluated along a continuum of more or less. A basic criterion used in the evaluation will of course be how much freedom any government grants its citizens. By this criterion the so-called democratic republics of Vietnam, North Korea, and the Congo fare very poorly, and the United States ranks high.

But while a healthy measure of freedom is necessary for considering a state democratic, it cannot be sufficient. By many standards, the citizens of

the United States enjoy a very large amount of freedom. But an increasing majority of those citizens have virtually no control over the impersonal forces – economic and otherwise – that directly affect their lives, and they are becoming increasingly apolitical. They have a sense of powerlessness, with good reason: democracy has been pretty much reduced to the ritual of going to the democracy temples once every four years to pull a lever for Tweedledee or Tweedledum, cynically expressed in the saying “If voting could really change things, the government would make it illegal.”¹⁶

My point here, however, is not simply to criticize the United States for the present sorry state of democracy within its borders. Rather the criticism is based on the slow evolution of the democratic ideal since 1789. The United States has always been a flawed democracy – slavery, institutionalized racism, lack of women’s suffrage, and so on – but it was a fledgling democracy at least; most white males had some voice in political decisions that directly affected their lives. And of course democracy developed: slavery was abolished, women got the vote, and institutional racism was dismantled. Most of these evolutionary changes did not, however, come about by voting; slavery was effectively abolished on the battlefields of Shiloh, Antietam, and Gettysburg, not at the ballot box, and it was the courts that initiated the breakdown of the institutional racism it had earlier strengthened when *Dred Scott* and *Plessy v. Ferguson* were replaced by *Brown v. Board of Education*. And the rights of women, and all working people (now being lost), were obtained by their own militant organizing efforts.¹⁷

Given then that the U.S. form of democratic government has been in existence for over two hundred years, how much has been accomplished toward realizing the democratic ideal? That is to say, another criterion we must employ in evaluating nation-states with respect to democracy is the extent to which they nourish those qualities of character that enable their citizens to be self-governing, and sustain those institutions intermediate between the individual and the state (schools, local government, churches, unions, etc.), which are necessary for self-government to be effective, and hence for democracy to flourish.¹⁸

By these lights, the United States may well not be evaluated as at the higher end of the democratic scale, as the modern liberal tradition would have it. To see this point another way, let us contrast the United States with a very different contemporary state.

Malaysia’s Prime Minister, Mahathir Mohamad, along with Singapore’s Lee Kuan Yew, are usually portrayed in the West as advocating “Asian authoritarianism” – more or less Confucian inspired – as against the

liberal democratic tradition of the West. And Mahathir surely has been vocal in criticizing Western social, economic, and political institutions, as has Lee. But then what are we to make of Mahathir's Asian authoritarianism when he says:

When Malaya became independent in 1957, our per capita income was lower than that of Haiti. Haiti did not take the path of democracy. We did. Haiti today is the poorest country in all the Americas. We now have a standard of living higher than any major economy in the Americas, save only the United States and Canada. We could not have achieved what we have achieved without democracy.¹⁹

Moreover, Mahathir has publicly criticized China for its policies on Tibet, the Indonesian government for its atrocities in East Timor, and the Burmese generals for their ill-treatment of Muslims; and of course there are contested elections in Malaysia: the opposition party Pas currently governs two provinces.²⁰ What, then, might Asian authoritarianism mean, other than as a shibboleth?

If we assume that Mahathir was sincere in his statement, then we might see the policies of his "National Front" government as designed to foster self-government, and to foster many basic human rights as well. Malaysia – like Singapore and many other nation-states rich and poor – is multiethnic, and the avowed goal of the government was to achieve a strong measure of economic equity between the ethnic groupings so as to minimize communalist ethnic strife. Further, while Malaysia allows market forces to operate, the government requires major corporations to measure their success largely in terms of production and employment, rather than the way U.S. corporations measure their success in the market (i.e., by consumption and return on investment).

Malaysia remains a flawed democracy; its citizens are not as free as their U.S. counterparts: free speech has been restricted in the past on university campuses, and the government's prosecution of Anwar Ibrahim is surely deplorable. But it has given its citizens the franchise, and tolerated criticism, as has Singapore, despite its caning practices, and ban on gum chewing. Given how little a democratic base the Malaysian government had in 1957 (and Singapore in 1961), these countries have indeed come a long way socially, politically, and economically by their focus on equity across ethnic and religious boundaries and have equally been encouraging of self-government within and between those communalist groupings. (In both countries today, and in Hong Kong, Taiwan, South Korea and Japan, there are strong and vocal opposition political parties, all of which criticize governmental policies.)

