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Guofan YU

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Enduring Change: Confucianism and the Prospect of Human Rights *

Anthony C. Yu 余國藩

The University of Chicago

That which is above physical form we call the way; that which is below physical form we call instrument. That which transforms and regulates [things] we call change. To deduce [such principles] and act on them we call connection. To take up [such principles] and install them among the people of the world we call service and enterprise.

The Classic of Change, "Commentary on the Appended Phrases," 1.12

是故形而上者謂之道，形而下者謂之器，化而裁之謂之變，推而行之謂之通，舉而錯之天下之民謂之事業。

《易經》〈繫辭〉，1.12

Continuity and Change: A Linguistic Prologue

Whether there is such a thing as the "essence" or "soul" of China and whether it can change over time are hardly idle questions, questions that I'd like to examine on this occasion. Even for a single individual, the questions of the subject and personal identity—who am I and in what sense the "I" of today is the same as the

* This essay began as an invited lecture in a year-long lecture series in 1998 on "The Souls of Nations and the Prospect for Democracy" sponsored by the John M. Olin Center for Inquiry into the Theory and Practice of Democracy at The University of Chicago. I acknowledge with gratitude the generosity and kindness of my colleagues, Professors Nathan Tarcov and Joseph Cropsey, directors of the Center. The essay has also benefited from the discerning comments of my colleagues and friends—Professors Alan Gewirth, Jean Beth Elshtain, Franklin Gamwell, Bruce Lincoln, Victor Mair, Henry Rosemont, and Lisa Raphals.

“I” of yesterday—are questions of great complexity and much discussion ¹¹¹. To extend such a discussion to the most populous nation on earth (its on site population now estimated to be nearly 1.3 billion, with several hundred millions more in diaspora) may seem a hopelessly quixotic and benighted undertaking, not to mention an arrogant exercise in writing essentialism despised by many quarters of contemporary scholarship. Nevertheless, to study the subject that I have assigned myself, I find I cannot avoid treating the difficult topic of cultural identity and the prospect for change.

To note the difficulty inherent in my project does not mean that students of China have been reluctant to debate the peculiar or distinctive characteristics of that civilization. Indeed, throughout the long course of China's existence, interested observers both past and present, both native and foreign, have not been hesitant in making pronouncements about that culture's spirit and content—declarations that are most affirmative or most critical, wildly errant or astutely percipient. How to adjudicate between markedly conflicting visions or “sightings” (as Jonathan Spence [1936-] calls them in his 1998 book, *The Chan's Great Continent: China in Western Mind*) regarding any reputedly defining feature of China is not only hazardous, but as it is often the case, the decision must also turn on further debate and interpretation. “Our understanding of Chineseness,” according to the wise suggestion of historian Wang Gungwu 王賡武 (1930-) for some sort of guiding principle for the endeavor, “must recognize the following: it is living and changeable; it is also the product of a shared historical experience whose record has continually influenced its growth; it has become increasingly a self-conscious matter for China; and it should be related to what appears to be, or to have been Chinese in the eyes of the non-Chinese”¹²¹.

The history of Western sinology as a whole, in this light of Wang's remark, can—and must—be understood as one long process of encounter wherein discovery has been constantly commingled with reaction and evaluation. From Marco Polo's (ca. 1254-1324) rhapsodic report of old Cathay's material riches and architectural

¹¹¹ See, for example, Paul Ricoeur, *Oneself as Another*, translated by Kathleen Blamey (Chicago: The University of Chicago Press, 1992).

¹²¹ Wang Gungwu, *The Chineseness of China: Selected Essays* (Hong Kong: Oxford University Press, 1991), p. 2.

opulence, the Enlightenment's marvel at Confucian texts, philosophy, and bureaucracy, through early European exaltation of Chinese as possibly an "edenic" language, Hegel's denigration of Chinese history and Bertrand Russell's (1872-1970) captious remarks about "effeminate and cowardly behavior," to Charles de Gaulle (1890-1970), Richard Nixon (1913-1994), and Henry Kissinger's (1923-) reports of their audiences with Mao Zedong (1893-1976), the encyclopedic charting and survey of science and technology in Chinese civilization by the late Joseph Needham and colleagues, and the equally voluminous and collaborative writing of *The Cambridge History of China*, the West of the last five hundred years has sifted and scrutinized the "Middle Kingdom" relentlessly^[3]. Virtually all salient aspects of historical and modern Chinese culture — language, behavior, social organization and kinship structure, religion, politics, finance, population, books and printing, the healing arts (to name a few that come readily to mind) — have been studied with increasing sophistication and intensity. In this century more than ever, the passion for knowledge about China has been fueled by historical circumstances, political necessity, and the advance in technology. Such knowledge, however, has less of an

^[3] A convenient summary of this history is found in Jonathan Spence, "Western Perceptions of China from the Late Sixteenth Century to the Present," in Paul S. Ropp, ed., *Heritage of China: Contemporary Perspectives on Chinese Civilization* (Berkeley: University of California Press, 1990), pp. 1-14. A longer account will be found in Jerome Ch'en 陳志讓, *China and the West: Society and Culture 1815-1937* (Bloomington: Indiana University Press, 1979). For accounts of various aspects of the discovery and reception of China in the West, see such studies as J. Bouvet, *Histoire de l'empereur de la Chine* (Paris: 1699); David E. Mungello, *Curious Land: Jesuit Accommodation and the Origins of Sinology* (Stuttgart: Franz Steiner Verlag Wiesbaden, 1985); Knud Lundbaek, *T. S. Bayer (1694-1738): Pioneer Sinologist*, Scandinavian Institute of Asian Studies Monograph Series No. 54 (London: Curzon Press, 1986); Knud Lundback, *Joseph de Prémare (1666-1736), S.J.: Chinese Philology and Figurism*, Acta Jutlandica LXVI: 2, Humanities Series 65 (Denmark: Aarhus University Press, 1991); Umberto Eco, *The Search for the Perfect Language*, translated by James Fentress (Oxford: Blackwell, 1995), Chap. 7; G. W. F. Hegel, *The Philosophy of History*, translated by J. Sibree (New York: Dover Publications, Inc., 1956), pp. 111-38; Bertrand Russell, *The Problem of China* (New York: The Century Co., 1922). For a recent and brilliant discussion of the perils and possibilities of cross-cultural understanding, see Zhang Longxi 張隆溪, *Mighty Opposites: From Dichotomies to Differences in the Comparative Study of China* (Stanford, California: Stanford University Press, 1998), Chap. 1, "The Myth of the Other."

unchanging reality as its object than an historical experience that is constantly subject to modification by anticipated or unexpected forces of change.

Take, for example the matter of the Chinese language which, particularly in its scriptural form, may certainly be considered an enduring bequest of Chinese culture. Enjoying a virtually unparalleled history of longevity and continuous development over several thousand years, the language has exerted incalculable influence on every major aspect of Chinese civilization ^[4]. “That was clearly Chinese by [the time of the first millennium before the common era] for the Chinese,” writes Wang Gungwu, “was their language of signs and symbols. It had overcome the limitations of speech and hearing and had united peoples who could not have understood each otherwise” ^[5]. What is enduring, however, is not synonymous with the unchanging, because the technological advance in the form of the personal computer during the last decade has wrought a revolution in the use and dissemination of Chinese that is wholly without precedent. The computer’s facilitation of reproducing the non-alphabet Chinese script has moved from laborious techniques of “translating” stroke-based constructions of Chinese graphs onto the alphabet-based keyboard, through break-through designs of graphic type-setting and storage coordinated with different systems of romanization (Wade-Giles and Pinyin for Mandarin, and more recently, major Chinese dialects such as Cantonese, Hakka, and Taiwanese), to stylus or even voice-activated input for direct representation. As far as the keyboard is concerned, the massive utilization of a romanized system of representation has meant, first of all, another giant step in the globalization of the modern English alphabet, because the keyboard built on these

^[4] See, for example, Jerry Norman, *Chinese* (Cambridge: Cambridge University Press, 1988), p. 1: “Few language names are as all-encompassing as that of Chinese. It is made to serve at once for the archaic inscriptions of the oracle bones, the literary language of the Zhou dynasty sages, the language of Tang and Song poetry and the early vernacular language of the classical novels, as well as the modern language in both its standard and dialectal forms.” Also Christoph Harbsmeier in Joseph Needham, ed., *Science and Civilisation in China*, Vol. 7 Pt. 1, Language and Logic (Cambridge: Cambridge University Press, 1998), p. xxi: “There is only one culture in the world which has developed systematic logical definitions and reflections on its own and on the basis of non-Indo European language. This is the Chinese culture. The history of logical reflection in China is therefore of extraordinary interest for any global history of logic and hence for any global history of the foundations of science.”

^[5] Wang Gungwu, *Chineseness*, p. 3.

twenty-six letters is now used by hundreds of millions of people, who themselves may know little or no English, to reproduce nonetheless effectively the Chinese script and, thus, to communicate in written Chinese.

For native and foreign users alike, the computer's alphabetical keyboard has perhaps unintentionally abetted the language reform measures pioneered by the PRC when it first introduced the Pinyin system. This schematization that has been severely criticized and resisted (myself included) has suddenly been transformed into a virtually universal practice, for assisted by the computer, what it has succeeded in doing more than government policy is to provide an irresistible linkage between script and sound, through the enforced adoption of an alphabetical syllabary. For the *first* time in their long history, the users of the Chinese language are compelled to confront a *phonological* method of comprehending, retaining, and reproducing their language; that is, to match script to phonological representations that are completely conventionalized, hence standardized. In its function, the Pinyin system is exactly the same as the *Guoyu zhuyin fuhao* 國語注音符號 (Phonetic Symbols of the National Language [Mandarin]) introduced in 1918. Whereas those symbols, however, are still constructed variations or simplified versions of Chinese graphs, the Pinyin system is fashioned entirely by the English alphabet. This is the crucial difference. Although the alphabetization of Chinese phonemes by the PRC reformers was at first intended primarily for facilitating uniformed vocalization and easy comprehension, the introduction of the computer changes the picture radically by joining this phonetic representation of the language to the effective reproduction of the script. Pinyin not merely grants immediate utility to the keyboard, but it also directly assimilates into the language—and thus domesticates—symbolic elements once thought to be completely alien ^[6].

^[6] During a brief tour of China in 1987, I was astonished to discover that virtually all of the street names of a huge city like Shanghai had signs written only in Pinyin. Unaware of my own ignorance, I asked my university guide why no Chinese characters were visible on the signs. Pointing to the English alphabets, my guide bellowed: "These *are* Chinese signs!" In Taiwan, decades of chaotic romanization may now finally be brought under control. *The Central Daily News* 中央日報 (overseas edition), July 27, 1999, p. 4 announced the decision by the Conference on Educational Reform convened by the Executive Yuan to recommend standardizing romanization of all street road names of the island with the Pinyin system. If implemented, needless to say, such a move would go a long way in further unifying the phonetic symbolization of the Chinese script, even though the proposed policy exempts personal names from this system of representation.

One not fully understood consequence of this development is precisely this necessity of thinking phonetically when using the computer. Whereas in the pre-computer days a person writing in Chinese might well have reproduced a number of graphs on the page without knowing their precise or “correct” vocalization in the dominant vernacular, and this situation applies to even the clumsy Chinese typewriters, the current student taught to be reliant on the alphabet keyboard and a particular phonological system of representation in principle must master the proper phonemes that delimit the range of this individual’s working vocabulary. Wrong pronunciation or misvocalization while using a computer may mean complete stoppage of writing until the correct sound (i.e. correctly spelled phoneme) is ascertained. With this critical constraint, not only a tradition of several thousand years in acquiring, retaining, and reproducing a graphic—hence essentially imagistic (Fennollosa and Ezra Pound were both right and wrong!)—language has been drastically modified, but the very nature of that language itself may have been irreversibly altered. Since keyboard usage enforces strict reliance on mastery of a particular dialectal form of the language, “The limitations of speech and hearing”—Wang Gungwu’s phrase quoted earlier—are reimposed to a significant degree in the communicative process. On the other hand, the global familiarity of the English alphabet and the speed of the computer join to provide unprecedented rapidity in the use and dissemination of the Chinese script.

