

Religion and World Order Papers

Confucianism and a New World Order

by

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Introduction

Just as the government of . . . a household is modeled on the government of one's self . . . on account of similitude, [the Chinese] came to equate the notion of a state to that of a house or family, with the ruler representing the head of the family, thus arguing by virtue of an analogy from a family to a civil society.

The eighteenth-century German philosopher Christian Wolff is correct in his interpretation of Chinese political theory. To regard a state as a family is in many respects to promote a patriarchy of enlightened despotism. However, to regard a world of nations as a family, a family of nations, is a different matter, especially if the notion of the patriarchal ruler is replaced by an international organization like the United Nations and its general secretariat, with its moderating rather than domineering role in international conflicts.

I mention this as an example of how Confucian ethics, especially its political ethics, is to serve a modern and postmodern world order. I think that it retains its usefulness, provided we are aware both of its insights and of its limitations. The Confucian text, the *Great Learning*, says: "...when the personal life is cultivated, the family will be in order; when the family is in order, the state will be well-governed; when the state is well-governed, there will be peace in the world."

The basic insight is contained in the exhortation to personal self-cultivation. For the family of nations to be well-governed today, there is need on the part of our global leaders to unite action and intention, and to make sure that the intention arises out of a well-cultivated personal life and a well-grounded altruism.

1. [1e.] East and West: Cultural Identity and Integrity

East and West both need to recognize in themselves a history of self-centeredness, based on a rightful sense of self-consciousness together with an ignorance that each had of the other.

There are parallels as well as differences between the Chinese and Western European civilization. We find in China a uniquely coherent and integrated civilization, ancient yet enduring, which developed more or less independently of other civilizations. With this came the consciousness of uniqueness and even superiority, a consciousness strengthened by the fact that the Chinese civilization extended its benefits to the whole of East Asia. And, as the center of its world, China had a low regard for all that is called "foreign" (also called "barbarian"). This recalls the custom in ancient Greece to call "barbarian" what is not Greek. But Chinese culture has enjoyed a more continuous and less interrupted history over a larger continental land mass, and spread over to Japan, Korea, and what is now Vietnam. Greek culture, by contrast, served as an impetus for, more than the actual content of, what today we call Western civilization.

And then there is the figure of Confucius, who lived in the sixth century BC. In the West, people are accustomed to an image of Confucius as a wise man or sage, teaching how to live a virtuous life, much as did Socrates in ancient Greece. Socrates is regarded as a humanist; in fact, he was condemned by the state for misleading youth, turning them away from the gods of their fathers. Confucius had his own struggles with the state, but died a natural death. In a world where military valor was highly esteemed, he instructed the youths instead in the ideal of a humane person, who valued moral relationships above all else. Confucius seldom discussed religious matters and has always been known as a humanist. Indeed, he transformed the particular virtue of *ren*, the kindness that characterized the man of high birth, into the universal virtue of humaneness, which made every person who practiced it a gentleman or *junzi* (literally "the prince's scion"). Understandably, he distanced himself from the religion of antiquity, with its emphasis on divination and sacrifice -- including human sacrifice, which he is reported to have condemned in strong terms. And Confucius' teaching of *ren* was extended to the political order, where it is defined as benevolent or humane government, as government of moral suasion, in which the leader gives the example of personal integrity and selfless devotion to the people.

The Confucian teaching of moral relationships, defined as those between ruler and subject, parent and child, husband and wife, elder and younger siblings, and friends, appears to uphold a vertical hierarchy in society while urging for responsibility and reciprocity. In many ways it did have this effect socially. Besides, the Chinese view of the human being tends to see the person in the context of a social network rather than as an individual. But the fourth- to third-century Mencius (372-289 BC) further developed Confucius' thought to articulate his conviction that every human being could become a sage. Implicit in this doctrine of the universal accessibility of sagehood is a teaching of human equality, of what we may call "moral equal opportunity." And we should remember that becoming a sage was tantamount to gaining the rights to kingship, since the most revered sages were the sage-kings of ages past.

The teachings of Confucius and Mencius have been revered in China and East Asia for several thousand years. There are timeless elements in these teachings, even if there are also time-bound elements, and even if the feudal and patriarchal society in which they developed also tended to stifle the moral creativity which gave such a vital form. Confucianism did not give rise to political despotism or to polygamy, although it accepted the system in which it found itself, seeking to exercise an influence that was at times moderating and at other times almost revolutionary, by pointing to the source of moral inspiration in the human mind and heart, which it regarded as reflecting a higher moral force. If Confucius and Mencius were alive today, we have no reason to think that they -- especially Mencius -- would approve of any unjust war or inhumane government or social system, since they had condemned such in their own times.

Mencius gave voice to a doctrine justifying tyrannicide, declaring that killing a "tyrant" is not killing a "king" (Mencius 1B:8). In fact, the Chinese word for king (wang) connoted philosophically the meaning of a good king, even an ideal king. In an age when the altars of the earth and grain signified political authority, Mencius' words were: "The people come first; the altars of the earth and grain come afterwards; the ruler comes last" (7B:14).

Mencius also affirmed that everyone could be a Yao and a Shun. In so doing, he extended the possibility of sagehood to everyone. Presumably, having seen that actual kings were usually not sages, Mencius and others implicitly redefined both kingship and sagehood by extending accessibility to everyone.