If this be so, and when it is realized how many young nation-states are multiethnic today, then an argument can be made for Asian authoritarianism perhaps being not altogether authoritarian, but rather sensitive to cultural influences historically, yet supportive of a democratic ideal,²¹ perhaps a better one than is insisted upon by the United States. And if this argument has merit, it will follow in turn that the fledgling democracies of East and Southeast Asia might provide a better model for the evolution of self-government than the U.S. model proffered by modern Western liberalism, and it may well fall to these Asian countries to be the true champions of democracy and human rights in the twenty-first century. This is precisely the claim – startling as it initially appears – made by political scientist Edward Friedman in an incisive recent article:

Since it is difficult to long maintain a fledgling democracy without economic growth . . . dynamic Asian societies are seeking communalist equity. . . [I]f the economic pie does not expand, then the only way the previously excluded can get their fair share of the pie is to take a big bite out of what established elites already have. . . Lacking the benefits of East Asia's more dynamic, statist and equitable path to growth, a polarizing democracy elsewhere, in neo-liberalist guise, can quickly seem the enemy of most of the people. This has been the case with numerous new democracies in both Latin America and Eastern Europe.

At the end of the twentieth century . . . pure market economics further polarizes a society. What is emphasized in the post-Keynesian orthodoxy is containing inflation. What is rewarded is creating a climate welcomed by free-floating capital. The concerns of the marginalized, the poor, and the unemployed are not high on this agenda. . . State intervention on behalf of equity – as with the way Singapore tries to make housing available to all, as with Malaysia's success with state aid to rural dwellers – is far more likely to sustain democratic institutionalization.²²

Without idealizing the governments of East and Southeast Asian fledgling democracies – some defenders of Asian authoritarianism are indeed authoritarian and hostile to democracy – it remains that countries like Malaysia – and to a lesser extent, Singapore and the five “mini-dragons” – have come a fair distance in nourishing self-government, and their record is especially impressive when compared to that of the United States: they began with much less, both economically and politically, and they have achieved much, both economically and politically, in only one-fifth of the time the United States has been at it.

To deepen our analysis of this state of affairs, and to bring the Confucian persuasion more directly to bear on the analysis, we turn now from this woefully brief consideration of democracy to the other issue central to intercultural dialogue today: human rights.

IV. WHICH RIGHTS?

A global concern for human rights has grown appreciably since the U.N. Declaration of 1948, with human rights activists found in every country, sufficient in quality and quantity as to render flatly wrong the view that human rights – and democracy – are simply Western conceits. There is increasing international insistence that human rights be respected, and democracy encouraged.²³

In the course of these dialogues, and in recent political and moral theory, rights have been roughly placed in three categories: civil and political, social and economic, and solidarity rights. It is usually understood that each succeeding set of rights is a natural progression from the preceding set, evidenced in the terms by which we refer to them: first-, second-, and third-generation rights.²⁴

Unfortunately, upon closer examination, it becomes less obvious that second-generation rights are a natural conceptual progression from first-generation rights. And if we are to understand the early Confucians, we must first come to appreciate the difference between the two.

For Locke, civil and political rights accrued to human beings as gifts from their Creator. But God is seldom invoked today to justify first-generation rights. Instead, they are grounded in the view that human beings are basically autonomous individuals.²⁵ And if I am indeed essentially an autonomous individual, it is easy to understand and appreciate my demands that *ceteris paribus* neither the state nor anyone else abridge my freedom to choose my own ends and means, so long as I similarly respect the civil and political rights of all others. But on what grounds can autonomous individuals demand a job, or health care, or an education – the second-generation rights – from other autonomous individuals? There is a logical gap here, which no one has successfully bridged yet: from the mere premise of being an autonomous individual, no conclusion can follow that I have a right to employment. Something more is needed, but it is by no means clear what that something might be, unless it conflicted with the view of human beings as basically autonomous individuals.

Put another way, jobs, adequate housing, schools, health care, and so on, do not fall from the sky. They are human creations, and no one has been able to show how I can demand that other human beings create these goods for me without their surrendering some significant portion of their first-generation rights, which accrue to them by virtue of their being autonomous individuals, free to pursue their own projects rather than being obliged to assist me with mine.

That I, too, can claim second-generation rights to such goods is of no consequence if I believe I can secure them on my own, or in free association with a few others, and thereby keep secure my civil and political rights. It is equally irrelevant that I can rationally and freely choose to assist you in securing those goods on my own initiative for this would be an act of charity, not an acknowledgment of your rights to those goods.