Seen in this light, what the PRC began as a programmatic reform to help educate its vast population by opting to adopt Pinyin, a syllabary constructed out of the English letters, is now immeasurably aided and made irreversible by the computer, for in its global use a resolutely non-alphabetical language has forever been alphabetized at least in its vocalized mode. Confronted by the recurring phenomenon on the computer that the phoneme *ma* may actually betoken 18 graphs and as many or even more meanings, the student may be lead by habit to valorize a sonic unit constructed in an alphabetical syllabary as a sort of stable, if not superior, semantic unit over against the individualized characters. In this way, the computer also ironically assists the other salient plank of the PRC’s linguistic reform platform, for the composition of the Chinese word (traditionally made up of both logographic and, frequently, phonographic elements) now becomes correspondingly less important. The PRC’s systematic proposal to simplify the graphic complexity of

the characters and to promote, whenever context allows, the interchangeable use of homonyms is thus undeniably a logical extension of the decision to privilege sound and speaking over the writing system^[7]. Whether this kind of development must eventuate in the gross distortion and impoverishment of the Chinese language, as many critics once charge, and how will it affect the long-term preservation and modification of Chinese, are questions not relevant to the present inquiry. Nevertheless one paradox—the changeability of the culturally permanent—has become certain, for language as part of the quintessentially Chinese, because of the computer, has been touched and transformed by some element essentially foreign and alien. The non-Indo-European has become in part Indo-European.

Is this kind of development also possible in other domains of Chinese civilization, part of the Chinese “soul”? This is the question underlying the remaining portions of my essay when I turn to explore the perennially controversial issue of individual vs. community or group in Chinese, and the issue will be focalized here as an examination of classical Confucianism and its compatibility with the modern advocacy of human rights. I have chosen to frame my inquiry along this line not merely because, as one scholar has put the matter, “the problem of human rights lies at the heart of modern political discourse”^[8]. Just as importantly, the discussion of the individual’s role and significance in Chinese culture inevitably encroaches on the central tenets of Confucian ethics and politics. For more than two millennia, the powerful and pervasive ideology sustaining

^[7] I have noticed an increased tendency in myself, in colleagues and students, and even occasionally in Hong Kong and Taiwan journalism to use the “wrong” homonyms, typographical errors most likely generated by computer-based word-processing or type-setting. For an eloquent but somewhat uncritical eulogy of the alphabet, see Ivan Illich, *In the Vineyard of the Text, A Commentary to Hugh’s “Didascalicon”* (Chicago: The University of Chicago Press, 1993), pp. 39-40: “. . . the alphabet is an elegant technology for the visualization of sounds. Its two dozen shapes trigger the memory of utterances that have been articulated by the mouth, the tongue, or the lips, and filter out what is said by gesture, mime, or the guts. Unlike other writing systems, it records sounds, not ideas. And in this it is foolproof: readers can be trained to voice things which they have never heard before. This much the alphabet has done, and with incomparable efficiency, for the last two millennia.” In this and other passages, Illich has taken ancient Cratylism to new heights.

^[8] Ann Kent, *Between Freedom and Subsistence: China and Human Rights* (Hong Kong: Oxford University Press, 1993), p. 5.

imperial governance, kinship structures, social values, familial morality, and the formal educational system has been irrefutably Confucian. This cultural dominance has cast its long shadow even into contemporary China, as a passing journalistic remark today can still refer, justly, to Confucianism and Communism as that nation's "sustaining (albeit collapsing) value systems" ^[9]. Abroad the tradition continues its influence on diaspora Chinese communities the world over. Even more impressively, attempts in the rehabilitation and retrieval of the Confucian tradition, among certain educated elites enjoying also apparent support from state and local governments, have been steadily escalating in China itself during the post-Mao era that began in the seventies. Witness the series of conferences devoted to Confucius and his teachings that were held in Hangzhou, 1980, in Beijing, 1989 (an international symposium to celebrate the sage's 2,540th birthday anniversary), and again in Beijing, 1994, during which gathering Singapore's Lee Kuan Yew 李光耀 (1923-) was the keynote speaker. On September 26, 1999, the celebration for the 2,550th birthday anniversary was held with great fanfare at Confucius's birthplace, Qufu 曲阜 of Shandong Province, and it coincided with the completion of the first phase of construction of a sizeable Research Institute of Confucius 孔子研究院 ^[10]. An exercise such as the one I'm trying to conduct here, therefore, cannot avoid querying the persistent relevance of this tradition for Chinese communities looking toward the next millennium.

The Weight of Ancestors

In his thoughtful essay significantly titled, "Early Civilization in China: Reflections on How It Became Chinese" ^[11], historian David N. Keightley has enumerated many factors during the time of the Neolithic to the early imperial age that helped to answer his titular question. These include: hierarchical social distinctions, massive mobilization of labor, an emphasis on ritual in all dimensions of life including the early institutionalization of ancestor worship, an emphasis on formal boundaries and models, an ethic of service, obligation, and emulation, little

^[9] *The New York Times*, Wednesday, November 17, 1999, A15.

^[10] See *Shijie ribao* 世界日報, Monday, September 27, 1999, p. 2.

^[11] David N. Keightley, "Early Civilization in China: How It Became Chinese," in Paul S. Ropp, ed., *Heritage of China*, pp. 15-54.

sense of tragedy or irony, the lack of significant foreign invasions, and the absence of any pluralistic national traditions^[12]. Another distinctive aspect of early Chinese civilization, “an emphasis on the group rather than the individual,” finds striking illustration in Keightley’s comparison of a fifth century kylix vase by the Pentesileia Painter with a *hu* wine vase dated to the Eastern Zhou period (late sixth to fifth century BCE). Whereas the lone figures of Achilles and the Amazon queen occupy virtually the entire surface of the Greek vase, the decor of the Chinese vessel displays scenes of group activities—battles by land and sea, banquets, hunting, and the picking of mulberry leaves. Because these scenes are “stereotypical silhouettes” of nameless hordes, “the overwhelming impression conveyed by these tableaux is one of contemporaneous, regimented, mass activity”^[13].

This treatment of early Greek civilization by Keightley, to be sure, is vulnerable to criticism because he has concentrated exclusively on one depiction of archaic heroism and ignores completely both geometric pottery and the all-important implications of *polis* (city) and *domos* (house) that have been present even in Homeric epics, not to mention later philosophers, dramatists, and historians. Whatever decorative motif that might have been preferred by early Greek pottery, a culture showing little concern for communitarian values, however defined, could hardly be expected to produce Plato’s *Republic*, Thucydides’s *History of the Peloponnesian War*, and Aristotle’s *Politics*.

On the other hand, Keightley’s observation about the prevalence of the group already manifest in early China seems to me to be keen and unerring. Once more, however, iconographic suggestiveness needs to be enhanced and particularized by verbal artifacts. From preserved material inscriptions of the Neolithic to the formal writings of the early Han, a culture that displays so voluminous a record and so large a vocabulary of ancestral gradation and ranking, lineage, and kinship structures must be, even on a *prima facie* basis, interested in the life in and of the group. Similarly, the documents on rituals all center on court, clan, and household duties and activities, and they hardly qualify as prescriptions for personal ethics or individual behavior^[14]. Ritual events inscribed on bronze vessels, ritual behavior

^[12] David N. Keightley, “Early Civilization in China,” pp. 31, 48-53.

^[13] David N. Keightley, “Early Civilization in China,” p. 17.

^[14] The classic work of modern scholarship that links decisively early Chinese kinship system to ritual performance is, of course, Claude Lévy-Strauss, *The Elementary*

attributed to a practitioner like Confucius (e.g., *Analects* 10), and ritual patterns codified in various classic texts (*Zhou Li* 周禮, *Yi Li* 儀禮, *Liji* 禮記) are not writings intended to induce proper behavior based on sound knowledge and critical judgement of a single individual (note "Ἐκαστοζ", the starting point of Aristotle's *Nicomachean Ethics* (1094a26-1095a12). They provide, rather, the purpose and plan of action already selected, established, and judged as worthy of persons or various kinds of person, the meaning of whose very existence is at the same time unalterably defined by their social status. Just as it is unthinkable for the ordinary plebian to behave like a minister, for that would indicate inordinate insolence, so a father is considered perverse if he engages in actions deemed appropriate only for his children, a sure sign of moral weakness. It is the recognition of this feature of ancient Chinese society, in fact, that must presuppose any discussion of the relations of the individual to the group by Confucius and followers, a period that spans the sixth century to the common era.

In a well-known passage when Duke Jing of the state of Qi asked the Master about government,

Confucius answered, "let the ruler be a ruler, the subject a subject, the father a father, the son a son."

The Duke said, "Splendid! Truly, if the ruler be not a ruler, the subject not a subject, the father not a father, the son not a son, then even if there be grain, would I get to eat it." ^[15]

The marvelous feature of this dialogue is its purposive opacity. Neither the sage nor his interlocutor feels obliged to explain what letting a subject be a subject means, although subsequent Confucian disciples and commentators show little hesitancy in

Structures of Kinship, revised and translated by James Harle Bell, *et al.* (Boston: Beacon Press, 1969), pp. 311-392. It is another irony of Chinese history that owing to rapid modernization, dual career families (conditions obtaining both in China and in Hong Kong, Taiwan, and other diaspora Chinese communities), and the one-child policy officially implemented in 1981 on the mainland, the massive vocabulary of extended kin relations may become progressively lost to children of current and future generations.

^[15] *Confucius, The Analects*, translated by D. C. Lau 劉殿爵 (Hong Kong: The Chinese University Press, 1992), XII, 11, p. 113.

spelling out what they would consider the proper implications of these terse, laconic exhortations. In the immediate context of the anecdote, however, both men seem to know exactly well beforehand the practical content implied in Confucius's dicta no less than the serious consequences of the success or failure of action on the part of persons thus classified. The punch clause of the Duke's utterance is especially illuminating in this regard, for the force of his rhetorical question is premised on his belief (and by extension, his listener's as well) that agricultural success ("if there be grain") can guarantee neither biological gratification (a human like him must eat) nor entitled benefit (as ruler and father, he might expect filial sharing of food from sons or tributes of grain from subjects). Rather, the Duke's enjoyment of sustenance in the taxonomic ideal depends on each differentiated class of persons in the social order, including the Duke himself, fulfilling the unspecified but understood moral obligations.

There should be no mistake, however, that the implied rank and status of the persons thus classified already express concretely a set of unequal relations. In the biological realm, the son within the context of his own household may eventually attain the rank and status of a father. In the political sphere, on the other hand, the subject, unless he happens to be one who eventually overthrows the ruler, will likely remain forever a subject. It is the *asymmetry* of such relations, later to be permanently codified by Confucian disciples into the so-called Five or even Ten Relations (*wu lun* 五倫, *shi lun* 十倫), that makes the meaning of the individual person in traditional Chinese culture not easily reconcilable with the basic presuppositions informing the Western discourse on human and civil rights.

If one were to pose at this juncture the question as to what is the most significant and representative feature of Chinese social thought that has endured through the centuries, my own reply would point to the intimate homology that countless writers and thinkers have drawn between the state (*guo* 國) and the family (*jia* 家). Furthermore, the single social practice that offers both compelling illustration and underpinning of such a homology is also one that has rendered Chinese culture extremely distinctive, if not entirely unique, in the long course of its history. Long antedating the time of Confucius, ancestor worship has found ample documentation in the Shang oracle bones inscriptions. This familiar cultural practice within the affairs of the Shang state played a "central, institutionalized role" because, as Keightley has astutely observed, it "promoted the dead to higher levels

of authority and impersonality with the passage of generations, encouraged the genesis of hierarchical, protobureaucratic conceptions and that it enhanced the value of these conceptions as more secular forms of government replaced the Bronze Age theocracy” ^[16].

