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## Confucianism, Catholic Social Teachings, and Human Rights

James L. Fredericks

Loyola Marymount University, [james.fredericks@lmu.edu](mailto:james.fredericks@lmu.edu)

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James L. Fredericks

## Confucianism, Catholic Social Teachings, and Human Rights

James L. Fredericks is professor of theology at Marymount University. He held the Numata Chair in Buddhism and Culture at Ryukoku University, and is a member of the Los Angeles Buddhist-Catholic Dialogue Group. He is the author of *Faith Among Faiths* (Paulist) and *Buddhists and Christians* (Orbis).

Confucius instructed his disciples confidently that 'There is government when the prince is the prince, and the minister is the minister; when the father is the father, and the son is the son.' Two and a half millennia later, Mao preached permanent revolution to his Red Brigades. In the People's Republic of China today, the ancient Sage seems to be winning the debate on how to govern the masses. The Party leadership is more interested in promoting harmony than revolution and is looking to Confucius for ideas.

Beijing has turned to Confucius for a number of reasons. As the Chinese economy slows and as the forbidden memory of the Tiananmen atrocity refuses to go away completely, Confucius serves a convenient political purpose: he gives a grandfatherly face to the cultural nationalism the Party uses to maintain control. Confucius is appealing to the Party for another reason as well. He had a good deal to say about our responsibilities to family and society. He had nothing to say about human rights. As such, for the Party at least, Confucian thinking is an 'Asian' alternative to the 'West' and its 'human rights imperialism' (Weatherly 2014). Despite such posturing, the Party has to deal with human rights. Confucianism has to do so as well.

The position I want to advance in this essay is that a dialogue with the social teachings of the Catholic Church can assist Confucianism in developing a human rights ethos. Here is my reasoning.

First, both Confucianism and Catholic social teachings are based on a virtue ethics. A deontological ethics is concerned with rules, obligations and moral prohibitions. Confucianism and Catholic social teachings appeal to the cultivation of the character traits (virtues) that promote the flourishing of

persons and societies. This being the case, Catholic social teachings can speak to Confucianism in a language that Western Liberalism, which is based on a deontological ethics, cannot. Second, unlike Confucianism, over the course of time, the Catholic Church has succeeded in integrating an ethos of human rights into its social teachings. More precisely, I should say that, initially, the social teachings showed a deep affinity with the so-called 'second generation' social and economic rights. These rights include the right to education, health care, and support for the poor. In its official teachings the Catholic Church was initially hostile to first generation civil and political rights, especially freedom of religion, and to democracy itself. In a dramatic reversal, the Church has come to promote first generation rights. This was accomplished by certain 'shifts' in its teachings regarding the human person and the state. Third, Catholic social teachings support these first generation rights while mounting a sophisticated critique of human rights as they have been construed by Western Liberal political thought. Catholics have found a way to embrace first generation human rights without subscribing to the philosophical and political presuppositions of Liberalism.

Based on these considerations, I argue that Confucian scholars may find conversations with Catholics on the issue of human rights to be beneficial as they reflect on their own tradition in relation to political exigencies in contemporary China. My chief focus is on how the Catholic Church came to embrace the notion of first generation rights and the import of this for Confucian-Catholic dialogue. Let me begin, however, with an account of the recent revival of Confucianism in the People's Republic and a summary of the current debate regarding Confucianism and human rights.

### The Current Revival

In early October 1994, the government of the People's Republic of China commemorated the overthrow of the Manchu dynasty (1912) by sponsoring an international conference on Confucianism. Lee Kwan Yew 李光耀 (Li Guangyao), a principal speaker at the conference, delivered his remarks before several members of the Politburo. Lee rejected out of hand the claim that Confucianism was a drag on economic development. To the contrary, he argued that Confucianism promotes a strong work ethic, social solidarity, and a sense of civic responsibility. In fact, Lee identified Confucianism as the key to Singapore's success as a city-state. Singapore's Senior Minister also urged his hosts to look on Confucianism as an alternative to the rampant individualism and destructive libertarianism characteristic of Western Liberalism.

Lee's comments were well received by the Party leadership. In fact, a limited rehabilitation of Confucius had already started soon after the trial of the 'Gang of Four' under Deng Xiaoping 邓小平 with the cooperation of a group of Party members known loosely as the 'New Conservatives' (Moody, 187ff.).