To see the logical gap between first- and second-generation rights in another way, consider this difference between them: 99 percent of the time I can fully respect your civil and political rights merely by ignoring you. (You certainly have the right to speak, but no right to make me listen.) If you have legitimate social and economic rights, on the other hand, then I have responsibilities to act on your behalf, and not ignore you. And what would it take for your social and economic rights claims to be legitimately binding on me? Basically what is required is that I see neither you nor myself as an autonomous individual, but rather see both of us as more fundamentally comembers of a human community. No one would insist, of course, that we are either solely autonomous individuals or solely social beings. But if we believe we are fundamentally first and foremost autonomous individuals, then our basic moral obligation in the political realm will be to (passively) respect the first-generation rights of all others. If we are first and foremost comembers of a community, on the other hand, our moral obligation to (actively) respect the second-generation rights of all others will be binding – as it would be for Confucians.

V. A CONFUCIAN RESPONSE

Against this background let me quickly sketch my answer to the question of whether precursors of the concept of human rights – and derivatively, democracy – may be found in classical Confucianism. Unsurprisingly, my answer is “yes and no.” It is “no” if the most basic rights are seen as civil and political, grounded in the view that we are autonomous individuals, but it is “yes” if our most basic rights stem from membership in a community, with each member assuming a measure of responsibility for the welfare of all other members.

I do not believe much argumentation is necessary to establish that the classical Confucians did not focus on the individualism of human beings. *Ren*, the highest human excellence, must be given expression in interpersonal endeavors. Rituals (*li*), necessary for self-cultivation and

the ordering of society, are communal activities. In order to exercise *xiao*, I must have parents, or at least their memory. This point is virtually a truism: in order to give human expression to the qualities inherent in being a friend, spouse, sibling, or neighbor, I must *have* a friend, spouse, sibling and neighbor, and these all-too-human interactions are not an accidental or incidental part of my life, for a Confucian; on the contrary, they are absolutely essential if I am to achieve any significant measure of human flourishing.²⁶

It is not merely that we are obliged, of necessity, to interact with others; we must care about them as well, and this caring, while it begins with the family, must nevertheless extend beyond it. The obligation to be attentive to the needs of all others in the community – large or small – can be traced as far back as the *Shu Jing*, in the well-known passage that “*Tian* hears and sees as our people hear and see.”²⁷

This same theme permeates the *Lun Yu*, with Confucius insisting that even the humblest peasant was entitled to his opinions – which deserved attention – and insisting as well that the first responsibility of an official was to see that the people under his jurisdiction were well fed, with the attendant disgrace if he should be well fed when the people were not; and after they have been fed, they should be educated.²⁸ And that is exactly what is also required for generating those qualities of character that lead to public self-government – the democratic ideal. Moreover, think of how often the disciples ask socially oriented questions: about government, about filial piety, about rituals, and so on. A very common question, of course, concerns the qualities of the *jun zi*. In the overwhelming majority of cases, the Master places his response in a social setting: in the presence of superiors, the *jun zi* does X; in the presence of friends, Y, and in the presence of *xiao ren*, Z.²⁹

Albeit in a semantically camouflaged way, Mencius justifies regicide when the ruler does not care for his people, and places him at the bottom of the moral hierarchy even when he does.³⁰ At a much more profound philosophical level, Mencius maintains that this caring for others is, to borrow Irene Bloom’s felicitous term, a “foundational intuition”³¹ in humans, as the child/well “gedanke experiment” is designed to establish.³² And of course the “man in the street can become a Yao or a Shun.”³³

Moreover, this caring for all others was not to be only a personal excellence to be nurtured but to be institutionalized as well. Xunzi’s *Wang Zhi Pian* makes this point explicitly. To take only one example, after insisting that the ruler appoint ministers on the basis of their moral qualities

rather than on the basis of lineage or wealth, he goes on to say:

When it comes to men of perverse words and theories, perverse undertakings and talents, or to people who are slippery and vagrant, they should be given tasks to do, taught what is right, and allowed a period of trial. . . . In the case of the Five incapacitated groups, the government should gather them together, look after them, and give them whatever work they are able to do. Employ them, provide them with food and clothing, and take care to see that none are left out. . . . [L]ook after widows and orphans, and assist the poor.³⁴

This remarkable passage – and there are many others in a similar vein in the *Wang Zhi Pian* – requires comment. First, despite a number of semiauthoritarian pronouncements in this and other chapters, Xunzi is clearly advocating the functional equivalent of job training programs, Aid to Families with Dependent Children, welfare, and Medicare for the Chinese peoples; on this score he is far to the left of either Republicans or Democrats in the United States. What makes this advocacy all the more impressive is that it requires the state to provide many goods and services to groups of people who cannot possibly pose a threat to that state's power; Machiavellian it is not.

Second, it is significant that Xunzi's concern for the well-being of the sick, the poor, the marginalized, and the unlettered is not mirrored in the political treatises composed by his near-contemporaries on the other side of the globe; we will read Plato's *Republic* and the *Laws*, and Aristotle's *Politics* in vain if what we wish to learn is the obligations of the state toward its neediest members.