The decisive contribution of Shang ancestral worship was precisely this union in itself of the three realms of power that determine and constrain human existence: the sacral, the biological, and the political. In contrast to the Greek concern for questions of origins, “first causes,” or “first principles,” the more social and biological conception of identity among the Chinese, says Keightley, led to a corresponding concern for “genealogy and history. A hierarchy of ancestors leading back to a dimly perceived founding ancestor or ancestress was answer enough because it satisfied the kinds of questions that were being asked” ^[17]. Although classic Chinese texts did not raise the questions of origin or first cause in the same abstract manner as those of Greek antiquity, there should be no doubt that the name and status of ancestor belong to the realm of the sacred, because their act of procreation was thought to possess primordial significance. Keightley’s insight is, in fact, confirmed by a passage in the section on “Special Livestock for Suburban Sacrifice (*Jiaotesheng* 郊特牲)” in the Han anthology *Record of Rites*, which declares that because “all things originate from Heaven [and] humans originate from the ancestor, this is why one offers food and drink to the Exalted *Di*. The Suburban Sacrifice magnifies the repayment of origin and the return to the beginning 萬物本乎天，人本乎祖，此所以配上帝也。郊之祭也，大報本反始也” ^[18].

Notice that this statement aligns *Di* (Heaven) 帝 and ancestor all in a continuum of power, and this power is by definition religious or sacral because it has to do with

^[16] David N. Keightley, “Early Civilization in China,” p. 31.

^[17] David N. Keightley, “Early Civilization in China,” p. 35.

^[18] D. C. Lau and Chen Fong Ching 陳方正, ed., *Liji zhuzi suoyin* 禮記逐字索引 (Hong Kong: The Commercial Press, 1992), 11.20, p. 71. Among the many formal sacrifices associated with the state and the ruler, according to Han’s scholar Dong Zhongshu 董仲舒 (179 B.C.-104 B.C.), “none is more important than the Suburban Sacrifice 莫重乎郊” see his *Chunqiu fanlu* 春秋繁露 (*Sibu beiyao*, hereafter SBBY) 15. 7a. For further discussion of this rite, see Xu Zhuoyun 許倬雲 (Hsü Cho-yun), “Xian Qin zhuzi dui tian di kanfa 先秦諸子對天的看法,” in Xu Zhuoyun, *Qiu gu bian* 求古編 (Taipei: Lianjing chubanshiye gongsi, 1982), pp. 427-429.

one's ultimate origin, the *arche* of the individual and the community. To dishonor or betray one's parents and ancestors is to spurn or transgress one's origin ^[19]. Conversely, because ancestors and Heaven are functional equals in this formula, the sacral significance of parents is enormous, for they are always on their way to becoming ancestors (*zu* 祖). Hence filial acts, as acts of "repayment of origin and return to origin," are always sanctioned by Heaven, whereas a statement such as that by Jesus in Matthew 10:34ff. on the cost of discipleship becomes virtually incomprehensible to this day for many Chinese ^[20].

Although the date of the *Liji* (*Record of Rites*) as a Han anthology, incontestably and thoroughly Confucian in its outlook and authorship, may be separated from the Shang period by close to a thousand years, the interpretation of the royal sacrifice and its reference to *shangdi* 上帝 may well have articulated an archaic ideal that would far outlive its initial, genetic impact to shape and influence subsequently vast stretches of imperial culture. Keightley's words from another source must be cited one more time:

Shang religion was inextricably involved in the genesis and legitimation of the Shang state. It was believed that *Ti* [*Di*], the high god, conferred fruitful harvest and divine assistance in battle, that the king's ancestors were able to intercede with *Ti*, and that the king could communicate with his ancestors. Worship of the Shang ancestors, therefore, provided powerful psychological and ideological support for the political dominance of the Shang kings. The king's ability to determine through divination, and influence through prayer and sacrifice, the will of the ancestral spirits legitimized the concentration of political power in his

^[19] For this reason the most dreaded form of punishment, developed later for the most severe offence against family and clan and administered by the community and not by the government, is the removal of one's name from the ancestral shrine (e.g., the scene in the contemporary film *Ju Dou* 菊豆).

^[20] "Do you think that I have come to bring peace on earth; I have not come to bring peace, but a sword. For I have come to set a man against his father, and a daughter against her mother, and a daughter-in-law against her mother-in-law; and man's foes will be those of his own household. He who loves father or mother more than me is not worthy of me; and he who loves son or daughter more than me is not worthy of me; and he who does not take his cross and follow me is not worthy of me" (Revised Standard Version).

person. All power emanated from the theocrat because he was the channel, “the one man,” who could appeal for the ancestral blessings, or dissipate the ancestral curses, which affected the commonality.^[21]

Keightley’s observation calls attention to the pivotal role of the political leader or sovereign in mediating religious meaning and participation in religious activities as an integral function of his political authority. Such a function, we must emphasize, has remained constant in all of Chinese imperial history, for the emperor or sovereign was never exempted from the duty to offer appropriate sacrifices, to ancestors and to other related transcendent powers variously conceived, that were deemed crucial for the state’s health and well-being.

The most significant development in respect to the union of religion, politics, and kinship structures in China’s imperial history—the phenomenon which some scholars have termed “institutionally diffuse religion”^[22]—came at the moment when the first emperor of China took for his dynastic title the name of Qin Shihuangdi 秦始皇帝 or the First August Emperor of Qin in 221 BCE. The word for emperor here is indeed *di* 帝, frequently translated as God in the scholarship on Shang religion and chosen by Mateo Ricci (1552-1610) centuries later as the appropriate nomenclature for the Christian deity. Vatican rejection in the Rites controversy led to Ricci’s eventual choice of the term *tianzhu* 天主, but *di* was revived by Protestant missionaries in the nineteenth century, and the term *shangdi* since has existed for nearly two centuries in their biblical translation as an accepted name for God. Even more significantly for our discussion here is the fact that the term *di* may, as a number of scholars have argued, etymologically connote the sense of ancestor^[23]. When, therefore, the first emperor who united China assumed this

^[21] David N. Keightley, “The Religious Commitment: Shang Theology and the Genesis of Chinese Political Culture,” *History of Religions*, 17: 3.4 (Feb. - May 1978), pp.212-213.

^[22] See, for example, C. K. Yang 楊慶堃, *Religion in Chinese Society: A Study of Contemporary Social Functions of Religion and Some of their Historical Factors* (Berkeley: University of California Press, 1961); Robert P. Weller, *Unities and Diversities in Chinese Religion* (Seattle: University of Washington Press, 1987).

^[23] For a succinct argument based on thorough review of pertinent scholarship, see Robert Eno, “was There a High God *Ti* in Shang Religion,” *Early China*, 15 (1990), pp.1-26; and also Xu Zhuoyun, *Xi Zhou shi* 西周史 (Taipei: Lianjing chuban shiye gongsi, 1984), pp. 95-106. For a dissenting and somewhat reactionary view, see Xu Fuguan 徐復觀, *Zhongguo sixiangshi lunji xubian* 中國思想史論續篇 (Taipei: Shibao chubanshe, 1982), pp. 239-244.

title for himself, that single name would weave together in itself the related strands of Chinese conceptions of transcendent origin, paternity, authority, and power.

As if fearing that this single term would be insufficient to make apparent the symbolic significance of the ruler, the word *zu*, a much more common term for ancestor, was incorporated into the dynastic title of the first emperor of the Han. Henceforth, in the different appellations of individual reigns since 206 BCE, the ruler named as *di* or *zu* could mean quite literally that the ruler was a “god of martial prowess (*wudi* 武帝)” or “high ancestor (*gaozu* 高祖),” as many of them were called. Still later in the opening years of the Tang, the dynastic title of the second emperor was established as *taizong* 太宗 or supreme ancestor. With this string of names forever canonized in the official annals of imperial history, as one can see, transcendence has been nominally immanentized and made familiar as kin, but such appellations also purport to indicate unambiguously that the ruler’s power and authority remain godlike and, therefore, absolute. Moreover, they are meant to facilitate the venerable understanding obtaining even in Confucius’s time that between state and family there exists a complete and practicable homology^[24]. If the ruler, king, or emperor is, in fact, the grand ancestor of his subjects, political virtues must find their expression in kinship terms, much as the household patriarch will be enabled by such discursive propping to rule with impunity as god and ruler within his family and clan.

The Homology of Virtues

To be fair to the historical Confucius (551-479 BCE), his teachings have little to say about ancestors as such, but we must remember as well that they never dispute the important necessity of sacrifices (*ji* 祭), including those established for ancestors (e.g., *Analects* 2. 5, 24). Although there are only a few remarks about parents (*fumu* 父母) and father scattered throughout the *Analects*, it cannot be denied that his observations on filial piety (*xiao* 孝) in conjunction with how to serve one’s parents (*shi fumu* 事父母: e.g., *Analects* 1. 7; 4. 18) and how to serve one’s ruler (*shi jun* 事

^[24] I use this term in a sense analogous to how it is used in the biological sciences: structural similarity of two parts of one organism based on a common developmental origin.

君: *Analects* 1. 7; 3. 18-19; 11. 12; 14. 22) are more abundant throughout his collected sayings. Significant in this regard is the homologous relationship already drawn by Confucius between service to one's family and that to the state. When queried by someone why he was not taking part in government, Confucius replied:

“The *Book of History* says, ‘Oh! Simply by being a good son and friendly to his brothers a man can exert an influence upon government.’ In so doing a man is, in fact, taking part in government. How can there be any question of his having actively to ‘take part in government’?”^[25]

Herein lies the seed for his famous doctrine adumbrated in the *Great Learning* that the state's proper governance (*zhi guo* 治國) must be a direct consequence of one's success in regulating one's family (*qi jia* 齊家) and the cultivation of oneself (*xiu shen* 修身). The putative commentary on this doctrine by his disciple Zeng Shen 曾參, with a pointed allusion to the *Analects* text cited above, makes the connection even more taut and explicit:

What is meant by “in order rightly to govern the State, it is necessary first to regulate the family,” is this:—It is not possible for one to teach others, while he cannot teach his own family. *Therefore, the gentleman, without going beyond his household, completes the lessons for the State* 故君子不出家，而成教於國. There is filial piety:—therewith the sovereign should be served 孝者，所以事君也. There is fraternal submission:—therewith elders and superiors should be served. There is kindness:—therewith the multitude should be treated.^[26]

This comment indicates clearly the appropriation of an essentially family virtue, *xiao* or filial piety, and its direct application to the political realm, all as part of the gradation of ethical obligations in accordance with social rankings. In another instant, the *Han Record of Rites* will grandly argue how altruism and administration

^[25] *Analects*, ii.21, p. 17.