The Chinese government sponsored a conference on Confucian thought in Hangzhou in 1984. As a result, Confucianism was no longer a taboo subject on the Mainland. Also in 1984, the government founded Confucian research institutions in Beijing and Qufu, Confucius' birthplace. These institutions advanced the view that social harmony, not the unending class struggle of the Cultural Revolution, should be the preferred path to China's national prosperity. Party support for Confucianism increased after the violent ending of the Democracy Movement in Tiananmen Square in June 1989. The standard view of this event is that the conflict was resolved in an unspoken agreement between the government and the Chinese people: the Party would continue to deliver economic prosperity and the people could enjoy the freedoms of a consumer society—but must never call into question the Party's authority. In fact, the matter is considerably more complex. The leadership decided, not without reason, to interpret the protesters' call for 'democracy' as a longing for a coherent social ideal in light of the collapse of Marxist and Maoist ideologies. After the massacre, the government also needed to shore up its own moral legitimacy. However improbable it may seem, the Party turned to Confucianism to fill what came to be known as 'the spiritual void' (*jingshen kongxu* 精神空虚) left in the wake of the Cultural Revolution and the economic failures of Marxism. Interest in Confucian thought continued under Jiang Zemin 江泽民 and continues today with the support of Xi Jinping 习近平 and the current leadership.

In addition to Lew Kwan Yew, Professor William Theodore de Bary of Columbia University spoke at the 1994 conference in Beijing. De Bary, a leading Confucian scholar in the West, was less sanguine about the prospects of Confucianism as a national ideology for a modernized, economically competitive China. Historically, he noted, Confucianism has emphasized centralized authority and the individual's responsibilities toward society, not the civil and political rights and democratic polity that many in the West take as essential to its economic prosperity and political stability. Neither does it have a track record of encouraging self-reliance and individual initiative. Traditional Confucianism has had nothing to say about imposing restrictions on the state in order to provide individuals with immunities from certain governmental actions. In the Confucian tradition, the individual does not hold any 'trumps' over the government, to borrow Ronald Dworkin's famous metaphor (1977).

### Confucianism and Human Rights

Confucian tradition and Western Liberalism present China with two very different construals of our social existence: harmony and autonomy. In comparison to the high esteem in which China has traditionally held social harmony, the 'West,' by which I mean societies that have grown out of the modern Western Liberal tradition, places great value on the individual's

autonomy in regard to both the impositions of society and the coercive power of the state. Take, for example, the freedom to believe, hold an opinion, or espouse a political position. In the West, freedom of speech is a civil right which is subject to minimal restrictions. Freedom of thought is virtually unrestricted. Placing legal restrictions on what the individual is allowed to think is simply off limits to the state. This is because the ability to hold opinions must be considered essential to being human. The autonomy of the individual as regards freedom to hold an opinion is essential to democracy and ultimately to the social and economic flourishing of the community.

In China, the dominant ideal is that of a harmonious society, not the autonomy of the individual. As a result, we find a very different discourse in the People's Republic, virtually unknown in the West: the 'unification of thought' (*tongyi sixiang* 统一思想) (see Peerenboom 1995). Although this language may appear frequently in documents produced by the Communist Party, the notion has a genealogy that goes back millennia in Chinese tradition. Understanding the current use of this phrase, therefore, requires us to place it in the context of the traditional Confucian political order.

The 'unification of thought' reflects basic Confucian assumptions about the nature of the cosmic order as an organic unity. The aim of politics is to organize human society and conduct human affairs in harmony with the cosmic order. Western Liberalism looks on the world as a place in which pluralism is endemic, conflict inevitable, and society is made up of individuals with competing views of the good. Individuals, therefore, will always be pursuing contending interests. In contrast, Confucianism envisions a society that is a harmonious whole. There are, of course, differences, but differences can ultimately be reconciled. Pluralism, let alone discord, lawlessness and rebellion, is a sign that the human order is out of harmony with the cosmic order.

In Confucian tradition, politics is about the promotion of harmony, not the pragmatic management of conflict. Therefore, the ideal ruler is a sage, a man of cultivated virtues, who has discerned and now is able to act in harmony with the cosmic order. (Note that the cult of the virtuous ruler predates Chairman Mao by two and a half millennia.)

The Western tradition, even in its pre-modern forms, has tended to place value on the autonomous moral agency of the individual as something constitutive of personhood. In the modern period, the autonomy of the moral agent became so great a value that limitations were placed on both the state and society at large in order to ensure certain immunities and entitlements for the individual. These immunities and entitlements are what are commonly referred to as 'rights' today. Chinese tradition is witness to a very different discourse. True humanity does not reside in *autonomous* moral agency. True humanity arises in the cultivation of virtues that allow one to do what is in keeping with the cosmic order. Therefore the determination of policy is the prerogative of the 'superior man' who has become morally cultivated through the practice of the virtues. This is an elitist, not a

democratic exercise. Optimally, one's father, husband, older brother and ruler is a cultivated, not an 'inferior man.' Thus, in the traditional Confucian worldview, individuals do not enjoy rights. Instead, everyone, old and young, high born and low, have differing responsibilities.