Third, and perhaps most important in attending to this passage, to the several others cited previously, and to a great many others in the classical Confucian corpus, is it not possible to discern not only a sense of self-governance, but a sense of the importance of nurturing self-governance in others as well? Might we here be seeing a genesis for the development of social and economic rights, and for democracy? The answer, of course, is "no," if our model of democracy is autonomous individuals freely exercising their franchise at the voting booth. Xunzi's view of government is surely of the people and for the people, but not explicitly by the people. But bracket Lincoln and the United States, and return for a moment to Mahathir Mohamad's Malaysia and Lee Kuan Yew's Singapore. If we agree that these countries, warts and all, are nevertheless fledgling democracies, whose theoretical perspective more significantly underlies the social, economic, and political progress that has been made, Xunzi's or John Locke's?

As a final example of the Confucian claim that we cannot merely dwell among the birds and beasts (i.e., we are not autonomous individuals) and at the same time meet the common objection that Confucian community norms are highly particularistic, let us examine a very familiar passage from the *Da Xue* for a moment. There is a strong spiritual dimension to this text, signaled by the large number of times words like “repose,” “tranquility,” “peace,” and “the highest good” – *ding, jing, an*, and *zhi shan*, respectively – appear in it.³⁵

Its religious message is, however, singular; I know of no close parallel to it in other traditions. To find peace and to dwell in the highest good, as defined by the West, for example, we are uniformly instructed to look inward: to know our selves, as Socrates put it, or to know ourselves in relation to deity, as the texts of the three Abrahamic religions make clear. In the *Da Xue*, on the other hand, looking inward and coming to know our selves is more of a means than the ultimate end toward which we must strive. That goal is to augment *tian xia*, which may fairly be translated as “the world community,” despite the monocultural orientation of the Han author(s) of the text. And we reach this goal by first shrinking our perspectives and activities from *tian xia* through the state, the clan, the family, and then to our own heart-mind. But once this task is accomplished, we must then begin to expand our perspectives and activities outward again, until they eventually encompass the world community.³⁶ Herein lies the highest good, to “serve the people” (*wei ren min*), Mao’s abuse of the expression two millennia later notwithstanding.

There is a great deal more I could say to justify the claim that a sound conceptual basis for second-generation rights, grounded in membership in a community, is contained in both the letter and the spirit of the classical Confucian writings. And I will go further, to also claim that if we can learn to read those writings against a global background that goes beyond modern Western liberalism, we may also see a basis for the development of democracies that is of direct relevance today. I am not suggesting that “Alle Menschen werden Bruder” is reflected in the classical corpus; to my knowledge, Zhang Cai’s beautiful *Xi Ming* is the first text to do that. But “No man is an Island” thoroughly permeates classical Confucianism, and very probably we must fully appreciate Donne’s vision before we can embrace Schiller’s.

In sum, Confucian selves are much less autonomous individuals than they are relational persons, persons leading lives integrated morally,

aesthetically, politically, and spiritually; and they lead these lives in a human community. As Confucius said:

We cannot run with the birds and beasts
Am I not one among the people of this world?
If not them, with whom should I associate?³⁷

All of the specific human relations of which we are a part, interacting with the dead as well as the living, will be mediated by the courtesy, customs, rituals, and traditions we come to share as our inextricably linked histories unfold (the *li*). By fulfilling the obligations defined by these relationships, we are, for early Confucians, following the human way. It is a comprehensive way. By the manner in which we interact with others our lives will clearly have moral and political dimensions infusing *all*, not just some, of our conduct. By the ways in which this ethical interpersonal conduct is effected, with reciprocity, and governed by civility, respect, affection, custom, ritual, and tradition, our lives will also have an aesthetic dimension for ourselves and for others. And by specifically meeting our defining traditional obligations to our elders and ancestors on the one hand, and to our contemporaries and descendants on the other, the early Confucians offer an uncommon, but nevertheless spiritually authentic form of transcendence, a human capacity to go beyond the specific spatiotemporal circumstances in which we exist, giving our personhood the sense of humanity shared in common, and thereby a sense of strong continuity with what has gone before and what will come later, and a concomitant commitment to leave this earth in a better condition than we found it. There being no question for the early Confucians of the meaning of life, we may nevertheless see that their view of what it is to be a human being provided for every person to find meaning *in* life.³⁸

This, then, is an all-too-brief sketch of the conceptual framework of Confucianism, wherein rights-talk was not spoken, and within which I am not basically a free, autonomous individual. I am a son, husband, father, grandfather, neighbor, colleague, student, teacher, citizen, friend. I have a very large number of relational obligations and responsibilities, which severely constrain my choices of what to do. These responsibilities occasionally frustrate or annoy, they more often are satisfying, and they are always binding. If we are going to use words like “freedom” here, it must be seen as an achievement, not a stative term, as Confucius suggests in describing the milestones of his life. And my individuality, if anyone wishes to keep the concept, will come from the specific actions I take in

meeting my relational responsibilities. There are many ways to be a good teacher, spouse, sibling, friend, and so forth; if Confucian persons aren't free, autonomous individuals, they aren't dull, faceless automatons either. As Herbert Fingarette has noted well, for the Confucians there must be at least two human beings before there can be any human beings.³⁹