^[26] *The Great Learning* in James Legge, *The Chinese Classics*, second revised edition (Taipei: Wenshijie chubanshe, 1972, reprint), I: 370. Emphasis added.

of justice are directly dependent on the proper filial regard for clan ancestors and kin. In the section titled “Great Commentary (*Da zhuan* 大傳)” we find this remarkable summation that deserves full citation:

Now kinship is the bond of connection. Where the starting point is affection, one begins with the father and ascends by rank to the ancestor; where the starting point is rightness, one begins with the ancestor and descends in natural order to the deceased father [note how hierarchy privileges the distant over the recent]. Thus the way of humans is to love one’s parents (*shi gu rendao qinqin ye* 是故人道親親也). Because one loves one’s parents, one honors the ancestors; honoring one’s ancestors, one also reveres the clan. Because one honors the clan, one also keeps together the members of the family branches. Keeping together these members dignifies the ancestral shrine; dignifying the ancestral shrine, one attaches great importance to the altars of land and grain. Valuing the altars, one therefore loves the hundred names [the metaphor for the people], and when one loves the people, there will be the accurate administration of punishment and penalty. When punishment and penalty are accurate, the ordinary people will find security, and when people are secure, resources and expenditures will both suffice.^[27]

Since the anthology defines the clan as those who share in the patrilineal name (*tong xing cong zong* 同姓從宗)^[28], this passage makes plain that the needs and aspirations of the basic family unit, whether the king’s household or the commoner’s, must first be satisfied before attention may be directed to other units. The crucial turn in this line of argument comes in the somewhat puzzling contention that love of people would derive from the regard for the altars of land and grain. In the context of Confucian writings, however, one point seems evident: altruism is thought to be motivated primarily through the concerns of self-preservation, concretely expressed in the attempt to maintain sufficient sustenance for proper

^[27] Liji, 16.12, p. 92.

^[28] Liji, 16.3, p. 91.

sacrifices to one's ancestors. Distributive justice in the Confucian view thus cannot be premised on the *equal* provision of justice for the constituent members of society, irrespective of kinship affiliations, because in principle, what is due the people (the hundred names or *baixing* 百姓) is meted out in a centrifugal movement from the family or clan as the anchoring unit of that society. If that fundamental unit fails in its filial obligations, according to the logic of the passage I cited above, the rest of society cannot hope to find security or even the proper administration of retributive justice (punishment and penalty).

Such an understanding of altruism will accord with how the cardinal virtue of *ren* 仁 has been glossed and developed by Confucius and his follower. Antedating, in fact, the Confucians, an ancient source like the *Classic of Documents* already hints at the intimate association between *ren*—a word that has been variously rendered in English as benevolence, humaneness, human-heartedness, and even sublime generosity of the soul—and virtues valorized in clan rules and ethics (*zongfa lunli* 宗法倫理). In the scribal prayer preserved in the section titled “Metal Bond (Jinteng 金滕),” the clause “we are kindly as well as filial (*yu ren ruo kao=xiao* 于仁若考=孝)” has been read by a modern authority as “we are obedient to the will of our ancestors”^[29]. The observation by Fan Wenzi 范文子 recorded in the *Zuo Commentary* also asserts that “not forgetting one's origin is *ren* 不忘本, 仁也”^[30]. Again, the words of Liji 驪姬 set down in the “Jinyu 晉語” section of the *Guoyu* 國語 declare that “for those who practice benevolence, loving one's parents is called *ren* 為仁者, 愛親之謂仁”^[31]. Finally, we have, included with obvious approbation in the *Analects* itself, the statement by the philosopher Youzi 有子 or You Ruo 有若 that “being a filial son and an obedient brother is the root of *ren* 孝弟也者, 其為仁之本與”^[32]. As we shall see momentarily, this conclusion makes sense only in the context of the rationale structured in the entire assertion of the philosopher.

^[29] For the clause, see Qu Wanli 屈萬里 *Shangshu jinzhu jinyi* 尚書今注今譯 (Taipei: The Commercial Press, 1969), p. 85. For the reading, see Feng Youlan 馮友蘭, *Zhongguo zhixueshi xinbian* 中國哲學史新編 (Beijing: Renmin chubanshe, 1980), vol.1, chap. 4.

^[30] See *Zuo Commentary* 左傳, Duke Cheng 成金, 9th year.

^[31] *Guoyu* 國語, 7. 10a (SBBY).

^[32] *Analects*, 1. 2. D. C. Lau, following Qian Daxin 錢大昕 (1728-1804), the Qing philologist, emends *ren* 仁 to *ren* 人. Accordingly, Lau's translation of the last part of the statement reads: “the root of a man's character.” See *The Analect*, p. 3.

Read together with the declarations cited, the gloss preserved in the *Doctrine of the Mean*, 20, is both illuminating and instructive. “*Ren* is people,” declares the text, “but loving one’s parents is its greatest [manifestation] 人者仁也，親親為大。” This explicit exegesis provided by the second clause finds repeated and sympathetic echoes in someone like Mencius 孟子, who reiterates the same definition in 7A. 15: “Loving one’s parents is benevolence (親親，仁也).” For him, *ren* is an affect that obtains primarily and most fully between parent and child, in such a special way, in fact, that one may regard it as something as natural or decreed (cf. 7B. 24: “the way benevolence pertains to the relation between father and son . . . is the Decree, but therein also lies human nature 仁之於父子也……命也，有性焉”). In another passage (7A. 45), Mencius differentiates the proper affect towards kin and non-relations with this striking gradation:

Towards living creatures a gentleman would be 君子之於物也，
sparing but show them no benevolence; towards the 愛之而弗仁；
people he would show benevolence but not love. 於民也，仁之
When he loves his parents he would show 而弗親。親親
benevolence to the people. When he shows people 而仁民，仁民
benevolence he would be sparing towards the living 而愛物。
creatures.^[33]

The logic of Mencius and the compilers of the Han anthology on rites, as we can see, remains consistent, because according to them, one cannot even show benevolence to the people (*ren min*) without first loving one’s parents (*qin qin*).

By what I have called here the homology of virtues, Confucians have insistently maintained that the most intimate affect appropriate to a kinship environment (the home, the household, the clan) and the ethical action thus motivated are literally and equally applicable outside that environment. Since in imperial principle there is no space “under Heaven that is not the ruler’s territory,” the domain of the state both encircles and encompasses the domestic one. United, moreover, in symbolic significance in the person of the patriarch are the figures of the sovereign and the

^[33] My translation here follows D. C. Lau’s rendering of *ai* 愛 as sparing. See his *Mencius* (Hong Kong: The Chinese University Press, 1984), 2: 285.

father, and it is this equation that grants viability and authority to the ethical homology. According to the Confucian formula set forth in the *Classic of Filial Piety* (*Xiaojing* 孝經),

when we take that by which we serve the father to serve the mother, the love is the same. When we take that by which we serve the father to serve the ruler, the reverence is the same. Thus the mother takes one's love, whereas the ruler takes one's reverence. He who takes both is the father. Therefore, when one uses filial piety to serve one's ruler, he will be loyal.¹³⁴¹

資於事父以事母，而愛同；資於事父以事君，而敬同。故母取其愛，而君取其敬，兼之者，父也。故以孝事君，則忠。

Notice that the logic implied in the above passage is what enables the Confucian to posit that the obverse of such prescriptive behavior is equally true: i.e., when one serves the ruler with loyalty, the person must be a filial son 故以忠事君，其人必孝。

It is in the light of such reasoning that one can grasp more fully the powerful argument of You Ruo's full assertion preserved so prominently in *Analects* 1.2:

For a man who is both filial and obedient as a younger brother, it is rare that such a person would love to affront his superiors (*fan shang* 犯上). In fact, there has never been such a person who, being disinclined to affront his superiors, is still fond of inciting a rebellion (*zuo luan* 作亂). A gentleman works at his roots; once the roots are established, the Way will grow therefrom. Are not filial piety and being obedient as a brother the roots of humaneness (*ren*)?

Filial piety, a practice of personal rectitude, is now decisively recognized for its true worth—an apposite model for public political virtue—because its attitudinal assumptions and behavioral manifestations (i.e., “the roots”) can benefit not merely parents and kin, but also supremely those in power and authority.

¹³⁴¹ Lai Yanyuan 賴炎元, and Huang Junlang 黃俊郎, *Xinyi Xiaojing duben* 新譯孝經讀本 (Taipei: Sanmin shuju, 1992), p. 31 (chap. 5).

The Confucian discourse, moreover, does not emphasize this homology of virtue merely to shore up the formulated claims of personal and domestic ethics. In its writing the state and history, this line of teaching serves as one linchpin of its overall world-regulating (*jingshi* 經世) intent and design, as when the phrase *qinqin* is expanded from the basic meaning of loving one's parents to the love or regard for one's blood kin within a primarily political context. Witness the pronouncement on the defeat of Earl Xi 息侯 by Duke Zheng 鄭伯: among the several causes mentioned that would seal the former's destruction, the historian-commentator included the observation that Xi did not cherish kin relations (*bu qinqin*), for his feuding with Zheng represented a repudiation of the fact that they had the same surname ^[35]. Even in *Realpolitik*, apparently, the obligations and demands of kinship retain their normative force. Why such a construct of human relations conjoining ancestry, paternity, rulership and ethics succeeds in such a compelling and lasting fashion has been well summarized by a contemporary scholar:

It was the ancestors who created the human species, and while all humans were "born equal," they were "equal" in the sense of being equally human and different from animals. Moreover, only humans could recognize ancestors. Thus ancestors took precedence over nature. Thus also filial piety quite rapidly became a core value in the Chinese web of interpersonal relationships, an axis linking the individual human being, his family, and his society. By the Han dynasty, filial piety had already become institutionalized as a criterion for selection of persons into officialdom. ^[36]

In the light of Youzi's observation, that criterion could not be more appropriate!

The Contemporary Debate

Certain scholars who would like to reconcile classical Confucian teachings with

^[35] *Zuozhuan* 左傳, Duke Yin 隱公, 11: "君子是以知息之將亡也……不親親。"

^[36] D. W. Y. Kwok 郭穎頤, "In the Rites and Rights of Being Human," in Wm. Theodore de Bary and Tu Weiming, ed., *Confucianism and Human Rights* (New York: Columbia University Press, 1998), p. 85.

liberal political thought of the West and the contemporary promotion of human rights frequently attempt to do so on the supposed basis that “the true person [in the Chinese tradition] is construed as a thoroughly social being”^[37]. This anthropological concept is in turn construed usually as an epitome of the desirable emphasis on moral duties and obligations. For many observers of China, the Confucian exaltation of group over individual is not even simply a legacy of a single culture. To the extent that historical Confucianism has been a known cultural export over the centuries, East and South Asian societies deeply influenced by such traffic are also indisputably implicated. The extent of Confucian impact in a particular society, whether as a result of conscious promotion (Korea, *Tokugawa* Japan, contemporary Singapore, Nationalist China on Taiwan) or as lingering habits of thought and action in diaspora communities, may be variously measured. The effect of its undeniable presence, however, has often been praised, for the principal emphasis on state and family over the individual person is routinely touted as a core element of the so-called “Asian values” that would effectively curb what are perceived as the corrosive excesses of Western individualism. In a much quoted interview, Lee Kuan Yew declares that

Eastern societies believe that the individual exists in the context of his family. He is not pristine and separate. The family is part of the extended family, and then friends and the wider society. The ruler or the government does not try to provide for a person what the family best provides.^[38]

Sharpening the polemical tone of the debate, Ian Buruma, in his review of the recent book by Hong Kong’s last governor, Christopher Patten 彭定康 (1944-), has this observation:

Patten’s experience in Hong Kong made him reexamine his political instincts. And he concluded that his taste for free market economics, the

^[37] Sumner B. Twiss, “A Constructive Framework for Discussing Confucianism and Human Rights,” in *Confucianism and Human Rights*, p. 32.

^[38] Fareed Zakaria, “Culture is Destiny: A Conversation with Lee Kuan Yew,” *Foreign Affairs*, 73: 2 (March/April 1994), p. 113.

rule of law, and the universality of liberal ideas was more than a matter of instinct. These *were* big ideas. And the propaganda for “Asian values,” putting loyalty to the state above individual liberty, and duty and obedience above democratic rights, was a challenge to the Big Ideas: Lee Kuan Yew versus Locke, Mahathir versus Adam Smith. Was the “Asian” combination of capitalist economics and authoritarian rule exceptional? ^[39]

Possible answers to Buruma’s rhetorical question divide even further those scholars interested in accommodating or reconciling the so-called Asian reality with both contemporary economics and politics. In the view of Hong Kong’s Ambrose King 金耀基 (1935-) who thinks that “The East Asian experience demonstrates that democracy and modernity are not necessarily inseparable from individualism,” the ideal would be the development of a “Democratically Confucian political system or society” in which human rights are to be defined in “communal” or “social” terms ^[40]. For King as for others sympathetic to the accentuation of “communitarian” values, the Confucian tradition seems as rich and viable a cultural resource for instilling and reinforcing such values. Thus, according to Sumner B. Twiss, “human rights in general are compatible in principle not only with cultural traditions that emphasize the importance of individuals within community (which is a more apt characterization of Western liberalism) but also with cultural traditions that may emphasize the primacy of community and the way that individuals contribute to it—that is, *both* more liberal individualist *and* more communitarian traditions” ^[41].

