

## Becoming Harmonious: What Can Confucius Contribute to Our Theory of Rights

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## **Becoming Harmonious: What Can Confucius Contribute to our Theory of Rights?**

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### **Abstract**

In the West, the core value that informs how we create and think about rights is *autonomy*, especially for the individual. For the ancient Chinese philosopher, Confucius, the core value to be pursued is *harmony* or the well-being of society as a whole. In this paper I argue that the West should also make harmony our core value. To make my case, I take influence from Confucius to look at how his theory differs from typical Western political theory. I discuss Confucius' emphasis on *duties* rather than rights, the idea of citizenship as a privilege rather than a right, and I aim to dismiss the concern that a pursuit of harmony would lead to an authoritarian state or diminish our autonomy.

### **Introduction**

When a society possesses a certain core value, it will create theories and systems to support that value. In the West and particularly in the United States, that value has been autonomy. For Confucius, the ancient Chinese philosopher and founder of Confucianism, that value is Harmony (Perenboom 39-40). 'Harmony' is a very vague and wide-ranging value, but it is my belief that we, the West, can take a few lessons from Confucianism and should ultimately switch our core value of autonomy to that of Harmony. Through a conversation of Human Rights, I will attempt to articulate these lessons offered by Confucius. In this paper I will lay out the differences between the Western view of human rights and the Confucian one, deriving the descriptions largely from RP Perenboom's text *What's wrong with Chinese Rights?*, which also functions as the primary inspiration for this paper. From this I will move to discussing Confucianism's emphasis on duties rather than rights, positive and negative rights, and discuss how Confucianism believes we should earn societal privileges rather than handed them. Objections to each of these topics will be considered. A main objection to Confucianism as a whole, is how easily it leads to authoritarianism. I hope to successfully dismiss this as a concern for a Western society who just hopes to have some Confucian influence. In sum I hope to demonstrate that the primary value of society ought to be harmony and that Confucianism provides some valuable lessons for a Western society who wishes to make harmony its core value.

### **Harmony and Autonomy**

When painting a picture of our ideal society, it is important to consider the ultimate point of that society; its core value. In the West (and in America in particular) that core value has

largely been Autonomy. The society serves the individual and the individual only serves society only so far as it benefits himself. We value free speech, a right to buy and sell property, and to avoid interference from the state as much as possible. Much of this began with John Locke, who claimed that the God-given rights are Life, *liberty*, and property. Liberty here being the most synonymous with autonomy. This is not in itself, a bad way to construct society. However, it leaves rooms for pitfalls. In a general sense this value promotes separation between individuals as they each pursue their own ends. What if we switched this core value to something that promotes the well-being of all involved? Confucianism articulates a philosophy that cherishes harmony and so serves as a theory that's useful to investigate if we are to prioritize a more harmonious society, rather than a more autonomous one. Confucianism encompasses many thinkers but of course originates with Confucius who was born somewhere between 551-479 BCE (Li 1). It became the primary ideology of the Han Dynasty, and subsequently left a significant imprint on Chinese, Japanese, and other East Asian civilizations (Li 1). The teachings attributed to Confucius predominantly come from *The Analects*.

Harmony is such a broad and vague term, so we ought to narrow in on what we mean. If we look to nature, the ideal harmony is one of balance and compromise (although involuntarily). In the ideal ecosystem, each organism fills a certain niche and the populations of said organisms are calibrated to sustain the ecosystem indefinitely. Too many herbivores mean less plants, and so there would be a need for more carnivores. No group gets it all, each must make some sacrifices for the good of the ecosystem. If we take harmony as what's required for the good of the whole, we see that it can almost be substituted for the utilitarian ideal. Classical Utilitarianism prioritizes the quantity of pleasure no matter the distribution of that pleasure. So, one unfortunate consequence is a prioritization on a certain group's happiness at the expense of another group. In contrast, Harmony allows for the maximum well-being of all those involved. This particular brand of Utilitarianism gives equal attention to everyone, so that no particular group is so happy that it seemingly justifies another group's suffering. Everyone is meant to reap the benefits.

