HUMAN RIGHTS AND CONFUCIAN VALUES: A CRITIQUE OF A FALSE DICHOTOMY[1]

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Although human rights are often taken for granted as universal values, intercultural dialogue regarding human rights is characterized by a philosophical discourse that lacks real theoretical foundations. This article argues that the advancement of intercultural discourse regarding human rights should avoid the persistent fallacy of a "false dichotomy" which assumes Chinese and Western values as alternatives. Firstly, I address the main problems in the intercultural dialogue regarding human rights. Secondly, I explore the core problem, i.e. the issue of the compatibility between the Confucian values and human rights. I point out that human rights are based on a specific understanding of a person as an autonomous rational being who is the bearer of abstract moral duties. The Chinese tradition is grounded in a different understanding of the individual and the community's fundamental ethical and political values, where an individual realises his/her potential. In particular, the Confucian concept of self and derived relational values, such as harmony, filial loyalty, righteousness and ritual, are fundamental conflicting elements regarding the conception of human rights. Despite Confucian ethics not being based on the conception of the person as an autonomous individual, I argue that many of the concepts within Confucian ideas align with the ideas presented in human rights conventions.

Key words: relational self, Confucianism, human rights, autonomy, intercultural discourse, Eurocentrism, humanity

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Introduction

Although human rights are often held to be universal values, intercultural dialogue regarding human rights is characterized by a philosophical discourse that lacks real theoretical foundations. The question that arises is what makes it difficult to philosophically establish an intercultural debate on human rights? Three fundamental conceptual problems stand out in particular. First, the Western philosophical discourse on human rights per se is full of internal controversies and theoretical difficulties. Furthermore, intercultural dialogue is often interwoven with hidden Eurocentrism and Orientalism. Finally, the main problem is the question of compatibility, i.e. the question to what extent the idea of human rights that arose within the framework of the European philosophical tradition is compatible with a different cultural, ethical and political conceptual framework.

This article concerns the idea of human rights in the Chinese context. Despite the very lively debate on human rights[2] conducted within Chinese academic circles since the nineties of the last century, contemporary Chinese political discourse, as a contribution to the new world order and the international community, does not mention the concept of human rights. The ideals that are emphasized are great unity, harmony and "a community of common destiny for mankind" (20th Congress of the Communist Party of China).[3] They reveal that contemporary Chinese political discourse returns to tradition as a source and model for action, as many scholars, have observed (Motoh, 2009, p. 145; Ambrogio, 2017; Matthyssen & Dessein, 2014, p. 137). However, at the same time this political silentium regarding the concept of human rights underlines the dichotomy between European and Chinese values regarding the idea of human rights.[4]

Starting from the thesis that the understanding of traditional Chinese ethics and politics is a necessary polygon for intercultural dialogue, a broader aim of this article is to consider theoretical assumptions for intercultural dialogue on human rights in the Chinese context. It argues that the intercultural discourse on human rights is often flawed by the fallacy of "false dichotomy". After an introductory reflection related to the first two above-mentioned fundamental sets of problems, this study focuses on the third aspect of the problem, i.e. the issue of compatibility between the Confucian conception of relational self, derived values and the concept of human rights. In the last part of the article, I will consider the possibilities for intercultural dialogue.

[2] For the fundamental issues of this debate see Peerenboom, 2003; Bauer & Bell, 1999.
[3] The full text of the report of the 20th National Congress of the Communist Party of China is available at http://my.china-embassy.gov.cn/eng/zgxw/202210/t2022102610792358.htm
[4] For more detail see Motoh, 2009, p. 145. According to Helena Motoh, China's "Harmonious Society" programme was created as an alternative to the Western model of human rights and Euro-American liberal democracy.

I focus on three central thinkers of the classical Confucian tradition (the Confucian tradition in China is not monolithic) and their understanding of the person and the fundamental principles of classical Confucian ethics: Confucius (551–479 BC), Mencius (372–289 BC), who is the second greatest teacher after Confucius according to Chinese tradition, and Xunzi (300–230 BC).

I argue that the Confucian concept of self and derived relational values, such as harmony, filial loyalty, righteousness and ritual, are fundamental conflicting elements regarding the conception of human rights. However, despite not being based on the idea of a person as an independent individual, many Confucian values are in line with concepts contained in human rights conventions. Therefore, the development of intercultural discourse should not begin from a false dichotomy between Chinese and Western values.