Such a line of argument dwelling on “communitarian values” and the human person as a “social being,” regrettably, tends to de-emphasize or overlook the fact that in Confucian teachings, different social groups have different ethical and

^[39] Ian Buruma reviewing Christopher Patten, *East and West: China, Power, and the Future of Asia*, in *The New York Review of Books*, 45: 12 (September 1998), p. 18.

^[40] Ambrose C. Y. King, “Confucianism, Modernity and Asian Democracy,” in Ron Hontekoo and Marietta Stephanians, ed., *Justice and Democracy: Cross-Cultural Perspectives* (Honolulu: University of Hawai’i Press, 1997), pp. 174, 175.

^[41] Sumner B. Twiss, “A Constructive Framework for Discussing Confucianism and Human Rights,” p. 34.

political claims on that “social being.” It tends to forget as well that in the Confucian state, groups, communities, classes, and stratifications that constitute and define all those relations (*lun*) are no more equal than the individual. On the other hand, as one historian in the very first volume of the *The Cambridge History of China* has observed, already discernible among the trends characteristic of intellectual development from the period of the Warring States (403-221 BCE) to the Han and beyond would be an “emphasis on the ideal of social harmony, *albeit a harmony based on inequality*. In other words, the emphasis is on the readiness of each individual to accept his particular place in a structured hierarchy, and to perform to the best of his ability the social duties that pertain to that place” ^[42]. It need hardly be said that such an emphasis would find the staunchest support and the most eloquent exposition in the Confucian elite, who at every opportunity seems ready to draw on the state-family homology to buttress the cardinal principles of rulership. Thus in the chapter on “Governing the Family (*zhijia* 治家)” in his pioneering *Manual for Family Instruction* or *Jiaxun* 家訓 that became the model for countless subsequent imitations, the Sui official Yan Zhitui 顏之推 (531-591) bluntly declares, “when the anger expressed by the cane is abolished in one’s house, the faults of the rebellious son immediately appear. When punishment and penalty are inaccurate, the people have no basis even to lift their hands and feet. Leniency and severity in governing one’s house are the same as those in the state” ^[43]. And, even if Confucius himself did not initiate the practice of ancestor worship, this ancient ritual and its correlative ideal of filial piety, as we have seen, were already deftly appropriated by his first and second generation disciples as decisive expressions of domestic propriety, itself deemed indispensable for political order. Under the impact of Neo-Confucian revivalism of the Song onward, in fact, the ancestral cult and its rituals would not only crowd the pages of the popular genre of family instruction manuals, but the design and erection of the family shrine, a custom increasingly adopted by Song elite officials, would come to dominate even

^[42] Derk Bodde, “The State and Empire of Ch’in,” in Denis Twitchett and Michael Loewe, ed., *The Cambridge History of China*, Volume. I: *The Ch’in and Han empires, 221 B.C. - A.D. 220* (Cambridge: Cambridge University Press, 1986), p. 30. Emphasis added.

^[43] Wang Liqi 王利器, *Yanshi jiaxun jijie* 顏氏家訓集解 (Beijing: Guji chubanshe, 1980), p. 54: 答怒廢於家，則豎子之過立見；刑罰不中，則民無所措手足。治家之寬猛，亦猶國焉。”

domestic architecture as well ^[44].

This Confucian insistence on the priority of socio-political relations embedding the individual and their immutable claims on that person has not been spared from fierce critique by a wide group of Chinese intellectuals early in the twentieth century. When one examines, for example, the content of the polemics that made famous the early republican iconoclast Chen Duxiu (Ch'en Tu-hsiu 陳獨秀, 1879-1942), one can readily discern that his attack of Confucian ideals and practices was based squarely on the charge that they had historically deprived major social groups like "sons and wives" of their "personal individuality" and "personal property" ^[45]. Although Chen was to become eventually one of the leading theoreticians for the Chinese Communist Party, which succeeded in building probably the most totalitarian state known in Chinese history, it should be remembered as well that his early contributions to the intellectual ferment of his time stemmed again from the conviction, shared by many of the so-called May Fourth thinkers, that the new and modern needed in China was a revolutionary discovery and appreciation of the individual ^[46].

^[44] For a recent and stimulating discussion of the "text" of the Chinese house and related topics, see Francesca Bray, *Technology and Gender: Fabrics of Power in Late Imperial China* (Berkeley: University of California Press, 1997), esp. Chaps. 1-3 on "the construction of Chinese social space."

^[45] See Ch'en Tu-hsiu, "The Way of Confucius and Modern Life," in Wm. Theodore de Bary, Wing-tsit Chan 陳榮捷, and Chester Tan 譚春霖, comp., *Sources of Chinese Tradition*, Vol. II (New York: Columbia University Press, 1960), pp. 153-156. A hint of editorial bias is apparent when the introductory notes of this entry declares: "Ch'en directs his fire at social customs and abuses which *seemed* to have Confucian sanction but had no place in the modern age" (emphasis mine). To this observation, Hamlet's words to his mother may seem an appropriate response: "Seems, madam? Nay, it is, I know not seems." As the Columbia editors themselves so meticulously demonstrate in their annotations, Ch'en's excerpted essay of no more than three pages [in English translation] cites the *Record of Rites* no less than 17 times and the *Yi-li* (*I-li*, Anthology of Propriety and Ritual) once for documentation of these "customs and abuses." If more documentation is desired, one can simply turn to the bountiful pages of imaginative and anecdotal literatures of China's imperial past.

^[46] See Ch'en Tu-hsiu, "The True Meaning of Life," in *Sources of Chinese Tradition*, pp. 167-69. For an account of the critique of Confucianism during the early decades of this century by Ch'en, Wu Yu, and others, see Chow Tse-tsung, *The May Fourth Movement: Intellectual Revolution in Modern China* (Cambridge, Mass.: Harvard University Press, 1960), pp. 300-313.

Although it is true that there had not been many persons who “declared themselves anti-Confucian” resolutely during more than two millennia of Chinese imperial history, as Chow Tse-tsung 周策縱 (1916-) has remarked ^[47], the fortunes of Confucianism in the twentieth century, understandably more varied because of vast and cataclysmic change, have fluctuated between hostile opposition and arduous rehabilitation both on the mainland and in diaspora communities elsewhere ^[48]. The gyrating vicissitudes of Confucian reception in recent Chinese experience are thus not only conducive to creating immense historical ironies, but those ironies themselves may also betoken the ongoing but halting efforts on the part of the Chinese to come to terms with part of their most cherished and stubborn cultural legacy. Within the Peoples Republic itself, at times sponsoring not merely virulent attacks on the person and ideals of the ancient sage but also brutal attempts to uproot virtually all traces of the tradition, there has been nonetheless in the post-Mao period some movement also to retrieve and revive a Confucius more compatible with its own understanding of national modernity. On the other hand, in an island nation like Taiwan which prides itself as the keeper and sustainer of genuine Confucian values in both government and society ^[49], the last two decades

^[47] Chow Tse-tsung, *The May Fourth Movement*, p. 300. To Chow’s observation, however, one may also add this rhetorical question: how could the male elite make such a declaration when for the most part of that history, the only recourse that men had for a vocation of scholastic success, officialdom, and upward mobility was to master the Confucian classics?

^[48] See Wang Gungwu, *Chineseness*, Chaps. 11-12; Jing Wang, *High Culture Fever: Politics, Aesthetics, and Ideology in Deng’s China* (Berkeley: University of California Press, 1996), pp. 64-117.

^[49] See, for example, Emily Martin Ahern, *Chinese Ritual and Politics* (New York: Cambridge University Press, 1981); Allen Chun, “An Oriental Orientalism: The Paradox of Tradition and Modernity in Nationalist Taiwan,” *History and Anthropology*, 9:1 (1995), pp.27-56; Huang Huang-ping and Chiu Lian-hwang, “Moral and Civic Education,” in Douglas C. Smith, ed., *The Confucian Continuum: Educational Modernization in Taiwan* (New York: Praeger, 1991), pp.367-420; Robert P. Weller, *Resistance, Chaos, and Control in China: Taiping Rebels, Taiwanese Ghosts, and Tiananmen* (London: Macmillan, 1994); S. Harrell and C. C. Huang, eds., *Cultural Change in Postwar Taiwan* (Boulder: Westview Press, 1994), pp. 22-46; Ambrose Y. C. King, “State Confucianism and Its Transformation: The Restructuring of the State-Society Relation in Taiwan,” and Thomas G. Gold, “Civil Society in Taiwan: The Confucian Dimension,” both in Tu Wei-ming, ed., *Confucian Traditions in East Asian Modernity: Moral Education and Economic Culture in Japan and the Four Mini-Dragons* (Cambridge, Mass.: Harvard University Press, 1996).

have witnessed the flowering of stringent critique, a discourse of *ressentiment* unsparing in both scope and severity against this venerable tradition even as the nation strives to become a full-fledged democracy enjoying unprecedented forms of freedom.

Among sinological savants working outside of China, there are those who would advocate the retention and possibly the revival of Confucianism by contending that its principal tenets may have even anticipated certain aspects of Western liberalism and that the Confucian insistence on the priority of socio-political relations embedding the individual may not be incompatible with the Western discourse of human rights. Thus in his thoughtful essay of 1979, Wang Gungwu had already anticipated much of the rhetoric and tactics employed by contemporary Confucian loyalists by trying to link “the idea of reciprocity” with “idea of implicit rights.” Adducing from various prescriptions in the *Analects*, the *Zuo Commentary*, and *Mencius* for the ideal behavior appropriate to various social ranks (e.g., “The ruler should treat the subject with propriety, the subject should serve the ruler with loyalty”), Wang would argue that these duties and obligations might well be thought of as a form of rights, in the sense of reciprocal obligations categorically demanded of the sovereign, the subject, the father, the son, and the spouses^[50]. Similar arguments have also been repeatedly advanced by Tu Weiming and Wm. Theodore de Bary.

According to the latter, the long line of elite officials studding Chinese imperial history and nurtured in both the letter and spirit of Confucian orthodoxy could be seen to have among its ranks a number of thinkers whose political philosophy seemed to promise transcendence over its own cultural ethos and limitation. Noted late medieval figures like Wang Fuzhi 王夫之 (1619-1692), Huang Zongxi 黄宗羲 (1610-1695), and Tang Zhen 唐甄 (1630-1704) could be gathered in what might be called “the liberal tradition” of China, because they clung to the Confucian insistence of the subject’s duty of fearless remonstrance and advocated in their writings various forms of “egalitarianism”^[51]. It is this tradition, in the view of de

^[50] “Power, Rights, and Duties in Chinese History,” reprinted in *Chineseness*, pp. 165-187.

^[51] See Wm. Theodore de Bary, *The Liberal Tradition in China* (Hong Kong: The Chinese University Press, 1983; New York: Columbia University Press, 1983). The thesis of the book is briefly rehearsed and re-emphasized in his more recent *Asian Values and Human Rights: A Confucian Communitarian Perspective* (Cambridge, Mass: Harvard University

Bary and other like-minded colleagues, that may even help explain how a certain phrase of Confucian rhetoric, first proposed by the then existent Republic of China, came to find adoption in the “Universal Declaration of Human Rights” ratified by members of the United Nations in 1948 ^[52].