Furthermore, the language of Confucian discourse is rich and varied, permitting me to eulogize a Martin Luther King; it allows me a full lexicon to inveigh against the Chinese government for its treatment of Han Dongfang, Falun Gong members, and others and against the Indonesian government for the horrors visited on the East Timorese people. I not only can express outrage at the rape of Bosnian women and the NATO/U.S. bombing of Kosovo and Serbia but also petition the Governor of Pennsylvania to grant a new trial to Mumia Abu Jamal. I can, in sum, fully express my moral sentiments in any democracy without ever invoking the language of first-generation human rights.

Perhaps then, we should study Confucianism as a genuine alternative to modern Western theories of rights (and democracy), rather than merely as an implicit early version of them. When it is remembered that three-quarters of the world's peoples have, and continue to define themselves in terms of kinship and community rather than as rights-bearers, we may come to entertain seriously the possibility that if the search for universal moral and political principles – and a universally acceptable language for expressing these principles – are worthwhile endeavors, we might find more of a philosophical grounding for those principles, beliefs, and language in the writings of Confucius, Mengzi, and Xunzi than those of John Locke, Adam Smith, and their successors. To emphasize this argument, let us return to the contemporary world.

VI. BEYOND THE LIBERAL TRADITION

The best way to go beyond modern Western liberalism in a global context is, I believe, to focus on economics. Large corporations are increasingly unrestrained in their behaviors both intra- and internationally, in an increasingly relentless drive for greater profits. The adverse social effects of this drive are obvious, yet we seem incapable of changing things; why?

One major reason, I submit, is that the Western – now international – legal system that is designed to protect the first-generation civil and political rights of autonomous individuals equally protects the rights of autonomous individual corporations to do pretty much as they please, and the so-called democratic process, especially in the United States, is so

money-driven that those corporations can usually choose whichever candidates please them.

Consider a statement from Robert Reich, the former Secretary of Labor. Upon being challenged for expressing a measure of unhappiness at AT&T's recent decision to lay off 40,000 workers after declaring near-record dividends, he responded:

I don't question the morality of AT&T. In fact, I am very much against villainizing any of these people. And with regard to whether they did it wisely – the share price went up. By some measures, AT&T did precisely what it ought to have done. But the fundamental question is whether society is better off.⁴⁰

This is an astonishing statement. If society is better off for AT&T's action, then it would *prima facie* suggest the action was moral; and if society is worse off, then immoral. How, then, could Reich not wish to question the morality of AT&T's action? Worse, the answer to the "fundamental question" he asks surely appears to be that U.S. society is worse off for the job losses, even when we take shareholder gains into account: a great many AT&T shares are owned by a very few people.

In this light, we may better appreciate why the governments of the fledgling democracies in East Asia are so often called "authoritarian": they enact laws prohibiting major corporations from laying off large numbers of workers in order to secure greater profits, and in this way, those governments restrict "free trade."

Japan, too, restricts free trade, which is at least partially responsible for the "Asian authoritarian" label continuing to be affixed to the way the country is run. The curmudgeonly economist and political analyst Edward Luttwak has brought home succinctly the difference between a restrictive Japan and a free United States:

When I go to my gas station in Japan, five young men wearing uniforms jump on my car. They not only check the oil but also wash the tires and wash the lights. Why is that? Because government doesn't allow oil companies to compete by price, and therefore they have to compete by service. They're still trying to maximize shareholder value, but they hire the young men. I pay a lot of money for the gas.

Then I come to Washington, and in Washington gas is much cheaper. Nobody washes the tires, nobody does anything for me, but here, too, there are five young men. The five young men who in Japan are employed to wash my car are, here, standing around, unemployed, waiting to rob my car. I still have to pay for them, through my taxes, through imprisonment, through a failed welfare system. I still have to pay for them. But in Japan at least they clean my car.⁴¹

Similarly, Clinton defended the North American Free Trade Agreement by claiming that it would raise the Gross National Product and

create more hi-tech jobs. But as Luttwak also noted, the United States already has the highest GNP in the world, and it is not important, for the vast majority of U.S. citizens, to give great weight to increasing it further. And to ascertain just how badly we need a lot more hi-tech jobs, just ask virtually any recent college graduate. What we do need is more decent-paying semiskilled jobs for those five young men waiting to steal Luttwak's car, and for millions more young men and women just like them.