The United Nations Universal Declaration on Human Rights says that human rights should be protected by the rule of law "[if] man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression." In the case of China, the age-old doctrine regarding the legitimation of power is that the ruler rules only by a divine mandate, called the Mandate of Heaven (tianming), which he could lose by misgovernment. Indeed, the Chinese word for revolution is literally "to remove the Mandate" (geming).

In ancient China, Heaven was regarded as a personal deity. With philosophical evolution, Heaven became a symbol for a transcendent moral force. The mandate was still associated with it, and rulers were still responsible to this Heaven for their manner of governing.

And so Confucian China shares with Christian Europe the idea of vicarious authority in kingship. But the doctrine of tyrannicide, which developed so early in China, emerged only much later in Europe. The late sixteenth-century treatises by an anonymous Huguenot author and by the Spanish Jesuit Luis Mariana were either publicly burned or condemned, although they were to wield enormous influence. In China too, some of Mencius' teachings were considered inflammatory. This was the opinion of the fourteenth-century founder of the Ming dynasty, who sought to delete from the Book of Mencius those passages that approved of tyrannicide.

Implicit in the political teachings cited above is that government rests on popular consent. More explicitly, the third-century BC Confucian thinker Xunzi (Hsün-tzu) speaks of human beings coming together in society to achieve the strength and harmony without which they cannot conquer other beings -- presumably the birds and beasts. Before him, the fifth-century BC thinker Mozi (Mo-tzu) already discussed the origin of social authority through a form of consent on the part of human beings who gather together to prevent disorder and injury by the election of wise leaders.

2. [1d.] The Universe and Us: Ecological Sustainability

From the East Asian viewpoint, the traditional belief has been expressed in a familiar adage describing the harmony underlying Chinese thought and civilization: that Heaven and humanity are one -- tianren heyi (literally, Heaven and the human being join as one). It is an adage that has frequently been misunderstood by those who claim that the Chinese cannot distinguish between the two orders, the divine and the human. But it is an adage that I believe to have originated in the very mystic and ecstatic union between the human being and a possessing deity or spirit. This was the primeval experience, the experience of a

shaman. It was never forgotten. It has been celebrated in songs, myths, and rituals. It was formulated philosophically as an expression of the continuum between the human being as microcosm and the universe as macrocosm. And this microcosm-macrocosm correspondence has been basic to most philosophizing in China. It was also the profound experience of many mystics, whether Confucian, Taoist, or Buddhist. In later ages, with increasing Buddhist influence, it was also transformed into the philosophical adage that all things are one (wan-wu yi-t'i/wanwu yiti), representing more pantheism than personal theism. And this articulation of human harmony with the cosmos is what I believe to lie at the very heart of Chinese wisdom.

The Confucian or Taoist view of nature is different from that of the West. It does not refer to what is "other" to the self, but to that which includes the human self. Nature is not a foe to be conquered, a resource to be harnessed. Nature is mother, and we are its children. Return to nature is, in a sense, return to the eternal womb. In this nondualist context, both Confucians and Taoists regard the human being as the microcosm of the universe, which is the macrocosm.

This reference to nonduality suggests as well a certain experiential dimension of awareness, transcending the subject-object division. We read about the similarity of what I call nature mysticism to the discovery of the Tao, which is made in an apophatic (abstract or non-imaging) meditative processes, emptying the mind of all concepts, images, and affections. We understand this better when we reflect upon the effort of concentration in meditation, beginning with concentration on a certain object, for example the act of breathing, but concluding possibly with a state of consciousness where the inner faculties of mind and heart are all gathered at a point of stillness, beyond the subject-object division. This contrasts with kataphatic meditation, which fills the mind with concepts or images, such as in Christian discursive meditation or in visualization exercises such as of a Buddha-image, or of the inner viscera of the body and the "Taoist" deities that rule them. In the case of visualization, an experience transcending the subject-object division may also occur as the meditator identifies himself or herself increasingly with the object of meditation, for example, the Buddha-image.

To speak of meditation and spirituality may seem a diversion from the subject of earth ethics, except that nature draws us to both quiet contemplation and, at times, fear of its awesome power. Even though we seek to do what we can, we are not always competent to deter the forces of nature when these become fearsome, whether in earthquake or volcanic eruptions. But we can learn to respect these forces, not to provoke them, and to appreciate all the more the consolations of nature in harmony with itself and with us.

"Oneness between Heaven and humanity" usually refers to the correspondence and harmony between two realms: the human, and the natural or cosmic. We search in vain in the Analects and classics for an explicit articulation of these four Chinese words. However, the meaning is implicit as a philosophical presupposition for several of these texts, in particular the Appendix to the Book of Changes -- actually a commentary added in the early Han dynasty. And we find in Mencius a philosophical development that we may well associate with these words, especially if we remember that with Mencius, the term tian or Heaven came to represent much more of a transcendent moral force, rather than the supreme personal deity it appeared to have been with Confucius.