### The New Confucian Humanists

The contemporary discussion of Confucianism and human rights is being shaped, in no small degree, by the contribution of the 'new Confucian humanists,' as they are called by Confucian scholar Tu Weiming 杜維明 (1993:141-59), who may himself be seen as their dean. These Confucian humanists make a number of related claims. Generally they are in agreement that, although the tradition does not speak of rights explicitly, the ethos of human rights is compatible with the Confucian worldview. This argument takes two forms. According to one version, human rights are not intrinsically a reflection of the culture of the European Enlightenment. Rights are legal instruments guaranteeing immunities and entitlements to individuals that can be affirmed from a variety of cultural, religious, and ethical standpoints, including Confucianism. Some of the Confucian humanists go beyond this position to argue that the Confucian worldview, which seeks social harmony, is *more* supportive to the observance of human rights than the Western Liberal worldview and its competitive individualism. Asserting the entitlements and immunities of isolated individuals provides a poor basis for human rights, leading instead to what Tu Weiming sees as 'acquisitive individualism, vicious competitiveness, pernicious relativism and excessive litigiousness' (2007:13; see also Tu 1998).

The other form of this argument holds that there is an ethos of rights implicit within the Confucian tradition itself (see Kwok; Dallmayr; Ames). According to this approach, the traditional Confucian emphasis on social responsibilities establishes an implicit right for individuals. The underpinning of this claim is the Confucian principle of *li*. In Confucian tradition, *li* 禮 carries a broad connotation. It can be translated into English, according to context, as propriety, courtesy, ceremony, protocol, civility and, as I shall do in this essay, 'rites.' Confucius imagined social life, at both the familial and the governmental levels, as a kind of liturgy or ceremony. The Way (*dao* 道) that leads to true humanity and social flourishing is to be found in the observance of *li* or 'rites.'

Rites are not to be confused with laws. In fact, Confucius looked on the proliferation of laws as a sign that a society had strayed from the Way. This means that the path that leads to the flourishing of both the individual and the society is not a matter of conforming oneself to an external law, but rather cultivating the virtues necessary to make the practice of *li* spontaneous. Harmony (*he* 和), not law, is the touchstone of a successful Confucian society. When a society is based on rites, then everyone has

responsibilities to live in conformity with the customs, propriety, courtesy, ceremony, protocol, and civility that make for a harmonious social existence.

As mentioned above, the new Confucian humanists are generally in agreement on the principle that rites imply rights. Or more specifically, the rights of individuals are implicit in the responsibilities that rites impose on rulers, their governments and society at large. For example, governance in accordance with *li* brings with it what is tantamount to a right to education, health care, and support for the poor. A virtuous ruler, governing in keeping with *li* has a responsibility to provide such entitlements to his subjects.

I see two major problems with the claim that rites somehow imply rights. First, what many of the Confucian humanists extoll as a virtue in Confucianism others will see as a vice. Confucius embraced the notion of social responsibility and generally held legal norms in low regard. The multiplication of laws was seen by him as indicating a society lacking in social solidarity. The virtuous compliance with rites, not legal sanctions, is the preferred way to achieve solidarity and harmony. If this is the case, rites cannot be equated with rights. Rights are legally defined, established, and protected entitlements and immunities that are enjoyed by individuals and are imposed on governments and society at large. Rights are laws. Rites bring with them responsibilities. They are not enforced by means of legal sanction. Rights protect the individual from the encroachment of the state and provide a legal basis for the individual to compel the state to act in certain carefully prescribed ways. Rites are about promoting harmony and reconciling the relatively narrow interests of the individual with the broader interests of the state (see Peerenboom 1998).

In addition, we need to recognize that there are different types of rights. In my view, the Confucian social ethos can easily be drawn on to support policies others might espouse by appealing to social and economic rights, for example housing for the homeless and health care. (For environmental rights see Tu Weiming, 'The Ecological Turn of the New Confucian Humanism: Implications for China and the World,' on the website of the American Academy of Arts and Sciences.) This is not to say that these social benefits have been recognized as 'rights' in the proper sense. Confucian rites and second generation rights might complement one another to some extent in achieving certain social aims. The compatibility of Confucianism with first generation civil and political rights is quite another matter.

### Catholic Social Teachings

During what John W. O'Malley SJ has called, 'the Church's long nineteenth century' (2010:53-92), Rome came to see itself increasingly under siege by the modern world. It began with the French Revolution and did not end, arguably, until the opening session of the Second Vatican Council in 1962. Enlightenment rationalism was a threat to the Church's teaching

authority. The French Revolution, the Liberal revolutions of 1848, and Bismarck's *Kulturkampf* took away its medieval political and economic privileges. The unification of Italy led to the permanent loss of the Papal States, whose abusive governance under the popes had become an international scandal. Not surprising, the official church reacted with strong opposition to the rights of the individual being championed by political and economic Liberals during this period. Pius IX's *Syllabus of Errors* (1864) condemned not only basic human rights, but democracy itself as a form of government. The Church's support went instead to the authoritarianism of the *ancien régime*.