Perhaps I am mistaken here, we might indeed need to increase GNP and secure more hi-tech jobs. That is not my point. Rather I wish to suggest a question: why is it in this most free of all nations, we freely choosing autonomous individuals have no democratic choice about whether we want to spend our money having our windshields washed or building more prisons?

More directly: the anti-World Trade Organization demonstrations in Seattle made clear that many U.S. citizens would like to abolish the organization. Yet the four major candidates for the presidency early in the year 2000 – Gore, Bradley, Bush, and McCain – all supported the WTO, as do the corporations that finance their campaigns; for whom can the Seattle demonstrators and other like-minded citizens vote to represent them in this “democracy”?

Consider the results of a poll conducted by the Preamble Center for Public Policy (completed shortly before President Clinton signed the end-of-welfare bill): 70 percent of 800 registered voters believed corporate greed, not the global economy, was responsible for downsizing; and an equal number supported increased governmental action to curb that greed and promote socially responsible conduct. Almost 80 percent favored obliging large employers to provide health benefits and pension plans, and equally favored “living wage” laws.⁴²

As indicated earlier, one reason we have little or no real choice in such matters is that our legal system, significantly designed to protect and enhance the first-generation rights of autonomous individuals, equally protects and enhances those rights for large corporations.⁴³

A related reason is a cardinal tenet of modern Western liberalism: the government, being public, must say nothing of the highest good; that is a private matter, for each autonomous individual to choose freely for him/herself. The state cannot legislate morality (which is why Secretary Reich did not wish to question AT&T's actions).

This is a powerful point, which contributes greatly to the support we are inclined to give to modern Western liberalism: we – especially we intellectuals – do want to be free to choose our own ends; we each have our individual hopes and dreams, and do not want our manner of expressing

them dictated or altered by others. Herein lies, I believe, the basic appeal of the concept of civil and political rights for autonomous individuals.

But as Michael Sandel has argued in a recent work:

By insisting that we are bound only by ends and roles we choose for ourselves, [modern Western liberalism] denies that we can ever be claimed by ends we have not chosen – ends given by nature or God, for example, or by our identities as members of families, peoples, cultures, or traditions.⁴⁴

For the Confucians, this liberal denial is flatly mistaken at best, self-serving at worst, for human beings do indeed, they insist, have ends they have not chosen, ends given by nature and by their roles in families, as members of communities, and as inheritors of tradition. The highest good is not many; it is one, no matter how difficult to ascertain, and it is communally realized in an intergenerational context. Confucius himself was absolutely clear on this point, for when a disciple asked him what he would most enjoy doing, he said:

I would like to bring peace and contentment to the aged, share relationships of trust and confidence with friends, and love and protect the young.⁴⁵

This, then, in far too brief a compass, is a sketch of a challenge to modern Western liberalism from a Confucian perspective. I believe I have met MacIntyre's criteria for intercultural discourse, for I have attempted to challenge contemporary Western liberalism largely on its own grounds, without recourse to any views liberals would claim to be patently false, and by appeal to a number of basic values the majority of liberals would endorse. And I have also attempted to show how those basic values cannot be realized in the modern liberal tradition owing to endorsing other values, namely, those that attach directly to autonomous individuals – and transnational corporations.

If my challenge is at all sustainable, it suggests that either (1) the liberal or some other tradition must conceptually reconcile first- and second-generation rights claims much more clearly in the future than has been done in the past; or (2) we must give pride of place to second-, and third-generation rights in future intercultural dialogues on the subject, and future dialogues on democracy and justice as well; or (3) we might abandon the language of rights altogether and seek a more appropriate language for expressing our moral and political concerns cross-culturally. But if either of the latter, it must follow that these dialogues can no more be value-neutral than can the governments of fledgling democracies in East and Southeast Asia or in not-so-fledgling democracies like the United States.

The spell of the concept of autonomous individuals – once a needed bulwark perhaps against totalitarian regimes – is not confined to the economic and political dimensions of our (increasingly disjointed) lives; it affects us metaphysically and spiritually as well, which Aldous Huxley has well captured succinctly:

We live together, we act on, and react to, one another; but always and in all circumstance we are by ourselves. The martyrs go hand in hand into the arena; they are crucified alone.⁴⁶

Or as A. E. Housman put it:

I, a stranger and afraid
In a world I never made⁴⁷

Much as I admire Huxley and Housman, this is a frightening universalist view to foist on the global community, and as most U.S. citizens and third-world peoples are beginning to understand, has the quality of being a self-fulfilling prophecy. Thus it seems imperative to challenge U.S. ideology at its moral, political, and metaphysical roots, both for the sake of its citizens and for the sake of the rest of the world, whose peoples share the burden of having to live with the untoward consequences of U.S. foreign policies defended by reference to that ideology.