Human Rights as Universal Values

Although human rights are often taken for granted as universal values, it is forgotten that they are based on a specific understanding of a person as an autonomous rational being who bears abstract moral duties (Rosemont, 1988, 1991, 1998; Hall & Ames, 1987, 1995; Ihara, 2004; Kim, 2015; Becker, 2009; Gumbis et al., 2010; Volarević, 2021). The concept of human rights arising from these premises is rooted in the Enlightenment philosophy of John Locke (1632–1704), expounded in his work Two Treatises of Government from 1690. Its political and legal expression is found in The Virginia Declaration of Independence (The American Declaration of Independence) from 1776,[5] which is the result of the American Revolution; in The French Declaration on the Rights of Man and of the Citizen from 1789,[6] which is the result of the French Revolution; The Universal Declaration of Human Rights from 1948;[7] The International Covenant on Civil and Political Rights (The International Covenants on Human Rights) from 1976;[8] and The United Nation Declaration on the Rights of Indigenous Peoples[9] from 2007.

However, the concept of a person as an autonomous rational being who is the bearer of abstract moral duties, and the values that are consequently derived from this, is unconvincing and foreign to certain ethical and political discourses and political communities. In this vein, one can read criticism of raising the concept of human rights to the level of standards that all countries should follow. Such

[5] https://www.archives.gov/founding-docs/virginia-declaration-of-rights
[6] https://constitutionnet.org/sites/default/files/declaration_of_the_rights_of_man_1789.pdf
[7] https://www.un.org/en/about-us/universal-declaration-of-human-rights
[8] https://treaties.un.org/doc/treaties/1976/03/19760323%2006-17%20am/ch_iv_04.pdf
[9] https://www.un.org/development/desa/indigenouspeoples/wpcontent/uploads/sites/19/2018/11/UNDRIP_E_web.pdf

a critical remark[10] was made by the head of the Chinese delegation Liu Huaqiu (1939–2022) at the United Nations World Conference on Human Rights in 1993 in Vienna:

> The concept of human rights is a product of historical development. It is closely associated with specific social, political, and economic conditions and the specific history, culture and values of a particular country. Different historical development stages have different human rights requirements. Countries at different development stages or with different historical traditions and cultural backgrounds also have different understanding and practice of human rights. Thus, one should not and cannot think of the human rights standards and models of certain countries as the only proper ones and demand all other countries to comply with them. It is neither realistic nor workable to make international economic assistance or even international economic cooperation conditional on them. (Tang, 1995)

Liu holds the view that human rights cannot have a binding normativity because the conception of human rights is the result of cultural, social and historical conditioning. Accordingly, states may have different conceptions of human rights, and therefore they should not be required to respect conceptions of human rights that differ from their own. To evaluate Liu's position, I will first examine it from a descriptive point of view, followed by a normative point of view. Firstly, it is a fact that the concept of human rights has been established in contemporary Western philosophical traditions that are historically specific. However, philosophical justifications for human rights can come from various cultural and religious contexts (Ignatieff, 2001, p. 166; Schmidt-Leukel, 2006, p. 35). Secondly, the problem that arises when demanding the establishment of human rights as universal values is the problem of valuing other cultural, political and ethical models according to Western standards, which often leads to assigning a second-class position, i.e., diminishing other models, and imposing Western ideas and concepts on other political and cultural environments. *In situ*, such procedures are at the core of Eurocentric and Orientalist approaches. This shows that Liu's request to respect ethical and political differences, without imposing the model of individual countries as a universally valid objection, is directed against Eurocentric and Orientalist approaches in intercultural dialogue. The requirement to respect cultural differences is compatible with Boas' principle according to which the culture of

[10] Also, a prominent remark was made by the Singaporean minister Lee Kuan Yew. As a response to Western claims of universality in human rights, Asian governments held a regional meeting in Bangkok in 1993 as a preliminary to the World Conference on Human Rights in Vienna. They presented the "Bangkok Declaration".

a group should be studied in the context of its historical development. Following this position of cultural relativism, the American Psychological Association emphasizes that an individual realizes himself/herself as a person through his/her culture and that no methodology can be used to quantify and evaluate one or another culture.[11] This leads us to the heart of the relativistic critique of the idea of human rights, summarized by Diane Orentlicher (2001): "The idea of human rights is at best flawed at its core in its claim to embody universal values and at worst a mixture of moral hubris and cultural imperialism" (p. 141f). Nevertheless, the question of the origin of an idea does not necessarily determine the extent of its validity (Ignatieff, 2001, p. 166; Schmidt-Leukel, 2006, p. 35). Furthermore, as Michael C. Davis (1995) notes, in many ways the cultural relativist position can start from a false dichotomy (p. 158). However, one should distinguish between cultural and ethical relativism. Respect for cultural and traditional differences should not prevent us from criticizing the morality of some customs of those cultures. Similarly, violating basic human rights in the name of cultural traditions is unacceptable.