Humane and persuasive as such a line of argument may seem, the problem lies in its failure to confront squarely the issue that, although the concept of reciprocity in Confucian thinking refers to “differentiated but mutual and shared” ^[53] obligations, they are for that very reason not equal claims or obligations. De Bary is fond of citing the Mencian passage in 3A.4 where different obligations are spelled out for different classes of people: e.g. affection between parent and child, rightness between ruler and ministers, distinctive duties for spouses, gradation for old and young, and trustworthiness between friends ^[54]. This schematization, unfortunately, is always upheld without the concomitant but necessary acknowledgement that even these five relations and their idealized obligations themselves embody an inherent hierarchical preference. Since our debate involves the consideration of textualized tradition and historical reality, we must again refer to the *Record of Rites*, in which the section to “Jitong 祭統 (Summary of Sacrificial Principles)” declares that

In sacrifices are ten relations which may be seen in the way of serving the ghosts and spirits, in the obligations between ruler and subject, in the relation between father and son, in the ranks dividing the noble and the lowly, in the distance separating the kin, in the bestowal of title and reward, in the distinction of duties between husband and wife, in the impartiality of governmental affairs, in the observance of order between old and young, and in the boundaries set between high and low. ^[55]

Press, 1998), pp. 158-67. For a detailed critique of this book by de Bary, see my review article, “Which Values? Whose Perspective?” *Journal of Religion*, 80:2 (April 2000), pp. 299-304.

^[52] See de Barry, “Introduction,” in *Confucianism and Human Rights*, p. 5; Twiss, “A Constructive Framework for Discussing Confucianism and Human Rights,” in p. 41 and note 35; Irene Bloom, “Mencian Confucianism and Human Rights,” in *Confucianism and Human Rights*, pp. 96-97.

^[53] de Bary, *Asian Values and Human Rights*, p. 18.

^[54] de Bary, *Asian Values and Human Rights*, pp. 17ff.

^[55] *Liji*, 26. 11, p. 131.

This statement has elicited in turn from Fei Xiaotong 費孝通 (Fei Hsiao-t'ung, 1910-), the father of sociology in modern China, the observation that “*Lun* [relations] is order based on classifications” conceived on the very commingling of “concrete social relationships” with “abstract positional types [e.g., noble and lowly, high and low].” According to him, “the basic character of traditional Chinese social structure rests precisely on such hierarchical differentiations. . . . Therefore, the key to understanding networks of human relationships is to recognize that such distinctions create the very patterns of Chinese social organization.” Because “the framework of social structure” confuses the symmetric and asymmetric models of the social and remains “unchangeable”^[56] unless the very categories for its construction are dismantled or reconceived, the thesis of contemporary Confucian revivalists—that the ideal of moral reciprocity prescribed for those relations would provide an adequate analogue to the concept of right—becomes highly questionable.

Since the Confucian notion of reciprocity always embodies preference and priority, it must perforce enjoin unequal sanctions against disparate social ranks in the event of legal infraction, a notion directly contradicting the modern Western conception of equality before the law. Because humans cannot avoid or escape moral failures, the question that Confucianism must confront is not about the necessity to inculcate and practice virtue, or even about the possibility of “self-renewal (*zixin* 自新” and “self-correction (*gaiguo* 改過)”^[57]. In the public realm of society, it has to do rather with what happens when virtue fails and how will those in power be held accountable. Subjects, wives, children, and inquisitive journalists may be swiftly penalized if they err, but who will effectively censure, curb, or bring to justice the transgressive emperor, the patriarch, the judge, the senior minister, or

^[56] *From the Soil, The Foundations of Chinese Society*, A Translation of Fei Xiaotong's *Xiangtu Zhongguo* 鄉土中國, with an Introduction and Epilogue by Gary G. Hamilton and Wang Zheng (Berkeley: University of California Press, 1992), p. 66.

^[57] These are the concepts in the traditional Chinese juridical system singled out for praise by Heiner Roetz's thoughtful essay, “Confucianism and Some Questions of Human Rights,” printed by the Institute Designate of Chinese Literature and Philosophy, Academia Sinica (July 1999), pp.9-11. Assuredly, Confucian teachings advocate the importance of self-reform or mending one's behavior in face of mistakes or errors (*Analects* 1. 8; 15. 30). The problem of what to do, however, remains when the supreme ruler does not practice such an ideal of self-correction.

the members of the ruling party? The question of human rights, in this context, is not about mutual kindness, assistance, and cooperation, however noble such acts may be in themselves. Rather, it is about the lower and lowest levels of human society and what recourse they have and do not have when they are abused and ill-treated. Must they rely merely on the “fearless remonstrance of loyal ministers” that de Bary’s books exalt repeatedly? Are exile, imprisonment, or remonstrance till execution—the three supreme examples of benevolence (*ren*) in the Shang singled out for praise by Confucius in *Analects* 18. 1—the only viable alternatives when rulers and subjects disagree in a contemporary Asian society?

The question of how are the ruling classes to be judged, in fact, finds an illuminating discussion in a well-known passage of *Mencius*. When a subject fails in his duties, according to Confucian doctrine, he may be killed after the ruler has made a thorough investigation of the matter (*Mencius* 1B.7). On the other hand, even a tyrant as famous as the last king of the Shang could not induce Mencius to permit regicide as a general principle. Since, however, Mencius could not alter recorded history, his justification for killing Zhou, the last king of Shang, was ingenious: the latter had degraded himself so badly by his immoral despotism that he could no longer be classified as king, but merely “a fellow (*yi fu* 一夫).” Hermeneutics had thereby saved both official history and morality, for then Mencius could declare resoundingly: “I have heard that a fellow Zhou had been executed, but I have not heard that a sovereign had been executed (1B.8).”

History, however, may prove to be more stubbornly intractable than this brilliant piece of sophistry. Despite Mencius’s unambiguous and repeated counsel that the people and the officials have what seems a right to leave and abandon an unprincipled or evil ruler, thereby depriving him of his so-called legitimacy (4B. 4) ^[58], what is recorded in history presents a wholly different picture. In the long annals of the Chinese tradition, there has not been a single change of dynastic power without violence and bloodshed. On the contrary, even the infra-household competition for power between, say, a crown prince and his rival siblings or cousins, more often than not begin and end in the sword, the rope, or the poisonous cup. The only accounts of peaceful transmission of rulership are those attributed to the reigns of the sage kings, Yao, Shun, and Yu, but their mythic status at the dawn

^[58] De Bary, *Asian Values and Human Rights*, p. 8.

of Chinese history should also warn us that their examples betoken more of Chinese desire than veracity.

This irrefutable phenomenon of Chinese history, I would argue, indicates something more than the unavoidable clash “between ideal values and their implementation in historical practice”^[59], a judgment that smacks more of romantic hermeneutics pervasive of certain phases of scholarship treating Buddhist and Christian histories than a sound conclusion. In that view, the founding ideals of these two traditions are allegedly so rarefied and pure that they were almost immediately misunderstood by their followers; they can be recovered only by the sympathetic perspicacity of modern interpreters. For me, rather, the basis for doubting the Confucian tradition and its modern viability must center on something more fundamental: namely, the essentially biological model of the patriarchal family and its use as a luminous mirror of the state that Confucians had extolled from the beginning. One may well ask whether the family, even at the level of a large, extended household of the clan, can justly reflect the complexity and the necessity of impersonal arbitration that must obtain in the political body of a contemporary nation. Can such a family model provide the adequate underpinning for the ideals of social equality and minimal human rights? I suspect not, not because the Chinese do not or cannot envision such ideals as desirable ends, as some advocates of cultural particularism have erroneously argued, but because the model itself long cherished and defended by the Confucian discourse is not conducive to the establishment of these ends^[60].

Even in extremely liberal societies today, families are not thought to be organized around a scripted and contracted system of rights but fundamentally by an unspoken or loosely specified code of duties, obligations, and expectations that are posited as the proper behavior of kinship. This is the reason why in the US today, there is growing vexation, in the courts no less than in social commentary, as to when and how the impersonal state should intervene when the fundamental rights of citizens as household members are violated or denied by other members of the same

^[59] De Bary, *Asian Values and Human Rights*, p. 10.

^[60] For a recent critique of cultural particularism, see, for example, Bo Yang 柏楊 (Guo Libang 郭立邦), “Renquan nalai Zhongguo tese 人權那來 ‘中國特色’ [How could human rights have special Chinese character]!” in *Central Daily News* (overseas edition), Monday, February 23, 1998, p. 5.

household ^[61]. By contrast, Confucius and his disciples, as I have tried to show, have articulated a meticulously specified code that directly grounds political virtues on familial ones. The logical question that must be asked at every formulation of Confucian social and personal ethics is this: what recourse does a Chinese have when such prescribed norms are not observed or abused, that is when reciprocity is withheld or rejected? Confucius was forthright in answering a disciple's query by declaring: "the ruler should employ his subject according to the rules of propriety; the subject should serve his ruler with loyalty." But the question the disciple failed to bring up next is: what happens when the ruler fails the rules of propriety? As we have seen already in the Mencian discussion of tyranny, that ruler's failure has enormous consequence, because the philosopher recognizes clearly the possibility that "Innocent people" could be killed by such a person (*Mencius*, 4B. 4). Here the classic Confucian homology of the state and family breaks down.

On the one hand, parents and children in any society and at any time may inflict on each other unspeakable cruelty and abuse, but their relations would not necessarily dissolve even after such atrocity, nor would they be likely to depose parents or disown ancestors in the name of the "Mandate of Heaven." Politics may abound in any family, but the biological relations of humans, now even certifiable across the centuries by DNA testing (as in the recent case of Thomas Jefferson's descendents), are thus not exactly the same as the essentially social nature of state governance. On the other hand, therefore, when government and rulers prove

^[61] The *Chicago Tribune* of Saturday, May 9, 1998, bore the front page, headlined, story of a Chinese couple, resident immigrants to the US, who had been threatened by the Cook County State's Attorney's office with criminal charge of domestic battery and possible deportation for alleged physical abuse of their eight-year old daughter (p. 1). The father especially was accused by the state for "hitting his . . . daughter in the face, arms and legs" (p. 2) on account of her alleged loss of a ring. Believing that they were merely exercising their own right of meting out appropriate discipline for their errant child, the parents were bewildered by "the American way." Confronted by both outcries from the Asian communities and coverage by the media, the state eventually dropped the deportation threat and settled with the family by imposing on the father "a penalty of one year of court supervision" and "counseling" (p. 1). However one may interpret this story, the events of the episode may well serve as an ironic commentary on the quoted remark of Lee Kuang Yew, that "the ruler or the government does not try to provide for a person what the family best provides." In pondering possible examples drawn from Chinese history, past and present, the issue confronting Mr. Lee is whether "that the family best provides" is always the best for the individual member.

oppressive and tyrannous, the inevitable remedy must focus on accountability and change, preferably by peaceful means. We need to hear again the lesson given at the side of Mount Tai 泰山, where Confucius inquired of a grievously weeping woman by several graves. Queried by Confucius as to why she did not quit her region after her father-in-law, her husband, and her son were all devoured by tigers, she gave this decisive reply: "There's no harsh government here." Whereupon Confucius was moved to say to his disciples: "Remember this, little ones. Harsh government is worse than tigers!" ^[62]

This enlightened insight, alas, yielded no further reflection for possible change in the fundamental form of governance, for both Confucius and Mencius could only counsel withholding of service or withdrawal from the territorial state entirely when the ruler was without the *dao* 道. Even under dire circumstances, the Confucians throughout China's imperial history never bothered to examine whether the state-family homology could truly withstand scrutiny from the perspective of either the origin of these two different forms of community or the basis of their possible dissolution. Because the foundation of the Confucian social order is the teleology of the group, the charge, so frequently voiced by academicians committed to Asian cultures and values, that the philosophy of human rights promotes individualism seems to me a premise begging the crucial point of this modern and still emergent philosophy. As I see the matter, the philosophy of human rights cannot be simply interested in "communitarian values," as most contemporary Confucian advocates would have it, because those values may not be sufficient substitutes for rights. At the level of fundamental principles in social organization and civic governance, a community that can be injurious, whether by accident or design, to some members of the community hardly qualifies as a desirable community for all. For that reason, the bottom line of the theory of human rights must concern itself with individuals, indeed in principle with every single human being, because "the justified interests in question," as Alan Gewirth has articulated the matter so incisively, "are *distributively* common to all human beings" ^[63]. Before those "interests in question," some principles must be established whereby both ruler and commoner would exist

^[62] *Liji*, 4.45, p. 28.