The social teachings of the Catholic Church began in the midst of this long nineteenth century with Leo XIII's promulgation of the encyclical *Rerum novarum* in 1891. This encyclical addressed the exploitation of the working class at the height of industrial revolution, calling for limited working hours, a just wage, the right to unionize, and disability insurance. The text projected a coherent vision of the human person based on Thomistic theology and natural law theory.

This line of social teachings initiated by Leo XIII has been in a continuous process of development until the present day. Starting with *Rerum novarum*, the teachings showed a natural affinity with second generation social and economic rights. Leo was motivated by fear of the appeal of socialism for the oppressed worker. Against socialism, he supported private property as 'natural,' but stressed the responsibility of the state to provide for the common good of society through education, support for the poor, and health care. All members of society have a right to have their basic needs met (*RN* 34). Leo was hostile, however, to first generation civil and political rights such as freedom of religion.

The Church's embrace of first generation rights came over seventy years later with John XXIII and his encyclical *Pacem in terris* (1963). Not only duties, but rights as well are a reflection of our human nature (*PT* 9). The encyclical provides a comprehensive list not only of entitlements (second generation rights) such as education and health, but also of immunities (first generation rights) such as freedom of speech and press (11), freedom to worship (14), freedom of association (23), freedom to emigrate and immigrate (25), and freedom to participate in politics (26).

I shall attempt to provide Confucians and Catholics with an understanding of how the Church's embrace of first generation rights went hand-in-hand with certain shifts in the teachings themselves. Insight into the way the teachings were revised over time may stimulate the thinking of Confucian scholars as they reflect on their own tradition regarding human rights. Before addressing these shifts, let me underscore three basic points about the social teachings of the Church.

Catholic social teachings are based on a Christian theological anthropology, that is, a Christian vision of what it means to be human. Although this anthropology is Christian in its origins, at the same time, it is

broadly 'humanistic' in the sense that it sees the human person in terms of a potential for goodness and happiness awaiting fulfillment, regardless of what his or her religious beliefs might be. Human beings find this fulfillment in the cultivation and practice of universal moral virtues. Catholic social teachings, therefore, are a virtue ethics.

More precisely, the social teachings envision an 'integral humanism' which takes into account both material and spiritual needs of the human person (see Maritain 1996). This comprehensive humanism implies that the human person has rights. In section 21 of the encyclical *Populorum progressio* (1967), for example, Paul VI taught that the 'authentic development' of peoples cannot be restricted to material prosperity, but rather includes access to education and cultural resources, religious freedom, and the ability to participate in the life of society in order to contribute to the common good. In section 61 of *Centesimus annus* (1991), John Paul II wrote that 'The Church has constantly repeated that the person and society need not only material goods but spiritual and religious values as well.' I think most Confucian scholars would agree that Confucianism looks on the human person holistically with something akin to this integral humanism.

A second prominent theme in the anthropology of the social teachings is that of human dignity. Every human person, regardless of their station in life or moral failures, possesses an intrinsic value that must be respected by both state and society. The Christian theological basis for this dignity is the fact that every human person has been created in the image of God, redeemed in Christ, and called by God to an ultimate fulfillment beyond history (see *Gaudium et spes* 12-22). The teachings also offer a philosophical basis for this dignity that does not presume Christian faith. In *Pacem in terris*, for example, before speaking of human dignity from the standpoint of Christian revelation, John XXIII declares that every human being is a 'person' that is 'endowed with intelligence and free will'; as such, human beings have rights and duties to society which are 'universal and inviolable, and therefore altogether inalienable' (PT 9). This means that a human being cannot be reduced to the status of a thing without violating human dignity. Ethically speaking, a person is never a means to an end. Section 2 of *Dignitatis humanae*, Vatican II's Declaration on Religious Freedom, observes that human dignity is attributable to the fact that all human beings are 'endowed with reason and free will and therefore privileged to bear personal responsibility—that all men should be at once impelled by nature and also bound by a moral obligation to seek the truth, especially religious truth.' When Pope John says that the dignity of the human person is also inalienable, he is implying that it is not the achievement of an individual. It is not bestowed by any government. It is not the result of being accepted by society. Human dignity is the transcendent worth of a person that accrues to persons simply by the fact that they are human. Therefore, all persons are to be treated with compassion, respect, and justice.

The social teachings also have much to say about our innate sociality. The

human person is social by nature. Belief in our natural sociality can be contrasted with the views of Liberal political thinkers such as Thomas Hobbes and Christian theologians such as Jean Calvin and Martin Luther. In section 25 of *Gaudium et spes*, for example, we read that 'the subject and goal of all social institutions is and must be the human person, which for its part and by its very nature stands completely in need of social life.' Moreover, 'this social life is not something added on to man.'