Liu's objection not only maintains the official position of the People's Republic of China but also points to the fundamental controversies around which the human rights debate has been conducted for the past several decades. Inseparable from China's growing economic and political status, it is part of a broader debate about "Asian values" and human rights that flared up after the 1996 UN Conference on Human Rights. However, as Daniel Ho (2023) notes, even three decades after the Conference, the central issues of this debate are no closer to finding a common solution. Moreover, the rise of China and disenchantment with Western democracies have revitalized a debate about Asian values that is as relevant today as it was 30 years ago (p. 166).

In addition to the fact that the concept of human rights is criticized by some Chinese politicians and intellectuals, some Western theoreticians also offered serious criticism. Within the Western discourse, there were objections such as those that whoever speaks about human rights lies (Carl Schmitt), up to objections about the substantive ambiguities of the concept of human rights and the inadequate philosophical reflection that accompanies this concept, such as those put forward by Werner Becker (2009), Luigi Caranti (2019) and Laura Valentini (2017). They point to a problem in the theoretical justification and grounding of the discourse on human rights. According to Becker (2009, p. 205) and Ohlin (2005), the fundamental theoretical difficulty lies in the concept of the person, who in every liberal legal theory is the bearer of human rights. In his article Is the concept of the person necessary for human rights, Ohlin emphasizes that the

[11] The Association of American Anthropologists wrote a statement to the commission that prepared the text of the Declaration in 1947.

concept of the person, which is central to the discourse on human rights, obscures the very questions it should ask. (p. 233). According to Laura Valentini (2017), how human rights are related to the inherent dignity of a person is uninformative and counterproductive (p. 863). Furthermore, Werner Becker (2009) warns that modern basic values and the rights of equality and freedom are not evident as logical axioms of the political foundation of law nor could they be convincingly derived from empirical knowledge about a person (p. 208). Serious criticism of the concept of human rights was also provided by some Western theoreticians, from the perspective of Confucian ethics. In particular, Henry Rosemont (1934–2017) criticizes the idea that human rights are universal and that the Western conceptual framework based on human rights is universal and thus applies to all people. Rosemont goes a step further and believes that moral and political theories based on the concept of human rights are flawed and that modern moral and political discourse needs a different vocabulary. These controversies and questions surrounding the concept of human rights show theoretical cracks in the philosophical discourse on human rights today which, according to some theorists, can be characterized as a 'post-human rights' era (Smith & Molloy, 2020, p. 140). Several problems arise here: if even the philosophical discourse on human rights lacks a theoretical foundation and justification, then how can intercultural dialogue on human rights be conducted? On what basis should the intercultural debate on human rights be conducted? If we have entered the 'post-human rights' era is the very attempt at dialogue on human rights already belated and pointless?

Incompatibility between Confucian Values and Human Rights

In this part of the discussion I address important differences between Confucian moral theory and moral theories that are at the heart of human rights.

Confucian Relational Self

The fundamental theoretical difficulty in implementing the idea of human rights in the Chinese context stems from the diversity in the concept of the person that is central to the discourse on human rights. The idea of human rights is ontologically based on the assumption of individual autonomy, of a person as a rational agent, an atomistic individual. An autonomous person is guided by the considerations, desires, emotions, conditions and characteristics that are part of what is considered to be their authentic self. According to Beate Rössler (2002), the idea of individual rights and democratic procedures cannot be explained without the concept of individual autonomy. To be able to possess human rights, people must first be perceived as separate persons capable of making independent judgments.

This reflects their right to have and pursue interests and goals different from those of the state and its rulers. The idea of human rights, therefore, embodies the normative perspective of respecting such capacities.

In contrast to such a concept of the individual, according to the Confucian view a person is determined by life in a human community, realizing himself/herself in multiple relationships with those who surround them. Confucians do not describe a person as an independent and individually developing entity, which is realized in isolation, not tied to the institution of the family. On the contrary, relationality is the ontological basis of human existence. A person exists only when the other person also exists; "to be" means "to be one-in-relation-with-another" (Rosemont, 1988, p. 177). This view has its background in early Chinese relational and processual metaphysics, which emphasizes interrelationship, interconnectedness, and interdependence as the main categories of reality. Through relationships in the community, individuality is shaped and transformed. If relationality is the ontological starting point of human existence, playing roles (father, son, friend, teacher, minister, neighbour etc.) means expressing one's individuality that exists only in relationships. Thus, all roles are woven into a unique pattern of personal identity, and individuality arises from the specific action that a person undertakes when fulfilling this responsibility (Rosemont, 1988, p. 177). In addition, this relational approach emphasizes that our identity, language and ways of understanding the world arise from our relationships, but also from the culture and tradition in which we are immersed (Xiang, 2023, p. 167).