### **Distinguishing Western and Confucian views of rights.**

In RP Perenboom's text, which this paper takes primary inspiration from, he distinguishes the different underpinnings of human rights theories throughout the history of Western philosophy. To start with, Western political philosophy has for a significant time, treated human rights as universal. Claiming that simply by membership to the human race, an individual is imbued with certain rights that cannot be taken away; they are *inalienable* (Perenboom 37). This view of rights has always seemed to me, difficult to defend, and while appealing to my American mind it is not obvious that these things called rights exist as part of my essence. Likewise, it is not obvious in a Chinese context either as to whether an individual possesses certain rights independent of the state. A second strategy in the Western tradition is to give rights a clearer

source, that being God. This strategy at least makes sense of how rights could be a core part of a human being, and how these rights can be universal in nature. While I am no theologian, I suppose human rights could be derived through interpretation. For example, the commandments against murder and theft could be said to establish rights to life and property. The trouble begins when the secular must abandon the religious roots of human rights. Indeed, it is problematic to base a theory so important on, what I deem at least, to be a fiction.

The third, more secular and more influential theory, comes from John Locke and Thomas Hobbes. They attribute the genesis of rights to a social contract forged with the state from out of a mythical state of nature. Or at least Hobbes fits this description, Locke on the other hand believed that the humans in the state of nature already possessed rights in the religious sense. This line of thinking, Perenboom observes, consists of two important assumptions. The first: individuals are atomistic, free from any duty to others. The second: society is an arena in which there is inevitable competition (38). Confucianism, however, rejects both of these assumptions. Instead, Confucianism brings us back to a time before Hobbes, in which a human being's duty is to the state (39). This perspective might worry modern Western thinkers, who possess a subtle sentiment that the relationship between the individual and the state, is one of competition. Confucius, however, rejects this picture and instead believed that the relationship between individual and society, can and should be one of harmony; That the government's chief obligation is to the people (Analects 13.9).

### **Duties Rather Than Rights**

So, if we place harmony as the chief virtue for our political system, what will follow? While some rights may remain crucial to maintaining harmony, they won't be enough. Providing maximum autonomy allows too much for individuals to separate from each other and maintain concern with only themselves, forgetting their fellow citizens. So, the Confucian view emphasizes Duties, specifically in the context of social relationships. The concept of *Ren* in Confucianism specifically refers to a duty to act properly towards others given the specific relation. In Confucianism, there are five primary relations: Ruler/official, husband/wife, parent/child, older sibling/younger sibling, friend/friend. The first four are hierarchical, with the second being subordinate to the first. So, the child must obey their parents. Perenboom cites Dong Zhongshu (44) as one of the first Confucian sages to ground these relations in a natural order. Many will understandably pause at the authority given to a husband over his wife. In fact, many might question this whole framework of hierarchical relationships. However, we need not adopt this framework.

Let us return to the concept of *Ren*, which can have various meanings. The meanings vary widely even under the conception we and Perenboom have already used; acting properly towards others is incredibly vague. A more specific and perfectly compatible conception of *Ren*

is proposed by the scholar Gang Xu who conceives of Ren as *empathy*. To support this conception, Xu cites the Analects: “So, a man of ren helps others become established if he desires to establish himself and helps others reach their goals if he desires to reach his. So being able to make analogies between his own situations and those of others around him could be called the approach to ren.” (Xu 14)

From all of this we can derive a principal duty of empathy between human beings, something hard to argue against. Rights might protect us from each other and from the state, but duties and empathy are what’s necessary to bring us together; to push us to help each other. This obligation is missing from our legal system, instead relegated to personal choice. Although it could be said that the tax system is the method we use to help our fellow citizen, and so we don’t need to add this new conception of duties. However, while taxation is important, it doesn’t accomplish everything that a notion of empathy could. One example being that a duty of empathy would obligate medical professionals to provide care for affordable prices. Healthcare has been labeled by some as a human right, but it’s a particular type of right that’s emphasized in Chinese thought, a *positive* right.