Our innate sociality brings with it several important implications. First, since we are social by nature, full participation in the community, including the political community, is necessary for human flourishing. The failure of participation is marginalization, which is a violation of both our sociality and our dignity. Second, rooted in the affirmation of our innate sociality is the principle of solidarity. This was a major theme in the work of John Paul II. In section 38 of his encyclical, *Sollicitudo rei socialis*, he adverts to the ubiquitous fact of our interdependence today. Making the fact of our interdependence into an opportunity to contribute to the common good leads to what the pope calls the 'virtue of solidarity.' In Liberal thought, social relations amount to nothing more than a 'contract' among individuals. The social contract does not measure up to the demands of true solidarity. Solidarity is possible neither for the autonomous individual of Western Liberalism nor for the proletarian masses of Marxism; it is based on making a virtue of the fact that the human person is innately social.

Confucian scholars should have no difficulty in affirming the innate sociality of the human person, even though they may differ in regard to the philosophical underpinning of this our social nature. These differences need to be explored in dialogue. One major point of difference separating the Confucian perspective on the human person from the Catholic is the fact that Catholics believe that the human person is called to fulfillment in community by God. The Christian eschatology of hope is quite unknown in Confucianism. However, the relationship between the Christian God as bestower of dignity and the Confucian doctrine of heaven (tian 天) is far from clear as of the present.

These three principles, all prominent themes in the social teachings, have a reciprocal relationship with the actual positions taken on human rights. Human rights give concrete substance to the principles of integral humanism, human dignity, and human sociality. Conversely, the three principles give a theoretical grounding to the affirmation of rights in a way that distinguishes the social teachings of the Church from both Marxism and Liberalism. How these three principles distinguish the social teachings from Confucianism or link them to Confucianism remains to be explored in the dialogue.

### How Catholic Social Teaching Came to Embrace Rights

Catholic social teachings, a virtue ethics based on an anthropology with much in common with traditional Confucianism, has come to espouse not only

second generation human rights, but human rights of the first generation. As a contribution to a dialogue among Confucian scholars and Catholic theologians, I now want to present an analysis of the shifts in the social teachings that led to the Church's embrace of first generation civil and political rights.

The first shift has to do with the nature and purpose of the state. In its beginnings, the social teachings had a distinctly paternalistic understanding of the role of the state. This view has given way to an understanding of the state as a democratic institution with a limited ability to interfere with the freedoms of individuals and simultaneously burdened by the responsibility to promote the common good. Leo XIII, with the threat of socialism in mind, strongly endorsed private property and imposed limitations on the power of the state. Even as he imposed limitations on the state, however, his understanding of government remained quite paternalistic. The 'power to rule comes from God and is, as it were, a participation in His, the highest of all sovereignties.' Moreover, this power should be exercised with 'a fatherly solicitude which not only guides the whole, but reaches also individuals' (RN 35). The ruler's authority may be from God, but he must nevertheless be diligent in promoting morality, protecting the family, the worker, religion, and the poor.

As the Church developed its social teachings in the twentieth century, it began to place more responsibilities on the state and, simultaneously, more limitations on the power of the state to intervene in the affairs of individuals. Contrary to Liberalism's minimalist view of government, the Church expanded the responsibilities of the state, charging it with a broad responsibility to provide for the common good. Contrary to a socialist and certainly a totalitarian view of government, it simultaneously imposed limits on the role of the state in regard to its power to restrict personal freedoms. The expansion of state responsibilities corresponds to the Church's increased support for second generation social and economic rights. The limitations placed on state power led eventually to the Church's support for first generation political and civil rights. This twofold process can be seen at work in Pius XI's *Quadragesimo anno* (1931). According to Pius, the limited power and expanded responsibilities of the state are rooted in natural law. There is no mention of a paternally exercised and divinely appointed authority. Neither are the responsibilities of the state restricted to merely protecting private property and preserving public order, as with the Liberal understanding of the state. The state must promote the common good of all (QA 25). In *Pacem in terris* (1963), John XXIII included the freedom of the individual as one of the basic values necessary for a well-ordered society (PT 25) and, in *Octogesima adveniens* (1971), Paul VI taught that the state must 'act within the limits of its competence' to create the conditions necessary for the flourishing of human persons (OA 46).

Confucian scholars should have no difficulty in understanding the paternalism of the Catholic Church's view of the state in the early

development of its social teachings, for such a view is prominent in traditional Confucianism as well. Traditional Confucian literature speaks of the 'family-state,' where the ruler assumes the role of father over the people. For Confucius, *xiào* or filial piety toward the father, was arguably the most important of all the virtues. As applied to politics, *xiào* is not simply loyalty on the part of subjects toward their ruler. *Xiào* also carries with it the expectation that the ruler behave toward his subjects with a high degree of paternal responsibility. Herein lies yet another parallel with the social teachings. 'The government's whole reason of existence,' wrote Leo XIII, is 'not the advantage of the ruler, but the benefit of those over whom he is placed' (RN 35).