For a man to give full realization to his mind or heart is for him to understand his own nature, and a man who knows his own nature will know Heaven. By retaining his mind or heart and nurturing his nature he is serving Heaven. (Mencius 7A:1)

The Chinese word xin may be translated as either mind or heart, or both, since it is the seat of both intelligence and will. In the above passage, Mencius talks about "realizing" or "fulfilling" the mind or heart, bringing out its full potential, and asserts that such will lead to "knowing Heaven." In other words, he is proposing a certain continuum between the mind or heart, which is within us, and Heaven, which we tend to think of as outside of us, above us, and transcending us. As he has also said,

The myriad things are all within me. There is no greater joy for me than to find, on self-examination, that I am true to myself. This is the shortest way to humaneness [ren]. (Mencius 7A:4)

"The myriad things" is another term for the exterior universe. But for Mencius, the universe is also interior to human beings. It is both inside and outside, both transcending our human limitations and yet immanent in us. The insight expressed has puzzled many Western scholars and philosophers, who have argued that what transcends cannot also be what is immanent. But it has also served as the principal foundation for much of Chinese thought, both for later followers of Mencius and for philosophical Taoism.

The "oneness between Heaven and humanity" has been a troubling idea for Western philosophers. It seems to deny the separation between object and subject, the natural and human orders, the other and the self, transcendence and immanence. And that would indeed be so, if the statement were taken in its literal sense. Even Chinese philosophy has witnessed an entire spectrum of positions regarding this issue, with certain thinkers within Confucianism and Taoism (and, later, Chan Buddhism) favoring "oneness" to the point of almost denying "otherness," and other thinkers preferring more distinction, or even complete separation between the natural and the human. And there are others who understand the "oneness" in an analogical manner, as maintaining a distinction between the two realms while pointing out a relationship of the human as microcosm to the natural as macrocosm. I shall be dwelling especially on this third interpretation.

That the transcendent is also immanent does not necessarily destroy the meaning of transcendence. What is being described is not perfect identity, but the discovery of the transcendent on one level -- that of human consciousness, in the depth of the mind or heart. I am referring to an insight associated with mystical consciousness: what a fourteenth-century Western thinker, Nicolas of Cusa, has called the "coincidence of opposites," holding that the divine may be discovered in the human heart. We are not necessarily also saying that the divine is present only in human consciousness. This is an insight also developed by the seventeenth-century German philosopher G.W. Leibniz, who sensed a personal affinity with Chinese thought, and whose own philosophy of monads has affirmed a similar insight.

Mencius spoke in mystical terms about the oneness of Heaven and humanity. For him, human beings participate in the moral force that is Heaven. This is existentially so on account of the qi (air, breath, energy) that is in the universe and in all living beings. And this qi takes on a special moral character in the case of human beings, moral judgment being the distinguishing mark between humans and animals.

This is not to say that the Confucian philosophers had nothing more specific to say about ecological sustainability. Mencius told a king that

If the mulberry is planted in every homestead of five mu of land, then those who are fifty can wear silk; if chickens, pigs and dogs do not miss their breeding season, then those who are seventy can eat meat; if each lot of a hundred mu is not deprived of labor during the busy seasons, then families with several mouths to feed will not go hungry.

Elsewhere, he complains about the over-logging of trees and the over-pasturing of the mountain:

There was a time when the trees were luxuriant on the Ox Mountain. As it is on the outskirts of a great metropolis, the trees are constantly lopped by axes. Is it any wonder that they are no longer fine? With the respite they get in the day and in the night, and the moistening by the rain and the dew, there is certainly no lack of new shoots coming out. But then the cattle and sheep come to graze upon the mountain. That is why it is as bald as it is.

And so we may find a source for universal harmony and global ethics in the original, mystical insight found in the Chinese tradition, but with its parallel in Western neo-Platonist philosophy and in the traditions of spirituality that it helped to nourish. I am speaking of the unity between the human and the heavenly, be that called divinity, nature, or the Tao. I am speaking of the oneness of all things, that unity in which the whole universe finds itself, in which all human beings are related and interrelated, as children of heaven and earth, as stewards of nature and of one another, without being separated from nature itself.

3. [1b.] Applying Righteousness (yi): Economic and Social Justice

Mencius taught ren together with yi (righteousness or justice). In doing so, he focused often on issues regarding economic and social justice. In his conversations with various rulers of small states, Mencius often appears to put the kings on the defensive regarding their luxurious lifestyles. As King Hui of Liang, for example, stood over a pond, he asked Mencius: "Are such things enjoyed even by a good and wise man?" The answer was: "Only if a man is good and wise is he able to enjoy them. . . . It was by sharing their enjoyments with the people that men of antiquity were able to enjoy themselves."

He went on to say:

There is fat meat in your kitchen and there are well-fed horses in your stables, yet the people look hungry and in the outskirts of cities men drop dead from starvation. This is to show animals the way to devour men. . . . If then, one who is father and mother to the people cannot . . . avoid showing animals the way to devour men, wherein is he father and mother to the people?

Throughout Chinese history, enlightened Confucian officials sought to bring about more equity among the people by land reform, frequently justifying their measures with ancient precedents. The Chinese Communist government also attempted land reform on a large scale, only to end up during the Cultural Revolution (1966-76) by making communes out of land previously redistributed. In recent years, it has reversed the process. It is interesting to point out that the present-day prosperity of Taiwan can also be partly attributed to successful land reform, undertaken in the sixties.