The gap between this understanding and the understanding of a person as an autonomous self is obvious. For example, the representative of Western liberalism Michael Sandel (1982) emphasizes that we are bound only by goals and roles that we choose for ourselves, denying that we are determined by goals that we did not choose ourselves, i.e. those that are given by nature, or by our identities as members of a family, nation, culture or traditions (pp. 161–165).[12] It is natural to ask which identity model better reflects our shared human condition? Rather than viewing the issue solely as a theoretical dispute, we should ask how these models map onto empirical reality. It is certain that no one exists independently and that humans are social and interdependent beings by nature.[13] Furthermore, cross-cultural psychological and sociobiological research supports a certain constancy of human orientation towards small groups so that three-quarters of humanity is defined through kinship relations and the community of which they

[12] It is worth noting that more recent liberal thinkers—such as Nussbaum, Sen, and Taylor—have developed more relational models of autonomy that offer potential common ground with Confucian perspectives.

[13] Many contemporary theorists recognize the problematic nature of the liberal concept of autonomy and argue for articulating autonomy in the context of relationships and dependence on others.

are a part, rather than in terms of those who bear certain rights.[14] Turning to modern Chinese society, most researchers point to both types of autonomy, individual and relational. For instance, social anthropologists Matthyssen and Dessein (2014) observed that an individual "finds himself in a transformative era, an era of a gradual development from a society organized according to a part–whole structure, to a society organized according to a one–many structure" (p. 134.). In addition, personal wealth instead of enriching the nucleus of the family has become an important new criterion for social status and thus self-reliance. Consequently, caring for relatives, distant family members and close neighbours became less important. Instead, pragmatic self-preservation has become imperative for survival, say Matthyssen and Dessein (2014, pp. 123–141). According to Geert Hofstede (2008), there is a causal relationship between wealth and individual autonomy: "Poverty makes people depend on the support of their in-groups, but when a country's wealth increases, its citizens get access to resources that allow them to 'do their own thing'" (p. 253). The result of these changes is the growing individual autonomy and independence of Chinese individuals, indicating that both "self-reliance" and "self-denial", are present in modern Chinese society (Matthyssen & Dessein, 2014, p. 123). Similar conclusions were reached by Yeh and Yang (2006), who proved the presence of both types of autonomy, individual and relational, in Chinese adolescents (p. 151).[15]

Regarding the relationship between the Confucian conception of self and the concept of human rights, a central distinction emerges: rights, in the liberal tradition, are typically conceived as moral powers and entitlements that individuals possess irrespective of their social roles or particular relationships. In contrast, Confucian thought emphasizes that duties and responsibilities arise precisely from one's embeddedness in specific roles and concrete relationships. In this view, obligations are not abstract or universal but relational and context-sensitive—defined by the moral fabric of the family and community. Thus, within Confucian ethics, duties to kin and community often override individual claims to rights (Muzaffar, 1996; Zakaria & Lee, 1994).

[14] The emphasis on community and family is also present in the Islamic and Buddhist countries of South-East Asia (Mauzy, 1997; Zakaria & Lee, 1994). As Muzaffar (1996) notes, "none of the great Asian philosophies regards the individual as the ultimate measure of all things" (p. 4).

[15] They describe individual autonomy as self-determination where the individual sets clear boundaries in relation to others when making their own decisions. In contrast, relational autonomy is an interdependent self-identity oriented towards harmony in relationships. Going through autonomous processes such as critical reflection and self-determination, such adolescents tend to emphasize the quality of relationships and the achievement of self-relation-to-other harmony.

Harmony (he)

The second theoretical incompatibility stems from the different initial assumptions about the nature of human relationships. Modern Western thinkers such as Hobbes and Kant, whose writings underpin the political rights of individuals, assumed a natural antagonism between the individual and others (Ježić 2013).[16] In demanding his/her rights, such an individual protects himself/herself from this presumed antagonism. Therefore, in search of the fulfilment of one's desires, the autonomous self is encouraged in the "right to claim". According to the Confucian vision, harmony is the natural state of the cosmos; and human beings are prone to harmony. In particular, noble persons strive for it (*ICS Lunyu*, 13.24). Harmony has not only descriptive but also normative dimensions. People are encouraged to harmonize their desires and interests with others, and the more cultivated someone is, the more likely he/she is to achieve this harmony. However, harmony does not mean sameness; rather, harmony is understood as the polyphony of harmonic melodies in a symphony. So, Confucius says that a noble person (*junzi*) harmonizes with others, without being similar (same) to them (*he er bu tong*, *ICS Lunyu*, 13.24). Instead of the achievement of an autonomous self, whose personal rights are satisfied, which underscores the atomism of a person, i.e. their separation from the environment, Confucius, like the other axial thinker Buddha (Kardaš, 2017; 2023), encourages people to awaken their own, isolated and disconnected being in order to act in resonance with the other members of the group, but also of the cosmos.