The second shift in the Catholic Church's social teachings has to do with its understanding of society. The early social teachings are shaped by a 'corporatist' understanding of society. By mid-twentieth century, the Church looked on society in more democratic terms as a community of participating persons. *Rerum novarum* was influenced by a discussion of labor-capital relations current among European Catholic intellectuals known loosely as 'Corporatism' (see Shannon, 143-6). Fearful of the influence of the socialists on labor movements, their vision was both paternal and compassionate in its view of the worker. The discussion gradually expanded to include social relations more generally. The dominant metaphor for society was that of a *corpus* with various parts responsible for different functions all of which are necessary for the successful functioning of the 'body.' The ruler, of course, functions as the body's head. In section 9 of *Rerum novarum*, for example, Leo XIII describes society as a body with different parts, each with its own legitimate function. The 'symmetry of the human frame' is the result of the 'suitable arrangement of the different parts of the body.' Analogously, in the state it is 'ordained by nature' that the various social classes 'should dwell in harmony and agreement, so as to maintain the balance of the body politic.'

From *Gaudium et spes* (1965) onward, there is a dramatic change in language in the teachings. In this document, society is no longer described as a *corpus*; society is a *communitas* of participating persons. Society is neither a 'body' with its component parts as was the case in the earlier documents nor merely the product of a social contract as in the discourse of Liberal political theory. The community envisioned by *Gaudium et spes* is neither the assortment of individuals with competing interests presumed by Liberalism nor 'the masses' as conceived by socialism.

This shift may be of interest to Confucian intellectuals as well, even though the body as a metaphor for society may not be as prominent in Confucian tradition as in Catholic. Traditional Confucianism took as a presupposition to its political thinking that society was part of an organic cosmos in which quotidian human affairs are inseparably connected to the harmonic ordering of the cosmos itself. In the Confucian heritage, there is no concept of an autonomous individual, which, of course, is only a recent development in European history in any event. Instead, in Confucian

tradition, the human person is intelligible only as a nexus of multiple concrete relationships that connect him/her to society and ultimately to the cosmos itself. Within this nexus of relations, Mencius (372-289 BCE) famously modeled the ideal ruler not as the body's head, but rather as *xin* 心—'heart' or 'mind.' The superior man is the one who labors with the heart/mind, whereas the lesser man is the one who labors by means of his strength (勞心者治人, 勞力者治於人). If, in the early social teachings, the ruler is awarded the role of 'head' over the 'body,' in Confucian tradition, the ruler is understood as society's *xin*.

In hindsight, it can be said that jettisoning the body-metaphor was essential in clearing the way for the Catholic Church's embrace of first generation rights. Something similar may prove to be the case in regard to the Confucian notion of the ruler as *xin*. Catholic Corporatism took class inequality as a given. The body's various members, although all necessary for its survival, are nevertheless unequal in their functioning. In keeping with this view, inequality among the members of society is to be accepted as natural (RN 14). Moreover, the body-metaphor allows us to conceive of this inequality as something hierarchically ordered for the smooth functioning of the body-politic. Class struggle is an offense against this hierarchical ordering. Behind the body-metaphor, Leo was using natural law theory to justify a static and stratified view of society in which human inequality and social hierarchy are taken as part of the metaphysical structure of the universe itself. The assertion of equality is contrary to reason, to natural law, and to revealed truth. Confucian scholars should take note that trading out the body-metaphor for a notion of society as community brought with it significant implications for Catholic acceptance of civil and political rights. Human persons realize their dignity through participation in the community. In contrast to the body-metaphor, society as community requires the affirmation of equality, personal freedoms, and the democratic value of participation.

I predict that responses to this development within the social teachings on the part of Confucians will be complex and various. The ruler as *xin* is closely related to the basic Confucian understanding of the ruler as a 'superior man' who has a mandate from Heaven to rule due to his cultivation of virtues. However, it is also a central factor in the difficulty Confucianism has with freedom of thought and other first generation rights. The Catholic Church moved from investing the ruler with sacred charisma and a paternal authority to a more democratic view of the state as both limited (in regard to first generation rights) and responsible (in regard to second generation rights). Can Confucianism demand that the ruler be virtuous without claiming that the ruler is *xin*? This might open up the possibility of affirming the necessity of democratic forms of participation and, in the longer range, a Confucian notion of first generation rights.