Such reform measures usually have their roots in a concern for economic and social justice, which in turn is based on a concern for human welfare grounded in the Confucian tradition. As a former expert from China explained, human rights encompass the right to life, economic rights, political rights, and cultural rights. We all know that talk of human rights, or even of economic rights, will not fill any stomach. But the enforcement of respect for human beings, their welfare and their needs, and, if we wish to add, their rights, will go a long way to enhancing economic rights. And indeed, the enhancement of economic rights is in no way a contradiction to the acceptance of more basic human rights.

That collective rights are more important than individual rights has also been the argument of the Communist government, who claims to have liberated the country from colonialism and imperialism, as well as what it calls the "feudalism" of past oppressions. However, what is often implied is that individuals should be sacrificed for the collectivity when necessary, and that those in power should decide what is good for that collectivity.

Another area in which Confucian humanism shows its limitations regards the role of women. The process for subjugating women to men began before Confucius, with the development of the patriarchal kinship system associated to the ancestral cult in the Chou period, together with confirmation of the hereditary male principle in successions to the throne. The ritual texts speak about the "three obediences," subjecting women to their fathers, then to husbands, and then to sons during widowhood. Doubtless, Confucius supported the patriarchal character of society in general. He has said: "Women and people of low birth are very hard to deal with. If you are familiar with them, they get out of hand. If you keep your distance, they resent it" (Analects 17:25). We might note that women and people of low birth were both excluded from education. And while Confucius sought to be more inclusive in his teaching of disciples, he did not extend that privilege to women.

A story tells how Master Kong once paid a visit to a lady infamous for her incestuous relationships: Nanzi, the wife of Duke Ling of Wei. This action makes us think he was not above some politicking with a ruler's inner court. That it happened shows that noblewomen in his times were still able to maintain their status while enjoying their notoriety, even receiving unrelated male guests on their own, and also wielding enough power over their spouses regarding the possible employment of these male guests. But this act greatly displeased the disciple Zilu, which led the Master to swear (literally "with an arrow"), "If I have done anything improper, may Heaven's curse be on me, may Heaven's curse be on me!" (6:28).

What did the oath mean? In my opinion, it was only a social visit, as the Master was above ingratiating himself sexually with a ruler's spouse, which, after all, would be a punishable crime. But the question was of propriety, and Kong defended himself on that ground, which demonstrates a rather broad view of permissible social interaction between men and women.

Within the framework of Confucian thinking, the individual was regarded always as a member of a much more important, larger group, be that family or society. The gender question therefore constituted part and parcel of a larger complex of questions involving the Five Relationships.

If we examine Confucian texts, we actually find little treatment of the position of women and their obligations. But it is the little we do find that makes an important difference. For example, the Book of Changes was for ages past an important text for philosophical reflection. There, the hexagrams qian

(Heaven) and kun (earth) represent respectively the yang and yin forces, which in turn represent male and female. Thus woman is to man as earth is to Heaven: lowly and inferior, weak and receptive.

Mencius emphasized that human nature is originally good, and therefore perfectible. He taught that every person could become a sage (Mencius 6B:2). Logically, the teaching has served to strengthen a basic belief in human equality, regardless of class or even gender distinctions. Mencius also emphasized that the taboo between the sexes should not prevent a man from helping to rescue a drowning woman, such as his sister-in-law. Let us quote the conversation (Mencius 4A:17):

"Is it the rule that males and females are not to touch each other in giving or receiving anything?"

"It is the rule."

"If a man's sister-in-law is drowning, should he stretch his hand to rescue her?"

"He who would not rescue such a drowning woman is a beast. While it is the general rule that males and females not touch each other in giving or receiving, it is a particular exigency to stretch one's hand to rescue a drowning sister-in-law."

In this way, human life and dignity -- a woman's life and dignity -- was placed before ritual law. On balance, however, the position of women continued to weaken as Confucianism gained ascendancy. And it would further deteriorate in later ages, with the emergence of the neo-Confucian philosophers. The Confucian tradition, for example, has always emphasized the importance of keeping the body in good form, as a filial response to the gift of one's parents and ancestors. But few Confucian philosophers before the twentieth century protested the custom of foot-binding which so deformed women, affecting not only their personal health but also that of their children. While women were never formally excluded from the teachings of Confucian humanism, they were nonetheless excluded from many of its benefits, including those of a formal education.

With the passage of time, and as the established school of thought, Confucianism took on more and more the rigidity of ideology. The position of women continued to decline whenever this ideology was in force. The eleventh-century philosopher Cheng Yi is especially remembered for having said that it is better to starve than to remarry, which Zhu Xi (Chu Hsi) reiterated in the twelfth century. After all, "To starve to death is a very small matter, but to lose one's virtue is a very serious matter." And Zhu Xi took Cheng's ideas seriously enough to write to a disciple to urge him to counsel his widowed younger sister not to remarry. He continues:

... let her understand that [just as when a dynasty falls,] the minister must remain loyal, so too . . . the widow must remain chaste. . . . From the popular point of view, this is truly unrealistic, but in the eyes of a gentleman who knows the classics, and understands principles, this is something that cannot change.

Confucian society did offer a few protections for women, prescribing that a wife could not be divorced if she had no home to return to, if she had performed three years of mourning for a parent-in-law, or if the family had risen from poverty or a humble station to wealth and a high station after the marriage.