### **Positive and Negative Rights**

Confucius does not seem to discuss anything resembling rights as we see them today, but as we saw above, we can derive what *might* be a form of rights from his philosophy which resembles what some philosophers call positive rights. In the West, our focus on autonomy leads us to a focus on negative rights, which protect us from interference from the state. Free speech is principally a right to stop the government from silencing someone (making it a negative right), but it is not a positive right in which someone’s voice must be amplified to the same level as everyone else’s. Positive rights can be thought of as economic and social rights, they obligate the provision of particular resources or services (Wenar). This distinction can become confusing, however. Take a right to life as an example. A right to life can be construed as a positive or negative right. As a negative right, it protects someone from any threats to their life, but as a positive right it is meant to ensure that one continues living. Construing a right to life as a positive right implies the necessity of healthcare. The inclusion of rights to welfare, healthcare, and housing have long been part of political rhetoric in America, especially among those on the Left. If the American Constitution were to listen to the Confucian sages, it might resemble what those on the left dream about. As we will see in the next section, we will have to modify positive rights, into something more like privileges if we are to accept an additional element taken from Confucius.

## Earning Citizenship

Another stark difference between Western and Confucian rights comes right down to our essence. In the West, there is the common assumption that we are entitled to certain rights by our birth as a human being. Additionally, if we are born in a certain country than we are afforded particular rights by the mere location of our birth. The easiest example being of course a right to life. One does not need to *earn* this right, and so infanticide remains a heinous crime. We also believe (in America), as stated in the Declaration of Independence, that our rights are inalienable; they cannot be taken away (Jefferson 1776). This does raise some questions about America's practice of restricting voting rights to certain criminals, and of course the death penalty, but we are not here to discuss this contradiction.

Confucianism rejects both the assumption that we are born with rights, and that these rights cannot be taken away. According to the scholars David Hall and Roger Ames, Confucianism denies that one is entitled to any kind of right or even any benefits of society (139). To somewhat oversimplify, one must display their worthiness as a societal participant. A human being becomes a citizen "as a consequence of that personal cultivation and socialization that renders him particular." Hall and Ames explain further that one must also work to become a *person*.

In direct opposition to traditional American thought, we are led to a conclusion that Confucius would have us *earn* the rights given to us by the state. So, if we must earn rights, it likely follows that we could lose them. A right, however, is by its nature impenetrable, it does not have exceptions. A right to privacy *except* in a state of emergency, is not a *right* at all. The positive rights that could be derived by Confucian philosophy seem to more closely resemble *privileges*.

There are some valid worries that result from a demand that rights or privileges must be earned. Parents would understandably desire that their infant is provided certain rights merely by being born. Otherwise, the logical conclusion of extreme Confucianism would mean that infanticide would be legal. Perenboom notes that this indeed was the belief in ancient china, infanticide was somewhat permitted and infants with deformities were the common victims (41). It is a mistake however, to think we must adopt the whole Confucian worldview, I am merely taking influence from it. One framework to avert these worries, is to maintain the legal doctrine that children are born with *negative* rights (and they really are rights without exception), but must earn subsequent *privileges*. Those privileges for example might include healthcare, housing, or whatever we might agree upon. Perhaps this does not address every worry either, how will we decide the prerequisites for certain privileges? Do children really need to *earn* a privilege to healthcare? To answer the latter question first: No. While children were not considered full-fledged citizens in Confucius' hey day, this does seem somewhat unreasonable to

our modern mind. We recognize of course that children should not be allowed to vote, but we do afford them a right to life, education, and even free speech. Instead, we might picture a system in which children are given healthcare up until the age of 18, at which point they must earn this privilege. Now to address what prerequisites *earning* consists of: I am not sure. This could likely be a worthy task for a whole book and so I do not claim to have completely fleshed out this concept in this paper. For now, consider a very modest requirement for privileges: As long as one is not actively and clearly harming society, a person is entitled to certain privileges (whatever those may be). Murderers and rapists who present a clear harm to society, need not be afforded healthcare (a privilege), but perhaps we wish to let them keep their right to life (since rights do not allow for exceptions). What this modest proposal does accomplish, is the ability to take away for example: a factory's right to burn fossil fuels when renewables are readily available, thus forcing companies to be more cognizant of their harm on the rest of society. Some might abuse this proposed doctrine to accuse members of an opposing political party of harming society via bad policy. However, the harm to society must be *clear*. Restricting abortion access or mandating vaccines, I do not believe count as a *clear* harm the way that murder or rape does. In sum, this modest implementation of Confucian theory would look like so: A citizen is born with negative rights (right to due process, free speech, life, etc.) which the citizen will never lose throughout their life, they will also be afforded privileges like healthcare, and once that citizen reaches a certain age those privileges will not be guaranteed. Instead, those privileges can be taken away if the citizen in question demonstrates clear harm to society.