Rather than the realisation of an isolated, authentic, true "self", Confucius speaks of the achievement of the ethical ideal of humanity (*ren*). Humanity is revealed in relationships, which means that one needs the other to achieve this goal. It is the process of growth of social roles and relationships that constitutes an individual as a person as a result of self-cultivation in the natural, social and cultural environment.[17] Hence, Confucian self-cultivation is not directed towards the construction of an individual "self", but towards the cultivation of an epistemological-ethical position of "co-establishment in co-existence", which at the same time destroys the epistemological position of the self. Relationality is not only an ontological condition of human existence but also a locus/medium where one can achieve one's full potential as a human being.

Moreover, while by referring to one's rights the individual protects himself/herself from the other, the Confucian vision is directed toward the protection of

[16] Ljudevit Fran Ježić (2013) discusses Kant's idea of a natural antagonism between the individual and others.

[17] The Chinese character for humanity, *ren,* depicts a person and the number two, referring to the relationship between two people.

the other. It emphasizes the duty of the individual to be sensitive to the needs of the other, trying to harmonize one's own needs/desires/words/deeds with those of the other. In this respect, Confucian obligations are predominantly positive — they are duties to act in certain ways — whereas rights in modern Western discourse are often negative, defined as freedoms from interference. This further illustrates the contrast between an ethics grounded in harmony and one shaped by an assumed antagonism.

In other words, the Confucian ethical system has a preventive character: by cultivating harmony through self-refinement and responsiveness to others, it seeks to establish conditions in which interpersonal conflicts are less likely to arise in the first place. From this perspective, the language of rights appears as a reactive tool, invoked primarily when relational obligations have broken down. As Justin Tiwald (2011) notes, rights-claims typically emerge only when something has gone wrong — when relationships have failed or responsibilities have been neglected (p. 244). In this sense, the idea of rights is not rejected but situated within a broader ethical orientation that prioritizes moral cultivation and relational resonance over juridical assertion.

Filial Respect

The third theoretical incompatibility concerns the conception of *xiao*, "filial respect", children's love, and duty to one's parents. According to Confucian ethics, this is the most important duty: "There are many services one must perform, but the serving of one's parents is the root of all of them." (Mencius, 1970, Book 4 A, p. 83) This pattern of behaviour, which concerns intergenerational relations, is cultivated in the family and then it spreads to other members of the community: "By treating the elders in one's own family as elders should be treated and extending this to the elders of other families, and by treating the young of one's own family as the young ought to be treated and extending this to the young of other people's families, the empire can be turned around on the palm of one's hand." (Mencius, 1970, 1A7) Hence, according to Confucians, filial respect and fraternal submission are the "root of humanity" [*ren zhi ben*] (*ICS Lunyu,* 1.2).

Whereas *xiao* is the most important Confucian ethical conception, it was labelled as ethically problematic in the West. It was interpreted as one of the main obstacles to the development of an autonomous, independent self. Besides this, it was argued that filial piety supports political authoritarianism. In 20th-century China, just like in the West, the concept of *xiao* began to face systematic criticism. The New Culture movement argued that filial piety inhibits free thought, weakens equality before the law, and harms productivity by encouraging excessive dependence. Despite modern political propaganda against *xiao*, Chinese families

have still preserved hierarchical relationships. Daniel A. Bell (1995) explains that actually in many Asian countries, the relationships between family members are governed by strict hierarchical norms that are based on age and gender. The father is considered the ultimate decision-maker in the household because he is believed to possess the most knowledge, while children are expected to obey and respect their parents.

Now, regarding the objection that filial piety supports political authoritarianism, there is, indeed, in the *Analects,* a place that gives rise to this objection: "Master You said, 'young person who is filial and respectful toward elders is seldom inclined to defy authority, and there has never been a case where someone disinclined to defy superiors has incited rebellion.'" (*ICS Lunyu* 1.2)

Here, Confucius observed that those who develop obedience within the family, rarely stand up to authority figures. Cultivating *xiao* in the family seems to create people who submissively respect authority outside the family, thus creating henchmen, which supports political authoritarianism. This raises a broader question: do the structures and virtues of the Chinese family present barriers to embracing human rights?

Empirical studies have yielded mixed results on this issue. For instance, in 1974, Ho and Lee conducted a study and found moderate correlations between *xiao* and authoritarianism, specifically authoritarian submissiveness, authoritarian aggression, and conventionalism, by taking the absolute authority of parents and teachers as a sign of authoritarianism. David Yau-Fai Ho (1994) also arrived at comparable conclusions, demonstrating that the principle of xiao reinforces the development of authoritarianism, dogmatism, and conformity. However, Yeh and Bedford (2003) challenged that view. They argued that *xiao* is a rather complex set of cognition, emotion and behaviour and should be divided into two models: reciprocal filial piety and authoritarian filial piety. In their research on the effect of filial piety on individual, social, and psychological development they found that reciprocal *xiao* was positively correlated with openness, empathy, agreeableness, and extroversion, and negatively correlated with neuroticism. They argue that it does not undermine individual autonomy and independence. In contrast, authoritarian *xiao* had a negative correlation with openness and extroversion, and a positive correlation with neuroticism.