In the order of nature, the husband-wife relationship precedes even that of the father-son, and certainly, that of the ruler-subject. In the order of social realities, however, the relationship of wife to husband was after all patterned on that of the minister to the sovereign. After Sung times, Chinese history witnessed an increasing centralization of state power in the hands of the ruler, who regarded his ministers as servants rather than partners, just as the women of his harem were all his concubines. Few intellectuals dared to criticize such a system; real changes were only introduced in the twentieth century.

And the experience of women was in many ways shared by men, who were themselves subject to fathers and rulers in a patriarchal society which became increasingly "collectivized" without offering protection to the individuals caught in the web. Confucian humanism was likewise caught in the same web, serving the interests of the absolute state, which slowly drained it of its humanistic content.

4. [1c.] Being Humane (Ren): Respecting Human Rights

The United Nations Declaration on Human Rights, including a Preamble and some thirty Articles, was drafted very much under the influence of the Western nations, in particular the United States of America, at the end of the Second World War. The social and economic rights were included very much at the insistence of the Communist nations, which, however, did not become signatories. There has been, understandably, discussion and argument as to whether the statement of rights represents a Western conceptual construct with limited applicability, or whether it offers a solid core of principles that deserve the respect of all peoples and governments. I shall be discussing some of these problems later, but offer those parts of the Declaration that I have quoted as examples of what is considered to be the content of human rights. And these rights as "rights" are also considered -- in the West -- as universal and inalienable, to be enjoyed equally by all who are human, and indeed necessary for living a life deemed to be fully "human."

And here arises our problem. Is human rights mainly a Western ideological export (to accompany its trade delegations) bolstered by subtle claims of Western political and cultural superiority? What validity can it claim to have in non-Western cultures such as in the Chinese?

There is a problem, for example, with the word "rights": not just in Chinese translation, but also in Western languages. At first sight, the term represents legally protected entitlements of individuals in society. And many have the impression that certain rights taken for granted are a sacred legacy from the past.

We turn now to the term "human," since by human rights we are referring to the "rights of human beings." I shall not dwell on the definition of a human being, since even this could be controversial. Depending on whether we opt for the biological (for example, the full genetic code), the philosophical (rationality, free will, self-consciousness), or some other model, there will always be problems regarding boundary lines. For example, people question whether fetuses, or the comatose, should be considered human.

I would like to describe human rights as a creature of recent birth with a fairly long lineage. Its mother is liberal moral and political philosophy -- the French Enlightenment and liberal English thinking, among other things; its father is international law; its midwife is revolution: first the Revolution of American Independence and then the French Republican Revolution of the late eighteenth century. Such papers as

the American Declaration of Independence and the French Declaration of the Rights of Man and of the Citizen may be considered its birth certificate. The ensuing Bills of Rights that became incorporated in many national constitutions worldwide, and especially the United Nations Universal Declaration of Human Rights (1948), might be described as its introduction to high society. But further back, its ancestry includes Stoic concepts of natural law and traditions of Roman civil law and Anglo-Saxon common law, to the extent that these lent protection to the rights of citizens and of individuals.

Fa, the Chinese word for law, is a graph with a water radical and what could be a mythical animal (later symbolizing "justice") as a semantic component. Its etymology is difficult, but it represents a transcendent order. Allegedly, in an ancient rite or ordeal, a bull was presented to the altar of the god of the soil, over which lustrations were sprinkled. The contestants then read their oaths of innocence; the guilty party was unable to finish, and was gored to death by the bull.

It is interesting that a mythical animal instilling a sense of fear in contestants or litigants should serve as a symbol of justice. Justice, it would seem, inspires fear in the unjust, especially in those who seek, without merit, to take advantage of the system. Perhaps it is not surprising that the Chinese have traditionally and until our own days avoided law courts in their search for conflict resolution, preferring to avoid conflict, or at least to find arbitration to overcome conflict.

What the legendary ordeal also reveals is that the contestants are somehow presumed guilty unless proved innocent, which imposes not only the burden of proof but also the taint of suspicion on those who contest an issue or are detained by the authorities for alleged offenses.

In ancient texts, fa designates the law of Heaven to which sages look up, whereas another word, xing, with a knife radical, signifies penal law. And while the ancient concept of law was interpreted as belonging to the transcendent order, Confucian society regarded itself as being governed more by li (literally, "ritual," or ritual law), a term rooted in ancient religion and presuming a distinction between nobility and commoners. Li may be described also as customary, uncodified law, internalized by individuals and governing gentlemen in their personal and social lives, in their behavior toward the spirits as well as the rest of the world. For that reason, li has the extended meaning of propriety or correct behavior. It was based on justice, righteousness (yi), even humaneness (ren). A classical education was an education in the rites, one that prepared the young nobles for life. Fa, on the other hand, referred to ritual customs, selected and codified, which became a penal code to be applied especially to commoners who had not the privilege of a ritual education.

"Not to do unto others what you would not have them do to you." This line, coming from Confucius himself, has been called the negative Golden Rule governing moral life. But how it is to be applied in different circumstances continues to be a puzzle. What if the individual finds himself or herself in conflict between responsibility toward the kinship group and responsibility toward the state? How should one choose?

Once told by a public official about a young man who testified against his father, who had stolen a sheep, Confucius replied: "In our village . . . , fathers cover up for their sons, and sons cover up for their fathers" (Analects 13:18).