A third significant shift in the social teachings has been the move away from a reliance on authoritarianism to a confidence in democratic practices in

governance. This can be linked to two historical facts: the devastation of Europe by Fascist and Stalinist totalitarianism and, eventually, the success of the Catholic Church in the United States of America. In his Christmas message of 1944, Pius XII voiced a cautious support for democracy as 'natural.' John XXIII and Paul VI, who as papal diplomats, had dealt first hand with the brutalities of the Second World War and its aftermath, were much influenced by the contributions of Jacques Maritain (1944) to the post-war Christian Democratic Movement. John Paul II, who had dealt with a communist regime in Poland before becoming pope, was unambiguous in his support of democratic forms of governance as the best way to resist the dehumanizing tendencies of Marxist authoritarianism (see *Sollicitudo rei socialis* 44, *Laborem exercens* 11, and *Centesimus annus* 24).

With future conversations among Confucians and Catholics again in mind, let me note that traditional Confucianism and the older social teachings of the Catholic Church bear significant resemblances in at least three regards. First, like the older social teachings, traditional Confucianism is supportive of authoritarian, not democratic, government. Second, both Catholic and Confucian authoritarianism arise out of a paternalism that is benevolent if not in practice at least in theory. Third, there is what might be described as a naïve optimism in both traditional Confucianism and the early social teachings. Confucius famously takes the position that the people can be coerced with edicts and punishments, but that coercion will not produce in them any of the virtues beneficial to society. In contrast, a wise ruler will 'guide [the people] with virtue, keep them in line with the rites, and they will, besides having a sense of shame, reform themselves' (*Analects* 2.3). There is a somewhat analogous optimism in the early social teachings. In keeping with his natural law presuppositions, Leo XIII assumed that the hierarchical inequalities endemic within the body-politic and the paternal authority of the ruler would be accepted as self-evident by any reasonable person. Cooperation with authority is a matter of the rational submission of the individual to the natural law. Leo might well have agreed with Confucius: 'The benevolent man is attracted to benevolence because he feels at home in it' (*Analects* 4.2). The forbearance of the Confucian ruler, of course, is not grounded in Liberal notions of the personal rights of the individual vis-à-vis society and government. In the face of recalcitrance, let alone criminality, there is nothing that precludes a ruler from using coercive force. The question of civil and political rights does not arise in the Confucian context. The forbearance of the Confucian ruler is an ethical ideal only. In historical fact, self-professed Confucian emperors ruled with an authoritarian hand at best and a ruthlessness unchecked by any notion of human rights when necessary.

Reflection on what a 'Confucian democracy' might look like is already underway. There are a number of empirical studies of the influence of Confucian political thinking on 'Asian-style democracies' in Singapore, Hong Kong, Korea, and Taiwan (see Kim, 12). In a more constructive-theoretical vein, Soor-hoon Tan (2004) argues that the development of a Confucian

democracy will require critical revisions of both the Confucian tradition and Western Liberal notions of democracy. 'What is needed,' she writes, 'is a politics that avoids authoritarianism without neglecting the joint realization of the common good in free discussions.' In this inquiry, her dialogue partner is the American pragmatist philosopher John Dewey.

A fourth significant shift in the social teachings has to do with the philosophical framework within which the Church understands the human person. In most of the documents, not merely the early teachings, the Church has relied on natural law theory, with the presupposition that there is a 'human nature' that is universal, unchanging, a-historical, and metaphysical. In some more recent documents an alternative emerges: the human person is occasionally taken to be a finite 'subject' that must first be understood in terms of its concrete historical circumstances. Here, 'subject' is being used in contrast to both Liberalism's notion of an autonomous individual and the abstract human nature of natural law theory. This 'turn to the subject' can first be seen in Vatican II. *Gaudium et spes* and *Dignitatis humanae* both speak of the human person as a subject rooted in concrete historical circumstances, not in terms of a timeless human nature. The human person as subject is especially evident in John Paul II's 1981 encyclical *Laborem exercens*.

The turn away from the notion of an unchanging human nature was directly related to the Church's support for civil and political rights. *Dignitatis humanae* affirms that every human person is a subject engaged in a legitimate quest for the truth which must not be coerced by the state. In a natural law approach, in contrast, the universal human nature, regardless of actual historical or social circumstances, has a responsibility to an objective, universal, and rationally discernable truth. Error, in the natural law approach, has no rights. *Gaudium et spes* speaks of freedom of conscience as a necessary condition for human fulfillment. Freedom of conscience means that the human person must be free from state coercion in the quest for the truth. In both documents, the turn to the human person as subject is directly related to the affirmation of first generation rights.