In classical Confucianism, the parent-child relationship is based on mutual obligation and attachment, with reciprocity at its core.[18] In this sense, Confucian *xiao* is closer to Yeh and Bedfords' model of reciprocal filial piety. From this, one may conclude that the *xiao* model advocated by Confucians does not hinder the development of an autonomous self or a personality based on the idea of human

[18] As John Schrecker (1997) observed, according to Confucius and Mencius, the government should not prevent people from fulfilling their filial obligations (pp. 401-412).

rights. Nevertheless, taking into account the conflicting results of empirical research regarding the conception of *xiao*, I still leave open the possibility that certain interpretations or applications of *xiao* may be at odds with the human rights discourse.

This ambiguity underscores the dual nature of *xiao*. While reciprocal *xiao* is compatible with the development of autonomy and aligns with human rights, authoritarian forms of *xiao* — particularly in how filial piety has been practiced historically — may pose challenges. Given this dual nature, *xiao* can be seen as both a supportive and potentially obstructive element in the discourse of human rights, depending on its interpretation and application in contemporary societies. Therefore, it is important to consider the broader sociocultural context and the specific form of *xiao* being discussed, as its impact on human rights may vary accordingly.

Righteousness (yi) and rituals (li)

For Confucians, the most fundamental ethical question is how to live in harmony within a network of roles and relationships that shape an individual's life. These roles carry moral, political, and aesthetic dimensions. Confucian ethics holds that one's actions should be guided by one's social role, hierarchical position, and a context-sensitive assessment of what is appropriate (*yi*). This should be in line with ritual propriety (*li*), ensuring that one's actions maintain social harmony and respect. In this vision, there is no ontological or ethical basis for equal treatment of people, nor for universalization of rights in the way modern Western ethics do. Allowing everyone to claim their rights will be incompatible with certain hierarchical social structures.

To illustrate this issue, let me share a real-life example from the academic world. A highly regarded professor, an expert in Kantian philosophy, mentored a student who deeply admired his work—especially his teachings on freedom and revolution. Eventually, the student became the professor's assistant. As the assistant matured intellectually, he began to question some of the professor's interpretations of Kant and identified significant flaws. Consequently, he wrote a harsh critical review of the professor's book on Kant. The professor took offence, and they stopped communicating with each other. Regarding that incident, the assistant told me that he believed that he he had the "right" to write about and point to the professor's mistakes. In a Confucian worldview, an assistant would consider whether it is appropriate to write a critical review that points out a professor's mistakes. He/she would take into account the circumstances, the professor's personality, the hierarchical relationship between them and whether publicly challenging the professor would disrupt social harmony. In the Confucian tradition, a teacher is often regarded as a father figure. Although it is expected of students to

respectfully point out mistakes made by their professors, if the professor does not acknowledge the mistake, it is advisable to give up and not insist. However, this is not to say that a student should not fulfil their duty of pointing out mistakes, but it should be done respectfully and not through public review. This example highlights the contrast between community-centred Confucian moral theory and moral theories that are at the heart of human rights. Some researchers, such as David Wong (2004), advocate a pluralism that embraces both moralities (p. 32).

Elements of Compatibility

Shu and zhong

After addressing the elements of incompatibility, I now turn to the elements of compatibility. Article 1 of the Universal Declaration of Human Rights states: "All human beings are endowed with reason and conscience and should treat each other in a spirit of brotherhood."[19] This statement highlights that human rights can be interpreted as a moral framework for interpersonal relations. Confucians likewise believe that humans, as social beings, are naturally inclined toward forming meaningful relationships with others. According to Confucian ethics, all human interactions should be approached with respect, courtesy, kindness, and affection, cultivated through ritual and tradition. The "spirit of brotherhood" is deeply embedded in Confucian thought. In the *Analects* 12.5, Zixia comforts the lamenting Sima Niu by saying that because exemplary persons (*junzi*) are respectful in conduct and observant of ritual propriety (*li*), "everyone in the world is their brother" (*ICS Lunyu* 12.5).