This answer has been perplexing to many Western scholars, who are astonished to see Confucius' encouragement of deviousness, and concerned about the protection of one's family as the source of many problems in how society relates itself to the state. Certainly, such a statement appears naive in the case of someone who wanted to serve government; it can hardly endear the speaker to any ruler, and does not exemplify any kind of feudal loyalty on the part of Confucius.

That Confucius not only said it, but said so to a high official, is very relevant. It is indicative of the priority of natural relationships over artificial or contractual ones. In the course of time, as the country became unified, and as the state centralized all powers in its own hands, society could still resist the state's encroachments in the name of kinship duties, which the state, ironically, often had to support.

In its emphasis on the union between the moral and legal orders, the Chinese tradition has suffused the legal realm with a moral concern derived from Confucian philosophy, which is centered on the universal virtue of ren (humanity or benevolence), the practice of which renders a person perfectly humane.

But if incipient ideas of human equality and popular sovereignty arose very early in Chinese thought, they did not lead to a political structure which protects human rights. The twentieth century has not seen the proper development of the institutions of participatory democracy which could assure human rights in China. Unfortunately, the danger remains that only another violent revolution could "rectify" the situation, and so far, revolutions have only replaced one set of ruling elite with another set.

The evolution of law in China may be described as the devolution of ritual (li) into law (fa) and of law into punishment. For this reason, law is regarded as having played a mainly penal role in Chinese society, protecting the rights of the rulers and enjoining passive obedience on the part of the subjects. Unto this day the Chinese fear law, because law has been an arbitrary instrument in the hands of the rulers. Throughout history, Chinese law served public interest only insofar as it also served the interests of the government.

Even in political despotism, power is absolute only in theory. And many were the critics of power abuses in traditional China, including those in the inner circles of power itself. There were also other voices, of "dissidents," intellectual leaders. Long after the time of Mencius, critiques of power were increasingly made obliquely or in secret. A seventeenth-century thinker, Huang Zongxi, well known as a philosopher and intellectual historian, condemned the rulers for regarding their domains as their private property, and their subjects as their servants and slaves. He proposed that law (fa) be established for the interest of all rather than of the few, and that government be by laws rather than human beings. And he denounced those laws that enslave people as "unlawful laws".

Unfortunately for China, Huang's ideas did not get the same reception as, for example, John Locke's in seventeenth-century England and beyond. But granted the historically alien character of the concept of human rights, could we still argue the validity of extending it to the Chinese situation, on the basis that there is enough in the culture that could accept it?

In the post-Christian West, liberal humanism, beginning as a revolt against theism and eventually influencing many believers in God, has offered a climate of openness for the assertion and discussion of universal moral values. In China, where a Western ideology, Marxist-Leninism, nominally reigns as

absolute dogma, the population remembers a native humanist tradition going back more than two millennia to Confucius and even earlier.

Leading twentieth-century Chinese philosophers living outside China, where they breathe a fresher air, have agreed that traditional Chinese culture contains "seeds" for concepts like science and democracy which have come more directly from the West. I am referring to persons such as Carsun Chang, Mou Tsung-san, T'ang Chün-i and Hsü Fu-kuan.

In the West, the development of human rights also reflects the growth of individualism in the theory and practice of society. Socialists have criticized its development, and asked explicitly for economic and social rights. But presumably, Communist China followed the precedent of the Soviet Union as well as of the Chinese Republic of 1911 in eventually giving itself a constitution. China has promulgated several constitutions, three times (1954, 1975, 1978) before 1982. This reflects an effort to find a suitable instrument for legitimation, since each constitution lost credibility through its nonobservance by the party in power. Still, the impression is that a government should exist for the protection of the people's rights. So the 1982 constitution gives due regard to "citizens' freedom of speech, of the press, of assembly, of association" and even describes such freedom as "inviolable." In fact, article by article, we can compare the 1982 Constitution with the United Nations Universal Declaration and find real parallels.

5. [1a.] A Vision of Peace (Taiping)

Confucius gathered about himself a small group of disciples, many of whom shared his life, travels, and tribulations. (Contemporary scholars dispute the traditional number of three thousand and prefer a smaller figure, perhaps seventy-two.) He was a fatherly figure in their midst, even if some of the disciples were only a few years younger than himself, and a few were even older. He practiced what may be called the art of spiritual guidance, exhorting his followers to moderate the excesses of their temperaments by certain efforts of self-control aided by the practice of self-examination. He gives this general advice: "When you meet someone better than yourself, think about emulating him. When you meet someone not as good as yourself, look inside and examine your own self" (Analects 4:17).

Moral education was Confucius' chief concern. He cannot be described simply as a pacifist. He talked about the need to give the people moral training for as long as seven years, before leading them to war (Analects 13:29). Not doing so, and yet taking them to war, according to him, would be simply abandoning the people (13:30). Mencius added that

Confucius rejected those who do their best to wage war . . .

[We notice that] in wars to acquire territory, dead bodies fill the plains. . . . Death itself is too light a punishment for warmongers. (Mencius 4A:15)

Mencius condemned King Hui of Liang as a ruthless man who "sent his people to war, making pulp of them, for the sake of gaining further territory" (7B:1). He also said that none of the many wars supposedly recorded by Confucius in the Spring-Autumn Annals -- covering the years 722 to 481 BC in the small state of Lu, which was Confucius' home state -- were just wars (7B:2). It shows that his standards for a just war were very high indeed.