There are alternatives to the Western liberal tradition, alternative visions that just might be endorsed by all people of good will, no matter what their cultural background.

There is nothing wrong with seeking universalist values; indeed, that search must go forward if we are ever to see an end to the ethnic, racial, religious, and sexual violence that has so thoroughly splattered the pages of human history with blood and gore since the Enlightenment. Rather does the wrongness lie in the belief that we – or any single culture – are already fully in possession of those values, and therefore feel justified, backed by superior economic and military threats, in foisting those values on everyone else.

Classical Confucianism proffers an alternative.⁴⁸

Notes

1. I appreciate that “essence” is a buzzword in most postmodern discourse today. For details, see my “Against Relativism” in G. Larson and E. Deutsch eds., *Interpreting Across Boundaries* (Princeton, NJ: Princeton University Press, 1987).

2. The basic concern of John Rawls in his *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1970), most of the writings of Richard Rorty since 1980, Ronald Dworkin's *Taking Rights Seriously* (Cambridge, MA: Harvard University Press, 1977), plus all the commentaries on these and related works over the years. My loose definition parallels Michael Sandel's in "America's Search for a New Public Philosophy," *The Atlantic Monthly* (March 1996), which is a lengthy excerpt from his book *Democracy's Discontent* (Cambridge, MA: Harvard University Press, 1996).
3. See especially his *After Virtue, Whose Justice? Which Rationality?* and *Three Rival Versions of Moral Enquiry* (Notre Dame, IN: University of Notre Dame Press, 1981, 1988, and 1990, respectively). [Editor's note: When he wrote this essay, Rosemont did not know that MacIntyre was to write the commentary essay.]
4. "Incommensurability, Truth, and the Conversation Between Confucians and Aristotelians about the Virtues" in Eliot Deutsch ed., *Culture and Modernity*, (Honolulu: University of Hawaii Press, 1991).
5. *Ibid.*, p. 121.
6. Others would trace the concept of rights to even earlier periods. See, for example, Brian Tierney, "Origins of Natural Rights Language: Texts and Contexts, 1150–1250," *History of Political Thought*, vol. X, no. 4 (Winter 1989), pp. 615–46; or Fred D. Miller, Jr., *Nature, Justice, and Rights in Aristotle's Politics* (Oxford: Clarendon Press, 1995).
7. I have argued this point in "Is There a Primordial Tradition in Ethics?" in Arvind Sharma ed., *Fragments of Infinity* (Dorset, UK: Prism Press, 1991).
8. For properly contextualizing the cultural and historical milieu in which Descartes philosophized – or, more accurately, conducted his scientific work – I am indebted to Stephen Toulmin's *Cosmopolis* (New York: Free Press, 1990). And the importance of current moral issues occupying an intellectual is not confined to the Confucians. Perhaps the greatest intellectual the United States has contributed to the world in the second half of this closing century of the millenium has said: "The responsibility of the writer as a *moral agent* is to try to bring the truth about *matters of human significance to an audience that can do something about them.*" [Italics in the original.] Noam Chomsky, *Powers and Prospects* (Boston: South End Press, 1996), p. 59.
9. See the "Introduction" to *Leibniz: Writings on China*, Daniel J. Cook and Henry Rosemont, Jr., trans. (Chicago: Open Court Publishing Company, 1994).
10. *Ibid.*
11. An exception is Julia Ching's *Chinese Religions* (New York: Orbis Books, 1993).
12. William T. deBary and Tu Weiming eds., *Confucianism & Human Rights* (New York: Columbia University Press, 1998).
13. "Rights-Bearing Individuals and Role-Bearing Persons" in Mary I. Bockover ed., *Rules, Rituals, and Responsibility*, (Chicago: Open Court Publishing Company, 1991); "Why Take Rights Seriously? A Confucian Critique" in Leroy Rouner ed., *Human Rights and the World's Religions*, (Notre Dame, IN: University of Notre Dame Press, 1988), pp. 167–82. For an analysis of the role of individualism in modern Western philosophy, see C. B. McPherson, *The Political Theory of Possessive Individualism* (Oxford: Oxford University Press, 1962).