^[63] See "Common Morality and the Community of Rights," in Gene Outka and John P. Reeder, Jr., ed., *Prospects for a Common Morality* (Princeton: Princeton University Press, 1993), p. 34.

only as two individuals who may lay equal claim to those interests, and that claim should not be jeopardized by any prevenient hierarchical ordering.

Concluding Reflection

Since much contemporary discussion of the theories of human rights and the Confucian tradition is premised on the alleged conflict between “communitarian values” and the Western concern for the single person, does it mean that the advocacy of any form of human rights must presuppose an understanding of an individual who is “unassailable,” “anarchic,” and obsessed with “radical autonomy”? Put in the most succinct manner and the bluntest term, is there any strand of Confucian thinking that places greater value on the individual, on what may properly belong to a single human being—whether life, possession, freedom of belief or choice—that the community, whether familial or socio-political, cannot alter, coopt, or remove without just cause? The answer to this last question may register serious pessimism if one invokes and clings to such form of hierarchical authoritarianism as enshrined in the popular, proverbial saying: when a sovereign requests a subject to die and he does not, he is disloyal; when a father wants a son to perish and he does not, he is unfilial (君教臣死, 臣不死不忠; 父教子亡, 子不亡不孝)⁶⁴¹. On the other hand, there may be hope for mitigating such pessimism if one takes into consideration certain strands of the Confucian discourse since the seventeenth century that began to query received orthodoxy on rulership. If such a movement might not quite measure up to a “liberal tradition” thus named by contemporary scholarship, some Confucian elite did seem to respond to some liberalizing impulses, and, in hindsight, their ideas might have begun to

⁶⁴¹ To the best of my knowledge, there is no original source for this proverb, but one convenient textual embodiment may be found in Chapter 78 of the novel, *Xiyouji* 西遊記 (Beijing: Zuoja chubanshe, 1954). See p. 893 of this edition and also *The Journey to the West*, translated and edited by Anthony C. Yu, 4 vols. (Chicago: The University of Chicago Press, 1977-1984), 4. 43. My citation of this saying does not mean to ignore the fact that in the systems of military discipline maintained in even the “liberal, individualist West,” there is the similar construal of a subject’s refusal to die on command as a form of treason. What is much more heartening is the development in a place like Taiwan, where the dawning consciousness that alternative forms of service may substitute for the military draft has found recent legislative enactment. See the *Central Daily News* (overseas edition), January 17, 2000, p. 3.

“individualize (*gerenhua* 個人化),” “privatize (*sirenhua* 私人化),” and “quotidianize (*riyong changxing hua* 日用常行化)” Confucian values and practices ^[65]. Thinkers such as Li Zhi 李贄 (1527-1602), Huang Zongxi, and Gu Yanwu 顧炎武 (1613-1682) not only began an escalating questioning of the concept of the sovereign as absolute inherited power, but the widening discussion of what constituted the public and the private (*gong, si* 公, 私) increasingly focussed attention on the meaning of the solitary person’s moral worth along with its obligations ^[66].

In the light of this development, some words of Dai Zhen 戴震 (1723-1777) may be regarded as taking on unanticipated significance, as when he declares that “one person’s desires are the same desires of all persons under Heaven (一人之欲, 天下人之所同欲)” ^[67]. Taken from Dai’s famous expository commentary on certain key concepts of Mencius, this statement in its context is merely one expanding on the commonality of origin and similarity of response in the genesis and manifestation of desires as adumbrated in an ancient text like the *Record of Music* (*Yueji* 樂記). Indeed, Dai’s expansive discourse on nature, affect/disposition, and desire (*xing, qing, yu* 性, 情, 欲), undeniably creative and synthetic, still appears largely as yet another attempt at reconciling the sometime conflictive observations of Mencius and Xunzi 荀子 with those of Song Neo-Confucians on these venerable categories ^[68]. What is noteworthy is the new object of desire that Dai posits for moral disposition and action:

<p>In human life, there is nothing worse than the inability to fulfill one’s life. Desiring to fulfill one’s life while also fulfilling the lives of others, this is humaneness. Desiring to fulfill one’s life to the extent of injuring without regard the lives of others, this is inhumanity.</p>	<p>人之生也，莫病于無以遂其生。欲遂其生，亦遂人之生，仁也；欲遂其生，至于戕人之生而不顧者，不仁也。^[69]</p>
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^[65] This is the thesis of Yu Yingshi 余英時, *Xiandai ruxue lun* 現代儒學論 (River Edge, New Jersey: Global Publishing Co., 1996), pp. 1-59.

^[66] Yu Yingshi, *Xiandai ruxue lun*, pp.23-24.

^[67] See *Mengzi ziyi shuzheng* 孟子字義疏證 in *Dai Zhen quanji* 戴震全集, 5 vols. (Beijing: Qinghua daxue chubanshe, 1991), 5: 152.

^[68] See *Mengzi ziyi shuzheng*, in *Dai Zhen quanji*, pp. 176-194.

^[69] *Mengzi ziyi shuzheng*, in *Dai Zhen quanji*, p. 159.

Later (p. 198), Dai further clarifies the first part of his assertion with the formulation: “Humaneness is the virtue of life productive of life [literally, the hard-to-translate phrase *shengsheng* has the tautological force of making life alive]. . . . When one person fulfills one’s own life and infers from this principle to help all under Heaven to fulfill their lives, this is humaneness 人者, 生生之德也……一人遂其生, 推之而與天下共遂其生, 仁也。”

The Mencian overtones of Dai’s assertions become audible if we recall the famous discussion on competitive desires recorded in *Mencius* 6A. 10. That ancient thinker’s acknowledged fondness for both fish and bear’s palm serves on that occasion as a pretext for differentiating desires with far weightier consequence. Declaring that life and dutifulness are both objects of his desire (*yu*), Mencius proceeds to make the grand claim that he would forsake life because he desires dutifulness more. Immediately realizing, however, that such nobility may not be common, Mencius attempts valiantly to make universal the virtue of choosing virtuously by specifying how one’s acceptance of food, an indisputable necessity of life, depends on the condition of its provision. If food is given with abuse, according to Mencius, “even a traveler would not receive it (行道之人弗愛).” Such an attitude (*xin*) is allegedly common to all (*ren jie you zhi* 人皆有之), but immediately, Mencius feels obliged to equivocate: it’s just that the worthy person is able not to lose it (賢者能勿喪耳). This distinction between attitude and ability, unfortunately, revises and limits the intended scope of the Mencian claim.

In contrast to his master’s text, what is new in Dai Zhen’s formulation is precisely how his view of the human condition and the supreme good of humaneness or benevolence (*ren*) is based on the universality of desire and its object without further qualification. For a reader conscious of Western social thought, it is difficult to read the first sentence of Dai’s without noticing its remarkable affinity with Aristotelian premises. Just as the Greek philosopher has sought to ground his systematic investigation of ethics and politics on “the good life,” “doing well,” and “happiness or well-being” (*eu zên, eu prattein, eudaimonia*) as synonyms for the supreme good that all humans seek (*Nicomachian Ethics* 1094b), Dai Zhen’s singular notion of “life fulfilment (*suisheng*)” is no less all-encompassing a foundation for his claims. The drive to fulfill one’s life, let us notice here, has nothing to do with human relations, because it is not dictated by-kinship ties, or occasioned by culturally prescribed social position, or dependent on the

sanction by a particular community. Because they are common to all humans—from the highest ruler to the lowliest peasant—the desire and its object as universals possess the condition of equality as both phenomenon and quality. One can no more say that only some people have such a desire than asserting that a peasant ought to aim at a lesser degree of self-fulfillment than a prime minister.

Precisely because it is fundamental to humanity as such, the desire's life- and thus self-affirming potency perforce must carry with it a negative possibility. Just as the quest for one's own well-being and happiness can be undertaken at the expense of the other, the drive toward life fulfillment can also hurt others. Like the antecedent Aristotle, who had hardly begun his monumental treatise before he felt obliged to mention the notion of self-restraint, Dai Zhen's remark also immediately proceeds to forestall the possible negative consequence of such a desire. By setting the reckless injury of another life (*qiang ren zhi sheng er bu gu* 戕人之生而不顧) as the limit of this desire, the Chinese thinker, it may plausibly be argued, has put his finger on one crucial issue animating the debates of ethics and politics in different civilizations down through the ages: how to reconcile the most essential values cherished by an individual with those values of other individuals.

Dai Zhen, to be sure, did not think or write in a vocabulary of rights as developed and used in the post-Enlightenment discourse on the subject. No student of Chinese history and thought, however, would deny that the concept of humaneness or benevolence (*ren*) has functioned as virtually a categorical imperative for the history of Confucian thought. It is to Dai's credit, I believe, that his definition of virtue as life productive of life (*shengsheng zhi de* 生生之德) has succeeded in injecting new content into the familiar concept of *ren*. Though Dai's notion may be interpreted as having stemmed from such a familiar source as Confucius's dictum in *Analects* 12. 10—"to love someone is to want the person to live (*ai zhi yu qi sheng* 愛之欲其生)," Dai's innovation and strength, I would argue, lie exactly in detaching the content of *ren* from the altruistic but kinship based implications of the Confucian injunction to "love people (*ai ren*)" scattered in the *Analects* (e.g., 1. 5-6; 12. 22) and in the *Mencius* (4B. 28) ^[70]. Dai's idea, when

^[70] The space of this essay precludes a detailed consideration of Zhao Jibin's provocative but controversial thesis that the meanings of *ren* 人 and *min* 民 are sharply and consistently differentiated throughout the *Analects*. According to him, the former refers only to the aristocratic strata of society, whereas the latter term signifies the populace or common

coupled with the concept of the desire for self-fulfillment (*yu sui qi sheng* 欲遂其生), bears the enormous importance of recognizing, and thereby legitimating with greater clarity and force, the reality of self-affirmation and thus self-love, self-interest, and self-preservation. We should remember that already in *Mencius* 6A. 14, there seems to be the recognition that a person's self-love is unitary because, according to that thinker, there is no self-discrimination of bodily parts. Hardly has he finished with this observation, however, when Mencius proceeds to offer his own self-contradictory hierarchy of preferences by claiming that "the parts of a person differ in value and importance." Thus, "a man who takes care of one finger to the detriment of his shoulder and back without realizing his mistake is a muddled man" (D. C. Lau's translation).

In contrast to Mencius again, Dai Zhen's definition of humaneness or benevolence as "the virtue of life productive of life" avoids precisely this sort of inconsistent account of desire. The first verb of the punning binome, *shengsheng*, though acknowledged by Dai to bear the meaning of cosmic procreation when linked with the consideration of Heaven or Nature (p. 199: *zai tian wei qihua zhi shengsheng* 在天為氣化之生生), hardly refers to mere biological reproduction when it relates to the human (*zai ren*). Instead, it has the reflexive sense of making or keeping life alive, and thus the definition directly involves the maintenance and preservation of life, for self and for others ^[71]. If life productive of life is truly the quintessential content of *ren*, any violation of life through destruction or injury, whether on the individual or communal level, is potentially as well as actually a

people. See Zhao Jibin 趙紀彬, *Lunyu xintan* 論語新探 (Beijing: Renmin chubanshe, 1959), pp. 1-27.