The United Nations Declaration places primary importance on every individual's human dignity, and the sanctity of human life. In China, tradition claims that an ancient sage-king refrained from a war of conquest with the words: "I would not shed the blood of one innocent human being even if that could gain me the world." Whether that was actually said is not so important; the belief in the truth of the statement shows how important one individual human life was considered through the ages.

Confucianism has sometimes been described as an ethnic tradition. Actually, it has always had a universalist thrust, since it is at core an ethical humanism. And today, its influence is manifest in all of East Asia, stretching from China to Korea, Japan, and Vietnam. In his own days, Confucius had no aversion for other peoples. Indeed, he once expressed a desire to settle among the "barbarian tribes of the east." When someone asked, "How can you put up with their uncouth ways?" his answer was simply, "If a gentleman was to live with them, what uncouthness will there be?" (Analects 9:14)

Chinese utopian ideas have usually focused on time rather than place. The Chinese view of time has usually been described as cyclical and backward-looking, as shown in the preferred "utopian" description of a Golden Past, especially found in the section called *liyun* (Evolution of Rites) from the Book of Rites, which speaks of a remote past when the world "belonged to all," called the Great Unity (*datong*), and a time after that ruled by the early kings, called the Lesser Prosperity (*xiaokang*). This Confucian vision of peace and universal harmony is especially attributed to Confucius:

When the Great Way was practiced, the world was shared by all alike. The worthy and able were promoted to office and all practiced good faith and lived in affection. . . . The aged found a fitting close to their lives, the robust their employment; the young were provided with an upbringing and the widow and widower, the orphan and the sick, got proper care. . . . This precluded conspiracies to do evil, as well as thieves and rebels, while people could leave their house gates unbolted. It was the age of Great Unity.

The Spring-Autumn Annals was a more laconic text. It was elaborated by a narrative commentary, The Annals of Tso, and a catechetical commentary, the Gongyang, favorite commentary of the allegorical school. Following upon the philosopher Dong Zhongshu's suggestions, the scholar He Shiu (129-82 BC) elaborated on the "Three Ages" theory, which divided the 242 years covered by the Spring-Autumn Annals into three groups: the latest years were those personally witnessed by Confucius, and then, going backward, came those that he heard of through oral testimony, and those he learned of through transmitted records. These "Three Ages" were subsequently described in chronological order as those of Disorder, Approaching Peace, and Universal Peace (*taiping*).

Many reformers in history had wanted to restore the age of Lesser Prosperity, and a few visionaries even looked back to the Great Unity. But the "Three Ages" theory has presented the possibility of projecting the past into the future in a different way: by claiming the possibility of progress through history, thus

proclaiming a more linear view of time itself. This term, taiping, the great or universal peace, came to signify peace itself as well as a dream or an ideal to be realized through good government.

Both Dong Zhongshu and He Shiu belonged to the Modern Script School which had much tolerance for apocryphal literature, and sought political influence in proclaiming their flamboyant reading of the classics. Their ideas were resurrected in the late nineteenth century by the controversial scholar and reformer Kang Yuwei, who promoted their "utopian" theories to advance his own socio-political agenda - an eclectic Confucian, Buddhist, and even anarchist vision of a universal human community.

The problem was that traditional Chinese political thought always assumed that monarchy was the best form of government, as it looked back to a Golden Past of sage-kings who allegedly ruled. Confucianism obviously preferred benevolent monarchs and had no use for tyrants, but Confucian ministers were unable to keep tyrants from the throne. There were changes in the dynastic cycle but the individuals who acquired power were often of the wrong kind, even if they did so in the name of the Mandate of Heaven. In the light of events, this doctrine became understood by many as a kind of historical determinism governing the rise and fall of political dynasties. Besides, the sage-king ideal did not bring with it a carefully articulated program for good government. The Confucian text, the Institutes of Chou, presumed to contain a model for good government, offers mainly an idealized bureaucracy. Too much was expected of the personal, ethical qualities of the sage-king, and too little was done to regulate his rule, another reason for the ideal to become a generalized endorsement of benevolent despotism.

Conclusion

Why was it that the Chinese, very early, had articulated ideas about human dignity and equality, but were unable to establish a political system that would protect this dignity and equality? This question has been troubling the minds of many contemporary Chinese intellectuals. The disintegration of feudalism in Western Europe was eventually followed by the empowerment of the propertied classes, whose assertion of their own rights eventually contributed to the extension of like rights to the whole population. In China, however, a system of feudalism started very early and was disintegrating by the time of Confucius and Mencius. It came to a formal end when the country was unified by the sword under the First Emperor, a hated despot who burned books and buried scholars (c. 213 BC).

In contrast with Western Europe, power in China became increasingly centralized in the hands of the monarch, rather than shared. A titled aristocracy was strong during the classical period, at the time of Confucius and Mencius, when the country was divided into feudal states. Its powers and privileges were then dissolved by a suspicious absolute monarchy, never to be successfully restored. A government-controlled education system and a civil service examination promoted the principle of merit, while monopolizing the supply of bureaucrats, who were mere advisors and administrators and, as the propertied class, never threatened rebellion. Eventually, even the position of the prime minister was abolished in the fourteenth century, so that power-sharing at the top occurred more often with eunuchs than with competent ministers. There was never an independent judiciary, although a Censorate served to channel policy criticisms.