14. Following Sandel, "America's Search for a New Public Philosophy," *Atlantic Monthly*, vol. 277 (1996), pp. 45-58.
15. See Noam Chomsky, "The Responsibility of Intellectuals" in his *American Power and the New Mandarins* (New York: Vintage Press, 1969).
16. A bumper sticker put out by the Charles F. Kerr Publishing Company.
17. Some sources for these claims: P. Buhle and A. Dawley eds., *Working for Democracy* (Champaign: University of Illinois Press, 1985); Mari J. Buhle et al. eds., *Encyclopaedia of the American Left* (Champaign: University of Illinois Press, 1992); Howard Zinn, *A People's History of the United States, 1492-1992*, rev. ed. (New York: Harper Collins, 1995).
18. See n. 14.
19. Quoted in Edward Friedman, "What Asia Will or Won't Stand For: Globalizing Human Rights and Democracy," *Osaka Journal of Foreign Studies* (1996).
20. Kelantan has been in opposition hands for some time now, and in the recent (November 1999) elections, its eastern neighbor Teregganu also voted the Pas into power. It is equally important to note that despite his treatment of Awar, Mahathir's National Front government won 56 percent of the popular vote. See the *Far Eastern Economic Review*, vol. 163 (12/9/99) for details.
21. Although the ideal may have originally had economic more than moral and political roots. See my "Why the Chinese Economic Miracle Isn't One," *Z Magazine* (October 1995).
22. See n. 19.
23. For an excellent survey, see Sumner B. Twiss, "Comparative Ethics and Intercultural Human Rights Dialogue: A Programmatic Inquiry" in William T. deBary and Tu Wei-Ming eds., *Confucianism & Human Rights* (New York: Columbia University Press, 1998).
24. *Ibid.*, especially pp. 17-19, for discussion and additional citations.
25. For discussion, see my "Who Chooses?" in Henry Rosemont, Jr., ed., *Chinese Texts and Philosophical Contexts* (Chicago: Open Court Publishing Company, 1991).
26. A point now fairly well agreed upon in Confucian scholarship. See, for example, Tu Weiming's *Humanity and Self-Cultivation: Essays in Confucian Thought* (Berkeley, CA: Asian Humanities Press, 1979) or David L. Hall and Roger T. Ames, *Thinking Through Confucius* (Albany: SUNY Press, 1987), especially chapters IV and V.
27. James Legge, trans., *The Chinese Classics* (Hong Kong: University of Hong Kong, reprint of the 1894 edition), volume III, *The Shoo King*, pp. 74, 292.
28. Some examples from the *Lun Yu* on these themes: 1:14, 1:15, 12:5, 12:7, 13:9. All citations are taken from *The Analects of Confucius*, Roger T. Ames and Henry Rosemont, Jr., trans. (New York: Ballantine Books, 1998).
29. See *ibid.*, pp. 48-65, for discussion.
30. Mencius, D. C. Lau, trans. (Penguin Books, 1970). On regicide, see 1B8; on the moral hierarchy, 7A14.
31. As employed in her contribution, "Mencius and Human Rights," to deBary and Tu Wei-Ming eds., *Confucianism & Human Rights*, pp. 94-116.

32. *Mencius*, op. cit., 2A6.
33. *Ibid.*, 6B2.
34. *Hsün Tzu: Basic Writings*, Burton Watson trans. (New York: Columbia University Press, 1963), pp. 34, 37.
35. Legge, op. cit., vol. I, pp. 357 ff.
36. *Ibid.*
37. *Lun Yu*, 18:6.
38. This paragraph is taken from my contribution to deBary and Wei-Ming eds., *Confucianism & Human Rights*, op. cit., pp. 54–67. The distinction between the meaning of life and meaning in life was first drawn by Kurt Baier in “The Meaning of Life” in Morris Weitz ed., *20th Century Philosophy: The Analytic Tradition* (New York: Prentice-Hall, 1966).
39. “The Music of Humanity in the Conversations of Confucius,” *Journal of Chinese Philosophy*, vol. 10 (1983), pp. 331–56.
40. “Does America Still Work?” *Harper’s Magazine* (May 1996), p. 38.
41. *Ibid.*, p. 47.
42. Cited in the *Nation* (Aug. 26/Sept. 2, 1996), p. 5.
43. Mancur Olson makes clear the relation between the political and the economic with respect to first-generation rights: “A thriving market economy requires, among other things, institutions that provide secure individual rights. The incentives to save, to invest, to produce, and to engage in mutually advantageous trade depend particularly upon individual rights to marketable assets – on property rights. / Similarly, . . . [i]f there is no right to create legally secure corporations, the private economy cannot properly exploit . . . productive opportunities.” “Development Depends on Institutions,” *College Park International* (April 1996), p. 2.
44. Sandel, op cit., p. 70.
45. *Lun Yu*, 5:26.
46. *The Doors of Perception* (New York: Penguin, 1963), p. 12.
47. In my original manuscript I slightly misquoted these lines, having forgotten the source in which I first read them long ago. I am thus grateful to Mr. Andrew Terjesen for the correct wording, and for locating the source, which is Poem XII from *Last Poems* (H. Holt & Company, 1922).
48. Some of the arguments advanced in this essay were first presented at the Second Conference on Confucian and Human Rights at the East-West Center, May 22–24, 1996.