### **Where Confucianism Falls Short: Maintaining Freedom**

Confucius seemed to be very focused on what makes a virtuous ruler, perhaps quite rightly. In this vein, the Analects reads: "If good men were to govern a country in succession for a hundred years, they would be able to transform the violently bad, and dispense with capital punishments." (Analects 13.9). A good ruler will know what's best better than the people she rules, a good ruler will sniff out corruption in their courts and will be immune to corruption themselves, right? Additionally, it is understandable that more power should be given to authority if we expect that authority to be virtuous. However, "it is all too common for any teachings that value authority to be perverted into defense of authoritarianism." (Tan 147). Perenboom observed that "Confucius' ethical gaze was so trained on the lofty heights attainable by humankind that he neglected to provide for even a minimal level of institutional protection for the individual against the state and others." (47). While Confucius was right to emphasize the importance of self-cultivation and the more positive aspects of human beings, he seems to have forgotten humanity's flaws. To those who express this worry, I would argue that this failure on Confucius' part does not point against chiefly valuing harmony, instead this shortcoming is a failure to uphold harmony.

An understandable objection to my first and most important point, is that if we give up our autonomy for the sake of harmony, we will become the victims of an authoritarian state, slaves to whatever the leader at the top deems beneficial to the society. In the pursuit of a perfect society, the state may have to oppress its citizens. They may force them into certain roles, take away certain properties, all while preserving their pristine offices for ‘the sake of good governance.’ However, this kind of oppression, which may worry many smart people, forgets what a harmonious society looks like. We look to authoritarian states and while we may find order, we do not find harmony, we do not find the flourishing of the citizenry. Oppressing and stuffing people into undesired roles, is to put a lid on a boiling pot. It is only a matter of time before the people boil over, either to the detriment of the state or the individual. The harmonious society is one where the state serves the people, and the people serve the state. Maintaining harmony is not easy either, and so Confucius’ dream of good men ruling for one hundred years, is quite unlikely. That is why the West is right to give primary importance to the rights of citizens. These rights protect us from authoritarians and showcase a healthy dose of pessimism that Confucius seems to lack (Tan 148). So, instead of a top-down upholding of harmony which we may see in an authoritarian state, although that is rarely harmonious, there need to be some checks implemented against the government. That is where negative rights perform their best work in the West. Making it so that the government cannot simply do as it wishes.

It is up to the people to decide whether the government is doing a good job and so democracy ought to be preserved. Confucius seemed to fall into idealistic thinking. While an *ideal* ruler might know better than the ruled, this is rarely the case, and even if they do know better, that ruler might still be corrupt. Taking on the value of harmony requires that we acknowledge the vulnerabilities of the human character, and the imperfections of any person appointed to power. Just as nature produces checks on those at the top of the food chain, so should we ensure that the powerful perform their assigned responsibilities.

## **Conclusion**

Swapping Harmony and Autonomy on the pyramid of values, does not mean we lose the rights that we cherish, but instead allows us to prioritize the well-being of our fellow citizens. In this swap, we can learn from Confucianism which has already articulated a vision of a harmonious society. Key elements of which place an emphasis on the duty citizens have to each other and providing privileges to encourage good behavior and contribution. Placing harmony above autonomy does not pave the way to a violation of individual rights, but instead commands that they are still protected and that the relationship between citizen and state is symbiotic.



**References**

- Confucius. "The Analects of Confucius." The Floating Press, 2010.
- Hall, David L., Roger T. Ames, and Inc NetLibrary. *Thinking through Confucius*. State University of New York Press, Albany, 1987
- Jefferson, Thomas. "The declaration of independence." (1776).
- Li, Jun. "Confucianism." *Encyclopedia of modern China* 1 (2009): 347-351.
- Peerenboom, Randall P. "What's wrong with Chinese Rights: toward a theory of rights with Chinese characteristics." *Harv. Hum. Rts. J.* 6 (1993): 29.
- Tan, Sor-hoon. "Authoritative master Kong (Confucius) in an authoritarian age." *Dao* 9.2 (2010): 137-149.
- Wenar, Leif, "Rights", *The Stanford Encyclopedia of Philosophy* (Spring 2021 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2021/entries/rights/>
- Xu, G. "Defining Junzi and Ren: Confucius as the Father of Professionalism." (2019).