The Confucian doctrine of benevolent government from above was not sufficient to guarantee the rights of the subjects below, and the population was instructed more to serve social harmony than to assert their own rights. Power was more commonly wrested from one party by another through wars and rebellions, started in turn by the military elite or by the socially deprived who had nothing to lose. It was not properly distributed and structurally balanced.

Of course, democratic Western Europe is in many ways an exception on the geopolitical land mass of Eurasia, and in the world as a whole, in achieving democratic institutions after a mere period of nearly two thousand years. Even there, it did not happen overnight. And the process evolved from the struggle for rights of the nobles and propertied to that for the rights of all. If China did not develop like institutions earlier, could she at least accept the importance of human rights as a concept and develop the necessary safeguards?

I think that philosophers like Mencius and Huang Zongxi demonstrate that the Chinese intellectual tradition was well prepared for accepting Western ideas regarding the legal protection of human rights. Witness the efforts of intellectuals in the late nineteenth and early twentieth century who sought to secure a constitutional form of government, first under a monarchy, and then under a republic. Their efforts failed not so much because they were introducing ideas considered alien, but rather because the country was not permitted by outside powers, both the West and Japan, to evolve peacefully.

Before the Communists took power, and in spite of great odds and many imperfections, the Republic of China had made halting progress with its judiciary system. Today we can find encouragement in those East Asian countries and regions where the record has improved vastly, even if it is still not perfect. We have in mind the situations in Japan (where the postwar Constitution is American-inspired) and more recently in South Korea and Taiwan, which have all been influenced by the teachings of Confucian humanism. These countries and regions have experienced rapid economic modernization, accompanied by democratization and the more conscientious enactment and observance of human rights legislations. Taiwan, which also calls itself the Republic of China, is a bastion of Chinese culture, distinct from Hong Kong which has been a British colony and is only now experimenting with a democratic legislative structure which the mainland government has threatened to dismantle, and from Singapore, an ex-British colony which likes to claim its own form of participatory democracy under a one-party government.

Has the wisdom of China yet something to offer us today -- to China, and to the larger world?

My own answer is a cautious "Yes," where China is concerned, with the understanding also that there is as yet little other cultural option available. In the recent past, Chinese humanism has been tested by the invasion of Western values, purified by the fires of revolution, and challenged by the ideology of Marxism-Leninism. No longer orthodox or established, Confucianism has once more become a diffused teaching rather than a state system. With self-examination and self-criticism, it may yet find new life with which to reinvigorate a tottering civilization. And it will do so only in a pluralistic society, as one school among many others, the way it was when Confucius himself was alive and teaching.

Where the rest of the world is concerned -- especially the West, which has so changed China's destiny -- Chinese humanism has perhaps also a few things to offer: what some people call family values and the work ethic, but what may more simply be described as discipline and tolerance and a new harmony. Chinese observers of the West have also pointed out what the West could learn from the East. For

example, they find excessive individualism, a litigious spirit promoting conflict rather than harmony, and especially in the United States, an unacceptably high crime rate. There is also an increasing gap between the rich and the poor in capitalist societies, a monopoly of political election campaigns by those who can afford them, and the social deprivation of various minorities. Within China, and with official tolerance, religions and spiritualities have been enjoying a mini-revival of sorts during recent decades. And the ancient art of qigong or Chinese yoga, promoting the unity of body and spirit, has been recognized increasingly as a healing resource. The peaceful, disciplined, and thriving societies in East Asian countries with very dense populations outside of China demonstrate the people's sense of social harmony. East Asians value what they call humaneness, or human warmth, which they find lacking in a system where human relationships have lost a personal touch. East Asians are also beginning to learn to avoid pollution of their natural environment due to unbridled economic development.

For the twelfth-century Zhu Xi, as for other representatives of the mainstream of Chinese philosophy, the world, the natural universe, is not only the "environment" in which the human being finds himself or herself. It is also the archetype or the paradigm, of which the human being is an instance or manifestation. And it is above all the ontological model for human nature and existence. The world is knowable to us especially as an ontological model; it is important to us especially as such. The world and the human being are seen essentially as related, each to the other, incomprehensible except in terms of this relatedness. The world is macrocosm, the human being is microcosm. The eleventh-century neo-Confucian philosopher Zhang Zai has written this poignant piece, in which he offers his cosmology as a basis for his love of and concern for other human beings, especially the weakest among them:

Heaven is my father; earth is my mother, and even such a small creature as I find an intimate place in their midst. Therefore that which fills the universe I regard as my body, and that which directs the universe I regard as my nature. All people are my brothers and sisters, and all things are my companions. . . . Respect the aged -- this is the way to treat them. . . . Show deep love toward the orphaned and the weak -- this is the way to treat them. . . . Even those who are tired, infirm, crippled, or sick; those who have no brothers or children, wives or husbands, are all my brothers who are in distress and have no one to turn to.

Today we may not subscribe with equal zeal to a line from the Western Inscription not included above, that "The great ruler (emperor) is the eldest son of my parents," but we may adjust the line following to say that "the great ministers [namely, the world's leaders] are also its stewards." Yes, they are the stewards of the world's resources: servants, not masters.