Two central ethical maxims — *shu* and *zhong* — illustrate how this sense of brotherhood is expressed in Confucian moral practice. *Shu*, often referred to as the Confucian version of the golden rule, urges us to treat others as we ourselves would wish to be treated. It promotes empathy and mutual respect, values which are also foundational to the human rights discourse. *Zhong* complements this by expressing wholehearted commitment and sincere concern for others — doing one's utmost within the bonds of relationship. Together, these maxims reflect a robust moral vision that affirms the dignity of others and the responsibilities we have toward them.

In the context of human rights, the golden rule functions as a universal moral imperative grounded in the equality of all individuals. As Michael Ignatieff (2001) writes, the recognition that others have rights "because we would want our rights to be respected if we were in their place" creates a strong moral logic: "equal valid-

[19] https://www.un.org/en/about-us/universal-declaration-of-human-rights

ity for all individuals entails universal validity. All others must be protected from abuse in the same way that one would claim it for oneself" (p. 4, 88f).[20] Confucianism affirms this imperative through *shu*, while also enriching it through an attentiveness to roles, responsibilities, and moral cultivation. Rather than undermining the principle of equal moral worth, the Confucian framework deepens it by encouraging individuals to develop a finely attuned sensitivity to context and to the well-being of others.

In this way, Confucian ethics and the human rights tradition converge in their shared commitment to human dignity, reciprocity, and the ethical treatment of others. The Declaration's call for a "spirit of brotherhood" is not only compatible with Confucian values — it resonates deeply with them. Despite their differing cultural origins and conceptual vocabularies, both frameworks affirm that human beings should relate to one another with empathy, sincerity, and moral responsibility.

Politics, the Obligations of Rulers and the Rights of People

Laura Valentini (2017) holds the view that the idea of human rights should be seen as a means of limiting the behaviour of political institutions, especially states and state-like entities. She further argues that states and state-like entities bear the primary responsibility for fulfilling human rights (p. 876). From this perspective, a meaningful comparison can be drawn with Confucius' doctrine of the "rectification of names" (*zheng ming*), a cornerstone of his political thought. For society to be well-ordered, it is essential that names—titles, roles, and functions—accurately correspond to the conduct appropriate to them (*ICS Lunyu* 13.3). "Every name contains certain implications that make up the essence of the thing to which that name is applicable. The essence of a ruler is what a ruler should ideally be. If the ruler acts according to this way of ruling, then he is truly a ruler in reality by name," explains Ljiljana Stević (2018, p. 138). Considering that society should be a reflection of the family, and the relationship between the ruler and subjects modelled on the relationship between a father and his children, a ruler who behaves in accordance with his role takes care of his subordinates like a father. The Confucian ruler is thus bound by his role: he must care for his people and govern in accordance with the ethical demands of his title.

[20] The Confucian virtue z*hong,* loyalty, which means doing the utmost, is even a step forward. In this context, one should always reflect whether one has done the maximum for another person.

Mencius (1970) takes an important step forward in addressing the responsibilities of the ruler and his limitations. According to Mencius, showing compassion towards others is not only a personal responsibility but it should also be incorporated within the institutions of governance. The first step in showing compassion towards people consists in providing them with material necessities:

> Only a noble person will be able to have a steady mind despite being without constant means of living. Men who lack steady means of subsistence will lack steady minds, and when they lack steady minds there is no licentiousness, depravity, deviance, or excess to which they will not succumb. If, after being immersed in crime, they are subjected to punishment – that means enslaving the people. With a human being in power, how could the entrapment of people be allowed to happen? Therefore, an enlightened ruler will regulate people's livelihoods to ensure that, above, they have enough to serve their parents and, below, they have enough to support their wives and children. In years of prosperity, they always have enough to eat; in years of famine, they can escape from starvation. Only then does the ruler encourage people to do good; therefore, it is easy for them to fulfil their demands. (Mencius, 1A7)

Mencius thereby implicitly recognized the right of people to certain material and economic goods. After their basic material needs are met, people should be provided with the education that is necessary for the development of a complete personality.

Xunzi, too, affirms that the state bears responsibility for ensuring the material and moral welfare of its people. His political philosophy suggests that stable governance depends on institutions that secure both livelihood and virtue. As he writes, "the ruler must ensure that the people have sufficient food and drink, and that they do not suffer from hardship" (Knoblock, 1988, p. 123). This material provision is foundational: for Xunzi, people cannot pursue moral self-cultivation or fulfill their social roles if they are struggling to survive. Consequently, Xunzi repeatedly emphasizes the importance of caring for the sick, the poor, the marginalized, and the uneducated — not simply as acts of benevolence, but as political necessities for maintaining order and fostering virtue. As Xunzi states, "If the people are uneducated, they will not understand the proper duties they owe to the ruler and to each other" (Knoblock, 1988, p. 130). To institutionalise this moral-political vision, he argues that ministers should be selected based on moral excellence, and he supports policies that, in contemporary terms, could be described as providing job training, support for families with dependent children, and social and medical care. From this perspective, although Xunzi does not articulate a "right to work" in the language of the Universal Declaration of Human Rights (Article 15),

one could plausibly interpret his thought as supporting the state's obligation to ensure both employment opportunities and the means for individuals to become economically and morally self-reliant.