^[71] The binome, *shengsheng*, derives from the "Commentary of the Appended Phrases 繫辭," 5 of the *Classic of Change*. Two lines of the received text read: "producing life is called change; completing [an] image is called the 'Key' 生生之謂易, 成象之謂乾." The parallel construction makes it obvious that the second graph of both sentences must be read as nominals, objects of the antecedent verbal graphs "to produce/beget" and "to complete." The received text thus puts "greater emphasis on the generative capacity of the Way," as Edward Shaughnessy observes in his translation of the Mawangdui version of the classic. Instead of a binome, however, that version has only a single *sheng*, and the line's slightly different vocabulary also makes for a different reading: "giving life to [something] is called 'the image' 生之謂(謂)馬(象)." See Edward L. Shaughnessy, tr., *I Ching: The Classic of Changes* (New York: Ballantine Books, 1996), pp. 192-193 for text and translation, and p. 237 for comment.

violation of the supreme ideal. Both the affirmation of the universal desire for self-fulfillment and the correlative injunction to avoid reckless destruction of other lives in quest of the same fulfillment thus provide a firm basis for true egalitarianism. Could not such an idea serve also as a seed or seminal motif in developing a Confucian understanding of human rights that attends to the irreducible worth and dignity of the life of the individual? Could Chinese culture be led to recognize that the moral obligation of the state or body politic, no less than that of the individual, must be dedicated to “join all [people] under Heaven to fulfill together their lives (*yu tianxia gong sui qi sheng* 與天下共遂其生)”?

Such a focus on the individual, let it be emphatically stated here, is not synonymous with the espousal of individualism, and one should point out that the opposition between “individualism” and “communitarian values” so often central to the present topic is typically drawn in a manner far too crude to formulate what is at stake. To affirm the individual in the sense implied by the concept of universal human rights is not necessarily to affirm individualism in the sense that one’s fulfillment is privatized or defined independently of his or her communal relatedness and participation. Conversely, to affirm communitarian values is not necessarily to subscribe to the traditional values of a given community in the sense that a person’s fulfillment depends on his or her participation in the community so defined.

Pondered in the light of our contemporary debate on rights, the striking quality of Dai’s words may well be their potential for self-transcending implication and application, because in those remarks I cited, the single person and the community (“all under Heaven”) are indissolubly and dialectically related. Although the phrase “Under Heaven (*tianxia*)” in context undoubtedly means the imperial empire, in principle its significance may surely be so developed that it transcends its local or national delimitation. “When one person fulfills one’s own life and infers from this principle to help all under Heaven to fulfill their lives” —does not such a statement carry an ideal germinal and germane to honoring universal humanity without dismissal or sacrifice of the individual? If one’s quest for self-fulfillment must not be carried out to the extent of injuring another who, in principle, is engaging in the selfsame quest, does not the community act as a check and limit on the individual’s anarchic or antinomian impulse? To fashion a conception of the individual’s inviolable dignity and worth from the thought of a Qing philosopher, or, for that

matter, from any other source, Chinese or otherwise, need not therefore be taken as a total repudiation of the so-called “communitarian values.” How could one disagree with any injunction for those in power to treat subjects and citizens with respect, kindness, and trustworthiness, as Confucian teachings had done for millennia? What modern advocates of Confucianism need to realize is that even the noble prescription for reciprocity among various social strata is itself conditioned by that very unequal stratification. Once the imperial system of governance has been dismantled, and the republican revolution of 1911 is an irreversible fact of history, the same fate has also been handed to its undergirding system of social organization. How could one continue to invoke, for example, the relations between sovereign and subjects (*jun chen* 君臣) as part of the basis for morality and action? Exiled from the imperial society, Confucian teachings have become, in the poignant phrase of Yu Yingshi, “wandering souls (*you hun* 游魂)”^[72]. Such spirits may be retained in the collective memory of the Chinese people, but they need to embody modified content or re-structured substance if they are to address realistically and effectively the altered social contexts.

If not all Confucian values are in principle antithetic or inimical to the modern advocacy of human rights, it must be acknowledged that that advocacy does presuppose a radically different evaluation of the person and the group. From the latter perspective, the rulers and the state are no more moral or virtuous than the ordinary individual, and this belief directly contradicts the notion, held in large part of the Confucian tradition, that the sovereign or the collective governing body, by virtue of power, must be superior even in morality. The belief, perhaps first articulated in Mencius’s pointed lesson for Prince Xuan of Qi 齊宣王, that the “failure to become a true King is due to a refusal to act, not to an inability to act” (*Mencius*, 1A. 7, translation by D. C. Lau), remains a stubborn legacy. I thus agree with Lucian Pye’s criticism of Zhao Fusan, once the vice-president of the Chinese Academy of Social Sciences, for reversing the insight enshrined in the title of the American theologian Reinhold Niebuhr’s well-known text, *Moral Man and Immoral Society*, by Zhao’s remark that in China’s cultural tradition, “individuals have never been placed above society, and the values of individuals have always

^[72] Yu Yingshi, *Xiandai ruxue lun*, p. 36.

been unified with the responsibilities of society”^[73]. The question posed by human rights and their advocacy concerns precisely what happens when society or its governing persons fail in good will and virtue. What recourse does a powerless person have, not merely to redress grievance or injustice, but also to protect his or her life from arbitrary injury, detention, or destruction? What safeguard or limit does a society possess that prohibits and prevents the group from the abuse of power? It is to such questions that Reinhold Niebuhr’s (1892-1971) sagacious aphorism holds the greatest relevance: “man’s capacity for justice makes democracy possible; but man’s inclination to injustice makes democracy necessary”^[74].

On the assumption that leadership may fail on an individual or corporate level, the advocacy of rights, of participatory democracy and the rule of law from which no official is ever exempt, may in principle be taken as a rejection of a notion, long cherished by the Chinese, that we should “use people to govern the state (*yi ren zhi guo* 以人治國).” In reply to Zhao Fusan’s contention, we may say that human rights, properly articulated and implemented, do not place the individual above society so much as attempt to respect and do justice to the well-being of both individual and civil society. The advocacy of rights represents, even in minimalist expectations, an advocacy for both individual and community forms of safeguard that derive from the establishment of more viable and soundly conceived institutions. Those institutions are desirable and necessary because, in a larger context, the political question posed by human rights is not even exhausted by the prevention of injustice or the abuse of power. What Dai Zhen might not have realized when he wrote those interesting words is a sense—now felt and embraced by so many communities globally—that equal participation in the exercise of political power must be a necessary condition for the full realization of human capacities. Democracy, an independent, effective judiciary, and a free press thus not

^[73] See “The State and the Individual: An Overview Interpretation,” in Brian Hook, ed., *The Individual and the State in China* (Oxford: Clarendon Press, 1996), p. 20. To be fair to Zhao, as Pye recognizes, such generalizations merely echo or repeat similar ideas held by someone like Lee Kuan Yew. Furthermore, one can hardly open a newspaper published in Taiwan for very long without reading pundits and educators who exalt the students to let society educate them. Moral Society and Immoral Man, indeed!

^[74] See Reinhold Niebuhr, *The Children of Light and the Children of Darkness: A Vindication of Democracy and a Critique of its Traditional Defense* (New York: Charles Scribner’s Sons, 1944), p. xiii.

only protect against the invasion or harm of each individual's fundamental dignity; they also enable communal participation constitutive of human fulfillment (*sui ren zhi sheng*). It should be quickly added, of course, that better conceptions (theory) or even better institutions do not guarantee a more perfect society in the sense of a flawless realization of exalted ideals. The advocacy of rights, therefore, ought not to be construed as a blind endorsement of existent Western societies and their values. Just in the United States alone, the problems stemming from the entrenched racism leading to unmitigated violence, through corporate greed, corruption, and wastefulness, to bias, sloth, and ignorance that miscarry the law, and to state secrecy and duplicity, will form a litany of imperfections that truly shocks and dismays ^[75]. After more than two centuries, the republic that is the United States of America is still grappling daily to live up to the better ideals inscribed in its founding Constitution.

I began this study by referring to Professor Wang Gungwu's appeal to a "shared historical experience" of the Chinese to help us understand what Chineseness means at any particular moment. A quick glance at part of that shared historical experience now may render moot some of the scholarly controversies that I have hitherto reviewed. For in the world we know today, ancestor worship exists in a much reduced scale and scope among most Chinese communities, and the large, clannish households for most families are virtually a thing of the past. Nearly a century has transpired when China's last emperor was deposed. Only a so-called "dictatorship of the proletariat" remains in the world's most populous nation, but even that government is changing as it struggles to cope with the imperatives of change. China, I'm pleased to note, signed the "International Covenant on Civil and Political Rights" on October 5, 1998, although it is reported that it has continued to harass and arrest dissenters trying to organize a new political party on the mainland. Its recent practice of brutal suppression of the followers of Falun Gong may also

^[75] For a recent example of unbridled racism that ends in open killing, see the story on one Buford Furrow in Los Angeles, who reported shooting a Filipino-American postal worker in cold blood simply on the ground that the latter was "non-white." The report may be found in the *Chicago Tribune* (Friday, August 13, 1999), Sec. 1, p. 3. For a powerful critique of certain American values and practices in relations to the consideration of human rights, see Henry Rosemont Jr., "Human Rights: A Bill of Worries," in *Confucianism and Human Rights*, pp. 54-66.

indicate a tenacious reluctance to accommodate any freedom of thought and belief. Whatever official justification for its current policy and action that the PRC government may offer, and however small and insignificant a group the dissenters may appear at the moment, they should not lead us to concur with the sentiment that China is somehow not yet ready for human rights because of its particular social and political condition. Apparently the tens of thousands who congregated in Tiananmen Square in 1989 already thought otherwise, and the thousands that have continued to assemble and march in Hong Kong in commemoration of June 4 seem also to be of the same mind and conviction. Despite the skillful apologetics for Asian authoritarianism exploited by the likes of Lee Kuan Yew and Mohamad Mahathir, the people of South Korea and Taiwan are firmly and steadily implementing a rule of law and a comprehensive participatory democracy. The surprising result of Taiwan's March 2000 election, in fact, should give the lie to the contention of culture and regional particularism that somehow, Asian Chinese are not receptive to political and social practices that presume a lofty view of the individual. Ought not this kind of "shared historical experience" count, too, in the contemporary debate on human rights? Perhaps the time has come when revolutionary changes in the culture of politics will occur as swiftly (though perhaps not as painlessly and surreptitiously) as those in the Chinese language with the alphabetization of the computer keyboard.

Let me close by citing Long Yingtai 龍應台 (1952-), an activist of Taiwan who, as a widely read author and respected cultural critic, has recently been appointed to head Taipei's Bureau of Culture. With a doctorate in English from the University of Kansas, she caused considerable stir in the early eighties by writing scathing critiques of the autocratic KMT government. She persisted in her publications despite repeated threats of arrest and incarceration, winning eventual recognition as one of the handful of writers who played a major role in the liberalization of that island community. Asked to reflect on her experience of the past decade, she ended a recent article with this conclusion:

One who has lived through the eighties in Taiwan has to be an individualist through and through: someone who will continue to dream

about the dawn while confronting the deepest personal darkness. Never blink!¹⁷⁶¹

These are the words of enduring change, because they teach us the difficult but rewarding lesson that the change that must be endured is the change that endures.

¹⁷⁶¹ See “八〇年代這樣走過,” in *Zhongguo shibao* 中國時報 (Wednesday, August 12, 1998), p. 37: “走過台灣的八〇年代，不能不是一個徹底的個人主義，繼續夢想光明，面對個人最深邃的黑暗。不眨眼。”