Traditional Confucianism bears marked similarities to Catholic natural law thinking. In one sense, Confucius himself was a pragmatic conservative who sought to reestablish orderly society by advocating a return to the rites of the Zhou dynasty for both high and low born. He had relatively little interest in metaphysics. But the rites are not merely externally imposed regulations used to constrain and coerce. The rites are an essential expression of an ideal humanity (*ren* 仁) that is cultivated through the virtuous observance of the rites. Is *ren*, therefore, a kind of human nature? Is Confucian moral cultivation through the practice of the virtues a type of natural law thinking? This issue comes into better focus later in the history of Confucianism with the emergence of neo-Confucianism in the ninth century. Neo-Confucianism incorporates metaphysical elements from both Daoism and Buddhism into the more pragmatic thinking of Confucius and his disciples. In the dialogue,

Catholics and Confucians reflect on the relationship between *ren* 仁, understood somewhat vaguely as 'humane character,' and *xing* 性, which can be translated as 'nature' in the philosophical sense of the word. Is *ren* the human person's eternal and unchanging *xing*? Or rather can *ren* be understood today as our capacity for self-realization through moral attainment? If the latter, then there may be affinities with the Catholic notion of the person as subject and repercussions regarding how Confucian scholars might appropriate the language of first generation human rights into their own discourse.

The final shift in Catholic social teachings I want to discuss is perhaps the most fundamental and may have the most import for a dialogue among Confucians and Catholics. Implicit in the shift from natural law thinking to the human person as historical subject is a more fundamental shift from 'classicist' patterns of thinking to historical consciousness (Curran, 54). In classicist thinking, things have a metaphysically established nature which is determinative. An acorn inevitably grows into an oak, not a linden. There is a transcendent truth, revealed by the correct use of reason, that has established the unchanging and, indeed, unchangeable nature of the human person, the social order, the moral order, and our many responsibilities and duties.

Historical consciousness, in contrast, starts with the particular, the contingent, and the changing. It favors the inductive use over the deductive use of reason, generating theories based on the consideration of actual historical circumstances. Approaching the human person as a finite subject ensconced in concrete social circumstances is an example of historical consciousness operating in the social teachings. In *Mater et magistra* (1961), John XXIII noted that the common good is what helps the human person to achieve fulfillment. Since this is the case, what constitutes the common good concretely changes over time. *Dignitatis humanae* shows historical consciousness in its respect for the human person as subject. The fact that this document which reversed previous teaching was produced at all is an example of historical consciousness asserting itself in the development of the social teachings. In section 4 of *Octogesima adveniens* (1971), Paul VI recognized that the wide diversity of social and political conditions around the world make general statements difficult. This can be contrasted with most of the documents that are untroubled in making generic statements about 'Man' based on the presupposition of a universal human nature.

Confucian thought is thoroughly classicist in its thought patterns. Whatever its differences might be with the theological anthropology and natural law thinking of Catholic social teachings, Confucianism starts with a doctrine of the human person that is eternal, unchanging, transcendent and discoverable through the dialectical employment of reason. One point to be remembered is that Confucius himself, in contrast to the neo-Confucian thinkers, was not particularly interested in metaphysical speculation. He was a pragmatic moralist. There may be an opportunity exploration in the

dialogue in this fact.

### Dialogue as Resistance

I would like to make one final observation. Currently, Confucianism is being essentialized both by its Liberal critics and by its alleged champions in the Chinese Communist Party. Placing Confucianism in dialogue with Catholic social teachings is a way to resist this essentializing. By documenting the shifts in the teachings through which the Catholic Church came to espouse first generation human rights, I believe that I have shown that the teachings have been in a constant state of development over time, responsive to changing historical circumstances. The documents attest to continuity over time, but not an unchanging essence.

Similarly, the Confucian tradition has never been reducible to an unchanging essence. 'Confucianism' is a continually developing discourse, constantly adapting to changing social circumstances. For example, Max Weber once asserted that Confucianism was responsible for the failure of capitalism to develop in Imperial China. In the 1994 Beijing meeting, in contrast, Lee Kwan Yew credited Singapore's success as a capitalist city-state to its Confucian ethos. What is Confucianism? Is it the authoritarian collectivism being promoted by China's elite, an ideology of harmony and useful for nationalistic and anti-Western purposes? Is it the Confucianism that drives the lively democracy of Taiwan? (see Fetzer/Soper). The Confucianism of China's Qing Dynasty cannot be equated with the Confucianism of late Tokugawa Japan. Confucianism is not 'in essence' collectivistic, patriarchal, and authoritarian. Neither is it 'in essence' incompatible with democratic governance. It is a living tradition that responds to changing historical circumstances with both continuity and innovation. It has this in common with Catholic social teachings. This being the case, the two have a great deal to learn from one another. In the case of future Catholic-Confucian conversations, dialogue is more than an opportunity for the mutual transformation of traditions. The dialogue with Catholic social teachings is a way of resisting those who would make of the Confucian tradition either a historical artifact no longer to be taken seriously or a tool of political manipulation.

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