If the ruler fails to protect the people's right to a permanent means of living, there is room to complain to a higher authority or appeal to Heaven's moral order. And when all avenues of moral appeal have been exhausted and the applicable legal process no longer works, people have the right to revolt. Mencius justifies the overthrow of the ruler if the ruler does not care for his people;otherwise the immoral action of the people is justified because it is a justified revenge for the (massive) violation of their right to life. However, as Sungmoon Kim (2015) notes, this does not mean that Mencius advocated active political action among the common people, nor political equality for all, especially in the form of political claims against the state or other human beings. The (ritually prescribed) right to depose him falls to a select group of aristocrats, the so-called "Heavenly delegated officers" (Mencius 2B8; Mencius 1B7). If we can call such a moral-political privilege a right, that right was exclusively that of a small number of aristocrats (Kim, 2015).

Regarding freedom of thought and expression (Article 19 of the Universal Declaration of Human Rights), Confucius affirms that moral insight is not monopolized by rulers or elites. In the *Analects*, he observes, "When I walk along with two others, they may serve me as my teachers" (ICS Lunyu 9.3), suggesting that even common people can offer valuable guidance. While the obligation to correct a ruler was framed as a moral duty rather than a political right, it remained the prerogative of those positioned within the Confucian moral order.

In sum, the Confucian system of governance affirms rule for the people and for the sake of the people — but not by the people. Although it lacks a modern theory of democratic participation, it articulates a vision of morally constrained rulership and a conception of political responsibility that resonates with human rights discourse.

Conclusion: Guideliness for Intercultural Discourse

In conclusion, I will address three questions. Firstly, are Confucian relational values compatible with the concept of human rights? Secondly, what is the relevance of Confucian moral and political theories for the contemporary discussion on human rights? Thirdly, what are the principles for intercultural dialogue concerning human rights?

While the ancient Chinese language lacks a direct equivalent for 'right' as understood in modern political discourse, many values in Confucian thought align with the principles found in human rights conventions. Among these are the emphasis on speaking for the common good, access to education, participation in

cultural life, and the expression of remonstrance toward authority. These values suggest a shared ethical concern for human flourishing and social justice. As David Wong (2004) notes, there are also universal moral constraints based on human nature that unite Confucianism and rights-centred moral theories (p. 32).

However, if we view human rights solely as rights based on individual autonomy, then Confucian texts do not support this idea. Also the Confucian relational values of social harmony, family loyalty, and social hierarchy raise concerns about their compatibility with the idea of human rights. Family and social obligations take priority over individual autonomy and freedom of choice. But if we see fundamental human rights as deriving from our relationships with others and our membership in a community, with each member responsible for the well-being of others, then Confucianism does support human rights. This implies that the dichotomy between the concept of human rights and Asian values is not necessary, since Confucianism can accommodate the idea of human rights. May Sim (2013) claims that if there are indeed Confucian values that support civil, political, social, economic, and cultural rights, then Asian governments that emphasize only economic, social, cultural, and development rights while downplaying civil and political rights are overemphasizing their case.

Ancient Chinese texts can contribute to the philosophical discourse on human rights. The Chinese tradition is based on a different understanding of individuality and, in connection with it, the fundamental ethical and political values of the community in which that individuality realizes its potential. This difference can be a constructive theoretical background for pointing out disputed areas in the understanding of the person as an autonomous self, because the Confucian conception of identity is closer to sociobiological facts and the way most people are described and experienced. Furthermore, the topic of Confucianism and human rights opens up space for reflection on the universality of human rights as relative. If individual liberalism is not a prerequisite for human rights, then the West can learn something from Confucianism about social order and moral values, says May Sim (2013), like Rosemont (1988). Perhaps, then, we should study Confucianism as a genuine alternative to modern Western theories of rights, Rosemont wonders. On an ethical level, yes. I agree with this ethical point but remain cautious about framing Confucianism as an *alternative* to modern Western theories of law. Such a framing risks reinforcing a dichotomy and may obscure the real points of compatibility between Confucian values and the human rights tradition.

It is important to avoid the "either-or" framework, which falsely presents a dichotomy between Western and Confucian values, when engaging in intercultural dialogue on human rights. Instead, we should focus on the similarities and differences between cultures. We should strive for mutual "attunement" and harmony, which involves mutual adaptation and tolerance. This approach to intercultural dialogue should be transformative and respectful of the "otherness" of the other.

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